

Independent Police Review Authority
Log#1048015 / U #11-46

INVESTIGATION

NUMBER: Log #1048015, U# 11-46

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Male/White; 34 years old;
On Duty; In Uniform; Year of Appointment – 2003

OFFICER’S

INJURIES: None reported.

WITNESS

OFFICER #1: “Officer B” (Chicago Police Officer); Male/White; 34 years old;
On Duty; In Uniform; Year of Appointment – 2003

WITNESS

OFFICER #2: “Officer C” (Chicago Police Officer); Female/Hispanic; 31 years old;
On Duty; In Plain Clothes; Year of Appointment – 2004

WITNESS

OFFICER #3: “Officer D” (Chicago Police Officer); Male/Hispanic; 47 years old;
On Duty; In Plain Clothes; Year of Appointment – 1997

WITNESS

SERGEANT: “Officer E” (Chicago Police Sergeant); Male/White; 33 years old;
On Duty; In Plain Clothes; Year of Appointment – 2000

SUBJECT: “Subject 1”; Male/Black; 34 years old

SUBJECT’S

INJURIES: (1) Gunshot wound that went through-and-through the right elbow and
bicep. Transported to Stroger Hospital. Condition: Non-Fatal

DATE/TIME

OF INCIDENT: 26 AUG 11, 0240 hours

LOCATION:

2200 W. Van Buren
Beat 1211

SUMMARY OF INCIDENT:

On 26 August 2011, at approximately 0240 hours, Beat 131R, Officer F, and Officer G, responded to a call of a DUI driver at Clark and Polk Street. The officers arrived and observed a black male subject, now known as Subject 1, sleeping in the drivers' seat of a red Jeep Grand Cherokee, license plate number LXXXXXX, while still in the intersection. Officer G approached the driver's side of the Jeep with his weapon drawn and Officer F approached the passenger side of the Jeep. Officer G ordered Subject 1 out of the Jeep and Subject 1 did not comply. Officer G opened the driver's side door of the Jeep and observed that Subject 1 had a firearm that was sitting on the center console. Officer H and Officer I arrived on the scene in Beat 1880A, an unmarked Chevy Tahoe. As the officers attempted to get Subject 1 out of the vehicle, Subject 1 awoke and drove off in the Jeep. Officer F radioed dispatch and reported that Subject 1 had a firearm in the vehicle and that he had just fled from the officers. Officer G and Officer F in Beat 131R entered their fully marked Chevy Tahoe and began to pursue Subject 1 behind Beat 1880A. Both squad cars had their emergency equipment activated while attempting to get Subject 1 to stop his vehicle. Subject 1 eventually traveled onto the Eisenhower Expressway as pursuing officers continued to relate information over the radio. Beat 131R continued to pursue the Jeep but eventually lost sight of the Jeep and Beat 1880A. Moments later, Beat 110R called off the pursuit for all 1st District units. Beat 131R exited the expressway at the California Exit and began to drive back towards the first district.

Officer B and Officer A in Beat 925R, a marked squad car, were on Madison Street and Oakley Avenue when they observed the red Jeep traveling east bound on Madison Street. Officer B in Beat 925R activated the emergency lights and attempted to pull over the Jeep. The Jeep continued to flee eastbound on Madison Street and then southbound on Seeley Avenue. Once on Seeley Avenue, the Jeep turned onto Monroe Street going westbound and then turned onto Leavitt Street going southbound. The Jeep started to travel at a slow rate of speed on Leavitt Street because the Jeep's front passenger side tire became flat.

Officer D and Officer C in Beat 1006DR observed the red Jeep on Leavitt Street. Beat 1006DR began to pursue the Jeep and took up a position behind Beat 925R. When the red Jeep reached the corner of Leavitt and Van Buren Street, Officer B and Officer A drove their squad car (Beat 925R) alongside the Jeep because they believed the Jeep was going to stop. Subject 1 steered the Jeep towards Officer B and Officer A's squad car striking the front bumper. The Jeep then made a right turn going westbound on Van Buren and came to a stop near 2200 W. Van Buren Street. Beat 925R stopped in front of the Jeep at an angle and Beat 1006DR stopped along side the Jeep. Beat 5410, an unmarked squad car driven by Detective Officer E, arrived on the scene and stopped behind the Jeep. Officer E's vehicle was positioned on the northwest corner of Leavitt Street and the other vehicles were positioned on the northwest corner of Van Buren Street.

