

**INDEPENDENT POLICE REVIEW AUTHORITY**  
**U #12-21/Log #1056189**

**INVESTIGATION**

**NUMBER:** Log #1056189, U #12-21

**OFFICER #1:** “Officer A” (Chicago Police Officer); Male/Black; 41 years old;  
On-Duty; In Plainclothes; Year of Appointment – 2003

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

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

**SUBJECT’S  
INJURIES:** One (1) gunshot wound left side, lower torso. **Deceased.**

**DATE/TIME  
OF INCIDENT:** 09 August 2012 at 1130 hours

**LOCATION  
OF INCIDENT:** 6304 S. Honore Street  
**Beat 726**

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### **SUMMARY OF INCIDENT:**

On 09 August 2012, at approximately 1130 hours, Officer A, fatally shot the subject, Subject 1, at 6304 S. Honore Street. Officer A was on-duty at the time of the incident, working with a narcotics surveillance team in the area of 63<sup>rd</sup> Street and S. Honore Street. Officer A was alone in his covert vehicle at the time of the shooting. His beat number was 6222I. He first observed Subject 1 after Subject 1 fired a shot from the rear of a building on the southwest corner of S. Honore Street at its intersection with 63<sup>rd</sup> Street. Subject 1 then began firing his gun toward the rear of Officer A's vehicle, where there was a couple with a baby. Officer A immediately exited his vehicle and began yelling, "Police, police! Drop it!" Subject 1 continued to fire his weapon toward several male blacks standing in front of the store. Officer A continued to yell, "Police, police! Drop your weapon!" Subject 1 then turned toward Officer A and pointed his weapon at Officer A. Officer A, in fear of great bodily death or harm, shot at Subject 1 in order to protect himself and civilian bystanders.

Subject 1 subsequently ran south toward an alley, but then turned and pointed his weapon at Officer A a second time. Officer A, who was approximately 50 feet away, again discharged his weapon at Subject 1. Subject 1 ran into a nearby "T-alley" and Officer A lost sight of Subject 1. An unidentified male black wearing a white T-shirt on a 10-speed bicycle followed Subject 1 into the alley. Officer A, unsure if Subject 1 had been shot, began checking for injured bystanders in the area, prior to going into the alley to locate Subject 1. Members of Officer A's narcotics team found Subject 1 lying in the T-Alley adjacent to Honore Street and observed civilians standing around Subject 1's body. Subject 1's weapon was not located.

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### **INVESTIGATION:**

Per the **Preliminary Summary Report**, on 09 August 2012, at approximately 1130 hours, Officer A, Unit 189, was working alone, conducting undercover surveillance in an unmarked, covert, blue Ford Expedition with license plate #XXXXXXX. His vehicle was parked facing south on Honore Street, several feet south of 63<sup>rd</sup> Street. Officer A observed a black male, now identified as Subject 1, standing in the middle of Honore Street facing north and shooting a gun toward 63<sup>rd</sup> Street.

Officer A exited his vehicle, drew his weapon, and announced his office to Subject 1. He ordered Subject 1 to drop his weapon, but Subject 1 continued shooting toward 63<sup>rd</sup> Street. Officer A, using his vehicle's driver's side door as a shield, fired his weapon several times at Subject 1. Subject 1 turned southwest into a vacant lot then turned west (right) into the alley parallel to 63<sup>rd</sup> Street. Officer A requested assistance via his Nextel phone/radio and put on his bullet proof vest before pursuing Subject 1 into an alley. Officer A turned west into the alley then south into the T-alley (adjacent to Honore Street), where he observed Subject 1 lying on the ground in the alley. Upon reaching the T-alley, other police officers began arriving and several civilians were observed surrounding Subject 1's body. Officer A confirmed to the officers that Subject 1 was the same subject that had fired at him. No weapon was found on or near Subject 1, so it was surmised that a civilian had removed the gun prior to the police officers arrival on scene.

No **PODs** were observed within the vicinity of the shooting. Additionally, there was no in-car camera in Officer A's vehicle.

