

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1065072 U/#13-035

INVESTIGATION

NUMBER: Log #1065072/U #13-035

OFFICER

INVOLVED #1: “Officer A” (Chicago Police Sergeant); Male/White; 46 years old;
On- Duty; Plain Clothes; Year of Appointment – 1994

**OFFICER’S
INJURIES:** None reported

WITNESS

OFFICER: “Officer B” (Chicago Police Officer); Female/Black; 58 years old;
On- Duty; Full Uniform; Year of Appointment – 1998

**WITNESS
INJURIES:** None reported

SUBJECT: “Subject 1”; Male/Black; 31 years old

**SUBJECT’S
INJURIES:** Transported to Roseland Community Hospital-(1) Gun
shot wound to his right foot, stable condition.

**DATE & TIME OF
INCIDENT:** 22 September 2013, at approximately 2026 hours

LOCATION: XXXXX South State Street

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OBSERVATIONS OF SCENE:

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

On 22 September 2013, at approximately 2015 hours, Officer A and Officer B viewed a domestic disturbance near the location of 101st and State Street. Officer A located the male suspect involved in the domestic disturbance near 10040 S. State Street. Officer A stopped his squad car and detained the male suspect. Officer B parked her squad car behind Officer A's squad car. Officer B placed the female complainant from the domestic disturbance in the rear of her squad car.

Moments later, Officer A and Officer B heard loud gunshots near XXXXX S. State Street. Officer A then observed three individuals discharging firearms at each other. Officer A reported shots fired over the police radio, retrieved his firearm, and proceeded towards the subjects on the west side of the State Street. Officer A announced his office and ordered the subjects to drop their weapons. The subject, now identified as Subject 1, ran towards Officer A with a handgun in his hand. Officer A was in the middle of State Street near 100th Place. Subject 1 failed to comply with Officer A's verbal commands to stop and drop the gun. Officer A, fearing for his life, discharged his firearm several times, striking Subject 1 on the foot. Subject 1 fled with a noticeable limp, through a gangway at XXXXX S. State Street and then into the north/south alley of South State Street. Officer A pursued Subject 1 on foot slowly through the gangway, but lost sight of him. Officer A continued to give OEMC updates over the police radio, including that he fired his firearm and a description of Subject 1.

Officer A approached the alley and a tactical unit with three officers arrived. The officers followed the blood trail down the east/west alley to a vacant yard on 100th Place. The officers took Subject 1 into custody inside 52. E. 100th Place. Officer A positively identified Subject 1 as the subject who had fired a weapon at XXXXX S. State Street and the same subject who ran towards him. Subject 1 was transported to Roseland Community Hospital in stable condition. Subject 1 sustained a gunshot wound to his right foot.

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The Chicago Police Department Arrest, Case, and Supplementary Reports relating to Subject 1 are reported under RD# HW462997 and CB# 18750731. Department reports also include Officer A's **Tactical Response Report (TRR) and Officer's Battery Report (OBR)**. All these reports provide accounts of the incident, which are consistent with the facts contained in the Summary of Incident.

The **OEMC and PCAD Reports** show no information that is inconsistent with the facts as related by the witnesses and involved officers.

POD #1088 did not capture the incident.

The **Chicago Fire Department Ambulance Report** documented that EMS personnel responded to XXXXX S. State Street, at approximately 2035 hours. The report further documents that Subject 1 was ambulatory with gunshot wound to his right ankle.

The **Medical Records** obtained from Roseland Community Hospital documented that Subject 1 sustained a gunshot wound to his right ankle.

A **canvass** of the location of incident did not reveal any witnesses to the incident.

Evidence Technician (ET) Photographs depict photographs of Officer A, Subject 1, various crime scenes, and the firearm Subject 1 allegedly used during the incident, Officer A's firearm, and a damaged vehicle.

Illinois State Police Forensic Science Laboratory Reports (ISP) documents the examination of the recovered ballistic evidence in comparison to the firearm belonging to Officer A. It was determined that the shell casings recovered at XXXXX S. State Street were fired from Officer A's Semi-Automatic Pistol, Serial #NPP659. Shell casings recovered at 9947 S. State Street were fired from a stolen Smith & Wesson, (Bodyguard, Chief Special) Semi-Automatic Pistol, Serial #VJP0850 (Inv. #13008800) and a stolen Rohm Germany Rg23, 22, Revolver, Serial # unknown (Inv. #13008812). The Rohm Revolver did not reveal any latent print impressions suitable for comparison.

Attempts to obtain a statement with Subject 1 via in-person, U.S. mail, and personal visit to his home, met with negative results.

In a **statement to IPRA, Officer B**, provided her account of this event in a manner consistent with the Departmental Reports, witness accounts, and Summary contained within this report. Officer B added that while at the location of 10044 S. State Street with Officer A handling a domestic incident, she heard multiple shots fired north of 103rd Street. Officer A took off running in the direction of the shots fired. Officer B reported the shots fired over the police radio and placed the female victim of the domestic disturbance inside the squad car. Officer B stated that an unmarked squad car crashed into a house behind her (address unknown). Additional officers responded to the area and

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she directed them to the crash. Officer B handed over the female victim and male offender of the domestic disturbance to other officers that responded. Furthermore, Officer B stated that she did not see Officer A discharge his firearm.

In a **statement to IPRA, Officer A**, provided his account of this event in a manner consistent with the Departmental Reports, witness accounts, and Summary contained within this report. Officer A added that while detaining the male offender of the domestic disturbance, he reported over the police radio and he was handling the domestic disturbance and needed a car to the scene. Officer A was standing northbound on State Street (100th and State St.) and he observed a “gun battle” occur in front of him. One shooter was on the west side of State Street and the other two shooters were on the east side of the street. Officer A stated that they fired multiple shots (approximately 20-30) at each other.

Officer A began running towards the males while reporting the gunshots over the police radio. Officer A stated that one of the males, now known as Subject 1, who was with the male on the east side of the street, ran toward Officer A with a gun in his hand.¹ Officer A stated he was approximately 50 feet from Subject 1. Officer A ordered Subject 1 to drop the gun numerous times, but Subject 1 refused. For fear of bodily harm to him or others, Officer A discharged his firearm four to five times. Officer A stated that he believed he struck Subject 1 because Subject 1 limped away through a gate, between 19th and 21st street. Officer A then reported the shots fired by police over the police radio and then followed Subject 1.

At this time, Officer A met up with officers from the Beat 562A team. He explained what occurred and gave the officers a description of Subject 1. The officers followed a blood trail and found Subject 1 at XXXXX S. State Street. The officers apprehended Subject 1 and called Officer A to the location for identification. Officer A stated that officers recovered some firearms in the area. Subject 1 was transported to Roseland Hospital for medical care.

¹ Officer A describes the firearm Subject 1 had as a dark colored semi-automatic handgun.

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CONCLUSION AND FINDINGS:

This investigation found that Officer A's use of deadly force was in compliant with Chicago Police Department Policy. According to the Chicago Police Department's General Order 03-02-03 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 deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.

While responding to a domestic disturbance, Officer A observed Subject 1 shooting at another male at the vicinity of 100th and State Street. After observing Officer A at the scene, Subject 1 ran toward Officer A with a gun in his hand. Officer A ordered Subject 1 to drop the firearm but he refused. Subject 1's actions placed Officer A in imminent fear of great bodily harm or death to himself or anyone else.

Based on the totality of the circumstances, Officer A's actions were reasonable to prevent death or great bodily harm.