

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1046995/U #11-38

**INVESTIGATION**

**NUMBER:** Log #1046995/U#11-38

**INVOLVED**

**OFFICER:** “Officer A” (Chicago Police Officer); Male/White; 36 years old;  
On-Duty; Plain Clothes; Year of Appointment – 2006

**OFFICER’S**

**INJURIES:** None

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

**SUBJECT’S**

**INJURIES:** Gunshot wound(s) to the chest; transported to Cook County  
Medical Examiner’s Office; Deceased.

**INITIAL**

**INCIDENT:** Person with a gun.

**DATE/TIME**

**OF INCIDENT:** 17 July 2011, approximately 0034 hours.

**LOCATION:** 8004 S. Ashland Avenue (on the street); Beat 611.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1046995/U #11-38

**Incident Summary:**

During the late evening hours of 16 July 2011, into the early morning hours of 17 July 2011, Officer A, and Officer B, were working plain clothes assigned to Bt. 606D. Officer A monitored several calls from OEMC of a person with a gun in the area of 80<sup>th</sup> and Ashland Avenue. One of the callers stated that the offender entered a building at 8004 S. Ashland Avenue. When the officers arrived on the scene, Officer A observed that 8004 S. Ashland Avenue housed a large party.

As people were leaving the party, Officer A observed a black male, identified as Subject 1, walking behind a black female, identified as the Witness 1, with both his arms around Witness 1's neck. Officer A observed Officer C approach Subject 1 and verbally instruct him to release Witness 1. Subject 1 appeared to tighten his hold on Witness 1's neck. Witness 1 attempted to pull away and stated, "Get off me, let me go." Officer A grabbed Subject 1 around the waist and Officer C grabbed Subject 1's arms in an attempt to pull Witness 1 away from Subject 1. As Officer A struggled with Subject 1, he felt a gun in the waistband of Subject 1's pants. Officer A yelled, "Gun!" Officer C tased Subject 1 which had no effect. As Witness 1 freed herself from Subject 1's grasp, Subject 1 lowered himself to the ground and pulled a handgun from his waistband. Officer D grabbed Subject 1's handgun by the barrel and attempted to redirect it away from Officer D's direction. Officer A, believing that Officer D's life was in danger, drew his weapon and discharged his weapon three times striking Subject 1 in the chest. Subject 1 was later pronounced deceased.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1046995/U #11-38

**Investigation:**

**General Offense Case Report HT-401032** documents the parties involved in the incident and the Medical Examiner's findings and the manner of death of Subject 1.

A **Case Supplemental Report for RD HT428891** completed and submitted by Officer E, documents the involved parties, and the weapons associated with Subject 1 and Officer A. The report further documents all recovered physical evidence, and interviews from the involved officers.

The report documents an interview by CPD Detective 1, of witness, Witness 1. Witness 1 stated that she was inside the party at 8004 S. Ashland Avenue. Witness 1 stated that Subject 1 attended the same party. As Witness 1 approached the doorway to exit the party, Subject 1 placed his arms around her neck from behind as if they were a couple. Witness 1 yelled, "Get off me, let me go," and attempted to break free of Subject 1's grasp. Subject 1 then grabbed her neck with force. The officers grabbed Witness 1 and Subject 1, and attempted to pull Subject 1 off her, but Subject 1 would not release her. Witness 1 observed the officers attempting to place Subject 1's hands behind him, but Subject 1 resisted and fought with the officers. Witness 1 then heard one of the officers state, "I'm going to tase you if you don't cooperate." Witness 1 heard one of the officers yell, "Gun," and then heard three gunshots. Witness 1 then observed Subject 1 on the ground.

The detectives interviewed the involved officers whose accounts of the incident are nearly the same as the Incident Summary detailed earlier.

Officer F, added that he observed Subject 1 grab Witness 1 from behind. Witness 1 yelled, "I'm not with him, he won't let me go!" Officer F observed Officer C attempt to grab Subject 1 and yell, "I'm going to tase you." Officer F then he heard someone yell, "Gun," and then he heard two gunshots.

Officer G, added that he had his back to the incident but heard someone yell, "Taser," and then he heard someone yell, "Gun," before hearing two gunshots

Officer H, added that he heard a voice yell, "Taser," and then a voice yelled, "Gun," followed by two gunshots.

