

INDEPENDENT POLICE REVIEW AUTHORITY  
Log #1061829/U #13-16

**INVESTIGATION**

**NUMBER:** Log #1061829/U #13-16

**INVOLVED**

**OFFICER:** “Officer A” (Chicago Police Officer); Male/Black; 42 years old;  
Off-Duty; in plain clothes; Year of Appointment – 1999

**OFFICER’S  
INJURIES:** None Reported

**SUBJECT #1:** “Subject 1”; Male/Black; 27 years old

**SUBJECT #1’s  
INJURIES:** Several gunshot shot wounds to the head and arm – non fatal. Treated at  
Stroger Hospital.

**SUBJECT #2:** “Subject 2”; Male/Black; 18 years old

**SUBJECT #2:  
INJURIES:** Gunshot wound to the arm – non fatal. Treated at Loyola Hospital.

**DATE/TIME:** 28 April 2013; 2227 Hours

**LOCATION:** 315 S. Leavitt Street/Beat 1225

**SUMMARY OF INCIDENT:**

This investigation, in conjunction with information gained through the investigation initiated by the Chicago Police Department, revealed the following:

On 28 April 2013, at 2227 hours, off-duty Officer A, stepped outside his home on the 300 block of South Leavitt Street. He was going to move his department issued covert vehicle from the east side of Leavitt Street to the west side of that street. Once he entered his vehicle, which was facing north, a burgundy colored vehicle came to a stop in the middle of the street, about five to six feet in front of his automobile. An individual<sup>1</sup> exited from the rear passenger's side of the burgundy vehicle and fired a gun in a northerly direction. A second individual<sup>2</sup> subsequently exited the burgundy vehicle via the rear driver's side door and fired a gun in a southerly direction. Subject 1 and Subject 3 returned to the burgundy colored vehicle which then headed south and turned west on Van Buren Street.<sup>3</sup> Officer A called 911 and reported the incident, and followed the burgundy colored automobile after completing a u-turn.

Officer A came upon the burgundy colored vehicle as it was stopped at a stoplight at the intersection of Van Buren and Oakley Streets. Upon pulling up to the intersection, Officer A observed an Illinois State Police Trooper conducting a traffic stop on the northeast corner. Officer A exited his vehicle, which was approximately 10 to 15 feet behind the burgundy colored car, pulled his badge out of his pocket and drew his gun. He announced his office, ordered the burgundy colored vehicle to stop, and instructed the occupants to exit. As Officer A approached the burgundy colored vehicle, the individual sitting on the driver's side rear seat raised his hand and pointed a gun at him. Officer A subsequently fired ten shots at the individual who had pointed the gun at him in the burgundy colored vehicle which fled from the scene. Officer A announced his office to the Illinois State Police Trooper while simultaneously showing him his badge. After explaining the situation, the Illinois State Police Trooper left the scene, forgoing his traffic stop in order to pursue the offenders.

Chicago Police units began arriving at the location of this incident in response to Officer A's call and started searching the area for the burgundy colored vehicle. During the search, the officers learned that an unidentified individual placed a call to 911 and reported that a black male had set off his/her car alarm and was in an alley behind the caller's residence. Several officers responded and located the empty burgundy colored vehicle parked at 325 S. Maplewood Avenue. The officers then located Subject 1 who had sustained gunshot wounds to his head and arm; Subject 1 was transported to Stroger Hospital for treatment of his injuries. The burgundy colored vehicle sustained gunshot damage to the rear window and a revolver was found on the floor of the rear passenger's side of the vehicle. Sometime after the initial shooting, an individual, subsequently identified as Subject 2, arrived at Westlake Hospital seeking treatment for a gunshot wound to his arm. Subject 2 was subsequently transported to Loyola Hospital for treatment of this injury.

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1. This individual was identified as Involved Subject 1.  
2. This individual was identified as Involved Subject 3.  
3 The vehicle was being driven by Involved Subject 4.

**INVESTIGATION:**

**Department Reports, the Tactical Response Report (TRR) and the Officer's Battery Report (OBR)** all provided information that is consistent with Summary of Incident portion of this report. **The Detective Supplementary Report** documents that all of the Involved Subjects made statements implicating themselves in the discharging of firearms that led up to this Officer Involved Shooting.

The **OEMC** and **PCAD Reports** were collected and made part of this investigation. An analysis of said documents showed no information that is inconsistent with the facts as related in the Summary of Incident portion of this report. Attempts were made to contact all individuals who called 911. None of the individuals with whom the R/I spoke witnessed the incident.

A **Chicago Fire Department Ambulance Run Sheet** documents that Subject 1 was found leaning against a fence, alert and conscious, and complaining of pain to his head. A single gunshot wound to the left temple area and single gunshot wound to the left forearm were noted. He was subsequently transported to Stroger Hospital for treatment

Two **canvasses** of the area of the incident were conducted in an attempt to locate additional witnesses and/or evidence. No additional witnesses and/or evidence were located or obtained.

