

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1070169/U# 14-024

INVESTIGATION

NUMBER: U# 14-024, Log# 1070169

OFFICER

INVOLVED #1: “Officer A” (Chicago Police Officer); Male/White; 32 years old;
On Duty; In Uniform; Year of Appointment – 2003

OFFICER’S

INJURIES: None Reported.

WITNESS

OFFICER: “Officer B” (Chicago Police Officer); Male/White; 34 years old;
On Duty; In Uniform; Year of Appointment – 2003

WITNESS

OFFICER’S

INJURIES: None

SUBJECT:

“Subject 1”; Male/Black; 23 years old

SUBJECT’S

INJURIES:

Gunshot to the right buttocks; Transported to Christ Hospital;
Condition: Non-Fatal

INITIAL

INCIDENT:

Street Stop

DATE/TIME

OF INCIDENT:

05 July 2014, 2102 hours

LOCATION:

7015 S. Wood St
Beat 0735

**INDEPENDENT POLICE REVIEW AUTHORITY
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SUMMARY OF INCIDENT:

On 05 July 2014, Officer A and Officer B were on routine patrol and observed several subjects with open liquor on the sidewalk at approximately 7033 S. Hermitage Avenue. The officers exited their squad car to conduct a field interview. The officers approached the subjects and one subject, now known as Subject 1, made eye contact with Officer A. Subject 1 then grabbed his side and started running north on Hermitage Avenue. Subject 1 then ran into a gangway and then into an alley with Officer A and Officer B in pursuit. Once in the alley, Subject 1 produced a handgun from his waist area and pointed the weapon at Officer A. Officer A then gave Subject 1 verbal commands to drop the weapon. Officer A then discharged his weapon once striking Subject 1 in the buttocks. Subject 1 fell to the pavement and threw his weapon into an adjacent yard at 7015 S. Wood Street. Subsequently, Subject 1 was transported via ambulance to Christ Hospital.

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1070169/U# 14-024

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In a statement to IPRA on 08 July 2014, Involved Officer A stated that on the date of the incident he was dressed in his Chicago Police Department uniform and assigned to work Beat 761C with Officer B and CPD Sergeant 1. As the officers conducted routine patrol, Officer A observed a group of subjects drinking and standing in front of three abandoned buildings in the 7000 block of Hermitage Avenue. At that time, Officer A's attention was drawn to a male subject, now known as Subject 1, sitting on the stairs of an abandoned house. Officer A stated that there was something suspicious about Subject 1 because he did not make eye contact. Shortly afterwards, Officer A stopped the unmarked squad car and placed the vehicle in park. The officers then decided to approach the subjects to conduct a field interview because they were drinking alcohol on the public way. As Officer A approached the subjects, he shined his flashlight into the gangway of two of the abandoned buildings because he wanted to illuminate the area. At that time, Subject 1 began to flee on foot, holding his front right waistband area with both of his hands. Officer A stated that at that time he was standing in the front yard of approximately 7033 S. Hermitage Avenue.

Officer A then pursued Subject 1 who ran west through a gangway where he tripped and fell to the ground. After Subject 1 fell to the ground, he sprung back to his feet and continued to flee. Officer A stated that when Subject 1 got back up he observed Subject 1 trying to remove something from his waistband. Subject 1 continued to flee into an alley between Hermitage Avenue and Woods Street. As Subject 1 ran in the alley, Officer A observed Subject 1 holding a black gun in his right hand. Officer A then told Subject 1 to "drop the gun, drop the gun" as Subject 1 turned in his direction with the gun while still running. At that time, Officer A, in fear for his life, fired his weapon once. Officer A stated that Subject 1 was about five feet away from him when he fired his weapon. After Officer A fired his weapon, Subject 1 underhandedly threw his gun towards a garage and then fell forward to the ground. Afterwards, Officer A approached Subject 1 and observed that he was injured. Subject 1 then stated to Officer A, "If you let me go, I can get a thirty shot [gun] and three big guns, but I need to talk to a white shirt." Subsequently, Officer B reported shots fired and requested an ambulance via the radio. Officer B also secured the weapon that Subject 1 tossed which was recovered at 7015 S. Woods Street. Shortly afterwards, an ambulance arrived on the scene and transported Subject 1 to the hospital.

In an interview with IPRA dated 06 July 2014, Witness Officer B stated that on the date of the incident he was working Beat 761C with Officer A and CPD Sergeant 1. While the officers were on routine patrol, they observed several subjects on the sidewalk and on vacant property at approximately 7033 S. Hermitage Avenue. At that time, the officers stopped their unmarked squad car and exited the vehicle to conduct a field interview. Shortly afterwards, Officer B observed Officer A giving chase to a male subject, now known as Subject 1, across Hermitage Avenue. Officer B then decided to assist Officer A in pursuing Subject 1. As Officer B pursued Subject 1, he called out the pursuit on the radio. Subject 1 continued to flee going west through a gangway then north in an alley between Wood Street and Hermitage Avenue. Officer B stated that he was about five feet behind Officer A as he pursued Subject 1.

