

INDEPENDENT POLICE REVIEW AUTHORITY
LOG#1047054/ U#11-40

INVESTIGATION

NUMBER: LOG #1047054 / U#11-40

OFFICER #1

INVOLVED: “Officer A” (Chicago Police Officer); Male/Black; 31 years old; On-Duty; Civilian Dress; Year of Appointment – 2004

OFFICER #2

INVOLVED: “Officer B” (Chicago Police Officer); Female/Black; 29 years old; On-Duty; Civilian Dress; Year of Appointment – 2007

OFFICER #1

INJURIES: None reported.

OFFICER #2

INJURIES: None reported.

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

SUBJECT’S

INJURIES: One gunshot wound to left back with corresponding exit wound at right neck. One gunshot graze wound of left cheek. Treated at Christ Hospital. **DECEASED**

INITIAL

INCIDENT: On view Aggravated Battery with Handgun.

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

19 JUL 11, 0058 hours. 9204 South Justine (Rear yard).
Beat 2221.

SUMMARY OF INCIDENT:

On 19 June 2011, at approximately 0058 hours, Chicago Police Officers A and B, were assigned to Beat 0463F, a 004th District Tactical unit. On that date, that unit was assigned to an Area 2 Violence Suppression mission in the 022nd District. There had been two Homicides and several Aggravated Batteries in the vicinity of 92nd and Ashland (1600W). The officers were in civilian dress and operating a marked vehicle. Officer A was driving and Officer B was in the front passenger seat as they traveled northbound on Ashland Avenue between 91st Street and 92nd Street when they saw a large group of people on the sidewalk in front of a Harold's Chicken restaurant at 9151 South Ashland. Officer A heard gunshots and saw a black male (now known as the subject, Subject 1) firing a handgun at individuals in the group. Subject 1 turned, saw the officers approaching in their vehicle and ran south on Ashland then east on 92nd Street. Officer A followed, with Officer B still in the vehicle. While Subject 1 ran east on 92nd Street, he turned and pointed his weapon at the officers. Officer B, still in the vehicle, fired once through the open passenger side window at Subject 1 who then ran into an alley turning and pointing his weapon at the officers again. Officer B fired again at Subject 1; Officer A turned the squad car and entered the alley. When Subject 1 reached the rear of 9204 South Justine Street (1532W), he jumped onto a garbage can and then over the rear fence at that address, ultimately landing inside the fence. Officer A stopped the police vehicle behind the Justine address and Subject 1 pointed his weapon at Officer A. Officer A fired several times through the open driver's side window at Subject 1, who then ran east into a gangway. Officer A heard what sounded like something falling to the ground as Subject 1 ran into the gangway. Officer Alder got out of the police vehicle and ran to 92nd and Justine in an attempt to find Subject 1. Officer A got out of the vehicle and ran north in the alley to 92nd Street to check on Officer B, who he last saw at 92nd and Justine. Officer A returned to the rear of 9204 South Justine where he jumped over the rear fence and saw a semi-automatic pistol on the ground. Officer A heard Officer B yell, "Here he is!" Subject 1 had collapsed in the gangway. A Bryco Arms .380 semi-auto pistol was recovered from ground at the north side of the garage of 9204 South Justine. Subject 1 was transported to Christ Hospital for treatment of gunshot wounds to his body and neck where he died as a result of his wounds.

INVESTIGATION:

In his preliminary report, IPRA Investigator A related that on 19 July 2011, at approximately 0327 hours, CPD Deputy Chief A, the On Call Incident Commander, conducted a walk-through of the scene and described the incident based on preliminary information. CPD Deputy Chief A related basically the same account of the incident as that which appears in the Summary of Incident. During the walk-through, officers were guarding the subject's weapon where it had been located. Parts of what appeared to be a black cellular phone were on the ground, several feet from where Subject 1 collapsed. A yellow evidence marker had been placed where a discharged cartridge casing had been located along 92nd Street, west of the alley. Additional markers were on the ground along Ashland Avenue, indicating discharged casings from Subject 1's weapon. Evidence markers in the alley indicated the location of discharged casings from the officers' weapons. The officers' vehicle was still parked in the alley behind 9204 South Justine. That vehicle did not have an in-car camera. No external security cameras were identified at that time.

