

INDEPENDENT POLICE REVIEW AUTHORITY

LOG# 1056802/U# 12-29

**INVESTIGATION**

**NUMBER:** LOG# 1056802/U#12-29

**OFFICER**

**INVOLVED #1:** “Officer A” (Chicago Police Officer); Male/Black; 33 years old; On-Duty; In Civilian Dress; Year of Appointment – 2006

**OFFICER #1**

**INJURIES:** None reported.

**OFFICER**

**INVOLVED #2:** “Officer B” (Chicago Police Officer); Male/Black; 29 years old; On-Duty; In Civilian Dress; Year of Appointment – 2006

**OFFICER #2**

**INJURIES:** None reported

**SUBJECT:** “Subject 1”; Male/Black; 17 years old

**SUBJECT**

**INJURIES:** Subject 1 sustained multiple gunshot wounds to his right flank, anterior thoracoabdominal, and to the right side of his back. Subject 1 also sustained a distal femur fracture.

**INITIAL**

**INCIDENT:** The Involved Members approached Subject 1 for a field interview because they believed that he may be a curfew violator.

**DATE/TIME**

**OF INCIDENT:** 04 SEP 2012 @ 0024 hours

**LOCATION:** 8919 S. Union (alley)

**BEAT:** 2223

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**SUMMARY OF INCIDENT:**

The Involved Members approached Subject 1 for a field interview because they believed that he was a curfew violator. When the officers exited their unmarked vehicle, Subject 1 fled on foot. Officer A pursued Subject 1 on foot through the yards of residential homes and into an alley. Officer B, who initially paralleled Officer A and Subject 1 in the squad car, exited the squad car and also pursued Subject 1 on foot. During the pursuit, Officer B observed Subject 1 reach into his back pants pocket, and remove a gun. Subject 1 turned in the direction of Officer B and discharged his gun. Officer B returned fire toward Subject 1 as Officer B took cover behind a garage. Thereafter, Officer A observed Subject 1 make a movement that placed Officer A in fear for his life. Officer A discharged his gun in the direction of Subject 1. Subject 1 sustained multiple gunshot wounds. Subject 1's gun was recovered from a garage roof at 8919 S. Union.

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**INVESTIGATION:**

In a **statement** to IPRA, **Involved Officer A** related that he and his partner, Officer B, were on a gun suppression mission. They approached an individual (now known to be Subject 1) who appeared to be underage and a curfew violator. The officers exited their vehicle and asked Subject 1 to approach them. Subject 1, who appeared nervous, fled on foot. Officer A pursued Subject 1 on foot as Officer B paralleled them in the squad car. Moments later, Officer B exited the vehicle and pursued Subject 1 on foot. Officer B was ahead of Officer A as Subject 1 fled through the yard of residential homes and into an alley. Officer A, who did not have a visual of Subject 1, nor of Officer B, reported that he heard multiple gunshots, but did not see the shooting.

Officer A continued his pursuit and observed Officer B taking cover behind a garbage container in the alley. Officer B stated to Officer A, "he shot at me, he shot at me!" Officer B pointed his firearm in the direction of Subject 1 and stated, "he's still got the gun, he's still got the gun!" Officer A stood atop a fence and leaned against a garage to obtain a visual of Subject 1. Subject 1 made an abrupt turn by moving his arm from his waist area. Officer A could not see Subject 1's hands and Subject 1 refused Officer A's verbal commands to show him his hands. In fear for his and his partner's safety, Officer A discharged his weapon twice and Subject 1 fell to the ground.

Officer A, said that he along with Officer B, approached Subject 1 and placed him in handcuffs. Officer A stated that he was approximately a garage length away from Subject 1 when he discharged his gun. Officer A did not observe Subject 1 to be in possession of a gun during this incident. After the threat was terminated, medical service was requested for Subject 1. Officer A stated that he drew his gun once Officer B informed him that Subject 1 was in possession of a gun and that Subject 1 shot at Officer B. Officer A shot at Subject 1 only after Subject 1 made the abrupt turn while holding his waist area and Subject 1 refused to show his hands. Later, following a search, Officer A observed Subject 1's gun atop the roof of a garage at 8919 S. Union, although Officer A did not actually see Subject 1 toss the gun onto the roof.

In a **statement** to IPRA, **Involved Officer B** essentially related the same account of the incident as Officer A provided. In addition, Officer B related the following: that when Subject 1 initially fled, he was holding onto his waistband; that during the pursuit of Subject 1, he announced his office several times, and gave Subject 1 verbal commands to stop; that he observed Subject 1 remove a gun from his back pants pocket and point the gun in his direction; that, thereafter, he drew and discharged his gun in the direction of Subject 1; that Subject 1 stated "Fuck you bitches," and pointed and discharged his gun toward the officers. Officer B related that he took cover behind a garage during the exchange of fire.

IPRA Investigators' attempts to obtain a statement from Subject 1 at Advocate Christ Medical Center were unsuccessful. Subject 1 was recovering from surgery and he was heavily sedated. Later, Subject 1 invoked his 5<sup>th</sup> Amendment right and refused to provide a statement to IPRA.

