

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1055355/ U # 12-18

INVESTIGATION

NUMBER: Log # 1055355 / U# 12-18

INVOLVED

OFFICER #1: “Officer A” (Chicago Police Officer); Male/White; 43 years old;
On-Duty; In Uniform; Year of Appointment – 2000

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

SUBJECT: “Subject 1”; Male/Black; 19 years old

**SUBJECT’S
INJURIES:** (1) GSW to the right side of chest, (1) Gunshot wound to the right side of
back, and (1) through and through GSW to the right shoulder; Fatal.

LOCATION: 504 W. Winneconna Parkway
Beat 0621

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SUMMARY OF INCIDENT:

On 8 July 2012, at approximately 0506 hours, Beat 0642R, Officer A and Officer B, were on patrol in the vicinity of 79th Street and Vincennes Avenue. As Officer A, the driver of the marked squad car, drove westbound on 79th Street, he and Officer B observed a black male subject, now known to be Subject 1, running at a very fast pace while crossing 79th Street towards Eggleston Avenue. The officers observed Subject 1 fumble with the waist of his pants. They attempted to stop and question him, but Subject 1 continued to run northbound on Eggleston Avenue. The officers followed Subject 1 in the squad car as he ran into a nearby alley going westbound. The officers slightly passed Subject 1 and then stopped the squad car. Both officers exited the squad car and again attempted to stop Subject 1. Subject 1 doubled back and ran eastbound out of the alley. Officer B, the passenger officer, pursued Subject 1 on foot while Officer A pursued Subject 1 in the squad car.

Subject 1 continued to run northbound on Eggleston Avenue and then westbound on Winneconna. While running, Subject 1 passed Normal Avenue and seconds later ran northbound into a driveway between 504 and 508 West Winneconna. Officer B attempted to cut Subject 1 off by running northbound on Normal, but then doubled back after he realized that there was no path for Subject 1 to escape. In the meantime, Officer A drove up in the driveway between 504 and 508 West Winneconna, parked and then exited the squad car. Officer A ran into the backyard of 508 West Winneconna, and ordered Subject 1 to stop as he attempted to climb a wooden fence in the backyard of 504 West Winneconna. After Subject 1 was unsuccessful in climbing the fence, he turned around and pointed a weapon at Officer A. Officer A fired his weapon at Subject 1.

Shortly afterwards, as Officer B approached the scene, Officer A stated, "He turned and pointed a gun at me." Officer B approached Subject 1 and Officer A asked Subject 1 where the gun was at. Subject 1 then stated, "Its right there," referring to a gun that lay inches from his body. Officer A reported on his radio that shots were fired and requested an ambulance at the scene. Subject 1 was pronounced dead at the scene.

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In an audio recorded **statement** to IPRA **Officer A** related that he and Officer B were in a marked squad car on routine patrol. Officer A was the driver. He and his partner smelled smoke in the air and were attempting to find its origin. As they traveled westbound on 79th Street, they saw a black male, now known to be Subject 1, wearing all dark clothing run across the street. Officer A observed Subject 1 put a dark object into his pocket on his right side. Officer A told this to Officer B and Officer B suggested that they stop him. Subject 1 went north on Eggleston and into an alley. Officer B yelled out the window for Subject 1, who was closest to Officer B's window, to stop. Subject 1 doubled back and went behind the squad car. Officer B exited the squad car to pursue him on foot. Officer A also exited the squad car, but returned to the car when he lost sight of Officer B and Subject 1. Officer A backed the car out of the alley and saw Officer B running. As he passed Officer B in the vehicle, Officer A caught sight of Subject 1 making a left. Officer A then observed Subject 1 make a right into a driveway between two houses. Officer A pulled into the driveway and exited the car. Officer A observed Subject 1 jump over a chain link fence approximately three to four feet high and enter the right side of a yard. Officer A went into the left side of the yard. Subject 1 attempted to climb a six foot wooden fence, but was unsuccessful. Officer A could see the gun in Subject 1's right hand. He also observed that Subject 1 had clear plastic gloves on his hands. Officer A drew his weapon and told Subject 1 to stop and drop the gun. Subject 1 did not say anything in response and turned clockwise towards Officer A. Officer A ducked, changed his position and fired five consecutive rounds.¹ Subject 1 went down. Subject 1 stated "I'm done, I quit."² Officer A covered Subject 1 to ensure the threat was neutralized at which point Officer B arrived at the location. Officer A informed Officer B that Subject 1 "tried to get him"³ and told him to be careful and to find the gun because he might still have it. Subject 1 then stated "the gun is right here"⁴ and motioned in a direction with one of his hands. Officer B recovered the gun and Officer A made the notification to OEMC. Officer A related that Subject 1 had every opportunity to drop his weapon and surrender. Officer A had no choice but to discharge his weapon.

