

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1059031/U #12-47

INVESTIGATION

NUMBER: Log #1059031 / U #12-47

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Female/Hispanic; 32 years old; On-duty; In Uniform; Year of Appointment – 2004

**OFFICER’S
INJURIES:**

Transported to hospital. No injuries reported.

WITNESS

OFFICER: “Officer B” (Chicago Police Officer); Male/White; 40 years old; On-duty; In Uniform; Year of Appointment – 1997

**WITNESS
OFFICER’S
INJURIES:**

Injured arm and ankle.

SUBJECT:

“Subject 1”; Male/Black; 23 years old

**SUBJECT’S
INJURIES:**

Two gunshot wounds, one to the stomach and one to the pelvic region; superficial injuries due to being struck by Beat 0935. Transported to St. Bernard’s, DOA.

DATE/ TIME:

15 December 2012, at 1109 hours.

LOCATION:

1551 West Garfield Boulevard.

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Incident Summary

Beat 0935 monitored a “flash” message for an armed robbery in progress. The message provided a description of the vehicle and offenders that were involved in the robbery, and that the offenders were armed. Beat 0935 was driven by Officer B with Officer A as the passenger. The officers observed the wanted vehicle near 55th Street and South Western Avenue. Beat 0935 attempted to stop the vehicle, which fled eastbound on 55th Street at a high rate of speed. Beat 0935 pursued the vehicle until the vehicle crashed in front of the Phillips 66 Gas Station located at 55th Street and Ashland Avenue. Four black males exited the vehicle. Three of the black males escaped on foot, but Subject 1 fell to the ground and Beat 0935, entering the gas station, struck Subject 1. The officers exited their vehicle and Officer B attempted to take Subject 1 into custody, at which time Subject 1 threw Officer B to the ground. Subject 1 then stood up and had a black object in his hand (later determined to be a black metal Mag flashlight). Officer A yelled, “Gun, gun” and fired two rounds striking Subject 1. Subject 1 was transported to St. Bernard’s Hospital and pronounced deceased from gunshot wounds to his left flank and left hip.

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Investigation

General Offense Case Reports HV603521, HV603523, and HV603442 document the accounts of the robbery at 5400 S. Western Avenue and 3817 S. Kedzie Avenue, and the police involved shooting that occurred at 1551 W. Garfield Boulevard.

The reports also document the parties involved in the incident, their interviews with detectives, and the Medical Examiner's findings and manner of death of Subject 1. CPD Detective 1, conducted the following interviews:

Officer B stated that he was working Beat 935, in uniform, driving a marked Chevrolet Tahoe with his partner, Officer A. He stated that they were on patrol when he monitored a call of an armed robbery near 38th Street and Kedzie Avenue where four black male offenders were armed with gun and driving a gray Chevrolet Trail Blazer. The officers were touring the area for the offenders when a second call came over the air of two black males in a gray Chevrolet Trail Blazer breaking off the seal of a semi-truck near 54th Street and fleeing northbound on Western Avenue. The officers observed the suspect vehicle in the area of 51st Street and Western Avenue and attempted to stop the vehicle. The vehicle failed to stop and a pursuit ensued. Officer B pursued the vehicle while making notification to OEMC. The Trail Blazer crashed at Phillips Gas Station at 55th Street and Ashland Boulevard. Officer B turned into the gas station just past the Trail Blazer and struck Subject 1, who ran in front of the police vehicle while fleeing from the Chevrolet Trail Blazer. Officer B and Officer A exited their vehicle and attempted to place Subject 1 into custody when Subject 1 threw Officer B over him and slammed him onto the ground. Officer B heard Officer A yell, "Gun, gun" and then heard two gunshots. Officer B continued to attempt to restrain Subject 1, who was still struggling until other officers arrived. Officer B stated that officers found a black metal Mag flashlight underneath Subject 1, but no gun. Officer B sustained minor injuries to his arm and ankle and was transported to Mercy Hospital for treatment.

Officer A stated essentially the same information as Officer B. Officer A added that as Officer B attempted to take Subject 1 into custody, Officer A provided other officers information over the radio. Officer A further stated that after Subject 1 threw Officer B to the ground, she observed what she believed was a black gun in Subject 1's right hand. Fearing for her life, and the life of Officer B, Officer A fired two rounds at Subject 1. Officer A stated that officers found a black metal Mag flashlight under Subject 1, but no gun.