INDEPENDENT POLICE REVIEW AUTHORITY
LOG #1070169/U# 14-024

In the alley, Officer B observed Subject 1 making a “jerking motion” with his shoulders. Officer B described the “jerking motion” as Subject 1 “jerking” something out of his front right waistband area. At that time, Subject 1 started to turn towards Officer A. Officer A then yelled “drop the gun, drop the gun.” Officer B then observed Subject 1 with a handgun in his right hand and pointed at Officer A. Officer B stated that he was about ten feet behind Officer A when he observed Subject 1 holding a black handgun at waist level. At that point, Officer B heard one shot. Officer B stated that he did not see who fired a weapon, but he could tell Officer A fired his weapon because he could see smoke coming from Officer A’s direction. After Officer B heard the shot, he observed Subject 1 turn a little bit and stumble. As Subject 1 stumbled, he started to fall forward and threw the handgun up in the air over a garage. Shortly afterwards, Officer B radioed shots fired and requested an ambulance. Officer B stated that he then secured Subject 1 weapon which was recovered at 7015 S. Wood Street. Officer B stated that he did not unholster his weapon during the incident because he was calling out the pursuit over the radio and once Officer A fired his weapon the threat was over because Subject 1 went down.

An attempt to contact and interview Subject 1 was unsuccessful. Subject 1’s attorney, Attorney A, refused to allow him to be interviewed.

The related **Department Reports, which include the Arrest Report and Original Case Incident Report**, included an account of the incident that is consistent with the Summary of Incident. Subject 1 was arrested and charged with Unlawful Use of Weapon, two counts of Aggravated Assault to an Officer with a firearm, Possession of a Firearm with a Defaced Serial Number, Armed Habitual Criminal, and a Warrant was issued for a parole violation.

The Case Supplementary Report included accounts of the incident that were consistent with the summary of the incident. The report also provided Officer B’s and Officer A’s accounts of the incident which was consistent with their statements to IPRA. In addition, Subject 1 requested an attorney and declined to speak to detectives. Further, the Case Supplementary Report added that CPD Sergeant 1 told detectives that he maintained presence on the scene at 7033 S. Hermitage with the subjects that were detained until he heard one gunshot. CPD Sergeant 1 then relocated to the alley and spoke to Subject 1 who was requesting to speak to a white shirt. CPD Sergeant 1 related that Subject 1 stated, “If you can get me out of this, there are three big guns on the block and one with a 30 round clip you can have.”

The Chicago Fire Department (CFD) EMS Incident Report documents that paramedics responded to 7030 S. Hermitage, in the alley, and observed Subject 1 with a single gunshot wound to his right buttocks. Paramedics noted that Subject 1 had an entrance wound, but not an exit wound. Subject 1 was transported to Christ Hospital for medical treatment.

Medical Records from Christ Hospital for Subject 1 document that he was diagnosed with a gunshot wound to his right buttocks.

INDEPENDENT POLICE REVIEW AUTHORITY
LOG #1070169/U# 14-024

The Tactical Response Report (TRR) completed by Officer A documents that Subject 1 was an “assailant” who “did not follow verbal direction, fled, posed an imminent threat of battery, had a weapon, and pointed his weapon/handgun at Officer A.” Officer A used member presence, verbal commands, and his firearm in an attempt to subdue Subject 1. Officer A fired one shot from his firearm.

An Officer’s Battery Report (OBR) documents that Officer A sustained no apparent injuries.

The Crime Scene Processing Report listed that Officer A’s weapon, a SIG Sauer, Model: P229, 9mm, Semi-Automatic, was inventoried under number 13214012, and (13) thirteen bullets were recovered from his weapon. In addition, Subject 1’s weapon, a RD Industries, Model: RD40, .38 caliber, Revolver, was inventoried under number 13213975, and (6) six bullets were recovered from the weapon.

Evidence Technician Photographs, Videotape, and Diagram depicts what appeared to be the location of incident, the recovered evidence, and photographs of Officer A.

Office of Emergency Management and Communications Records (OEMC) document that on 05 July 2014, several people called 911 and reported that someone had been shot in the vicinity of 70th and Hermitage Avenue. One caller reported that the police had “just released their guns.” Subsequently, shots fired by the police was reported at 7030 S. Hermitage in the alley. In addition, contact with 911 callers revealed that they did not witness the incident.

PODs #321, located at 7000 S. Wood, and #322, located at 7058 S. Hermitage, failed to capture anything relevant to the investigation.

An attempt to obtain **In Car-Camera** footage from Beat 761C, which was the vehicle assigned to Officer A and Officer B, was unsuccessful because no video could be found.

A **canvass** of the vicinity of the location of incident did not produce any witnesses.

A Breathalyzer Test taken on 06 July 2014, at 0054 hours, revealed that Officer A’s BAC was .000. Officer A also submitted to a drug test on the same date, at 0110 hours, which revealed negative results.

An ISP Report, dated 24 July 2014, documented that Officer A’s weapon, a SIG Sauer, Model P229, Inventory number 13214013, was operable and test fired. An ISP Report, dated 02 September 2014, documented that the weapon belonging to Subject 1, a RG Industries, Model: RG 40, .38 caliber, Revolver, Inventory number 13213975, had no latent impressions on the weapon, the live cartridges, or the wooden grip suitable for comparison. Further, an ISP Report, dated 09 September 2014, documented that Subject

INDEPENDENT POLICE REVIEW AUTHORITY
LOG #1070169/U# 14-024

1's weapon had an obliterated area on the frame. Due to the extent of the obliteration, no restoration attempt was made. In addition, Subject 1's weapon was operable and test fired.

Court Records document that Subject 1's case is still pending.

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1070169/U# 14-024

FINDINGS:

The 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 No. 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.

Officer A and Officer B gave consistent accounts of the incident. Officer A repeatedly told Subject 1 to drop his gun. After Subject 1 did not immediately drop his weapon, Officer A fired his weapon once striking Subject 1. A weapon was recovered on the scene. Therefore, based on the totality of the circumstances, Officer A was reasonably in fear for his life and fired his weapon at Subject 1 to prevent his death or great bodily harm.