

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1064600/U#13-29

INVESTIGATION

NUMBER: Log #1064600/ U#13-29

OFFICER

INVOLVED#1: “Officer A” (Chicago Police Officer); Male/White; 33 years old; On Duty; In Uniform; Year of Appointment – 2004

OFFICER #1’S

INJURIES: Non-Fatal; Minor Injuries. Scratches and abrasions.

OFFICER

INVOLVED #2: “Officer B” (Chicago Police Officer); Male/White; 44 years old; On Duty; In Uniform; Year of Appointment – 1998

OFFICER #2’S

INJURIES: Non-Fatal; Minor Injury (Bruises/Swelling/Minor Abrasions).

OFFICER

INVOLVED #3: “Officer C” (Chicago Police Officer); Female/Hispanic; 50 years old; On Duty; In Uniform; Year of Appointment – 2002

OFFICER #3’S

INJURIES: None

OFFICER

INVOLVED #4: “Officer D” (Chicago Police Officer); Male/Hispanic; 39 years old; On Duty; In Uniform; Year of Appointment – 1999

OFFICER #4’S

INJURIES: None

WITNESS

OFFICER #1: “Officer E” (Chicago Police Officer); Male/White; 55 years old; On Duty; In Uniform; Year of Appointment – 1986

OFFICER’S

INJURIES: None

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WITNESS

OFFICER #2: “Officer F” (Chicago Police Officer); Female/White; 44 years old; On Duty; In Uniform; Year of Appointment – 1991

OFFICER’S

INJURIES: Canine bite to left forearm and right calf. Treated at Swedish Covenant Hospital

WITNESS

OFFICER #3: “Officer G” (Chicago Police Officer); Female/Hispanic; 32 years old; On Duty; In Uniform; Year of Appointment – 2004

OFFICER’S

INJURIES: None

SUBJECT: “Subject 1”; Male/Black; 18 years old

SUBJECT’S

INJURIES: (1) Gunshot wound to the left arm. Transported to Swedish Covenant Hospital, Stable Condition

LOCATION: 5412 N. Spaulding Ave.
Beat 1712

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SUMMARY OF INCIDENT:

On 31 August 2013, at approximately 0349 hours, victims Robbery Victim 1 and Robbery Victim 2 reported that they were robbed and shot in the 4500 block of N. Christiana Avenue by two male subjects later identified as, Subject 1 and Subject 2, who were driving a black Saturn SUV. During the robbery, one of the subjects fired shots striking Robbery Victim 2 in the lower right leg and causing a graze wound to her neck. When officers responded to the area and at approximately 0432 hours, they observed and curbed a black Saturn SUV in the 5300 block of N. Kimball Avenue. Subject 2 was driving the vehicle and an individual, now known to be Subject 3, was in the front passenger seat. During the stop, Subject 1, who was not visible to the officers, exited from the rear passenger seat and fled on foot.

The responding officers searched the surrounding area and found Subject 1 hiding in the rear yard of 5412 N. Spaulding Avenue. Officer A observed Subject 1 crouched down near the northeast corner of the garage and announced his Office and ordered Subject 1 to surrender. As Subject 1 rose up, Officer A observed him holding a handgun. Officer A then fired multiple rounds from his duty weapon at Subject 1. Officers C and D, who were located in the rear yard of 5416 N. Spaulding Avenue, which was the yard directly north of 5412 N. Spaulding Avenue, subsequently fired multiple rounds from their duty weapons at Subject 1, who was fleeing westbound along the garage and scaled a six foot fence into the alley. Officer B, who was located in the alley, observed Subject 1 scale the fence holding a handgun and fired multiple rounds from his duty weapon. Subject 1 fled southbound through the alley before turning west through the property located at 5351 N. Christiana Avenue. Officers located and apprehended Subject 1 at 0744 hours at 5323 N. Kimball Avenue. Subject 1 was subsequently transported to Swedish Covenant Hospital for medical treatment with a gun shot wound to his left arm.

