

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1068262/U #14-09

**INVESTIGATION**

**NUMBER:** Log #1068262/U #14-09

**INVOLVED**

**OFFICER:** “Officer A” (Chicago Police Officer); Male/Black; 33 years old;  
Off- Duty; Civilian Dress; Year of Appointment – 2004

**OFFICER’S**

**INJURIES:** None.

**SUBJECT:**

“Subject 1”; Male/Black; 18 years old

**SUBJECT’S**

**INJURIES:** Non- Fatal gunshot wound to the upper left back lodged in the  
upper left chest. Transported to Christ Hospital.

**DATE/TIME:**

28 March 2014, 1205 hours.

**LOCATION:**

XXXX South Princeton Avenue.

# INDEPENDENT POLICE REVIEW AUTHORITY

Log #1068262/U #14-09

## INCIDENT SUMMARY:

At approximately 1200 hours, off-duty, Officer A, and his seven-year-old daughter were in their residence at XXXX South Princeton Avenue. As Officer A watched television in his living room, an unidentified black male approached his residence, knocked on the front security door, and rang the doorbell numerous times, while simultaneously beating on the front security door. Officer A did not feel like being bothered, so he did not respond. Shortly afterwards, Subject 1 walked away from the residence. Officer A then observed him walk across the street towards a grayish colored Dodge Caravan parked just north of Officer A's residence. Subject 1 got into the Dodge Caravan and the van traveled south on Princeton Avenue away from Officer A's residence.

Officer A continued to watch television. A few minutes later, Subject 1, and another black male subsequently identified as Subject 2, began to beat on the front security door of Officer A's residence. Officer A went upstairs to his daughter's bedroom and instructed her to hide because, "something was going on." Officer A retrieved his handgun and mobile telephone. Officer A called 911 and identified himself as an off-duty Chicago Police Officer who needed assistance because someone was trying to break into his residence. Officer A then heard the front security door "pop" and open.

Officer A returned downstairs to his living room and observed the wall and doorframe beginning to buckle as Subject 2 and Subject 1 continued to try to force entry into the residence. Officer A then advised the 911 operator to communicate to the responding officers that he was armed, and that the subjects were close to gaining entry into the residence. As the wall and door frame began to bow out, Subject 1 and Subject 2 stopped trying to gain entry into the residence and started to run. Subject 2 ran north on Princeton Avenue while Subject 1 ran south on Princeton Avenue and then west on 97<sup>th</sup> Street. Officer A observed the previous grayish colored Dodge Caravan parked on the south side of his home, which was 97<sup>th</sup> Street, with the engine running.

Officer A then observed Subject 1 running toward his direction with what he believed to be a gun in his hand. When Subject 1 observed Officer A exiting the door to his residence, he raised what Officer A believed to a gun toward him. Officer A, in fear for his life, and the life of his daughter, fired his weapon at Subject 1. Subject 1 then ran toward the passenger side door of the grayish Dodge Caravan and entered the passenger side door. As Subject 2 drove away, Officer B, and Officer C, working Beat 563, responded to the scene in an unmarked vehicle and pursued the fleeing Dodge Caravan, which stopped at 89th Street and Yale Avenue. Subject 1 and Subject 2 were placed into custody. No weapon was recovered. Chicago Fire Department personnel subsequently transported Subject 1 to Christ Hospital with a gunshot wound.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1068262/U #14-09

**INVESTIGATION:**

**General Offense Case and Supplementary Reports HX201897 and HX200938** document the accounts of the stolen vehicle (Gray Dodge Caravan) taken from 8600 South Kedzie Avenue that was used in the Aggravated Assault that occurred at XXXX South Princeton Avenue.

The reports also document the parties involved in the incident, their interviews with detectives, and the photographic evidence recovered at the location of incident. CPD Detective 1, conducted the following interviews:

**Officer A** provided an account that was consistent with the Incident of Summary.

**Officer B** stated that he and his partner, Officer C responded to a 10-1, off-duty officer calling that offenders were breaking into his residence. Officer B and Officer C were traveling westbound on 97<sup>th</sup> Street when they observed a silver colored van parked on the north side of 97<sup>th</sup> Street facing westbound. Officer B observed Officer A, standing next to a residence, fire 4 to 5 shots toward the silver colored van. Officer B observed the silver colored van start to travel westbound on 97<sup>th</sup> Street. Officer B and Officer C pursued the silver colored van for several blocks when it stopped near 232 West 89<sup>th</sup> Street. Officer B went to the passenger side of the van and observed Subject 1 in the passenger seat. Subject 1 stated, "I'm shot in the back, put my seat down, I need an ambulance." Officer B placed Subject 1 into custody.

**Officer C** provided an account that was consistent with Officer B's statement. Officer C stated that when the silver colored van stopped he approached the driver's side of the van and observed the driver, Subject 2, exit the van, take off his gloves, throw the gloves to the ground and attempt to kick the gloves under the van. Officer C placed Subject 2 into custody.

