

INDEPENDENT POLICE REVIEW AUTHORITY

LOG# 1050244/U#11-55

INVESTIGATION

NUMBER: Log #1050244 / U #11-55

INVOLVED

OFFICER: “Officer A” (Chicago Police Officer); Female/White; 29 years old;
On- Duty; Full Uniform; Year of Appointment – 2005

**OFFICER’S
INJURIES:** None Reported

INJURED

OFFICER: “Officer B” (Chicago Police Officer); Male/Black; 35 years old;
On- Duty; In Plainclothes; Year of Appointment – 2006

**OFFICER’S
INJURIES:** Contusion.

SUBJECT: “Subject 1”; Male/Black; 27 years old

**SUBJECT’S
INJURIES:** One through and through gunshot wound to the right thigh, Non-
fatal, transported to Stroger Hospital.

DATE & TIME: 24 November 2011, 0153 hours

LOCATION: 7344 S. Emerald Street, Chicago, IL 60651

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ALLEGATION:

On 24 NOVEMBER 2011, at approximately 0153 hours at 7344 S. Emerald Avenue, IPRA Investigator A, alleges that the **accused:** Violated Department policy regarding the Use of Deadly Force, in that she shot and killed Subject 1 without justification.

INVESTIGATION:

In a **Preliminary Report**, it was related by On-Call Incident Commander (OCIC) A, that there had been a pattern of vehicular hijackings at car dealerships along Western Avenue. On-Call Incident Commander (OCIC) A related that Officer A was working with Officer B. The officers attempted to stop a vehicle that had markings on it that indicated that it had recently been at a used-car dealership. The vehicle is now known to have been driven by Subject 1. Also present in the vehicle with Subject 1 during this incident were rear seat passengers Subject 2 and Subject 3, and an unknown black male front seat passenger. The vehicle driven by Subject 1 slowed down, and the doors opened as if the passengers were about to exit the vehicle; however, Subject 1 continued driving until the vehicle struck a building and came to a stop.

Subject 1 exited the vehicle and fled on foot, as Officer A pursued him on foot. Subject 2 or Subject 3 also exited the vehicle and fled on foot, and Officer B pursued on foot. Officer A pursued Subject 1 into the rear yard of 7344 South Emerald Avenue, where she was confronted by Subject 1. Subject 1 punched Officer A on the face, and the two began to struggle with one another. Officer A discharged three rounds in the direction of Subject 1. On-Call Incident Commander (OCIC) A was not certain at which point Officer A drew her firearm. Officer B terminated his foot pursuit after he realized that Officer A was not responding to radio transmissions. Officer B was approximately two houses away from the scene of the shooting when Officer A discharged her firearm.

Later, On-Call Incident Commander (OCIC) A relocated to Little Company of Mary Hospital to speak to Officer A, and obtain a more thorough account of the incident. Officer A related that during the foot chase, Subject 1 ran through a gangway at 7344 S. Emerald Avenue, and, for a brief moment, she did not have a visual of him. Once Officer A entered the rear yard of 7344 S. Emerald Avenue, Subject 1 struck her once on the side of her head and grabbed her vest. Subject 1 and Officer A neared the ground as they wrestled and fought one another, but both remained on their feet. Subject 1 repeatedly struck Officer A on her head during their struggle. After Subject 1 released his hold of Officer A's vest, she felt Subject 1 grab at her gun belt.

Officer A placed her hand on her firearm to prevent Subject 1 from taking it. As Officer A and Subject 1 continued to struggle over her gun belt, Officer A began to feel light-headed. However, Officer A managed to push Subject 1 away from her; at that point she unholstered her firearm and took a step back from Subject 1. As Subject 1 approached Officer A again, she discharged three rounds in the direction of Subject 1. On-Call Incident Commander (OCIC) A related that Subject 1 sustained two entry

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wounds on his chest and one exit wound on his upper back. Subject 1 also sustained two wounds to his arm, indicating a through and through shot. Subject 1 was pronounced at the scene.

