

**INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1052788/U#12-10**

**INVESTIGATION**

**NUMBER:** Log #1052788 / U#12-10

**OFFICER**

**INVOLVED:** “Officer A” (Chicago Police Officer); Male/Black; 29 years old;  
On- Duty; In Civilian Dress; Year of Appointment – 2006

**OFFICER**

**INJURIES:** None reported.

**SUBJECT:** “Subject 1”; Male/Black; 20 years old

**SUBJECT’S**

**INJURIES:** Three gunshot wounds to the back, right arm and buttocks. Treated  
and released at/from Christ Hospital.

**INITIAL**

**INCIDENT:** On view arrest, “Man with a Gun”

**DATE/TIME/**

**OF INCIDENT:** 22 March 2012, 1934 Hours

**LOCATION:** 10501 S. Green Street (alley) Beat 2233

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### **SUMMARY OF INCIDENT:**

On 22 March 2012, Officers A and B, while on routine patrol working Beat 41S70D, drove south on Green Street from 104<sup>th</sup> Street. The officers observed people in the alley between Green and Halsted Streets. The officers observed two men with their faces concealed with makeshift masks and attempted to conduct a Street Stop; however, the two men, now known to be Subject 1 and Subject 2, fled east on 105<sup>th</sup> Street with the officers in pursuit. Subject 2 was running in front of Subject 1 as the officers gave chase with Officer B running behind Officer A. Subject 1 pulled a sawed-off shotgun from his waistband and pointed it towards the officers. Officer A, in fear for his safety and the safety of his partner, discharged his firearm multiple times at Subject 1. Subject 1 dropped the shotgun before entering the east alley of Green Street and then ran into the alley. Officers A and B pursued Subject 1 into the alley. The officers lost sight of Subject 2 as he continued running north in the alley. Officers A and B observed Subject 1 reach into his waistband again, and Officer A ordered Subject 1 to "Stop." Subject 1 kept his hands near his waistband; so Officer A believed Subject 1 to be in possession of a second weapon and feared he was attempting to retrieve the same. Officer A fired additional rounds at Subject 1, who slowly fell to the ground and was taken into custody near a residential garage located at 10451 S. Green.

Officer B heard movement approximately two houses north of where Subject 1 fell. Officer B ran to the area but did not find Subject 2; however, the officer heard what he believed to be a person jumping over fences traveling west. Officer B went back to where his partner was guarding Subject 1. Officer B remained with the prisoner while Officer A went to retrieve the shotgun discarded by Subject 1.

CPD Sergeant A and Officer C, aware that the second offender was still at large, began a systematic search of the area for the second offender, Subject 2. Subject 2 was located lying on the ground in a small area next to a detached garage in the yard of 10441 S. Peoria. Subject 2 was taken into custody and positively identified by Officers A and B as the male subject who fled with Subject 1.

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In an **interview** on 22 March 2012 with CPD Detective 1 and CPD Detective 2, **Subject 1** stated that he and his friend, Subject 2, planned to go to 105<sup>th</sup> Street and shoot any Gangster Disciple (GD) they saw in retaliation for a threat made on Subject 1's brother's life two days earlier. According to Subject 1, in relation to an internal Gangster Disciple conflict, his brother had a gun put to his head for "selling too much weed." Subject 1 stated that he got the shotgun and a .22 caliber handgun from Subject 2's house, and that he and Subject 2 met in Fernwood Park at 105<sup>th</sup> and Wallace. Subject 1 stated that he took the shotgun because he liked it better than the .22 caliber and gave Subject 2 the .22 caliber handgun. Subject 1 and Subject 2 walked East on 105<sup>th</sup> Street from Halsted to Green Street. Subject 1 and Subject 2 saw the police, so Subject 2 ran towards the alley and Subject 1 pulled the shotgun from his pants, cutting his right thigh in the process. Subject 1 heard gunshots when he pulled the shotgun out, so he tossed the shotgun in the grass and ran into the alley. Subject 1 heard another shot and immediately felt pain. Subject 1 stated that he did not reach for his waist, rather he grabbed his right side when he felt pain in his buttocks. Subject 1 positively identified an electronic photograph of Subject 2 as the person with him who was in possession of the .22 caliber handgun.

In an **interview** on 23 March 2012 with CPD Detective 1 and CPD Detective 2, **Subject 2** stated that Subject 1 and he are friends, and Subject 1 has been living at Subject 2's house for the last few weeks. According to Subject 2, Subject 1 took him to an alley on Loomis Street; the actual address was unknown to Subject 2. Subject 1 was aware that there was a shotgun and a .22 caliber handgun being kept behind the garage. Subject 1 took the shotgun and Subject 2 put the handgun in his waist. Subject 2 stated that he saw the .22 revolver "on the block" and that it (the revolver) was stolen from a trap house by someone he did not know. Subject 2 also stated that he did not know the address of the trap house. Subject 2 and Subject 1 were walking when the police pulled up and stopped. Because he (Subject 2) had the revolver in his waist, he didn't want to get stopped by the police, so he fled. Subject 2 ran toward Halsted and then turned into the alley. Subject 2 heard what he assumed was warning shots being fired by the police, but he continued running. Subject 2 tossed the revolver over a fence as he ran west from Halsted through the yards. Subject 2 hid in a yard next to a garage until the police found him, at which time he was taken into custody.

