

INDEPENDENT POLICE REVIEW AUTHORITY  
LOG #1070144 / U# 14-21

**INVESTIGATION**

**NUMBER:** LOG #1070144 / U #14-21

**OFFICER #1**

**INVOLVED:** “Officer A” (Chicago Police Officer); Male/White; 38 years old;  
On-Duty; In Uniform; Year of Appointment – 2006

**OFFICER #1**

**INJURIES:** None

**OFFICER #2**

**INVOLVED:** “Officer B” (Chicago Police Officer); Male/White Hispanic; 38  
years old; On-Duty; In Uniform; Year of Appointment – 2000

**OFFICER #2**

**INJURIES:** None

**OFFICER #3**

**INVOLVED:** “Officer C” (Chicago Police Sergeant); Male/White; 48 years old;  
On-Duty; In Uniform; Year of Appointment – 1994

**OFFICER #3**

**INJURIES:** None

**WITNESS**

**OFFICER #1**

“Officer D” (Chicago Police Officer); Male/White; 36 years old;  
On-Duty; In Uniform; Year of Appointment – 2001

**WITNESS**

**OFFICER: #2**

“Officer E” (Chicago Police Officer); Female/White; 44 years old;  
On-Duty; In Uniform; Year of Appointment – 2006

**WITNESS**

**OFFICER #3**

“Officer F” (Chicago Police Officer); Male/White; 35 years old;  
On-Duty; In Uniform; Year of Appointment – 2004

**SUBJECT/**

**OFFENDER:**

“Subject 1”; Male/Black; 45 years old

**SUBJECT’S**

**INJURIES:**

One Gun Shot Wound (GSW) through and through (T&T) left  
arm; One Gun Shot Wound (GSW) in left chest; One Gun Shot  
Wound (GSW) in the left thigh; one Gun Shot Wound (GSW)  
abdomen.

Transported to St. Francis Hospital, treated and released to Cermak  
Hospital.

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**INITIAL**

**INCIDENT:** Drinking on the Public Way.

**DATE/TIME/**

**LOCATION OF**

**INCIDENT:** 04 July 2014; 1123 hours. XXXX W. Birchwood Avenue,  
(On the street) Beat 2422

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**SUMMARY OF INCIDENT:**

On 04 July 2014, at approximately 1123 hours, Officer A and Officer D, working Beat 2462C were driving in the vicinity of 7604 N. Greenview Avenue when they observed the subject, now known as Subject 1, drinking from a can of "Natural Lite," an alcoholic beverage, while on the public way. The officers attempted to stop Subject 1 in order to issue him A Notice of Violation (ANOV) for drinking on the public way. After the officers exited their car, Subject 1 ran southbound on Greenview Avenue to XXXX W. Birchwood Avenue. At XXXX W. Birchwood Avenue, Subject 1 forcibly entered the apartment of Witness 1 by pushing through the partially open door as Witness 1 attempted to close it. Officer A, Officer B and Officer C encountered Subject 1 in the rear stairwell when he stated to the officers numerous times, "I have a gun, shoot me or I will shoot you." Simultaneously, Subject 1 motioned to his waistband as if drawing a handgun. The officers, in fear for their lives and the lives of their partners, fired their weapons, striking Subject 1 three times. Subject 1 was placed into custody and transported to St. Francis Hospital for medical treatment.

