

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1069086/ U#14-13

**INVESTIGATION**

**NUMBER:** Log #1069086/U #14-13

**INVOLVED**

**OFFICER #1:** “Officer A” (Chicago Police Officer); Male/White; 35 years old;  
On- Duty; Plainclothes; Year of Appointment – 2008

**OFFICER’S**

**INJURIES:** None reported

**SUBJECT:** “Subject 1”; Male/Black; 37 years old

**SUBJECT’S**

**INJURIES:** Two gunshots to the left chest, three gunshots to the torso, one  
gunshot to the left arm, one gunshot to the left thigh, and one  
gunshot to the left lower back; Fatal.

**DATE/TIME:** 11 May 2014, at approximately 0230 hours

**LOCATION:** 2 N. Lotus Avenue (sidewalk)

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### **SUMMARY OF INCIDENT**

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

On 11 May 2014, at approximately 0230 hours, Police Officers A and B, were working beat number "1562B," in plainclothes and an unmarked vehicle. The officers responded to a disturbance involving a large crowd in the area of Lotus Avenue and Madison Street. Upon arrival, the officers, along with additional responding units, worked to disperse a large group of individuals that were leaving a nearby barbershop that was functioning as a nightclub on this date. Several patrons of the nightclub were involved in an argument just west of Lotus Avenue on Madison Street. An unidentified woman in the crowd pointed towards Subject 1 and indicated that Subject 1 had a firearm. A nearby officer relayed the woman's comment that Subject 1 had a firearm to other officers in the area via radio, including Officer A and Officer B. The officers observed Subject 1 with a firearm, and they observed Subject 1 attempting to tuck the weapon into his waistband as he walked briskly towards his vehicle, which was parked on Lotus Avenue just north of Madison Street.

Officer A announced his office, and ordered Subject 1 to stop and show his hands. Subject 1 ignored Officer A's commands and continued towards his vehicle. Officer A moved in behind Subject 1 and attempted to secure Subject 1 by the back of his collar, at which time Subject 1 spun towards Officer A and began to pull his firearm from his waistband. Officer A pushed Subject 1 backwards and fired multiple shots from his service weapon, striking Subject 1 several times. As Subject 1 fell to the ground, he dropped a Glock 9mm semi-automatic pistol. Due to the large crowd still in the immediate area, Officer A kicked the weapon away from Subject 1 and then immediately secured the weapon. Subject 1 was transported to Loyola Hospital, where he later expired from his injuries. Subject 1 was pronounced at 0437 hours.

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**INVESTIGATION:**

**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.

**Chicago Police Department Case, Case Supplementary, Tactical Response, Officer's Battery, and Crime Scene Processing Reports** indicate Officer A was in civilian dress investigating the report of a person with a gun on the date, time and location of the incident. Subject 1 failed to follow Officer A's verbal direction, pulled away and fled from Officer A. When Officer A attempted to apprehend Subject 1, Subject 1 turned towards Officer A while holding a gun. Officer A, in imminent fear of battery, discharged his firearm, striking Subject 1 several times. Subject 1 was transported to Loyola Hospital, where he later expired as a result of his injuries. The scene was processed and multiple pieces of evidence, including the firearm reportedly belonging to Subject 1, were collected.

The reports document Officer C, spoke with Subject 1 while on scene, prior to EMS arrival, at which time Subject 1 informed Officer C "they handed me the gun and told me to run."<sup>1</sup>

The documents indicate CPD Sergeant 1 rode with Subject 1 in the ambulance from the scene of the shooting to Loyola Hospital, during which time Subject 1 informed CPD Sergeant 1 that "some guy he didn't know gave him the gun."<sup>2</sup> Subject 1 also informed CPD Sergeant 1 that a police officer told him to "drop the gun"<sup>3</sup> and that Subject 1 was holding the gun in his hand at the time. It is further documented that this exchange between CPD Sergeant 1 and Subject 1 was witnessed in part by Police Officer D, and CFD Paramedic 1.

The reports further document Witness 1 informed CPD Detective 1, she had been at a birthday party for Subject 1's aunt at the barber shop located at Madison Street and Lotus Street. Witness 1 told Subject 1, who was in the middle of the street with several other individuals, that it was time to go. As Subject 1 ran towards Witness 1, he reached into his right pocket to retrieve a packet of cigarettes for Witness 1. Witness 1 said "the police in a circle shot"<sup>4</sup> Subject 1 as he was reaching for the cigarettes. Witness 1 stated she heard five or more shots and saw Subject 1 fall to the ground before the police relocated her to a nearby "police truck."<sup>5</sup>

The **Evidence Technician Photographs** depict the scene of the shooting from various angles. The photographs include the shell casings, evidence markers, clothing, and apparent blood evidence at the scene. Photographs were taken of Officer A as he was

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<sup>1</sup> Attachment 72, Page 38.

<sup>2</sup> *Id.*, at Page 34.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*, at Page 26.