In a **statement** to IPRA on 24 NOVEMBER 2011, **Witness 1** related that he was on his front porch (XXXX S. Emerald) with his friend [Woman's Name]. Witness 1 observed the patrons as they left the Generations Lounge, to make sure no one struck his vehicles. Witness 1 heard a "loud boom." Witness 1 then observed Subject 1 running. Subject 1 was being pursued by Officer A. Officer A stated to Subject 1, "police officer, stop!" Subject 1 continued running, removed his jacket, and dropped it on the street. Witness 1 picked up Subject 1's jacket, and ran to the gate of the yard entered by Subject 1 and Officer A. Witness 1 yelled, "He dropped his jacket, he dropped his jacket."

Witness 1 observed Officer A holding Subject 1 by his dreadlocks. Officer A was attempting to pull Subject 1 to the ground. Subject 1 stated to Officer A that he did not have anything. Officer A gave Subject 1 verbal commands to go down, but he refused. Subject 1 stated, "I'm not going on that ground." Witness 1 stated Subject 1 was not struggling or fighting Officer A; he was attempting to raise his head as she held onto his dreadlocks. Officer A unholstered her weapon and discharged one round toward Subject 1. Subject 1 grabbed his stomach and cursed at Officer A. Witness 1 stated that he sought cover to avoid being shot. Seconds later, Officer A discharged two more rounds toward Subject 1. Witness 1 did not see the third discharge by Officer A, because he had walked to the other side of the street. Witness 1 stated the only struggle and resisting Subject 1 did, was trying to stand to his feet as Officer A attempted to place him on the ground.

Witness 1 estimated the distance between Officer A and Subject 1 at the time Officer A discharged her weapon was approximately three to four feet. Witness 1 did not observe Subject 1 to be in possession of any weapon. Witness 1 observed two unknown females near the gate, who were screaming and crying at the time of the shooting.

In a **statement** to IPRA on 24 NOVEMBER 2011, **Witness 2** related she was in her 2nd floor apartment at XXXX S. Emerald when she heard a loud crash. Witness 2 looked out the window and observed Subject 1 being chased by Officer A. Subject 1 removed his jacket and dropped it in the street as he fled. Subject 1 and Officer A entered the backyard of 7344 S. Union. Witness 2 observed her 3rd floor neighbors, Witness 3 and Witness 4 run across the street to 7344 S. Union. Witness 2 exited her apartment en route to 7344 S. Union. Witness 2 observed Subject 1 climbing a gate. Officer A grabbed Subject 1 by his dreadlocks and attempted to pull him to the ground.

Subject 1 stood to his feet and was face to face with Officer A. Witness 2 stated Subject 1 was not resisting Officer A. Officer A unholstered her weapon and shot Subject 1 in the chest. Subject 1 bent down and stood back up. Officer A shot Subject 1 again, at which time he fell to the ground. Officer A then shot Subject 1 a third time. Witness 3 and Witness 4 were yelling. Soon thereafter, several officers arrived and secured the scene. Witness 2 related that she viewed the shooting as she was running across the street from her apartment. Witness 2 did not hear any verbal exchange between Subject 1

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and Officer A. Witness 2 related that she was with Subject 1 earlier in the day (2200 hours) at Generations Lounge, and that Subject 1 appeared drunk.

In a **statement** to IPRA on 02 DECEMBER 2011, **Witness 3** related she was standing in the street with her cousin Witness 4, when they heard a “big old boom.” Moments later, they observed Subject 1 run pass them. Subject 1 was being pursued by Officer A. Subject 1 and Officer A stopped in the back yard of a building. From across the street, Witness 3 observed Officer A holding Subject 1 by his dreadlocks. Subject 1 was in a standing position with his head down. Witness 3 and Witness 4 crossed to the other side of the street. Witness 3 related that Officer A did not have her weapon drawn, nor did she give any verbal commands to Subject 1.

