

INDEPENDENT POLICE REVIEW AUTHORITY
LOG # 1064738/U# 13-33

INVESTIGATION

NUMBER: LOG #1064738/U# 13-33

INVOLVED

OFFICER: “Officer A” (Chicago Police Officer); Male/Black; 44 years old;
Off Duty; Year of Appointment – 1997

OFFICER’S

INJURIES: Minor Injuries.

SUBJECT: “Subject 1”; Male/Black; 28 years old

SUBJECT’S

INJURIES: Single fatal gunshot to center chest.

SUBJECT’S

WEAPONS: None

DATE/TIME: 07 September 2013, 0643 hours.

LOCATION: 1815 W. Monroe, Chicago, IL 60612, Beat 1223.

SUMMARY OF INCIDENT:

On 07 September 2013, at approximately 0643 hours, off-duty Chicago Police Officer A, was working secondary employment as a security guard for Maverick Security in a Chicago Housing Authority (CHA) apartment building with a female armed security guard, named [Witness 1]. [Witness 1] observed a black male subject, now known to be Subject 1, sleeping in the lobby of the CHA apartment building. Officer A and [Witness 1] told Subject 1 to leave the building. Eventually, Officer A and [Witness 1] escorted Subject 1 out of the building. [Witness 1] went out the door to ensure that Subject 1 left the premises and Officer A went back to the front desk.

[Witness 1] saw Subject 1 urinating on Officer A's tan Ford Explorer, which was parked in front of the CHA building and next to her vehicle, a red Ford F150. [Witness 1] told Subject 1 to leave the property and then she called for Officer A. Officer A went outside and told Subject 1 to leave while [Witness 1] told Subject 1 to leave a second time. Subject 1 ignored the instruction to leave and continued urinating. When Subject 1 finished urinating, he tried the door handles of Officer A's vehicle. Officer A repeatedly told Subject 1 to leave the premises and Subject 1 responded by cursing at Officer A and refusing to leave. [Witness 1] previously told Officer A they should take Subject 1 into custody and Officer A agreed after Subject 1 refused to leave the property. Subject 1 advanced on Officer A, and Officer A backed up to maintain distance between them. Officer A had his badge out and was identifying himself as a police officer. Subject 1 turned his attention to [Witness 1] and Officer A attempted to take Subject 1 to the ground by striking one of his legs. Subject 1 did not go to the ground and approached Officer A in a menacing fashion and struck him. Officer A went to the ground, so [Witness 1] approached Officer A and tried to help him to his feet. Subject 1 pushed Officer A and pulled out several braids of hair from [Witness 1]'s head. Subject 1 shifted his attention from [Witness 1] to Officer A and advanced toward him. Officer A drew his weapon from an ankle holster and [Witness 1] drew her weapon from a holster on her belt. [Witness 1] and Officer A circled Subject 1 to maintain distance from him. Subject 1 approached Officer A, which caused him to fear that he would be disarmed or overpowered. Officer A discharged his weapon, striking Subject 1 in the chest. Subject 1 fell to the ground. [Witness 1] called 911 on her cell phone. Officer A went inside to get his cell phone, called 911, and went back outside. An ambulance and on-duty officers responded to the scene. The ambulance transported Subject 1 to Stroger Hospital where he was pronounced dead.

INVESTIGATION:

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

In a **statement to IPRA** on 29 September 2014, the **Witness, [Witness 1]**, stated she completed her rounds and re-entered the CHA building. She found Subject 1 asleep in the vestibule. [Witness 1] and Officer A woke Subject 1 up and advised him to leave the building. Subject 1 left the building, but he started urinating by Officer A's car. [Witness 1] stated that she and Officer A told Subject 1 to leave the property again, but Subject 1 did not comply. Officer A attempted to place Subject 1 under arrest, but Subject 1 overpowered him and attacked him. [Witness 1] approached Subject 1 and Officer A to pull Subject 1 off Officer A, but Subject 1 grabbed [Witness 1] and pulled her braids out from her scalp. Officer A and [Witness 1] both drew their weapons and continued to order Subject 1 to cease his actions. Subject 1 continued to advance toward them. Officer A and [Witness 1] were moving in circles near Subject 1, trying to prevent his physical contact. Subject 1 told Officer A and [Witness 1] that he planned to kill them. Then he approached Officer A in an aggressive manner. At this point Officer A discharged his weapon.

A **canvass** of the area was conducted on 09 September 2013. The responding IPRA investigator observed a blue baseball cap, a white gym shoe, several braids of hair, and what appeared to be blood on the sidewalk, near the building's entrance. The IPRA investigator also observed a red pick-up truck and a white Ford Explorer, License Plate #XXXXXXX, parked south of the CHA building's entrance/exit doors. The building had two exterior cameras, one on the north and one on the south side of the building. Inside the building, there was a camera that monitored the entrance/exit door. There was also a camera in the lobby of the building. It should be noted that the weather was clear and there was visibility from daylight. Also, two possible witnesses were identified as [Witness 2] located in apartment #XX and [Witness 3], located in apartment #XX. The R/I attempted to interview them during canvass, but the possible witnesses did not respond to their door. Cards were left at the scene, but the possible witnesses failed to contact IPRA by phone.

[Witness 2] and [Witness 3] did not respond to **attempts to contact** them by first class and certified mail.