An **Attempt to Interview Subject 2** was met with negative results. Subject 2 refused to provide an interview to IPRA without consulting with an attorney.

A **Tactical Response Report (TRR)** prepared by **Officer A** indicates that the officer fired his weapon eleven times, striking Subject 1, who was armed with a 12-gauge shotgun, multiple times.

**Officer A's Battery Report (OBR)** indicates that he did not sustain any apparent injuries during this incident.

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A **Tactical Response Report (TRR)** prepared by **Officer B** indicates that Subject 1 pointed a shotgun in the direction of Officer B and his partner Officer A.

**Officer B' Battery Report (OBR)** indicates that he did not sustain any apparent injury.

In a **statement** to the IPRA on 23 March 2012, **Subject 1** stated that he and his friend "D," now known to be Subject 2, were walking from 104<sup>th</sup> and Halsted towards Green Street when two police officers driving an unmarked squad car stopped directly in front of them. Subject 1, having been arrested previously for U UW, took off running before the police said anything to him. Subject 1 ran towards the north alley near Halsted, removed the shotgun from his waist and then threw it aside. Subject 1 heard shots, but he continued running. Subject 1 heard a second shot; this time he felt pain and numbness in his arm, yet Subject 1 continued to run until he felt pain in his right buttock, at which time he stopped and laid down on the pavement. An officer wearing dreads approached Subject 1 immediately, put a gun to his head and told him not to move. Subject 1 stated that he was shot in his right arm, his back and his right buttock.

In a **statement** to the IPRA, on 28 March 2012, **Witness 1** stated that someone informed him that there were two suspicious people on the side of his grocery store located at 10500 S. Halsted Street. Witness 1 went outside to verify the information and observed two people with their backs to him, dressed in dark clothing, walking west on 105<sup>th</sup> Street.<sup>1</sup> Shortly thereafter, Witness 1 heard gunfire and observed two people following behind the pair dressed in dark clothing running towards the alley at 105<sup>th</sup> Street by the Barber's College.<sup>2</sup> Witness 1 stated that the two following behind started shooting. Witness 1 later learned that the police were chasing two individuals and were involved in the shooting.

The related **Department Reports, including the Arrest Reports, Original Case Incident Report, and Case Supplementary Reports**, included an account of the incident that is consistent with the Summary of Incident. Subject 1 was charged with two counts of Aggravated Assault to a Police Officer with a Firearm and U UW/Possession of a Firearm by a Felon. Subject 2 was charged with U UW/Possession of a firearm by a Felon.

**Evidence Technician (ET) Photographs** depict Subject 1 laying on a gurney or bed with medical apparatuses affixed to his right arm and upper chest. Subject 1's body is covered by a blanket and only his head and arms are visible.

**The Chicago Fire Department Ambulance Report** indicates that on 22 March 2012, at 1935 hours, Ambulance #A05 was dispatched to 105<sup>th</sup> and Green Street for a gunshot victim. Ambulance #A05 arrived at the location and found Subject 1 alert and sitting. Subject 1 stated that he was out to shoot another gang member and he was shot. Subject 1 was shot once in the upper back on the left side, once in the left upper arm (in and out) and once in the right buttocks (no exit wound). Subject 1 complained of pain in the areas of GSWs and loss of feeling in his left hand. At 2002 hours, Subject 1 was transported to Christ Hospital with CPD on board.

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<sup>1</sup> Now known to be Subject 1 and Subject 2 From Department Reports

<sup>2</sup> Identified as Officer A and Officer B from Department Reports

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**Medical Records** obtained from **Christ Medical Center** indicate that Subject 1 was treated and released on 23 March 2012 for multiple gun shot wounds to the left upper arm, right hip, and left back.

A report from the **Illinois State Police (ISP) Division of Forensic Services** indicated that the firearm belonging to Officer A was test fired and found to be in firing condition. The ISP report also indicates that the barrel displays rifling of six lands and grooves with a right hand twist.

A report from the **Illinois State Police (ISP) Division of Forensic Services** indicated that the firearm inventoried under #12569465 was examined and found to be inoperable due to a broken firing pin.

