

INDEPENDENT POLICE REVIEW AUTHORITY

Log# 1022335/U# 07-27

**INVESTIGATION**

**NUMBER:** LOG #1022335 / U#07-27

**ACCUSED**

**OFFICER**

**INVOLVED:** “Officer A” (Chicago Police Officer); Male/White; 32 years old;  
On Duty; In Uniform; Year of Appointment – 2005  
(Did not discharge weapon).

**OFFICER(1)’S**

**INJURIES:** None reported.

**ACCUSED**

**OFFICER**

**INVOLVED:** “Officer B” (Chicago Police Officer); Male/White; 38 years old;  
On Duty; In Uniform; Year of Appointment – 2003

**OFFICER(2)’S**

**INJURIES:** None reported.

**ACCUSED**

**WITNESS**

**OFFICER :** “Officer C” (Chicago Police Officer); Male/White; 32 years old;  
On Duty; In Uniform; Year of Appointment – 2004

**OFFICER(3)’S**

**INJURIES:** None reported.

**SUBJECT:** “Subject 1”; Male/Black; 17 years old

**SUBJECT’S**

**INJURIES:** Gunshot wound to the neck; Transported to Mount Sinai Hospital.

**INITIAL**

**INCIDENT:** Street Stop

**DATE/TIME**

**OF INCIDENT:** 23 August 2007, approximately 2227 hours.

**LOCATION:** Near 3939 W. Wilcox

## INDEPENDENT POLICE REVIEW AUTHORITY

Log# 1022335/U# 07-27

### INVESTIGATION:

In a report submitted by **Acting Assistant Deputy Superintendent A** it is reported that on 23 August 2007, at 2235 hours, Operations Command notified him of a police involved shooting in the 11<sup>th</sup> District, at 3939 West Wilcox. Acting Assistant Deputy Superintendent A responded to the scene and interviewed various police personnel including Officer A, Officer B and Officer C, assigned to Unit 253.

Officers A, B and C, assigned to Unit 253, Beat 4224C, were patrolling the 11<sup>th</sup> District's Level Two Deployment Area. The officers had just completed a traffic stop in the area during which they issued a traffic citation. At this time, the officers observed three black males walking northbound on Springfield toward Adams. One of the black males, now known as Subject 1, was wearing a heavy jacket that appeared to hang significantly lower on the right side and he was holding the right side of the jacket. Because the weather was warm, the officers wanted to conduct a field interview of the subjects.

Officers A and B approached the black males on foot. The two subjects walking with Subject 1 looked at Subject 1, Subject 1 fled from the approaching officers with Officer A immediately behind him in pursuit. Officer B followed approximately 10-15 feet behind and simultaneously, Officer C proceeded westbound on Adams in the police vehicle in an effort to block any possible escape routes. Subject 1 fled northbound on Springfield, then westbound on Adams, entering the enclosed lot of the Delano Grammar School. As he fled, Subject 1 held onto the right side of his jacket while reaching under his jacket with his left hand, throwing objects to the ground. Officers A and B repeatedly shouted for Subject 1 to stop but he ignored their commands and continued to flee from the officers.

Subject 1 ran the entire length of the school lot, entered a darkened alcove and turned toward Officers A and B. The officers repeatedly instructed Subject 1 to show his hands and place them up. Subject 1 responded by pulling up his jacket, reaching for a shiny metallic object in his waistband area and thrusting his hand directly at the officers. Officers A and B, in fear of their lives, fired upon Subject 1. Officer A fired two rounds and Officer B fired one round. Officer C had driven the police vehicle around the school lot and onto Wilcox where he exited his vehicle and observed Subject 1 in the darkened alcove with his back towards him, facing Officers A and B. Officer C heard Officers A and B repeatedly instruct Subject 1 to show his hands and then he heard three shots.

Medical assistance was immediately requested for Subject 1. Officers re-traced the route of the pursuit and officers recovered suspect narcotics.

