

INDEPENDENT POLICE REVIEW AUTHORITY
LOG #1046175 / U# 11-31

INVESTIGATION

NUMBER: LOG #1046175 / U#11-31

**ACCUSED
INVOLVED**

OFFICER #1: “Officer A” (Chicago Police Officer); Male/White; 30 years old;
On-Duty; In Uniform; Year of Appointment – 2007

**INVOLVED
OFFICER #1 -
INJURIES:**

None reported

**ACCUSED
WITNESS**

OFFICER #1: “Officer B” (Chicago Police Officer); Male/Black; 29 years old;
On- Duty; In Uniform; Year of Appointment – 2007

**ACCUSED
WITNESS**

OFFICER #2: “Officer C” (Chicago Police Officer); Male/Black; 31 years old;
On- Duty; In Uniform; Year of Appointment – 2008

**ACCUSED
WITNESS**

OFFICER #3: “Officer D” (Chicago Police Officer); Male/Spanish; 28 years old;
On- Duty; In Uniform; Year of Appointment – 2005 District;

SUBJECT: “Subject 1”; Male/Black; 18 years old

**SUBJECT’S
INJURIES:**

Through-and-through gunshot wound to the left side of the chest -
fatal.

**INITIAL
INCIDENT:**

Armed Carjacking.

**DATE/TIME/
LOCATION OF
INCIDENT:**

14 June 2011, at approximately 2223 hours; vicinity of 103rd and
Prairie

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INVESTIGATION:

In a **To/From Report**, IPRA Investigator A related that he responded to a police-involved shooting at the rear of 20 W. 105th St. IPRA Investigator A related that on 14 June 2011, at approximately 2223 hours, the subject, Subject 1 hijacked at gunpoint a pickup truck near a restaurant in the vicinity of 103rd and Prairie. At least two squad cars pursued the pickup truck. The lead squad car crashed during the pursuit, which then proceeded north on Lafayette to 105th St. Subject 1 turned right and drove east on 105th St. He drove approximately one-half block and made a U-turn near the mouth of the west alley of State St. The pickup truck sideswiped a tree on the north side of 105th Street just west of the alley and Subject 1 then exited the pickup truck and fled on foot north in the alley. The pickup truck continued moving west on 105th Street, traveling approximately one-half block. Subject 1 continued to run north in the west alley of State St. and was pursued on foot by Officer A and Officer B. While Subject 1 ran, he held his right side. Subject 1 continued west in the north alley of 105th St. and into the yard behind 20 W. 105th St. The yard was overgrown with weeds. Officer B caught up with Subject 1 at the north end of the yard and tackled him. Officer B's face hit the ground, and Officer A and Officer B struggled with Subject 1. Subject 1 then got up and ran south in the yard, toward the residence, and Officer A caught up with him. Subject 1 tripped and then turned toward Officer A, who believed that Subject 1 was reaching for an object at his waist. Officer A stepped back and fired once at Subject 1. Subject 1 fell but continued moving. The officers did not know Subject 1 had been struck and placed him in custody. Officers A and B and other responding officers brought Subject 1 back to the alley and placed him against the driver's side rear fender of Beat 568B. Subject 1 continued moving and the officers placed him in the back seat of the squad car, at which time they observed some apparent blood on the fender. The officers requested an ambulance. The officers were not able to place Subject 1 fully in the back seat before he died. Subject 1 was later found to have two gunshot wounds: one in the chest and one in the back. IPRA Investigator A then related that a black replica of a semi-automatic pistol was found laying on grass/weeds in the rear yard of 24 W. 105th St., which is the first property west of 20 W. 105th St.

In his **Initiation Report**, CPD Deputy Chief A alleged that on 14 June 2011, between 2215 and 2300 hours, Officer A failed to adhere to Department policy.

In a **To/From Report**, the Reporting Investigator related that he interviewed CPD Deputy Chief A on 19 March 2013 and inquired whether the Deputy Chief recalled which Department policy was violated, as he noted in his initiation report. After reviewing the Case Supplementary Report, CPD Deputy Chief A responded that he believed, to the best of his recollection, that the reason for the initiation report was a delay by Officer A to request for medical assistance for the subject's injury.

