

INVESTIGATION

NUMBER: Log #1056889 / U #12-31

OFFICER

INVOLVED #1: “Officer A” (Chicago Police Officer); Male/White; 43 years old;
On Duty; Plain Clothes; Year of Appointment – 2000

**OFFICER’S
INJURIES:** None Reported

OFFICER

INVOLVED #2: “Officer B” (Chicago Police Officer); Male/Hispanic; 31 years old;
On Duty; Plain Clothes; Year of Appointment – 2009

**OFFICER’S
INJURIES:** None Reported

OFFICER

INVOLVED #3: “Officer C” (Chicago Police Officer); Male/Hispanic; 29 years old;
On Duty; Plain Clothes; Year of Appointment – 2006

**OFFICER’S
INJURIES:** None Reported

OFFICER

INVOLVED #4 “Officer D” (Chicago Police Officer); Male/White; 43 years old;
On Duty; Plain Clothes; Year of Appointment – 2000
(Did not fire weapon)

**OFFICER’S
INJURIES:** None Reported

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

**SUBJECT’S
INJURIES:** Four gun shot wounds to his right arm.

DATE/TIME: 07 September 2012, 0144 hours

LOCATION: 7588 South Michigan Ave

SUMMARY OF INCIDENT:

On 7 September 2012, Beat 606E, an unmarked squad car with four plainclothes officers inside, observed a white van driving slowly north on St. Lawrence with its rear passenger sliding door open. Officer B was driving the vehicle, Officer A was seated in the front passengers' seat, Officer D was seated in the rear passengers' side seat and Officer C was seated in the drivers' side rear seat. Beat 606E followed the white van as it passed slowly by a newly opened social club, where a large group of people were observed standing in front.

The officers recognized this action as being consistent with a possible "drive-by" shooting, and elected to investigate further. As the squad car turned behind the white van, the sliding door closed and the van began to leave the area.

The van turned eastbound on 75th Street and then turned southbound on Champlain to 79th Street. Beat 606E continued to follow the van as it turned north onto South Michigan Avenue and then turned east onto 76th St. and stopped near the alley between South Wabash and South Michigan Ave. By this time Beat 606E was relating to OEMC that they were following a suspicious vehicle without their emergency equipment activated.

A man, now known as Subject 1, believed to reside at XXXX S. May, with a telephone number of (773) XXX.XXXX, exited the passenger side of the van at the mouth of the alley with a firearm in his hand. Subject 1 turned towards the squad car and pointed a weapon with an extended magazine in the officer's direction. The officers originally thought the firearm was a Mac-10 or Tec-9 because of the length of the magazine. It was later discovered that the firearm was a 9mm, semi-automatic pistol with an extended clip.

The two officers on the passenger side of the squad car, Officer A (front seat) and Officer D (rear seat) exited the vehicle and announced their office. Officer D then yelled, "Pistol, pistol!" Officer A fired a single round outside of the alley in the direction of Subject 1. Subject 1 ran north through the alley, pursued by Officer A and Officer D on foot. Officer A then fired four additional rounds near the mouth of the alley

Officer B and Officer C remained in the squad car and debated whether to pursue Subject 1 in the alley, or to follow the white van, which departed the area westbound on 76th Street. Officer B decided to follow Subject 1 since shots had been fired and they observed Subject 1 with a firearm. Officer B drove north into the well-lit alley and observed Subject 1 approximately 30 yards ahead of his partners. Approximately mid-block, Officer B yelled for his partners that were on foot to get out of the way. Officer A and Officer D each moved to opposite sides of the alley to allow the squad car to pass them.

Subject 1 observed the squad car coming from behind and turned back towards the officers and pointed his weapon in their direction. Officer B switched his firearm from

his right hand to his left hand, and fired twice from the slowly moving squad car towards Subject 1 at approximately 7512 in the alley. The squad car then came to a stop in the alley. Officer C exited the squad car and went around the rear of the vehicle to pursue Subject 1 on foot.

Subject 1 ran east into a small parking lot and out of sight of the officers. Subject 1 was then observed in the Northeast corner of the lot as he pointed his weapon back towards the officers. Officer C fired his weapon from the Southwest corner of the lot towards Subject 1. Officer B remained in the squad car and slowly moved forward in the alley. Officer B fired additional rounds from inside the squad car. Subject 1 was then observed climbing a chain link fence at the northeast side of the lot while holding his firearm.

Subject 1, while on the fence turned back towards Officer C who was now standing in the southwest corner of the parking lot. Officer C fired his weapon at least three times at Subject 1 and Subject 1 fell over the chain link fence and into the gangway. When Subject 1 fell over the fence into the gangway, he dropped his firearm onto the ground. Officer C instructed Subject 1 to show his hands and to not reach for the firearm. Subject 1 left the firearm on the ground and attempted to continue north in the gangway. Officer C jumped the fence and secured the firearm that Subject 1 was carrying. Officer C secured Subject 1's weapon by placing it in his waistband. Subject 1's further flight was prevented by a barbwire fence. Subject 1 then stated, "I'm sorry, I'm sorry, I'm done," and was handcuffed without any further incident by Officer C.