In an audio recorded **statement** to IPRA, **Officer B** related that he and his partner, Officer A, were finishing routine patrol when they smelled smoke. As they tried to figure out where it was coming from, they observed a male, now known to be Subject 1, running northbound from the corner of Vincennes and 79th. Subject 1 was dressed in black clothing and fumbled with his waistband as he ran. They approached him in the squad car near the corner of 79th and Eggleston. Officer B announced their office and ordered Subject 1 to stop, but he continued to run. Subject 1 made a left into an alley on Eggleston just north of 79th St. The officers pursued him in the squad car and passed him. When Subject 1 was next to them, Officer B observed Subject 1 fumble with his waistband. He also observed a dark object in the front of Subject 1's waistband, but could not make out what it was. Both officers exited the car. As Officer B went to grab him, Subject 1 doubled back and headed eastbound down the alley, back

¹ At the time he discharged his weapon, Officer A was not aware of how many rounds he fired, but knew that he fired without pause in between rounds.

² Statement of Officer A, Page 26, Line 8. (Att. 47)

³ *Id.* at Page 24, Line 19.

⁴ *Id.* at Page 26, Line 17.

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towards Eggleston. Towards the mouth of the alley, Officer B saw something drop from Subject 1. As Officer B ran past the object, he saw it was a pack of cigarettes. Subject 1 made a left going westbound on Winneconna. Officer A got back into the vehicle and Officer B continued the foot chase. Officer B had a clear line of view of Subject 1 and continually directed Subject 1 to stop. Subject 1 continued to run at a full sprint pace. He made a right on Normal. Officer B, who was approximately 2-3 houses behind Subject 1, kept him in his sight. As Officer B reached the corner of Normal and Winneconna, Officer A passed him in the squad car. Officer B observed Subject 1 run between two buildings on Winneconna. Officer B observed Officer A pull into the driveway and exit the car. Officer B ran to the back of the yard to see if there was a way Subject 1 could exit. When he saw that there was not, he headed back to the gangway where Officer A and Subject 1 were located. Officer B was near a grey car in front of the building, when he heard the word “gun”⁵ followed by several gunshots. Officer B ran towards the house to get a better view while still keeping cover and observed Officer A duck and move in the adjacent yard. It was early dawn and Officer B was able to see clearly. Officer A had his gun out on Subject 1 and stated that Subject 1 had a gun and “tried to get him.”⁶ Officer B approached the left yard. Officer A was in the right yard and Subject 1 was lying on the ground face up. Officer B saw a stainless steel revolver several inches from Subject 1’s left hand. There was also a black skull cap near the revolver. Officer A asked where the gun was at. Subject 1 whispered that it was right there. Officer A went on the radio and made the notifications. Officer B noticed that Subject 1 had clear plastic gloves on his hands. Officer B placed a handcuff on Subject 1 and rolled him over to his stomach to place the other handcuff on him. At that point, back up units arrived.

In an audio recorded **statement** to **IPRA** on 16 July 2013, **Witness 1**, who resides at XXX Winneconna Parkway, related that she awoke to the sound of a car engine revving. Witness 1 looked out her bedroom window which is located just above her bed and faces south on Winneconna. She observed a young man running with the police behind him. Witness 1 was able to see through the spaces between the brass rods of her headboard and there were no trees or shrubs obstructing her view. Witness 1 related that there is a street light outside her window, but did not recall whether or not it was on. The sun was rising and she had clear visibility of the male who was approximately 20-30 feet away from her window on the opposite side of the street. Witness 1 described the male as a slender, taller, black, dark skinned male with a short afro dressed in black clothing. She observed the male hold the waistband of his pants as he ran. The man ran north on normal and turned west onto Winneconna. The police car turned behind him. Seconds later, the time it took Witness 1 to turn over, she heard five to six gunshots.

The **Case Report** documents identifying information for Officers A and B and Subject 1. The times of all notifications are also documented as are all of the responding Department Members.⁷

⁵ Officer A believed that Officer A said the word “gun”. Officer A did not recall if anything else was said, but he remembered hearing the word gun.

