

INDEPENDENT POLICE REVIEW AUTHORITY

Log#1062212, U#13-20

INVESTIGATION

NUMBER: Log#1062212/U#13-20

INVOLVED

OFFICER: “Officer A” (Chicago Police Officer); Male/Black; 33 years old;
On- Duty; In Uniform; Year of Appointment – 2004

OFFICER’S

INJURIES: None reported.

WITNESS

OFFICER: “Officer B” (Chicago Police Officer); Male/Black; 35 years old;
On- Duty; In Uniform; Year of Appointment – 2004

SUBJECT: “Subject 1”; Male/Black; 24 years old

SUBJECT’S

INJURIES: Gunshot wounds to right buttocks and left ankle.

DATE/TIME: 14 May 2013, approximately 2354 hours

LOCATION: 1610 E. 83rd Street (alley); address used in police reports was 8256 S.
Cornell

SUMMARY OF INCIDENT:

On 14 May 2013, at approximately 2354 hours, Tactical Beat 463 reported hearing several gunshots in the area of South Chicago Avenue and 79th Street. Beat 414R, consisting of uniformed Officer A, who was driving, and Officer B, who was the passenger, responded to the area in their marked squad car. Officer B drove west on 81st Street, when he and Officer A observed a dark-colored vehicle traveling in reverse. The officers were in the process of stopping the vehicle when the driver yelled out to them that someone in a silver-colored Chevrolet Monte Carlo had fired at him. Officers A and B observed the Monte Carlo near 81st Street and Ridgeland Avenue, as it traveled south on Ridgeland Avenue and then west on 83rd Street. Officers A and B activated their emergency lights to affect a stop of the Monte Carlo near 1610 E. 83rd Street. As the Monte Carlo stopped, Subject 1 exited the passenger side of the vehicle and fled north in the alley while holding a firearm. Officer B observed Subject 1 exiting the Monte Carlo, saw the firearm and yelled, "Gun, gun!" Officer A exited the squad car and pursued Subject 1 on foot while announcing his office. Subject 1 turned his semi-automatic pistol toward Officer A. Officer A fired three rounds striking Subject 1 twice, once in the right buttock and once in the left foot. Subject 1 dropped the weapon and placed his hands on a nearby garage door, at which time Officer A placed him in handcuffs. Officer B was able to detain the driver of the Monte Carlo, Subject 2, without incident.

Responding Evidence Technicians documented the recovery of Subject 1's firearm, as it was found lying in the alley, with an ejected magazine lying north of it. The magazine contained four live rounds. The weapon was found to be a Hi-Point 9mm semi-automatic pistol, with a live round in its chamber. Three shell casings from Officer A's weapon were located on the scene near a utility pole on the east side of the alley.

Subject 1 was taken to Stroger Hospital where he was treated for his injuries.

INVESTIGATION:

The IPRA Preliminary Report and the Major Incident Notification Report essentially related the same information as reported in the Summary of Incident of this report.

Attempts to interview Subject 1 were met with negative results. A personal visit to XXXX South Cornell Avenue was made, and messages were left with his family members. To this date, Subject 1 has not contacted the R/I.

Attempts to interview Subject 2 were met with negative results. Officer B and the R/I spoke several times on the telephone, in an effort to coordinate an interview. Officer B failed to return the R/I's messages, and failed to schedule an interview.

According to **Department Reports**, Subject 1 was arrested on 14 May 2013, at approximately 2357 hours, at 8256 S. Cornell Avenue, and charged with Unlawful Use of a Weapon and Aggravated Assault to an Officer with a Firearm. The arresting officers were Officer A and Officer B. It is reported that after attempting a traffic stop, Subject 1 exited the vehicle in question and pointed a firearm at the officers. It is also reported that Subject 1's actions placed Officer A in fear of receiving a battery. Officer A fired three shots from his weapon striking Subject 1 twice. It was noted that a loaded semi-automatic pistol was recovered from the location of the incident.

In a subsequent interview with the CPD detectives, Subject 1 stated he had been shot at earlier in the day, had retrieved his firearm from his home, and was looking for the individuals who shot at him. Subject 1 further stated that when he was stopped by the police he "jumped" from the vehicle, turned towards the officers, and then fled on foot. Subject 1 did not comment on the allegations that he pointed his weapon at the officers.

In a subsequent interview with the CPD detectives, Subject 2 related he was driving the Monte Carlo when the police initiated a traffic stop. Officer B confirmed that Subject 1 exited his vehicle while holding a firearm, and that he fled from the officers. Officer B stated he heard the officers yell, "Police, Drop the gun!" and "Drop the gun!" before the shots were fired.

According to the **Tactical Response Report (TRR)**, completed by Officer A, Subject 1 did not follow verbal direction, fled, was an imminent threat of battery and pointed a weapon in Officer A's direction. Officer A responded with member presence, verbal commands, and the discharge of his firearm.

According to the **Officer's Battery Report (OBR)**, on the date, time and location of the incident Officer A was on patrol duty in full uniform investigating a suspicious person. Subject 1 pointed his weapon in Officer A's direction. Officer A did not sustain any injuries.

The OEMC reports were collected and made part of this case file. An analysis of said documents shows no information that is inconsistent with the facts as related by the involved and witness officers.

