

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1057285/U# 12-36

INVESTIGATION

NUMBER: Log #1057285/U# 12-36

OFFICER

INVOLVED #1: “Officer A” (Chicago Police Officer); Male/White; 40 years old;
On-Duty; In Uniform; Year of Appointment – 1997

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

SUBJECT

INJURIES: Gunshot wound to left arm.

INITIAL

INCIDENT: Attempted street stop.

DATE/TIME: 23 Sep 12/2327 hours

LOCATION: 210 N. Lockwood
Beat 1523

SUMMARY OF INCIDENT:

On 23 Sep 12 at approximately 2330 hours, Officer A was assigned to Beat 4546C, the Violence Reduction Initiative, within the 015th District and was working with Officers B, C, and D. The officers were in a marked squad car and were driving west on Fulton Street near Lockwood Avenue when they observed three subjects walking west on Fulton Street on the sidewalk. The officers had seen the three subjects earlier that evening and now wanted to stop the three because they might be curfew violators. When the officers turned south at the alley west of Lockwood Avenue to block the path of the three subjects, the three subjects ran east on Fulton Street. Officers B and C stopped one of the three subjects whom they thought might be armed and let him go after determining that he was not armed. Officer A exited the squad car and pursued one of the other two subjects, now identified as Subject 1. Officer A chased Subject 1 east on Fulton Street then south on Lockwood Avenue. Subject 1 then ran west along the south side of 210 N. Lockwood Avenue and Officer A lost sight of him. Officer A drew his weapon and used his flashlight as he followed Subject 1's path to the rear of 210 N. Lockwood Avenue.¹ There was a locked gate at the southwest corner of 210 N. Lockwood Avenue and Officer A stepped past the gate onto the back porch of the building and into the backyard. Officer A went to the northwest corner of 210 N. Lockwood Avenue and observed Subject 1 holding an object. Officer A ordered Subject 1 to drop the object but he did not obey. Officer A fired his weapon once, striking Subject 1 in his left arm. Subject 1 dropped the object, now identified as a dark colored tire iron and ran away from Officer A toward the alley west of Lockwood Avenue. Officer A picked up the tire iron then ran after Subject 1 and subsequently dropped the tire iron in the middle of the back yard. A responding officer was in the alley and assisted in taking Subject 1 into custody. Fire Department medical personnel arrived and transported Subject 1 to Mount Sinai Hospital.

¹ 210 N. Lockwood Avenue is a vacant, boarded up residence that is situated between two vacant lots, to the south and north of it. The yard around the residence and the vacant lots had tall grass and foliage making visibility very difficult. The only lighting is minimal street and alley lighting; there was no lighting behind the residence or in the vacant lots.

INVESTIGATION:

In a statement to the IPRA on 12 May 2011, **Officer A** stated he was assigned to the Violence Reduction Initiative and was working in the 015th District with his partners because of the high number of shootings that were occurring within the district. Officer A and his partner were in uniform and were driving a marked squad car. Officer A stated he was in the backseat of the squad car and Officer B was driving. The officers were traveling westbound on Fulton Street and observed three individuals walking westbound on the south sidewalk. They appeared to be violating curfew. The officers decided to conduct field interviews of the three individuals to determine if they were violating curfew. Officer B pulled the squad car towards the west alley of Lockwood Avenue and was just pulling into the mouth of the alley when Subject 1 grabbed his right side and began running east on Fulton Street, cutting through a yard and jumping over a chain link fence, and going around a corner causing the officers to immediately lose sight of him. Officers A and D gave chase.

Officers B and C stopped the other two individuals and then released them.² Officer A stated that given his experience in high crime areas, when he observed Subject 1 to be running while holding his side, he thought that Subject 1 was possibly holding a gun to his side as he ran. As the officers gave chase, Officer D called the chase and Subject 1's description over the radio. Officer A was running ahead of Officer D and, upon turning the corner, regained sight of Subject 1, who was running in the middle of the street, still holding his right side. Subject 1 was several houses ahead of them and Officer D decided to cut through a vacant lot and head to the alley in case Subject 1 decided to try and double back. Officer A stated he pursued Subject 1 south on Lockwood Street when Subject 1 changed directions and ran westbound through a vacant lot and behind a vacant building at 210 N. Lockwood Street, where Officer A lost sight of him again.

