

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1071085/U#14-028

INVESTIGATION

NUMBER: Log #1071085/U #14-28

INVOLVED

OFFICER #1: “Officer A” (Chicago Police Officer); Male/White; 30 years old; On-Duty; In Plainclothes; Year of Appointment – 2009

OFFICER #1’s

INJURIES: None reported

INVOLVED

OFFICER #2: “Officer B” (Chicago Police Officer); Male/White; 35 years old; On-Duty; In Plainclothes; Year of Appointment – 2002

OFFICER #2’s

INJURIES: None reported.

SUBJECT: “Subject 1”; Male/Black; 21 years old

SUBJECT’S

INJURIES: Multiple gunshot wounds about the body; Fatal

DATE/TIME: 19 August 2014, 2137 hours

LOCATION: 13259 S. Forrestville Avenue, Chicago Illinois (side walk)

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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 19 August 2014, at approximately 2137 hours, Officer A; Officer B; Officer C and Officer D, were on patrol in a four man unmarked Chevy Tahoe. Officer B was the driver and Officer A was the front passenger. Officer C was in the rear passenger seat and Officer D was in the rear driver side seat. Officers A and B were assigned to Beat 506F, while Officers C and D were assigned to Beat 506H.

The officers were touring the area due to an on-going feud between rival gang factions. While the officers were on patrol, they spoke to a confidential informant (CI) who informed them that they needed to, "stop the guys on bicycles, because they were the ones who had the guns." After speaking to the CI, the officers continued on patrol. As the officers traveled east on 133rd Street, they observed a black male, now known as Subject 1, on a bicycle at the intersection of 133rd street and Forrestville Avenue.

The officers decided to stop Subject 1 and turned on the spotlight in the police Tahoe. Subject 1 then reached in his waistband and turned around with a gun in his hand. Subject 1 then jumped off of his bicycle and fled westbound with the gun in his hand. The officers excited their vehicle to pursue Subject 1. Officers A, B and D ran west. Officer C, however, ran east as he believed that Subject 1 might double back.

Subject 1 continued to run west in the middle of 133rd Street. He then ran west on the north sidewalk and pointed the gun at the officers. Officer B, in fear for his life, fired his weapon at Subject 1. Simultaneously, Officer A, in fear for his life fired his weapon at Subject 1. Subject 1 stumbled several feet before falling on the northeast corner of 133rd Street and Forrestville Avenue.

Prior to the shooting, Officer C, who had initially ran east, immediately turned around because he observed that the police Tahoe was still in drive and moving forward. Officer C ran to the police Tahoe, jumped into the vehicle, placed it in park and removed the keys. Officer C then heard shots being fired. Officers C and D did not fire their weapons. Subject 1 was pronounced dead at the scene. A weapon was recovered several feet from Subject 1's body.

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.

A Canvass was made of the area after the incident and attempts were made to interview Witness 1. During the canvass, IPRA Investigator A, spoke with Witness 1, who related to him that she had witnessed the shooting. As Witness 1 is a minor, IPRA Investigator A attempted to coordinate an interview with Witness 1 through her mother, [Mother of Witness 1]. [Mother of Witness 1] refused to allow IPRA Investigator A to collect a statement from Witness 1 at that time, and asked him to contact her later. IPRA Investigator B later made several attempts to contact [Mother of Witness 1] but they were unsuccessful. IPRA Investigator B also visited the area of the incident in an attempt to locate Witness 1 and he was unsuccessful.

According to **Department Reports**, officers observed Subject 1 on a bicycle. The Officers attempted to stop him but he removed a firearm from his waistband, jumped off of his bicycle and pointed a firearm at the officers. Officers A and B, in fear for their lives, discharged their weapons striking Subject 1 multiple times.

According to the **Tactical Response Report (TRR)**, completed by the Officers, Subject 1 did not follow verbal direction, dropped his bicycle and fled on foot. Subject 1 was listed as an imminent threat of battery as he pointed a handgun in the direction of Officers A, B, C and D. Officers A and B responded with member presence and the discharge of their firearms. Officers C and D responded with member presence.

According to the **Officer's Battery Report (OBR)**, on the date, time and location of the incident Officers A, B, C and D were on duty, in citizen's dress, in a squad car, investigating the report of a person with a gun. Subject 1 pointed a weapon in the direction of the officers. The officers did not sustain any injuries.

