

INDEPENDENT POLICE REVIEW AUTHORITY
LOG #1068793 / U# 14-12

INVESTIGATION

NUMBER: LOG #1068793/U #14-12

INVOLVED

OFFICER: “Officer A” (Chicago Police Officer); Male/Black; 44 years old;
Off-Duty; Year of Appointment – 1999

OFFICER’S

INJURIES: None reported

SUBJECT #1: “Subject 1”; Male/Black; 86 years old

SUBJECT #1’S

INJURIES: Multiple gunshot wounds to the torso; Fatal.

SUBJECT #2: “Subject 2”; Female/Black; 91 years old

SUBJECT #2’S

INJURIES: Through and through gunshot wound to the left knee, graze wound
to the right hand, and a fractured right hand; Non-Fatal.

LOCATION: XXXX S. Carpenter Street (Back yard)

DATE/TIME: 25 April 2014, 1426 hours

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SUMMARY OF INCIDENT:

On 25 April 2014, at approximately 1417 hours, Officer A, who was off duty, and his wife, [Wife of Officer A], were doing yard work at their home at XXXX S. Carpenter Street. [Wife of Officer A] went to the back of their home to turn off the water. While at the back of the house, [Wife of Officer A] was confronted by Subject 2. A verbal altercation ensued between them. Officer A heard the altercation, and he went to the back of the house to see what was going on. Subject 2's husband, Subject 1, exited his residence from the rear of his home. During a verbal altercation, Subject 2 stood in her back yard, threw dirt over her fence and onto [Wife of Officer A]. Subject 2 then used a broom and struck [Wife of Officer A] and Officer A on the tops of their heads as they stood in their (the Hill's) back yard. [Wife of Officer A] became upset and told Officer A she wanted Subject 2 arrested. Officer A called 911. Subject 2 told Subject 1 "Go in the house and get that thing." Subject 1 went into the house and he returned outside with a shotgun. Subject 1 pointed the shotgun in [Wife of Officer A]'s direction and fired the shotgun. [Wife of Officer A] yelled that she was hit. Officer A, in fear for his life and that of his wife, fired his weapon at Subject 1. Subject 1 fell backward and dropped the shotgun. Subject 2 then went near Subject 1 and attempted to grab the shotgun. Officer A ordered Subject 2 not touch the shotgun, but she failed to comply. Subject 2 grabbed the shotgun and Officer A fired his gun, striking her. Subject 1 was pronounced dead on the scene. Subject 2 and [Wife of Officer A] were transported to Christ Hospital for treatment.

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

An attempt to interview Subject 2 was made. The R/I received an email for Subject 2's attorney, Attorney A, who related that Subject 2 was not going to make any statements regarding this investigation.

According to **Department Reports**, Subject 1 was shot and killed by Officer A after Subject 1 exited his residence at XXXX S. Carpenter Street, at 1426 hours, with a shotgun and shot Officer A's wife, [Wife of Officer A]. [Wife of Officer A] yelled that he had a shotgun. Subject 1 fired a round at [Wife of Officer A], which struck [Wife of Officer A] in the arm. Officer A drew his gun and fired five or six times at Subject 1. Subject 1 stumbled and fell to the ground. The shotgun fell by Subject 1's feet. Subject 2 walked up to Subject 1 to check on him. Subject 2 then grabbed the barrel of the shotgun and took control of it. Subject 2 ignored Officer A's verbal commands not to pick up the gun. Officer A stated that Subject 2 crouched toward the fence and after a brief pause again reached out for the shotgun. Officer A stated that he was constantly giving Subject 2 verbal direction not to pick up the gun and to get away from it. In fear for his life, Officer A fired his weapon at Subject 2. Officer A stated that at some point, Subject 2 stood up and walked into her residence. Subject 2 was charged with two counts of Battery and one count of Aggravated Assault.

Detectives conducted a canvass of the immediate area and during the canvass, several neighbors were interviewed. Each of those interviewed stated they heard gunshots, but none of them were actual witnesses to the shooting incident. [Wife of Officer A]'s neighbor, Neighbor 1, who lives directly across the alley from her, stated he and [Wife of Officer A] were starting to talk between the alleyway when Subject 1 and Subject 2 came outside. [Wife of Officer A] began arguing with Subject 1 and Subject 2 in that they were swearing at each other, and calling each other names. Neighbor 1 stated he did not want to get involved, or hear it, so he walked back into his yard. Neighbor 1 added, they continued to argue like they always do. Neighbor 1 said he then heard one loud shot, then more shots. Neighbor 1 went back into his house, and he did not see who was doing the shooting. Neighbor 2 stated she was out on the back porch when she heard two females arguing. Neighbor 2 knew it was [Wife of Officer A] and her next door neighbor. Neighbor 2 walked back inside her house and then heard gunshots.

