

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1056092 / U #12-19

INVESTIGATION

NUMBER: Log #1056092 / U #12-19

INVOLVED

OFFICER: “Officer A” (Chicago Police Officer); Male/White; 36 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:** Bullet fragments lodged in right leg above the knee

WITNESS

OFFICER: “Officer A” (Chicago Police Officer); Male/Hispanic; 30 years old;
On- Duty; Full Uniform; Year of Appointment – 2007

**OFFICER’S
INJURIES:** None Reported

DATE & TIME: 05 August 2012, 1530 hours

LOCATION: XXXX W. Division Street, Chicago, IL 60651

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SUMMARY:

On 05 August 2012, at approximately 1530 hours, officers from the Area North Gangs Team executed a search warrant on the second floor apartment located at XXXX West Division Street. Officer A, was part of the warrant execution team, assigned to monitor the rear perimeter of the location. Officer A was working with partner Officer C, in Beat 2531, and met Officer B, at the rear of the property. After securing the target of the warrant inside and recovering evidence, officers inside asked a female resident to secure pit bull dogs that were located in the rear porch area of the apartment. As the female resident took the dogs out of the apartment, she lost control of one of them. The pit bull proceeded down the stairs and into the backyard and began running towards the three officers at the rear of the property.

The dog first charged towards Officer C and then turned its attention towards Officer A. Officer A retreated a few steps between a parked vehicle and a wrought iron fence. Officer A then fired one round at the charging pit bull, striking it in its face and neck area. The dog was approximately five feet from Officer A when he fired. The bullet subsequently exited the pit bull and fragments ricocheted off the ground. Officer B was retreating backwards away from the dog towards the alley when pieces of shrapnel struck Officer B in the right leg, just above his knee. Officer B was taken to Mt. Sinai Hospital for treatment of his injuries and was in good condition. No other individuals were injured during the search warrant. Several firearms were recovered during the execution of the search warrant and the target was arrested. It was reported that the dogs were being kept in deplorable conditions and it appeared that the dogs were being bred to fight.

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The **Departmental Reports**, documented under HV416883, reported that [Subject 1] was arrested for numerous violations, including Unlawful Possession of Handguns, Unlawful Possession of Rifles, and Animal Cruelty at the location of XXXX W. Division Street, Apt XX, Chicago, IL 60651. [Subject 1] was the subject of a search warrant by the Citywide Gang Enforcement Team. Numerous firearms were located inside [Subject 1]'s apartment. [Subject 1] related to the officers on scene that he had "vicious dogs" that were trained to fight. The officers located the dogs in an enclosed porch that was covered in dog feces and urine. The officers also observed a treadmill in the enclosed porch with paw prints and dog hair on it. [Subject 1] was transported to the 025th District for processing.

An additional **Original Case Report**, HV416986, was completed for a Non-criminal, Injury to a City Employee at the address of XXXX W. Division Street, Chicago, IL 60651. The report documented that Officer B, Officer A, and Officer C, were in the process of conducting a search warrant at the location when a violent pit bull came from the rear porch and began to charge the officers in the backyard. Officer A, in fear for his safety and the safety of the other officers, discharged his firearm, which struck the dog in the face. Two bullet fragments then struck Officer B in the right leg, just above his knee. Officer B was transported to Mount Sinai Hospital, where he was treated and released by Doctor A.

A **Tactical Response Report** completed by Officer A, documented that while securing the scene of a search warrant, a pit bull approached in an attacking manner, causing Officer A to discharge his firearm¹, striking the pit bull in the head. The bullet then fragmented and inadvertently struck Officer B in the right leg.

The **Chicago Fire Department Ambulance Report** documented that Ambulance 15 responded to the location of XXXX W. Division Street for a gun shot victim and arrived at 1538 hours. CFD personnel located Officer B walking on scene. The report documented that Officer B had an entrance wound above his right knee and no obvious exit wound. It was documented that Officer B had good motion and sensation in his right ankle and Officer B reported no further injuries. Officer B was transported to Mount Sinai Hospital for further treatment.

