

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1046276/ U # 11-34

INVESTIGATION

NUMBER: Log# 1046276/U# 11-34

INVOLVED

OFFICERS: “Officer A” (Chicago Police Officer); Male/White; 33 years old;
On Duty; In Uniform; Year of Appointment – 2005

“Officer B” (Chicago Police Officer); Male/Black; 35 years old;
On Duty; In Uniform; Year of Appointment – 2005

OFFICERS’

INJURIES: Officer A complained of back strain; Officer B’s blood pressure
was elevated.

INVOLVED

SUBJECT: “Subject 1”; Male/Black; 20 years old

SUBJECT’S

INJURIES: Multiple gunshot wounds, non-fatal.

INITIAL

INCIDENT: The involved officers were assigned to work a large Father’s Day
picnic at Grand Crossing Park.

DATE/TIME: 19 JUN 11, 1823 hours

LOCATION: 7701 S. Ingleside – outside
Beat 624

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SUMMARY OF INCIDENT:

On 18 June 2011, in the park located at 7701 S. Ingleside, a large Father's Day picnic, with approximately three hundred people in attendance, was being held. An argument or physical altercation occurred in a small parking lot in the middle of the park. The argument/altercation was between Subject 1 and an unknown black male with dreadlocks. During the altercation, the unknown black male fired a weapon into the air while in the parking lot.

Beat 656, consisting of Officer A, Officer B, and Officer C, were assigned to the park because of the picnic. Officer A parked his assigned marked police vehicle on Ingleside near 77th Street. The officers heard gunshots, exited the police vehicle and walked east into the park from Ingleside, toward the small parking lot. The officers observed Subject 1, who was holding a pistol with an extended magazine in his right hand. Subject 1 appeared to be pursuing the unknown black male with the dreadlocks. Subject 1 was crouched down as he walked southwest on the grass that was southwest of the small parking lot. The officers were walking in Subject 1's direction.

As the officers approached Subject 1, they fanned out, with Officer A on the left, Officer B on the right and Officer C behind and between Officer A and Officer B. Officer C was armed with an M-4 rifle. The officers ordered Subject 1 to drop his weapon, but he instead fired it once in Officer A's direction. Officer A and Officer B returned fire, striking Subject 1, who fell and dropped his weapon. Officer C, did not fire his weapon, because Officer A and Officer B were in his line of fire.

Officer A recovered Subject 1's weapon and handed it to Officer C. The officers radioed for an ambulance. Chicago Fire Department Personnel transported Subject 1 to Stroger Hospital. Subject 1 sustained gunshot wounds to his left flank, his left thigh, to the sole of one foot and to his upper chest.

Officer A complained of back pain and Officer B's blood pressure was elevated. The officers were transported to Christ Hospital.

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INVESTIGATION:

On 16 February 2012, **IPRA Investigator A**, requested through the Office of the Public Defender of Cook County to interview Subject 1 in regards to the incident on 18 June 2011.

On 21 February 2012, **Subject 1** signed a refusal to speak with IPRA.

In a digitally recorded, interview on 20 June 2011, at Area 2 Detective Headquarters, the witness, **Witness 1** related that on 19 June 2011, at approximately 1830 hours, he and his family were at Grand Crossing Park for the Father's Day picnic. There were approximately one thousand people in the park. Witness 1 and his family were set up for the picnic near where the shooting occurred. As Witness 1 said his good-byes to some friends, he noticed two groups of young men having a verbal altercation (approximately 25-30 feet away). Witness 1 stated that one individual in the two groups had a black handgun. Witness 1 described this person as a black male, 18-22 years of age, with dreadlocks, light complexion, black clothing and wearing his hat turned backwards. Witness 1 went toward the young men in an attempt to diffuse the situation; however, the verbal altercation turned into a physical fight.

