

INDEPENDENT POLICE REVIEW AUTHORITY

Log#1056182/U# 12-20

INVESTIGATION

NUMBER: Log #1056182, U# 12-020

INVOLVED

OFFICER #1: “Officer A” (Chicago Police Officer); Male/White; 44 years old; On- Duty; In Uniform; Year of Appointment – 2003

OFFICER# 1’s

INJURIES: None reported.

INVOLVED

OFFICER # 2: “Officer B” (Chicago Police Officer); Male/Asian; 32 years old; On- Duty; In Uniform; Year of Appointment – 2004

OFFICER’S

INJURIES: None reported.

SUBJECT: “Subject 1”; Male/Black; 22 years old

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

DATE & TIME: 08 Aug 12, 2353 Hours

LOCATION: 6309 S. Dr. Martin Luther King Jr. Drive
Beat 312

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SUMMARY OF INCIDENT:

IPRA Preliminary Report submitted by IPRA Investigator A indicated he responded to the location of 6317 S. Dr. Martin Luther King Dr. for the preliminary investigation into a police involved shooting. The On Duty Incident Commander (OCIC), Deputy Chief Dana Alexander, provided the briefing regarding the events surrounding the person shot by the police.

OCIC Alexander stated that Officers A and B were on patrol in the vicinity of 6317 S. Martin Luther King Drive and assigned to Beat 351. As Officers A and B drove east on 63rd Street they heard multiple gunshots. Officer B, who was the passenger, observed muzzle flashes to the south of their location and in the direction of the mouth of the first alley on the east side of King Drive. Officer A drove to the first alley and turned at the mouth of the alley. The officers then observed a male, now known to be Subject 1, in the middle of the alley. Subject 1 was picking up a bicycle as he attempted to place a firearm in the waistband of his pants. After Officers A and B exited the squad car, Subject 1 fired at the officers. Officers A and B used the open squad car doors as cover. Officer A, armed with a pistol, and Officer B, armed with a rifle, returned fire at Subject 1. At that time, Subject 1 ran east through the alley and then north through an empty lot. Officer A pursued Subject 1 on foot and Officer B ran north along Dr. King Drive. Officer B then ran east on 63rd Street to prevent Subject 1 from doubling back through the alley. Subject 1 continued to run through the empty lot and to a large group of people who were standing in the lot. Officer A observed the large group of people briefly surround Subject 1 and then the individuals ran in different directions. Subject 1 was last seen by Officers A and B running north through the east alley of Vernon Avenue. Subject 1's 9mm semi-automatic handgun was discovered on the south sidewalk of 63rd Street. During the incident, Officers A and B radioed the notification of shots fired by the police.

A male subject, now known to be Shooting Victim, was subsequently discovered unresponsive by responding officers at 6330 S. Dr. Martin Luther King Drive. While on the scene, an unknown female approached officers and told them that her friend sent her an instant message on Facebook telling her that her boyfriend, "Fifty," now known as Subject 1, had been shot in the leg by the police. Detectives compiled a photo array that included a photograph of Subject 1. Officer A viewed the photo array and positively identified Subject 1 as the person who fired shots at him and Officer B. It was learned that Subject 1's last known address was XXXX S. Aberdeen. At the time Subject 1 was placed into custody, it was discovered that he sustained a graze wound to his leg.

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The **Original Case Incident Reports, Case Supplementary Reports, TRRs, Officer's Battery Report and the Arrest Report of Subject 1** indicate that Subject 1 was observed shooting a handgun at Shooting Victim, who was subsequently found to have a fatal gunshot wound. After Subject 1 shot Shooting Victim, Subject 1 fired shots at Officers A and B. Officers A and B returned fire at Subject 1 and Subject 1 ran from the scene making good his escape. Subsequently, Officers went to Subject 1's residence where he was found hiding under a bed in the rear bedroom of the apartment. When Subject 1 was placed into custody, it was discovered he had an apparent gunshot wound to his upper right leg. Subject 1 was transported to Stroger Hospital for treatment. Subject 1 was charged with First Degree Murder and two counts of First Degree Attempt Murder.

