

INDEPENDENT POLICE REVIEW AUTHORITY
LOG# 1045804/U#11-27

INVESTIGATION

SUBJECT: LOG# 1045804/U# 11-27

OFFICER #1

INVOLVED: “Officer A” (Chicago Police Officer); Male/Asian/Pacific Islander; 30 years old; On-duty; In Uniform; Year of Appointment – 2006

OFFICER #2

INVOLVED: “Officer B” (Chicago Police Officer); Male/Hispanic; 29 years old; On-duty; In Uniform; Year of Appointment – 2006

OFFICER #3

INVOLVED: “Officer C” (Chicago Police Officer); Male/Hispanic; 35 years old; On-duty; In Uniform; Year of Appointment – 2005

SUBJECT: “Subject 1”; Male/Black; 19 years old

SUBJECT’S

INJURIES: Gunshot wounds to the top of the bridge of the nose, lower mid right back, mid chest, outer side of upper left forearm, and a graze wound to the smallest finger of the right hand. Pronounced dead at the scene by Medical Examiner’s Investigator 1, on 01 June 2011 @ 0130 hours.

INITIAL

INCIDENT: Officers were patrolling in the area of 124th and Normal because of shots fired in the area.

DATE/TIME

OF INCIDENT: 31 May 2011, 2244 hours

LOCATION:

12355 S. Wallace Street – On the street
Beat 0523

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SUMMARY OF INCIDENT:

On 31 May 2011, at approximately 2244 hours, Officers A, B, and C, working Beat 0564B, were on patrol in the vicinity of 124th and Normal following reports of shots fired in the area. The officers observed two subjects, now known to be Subject 1 and Witness 1, walking together. Subject 1 appeared to be acting suspiciously and making movements with his hands and body that caused the officers to think that Subject 1 was armed with a firearm. The officers stopped and exited their marked squad car. The officers called for Subject 1 and Witness 1 to show their hands and approach the officers. Subject 1 continued walking at a faster pace westbound on 124th Street toward Wallace Street. Subject 1 ignored further commands to stop and show his hands. When Subject 1 reached the corner, he turned toward the officers and pointed a handgun at them. The officers all discharged their weapons at Subject 1 when he pointed the gun at them. Subject 1 fled northbound on Wallace and appeared to discharge his weapon at the officers. The officers discharged their weapons at Subject 1, again, in fear of their lives. Subject 1 ran across Wallace and continued to run northwest into a vacant lot. When Subject 1 ran across Wallace, the officers fired additional shots. Subject 1 had been fatally struck during the incident and his body was in the bushes in the northwest corner of the vacant lot.

INVESTIGATION:

An attempt to interview Witness 1, who was a witness to this incident, was unsuccessful. Witness 1, who was 17 years old at the time of this incident, and his uncle both refused to provide IPRA with the name and contact information for Witness 1's mother. Neither Witness 1 nor his mother contacted IPRA in response to cards provided to him and his uncle.

A **Canvass** of the vicinity of the incident produced no additional witnesses who would cooperate with the investigation. One person who was contacted during the incident related that he heard multiple gunshots and saw a gun on the sidewalk at 12349 S. Wallace, but he refused to provide a statement.

The related **Department reports** provide an account of the incident that is consistent with the Summary of Incident described above. The reports indicate that the involved officers fired shots at Subject 1 from several locations, always in response to Subject 1 either pointing or firing a gun at them. Subject 1 eventually ran into a vacant lot at 12432 S. Wallace, where his body was later found under some bushes. A Medical Examiner's Office investigator pronounced Subject 1 dead on the scene¹. Subject 1's weapon was found on the sidewalk at 12349 S. Wallace. An officer stood guard over the gun until it was recovered by a forensic officer. The detectives' Supplementary Report indicates that, although the involved officers all reported that Subject 1 fired at them, the recovered revolver was fully-loaded. The Mobile Crime Lab searched the area for a second gun but did not find one. The officers all completed Tactical Response Reports documenting their use of force. Officer A reported that he fired nine shots, Officer B reported that he fired three shots from his semi-automatic weapon and twenty-eight shots from his rifle, Officer C reported that he fired five shots. A gunshot residue examination conducted on Subject 1 was negative.