Witness 1 further related that the black male with the dreadlocks then fired his gun about 3-4 times in the air. When the shots were fired, everyone in the park ran. The black male and his companions ran towards Ingleside at an angle toward Hirsh High School. Another black male¹ who was holding a "big gun" in his right hand ran after the black male with the dreadlocks.

Witness 1 did not keep Subject 1 in his view. As Witness 1 gathered his family, he heard more shots. Witness 1 turned around to see police officers, two white males and one white female, converging in a "triangle" toward Subject 1 and fire 8 to 10 shots. Subject 1's companions began to scream and holler at the officers after the shooting. The officers instructed the crowd in a professional manner to "step back". Witness 1 did not see Subject 1 point his weapon at the officers nor did Witness 1 see Subject 1 fire at the officers. Witness 1 observed Subject 1 lying on the ground. Witness 1 did not see injuries on Subject 1. Officers handcuffed Subject 1 behind his back. The black male with the dreadlocks fled the area.

People in the crowd began to threaten the officers. Additional officers arrived on the scene. There were a few confrontations between officers and people in the park, but Witness 1 did not see anyone "get tased." Witness 1 did not hear anyone order anyone to drop a weapon or yell "Police!", but added that the crowd was screaming and hollering.

Chicago Fire Department EMS report reflects that EMS arrived at the location of incident at 1831 hours. CFD personnel found Subject 1 lying on his right side. Subject 1 appeared to be handcuffed behind his back. Subject 1 sustained gunshot wounds to abdomen, left extremities and right foot.

¹ Now identified as Subject 1

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In an IPRA report, dated 19 June 2011, at approximately 2024 hours, IPRA Investigator B, spoke with Doctor A of Stroger Hospital.

Doctor A related that he accompanied the Subject 1 to the operating room. Subject 1 presented with one (1) gunshot wound to the upper abdomen; one (1) gunshot wound to the left flank; 4 (four) gunshot wounds to the left thigh; and one (1) gunshot wound to the sole of the right foot.

Subject 1 reported to Doctor A that he was first shot by an unknown bystander, and then by the police. Doctor A related that Subject 1's condition was guarded and his prognosis was as yet "undetermined".

Medical Records obtained from Stroger Hospital reflect that Subject 1 sustained a gunshot wound to the right foot, four gunshot wounds to the left thigh, no fracture to the left femur, and upper chest area.

A **canvass** of the area produced no additional witness or information.

POD camera # 35 located at 77th Street and Ingleside dated 19 June 2011, and covers the time of 1800 -2000 hours, did not depict images of the incident.

OEMC records reflect that numerous people contacted 911 and related there was a large picnic being held in the park at 78th Street and Ingleside. Callers described that a large group of males were observed shooting weapons in the park.

Officers on the scene called for assistance due to the large number of civilians in the park.

Callers related that they witnessed the police shooting in the park.

A caller identified as [Name Withheld] informed the 911 operator that officers "beat" her cousin and shot someone in the park.

Officers requested an ambulance to the park and reported that the police shot a black male.

Officers requested for assistance in the park to deal with large crowds. Officers also reported "Shots at the police and by the police." Officers reported one in custody and requested supervisors and Chicago Fire Department personnel to the scene.

Officers on the scene received a description from the subject; Subject 1 related that he exchanged gunfire with a black male with dreadlocks.

Video surveillance tape dated 19 June 2011 that cover a time of 1810 to 1835 hours obtained from Hirsh High School depict no images of police activity.

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Evidence Technician photographs and reports depict images and descriptions of the location of incident, fired evidence from the involved weapons and all property that was inventoried.

Illinois State Police lab reports reflect that three types of ammunition were associated with the weapon an S&B 9MM Luger belonging to Subject 1. The ammunition was entered in the IBIS database; however, no identification was made.

Illinois State Police lab reports reflect that weapons associated with involved officers were in good firing condition.