In a **statement to IPRA and to Area Two detectives, the witness, Witness 1**, stated that he and his stepmother, [Step Mom], went to Church's Chicken at 200 East 103rd Street. He parked his vehicle, a 1998 Ford F-150, in the parking lot and [Step Mom] entered the restaurant to purchase dinner. Witness 1 was sitting in the driver's

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seat, with the motor running and the windows rolled down, when a black male with a gun approached the vehicle from the passenger's side. The black male wore a red bandana-style mask across his face and a black hood. The black male extended his arm through the window and told Witness 1, "Get out the car or you're dead." Witness 1 exited the vehicle through the driver's side door and the black male entered through the passenger's side door and climbed over. Witness 1 described the gun as small caliber, possibly a .22 caliber; however, Witness 1 only saw the thin, long barrel which was pointed at his face. The black male sped off westbound on 103rd and then turned northbound on Michigan Ave. Witness 1 then observed three marked police vehicles driving by and waved them down. Witness 1 told the officers that he had just been carjacked and described the vehicle to them. The officers then pursued the vehicle. As Witness 1 waited for the police officers, he spotted his vehicle going down Indiana towards the Church's Chicken. The black male that had carjacked him was driving the vehicle with the red bandana draped around his neck. Witness 1's vehicle was pursued by several police vehicles. Approximately five to ten minutes later, an officer came back and informed Witness 1 that the police had apprehended the suspect and had recovered Witness 1's vehicle. Police officers then took Witness 1 to the vicinity of 105th Street between State and Wabash, where he was informed that the suspect had passed away due to a gunshot wound. Witness 1 was then taken to the police station at 111th Street and a detective showed him a six-photo line-up. Witness 1 made a positive identification of the suspect.

In a statement to IPRA and to Area Two detectives, the accused, Officer A, provided an account of the incident that is consistent with related Department reports. Officer A related that he was the front-seat passenger in vehicle driven by his partner, Officer B. When Subject 1 exited the vehicle he was driving, Officers A and B exited their squad car and pursued him on foot. Subject 1 fled northbound down an alley holding an object in his waistband that Officer A believed was a handgun. Subject 1 then went westbound down another alley into the backyard of 20 W. 105th Street, which was not lit by any artificial light. Officer B tackled Subject 1 in the yard. Subject 1 got up and continued to run southbound toward a house. Subject 1 then stumbled and fell to the ground behind the house. Officer A pointed his weapon at Subject 1 while Subject 1 was lying on his stomach and gave him verbal directions to not move and to stay flat on the ground. Subject 1 quickly turned his body over to his left and Officer A observed that Subject 1's right hand appeared to be still holding a firearm in his waistband. Officer A believed that Subject 1 was pointing a handgun directly at him so the officer jumped backwards and fired one gunshot at Subject 1. Officer B then fell on top of Subject 1 and Officers Washington and Solis assisted in attempting to handcuff Subject 1. Subject 1 refused verbal directions and kept pushing and pulling with officers and throwing his arms about. The officers handcuffed Subject 1 and escorted him to a police vehicle, where he was patted down and placed inside. Officer A stated that he did not believe that Subject 1 had been injured at this time due to his continuing to fight with police. Officer A notified OEMC that shots had been fired by the police. The officers proceeded to search for Subject 1's firearm when Officer C discovered that Subject 1 was unresponsive inside the police vehicle and requested an ambulance.

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In a **statement to IPRA and to Area Two detectives, the accused, Officer B**, provided an account of the incident that is consistent with related Department reports. Officer B was driving a marked squad car with Officer A and joined the pursuit of Subject 1. At 105th St., Subject 1 exited the vehicle while it was still in motion. Officers A and B exited their vehicle and pursued Subject 1 on foot northbound down an alley. Officer B observed Subject 1 holding an object in his waistband that appeared to be a possible handgun. Subject 1 then fled westbound down an alley to the backyard of 20 W. 105th St. Officer B tackled Subject 1 in the back yard but Subject 1 jumped right back up and continued to run southbound toward the house. Subject 1 then fell to the ground near the back of the house. Officer B observed Officer A point his firearm at Subject 1 and state, "Police, don't move, lay down and don't move." Subject 1 turned to his left toward Officer A and Officer A then jumped back and fired his weapon one time at Subject 1. Officer B stated that it was very dark in the yard and he could not see if Subject 1 was pointing a handgun at Officer A. Officers B and C approached and attempted to handcuff Subject 1, but Subject 1 started to resist by not following Officer C's verbal directions. Officer B assisted Officer C in handcuffing Subject 1 who continued to resist by pulling away from them. The two officers were able to handcuff Subject 1. Officer B then lifted Subject 1's T-shirt to see whether he had been wounded and used his flashlight to search for any gunshot wounds. The officers lifted Subject 1 to his feet and Subject 1 continued to fight with the officers by pulling away and pushing back into them as they walked back to the police vehicle. The officers asked Subject 1 if he was injured but Subject 1 just continued to yell at the officers. Subject 1 was then placed into Officer C's vehicle and Officer B began to look for Subject 1's weapon. Officer B denied that he failed to attend to all required emergency and security duties arising from the incident pursuant to the above Special Order.

