

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1066834/ U#14-01

**INVESTIGATION**

**NUMBER:** Log #1066834/U #14-01

**INVOLVED**

**OFFICER:** “Officer A” (Chicago Police Officer); Male/White Hispanic;  
44 years old; On Duty; Full Uniform; Year of Appointment – 2012

**OFFICER’S**

**INJURIES:** None reported

**WITNESS**

**OFFICER #1:** “Officer B” (Chicago Police Sergeant); Male/White;  
44 years old; On Duty; Full Uniform; Year of Appointment – 2000

**WITNESS**

**OFFICER #2:** “Officer C” (Chicago Police Officer); Female/Black;  
28 years old; On Duty; Full Uniform; Year of Appointment – 2012

**WITNESS**

**OFFICER #3:** “Officer D” (Chicago Police Officer); Male/Black;  
35 years old; On Duty; Full Uniform; Year of Appointment – 2012

**WITNESS**

**OFFICER #4:** “Officer E” (Chicago Police Officer); Male/White;  
30 years old; On Duty; Full Uniform; Year of Appointment – 2013

**WITNESS**

**OFFICER #5:** “Officer F” (Chicago Police Officer); Male/Black;  
30 years old; On Duty; Full Uniform; Year of Appointment – 2013

**WITNESS**

**OFFICER #6:** “Officer G” (Chicago Police Officer); Female/White;  
29 years old; On Duty; Full Uniform; Year of Appointment – 2013

**WITNESS**

**OFFICER #7:** “Officer H” (Chicago Police Officer); Male/White;  
33 years old; On Duty; Full Uniform; Year of Appointment – 2012

**WITNESS**

**OFFICER #8:** “Officer I” (Chicago Police Officer); Male/Black;  
30 years old; On Duty; Full Uniform; Year of Appointment – 2012

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1066834/ U#14-01

**WITNESS**

**OFFICER #9:** "Officer J" (Chicago Police Officer); Male/Hispanic;  
34 years old; On Duty; Full Uniform; Year of Appointment – 2012

**SUBJECT:** "Subject 1"; Male/Black; 27 years old

**SUBJECT'S**

**INJURIES:** Gunshot wound to the right thigh.

**DATE/TIME:** 01 January 2014, 0005 hours

**LOCATION:** 546 E. 67<sup>th</sup> Street (Beat 321)

# INDEPENDENT POLICE REVIEW AUTHORITY

Log #1066834/ U#14-01

## SUMMARY OF INCIDENT

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

On 01 January 2014, at approximately 0005 hours, Officer B; Officer A; Officer I; Officer C; Officer D; Officer F; Officer H; Officer G; Officer E, and Officer J were patrolling in three separate marked vehicles in the vicinity of 6700 South St. Lawrence Avenue. The officers heard loud music emanating from a residential apartment complex at the corner of 67th Street and St. Lawrence Avenue. As the officers approached the complex, they heard several gun shots. Officer B looked west through a vacant lot adjacent to 6644 South St. Lawrence Avenue and observed an individual, now known as Subject 1, standing in the alley west of St. Lawrence Avenue. The officers exited their vehicles and began to approach Subject 1, with some officers going through the vacant lot and some going through a gangway in an attempt to cut off a potential escape route. Officer A, Officer C and Officer D moved towards 67th Street in an effort to cut off a second potential escape route.

As Officer A, Officer C and Officer D approached the alley near 546 E. 67th Street, Subject 1 appeared from around the corner of the building, facing away from them and toward the vacant lot from where he just came. When the three officers identified themselves, Subject 1 turned toward them and pointed a gun in their direction. At that time, Officer A yelled, "Drop the gun," and fired his weapon twice, striking Subject 1 in the right leg. Subject 1 fell to the ground and dropped his firearm, which was subsequently recovered. Additional units and medical attention were requested by the officers. Subject 1 was transported to Stroger Hospital via ambulance for a gunshot wound to his right thigh.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1066834/ U#14-01

**INVESTIGATION:**

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

According to **Department Reports**, Subject 1 was arrested on 01 January 2014, at 0005 hours, at 546 E. 67<sup>th</sup> Street, and charged with multiple counts of Aggravated Assault with a Firearm. The arresting officers were Officer I and Officer D. They were assisted by Officer C and Officer A.