In a statement to detectives, Witness 1 related that he and Subject 1 were walking west on 124th Street when a police car pulled up. Officers exited the car and told Subject 1 and Witness 1 to stop and put up their hands. Witness 1 stopped but Subject 1 ran west and turned north on Wallace. Witness 1 lost sight of Subject 1 when Subject 1 turned onto Wallace. Witness 1 saw officers fire their guns north on Wallace. Witness 1 could not see Subject 1 at that point. The officers kept yelling for Subject 1 to show his hands and stop running. Once the shooting started, Witness 1 ran home and told his godmother what happened. Witness 1 submitted to a gunshot residue examination which was later revealed to be negative.

In separate statements to detectives, Officers A, B, and C provided essentially the same account of the incident that they provided in their statements to IPRA.

The **Crime Scene Processing Reports** list the physical evidence that was recovered from the scene. The reports indicate that a total of 31 cartridge casings of three different types were recovered from the scene. Five weapons were inventoried: a Smith & Wesson rifle, a Sig Sauer semi-automatic pistol, a Beretta semi-automatic pistol, a Glock semi-automatic pistol, and a fully-loaded six-shot Smith & Wesson revolver that was recovered from the sidewalk. A bullet

¹ Per the reports, CFD ambulance 60 responded to the scene and determined that Subject 1 was deceased. No ambulance report related to this incident could be located.

was recovered from Subject 1's body during the postmortem examination. A gunshot residue test was performed on Witness 1. Leica scans of the area were conducted and produced a diagram of the scene.

Evidence Technician photographs depict the location of the incident and the recovered evidence. Photographs of Subject 1 depict gunshot wounds to his torso, arm, and face. The deceased is handcuffed behind his back and lying in a grassy area.

The **Medical Examiner's Report of Postmortem Examination** indicates that Assistant Medical Examiner A performed the examination on Subject 1 on 01 June 2011. The examination revealed that Subject 1 died of multiple gunshot wounds. One bullet entered and exited Subject 1's left forearm before reentering and lodging in the right side of his chest. The direction of the bullet was front to back, upward, and left to right. A second bullet also entered and exited the left forearm. The direction of the bullet is from the dorsal (top/outer) to ventral (bottom/inner) sides of the forearm. A third bullet entered the right side of Subject 1's back and exited the right side of the body. The direction of the bullet is back to front and slightly upward. A fourth bullet grazed Subject 1's right little finger. The direction was from the palm side of the finger to the top. A fifth bullet entered Subject 1's head between his right eye and nose and lodged in the brain. The bullet began breaking apart immediately upon entering the head and did not appear to make impact on the back of the skull. The direction was slightly upward but essentially horizontal. Due to the damage caused by this bullet, Assistant Medical Examiner A determined that it had a lot of energy. Assistant Medical Examiner A described this final wound as the most serious and referred to it as immediately lethal. There is no sign of stippling or sooting on any of the wounds that would indicate close range firing. Assistant Medical Examiner A also noted a small abrasion on Subject 1's left shoulder. Subject 1's blood was negative for ethanol, benzoyllecgonine (cocaine metabolite), and opiates.

Medical Examiner photographs taken during the postmortem examination depict Subject 1 and his injuries.

The **Internal Affairs Division Synoptic Report** indicates that drug and alcohol tests conducted on Officers A, B, and C in the hours following the incident were negative.

