

INDEPENDENT POLICE REVIEW AUTHORITY

Log#1048969/ U# 11-052

INVESTIGATION

NUMBER: Log #1048969, U# 11-52

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Male/Black; 33 years old;
On- Duty; In Uniform; Year of Appointment – 2007

OFFICER’S

INJURIES: None reported.

WITNESS

OFFICER: “Officer B” (Chicago Police Officer); Male/Black; 37 years old;
On- Duty; In Uniform; Year of Appointment – 2006

SUBJECT: “Subject 1”; Male/Black; 17 years old

SUBJECT’S

INJURIES: (1) Gunshot wound lower left abdomen area, Non-fatal Subject
transported to Stroger Hospital.

DATE & TIME: 01 Oct 11, 2309 Hours

LOCATION: 6237 S. Eberhart Avenue
Beat 313

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SUMMARY OF INCIDENT:

IPRA Investigator A responded to the police involved shooting on 02 Oct 11, at approximately 0029 hours. The information regarding the incident was obtained from On Call Incident Commander (OCIC) A during the walk-through of the incident scene.

On 01 Oct 11, at approximately 2308 hours Officer A and Officer B were assigned to squadrol Beat 371R. While on patrol, in the area of Vernon Ave. and 63rd St., a known gang conflict zone, the officers observed three black males walking east on 63rd St. The black males increased their walking speed when they observed the squadrol. The officers turned into the parking lot of Sharks Restaurant to further watch the black males, who were acting in a suspicious manner. The black males crossed the street to the north side of 63rd St. Two of the black males turned north onto Vernon St. and the one black male, now know to be Subject 1, ran through a vacant lot on the northeast corner of Everhart Ave. and 63rd St. As Subject 1 ran his hands were positioned on his waistband. Officers A and B pursued Subject 1 in the squadrol.

Subject 1 ran toward the gangway of one of the residences on Eberhart Ave. in his flight to escape from the officers' view. Subject 1 then ran back to the alley in an easterly direction and into the t-alley of Eberhart Ave. Officer A exited the squadrol and pursued Subject 1 on foot as he ran north and into the alley between Eberhart and Rhodes. Subject 1 continued to hold his waistband as he ran. When Subject 1 stopped near a garage, Officer A ordered him to show his hands. Subject 1 refused to obey Officer A's command to show his hands and continued to run in the alley. Subject 1 then stopped at 6237 S. Eberhart Ave. and began to jump over the fence. Subject 1 stumbled and fell to the ground when he jumped over the fence. Subject 1 stood up with his hands still in his pockets as he faced Officer A. At that time, Officer A, in fear for his safety, fired once at Subject 1. Officer A's bullet struck Subject 1 in the left abdomen area and Subject 1 fell to the ground. A weapon was not recovered; however, one shotgun casing was recovered from Subject 1's person.

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The Original Case Incident Report, Case Supplementary Report, TRR, Officer's Battery Report and the Arrest Report of Subject 1 indicate that when Officers A and B approached Subject 1 for a field interview, he fled on foot. During the foot pursuit, Subject 1 continually reached toward his waistband as if to retrieve a weapon. Subject 1 refused to follow Officer A's verbal commands to show his hands. Subject 1 turned toward Officer A reaching deep into his front waistband and began to withdraw his hand as if drawing a weapon. In fear of his life, Officer A fired once, striking Subject 1. A custodial search revealed one live, Red, .12 Gauge shotgun shell in Subject 1's front right jacket pocket. A weapon was not recovered. Subject 1 was charged with Aggravated Assault of a Peace Officer and Possession of Ammunition without a Valid FOID.

In a statement with Chicago Police Detective 1, Witness 1 stated that he; Witness 2 and Subject 1 were at a tattoo party. After the party, the three young men took the Green Line to King Drive. As they were walking on 63rd Street, Subject 1 began to run from the police. Subsequently, Subject 1 and the police ran out of his view. Thereafter, Witness 1 heard a single gunshot. Witness 1 was not a witness to the actual shooting.

In a statement with Chicago Police Detective 2, Witness 2 stated essentially a similar account of the incident as Witness 1. In addition, Witness 2 stated that Subject 1 may have run away from the police because he had a 12 gauge shotgun shell in his pocket. Witness 2 was not a witness to the actual shooting.

The OEMC event queries and audio transmissions on 01 Oct 13, at approximately 2252 hours of a citizen calling to report a male black with a gun walking westbound on 63rd Street near Ingleside wearing a blue sweat shirt. The caller further informed the dispatcher that the male was seen running inside of 6403 S. Ingleside. At approximately 2308 hours, shots were fired by the police at 63rd and Eberhart in the east alley. EMS was requested at 6237 S. Eberhart.

A canvass of the vicinity of 6237 S. Eberhart was conducted and no eyewitnesses to the police involved shooting were found. A few residents heard one shot fired but did not witness the actual shooting.

The Crime Scene Processing Report indicates that the scene and evidence of the police involved shooting was video taped, photographed and inventoried. Officer A's firearm was recovered from him and swabbed for possible DNA evidence. Subject 1 was photographed, fingerprinted and his clothes recovered while in Stroger Hospital.

The Illinois State Police Forensic Science Laboratory Report shows Officer A's firearm, a Glock; Model: 17; 9mm; Semi-Automatic; Black Finish was examined, test fired and found to be in firing condition.