The reports indicate that the officers were investigating the sound of gunshots coming from the rear of 6650 South Saint Lawrence Avenue when they encountered Subject 1. Subject 1 fled on foot towards 67<sup>th</sup> Street and was intercepted by a second group of officers, to include Officer A. Officer A gave verbal commands for Subject 1 to drop his firearm. Subject 1 pointed his weapon at Officer A, at which time Officer A discharged his service weapon at Subject 1. Subject 1 was struck and fell to the ground, dropping his 9mm semi-automatic pistol.

The incident scene was processed in full. In addition to Officer A's shell casings recovered on 67<sup>th</sup> Street, eleven (11) 9mm shell casings were recovered from the rear of 6650 South Saint Lawrence Avenue.

Medical attention for Subject 1 was immediately sought. Subject 1 was treated at Stroger Hospital and released into police custody. In a statement with the CPD detectives, Subject 1 admitted to firing the 9mm pistol in the air during a celebration of the New Year. Subject 1 related that as he was firing the weapon, a number of Chicago Police Officers began to run towards him. Subject 1 admitted he fled on foot as he did not want to be apprehended by the police. Subject 1 related that as he ran onto 67<sup>th</sup> Street additional officers confronted him and gave him verbal commands to drop his firearm. Subject 1 related he began to raise his arms in the air, while still holding his firearm in his right hand, at which time he was shot by one of the officers.

**Attempts to interview Subject 1 met with negative results.** On 1 January 2014, IPRA Investigator A conducted a personal visit to John Stroger Hospital in an attempt to interview Subject 1. As Subject 1 was being treated for his gunshot wound, and had not yet been interviewed by the responding CPD detectives or the States Attorney's Office, he was not able to be interviewed at that time. A certified letter was later sent to Subject 1 requesting his cooperation with this investigation. As of the date of this summary, Subject 1 has not contacted IPRA.

According to the **Tactical Response Reports (TRR)**, Subject 1 did not follow verbal direction, fled, was an imminent threat of battery, and used force likely to cause great bodily harm or death. Officers A, C and D responded with verbal commands, wristlock, take down/emergency handcuffing, and the display of their weapons. Officer A responded with the discharge of his firearm.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1066834/ U#14-01

According to the **Officer's Battery Report (OBR)**, Officers A, C and D were in uniform, investigating the report of a person with a gun. Subject 1 pointed a loaded weapon in the direction of the officers. The officers did not sustain any injuries.

The **Evidence Technician Photographs** depict the scene of the shooting from various angles. Photographs were not taken of Subject 1 due to the fact that he was being treated in the Intensive Care Unit at Stroger Hospital.

The photographs also depict multiple pictures of the CZ-USA model CZ 75 BD 9mm semi-automatic pistol belonging to Subject 1.

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

**IPRA Investigators conducted two separate canvasses** in an attempt to locate additional witnesses or evidence. The canvasses yielded no new physical or testimonial evidence.

The **Chicago Fire Department Ambulance Report** documented that Subject 1 appeared to have suffered a single gunshot wound to his right thigh, with no apparent exit wound. The narrative related that Subject 1 had no other injuries and was transported in police custody to Stroger Hospital.

**Medical Records** from **Stroger Hospital** indicate that Subject 1 sustained a single gunshot wound to the right thigh.

**Illinois State Police Forensic Science Laboratory Reports** document that the firearm belonging to Subject 1 was examined for latent fingerprint impressions. No samples suitable for comparison were revealed through the examination. The firearm was operable as received and test fired. The 9mm casings recovered from the rear of 6650 South Saint Lawrence Avenue were identified as being fired from Subject 1's firearm. The gun shot residue evidence indicated that Subject 1 discharged a firearm.

The firearm belonging to Officer A was examined and found to be operable as received; the weapon was test fired. The fired Winchester 9 mm cartridge cases recovered from the scene were identified as being fired from Officer A's firearm.

**Court Documents** pertaining to this case were obtained and reflect that Subject 1's case is still pending adjudication.

**In his statement to IPRA on 03 January 2014, Officer A** related essentially the same account as contained in the Department Reports. Officer A explained he was positioning himself to intercept Subject 1 when he heard Officer E and Officer B yell, "He's got a gun, drop the gun, CPD, stop," and another officer saying, "He's running to the back, he's running."