Officer C stated that he was working with his partner, Officer D, and monitoring the radio when they heard a flash message for a silver vehicle wanted for a robbery in the area of 38th Street and Kedzie Avenue. They observed the wanted silver SUV traveling southbound on Western Avenue. Officer C followed the pursuit and when the silver SUV reached 55th Street and Ashland Avenue the vehicle crashed. Officer C heard a female officer's voice (Officer A) over the radio shouting out the direction of flight of the offenders. Officer C and Officer D toured the area looking for the offenders, when Officer A shouted over the air, "He's got a gun, he's got a gun, need assistance." Officer

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C and Officer D ran into the parking lot of the Phillip 66 gas station and observed Officer B handcuffing Subject 1. Officer C observed Subject 1 holding a black flashlight in his right hand.

Officer D stated essentially the same details of the incident as Officer C.

Witness 1, a cashier working at the Phillips 66 Gas Station, stated that he heard a vehicle crash and saw smoke. Witness 1 heard two gunshots, but did not observe what occurred.

Witness 2 stated that she was a passenger in a vehicle belonging to Adrian Cash and located in the Phillip 66 lot. Witness 2 observed a silver SUV slam into a light pole and several people running from the SUV. The last person (Subject 1) to exit the SUV was struck by a police vehicle. Subject 1 then crawled from under the police vehicle and began struggling with a male police officer (Officer B). Subject 1 then slammed Officer B to the ground while the female officer (Officer A) pulled out her gun and fired two shots at Subject 1.

Witness 3 stated essentially the same account of the incident as Witness 2. Witness 3 added that after Subject 1 threw Officer B to the ground he turned toward Officer A.

Officer A's **Tactical Response Report** documents Subject 1's actions as "Did Not Follow Verbal Directions," "Fled," "Pulled Away," "Imminent Threat of Battery," "Attacked with a Weapon," and "Uses Force Likely to Cause Death or Great Bodily Harm (Weapon)." The report also documents that as officers attempted to arrest Subject 1 he slammed Officer B to the ground, and Officer A, believing that Subject 1 had a weapon in his hand, and in fear for her life, and that of Officer B, discharged her weapon.

Officer B's **Tactical Response Report** documents Subject 1's actions as "Did Not Follow Verbal Directions," "Fled," "Pulled Away," "Imminent Threat of Battery," and "Attacked with a Weapon." The report also documents that as officers attempted to arrest Subject 1, he slammed Officer B to the ground.

Officer B's **Officer's Battery Report**, documents that he was on-duty in full uniform, and working with one partner in a marked police vehicle. The type of activity was "Man with a gun," "Traffic Stop/Pursuit" and "Pursing/ Arresting Offender." The "Manner of Attack" was "Struck/ Blunt Force" (including actual attack). "Type of Weapon/Threat" was "Slammed Officer on his Back." Officer B sustained swelling and bruising.

Officer A's **Officer's Battery Report**, documents that she was on-duty in full uniform, and working with one partner in a marked police vehicle. The type of activity was "Man with a Gun," "Traffic Stop/Pursuit" and "Pursing/Arresting Offender." The "Manner of Attack" was "Other," and the "Type of Weapon/Threat" was "Hands/Fist" and a "Handgun" pointed at an officer. Officer A sustained no injuries.

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The **Traffic Pursuit Report**, submitted by CPD Sergeant 1, documents that Officer B and Officer A became engaged in a high-speed vehicle pursuit with several robbery suspects driving a silver Chevrolet SUV. The pursuit lasted approximately 1.5 minutes covering approximately 2 miles. Reports were given that the occupants of the vehicle were armed with a gun. The SUV disobeyed several stoplights and weaved in and out of traffic before striking a light pole where several suspects fled the area on foot.

POD #628, located at 1600 W. Garfield Boulevard, did not capture the vehicle pursuit or the shooting.

Images from **surveillance cameras** the Phillips 66 Gas Station located at 1551 S. Ashland Avenue clearly depict images of the incident as described in Chicago Police Reports.

Office of Emergency Management and Communications (OEMC) traffic included calls to 911 regarding robberies in the area of 38th Street and Kedzie Street and CPD transmissions in regards to a vehicle pursuit. The officer involved shooting is documented under Event Numbers 1235007128, 1235007165, 1235007170, 1235004696, 1235007827, 1235008015, 1235008860, 1235009082, 1235009206, 1235010490 and 1235010804.

The **Crime Scene Processing Reports** document that units from the Mobile Crime Lab processed the scene and took photographs and video of the area.

The **Mobile Crime Lab photographs and Crime Scene video** depict the scene, recovered evidence, and Subject 1's body.