Department reports reflect that Officer A, Officer B and Officer C were assigned to the Father's Day picnic in Grand Crossing Park. As the officers approached the park, in their vehicle, they heard numerous loud reports of gunshots and observed numerous citizens running in all directions. The officers exited their vehicle and moved towards the sound of gunshots. The officers observed the Subject 1, with a handgun in right hand. The officers approached and announced their office. Subject 1, turned toward the officers, knelt down and fired his weapon at the officers. The officers returned fire striking Subject 1. Officers placed Subject 1 into custody. Officers charged Subject 1 with three (3) counts of Attempted Murder.

On 20 June 2011, CPD Detective 1, met with the witness, Witness 1, at Area 2 Police Headquarters. CPD Detective 1 showed Witness 1 a photo array containing Subject 1, at which time Witness 1 was unable to make identification.

On 20 June 2011, at 2152 hours, CPD Detective 1 arrived at Stroger Hospital and spoke with **Subject 1**. Subject 1 related that he had been at a barbeque at Grand Crossing Park on father's day when a fight broke out near his picnic site. Subject 1 stated that an unknown black male with dreadlocks began firing a handgun in the air. Subject 1 ran to this vehicle and retrieved a handgun, which he had hidden underneath his vehicle. He fired his handgun in the direction of the unknown black male with dreadlocks. The unknown black male returned fire striking Subject 1 in the leg. The unknown black male with dreadlocks ran westbound. Subject 1 chased after him. As Subject 1 chased the unknown black male with dreadlocks, he pointed his gun at the unknown black male and fired at least one time.

Subject 1 stated that as he fired his weapon he noticed that he fired in the direction of police officers, who then shot him and he fell to the ground.

As detectives questioned Subject 1 on his account of the events that were not consistent, Subject 1 requested an attorney and declined to answer questions.

On 06 July 2011, CPD Detective 2, met with the witness, **Witness 2**, who related that on 19 June 2011, she, her family and friends were celebrating father's day at Grand Crossing park. Witness 2 observed a group of black males fighting in front of the field

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house, at which time she heard gunfire. Witness 2 observed Subject 1 holding a black gun and running through the picnic area. Witness 2 observed two-uniformed officer shooting at Subject 1. Subject 1 fell to the ground.

Witness 2 had nothing else to add to her statement.

On 19 June 2011, the witness, **Witness 3**, who appeared to be intoxicated at the time of the interview with detectives, related that she was in the park at the time of the shooting, but did not know anyone involved.

Witness 3 was in the park with family and friends celebrating father's day when she observed a group of black males fighting in front of the field house. One of the black males ran to a vehicle, returned a short time later with a handgun, and began firing into the air. The crowds in the park, including Witness 3 ran. The black male with the gun ran westbound through the park with the gun in his hand.

After running a short distance, Witness 3 observed officers entering the park. The officers confronted the black male with the gun. At, which time, a Hispanic officer shot the black male. Witness 3 informed officers that using her mobile phone she taped the incident. Officers were unable to locate video on the mobile phone.

On 19 June 2011, the witness, **Witness 4**, related to Chicago Police Detectives, that he and Witness 5 were in Grand Crossing Park celebrating father's day. Witness 4 and Witness 5 were set up 100 yards east of 7700 S. Ingleside along the south side of the bike path.

Witness 5 and Witness 4 were sitting at a card table along with several friends and family when he heard several gunshots come from the area of the field house. After hearing the gunshots Witness 4 observed a large crowd running west through their picnic area. Witness 4 observed a black male in a white t-shirt with a handgun in his right hand among the crowd. Witness 4 related that he heard additional gunfire to the west at which time he observed the same black male, who had the gun laying on the ground and three officers standing over him.

The witness, **Witness 5** provided detectives with the same account as Witness 4.

On 19 June 2011, the witness, **Witness 1**, related to Chicago Police Detectives, that he had begun to pack up his picnic site when he observed two groups of black males in the parking lot of the field house. Witness 1 observed a black male with dreadlocks and wearing a black t-shirt firing a handgun in the air causing the groups of black males to disperse.