The officers exited their squad cars and approached the Jeep. Officer A approached the front passenger side door of the Jeep while Officer B, Officer D and Officer C approached the driver's side. Officer E approached the rear of the Jeep. As Officer A approached the passenger side of the Jeep, he observed the front passenger side window down and Subject 1 with a weapon in his right hand. Officer A yelled, "Gun!" Subject 1 raised the gun with his right hand and Officer A fired his weapon once striking Subject 1 in his right arm. Officer C attempted to break the

driver's side window of the Jeep but was unsuccessful. Officer D then broke the driver's side rear window of the Jeep with his ASP so he could unlock and open the front driver's side door. Subject 1 was then removed from the Jeep and taken in to custody. A Magnum Research Inc. Desert Eagle 9mm semi-automatic pistol was recovered from the drivers' side floorboard in the Jeep. Subject 1 was transported to John Stroger Hospital in stable condition with a single gun shot wound to his right arm.

INVESTIGATION:

The **Department Reports** related that Subject 1 was arrested for numerous traffic violations including fleeing and eluding the police as well as being an armed habitual criminal, armed violence with a weapon and possession of a controlled substance. The narrative indicated that during the course of a vehicle pursuit Subject 1 was observed committing various traffic violations. Subject 1 was placed into custody after his vehicle came to a stop and he pointed a 9mm semi automatic pistol at Officer A. Subject 1 was transported to Stroger Hospital and was found to have a blood alcohol concentration level of .123 and a urine concentration level of .137. During a custodial search, the arresting officers recovered a plastic baggie containing an off white, rock like substance, suspected to be crack cocaine. (Att. #5)

A **Tactical Response Report** completed by **Officer A** documented that Subject 1 "did not follow verbal direction", was an "imminent threat of battery", "attacked with weapon", and "used force likely to cause death or great bodily harm" with a "weapon." Officer A responded with "member presence", "verbal commands", and the use of his "firearm". (Att. #9)

The **Officers Battery Report for Officer A** documented that Officer A did not receive any type of injury. The report documented that Subject 1 pointed his firearm at Officer A. (Att. #10)

The **Chicago Fire Department Ambulance Report** documented that Subject 1 was in custody and located in the rear of a Chicago Police squad car when paramedics arrived at the scene. The narrative stated Subject 1 appeared to have two gun shot wounds to the upper right arm and swelling with crepitus noted. The Chicago Fire Department also documented in their report that Subject 1 was shot by the police during a vehicle pursuit. (Att. #80)

A **certified letter** to Subject 1 detailing that IPRA is conducting an investigation into the police involved shooting involving Subject 1. (Att. #44)

On 14 October 2011 at approximately 1030 hours, the R/I visited **Cook County Jail** and attempted to interview Subject 1. Subject 1 indicated that he wanted his attorney present before answering any questions. Subject 1 stated that his attorney is Attorney A and can be contacted at (773) 251-0022. (Att. #61)

On 17 October 2011 at approximately 0946 hours, the R/I attempted to contact Subject 1's attorney, **Attorney A** via telephone. The R/I left a voicemail and asked Attorney A to return his call at his earliest convenience. Attorney A failed to contact the R/I in regards to this investigation. (Att. #62)

Medical Records for Subject 1 from Stroger Hospital (Medical record #4729348) documented that Subject 1 was admitted on 27 August 2011 for a gun shot wound to his upper right arm. The records listed Subject 1's date of birth as XX September 19XX. Upon admission into the hospital, Subject 1 was examined for a gun shot wound to upper right extremity by Doctor A. The examination determined that Subject 1 had a gun shot wound to the proximal, medial right upper extremity and a wound to lateral upper extremity. Subject 1 remained at the hospital until he was discharged on 12 October 2011. (Att. #80)

A **Canvass** was conducted on 26 August 2011 near the location of 400 S. Leavitt. The Canvass documented that no residents in the area witnessed the incident in question. (Att. #14)

Crime Scene Processing Report #171283 documented items inventoried and photographs obtained by the Evidence Technicians at the scene. The report also documented that Officer A's firearm was recovered and swabbed in the presence of OCIC A, FOP A and CPD Detective 1 in the rear of CPD vehicle #6791. The Evidence Technicians relocated to Stroger Hospital where Subject 1 was photographed for identification purposes, and to document the wound to his right arm. Subject 1's clothing was also recovered and inventoried during this time. The report was submitted by Officer J. (Att. #11)