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**INVESTIGATION:**

The **Department Reports** (R.D. # HX330930, Event # 141850660, Arrest Report, CB# 18927819) documented that the involved officers, Officers A and D were working Beat 2462C in uniform when they observed a male black Subject 1, now known as Subject 1, drinking from a can of beer on the public way at 7604 N. Greenview. The officers approached Subject 1 to conduct a field interview and Subject 1 fled on foot across Howard Street. Officer A pursued Subject 1 who had his right hand near his waist. Officer A stated he thought Subject 1 was in possession of a gun because of his actions. Once at XXXX W. Birchwood, Subject 1 jumped over the fence and ran to the doorway where he began ringing doorbells until someone buzzed him in. In pursuit of Subject 1, Officer A also rang doorbells until someone buzzed him in. Subject 1 entered the apartment building and ran up the stairs to apartment XX. Witness 1 had opened his front door to see who it was. Subject 1 entered the apartment and he looked panicked. Witness 1 became frightened and pointed to his back door. Subject 1 ran to the apartment's back door and ran down the rear stairs. Officer B responded to Officer A's call for assistance and arrived at XXXX W. Birchwood. Officer A and Officer B ran to the apartment and pursued Subject 1 out the back door. Subject 1 ran down the rear stairs and went out the back door to the gangway on the west side of XXXX W. Birchwood. Officer A went down the rear stairs to the ground floor; he remained inside the hallway leading to the rear door. Officer B stayed on the first step down from the landing between the second and ground floors, with a view of the doorway that opened to the gangway. Subject 1 yelled, "I have a gun and if you don't shoot me, I'll kill you!" Subject 1 turned toward Officer A as he motioned one hand to his waistband as if to pull a weapon. Fearing for his life, Officer A fired his weapon approximately four times at Subject 1 and then fell backwards against the door. Officer B saw Subject 1 in the doorway and believed that Subject 1 had shot Officer A because of the way Officer A fell back. Officer B fired approximately three times at Subject 1. While positioned outside of the fence on the north end of the gangway, Officer C saw Subject 1 in the gangway, heard his threat and heard the shots. Officer C believed that Subject 1 had fired a weapon at the officers in the stairwell. Officer C fired once at Subject 1, who fell onto the gangway pavement. A five (5) inch pipe with residue (crack pipe) was recovered from Subject 1 at Evanston Hospital.)

**IPRA Investigator A went to St. Francis Hospital in Evanston to interview Subject 1.** IPRA Investigator A was unable to interview Subject 1 because he was in surgery. IPRA Investigator B went St Francis Hospital in an attempt to interview Subject 1. Subject 1 declined to be interviewed.

**The R/I conducted a canvass of the location of incident.** There were no witnesses to the shooting.

**In a statement to IPRA on 04 July 2014, Witness 1** stated that someone rang his apartment buzzer. He then allowed whoever was ringing it in. Witness 1 stated as he began to unlock his apartment door, an unknown male black pushed his way into the apartment. Witness 1 stated that the male, now known as Subject 1, looked panicked and

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it frightened Witness 1. Witness 1 stated that he pointed to the back door and the male ran out of the apartment. Witness 1 stated that he heard yelling coming from the rear stairwell, but he was not sure as to who was yelling. Witness 1 stated that he heard gunshots, but he did not know exactly how many shots were fired.

**In a statement to IPRA on 04 July 2014 Witness 2** stated that he heard shouting. He looked out his window and saw a gentleman shouting between the gangway of his house and the neighbor's condo. Witness 2 stated he heard an African- American male shout, "I have a gun!" Witness 2 stated that he walked away from the window, not giving the comment much thought. Witness 2 stated that as he walked to his bathroom, he heard six shots. Witness 2 stated that he went to the window and looked down and saw the African-American male on the ground. Witness 2 stated that he went downstairs and by the time he got there, the Fire Department's ambulance was there and had the man on a gurney. Witness 2 stated he saw blood on the man's left side of his body.

**In a Statement to IPRA on 04 July 2014, Witness 3** stated that he was in the rear parking lot of XXXX W. Fargo, grilling food for the residents. Witness 3 saw an African-American male, now known as Subject 1, in the middle of the gangway behind XXXX W. Birchwood and he saw two police officers that told Subject 1 to "get down." Witness 3 stated that Subject 1 was flailing his arms and screaming, "I gotta gun! I gotta gun!" Witness 3 stated that Subject 1 looked to his right and then to his left. Subject 1 went to a door, leaned back, grabbed a fence and kicked the door while he screamed three times, "I gotta gun!" The officers opened fire. Witness 3 stated after Subject 1 was shot, the officers walked up to him and searched Subject 1. Subject 1 then began saying, "Fuck you, fuck you cops. Y'all, y'all have to kill me. Y'all have to kill me." Witness 3 added when an ambulance arrived, Subject 1 continued to scream profanities until he eventually passed out. Witness 3 further related that he had seen Subject 1 walk through the parking lot prior to this police involved shooting, and he noted that Subject 1 appeared to be under the influence of something other than alcohol.

