

**INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1050184 / U #11-54**

**INVESTIGATION**

**NUMBER:** Log #1050184/U# 11-54

**INVOLVED**

**OFFICER #1:** “Officer A” (Chicago Police Officer); Male/White; 43 years old;  
On Duty; In Uniform; Year of Appointment – 2004

**OFFICER #1’s  
INJURIES:** None Reported.

**INVOLVED**

**OFFICER #2:** “Officer B” (Chicago Police Officer); Male/Hispanic; 55 years old;  
On Duty; Civilian Dress; Year of Appointment – 1998

**OFFICER #2’s  
INJURIES:** None Reported.

**INVOLVED**

**OFFICER #3:** “Officer C” (Chicago Police Officer); Male/Hispanic; 27 years old;  
On Duty; Civilian Dress; Year of Appointment – 1998

**OFFICER #3’s  
INJURIES:** None Reported.

**WITNESS**

**OFFICER:** “Officer D” (Chicago Police Officer); Male/White; 44 years old;  
On Duty; In Uniform; Year of Appointment – 2003

**OFFICER’S  
INJURIES:** None Reported.

**SUBJECT:** “Subject 1”; Male/Black; 25 years

**SUBJECT’S  
INJURIES:** (1) Through-and-through gunshot wound to the left ankle. Transported to  
Loretto Hospital. Condition: Non-Fatal

**DATE/TIME:** 21 November 2011, 1939 hours

**LOCATION:** 5315 W. Congress Pkwy  
Beat 1522

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### **SUMMARY OF INCIDENT:**

On 21 November 2011, at approximately 1925 hours, Beat 1135, Officer A, and Officer D, became involved in a vehicle pursuit<sup>1</sup> with the subject, Subject 1. Subject 1 was observed as he and two other subjects allegedly burglarized railroad boxcars in the vicinity of 2600 South Western Avenue. Subject 1 drove a 1994 Chevrolet Van, IL registration XXXXXXXX during the pursuit. Subject 1 eventually drove the van onto Lockwood Avenue. Beat 1006C, Officer B and Officer C, were in the area of Congress Parkway and Lockwood Avenue conducting surveillance. Officers B and C observed Subject 1's vehicle and joined in on the pursuit.

As Subject 1 drove his vehicle westbound on Congress Parkway, Officers A and D drove their squad car eastbound on Congress Parkway. Officers A and D stopped their squad car in the vicinity of 5315 West Congress Parkway. Subject 1 jumped out the van while it was still in drive, and fled on foot. Subject 1's vehicle continued to move forward and struck the front bumper of Officers A and D's squad car. Subject 1 fled to the south sidewalk on Congress Parkway. Officer A exited the passenger side of his squad car and observed Subject 1 pointing a firearm at him. Officer A then fired one shot. As Officer B exited the driver side of his vehicle he heard a gunshot. Officer B then observed Subject 1 pointing a firearm at Officer A. Officer B then discharged his firearm once at Subject 1.

Subject 1 fled southbound through a gangway between 5311 and 5315 West Congress Parkway and Officers A and C pursued Subject 1 on foot. Subject 1 reached the end of the gangway, turned around and pointed his firearm in the officers' direction. Officer C discharged his firearm once and Officer A discharged his firearm several times. Subject 1 continued to flee southbound and jumped a fence in the backyard of 5311 West Congress Parkway. Subject 1 then ran across the alley and out of view of the officers. Subsequently, Subject 1 was located minutes later on the roof of House of Jacob Church, located at 5316 West Harrison Street. Backup officers who responded to the shots fired call apprehended Subject 1 on the roof of the Church and observed a gunshot wound to his leg. Subject 1 was placed into custody and transported via ambulance to Loretto Hospital. During the search for Subject 1, an individual now identified as Subject 2 was detained and transported to the Area 5 Detective Division.<sup>2</sup>

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<sup>1</sup> The vehicle pursuit concerning this incident was handled by the Bureau of Internal Affairs and investigated under Log #1050193. The findings of their investigation are documented under a separate report and will not be addressed in this investigation.

<sup>2</sup> A subsequent interview of Subject 2 determined that he made allegations against officers and detectives on scene and at the Area. Subject 2's allegations are being investigated under Log #1050192. The findings of that investigation are documented under a separate report and will not be addressed in this investigation.

