

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1070142/ U #14-20

INVESTIGATION

NUMBER: Log #1070142/U #14-20

INVOLVED

OFFICER: “Officer A” (Chicago Police Officer); Male/White; 30 years old;
On-Duty; Full Uniform; Year of Appointment – 2012

OFFICER’S

INJURIES: None.

SUBJECT: “Subject 1”; Male/Black; 23 years old

SUBJECT’S

INJURIES: Multiple gunshot wounds; non-fatal.

INITIAL

INCIDENT: Person with a gun call.

DATE/TIME: 04 July 2014, 0414 hours

LOCATION: 7437 S. Vincennes Avenue – alley
Beat 731.

SUMMARY OF INCIDENT:

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

On 04 July 2014, at approximately 0416 hours, Police Officers A and B, were working beat number "722R." Officer A was the driver and Officer B was the passenger of their marked squad car. The officers responded to a 911 call of a suspicious person with a gun at 74th Street and Princeton Avenue. When the officers arrived in the area, they observed three subjects standing on the sidewalk. One of the subjects, now known as Subject 1, fled from the officers with his hand in his waistband. Officer A pursued Subject 1 on foot from 74th Street and Princeton Avenue to the rear of 7437 S. Vincennes Avenue. Officer B re-entered the squad car and attempted to catch up to Officer A and Subject 1.

Officer A slowly proceeded around the rear of the building at 7437 S. Vincennes Avenue, at which time he heard a gunshot and observed Subject 1 in the alley. Officer A discharged his firearm several times at Subject 1. Subject 1 ran a short distance down the alley where he collapsed. Additional units and medical attention were requested by the officers. Subject 1 was transported to Stroger Hospital via ambulance for multiple gunshot wounds.

INVESTIGATION:

The IPRA Preliminary Report and the Major Incident Notification (MIN) Report essentially relate the same information as reported in the Summary of Incident section of this report; with the exception that the MIN Report documents Subject 1 raised his weapon and fired once at Officer A.

Attempts to interview **Subject 1** were made. IPRA Investigator A conducted a personal visit to Subject 1 at John Stroger Hospital. Subject 1 was unable to be interviewed due to his medical condition. Letters were also sent to Subject 1's residence requesting his cooperation. The Reporting Investigator later contacted Subject 1's attorney, Attorney A, and requested an interview with Subject 1. Attorney A declined IPRA's request.

The **Detective Supplementary Report** documents that Subject 1 told detectives he ran from the police because "he gets arrested every time they stop him." Subject 1 stated when he became tired from running, he stopped and turned around and put his hands in the air. The police then shot him for "no reason." Subject 1 denied having a gun. When confronted with the fact that video surveillance showed him trying to throw a handgun on the roof of a building, Subject 1 stated it was not him in the video.

According to **Department Reports**, Subject 1 was arrested and charged with Unlawful Use of a Weapon after he reportedly fired a handgun at Officer A. It is reported that in fear for his life, Officer A returned fire, striking Subject 1. A blue steel semi-automatic pistol was recovered at the scene.

According to Officer A's **Tactical Response Report (TRR)**, Subject 1 did not follow verbal direction, fled, posed an imminent threat of battery, and used force likely to cause death or great bodily harm. Officer A responded with verbal commands and ultimately discharged his firearm.

According to the **Officer's Battery Report (OBR)**, on the date, time and location of the incident Officer A and his partner were in uniform investigating the report of a person with a gun. The report reflects that Officer A was shot at. Officer A did not sustain any injuries.

The **Office of Emergency Management and Communications (OEMC) transmissions and PCAD reports** were collected and made part of this investigative file. Analyses of those items were consistent with the facts as related by the involved and witness officer. Attempts to contact the initial 911 caller met with negative results.

The **Chicago Fire Department Ambulance Report** documents that paramedics arrived on scene and located a conscious and confused male, now known as Subject 1, lying in the alley. The narrative indicates that Subject 1 had gunshot wounds to his back, right chest, leg, and both arms. Subject 1 was transported to Stroger Hospital.

IPRA Investigators conducted a canvass in an attempt to locate additional witnesses and/or evidence. The canvass did not produce any additional information.

The **Evidence Technician Photographs** depict the scene of the shooting from various angles. The photographs also depict pictures of the semiautomatic pistol Subject 1 was carrying. Photographs were not taken of Subject 1, as he was admitted to Stroger Hospital in serious condition.

The **Video Footage obtained from CCC Brands**, located at 7437 S. Vincennes Avenue, depicts Subject 1 running through an alley alongside a building. Subject 1 throws what appears to be a firearm toward the roof of a building; however, the firearm strikes the side of the building and falls to the ground. When the firearm hits the ground, a cloud of smoke emanates as the gun apparently discharges. Subject 1 simultaneously stumbles and falls immediately adjacent to the gun. Immediately thereafter, an officer in pursuit, who is out of camera view, fires at least two gunshots at Subject 1. An unidentified male police officer then emerges into camera view and is seen running toward Subject 1 with a firearm pointed. The officer apparently continues to discharge his firearm as several more clouds of smoke emanate. Subject 1 stumbles again and runs out of camera view. Three more police officers come into view and run in the same direction as Subject 1 and the first officer.

In-Car Video Footage obtained from Beat 732 did not capture Subject 1 or the shooting.

Medical Records from Stroger Hospital document that Subject 1 was diagnosed with multiple gunshot wounds: one gunshot wound to his right flank, right chest, right posterior humerus, right calf, left toe, and two gunshot wounds to his left upper extremity. Subject 1 was also diagnosed with a grade three liver laceration; diaphragmatic injury; and a humeral shaft fracture.