Evidence Technician Photographs documented pictures of the scene where the shooting occurred and pictures of Subject 1. The pictures of Subject 1 documented what appeared to be a gunshot wound just above his right elbow and an exit wound to the inside of his right bicep. The photographs of Subject 1 and the scene were obtained by Evidence Technician 1 and Evidence Technician 2. (Atts. 31-32)

The **Traffic Pursuit Report (HT466311)** documented that a pursuit was initiated at 0232 hours at the location of 730 South Clark Street and concluded at 0240 hours at 2200 West Van Buren. The report documented that Beats 131R, 1880A and 4080 pursued Subject 1 for Unlawful Use of Weapon and Driving Under the Influence. The report indicates that the top speed during the pursuit was 80 mph's. Officer G completed the report and related in the narrative that the responding officers were aware that the offender had a firearm and appeared drunk; therefore the officers felt that the initiation and continuation of the pursuit was justified. Officer G further related that the immediate apprehension of the offender was necessary because of the danger he posed to the community. (Att: 73)

Illinois State Police Forensic Science Laboratory Reports documented under Lab Case #C11-037388 that Officer A's firearm was tested and found to be in proper working condition. The unfired cartridges were analyzed for caliber and type only. The firearm recovered from Subject 1's vehicle was tested and found to be in proper working condition. The unfired cartridges were analyzed for caliber and type only. The lab analyzed 0.7 grams of a white chunky substance that was found in the possession of Subject 1. The white chunky substance was found to be cocaine. (Att. #71, 72)

Surveillance video obtained from **Crane High School** failed to document the incident under investigation. (Att. 20)

A search of **Police Observation Devices (PODS)** found that PODS #259, #365, #704, #705, #741 and #2218 recorded different parts of the pursuit throughout the city. The footage documented a red Jeep driving at a high rate of speed followed by several marked and unmarked Chicago Police squad cars with their emergency lights activated. The PODS failed to capture the police involved shooting at the conclusion of the chase. (Atts. 46-51).

The related **OMEC Event Queries** documented officers were called to the area of Clark and Polk Street in the first district for a DUI driver, man slumped over the wheel at the intersection. Units arrived and found a man sleeping in the drivers' seat and a gun on sitting on the center console. The transmissions related that a traffic pursuit then ensued. At 0247 hours a police officer reported shots fired by the police at Leavitt and Van Buren. The officer reported that no police officers were injured at the scene. At 0250 hours a police officer reported that the offender was shot once and an ambulance was needed at the location. (Att. 15, 63)

The **Detectives Supplementary Report** documented that on 26 August 2011; at approximately 0235 hours the reporting detectives monitored Chicago Police Zone 13 and heard a police chase emanating from the 001st District. The reporting detectives heard that the offender had entered and exited the Eisenhower Expressway (I-290) as he was being pursued by Chicago Police Officers and eventually was stopped at the intersection of Van Buren and Leavitt. The reporting detectives heard that a Chicago Police Officer had discharged his weapon at that location and upon hearing the transmission, the reporting detectives preceded immediately to the scene.

After arriving at the scene, the reporting detectives learned that the driver and sole occupant of the vehicle was identified as Subject 1. Subject 1 was operating a red Jeep Grand Cherokee that was present on Van Buren Street about 20 feet west of Leavitt. The reporting detectives observed that the front passenger tire was missing and that the vehicle was resting on the rim. The reporting detectives further observed that the front passenger's door window was down. The driver's door window was cracked but still intact. The driver's side rear door window was shattered. The reporting detectives observed a single .45 caliber casing on the sidewalk just north of the Jeep. The .45 caliber casing was recovered in the immediate vicinity of where Officer A discharged his weapon. The report documented that Beat 925R a marked Chicago Police squad car and was occupied by Officer A and Officer B. The reporting detectives observed Beat 925R parked in front of the Jeep, blocking it in. Beat 1006DR, an unmarked vehicle was occupied by Officer D and Officer C. The reporting detectives observed Beat 1006DR parked parallel to the Jeep. Beat 5410, an unmarked vehicle driven by Officer E was parked on the west side of Leavitt facing south.

A parking lot for Richard Crane High School is located on the northwest corner of Leavitt and Van Buren. The Highway Church of God is located on the northeast corner of Leavitt and Van Buren. The building was found to be unoccupied during this incident.

On the east side of Leavitt Street, from Van Buren to Jackson, were numerous two and three story residences. These units were subsequently canvassed for any and all possible witnesses. No eyewitnesses were located.