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### INVESTIGATION:

The **General Offense Case Report** and **Arrest Reports** documented under **HT599643** and **HT599701** related that Subject 1 was observed leaving the scene of a burglary at the location of 2430 W 26<sup>th</sup> Street. Beat 1022 and 44S14 attempted to stop the vehicle at which time Subject 1 fled from the marked police units and became involved in a vehicle pursuit. The pursuit came to an end when Subject 1 crashed his vehicle into a marked Chicago Police vehicle at the location of 5316 W Harrison Street. Subject 1 fled on foot and committed an aggravated assault by pointing a firearm at Chicago Police Officers. Subject 1 was placed in custody after a foot chase and transported to Loretto Hospital by CFD Ambulance #33.

A **Tactical Response Report** completed by **Officer A** documented that Subject 1 “fled”, was an “imminent threat of battery” 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”.

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 a handgun at Officer A.

A **Tactical Response Report** completed by **Officer B** documented that Subject 1 “fled”, was an “imminent threat of battery” and “used force likely to cause death or great bodily harm” with a “weapon.” Officer B responded with “member presence” and the use of his “firearm”.

A **Tactical Response Report** completed by **Officer C** documented that Subject 1 “fled”, was an “imminent threat of battery” 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”.

The **Officers Battery Report** for **Officer C** documented that Officer C did not receive any type of injury. The report documented that Subject 1 pointed a handgun at Officer C.

A **Tactical Response Report** completed by **Officer D** documented that Subject 1 “fled”, was an “imminent threat of battery” and “used force likely to cause death or great bodily harm” with a “weapon.” Officer A responded with “member presence”.

The **Officers Battery Report** for **Officer D** documented that Officer D did not receive any type of injury. The report documented that Subject 1 pointed a handgun at Officer D.

The **Chicago Fire Department Ambulance Report** documented that Ambulance 33 responded to the scene and located Subject 1 who was suffering from a graze wound to the left ankle after being involved in a police related shooting. Subject 1 had distal pulses and was able to move his left foot. Subject 1 was transported to Loretto Hospital where he was left with Emergency Room staff and CPD Officers.

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Numerous **attempts to interview Subject 1** were made. Subject 1 first agreed to provide a statement to IPRA but failed to show up for his scheduled appointment. Subject 1 expressed his concern to provide a statement and then failed to return any further correspondence from IPRA.

**Medical Records for Subject 1 from Loretto Hospital** documented that Subject 1 was admitted to the emergency room on 21 November 2011 for a gun shot wound to the left foot and was seen by Doctor A. The documents listed Subject 1's address as XXXX S. Keeler, Apt. #X, Chicago, IL 60623 and his date of birth as XX December 1985. Upon admission into the hospital, Subject 1 had a distal pulse and was able to move his toes. Subject 1's left ankle was x-rayed. Subject 1's wound was sutured and covered with dressing. Subject 1 was discharged on 21 November 2011 to the Chicago Police Department.

A **Canvass** was conducted on 22 November 2011 in the vicinity of 5315 W. Congress. The Canvass documented that no residents in the area witnessed the incident in question.

**911 Callers** at the time of the incident related that they heard gunshots in the area but did not witness any portion of the actual incident.

**Crime Scene Processing Report** documented items inventoried and photographs obtained by the Evidence Technicians at the scene of the box-car burglary and at the scene of the shooting. The report was submitted by Officer E and Officer F.

**Crime Scene Processing Report** documented that Officer B, Officer C and Officer A's firearms were recovered and swabbed in the presence of CPD Deputy Chief A in the Sergeant's Office at Area 5. The report was submitted by Officer G.

**Crime Scene Processing Report** documented that an Evidence Technician was assigned to Loretto Hospital where Subject 1 was photographed for identification purposes and to document the wound to his left ankle. Subject 1's clothing was recovered and inventoried during this time. The report was submitted by Officer E.

**Evidence Technician Photographs** documented pictures of the scene where the shooting occurred and pictures of Subject 1. A black wallet was photographed in a garbage can in the alley along the path where Subject 1 ran. A firearm belonging to Subject 1 was not located or photographed in regards to this incident. The pictures of Subject 1 documented what appeared to be a gunshot wound near his left ankle. The photographs of Subject 1 and the scene were obtained by CPD Evidence Technician 1 and CPD Evidence Technician 2.

The **Traffic Pursuit Report** was documented under RD #HT599701, Event #1132514696.<sup>3</sup>

**Illinois State Police Forensic Science Laboratory Reports** documented that Officers A, B, and C's firearms were tested and were in proper working condition. The unfired cartridges were analyzed for caliber and type only. The single fired shell cartridge casing recovered from under the Pontiac Bonneville at 5308 W. Congress Parkway was fired from a Sig Sauer, P220, .45 Auto

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<sup>3</sup> The related traffic pursuit was investigated by the Bureau of Internal Affairs under Log #1050193.

