

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1071166/U#14-29

INVESTIGATION

NUMBER: Log #10671166, U#14-29

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Male/White; 38 years old; On-Duty; Plain Clothes; Year of Appointment – 2005

OFFICER’S

INJURIES: None reported.

WITNESS

OFFICER #1: “Officer B” (Chicago Police Sergeant); Male/White; 42 years old; On-Duty; Plain Clothes; Year of Appointment – 2005

WITNESS

OFFICER #2: “Officer C” (Chicago Police Officer); Male/White; 35 years old; On-Duty; Plain Clothes; Year of Appointment – 2004

WITNESS

OFFICER #3: “Officer D” (Chicago Police Officer); Male/White; 37 years old; On-Duty; Plain Clothes; Year of Appointment – 2003

WITNESS

OFFICER# 4: “Officer E” (Chicago Police Officer); Male/White; 34 years old; On-Duty; Plain Clothes; Year of Appointment – 2005

WITNESS

OFFICER #5: “Officer F” (Chicago Police Officer); Male/White; 43 years old; On-Duty; Plain Clothes; Year of Appointment – 1998

WITNESS

OFFICER #6: “Officer G” (Chicago Police Officer); Male/White; 42 years old; On-Duty; Plain Clothes; Year of Appointment – 1998

WITNESS

OFFICER #7: “Officer H” (Chicago Police Officer); Male/White; 29 years old; On-Duty; Plain Clothes; Year of Appointment – 2010

SUBJECT: “Subject 1”; Male/Black; 19 years old

SUBJECT’S

INJURIES: Multiple gunshot wounds. Fatal.

DATE/TIME: 24 August 2014, 1911 hours

LOCATION: 2842 W. Polk Street

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SUMMARY OF INCIDENT:

On 24 August 2014 at approximately 1911 hours, Officer C received information that two subjects were in possession of firearms in front of 2842 W. Polk, Chicago, Illinois. Officer C, along with Officers D, E, F, G, and H and Officer B responded to the area and observed a group of individuals in front of the residence. The officers exited their vehicles, announced their office, and attempted to conduct field interviews of the individuals. The individuals followed the officers' verbal commands, except for the subject, Subject 1. Subject 1 migrated away from the group and fled northbound through the gangway, just west of 2842 W. Polk Street. Officers pursued Subject 1 through the gangway and ran northbound through an open lot. Officer A observed Subject 1 exit the gangway and proceed up the steps of the back porch carrying a chrome handgun in his right hand. Officer A gave Subject 1 verbal commands to drop his firearm. Subject 1 raised his firearm and pointed it in the direction of Officer A. Officer A, in fear for his life, discharged his firearm three times at Subject 1. Subject 1 fell to the ground and dropped his firearm. Officer B arrived in the rear of the property and placed Subject 1 into custody. Officer H was near the backyard when he observed Officer A discharged his firearm at Subject 1 after he (Subject 1) pointed a 9mm pistol at Officer A.

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.

Department reports, Tactical Response Reports (TRR) and the Officers' Battery Report (OBR), all provided information that is consistent with the statements given by the involved and witness officers.

The **Evidence Technician Photographs** depict the scene of the shooting from various angles. Photographs show Subject 1 had three apparent gunshot wounds, one below the left nipple, one by the mid-section of the clavicle and one exit wound to the upper back area. Also visible was a large bump mid-portion of the back where an apparent bullet was lodged. A Glock Model 21, .45 Caliber, semi-auto pistol, 4" barrel, blue steel finish, with one live Winchester .45 auto round in chamber, and a Jennings Firearms, Bryco 59, 9MM, semi-auto pistol, 3" Barrel, chrome finish with one live Winchester .45 auto round in the chamber was recovered and photographed.

The **OEMC and the PCAD Reports** were collected and made part of this investigation. Analysis of said documents shows no information that is inconsistent with the facts as related by the witnesses and the involved officers.

The **Pod** footage contained no images that are relevant to this investigation.

IPRA Investigators conducted a canvass in an attempt to locate additional witnesses and/or evidence. The Reporting Investigator spoke with the mother of the subject, [Mother of Subject 1]¹ on several occasions to confirm that she would provide the names and contact information for potential witnesses. However, [Mother of Subject 1] never provided that information to the Reporting Investigator.

A **Sketch** indicated the area of the incident where Subject 1 was apprehended at the time of the incident. Locations of the evidence markers are drawn and noted.

The Chicago Fire Department Ambulance Report indicated that Subject 1 was located on the first floor rear porch face down with his hands handcuffed above his head. Subject 1 had no spontaneous respiration or presence of pulses. A large pool of blood was under his shirt and a bullet was located under his skin near the center of his back. He sustained a gunshot wound to his chest and clavicle. An ambulance transported Subject 1 to Mt. Sinai Hospital.

Medical Records from **Mt. Sinai Hospital** indicated Subject 1 was in traumatic arrest after multiple gunshot wounds in the chest/back. Ongoing CPR was maintained. After extensive resuscitative efforts, Subject 1 was pronounced deceased by Doctor A.