According to the Tactical Response Report (TRR), completed by Officer A, Subject 1 did not follow verbal direction, was an imminent threat of battery, attacked with a weapon, shotgun, and he used force likely to cause death or great bodily harm. Officer A responded with member presence, verbal commands, and the discharge of his firearm.

According to the **Officer's Battery Report (OBR)**, on the date and time of the incident, Officer A was off-duty, in civilian dress, in the back yard of his residence. Officer A was involved in a disturbance/man with a gun. Officer A was attacked, and shot at, by a subject with a 12 gauge shotgun. Officer A did not sustain any apparent injuries.

Evidence Technician Photographs documented the shooting scene. Numerous photographs were taken of Subject 1 and his shotgun, as well as injuries sustained by Subject 2. In addition, photographs were taken of the dirt and flower pots on the ground.

The Reporting Investigator contacted Neighbor 2, by telephone. Neighbor 2 did not want to get involved in the investigation. Neighbor 2 told the reporting investigator she gave a statement to the detectives on the day of the incident, and she stood by what she told the detectives.¹

IPRA Investigators conducted a canvass in an attempt to locate additional witnesses and/or evidence. Additional information was not discovered. It is noted that there is no physical or testimonial evidence that refutes the statement provided by the involved officer.

Office of Emergency Communications (OEMC) Event Query and Radio Transmission Summary and PCAD reports were collected and made part of this case file. An analysis of said documents showed no information that is inconsistent with the facts as related by the involved officer. PCAD showed that Officer A called 911 and stated his wife was shot by his neighbor and he needed an ambulance for his wife and his neighbor. Two callers were located. However, one caller did not return a call to an IPRA investigator, and the other caller denied that she called 911.

A Chicago Fire Department EMS Report documented that CFD Ambulance #24A responded to the scene, and **Subject 2** was in the care of Engine #73. Subject 2 had three gunshot wounds: one to her right hand, one to her left hand; and another gunshot wound to her right calf. Subject 2 was transported to Christ Hospital

Medical Records from Christ Hospital documented that **Subject 2** received treatment for a gunshot wound to her right hand; a gunshot wound to her left hand, and a gunshot wound to her right calf. She was treated and released.

A Chicago Fire Department EMS Report documented that CFD Ambulance #30A responded to the scene and Officer A had called about chest pain and difficulty in breathing. Officer A was transported to Little Company of Mary Hospital.

Medical Records from Little Company of Mary Hospital documented that Officer A was examined for shortness of breath and chest pain. Officer A did not complain of any injuries. Officer A informed hospital personnel that his neighbor shot his

¹ See attachment 82, page 4.

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wife with a shotgun; and that he shot and killed the neighbor. Hospital personnel noted that Officer A was calm, cooperative, and he denied feeling anxious. Officer A was released and given a referral for “mental health evaluation.”

A Chicago Fire Department EMS Report documented that CFD Ambulance #60A responded to the scene. Paramedics found [**Wife of Officer A**] in the back yard in the care of Engine 73. The patient had a gunshot wound to her left arm from a shotgun blast at close range. [**Wife of Officer A**] was transported to Christ Hospital.

Medical Records from Christ Hospital documented that [**Wife of Officer A**] entered the Hospital for a gunshot wound to her right arm and a pellet that struck her right eye. Consequently, [**Wife of Officer A**]’s right arm was amputated; her right eye was removed and replaced with a prosthetic eye.

A laboratory report from the Illinois State Police, Division of Forensic Services, dated 11 September 2014, documented that the laboratory examined a Gun Shot Residue kit from the back of Subject 2’s left hand. The analysis indicated that Subject 2 may not have discharged a firearm with her left hand. If she did discharge a firearm with her left hand, then the particles were removed by activity, were not deposited, or were not detected by the procedure.

A laboratory report from the Illinois State Police, Division of Forensic Services, dated 24 June 2014, documented that the laboratory examined a Gun Shot Residue kit from the back of Subject 1’s left and right hand. The analysis indicated that Subject 1 discharged a firearm, contacted presence of primer gunshot residue, PGRS, item, or had both hands in the environment of a discharged firearm.

A laboratory report from the Illinois State Police, Division of Forensic Services, dated 24 June 2014, documented that the laboratory examined a shotgun, and one discharged shotshell. The examination recorded there were no latent impressions suitable for comparison.

A laboratory report from the Illinois State Police, Division of Forensic Services, dated 25 September 2014, documented that the laboratory examined a bullet fragment that was unsuitable for further microscopic comparisons that could not be identified or eliminated as being fired from Officer A’s weapon. Officer A’s weapon is a Springfield Armory U.S.A., model XD-45ACP, 45 Auto semiautomatic pistol, serial #XD600120. Officer A’s weapon was operable as received and test fired. There were a total of 11 fired cartridge cases fired from Officer A’s weapon. Subject’s weapon is a Stevens, model 94H, 12 gauge single shot shotgun, no serial number. It was operable as received and test fired. One Sears Ted Williams 12 gauge shotshell was fired from this weapon.

