

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1063293/U #13-26

**INVESTIGATION**

**NUMBER:** Log #1063293/U#13-26

**INVOLVED**

**OFFICER:** “Officer A” (Chicago Police Officer); Male/Hispanic; 38 years old;  
On- Duty; Civilian Dress; Year of Appointment – 1998

**INVOLVED**

**OFFICER’S**  
**INJURIES:** None Sustained.

**WITNESS**

**OFFICER #1:** “Officer B” (Chicago Police Officer); Male/Asian; 38 years old;  
On- Duty; Civilian Dress; Year of Appointment – 1998

**WITNESS**

**OFFICER’S #1**  
**INJURIES:** None Sustained.

**WITNESS**

**OFFICER #2:** “Officer C” (Chicago Police Officer); Male/White; 35 years old;  
On- Duty; Civilian Dress; Year of Appointment – 1998

**WITNESS**

**OFFICER’S #2**  
**INJURIES:** None Sustained.

**WITNESS**

**OFFICER #3:** “Officer D” (Chicago Police Officer); Male/Hispanic; 32 years old;  
On- Duty; Civilian Dress; Year of Appointment – 2006

**WITNESS**

**OFFICER’S #3**  
**INJURIES:** None Sustained.

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

**SUBJECT’S**

**INJURIES:** Fatal gunshot wound to the back.

**LOCATION:** 5645 South State Street, Chicago, Illinois

**DATE/TIME**

**OF INCIDENT:** 04 July 2013, approximately 1342 hours.

# INDEPENDENT POLICE REVIEW AUTHORITY

Log #1063293/U #13-26

## **SUMMARY OF INCIDENT:**

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

On 04 July 2013, Officer C (Driver Officer) and Officer B (Passenger Officer) assigned to Beat #264C were in the area of Carter Elementary School, located at 5740 S. Michigan Avenue, when they observed the subject, now known as Subject 1. Subject 1 was standing at the north end of the playground, located on the east side of the school. Officer B and Officer C observed Subject 1 grab the right side of his waistband and turn away from the officers. The officers made a left turn onto Michigan Avenue and then turned into the parking lot behind Carter Elementary School. Subject 1 fled on foot westbound through the parking lot and around the front of the school. The officers pursued Subject 1 in their unmarked squad car. As the officers rounded the corner to the front of the school, they observed Subject 1 run through an opening in the gate and proceed westbound across Wabash. The opening of the gate was too small for the officers' squad car to fit through, so Officer B exited the squad car and began to pursue Subject 1 on foot.

Subject 1 ran westbound across Wabash and into a vacant lot between 5724 and 5734 S. Wabash. As Subject 1 continued to flee westbound, he pulled out a semi-automatic pistol from his waistband. When Subject 1 reached the alley, he turned right and ran northwest to the intersection of 57<sup>th</sup> and State Street. Officer B continued to pursue Subject 1 on foot and was approximately twenty feet behind him. As Subject 1 got closer to the intersection of 57<sup>th</sup> and State Street, he ran in front of the front building occupying Garden State Liquors and Food, located at 5701 S. State Street, where Officer B lost sight of him.

As Subject 1 approached the intersection of 57<sup>th</sup> and State Street, he attempted to throw the weapon he was holding into an open trash can. Subject 1 then rounded the corner and attempted to flee east on 57<sup>th</sup> Street. When Subject 1 rounded the corner, he observed Officer C coming towards him in his unmarked squad car on 57<sup>th</sup> Street. Subject 1 turned around, retrieved his weapon from the ground near the trash can, ran across 57<sup>th</sup> Street and continued north on State Street.

Officer D (Driver Officer) and Officer A (Passenger Officer) assigned to Beat #264B responded to the area of 57<sup>th</sup> and State Street to assist Beat #264C. Beat #264B traveling northbound on State Street, pulled alongside of Subject 1, announced their office and ordered Subject 1 to "drop the gun." Subject 1 turned right and headed eastbound through a vacant lot. Subject 1 then turned toward the officers in Beat #264B, raised his right hand and pointed the weapon toward the officers. Officer A, who was seated inside the squad car, discharged his weapon eleven times, striking Subject 1 once.

Subject 1 dropped the weapon and then staggered east through the vacant lot. Subject 1 then turned back towards the weapon, as to retrieve it again, but collapsed under a tree just west of the alley. Subject 1 was transported to John Stroger Hospital where he was later pronounced dead.