In a **statement** to IPRA on 24 March 2012, **involved Officer A** indicated that he and his partner, Officer B were on routine patrol in the vicinity of 104<sup>th</sup> and Green Street when they observed two male subjects with their faces concealed with dark colored T-shirts, and acting suspiciously<sup>3</sup>. Officer A, the driver, pulled over to conduct a field interview, at which time both subjects fled and a foot chase ensued. Officer A lost sight of Subject 2 after he ran into the alley. Subject 1 ran approximately five feet in front of Officer A with Officer B about two feet behind Officer A. Both officers announced their officer and gave verbal commands for Subject 1 to stop, which Subject 1 ignored. Officer A observed Subject 1 reach inside of his waist, removed a 12-gauge sawed off shotgun and point the same in the direction of Officer A and Officer B. Officer A described Subject 1's actions as "leveling off" the shotgun as he looked over his shoulder pointing the weapon at the officers. In fear for his safety and that of his partner, Officer A fired approximately five rounds at Subject 1 causing Subject 1 to drop the weapon, but continued to flee. Officers A and B continued to pursue Subject 1 into the alley with Subject 1 placing his hand inside his waist for a second time; fearing that Subject 1 may have a second weapon; Officer A fired another five shots, injuring Subject 1. Subject 1 gave up and fell to the ground; he voluntarily stated something to the effect of he "did not have anything else on him and that he had the shotgun because some guys were trying to get him." Officer A cuffed Subject 1 and called for an ambulance. According to Officer A, his partner heard noises coming from a nearby yard; assuming the noise was the second subject (Subject 2), Officer B went to investigate. Subject 2 was not observed in the yard; where the noise was heard, however Officer B saw Subject 2 jumping over a nearby fence. A flash message was sent with the description of Subject 2 who had made good his escape and the direction of flight. Shortly thereafter, CPD Sergeant 1 arrived at the location where Subject 1 was detained with a second subject in custody (Subject 2) who was positively identified by Officer A as the male subject who fled on foot with Subject 1.

In a **statement** to the IPRA on 23 March 2012, **witness Officer B** essentially provided the same account as Officer A. Officers A and B were on routine patrol in a known gang area when they observed two male subjects, now known as Subject 1 and Subject 2, with T-Shirts covering their faces in the vicinity of 105<sup>th</sup> and Green Street. Officer A stopped the unmarked squad and the officers exited their vehicle and announced their office in an attempt to conduct a field interview. Upon exiting their vehicle and approaching the subjects, both Subject 1 and Subject 2 fled on foot. Subject 2 ran first, with Subject 1 stumbling and then fleeing in the

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<sup>3</sup> Identified as Subject 1 and Subject 2 from Department Reports

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same direction as Subject 2. Officers A and B gave chase with Officer A in front and Officer B a few feet behind. Subject 1 pulled a large shotgun from his waist and pointed the weapon in the direction of Officers A and B. Officer A discharged his weapon; Subject 1 dropped the shotgun and then ran north into the alley near 104<sup>th</sup> and Green Street. Officer B was able to see Subject 1 as pointed the shotgun at the officers, however Officer B did not discharge his weapon, to stop the fleeing Subject 1, as his partner was in his line of fire. Subject 1 continued running and moving his hand about his waist as if he was attempting to retrieve a second weapon. Officer A fired multiple rounds at Subject 1 at which time Subject 1 fell to the ground and was placed into custody by Officer A. Officer B heard what he thought was the second subject, Subject 2, in a nearby yard and relocated to that area to investigate, leaving Officer A to guard the prisoner. Subject 2 was observed running west, at which time Officer B returned to where his partner was detaining the injured Subject 1. A flash message was broadcasted with the description of Subject 2 and his direction of flight. Responding units subsequently apprehended Subject 2.

In a **statement** to the IPRA on 22 March 2012, **witness CPD Sergeant 1** stated that, while on routine patrol, she monitored a radio call of "Shots Fired by the Police" and responded to assist. Additional radio transmissions indicated that one offender was still at large. CPD Sergeant 1 and Officer C conducted a systematic search of the area for the wanted offender. After a through search of the area, the wanted offender, Subject 2, was located in the gangway of 10441 S. Peoria between the garage and a fence. CPD Sergeant 1 radioed that she and Officer C may have the wanted offender in custody and then relocated to 105<sup>th</sup> and Green at the mouth of the alley, where Officers A and B positively identified Subject 2 as the wanted offender. CPD Sergeant 1 did not witness the officer involved shooting.

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### **CONCLUSION and FINDINGS:**

This investigation found that the use of deadly force by the involved officers was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order G03-02-03, Section II:

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.

Based upon the evidence obtained as a result of this investigation, the actions of Officer A were in compliance with the aforementioned General Order regarding the use of deadly force. Subject 1 presented a grave danger to the lives of Officers A and B when he pointed his weapon at Officer A directly, and in the direction of Officer B as well, as they gave chase. Thus, Officer A was within the Department's guidelines regarding the use of deadly force. Subject 1 admitted he ran from police because he was armed with a shotgun with the intent to shoot any member of a rival gang in his original statement to CPD Detective 1 and CPD Detective 2. Subject 1 stated that he did not point or shoot the handgun at the police during the pursuit; he threw the shotgun away, but was shot upon pulling it out. Regardless as to whether or not Subject 1 intended to fire his gun at Officers A and B, his intentions were unknown to the officers and can not be considered a barrier to Officer A's use of deadly force to prevent death or great bodily harm to himself or his partner. The evidence shows that Subject 1 was unaware that his weapon was not loaded, although in working condition, despite his intentions to fire it or not.

Given these facts as a whole, Officer A's use of deadly force was in compliance with department guidelines.