

**INVESTIGATION**

**NUMBER:** Log #1047231 / U #11-42

**OFFICER**

**INVOLVED:** “Officer A” (Chicago Police Officer); Male/Black; 34 years old;  
On-Duty; Full Uniform; Year of Appointment – 2000

**OFFICER’S**

**INJURIES:** None Reported

**SUBJECT:** “Subject 1”; Male/Black; 13 years old

**SUBJECT’S**

**INJURIES:** Eight (8) total gunshot wounds, with indication of four (4) through  
and through strikes.

**LOCATION:** 1007 N Kedvale Ave

**DATE/TIME:** 25 July 2011, at approx. 2257 hours

## **SUMMARY OF INCIDENT:**

This investigation, in conjunction with information gained through Chicago Police Department records, revealed the following.

On 25 July 2011, at approximately 2257 hours, Officer B (driver) and Officer A (passenger) were on duty, in full uniform, assigned to Beat 1141, when they responded to a person with a gun call in the area of 1007 N. Kedvale Avenue.

OEMC broadcasts were issued concerning a black male, wearing a white tee shirt and black pants, who was shooting out car windows in the vicinity of the 4200 block of Walton Street. As the officers arrived in the area they observed a black male, now known as Subject 1, wearing a white tee shirt and black pants, walking east towards Keeler Avenue. As Subject 1 fit the description of the suspect in the 911 calls, the officers attempted to field interview him.

As Officer B and Officer A exited their squad car, Subject 1 fled on foot. Officer A pursued Subject 1 on foot while Officer B re-entered the squad car, and paralleled the foot pursuit. Officer B informed the OEMC dispatcher that they were in pursuit of the suspect and that the suspect was holding his waistband as he ran.

As Subject 1 reached a grassy area on the east side of Kedvale Avenue he pulled a black semi-automatic handgun (later found to be a replica BB gun) from his waistband, and turned to point it at Officer A. Officer A stopped, ordered Subject 1 to “drop the gun,” and also yelled, “don’t do it.”

Subject 1 raised his arm, pointing the firearm in the direction of Officer A. At that time, Officer A fired six (6) rounds from his service weapon. Subject 1 fell to the ground, dropping his weapon as he did so. Officer B then approached the fallen Subject 1, handcuffed him, and requested medical attention and additional police personnel.

Officer A would later relate that he was approx. 10-15 feet away from Subject 1 at the time he fired his weapon, and was in fear for his safety. Both Officer A and Officer B would later relate that throughout Officer A’s course of fire, Subject 1 continued to point the weapon at Officer A; it was only after the final shot that Subject 1 dropped his weapon.

Subject 1 was transported to Stroger Hospital, where he was treated for eight (8) gunshot wounds. It was later found that Subject 1 was struck in the right lower leg (through and through), right thigh (through and through), right hand (through and through) and across his back (through and through).

The weapon belonging to Subject 1 was found to be an Elite II CO2 pistol. Though said weapon is an air powered pellet gun, it is noted that it is an exact replica of a black in color Beretta 9mm pistol. The item is licensed by Beretta, bears markings identical to the

Beretta pistol, and has no safety markings (orange or yellow components) that would make it distinguishable from an actual 9mm handgun.

Physical evidence, eyewitness testimony, and admissions by Subject 1, were gathered following this shooting. The evidence shows that Subject 1 had shot out the window of a passing vehicle, and shot out windows of the Brian Piccolo School. These actions had been reported to OEMC, and led to the officers responding.

Subject 1 was charged with Aggravated Assault to a Police Officer, Aggravated Assault, Criminal Damage to a Vehicle, and Criminal Damage to Property.

## **INVESTIGATION:**

The **Department Reports** list Subject 1 as the offender in this event. The reports further indicate that Subject 1 was shot by CPD Officer A after he (Subject 1) pointed a pistol at Officer A. The Departmental reports are consistent with the summary within this report and the statements provided by the involved officers.

The **Medical Records from Stroger Hospital** indicates that Subject 1 had sustained four (4) through and through gunshot wounds, resulting in eight (8) total injuries. Subject 1 was shot in the right lower leg, the right thigh, and the right hand. Subject 1 also had a gunshot wound to his left mid back, and a second wound to his right shoulder. Subject 1 was treated and released into police custody.

The **Tactical Response Reports (TRR'S)** completed by Officer A documented that Subject 1 "did not follow verbal direction," "fled," was an "imminent threat of battery," "attacked with weapon," and "used force likely to cause death or great bodily harm" with a "weapon." The Officer responded with "member presence," "verbal commands," and the use of his "firearm."

The **Officers Battery Report** completed by Officer A documented that he received no type of injury; though Subject 1 pointed his firearm at him.

The **OEMC reports** were collected and made part of this case file. An analysis of said documents shows no information that is inconsistent with the facts as related by the involved and witness officers.