As the groups dispersed, Witness 1 observed the black male with the dreadlocks running west and being chased by a black male, now known as Subject 1, in a white t-shirt with a gun in his hand. As Subject 1 and the unknown black male ran past Witness 1's site, Witness 1 directed people in his group to take cover behind parked vehicles.

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Witness 1 heard gunfire to the west. Witness 1 turned toward the gunfire and observed Subject 1 on the ground and three-uniformed officers approaching him in a triangle like formation. As the officers stood over Subject 1, a large group of black males surrounded the officers. The officers were able to control the crowd.

In an audio-recorded interview taken at IPRA on 20 June 2011, **Officer B**, related that on 19 June 2011, he was working with Officer C and Officer A in a three-man unit, Bt 656.²

Officer B and his partners were detailed to Grand Crossing Park for the Father's Day Picnic. The officers were traveling southbound on Ingleside when Officer B heard between five to eighteen gunshots coming from the park. Officer A, who was the driver, stopped the vehicle. The officers exited the vehicle. Suddenly, Officer B observed a large group of people running toward him and his partners.

As Officer B and his partners were walking toward the baseball field, Officer B observed Subject 1 running toward them at an angle³ with a gun in his right hand. Officer B related that Subject 1 was approximately 25 feet from him. Officer B ran toward Subject 1 in an effort to cut him off. Officer B ran southeast followed by Officer A. Officer B gave Subject 1 verbal orders to drop his weapon.

As Officer B and Officer A are getting closer to Subject 1, he turned in their direction, lifted his right hand, in which he had the weapon, and fired one shot in the direction of the officers.⁴ Officer B⁵ and Officer A returned fire with their weapons.

Subject 1 fell to the ground, landing on his side, and Officer B stopped firing. As the officers moved closer to Subject 1, they were not able to see his hands. Officer B moved closer and, once he observed Subject 1 hands, he placed him in handcuffs. Officer B observed a weapon approximately three feet from Subject 1's was lying.

Due to the large crowd in the park, Officer B stood guard over the weapon associated with Subject 1. The crowd began moving toward Officer B and his partners. Officer A recovered the weapon, placed it on his person, and radioed for an ambulance. Officer B observed blood on Subject 1's foot.

Officer B related that he was unaware of where Officer C was during the incident. Officer B did not observe any additional civilians in the area with weapons.

In an audio-recorded interview taken at IPRA on 20 June 2011, **Officer A**, related that on 19 June 2011, he was working with Officer C and Officer B. The officers were detailed to Grand Crossing Park to patrol the Father's Day celebration. The officers were

² Bt 656 was a blue and white vehicle, with no cage or camera inside the vehicle.

³ Running southbound angling from east to west.

⁴ Subject 1 was approximately 10-12 ft from the officers

⁵ Officer B discharged his weapon five to six times

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in full uniform. As the officers arrived in the area, they parked southbound on Ingleside at 77th Street. Officer A heard five gunshots coming from the park. Officer A and his partners exited their vehicle. Officer C went to the trunk of the vehicle to deploy his rifle.

Officer A and Officer B walked southeast into the park. Officer A observed a large group of minors run in several different directions. The minors were yelling "They're shooting!" Officer A observed a black male in a white t-shirt, holding a handgun with an extended clip⁶ in his right hand. The black male, now known as Subject 1, appeared to be walking in a crouched position between people that were running. Subject 1 was approximately 45 to 50 feet from the officers. Officer A and Officer B approached Subject 1 from an angle and Officer C trailed behind.

Officer A drew his weapon, announced his office and ordered Subject 1 to drop his weapon, but he failed to comply. As Officer A moved closer to Subject 1, he looked directly at Officer A, crouched downward, and fired at Officer A. Officer A⁷ and Officer B, being in fear for their lives, fired back at Subject 1. Officer A yelled to Subject 1 to drop his weapon and he refused. Subject 1 fell to the ground. The weapon fell to the ground. Officer A holstered his weapon and Officer B handcuffed Subject 1. Officer A secured the weapon. Officer A placed the weapon in his waistband.