IPRA Investigators conducted a canvass in an attempt to locate additional witnesses and/or evidence. No additional eyewitnesses were located.

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According to the **Chicago Fire Department** report on 14 May 2013, EMS 3 responded to the location of incident regarding a gunshot victim. It is reported that Subject 1 had a gunshot wound to his right buttock, and a second gun shot wound to his left ankle. Subject 1 was transported to the Stroger Hospital Emergency Room.

According to **Medical Reports** from the Cook County Health and Hospital Systems, Subject 1 was treated for two superficial gunshot wounds at Stroger Hospital on 14 May 2013. Subject 1 was diagnosed with a gunshot wound to his right thigh and buttock, and a second gunshot wound to his left ankle.

The **Evidence Technician Photographs** depict images of the scene of the incident, Officer A, Subject 1, personal items of Subject 1, and Subject 1's Hi Point 9mm pistol.

Illinois State Police Forensic Science Laboratory Reports document the examination of the firearm possessed by Subject 1. The weapon was test fired and found to be in proper functional condition. No latent prints suitable for comparison were recovered.

Surveillance video was collected from the Kleen Auto Sales and Carwash at 8247 S. Stony Island Avenue. An analysis of the video shows Subject 1 running just ahead of Officer A, and then Subject 1 putting his hands in the air and stopping by placing his hands on a nearby garage wall. The video then shows Officer A taking Subject 1 into custody. The available video does not capture the actual shooting, though it does capture the events immediately after the shooting. The video supports the statements made by Officer A.

In his statement to IPRA on 15 May 2013, **Officer B** essentially related the same information as documented in Department Reports. Officer B stated when he pulled over the Monte Carlo he observed the passenger, Subject 1, exit the vehicle almost immediately. Officer B stated that he clearly saw that Subject 1 was armed with a handgun. Officer B yelled out, "Gun! Gun!" to Officer A. Officer B stated that Subject 1 fled north into the alley, with Officer A in close foot pursuit.

Officer B stated that he secured the driver of the Monte Carlo, Subject 2. Officer B heard three to four gunshots coming from the alley, but did not see the shooting take place. Officer B looked into the alley after he heard the gunshots, and saw that Officer A had his handgun pointed at Subject 1, and that Subject 1 was yelling out in pain and putting his arms up over his head. Officer B stated that he also was able to see Subject 1's handgun on the ground in the alley, near where Subject 1 stood.

In his statement to IPRA on 16 May 2013, **Officer B** essentially related the same information as the Department Reports and as Officer B. Officer A stated that while patrolling the area after a report of shots fired, he and Officer B came in contact with an unknown individual in a small black in color sedan, who indicated that the occupant of a silver Monte Carlo had just shot at him. This unknown person pointed at the silver Monte Carlo and the officers attempted a traffic stop of the suspect vehicle.

Officer A stated as they pulled the Monte Carlo over, he unholstered his weapon and began to exit from the passenger side of their patrol vehicle. Officer A explained that as they had

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reason to believe the occupant had just been involved in a shooting, he felt it prudent to have his firearm ready in the event the officers were confronted by the occupant or occupants.

Officer A stated the passenger door of the Monte Carlo opened, and Subject 1 fled from the vehicle northbound into the alley. Officer A observed that Subject 1 had a blue steel, semi-automatic pistol in his left hand as he fled. Officer A explained that he made several announcements to the effect of "Police," "Stop," and "Drop the gun!" Officer A stated Subject 1 turned back towards him and extended his arm. Officer A explained that he saw the barrel of Subject 1's weapon as it was pointed towards him. Officer A stated at that time he fired three to four shots at Subject 1.

Officer A stated Subject 1 then dropped his weapon and continued moving towards a nearby garage, where Subject 1 then put both his hands on the wall. Officer A moved closer and ordered Subject 1 to get down on the ground, which he then did. Officer A stated as he was cuffing Subject 1, Subject 1 stated, "You shot me," and "That's not my gun that's the driver's gun."

Officer A took note of the fact that Subject 1 was apparently shot and requested EMS and additional police personal to help protect the scene.

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force by 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 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 or inflict great bodily harm unless arrested without delay."

On 14 May 2013, at approximately 2354 hours, Officer B became involved in an investigation of a shots fired report, wherein the vehicle Subject 1 was occupying had been identified as being involved. In furtherance of this investigation a traffic stop was conducted. Subject 1 fled from the passenger side of the suspect vehicle, armed with a 9mm semi-automatic pistol. Officer A pursued Subject 1 on foot. During the foot pursuit, Subject 1 turned towards Officer A and pointed his pistol at Officer A.

In fear for his life, Officer A discharged his weapon striking Subject 1 in his right buttock and his left ankle. Subject 1 subsequently dropped his weapon and surrendered without further incident.

The evidence obtained corroborates the statements made by Officer A. Subject 1 and Subject 2 provided statements in the investigation by the Chicago Police Department that also support the account provided by Officer A. To date, neither Officer B nor Subject 1 has cooperated with the IPRA investigation, nor have they offered statements that dispute the account as provided by Officer A.

The facts and circumstances surrounding this event show that Officer A was in compliance with the statute "to prevent death or great bodily harm to the sworn member or to another person" as he reasonably believed his life was in imminent danger when Subject 1 lifted his arm with a firearm and pointed it in his direction.