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INVESTIGATION:

The **Arrest and Case Reports** (RD #HW431301 - Aggravated Assault to a Police Officer and #HW431386 - Armed Robbery with a Handgun, Event #1324304007) related that Officers H and I responded to a call of a person shot at XXXX N. Christiana Avenue. Upon arrival, Officers H and I learned that the victims, Robbery Victim 3, Robbery Victim 1 and Robbery Victim 2 were walking home when a black Saturn pulled up and the occupants, now known to be Subject 2 and Subject 1, approached them. Subject 1 pointed a blue steel revolver at Robbery Victim 1 and told the victims to give them their cellular phones and identification cards. The victims handed over their belongings and began to enter the building located at XXXX N. Christiana Avenue when Subject 1 fired two shots at the victims. Robbery Victim 2 suffered a graze wound to the back of her neck and the back of her right calf. Subject 1 got in a black Saturn and fled eastbound in the south alley of Wilson at Christiana.

While on patrol, Officers J and G curbed a black Saturn that matched the description of the vehicle being involved in an armed robbery. Upon curbing the vehicle, Subject 1, who was seated in the backseat and later identified as the shooter, fled on foot eastbound through the yard at 5425 N. Kimball Avenue. Officer A, Officer F, and Canine Officer E accompanied with his canine were able to locate Subject 1 in a yard at 5412 N. Spaulding Avenue, where Subject 1 displayed a weapon at the officers. Officer A then discharged his weapon at Subject 1. Officers C and D, who were located in the adjacent yard, also fired their weapons. Subject 1 jumped over the fence and fled into the alley between Kimball and Christiana Avenues, where Officer B was located. Officer B discharged his weapon at Subject 1. Subject 1 continued to flee on foot and was later discovered by Officer J and CPD Sergeant 1 hiding under a porch at 5323 N. Kimball Avenue. Subject 1 was placed into custody and transported to Swedish Covenant Hospital for a gun shot wound to the left arm.

A **Tactical Response Report** completed by Officer A documented that Subject 1 “did not follow verbal direction,” “fled,” was an “imminent threat of battery,” “attack[ed] with a weapon,” and used “force likely to cause death or great bodily harm.” Officer A responded with “member presence”, “verbal commands”, and the use of his “firearm”. The narrative documented that the subject “pointed a handgun at Officer A, [in which] fearing for Officer A’s life, [he] fired his weapon at the [subject].” Deputy Chief A documented that Officer A’s actions were in compliance with Department Directives

The **Officer’s Battery Report** for **Officer A** documented that he received non-fatal-minor injuries, such as, bruising, swelling and minor abrasions.

The **Injury On Duty Report** for **Officer A** documented that as he attempted to apprehend Subject 1, a canine was released and attacked his right forearm. Officer A received numerous cuts and scratches. Additionally, Officer A received cuts and bruises to his left forearm while going over a fence.

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A **Tactical Response Report** completed by Officer B documented that Subject 1 “did not follow verbal direction,” “fled,” was an “imminent threat of battery,” “attack[ed] with a weapon,” and used “force likely to cause death or great bodily harm.” Officer B responded with “member presence”, “verbal commands”, and the use of his “firearm”. The narrative documented that the subject “pointed a handgun at Officer B, [and] in fear for his life, Officer B fired his weapon at the [subject].”

The **Officer’s Battery Report** for **Officer B** documented that he received non-fatal-minor injuries, such as, bruising, swelling and minor abrasions.

A **Tactical Response Report** completed by Officer D documented that Subject 1 “did not follow verbal direction,” “fled,” was an “imminent threat of battery,” “attack[ed] with a weapon,” and used “force likely to cause death or great bodily harm.” Officer D responded with “member presence”, “verbal commands”, and the use of his “firearm”. The narrative documented that the subject “displayed a handgun and Officer D fired at the [subject] in fear of his life and that of his fellow officers.” Deputy Chief A documented that Officer D’s actions were in compliance with Department Directives.

The **Officer’s Battery Report** for **Officer D** documented that he did not receive any injuries.

A **Tactical Response Report** completed by Canine Officer E documented that Subject 1 “fled,” was an “imminent threat of battery,” “attack[ed] with a weapon,” and used “force likely to cause death or great bodily harm.” Canine Officer E responded with “member presence”, and a “canine.” Deputy Chief A documented that Officer E’s actions were in compliance with Department Directives.

