

INDEPENDENT POLICE REVIEW AUTHORITY

Log# 1048485 / U# 11-48

INVESTIGATION

NUMBER: U# 11-48/Log# 1048485

INVOLVED OFFICER: “Officer A” (Chicago Police Officer); Male/Black; 30 years old; On Duty; In Uniform; Year of Appointment – 2006

INVOLVED OFFICER’S INJURIES: None reported

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

SUBJECT’S INJURIES: Gunshot Wounds: one to the left flank, lodged in the back; one thru-and-thru gunshot wound to his left buttock; surgery performed for lacerated liver and diaphragm; stable condition following surgery.

INITIAL INCIDENT: On view investigation of person acting suspiciously

DATE/TIME OF INCIDENT: 13 September 2011, 1740 hrs.

LOCATION: 951 West 73rd Street, Beat# 733

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SUMMARY OF INCIDENT:

On 13 September 2011, at approximately 1730 hours, Beat 762C, an unmarked Chevrolet Tahoe staffed by three on duty officers was at the intersection of 73rd and Morgan. Having completed a traffic stop, the officers observed Subject 1 holding his waist as he walked north on Morgan across 73rd Street. Noticing his demeanor, Officer A called out to Subject 1, who then immediately turned and ran away, eastbound on 73rd St. from Morgan St., with Officer A in pursuit on foot. As he ran, Subject 1 turned and pointed a handgun at Officer A. Officer A then discharged his firearm four times at Subject 1, striking Subject 1 twice. Subject 1 then fell to the ground, dropping his handgun in the street near the curb at approximately 961 W. 73rd Street. Subject 1 was subsequently placed in custody and an ambulance was requested and transported Subject 1 to Christ Hospital. There were no known civilian witnesses to the incident.

INVESTIGATION:

The **Preliminary Investigation Report** documented data gathered at the scene of the incident, including, but not limited to the following: the names of other officers working with Officer A at the time of the incident (Officers B and C); the type of weapon used by Officer A (Glock Model 22; Smith & Wesson .40 Caliber Semi-Automatic, black finish, four rounds discharged); four expended projectile casings recovered at the scene; and a brief narrative of the incident based on initially unconfirmed verbal reports.

The narrative section of the **Original Case Incident Report (HT495342)**, prepared by CPD Detective 1, documented that a police officer had attempted to stop a black male subject (nka Subject 1) on the street in the vicinity of 73rd Street and Morgan Street. When Subject 1 fled on foot the officer gave chase. During the chase Subject 1 pointed a gun at the officer and the officer then discharged his weapon at Subject 1.

Providing further detail, the narrative identified Officer A who, with Officer C and Officer B, was assigned to Bt. 762C, in uniform, in an unmarked SUV police vehicle. From Officer A's perspective, the incident unfolded in the following manner. He was seated in the SUV's front passenger seat when he observed a parked vehicle resembling one associated with an armed robbery. Having verified that this vehicle was not the suspected vehicle, Officer A then observed Subject 1 walking past the officers' SUV. Officer B remarked that Subject 1 was holding and fidgeting with his waist in a suspicious fashion. Officer A stated that he exited the police vehicle, announced his office when Subject 1 began to run. Officer A then gave verbal commands for Subject 1 to stop, but Subject 1 continued running. As Officer A then pursued Subject 1 on foot, Subject 1 attempted to turn around and point a black gun with his left hand toward Officer A, who then fired his weapon twice in fear for his life. Subject 1 continued to flee and then turned around again and attempted to point the gun at Officer A, who then fired his gun twice more at which point Subject 1 fell to the ground on the parkway and the gun fell from his hand. Officer A then covered Subject 1 while Officer B approached and handcuffed Subject 1. Officer A then contacted Chicago Police Department radio zone 6 and advised them of the situation and requested medical assistance for Subject 1.

The narrative from the perspectives of Officer C and Officer B essentially reiterated the version provided by Officer A.

Subject 1 provided a description of the incident from his perspective also, saying that while he did have the gun in his possession, he denied pointing it at Officer A, explaining that he had the gun in his pocket and it fell out as he fled and that the police shot him for no reason.

The narrative section of the **Arrest Report (CB# 18235348)** of Subject 1 reiterated in essence the information documented in the Case Report, mainly, that Subject 1 ran from the police and, while running, turned toward the officer pursuing him and pointed a firearm he was carrying in his left hand at the pursuing officer.

The **Tactical Response Report** and **Officer's Battery Report** submitted by Officer A indicated that Subject 1 did not follow verbal direction and actively resisted by fleeing, and that he presented the officer with a threat of deadly force. Officer A sustained no apparent injury.

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The narrative section of the **Crime Scene Processing Report** repeated in essence the content of other official narratives. This report documented objects (such as weapons and spent casings) recovered from the scene and photographs that were taken there.

Various **Evidence Technician Photographs** as well as a **Video Recording** were taken of the scene and various objects located there, including Subject 1's jacket and blood stained T-shirt, as well as a semi-automatic hand gun marked "Made in Italy."