The large crowds in the park began to surround the officers. No person made contact with the officers, but verbal threats were made to the officers. Officer A related that he did not observe any other persons chasing Subject 1 in the park or anyone with a weapon. No officer on the scene used a taser on any persons in the crowd.

In an audio-recorded interview taken at IPRA **Officer C** related that on 19 June 2011, he was working in full uniform in a marked vehicle, Bt 656, with Officer A and Officer B. The officers were detailed to Grand Crossing Park to patrol the Father's Day celebrations. The officers arrived in the area of 77th Street and Ingleside and parked. As the officers parked, Officer C heard several gunshots⁸.

Officer C observed a group of people running from the area from which the shots were coming. Officer C exited the vehicle, went to the trunk of the vehicle and grabbed his M4 rifle. Officer C proceeded to follow behind Officer A and Officer B to the area of the shots fired.

As the officers made their way to the park, witnesses⁹ informed Officer C that there was a person with a gun. At that point, the officers made their way into the park. Officer C observed Subject 1 approximately 25 to 35 ft in a crouch position running, with a semiautomatic weapon in his hand moving towards the officers. The officers yelled to Subject 1 to drop his gun, but he failed to comply. Subject 1 looked in the direction of the officers, with his right hand aimed the weapon at the officers, and fired a one shot at the

⁶ Magazine holds approximately 30(thirty) rounds of ammunition

⁷ Officer A discharged his weapon 14 (fourteen) times.

⁸ Officer C unable to recall exact number of gunshots

⁹ No names

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officers. Officer C raised his weapon to fire, but due to the position of Officer A, who was three to four feet in front and to the left of Officer C and Officer B's position three to four feet in front of him and to the left of Officer C, he did not fire his weapon. Officer B discharged his weapon approximately six (6) times and Officer A discharged his weapon approximately ten (10) times.

Subject 1 fell to the ground, dropped the weapon away from his body, and curled up in the fetal position with his hands beneath his body. Officer C instructed Subject 1 to show his hands. Officer B handcuffed Subject 1; Officer A checked and cleared the weapon¹⁰.

A large group of people began to surround the officers. People were yelling for Subject 1 to keep his eyes open. Officer C did not observe any civilians in the park with a weapon. Supervisors and Chicago fire Department personnel were called to the scene via radio.

¹⁰ To ensure the safety of the weapon

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A and Officer B was in compliance with Department Policy.

According to the Chicago Police Department's General order No. 02-08-03-II:

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 believes that the person 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.

Officer B and Officer A's actions complied with the requirements of the Department's deadly force policy. The officers, while on patrol in Grand Crossing Park during a picnic, heard gunshots from the park. As the officers exited their vehicle to investigate, the officers observed Subject 1 coming toward them holding a semi-automatic weapon. The officers announced their office, ordered Subject 1 to drop the weapon and to stop. Subject 1, with the weapon in his hand, raised the weapon in the direction of officers and fired.

Subject 1 stated that an unknown black male with dreadlocks began firing a handgun in the air. Subject 1 ran to this vehicle and retrieved a handgun, which he had hidden underneath his vehicle. He fired his handgun in the direction of the unknown black male with dreadlocks. The unknown black male returned fire striking Subject 1 in the leg. The unknown black male with dreadlocks ran westbound. Subject 1 chased after him. As Subject 1 chased the unknown black male with dreadlocks, he pointed his gun at the unknown black male and fired at least one time. He stated that as he fired his weapon he noticed that he fired in the direction of police officers, who then shot him and he fell to the ground.

Several witnesses in the area reported that they observed Subject 1 in the park with a weapon in his hand and heard the gunfire, but did not witness the shooting. Witnesses observed the officers standing over Subject 1 with weapon drawn.