

INDEPENDENT POLICE REVIEW AUTHORITY
LOG #1056696 / U# 12-27

INVESTIGATION

NUMBER: LOG #1056696 / U #12-27

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Male/Hispanic; 28 years old;
On Duty; Plain Clothes; Year of Appointment – 2007

OFFICER

INJURIES: None reported.

SUBJECT: “Subject 1”; Male/Black; 23 years old

SUBJECT

INJURIES: One gunshot wound to the left buttock. Transported to Stroger
Hospital in good condition

INITIAL

INCIDENT: Person shot at 65th Street and Cottage Grove.

**DATE/TIME/
LOCATION OF**

INCIDENT: 29 August 2012, 2149 hours. 6611 South Langley Avenue,
Chicago, IL 60637 (sidewalk). **Beat 321.**

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1056696 / U# 12-27

SUMMARY OF INCIDENT:

On 29 August 2012, at approximately 2149 hours, Officer A and his partner, Officer B, were patrolling the area after being informed of an OEMC call of a person shot at 65th and Cottage Grove. Officer B, the driver, and Officer A, the front seat passenger, headed north on Langley toward Marquette Road. The officers observed a black male subject, now known as Subject 1, walking in a southwesterly direction near the intersection of Marquette and Langley. Subject 1 then walked south on the east sidewalk of Langley.

Officer A asked Subject 1 what he was doing and Subject 1 yelled, "I just got off the fucking bus, I just got off the fucking bus!" According to the officers, Subject 1 appeared nervous and sweaty, and fidgeted at his waistband as he continued to walk. Officer A exited the passenger side of the squad car and Subject 1 started running south on the east sidewalk of Langley. Subject 1 held his front right waist area as he ran. Officer A ran after Subject 1 and Officer B drove the squad car to the first north/south alley east of Langley in an attempt to cut off Subject 1. Subject 1 then attempted to run through the gangway between 6611 and 6613 South Langley by opening a black wrought iron gate that leads into the gangway; however, the gate was locked. Subject 1 then attempted to scale the gate and, at the same time, reached inside his waistband, pulled out a black semi-automatic pistol, turned to his right and pointed the weapon toward Officer A. Officer A, who was standing near the street, discharged his firearm once, striking Subject 1 in the buttocks. Subject 1 fell to the ground and dropped his firearm. Officer A then placed Subject 1 into custody. Officer B heard the gunshot as he drove through the alley and radioed "shots fired" to the dispatcher.

Subject 1's firearm that appeared to be a Glock semi-automatic .357 pistol was recovered at the scene. Subject 1 was transported to Stroger Hospital where he was in good condition and was being treated for a gunshot wound to the left buttocks.

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1056696 / U# 12-27

INVESTIGATION:

On 29 August 2012, at approximately 2340 hours, at Stroger Hospital, the subject Subject 1 was advised of his Miranda rights and agreed to speak with the detectives. Subject 1 stated that he had taken the southbound Cottage Grove bus from 47th Street and had exited at 64th Street, when a mini van drove by and gunshots were fired in his direction from within the van. Subject 1 ran southbound to Marquette and then westbound on Langley. At the southeast corner of Marquette and Langley, Subject 1 observed a Ford Crown Victoria traveling northbound on Langley. The vehicle pulled up next to Subject 1 and a white male exited the vehicle pointing a gun at Subject 1. Subject 1 got scared and ran southbound on Langley. He attempted to run through a gangway when the white male shot him. Subject 1 related nothing further and the interview was terminated.

On 30 August 2012, at approximately 1720 hours, the detectives interviewed Subject 1 a second time after he stated that he understood his rights. Subject 1 related that he exited the bus at the "Christian Fields" store and then heard multiple gunshots. Subject 1 observed an unmarked police vehicle at Marquette and Langley. Subject 1 then ran, heard a gunshot and realized that he had been shot. Subject 1 denied being in possession of a handgun. Subject 1 stated that he was walking to the residence of the mother whose son had just been killed near 67th and Langley. Subject 1 added that he was worried that he would be charged with "Project Safe Neighborhood" but did not elaborate the reason he was worried. Subject 1 related nothing further and the second interview was terminated.