**INVESTIGATION:**

**Department Reports, the Tactical Response Reports (TRR) and the Officers' Battery Reports (OBR)**, all provided information that is consistent with the statements given by the involved officer, witness officers and Witness 1.

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 by the involved officers, witness officers and Witness 1.

**The Chicago Fire Department Incident Detail Report** documented that paramedics responded to treat an unknown 19 year old African American gunshot victim at 5648 S. State Street. The patient was found unresponsive in a vacant field with a gunshot wound to the chest below the heart. The patient was found without a pulse, not breathing with fixed and dilated pupils. The patient was classified as dead on arrival.

According to **John Stroger Hospital of Cook County**, the hospital had no record of treatment for Subject 1. During a telephone conversation with the hospital's Medical Release of Information Department, the R/I was informed that there are no medical records for Subject 1 because he arrived at the hospital dead on arrival, he was not treated by any hospital personnel and he was pronounced dead by an Investigator from the Cook County Medical Examiner's Office.

A **Canvass** of the area of the incident was conducted in an attempt to locate additional witnesses and/or evidence. No additional witnesses or additional evidence were located.

**Crime Scene Processing Reports and Evidence Technician Photographs** documented Officer B, the crime scene, and Carter Elementary School's play lot and parking lot.

**Video footage** from security cameras located at the **Garden State Food & Liquor** store at 5701 S. State Street captured a black male; now know as Subject 1<sup>1</sup> running northbound on State Street toward the intersection of 57<sup>th</sup> and State Street. As Subject 1 ran past a trash can located on the sidewalk near the intersection of 57<sup>th</sup> and State Street, Subject 1 attempted to throw a dark colored handgun into the trash can. The handgun struck the side of the trash can and fell onto the sidewalk. Subject 1, who had continued running into the intersection of 57<sup>th</sup> and State Street, stopped in the street, turned around, ran back to where the handgun had fallen, picked up the handgun and continued to run northbound across the intersection on State Street from 57<sup>th</sup> Street. As Subject 1 ran across 57<sup>th</sup> Street, a dark colored unmarked Ford Crown Victoria was observed driving westbound on 57<sup>th</sup> Street and made a right turn onto State in the direction of where Subject 1 was running. A dark colored unmarked Chevy Tahoe was observed driving northbound on State Street through the intersection of 57<sup>th</sup> and State Street in the direction of where Subject 1 was running. Subject 1 changed direction and ran eastbound across a grassy lot. The unmarked Crown Victoria made a right turn and drove eastbound onto what

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<sup>1</sup> Subject 1 was observed with braided hair wearing a pair of blue shorts, a white t-shirt, and a pair of white gym shoes.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1063293/U #13-26

appeared to be an unpaved lot. The unmarked Chevy Tahoe stopped on the street by the grassy lot and an unknown officer was observed exiting the Chevy Tahoe running in the direction of where Subject 1 ran.

The video footage captured a plainclothes officer, now known as Officer B on foot running northbound on State Street approaching 57<sup>th</sup> Street. Officer B appeared to be in pursuit of Subject 1. Officer B ran across 57<sup>th</sup> Street toward the grassy lot where the Subject 1 ran. As the Officer B ran eastbound on an angle across 57<sup>th</sup> Street, Officer B was observed raising his left hand/arm and pointing what appeared to be a gun in the direction that Subject 1 ran.

Subject 1 ran out of the view of the camera. The officer that exited the Chevy Tahoe ran out of the camera view. Officer B ran out of the view of the camera.

According to the **Board of Education of the City of Chicago Law Department**, the William W. Carter Elementary School did not have video surveillance in the area where the incident occurred.

**Illinois State Police Division of Forensic Service Laboratory Report** dated 17 September 2013, documents that the firearm belonging to Officer A was examined, test fired and found to be in firing condition.

**Illinois State Police Division of Forensic Service Laboratory Reports** dated 16 December 2013 and 25 February 2014, documents that the pistol containing one live cartridge and one magazine with five live cartridges recovered from Subject 1 was inventoried under Inventory #12945858. The test revealed that the recovered pistol was operable. However, the test did not reveal any latent impressions suitable for comparison.

**The Postmortem Examination Report from the Cook County Office of the Medical Examiner** for Subject 1 classified Subject 1's death as a homicide as a result of a gunshot wound to the back.

