

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1046240

INVESTIGATION

NUMBER: Log # 1046240/U# 11-33

INVOLVED

MEMBER: “Officer A” (Chicago Police Officer); Male/Black; 39 years old;
Off-Duty; Year of Appointment – 2003

INVOLVED

OFFICER’S

INJURIES:

High Blood Pressure, treated at Northwestern Hospital and released

INVOLVED

OFFICER’S

WEAPON:

None

INVOLVED

SUBJECT:

“Subject 1”; Male/Black; 17 years old

SUBJECT

INJURIES:

Multiple Gunshot Wounds (Deceased)

INITIAL

INCIDENT:

Off-Duty Officer discharged weapon

DATE/TIME

OF INCIDENT:

17 June 2011, at approximately 2208 hours

LOCATION:

1946 W 87th Street- On the street

BEAT:

614

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1046240

SUMMARY OF INCIDENT:

On 17 June 2011, off-duty Chicago Police Officer A, was working as “[Character Name]” the clown for a children’s party at a daycare center in the area of 1946 W. 87th Street. At approximately 2200 hours, the party ended and Officer A, who was still in his clown costume, walked to his vehicle, which was parked at the west end of the strip-mall parking lot, and placed his equipment into his car. The subject, now identified as Subject 1, along with an accomplice, now identified as Subject 2, approached Officer A and announced a robbery. Subject 1 pointed a revolver at Officer A and a struggle ensued. Officer A gained control of the weapon and fired at Subject 1, fatally wounding him. Subject 1 sustained gunshot wounds in the left armpit, chest and back. Chicago Fire Department personnel transported Subject 1 to Holy Cross hospital where doctors pronounced him dead. Chicago Fire Department personnel transported Officer A to Northwestern Hospital for treatment for high blood pressure.

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1046240

INVESTIGATION:

Detective notes, dated 17 June 2011, reflect that Witness 1 said that she exited Kiddie Kottage with Officer A, who was still in his clown costume, and observed him place his belongings his car. Witness 1 went and sat inside her car when she saw two unknown black males (she did not see their faces), one wearing a white t-shirt and one wearing a red shirt. Witness 1 back went inside of the Kiddie Kottage and a few moments later, she heard five (5) gunshots, and someone knocking on the front door.

Witness 2 related that she was standing by the window when her daughter, [Name], asked her to close the blinds because two unknown black males, one wearing a white t-shirt, dark jeans, and being approximately 5'11" in height, and the other, wearing a red shirt, looked suspicious. Witness 2 closed the blinds and then she heard five (5) gunshots, and then heard someone knocking on the door. Witness 2 looked outside the window and saw someone lying on the ground.

Witness 3 related that she first observed two unknown black males in the parking lot as Officer A was gathering up his equipment. Witness 3 described the two black males as one wearing a red shirt, jean shorts, with a dark complexion and being approximately 5'7" and 150 lbs. The second was described as wearing a white t-shirt, jean shorts, a short haircut, a dark complexion and being approximately 5'7" and approximately 150 lbs.

Attempts by IPRA to obtain interviews from these witnesses, Witness 1, Witness 3, and Witness 2, were met with negative results.

A **canvass** of the area, which consists of businesses that, at the time of the incident, were closed, or met with negative results.

On 18 June 2011, **CPD Sergeant 1** responded to Area Two Detective Division and administered the B.A.C. test to Officer A. The test began at 0409 hours, which included a twenty-minute observation. The Breath and Urine test was conducted at 0433 hours with the B.A.C. returned a reading of .000.

The **Original Case Incident Report** reflects that off-duty Officer A was a victim of an Attempted Armed Robbery with a handgun.

The **Arrest Report** and **Supplemental Report** associated with Subject 2 reflect that Officer B, and Officer C, working BT 0651 received information regarding Subject 2 who was involved in the attempted robbery of Officer A. The officers received information on a possible location (XXXX S. Damen) for Subject 2. The officers, armed with Subject 2's name and physical description, arrived at the residence and observed Subject 2 exit from a rear door. The officers observed Subject 2 open the garage door and yelled out to a second individual who was in the yard, "Let's go G, we gotta go, they're coming for us!" The officers detained Subject 2 and his companion, and when asked his name, Subject 2 indicated that his was "[Male Name]." Officers placed Subject 2 into custody and transported him to Area Two for further investigation. Officer A was unable to provide a positive identification of Subject 2 as the second subject.

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1046240

A **personal visit** to the residence of Subject 2 in an attempt to obtain an interview was met with negative results.

The **Tactical Response Report** submitted by Officer A indicates that the subject, Subject 1, attacked off-duty Officer A with a handgun. Officer A was able to gain control of the weapon and shot and killed Subject 1.

Officers on the scene recovered a Taurus .38-Special six (6) shot revolver, containing two (2) rounds. Officers placed the weapon in a towel prior to it being turned over to the Forensic Services Division of the Chicago Police Department.

A **Crime Scene Report** indicates that Forensic Investigators recovered and inventoried a Taurus revolver wrapped in a white towel with a Red Bally Fitness logo. Forensic Investigators swabbed the revolver for DNA evidence, administered a Gunshot Residue test to the hands of the subject, Subject 1, at the scene, and bagged his hands.¹

Evidence Technician photographs depict images of the deceased, Subject 1, the location of incident, the revolver associated with Subject 1 and the vehicle associated with Officer A.

Illinois State Police Lab report dated 26 July 2011, reflects that the revolver and both discharged and live cartridges revealed no latent prints suitable for comparison.

Illinois State Police Lab report, dated 11 April 2012, documents that Subject 1 discharged a firearm, contacted a PGSR related item, or had his right hand in the environment of a discharged firearm.