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semiautomatic pistol. This pistol belongs to Officer B. The six fired cartridge casings recovered from the gangway at 5315 W. Congress were fired from a Sig Sauer, P229, 9mm Luger semiautomatic pistol. This pistol belongs to Officer A. A single fired shell cartridge casing recovered from the gangway at 5315 W. Congress Parkway was fired from a Glock, model 23, .40 Smith and Wesson semiautomatic pistol. This pistol belongs to Officer C. The four Ziploc plastic bags recovered from the gangway at 5315 W. Congress Parkway were tested and found to be Cannabis. Each bag contained an estimated 0.5 grams of plant material.

**Video of In-Car Cameras** from **Beats 1134 and 1135** were obtained. Footage recorded the vehicle pursuit and collision with Beat 1134, but did not record the police involved shooting.

A search of **Police Observation Devices (PODS)** found that PODS #188, #243, #383 and #434 recorded marked and unmarked squad cars responding to the scene throughout the city. The PODS failed to depict any video of the actual officer involved shooting.

The related **OMEC Event Queries** documented that at 1935 hours on 21 November 2011 shots were fired at police at 5300 W. Congress Parkway. At 1936 hours, it was reported that the police had one subject in custody at 5340 W. Harrison. At 1941 hours, it was reported that shots were fired by the police.

A search of **Civil Case Proceedings** documented that there were no law suits filed in regards to this incident.

The **Detectives Supplementary Report** documented that on 21 November 2011, at approximately 1945 hours the Reporting Detectives were assigned by CPD Sergeant 1 to investigate a police involved shooting which occurred at 5315 W. Congress.

After arriving at the scene, the Reporting Detectives learned that the offender, Subject 1, along with other unknown suspects, had been involved in a box car burglary in the 10<sup>th</sup> District at 2430 W. 26<sup>th</sup> Street. Detectives from the Financial Crime Unit had observed the burglary occur and contacted 911 to give details of the crime. Responding Units from the 10<sup>th</sup> District attempted to stop the suspect vehicle which fled from the scene, northbound on Washtenaw and then onto 26<sup>th</sup> Street. The vehicle pursuit continued until it came to an end at 5315 W. Congress after crashing into Beat #1135. Subject 1 fled from the vehicle on foot for and pointed a dark colored handgun at officers as he exited his vehicle. Officers, in fear of their lives discharged their weapons at Subject 1. Subject 1 scaled a six foot chain link fence in the gangway of 5311 W. Congress Parkway, and again pointed a dark-colored handgun at the Officers and again the Officers, in fear for their lives discharged their weapons at Subject 1.

Subject 1 fled southbound into the alley between Congress Parkway and Harrison Street. Subject 1 was located and arrested shortly afterwards on the roof of the "House of Jacob" Church at 5316 W. Harrison Street. It was then learned that Subject 1 had sustained a gunshot wound to his left ankle. Subject 1 was treated by Chicago Fire Department paramedics and transported to Loretto Hospital by Ambulance 33.

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The reporting detectives inspected the crime scene. On the street in front of 5315 W. Congress Parkway, a blue conversion van, Illinois license plate #XXXXXX, which had been driven by Subject 1, crashed into a marked Chicago Police car, Beat 1135, Vehicle #8696. Several boxes of proceeds that were stolen during the burglary of the box car were located inside the van. Directly behind the conversion van was an unmarked police car, which was later learned to be assigned to the 10<sup>th</sup> District. The area surrounding 5315 W. Congress revealed to be residential in nature, comprised mostly of two-flat and three-flat buildings and single family homes. Congress Parkway is a one way street, westbound, with numerous parked cars on both sides of the street.

A .45 caliber shell casing was observed in the street, directly underneath the driver's side of a Pontiac Bonneville, Illinois license plate #XXXXXX, parked at approximately 5312 W. Congress. On the parkway grass at 5317 W. Congress, a 9mm shell casing was observed. A .40 caliber shell casing was observed on the ground in the gangway at 5315 W. Congress Parkway. An additional six 9mm shell casing were observed on the ground in the shared gangway of 5311-5315 W. Congress Parkway. Four bags of crushed green plant, suspect cannabis, were observed on the ground in the gangway at 5315 W. Congress Parkway. A 6 foot chain-link gate separated the gangway from the rear yard at 5311 W. Congress Parkway. This chain-link gate was halfway between the front and rear yards of 5311 W. Congress Parkway. A five foot chain-link fence separated the rear yard, between the addresses of 5311-5315 W. Congress Parkway. A bullet hole was observed in the flower pot in the rear of 5311 W. Congress Parkway.