¹ [Mother of Subject 1] (mother of Subject 1)

Illinois State Police Forensic Services Laboratory Reports documented the examination of the recovered ballistic evidence in comparison to the firearm belonging to Officer A.² It was found to be in proper firing condition. Gun Shot Residue tests were also conducted. The report indicates Subject 1 may not have discharged a firearm with either hand. If Subject 1 did discharge a firearm, then the particles were removed by activity, were not deposited, or were not detected by the procedure.

The Medical Examiner's Report documented the postmortem examination of Subject 1. The report indicated that Subject 1 sustained a gunshot wound to the left shoulder with left rib fractures, perforation of the upper lobe of the left lung and left hemothorax. He also sustained a penetrating gunshot wound of the left side of the chest. The cause of death was multiple gunshot wounds, with the manner being ruled a homicide.

In a statement with IPRA, Involved Officer A, was working Beat 1161A assigned to the 0011th District Tactical Team during the time of the incident. Officer A stated he was on duty in civilian dress, wearing a protective vest with his star displayed. Officer A, along with Officers Officer E, Officer H, and CPD Sergeant 1 were in the office waiting to begin their assignment when Officer D came to the door and said he had received information from an informant that a couple of guys with guns were out on the street. Officers A, C, D, E, and H entered a vehicle and met with Officers B, F, and G on the corner of Harrison and California. They then trailed each other to the address of 2842 W. Polk.

Upon arrival, Officer A observed ten black males standing in front of the address and an adjacent vacant lot located just east of 2842 W. Polk. Officer A exited his vehicle and approached an unknown black male on the sidewalk. Another black male, now known as Subject 1, fled northbound through the gangway. Officer A ran northbound through the vacant lot towards the north alley. Officer A approached the rear yard of 2842 W. Polk through an opening in the fence. He observed Subject 1 emerge from the gangway, armed with a silver handgun in his right hand. Officer A announced his office and ordered Subject 1 to stop. He further yelled, "Police, drop the gun!" Subject 1 fled up the rear porch staircase to the first floor porch landing. He then went behind the staircase leading up to the second floor landing. Officer A continued to order Subject 1 to drop the gun. Subject 1 emerged from behind the staircase and pointed the pistol at him. Officer A stated that he feared for his life and fired what he believed to be three gunshots at Subject 1. Officer A continued to yell at Subject 1 to show him his hands. He continued to cover Subject 1 at gunpoint while Officer B ran up the stairs and placed a handcuff on one of Subject 1's wrists. Officer A ran up the stairs and assisted Officer B by handcuffing the wrist. Officer A observed the silver handgun on the landing next to Subject 1. He called for an ambulance over the radio.

In a statement with IPRA, Witness Officer G stated he was working Beat 6731G and assigned to the Gang Enforcement Unit. He was a passenger in an unmarked

² It should be noted that one fired bullet with three expended shells were recovered and collected from the scene.

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police vehicle with his partner Officer F. Officer G essentially gave the same account of the incident as Officer D. In addition, he stated that he ran westbound through a vacant lot when he heard Officer A yelling, "Police, drop the gun!" Officer G ran toward the area (backyard of the incident) while retrieving his firearm. He observed Officer A in the middle of the yard yelling, "Drop the gun, police." He then observed Subject 1 with his arm extended with a silver pistol in his right hand on the first floor porch. Officer G stated he was approximately fifteen to twenty feet away from the porch when he observed Officer A discharge his firearm three times at Subject 1. Once Subject 1 fell to the porch, Officer B gave verbal direction to Subject 1 and began handcuffing him; Officer A assisted and finished the handcuffing. Officer G maintained that he stood at his vantage point and did not move until after Subject 1 was handcuffed. Officer G indicated that he did not see anyone other than Officer A in the back yard during the incident.

In a statement with IPRA, Witness Officer H stated he was working Beat 1161F and assigned to the 011th District Tactical Team. Officer H essentially gave the same account of the incident as Officer G. In addition, he stated he followed Officer A northbound through the vacant lot. When he arrived in the rear of 2842 W. Polk, he observed Subject 1 exit the gangway with a silver gun in his right hand. Officer H related that he was near the opening in the fence near the alley. Officer H stated that he yelled, "Police, drop the gun, drop the fucking gun!" Subject 1 ran up the stairs to the rear first floor porch deck. Officer H continued to order Subject 1 to drop the gun and to show his hands. At the same time, Officer A was also ordering Subject 1 to drop the gun and show his hands. Officer H observed Subject 1 point the gun at Officer A. In turn, Officer A fired numerous gunshots at Subject 1, who fell to the floor of the porch. Officer H related that Subject 1 would not show his hands as officers approached with caution. He further related that from their vantage point they could not see Subject 1's hands so they moved in closer. Officer B ran up on the porch and started handcuffing Subject 1. Officer H indicated that he could see Subject 1 but did not have a clear shot. Officer A was closer and discharged his firearm. Officer H stated that he was not exactly sure where Officer A was when he discharged his firearm at Subject 1 because he was focused on Subject 1 and not Officer A.