CPD Deputy Chief A stated that detectives spoke to some of the persons from the group into which Subject 1 fired his weapon. Those individuals said that Subject 1 wore a hood and said something to the effect of, "You got a cell phone?" He then began firing. Two of the individuals were wounded by the gunfire and were being treated at Little Company of Mary Hospital in Evergreen Park.

In a Standard Preliminary Investigation Report, IPRA Investigator B related that on 19 July 2011, at approximately 0326 hours, she responded to Advocate Christ Hospital in Oak Lawn. IPRA Investigator B met with 022nd District Tactical Officers who provided her with a copy of Subject 1's Drivers License. Doctor A informed IPRA Investigator B that Subject 1 arrived at the hospital on 19 July 2011, at approximately 0140 hours, and was pronounced dead at 0149 hours. Doctor A stated that Subject 1 sustained three gunshot wounds, two to the right side of his neck and one to the left side of his chest, and that she was unable to provide any additional information or determine if the wounds were through-and-through. Doctor A also indicated that no X-rays were taken at the hospital and that more concrete findings would be provided when Subject 1's postmortem examination was performed. IPRA Investigator B confirmed that a Gunshot Residue Collection Kit was administered to Subject 1. Viewing Subject 1's body, IPRA Investigator B observed what appeared to be two gunshot wounds to the right side of his neck¹ and one gunshot wound to the left side of Subject 1's body.

In a report on the Postmortem Examination of Subject 1, IPRA Investigator C related that on 19 July 2011, at 0750 hours, she attended the postmortem examination of Subject 1 at the Cook County Medical Examiner's facility. The Assistant Medical Examiner who performed the examination was Doctor B. Before the start of the examination of Subject 1's body, Doctor B examined the clothing that accompanied the body and discovered a bullet defect on the left side of a hooded sweatshirt, and a through-

¹ One similar in appearance to a graze wound.

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and-through defect in the left shoulder area of the same garment. Upon examining the body, Doctor B observed what appeared to be a gunshot wound on the right side of Subject 1's neck and a graze wound on his lower right jaw. Upon Subject 1's body being turned, IPRA Investigator C observed a gunshot wound to the left side of Subject 1's back. Doctor B stated that the wound to the left side of Subject 1's back was a wound of entrance, and that a corresponding wound of exit was located on the right side of Subject 1's neck with a graze wound of his lower jaw. Doctor B stated that the gunshot wound was through-and-through; he determined the cause of death as a gunshot wound, and the manner as homicide.

A canvass conducted by IPRA personnel resulted in no eyewitnesses to the shooting. [Citizen #1] of 9208 South Justine stated that she heard "3 big shots", but did not see any part of the shooting. [Citizen #2] of 9204 South Justine stated that she and her husband were sleeping and heard three or four shots, but did not see any part of the shooting.

The Chicago Fire Department (CFD) Emergency Medical Services (EMS) Incidents Record indicates that on 19 July 2011, CFD Ambulance #30 responded to 9204 South Justine Street, arriving at 0104 hours. The paramedics (CFD Paramedic A and CFD Paramedic B) found Subject 1's back leaning up against a gate with the back of his clothing hooked to the gate. Subject 1 was unresponsive and not breathing. His pupils were fixed and dilated. The paramedics noted a gunshot wound to the right side of Subject 1's neck, and a gunshot wound to the left side of his mid-back. He was bleeding from his mouth, nose, the gunshot wounds, and a laceration to his neck. Subject 1 was in PEA (Pulseless Electrical Activity)² and advanced life support was initiated. He was transported to the trauma unit at Christ Hospital in Oak Lawn; his condition did not change during the transport.

The medical records from Advocate Christ Medical Center indicate that Subject 1 was brought into the Emergency Room after multiple gunshot wounds. He had not had vital signs since about 30 minutes prior to his arrival. There was a large amount of blood in his airway, pooling in the back of his mouth. Continued attempts at resuscitation were unsuccessful and Subject 1 was pronounced dead at 0148 hours.

The Crime Scene Processing Reports, Evidence Technician photos and Crime Scene Video Tape depict the scene and surrounding area of the police-involved shooting; the location of recovered evidence; the subject, Subject 1 and an involved vehicle.