**IPRA Investigators conducted canvasses** in an attempt to locate additional witnesses and/or evidence.

**Witness 1 was interviewed by IPRA investigators during the canvass.** Witness 1 advised that he lives at XXXX Kedvale Avenue and was being dropped off in front of the home when this event occurred. Witness 1 stated that he observed Subject 1 fleeing from police officers. Witness 1 advised that he was exiting his girlfriend's car when the police officer began firing his weapon. Witness 1 advised that he did not see a firearm on or about Subject 1's person.

Witness 1 was asked several times if he heard Officer A, or Subject 1, say anything prior to, during, or after the shooting. Witness 1 at first denied hearing anything; he would later state that Subject 1 may have been yelling something, but that he (Witness 1) was not able to clearly understand what was being said. At a later point in the interview, Witness 1 claimed that Subject 1 was yelling something to the effect of "help," though he could not articulate exactly what he had heard.

**Illinois State Police Forensic Science Laboratory Reports** document that the Elite II pellet gun possessed by Subject 1 was examined for latent prints; no prints suitable for comparison were recovered.

An **attempt to interview Subject 1** was made through his attorney, Attorney A; permission to interview Subject 1 was denied under any and all circumstances.

**Evidence Technician photographs** of the scene were obtained and made part of this case file. Evidence Technician photographs documented the scene and are consistent with the information officers related in their statements. It is specifically noted that Subject 1's firearm was recovered in a grassy area within close proximity to where Subject 1 fell after being shot. It is further noted that the pictures depict a firearm that is identical to a Beretta 9mm pistol, without marking or indication to suggest that it is actually a pellet gun.

In an **audio recorded statement to IPRA, Officer B** related the facts concerning his involvement in this event in a manner consistent with the Departmental Reports and the Summary contained within this report.

Officer B related that he was approximately 10-15 feet behind Officer A when he observed Subject 1 pull the firearm from his waistband. Officer B related that Subject 1 turned towards Officer A and pointed the weapon at him. Officer B related that Officer A yelled, "drop the gun" and "don't do it" before firing his weapon at Subject 1.

Officer B related that Officer A was approximately 10 feet away from Subject 1 when the shots were fired. Officer B related that Subject 1 was pointing his weapon at Officer A throughout the course of the gunfire, and did not drop the weapon until after Officer A fired his last shot.

In an **audio recorded statement to IPRA, Officer A** related the facts concerning his involvement in this event in a manner consistent with the Departmental Reports and the Summary contained within this report.

Officer A related that as he was pursuing Subject 1 on foot he continuously announced "Chicago Police!" "Drop the gun!" and, "Don't do it!"

Officer A related that Subject 1 pulled a firearm from his waistband, turned towards Officer A, and leveled the firearm in Officer A's direction. At that time, Officer A fired three (3) times at Subject 1. Subject 1 began to turn and move to his right, at which time Officer A also moved in a parallel path as Subject 1. Officer A related that Subject 1 was still holding the pistol, as he took this evasive action. At that time Officer A fired (3) more rounds at Subject 1. As Subject 1 fell to the ground he yelled out in pain.

Officer A related that he was in fear for his life and the life of his partner at the time he fired upon Subject 1.

Officer A related that throughout his course of fire Subject 1 continued to hold the firearm in his right hand.

## CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A was **Justified** and 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 or inflict great bodily harm unless arrested without delay."

The available evidence shows that Subject 1 used a 9mm replica pellet gun to shoot out the windows of a passing motorist, and a neighborhood school. When responding officers came in contact with Subject 1 he fled on foot. During the foot pursuit Subject 1 turned towards Officer A and pointed his weapon at the officer. Officer A, reasonably believing the firearm to be an actual pistol, fired his service weapon at Subject 1 six (6) times, striking him four (4) times.

An analysis of the medical records from Stroger Hospital regarding Subject 1's wounds was conducted as part of this investigation. Subject 1 was struck four (4) times, resulting in eight (8) total wounds (four entries, and four exits).

Subject 1 was struck in the palm of his right hand between his middle and long finger, with an exit at the back of his hand.

Subject 1 was struck in the right shoulder, with the wound tracking across his back and the projectile exiting in the middle of his back.

Subject 1 was also struck in the mid posterior of his right thigh and right lower leg, with the corresponding exit wounds on or about the mid anterior of his right thigh and shin, respectively.

The trajectory of the projectiles as they struck Subject 1 suggests that he was turned with his right side facing Officer A, with his right hand extended.

The analyses of the wounds to Subject 1, in combination with the additional physical evidence, are consistent with the statements provided by Officer A and Officer B.

Subject 1 refused to cooperate with the investigation conducted by IPRA, but did admit to medical personnel at Stroger Hospital that he had been shooting a pellet gun at a car, and at a school, when the police arrived and chased him.

Officer A was in accordance with the statute “to prevent death or great bodily harm to the sworn member or to another person” because he reasonably believed his life was in danger when Subject 1 lifted his arm with a weapon and pointed it in his direction.

The reports document that there was a high likelihood that Officer A was reasonably in fear of “great bodily harm” described in the statute if Officer A did not stop the threat by discharging his weapon.