**Evidence Technician Photographs** documented the crime scene, Officer A, injuries to Subject 1, and the weapon Subject 1 fired.

A report from the **Illinois State Police Forensic Laboratory** documents that both Subject 1's and Officer A's weapons were test fired and found to be operational. No latent prints suitable for comparison on the gun recovered from the burgundy colored vehicle were found. A second gun used by the involved individuals was not recovered and/or submitted for forensic testing. Additionally, testing for Gun Shot Residue on Subject 2's hands was inconclusive.

A report from the **Illinois State Police Forensic Laboratory** documents that a .45 Caliber bullet was examined. It was determined that the bullet was not discharged from the gun of the involved subjects. Likewise, the same bullet could not be identified or eliminated as having been fired from Officer A's gun. No additional bullets were submitted for examination or testing.

Video from **PODs** #738, #3012, #740 was obtained, but the first two listed PODs did not record any portion of this incident. POD #740 was located at 350 S. Oakley Boulevard, situated on the northwest corner of the intersection. At 2219 hours, the vehicle containing the involved subjects was seen as it sped through the intersection, traveling westbound on Van Buren Street; Officer A then ran into the intersection and Illinois State Trooper then drove his squad car westbound through

the same intersection.<sup>4</sup> No further relevant images were recorded.

**Video**<sup>5</sup> obtained from Crane High School shows that on 07 May 2013, at 2218 hours, a burgundy colored sedan was observed traveling east on Jackson Boulevard and then turned south on Leavitt Street. The same vehicle then comes to a stop in the middle of the street and one or two individuals<sup>6</sup> exit from the same automobile. Two bright flashes were observed before the individual(s) reentered the vehicle. The burgundy colored vehicle then traveled south on Leavitt Street followed by a white colored vehicle that made a three point turn. Both vehicles then turned west on Van Buren Street and drove out of view of the cameras.

A report completed by **Illinois State Trooper, Illinois State Police**, documents that on 28 April 2014, at 2219 hours, he curbed a vehicle<sup>7</sup> at Oakley Avenue and Van Buren Street. As he was speaking to the occupants of the vehicle, he looked up and observed a black male subject pointing a handgun in a westerly direction. Illinois State Trooper believed the same subject to be yelling that he was a police officer and subsequently observed him discharge his firearm at a red Buick that had stopped at a stoplight. Illinois State Trooper pulled his firearm as he could not clearly see the black male subject's identification. That individual, however, displayed proper credentials identifying himself as a Chicago Police Officer and told Illinois State Trooper the occupants of the Buick had been involved in a shooting. Illinois State Trooper lost sight of that vehicle and proceeded west on Interstate 290 in an unsuccessful attempt to locate it. He returned to the scene of this officer-involved shooting and learned that Officer A had observed two male blacks shoot at a residence in the vicinity of Jackson Boulevard and Leavitt Street. Officer A subsequently followed the Buick to the intersection of Van Buren Street and Oakley Avenue, and observed one of the occupants display a firearm. He then opened fire and struck one of the occupants. Illinois State Trooper then drove to the location where the Buick had been located and identified it as being the vehicle involved in this incident.

**Video** obtained from Illinois State Trooper's squad car showed essentially the same sequence of events noted in his report. Officer A's exact words, as he spoke with Illinois State Trooper, however, were unintelligible. Additionally, the video from Illinois State Trooper's vehicle did not record Officer A actually discharging his firearm.

**Attempts to Interview** the Involved Subjects were unsuccessful.

In his statement to IPRA on 29 April 2012, **Witness 1**, a witness, indicated that on 24 April 2012, at 2230 hours, he went outside to secure his girlfriend's vehicle with an anti-theft device. As

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4. Due to the quality of the video, it can not be determined if Officer A was pointing at the burgundy colored vehicle as he stepped into the intersection.

5. The video obtained from Crane High School was recorded by three different stationary cameras.

6. Due to the graininess of the video and distance of the camera to the location of this incident, the exact number of individuals that exited from the burgundy colored vehicle can not be determined.

7. The vehicle that Illinois State Trooper stopped was traced to the witness, Witness 2, via a LEADS inquiry of the license plate noted in his report.

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he was walking towards that vehicle, a maroon colored vehicle stopped a few car lengths from where he was standing. An unidentified person exited the maroon colored vehicle and fired a gun four to five times.<sup>8</sup> The same individual looked at Witness 1 and then fired one shot that subsequently struck him in the buttocks. Witness 1 then ran back into his apartment and told his girlfriend he had been shot. Shortly thereafter, he was taken to a hospital for treatment of his injury.

In his statement to IPRA on 27 February 2014, **Illinois State Trooper, Illinois State Police** provided essentially the same account of the incident as shown in the video obtained from his squad car and as he documented in his report. Illinois State Trooper indicated although he observed Officer A discharge his firearm, he could not determine at which vehicle he was firing because other vehicles that were stopped at the stoplight obscured his line of sight. Additionally, he could not see if any of the individuals in the vehicle at which Officer A fired was holding a firearm at that time.