In the rear alley behind 5316 W. Harrison Street, a black cellular phone was found inside of a garbage can. The Reporting Detectives subsequently learned that the cellular phone was the property of Subject 1. Subject 1 was arrested at the "House of Jacob" Baptist Church located at 5316 W. Harrison Street. A fired bullet was found on the ground in the rear parking lot of the church. An extensive search for the weapon used by Subject 1 was conducted, but no weapon was found.

CPD Detective 1 and CPD Detective 2 interviewed involved Officers A, B, C, and D, whose statements were consistent with those that they provided to IPRA.

In an **audio recorded statement** to IPRA, **Officer C** related that he was on duty and working with Officer B when they heard an OEMC dispatch of a pursuit in progress. Officer C stated that he and Officer B joined the pursuit which came to a conclusion when the subject, now known to be Subject 1, crashed the full size conversion van he was driving into Beat 1135 at 5315 W. Congress Parkway. Officer C stated that Subject 1 exited the van and pointed a gun in his and Officer B's direction. Officer C related that Officer B, who was in the driver's seat of the squad car, fired one time at Subject 1. Subject 1 then fled from his vehicle and Officer C exited the squad car, drew his firearm and began to pursue Subject 1 who ran into the gangway at 5315 W. Congress Parkway and jumped a fence. After jumping the fence, Subject 1 turned around and pointed a firearm at Officer C and Officer A. Officer C discharged his weapon once and Officer A discharged his weapon several times. Officer C related that Subject 1 ran through the gangway, climbed over a second fence and ran into the alley. At that point, Officer C indicated that he lost sight of Subject 1. Officer C turned west and ran through the first vacant lot to attempt to cut Subject 1 off. Officer C stated that he entered the alley and was met by several

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other officers who began searching for Subject 1. Subject 1 was later apprehended by other officers on a roof of a church nearby.

In an **audio recorded statement** with **IPRA, Officer B** related that he was on duty and working with Officer C when they joined a pursuit of a conversion van that was involved in a burglary near 26<sup>th</sup> Street and Washtenaw. Officer B, who was driving an unmarked Ford Crown Victoria, observed the conversion van collide head on with Beat 1135. The driver of the van, now known to be Subject 1, exited the vehicle and ran towards the sidewalk. Officer B exited his squad car with his firearm drawn to pursue Subject 1. Officer B along with officers from Beat 1135 announced their office and ordered the Subject 1 to stop. Officer B ran around a dumpster that was present on the side of street and observed Subject 1 standing on the sidewalk, pointing a firearm towards the officers from Beat 1135. Officer B discharged his firearm one time in an attempt to stop the threat that Subject 1 posed. Subject 1 then ran south through the gangway and Officer C gave chase. Officer B stated that he cleared the vehicle that Subject 1 fled from to make sure no more offenders were inside. While searching the vehicle, Officer B heard the officers in the distance order Subject 1 to stop and drop his firearm. Officer B also heard three or four gunshots near the gangway that Subject 1 fled towards. Officer B stayed near the offender's vehicle until other units arrived on scene.

In an **audio recorded statement** with **IPRA, Officer A** related that he was on duty, in uniform and assigned to work Beat 1135 with Officer D. Officer A indicated that they monitored an OEMC call of a pursuit of a subject who was wanted for burglary in the 10<sup>th</sup> District. Officer A stated that they observed the vehicle a short time later and joined the pursuit. Officer A related to OEMC that they were headed eastbound on Congress, while the subject was headed westbound on Congress towards them. At approximately the 5300 block of Congress, Officer A's squad car and the subject vehicle met head on. Officer A stated that the subject, now known to be Subject 1, exited the offender's vehicle as it continued to roll into and hit Officer A's squad car. Officer A related that Subject 1 ran southbound towards the parkway on the south side of the street and Officer A followed him on foot. Officer A then observed Subject 1 raise his right arm with a gun in his right hand and point it at him. Officer A indicated that he was approximately fifteen to twenty feet away from Subject 1 at the time Subject 1 pointed his firearm in Officer A's direction. Officer A yelled at Subject 1 to stop and drop the firearm. Officer A announced his office and then discharged his firearm one time in fear of his life and Officer D's life. Officer A related that Subject 1 proceeded on foot into the gangway near 5315 W. Congress and Officer A pursued after him. Once Officer A entered into the gangway he observed Subject 1 behind a chain link fence. Officer A stated that Subject 1 stopped, raised his right arm and point a firearm in his direction. Again, Officer A ordered Subject 1 to drop the firearm before Officer A discharged his firearm several more times towards Subject 1. Subject 1 continued to flee southbound through the yard. Officer A indicated that Subject 1 jumped over another chain link fence and ran towards the alley and out of view. Officer A attempted to pursue Subject 1, but was stopped by the chain link fence. Officer A ran westbound to the mouth of the alley where he observed several officers in the alley searching for Subject 1. Officer A assisted with the search, but was unable to locate Subject 1. Officer A heard over the radio that Subject 1 was located and apprehended on a roof of a building by other officers.