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Subject 1's **Arrest Report** states that he was charged with two counts of Aggravated Assault/Officer/Firearm, and two counts of Attempted Murder (first degree). The narrative relates that Subject 1 was placed in custody for the aforementioned charges after he pointed and fired a weapon at the involved officers. The officers returned fire and struck Subject 1. Subject 1's gun was recovered at the scene. Subject 1 was admitted to Christ Hospital for multiple gunshot wounds.

Officer B's **Tactical Response Report** states that Subject 1 was armed, that he sustained injury, and that he was hospitalized. Officer B identified Subject 1 as an Assailant: Deadly Force. Subject 1 did not follow verbal direction; he then fled, attacked with weapon/firearm, and used force that was likely to cause death or great bodily harm. Officer B stated that Subject 1 pointed and fired his weapon toward him, at which point he returned fire toward Subject 1. Officer B discharged his gun 14 times as he was standing at least 15 feet away or more from Subject 1.

Officer A's **Tactical Response Report** essentially related the same account as Officer B's Tactical Response Report. Officer A discharged his gun twice during this incident.

**Officer A's Officer's Battery Report** related that his activity at the time of incident was investigating a suspicious person. Officer A did not sustain any injury. The manner of attack by Subject 1 was listed as "shot at" with a .25 caliber semi-automatic firearm.

**Officer B's Officer's Battery Report** essentially related the same account as Officer A's Officer's Battery Report.

The **Case Supplementary Report** related that Subject 1's gun, a Raven Arms Model MP25, .25 caliber semi-automatic pistol, 2" inch barrel, chrome finish, serial #1487015, was recovered from the garage roof at 8919 S. Union.

In their statements to detectives, Officers A and B essentially related the same account of the incident as they did in their statements to IPRA.

Subject 1 provided a statement to the Detectives after being informed of his rights and waiving them. Subject 1 stated that he was walking home alone when a dark grey Ford Crown Victoria approached him. Subject 1 stated that he knew it was the police because the vehicle had municipal license plates. One of the officers asked Subject 1 to approach their vehicle. At that point, Subject 1 fled. Subject 1 stated that he fled because he had a handgun in his right back pants pocket. Subject 1 related that he was trying to get away from the officers to get rid of his gun. After jumping a fence and entering an alley, Subject 1 stated that he reached into his right back pants pocket and removed his gun. Subject 1 turned to see where he could toss the gun, at which time he was shot. However, Subject 1 managed to throw the gun onto the roof of a garage. Subject 1 then laid on the ground as officers approached, and placed him in custody. Subject 1 admitted that he was in possession of a .25 caliber pistol with a pearl colored handgrip. Subject 1

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stated that he found the gun two days prior to this incident in the vicinity of 87<sup>th</sup> and Harvard.

A Gunshot Residue test was administered to Subject 1 after his interview with the detectives. Per the detectives, it should be noted that prior to being administered the test, Subject 1's hands were bloody, and his limbs were being manipulated by the Emergency Room staff as they provided him with treatment.

Subject 1 invoked his 5<sup>th</sup> Amendment right, and did not provide a statement to the Cook County State's Attorneys Office.

A **canvass** was unsuccessful in locating any witnesses to this incident.

The **Chicago Fire Department Incident Detail Report** related that Ambulance #60 responded to the scene of incident and transported Subject 1 to Advocate Christ Medical Center. The report states that Subject 1 sustained gunshot wounds to his chest and leg.

Subject 1's **medical records** from Advocate Christ Medical Center relate that Subject 1 sustained gunshot wounds to his right flank, anterior thoracoabdominal, and to the right side of his back. Subject 1 also sustained a distal femur fracture.

In his **medical records** from Stroger Hospital, Subject 1 related to hospital staff that he had a gun in his possession that was visible to officers at the time that he was shot.

Chicago Police Department **Evidence Technician photographs** of the crime scene show several shell casings in the alley of incident, and several bullet holes to a garage at 8920 S. Lowe. Photographs also captured Subject 1's gun on top of the garage at 8919 S. Union.

The **Illinois State Police Laboratory Report** relates that Officer A's and Officer B's guns were examined and found to be in firing condition. Subject 1's gun was also examined and found to be in firing condition. The Gunshot Residue administered to Subject 1 revealed that Subject 1 may not have discharged a firearm with either hand. If Subject 1 did discharge a firearm, then the particles were removed by activity, were not deposited, or were not detected by the procedure.

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**CONCLUSION AND FINDING:**

This investigation revealed that the use of deadly force by Officers A and B were in compliance with the Chicago Police Department Policy pertaining to the use of Deadly Force. According to the Chicago Police Department's 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."

The actions of Officers A and B were in accordance with sections A(1) and A(2) of the Chicago Police Department's Deadly Force policy. Subject 1 discharged his weapon in the direction of Officer B as he was being pursued in a foot pursuit. In response, and in fear for his life, Officer B discharged his weapon toward Subject 1. Officer B informed Officer A that Subject 1 had a gun and that he had shot at him. Thereafter, Officer A observed Subject 1 make an abrupt turn by moving his arm from his waist area, and could not see Subject 1's hands. Subject 1 refused to comply with Officer A's verbal commands to show his hands. In fear for his and his partner's safety, Officer A discharged his weapon twice toward Subject 1. Subject 1 fell to the ground and was placed into custody. Subject 1 admitted to having the gun and reaching into his back pants pocket to retrieve the gun during this incident. Officer A and Officer B used the necessary force to prevent death or great bodily harm to themselves and each other.