The **ME's Report of Postmortem Examination** of Subject 1 indicates that the examination was performed by Doctor B on 19 July 2011. The ME's Case Number is 300 July 2011. According to the external examination, there was evidence of medical treatment and four abrasions; one on Subject 1's mid-forehead, one on his right forehead, one on his anterior³ right leg, and two vertical healing abrasions on his right distal,⁴ anterior leg. There was a distant gunshot wound on Subject 1's left inferior⁵ back. The bullet caused internal damage that included the left lung, the aorta, trachea, and soft

² A type of cardiac arrest.

³ Situated toward the front.

⁴ Situated toward the outer area.

⁵ Lower.

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tissue. There was a corresponding shored⁶ exit wound on the right lateral neck. That wound was irregular, with torn edges and a surrounding abrasion ring. There was also a corresponding gunshot graze wound on Subject 1's right inferior cheek. The wound edges are abraded and there were two oblique linear abrasions inferior to the graze gunshot.⁷ Doctor B determined that Subject 1 died of a gunshot wound to the back. The manner of death is indicated as homicide. The results of the toxicological analyses for Subject 1 were negative for benzoylecgonine (cocaine), ethanol (alcohol), and opiates.

The Medical Examiner's (ME) photographs depict articles of Subject 1's clothing and Subject 1's body and wounds.

The related Department reports consisting of the General Offense Case Report; Detective Supplementary Reports; Tactical Response Reports (TRRs), and Officer's Battery Reports contain information that is consistent with the Summary of Incident. Detectives interviewed witnesses to Subject 1's shooting of two individuals at the original location of incident, but located no witnesses to the actual police shooting. The detectives also determined that there were no CPD POD cameras or private cameras in the immediate or surrounding area of the scene.

The Office of Emergency Management and Communications (OEMC) disk contained calls to 911 and OEMC/CPD radio transmissions. [Phone Caller] called to report hearing seven or eight shots, but having no more information. She later told detectives the same thing; she indicated that she did see anyone shooting.

A report from the Illinois State Police, Division of Forensic Services, dated 05 August 2011, indicates that caliber and rifling characteristics were unable to be determined for a fired bullet jacket fragment (Inventory #12370114); the fragment could not be identified or eliminated as having been fired from Officer A's weapon or Officer B's weapon.

Inventory #12370070 (35 fired .380 Auto cartridge cases) were fired from the same weapon, which was not either Officer A's weapon or Officer B's weapon. One case was compared with the IBIS database, however no identification could be made.

Inventory #12370204, a Sig Sauer Model 229, 9mm Luger semi-automatic pistol, serial #AFU01926 (Officer A's weapon) was examined, found to be in firing condition and test fired. It displayed rifling characteristics of six lands and grooves with a right hand twist. A magazine inventoried under the same number was used to test fire the weapon. Seven unfired 9mm Luger cartridges inventoried under the same number were examined for caliber and type.

Inventory #12370225, a Sig Sauer, Model P229, 9 mm Luger semi-automatic pistol, serial #AM61695 (Officer B's weapon) was examined, found to be in firing condition and test fired. It displayed rifling characteristics of six lands and grooves with a right had

⁶ An exit wound with an abraded margin, more commonly present in entrance wounds. These wounds result from the skin being supported by some firm surface, including clothing, at the time of exit.

⁷ The ME's photographs depict the neck/cheek wounds in relation to each other consistent with Subject 1 having his head tilted down on that side, providing the support for the neck that resulted in the shored wound.

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twist. A magazine inventoried under the same number was used to test fire the weapon. Thirteen unfired 9mm Luger cartridges inventoried under the same number were examined for caliber and type.

As of the date of this report, there has been no report completed by the Illinois State Police, Division of Forensic Services regarding Subject 1's weapon.

A report from the Illinois State Police, Division of Forensic Services, dated 10 April 2012 indicates that the Gunshot Residue sample recovered from the back of Subject 1's right hand indicated that Subject 1 discharged a firearm, contacted a PGSR⁸ related item, or had his right hand in the environment of a discharged firearm.