**Witnesses, Witness 1, Witness 2** (mother of **minor witness, Witness 3**), **Witness 4 (minor)**, and **Witness 5** refused to cooperate with the investigation. Additionally, Subject 1's brother, [Subject's Brother], refused to provide contact information for Subject 1's girlfriend, [Subject's Girlfriend], who was believed to be with Subject 1 immediately prior to the shooting.

**Contact cards** were completed for **Witness 1, Witness 4 (minor), and Witness 5**. These men were all documented as being witnesses to a person shot at 6322 S. Honore Street. Witness 1, Witness 4, and Witness 5 were all detained for field interviews.

A **canvass** of the area at 6304 S. Honore Street on 14 August 2012<sup>1</sup> yielded one witness, a ten-year-old boy, Witness 3. His mother, Witness 2, stated that he was at school, but that she would allow him to be interviewed.

**The Chicago Fire Department Incident Detail Report** documents that paramedics, CFD Paramedic 1 and CFD Paramedic 2, of CFD Ambulance 96, responded to a gun shot victim at 6322 S. Honore Street on 09 August 2012 at 1143 hours.

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<sup>1</sup> The canvass was not done immediately following the shooting because it was determined that it was unsafe to do so. Per an **Officer Safety Alert** dated 09 August 2012, Gangster Disciples from the area of 6300 S. Honore Street made threats against CPD officers in response to Subject 1's shooting. Thus, it was determined that it was also unsafe for IPRA investigators to be in the area.

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According to the report, an unidentified male (now known as the subject, Subject 1) was observed lying prone in an alley with a single gunshot wound to the lower right side of his back. Subject 1's body was slightly warm to touch, but had no obvious signs of life.

**The Postmortem Examination Report from the Cook County Medical Examiner's Office by Assistant Medical Examiner, Doctor A**, indicates that Subject 1 (Case No. 162 AUGUST 2012) was examined on 10 August 2012 at 0830 hours. Doctor A determined that Subject 1 sustained a gunshot wound which entered through the right side of his back. The exit wound was on the left side of Subject 1's chest. A deformed, copper-jacketed bullet was recovered from the soft tissue adjacent to the exit wound. Doctor A's opinion was that Subject 1's manner of death was homicide from a gunshot wound to his back.

**An Illinois State Police Laboratory Report for RD#HV-422612** dated 13 September 2012 indicates that a Glock, model 21, .45 semiautomatic pistol, serial #RAX708 (Officer A's weapon) was examined, found to be in firing condition, and test-fired using various cartridge cases (Exhibits 4-14, 16-22).

**An Illinois State Police Laboratory Report for RD#HV-422612** dated 28 September 2012 indicates that a blood sample from Subject 1 and a cell phone swabbing were submitted to the Joliet Forensic Science Laboratory for DNA analysis.

**An Illinois State Police Laboratory Report for RD#HV-422612** dated 9 October 2012 indicates that a cellular flip style phone (Inventory No. 12685269) revealed a latent impression suitable for comparison which was digitally photographed and lifted. Comparison revealed that suitable latent impression was made by the person whose fingerprints appear on the standards marked "Subject 1 (IL16672941)."

**An Illinois State Police Laboratory Report for RD#HV-422612** dated 25 October 2012 indicates that Subject 1's blood sample and swabbing of his cell phone revealed loci that were "potentially incomplete" and "unsuitable for comparison to known standards."

**327 ET Photos** were taken of the crime scene and of Subject 1.

**Photographs of Subject 1's Autopsy were taken by the Cook County Medical Examiner's Office** on 10 August 2012. The photographs depict Subject 1's body and include close-ups of the (entrance and exit) bullet wounds. Additionally, there are photographs of Subject 1's recovered clothing and the retained bullet.

**Video footage from Sam's Mini Mart Store** did not depict the shooting.

The **CPD Crime Scene Video** depicts Subject 1's deceased body lying in the alleyway. It also shows numerous marked police cars and unmarked municipal vehicles are shown. A blue SUV (presumably Officer A's) vehicle is shown and there are at least 14 bullet markers on the vehicle.