A fully loaded Magnum Research Inc. Desert Eagle 9mm semi-automatic handgun with a 4 inch barrel was located inside the Jeep and recovered by Evidence Technicians. The weapon was loaded with 15 live "F C 9mm Luger" rounds.

It was documented that Chicago Fire Department Ambulance #41 arrived on scene and treated Subject 1. Subject 1 was treated for a single gun shot wound to the right arm that went through and through. Subject 1 was transported by Ambulance #41 to Stroger Hospital for treatment.

At approximately 0320 hours, Subject 1 waived his rights and agreed to be interviewed. Subject 1 stated to the Reporting Detectives that he had a gun because he was shot in February. Subject 1 related that he did not want to go to jail so he fled from the Police because he had the gun. Subject 1 stated that he was trying to throw the gun out of the passenger window when he was shot by one of the officers. Subject 1 denied drinking and refused to inform the detectives where he was prior to this incident. The interview was then paused due to medical staff continuing to treat Subject 1 for his injuries. At 0430 hours, the interview continued. Subject 1 expressed that he wanted his attorney present and the questioning stopped.

Because the initial "911" call was for an intoxicated driver who was asleep at the wheel at a red traffic light, a blood and urine alcohol level test was ordered. Subject 1 consented to the test and provided blood and urine to the medical staff. It was determined that Subject 1's blood test level was .123 and his urine test was .137.

The Reporting Detectives obtained statements from Officer A and Officer Alainz at the scene. The remaining witness Officers provided statements at Area Four Detectives Division. All of the officer's statements corroborated the statements given to the Independent Police Review Authority. (Att. 77, 78)

A related Civil Suit, Subject 1 V. City of Chicago and Officer A (1:12 CV 06815) documented that Subject 1 posed no danger, or threat of danger, to Officer A. The civil suit documented that Subject 1 was shot by Officer A without justification and at the time of the shooting, Subject 1 was unarmed and sitting in his vehicle. It further documented that Subject 1 suffered injuries and bodily harm due to the manner in which he was treated at the time of his arrest. At the time of this report there were no available depositions. Subject 1 failed to cooperate with the R/I's investigation and no affidavit was received. (Att. 79)

In an audio recorded statement to IPRA, Officer A stated that he was on duty, in full uniform and assigned to beat 925R. Officer A stated that he was partnered with Officer B, who was driving their marked squad car. Officer A stated that they were monitoring the radio and heard the call of a pursuit in progress with a confirmed weapon inside the vehicle. Officer A stated that he and Officer B began traveling in the direction of the pursuit. Officer A stated that at some point they observed the Jeep traveling at a high rate of speed eastbound past their location. Officer A stated that he provided details over the radio to let the other units know the direction the Jeep was traveling in and then began to pursue the Jeep. Officer A stated that they followed the Jeep throughout the area and eventually headed west on Harrison. Officer A stated that the Jeep was traveling at a high rate of speed to the point that they couldn't keep up with it. Officer A stated that he observed the Jeep drive towards flashing blue lights on Harrison and then those

squad cars picked up the pursuit. Officer A stated that he heard over the radio that the Jeep traveled on to the expressway and then exited quickly and was heading eastbound on Madison. Officer A stated that he and Officer B re-located to Madison Street, but could not recall the cross street. Officer A observed the red Jeep travel past them going eastbound at a high rate of speed. Officer A stated that they began to follow the red Jeep down Madison. Officer A observed the red Jeep enter a section of Madison where the road was under construction. Officer A stated that he observed a cloud of smoke and then the tire tread on one of the Jeeps tires separate from the wheel. Officer A stated that at this point the Jeep began to slow down. Officer A stated that they followed the Jeep southbound on Seeley then westbound on Monroe. Officer A stated that the Jeep turned to go southbound on Leavitt and then started to come to a stop. Officer A and Officer B pulled up towards the Jeep at which time the offender turned the wheel to the left, hit the accelerator and struck the front of the squad car. Officer A stated that the Jeep turned westbound onto Van Buren and came to a stop. Officer A related that Officer B stopped their squad car towards the front of the Jeep. Officer A stated that he exited the passenger side of the squad car and walked to the passenger side of the Jeep with his gun drawn, while Officer B walked to the driver's side of the Jeep with his gun drawn. Officer A stated that as he approached the Jeep, he observed the front passenger window to be down and a male black, now known to be Subject 1, sitting in the driver's seat with his hand between his legs holding a black and silver handgun. Officer A stated that he repeatedly ordered Subject 1 to drop the gun, but Subject 1 did not comply. Officer A observed Subject 1 pick the gun up and began to point it in his direction. Officer A related that he fired one round from his firearm when Subject 1 began to point his firearm in his direction. (Att. 64)