**Witness 1** stated she heard several gunshots coming from outside her residence (XXX West 97<sup>th</sup> Street). She went outside and observed her neighbor, Officer A, with a weapon in his hand. Witness 1 also observed an unmarked police vehicle with its emergency lights activated following a large vehicle west on 97<sup>th</sup> Street from Princeton Avenue. Witness 1 spoke to Officer A who informed her that someone attempted to break into his residence. Officer A asked Witness 1 to take his daughter to his parents' residence. Witness 1 stated that her security cameras were not functioning.

**Witness 2** stated she heard several gunshots outside her residence (XXXX South Princeton Avenue). Witness 2 observed her neighbor, Officer A, standing on 97<sup>th</sup> Street with a weapon in his hand and yelling that someone attempted to break into his residence. Officer A was yelling for someone to call his parents who live in the area for his daughter.

**Witness 3** stated he heard several gunshots outside his residence (XXX West 97<sup>th</sup> Street). Witness 3 observed his neighbor, Officer A, standing near his residence with a

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1068262/U #14-09

weapon in his hand. Witness 3 heard Officer A yell that someone attempted to break into his residence.

**Witness 4** stated she was walking northbound from 97<sup>th</sup> Street and Princeton Avenue when she observed a person standing at Officer A's front door. Thinking that the person was Officer A, Witness 4 addressed the person, but received no response. Witness 4 stated that it was unusual for Officer A to use the front door. Witness 4 then observed a second person standing near a vehicle on the east side of Princeton across the street from Officer A's residence. Witness 4 continued to walk toward Yale Street. Witness 4 heard several gunshots, but did not see who fired them.

**Subject 4** refused to provide an account of the incident.

Witness **Subject 2** stated that on the date of the incident Subject 3, also known to him as "[Nickname],"<sup>1</sup> picked up him and his cousin, Subject 1. As the three drove around Subject 3 stated, "I need to make money today." Subject 3 then drove to 79<sup>th</sup> Street and Eggleston Avenue and picked up a person named Subject 4, known as "[Nickname #2]."<sup>2</sup>

Subject 3 drove around the area as they were going to rob someone or break into a house, but decided not to and drove from the area. They drove around and exited the expressway at 95<sup>th</sup> Street. Subject 3 drove westbound on 95<sup>th</sup> Street for two blocks turned left and stated, "I want to try this house," referring to Officer A's residence. Subject 3 stopped and parked the van in the 9600 block of South Princeton Avenue on the east side of the street. Subject 3 exited the vehicle and walked to the residence on the corner of the block. Subject 3 knocked on the front door. Minutes later, Subject 3 returned to the van and stated that no one was home. Subject 3 re-entered the vehicle and drove around the block two to three times. Subject 3 stopped the van and parked on the corner near Officer A's residence.

At this time, Subject 4 exited the van carrying a black pry bar and walked to the front of the residence. Subject 2 instructed Subject 3 to go with Subject 4. Subject 2 gave Subject 3 his mobile telephone and Subject 3 then exited the vehicle and walked to the front door of the residence. After Subject 3 exited the vehicle, Subject 2 jumped into the driver's seat and kept the van running. Subject 2 knew that Subject 3 and Subject 4 planned on breaking into the residence. Subject 1 remained in the vehicle, as he and Subject 2 acted as lookouts. Subject 2 kept in contact with Subject 4 via the mobile telephone. Over the telephone Subject 2 heard Subject 4 state, "Damn, oh shit!" Subject 2 turned around, looked back and observed Subject 3 and Subject 4 running towards 95<sup>th</sup> Street.

---

<sup>1</sup> "[Nickname]" was described as a black male, 19-20 yoa, dark skin, 5'09" tall, 130 lbs, wearing a black jacket with a "Pelle 78" design, blue jeans and wheat colored Timberland brand boots.

<sup>2</sup> "[Nickname #2]" was described as a black male, light complexion, dread locks, 5'09" tall, 130 lbs, wearing a purple jacket, light colored pants and white gym shoes.

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1068262/U #14-09

Subject 2 heard four to five gunshots, and then heard bullets strike the van. Subject 2 drove away from the area. Subject 2 then heard Subject 1 state he had been shot. Subject 2 observed the police following the van. Subject 1 instructed Subject 2 to stop the van. Subject 2 stopped the van and officers entered and arrested them.

**Subject 1** stated he was at home when Subject 2 picked him up in a van. As the vehicle drove off, Subject 1 fell asleep. Subject 1 stated he had no knowledge if others entered the van. Subject 1 stated that as he slept he felt the van hit a pothole and then he could not breathe. Subject 1 stated he felt as he if had been shot and began to plead with Subject 2 to stop the van. Subject 2 continued to drive and Subject 1 asked him to the stop the vehicle because he had been shot and felt that he was not going to make it. Subject 1 was wearing a blue and gray “North Face” jacket, white t-shirt, khaki school pants and wheat colored shoes. Upon inquiry, Subject 1 stated he did not know anyone named, “[Nickname]” or “[Nickname #2].”