Officer A, who was holding Subject 1 by his dreadlocks, continued “tussling” with Subject 1. During the tussle, Officer A and Subject 1 moved onto the grass area of the backyard. Officer A threw Subject 1 to the ground for a second time. As Subject 1 stood to his feet, Officer A drew her weapon and discharged one round. Witness 3 believed Subject 1 had been shot in his back. As Subject 1 turned toward Officer A, Officer A discharged two rounds toward Subject 1. Subject 1 fell to the ground onto his side after the second gunshot. Soon thereafter, several officers arrived at the scene. Witness 3 informed the officers of Officer A’s location, and returned across the street.

Witness 3 stated that she never lost sight of Officer A and Subject 1 in the backyard. Witness 3 related that Officer A initiated the physical contact between her and Subject 1. Witness 3 described Subject 1 as drunk and helpless. Witness 3 related she observed a drunken Subject 1 in a lounge prior to this incident. Witness 3 stated Subject 1 did not punch or grab Officer A, and there was no struggle between them. However, in her statement, Witness 3 stated “When they was back there fighting, she ain’t had no gun out.”

In a **statement** to IPRA on 24 NOVEMBER 2011, **Witness 4** related that prior to the shooting, she and her cousin, Witness 3, departed the Generation Lounge on 74th and Halsted, at the same time as Subject 1. Witness 4 and Witness 3 were about to enter their residence at XXXX S. Union, when they heard a “big boom” around the corner. Witness 4 and Witness 3 observed Subject 1 being chased on foot by Officer A. Subject 1 ran into the backyard of a residential building; as Officer A followed. Witness 4 and Witness 3 stood at the front gate of the yard. Officer A “yanked” and “wrestled” with Subject 1 as she held onto his dreadlocks. Witness 4 described Subject 1 as helpless and intoxicated.

Witness 4 loss view of Officer A and Subject 1 when Officer A “slung” Subject 1 out of view and to the ground behind the residential building. When asked, Witness 4 stated that she did not see what occurred behind the building between Officer A and Subject 1, and could not provide an answer as to if Subject 1 was fighting or resisting Officer A at that time. Witness 4 ran to the other side of the building to obtain a visual of Officer A and Subject 1. When Witness 4 next observed Subject 1, he was on the ground. Subject 1’s back was toward Officer A as he lifted himself to his feet. Seconds

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later, Witness 4 heard one gunshot. Witness 4 did not have a visual of Officer A when Officer A discharged her weapon. Subject 1 grabbed the left side of his stomach as he turned toward Officer A. Thereafter, Subject 1 stumbled out of Witness 4's view. Seconds later, Witness 4 heard two more gunshots. Officer A remained in the backyard as officers began to arrive at the scene.

Witness 4 went across the street to her front porch. Witness 4 related that she did not observe Subject 1 to be in possession of a gun during this incident. Witness 4 did not recall Officer A and Subject 1 having any verbal interaction. Witness 4 did not observe any visual injury to Officer A. Witness 4 related that her neighbors claimed to have witnessed the incident, but that she did not observe them at the scene.

Officer A's Tactical Response Report identifies Subject 1 as an "Assailant/Deadly Force," in that Subject 1 did not follow verbal direction, fled, pulled away, was an imminent threat of battery, attacked without a weapon (punched Officer A on the face), and used force likely to cause death or great bodily harm (reached for Officer A's firearm). Officer A's responses to Subject 1's actions were member presence, verbal commands, closed hand strike/punches, and use of firearm. In the additional information section, Officer A related that Subject 1 punched her several times on the right side of her neck, the right side face, and grabbed her bullet proof vest and gun belt. Officer A discharged her weapon three times, as she was standing approximately 0 to 5 feet away from Subject 1. Thirteen live rounds were recovered from Officer A's firearm.

Officer A's Officer's Battery Report related that she sustained non-fatal, minor injury (bruises, swelling, minor abrasions). The manner of attack by Subject 1 was verbal threats and hands/fists.

There was no **in-car camera video** found relative to this shooting.