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1066834/ U#14-01

Officer A stated Subject 1 appeared near the mouth of the alley while running south and looked back over his right shoulder at Officer I, who was pursuing him. Officer A announced his office and ordered Subject 1 to stop. Subject 1 turned to his left, at which time Officer A saw that Subject 1 was holding a handgun in his right hand. Subject 1 pointed his firearm directly at Officer A. Officer A fired twice at Subject 1, striking him once in the upper right thigh. Subject 1 fell to the sidewalk in front of 546 East 67<sup>th</sup> Street, dropping his firearm on the ground. Officers D and I handcuffed and searched Subject 1. Officer A recovered Subject 1's handgun from the ground, as people had begun to come out of a nearby building. Officer A made notifications regarding shots fired by the police and requested an ambulance for Subject 1.

**In his statement to IPRA on 01 January 2014, (Sergeant) Officer B** related that on the date and time of this event, he was leading a group of officers in a violent crime reduction initiative. Officer B and the officers in his team had stopped in order to conduct a field interview of a subject when they heard approximately five gunshots coming from the alley west of 556 East 67<sup>th</sup> Street.

Officer B directed his officers to converge toward the sounds of the gunshots. Within moments, Officer B heard two more gunshots coming from the front of the buildings on 67<sup>th</sup> Street. Officer B ran toward 67<sup>th</sup> Street and Saint Lawrence Avenue, where he observed Subject 1 lying on the ground in handcuffs with Officer A standing nearby holding the handgun that belonged to Subject 1. Officer B did not witness the shooting.

**In his statement to IPRA on 01 January 2014, Officer I** related that he heard gunshots coming from the west side of Saint Lawrence Avenue and saw Subject 1 running west toward the alley between Saint Lawrence Avenue and Rhodes Avenue. Officer I related he pursued Subject 1 southbound through the vacant lot between 6644 and 6650 South Saint Lawrence Avenue. Subject 1 then ran eastbound and turned at the mouth of the alley at 67<sup>th</sup> Street, out of Officer I's sight. Officer I heard officers on 67<sup>th</sup> Street give verbal commands to Subject 1, followed by the sound of two gunshots. Officer I arrived at the corner of the alley and observed Officer A pointing his handgun at Subject 1, who was lying on the ground with a gunshot wound to the right thigh. Officer I and Officer Lemon took Subject 1 into custody. Officer I did not witness the shooting.

**In his statement to IPRA on 01 January 2014, Officer D** related that he was a witness to this incident. Officer D related that he heard gunshots coming from the west side of E. 67<sup>th</sup> Street. He, Officer A and Officer C exited their squad car with their firearms drawn and ran parallel to other officers who were on the west side of Saint Lawrence Avenue. Officer A was running ahead of Officer D and Officer C. Officer D related that at the mouth of the alley, Officer A observed Subject 1, at which time Officer A announced his office and ordered Subject 1 to "get down." Officer D observed that Subject 1 was holding a handgun in his right hand, near his waist, and that he was pointing the weapon at Officer A. At that time, Officer A fired his handgun twice at

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1066834/ U#14-01

Subject 1 and Subject 1 immediately fell to the ground. Officer A secured Subject 1's weapon while Officer D and Officer I took Subject 1 into custody.

**In her statement to IPRA on 01 January 2014, Officer C** related that she was a witness to this incident. Officer C related she, Officer A and Officer D were attempting to intercept Subject 1 as he was fleeing from other officers. Officer A shouted, "Stop! Police! Get down!" as Subject 1 exited the alley running towards them. Subject 1 turned towards Officers A, C and D at which time Officer C observed that Subject 1 was holding a handgun in his right hand. Officer C observed that Subject 1 was pointing the weapon at Officer A. At that time, Officer A fired his weapon twice at Subject 1. Subject 1 immediately fell to the ground. Officer A secured Subject 1's weapon as Officer I and Officer D took Subject 1 into custody.

**In his statement to IPRA on 02 January 2014, Officer F** related that he was a witness to this event. Officer F stated he heard gunshots coming from the west side of E. 67<sup>th</sup> Street. Officer F, along with Officers E, G, H and I, ran through a vacant lot between the buildings at 6650 and 6644 South Saint Lawrence, towards the sound of the gunshots. Officer F observed Subject 1 running south in the alley toward 67<sup>th</sup> Street. Officer F explained that as he attempted to pursue Subject 1, he slipped and fell to the ground, losing sight of Subject 1. Officer I continued to pursue Subject 1 south in the alley. Officer F heard officers on 67<sup>th</sup> Street give verbal commands, followed by the sound of two gunshots. Officer F arrived at the corner of the alley and observed Subject 1 on the ground in handcuffs.