The **Officer’s Battery Report** for **Canine Officer E** documented that he did not receive any injuries.

A **Tactical Response Report** completed by Officer F documented that Subject 1 “did not follow verbal direction,” “fled,” was an “imminent threat of battery,” “attack[ed] with a weapon,” and used “force likely to cause death or great bodily harm.” Officer A responded with “member presence.” The narrative documented that the subject “displayed a handgun while Officer A attempted to place restraints” on the subject. Deputy Chief A documented that Officer A’s actions were in compliance with Department Directives.

The **Officer’s Battery Report** for **Officer F** documented that she received non-fatal-major injuries, such as broken bones, serious lacerations or internal injuries.

The **Injury On Duty Report** for **Officer F** documented that as she was attempting to handcuff Subject 1, he moved and Canine Officer E released his canine towards him. However, Officer A was in the way and was attacked by the canine, in which she received puncture wounds to the left forearm and right calf.

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A **Tactical Response Report** completed by Officer C documented that Subject 1 “did not follow verbal direction,” “fled,” was an “imminent threat of battery,” “attack[ed] with a weapon,” and used “force likely to cause death or great bodily harm.” Officer C responded with “member presence” and “verbal commands.” The narrative documented that the subject “displayed a handgun while [she] attempted to place restraints” on the subject. Deputy Chief A documented that Officer C’s actions were in compliance with Department Directives.

The **Officer’s Battery Report** for **Officer C** documented that she did not receive any injuries.

The **Chicago Fire Department Ambulance Report** documented that Subject 1 had a gunshot wound to his upper left lateral shoulder, through and through. Subject 1 was transported by Ambulance #4 to Swedish Covenant Hospital for treatment

On 31 August 2013 while at the **017 District Station**, IPRA Investigator A attempted to interview Subject 1, Subject 2, Subject 3, Robbery Victim 2 and Robbery Victim 1. IPRA Investigator A was unable to interview Robbery Victim 2, Robbery Victim 1 and Subject 1 due to them being interviewed by Chicago Police Detectives and the Cook County State’s Attorney. IPRA Investigator A spoke with Deputy Chief A, who related that Subject 2 was unable to be interviewed, since he was taken to the hospital due to heroin withdrawals. IPRA Investigator A attempted to interview Subject 3, but she refused to provide a statement.

IPRA sent a **certified letter** to the family of Subject 1 detailing that IPRA is conducting an investigation into the police involved shooting involving Subject 1.

The medical records for Subject 1 from **Swedish Covenant Hospital** (Account #53658068) documented that Subject 1 was admitted to the emergency room on 31 August 2013 at 0810 hours for a gunshot wound to the left shoulder and was seen by Doctor A. Upon admission into the hospital, Subject 1 was in stable condition. Subject 1 was x-rayed which proved negative for foreign bodies. Subject 1’s wounds were dressed and he was discharged on 31 August 2013 at 1137 hours to the Chicago Police Department. The medical records did not document an entry and exit wound.

A **Canvass** was conducted on 01 September 2013 near the location of 5416 N. Spaulding Ave. IPRA Investigator B and IPRA Supervisor A were unable to locate any residents that witnessed the incident in question.

Crime Scene Processing Report #232730 and **#232764** documented items inventoried, including the recovery of Subject 1’s weapon, a revolver with three fired cartridge cases and three live rounds. The report also documented that all of the involved officer’s weapons were recovered in the presence of Deputy Chief A at the 017th District Station. The reports were submitted by Officers L and M.

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Evidence Technician Photographs documented the crime scene and the subject's weapon. Photographs were taken of injuries Subject 1 sustained. It appears that Subject 1 sustained an entry wound to his rear left shoulder and an exit wound to his upper left arm. Additional photographs were taken of injuries to Officer F.