Chicago Police Department Evidence Technician photographs and video capture the aftermath of the crime scene. Photographs show Subject 1's vehicle crashed against a building, a bottle of alcohol in the back seat of the vehicle, a plastic cup in the front seat cup holder and a gun on the front floor of the vehicle. Photographs of Subject 1 indicate that paramedics attempted to provide him with medical attention. The gunshot wounds to Subject 1's body are visible along with his blood stained clothes. The photographs did not show any visible injuries to Officer A.

The **Chicago Fire Department Incident Report** relates that Officer A informed responding paramedics that Subject 1 punched her several times on the right side of her face and wrestled with her on the ground. Officer A complained of pain to her right jaw and right ear. Officer A denied any loss of consciousness or any other symptoms. The Findings section of the report states that there was no sign of face swelling or JVD (Jugular Vein Distention) to Officer A's neck. Officer A was provided a cold pack and transported to Little Company of Mary Hospital for medical treatment.

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Officer A's **medical records** from Little Company of Mary Hospital state her chief complaint was that she was punched in the face and neck. Officer A informed hospital personnel she was in a fight with a suspect (Subject 1). Officer A complained of pain to her neck, arms, and the right side of her jaw. Officer A did not sustain any misalignment of teeth or bleeding in the mouth. Officer A was diagnosed with a contusion. Officer A was prescribed vicodin and discharged in stable condition.

The **Chicago Fire Department Incident Report** relates that Subject 1 was dead on arrival.

Illinois State Police Division of Forensic Services examined and test fired Officer A's weapon (Sig Sauer, Model P226, 9mm, semi-automatic, blue steel finish, Serial #UU611955) and found it to be in firing condition.

Illinois State Police Division of Forensic Services performed a comparison test of Subject 1's DNA to DNA that was found on Officer A's belongings (holster, handcuff case, magazine holder, name tag, outer vest cover, vest, weapon grip area, and weapon slide area). Subject 1 was excluded from having had contact with Officer A's gun slide area. The results for Officer A's other belongings related that the number of contributors to this mixture could not be determined, and that the mixture was potentially incomplete and not suitable for comparisons.

The **Office of the Medical Examiner's** opinion was that Subject 1 died of multiple gunshot wounds; the manner of death was homicide. Subject 1 sustained two gunshot wounds to his right arm (through and through); two wounds to his abdomen; and one EX 7 gunshot wound to his upper back. The Toxicology Report states that Subject 1's ethanol vitreous humor was 156mg, and his ethanol central blood was 138mg.

The **Case Supplementary Report** relates that a Smith and Wesson SW40VE, Semi-automatic, .40 caliber pistol, serial #DSE0427, was recovered from Subject 1's vehicle.

In an **interview** by Detectives, **Subject 2** related he and his brother Subject 3 were at a lounge when he came into contact with "[Nickname]" (Subject 1). The lounge was closing and Subject 2 asked "[Nickname]" if he could take him and his brother home. Subject 1 agreed to do so. As Subject 2 approached Subject 1's vehicle, he observed an unknown male black sitting in the front passenger seat. Subject 2 and his brother Subject 3 entered the back seats of the vehicle and Subject 1 drove away. Subject 2 observed a police vehicle with flashing lights behind them and yelled for Subject 1 to pull over and let him and his brother out. Subject 1 continued driving and sped away from the police and subsequently crashed into a building. Subject 1 and the unknown passenger fled from the vehicle. Subject 2 and his brother remained seated in the vehicle. Subject 2 could not relate anything relative to the shooting incident.

In an **interview** by Detectives, **Subject 3** essentially related the same account of the incident as Subject 2.

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In their statement to Detectives, Officers A and B essentially related the same account of the incident as they did in their statements to IPRA.

The Detectives were unsuccessful in locating any witnesses to this incident.

In a **statement** to IPRA on 25 NOVEMBER 2011, **Officer B** related the same account of the incident as Officer A to the point where Subject 1 crashed his vehicle. Officer B pursued the unknown black male who fled in the opposite direction of Subject 1. After Officer B realized that Officer A was not responding to the radio, he terminated his pursuit of the unknown male black. Officer B then placed his effort in locating Officer A. Prior to jumping over his last residential fence, Officer B heard three gun shots and observed Officer A in a bent over position in the backyard of 7344 S. Emerald Avenue. Officer B stated that Officer A appeared exhausted and he was not sure if she had been shot or not. After realizing that Officer A was okay, Officer B observed Subject 1 on the ground, making a twitching motion.

