

**INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1072212/U #14-37**

**INVESTIGATION**

**NUMBER:** Log #1072212 / U #14-37

**INVOLVED**

**OFFICER:** “Officer A” (Chicago Police Officer); Male/White; 56 years old;  
On-Duty; In Uniform; Year of Appointment – 2003

**OFFICER’S  
INJURIES:** None reported

**SUBJECT:** “Subject 1”; Male/Black; 41 years old

**SUBJECT’S  
INJURIES:** Gunshot wound to right face and graze wound to left  
shoulder

**WITNESS**

**OFFICER:** “Officer B” (Chicago Police Officer); Male/Hispanic; 39 years old;  
On-Duty; In Uniform; Year of Appointment – 2005

**WITNESS**

**OFFICER:** “Officer C” (Chicago Police Officer); Female/White; 34 years old;  
On-Duty; In Uniform; Year of Appointment – 2013

**WITNESS**

**OFFICER:** “Officer D” (Chicago Police Officer); Male/Black; 45 years old;  
On-Duty; In Uniform; Year of Appointment – 2009

**DATE & TIME OF  
INCIDENT:** 23 October 2014, 2354 hours

**LOCATION:** 7958 S. Justine Street, Chicago, IL 60620

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1072212/U #14-37**

### **SUMMARY OF INCIDENT:**

On 23 October 2014, the involved officer and witness officers were working Beat 652 as a four-man rapid response unit when they heard a volley of 9-10 gunshots in the area of E. 80<sup>th</sup> Street and S. Justine Street. Officer A drove their marked vehicle to the mouth of an alley near S. Justine St. where the officers observed a black male with dreadlocks, now known to be Subject 1, fire a gun twice. Subject 1 did not comply with verbal commands from the officers to stop and show them his hands. He proceeded to jump a fence and began running through residences in an attempt to escape the police officers. Officer A and Officer B pursued Subject 1 on foot while Officer C and Officer D secured the crime scene and assisted Subject 1's armed robbery victims, Robbery Victim 2 and Robbery Victim 1. Officers A and B continued to give Subject 1 verbal commands, which he disregarded. During the foot pursuit, Subject 1 turned to face Officer A with a dark object in his right hand. Officer A, in fear of his safety and the safety of Officer B, discharged his firearm twice. Subject 1 immediately fell to the ground. He was taken into custody and transported to Christ Hospital by ambulance, where he was treated for a gunshot wound to the right side of his face and a graze wound to his left shoulder. Victim Robbery Victim 1 was transported to Stroger Hospital, where he was treated for a gunshot wound to his leg and lacerations to his head from being pistol-whipped. Additionally, victim Robbery Victim 2 was transported to Christ Hospital, where he expired from his gunshot wounds. Subject 1 was charged with First Degree Murder upon his release from Christ Hospital.

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1072212/U #14-37**

### **INVESTIGATION:**

Per the **Preliminary Summary Report**, Beat 652 was eastbound on 80<sup>th</sup> Street at S. Ashland Avenue when they heard a volley of 9-10 gunshots. The officers proceeded eastbound across S. Ashland Ave. towards S. Justine Street and observed a subject, now known to be Subject 1, in the west alley of S. Justine St., firing a weapon in an easterly direction. The officers exited their vehicle and one of the officers began to move northbound into the alley, at which time Subject 1 fled east through the houses. The officer in the alley, now known to be Officer D, then observed a black male subject, now known to be Robbery Victim 1, lying on the pavement in the alley. Robbery Victim 1 related to Officer D that he had been shot, robbed, and pistol-whipped by Subject 1. Officer D observed a chrome .357 revolver on the ground in the alley. Robbery Victim 1 related to Officer D that the revolver belonged to Subject 1.