**Officer A's Tactical Response Report** documents Subject 1's actions as "Did Not Follow Verbal Directions," "Pulled Away," and "Imminent Threat of Battery." The report also documents that as officers attempted to arrest Subject 1 for a battery, he pulled a 9MM pistol from his waistband and pointed the weapon at Officer D. The "Weapon Discharged Incident" section of the TRR documents that Officer A discharged three rounds from his firearm. The Watch Commander/OICI "Reviewed" section of the TRR documents that Subject 1 was deceased, and that the preliminary determination was that Officer A was in compliance with Chicago Police Department guidelines in the use of Deadly Force.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1046995/U #11-38

**Officer D's Tactical Response Report** documents Subject 1's actions as "Did Not Follow Verbal Directions," "Pulled Away," and "Imminent Threat of Battery." The report also documents that as officers attempted to arrest Subject 1 for a battery, he pulled a 9MM pistol from his waistband and pointed the weapon at Officer D. Officer D did not discharge his weapon. The Watch Commander/OICI "Reviewed" section of the TRR documents that Subject 1 was deceased and that the preliminary determination was that Officer D's actions were in compliance with Chicago Police Department procedures and directives.

**Officer C's Tactical Response Report** documents Subject 1's actions as "Did Not Follow Verbal Directions," "Pulled Away," and "Imminent Threat of Battery." The report also documents that Officer C observed Subject 1 committing a battery on a female victim that he refused to release. Officer C utilized a drive stun<sup>1</sup> and then heard Officer A yell, "Gun, gun." Officer C tased Subject 1 two times. The Watch Commander/OICI "Reviewed" section of the TRR documents that Subject 1 was deceased, and that the preliminary determination was that Officer C's actions were in compliance with Chicago Police Department procedures and directives.

According to the **Officer's Battery Report**, Officer D was on-duty in plain clothes, and working with multiple partners in a squad car. The type of activity was "Man with a gun." The "Manner of Attack was "Other," and the "Type of Weapon/Threat" was "Firearm." The weather was clear and the approximate temperature was 75 degrees. Officer D was not injured during the incident.

A **canvass** conducted by IPRA resulted in no additional witnesses.

**Surveillance** cameras located at Harmony African Hair Braiding Salon, 8000 S. Ashland Avenue, were not operational at the time of the incident.

**IPRA efforts to interview Witness 1** were unsuccessful.

**Office of Emergency Management & Communication (OEMC) traffic** included calls to 911 and CPD transmissions. Under Events Number 1119800436, 1119800882, 1119802405, 1119801053, 1119800537, 1119800609, 111980719, and 111980997, the shooting of Subject 1 was documented.

The **Crime Scene Processing Reports** document that units from the Mobile Crime Lab processed the scene and took photographs and video of the area.

The **Mobile Crime Lab photographs and Crime Scene video** depict the scene, recovered evidence, and Subject 1's body.

**Chicago Fire Department Ambulance Run Sheet** documents that the paramedics found an unknown male, Subject 1, lying on his stomach with both wrists

---

<sup>1</sup> Att #10, tasing close to the skin.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1046995/U #11-38

handcuffed behind him, one gunshot wound to the back of the neck, and unresponsive and not breathing. Subject 1 was pronounced deceased.

The **Report of Postmortem Examination** for Subject 1 documents that he sustained three gunshot wounds to the chest. The cause of death was determined to be multiple gunshot wounds.

**Medical Examiner's photographs** depict Subject 1's clothing, gunshot wounds and internal examination, to include his injuries resulting from the fired bullets.

A **report from the Illinois State Police, Division of Forensic Services**, dated 12 October 2011, documents that Officer A's weapon was in firing condition. The three-fired bullets that struck Subject 1 were determined to have been fired from Officer A's weapon.

A **report from the Illinois State Police, Division of Forensic Services**, date 15 November 2011, documents that Subject 1's weapon was found to be in good firing condition.

The **Alcohol and Drug Testing Report** completed and submitted by CPD Sergeant 1, documents that on 17 July 2011, at 0404 hours, CPD Sergeant 1 administered the alcohol and drug test to Officer A. The results document that Officer A was not under the influence of any type of alcohol or narcotic at the time of the incident.

**Civil Suit, #2011-L-10162**, filed on 7 May 2012, documents that [Male Name] filed a Wrong Death suit, on behalf of [Female Name], the Independent Administrator of the Estate of Subject 1. The documents cite that Officer A in the course of his duties as a Chicago Police Officer used excessive, unjustified force during the arrest of Subject 1. The next court date set for status hearing is set for 14 December 2013.