A **Canvass** was conducted on 05 August 2012 by IPRA Investigator A and Investigator IPRA Investigator B. The canvass failed to identify any witnesses to the incident.

A **Search Warrant** (12SW6800) was obtained by the Citywide Gang Enforcement Team for [Subject 1] and the premises of XXXX W. Division Street, 2nd Floor, to seize any

¹ Officer A discharged one round from his firearm. In a statement to IPRA, Officer A related that there was confusion between command staff as to whether he was supposed to complete a Tactical Response Report or not. Officer A indicated the report was completed, even though there was no use of force against a person.

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firearm and documents providing proof of residency. The warrant documented that it was executed on 05 August 2012 at 1530 hours.

A **Crime Scene Processing Report** documented items inventoried and photographs obtained by Evidence Technician A. The narrative portion of the report documented in essence the same information that was contained in the Original Case Report # HV416986. Evidence Technician A documented that he recovered one Winchester, 9mm Lugar +P cartridge case in the rear yard, near the fence. Evidence Technician A also recovered Officer A's, Ruger, Model 19, 9mm pistol, Serial #NAM744, at the 025th District, in the presence of CPD Deputy Chief A. Further, Evidence Technician A collected and inventoried Officer B's pants at the 025th District.

Inventory Sheets documented several firearms, firearm magazines and ammunition that were recovered from inside XXXX W. Division Street, 2nd Floor. Among the firearms that were recovered were, a .9mm Sub Machine Gun with a fifty round drum magazine, a Kel-Tec .40 caliber Sub 2000 and several pistols and rifles. A single .9mm Lugar shell casing was recovered from the backyard of the residence next to evidence marker #1.

Evidence Technician Photographs documented pictures of the scene where the incident occurred. The photographs depicted one shell casing in a grassy area near a black wrought iron fence. Further, the photographs depicted a white dog with an open wound to the left side of its face.

There were no **Illinois State Police Forensic Science Laboratory Reports** found for this incident.

There was no **In-Car Video** obtained relevant to this incident.

A search of **Police Observation Devices (PODS)** in the area of the incident found POD #005, which is located at 1201 N. Central Avenue. A review of the POD for 05 August 2012 between the hours of 1459 – 1630 hours failed to document the incident under investigation. At 1533, hours the Reporting Investigator (R/I) observed a marked Chicago Police Tahoe with its emergency lights illuminated pass by the camera. Normal foot and vehicular traffic was observed throughout the remainder of the footage.

The related **OEMC Event Queries** documented that, on 05 August 2012, there were shots fired by the police at a dog. The Queries document that Officer A, Beat 2531, was the officer who discharged his firearm. The Queries further document that Officer B #8964 was shot in the knee during the incident.

A Bureau of Internal Affairs **Synoptic Report** documented that Officer A, submitted to a drug and alcohol test after the incident occurred. Officer A's blood alcohol level was .000 % and his drug test was negative.

The **Detectives Supplementary Report** documented that a report was taken for a non-criminal offense, accidental injury to a city employee. The report documented the

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interviews conducted in reference to the destruction of the dog. It appears the case was closed non-criminal.

A witness, **Witness 1**, failed to cooperate with this investigation. Witness 1 related on scene that she wanted to make a complaint that her dog was shot without justification. Witness 1 indicated that she wanted to speak to her lawyer prior to providing a statement to IPRA. Witness 1 failed show up for multiple scheduled interviews.