Illinois State Police Forensic Science Laboratory Reports documented under Lab Case #C13-035458 that firearms belonging to Officers A, B, C and D were tested and in proper working condition. The unfired cartridges were analyzed for caliber and type only. The cartridge casings recovered from the scene were fired from each of the officer's weapons. Subject 1's firearm was tested and in proper working condition. Subject 1's firearm was also tested for latent prints. The latent impressions did not reveal any identification. The test results from a gun shot residue kit indicated that Subject 1 may not have discharged a firearm from either hand. If Subject 1 did discharge a firearm, then the particles were removed by activity, were not deposited, or were not detected by the procedure.

A search for **Police Observation Devices (PODS)** in the vicinity of the alleged incident found that there were no PODS located in the area relevant to this investigation.

The related **OMEC Event Queries** documented that at 0646 hours on 31 August 2013 a police officer reported shots fired by the police at 5416 N. Spaulding Avenue. At 0747 hours, an ambulance was dispatched to the scene after officers located the subject.

The **Detectives Supplementary Report** (RD #HW431386 – Aggravated Assault to a Police Officer with a Handgun) documented the Reporting Detectives investigation of the incident. On 31 August 2013, at approximately 0645 hours the Reporting Detectives were assigned by CPD Sergeant 2 to investigate a police involved shooting which occurred at 5412 N. Spaulding Avenue. After arriving at the scene, the Reporting Detectives interviewed the victim police officers, and the responding and arresting officers who related in essence the same information that they provide in their statements to IPRA.

The Reporting Detectives interviewed Subject 1 several times. At first, Subject 1 adamantly denied any knowledge of, or participation, in any armed robbery and shooting with Subject 2. Subject 1 related that when the police stopped the vehicle, he exited the vehicle and began to walk away. Subject 1 related that when he heard a female officer order him to stop, he began running, fleeing from the police. Subject 1 ran and hid in the rear yard near a garage for approximately a half an hour before being discovered by uniformed officers. Subject 1 was approached by an officer who placed his hand on him and told Subject 1 not to move. At some point, the officer took his hand off of Subject 1. When Subject 1 became free, he pulled himself upright into a standing position. Subject 1 related that as he was standing, he was shot from behind by one of the officers. Subject 1 fled by entering the alley and continued to flee. Subject 1 ran and hid under a porch where he was eventually found by responding officers.

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Several hours later, Subject 1 admitted that he was involved in an armed robbery and had discharged a revolver. Subject 1 accompanied detectives to the yard behind 5420 N. Christiana Avenue where he related that he placed the handgun in the baby stroller under the porch. The Reporting Detectives gained access to the rear yard and recovered a large framed, black steel revolver from a baby stroller.^{1 2}

Efforts to obtain a statement from **Subject 1**, were met with negative results. On 26 September 2013, the R/I attempted to contact Subject 1 at his residence located at XXXX S. Wood Street. The R/I spoke with [Former Guardian], who related that Subject 1 had not lived at that address since June 2013. [Former Guardian] gave the R/I the name of [Social Service Professional] who works for foster placement at Lutheran Child and Family Services. Efforts to contact [Social Service Professional] were met with negative results. On 31 October 2013, the R/I mailed a certified letter to Subject 1 at XXXX S. Exchange Avenue. A letter addressed to Subject 1 was returned and marked unclaimed.

On 18 September 2013, the R/I attempted to interview Witness, **Subject 2**, at the Cook County Jail. Subject 2 refused to give a statement.

In a digitally recorded statement to IPRA, **Officer A** related that on 31 August 2013 he was assigned as a canine officer and was on his way home in his marked vehicle, when he heard calls come over the radio of a traffic stop due to a robbery and that one of the subjects fled from the vehicle. Officer A drove to the scene located at 5425 N. Kimball Avenue and learned that the subject who fled from the vehicle ran eastbound into a yard. Officer A proceeded to walk eastbound towards that location and located Officer G who related that she lost the subject while attempting to apprehend him. Officer A related that they set up a perimeter and waited for additional canine units to arrive on the scene. Approximately 40 minutes later, Officer F and Canine Officer E arrived on scene and began doing a yard by yard search for the subject, now known to be Subject 1.