Office of Emergency Management Communications (OEMC) Event Queries for the incident indicate numerous individuals called 911 stating they heard shots fired in the vicinity of the incident. None of the callers reported that they saw anything. Beat 564B reported a 10-1 at 12330 S. Lowe² at 2244 hours. Shots fired at and by police with a shot offender (Subject 1) in custody were reported at 2246 hours. Subject 1 was reported to be deceased by 2320 hours and an investigator from the Medical Examiner's office was requested to the scene.

A report from the **Illinois State Police Division of Forensic Services ("ISP")** dated 14 June 2011 stated that the Gun Shot Residue tests performed on Subject 1 and Witness 1 indicated that "the subjects may not have discharged a firearm. If they did discharge a firearm, then the particles were removed by activity, were not deposited, or were not detected by the procedure."³

² The location was eventually changed to 12355 S. Wallace.

³ Attachment 150, page 2

An **ISP report** dated 08 July 2011 stated that the firearms belonging to Officers A, B, and C were examined and found to be in firing condition. The report continued that four of the recovered fired casings were fired from Officer A's Glock, three of the recovered fired casings were fired from Officer B's Beretta, twenty four of the recovered fired casings were fired from Officer B's Smith & Wesson rifle, and three of the recovered fired casings were fired from Officer C's Sig Sauer. Additionally, one recovered bullet was fired from Officer B's Beretta and two recovered bullet jacket fragments were fired from his Smith & Wesson rifle.

An **ISP report** dated 25 October 2011 stated that examination of the recovered Smith & Wesson revolver and its live cartridges revealed no latent impressions suitable for comparison.

An **ISP report** dated 14 November 2011 stated that the recovered Smith & Wesson revolver was inoperable.

In a statement to IPRA on 01 June 2011, **Involved Officer B** related that on the date of the incident, he was working Beat 564B, in black uniform, and using a marked squad car with his partners, Officers A and C. Officer B was sitting in the rear passenger seat while Officer A drove. Officer B had a rifle strapped to his chest. The officers were assigned to the Mobile Strike Force Unit and were specifically directed to a high crime area in the 005th District on 31 May 2011, where they started their tour of duty at 1700 hours. They were on patrol when they observed two individuals, now known to be Subject 1 and Witness 1, walking west on the north sidewalk of 124th Street near Wallace. Subject 1 was making motions with his right hand toward his waistband. Knowing that they were in a high crime area and that there had been several shots fired calls in the vicinity, the officers decided to conduct a field interview with Subject 1 to see if he had a gun. Officer A stopped the car and illuminated Subject 1 and Witness 1 with the spotlight. Officers A and C exited the vehicle. As they did, they told Subject 1 and Witness 1 to show their hands. Witness 1 complied, but Subject 1 ignored them and continued walking. Officer B heard one of the other officers tell Subject 1 to stop and show his hands. Officer B then got out of the vehicle and approached Subject 1, who began to walk faster away from the officers and ignored their continued commands. Officer B saw a black handgun in Subject 1's right hand which Subject 1 raised in the officers' direction. Subject 1 was approaching the corner of 124th and Wallace at this point, when Officer C, who was standing closer to Subject 1 than Officer B was, fired his own gun at Subject 1. Officer B moved two or three steps to the left so that he was no longer behind Officer C. Once he had a clear shot of Subject 1, Officer B fired at him with his rifle. Officer B did not know how many shots he fired at this point. Officer B said he saw muzzle flashes and heard three shots coming from Subject 1's weapon⁴. Subject 1 was running away from the officers and they were chasing him at this point.

Officer B continued that Subject 1 turned north onto Wallace and ran north along the east sidewalk. Officer B described Subject 1's pace as "really fast."⁵ Officer B did not see Subject 1 drop anything as he ran. Officer B lost sight of Subject 1 for "a second or two"⁶ when Subject 1 ran past a tree. Officer B was running diagonally in the street in a northwesterly direction. When

⁴ As noted above, the weapon recovered at the scene was inoperable and fully loaded.