In an audio recorded statement to IPRA, a witness, **Witness 2**, related that on the date of the incident she arrived back at her residence at XXXX West Division Street and observed police officers at her front door. Witness 2 spoke to one of the officers who related that they had a search warrant signed by a judge. Witness 2 related to the officer that she had dogs inside that would “charge” them if they went inside. Witness 2 asked the officer if she could go inside to secure the dogs and the officer refused to let her in. Witness 2 indicated that the officer told her niece, Witness 3 that she could enter the residence to secure the dogs. Witness 2 stated that she walked around to the back of the residence as Witness 3 entered the residence to secure the dogs. Witness 2 stated that one of the dogs ran out the back door and down the steps. Witness 2 stated, “Get back, get back, cause I could see [Dog]² runnin’ towards the police.” Witness 2 indicated that one of the officers in full uniform took out his gun and shot the dog one time. Witness 2 stated that after the dog ran at the officer and was shot, the dog turned and ran back up the stairs and entered the residence. Witness 2 related that the officers refused to let her in the backyard until the Animal Control Officer arrived on scene and took control of the dog. Witness 2 observed a large wound to the face of the dog.

In an audio recorded statement to IPRA, a witness, **Witness 3**, related that, on the date of the incident, she arrived at the front of XXXX West Division Street with her mother, [Witness 3’s Mother], and her aunt, Witness 2. Witness 3 stated that she observed police officers in front of the residence. Witness 3 heard her aunt ask the police officers if they had a warrant and the officer related that he would show it to her after the search was finished. Witness 3 related that Witness 2 attempted to go inside the residence and one of the officers refused to let her in. The officer asked Witness 2 if there were any animals inside the residence and she related that there were three pit bulls. Witness 3 was asked by the officer if she could control the dogs if they let her inside. Witness 3 told the officers that she could. Witness 3 stated that she attempted to gain control of one of the pit bulls named [Dog], however the dog did not have a collar and ran from her. Witness 3 indicated that [Dog] ran down the back steps and towards a police officer. Witness 3 stated that one of the police officers then shot their gun at [Dog]. Witness 3 did not observe the officer discharge their firearm. Witness 3 related that [Dog] then ran back up the stairs to her location. Witness 3 indicated that [Dog] arrived at the top of the stairs and then laid down. Witness 3 was able to place a collar on [Dog] at that point. Witness 3 stated that [Dog] remained laying down until the Animal Control Officer arrived and took her.

² [Dog] is the name of the Pit bull dog that was shot by Officer A.

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In an audio recorded statement to IPRA, a witness, **Witness 4**, related that, on the date of the incident, she was on the back porch of her residence located at XXXX West Division Street. Witness 4 observed the police and some other individuals in the backyard at XXXX West Division Street. Witness 4 stated that she heard the police tell a younger female, now known to be Witness 3, to get the dog that was in the enclosed back porch so the police could search the residence. Witness 4 indicated that Witness 3 grabbed the dog; however, the dog got loose and ran outside and into the backyard. Witness 4 related that she then heard one gun shot. Witness 4 ran back inside her residence. Witness 4 walked back outside minutes later and observed the dog bleeding. Witness 4 stated that she did not observe the actual shooting of the dog.

In an audio recorded statement to IPRA, **Witness Officer C**, related that, on the date of the incident, he was working in a marked Chicago Police Tahoe, in full uniform, in Beat 2531, with his partner, Officer A. Officer C stated that they were assigned to assist in an execution of a search warrant at XXXX West Division Street. Officer C indicated that he and Officer A were instructed to secure the rear of the property with Officer B. Officer C stated that they were at the location for approximately ten minutes when he heard a door slam and then saw a dog coming down the stairs. Officer C stated that the dog was running full speed and growling. Officer C related that the dog ran in his direction, at which time he drew his weapon. Officer C briefly lost sight of the dog and was unable to discharge his firearm at the dog. Officer C indicated that the dog, a pit bull, then veered away from him and ran towards Officer A. Officer C stated that Officer A discharged his firearm one time at the pit bull. The pit bull then ran back towards the residence and up the steps. Officer C related that Officer B then stated he was hit. Officer C stated that Officer A called over the radio that there were shots fired by the police at a dog. Officer C related that once they knew Officer B was hit, Officer A called for an ambulance. Officer C believed that Officer A had no other options when he discharged his firearm, to stop the threat of the dog.