**In a Statement to CPD Detective 1, on 4 July 2014, Witness 4** stated that he was awakened by loud footsteps or banging in the hallway of his building. Witness 4 stated that he heard a male voice shout, "Shoot me, I have a gun!" Witness 4 stated that he heard several gunshots, and then he looked out of his window and saw a male black lying on the ground. Witness 4 stated that he heard a person say, "Thank you father, thank you for shooting me."

A Report documented that the Reporting Investigator left Witness 4 numerous voice messages, requesting an interview. Witness 4 never returned the Reporting Investigator's phone calls.

**Officer A's Tactical Response Report and Officer's Battery Report** documented that he discharged his firearm four times at Subject 1 in response to Subject 1's threat that he had a gun and was going to kill Officer A.

**Officer B's Tactical Response Report and Officer's Battery Report**

documented that he discharged his firearm three times at Subject 1 in response to Subject 1's threat that he had a gun and was going to kill them.

**Officer C's Tactical Response Report and Officer's Battery Report**

documented that he discharged his firearm one time at Subject 1 in response to Subject 1's threat that he had a gun, was going to kill them and motioned as if to pull out a gun.

**In a Statement to IPRA, on 05 July 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 he was working with Officer D, in uniform, in an unmarked police vehicle. Officer A stated that while driving in the area of Howard and Greenview Streets, he and his partner observed a male black subject drinking what appear to be a can of "Natural Ice," an alcoholic beverage. Officer A stated that he and his partner exited their vehicle and approached the subject, now know as Subject 1, to conduct a street stop. Officer A stated as Subject 1 ran southbound from Howard Street to Greenview Street, he threw the beer can down. Officer A stated that he also observed Subject 1 holding his waistband with his right hand as he ran, indicating that Subject 1 might have a weapon. Officer A stated that he gave a description of Subject 1 over his police radio. Officer A stated that Subject 1 ran to XXXX W. Birchwood and climbed over a wrought iron fence. Officer A stated that he followed Subject 1 to XXXX W. Birchwood and Subject 1 somehow gained entry into the vestibule at that location.

Officer A stated that once he peered into the vestibule, Subject 1 was crouched down between the entrance doorway and a second door leading to a stairwell. Officer A stated that he began ringing doorbells until someone buzzed him in. Officer A stated that Subject 1 ran up the stairs, and he was gone. Officer A stated that a second officer, now known as Officer B, ran behind him and they both run up the first flight of stairs. A tenant was waving at them and told the officers that Subject 1 ran out of his back door. Officer A stated that he and Officer B continued to pursue Subject 1 down the back stairs. As they went down the back stairs, Officer A stated that they heard Subject 1 repeatedly saying, "I'll kill you, I'll kill you, I have a gun. "I'll shoot you and I mean it." Officer A stated that once he reached the bottom stairwell, he could still hear Subject 1 yelling. Officer A related the door to the gangway was closed. Officer A stated he opened the door with his left hand while he had his weapon in his right hand. Officer A stated that as he took a quick peek to see where Subject 1 was standing, Subject 1 spun around and pulled his right hand from his waistband in a shooting motion as Subject 1 was coming towards him. Officer A stated that he was in fear for his life and started shooting. Officer A stated that as he was firing his weapon he fell backwards, trying to take cover. Officer A stated that Officer B began firing his weapon as he stood on the stairs behind him. Officer A stated that after the shooting had stopped, he assessed the situation and concluded that Subject 1 was no longer a threat. Officer A added that Subject 1 began thanking them for shooting him.