<sup>5</sup> *Id.*

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dressed on the date and time of the incident. The photographs also depict multiple pictures of the Glock 9mm semi-automatic pistol reportedly belonging to Subject 1.

Additional **Evidence Technician Photographs** depict Subject 1's body at Loyola Hospital, as well as his clothing.

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

The **Police Observation Devices (PODs)** that were located in the immediate vicinity of the incident did not depict any footage that is inconsistent with the facts as related by the involved and witness officers.

**IPRA Investigators conducted canvasses** in an attempt to locate additional witnesses and/or evidence. Aside from statements collected from witnesses already referenced in this report, no additional information was discovered.

**Attempts to contact** known and potential witnesses proved to be fruitless. Witness 3, Witness 1, Witness 4, Witness 5, and Witness 6 all failed to keep their appointments, or outright refused to provide a statement concerning this incident.

**Video footage** from AutoZone surveillance cameras did not capture any of the events related to this incident.

The **Chicago Fire Department Ambulance Report** documents EMS 4 was dispatched to the scene at 0231 hours and arrived on the scene at 0242 hours. Upon arrival to the scene, EMS 4 found Subject 1 to be suffering from multiple gunshot wounds to his left arm, chest, and abdomen. Subject 1 was transported to Loyola Hospital.

**Loyola Hospital Medical Records** indicate Subject 1 arrived at the hospital suffering from multiple gunshot wounds. Attempts to stabilize Subject 1 were unsuccessful, and he ultimately expired at 0447 hours. The records further document an autopsy was requested by the "police"<sup>6</sup>.

**The Medical Examiner's Report** documents the postmortem examination of Subject 1. The report indicates Subject 1 sustained two gunshots to the left side of his chest, three gunshots to his torso, one gunshot to his left arm, one gunshot to his left thigh, and one gunshot to his left lower back. The cause of death was multiple gunshot wounds, and the manner of death was ruled a Homicide.

**Illinois State Police (ISP) Forensic Science Laboratory Reports** document the examination of the recovered ballistic evidence, in comparison to the firearm belonging to Officer A. Officer A's firearm was found to be in proper firing condition. All of the

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<sup>6</sup> Attachment 61, Page 10.

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ballistic evidence corresponds to Officer A's Sig Sauer 9mm pistol, confirming Officer A fired seven (7) times.

Additional ISP reports document the examination of the Glock 9mm semiautomatic pistol, reportedly belonging to Subject 1, for latent prints. There were no suitable latent impressions for comparison recovered from the pistol.

**In her statement to IPRA on 11 May 2014, Witness 2** stated she was with her friend, Witness 1, and Witness 1's boyfriend, Subject 1. Witness 2 said they had been attending a gathering at a barbershop on the date and time of this incident. Witness 2 and Witness 1 began to walk across Madison Street towards their car, which was parked on Lotus Street just north of Madison Street, after the gathering ended.

Witness 2 said a large group of people were involved in a commotion on the southwest corner of Madison Street and Lotus Street. Witness 2 observed Subject 1 running from the large group of people, with at least one police officer following behind him. Witness 2 stated Subject 1 ran past her, towards Lotus Street. Witness 2 stated she only noticed Subject 1's red shirt as he ran past her, and she could not recall observing him holding a firearm as he ran past. Witness 2 related she heard several gunshots, but did not see the shooting take place. Witness 2 said Witness 1 began yelling words to the effect of, "they shot 'em, [*sic*]"<sup>7</sup> at which time Witness 2 observed police officers pushing Witness 1 away from where Subject 1 was now laying on the ground.

**In his statement to IPRA on 11 May 2014, CPD Sergeant 2,** related he was responding to a battery in progress report in the area of 5400 W. Madison Street on the date and time of this incident, when he observed a large group of people gathered in the intersection of Madison Street and Lotus Street.

CPD Sergeant 2 stated he was speaking with the owner of the "In the Cut" barbershop, while other officers, including Officer A and Officer B, were beginning to disperse the crowd gathered at the intersection. CPD Sergeant 2 heard an announcement on the radio that a person in the crowd had a gun, at which point CPD Sergeant 2 looked towards the crowd and observed Subject 1 moving away from the crowd.

CPD Sergeant 2 saw Officer A pursue and attempt to apprehend Subject 1 by grabbing the back of Subject 1's shirt collar. CPD Sergeant 2 then observed Subject 1 shrug his shoulder to break free of Officer A's grasp. CPD Sergeant 2 stated it appeared Subject 1 was then retrieving an item from the left side of his waist as he turned towards Officer A. CPD Sergeant 2 then heard multiple gunshots. CPD Sergeant 2 said he was approximately 20-25 feet away at the time of the shots, and ran towards Officer A immediately following the gunshots.

CPD Sergeant 2 then saw Subject 1 had fallen to the ground and that Subject 1 had apparently dropped a firearm as he fell. CPD Sergeant 2 related Officer A first kicked the weapon out of Subject 1's reach, and then picked the weapon up, as a crowd was

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<sup>7</sup> Attachment 26, Page 18, Line 12.