Officer A related that he joined the search once Officer A and Canine Officer E reached Catalpa and Kimball and began searching yard by yard with them with his weapon drawn. When they reached 5412 N. Spaulding Avenue, Officer A related that he entered the rear yard followed by Officer A and Canine Officer E with his canine. As Officer A searched the yard, he observed Subject 1 lying down on the ground underneath some foliage. Officer A related that he and Officer A announced their office and gave Subject 1 verbal directions to show his hands. Officer A related that Subject 1 did not comply with the verbal directions. Canine Officer E then gave the command to his canine to approach Subject 1. Instead of approaching Subject 1, the canine approached Officer A and climbed up his body in an attempt to attack him. Officer A related that he was able to get the canine off of him and kept his focus on Subject 1, but lost sight of the canine. Officer A then holstered her weapon and approached Subject 1 in an attempt to

¹ Inventory Number 12992070

² An aerial map shows that Subject 1 fled west from 5412 N. Spaulding Avenue to 5420 N. Christiana Avenue where he hid the gun in the baby stroller. Subject 1 then went southwest where he was apprehended at 5323 N. Kimball Avenue.

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place him into custody. As Officer A approached Subject 1, Subject 1 began to move to the point that he retrieved a weapon from his waistband, stood up, and fanned the weapon towards Officer A. Officer A stated, "Drop the gun," and then discharged his weapon because he was in fear of his life and the lives of his fellow officers. Officer A related that Subject 1 proceeded westbound towards the alley where he lost sight of him. Officer A stopped firing his weapon once he lost sight of Subject 1.

Officer A related that he went to check on Officer F and discovered that she was bit by Canine Officer E's canine. Officer A then entered the alley and began to pursue Subject 1 with Officer B, but lost sight of Subject 1 on the next block. Officer A later responded to a foot pursuit that was westbound on Kimball. Officer A related that he entered a yard on the 5300 block of Kimball and observed Subject 1 being taken into custody. Officer A observed that Subject 1 sustained a gunshot wound through and through to the left arm and an ambulance was called to the scene.

In an audio recorded statement to IPRA, **Officer B** related that he was on patrol with Officer C when they responded to a call of an officer needing assistance at the 5400 block of N. Kimball Avenue. While traveling to that location, Officer B heard more information over the police radio relating that there was a second subject that fled westbound. Officer B related that a perimeter was set up and that he and Officer C stayed on Christiana until the canine officers were done with searching the area.

The canine officers then went to search the east side of Spaulding Avenue, and Officers B and C assisted them by going down the alley on the west side of Spaulding Avenue. Officer B related that he was on foot, while Officer C was driving their squad car through the alley and that they were headed southbound. Officer B related that when he got to the location of 5412 or 5414 N. Spaulding Avenue, he heard officers yelling from a rear yard, "Let's see your hands," and then heard, "No, no, no, no stop. No, no, stop." Officer C then ran into the backyard while Officer B attempted to climb a six foot fence. Officer B made it to the top of the fence when he heard gunfire, so he got off the fence and took cover by a garage in the alley. Officer B then observed a black male, now known to be Subject 1, come over the fence and into the alley in front of Officer B's squad car. Subject 1 ran towards Officer B with a gun in his left hand, in which Officer B ordered Subject 1 to drop the gun, but he didn't. Officer B, who was in fear of his life, fired his weapon six times towards Subject 1. Subject 1 stopped, turned around and ran southbound down the alley. Officer B stopped firing his weapon, holstered it and began to pursue Subject 1 on foot.

Officer B followed Subject 1 into the backyard of 5344 N. Christiana Avenue, where he observed Subject 1 jump a fence. Officer B attempted to enter the yard, but was having trouble opening the gate. Officer B related that he got on his radio and reported his position and where he last saw Subject 1. Officer B did not participate in the subsequent arrest of Subject 1.

In a digitally recorded statement to IPRA, **Officer C** related that she was working in uniform and assigned to Beat 1723R with Officer B. Officer C related in essence the

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same information as Officer B, but added the following information. As she and Officer B were in the rear alley between Christina and Spaulding Avenues, she heard, “Let me see your hands! Let me see your hands! Chicago Police”³ Officer C exited the squad car and entered the rear yard, now known to be located at 5416 N. Spaulding Avenue, where she thought she heard the sounds coming from. Officer C related that before she entered the yard, her weapon was drawn and that Officer B stayed in the rear alley.