On 31 August 2012, at approximately 1230 hours, Subject 1 informed the detectives that he wished to speak with them again because he was not completely truthful in his earlier statements. Subject 1 stated that he understood his rights and agreed to speak to the detectives. Subject 1 related that he was in possession of a black semiautomatic handgun in his waistband when the police chased him. As he walked southbound across Marquette Road, Subject 1 observed an unmarked police car traveling northbound on Langley. Subject 1 observed an officer with a handgun inside the vehicle. Subject 1 then ran south on Langley. The officer with the handgun exited the police car and chased after him. The officer was approximately ten feet behind Subject 1 yelling something, but Subject 1 could not hear what the officer was saying. Subject 1 then heard a gunshot and fell to the ground and the black handgun in his waistband also fell out to the ground. The officer then yelled, "Show me your hands." Subject 1 yelled, "Don't shoot me," to the officer. Subject 1 denied pointing or having a gun in his hands when he was shot by the officer.

Attempts to Contact Subject 1 and his attorney, Attorney A, were unsuccessful.

In a statement to IPRA on 31 August 2012, Officer A provided an account of the incident that is consistent with the Summary of Incident and related Department reports. Officer A related that he was working with Officer B in an unmarked police

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1056696 / U# 12-27

vehicle. Officer B was driving the vehicle and Officer A was the front-seat passenger. Officer A related that they were touring the 6600 block of south Langley relative to a "Person Shot" call which had just occurred. The officers were traveling northbound on Langley from 67th Street, when Officer A observed the subject, now known as Subject 1, walking southwest on Marquette Road and turning the corner to continue south on Langley. Officer A and Officer B attempted to conduct a field interview with Subject 1. Officer A asked Subject 1 where he was coming from and Subject 1 replied, "I just got off the bus." Officer A observed that Subject 1 was acting nervously by walking fast and refusing to make eye contact. Officer A ordered Subject 1 to approach the police vehicle but Subject 1 continued to walk at a fast pace southbound on Langley. Officer A then exited the police vehicle and shouted, "Stop, police!" Subject 1 turned and looked toward Officer A and Officer A observed a bulge on Subject 1's right side. Officer A pursued Subject 1 southbound on Langley. Subject 1 attempted to enter the gangway of 6611 S. Langley Avenue through a closed gate but was unable to gain access. Officer A again stated, "Stop, police." Subject 1 then removed a black handgun from his right side waist area and began to turn in Officer A's direction with the gun in his right hand. Officer A shouted to Subject 1 to drop the gun. Subject 1 continued to turn in Officer A's direction with the gun in his right hand. Officer A related that in fear for his life, he fired one time striking Subject 1. Subject 1 fell to the ground, dropping the black handgun. Officer A then placed Subject 1 into custody and requested an ambulance for Subject 1.

In a statement to IPRA on 30 August 2012, Officer B provided an account of the incident that is consistent with the Summary of Incident and related Department reports. Officer B related that after Officer A chased after Subject 1, Officer B drove the police vehicle east and then south through the east alley of Langley. As he was driving through the alley, Officer B heard one gunshot, contacted OEMC and notified that shots had been fired. Officer B then drove back around to 6611 S. Langley Avenue where he observed Officer A placing Subject 1 into custody. Officer B observed a black, semi-automatic handgun lying on the ground next to Subject 1.

Video recordings from POD #'s 642 and 645 did not capture the police shooting.

A canvass of the location of the incident was met with negative results.

Inventory Report #12703271 indicates that a black Glock Model 31, .357 semi-automatic pistol with a 4-1/4-inch barrel was removed from the front walkway to the gangway at 6611 S. Langley Avenue.

