

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1052278/U #12-07

INVESTIGATION

NUMBER: Log #1052278/ U #12-07

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Male/Black; 42 years old;
On- Duty; Civilian Dress; Year of Appointment – 2003

OFFICER’S

INJURIES: None Reported

SUBJECT:

“Subject 1”; Male/Black; 23 years old

SUBJECT’S

INJURIES: One non-fatal gunshot wound to the right lower leg. Treated at
Christ Hospital.

DATE/TIME:

02 March 2012, 1251 hours

LOCATION:

8253 S. Stewart Avenue (West Chatman Park)

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1052278/U #12-07

Summary of Incident:

On 02 March 2012, at approximately 1249 hours, Beat 663A, Officer A and Officer B were on patrol in the vicinity of 79th Street and Lafayette Avenue. When the officers pulled into the Citgo gas station, they observed a gold colored Cadillac with four occupants inside the vehicle. The officers believed that one of the occupants was wanted for a previous shooting that occurred at a White Castle. The officers parked their vehicle in front of the Cadillac and approached the occupants with their weapons drawn. The officers ordered the driver/subject, Subject 1, to exit the vehicle and Subject 1 informed the officers that he was about to park the Cadillac. Subject 1 then placed the vehicle in reverse and drove around the unmarked police vehicle. As Subject 1 drove the Cadillac around the police vehicle, the officers ordered Subject 1 to stop and place his hands in the air. Subject 1 did not comply with the verbal command and Officer A, using the butt of his weapon, struck the driver's side window as the vehicle drove away. The Cadillac fled southbound on Lafayette. Officer A believed that he saw the butt of a gun. Officer B believed he saw a "shiny" object, possibly a gun.

Officer A and Officer B returned to their vehicle to pursue the Cadillac. Subject 1 drove the Cadillac southbound on Lafayette Avenue and then westbound on 82nd Street. Subject 1 then drove into West Chatham Park with the officers still in pursuit. As Subject 1 drove into the park, the officers observed a dark object thrown from the driver's side window of the Cadillac. Subject 1 drove the Cadillac between a baseball backstop and the park fence and eventually crashed into a tree. After the Cadillac struck a tree, Subject 1 exited the vehicle and fled on foot.

Officer A and Officer B exited their vehicle and ordered Subject 1 to stop running. Subject 1 failed to comply, so Officer A pursued him on foot while Officer B approached the Cadillac and detained the three other occupants. As Subject 1 ran he placed his arm near his waistband and then turned toward Officer A with his arm extended. Officer A, believing Subject 1 possessed a firearm, and in fear for his life, fired his weapon twice. Subject 1 continued to run through the park with Officer A in pursuit. Subject 1 made another movement with his arm and Officer A fired two additional times. Subject 1 ran a short distance and then fell to the ground with a gunshot wound to his lower right leg. Officers responded to the scene and placed Subject 1 into custody. Chicago Fire Department personnel arrived on the scene and transported Subject 1 to Christ Hospital for treatment.

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1052278/U #12-07

Investigation:

The **Arrest report** for Subject 1 documents that the officers were in the area attempting to locate an offender wanted for a warrant. Officer A and Officer B, having knowledge that the offender was in the area, observed a subject matching the description sitting in the driver's seat of a Cadillac in the Citgo gas station parking lot drinking an alcoholic beverage. The officers exited their vehicle to conduct a field interview, when they observed a shiny object, which appeared to be a handgun, next to the center console on the driver's side. The officers ordered the driver, identified as Subject 1, to turn the vehicle off. Subject 1 placed the vehicle in reverse and accelerated towards Officer A. Officer A ordered Subject 1 to stop, but instead he placed the vehicle in drive and fled southbound on Lafayette Avenue. Subject 1 traveled through a park and crashed into a tree. Subject 1 exited the vehicle, reached into the waistband of his pants, turned and extended his arm toward Officer A. Officer A fired his duty weapon striking Subject 1 on the lower right leg. During the arrest of Subject 1, officers recovered and inventoried suspect cannabis.

The **Arrest reports** for Witness 1, Witness 3 and Witness 2 (who were in the Cadillac with Subject 1) document that as officers approached the vehicle they observed Witness 1, Witness 3 and Witness 2 drinking alcohol from small white cups. As officers approached the vehicle in an attempt to conduct a field interview, Subject 1 fled the scene and subsequently crashed. Officers placed Witness 1, Witness 2 and Witness 3 into custody.

General Case and Supplemental reports document the recovery of suspect cannabis during the arrest of Subject 1; a subsequent investigation into a robbery at the Citgo Gas Station; and the charges of Possession, Fleeing/Eluding and Aggravated Assault with a Motor Vehicle against Subject 1.