Officer A and Officer B then ran eastbound on 80<sup>th</sup> St. toward S. Justine St. Officer C re-entered the squad car and drove eastbound on 80<sup>th</sup> St. toward S. Justine St. As Officer A and Officer B turned to run northbound on Justine St., they observed a black male subject, now known to be Robbery Victim 2, lying on the sidewalk. Robbery Victim 2 related to the officers that he had been shot. Officer A and Officer B stopped and talked to Robbery Victim 2 until Officer C arrived in the squad car. Officer C stayed with Robbery Victim 2 while Officer A and Officer B continued to run northbound in an attempt to locate or intercept Subject 1.

Subject 1 then emerged from the gangway near 7950 S. Justine St. and continued to flee north on Justine St. Officer A and Officer B ran northbound toward Subject 1 as the officers gave him verbal commands. The officers issued multiple commands for Subject 1 to “Stop,” and “Drop the Gun.” At this time, Officer A was a short distance in front of Officer B. Subject 1 then turned toward the officers with a dark object in his right hand, at which time Officer A, in fear for his safety and the safety of Officer B, discharged two rounds from his firearm. Subject 1 was struck at least once in the neck or jaw area and fell to the ground. As the officers moved closer, they determined that the object the officers observed in Subject 1’s hand was a dark-colored winter hat.

Subject 1 was taken into custody and transported to Christ Hospital by ambulance, where he was treated for a gunshot wound to his jaw and charged upon his medical release.

Robbery Victim 1 was also transported to Stroger Hospital, where he was treated for a gunshot wound to his leg and lacerations to his head from being pistol-whipped.

Robbery Victim 2 was transported to Christ Hospital, where he expired from his gunshot wounds<sup>1</sup>.

---

<sup>1</sup> A fourth subject, unknown information at the time of the walk-through, arrived at Little Company of Mary Hospital and stated he had been shot at 83<sup>rd</sup> Street and Marshfield Ave. The subject that was shot provided a home address of XXXX S. Justine Street. It was unknown at the time of the walk-through if this subject was involved in this incident.

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1072212/U #14-37

No **PODs** or **surveillance cameras** were observed within the vicinity of the shooting.

**Subject 1** did not provide IPRA with a **statement**.

In a teleconference with the R/I, **Robbery Victim 1** stated that he did not observe the police involved-shooting.

In a **To/From Report**, it was reported that Robbery Victim 1 stated that on 23 October 2014, at approximately 1130 hours, he was on the corner of 80<sup>th</sup> Street and S. Justine Street with his friend, (now known to be Robbery Victim 2), when two unknown men approached them and pulled out a gun. The two men demanded their money and then began shooting at them. Robbery Victim 1 described the person who shot him as a tall black male with dreadlocks. He stated that he was shot at about six times and when the gun stopped firing, the same black male struck Robbery Victim 1 on the head three to four times with a gun. Robbery Victim 1 stated that when the police arrived on the scene, they chased the black male on foot. Robbery Victim 1 heard numerous gunshots coming from where the black male was being chased. He did not witness the interactions between the offender who shot him and the police officers who arrived on the scene. Robbery Victim 1 also did not observe what happened to Robbery Victim 2 or the other offender.

Additionally, the R/I contacted **Potential Witness**, who was placed into custody after preliminary investigation revealed him as a possible offender in Robbery Victim 2's armed robbery/homicide.<sup>2</sup> Potential Witness related that he did not observe the police-involved shooting.

The **Arrest Report** for Subject 1 (RD#HX-479713) reports that Subject 1 was placed into custody after he was observed by police officers discharging a handgun in the alley of 7950 S. Justine Street. He was charged with First Degree Murder.<sup>3</sup>

A **canvass** of the area surrounding 7944 S. Justine Street on 24 October 2014 yielded no witnesses to the police shooting or any additional cameras which may have captured the shooting.

**Medical Records** from Advocate Christ Medical Center document that Subject 1 was treated for a gunshot wound to the right side of his face and a graze wound to his left shoulder. His serum alcohol level was 272 mg/dL.<sup>4</sup>

---

<sup>2</sup> However, further investigation revealed that Potential Witness was a witness/victim and he was released without being charged.