⁵ Attachment 144, page 23, line 17

⁶ Attachment 144, page 23, lines 25-26

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Subject 1 emerged from behind the tree, Officer B fired at him again. Officer B could not see Subject 1's right hand and believed him to still be armed. Subject 1 ran across the street and Officer B fired at him again, attempting to eliminate the threat that he believed Subject 1 posed. Subject 1 ran through some bushes, causing Officer B to lose sight of him. Officer B reported a 10-1 over the radio and informed the dispatcher what was happening. Officer B also heard Officer A behind him reporting a 10-1. This was the first point he was aware of Officer A's position. Officer B did not know where Officer C was at that point. Officer B pursued Subject 1 into the bushes and saw Subject 1 lying on the ground and moving around. Officer B could clearly see Subject 1, who was not obscured by anything. Officers A and B both yelled for Subject 1 to show his hands, which he refused to do. Officer B feared that Subject 1 was not showing his hands because he was still armed. He also thought that Subject 1 was moving into a position that would allow him to fire at the officers. Officer B fired approximately three times at Subject 1 with his rifle. At that point, Officer B realized that his rifle was out of ammunition,⁷ transferred to his 9 mm semiautomatic weapon and fired three times. Officer A, who was immediately next to Officer B, also fired at Subject 1. Subject 1 did not make any further movements. The officers continued yelling verbal commands and did not see any response. Officer B asked Officer A to cover him as he approached Subject 1 and handcuffed him. Officer B did not see any weapons in Subject 1's immediate vicinity. After that, Officer B provided updated information to the dispatcher and requested an ambulance. Paramedics arrived on the scene and pronounced Subject 1 to be deceased.

In a statement to IPRA on 01 June 2011, **Involved Officer A** related that on the date of the incident, he was working Beat 564B, in black uniform, and using a marked squad car with his partners, Officers B and C. Officer A was the driver, with Officer C in the passenger seat and Officer B sitting in the rear. The officers were on patrol in the 005th District and observed two individuals, now known to be Subject 1 and Witness 1, on 124th Street near Wallace. Officer A noticed that Subject 1 began securing his waistband area and looked at the officers. Officer A illuminated Subject 1 with the spot light. The officers thought that Subject 1 might be armed, so they exited their car to talk to him. As the officers approached him, Subject 1 looked at Officer C and raised a gun toward the officers. The officers identified themselves and told Subject 1 to stop. Officer A heard gunshots and saw muzzle flashes from Subject 1's gun. Officer C fired his gun at Subject 1. Subject 1 ran away from the officers. Officers A and B ran after Subject 1 as he turned right onto Wallace. Officers A and B fired their guns at Subject 1 because they were worried that he would shoot someone else on the street. Officer A was in the street at that point, approximately 10-15 feet from Subject 1. Officer B was to Subject 1's right. Officer A did not know how many shots he or Officer B fired. Subject 1 was looking at the officers and securing his waistband. Officer A did not see Subject 1 put the gun away in his waistband, but he assumed that was what Subject 1 was doing. Subject 1 ran across the street and into a vacant lot that had a lot of trees and bushes, where he lay on the ground under some bushes. Officers A and B repeatedly told Subject 1 to come out of the bushes, which he ignored. Officer A had a clear visual of Subject 1 at that point and saw that Subject 1 was moving around in the bushes in an apparent attempt to hide. Officers A and B again fired at Subject 1 because they were afraid of what he was going to do. The officers approached Subject 1 and observed that he was not moving. Officer B handcuffed Subject 1. The officers used their radios to call for an ambulance

⁷ Officer B did not know exactly how many rounds he fired from the rifle at each point except to say that he fired multiple rounds each time. Officer B stated that the rifle had 28 live rounds in it before the incident.

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and additional units. Officer A did not realize that Subject 1 was deceased until paramedics arrived on the scene. Officer A did not know how many shots he fired at specific points during the incident, but he later learned that he fired approximately nine shots. His weapon carries a total of seven rounds. He reloaded it when he went into slide lock while Subject 1 was in the bushes.