The **OEMC event queries and audio transmissions** revealed that, on 08 Aug 2012, at approximately 2339 hours, several callers reported shots fired. Several other callers reported a person shot in the vicinity of 6859 Prairie. Several callers also reported shots fired in the vicinity of 64th and King Drive. Callers also reported a man shot at 63rd and King Drive. Police Officers were at 64 and King Drive and requested a 10-1 at 64-65 and King Drive. Officers reported shots fired by and at the police.

A **canvass** of the vicinity of 6317 S. Martin Luther King Jr. Drive was conducted and several residents reported that they heard gunshots. However, residents that were contacted during the canvass were not eyewitnesses to the actual police involved shooting.

Several persons were identified as **circumstantial witnesses**; however none of the persons were eyewitnesses to the actual police involved shooting.

An **attempt to interview Subject 1** while he was incarcerated at the Cook County Correctional Center was unsuccessful.

In a **statement with IPRA, Homeowner** stated that on 09 Aug 2012, at approximately 0100 hours, she, her husband, Homeowner #2; her two daughters, ages twelve (12) and fourteen (14); and her two sons, ages nineteen (19) and twenty-one (21), were asleep at their home, located at XXXX S. Eberhart Avenue. Homeowner further stated that several police officers visited her residence, approximately three different times, during the early morning hours. The officers questioned her about the occupants of the house and then searched the premises. When the police arrived at Homeowner's residence, between approximately 0230 and 0300 hours, for the third time, the officers found a black male, now known to be Subject 1, hiding under the bed of Homeowner's fourteen-year-old daughter. Homeowner denied knowing Subject 1 or having any knowledge of how he came to be under her daughter's bed. Homeowner's family members also denied knowing Subject 1 or having any knowledge of how he came to be under a bed in their house.

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In a **statement with IPRA, Homeowner #2**, husband of Home Owner, stated essentially a similar account of the incident as indicated in Home Owner's statement. In addition, Homeowner #2 stated that the police were looking for his son, Terone Ceazer, who was not at home during this incident.

The **Crime Scene Processing Report** indicates that the scene and evidence of the police involved shooting were video taped, photographed and inventoried. The firearms belonging to Officers A and B were inventoried. The firearm belonging to Subject 1 was photographed and fingerprinted; his clothes were recovered while in Stroger Hospital.

The **Illinois State Police Forensic Science Laboratory Reports** indicate Subject 1's firearm, a Smith & Wesson, Model 5904 9mm, Semi-Automatic pistol was recovered from the crime scene. The 9mm Smith & Wesson was swabbed for DNA and tested at ISP. The pistol was examined, found to be in firing condition and test fired. The swabs from the pistol were compared to the human male DNA profile identified as the Buccal standard from Subject 1. A mixture of human DNA profiles were identified in the gun swab, which was interpreted as a mixture of at least three people. A major human male DNA profile was identified in the gun swabs. Subject 1 cannot be excluded from having contributed to this human male DNA profile.

Officer A's firearm, a Glock Model 21, was examined, found to be in firing condition and test fired. Officer B's AR15 rifle was examined, found to be in firing condition and test fired.

Medical Records of Subject 1 from John Stroger Jr. Hospital of Cook County shows he arrived by CFD Ambulance # 36 on 09 Aug 12, at 0347 hours. Subject 1 told hospital personnel that, at about midnight, he attempted to flee from the police when he was shot by the police. Subject 1 then ran away and felt pain to his right thigh. Subject 1 sustained a through and through gunshot wound to the right thigh.