<sup>3</sup> The original Arrest Report for Subject 1 states that Subject 1 was placed into custody after he was observed by police officers discharging a handgun in the alley of 7950 S. Justine St. He was charged with Aggravated Assault/Discharge Firearm.

<sup>4</sup> This would be equivalent to a blood alcohol concentration level of approximately .272, see <http://emedicine.medscape.com/article/2090019-overview>

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1072212/U #14-37

An **Illinois State Police Laboratory Report for RD#HX-479713** dated 07 November 2014 indicates that a revolver, one live cartridge, and numerous discharged cartridge cases were examined and revealed no latent prints suitable for comparison.

An **Illinois State Police Laboratory Report for RD#HX-479713** dated 12 December 2014 indicates that three firearms, Officer A's Glock 17 and the two guns located on scene were analyzed by the firearms section. The overall findings do not contain any information to change the finding of this investigation.

168 **ET Photos** were taken of the area surrounding the crime scene and of the assorted items scattered around the crime scene belonging to Subject 1 and the victims.

The **CPD Crime Scene Video** depicts various images and angles of the crime scene.

**CPD Event Queries** indicate that multiple 911 callers reported "shots fired" in the area of the shooting.

Officer B's **Tactical Response Report** documents that Subject 1 was armed with a firearm – revolver and did not follow verbal direction, fled, and posed an imminent threat of battery.

Officer B's **Officer Battery Report** documents that he was uninjured as a result of his encounter with Subject 1.

Officer A's **Tactical Response Report** documents that Subject 1 was armed and did not follow verbal direction, fled, and posed an imminent threat of battery with a weapon. Officer A reported that he fired his weapon in fear of his life after Subject 1 pointed what Officer A perceived to be a weapon at him.

Officer A's **Officer's Battery Report** documents that he was uninjured as a result of his encounter with Subject 1.

In a **statement to IPRA** on 24 October 2014, at approximately 0544 hours, **Witness Officer D** related that on 23 October 2014 at approximately 2354 hours, he was assigned to regular patrol in Beat 652. He stated that he was in a marked Ford Explorer with his partners: Officers A, B, and C. Officer D related that Officer A was the driver of the vehicle and Officer C sat in the front passenger side seat. Officer D was sitting in the back on the passenger's side and Officer B was sitting in the back on the driver's side. All of the officers were uniformed. He related that their vehicle did not have a working in-car camera.

Officer D stated he and his partners first came into contact with the offender, now known to be Subject 1, when they heard what appeared to be a series of quick and loud gunshots ring out in the general vicinity of 80<sup>th</sup> Street and Ashland Ave. He reported that Officer B immediately called out "shots fired" on the city-wide system. Officer D stated

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1072212/U #14-37**

they proceeded to drive eastbound toward where they heard the gunshots. As they continued eastbound on 80<sup>th</sup> St., Officer D reported that their vehicle approached the mouth of the north/south alley west of Justine Street (between Ashland Ave. and Justine St.), where they continued to hear and could feel gunshots. Officer D related they were still in their vehicle proceeding eastbound on 80<sup>th</sup> St., as they looked northbound down the alley and saw a black man with dreadlocks, now known to be Subject 1, who was dressed in dark-colored clothing and a black leather jacket. Officer D stated he then observed a “flash of fire” that was representative of a gunshot come from Subject 1, who appeared to be holding a dark object in his hand. Officer D stated that at this point, their vehicle was now stopped at the mouth of the alley and all of the officers had exited the vehicle.

Officer D stated that Officer A issued multiple verbal commands to Subject 1, telling Subject 1 to stop and instructing him to put his weapon down. Subject 1 then jumped a fence and proceeded eastbound. As Officer D approached the area where Subject 1 jumped the fence, he heard a voice state that he had been “pistol-whipped.” He looked down and observed a black male, now known to be Robbery Victim 1, who told Officer D he had been robbed and shot. There was a silver snub-nosed revolver gun lying beside Robbery Victim 1, who stated the gun belonged to Subject 1. Officer D related he used his boot to move the gun away from Robbery Victim 1. He stated Robbery Victim 1’s leg and face were covered in blood, so he immediately called for Chicago Fire Department (CFD) emergency personnel to assist Robbery Victim 1. Officer D recalled hearing one to two gunshots. He reported that he stayed with Robbery Victim 1 until CFD took him away. Officer D stated he then proceeded to secure the crime scene area.