Officer A's Tactical Response Report indicates that he discharged his firearm one time at Subject 1.

Office of Emergency Communications (OEMC) Event Query shows that the OEMC dispatcher reported numerous calls regarding shots fired and a person shot in the vicinity of 65th Street and Cottage Grove. Beat 363B responded to the request for

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1056696 / U# 12-27

assistance and then reported shots fired in the vicinity of 67th Street and Langley. An offender was in custody and a weapon was recovered. An ambulance was requested and the offender was transported to Stroger Hospital.

Evidence Technician photographs depict the shooting scene, subject's weapon, and one shell casing.

A Chicago Fire Department EMS Report indicated that Subject 1 was found lying on the ground. Subject 1 had two possible entrance and exit wounds: one to the buttocks and one to his left groin area. Subject 1 was then transported to Stroger Hospital.

Medical Records for Subject 1 from Stroger Hospital indicated that Subject 1 was treated for one gunshot wound to his left buttock and groin area which resulted in an injury to his bladder. The bullet was found in Subject 1's clothing. Hospital personnel noted that Subject 1 stated that he was running from the police and the police shot him.

Crime Scene Processing Reports describe various clothing and personal items belonging to Subject 1 that were photographed and inventoried, including Officer A's Sig Sauer 9 mm semi-automatic pistol, and a Glock handgun with related gun clip belonging to Subject 1.

A laboratory report from the Illinois State Police, Division of Forensic Services, dated 19 February 2013, indicates that the laboratory tested one sealed gunshot residue sample from the right and left hand of Subject 1 and found that Subject 1 may not have discharged a firearm with either hand. The report relates that if Subject 1 discharged, then the particles were removed by activity, were not deposited, or were not detected by the procedure.

A laboratory report from the Illinois State Police, Division of Forensic Services, dated 12 October 2012, indicates that the laboratory tested a Glock Model 31, 357 Sig caliber semiautomatic pistol, serial number LKN124 (inventoried under # 12703271).¹ This weapon was in firing condition. A test shot was entered into the IBIS database; however, no identification was made. A request was made to compare the above firearm to three Federal 357 Sig caliber fired cartridges in RD# HV452987.² The comparison found that the fired cartridges were fired in the above firearm. Officer A's firearm, a Sig Sauer model P226 inventoried under # 12703282, was examined, found to be in firing condition and test fired. The firearm displayed rifling characteristics of six lands and grooves with a right hand twist. One fired bullet fragment, inventoried under #12703180, and one Winchester 9 mm Luger +P caliber fired cartridge case, inventoried under #12703322, were examined and determined to have been fired from Officer A's firearm.

¹ This was the weapon that was recovered from Subject 1.

² RD# HV452987 refers to the original "person shot" call that the officers responded to (see Att #'s 79-83).

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1056696 / U# 12-27

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A was in compliance with Chicago Police Department Policy and Illinois State Statutes. According to the Chicago Police department General Order 02-08-03, III:

- 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 both conditions of CPD’s deadly force policy. Officers A and B stated that they were patrolling the vicinity following a call of a person who had been shot. The officers observed Subject 1 walking near the scene of the shooting. The officers stated that Subject 1 was acting nervously by refusing to make eye contact with the officers and walking away at a fast pace. When Officer A exited the police vehicle, Subject 1 turned around and Officer A observed a bulge on Subject 1’s right side. Subject 1 began to run and Officer A pursued him. When Subject 1 could not scale the gate to a gangway, he removed a black gun from his waistband and began to turn in Officer A’s direction with the gun in his right hand. Officer A ordered Subject 1 to drop the gun. Subject 1 continued to turn in Officer A’s direction with the gun in his right hand. Officer A fired his weapon once striking Subject 1 who then fell to the ground and dropped the gun. Officer A was able to secure Subject 1’s weapon and he was taken into custody. When Officer A fired his weapon, he reasonably believed that he was in danger of death or great bodily harm from Subject 1 and his action was justified.