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In an **audio recorded statement** with **IPRA, Officer D** related that he was on duty, in full uniform and working with Officer A in Beat 1135. Officer D stated that they monitored an OEMC call of a burglary of a box car from the 10<sup>th</sup> District. Officer D and Officer A heard over OEMC that Chicago Police units were then involved in a vehicle pursuit with the offenders vehicle. Officer D related that he drove eastbound down Congress, while the subject, now known to be Subject 1, drove westbound on Congress towards him and his partner. Officer D indicated that Subject 1 jumped out of his vehicle and the offender's vehicle rolled into their marked squad car. Officer D observed Subject 1 as he approached the curb on the south side of the street. Officer D indicated that Subject 1 then raised his right arm and pointed a firearm in their direction. Officer D exited the squad car and immediately heard his partner yell, "Drop the gun, drop the gun" and then heard a gun shot. Officer D crouched down and took cover behind his squad car's front tire. Officer D related that although he didn't see Subject 1 fire his weapon, he believed that the gun shot came from the gun Subject 1 was holding. Officer D then got up and observed his partner run towards the gangway. Officer D stated that Subject 1 fled on foot southbound. Officer D then heard numerous gun shots coming from the gangway and observed his partner coming out of the gangway. Officer D asked Officer A if he was okay, which he replied that he was. Officer D contacted OEMC over the radio and reported shots were fired at and by the police and relayed the location of the shooting. Officer D stated that Officer A ran westbound while Officer D ran eastbound to try to cut off Subject 1 at the alley. Once Officer D entered the alley he observed numerous officers in the alley searching for Subject 1. Within a couple of minutes, Officer D heard over the radio that Subject 1 was in custody on a roof. Officer D and Officer A proceeded to the location of arrest where they identified Subject 1 as the offender.



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### CONCLUSION AND FINDING:

This investigation found that the use of deadly force by the involved Chicago Police Officers 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."

Subject 1 was observed committing a burglary by Chicago Police Officers prior to being involved in a lengthy vehicle pursuit. The contents of the burglary were recovered inside the vehicle Subject 1 fled in. Subject 1 admitted to committing the burglary, but denied ever being in possession of a firearm during the incident. At the conclusion of the pursuit, Subject 1 exited the vehicle as it continued forward and crashed into a marked squad car. Subject 1 then pointed what officers described as a firearm in their direction. Officers gave Subject 1 verbal commands and identified themselves as police officers. Officers discharged their firearms at Subject 1 in fear of their lives and their partner's lives. Subject 1 failed to follow verbal commands and fled on foot. During the foot pursuit, Subject 1 stopped and pointed his firearm at the officers a second time. Officers discharged their firearms at Subject 1 again in fear of their lives. Subject 1 continued to flee and disregard the verbal commands officers were giving him. Subject 1 entered the alley and ran out of view of the officers.

Subject 1 was located minutes later hiding on the roof of a nearby church. Subject 1 was taken into custody and a gun shot wound to his left ankle was discovered. Subject 1 was transported to Loretto Hospital for treatment. The firearm Subject 1 had in his possession was never located. Evidence Technician photographs documented a black wallet in a garbage can near the alley, along the path where Subject 1 ran.

The totality of the circumstances and Subject 1's actions gave the officers reasonable belief that he was armed. Subject 1 failed to comply with the officers verbal commands. Subject 1's

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actions in the burglary, fleeing and eluding and subsequent aggravated assault on a police officer made Subject 1 a fleeing felon. Officers A, B, and C were in accordance with the statute “to prevent death or great bodily harm to the sworn member or to another person” because they reasonably believed their life was in danger when Subject 1 pointed what the officers described as a firearm in their direction. The reports document that there was a high likelihood that the officers were in danger of “great bodily harm” described in the statute if they did not stop the threat on their lives by discharging their weapons.