Illinois State Police (ISP) Forensic Science Laboratory Reports document the examination of the recovered ballistic evidence in comparison to the firearms belonging to the involved officer and Subject 1. Both firearms tested were found to be in proper firing condition. Based upon analysis of ISP and Forensic Reports, it was determined that Officer A fired his weapon eight times. The 9mm shell casings and respective fired bullets were found to match Officer A's weapon. One fired bullet, of a 9mm 38 caliber, could not be identified or eliminated as having been fired from Officer A or Subject 1's weapon. However, one fired cartridge case was found to match Subject 1's weapon. Examination of Subject 1's firearm, magazine, eight live cartridges and discharged cartridge case revealed no latent prints suitable for examination.

Court Documents pertaining to the disposition of this case reflect that, as of the date of this report, Subject 1's criminal case is still pending in court.

In a statement to IPRA on 05 July 2014, **Officer A** stated he and his partner, Officer B, responded to a person with a gun call. When they arrived at the scene, they

observed three black males standing on the sidewalk. When Officer A announced his office, Subject 1 grabbed his waistband with both hands and ran. Officer A believed Officer B entered the squad car and tried to intercept Subject 1 while he (Officer A) pursued Subject 1 on foot. Subject 1 turned through a gangway and fled eastbound. Officer A told Subject 1 to stop and show his hands. Subject 1 did not comply and ran behind a building and into the alley. As Officer A followed in pursuit, he heard one gunshot come from Subject 1's direction, believing that Subject 1 shot at him. Officer A observed Subject 1 on the ground surrounded by a large cloud of dust.

Officer A ordered Subject 1 to show his hands and told him not to move. Subject 1 stood up and Officer A could not see Subject 1's hands. Officer A stated that in fear for his life, he fired his weapon approximately five times at Subject 1. Subject 1 stumbled approximately five to ten feet. Officer A again gave Subject 1 verbal commands to stop and show his hands. Subject 1 did not follow Officer A's direction and made quick movements. In fear that Subject 1 was going to shoot him, Officer A fired another three shots at Subject 1. Subject 1 stumbled another ten to fifteen feet and fell to the ground. Officer A immediately notified OEMC of the shooting. Other officers arrived on scene, placed Subject 1 into custody and requested an ambulance.

In a statement to IPRA on 04 July 2014, **Officer B** stated when he and Officer A attempted to conduct a field interview of Subject 1 and two unknown subjects, Subject 1 made a quick movement toward his waistband and fled southbound. Officer B retreated to the driver's side of the squad car while Officer A followed Subject 1 on foot. Beat 732, Officers C and D, arrived on the scene and pulled off in front of Officer B in pursuit of Subject 1. Officer A gave Subject 1's direction of flight via the radio. Officers B, C and D approached a T-alley, Officer B heard one gunshot, followed by multiple shots. Officers C and D exited their squad car on foot and Officer B exited behind them. Officer B heard Officer A yelling, "Let me see your hands!" Officer B then observed Subject 1 on the ground with one hand in the air and the other hand concealed. Officer D secured Subject 1's firearm and placed him into custody.

According to the **Detective Supplementary Report**, Officer D, told Detectives he and his partner, Officer C, were in their vehicle assisting Officers A and B with a foot pursuit when they heard a single gunshot. Officer D exited his vehicle and observed Officer A at the opposite end of a driveway with his arms extended. Officer D then heard several more gunshots and saw Officer A standing in a cloud of smoke, but because of the distance between them he was unable to determine if Officer A was shooting or being shot at. Officer D saw Officer A disappear into the alley. Officer D followed Officer A into the alley where he observed Subject 1 lying on the ground.

The Detective Supplementary Report documents that Officer C told Detectives essentially the same information as Officer D, only differing in that he did not observe Officer A in the driveway because he was further back than Officer D. Additionally, his attention was diverted to Beat 722R, Officer B, driving up behind he and his partner. Officer C turned his head to see the vehicle, and then warned Officer D to move to his left to avoid the oncoming vehicle.

CONCLUSION AND FINDING:

On 04 July 2014, at approximately 0414 hours, Officers A and B responded to a person with a gun call. During the course of their investigation, the officers came in contact with Subject 1.

Subject 1 grabbed his waistband and fled. Officer A pursued Subject 1 on foot from 74th Street and Princeton Avenue to the rear of 7437 S. Vincennes Avenue. As Officer A slowly proceeded around the rear of the building, he heard one gunshot come from Subject 1's direction, and believed Subject 1 shot at him.

When Officer A rounded the corner, he observed Subject 1 on the ground surrounded by a large cloud of dust. Officer A ordered Subject 1 to show his hands and told him not to move. Subject 1 ignored Officer A's verbal direction and stood up with his hands concealed. In fear for his life, Officer A fired his weapon, striking Subject 1 multiple times.

Video evidence collected as part of this investigation clearly depicts Subject 1 fleeing from the officers and tossing a firearm toward the roof of a building located in the vicinity of 7437 S. Vincennes Avenue. The video shows that the firearm strikes the side of the building and falls to the ground. When the firearm hits the ground, a cloud of smoke emanates as the gun apparently discharges. Subject 1 simultaneously stumbles and falls immediately adjacent to the gun. Immediately thereafter, Officer A fires at least two gunshots at Subject 1. Officer A continues to discharge his firearm as several more clouds of smoke emanate. Subject 1 stumbles again and runs out of camera view. The video evidence supports Officer A's perceptions and his account of this event.

Based on the totality of the facts and circumstances, the R/I finds that an officer with similar training and experience as Officer A would reasonably believe that Subject 1 posed an immediate threat to his or her safety. The R/I finds that the use of deadly force by **Officer A** is therefore objectively reasonable and **Within Policy** as outlined by the Use of Force 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.”