When Officer A got to the vacant lot he did not see Subject 1 but could see Officer D in the alley. Officer A asked Officer D if he had seen Subject 1 come out through the alley and Officer D responded that he had not seen Subject 1. Officer D went south of 210 N. Lockwood Street and Officer A checked the rear yard at 210 N. Lockwood Street. Officer A stated that there was a six foot chain link fence up against a concrete porch railing so Officer A climbed over the porch to get into the yard instead of climbing the fence. Officer A had just stepped into the yard when he heard a male voice yell, "Police, Stop!"³ Immediately after, Subject 1 turned from the north (blind) corner and ran towards Officer A while holding a metallic object in his hand that looked like the barrel of a gun. Officer A thought it was a gun and, fearing for his life, fired once at Subject 1. Officer A heard a thud and assumed Subject 1 dropped his weapon. However, when Subject 1 continued running Officer A was unable to determine if he had even struck Subject 1. Subject 1 changed directions and ran to the fence adjacent to the alley and attempted to climb over it but was stopped by Officers A, G, and H when they pulled him down and handcuffed him. Officer A realized that Subject 1 had been shot in the left arm after he was handcuffed and Subject 1 notified the officers that he had been shot. Subject 1 was patted down

² The two male individuals with Subject 1 were not positively identified during the police or IPRA investigations as they were immediately released by officers after being stopped.

³ Officer A later learned the voice belonged to Officer G.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1057285/U# 12-36

and when no weapon was located, Officer A, went back to the area where he had heard a thud and located a silver colored four way tire iron.

In a statement to the IPRA on 24 Sep 12, **Officer B** stated he was working Beat 4546C, the Violence Reduction Program, with Officers A, C, and D. Officer B stated that he was driving the marked squad car and was driving south on Lockwood Street and observed three black male individuals near the corner of Lockwood Street and Fulton Avenue. It was after curfew hours and they looked to be under the age of eighteen. The officers had observed the same three teenagers earlier in the evening hanging around the same area. Officer B turned right at Fulton Avenue, driving past the three males and pulled into the alley and parked the squad car. As the officers were getting out of the squad car, one of the individuals, Subject 1 turned east and started running while holding his right side. Officers A and D pursued Subject 1. Officer B directed the other two individuals to walk towards the squad car. One of the individuals walked to the squad car while the other ran westbound on Fulton Street. Officers Birkenmeyer and Bates conducted a pat down on the individual who approached their squad car, placed him inside of their squad car, and then searched for the individual that ran away but were unable to locate him.

Officer B turned the squad car around in search of Officers A and D and drove south on Lockwood Street with the vehicle's alley lights on and drove slowly down the street. Officers B and C were monitoring the zone and heard that Subject 1 had not gone through the alley. The officers were at approximately 208 N. Lockwood Street when they observed a flashlight in a rear yard.⁴ They exited the squad car and were approaching the area on foot when they heard someone say, "Police, show me your hands!" Officer B then heard a loud report that he thought might be a gunshot; he instructed Officer C to get down and then proceeded through a vacant lot and over to the fence of the yard where he had seen a flashlight and thought the gunshot had come from. As Officer B approached the yard of 210 N. Lakewood Street, he heard over the radio that the offender was in custody. Officer B stated he could not really see into the yard where the officers and Subject 1 were located because the grass was really tall. Officer B stated he did not enter the yard until after Subject 1 was taken by ambulance and did not have any interaction with Subject 1.

In a statement to IPRA on 24 Sep 12, witness **Officer C** stated she was working the Violence Reduction Program, Beat 4546C with Officers A, B, and D. Officer C stated the officers attempted a street stop of three black male individuals who appeared to be curfew violators. Officer B, who was driving, stopped the squad car at the mouth of the alley on Fulton Avenue and the officers exited the squad car and ordered the three male subjects to stop walking. One of the male subjects, Subject 1, turned around and ran east, away from the officers. Officer C stated that Subject 1 appeared to be taking something out of his pocket while running but was unable to observe anything further. Officers A and D pursued Subject 1. One of the males walked towards Officers B and C and the other subject also ran west, away from the officers. Officer C attempted to pursue him but only for a short distance before returning to the squad car. Officer C patted down the subject who did not run, but then released him so they could assist Officers A and D. Officers C and D got back into the squad car and drove east on Lockwood