Weapons belonging to Officer A and Officer B were recovered and inspected by Crime Lab personnel.

The **Roundtable Report** submitted by IPRA Investigator A, in essence related the same information as reported in ADS report.

INDEPENDENT POLICE REVIEW AUTHORITY

Log# 1022335/U# 07-27

**Officer A**, related to the **Roundtable Panel** that he and his partners were at Adams and Springfield to conduct a traffic stop when they observed Subject 1 and the two unidentified black males walking northbound on Springfield. Officer A observed that Subject 1 was wearing beige parka (jacket) and that Subject 1 was holding the right side of the jacket, which drooped. Officers B and C approached Subject 1, who turned to run southbound. Subject 1 saw Officer A and ran westbound on Adams and then northbound into a school lot where he lost a shoe. Officer A's attention was focused on Subject 1 and Officer A did not see where the other two black males went. The officers repeatedly announced their office and told Subject 1 to stop and put his hands in the air, but Subject 1 kept running. Subject 1 reached the corner of the lot, saw the squad car on the street and ran back to Officers A and B, who yelled at Subject 1 to show his hands. Subject 1 raised his coat and Officer A saw something shiny. Subject 1 reached for his waistband then raised and extended his right hand and arm toward Officer A. Officer A, fearing for his life, fired two times at Subject 1, who fell to the ground. Officer A approached Subject 1, handcuffed him and asked if he was hit. Subject 1 replied that he was. Officer A then heard his partners behind him calling for an ambulance. Officer A recovered suspect narcotics, but did not recover a weapon at the scene.

**Officer B** related to the **Roundtable Panel** that after conducting a traffic stop, he and his partners observed three black males on the west side of the Springfield, one of whom was wearing a brown parka (jacket). Officer C approached Subject 1 to conduct a field interview and Subject 1 ran westbound on Adams. Officer B got out of the car and followed Officer A in running after Subject 1. They ran northbound through the school lot and turned westbound at the playground. When Subject 1 observed Officer C, who had pulled up in front of him and near the exit of the playground lot, Subject 1 turned around and faced Officers A and B. The officers told Subject 1 to put his hands up. Subject 1 reached for his waist and raised his right hand in an aggressive manner toward the officers. Fearing for his life, Officer B fired one shot. Officer B was standing to the right and behind Officer A at this point, approximately 20 feet from Subject 1. The officers placed Subject 1 in custody and radioed for an ambulance.

**Officer C**, related to the **Roundtable Panel** that he and his partners conducted a traffic stop and issued the driver a citation. Officer C observed three black males walking northbound on Springfield. Officer A wanted to conduct a field interview because Subject 1 was wearing a large heavy coat. Officer A remained outside the police vehicle and Officer C drove to the intersection of Springfield and Adams. Officer C shined the spotlight on Subject 1 and asked him to show his hands. Subject 1 turned to run southbound, saw Officer A on foot and ran westbound on Adams. Officer B got out of the squad car and chased Subject 1 with the Officer A. Officer C drove westbound to an alley, drove down the alley to Wilcox and turned right, stopping near the gate to the school lot. When Officer C first saw Subject 1, Subject 1 had his back to him and was facing the other officers. Officer C got out of the squad car and heard Officers A and B tell Subject 1 to show his hands. Officer C then heard three shots. He went to render aid to Subject 1 and make sure that his partners were safe. Officer C radioed for an ambulance.