In a statement with IPRA, Officer B stated that on 08 Aug 12, at approximately 2339 hours, he and Officer A were assigned to the Gang Conflict Zone Mission between 60th and 65th Street to St. Lawrence. Officer B and Officer A received a radio transmission of shots fired at 65th and Drexel. When Officers A and B arrived at the scene they observed a group of individuals. It was learned that individuals had shot a vehicle and fired shots at a group of people. Officer B then heard loud reports coming from the direction of 65th and Minerva. Prior to responding in the direction of the loud reports, Officer B retrieved his rifle from the back of the vehicle. As the officers toured the area, they came upon several teenagers in the parking lot of the entrance to the Dulles School at 63rd and Calumet. Officers A and B told the teenagers to move along and the crowd dispersed.

Officers A and B continued to tour the area and drove in the direction of 63rd and Martin Luther King Drive. Officer B heard gunshots as they approached the pathway to turn onto MLK Drive. Officer B observed muzzle flashes as Officer A drove the squad car south on MLK Dr. As Officer A continued to drive, Officer B observed an individual

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shooting a weapon across the street. The individual, now known to be Subject 1, fired several more times. Subject 1 was in the alley between MLK Drive and Vernon and between two buildings. Officer A stopped the squad car at the mouth of the alley and, with the aid of the headlights and the artificial lights in the alley, Officer B observed Subject 1. The squad car was approximately ten to fifteen feet from Subject 1, who was crouched over with his hand on his weapon in his waistband, as he attempted to pick up a bicycle that was on the ground. Subject 1 then pointed his weapon in the direction of Officers A and B and fired more than one shot at the officers as they were still inside the vehicle. Officer B exited the squad car on the passenger side with the rifle in his hands and took cover behind the opened squad car door. Officers A and B returned fire and Subject 1 ran from the scene leaving the bicycle behind. A foot pursuit ensued with Officers A and B behind Subject 1. Subject 1 ran east through the alley and then ran north through a vacant lot. Officer B then made a notification via radio of shots fired at and by the police. Officer B lost sight of Subject 1 because a building obstructed his sight, thereby making good his escape from the area. Officer B then heard Officer A over the radio giving the direction of the foot chase. Officer B observed Officer A run across 63rd Street in a vacant lot going toward Vernon with Subject 1 running ahead of him. When Subject 1 reached a multi-unit building with the address of 6241 or 43 S. Vernon, several people walked off the porch. Officer B stated that he believed the people ran interference for Subject 1. Subject 1 then ran toward an alley between Vernon and Eberhart and out of sight. Officer B then ran toward Officer A and Officer B did not see Subject 1 again.

Officer B stated he did not observe a firearm in Subject 1's hand, nor did he observe Subject 1 drop a firearm during the chase. However, Officer B believed Subject 1 still had the firearm in his possession. Officer B further stated he did not think he or Officer A struck Subject 1 when they fired their weapons in his direction because of how fast he was running from the scene. Officer B also stated he fired his weapon at Subject 1 after Subject 1 fired at him because he was in fear for his life and safety and also that of Officer A.

In a statement with IPRA, Officer A stated essentially a similar account of the incident as Officer B. In addition, Officer A stated he fired his weapon at Subject 1 because Subject 1 fired shots at him and Officer B. Officer A further stated that Subject 1 was going to kill him and Officer B if they did not return fire.

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officers A and B was Justified and 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. "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."

Officers A and B were assigned to the Gang Conflict Zone Mission between 60th and 65th Street to St. Lawrence. While on patrol in a gang conflict zone the officers came upon Subject 1, who was shooting a firearm across the 6300 block of South Dr. Martin Luther King Drive. When Officers A and B were face to face with Subject 1, Subject 1 fired shots at them. Officers A and B returned fire. Officer B stated he returned fire in fear for his life and safety and also that of Officer A. Officer A stated he returned fire because Subject 1 was going to kill him and Officer B if they did not return fire. Thereby, Officers A and B were in reasonable fear for their lives when they discharged their weapons in the direction of Subject 1.