In a statement to IPRA on 01 June 2011, **Involved Officer C** related that on the date of the incident, he was working Beat 564B, in black uniform, and using a marked squad car with his partners, Officers A and B. Officer C was the front passenger officer and Officer A was driving. He had never worked with Officers A and B before. The officers were on patrol in the 005th District and were specifically in the area of 124th and Wallace because of reports of shots fired in that area. They saw two subjects, now known to be Subject 1 and Witness 1, walking west on 124th Street. Officer C had not worked much in that specific area so he was a bit unsure of it. Officer A shined the spotlight on the subjects. Officer C observed that Subject 1 was reaching for something in either his right pocket or the right side of his waistband. Officer C believed Subject 1 was possibly dropping narcotics on the ground. Officer C took out his flashlight and got out of the squad car to further investigate what was going on. Officer C told the subjects to stop because he wanted to talk to them. Witness 1 immediately complied, but Subject 1 ignored him and continued to walk west while touching his pocket or waistband. Subject 1 turned the corner onto Wallace and began to run. Officer C put his hand on his own gun but did not remove it from the holster at that point. Subject 1 turned his torso to the left and pointed a gun at Officer B. Officer C could clearly see the gun because he had his flashlight pointed at Subject 1. Officer C removed his own gun from the holster as soon as Subject 1 started turning his torso. Officer C fired several shots at Subject 1. He later learned that he fired five shots but he did not know at the time. Officer C stopped firing when Subject 1 went behind a gray SUV. Subject 1 was weaving between cars, causing Officer C to lose his direct line of sight. Officers A and B ran after Subject 1 so that they could continue to see Subject 1. Officer C heard several shots and briefly took cover behind the gray SUV. He then advanced toward where he heard the gunfire to catch up with Subject 1 and the other officers. Officer C had both hands on his radio, so he was unable to reach for his radio. Officer C saw Officers A and B run to the west side of Wallace and into an open field. Officer C went north on Wallace and ran to the railroad tracks immediately to the west to cut off Subject 1's avenue of escape. Officer C observed a wooded area on the other side of a fence. He shined his flashlight into the area and saw Subject 1 in handcuffs. Officer C stated that he never saw Subject 1 fire his weapon, but Officers A and B later told him that they saw Subject 1 fire his gun.

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officers A, B, and C was in compliance with Chicago Police Department policy and Illinois State statutes. According to the Chicago Police Department's General Order 03-02-03, II.:

A. "a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

1. to prevent death or great bodily harm to the sworn member or to another person, or;
2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involved the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

The actions by Officers A, B, and C were in accordance with the first condition of CPD's deadly force policy. The officers were in the area because of earlier calls of shots fired in the area. The officers saw Subject 1 holding the right side of his waistband, which led them to believe that he may have a gun. Subject 1 then ran from the officers and pointed a gun at them when they attempted to conduct a field interview. Officer C discharged his weapon while Subject 1 was pointing his gun at Officer B. He did so to prevent death or great bodily harm to his partners. Officer C stopped firing his weapon when he lost sight of Subject 1 behind a vehicle. Officer C stopped firing his weapon when he was unable to regain a direct line of sight of Subject 1.

Officers A and B both reported seeing Subject 1 pointing and firing his weapon at the officers and they never saw him drop the weapon. Because the officers did not lose sight of Subject 1 for any significant amount of time, the officers reasonably believed that Subject 1 still had the weapon. Subject 1 continued to refuse to follow their commands and ran from them. When Subject 1 reached the vacant lot, he immediately hid in some bushes. Subject 1 continued to move around while he was hidden. The officers repeatedly ordered him to come out but he refused. Because they could not see what Subject 1 was doing and still believed that he had a

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gun, the officers were reasonable in their fear that Subject 1 continued to pose a threat of death or great bodily harm.