Once in the yard, Officer C was joined by Officer D, who entered from the front of the property. Officer C then realized that the officers, who were yelling the commands, were in the next yard to the north of them, now known as the location of 5412 N. Spaulding Avenue. Officer C observed that the subject, now known to be Subject 1, was getting up from the ground between the fence that divided the two yards. Officer C heard the officers yell out verbal commands, “Chicago Police, let me see your hands. Let me see your hands. Show me your hands.”⁴ Officer C then heard Officer F fall to the ground and screamed, followed by gun shots. Officer C related that she observed Subject 1 turn and point a gun towards her and Officer D, who was standing next to her. Officer C pointed her gun towards Subject 1 and fired it three times. Officer D also fired his weapon. Subject 1 then ran west and hopped over a fence.

Officer C returned to her squad car and heard Officer B call out over the radio that he was in a foot chase after Subject 1. Officer C patrolled the area in search of her partner and eventually found him on Christiana Avenue. Officer C related that she and Officer B stayed on the scene until Subject 1 was found; however, they did not participate in the search that ultimately located Subject 1.

In a digitally recorded statement to IPRA, **Officer D** related that he was working in uniform and partnered with Officer K when they responded to a call for assistance located at the 5400 block of Kimball Avenue by Officers G and J. Upon arrival, Officer D spoke with Officer G, who related that the subject, now known to be Subject 1, fled east. Officer D proceeded east towards the area where Subject 1 fled and searched the surrounding yards and alleys between Kimball and Christiana Avenues. A perimeter was set up and Officer D waited for Canine Units to arrive.

Officer D soon observed a number of officers and a canine enter into a yard located at 5412 N. Spaulding Avenue, where he then heard the officers scream, “Show me your hands, Chicago Police.” Officer D related that he and Officers C and G went to the yard north of 5412 N. Spaulding Avenue assuming that if Subject 1 jumped the fence, they could catch him in the adjacent yard. Once Officer D entered into the rear yard, he heard multiple shots being fired. Officer D related that he had his firearm in his hand and observed Subject 1 near a chain link fence at the corner of a garage. Subject 1 had a gun in his hand and pointed the gun in the direction of Officer D. Officer D fired his weapon eight times in the direction of Subject 1. Subject 1 fled west towards the alley and Officer D stopped firing his weapon since Subject 1 was no longer a threat. Officer D holstered his weapon and walked out to the front of the house and met with Canine

³ Officer C, Page 16, Lines 14-15

⁴ Officer C, Page 20, Lines 24-25

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Officer E and Officer F. Officer D waited for an ambulance for Officer F and did not participate in the subsequent search and arrest of Subject 1.

In a digitally recorded statement to IPRA, **Witness Canine Officer E**, that on 31 August 2013 he was working Beat 4712 with his canine when he responded to 5425 Kimball Avenue in search of an armed subject. Canine Officer E related in essence the same information as Officers A and F, but added the following information.

Canine Officer E related that once in the rear yard of 5412 N. Spaulding, Subject 1 was non-compliant and stayed lying on the ground and Officer A gave multiple verbal commands to show his hands. Officer F approached Subject 1 in an attempt to handcuff him, in which Subject 1 began to move. Canine Officer E related that he released his canine and gave the command to apprehend the subject. Officer F moved quickly away from Subject 1 and because of her sudden movements, the canine focused on Officer F and bit her leg, knocking her down to the ground and then bit her arm. As this was happening, Officer A stated, "Don't move, don't move, stop, stop," and then fired his weapon. Canine Officer E related that he was attending to Officer F and gaining control of his canine when this transpired and observed Subject 1 flee and hop over the fence.

Canine Officer E added that it was very dark in the yard when they attempted to apprehend Subject 1. Canine Officer E related that he heard gun shots from the alley after Subject 1 hopped the fence, but did not observe where the shots were coming from or who was shooting. Canine Officer E went to the front of the property with Officer F and radioed for an ambulance and for additional units to assist in the search of Subject 1.