**In her statement to IPRA on 03 January 2014, Officer G** related that she was a witness to this event. Officer G related that she, along with Officers E, F, H and I, were pursuing Subject 1 through the vacant lot between 6650 and 6644 South Saint Lawrence. Officer G related she lost sight of Subject 1 as he neared 67<sup>th</sup> Street. Officer G heard two gunshots coming from the area of 67<sup>th</sup> Street. Officer G stated she was the last officer to reach 67<sup>th</sup> Street and when she arrived she observed Subject 1 on the ground in handcuffs, bleeding from his right leg. Officer G observed Officer A holding Subject 1's firearm.

**In his statement to IPRA on 03 January 2014, Officer E** related that he was a witness to this event. Officer E related that he had observed Subject 1 and another subject in an open area at the rear of 556 East 67<sup>th</sup> Street. Officer E observed Subject 1 with his hand in the air, and simultaneously heard several gunshots. Though Officer E could not see a firearm in Subject 1's hand due to lighting conditions and distance, he deduced that Subject 1 was firing a weapon in the air.

Officer E shouted, "Chicago Police! Drop the gun!" at which time Subject 1 ran west through the vacant lot between 6650 and 6644 South Saint Lawrence Avenue. Officer E pursued Subject 1 and called out his description and direction of flight via radio. Subject 1 fled east towards 67<sup>th</sup> Street, out of Officer E's sight. Officer E heard two gunshots. Upon reaching 67<sup>th</sup> Street Officer E observed Officer A pointing his weapon at Subject 1, who was lying on the ground with a gunshot wound to his leg.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1066834/ U#14-01

**In his statement to IPRA on 02 January 2014, Officer H** related that he was a witness to this incident. Officer H related he was running towards the sound of gunshots coming from the vacant lot between 6650 and 6644 South Saint Lawrence, when he slipped and fell to the ground. As Officer H rose to his feet, he observed Subject 1 running south in the alley towards 67<sup>th</sup> Street with Officer I in pursuit. Officer H could hear other officers announce their office and give verbal commands for Subject 1 to stop. Subject 1 reached the mouth of the alley at 67<sup>th</sup> Street, and turned east, out of Officer H's sight. Officer H heard two gunshots and more shouting. When Officer H arrived at 67<sup>th</sup> Street he observed Subject 1 lying on the ground, in handcuffs, with several officers standing around him.

**In his statement to IPRA on 01 January 2014, Officer J** related that he was a witness to this incident. Officer J related he and his fellow officers were investigating the sound of gunshots coming from west of South Saint Lawrence Avenue, when they came in contact with Subject 1. Subject 1 fled from the officers, towards 67<sup>th</sup> Street. Officer J related that he did not pursue Subject 1, as he was attempting to conduct a field interview with a separate subject. Officer J related he then heard additional gunshots coming from the area of 67<sup>th</sup> Street. At that time, Officer J ran towards 67<sup>th</sup> Street. Officer J observed Subject 1 on the ground and observed Officers D and I handcuffing Subject 1.



INDEPENDENT POLICE REVIEW AUTHORITY

Log #1066834/ U#14-01

**CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by **Officer A**, was **Within Policy** as outlined by the Use of Force of Model; the Illinois State statute; and the Chicago Police Department's General Order 03-02-03, III, which states:

- 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 01 January 2014, at approximately 0005 hours, Officer A and his team were patrolling the area of 6700 South St. Lawrence Avenue when they heard gunshots. Along with the sound of the gunshots, Officer E observed Subject 1 with his arm raised above his head in a manner consistent with someone firing a handgun in the air. As the officers approached to investigate, Subject 1 fled on foot. While in pursuit, the officers announced their office and ordered Subject 1 to stop.

Officer A ran parallel to Subject 1's flight path in an effort to intercept and apprehend him. Officer A confronted Subject 1 as he fled onto 67<sup>th</sup> St, and yelled "drop the gun!"

Subject 1 turned towards Officer A with his firearm in his right hand, pointed in the direction of Officer A. In fear for his safety, Officer A fired his weapon twice, striking Subject 1 once in the right leg. Subject 1 fell to the ground and dropped his 9mm pistol, which was recovered.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1066834/ U#14-01

Subject 1 later admitted to the responding detectives that he had fired his pistol in the air and fled from the officers in an effort to avoid apprehension. Subject 1 admitted to still being in possession of his firearm when he was ultimately confronted by and shot by Officer A; Subject 1 indicated that he was raising his arms over his head, while still holding the weapon in his right hand, at the time he was shot.

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.