

INVESTIGATION

NUMBER: Log #1045998 / U #11-30

OFFICER

INVOLVED #1 “Officer A” (Chicago Police Officer); Male/Hispanic; 29 years old;
On-Duty; Full Uniform; Year of Appointment – 2006

**OFFICER’S
INJURIES:**

None Reported

SUBJECT:

“Subject 1”; Male/Black; 26 years old

**SUBJECT’S
INJURIES:**

Single through and through gunshot wound to right leg, just below
the knee. Anterior to posterior track.

LOCATION:

3700 W. Washington Blvd

DATE/TIME:

08 June 2011, at approx. 1751 hours

SUMMARY OF INCIDENT:

This investigation, in conjunction with information gained through Chicago Police Department records, revealed the following.

On 8 June 2011, at approximately 1750 hours, Officer B (driver) and Officer A (passenger/shooter) were on patrol in the area of Washington Avenue and Hamlin Street when they observed a green in color Pontiac Grand Am traveling south on Hamlin Street. The officers observed that the driver of said vehicle, now known as Subject 1, was not wearing his seatbelt.

The officers attempted a traffic stop on the vehicle, at which time Subject 1 accelerated his vehicle and fled from the officers. A brief traffic pursuit ensued, as Subject 1 fled eastbound in the 3700 block of W. Washington Avenue. Subject 1 turned his vehicle northbound across traffic, as if to make a U-Turn. Officer B turned his police vehicle northbound also, bringing the officers alongside Subject 1's Pontiac Grand Am.

Subject 1 exited the driver's side door of his vehicle in an attempt to flee on foot. Subject 1 did not put his vehicle in park before exiting, and his vehicle began to slowly roll through the intersection. As Subject 1 exited his car, Officer A observed that he was holding a handgun in his right hand. Officer A would later relate that Subject 1 then raised his arm, and pointed his firearm at both he and Officer B. At that time, Officer A instinctively swung the passenger side door of the police vehicle open, striking Subject 1 and pushing him back away from the side of the police vehicle.

After being struck by the car door, Subject 1 continued to flee on foot. Officer A exited the vehicle and pursued him. Officer A issued multiple commands to Subject 1, ordering him to "stop" and "drop the gun." During the foot pursuit Subject 1 turned his upper body towards the officers, extending his right arm with the gun in his hand, and pointed the weapon towards Officer A.

Officer A would later relate that he was approximately 10-15 feet away from Subject 1 and was in fear for his safety. It was at this time that Officer A fired two shots from his service weapon at Subject 1.

Subject 1 staggered, threw his weapon down, and fell to the ground. Officer B approached and placed Subject 1 in handcuffs while Officer A requested medical attention and additional police personnel.

Subject 1 was transported to Mount Sinai Hospital where he was treated for a single gunshot wound to his right calf.

The weapon belonging to Subject 1 was found to be a Smith & Wesson P22 .22 caliber pistol, with an obliterated serial number. A search of Subject 1's Pontiac Grand Am

Independent Police Review Authority
Log #1045998 / U #11-30

produced the discovery of a silencer, capable of being attached to the Smith & Wesson
.22 pistol recovered from Subject 1.

INVESTIGATION:

The **Department Reports** list Subject 1 as the offender in this event. The reports further indicate that Subject 1 was shot by CPD Officer A after he (Subject 1) pointed a pistol at Officer A. The Departmental reports are consistent with the summary within this report and the statements provided by the involved officers.

The Medical Records from Mount Sinai Hospital indicate that Subject 1 had been shot once in the right leg, just below the knee. The track of the wound continued to the back of Subject 1's calf. Subject 1 was treated and released into police custody.

The **Tactical Response Reports (TRR'S)** completed by Officer A documented that Subject 1 "did not follow verbal direction," "fled," was an "imminent threat of battery," "attacked with weapon," and "used force likely to cause death or great bodily harm with a weapon." The Officer responded with "member presence," "verbal commands," and the use of his "firearm."

The Officers Battery Report completed by Officer A documented that he received no type of injury; though Subject 1 pointed his firearm at Officer A.

The OEMC reports were collected and made part of this case file. An analysis of said documents show no information that is inconsistent with the facts as related by the involved and witness officers.

IPRA Investigators conducted canvasses in an attempt to locate additional witnesses and/or evidence.

Witness 1 provided a statement to IPRA. Witness 1 related that he had been sitting in the park when he observed this event. Witness 1 advised that Subject 1 exited his Pontiac Grand Am and began running from the police. Witness 1 advised that he did not see an object in Subject 1's hand. Witness 1 related that Subject 1 was looking back towards the officer that was pursuing him.

Witness 1 related that Subject 1 had his back turned towards Officer A when Officer A fired his weapon.

Witness 1 admitted that he had been drinking prior to this event. It was noted by responding investigators, and documented by evidence technicians, that Witness 1's vantage point was obscured by a number of trees.

Witness 1 would also later relate to CPD detectives that he could not see the position of Subject 1 at the time the shots were fired, nor could he see either Officer A or Officer B. Witness 1 related that he believed that the Officers had shot Subject 1 in the back "because all police officers are racist."