Officer A's Tactical Response Report related that Officer A discharged his weapon in the direction of the offender, after the offender threatened to kill and disarm Officer A; while advancing toward him in a menacing manner.

The **Case Report (RD #: HW441254)** and **Officer's Battery Report (OBR)** state that Officer A was physically attacked and verbally threatened by a black male offender and that Officer A discharged his weapon.

The **Chicago Police Department's Supplementary Case Report** states that Doctor A performed an autopsy on the remains of Subject 1 and determined the cause and manner of death to be Gunshot Wound of Chest/Homicide.

The **Evidence Technician Photographs** depict the exterior of the CHA property, located at 1815 W. Monroe Street. The photos depict the interior of the property and the front entrance/exit. Photos of the exterior show the following items on the ground: A blue baseball cap, a white gym shoe, several braids of hair; and what appeared to be blood on the sidewalk in front of the building. There are photos of a red pick-up truck and a white Ford Explorer parked near the entrance. The building had two exterior cameras; one pointing north and one pointing south. The building's interior cameras monitor the entrance/exit door and the lobby. The photos also show Subject 1's body, lying on a gurney, covered with a white sheet. There were also photos of [Witness 1], seated in a chair, and holding her head (which was bald near the center).

The **Office of Emergency Management and Communications (OEMC) Event Query** provided information that is consistent with the previous accounts of the incident.

The **Medical Examiner's Report** states that Subject 1 was examined on 08 September 2013, at approximately 0915 hours by Doctor A. According to the report, Subject 1 died of a gunshot wound to his chest. The manner of death was homicide. The toxicological analysis indicates that Subject 1's chest cavity blood (177mg/dl) and vitreous humor (211mg/dl) tested positive for the presence of ethanol (an alcohol by-product).

The **Illinois State Police (ISP) Laboratory report**, (regarding evidence inventoried under Inventory # 12998076) dated 1 October 2013, states that the following evidence was received by the ISP on 25 September 2013. The report states that Officer A's Smith & Wesson revolver (Exhibit 3); one lead fragment (Exhibit 2), and one fired bullet fragment (Exhibit 1) were obtained. The forensic tests revealed that Exhibit 1 was fired from Exhibit 3, while Exhibit 2 was not suitable for comparison. Four unfired Winchester .357 Magnum cartridges (Exhibit 4) and one fired Winchester .357 Magnum cartridge case were also submitted for examination. Exhibit 4 was examined for caliber and type only. Exhibit 5 (which is the fired .357 cartridge case) was said to have been removed from Exhibit 3 (Officer A's revolver). No further examination was conducted on Exhibit 5. The ISP report did not indicate whether or not the fired cartridge case (Exhibit 5) was preserved for later possible examination in the future.

In the **statement to IPRA** on 08 September 2013, at approximately 1649 hours, the Involved Officer, **Officer A**, related that he was working in the lobby of a CHA building as a security officer for Maverick Security. Once [Witness 1] returned from her rounds and her break, Officer A saw her arguing with a guy (Subject 1) in the CHA lobby. [Witness 1] told Officer A that Subject 1 was sleeping in the vestibule, so [Witness 1] asked Subject 1 to leave the property. Officer A also advised Subject 1 that he was a Chicago Police Officer. Subject 1 refused to leave initially, but eventually left the building. Officer A walked back to the security desk and [Witness 1] continued to watch Subject 1. Officer A stated he heard [Witness 1] screaming, so he went outside to check on her. Officer A saw Subject 1 urinating on his (Officer A's) tan Ford Explorer, which was located in front of the building. Officer A advised Subject 1 to leave again, but Subject 1 did not comply. Officer A held out his badge and told Subject 1 that he was under arrest. Officer A attempted to take Subject 1 down, but Subject 1 overpowered him. [Witness 1] tried to assist Officer A, but Subject 1 attacked [Witness 1] and pulled her braids from her scalp. Officer A and [Witness 1] both pulled out their weapons and warned Subject 1 not to attack them

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again. Subject 1 continued to advance toward Officer A. Subject 1 told Officer A that he planned to disarm one of them (Officer A or [Witness 1]) and use that gun to kill both of them. Officer A tried to keep distance with himself and Subject 1. While backing up, Officer A, in fear for his safety and [Witness 1]'s life, fired his weapon at Subject 1 when he reached at Officer A. The bullet struck Subject 1 in the chest. Officer A asked [Witness 1] to call 911 and he then called 911, and requested an ambulance.

CONCLUSION AND FINDING:

The investigation found that the use of deadly force by Officer A was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order No. 02-08-3, III:

- A. A sworn member is justified in using force likely to cause death of 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:
 - i. has committed or has attempted to commit a forcible felony which involved the infliction, threatened infliction, or threatened use of force likely to cause death or great bodily harm or:
 - ii. is attempting to escape by use of a deadly weapon or;
 - iii. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.

The officer's actions were in accordance with the requirements spelled out above in Section A (1). By all accounts Subject 1 was on the verge of taking Officer A's firearm, and would possibly fire on Officer A and/or [Witness 1]. As such, Officer A was acting under the reasonable belief that his life and [Witness 1]'s life were in imminent danger and thus was justified in using deadly force to "prevent death or great bodily harm to the sworn member or to another person."