**In a Statement to IPRA, on 04 July 2014, Officer D** provided an account of the incident that was consistent with the Summary of Incident and related Department

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Reports. Officer D essentially reiterated what Officer A stated with regard to the sequence of events that brought him and Officer A to XXXX W. Birchwood. Officer D stated that once his partner began chasing the subject, now know as Subject 1, he drove the police vehicle to the alley of XXXX W. Birchwood in anticipation of cutting off Subject 1's flight in the event he fled out the rear of the building. Officer D stated that he observed Subject 1 exit the side of the building. Subject 1 attempted to jump over a fence that was west of the building along the gangway. Officer D said he drew his weapon because Subject 1 held his hand at his waistband as he ran. Officer D stated that he kept telling Subject 1 to get down. Subject 1 then started to tug at his waistband and said, "Shoot me, I have a gun," and "I'm gonna shoot you." Officer D stated that he had Subject 1 in his weapon's sight but decided not to fire because he could see Officer F and Officer E at the other end of the gangway and he feared that he might strike one of them. Officer D observed Subject 1 return inside the building. Officer D heard several shots fired and he took cover behind the building. Officer D stated that after the gunshots stopped, he saw Subject 1 lying on the ground. Officer D ran up to Subject 1 and handcuffed him. Officer D related that Subject 1 told him, "Thank you for shooting me and tell my daughter I love her."

**In a Statement to IPRA, on 05 July 2014, Officer B** provided an account of the incident that was consistent with the Summary of Incident and related Department Reports. Officer B related that he was assigned as a one man car in uniform. Officer B stated that he was on routine patrol when he heard a radio transmission of a foot chase in the vicinity of XXXX W. Birchwood. Officer B stated that upon his arrival at XXXX W. Birchwood, he saw Officer A at the entrance of the building and they both proceeded up the stairwell to the second floor. Officer B stated that when they reached the second floor there was a tenant who said that someone had just gone through his apartment and went out the back door. Officer B stated that he transmitted over his police radio that the subject, now know as Subject 1, was headed to the back of the building. Officer B stated that Officer A ran down the stairs first with him directly behind him. Officer B stated that as they were going down the stairs he could hear Subject 1 state that he had a gun and "You're all gonna have to take me down." Officer B stated that Officer A reached the bottom of the stairs and opened the door. Officer B heard Officer A's weapon being discharged. Officer B stated that Officer A fell to the side, thinking that Officer A had been shot. Officer B had a clear view of Subject 1 and then discharged his weapon. Officer B stated that the paramedics arrived and as Subject 1 lay there, he thanked them for shooting him.

**In a Statement to IPRA, on 05 July 2014, Officer C** provided an account of the incident that was consistent with the Summary of Incident and related Department Reports. Officer C stated that he was assigned to 24<sup>th</sup> District Tactical Team as Beat 2462 and was working in uniform. Officer C stated that he monitored his police radio and heard a radio transmission that Beat 2462 C was in a foot pursuit that culminated at XXXX W. Birchwood. Officer C stated that upon his arrival at XXXX W. Birchwood, he proceeded outside of the fence on the north end of the gangway. Once there, Officer C stated that he observed a male black subject, now know as Subject 1, standing in the gangway by a door with his right hand in his waistband. Officer C stated that Officer F

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was to the left of him and Officer E was to the right of him behind a chain linked gate. Officer C stated that he heard Subject 1 yelling, "Shoot me, I have a gun and I'll kill you." Officer C stated that after Subject 1 repeated the phrase, he raised his hand from his waistband area. Officer C then heard gunshots. Fearing for the safety of his officers, Officer C drew his weapon and fired his weapon one time at the offender. The offender fell to the ground. Officer C stated that as Subject 1 lay on the ground he stated, "Thank you for shooting me and tell my daughter I love her."