In a statement with IPRA, Witness Officer C, was working Beat 6731B and assigned to the Gang Enforcement Unit for the 011th District Tactical Team. He related he was working with Officer D who was the driver of their vehicle. Officer C stated he received information from Officer I, who was off-duty and out of town, that an informant had information regarding two armed subjects at 2842 W. Polk. Officers A, C, D, E, and H drove to Harrison and California in the same vehicle, where they met Officer B and fellow gang officers. Officers F and G were in an unmarked vehicle and Officer B was in another unmarked police vehicle. Upon arrival to 2842 W. Polk, Officer C observed ten black males standing out in front and in the vacant lot just east of the location. All of the officers in his vehicle exited and approached the males at that location. Officer C stated one of the black males, now known as Subject 1, separated from the group. Subject 1 fled westbound, then northbound in the west gangway while holding his waistband with his right hand. Officer C pursued Subject 1 through the gangway. Midway through the chase, Subject 1 slammed shut a wooden door. Officer C approached the closed door with

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caution and could hear officers on the other side yelling, "Drop the gun." He paused at the closed door and seconds later he heard three to four gunshots. When Officer C entered the rear yard he observed that Subject 1 had been shot and was lying on the first floor porch. He later learned that as a result of Subject 1 pointing a gun at Officer A, Officer A shot Subject 1.

In a statement with IPRA, Witness Officer D stated he was working Beat 6731F and assigned to the Gang Enforcement Unit for the 011th District Tactical Team. Officer D essentially gave the same account of the incident as Officer C. In addition, he related that Subject 1 fled westbound then northbound through the gangway. Officer D entered his vehicle and drove westbound on Polk. He related he then drove northbound on Francisco and eastbound in the north alley of Polk behind Officer B. When he was a few houses west of 2842 W. Polk, he heard several gunshots. Officer D ran to the rear yard of 2842 W. Polk with Officer B in front of him. Once he approached, he observed Subject 1 lying on the first floor rear porch. He further observed Officer B handcuff Subject 1. Officer D stated an ambulance was called to the scene.

In a statement with IPRA, Officer E stated he was working Beat 1161B and assigned to the 011th District Tactical Team. Officer E essentially gave the same account of the incident as Officer C. In addition, he related that when he entered the rear yard he observed that Subject 1 was already shot and wounded on the first floor porch.

In a statement with IPRA, Officer F stated he was working Beat 6731E and assigned to the Gang Enforcement Unit. He was driving an unmarked police vehicle with his partner, Officer G. Officer F essentially gave the same account of the incident as Officer D. In addition, he stated that he detained other unknown subjects in front of 2842 W. Polk until he heard three gunshots. Officer F then ran through the vacant lot and when he arrived in the rear of that location he observed Subject 1 lying on the back porch. Officer F heard Officer B say, "Let me see your hands!" and observed Officer B run up to the first floor porch and handcuff Subject 1. Officer F jumped onto the porch and observed the gun next to Subject 1. Officer B told everyone to leave the porch and an ambulance was requested.

In a statement with IPRA, Officer B stated he was working Beat 6731 and assigned to the Gang Enforcement Unit. Officer B essentially gave the same account of the incident as Officer E. In addition, he stated when he was a couple of houses west of 2842 W. Polk, he heard three to four gunshots. He exited his vehicle and ran to the rear of 2842 W. Polk. After approaching, he observed Subject 1 lying on his back on the first floor landing with a silver handgun in his right hand. Officer B ordered Subject 1 to show his hands. As Officer B approached Subject 1 he dropped the gun from his right hand. Officer B handcuffed one hand of Subject 1's wrists while Officer A handcuffed the other. Officer B requested an ambulance to the scene.

Civil Suit XXXXXXXXXX was filed on behalf of the estate of Subject 1 for wrongful death.

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Police Officer A was in compliance with both Illinois state Law and Chicago Police Department Directives.

Officer C received information that two subjects were in possession of firearms in front of 2842 W. Polk. Officer C, along with Officers D, E, F, G, and H and Officer B responded to the area and observed a group of individuals in front of the residence. The officers exited their vehicles, announced their office and attempted to conduct field interviews of the individuals. The individuals followed the officers' verbal commands, except for the subject, Subject 1. Subject 1 fled northbound through a gangway as officers pursued him through the gangway and through a vacant lot. Officer A entered the rear yard of 2842 W. Polk Street from the alley. Officer A observed Subject 1 exit the gangway and proceed up the steps of the back porch with a chrome firearm in his right hand. Officer A gave Subject 1 verbal commands to drop his firearm. Subject 1 raised his firearm and pointed it in the direction of Officer A. Officer A, in fear for his life, discharged his firearm three times at Subject 1. Subject 1 fell to the ground and dropped his firearm. There were no potential civilian witnesses that were identifiable and cooperated with this investigation. Officer G was the only officer present who witnessed the incident and confirmed the story as stated above.

The Cook County State's Attorney's Office reviewed this officer involved shooting, concluded there was no violation of the Illinois Compiled Statutes, and declined to file any criminal charges in this matter.

Based on the totality of 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 and immediate threat to his or her safety. The R/I finds that 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;

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