The **Chicago Fire Department Ambulance Run Sheet** documents that the paramedics found Subject 1, lying on ground, handcuffed and unresponsive.

The **Report of the Postmortem Examination** for Subject 1 documents that he sustained one gunshot wound to the left side of the back and one gunshot wound to the left side of his hip. The cause of death was determined to be multiple gunshot wounds.

The **Illinois State Police, Division of Forensic Services Report**, dated 16 January 2013, documents that Officer A's weapon was in good firing condition, and the two fired bullets that struck Subject 1 were fired from Officer A's weapon.

The **Alcohol and Drug Testing Report** submitted by CPD Sergeant 2, documents that on 15 December 2012, at 1442 hours, CPD Sergeant 2 administered the alcohol and drug test to Officer A. The results document that Officer A was not under the influence of any type of alcohol or narcotic at the time of the incident.

Civil Suit, #13 C483, filed on 11 February 2013, documents that Victor P. Henderson and Samuel Adam Jr. filed a Wrongful Death suit on behalf of [MINOR], a

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minor, by his mother, [Female]. The documents cite that Officer A, in the course of her duties as a Chicago Police Officer, used excessive and unjustified force during the arrest of Subject 1.

In an **IPRA telephone interview** on 15 December 2012, **Witness 4** stated that he was in the Phillips 66 gas station located at 5501 S. Ashland Avenue at the time of the incident. Witness 4 saw a gray Jeep Cherokee (actually a gray Chevrolet Trail Blazer) moving at a high rate of speed crash into the pole that was located near the gas station lot. Witness 4 saw four black males exit the vehicle. Witness 4 saw a marked Chicago Police Tahoe come rapidly into the gas station where it struck one of the black males (Subject 1). After Subject 1 was struck by the officer's police vehicle, Witness 4 saw him engage in a struggle with a white male officer (Officer B). While on the ground, a white female officer (Officer A) approached Subject 1 and Officer B and Officer A yelled, "Don't move." Witness 4 then heard two gunshots. Witness 4 did not observe a weapon in Subject 1's hand.

In an **IPRA telephone interview** taken on 15 December 2012, **Witness 5** stated that as she entered the gas station at 5501 S. Ashland Avenue, she saw a truck (No description provided) traveling at a high rate of speed and crash into a pole. Witness 5 observed several black males exit the vehicle and flee the area on foot. As one of the black males (Subject 1) exited the rear of the truck, a police vehicle struck him. The officers from the police vehicle exited and pulled Subject 1 from under the vehicle. Witness 5 then observed a struggle between the officers and heard several gunshots.

In an **IPRA telephone interview** taken on 15 December 2012, **Witness 6** stated that as she waited at the bus stop at 55th Street and Ashland Avenue she observed an SUV crash into a pole. Several black males jumped out of the rear of the SUV and fled on foot. Witness 6 saw one of the black males (Subject 1) jump out of the rear of the SUV and get struck by a police vehicle. Witness 6 then observed Subject 1 and Officer B wrestling on the ground. Witness 6 then heard four to five gunshots, and saw Subject 1 lying on the ground. Witness 6 stated that she believed that Subject 1 had a mobile telephone in his hand.

Witness 2 was interviewed by CPD Detective 1 but refused to be interviewed by IPRA, or cooperate further with the investigation.

In an **interview at IPRA** on 19 November 2013, **Officer A**, provided the same details of the incident as she provided to the assigned detectives and documented in the General Case Reports and earlier in this report.

In an **interview at IPRA** on 5 December 2013, Officer B, provided the same details of the incident as he provided to the assigned detectives and documented in General Case Reports and earlier in this report.

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CONCLUSION AND FINDINGS:

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's General Order 03-02-03, 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 to inflict great bodily harm unless arrested without delay."

Officer A and Officer B monitored radio transmissions of an armed robbery involving black males driving a gray Chevrolet SUV. Officer A and Officer B observed the SUV and initiated a pursuit. The SUV crashed and the four occupants, including Subject 1, exited the vehicle. As Subject 1 exited the SUV, he was struck by Officer B and Officer A's police vehicle. As Officer B attempted to place Subject 1 into custody, Subject 1 slammed Officer B to the ground. At approximately that moment, Officer A saw what she believed to be a gun in the hand of Subject 1. Being in fear for her life, and the life of Officer B, Officer A fired two times striking Subject 1. Subject 1 was pronounced deceased from the gunshot wounds. Officers recovered a black metal Mag flashlight from under Subject 1's body.