**The Toxicologic Analyses from the Cook County Office of the Medical Examiner** for Subject 1 indicates that Subject 1's blood test was negative for Benzoylcegonine, Ethanol and Opiates.

**In a statement to IPRA on 04 July 2013, Witness 1**, stated that he was sitting on his porch when observed a black male wearing a white t-shirt, blue shorts with dreadlocks running northbound on State Street near 57<sup>th</sup> Street. The black male ran passed the liquor store at the corner of 57<sup>th</sup> and State Street and into the middle of the street at 57<sup>th</sup> Street. The black male then stopped, turned around, ran back southbound to the sidewalk, reached down and picked up something from the sidewalk. The black male then continued running northbound on State Street. Witness 1 stated that he then heard police cars coming. He observed an officer in a gray SUV hanging out of the window with his gun in his hand. He heard the officer tell the black male that was running "Drop it." When the black male ran past a line of trees on a vacant lot, he heard gun shots. Witness 1 stated that he did not see who fired the gun shots because once he saw the

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1063293/U #13-26

police officer in the SUV and heard the officer say “Drop it,” he began to move backwards into his doorway.

**In a statement to IPRA on 08 November 2013, Witness 2,** stated that he was standing in the alley between State Street and Wabash at 57<sup>th</sup> Street. He observed an officer wearing a red shirt and black vest chasing a young man. The young man ran through a vacant lot and jumped the railing near 57<sup>th</sup> and State Street. The officer wearing the red shirt then fired three shots at the young man as the young man ran by the trees on the vacant lot. The officer wearing the red shirt shot the young man once in the leg and then once in the back.<sup>2</sup> After the young man fell, he tried to get up again, that’s when two more officers got out of their “marked blue and white” SUV and started shooting at the young man. Witness 2 said that the young man did not have a gun when he was shot by the police. Witness 2 related that he heard, prior to the shooting, that the young man was at the Carter School, where he did have a gun, but he threw the gun away and one of the young man’s associates got the gun. Witness 2 also stated that the young man’s mother came to him with a lawyer and that he gave a statement to the lawyer.

Attempts to interview **Witness 3** were unsuccessful. Witness 3 refused to give a statement to IPRA in relation to this investigation.

**In a statement to IPRA on 05 July 2013, Involved Officer A** provided his account of this event in a manner consistent with the Department Reports, witness officers and the Summary contained within this report. Officer A added that he believes he fired his gun 8-10 times at Subject 1 after Subject 1 pointed a gun at Officer A. Officer A said he stopped firing his gun after the threat had diminished when he observed that Subject 1 had been shot and collapsed. Officer A stated that he had no option but to fire his gun because he felt like he was going to be killed.

**In a statement to IPRA on 04 July 2013, witness, Officer C** provided his account of this event in a manner consistent with the Department Reports, witness officers, Witness 1 and the Summary contained within this report. Officer C added that he drew his weapon when he exited his vehicle but he reholstered his weapon when he placed Subject 1 in custody.

**In a statement to IPRA on 04 July 2013, witness, Officer B** provided his account of this event in a manner consistent with the Department Reports, witness officers, Witness 1 and the Summary contained within this report. Officer B added that he never went near the body of Subject 1. As he ran through the vacant lot toward Subject 1’s body, he observed the black semi-automatic handgun on the ground, so he stayed with the handgun.

**In a statement to IPRA on 04 July 2013, witness, Officer D** provided his account of this event in a manner consistent with the Department Reports, witness officers, Witness 1 and the Summary contained within this report.

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<sup>2</sup> There is no evidence indicating that the officer wearing the red shirt, now know as Officer B discharged his weapon. Also, there is no evidence indicating that Subject 1 sustained a gun shot wound to his leg.

**CONCLUSION AND FINDINGS:**

This investigation found that the use of deadly force by Officer A was in compliance with Department policy. According to the Chicago Police Department's General Order 02-08-03, II:

- 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 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."

The actions of Officer A were in accordance with the conditions set forth in the Chicago Police Department's deadly force policy. Video footage clearly show Subject 1 was in possession of a handgun and, based on the statements of Officer A and other witnesses, Subject 1 refused and failed to comply with Officer A's verbal directions to drop the handgun. Subject 1's actions placed Officer A in imminent fear of great bodily harm or death to himself and his partner.

Based on the totality of the circumstances and the Chicago Police Department Use of Force Model, Officer A's actions were justified and reasonable to prevent death or great bodily harm to himself and his partner.