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**CPD Event Queries** indicate that multiple 911 callers reported “shots fired” in the area of 6300 S. Honore Street. Multiple callers reported hearing approximately twenty shots. **Event #1222206633** states that shots were fired by the police at 6300 S. Honore Street by Officer A. Additionally, **Event #1222206834** documents that per the EMS, Subject 1 was dead on arrival (“DOA”).

**Departmental Reports** for RD#HV-422612 show that Officer A was assaulted by Subject 1. Witnesses, Witness 1 and Witness 5 are listed as victims on the **Case Supplementary Reports**.

Officer A’s **Tactical Response Report** documents that Subject 1 did not follow verbal direction and attacked Officer A with a firearm.

Officer A’s **Officer’s Battery Report** states that he was shot at, but did not sustain any injuries.

The **Synoptic Report** for Officer A shows that he was not under the influence of drugs or alcohol at the time of the shooting.

In a **statement to IPRA, Officer A**, related essentially the same information as documented in the Initiation Report. Officer A stated that he was on-duty working narcotics surveillance in a covert vehicle. Although his team members were in the surrounding area, he was alone in his vehicle immediately prior to the incident. Officer A related that he had been in the area for approximately one hour before the shooting occurred. His vehicle was parked on the southeast corner of S. Honore Street. Officer A stated that he first observed Subject 1 when Subject 1 fired a shot from the rear of a building on the southwest corner of S. Honore Street and 63<sup>rd</sup> Street. Officer A was unable to identify what type of weapon Subject 1 shot with, but it appeared to be a “blue steel.” He explained that Subject 1 was in front of him when Subject 1 began shooting northeast toward the rear of Officer A’s vehicle and a corner store (Sam’s Food Mart). Officer A related that he put a “shots fired” call out to his team via Nextel radio.

Officer A then exited from his vehicle. He reported that he saw people running from the store and observed a couple with a baby behind his vehicle. Officer A stated, “Police, police! Drop it!” Subject 1 failed to respond to Officer A’s verbal commands and continued to fire his weapon toward several black males standing in front of the store. Officer A did not know if any of the men were armed. Officer A related that he continued to yell, “Police, police! Drop your weapon!” Subject 1 then turned toward Officer A and pointed his weapon at Officer A, so Officer A shot back at him. Officer A explained that he was in fear of great bodily harm or death and shot at Subject 1 in order to protect himself and the civilians behind him.

Subject 1 then ran south toward an alley and again turned toward Officer A and pointed his weapon at Officer A a second time. In response, Officer A, who was about 50 feet away, again fired his weapon at Subject 1. Subject 1 then ran westbound into a T

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alley. Officer A related that he lost sight of Subject 1 at this point, but saw a male black wearing a white T-shirt on a 10-speed bicycle follow Subject 1 into the alley. Officer A related that he was unsure if he had shot Subject 1. He stated that he began checking on the pedestrians in the area and did not go into the alley until he saw other police officers from his team there. Members of Officer A's team informed him civilians were standing around Subject 1's body at the time that they found Subject 1 in the alley. No gun was located on Subject 1.

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### CONCLUSION:

According to the **Chicago Police Department's General Order 03-02-03, Section II**, governing "Department Policy", the order states in relevant part:

- 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."

The Reporting Investigator recommends a finding that **Officer A's use of deadly force** was **JUSTIFIED**, as it was objective reasonable based on the totality of the circumstances. Subject 1 ignored Officer A's verbal commands to drop his weapon after Subject 1 fired toward a group of men standing in front of a convenience store. Subject 1 also pointed his weapon at Officer A on two separate occasions, placing Officer A in fear of death or great bodily harm. While Officer A stated that he was in fear for his own life, he stated that he was also concerned about the lives of the multiple civilian bystanders at the time that he fired at Subject 1. Based upon his actions, Subject 1 posed an imminent threat to both Officer A's life and civilian lives. Therefore, Officer A was justified in his use of deadly force against Subject 1 with his firearm.