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gathering in the immediate area. CPD Sergeant 2 said it did not appear Officer A had any other options but to use deadly force against Subject 1.

**In her statement to IPRA on 11 May 2014, Officer B,** related she was working a violence reduction initiative with her partner, Officer A, on the date and time of this incident. Officer B stated she and Officer A were responding to a report of a battery in progress in the area of 5400 W. Madison Street, when they observed a large group of people gathered in the intersection of Madison Street and Lotus Street.

Officer A and Officer B were speaking to the individuals at the “In the Cut Barbershop” regarding the report of a battery when one of the patrons pointed to the group that was gathering in the intersection, and indicated that someone in the crowd was potentially armed with a firearm.

Officer A and Officer B began to walk towards the crowd, as additional officers were converging on the area. Officer B then observed Subject 1 standing near the crowd, pointing a firearm in the direction of several people that were gathered at the intersection. Officer B stated Subject 1 was holding his firearm in his left hand, with his arm raised to shoulder level as he pointed the weapon at the persons in the crowd.

As additional officers began to drive towards the crowd of people, Subject 1 brought his weapon down to his side in an apparent effort to conceal it, and then turned to walk across Madison Street away from the crowd. Officer B stated she and Officer A began to run towards Subject 1, at which time Subject 1 began to run north on Lotus Street. Officer B said that as he ran, Subject 1 had his left hand at or near his waistband. Officer B stated Officer A grabbed Subject 1 by the back of his collar in an attempt to apprehend him, at which time Subject 1 began to turn away from Officer A’s grasp.

As Subject 1 was turning, Officer B stated Subject 1 and Officer A crossed behind a large utility box and a construction sign. Officer B said the aforementioned objects obstructed her view, and she did not see what transpired next between Subject 1 and Officer A. Officer B then heard and saw Officer A firing his weapon, causing Subject 1 to fall to the ground.

Officer B recalled observing a firearm on the ground next to where Subject 1 had fallen. Officer A kicked the firearm away and then recovered it from the ground. Officer B stated the recovery of the firearm was necessary due to a large crowd that was converging upon the officer’s location.

**In his statement to IPRA on 13 May 2014, Officer A** related he was working a violence reduction initiative with his partner, Officer B, on the date and time of this incident. Officer A stated he and Officer B were responding to a battery in progress call in the area of 5400 W. Madison Street, when they observed a large group of people gathered in the intersection of Madison Street and Lotus Street.

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Officer A related he, CPD Sergeant 2, and Officer B began to move towards the crowd in an effort to disperse the individuals who appeared to be preparing to fight each other. Officer A stated a call then came over the police radio regarding a person with a gun in the 5400 block of W. Madison Street, which was immediately west of him.

Moments later, Officer B informed Officer A that a black male wearing a red plaid shirt was in possession of a firearm. Officer A looked in the direction Officer B indicated and observed Subject 1 moving away from the crowd, holding his left arm down by his side. Officer A related he did not see the firearm, but understood Officer B had observed it and was further under the belief that the subject was armed based on the way he ran with his arm along his left side. Officer A began to run towards Subject 1, in an effort to apprehend him. As he ran, Officer A drew his weapon and announced his office, directing Subject 1 to stop.

Officer A caught up to Subject 1, grabbed the back of his collar, in an effort to apprehend him, and yelled, "drop the gun!" At that time, Subject 1 lowered his shoulder and began to turn counterclockwise towards Officer A. Officer A saw Subject 1 was holding a black colored pistol in his left hand, and observed Subject 1 was now turning towards him with the weapon. Based on Subject 1's movement, Officer A stated he was certain Subject 1 was in the process of pointing the firearm at him. At that time, in fear for his life, Officer A began firing his weapon at Subject 1.

Officer A fired his weapon seven (7) times, striking Subject 1. Officer A stated Subject 1 dropped his firearm as he fell to the ground. Officer A kicked the firearm away from Subject 1's reach, and then picked the weapon up off of the ground, as a large crowd was beginning to converge on him and Subject 1. Officer A held the firearm in his left hand, until relinquishing the weapon to Sergeant Goldsmith.

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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. 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 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 11 May 2014, Officer A and Officer B were responding to a disturbance in the area of 5400 block of W. Madison Street, when they came in contact with Subject 1. Officer B observed Subject 1 point a weapon at a crowd of people, and alerted Officer A of her observation.

Officer A attempted to apprehend Subject 1 as he fled from the crowd. Subject 1 resisted apprehension, and turned towards Officer A while brandishing a Glock 9mm semi-automatic pistol in his left hand. Officer A observed the weapon and observed that Subject 1 was pointing it in his direction, at which time, in reasonable fear for his safety, Officer A fired his service weapon at Subject 1.

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 turned towards him and pointed a firearm at him.