Subject 1 was transported to Cook County Hospital and treated for gunshot wounds to his right arm. Subject 1 refused to speak with IPRA investigators at the hospital. An ISP Gunshot Residue kit was not obtained because there was no report that Subject 1 fired his weapon.

INVESTIGATION:

The **Department Reports** indicate that Subject 1 was arrested for four counts of Aggravated Assault to a Police Officer, and one count of Unlawful Use of a Weapon. The completed reports are consistent with the summary of this event as provided above.

The **Chicago Fire Department Ambulance Report** documented that Subject 1 was in custody and located in the gangway when paramedics arrived at the scene. The narrative stated Subject 1 appeared to have four gun shot wounds to the right arm.

Medical Records for Subject 1 were obtained. The records indicate that Subject 1 had a gunshot wound at the right shoulder, and a second at the right upper arm. Subject 1 has a second gunshot wound at the lateral side of his right elbow, with an entry on one side, and an exit at the other (undetermined). This second wound is associated with a fracture to Subject 1's right elbow. An evaluation of the Medical Records indicates that Subject 1 was likely shot two (2) times, resulting in four (4) aggregate gunshot wounds.

The **Tactical Response Reports (TRR'S)** completed by Officer A, Officer C, Officer D and Officer B documented that Subject 1 "did not follow verbal direction", was an "imminent threat of battery", "attacked with weapon", and "used force likely to cause death or great bodily harm" with a "weapon." The Officers responded with "member presence", "verbal commands", and the use of his "firearm".

The **Officers Battery Report** completed by Officer A, Officer C, Officer D and Officer B documented that none of the officers received any type of injury; though Subject 1 pointed his firearm at each officer.

The **OEMC and PCAD reports** were collected and made part of this case file. An analysis of said documents show no information that is inconsistent with the facts as related by the involved and witness officers. Attempts to locate additional independent witnesses were made to no avail.

IPRA Investigators conducted two separate canvasses, in an attempt to locate additional witnesses and/or evidence. Additional information was not discovered. It is noted that there is no physical or testimonial evidence that refutes the statements provided by the involved officers.

Illinois State Police Forensic Science Laboratory Reports document the examination of the recovered ballistic evidence, in comparison to the firearms belonging to each officer, and Subject 1. All four of the firearms tested were found to be in proper firing condition (to include the Taurus 9mm belonging to Subject 1). The examination of the recovered ballistic evidence is consistent with the accounts of each involved officer.

Court Documents pertaining to the disposition of this case were obtained. Said documents reflect that Subject 1 pled Guilty to the charges against him relative this event.

In an audio recorded statement to IPRA, Officer A stated that as Subject 1 was exiting the passenger side of the white in color van, he could plainly see that Subject 1 was in possession of a firearm with an extended magazine. Officer A related that he exited his police vehicle as Killingworth was exiting the van. Officer A announced his office, and said “let me see your hands.”

Officer A related that Subject 1 pointed his firearm at Officer A, at which time Officer A fired his weapon six (6) times in the direction of Subject 1. Officer A related that the threat to his life, and that of the other officers was imminent. Officer A pursued Subject 1 on foot into a nearby alley. Officer A lost sight of Subject 1, but was aware that Officer C and Officer B were pursuing Subject 1 with the squad car. Officer A heard a battery of gunshots, but did not see what transpired. Officer A related that Officer C had apprehended Subject 1, and placed him into custody.

In an audio recorded statement to IPRA, Officer C stated that he observed Subject 1 exit the passenger side of the suspect, brandishing a semi-automatic pistol in his right hand. Officer C related that Officer A and Officer D exited the squad car.

Officer C related that Officer A announced his office, at which time Officer C related that Subject 1 pointed the firearm at Officer A and Officer D; at which time Officer A discharged his weapon.

Officer C related that Subject 1 fled on foot into a nearby alley. Officer C (as the rear driver side passenger) and Officer B (as the driver) pursued Subject 1 in their squad car through the alley. While in flight, Subject 1, turned towards the squad car and pointed the firearm in the direction of the officers. Officer C related that at that time, Officer B fired several rounds from the window of the moving squad car.

Officer C related that he exited the squad car, and circled around the back of the squad car. Officer C related that Subject 1 pointed his weapon again at the squad car, at which time Officer B fired his weapon again. Officer C related that he also fired once at Subject 1 at this point.

Officer C related that Subject 1 then attempted to climb over a nearby fence. Officer C again announced his office, and instructed Subject 1 to drop his weapon. According to Officer C, Subject 1 then pointed his weapon at Officer C, at which time Officer C fired his weapon three (3) times at Subject 1.