In her statement to IPRA on 14 March 2014, **Witness 2**, a witness, provided an account of this incident consistent with that of Illinois State Trooper, the Department Reports, and described in the Summary portion of this report.<sup>9</sup> Witness 2 added that she did not know why Officer A fired his weapon and she was unable to determine if any of the occupants in the burgundy colored vehicle pointed a gun at him. Additionally, Witness 2 did not hear Officer A give any commands to the occupants of the vehicle before firing his weapon.

In his statement to IPRA on 30 April 2013, **Involved Officer A**, stated that on 28 April 2013, at 2230 hours, he stepped out of his residence in order to move his covert vehicle to the opposite side of Leavitt Street. As he was sitting in his automobile, a burgundy colored vehicle drove on the same street and came to a stop directly across from him. An individual exited from the rear passenger's seat and began shooting a silver revolver in a northerly direction. Moments later, a second individual exited from the opposite side of the vehicle and also began discharging a firearm. The two individuals returned to the burgundy colored vehicle which then headed south on Leavitt Street and then turned west on Van Buren Avenue. Upon inquiry, Officer A stated that there were four individuals in the burgundy colored vehicle. He added that he did not know, however, exactly how many times the two individuals who exited from the rear of the burgundy colored vehicle discharged their weapons.

Officer A made a U-turn in his covert vehicle and called 911 while doing so. He followed the burgundy colored vehicle which subsequently came to a stop at a red light at the intersection of Van Buren Avenue and Oakley Boulevard. At that time, Officer A observed Illinois State Trooper conducting a traffic stop at the intersection. Officer A stopped his automobile approximately 10-15 feet behind the burgundy colored vehicle as he knew two of the occupants were armed. He exited his covert vehicle while holding his badge in his left hand and announced his office in an attempt to gain

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8. Witness 1 did not elaborate if the involved individual fired their weapons up into the air or directly at him. The video from Crane High School shows that the weapons were fired in a northerly direction, at chest level.

9. Witness 2 stated that Witness 3, her domestic partner, was sitting in the front passenger's seat of her vehicle at the time of this incident. Attempts to locate and interview Witness 3 were unsuccessful. See Atts. #66 and 67 for more details.

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the attention of Illinois State Trooper. Officer A then stated to Illinois State Trooper, while pointing to the burgundy colored vehicle, the occupants of the burgundy colored vehicle had just shot an individual. Officer A began moving towards the burgundy colored vehicle while holding his firearm in his hand. The two individuals sitting in the rear seat of the same vehicle slumped down so as not to be seen by the state trooper. They subsequently peeked out of the rear window, at which time the individual sitting in the rear driver's side seat turned and pointed a gun at Officer A. Officer A identified the weapon being pointed at him as the same silver revolver he previously mentioned.

Upon seeing the silver revolver being pointed at him, Officer A fired ten times at the subject in the burgundy colored vehicle as he feared for his immediate safety. Once Officer A stopped shooting, the burgundy colored vehicle slowly drove away from the scene. Illinois State Trooper approached him and asked if he was a police officer. Officer A identified himself and displayed his badge to him. Illinois State Trooper then left the scene in search of the burgundy colored sedan. Officer A remained on the scene as other Chicago Police units arrived.

**CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by Involved Officer A, was in compliance with Chicago Police Department policy and Illinois State Statues. According to the Chicago Police Department's General Order G03-02-03, 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."

Based upon the evidence obtained as a result of this investigation, the actions of Officer A were in compliance with the aforementioned General Order regarding the use of deadly force. The involved subjects presented a grave public danger by their indiscriminate discharging of firearms. The video from Crane High School, although grainy, shows a subject exiting from the rear passenger's side of the burgundy colored vehicle and a second subject exited from the driver's side of the same automobile. A bright flash of light was observed from each side of the burgundy colored vehicle prior to the two subjects reentering it. This investigation identified Subject 3 and Subject 1 as the individuals who exited from the burgundy vehicle and determined that they each fired a handgun while standing on either side of the automobile. Either Subject 3 or Subject 1 caused serious injury to Witness 1 by discharging a firearm at him that subsequently struck him in the buttocks. In their statements to detectives, each of the involved subjects admitted to their participation in the events leading up to this Officer Involved Shooting. These facts demonstrate a reckless disregard for safety and welfare of others while the involved subjects were armed and shooting guns.

Officer A indicated he knew two of the occupants of the burgundy colored vehicle were armed and discharged his firearm as he feared for his life when Subject 1 pointed a gun at him. Given the actions of the involved subjects prior to their encounter with Officer A, Officer A's actions were reasonable. Although the witnesses, Witness 2 and Illinois State Trooper, did not

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observe the events leading up to Officer A discharging his weapon, their accounts lend support to Officer A's version of events. Given the totality of the circumstances and all identified evidence, Officer A's actions were reasonable and thus, justified.