

INDEPENDENT POLICE REVIEW AUTHORITY

LOG#1057905/U#12-38

**INVESTIGATION**

**NUMBER:** LOG # 1057905 / U# 12-38

**OFFICER**

**INVOLVED #1:** “Officer A” (Chicago Police Officer); Male/White; 38 years old; On-duty; Plain clothes; Year of Appointment – 1998

**OFFICER’S**

**INJURIES:** None.

**OFFICER**

**INVOLVED #2:** “Officer B” (Chicago Police Officer); Male/White; 32 years old; On-duty; In Uniform; Year of Appointment – 2004

**OFFICER’S**

**INJURIES:** None.

**OFFICER**

**INVOLVED #3:** “Officer C” (Chicago Police Officer); Male/White; 52 years old; On-duty; Plain clothes; Year of Appointment – 1998

**OFFICER’S**

**INJURIES:** None.

**SUBJECT:** “Subject 1”; Male/White; 32 years old

**SUBJECT’S**

**INJURIES:** Gunshot wounds to the abdomen and lower right side of back. Treated at Christ Hospital.

**INITIAL**

**INCIDENT:** Officers were responding to a call of shots fired.

**DATE/TIME:** 21 October 2012, 1247 hours.

**LOCATION:** 2148 E. 97<sup>th</sup> Street. Chicago, IL 60617. Beat 431

**SUMMARY OF INCIDENT:**

On 21 October 2012, at approximately 1247 hours, at 2148 E. 97<sup>th</sup> Street, POs Officers A, B, and C, of Unit 312, Gang Enforcement, responded to a call regarding two shooting victims, [Murder Victim], who died from his wounds, and Witness 1, who survived, at XXXX S. Merrill. Enroute, they observed the subject, Subject 1, who fit the description of the offender, and attempted to stop him. Subject 1 fled on foot. Officers A and B pursued him on foot. Officer C pursued him in a Department vehicle. Subject 1 turned and fired a handgun in their direction. In fear of their lives, Officers A and B drew their weapons and fired upon Subject 1. Subject 1 was struck once in the abdomen and transported to Christ Hospital by CFD personnel.

**INVESTIGATION:**

**The subject, Subject 1**, refused to provide a statement.

**Civilian Witness 1** stated that her god-brother, [Murder Victim], his girlfriend, [Murder Victim's Girlfriend], and [Murder Victim's Girlfriend's Cousin], "[Female Name]," were at her home, located at XXXX S. Merrill, when [Murder Victim] and "[Female Name]" argued. "[Female Name]" left and returned with approximately three or four black males. [Murder Victim] and one of the males Witness 1 knew as "[Female Name]'s baby daddy," Subject 1, argued. Subject 1 displayed a handgun and repeatedly shot [Murder Victim]. Subject 1 repeatedly shot Witness 1 when she attempted to help [Murder Victim]. He then fired upon [Murder Victim] again before walking away from the scene with the males with whom he had initially arrived. "[Female Name]" sped away in a van, in the opposite direction.

**Civilian Witness 2** stated that he was inside his residence located at 2161 E. 97<sup>th</sup> Street, when he heard several shots fired outside. Witness 2 exited his residence and walked in the direction of the corner of 97<sup>th</sup> & Merrill, where he heard the shots. He encountered several neighbors and an unknown black male subject (Subject 1) who walked by while repeatedly stating, "Man I ain't got nothin' to do with that." Witness 2 walked back toward his residence and observed an unmarked squad car, containing three unknown casually dressed officers, drive through a path that led out of a nearby park. The officers encountered Subject 1 at the park's entrance and repeatedly ordered him to stop. Subject 1 turned toward the officers and fired upon them. The officers returned fire. Subject 1 fled west on 97<sup>th</sup> Street and continued to fire behind his back, toward the officers. Subject 1 fell, got back up and fled through a yard that lead through the park.

**The related Arrest, Case and Supplementary reports, CB#18522096, CB#18522101, RD#HV-528424, HV-528197, HV-528394**, document information consistent with the Summary of Incident. Subject 1 was charged with First Degree Murder, Attempt Murder, Aggravated Discharge of a Firearm against a PO, and Armed Habitual Criminal. An additional arrestee, [Arrestee], was charged with Possession of Cannabis. "[Female Name]" was accused of making telephone threats to [Murder Victim's Girlfriend] if she gave the police any information regarding the shooting.

**The related Tactical Response Reports (TRRs), prepared by Officers A, B, and C** document that Subject 1 did not follow verbal direction, fled, attacked with a weapon, and used force likely to cause death or great bodily harm. Officers A, B, and C responded with their presence and verbal commands. Additionally, Officers A and B discharged their firearms. Officer A discharged his firearm thirteen times. Officer B discharged his firearm sixteen times. The Watch Commander/OCIC Review of the TRRs documents that the actions of the officers were justified and in compliance with Department policy and that it was not known which officer shot Subject 1.

**The Officer's Battery Reports (OBR)** document that though Officers A, B, and C were shot at by Subject 1, none of them were injured.

**The Office of Emergency Management and Communications (OEMC) Event Query** documents information consistent with the Summary of Incident.

**Evidence Technician Photographs** depict photos of Subject 1; the gun used by Subject 1; the scene; and the surrounding area.

**The Medical Records** document that Subject 1 was initially treated at Christ Hospital and transferred to Stroger Hospital for a gunshot wound that entered through the abdomen and exited through the back.

**In separate statements to IPRA, the involved officers, Officers A, B, and C** provided accounts consistent with the Summary of Incident. Officers A and B were passengers in the unmarked Department vehicle driven by Officer C. Once Subject 1 fell to the ground after being fired upon by Officers A and B, Officers A and B returned to the squad car to take cover and reload their firearms. When they looked in the direction where Subject 1 fell to the ground, he was no longer there. Officers A, B, and C conducted an area search for Subject 1. They observed blood in a yard then observed Subject 1 lying on the ground nearby. Subject 1 was taken into custody and the gun he used during the incident was found in a bush.

**CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by Officers A and B was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order No. 02-08-3, 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 involved the infliction, threatened infliction, or threatened use of 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 the first condition of the Chicago Police Department's deadly force policy. Officers A and B responded to an OEMC call of two shooting victims at XXXX S. Merrill and while enroute to the scene, they encountered the subject, Subject 1, who fit the description of the suspected offender. Officers A and B gave Subject 1 repeated instructions to stop. Subject 1 failed to comply, fled and fired upon the officers during an unsuccessful attempt to avoid arrest. To prevent death or great bodily harm to themselves, Officers A and B fired upon Subject 1, striking him once in the abdomen. Based upon the totality of the circumstances surrounding the police involved shooting of Subject 1, Officers A and B were justified in using deadly force against Subject 1.