Officer's Battery reports submitted by **Officer A** and **Officer B** document that while conducting an investigation into a suspicious person Subject 1 threatened Officer A in that he turned and pointed an unknown object in the direction of Officer A. Officer A sustained no serious injuries.

A **Tactical Response report** submitted by **Officer A** documents that Subject 1 failed to comply with verbal commands, stiffened his body, attempted to strike Officer A with a vehicle, fled the scene, attacked Officer A with a weapon in an attempt to use force likely to cause great bodily harm and/or death. Officer A responded with his presence, emergency take down handcuffing and discharged his firearm.

A **Tactical Response report** submitted by **Officer B** documents that Subject 1 failed to follow verbal commands, attempted to flee the scene and used force likely to cause death or great bodily harm. Officer B responded with his presence.

The **Alcohol and Drug Testing report** submitted by CPD Sergeant 1, documents that on 02 March 2012, at 1338 hours, CPD Sergeant 1 administered the alcohol and drug

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1052278/U #12-07

test to Officer A. The results document that Officer A was not under the influence of any type of alcohol or narcotic at the time of the incident.

A **To-From report** completed and submitted by IPRA Investigator A, documents that attempts to obtain video footage from the Citgo gas station were unsuccessful.

Office of Emergency Management and Communications (OEMC) documents that Bt 663A, Officer A and Officer B, radioed a vehicle pursuit. The pursuit and the subsequent shooting are documented under Event Numbers #120628104, 120628238, 1206208361 and 1206209483.

The **Crime Scene Processing reports** document that units from the Mobile Crime Lab processed the scene and took photographs and video of the area.

The **Crime Lab photographs and Crime Scene video** depict the scene, and recovered evidence.

The **Illinois State Police, Division of Forensic Services report**, dated 16 March 2012, documents that the weapon belonging to Officer A was in good firing condition.

Medical records obtained from Christ Hospital document that Subject 1 sustained a gun shot wound to the right lower leg and right fibula fracture.

In an **audio-recorded** interview taken on 02 March 2012, at Christ Hospital, **Subject 1** stated that he was home drinking tequila with three friends, Witness 2, Witness 3 and Witness 1 when they drove to the Citgo gas station located at 79th Street and Lafayette Avenue to buy cigarettes. The three friends remained inside the vehicle as Subject 1 went inside the gas station. When Subject 1 returned to his vehicle, a Cadillac DeVille, he observed an unmarked police vehicle occupied by two plainclothes officers on the gas station parking lot. Subject 1 attempted to drive forward when the unmarked police vehicle stopped in front of his vehicle. Officer A and Officer B¹ exited their vehicle and Subject 1 rolled down his window and placed his vehicle in reverse. Officer A had his weapon pointed at Subject 1 and stated, "Don't you fucking try it or I'll kill you." Subject 1 drove around the officer, turned southbound and drove onto Lafayette Avenue. As Subject 1 drove out of the gas station Officer A discharged one round at the vehicle. Officer A and Officer B entered their vehicle and pursued Subject 1. Subject 1 drove his vehicle through a park and crashed into a tree. Subject 1 exited his vehicle and fled on foot, while his three friends remained in the vehicle. Officer A chased Subject 1 and fired at him approximately seven times striking him once in the right leg. Subject 1 fell to the ground and Officer A placed him into custody. Subject 1 stated that he did not have a weapon on his person.

In an **audio-recorded** interview taken on 02 March 2012, at Area 2 Police Headquarters, **Witness 1** stated, in essence, the same information as Subject 1. Witness 1 further stated that after the Subject 1 struck the tree he told his three friends that he was

¹ Identified from reports.

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1052278/U #12-07

going to get out and run. Officer A yelled to Subject 1, "You stop or I'll shoot your ass." Witness 1 stated that Subject 1 did not have a weapon and no one in the vehicle tossed anything out of a window.

In an **audio-recorded** interview taken on 02 March 2012, at Area 2 Police Headquarters, **Witness 2** stated, in essence, the same information as Subject 1 and Witness 1. Witness 2 further stated that after the crash Subject 1 exited the vehicle and began to run with his hands in a running motion. Witness 1 did not observe Subject 1 reach for anything by his waist, but did observe Subject 1 turn back toward the officer while the officer yelled, "Stop, stop." Witness 2 heard several gunshots and observed Subject 1 reach downward toward his ankle and collapse onto the ground. Witness 2 stated that no one in the vehicle threw anything from the vehicle.