In a **statement to IPRA and to Area Two detectives, the accused, Officer C**, provided an account of the incident that is consistent with related Department reports. Subject 1 exited the vehicle and ran. Officer C's partner, Officer D, exited the police vehicle and joined Officers A and B in the foot pursuit. Officer C followed the foot pursuit into the alley behind 20 W. 105th St. As he exited his squad car, Officer C heard a gun shot coming from the back yard. He observed Subject 1 lying on the ground and Officers B and D attempt to handcuff him. Officer C assisted the other two officers as Subject 1 refused verbal directions and pulled his arms and hands away from the officers in an attempt to defeat arrest. The officers were able to place Subject 1 into custody and Subject 1 continued to be combative by tensing up and pulling away from the officers. Subject 1 was then escorted to and placed inside the squad car. The officers proceeded to search the back yard for Subject 1's firearm. Officer C returned a few minutes later to the squad car in order to obtain more information from Subject 1. Officer C opened the door, observed Subject 1 lying on his side and heard a gasp. The officer immediately requested an ambulance. Officer C checked Subject 1's body and discovered that he was shot. Officer C stated that he had no knowledge of Subject 1 being shot and believed that, based on Subject 1's actions, Subject 1 was in good health at the time he was placed inside the police vehicle. Officer C denied that he failed to attend to all required emergency and security duties arising from the incident pursuant to the above Special Order.

In a **statement to IPRA and to Area Two detectives, the accused, Officer D**, provided an account of the incident that is consistent with related Department reports. Subject 1 exited the vehicle from the driver side door while his car was still in motion and ran eastbound down 105th St. and then northbound down an alley. Officer D observed a bulge on the right side of Subject 1's waistband and believed that Subject 1 was holding a handgun in his waistband. Officer D exited his vehicle and pursued Subject 1 on foot. Officer C followed in the vehicle. Officer B tackled Subject 1 in the rear yard of 20 W. 105th Street. In an attempt to assist Officer B, Officer D also fell to the ground. Subject 1 jumped right back to his feet and continued to run south in the yard. As Officer D was getting up, he observed Subject 1 fall to the ground, near the house. Subject 1 then turned on his side toward Officer A, who was to the left of Subject 1, and Officer D heard one gunshot. At that time, Officer D did not know who had discharged the firearm. Officers B and C attempted to place Subject 1 into custody and Officer D assisted by trying to pull Subject 1's arms from underneath him. Subject 1 resisted being handcuffed by pulling his hands and arms away from the officers and attempting to get up off the ground. Officers B and C handcuffed Subject 1, walked him back to the police vehicle and placed him inside. Officer D then heard Officer A report on the radio that shots had been fired by the police. The officer proceeded to search for Subject 1's firearm. Officer D approached the squad car to ask Subject 1 about his firearm and found him unresponsive. Officer C then called for an ambulance. Officer D stated that he did not know that Subject 1 had been shot because he resisted arrest in such a manner that Officer D did not believe that he could have been injured. Officer D denied that he failed to attend to all required emergency and security duties arising from the incident pursuant to the above Special Order.

Video recordings from in-car cameras for Beat #'s 511R, 512, 513 and 551 did not capture the police shooting.

Video recording from POD #1092 did not capture the police shooting.

A **canvass** of the location of the incident was met with negative results.

Inventory Report #12341383 indicates that a black plastic Powerline Model 15XT CO2 BB pistol, .177BB, was removed from the rear yard at 24 W. 105th Street.

Officer A's **Tactical Response Report** indicates that he discharged his firearm one time at Subject 1.

The **Tactical Response Reports** of Officers B, C and D indicate that they employed take down/emergency handcuffing techniques after Subject 1 fled and pulled away from the officers.

Office of Emergency Communications (OEMC) Event Queries show that a male caller, now known as Witness 1, called 911 at approximately 2207 hours, stating that he was "carjacked" at gunpoint in the vicinity of 103rd and Indiana. Several units

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responded and a vehicle pursuit ensues. At approximately 2223 hours, it is reported that shots have been fired in the alley of 20 W. 105th Street. At approximately 2224 hours, it is reported that the subject is in custody. At approximately 2229 hours, it is reported that the involved officer's star number is XXXXX¹. At approximately 2231 hours, Beat 568B requests an ambulance.

Evidence Technician photographs depict the deceased subject, the shooting scene, the subject's weapon, and one shell casing.

A **Chicago Fire Department EMS Report** indicates that at approximately 2232 hours, Ambulance #60 was dispatched to 15 W. 105th Street. The paramedics reached an unknown patient at approximately 2236 hours and then left the scene. The report further relates that the crime scene was being handled by CPD.