An OEMC Query documents that several persons contacted 911 to report hearing shots fired in the area. A female caller reported that she heard gunshots outside of a daycare in the area and observed an unknown male on the ground.

Officer A contacted 911, identified himself as a Chicago Police Officer, and said that the subject attempted to rob him. Officer A related that he shot the subject, provided an address and requested EMS to the scene. Officer A related that there was a second subject in the area, who fled the scene. Officer A provided a description and direction of flight. Officer A related that he was not injured, but “shaken up.”

A female caller (who refused to provide a name or identifiers) reported that she was sitting at a stop light in the area of 87th Street and Damen Avenue when she observed two men tussling over an unknown object and observed one of the men pull a gun out and fire three times. The shooter was described as a black male with a dark complexion, wearing a white shirt, blue jeans and occupying a two-door Grand Prix.

¹ Placed plastic baggies over hands to preserve any gunpowder evidence that may be present.

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1046240

A flash message went out over the air requesting a 10-1² at 1946 W 87th Street. The call informed officers that an off-duty officer was the victim of a robbery and he shot the subject. 006th District Station officers and Chicago Fire Department personnel responded to the area.

Attempts to obtain an interview with [Female Caller], whose name was obtained from the OEMC printout, were met with negative results.

A Chicago Fire Department (EMS) report, dated 17 June 2011, documents that Officer A reported that he injured his right hand as he tried to remove the subject's weapon. Officer A also related that his blood pressure was high. CFD personnel transported Officer A to Northwestern Hospital.

A Chicago Fire Department (EMS) report, dated 17 June 2011, documents that Subject 1; was lying on the sidewalk. Subject 1 appeared to have numerous gunshot wounds to his abdomen, back and chest and was unresponsive. CFD personnel transported Subject 1 to Holy Cross hospital, where he was pronounced dead.

A Postmortem Report of Subject 1, completed and submitted by the medical Examiner of Cook County, dated 18 June 2011, documents wound one (1) grazed gunshot wound on the posterior medial left upper arm. A second gunshot (2) wound is to the left region of the chest from left to right. A third gunshot (3) wound is to the right upper quadrant of the abdomen from front to back. A fourth gunshot (4) wound is to the left lumbar back from back to front. Subject 1 also sustained superficial abrasions to both knees, the left upper back and left ankle. The Toxicological report documents that Subject 1 tested negative for narcotics.

The Medical Examiner's photographs depict images of the wounds and injuries sustained by Subject 1; the clothing worn by Subject 1; and bullet fragments removed from Subject 1's body.

In an interview taken at the Independent Police Review Authority on 24 November 2011, at 1550 hours, **Officer A** said that on 17 June 2011, at approximately 1930 hours, he was off-duty and performing as [Character Name] the Clown at a sleep over at Kiddie Kottage Day Care.

The performance ended between 2200-2230 hours and Officer A left the building and began loading his equipment into his vehicle. As he loaded his equipment, two unknown black males,³ approximately 30 to 40 feet from him, walked past and asked Officer A if he had change for undisclosed amount U.S. currency. Officer A responded, "No."

² Officer needs assistance

³ One of the black males now known as Subject 1

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1046240

Subject 1 and his companion walked away and made a right turn onto 87th Street and Damen Avenue. Officer A loaded his vehicle, closed the trunk and took out his mobile telephone to get it hands-free ready. Officer A then entered the driver's seat of his vehicle with the driver's side door open when he observed the subject, Subject 1, approach the vehicle with a blue steel revolver.

Subject 1 stated, "Up everything that you have."⁴ Something distracted Subject 1 and he looked over his left shoulder. Officer A then reached out, took hold of the gun with both hands, and pushed Subject 1, who still held onto the weapon. Officer A pushed Subject 1 against a wall adjacent to Kiddie Kottage and the two continued to tussle back and forth. As the two tussled, Officer A announced his office and instructed Subject 1 to release the weapon; however, Subject 1 did not release his hold on the weapon. Officer A was able to throw Subject 1 off balance and take the weapon. Subject 1 advanced quickly toward Officer A.⁵ Officer A, being in fear for his safety, pulled the trigger. Officer A related that he believed that he fired approximately three times, but it may have been as many as four to five times. Officer A fired until the weapon stopped.

Officer A said that he did not recall at what point Subject 1 fell to the ground, but after firing the weapon he put the gun down on the trunk of his vehicle and called 911. Officer A identified himself as a police officer and requested officers on the scene for assistance. Officer A informed the 911 operator that he was the victim of an attempted robbery and that he shot the subject with the subject's weapon. Officer A observed the second black male about 50-100 feet from him. The second black male appeared to be walking toward him, but then he ran through an alley. Officer A did not give chase.

Officer A related that during his first encounter with Subject 1 and his companion, they did not make any type of physical gestures or verbal threats toward him.

Officer A related that he did not have his duty weapon on his person at the time of the incident.

⁴ Att # 27 Page 10, Line 9.

⁵ Subject 1 was approximately 0-5 feet from Officer A as Officer A fired

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1046240

CONCLUSION:

This investigation found that the use of deadly force by Officer A was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order 02-08-03, Section II, A

A sworn member is justified in using deadly 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 was working off-duty when the subject, Subject 1, approached him and attempted to rob him at gunpoint. Officer A grabbed the weapon and the two began to struggle. During the struggle for the weapon, Officer A announced his office and gained control of the weapon. Subject 1 then advanced toward Officer A, in a threatening manner. Officer A, in fear for his safety, fired at Subject 1, striking him several times.

Forensic evidence reflects that Subject 1 had contact with a firearm, and/or was in contact with a discharged firearm.

Officer A's actions complied with the Chicago Police Department policy on Use of Force. Subject 1 attempted to commit a forcible felony (armed robbery), and threatened the use of physical force likely to cause death or great bodily harm.