During a statement with the IPRA dated 20 July 2011, Officer A related that he was driving a marked vehicle, on a mission patrolling high priority locations in Area 2. As a result he and his partner Officer B, both assigned to the 004th District, were in the 022nd District. Northbound on Ashland Avenue (1600W) between 93rd Street and 92nd Street, Officer A saw a male (now known as Subject 1) firing a handgun in the direction of a crowd of people who were scattering. The crowd had been in front of a Harold's Chicken restaurant. Officer A and Officer B acknowledged that they had both seen Subject 1 firing toward the crowd and they headed in his direction. Subject 1 continued firing at the crowd, and eventually looked in the officers' direction. Subject 1 then fled on foot, eastbound on the sidewalk along 92nd Street. Officer A followed, driving a short distance behind Subject 1 who remained on the sidewalk. Subject 1 turned and pointed his weapon at the officers' vehicle. Officer B fired at Subject 1 once from the open front passenger side window. Officer A could not determine if Officer B's round struck Subject 1 who continued to run. Subject 1 turned south into an alley and Officer A continued to follow in the squad car. As Subject 1 reached the second house along the alley, he turned again in the direction of the officers with the weapon. Subject 1 turned back, jumped on a garbage can and then jumped over the rear fence at 9204 South Justine. Officer A pulled the squad car up to the fence over which Subject 1 had jumped. As Subject 1 landed on the other side of the fence, he turned again toward the officers with his weapon. Officer A fired seven times from the open driver side window of the squad car. Subject 1 ran further into the yard and out of Officer A's sight. Officer B got out of the squad car to attempt to cut off Subject 1's escape. Officer A lost sight of Officer B and also got out of the vehicle to locate his partner and determine her safety. Once he saw Officer B was safe, Officer A went back to the fence Subject 1 had jumped over. Officer A went over the fence in search of Subject 1. He found Officer B and Subject 1 at the front fence at 9204 South Justine. Subject 1 had negotiated the front fence, but had been caught somehow and was hanging on the opposite side of the fence, facing Justine Street. Officer B told Officer A that she was calling for medical assistance for Subject 1. Officer A saw blood on the ground, but no specific injury to Subject 1. Subject 1 did not exhibit any signs of life. His weapon was recovered from the ground by the garage behind 9204 South Justine.

During a statement with the IPRA dated 20 July 2011, Officer B related that she was a passenger in the marked squad car being driven by Officer A. As they traveled

⁸ Primer Gunshot Residue.

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northbound on Ashland Avenue, Officer B saw a black male (now known as Subject 1) start firing shots into a crowd on the street. Subject 1 glanced in the direction of the officers in their vehicle and immediately fled eastbound on 92nd Street on foot. The officers remained in their vehicle and followed Subject 1 who turned as he was running and pointed his weapon at the squad car. Officer B stuck her weapon through the open passenger side window and fired one shot at Subject 1 on the sidewalk. Subject 1 continued to run – toward the first alley and at one point quickly turned his torso and pointed his weapon at the officers again as the squad car turned into the alley. Subject 1 jumped over the rear fence at 9204 South Justine, continued to run and turned, pointing his weapon at the officers again. Officer A fired seven times at Subject 1 from the driver's seat of the squad car, through the open driver's side window.

Officer B got out of the squad car and attempted to cut Subject 1 off on foot because he had continued to run. She ran around to Justine Street and after not seeing him initially, found him hanging by his shirt from a fence that led to the backyard of 9204 South Justine. Officer B could see blood on the face of Subject 1 who was still breathing. She radioed for medical assistance. Officer A discovered Subject 1's weapon in the rear yard in the area of the gangway.

CONCLUSION AND FINDINGS:

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

The officers' use of deadly force was justified by several criteria. They fired at Subject 1 in fear for their lives after he pointed his weapon at them several times. Just prior, they saw Subject 1 fire a weapon into a crowd of people and upon seeing the officers, flee on foot with the weapon still in his possession. Given the circumstances, it was reasonable for them to believe that Subject 1 was attempting to defeat his arrest by resistance or escape after committing a forcible felony which involved the infliction of physical force likely to cause death or great bodily harm, that he was attempting to escape by the use of a deadly weapon, and that his actions indicated that he would endanger human life or inflict great bodily harm unless arrested without delay.

The Reporting Investigator chose not to pursue several avenues initially considered during the course of this investigation. Interviews with Subject 1's victims and witnesses to their shootings were not obtained as it was determined in the criminal investigation that Subject 1 was the offender and that the victims and witnesses to the shootings were

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not witnesses to the officer involved shooting. Early in the investigation, the CTA was contacted regarding a bus that may have been passing at the time Subject 1 shot the people on the street. The Reporting Investigator did not pursue that avenue for the same reason as the victims/witnesses related to Subject 1 shooting into the crowd.