Officer C related that Subject 1 continued over the fence, falling to the ground. Officer C climbed to the top of the fence, and was able to see that Subject 1 had dropped his firearm. Officer C related that he climbed the fence, secured the firearm (as it was still within a close distance to Subject 1), and took Subject 1 into custody.

In an audio recorded statement to IPRA, Officer B stated that he observed Subject 1 exit the passenger side of the suspect vehicle, brandishing a semi-

automatic pistol in his right hand. Officer B related that Officer A and Officer D exited the squad car.

Officer B related that Officer A announced his office, at which time Subject 1 pointed the firearm at Officer A and Officer D; Officer B related that it was at this time that Officer A discharged his weapon.

Officer B related that Subject 1 fled on foot into a nearby alley. Officer C (as the rear driver side passenger) and Officer B (as the driver) pursued Subject 1 in their squad car through the alley. While in flight, Subject 1, turned towards the squad car and pointed the firearm in the direction of the officers. Officer B related that at this time, in defense of his life and the lives of his fellow officers, he fired several rounds from the window of the moving squad car. Officer B related that he believed he missed Subject 1.

Officer B related that at this time, Officer C exited the squad car as Subject 1 neared a fence in the alley. Officer B related that as Subject 1 was attempting to climb the fence, he again pointed the firearm in the direction of the officers. Officer B related that he fired several more times at Subject 1.

Officer B related that Subject 1 then fell or jumped over the fence, and that Officer C followed. Officer B ran northbound, in an effort to intercept Subject 1. Officer B found that Subject 1 had ceased his flight, and was now being taken into custody by Officer C. Officer B ensured that medical attention was sought for Subject 1.

Officer B related that he used the force necessary to protect his life, and the lives of his fellow officers.

In an audio recorded statement to IPRA, Officer D stated that that he observed Subject 1 exit the passenger side of the suspect, brandishing a semi-automatic pistol in his right hand. Officer D related that he and Officer A exited the squad car.

Officer D related that Officer A announced his office, at which time Subject 1 pointed the firearm at Officer A and Officer D; Officer D related that it was at this time that Officer A discharged his weapon.

Officer D related that Officer A was slightly ahead of, and in front of, him at the time – and that he (Officer D) did not have a clear shot at Subject 1.

Officer D related essentially the same facts as the other officers relative to the events that transpired. Officer D related that he did not discharge his weapon during the course of this event.

In an audio recorded statement to IPRA, Subject 1 related that he was in possession of a Taurus 9mm, with an extended magazine – when he came in contact with

Officers from the Chicago Police Department on 7 September 2012. Subject 1 related that he was a passenger in a minivan, though he would not identify the vehicle further, nor would he identify the other occupants. Subject 1 related that he exited the vehicle, and attempted to flee from the police on foot.

Subject 1 stated that the firearm was tucked into the left side of his waistband, and was never in his hand. Subject 1 stated that the front passenger police officer was the officer that shot him. Subject 1 recalled that he was struck by the first two rounds that were fired during this event, and not struck at any other time.

Subject 1 related that though he knew the persons in the Crown Victoria were police officers, at no time did anyone announce the office of the Chicago Police Department, nor was he issued any verbal challenges and/or warnings.

Subject 1 related that he was in possession of the aforementioned firearm throughout the foot pursuit. Subject 1 alleged that at no time did he point the weapon at any of the officers. Subject 1 alleged that he was shot as he fled from the police.

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A, Officer C, and Officer B was **Justified** and in compliance with Chicago Police Department policy and Illinois State statutes. 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."

While investigating a suspicious vehicle, the aforementioned officers (along with Officer D) came into contact with an armed subject, now know as SUBJECT 1.

Subject 1 took flight upon contact with the Officers, while in possession of a Taurus 9mm handgun, equipped with a 30 round magazine. During the course of his flight, Subject 1 pointed said firearm in the direction of the aforementioned officers, on multiple occasions.

Officer A, Officer C, and Officer B – in fear for their own lives and in protection of each other – discharged their weapons.

Subject 1 was struck in the right arm. He was apprehended and provided with proper medical care. Subject 1's firearm was also recovered.

Evidence Technician photographs documented the scene and the gunshot wound to Subject 1. The photographs are consistent with the information officers related in their statements.

Subject 1 provided a statement to the R/I in this investigation. Subject 1 admitted to fleeing from the police, and to knowingly been in possession of the firearm recovered at the scene. Subject 1 denied that he pointed the firearm in the direction of the pursuing officers.

Officer A, Officer C, and Officer B were in accordance with the statute “to prevent death or great bodily harm to the sworn member or to another person” because they reasonably believed their lives were in danger when Subject 1 lifted his arm with a gun and pointed it in thier direction. The reports document that there was a high likelihood that Officer A, Officer C, and Officer B were in danger of “great bodily harm” described in the statute if they did not stop the threat on their lives, by discharging his weapon.