The **Evidence Technician Photographs** depict the scene of the shooting from various angles. The photographs also depict the body of Subject 1 and the semi-automatic pistol that he was reportedly in possession of at the time of the shooting.

The **OEMC and PCAD reports** were collected and made part of this case file. An analysis of said documents show no information that is inconsistent with the facts as related by the involved and witness officers. Attempts to locate additional independent witnesses were made to no avail.

There were no **Police Observation Devices (PODS)** in the area that were able to record the event. In addition, the unmarked Chevy Tahoe driven that night by Officer B was not equipped with **In-Car-Video**.

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The **Chicago Fire Department Ambulance Report** documented that Subject 1 was located on the street when the paramedics arrived on the scene. The narrative related that Subject 1 appeared to have two gunshot wounds, one to his chest and one to his head. Subject 1 did not have a pulse and was not responsive. He was pronounced dead on arrival.

A **Postmortem Examination** of Subject 1 at the Medical Examiner's Office revealed he had a gunshot wound under his right eye, one to the left side of his neck, two wounds to his upper chest, one wound to each thigh, one to his left elbow and one to his right foot. The examination also revealed that there was a graze wound on the top of Subject 1's head. The attending pathologist, Doctor A, indicated that the cause of death was multiple gunshot wounds and the manner of death was homicide.

Illinois State Police (ISP) Forensic Science Laboratory Reports document the examination of the recovered ballistic evidence in comparison to the firearms belonging to each officer¹. Both firearms tested were found to be in proper firing condition. Based upon analysis of the ISP Reports and the Forensic Reports, it was determined that Officer A fired five (5) times and Officer B fired eleven (11) times. The shell casings and fired bullets were compared to the officers' firearms and found to match their respective weapons.

In his statement to IPRA on 21 August 2014, Officer B stated he was on duty in plainclothes working with Officer A, Officer D and Officer C. The officers were patrolling the area of 13259 S. Forestville Avenue in response to an ongoing conflict between rival gang factions. The officers had received information that individuals riding bicycles in the area were carrying firearms.

While he and his partners were patrolling the area they attempted to stop Subject 1, who was riding a bicycle. Officer B stated when they put the vehicle spotlight on Subject 1 he jumped off of his bicycle, reached in his waistband and withdrew a handgun. Subject 1 then raised the gun and pointed it toward the officer's police vehicle as they were approaching him. Officer A was the first to exit the vehicle with his weapon drawn. Officer A chased Subject 1 as he ran past the police vehicle, westbound on 133rd Street. Officer B also exited the police vehicle, drew his firearm, and ran after the Subject 1. Officer B stated he saw Subject 1 point his firearm at Officer A, at which time he fired his weapon as he was in fear for Officer A's life.

Subject 1 was struck several times and fell to the ground. As Officer B and the other officers approached they gave him verbal directions to show his hands. Subject 1 tried to get up but was unable to and slumped back to the ground. Officer B and the other officers determined Subject 1 had dropped his firearm on the ground, approximately three feet from where he had fallen. Officer B stated that he called for the ambulance.

In his statement to IPRA on 21 August 2014, Officer A stated that on 19 August 2014 at approximately 1700 hours he was on duty, in plainclothes, and working

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with Officers B, C and D. They were patrolling the area of 13259 South Forrestville Avenue because of an ongoing conflict between two rival gangs. Officer A stated that they had received information that young men on bicycles were carrying guns.

Officer A stated he and his partners were traveling eastbound on 133rd Street when they observed Subject 1 on a bicycle. They turned the spotlight on Subject 1 and he jumped off of his bicycle, pulled a semiautomatic handgun from his waistband with his right hand, pointed it in the direction of the police vehicle and ran westbound on 133rd Street. Officer A stated he saw the firearm and announced, "Gun, gun, gun" to his fellow officers.

Officer A stated he exited the police vehicle, drew his firearm and chased Subject 1. Officer A announced his office and instructed Subject 1 to drop the gun. Officer A stated that Subject 1 looked back in his direction several times, but continued to run with the gun in his hand. Officer A stated Subject 1 refused to drop his firearm, which put Officer A in fear for his life. Officer A stated that Officer B announced words to the effect of "watch out, I'm going to shoot." Officer B began to fire his weapon at Subject 1, at which time Officer A also began to fire his weapon. Subject 1 was struck and he fell to the ground. Subject 1 attempted to get back up, but he was unable to and slumped back onto the ground. Officer A stated Officer B called for an ambulance.