In an initial **statement** to IPRA on 25 NOVEMBER 2011, **Involved Officer A** related that she and Officer B observed a Buick vehicle¹ roll through a stop sign at 73rd and Halsted. Officer A, who was the passenger officer, activated the squad car's sirens and lights. Subject 1 stopped momentarily as if he was going to bring the car to a complete stop, and then proceeded to drive away. During the pursuit of Subject 1, he crashed the vehicle into a building at 705 W. 74th Street. Subject 1 exited his vehicle and fled northbound on Emerald Avenue. Officer A pursued Subject 1 on foot. Officer A stated that she was approximately six feet behind Subject 1 during her foot pursuit. For a second, Officer A lost sight of Subject 1 when he turned the corner of a gangway.

Subject 1 came to a stop in the middle of the backyard at 7344 S. Emerald Avenue. Subject 1 positioned himself in a fighting stance facing Officer A, with his fists clenched. Subject 1, who was smiling and laughing, stated to Officer A, "What's up bitch?" Officer A stated to Subject 1, "Let me see your hands!" Officer A attempted to grab Subject 1 by his hand, at which time a physical altercation ensued between them. Subject 1 wrestled, punched and grabbed Officer A by her vest. Subject 1 attempted to pull Officer A to the ground, and grabbed for her gun/gun belt. Subject 1 was not able to pull Officer A to the ground and she secured her gun/gun belt. Subject 1 struck Officer A several times on the right side of her face with a closed fist. Officer A pushed Subject 1 away from her and "gained a little control" of the situation by pushing Subject 1 off of her. Officer A stepped back approximately four to five feet and drew her weapon.

Officer A gave Subject 1 a verbal command to stop. Subject 1 lunged toward Officer A at which time she discharged three consecutive rounds toward Subject 1. Subject 1 fell to the ground. Officer A communicated with OEMC that shots had been fired and provided her location. Seconds later, Officer B arrived at Officer A's location and radioed for an ambulance. Officer A stated she discharged her weapon because she feared that Subject 1 was going to take her weapon away from her. Officer A could not

¹ Now known to be driven by Subject 1.

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recall if Subject 1 grabbed her gun during the altercation, if she struck Subject 1 with her hand/fists, or if she grabbed Subject 1 by his hair or clothing during their altercation. Officer A sustained bruising and swelling to her face and was transported to Little Company of Mary Hospital for medical attention. Officer A related that she was carrying an ASP during this incident.

In a subsequent **interview** to IPRA on 30 JULY 2013, **accused Officer A** was asked some clarification questions in regards to her initial statement to IPRA on 25 NOVEMBER 2011. To several questions Officer A answered, "I stand by my prior statement on November 25, 2011." Officer A described Subject 1's demeanor toward her as careless, vicious, extremely violent, and aggressive. Officer A stated Subject 1 grabbed her about the shoulders of her bullet-proof vest. Officer A stated that neither she nor Subject 1 made contact with the ground during their altercation. Officer A related that the Chicago Fire Department Incident Report, which related that Officer A informed responding paramedics that Subject 1 punched her several times on the right side of her face and wrestled with her on the ground, was partially correct. Officer A stated that Subject 1 never wrestled her to the ground.

Officer A related she did not use her ASP in her encounter with Subject 1 because Subject 1 was trying to disarm her of her weapon and kill her. Officer A did not have a taser on her person during this incident. Officer A related she received self-defense training with the Department. When asked if Subject 1 lunging toward her was likely to cause her death or serious injury, Officer A replied "yes," that he was reaching for her weapon, trying to disarm her and "I fear that he was going to take my weapon away from me." When asked, Officer A related Subject 1 did not have a gun or any other object in his hand during this incident. Officer A denied she used excessive force in shooting Subject 1. Officer A also denied she violated Department policy regarding the Use of Force, in that she shot and killed Subject 1 without justification.