The **Report of Postmortem Examination** (244 June 2011) of Subject 1 by Doctor A indicated a through-and-through gunshot wound to the left side of the chest. The direction of the wound path is front to back and no bullet or bullet fragments were recovered from the wound path. There was no evidence of close range fire about the wound of injury. In Doctor A's opinion, Subject 1 died as the result of a gunshot wound to the chest and Doctor A classified his manner of death as homicide. In conclusion, the results of toxicologic analyses indicate that Subject 1 tested positive for ethanol and negative for benzoylecgonine and opiates.

Crime Scene Processing Reports describe and personal items belonging to Subject 1 that were photographed and inventoried, including Officer A's Springfield Armory XD-45ACP 45 caliber, semi-auto with 4" barrel, and Sig Sauer 9 mm semi-automatic pistol, and a black plastic Powerline Model 15XT CO2 BB pistol, .177BB belonging to Subject 1.

A **laboratory report from the Illinois State Police, Division of Forensic Services**, dated 06 July 2011, relates that the laboratory examined Officer A's firearm, a Springfield Armory model XD (inventoried under # 12341305), found to be in firing condition and test fired. The firearm displayed rifling characteristics of six lands and grooves with a right hand twist. One Winchester 45 Auto caliber fired cartridge case, inventoried under #12341373, was examined and determined to have been fired from Officer A's firearm.

A **laboratory report from the Illinois State Police, Division of Forensic Services**, dated 19 January 2012, indicates that one BB pistol and one carbon dioxide cartridge, inventoried under # 12341383, were examined and revealed no latent impressions suitable for comparison.

A **laboratory report from the Illinois State Police, Division of Forensic Services**, dated 08 July 2013, relates that swabs from the BB pistol, which were inventoried under # 12341391, contained insufficient human DNA for analysis.

¹ This is Officer A's star number.

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CONCLUSION:

This investigation found that the use of deadly force by Officer A was in compliance with Chicago Police Department Policy and Illinois State Statutes. According to the Chicago Police department 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 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.”

Officer A’s actions were in accordance with both conditions of CPD’s deadly force policy. The witness, Witness 1, stated that an unknown male, later identified to be Subject 1, held him up at gunpoint and stole his vehicle. Witness 1 told responding police officers that the subject was armed with a handgun. Officers A, B, C and D stated that following their pursuit of Subject 1’s stolen vehicle, Subject 1 fled on foot, while appearing to hold an object in his right waistband. Subject 1 ran into a vacant yard until he stumbled and lied prostrate on the ground. Officer A ordered Subject 1 not to move and stay flat on the ground. Subject 1 then turned to his left toward Officer A and his right hand remained near the front of his waistband. Fearing that Subject 1 was about to discharge a firearm at him, Officer A jumped back and discharged his firearm one time at Subject 1. Subject 1 was then placed into custody by assisting officers. A black plastic BB gun was recovered in the adjacent lot. Based on the totality of the circumstances, when Officer A fired his weapon, he reasonably believed that he was in danger of death or great bodily harm from Subject 1 and his action was justified.

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Accused #1: Officer A

Allegation #1

The Reporting Investigator recommends a finding of **Unfounded** for Allegation #1 that Officer A was in violation of S03-02-01, Section III, B, 1, in that he failed to notify the Office of Emergency Management and Communications (OEMC) immediately and provide all relevant information. Officer A and the assisting officers related that after he discharged his firearm and the subject, Subject 1, was placed into custody, Officer A communicated over the air that shots had been fired by the police. OEMC transmissions indicate that the officers pursued the subject, then a struggle ensued, and immediately a communication by an unidentified officer came over the air that shots had been fired by the police and a location for the officer-involved shooting was provided. As a result, there is sufficient evidence to disprove this allegation.

Allegation #2

The Reporting Investigator recommends a finding of **Not Sustained** for Allegation #2 that Officer A was in violation of S03-02-01, Section III, B, 2, in that he failed to attend to all required emergency and security duties arising from the incident. Officers A, B, C and D stated that after the gunshot had been fired, the officers attempted to place Subject 1 into custody. Subject 1 flailed his arms and refused to comply with the officers' verbal commands. Once Subject 1 had been handcuffed, he continued to struggle with the officers and did not respond when the officers asked him whether he had been injured. Officer B added that he lifted Subject 1's shirt and looked at his torso using a flashlight, but did not observe any gunshot wounds. Moreover, Officer C stated that once he approached Subject 1, who had been placed inside the police vehicle, and found him unresponsive, he immediately called for an ambulance. The paramedics who arrived then pronounced Subject 1 on the scene. As a result, there is insufficient evidence to prove or disprove this allegation.

Accused #'s 2-4: Officers A, B and C

Allegation #1

The Reporting Investigator recommends a finding of **Not Sustained** for Allegation #1 against Officers A, B and C, based on the same reasons listed above in Allegation #1 against Officer A.