⁴ The addresses to the right and left of 210 N. Lockwood Street were both vacant lots.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1057285/U# 12-36

Avenue checking gangways and empty lots. Both officers observed a flashlight in a yard or empty lot so Officer B stopped the squad car and both he and Officer C exited and approached the area where they saw the flashlight. Officers B and C slightly separated in that they went to different sides of the empty lot they were in with Officer B on the side closest to where they had seen the flashlight. Officer C heard someone announce over the radio that Subject 1 was in the yard. Officer C then heard a single gunshot but did not actually see anyone fire a gun. Officer C stated that she stayed where she was because the vacant lot was overgrown with grass and vegetation and she was unable to observe what was going on near the area from where the shot was fired. Responding units began arriving and Officer C then approached the fence closest to 210 N. Lockwood Avenue and observed officers on the other side of the property kneeling and attempting to place someone into custody. Officer C stated that it was very dark and she was unable to see the individual that the officers had on the ground or even make out who the officers were.

In a statement to IPRA on 24 Sep 12, **Officer D**, stated that he was assigned to the Violence Reduction Initiative and was working Beat 4546C with Officers A, B, and C. The officers approached three individuals for a field interview after determining that they looked young and might be violating the curfew ordinance. The three individuals were walking westbound on Fulton Street from Lockwood Avenue. Officer B stopped the vehicle and ordered the three individuals to stop. One of them, Subject 1, turned and ran east on Fulton Street. Officer D and Officer A pursued him. As Officers A and D pursued Subject 1, Officer D observed that Subject 1 was reaching towards his right waistband area and was either retrieving or holding something. Subject 1 ran east on Fulton Street then turned south on Lockwood Avenue, running from the sidewalk to the middle of the street. As he did this, Officer D veered off to the right, west through a vacant lot, then back westbound to 226 W. Lockwood Street in anticipation of Subject 1 doubling back.

Officer A continued to pursue Subject 1 south on Lockwood Street. Officer D gave a description of Subject 1 and the direction Subject 1 was running in via flash message for assisting units then continued through the west alley of Lockwood Avenue until he met up again with Officer A. Officer A explained that he had lost sight of Subject 1 and Officer D informed him that Subject 1 had not crossed through the alley. The officers then began searching the surrounding yards and vacant lots on the block. Officer D stated he went south and Officer A went north. Officer D continued searching until he heard an unknown officer yell, "Police Stop!" followed by a gunshot. Officer D did not see or know who fired the gunshot but thought the gunshot was coming from the area that Officer A had been searching and he immediately went in that direction. When Officer D arrived at 210 N. Lockwood Avenue, Subject 1 was on the ground and was resisting being handcuffed by officers. Subject 1 was pulling and rolling away from officers and was ignoring verbal direction. Officer D approached Subject 1 and asked him what was wrong and Subject 1 replied that he had been shot in the left arm. Officer D requested an ambulance for Subject 1 and also observed a t-shaped tire iron on the ground near Subject 1. Subject 1 also stated that he ran from officers because there was a warrant for his arrest.

In a statement to IPRA on 24 Sep 12, **Officer E**, stated he was in plainclothes, assigned to a robbery burglary mission team and working with Officer F. Officers E and F responded to

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1057285/U# 12-36

assist in a foot pursuit of a black male wearing a white hat and dark jacket and holding his side at Fulton Street and Lockwood Avenue. The officers responded to that area and stopped their vehicle at approximately 210 N. Lockwood Avenue, which was between two vacant lots. Officer E observed a motion light on at approximately 206 N. Lockwood Avenue and walked in that direction to investigate. Officer F walked in the opposite direction, to the north, to investigate the vacant lots in that direction. As Officer E was approaching 210 N. Lockwood Avenue he observed Officer A in the gangway between 210 N. Lockwood Avenue and a vacant lot to the south of the residence. Officer A informed Officer E that he believed Subject 1 was in the backyard of 210 N. Lockwood Avenue.