⁶ Statement of Officer B, Page 24, Line 23. (Att.49)

⁷ Case Report RD #HV372418, also an attachment in this investigation, documents a robbery of King’s Gyros located at 7904 Vincennes Ave., at approximately 0452 hours. The two suspects, unknown at that time, were wearing clear plastic gloves. One was in possession of a firearm and the other carried a backpack with pink lettering. The Department Reports relative to the robbery are not included in this summary as they are not relevant

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The **Detectives Supplementary Report** documents information relating to three cases: an armed robbery (HV372418); aggravated assault to a police officer (HV372161); and an officer involved shooting (HV415981). These reports contain essentially the same information contained in this report. CPD Detective 1 responded to the scene and observed the location secured by tape. As CPD Detective 1 proceeded to the rear yard of the location, he observed that the driveway was split into two separate yards; one to the east and one to the west. As CPD Detective 1 entered the yard to the west, at 508 Winneconna Parkway, he observed four expended shell casings. One was approximately six inches to the north of the south fence and one foot to the west of the east fence. There were two additional shell casings about one foot apart from each other located approximately six feet to the north of the south fence and two feet to the west of the east fence. The fourth shell casing was located in front of the rear door of the first floor of the residence located at 508 W. Winneconna Parkway. Looking into the adjacent yard located at 504 W. Winneconna Parkway, CPD Detective 1 observed a fifth shell casing located approximately thirteen feet to the north of the sound fence and three feet to the east of the west fence. CPD Detective 1 also observed Subject 1 laying in the yard with his head situated to the north and his feet to the south. Subject 1's hands were handcuffed behind his back and there was a small caliber revolver handgun on the ground approximately one foot to the east of his body, near his waist. A black knit hat was on the ground approximately two feet to the east of his body, near his chest. Subject 1 wore clear disposable plastic gloves on his hands and there were additional clear plastic gloves against the north wall of the house in the backyard.

Officer A told CPD Detective 1 essentially the same information as provided in his statement to IPRA.

Officer B told CPD Detective 1 essentially the same information as provided in his statement to IPRA.

Civilian 1 and Civilian 2 were interviewed by CPD Detective 1. Civilian 1 heard approximately eight gunshots. He went upstairs to ask his mother if she heard them, but she did not. He went out on his porch and saw police units arrive. Civilian 2 related that a friend, "[Male First Name]", came over and asked if he heard gunshots, which he did not. The two of them then walked to the scene to attempt to find out who had been shot. Neither of them witnessed the incident.

CPD Detective 1 noted that during the course of the investigation several of Subject 1's family members arrived on scene and caused a disturbance. One, Subject 2, was arrested for disorderly conduct after trying to enter the crime scene perimeter.⁸

A **Tactical Response Report** completed by Officer A documents that Subject 1 was a passive resister (did not follow verbal direction) who became an active resister (fled) who

to this investigation because neither Officer A nor Officer B related that they were aware of the robbery or looking for the suspects at the initiation of their contact with Subject 1.

⁸ At the conclusion of these investigations, Subject 2, who was initially arrested for disorderly conduct at the crime scene, confessed to the robbery, which was also a related case in CPD Detective 1's investigation. Subject 2 admitted that he and Subject 1 committed the robbery of King's Gyros. He further related that Subject 1 was in possession of the gun that was used. When interviewed again later in the investigation, Civilian 1 related that he had knowledge that both Subject 2 and Subject 1 planned to commit the robbery.

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escalated to an assailant/deadly force when he put Officer A in imminent threat of battery and attacked him with a weapon (gun) and used force likely to cause death or great bodily harm. Officer A documented that Subject 1 fled and would not drop his firearm. Subject 1 pointed the firearm, a 38 caliber revolver, at Officer A when the avenues of escape were closed. The Watch Commander noted that Officer A acted in compliance with Department Policy when he fired his weapon in fear for his life when Subject 1 pointed a handgun in his direction.

The **Officers Battery Report** for Officer A documents that during a pursuit which ended in a residential yard, after all avenues of escape were closed, Subject 1 held Officer A at gunpoint with a 38 caliber revolver.

Alcohol and Drug tests were administered to Officer A at approximately 0700 and 1010 hours on 8 July 2012. The results from the Breath Test were .000. The results from the drug test were negative.

A **certified letter** was sent to the family of Subject 1 notifying them that the Independent Police Review Authority would be conducting an investigation of the shooting.⁹

On 8 July 2012, **IPRA Investigator A** went to the Medical Examiner's Officer to attend the post mortem examination of Subject 1. At the time of her arrival, the examination was completed. IPRA Investigator A spoke with Doctor A who related that Subject 1 sustained three gunshot wounds: a through and through gunshot wound on the right shoulder; a bullet in his right chest; and a bullet in the right side of his back. The bullets from his chest and back were recovered. Doctor A determined the cause of death to be Multiple Gunshot Wounds.

The **Medical Examiner's Autopsy Report (ME #170JUL12)** completed document that Doctor A observed three gunshot wounds: a distant range gunshot entrance wound on Subject 1's right lateral shoulder which exited on the right anterior shoulder: distant range gunshot wound on the right inferior chest which passed through several organs, including the right lung and liver, and was recovered from Subject 1's left abdomen; and a distant range gunshot entrance wound on the right inferior back that was recovered in the lower lobe of the left lung. The autopsy revealed that Subject 1 sustained gunshot injuries to his inferior vena cava and portal vessels, the middle and lower lobes of the right lung and lower lobe of his left lung, the right lobe of his liver, and his right kidney. There was also evidence of hemorrhage into body cavities and fractures of two of his right ribs, one left rib, and one vertebra. Subject 1's manner of death was determined to be homicide. The cause of death was multiple gunshot wounds.