In a **statement to IPRA** on 24 October 2014, at approximately 0637 hours, **Witness Officer C** related essentially the same information as Officer D. She reported that after entering the alley and observing the offender now known to be Subject 1, all of the officers exited the police vehicle. Officer C stated Subject 1 then looked in their direction. She stated Officer A had his weapon drawn and was issuing verbal commands to Subject 1 to “Stop,” “Don’t move,” and instructing him to show his hands. Officer C related that Officer A instructed her to drive the police vehicle while he and Officer B engaged in a foot pursuit of Subject 1 eastbound on 80<sup>th</sup> Street. Officer C related Officer D proceeded northbound down the alley. She stated Subject 1 was already running northbound and headed east over a fence and through a gangway. Officer C stated she was not able to observe whether Subject 1 had anything in his hand. She did not recall seeing anyone else in the alley.

Officer C related that as she turned northbound onto Justine from 80<sup>th</sup> St., she observed a victim lying on the ground. She stated she immediately stopped the vehicle and requested an ambulance. Officer C described the victim as a black male wearing a red hoodie and blue jeans, now known to be Robbery Victim 2. The victim stated he had been shot in the chest by an unknown offender, now known to be Subject 1. Officer C stated that after their brief conversation, she looked northbound and saw Subject 1 lying on the ground in the alley with Officer A and Officer B nearby. She stated she observed a black hat lying in the grass next to Subject 1’s right hand. Officer C reported Officer B

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1072212/U #14-37

called an ambulance for Subject 1. She stated she did not even realize that one of her partners had discharged a firearm until she heard “Shots fired by the police” over the radio. Officer C stated two weapons were recovered on scene, one from the alley and one from the gangway.

In a **statement to IPRA** on 24 October 2014, at approximately 0720 hours, **Witness Officer B** related a similar account of the incident as Officer D and Officer C. Officer B related he unholstered and removed his firearm upon exiting their police vehicle. He and Officer A then ran eastbound along 80<sup>th</sup> Street on the sidewalk. Officer B stated that when they got to Justine Street and turned the corner, he and Officer A observed a black male wearing a tan coat. This man was lying on the ground and stated he had been shot. Officer B checked the man’s hands to make sure he was unarmed.

Officer B related he then observed Subject 1 running northbound down Justine St. on the sidewalk. Officer B and Officer A gave chase and followed Subject 1 northbound along Justine St. He related Subject 1 was approximately 25 to 30 feet ahead of them. Officer B stated he and Officer A were ordering Subject 1 to “Stop,” when Subject 1 turned to the right and made a motion with his right arm. Officer B stated he observed a black object in Subject 1’s right hand which he believed was a weapon. He explained he believed Subject 1 was armed because he had previously watched Subject 1 discharge a firearm in the alley and because Subject 1 was carrying the item in his hand as someone would hold a weapon. Officers A and B continued to state “Police” and issued verbal commands to Subject 1 to “Drop it!” Subject 1 again failed to comply with their orders and Officer A discharged his firearm twice. Officer B stated he was approximately four or five feet away from Officer A when Officer A discharged his firearm at Subject 1 twice. He stated Subject 1 immediately fell to the ground and Officer B ran up to him to check him for weapons. He stated he observed blood on the right side of Subject 1’s face and neck. Officer B called in the shooting to dispatch and also called for an ambulance. Subject 1 was placed into custody by one of the responding police officers who showed up on scene. He reported Subject 1 was searched by an Officer E, who located live rounds on Subject 1’s person. Officer B stated two revolver-type weapons were recovered from the scene, one in the alley and one in a gangway. Officer B reported shell casings were also recovered from 80<sup>th</sup> Street just before Justine St.