Officer E and Officer A approached the back yard. Officer E did not have his gun drawn because Officer A was walking in front of him; instead he had his flashlight out but not on. Officer E was uncertain if Officer A's gun was out. As the officers entered the yard, they had to climb over stairs then Officer A began walking at an angle towards the northwest part of the yard but had only taken several steps when Officer E heard Officer G say something to the effect of, "Police, don't move!" Officer E then heard what sounded like a chain link fence moving and immediately thereafter, observed Subject 1 running right at Officer A. Officer E saw a flash, then heard a pop, but did not actually see Officer A discharge his gun. Officer E then heard a thud or what sounded like something hitting the ground. Subject 1 continued running and Officer E exited the yard the same way he entered and went towards the alley in anticipation of Subject 1 jumping the fence and running in that direction. Officer E then heard officers wrestling with and giving Subject 1 verbal commands so he jumped back over the fence to assist in handcuffing Subject 1. Officer E stated it was very dark in the yard and although the alley had street lighting, the trees in the yard obstructed the lighting. Upon jumping over the fence, Officer E still had difficulty seeing Subject 1, who was on the ground and was resisting being handcuffed. Officer E stated that he later observed a metal tire iron on the ground and learned that Subject 1 had pointed it at Officer A.

In a statement to IPRA on 24 Sep 12, **Officer G**, stated he was assigned to the 015th District Robbery Burglary team and was working with Officer Officer H and CPD Sergeant 1, in civilian dress. Officer G stated they responded to a flash message of a black male in a white hat and dark coat running from officers while holding his waistband. The flash message indicated that it was believed the black male might be carrying a gun. The officers responded to that area and once in the vicinity of Lockwood Avenue and Fulton Street, Officers G and H got out of the squad car to begin searching for Subject 1 on foot. Officer G had his flashlight on and was in the vacant lot to the north of 210 N. Lockwood Avenue when he observed Subject 1 in the rear yard of 210 N. Lockwood Avenue. Subject 1 was crouched down between the fence and house. Officer G stated he turned off his flashlight and informed Officer H of Subject 1's location. Officer G yelled, "Don't move, police!" Subject 1 began running as soon as Officer G yelled and Officer G started to climb the fence into 210 N. Lockwood Avenue, the yard that Subject 1 was in. As he was attempting to do this, Officer G heard a loud report (gunshot) but did not see anyone fire a gun. Officer G climbed the fence into the yard and observed Subject 1 trying to climb the fence leading to the alley and he, Officer A and Officer H ran over and attempted to place Subject 1 into custody, however, Subject 1 was resisting by refusing to give the officers his hands. Subject 1 had his hand clenched under his body and it was unclear if he was holding onto his waistband or if he had something in his hand. Officer A was able to secure Subject 1's left

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1057285/U# 12-36

hand and together Officer G and Officer H were able to secure Subject 1's right hand. Officer G later learned that Subject 1 had been shot in the left arm but stated he did not observe any injury to his arm at the time he placed him under arrest. Officer G did also observe a tire iron on the ground near Subject 1.

In a statement to IPRA on 24 Sep 12, **Officer H**, stated he was working the 015th District Robbery Burglary team and was working with Officer G and CPD Sergeant 1, in civilian dress. Officer H stated they responded to a flash message of a black male in a white hat and dark coat running from officers while holding his waistband. The flash message indicated that it was believed the black male might be carrying a gun. The officers responded to that area and once in the vicinity of Lockwood Avenue and Fulton Street, at approximately 210 N. Lockwood Avenue, Officers G and H got out of the squad car to begin searching for Subject 1 on foot. Officers G and H reached 210 N. Lockwood Avenue and Officer G pointed Subject 1 out to Officer H. Subject 1 was hiding between the house and the fence on the north side of the house. Officer G then yelled out, "Police, don't move!" Officer H heard the sound of somebody running to the rear of the yard. Officer G began trying to send a flash message that Subject 1 was running west through the yard when they heard a gunshot. Officer H stated that he did not see who fired a gun. Officer H immediately tried to jump the fence and observed that Officers A and G had already taken Subject 1 down to the ground. Officer H went over to assist because Subject 1 was pulling his arms away from the officers. Officer H did not observe any injury to Subject 1 at that time and later learned that Subject 1 had been shot in the left arm. Officer H was with Officer A when Subject 1's weapon was located and learned it was a tire iron and not a gun as Officer A thought that he had seen.