In a digitally recorded statement to IPRA, **Witness Officer F**, related in essence the same information as Canine Officer E and Officer A. Officer A added that when she and Canine Officer E and Officer A entered the rear yard of 5412 N. Spaulding Avenue, she observed blue gym shoes underneath the bushes near the fence. Officer A then observed the subject, now known to be Subject 1. Officers A and F had their guns out and ordered Subject 1 to show his hands. Officer F holstered her weapon and approached Subject 1 in an attempt to handcuff him. Suddenly, Officer F was knocked over by Canine Officer E's canine. Officer F related that as she was fighting with the dog, she observed Subject 1 stand up with a gun in his hand and raised the gun up. Officer F then heard gunshots, but did not see where they were coming from as she was paying attention to the dog. Officer F then observed Subject 1 flee westbound and jumped over the fence. Canine Officer E approached Officer F and took control of his canine and assisted her to the front of the property and they called for an ambulance.

In a digitally recorded statement to IPRA, **Witness Officer G** related that on 31 August 2013, she and Officer J responded to a call of an armed robbery with a black Saturn SUV possibly involved as the subject's vehicle. Officer G related that they located the vehicle and curbed it at 5425 N. Kimball. Officer G related that she observed a black male, now known to be Subject 1, flee from the back seat of the SUV. Officer G exited her squad car and approached the front of the SUV, where she observed two other subjects, now known as Subject 2 and Subject 3. Officer G related that she went over the

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air and gave out a description of Subject 1 and the direction of flight and called for another car to the scene.

Once the second car arrived on the scene, Officer G and Officer K searched the yard that Subject 1 fled through. The officers were not able to locate Subject 1 at that time and a perimeter was set up. Officer G related that she, along with Officer K went to the 5400 N. Spaulding Avenue, where they met with Officer D and waited for a Canine Unit. Once the Canine Unit arrived, they searched the yards up until 5412 N. Spaulding Avenue. Officer G related that when they were at 5412 N. Spaulding Avenue, the Canine Officer entered the yard, while she and Officers D and K waited in front of the residence. Suddenly, Officer G heard loud verbal directions coming from the backyard. Officer G related that Officer D ran into the gangway of 5416 N. Spaulding Avenue and she followed him. Officer G observed that the officers in the other yard had their weapons drawn and were giving verbal commands to Subject 1. Officer G then heard a female officer, now known as Officer F, yell out in pain and dropped to the ground. Moments later, Officer G heard multiple shots being fired. Officer G then observed Subject 1 crawl over a gate at 5412 N. Spaulding and she radioed shots fired over the air. Officer G related that she checked on Officer F and learned that she was bit by the canine. Officer G was not involved in the subsequent search and arrest of Subject 1.

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A, Officer B, Officer C and Officer D were **Justified** and in compliance with Chicago Police Department policy and Illinois State statutes. According to the Chicago Police Department's General Order 02-08-03, 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."

The actions of the involved officers was in accordance with the statute "to prevent death or great bodily harm to the sworn member or to another person" because they reasonably believed that their lives were in danger when Subject 1 pointed a gun in their direction and who was previously being pursued by police after he had shot and wounded two victims during an armed robbery.

Officer A gave verbal directions for Subject 1 to show his hands and drop the gun, but Subject 1 failed to comply. In fear of his life and the lives of Officers Swain and Orłowski, Officer A fired his weapon at Subject 1. Officers C, D and G, who were located in the adjacent yard of where Subject 1 was found, also announced their office and ordered Subject 1 to show his hands. Subject 1 turned and pointed his weapon towards Officers C and D. Officers C and D, who were in fear of their lives, fired their weapons towards Subject 1. Subject 1 then fled and entered the rear alley where Officer B was located. Officer B ordered Subject 1 to drop the gun, but Subject 1 failed to comply. Officer B, who was in fear of his life, fired his weapon after he observed Subject 1, who was fleeing the scene, with a gun in his hand running towards him.

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Subject 1 continued to elude officers until he was found at 0744 hours in the 5300 block of N. Kimball Avenue with a gunshot wound to his left shoulder.