In his statement to IPRA on 20 August 2014 Officer C stated that on 19 August 2014, at approximately 0414 hours, he was on duty, in plainclothes working with Officers A, B and D. Officer C stated the officers were operating an unmarked Chevy Tahoe.

Officer C stated he and his partners were patrolling in the vicinity of 13259 Forrestville Avenue in response to recent gang violence in that area. Officer C stated they had received information that gang members armed with weapons were traveling through the area on bicycles. The Officers were driving eastbound on 133rd Street when they attempted to stop Subject 1, who was on a bicycle.

When the officers approached Subject 1 they used the vehicle spotlight to illuminate him, at which time he dropped his bicycle, pulled a dark semiautomatic handgun from his waistband, and pointed it at the officers. Subject 1 then ran westbound on 133rd Street. Officer C stated he and his fellow officers exited the police vehicle and drew their weapons. Officer C realized the vehicle was still moving so he ran back, jumped in the vehicle, put it in park and took out the keys. As he was securing the vehicle, Officer C heard 8-12 shots but did not know who was firing their weapon. After he exited the vehicle, Officer C observed his three partners walking toward Subject 1, who was lying on the ground. The other officers were yelling words to the effect of, "let me see your hands," but Subject 1 was unresponsive. Officer C stated he and Officer A located Subject 1's firearm several feet from where Subject 1 had fallen.

In his statement to IPRA on 20 August 2014 Officer D stated that on 19 August 2014, he was on duty, in plainclothes, working with Officer B, Officer A and

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Officer C. He and his partners were in an unmarked vehicle touring the area of 13259 Forrestville Avenue as there had recently been an increase in violent crime in that area. Prior to the incident, the officers had received information from a citizen relating that individuals who were riding bicycles in the area were likely to be armed with handguns.

Officer D stated the officers were driving eastbound on 133rd Street when they saw Subject 1 riding a bicycle. They approached Subject 1 and illuminated him with the vehicle's spotlight. Subject 1 jumped off of his bicycle, reached in his waistband, and pulled out a semiautomatic handgun. Subject 1 then ran westbound on 133rd Street. Officer D stated he heard Officer A yell words to the effect of, "he's got a gun." Officer D and the other officers exited the vehicle and drew their weapons. Officers A, B and D pursued Subject 1 on foot, while Officer C returned to the police vehicle as he had failed to shift the transmission into park. As Officer D was pursuing Subject 1, he heard Officer B discharge his weapon. Subject 1 fell to the ground, tried to get up and then fell again. As Officers A, B and D approached Subject 1, Officer D stated he heard Officer A yell, "let me see your hands." Officer D stated Subject 1 was unresponsive. Officer D and his partners searched for Subject 1's weapon and found it approximately five feet from where he had fallen.

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CONCLUSION AND FINDING:

On 19 August 2014, at approximately 2137 hours, Officers A, B, C and D were on patrol in the area of 133rd St and Forestville Avenue, in response to an increase in gang related violent crime.

The officers had received information indicating that that subjects in the area riding bicycles may be in possession of firearms. The officers observed Subject 1 on a bicycle at the intersection of 133rd Street and Forrestville Avenue and attempted to conduct a field interview with him.

Subject 1 jumped off of his bicycle, reached in his waistband, and pulled out a semiautomatic handgun. Subject 1 pointed the weapon at the officers as he ran west on 133rd Street. The officers pursued Subject 1 on foot. Officer A gave multiple commands for Subject 1 to drop his weapon. Subject 1 refused to obey the officers' commands and continued to hold his firearm while looking back towards the officers. Officer B then observed Subject 1 lift his right hand and point his firearm at Officer A. Officer B and Officer A fired their weapons at Subject 1 striking him several times. Subject 1 stumbled several feet and then fell to the ground, dropping his firearm as he did so.

Based on the totality of the facts and circumstances, the R/I finds that an officer with similar training and experience as Officers A or B 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 **Officers A and B** is therefore objectively reasonable and **Within Policy** as outlined by the Use of Force of 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;

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- c. otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.”