In an **audio-recorded** interview taken on 02 March 2012, at Area 2 Police Headquarters, **Witness 3** stated, in essence, the same information as Subject 1, Witness 1 and Witness 2. Witness 3 stated that as Officer A approached the driver's side of the vehicle he used the butt of his weapon to tap on the window and instructed Subject 1 to stop the vehicle. Subject 1 placed the vehicle in reverse and drove out of the gas station. Witness 3 further stated that after Subject 1 crashed his vehicle and started to run, Officer A yelled, " Stop, stop" and then fired one shot in the air. Subject 1 continued to run, while turning back over his shoulder and Officer A fired approximately four more times. Subject 1 did not have a weapon and Witness 3 did not observe Subject 1 turn and point anything at Officer A. Witness 3 stated he was not sure if Officer A fired his weapon while they were at the Citgo gas station.

In an **audio-recorded** interview taken on 03 March 2012, at the Citgo gas station, **Witness 4** stated he was waiting on customers in the gas station's convenience store when he heard tires squealing outside the store. Witness 4 saw a large gold luxury sedan facing north (toward 79th Street), adjacent to pump number three. Witness 4 said that it appeared as though the driver of that car (whom Witness 4 could not see) accelerated, causing the rear wheels to spin. Witness 4 saw a male wearing a black woolen "skull cap" and a black T-shirt standing next to that car, on the driver's side of the vehicle, as it sped from the station. The male standing next to the car ran to a dark Crown Victoria with the letter "M" as the first character of the car's license plate number, entered the driver's side and left the gas station area at high rate of speed following the gold car. Witness 4 stated that he saw no object of any kind in the man's hand as he ran to the Crown Victoria. He heard no explosions or "pops" at any time during the incident.

In an **audio-recorded** interview taken on 02 March 2012, at Area 2 Police Headquarters, **Officer B** stated, in essence, the same information as reported in department submitted reports. Officer B added that both he and Officer A approached the driver's side of the Cadillac. As Officer B approached he observed a "shiny" object that he believed to be a weapon. The officers announced their office and ordered the occupants to show their hands, however the Cadillac drove in reverse and around the police vehicle. Officer B drew his weapon, while Officer A yelled, "Stop, stop" while using the butt of his weapon to tap on back window. The Cadillac then fled the gas

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1052278/U #12-07

station. Officer B stated that after the Cadillac crashed in Chatham Park, Subject 1 exited the vehicle holding his right side and turned towards the officers as if he was going to remove something from his waistband. Officer B believed that Subject 1 had a weapon. Officer A pursued Subject 1 while Officer B secured the remaining three occupants of the vehicle. Officer B heard two shots and observed Officer A with his arm extended toward Subject 1. As Officer B removed the occupants from the vehicle, he heard two additional gunshots and observed Subject 1 stumble to the ground.

In an **audio-recorded** interview taken on 10 April 2014, at IPRA, **Officer A** stated, in essence, the same information as reported in submitted department reports. Officer A added that as he approached Subject 1's vehicle, he observed what he believed to be the butt of a chrome handgun protruding from the center console area. As Subject 1 fled the gas station at a high rate of speed, Officer A had to jump out of the way to avoid being struck. At the conclusion of the pursuit Subject 1 exited the vehicle and fled on foot with Officer A in foot pursuit. During the foot pursuit Officer A observed Subject 1 turn and extend his arm toward Officer A, who at that moment believed Subject 1 was in the process of pointing a gun at him. Officer A, in fear for his life, discharged his weapon three or four times (actually four times) at Subject 1 striking him and causing him to fall to the ground. Additional officers arrived on the scene and took Subject 1 into custody. Officer A stated that he no other physical contact with Subject 1.

A **canvass** conducted in the area found no witnesses or additional information.

Civil Suit, #14-cv-1486, filed on 11 March 2014, documents that [Male Name], filed a Excessive Force complaint on behalf of Subject 1. The documents cite that Officers A, B and C in the course of their duties as Chicago Police Officers used excessive force during the arrest of Subject 1.

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1052278/U #12-07

Conclusion and Findings:

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 sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonable 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 believed that during his initial encounter with Subject 1 at the gas station, he saw the butt of a weapon in Subject 1's vehicle. Officer B believed that he saw a "shiny" object in Subject 1's vehicle. Subject 1 fled the scene when the officers approached his vehicle providing them further reasonable belief that Subject 1 possessed a weapon and/or was involved in illegal activities. After a short pursuit, Subject 1 exited his vehicle holding his right side at the waist and then turned toward Officer A with his arm extended. Witness 2, who was with Subject 1, stated that he saw Subject 1 turn back toward Officer A. Due to the totality of the circumstances, and his belief that Subject 1 had a weapon and was turning toward Officer A, it is reasonable that Officer A feared for his life and discharged his weapon, although no weapon was recovered at the scene.