In an **audio-recorded** interview taken by IPRA Investigator A on 28 March 2014, at Christ Hospital, **Subject 1** stated he was a passenger in the vehicle driven by Subject 2. The two were driving around when he fell asleep. Approximately ten minutes into his sleep, he heard shots. Subject 1 immediately retracted this statement and said, “Well I didn’t hear no shots.” Subject 1 then stated that the driver, Subject 2 hit a speed hump and he woke up and could not breathe. He also observed a police vehicle following the van. Subject 1 denied any involvement with the attempted burglary at the residence of Officer A. Subject 1 denied having a weapon on his person and stated he had no knowledge of Subject 2 or any other persons inside the vehicle having a weapon. Subject 1 had knowledge of how he sustained a gunshot wound.

In an **audio-recorded** interview taken on 28 March 2014, by the Independent Police Review Authority (IPRA) at Area South, **Officer C**, provided an account that was consistent with his statement to CPD Detective 1. Officer C added that he observed Officer A discharge his weapon in the direction of the van.

In an **audio-recorded** interview taken on 28 March 2014, by IPRA at Area South, **Officer B**, provided an account that was consistent with his statement to CPD Detective 1.

In an **audio-recorded** interview taken on 30 March 2014, at IPRA involved **Officer A** provided an account that was consistent with the Incident of Summary. Officer A added that the security cameras on his residence were not functioning on the date of the incident. Officer A also stated that he did not get a clear look at the persons at his residence and could not positively identify Subject 1.

In an **audio-recorded** interview taken on 29 March 2014, at IPRA, **Witness 5**, who resides at XXXX South Princeton Avenue, across the street from Officer A, stated that while inside her residence she heard several gunshots coming from outside. Witness 5 looked out her front window and observed an unknown black male, now identified as Officer A, standing on the corner holding a gun and speaking on a mobile telephone.

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1068262/U #14-09

During a **canvass** of the area IPRA Investigator B spoke with Witness 6, who resides at XXXX S. Harvard Avenue. Witness 6 stated that while working at the back of his residence he notice a van in the area containing several occupants. He also observed two black males walking swiftly through the alley behind XXX West 97<sup>th</sup> Street. Witness 6 heard several gunshots, ran to the front of his residence, and observed a gray van fleeing the area followed by an unmarked police vehicle. He then observed Officer A on the corner of XXXX S. Princeton Avenue with his star around his neck and a gun in his hand.

**OEMC records** document that at approximately 1218 hours, off-duty Chicago Police Officer, Officer A, contacted OEMC and reported that he was home with this child when someone attempted to break into his residence. Officer A further reported that he discharged his weapon at an alleged suspect. OEMC records also document additional calls of shots fired in the area.

The **Chicago Fire Department EMS report** documents that Chicago Fire Department personnel observed Subject 1 with a gunshot wound to the left scapula (chest wound). Subject 1 complained of pain when he attempted to take a deep breath. Chicago Fire Department personnel transported Subject 1 to Christ Hospital.

**Medical records** obtained from Christ Hospital document that Subject 1 sustained a gunshot wound to the upper left back.

**Inventory Reports** document clothing from the subject, Subject 1, various pieces of interior and exterior materials from the van including burglary tools, United States currency (\$105.00); and the weapon belonging to Officer A, including spent shell casings.

**Evidence Technician** photographs depict images of the exterior and interior of the involved vehicle, various items from inside the vehicle, and the front door of Officer A's residence, spent shell casings, and the general area of the incident.

The **Officer's Battery Report** documents that Officer A was off-duty in civilian clothing when he was attacked with a handgun.

The **Tactical Response Report** completed and submitted by Officer A documents Subject 1 posed an imminent threat to Officer A. Officer A utilized his presence and discharged his weapon.

The **Synoptic Report** completed and submitted by CPD Sergeant 1 documents that the breath test conducted at 1725 hours on the date of the incident resulted in .000 for Officer A. A subsequent urine test performed on Officer A produced negative results for any type of narcotic or opiate.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1068262/U #14-09

The **ISP** (Illinois State Police) report documents that the Glock, Model 17, 9mm, Luger semi-automatic recovered from Officer A was in good firing condition at the time of the incident.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1068262/U #14-09

**CONCLUSION AND FINDINGS:**

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

- A. "a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonable 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 to use of physical force likely to cause death or great bodily harm or,
    - b. is attempting to escape by the use of a deadly weapon or;
    - c. Otherwise indicates that he or she will endanger human life to inflict great bodily harm unless arrested without delay."

Officer A was off-duty at the time of the incident and inside of his personal residence, with his daughter, when Subject 1, Subject 2 and possibly other unidentified assailants attempted to forcibly enter the residence. Officer A contacted 911, identified himself, requested assistance and made notifications of the incident. Officer A then exited his residence to give chase and observed Subject 1 raise and point toward him what he believed to be a gun. In fear for his life and the life of his daughter, Officer A discharged his weapon toward Subject 1.