In an audio recorded statement with IPRA, Officer B related that he was on duty, in full uniform, working first watch with his partner, Officer A. Officer B stated that he and Officer A were assigned to Beat 925R and were on routine patrol when they heard a call on the radio of a person with a gun driving a red Jeep down I-290. Officer B stated that he and Officer A were on Pershing and California and began to drive northbound to assist in the pursuit. Officer B related that the red Jeep drove past their location, however he was unable to recall which street or intersection. Officer B stated that they began to pursue the vehicle and drove west on Harrison behind the red Jeep, but were unable to keep up with it. Officer B stated that he drove northbound and eventually met up with the red Jeep and continued to pursue it. Officer B stated that he observed the red Jeep slow down because of a flat front right tire. Officer B stated that he stopped his squad car along side of the Jeep at which point the Jeep swerved and hit the front bumper of their squad car and then continued to slow down. Officer B related that he sped up and pulled slightly in front of the Jeep. Officer B stated that he and Officer A exited their squad car and approached the Jeep with their firearms drawn. Officer B stated that he approached the driver's side of the Jeep and Officer A approached the passenger side of the Jeep. Officer B stated that two plain clothes officers arrived and approached the driver's side of the Jeep with him. Officer B stated that they attempted to open the driver's side door; however, they were unable to get it open. Officer B stated that he announced his office and told the offender to open the door, however, the offender failed to comply. Officer B stated that he holstered his weapon and attempted to open the driver's door. Officer B stated that he then heard a gunshot and saw Officer A back away from the passenger side door. Officer B stated that he ran to the passenger side door, opened it and observed the two plain clothes officers attempt to remove the offender

from the vehicle by opening the driver's side door. Officer B stated that he got in the Jeep and assisted the other officers by pushing the offender out of the vehicle. (Att 65)

In an audio recorded statement with IPRA, Officer C related that she was in plainclothes working with Officer D in an unmarked vehicle. Officer C stated that she was seated in the front passenger seat of the unmarked vehicle. Officer C stated that she and Officer D were heading westbound on I-290 when they observed the red Jeep enter the expressway at Sacramento traveling at a high rate of speed. Officer C stated that they started to follow the Jeep. Officer C stated that they exited at Homan Ave. and continued westbound on Congress. Officer C observed the Jeep turn northbound on Mallard. Officer C related that they turned onto Central Park and then ended up back behind the Jeep on Madison. Officer C stated that they turned southbound on to Leavitt and observed the Jeep slowing down almost to a stop. Officer C observed a marked squad car between them and the Jeep. Officer C observed that one of the Jeep's tires was now flat. Officer C related that the Jeep came to a slow stop and the marked squad car pulled along side of the Jeep. Officer C stated that the Jeep then struck the passenger side of the squad car and turned onto Van Buren. Officer C observed the marked squad car drive in front of the red Jeep and stop on an angle. Officer C stated that she and Officer D stopped directly alongside the Jeep and exited their vehicle. Officer C indicated that she approached the driver's side door, with her gun drawn, and attempted to open it. Officer C related that she gave orders to the offender to open the door and show his hands. Officer C stated that she observed the offender holding a gun in his right hand at which point she heard her partner yell "gun" and then heard a single gun shot. Officer C stated that she then attempted to break the driver's side front window with her asp, but was unable to do so. Officer C stated that Officer D was able to break the rear driver's side window and unlocked the driver's door. Officer C stated that the offender, now known as Subject 1, was taken out of the vehicle, placed on the ground and handcuffed. Officer C observed a handgun on the floorboard of the driver's side of the Jeep. (Att. 66)