A **canvass** was conducted and a witness, Witness 1, was located and interviewed.

In a statement to IPRA on 25 Sep 12 at approximately 1340 hours, **Witness 1** stated that he was outside in front of his house with a friend he knows only as "[Nickname]" and two unknown male individuals. Witness 1 observed an unknown black male running southbound on Lockwood Avenue and four white male officers pursuing him. Witness 1 also stated that two marked squad cars drove behind the black male and the four officers and another squad car got in front of the black male and drove into a vacant lot. At that time, Witness 1 lost sight of the black male because of the officers, the squad cars and the trees in the vacant lot. Witness 1 heard one of the officers yell, "Where is it?" "What did you do?" and "Show me where it's at." Seconds later, Witness 1 heard a single gunshot but did not observe anyone fire a gun. Witness 1 heard the black male yell out in pain but could not make out what he said. Several more police officers arrived on the scene and approximately half an hour later an ambulance arrived. Witness 1 stated that he did not see anything in the black male's hands as he ran passed him.

Attempts to interview **Subject 1** were met with negative results. He did not cooperate with the investigation.

Attempts to interview **Potential Witness 2** were met with negative results. He did not cooperate with the investigation.⁵

Department reports, including the Case Supplementary Report includes accounts of the incident that are consistent with the Summary of Incident.

Subject 1 related to detectives that he was walking on Fulton Street with two of his friends when he observed the police car driving down the street towards them. Subject 1 stated he had a warrant and when the police attempted to stop him, he ran. The officers chased him. Subject 1 ran into a rear yard and hid but an officer shined a flashlight on him and said, "There he is." Subject 1 also heard an officer tell him to stop but he ran from his hiding spot directly into a uniformed police officer who was in the yard. Subject 1 heard a gunshot and felt pain in his left arm but continued trying to flee the yard by climbing a fence but the officers grabbed him. Subject 1 stated he still tried to flee from officers but was unable to do so. An ambulance was immediately requested for him. Subject 1 denied having any weapons on him during the incident.

The **Chicago Fire Department's Ambulance Report** indicates that paramedics responded to a call of a gunshot victim at 210 N. Lockwood Avenue. When paramedics arrived they encountered the subject, Subject 1, with a gunshot wound to his lower left triceps. Subject 1 was initially handcuffed behind his back but handcuffs were removed at the paramedics' request. Subject 1 was transported Mount Sinai Hospital.

Medical records from Mount Sinai Hospital for Subject 1 indicated he was treated for a gunshot wound to the left arm that resulted in the left humerus being fractured.

The **Evidence Technician photographs and Video Tape** depict the location of the incident; Subject 1 and his injuries at the hospital; and the tire iron that was located on the ground after the incident.

The **Tactical Response Report** from Officer A indicates that he fired his weapon one (1) time.

An **Alcohol and Drug Test** was conducted on Officer A. The testing consisted of a twenty minute observation period and a breath test and resulted in a Blood Alcohol Content (BAC) reading of .000.

The **Office of Emergency Management Communications (OEMC) Event Query** indicates that officers made notification of a foot pursuit occurring at Lockwood Avenue and Fulton Street; a description of the subject was provided and included that the subject was holding his side and had a gun; a notification of shots fired by the police was made and emergency medical services were requested for the subject who was transported to Mount Sinai Hospital.

⁵ Potential Witness 2 was identified as possibly being one of the two males that were walking with Subject 1 when officers initially attempted a field interview.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1057285/U# 12-36

A report from the **Illinois State Police, Division of Forensic Services (ISP)**, dated 24 October 2012, reflects that of the fired evidence recovered at the scene, one (1) fired cartridge case was fired from Officer A's weapon. Officer A's weapon was examined, found to be in firing condition and test fired.

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order 03-02-03, Section 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.

Subject 1 initially ran from officers while holding his side with his hand, leading officers to believe he was running with a gun in his waistband. Subject 1 attempted to flee from officers and was hiding in a vacant lot where visibility was very poor. When Subject 1 ran towards Officer A with an object in his hand, Officer A reasonably believed that Subject 1 was attempting to escape by use of deadly weapon and that he was in danger of death or great bodily harm.