The Police Computer Assisted Dispatch **Event Query** outlined the development of the incident, from the initial encounter between Subject 1 and officers at the scene, through the foot pursuit and the shots fired by Officer A, to the arrival of Subject 1 at Christ Hospital.

Medical records obtained from **Christ Hospital** indicated that Subject 1 was admitted to emergency care on 13 September 2011 at 1930 hrs. with a gun shot wound to the right anterior chest and to the left buttock. A surgical procedure was performed and there was then discovered a laceration of the liver, which was sutured closed. The abdominal cavity was then irrigated and closed. A copper jacketed, deformed lead projectile was removed from the abdomen. Subject 1 remained in the hospital until 19 September 2011 for observation and therapy. Contained in the report from Christ Hospital was the **CFD Ambulance Report**, which related how paramedics arrived at the scene, dressed the wounds to Subject 1's ribs and buttock, that he experienced shortness of breath en route to the hospital, but that his breathing pattern was more stable upon arrival at Christ Hospital.

In his **digitally audio recorded interview**, **Subject 1** stated that he had left a store and saw officers in an unmarked police vehicle. He wished to avoid the officers because he was carrying a firearm in his jacket pocket. When one of the officers called to him, Subject 1 ran to avoid contact with the officers. He said he felt the impact of the bullets and fell in the grass, rolling about from the pain and burning sensation from the bullets. He said it was while he was rolling about in the grass that his handgun must have fallen out of his jacket pocket. Subject 1 said he did not aim or point his weapon at a pursuing officer, or produce his firearm at any time, especially given that his reason for running from the police was to prevent them from discovering that he was carrying a weapon.

A **Canvass Investigation** conducted at the scene produced no witnesses to the incident.

Efforts to contact Subject 1's companions, who were alleged to have been with him during the incident (though Subject 1 ran alone from the police at the time of the incident), were unsuccessful.

In his digitally audio recorded interview **Witness Officer C**, stated that he exited and drew his weapon as he heard Officer A order Subject 1 to drop the gun. He said he heard shots but did not know if they were from Officer A or from Subject 1. As he came to Officer A's side of the vehicle, he saw Subject 1 fall to the ground, while releasing a firearm from his left hand. Officer C provided cover on the chance that Subject 1 had another weapon. Officer C saw Subject 1's weapon on the ground and said that no officer touched the weapon at any time.

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Officer C said that he and Officer A both called for an ambulance for Subject 1.

In his digitally audio recorded interview **Witness Officer B**, stated that he observed Subject 1 adjusting his “waist area” at which point Officer B alerted his partners (Officers A and C). Officer A then exited their vehicle. Officer B also exited and heard Officer A call out to Subject 1 to drop the gun. Officer B then saw Subject 1 turn toward Officer A, pointing his gun at the officer with his left hand. Officer A was in the street with no possibility of cover and about ten or fifteen feet from Subject 1. Officer B then observed Officer A fire two shots, at which point Subject 1 fell to the ground where he rolled about, screaming. Officer B then handcuffed Subject 1 as he heard Officer A calling for an ambulance. Officer B further reported that he saw the weapon on the ground, but added that no officer at the scene touched the weapon.

In his digitally audio recorded interview **Involved Officer A**, stated that he observed Subject 1 adjusting his waist and Officer A exited the vehicle and called to Subject 1, who then ran away. Officer A announced his office and ordered Subject 1 to stop. When Subject 1 did not stop Officer A ran in pursuit of Subject 1, who continued to adjust and “fidget” about the left side of his waist as he ran. He then produced a handgun and Officer A ordered Subject 1 to drop the weapon. Instead of releasing the weapon Subject 1 turned and, holding the weapon in his left hand, pointed it at Officer A, who then fired two rounds in Subject 1’s direction with no effect. Subject 1 then continued running. Officer A again ordered Subject 1 to drop the weapon and again Subject 1 turned and pointed the weapon at Officer A, who fired two more rounds at Subject 1. At that point, Subject 1 fell to the ground, releasing the weapon as he fell. The weapon landed in the gutter about two or three feet from where Subject 1 fell in the parkway. Subject 1 lay on the ground, moving about and screaming in pain. Officer B then approached and, using Officer A’s handcuffs, placed Subject 1 in custody. Officer A guarded the handgun dropped by Subject 1 and said that neither he nor either of the other two officers touched the gun at any time.

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order 03-02-03 (formerly G02-08-03), Section II, A:

A sworn member is justified in using force likely to cause death or great bodily harm only 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 preponderance of the evidence indicates that the officer's action was in accordance with the requirements of the Police Department's deadly force policy. Subject 1 admitted to carrying a firearm and running from the police, ignoring verbal commands for him to stop. Although Subject 1 denied displaying or pointing the firearm, Involved Officer A and Witness Officer B stated that Subject 1 pointed the weapon at Officer A. Officer C stated that he heard Officer A order Subject 1 to drop the weapon. Subject 1 thus appeared to be attempting to defeat the arrest by use of a deadly weapon.