**In a Statement to IPRA, on 04 July 2014, Officer E** provided an account of the incident that was consistent with the Summary of Incident and related Department Reports. Officer E stated that she was working as a Tactical Officer assigned to Beat 2462A, in uniform, with Officer F and Officer G. Officer E stated that after hearing the simulcast of the chase by Beat 2462C at XXXX W. Birchwood, she exited her vehicle and ran to the courtyard. Officer E stated that someone transmitted that Subject 1 had gone out the back of the building. Officer E stated that she repositioned herself to the west of the building and saw the offender holding his hand to the right side of his waistband. Officer E stated that the offender began shouting, "I got a gun, shoot me or I'm gonna shoot you," first, in both her direction and Officer F who was next to her; and then toward Officer D, who was in the back of the building along the gangway. Officer E stated that it looked like the offender was going to run back into the building and that was when she heard gunshots. Officer E stated that she did not fire her weapon.

**In a Statement to IPRA, on 04 July 2014, Officer F** provided an account of the incident that was consistent with the Summary of Incident and related Department Reports. Officer F stated that he was working as a Tactical Officer assigned to Beat 2462A, in uniform, with Officer E and Officer G. Officer F reiterated what Officer E stated in her statement. Officer F added as he was about to climb over the fence he heard a gunshot and saw Subject 1 fall to the ground. Officer F stated that once Subject 1 was on the ground, he ran up to him, and patted down his waistband. Officer F stated that while patting down Subject 1, Subject 1 said, "Thank you for shooting me." Officer F did not fire his weapon at Subject 1.

**Office of Emergency Communications (OEMC) Event Query and Radio Transmission Summary** documented that a number of police units responded to XXXX W. Birchwood, the site of a foot chase, and the scene of a police related shooting.

**Evidence Technician Photographs** documented the scene of the shooting.

**A Chicago Fire Department EMS Report** documented that CFD Paramedics in Ambulance #56A responded to the scene and found Subject 1 lying on the ground bleeding from the chest, arm, and leg area. According to EMS personnel, Subject 1 appeared to have gun shot wounds to the aforementioned areas.

**Medical Records for Subject 1** from St. Francis Hospital in Evanston documented that Subject 1 entered St. Francis Hospital with apparent gun shot wounds to



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his chest, arm, and leg. Medical Records also documented that x-ray's showed bullet fragments in left thigh and left pelvis

**A laboratory report from the Illinois State Police, Division of Forensic Services**, dated 29 October 2014, indicated that the laboratory examined Officer B's firearm, a Baretta Model 92D, 9 MM, semiautomatic pistol, serial number BER101220 (inventoried under # 13213138). The firearm was found to be in firing condition and test fired. Two Winchester 9MM Luger +P caliber fired cartridge cases, inventoried under #13213092- 13213116, were examined and determined to have been fired from Officer B's firearm.

The Illinois State Police laboratory examined Officer A's firearm, a Glock Model 21, .45 Auto caliber semiautomatic pistol, serial number MRY987 (inventoried under # 13213144). The firearm was found to be in firing condition and test fired. Four Winchester .45 Auto caliber fired cartridge cases, inventoried under #13212986, was examined and determined to have been fired from Officer A's firearm.

The Illinois State Police laboratory examined Officer C's firearm, a Springfield Armory USA, Model XDM, .45ACP, Auto caliber semiautomatic pistol, serial number MG574014 (inventoried under # 13213151). The firearm was found to be in firing condition and test fired. One Winchester 45 Auto caliber fired cartridge case, inventoried under #13212992, was examined and determined to have been fired from Officer C's firearm. The Illinois State Police laboratory also examined one metal fragment that was not suitable for microscopic comparison.

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**CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by Officer A, Officer B, and Officer C 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. "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 actions of Officer A, Officer B, and Officer C were in accordance with both conditions of CPD's deadly force policy. Officer A observed Subject 1 reach for his waistband while he told the officers that he had a gun, to shoot him or he was going to kill them. Officer B stated that he heard Subject 1 say, "I have a gun y'all gonna have to take me down." Officer C observed Subject 1 holding the right side of his waistband while he stated, "Shoot me or I'll kill you." Based on the totality of the circumstances, Officer A's, Officer B's and Officer C's actions were justified as they reasonably feared for their lives when Subject 1 reached for his waistband as if he had a gun and shouted, "I have a gun y'all gonna have to take me down."