The Chicago Fire Department Ambulance Report shows paramedics responded to 6237 S. Eberhart Ave. regarding a gunshot victim, Subject 1. Subject 1 complained of

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pain to his abdomen and pain to his chest. Subject 1 was transported to Stroger Hospital for treatment.

Medical Records of Subject 1 from Stroger Hospital show Subject 1 arrived on 01 Oct 11, at 2320 hours. Subject 1 sustained a gunshot wound to the abdomen. It is believed that the bullet exited the abdomen and struck Subject 1's left elbow. Subject 1 sustained a fracture of the left ulna and a bullet fragment was found in the forearm.

Certified Letters were sent to Subject 1 and [Mother of Subject 1]. In addition, telephone calls and a personal visit to Stroger Hospital were made to obtain an interview from Subject 1. All attempts to obtain an interview from Subject 1 were unsuccessful.

Attorney A contacted IPRA via a first class letter in which she requested all contact with Subject 1 and/or [Mother of Subject 1] by IPRA be made through her office.

A civil suit was filed on behalf of Subject 1 and [Mother of Subject 1] as a result of the police involved shooting incident. The civil suit cited that the CPD Officers were reckless when Subject 1, a juvenile at the time of the shooting incident, was shot despite the fact that he was unarmed. The civil suit further cited that Subject 1 was not nor had been in the act of committing a forcible felony. [Mother of Subject 1] made a claim for Subject 1's medical expenses incurred as a result of his injuries.

Officer A submitted to an Alcohol and Drug Testing following the Firearms Discharge Incident. The test results of Officer A's specimen were negative for substance abuse and his BAC was .00.

In a statement with IPRA, Officer B stated that on 01 Oct 11, he and his partner Officer A worked on 1st Watch tour of duty for 02 Oct 11 and were assigned to Beat 371R. While on routine patrol, in their marked squadrol, Officers A and B traveled toward 63rd and Eberhart which is a part of a gang conflict zone. As the officers traveled eastbound on 63rd Street, they observed three black males walking eastbound on 63rd Street. The three black males appeared to be curfew violators and the officers continued to pay more attention to them. The officers drove past the three males and into the parking lot of a restaurant where the officers continued to observe the males. The males continued to look back and watch the officers. Eventually, the males split up and two of the males walked northbound down Vernon St. The one male, now known to be Subject 1, walked eastbound through a vacant lot toward Eberhart Ave. Officers A and B began to follow Subject 1 as he walked through the vacant lot to conduct a street stop. Subject 1 looked suspicious as he grabbed the bottom of his jacket pocket as if he was holding something. Officer B stated that he did not know if Subject 1 had a gun or not when he was holding his waistband or his jacket. Subject 1 did not pay attention to the squadrol following him. However, once the officers were about to approach Subject 1, he began to run. Officer A exited the squadrol once Subject 1 began to run toward the houses as if he was going to run through a gangway. Officer B heard Officer A yell to Subject 1, "Let me see your hands." Subject 1 refused to follow Officer A's command to show his hands and instead ran and doubled back eastbound in the alley. Officer A ran eastbound in the alley and in

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the direction of Subject 1. Officer B turned the ignition off, exited the squadrol and ran to see where Officer A was but lost sight of him. Officer B returned to the squadrol, turned on the ignition, drove in reverse and turned into the alley and drove eastbound in the alley. As Officer B drove in the alley from Eberhart to Rhodes he heard one shot fired but did not know where it came from. Officer B did not witness the actual shooting.

In a statement with IPRA, Officer A gave essentially a similar account of the initial encounter with Subject 1. In addition, Officer A stated that Officer B drove the squadrol in front of Subject 1 and Officer A exited the vehicle. Subject 1 had his hands in his waistband as he attempted to run in a gangway. Officer A gave chase and lost sight of Officer B. When Subject 1 was unable to run in a gangway, he doubled back toward the alley. Officer A announced his office and yelled for Subject 1 to show his hands as Subject 1 continued run with his hand on his waistband. Subject 1 refused to comply with Officer A's commands to stop and show his hands. Subject 1 continued to run eastbound in the T-alley with his hand in his waistband. Officer A continued in foot pursuit of Subject 1. Officer A brought his weapon out at the ready position. At that time, Subject 1 jumped over a fence and stumbled to the ground. As Subject 1 got up from the ground facing Officer A with his hand in his waistband it appeared to Officer A that Subject 1 was attempting to pull something out. Officer A then ordered Subject 1 to show his hands but Subject 1 failed to comply with Officer A's order to show his hands. In fear of his safety, Officer A fired one shot toward Subject 1 and struck him. Subject 1 stumbled and fell back against a parked vehicle. Officer A immediately made a notification of discharging his firearm and striking Subject 1.

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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 and Illinois State statutes. According to the Chicago Police Department's General Order 03-02-03, III, A:

- 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 was on routine patrol in a gang conflict zone when he observed three black males who appeared to be curfew violators. One of the males, now known to be Subject 1, separated himself from the other two males and ran through a vacant lot. As Subject 1 ran through the vacant lot he kept his hand in his waistband as if he were holding a weapon. Subject 1 refused to comply with Officer A's repeated commands to stop and show his hands and he continued to run with his hand in his waistband. When Officer A was face to face with Subject 1, who continued to have his hand on his waistband, Officer A believed that Subject 1 was attempting to pull a weapon out from his waist band. Officer A was in reasonable fear for his life when he discharged his weapon in the direction of Subject 1.