In a **digitally recorded interview** on 18 July 2011, at 0715 hours, **Officer A**, stated the same details of the incident as the Incident Summary described earlier. Officer A added that as people were exiting the party, Subject 1 grabbed Witness 1 from behind and placed her in a headlock. Witness 1 appeared to be scared and yelled, "Get off me, let me go. Get off me, let me go." Officers, including Officer A grabbed Subject 1 by the arm in attempt to pull him off Witness 1. Officer A felt the barrel of a gun in Subject 1's waistband. Officer A yelled, "He's got a gun, He's got a gun, He's got a gun," and then backed off while trying to pull Subject 1's arms so that he would be unable to reach the weapon. Officer A observed Officer D also attempting to pull Subject 1 away from Witness 1. At some point, the officers were able to free Witness 1. The officers then attempted to handcuff Subject 1, when Officer A heard, "Taser, taser, taser." Subject 1 then went to the ground and Officer A observed him reaching for his waistband and removing a silver colored handgun. Officer D grabbed the barrel of the weapon with his right hand and struggled with Subject 1. Officer A fearing for his safety, and that of Officer D, drew his weapon and yelled, "Gun," and fired his weapon at Subject 1 three

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1046995/U #11-38

times striking him in the chest. Officer D radioed for an ambulance while Officer A radio for assistance and attempted to control the large crowd.

In a **digitally recorded interview** on 17 July 2011, at 0815 hours, **Officer D**, stated the same details of the incident as the Incident of Summary described earlier. Officer D added that as he and Officer A held onto Subject 1's arms, Witness 1 was able to break free from Subject 1's grasp and the officers were able to take Subject 1 to the ground. Officer D observed Subject 1 retrieve a firearm from his waistband and point it at him. Officer D grabbed the barrel of the weapon and began to struggle with Subject 1. Officer D heard two or three gunshots and Subject 1 released the weapon. Officer D retrieved the weapon and radioed in the incident.

In a **digitally recorded interview** on 17 July 2011, at 0650 hours, **Officer C**, stated the same details of the incident as the Incident of Summary described earlier. Officer C added that he approached Subject 1 and instructed him to release Witness 1, but he refused. Officer C then grabbed Subject 1's arms in an attempt to have him release Witness 1, but the two became engaged in a struggle. During the struggle, Officer C gave a verbal warning to Subject 1 before dry stunning him.<sup>2</sup> As Officer C discharged the taser, Subject 1 continued to struggle. Subject 1 went to the ground, and Officer C observed him reach into his waistband and pull out a weapon. Officer C heard Officer A yell, "Gun, gun," and saw Officer D grab the barrel of the weapon. Officer C then heard several gunshots.

In a **digitally recorded interview** on 17 July 2011, at 0655 hours, **Officer B**, stated the same details of the incident as the Incident of Summary described earlier. Officer B added that as he attempted to control the crowd of people exiting the building, he heard a male voice behind him yell, "Stop resisting!" Officer B then heard two gunshots, and observed Subject 1 on the ground with blood coming from his chest area.

In a **digitally recorded interview** on 01 September 2011, at 0700 hours, **CPD Sergeant 2**, stated that he responded to a call of a person with a gun at 8004 S. Ashland Avenue. CPD Sergeant 2 arrived at the location and entered the building, when he heard two to three gunshots from the outside. CPD Sergeant 2 ran to the front of the building and observed Subject 1 on the ground. CPD Sergeant 2 removed the weapon from Subject 1's hands and placed it in his locked vehicle.

---

<sup>2</sup> The taser made close body contact.

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1046995/U #11-38

### CONCLUSION AND FINDINGS:

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'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 to inflict great bodily harm unless arrested without delay."

Officer A, Officer C, Officer B and CPD Sergeant 2 responded to a call of a man with a gun at 8004 S. Ashland Avenue. Upon the officer's arrival to the location, Subject 1 exited holding Witness 1 by the neck. Officers ordered Subject 1 to release Witness 1, but he failed to comply. Officers attempted to free Witness 1 by pulling on Subject 1's arms. During the struggle, officers were able to free Witness 1, however Subject 1 reached for a firearm from his waistband and pointed it at Officer D. Simultaneously, Officer D grabbed the barrel of the firearm as Officer C drive stunned Subject 1 with taser; however, Subject 1 retained the firearm, which was pointed at Officer D. Fearing for Officer D's safety, Officer A fired three (3) rounds from his weapon striking Subject 1 who was pronounced deceased.