In a **statement to IPRA** on 26 October 2014, at approximately 1220 hours, the **Involved Member, Officer A** related a similar account of the incident as his partners. He reported they were assigned to a rapid response beat. Officer A explained that this consists of responding to in-progress calls, such as shots fired, armed persons, robberies, and burglaries. Officer A stated he had all of his required equipment on him, including his weapon, a Glock 17, 9 mm, which was fully loaded with authorized ammunition. Officer A reported that upon hearing 10 to 12 gunshots from their location, west of 80<sup>th</sup> Street and Ashland Avenue, he and his partners proceeded to the location where they heard the gunshots.

Officer A reported he was driving their marked vehicle that night. He reported that he drove across Ashland Ave. on 80<sup>th</sup> St. and pulled up to the mouth of the north

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1072212/U #14-37**

alley between 79<sup>th</sup> St. and 80<sup>th</sup> St. Officer A stated he heard two loud shots and saw two flashes. He next saw the offender, now known to be Subject 1, attired in dark clothing, standing approximately 40-50 feet away from the officers and firing a weapon. Officer A, who was still inside of the police vehicle, drew his weapon and pointed it at Subject 1, while stating, "Stop, don't move, don't move!" Subject 1 turned and faced Officer A. Officer A stated Subject 1 appeared to be ready to comply with Officer A's orders when he suddenly turned and ran away.

Officer A stated Subject 1 jumped over a fence and ran eastbound toward Justine St. between some residences. Officer A related he then exited the police vehicle and ran eastbound on 80<sup>th</sup> St. toward Justine St. As he turned the corner on Justine St. heading northbound, he observed a black male lying on the ground on his right side. The man stated, "I'm shot, help me." Officer A told him to hold on and continued to pursue Subject 1 northbound on Justine St. He stated he was not sure if his partners were behind him at that time. Officer A observed Subject 1 exit out onto Justine St. from a gangway. He gave Subject 1 verbal commands to "Stop" and "Don't move." Subject 1 disregarded Officer A's orders and turned and ran northbound on the sidewalk along the west side of Justine St. Officer A continued to direct verbal commands to Subject 1, who turned, looked at Officer A, and made a quick movement with his right arm. Officer A stated it appeared Subject 1 had a black gun in his hand. Officer A then discharged his firearm twice from about 10-15 feet away from Subject 1. Subject 1 fell to the ground after the second shot.

Officer A approached Subject 1 and observed a black hat lying on the ground by Subject 1's right side. He did not observe any weapons near Subject 1. Officer A stated it appeared Subject 1 had been shot in the back of the neck and was bleeding from his cheek. In order to avoid further injuring Subject 1, Officer A did not place him into handcuffs. Subject 1 told Officer A he had been shot in the head. Officer A stated he recalled other police officers arriving on scene almost immediately after the shooting, but could not recall exactly who was there. He did recall Officer B was on scene right away. Like his partners, Officer A reported two firearms were located on scene. Specifically, Officer A recalled a revolver was located in the alley and three live rounds were found on Subject 1's person.



## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1072212/U #14-37

### CONCLUSION:

According to the **Chicago Police Department's General Order 03-02-03, Section II-A** governing "Department Policy", the order states in relevant part:

- 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 Reporting Investigator recommends a finding that **Officer A's use of deadly force** was within Chicago Police policy, as his actions were reasonable based on the totality of the circumstances. Subject 1 repeatedly ignored verbal commands from Officer A and Officer B to "stop" and drop his weapon after Subject 1 had committed a forcible felony, in that he robbed and shot two men. Subject 1 was observed with a firearm and then later had a large black object in his hand. He was again given commands to drop what was in his hand, but did not comply with this order. Subject 1 then turned toward Officers A and B with the unknown black object in his hand, thus, placing Officer A in fear of death or great bodily harm to himself and Officer B. Based upon Subject 1's actions, a reasonable officer could certainly believe that Subject 1 posed an imminent threat to the involved officers. Therefore, Officer A acted within policy in his use of deadly force against Subject 1 with his firearm.