Witness 2 provided a statement to IPRA. Witness 2 related that he works as a security guard at XXX N. Hamlin Street and was a witness to this event. Witness 2 related that when Subject 1 exited his Pontiac Grand Am, Witness 2 saw that he was holding a black object in his right hand. Witness 2 related that Officer A issued multiple commands for Subject 1 to stop.

Witness 2 related that Subject 1 was still holding the black object in his right hand and had turned towards Officer A, at which time Officer A shot at Subject 1. Witness 2 related that Subject 1 then dropped the object he had been holding and fell to the ground. Witness 2 related that the officers then took Subject 1 into custody.

Illinois State Police Forensic Science Laboratory Reports document the examination of the recovered ballistic evidence in comparison to the firearm belonging Officer A. It was determined that both shell casings recovered at the scene of this event were fired from Officer A's SIG Sauer 9mm pistol, serial # AM60299.

The .22 caliber Smith & Wesson firearm possessed by Subject 1 was test fired. The weapon was found to be in proper firing condition.

An attempt to interview Subject 1 was made at Mount Sinai Hospital. Subject 1 refused to be interviewed and would not provide any information to the responding investigators.

A certified letter was delivered to Subject 1 requesting that he provide a statement regarding this event as IPRA was investigating the shooting. Subject 1 failed to respond to the letter and has not contacted the R/I to this date.

A personal visit to Subject 1 was attempted in an effort to collect a statement regarding this event. Subject 1's father was provided with contact information for the R/I and a request to have Subject 1 make contact as soon as possible was made. Subject 1 has not contacted the R/I to this date.

The Detective Supplemental report reflects that Subject 1 provided a statement relative to this event. After being advised of his Constitutional Rights, Subject 1 admitted fleeing from the traffic stop attempted by the involved officers. Subject 1 related that he saw a firearm in the car that did not belong to him, and that he intended to pull over and throw the firearm in a pond near the park at 3700 W. Washington Boulevard.

Subject 1 related that he exited his vehicle with the gun in his right hand. Subject 1 related that the police officers struck him with the door of their police vehicle, at which time he dropped the firearm. Subject 1 claims that he was subsequently shot by the police and then fell to the ground.

Evidence Technician photographs of the scene were obtained and made part of this case file. Evidence Technician photographs documented the scene and are consistent with the information officers related in their statements. It is specifically noted

that Subject 1's firearm was recovered in a grassy area within close proximity to where Subject 1 fell after being shot.

In an audio recorded statement to IPRA, Officer B related the facts concerning his involvement in this event in a manner consistent with the Departmental Reports and the Summary contained within this report.

Officer B related that as Subject 1 exited his vehicle he was holding a black semi-automatic pistol in his right hand. Officer B advised that as Subject 1 was running from his vehicle he pointed his weapon at or near Officer A's head, and that Officer A pushed the passenger's side door of the vehicle open, striking Subject 1 and causing him to be pushed away from the police vehicle.

Officer B related that as Subject 1 fled on foot, he pointed his firearm back towards Officer A. Officer B heard two shots and observed Subject 1 stagger and fall to the ground. Officer B related that he knew that Officer A had fired because he had his attention on Subject 1's firearm, and did not see a muzzle flash from Subject 1's weapon.

In an audio recorded statement to IPRA, Officer A related the facts concerning his involvement in this event in a manner consistent with the Departmental Reports and the Summary contained within this report.

Officer A related that as Subject 1 exited his vehicle he was holding a black semi-automatic pistol in his right hand. Officer A advised that as Subject 1 was running from his vehicle, he pointed his weapon at the officers. Officer A responded by pushing the passengers side door of the vehicle open, striking Subject 1 and causing him to be pushed away from the police vehicle.

Officer A related that he pursued Subject 1 on foot. Officer A related that as Subject 1 fled on foot, he pointed his firearm back towards Officer A. Officer A, in fear for his life, fired two shots. Officer A then observed Subject 1 throw his firearm into a grassy area, stagger several feet, and fall to the ground.

CONCLUSION AND FINDING:

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

- 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 involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - 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."

Subject 1 fled from a traffic stop attempted by Officer B and Officer A. After a brief traffic pursuit, Subject 1 exited his vehicle brandishing a .22 caliber pistol and attempted to flee on foot.

Officer A commanded Subject 1 to stop and drop his weapon. Subject 1 turned towards Officer A and raised his pistol, pointing it in the direction of Officer A. Officer A fired two (2) shots, striking Subject 1 in the right leg.

Subject 1 was taken into custody and his firearm was recovered.

Witness 2, an independent witness, observed the incident and provided a statement that supports the account provided by Officer A and Officer B.

Subject 1 refused to cooperate with the investigation conducted by IPRA, but did admit to CPD detectives that he exited his vehicle holding a firearm in his right hand, and that he knowingly and willingly was attempting to avoid apprehension.

Officer A was in compliance with the statute “to prevent death or great bodily harm to the sworn member or to another person” because he reasonably believed his life was in danger when Subject 1 lifted his arm with a gun and pointed it in his direction. The reports document that there was a high likelihood that Officer A was in danger of “great bodily harm” described in the statute if Officer A did not stop the threat on his life, by discharging his weapon.