CONCLUSION AND FINDING:

This investigation revealed that the use of deadly force by Officer A was in compliance with the Chicago Police Department Policy pertaining to the use of Deadly Force. 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;
 - b. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

The R/I recommends a finding of **UNFOUNDED** for **Allegation #1**, that **Officer A**, violated Department policy regarding the Use of Deadly Force, in that she shot and killed Subject 1 without justification.

Officer A provided a consistent and credible account of the incident. Officer A's account is corroborated by documented medical injuries (contusions) and witness statements; whom accounts of the incident indicate there was a struggle between Officer A and Subject 1. Subject 1's actions were those of an Assailant/Deadly Force. Subject 1 did not follow verbal commands; he fled; pulled away; was an imminent threat of Battery, punched Officer A multiple times about the right side of her face; attacked without a weapon, and attempted to disarm Officer A of her firearm. Officer A was able to push the 183 lb. Subject 1 off of her and create a small distance between them. At that moment, Officer A drew her weapon and gave Subject 1 verbal commands to stop. However, Subject 1 lunged toward Officer A, at which time she discharged her firearm, fatally striking him. Officer A was alone at the time of her physical encounter with Subject 1, and feared that Subject 1 was going to disarm her of her firearm and kill her.

The witnesses disputed Officer A's account of the incident. Witness 1 related Subject 1 was not fighting or struggling with Officer A. However, Witness 1 provided

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conflicting statements as he related, “the only resisting he was doing was trying to stand back up, and she still trying to pull him down.” Witness 1 further related Subject 1 refused to comply with Officer A’s verbal commands to get on the ground by stating, “I’m not going on that ground.” Witness 2 related Subject 1 did not resist Officer A. However, Witness 2 went on to state that Officer A grabbed Subject 1 by his dreadlocks and pulled him to the ground as he attempted to climb a gate. Subject 1’s actions of climbing a gate to escape/flee Officer A is an act of resistance.

In her statement, Witness 3 also related Subject 1 did not resist. Witness 3 went on to relate, “She’s (Officer A) still tussling with him.” The statement by Witness 3 suggests there was a physical altercation between Subject 1 and Officer A; which resulted from Subject 1’s refusal to get on the ground. In her statement, Witness 4 related she observed Officer A “yanking” Subject 1’s dreadlocks, and “wrestling with him.” Witness 4’s statement also suggests a physical altercation between Subject 1 and Officer A took place.

Furthermore, there were inconsistencies amongst the witnesses’ account of the incident, as to where Subject 1 was shot, and his physical position when he was initially shot. Witness 3 related that Officer A did not give Subject 1 verbal commands, but Witness 1 related that Officer A gave Subject 1 verbal commands to get on the ground. Witness 4 related Subject 1 and Officer A moved from she and Witness 3’s view. According to Witness 4, this resulted in she and Witness 3 relocating to the other side of the residential building to obtain a visual. However, when Witness 3 was asked if at anytime she lost sight of Subject 1 and Officer A in the backyard, she stated, “No, cause I’m right there on the gate.” “We see everything, everything that’s going on.” This statement by Witness 3 contradicts Witness 4’s account of the incident. This is imperative, because when Witness 3 and Witness 4 next observed Subject 1, Subject 1 was on the ground. Witness 4 related that she did not know how Subject 1 came to be on the ground. It is reasonable that Subject 1 came to be on the ground from being pushed by Officer A during their physical altercation, or being shot by Officer A.

Based on the totality of the circumstances, there is sufficient evidence to support Officer A’s account of the incident and the use of force likely to cause death or great bodily harm. Officer A related she was in fear for her life, and believed such force was necessary to prevent death or great bodily harm to her. This investigation revealed that the use of deadly force by Officer A was in compliance with the Chicago Police Department’s Policy pertaining to the Use of Deadly Force.