A **Canvass** of the vicinity of the shooting, conducted on 8 July 2012, did not produce witnesses to the incident.

A search of **Police Observation Devices (PODS)** in the vicinity of the officer involved shooting did not capture images relative to this investigation.

⁹ On 12 July 2013, the R/I spoke with Attorney A, the attorney for the family of Subject 1, who requested that all communication with Subject 1's mother, go through him.

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In-Car Camera dated 8 July 2012 from 0455 to 0515 hours from **Beat 642** depicts a person dressed in black run across a street and down the sidewalk at approximately 0505 hours. The car travels in the direction of the person and turns right onto a side street. The person runs in between two houses into an alley. The person is dressed in a black long sleeved top and appears to hold his right side as he runs. His left arm moves in a running motion, but his right arm does not and remains by his waist area. The car follows the person into the alley. The person does not remain in camera view. Approximately 15 seconds later the car backs out of the alley. It travels down the street and makes several turns. At approximately 0506 hours the car pulls into a driveway and stops behind a dark colored Acura. A person dressed in black runs past the right side of the Acura towards the back of the houses. The person appears to jump over something located in the back of the houses.¹⁰ At approximately 0506:10 hours a male officer runs past the right side of the Acura towards the back of the residences. Approximately 15 seconds later a second male officer runs in the same direction as the first officer.

The related **OMEC Event Queries and Recordings** contain no information that is inconsistent with the facts as related by the involved and witness officer.

The **Crime Scene Processing Report** documents the items inventoried (and the locations where they were found) as: (1) Iver Johnson's Arms and Cycle Works revolver and (1) .32 auto bullet recovered from the weapon; a Springfield Armory XD .45 caliber semi automatic firearm and (9) .45 caliber Winchester bullets were inventoried; one dry and one wet swab from the Iver Johnson's firearm; a total of (5) expended shell casings; two black knitted skull caps, one with the eyes and mouth cut out and one with the eyes cut out; one plastic glove; and one pack of Newport Cigarettes.¹¹

Evidence Technician Photographs depict the scene from various angles, expended shell casings, Subject 1 who is handcuffed and wearing plastic gloves on both hands, a revolver handgun, and black knit hat with eyes cut out, a package of Newport Cigarettes, Officer A, Officer A's weapon, and various pictures of King Gyros.

Illinois State Police Forensic Science Laboratory Reports recorded under Laboratory Case #C-12-030350 document that the five Winchester 45 Auto caliber fired cartridge casings (Exhibits 1, 3, and 4) were fired from a Springfield Armory, model XD-45, 45 auto caliber semiautomatic pistol (Exhibit 7). Two fired bullets (Exhibit 2) fired from the same weapon were also tested.

One revolver (Exhibit 5) and one live cartridge (Exhibit 6) tested revealed no latent fingerprints that were suitable for comparison.

An Iver Johnson 32 caliber revolver (Exhibit 5) was tested and found to be in firing condition.

No human DNA was found on the Iver Johnson firearm. Subject 1's DNA matched that found on the black hat. (Att. 85)

¹⁰ The parked Acura obstructs the view of what occurred at the back of the residences.

¹¹ Related Inventory Sheets can be found in Att. 35.

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force by was **Justified** and in compliance with Chicago Police Department Use of Force policy and Illinois State statutes. According to the Chicago Police Department's General Order 03-02-03, II (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's actions were in accordance with the Chicago Police Department Orders regarding the use of deadly force. Officer A and his partner observed Subject 1 running while holding the waistband of his pants. The officers caught up with Subject 1 on the corner of 79th and Eggleston and announced their office and ordered Subject 1 to stop. Subject 1 did not follow the verbal commands and continued to run. The officers caught up with Subject 1 in an alley and again ordered him to stop, but Subject 1 continued to run. Officer B pursued Subject 1 on foot, while Officer A pursued him in the car. The in-car camera video clearly depicts Subject 1 running while holding the waistband of his pants. This was also observed by Witness 1. Officer A caught up with Subject 1 at 504 W. Winneconna where Subject 1 pointed a firearm at Officer A putting Officer A in fear for his life at which time Officer A discharged his weapon. Both Officer A and Officer B's accounts are consistent with each other and all of the available evidence. Based on the totality of the circumstances, Officer A's actions were reasonable to prevent death or great bodily harm.