In an audio recorded statement with IPRA, Officer D related that he was working in plainclothes, in an unmarked squad car and was assigned to beat 1006DR. Officer D stated that he was working first watch with Officer C. Officer D indicated that he was the driver of the squad car. Officer D related that he heard a call on the radio of a person with gun in a red Jeep. Officer D stated that they initially entered I-290 eastbound and then turned around and traveled westbound. While traveling westbound the Jeep passed their squad car near Sacramento and Officer D and Officer C started to follow it. Officer D stated that the Jeep exited at Homan and then went eastbound on Madison. Officer D indicated that the Jeep was traveling at a high rate of speed and they were unable to keep the vehicle in sight. Officer D stated that he regained sight of the Jeep on Millard, one block west of Central Park. Officer D indicated that he was at least a block to a block and half behind the Jeep and observed other units join the pursuit in front of him at various intersections. Officer D related that he lost sight of the Jeep, but continued to monitor the radio and heard a unit indicate that the Jeep was passing Western on Madison heading eastbound. Officer D turned southbound and observed the Jeep drive in front of him followed by a marked squad car. Officer D stated that he began to follow the marked squad car. Officer D indicated that they turned southbound on Leavitt and he noticed that the Jeep had a flat tire because the car was leaning towards one side. Officer D stated that the Jeep started to slow down and the marked squad car pulled along side of it. Officer D observed the Jeep strike the

front passenger side of the marked squad car and then continued to westbound on Van Buren. Officer D stated that the Jeep came to a complete stop after turning onto Van Buren. Officer D stated that the marked squad car stopped in front of the Jeep and Officer D parked his along side of the Jeep. Officer D stated that he and Officer C exited their vehicle and approached the Jeep. Officer D indicated that they announced their office and ordered the offender out of the vehicle; however the offender failed to comply with their orders. Officer D related that when he attempted to open the driver's side door he observed the offender with a silver handgun. Officer D yelled "gun" and then backed away from the door. Moments later, Officer D stated he heard a pop. Officer D stated that he and Officer C attempted to break the driver's side window with their asps, but were unable to so. Officer D stated that he then broke the rear driver's side window and yelled into the vehicle for the offender to open the door. The offender, now known as Subject 1, unlocked the door and Officer D opened the door and pulled Subject 1 out of the vehicle. Officer D stated that Subject 1 was placed on the ground, handcuffed and then placed into a squad car. (Att. 67)

In an audio recorded statement with IPRA, Officer E related that he was on duty in plainclothes in Beat 5410 on the morning of the incident. Officer E stated that he was monitoring a police chase while he was conducting duties at an unrelated crime scene. Officer E stated that he left the unrelated crime scene to assist in the pursuit and was traveling eastbound on Monroe and observed a red Jeep traveling westbound near Monroe and Leavitt. Officer E stated that he observed the Jeep travel southbound towards Van Buren and could tell that the Jeep had some sort of damage because the Jeep was shaking. Officer E stated that the Jeep then turned into and struck the passenger side door of Beat 925R. Officer E stated that the Jeep continued to drive straight and then turned onto Van Buren and came to a complete stop. Officer E stated that Beat 925R pulled in front of the Jeep and Beat 1006D parked parallel to the Jeep on Van Buren. Officer E stated that he parked his vehicle on Leavitt at the corner of Van Buren. Officer E stated that he exited his vehicle and observed Officer A approached the passenger side of the red Jeep, while Officer D and his partner approached the driver's side of the Jeep. Officer E stated that he was approximately 10 feet directly behind the Jeep and was able to observe both sides. Officer E observed Officer D and his partner attempt to open the driver's side door while ordering the offender to open the door and show his hands. Officer E then heard Officer A state, "drop the gun." Officer E stated that he was unable to see inside the vehicle from his position because the windows were tinted. Officer E stated that he heard a gunshot after Officer A stated "drop the gun." Officer E observed Officer D and his partner attempt to break the driver's side window of the Jeep, but were unable to do so. Officer E observed Officer D break the rear driver's side window. Officer E stated that the driver's door was then opened and the offender was taken out and placed in to custody. (Att. 68)

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 02-08-03, 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."

Officer A approached the front passenger side of Subject 1's vehicle after a lengthy pursuit that began in the first district. Once Officer A was close enough, he observed Subject 1 holding a handgun between his legs. Officer A repeatedly gave orders for Subject 1 to drop the gun, but Subject 1 failed to comply. Subject 1 held the gun in his right hand, raised his right arm and pointed the gun in the direction of Officer A, who in fear of his life, discharged his weapon.

Evidence Technician photographs documented the scene and the gunshot wound to Subject 1. The photographs are consistent with the information officers related in their statements. Subject 1 failed to cooperate with the R/I in this investigation. A related Civil Suit that was initiated by Subject 1 documented allegations not consistent to the evidence found in this investigation. The vehicle pursuit associated with this investigation was investigated under a separate log number by the Internal Affairs Department.

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 gun and pointed it in his direction. The reports document that there was a high likelihood that Officer A was in danger of "great bodily harm" described in the statute if he did not stop the threat on his life by discharging his weapon.