In an audio recorded statement to IPRA, **Witness Officer B**, related that, on the date of the incident, he was working in plain clothes, in Beat 6762C, with his partner, Officer D. Officer B indicated that they are a part of the citywide gang team and were executing a search warrant at XXXX West Division Street. The team had information that there were numerous firearms at the location of the search warrant. Officer B stated that he was responsible for securing the rear of the residence as the search warrant was executed. Officer B indicated that he was joined in the rear of the residence by two 025th District uniformed officers. Officer B recalled that one of the officers was Officer A.

Officer B related that shortly after the team made entry into the front of the residence, he observed a pit bull dog charge out of the 2nd floor, proceed down the stairs and run in his direction. Officer B stated that the dog then turned towards Officer A and ran in his direction. Officer B related when the dog ran towards Officer A, he noticed Officer A had his firearm out. Officer B indicated that the dog was in very close proximity to Officer A when he discharged his firearm at the dog. Officer B stated that he was approximately fifteen feet from Officer A when Officer A discharged his firearm. Officer B related that after Officer A discharged his firearm, Officer B felt pain in his leg

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and observed the dog run back towards the residence. Officer B later learned that bullet fragments hit him just above his right knee. Officer B was transported by ambulance to Mount Sinai Hospital and was out of work for approximately one month. Officer B indicated that the fragments are still lodged near his knee and the doctor was unable to remove them. Officer B related that the dog was moving at such a fast speed towards Officer A, that Officer A had no other choice when he discharged his firearm.

In an audio recorded statement to IPRA, **Involved Officer A**, related that, on the date of the incident, he was working in marked Chicago Police Tahoe, in full uniform, in Beat 2531, with his partner, Officer C. Officer A stated that they received an OEMC radio call to assist a citywide gun team with a search warrant. Officer A indicated that he and Officer C arrived in the alley at the rear of the residence where the search warrant was being executed and met Officer B. Officer A related that there was a subject that was detained near the alley when they arrived.

Officer A stated that they were at the location for approximately ten minutes when he heard a “commotion” coming from inside the residence. Officer A indicated that seconds later, the back door to the residence flung open and two pit bull dogs ran out. Officer A stated that a brown pit bull dog remained at the top the stairs and a white pit bull dog ran down the stairs towards the backyard. Officer A related that the dog initially ran towards Officer C and then ran in his direction. Officer A stated that he back peddled around a car that was parked in the backyard. Officer A indicated that the dog came around the vehicle and was approximately five feet from him when he discharged his firearm at the dog. Officer A related that he shot the dog in the face and the dog fell over. The dog then stood, ran back up the stairs at the rear of the residence and ran back inside.

Officer A looked to his right and observed Officer B grab his right leg and he observed blood soaking through his jeans. Officer B stated, “You shot me” and laughed. Officer A stated that he called “shots fired by the police” over the radio and then called for an ambulance for an injured officer. Officer A related that an ambulance arrived minutes later and transported Officer B to the hospital. Officer A indicated that Officer B was treated for bullet fragments that hit him in the leg. Officer A did not believe he had any other choice when he discharged his firearm at the dog. Officer A believed that the dog was going to attack him or the other officers in the backyard.

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A against a pit bull dog was Justified and in compliance with Chicago Police Department policy and Illinois State statutes. Bullet fragments from the justified shooting of the pit bull accidentally struck Officer B in the knee.

Officer A was assisting with a search warrant when a pit bull dog charged at him in an aggressive manner. Officer A attempted to retreat and get away from the pit bull. Officer A was in fear for his safety and the safety of his fellow officers and was forced to discharge his firearm at the pit bull. Officer A shot the dog in the face, which stopped the threat to himself and the other officers in the area. The bullet passed through the pit bull and bullet fragments inadvertently struck Officer B near his right knee.

Officer A's actions were in accordance with the statute "to prevent death or great bodily harm to a sworn member or to another person" because he reasonably believed he and his fellow officers were in danger when the pit bull charged at them. The reports document that there was a high likelihood that Officer A was in danger of "great bodily harm" described in the statute if he did not stop the threat from the pit bull. Subsequently, the bullet fragments that struck Officer B is ruled **Accidental**.