Office of the Medical Examiner Postmortem Report documented on 26 April 2014, at 0810 hours, Doctor A performed the postmortem autopsy of Subject 1. Doctor A

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ruled Subject 1's cause of death was from multiple gunshot wounds to the torso; lower extremities and left upper extremity.

Court Documents pertaining to the disposition of this case were obtained. Said documents reflect that Subject 2 was found Not Guilty of two counts of battery and one count of aggravated assault for which she had been charged in this incident.

In a Statement to IPRA, on 27 April 2014, Officer A provided an account of the incident that was consistent with the Summary of Incident and related Department Reports. Officer A stated that after he got home, he had a brief conversation with his wife, [Wife of Officer A], regarding turning off the water to the sprinkler. [Wife of Officer A] went to the rear of their home to shut the water off. Officer A stated that he heard [Wife of Officer A] arguing with his neighbor, Subject 2. Officer A stated he heard [Wife of Officer A] tell Subject 2 to stop throwing dirt over the fence into her yard. Officer A stated he saw Subject 2 hit his wife over the head with a broomstick. As the two women continued to argue, Officer A stated that he could hear Subject 1 say, "I'm gonna blow these mother fuckers away" and "Go, go in the house and get that." Subject 2 then hit Officer A over the head with a broomstick. Officer A stated he then called 911 and reported to the dispatcher that he needed the police because he had just been hit over the head by his neighbor. Officer A stated that as the two women continued to argue, Subject 1 exited his house. [Wife of Officer A] shouted that Subject 1 had a shotgun, pointed it over the fence, and fired a shot, striking [Wife of Officer A] in the arm. Officer A stated that once he heard his wife say she was shot, he withdrew his weapon from his holster and fired multiple shots at Subject 1. Subject 1 fell to the ground, and the shotgun lay at the bottom of his feet. Subject 2 then walked over to where Subject 1 was laying, bent down, and patted him a couple of times. Subject 2 reached over and attempted to pick up the shotgun by the barrel. Officer A stated that he yelled at Subject 2 to stop, and not to touch the gun. She ignored his commands and reached for the gun. Officer A stated that he fired three times at Subject 2. After Officer A fired the shots at Subject 2, she crouched next the fence on the ground. After a few moments, Subject 2 reached for the shotgun again, and Officer A stated he yelled at her, "Don't pick up the gun." "I'm gonna have to shoot." She did not reach for the gun. She sat there and then went into the house. The police arrived and found Subject 2 standing in her doorway.

In a Statement to IPRA, on 26 June 2014, [Wife of Officer A] provided an account of the incident that was consistent with the Summary of Incident and related Department Reports. [Wife of Officer A] reiterated what she had told the detectives when the incident occurred: She stated that she was in her yard talking with a neighbor from across the alley when she heard a loud crash. [Wife of Officer A] stated that she checked to see what was happening, and she saw her neighbor, Subject 2, sticking a broomstick through her fence and knocking over her flower pot. [Wife of Officer A] stated that she called Officer A, who came to the back. She told Officer A to call 911 and have a sergeant or an officer come out so this would not escalate. [Wife of Officer A] stated that while Officer A called 911, and as he stood at the end of the fence by the patio, Subject 2 hit him over the head with the broom. [Wife of Officer A] stated that she began calling Subject 2 "Stupid bitch." Subject 2 picked up some dirt and threw it at [Wife of Officer

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A] and landed on her face. Subject 2 then told her husband, Subject 1, “Go get that thing.” [Wife of Officer A] stated that she saw Subject 1 walk towards the house after Subject 2 said, “Go get that thing.”

[Wife of Officer A] stated her husband was on the phone with the 911 operator, and the operator asked Officer A to move away from them because she could not hear what he was saying. Officer A stepped a few feet away from her. [Wife of Officer A] stated that she saw Subject 1 with a shotgun and said, “On my God, [First Name], he has a shotgun.” And before she could get out of the way, Subject 1 shot her. [Wife of Officer A] stated she grabbed her arm. She heard Officer A tell the 911 operator that he needed the police and an ambulance. After being struck by the shotgun blast, she ran to the other side of the yard, laid on the sidewalk, and passed out. After being shot, [Wife of Officer A] stated that she did not recall anything else.

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CONCLUSION AND FINDING:

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, 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 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 action of Officer A was in accordance with both conditions of CPD's deadly force policy and State Statutes. Officer A observed Subject 1 fire his shotgun at his wife, [Wife of Officer A], and, in fear for his life and that of his wife, he fired his weapon. In addition, Officer A observed Subject 2 reaching for Subject 1's shotgun and told her to not pick it up; she failed to comply, and she motioned as if she were about to retrieve it. Fearing for his life, Officer A fired his weapon at Subject 2.