INDEPENDENT POLICE REVIEW AUTHORITY

Log# 1022335/U# 07-27

**CPD Detective 1** related to the **Roundtable Panel** that he rode in CFD Ambulance #10 with Subject 1 to Mount Sinai Hospital. Subject 1 provided CPD Detective 1 with his name and told him that he was walking around the school. Subject 1 related that he ran from the police because he did not want to go jail and that the officers shot him for no reason. After the paramedics and hospital staff treated Subject 1, he told CPD Detective 1 that he was walking westbound on Springfield with his cousin “[First Name]” and a friend whose name he did not know. The police pulled up next to them and told them to stop. Subject 1 ran away until he got tired of running. The officers told him to put his hand in the air. Subject 1 stopped running and turned around and the officers shot him. Subject 1 sustained a through-and-through gunshot wound to the fleshy tissue below the chin. Subject 1’s father was at the hospital and confirmed that “[First Name]” was with Subject 1 earlier in the evening, but did not have any further information for “[First Name].”

In an interview provided on 24 August 2007, to IPRA Investigator B, **Witness 1** related that she and a friend, Witness 2, were sitting on her front porch drinking beer when she observed officers stop their (the Officers’) vehicle at a curb close to a school, exit and conduct a traffic stop of an unidentified vehicle occupied by an unknown black male and black female. As the officers completed the traffic stop and were in the process of the leaving the area, they observed two black male teenagers walking eastbound on Adams to Springfield. As the officers approached the black males, one stopped at the open gate by the school and the second black male wearing a puffy coat, fidgeted and ran through the school lot, followed by one of the officers. Witness 1 related that the officer, who had his weapon in his hand, chased the male. Witness 1 heard four gunshots. Witness 1 ran into the school lot, but was instructed by officers to leave. Witness 1 related that she and Witness 2 were the only people out on the street at the time of the incident. Witness 1 related that she did not know the unknown black males, but recognized one of them from the area.

During a canvass of the area, IPRA Investigator B, spoke with **Witness 2[First Name Only]** (No further information). Witness 2 related that she did not wish to be involved and refuse to provide a full name or contact information. Witness 2 related that she and Witness 1 were sitting on Witness 1’s porch at XXXX W. Adams when she observed a marked police vehicle with two unknown white male uniformed police officers stop a male and female older black couple. The officers remained in the vehicle. After the traffic stop, Witness 2 observed three black males walking southbound on Springfield. The officers stopped the black males. One of them, who was wearing a puffy coat, ran into the school lot. The passenger officer exited the vehicle, holding a gun in his hand, and chased the black male. The driver officer exited the vehicle, chased the black male behind the basketball court. Witness 2 heard three to four gunshots. Witness 1 and Witness 2 ran north on Springfield to Wilcox and onto the school lot and observed a young man on the ground near the tree close to the gate facing Wilcox. Additional officers arrived on the scene. Witness 2 related that because it was raining Witness 2 and Witness 1 were the only people on the street.

INDEPENDENT POLICE REVIEW AUTHORITY

Log# 1022335/U# 07-27

On 24 August 2007, IPRA Investigator C responded to **Mount Sinai Hospital** in an attempt to obtain an interview from Subject 1. Subject 1 refused to provide an interview. IPRA Investigator C spoke with the attending physician, Doctor A. Doctor A stated that Subject 1 appeared to have sustained a through-and-through gunshot wound under his chin, and that the round did not strike Subject 1's throat, voice box or any other major organ.

In an in-person signed statement taken at IPRA on 29 September 2007 by IPRA Investigator D, **Victim Subject 1**, in the presence Attorney A and Subject 1's father, [Father of Subject 1], related that he and his cousin, [First Name] and an unknown male friend were walking northbound on Springfield. Subject 1 explained that because it was raining off and on during the evening, he wore a coat with a hood.

Subject 1 stated that two male/white uniformed officers in a blue and white vehicle pulled up onto the sidewalk behind him. Subject 1 turned around and faced the officers. The officers, exited the vehicle and stated, "Don't move!" Subject 1 stated that the officers did not have their guns out at the time. He stated that although the officers instructed them not to move he ran because the officers got out of the cars too fast. Subject 1 stated that he thought the officers were going to do something to him. Subject 1 stated that the officers in that area act crazy. Subject 1 had fear of the police, due to hearing stories from others in the area. Subject 1 ran westbound on Pulaski, then doubled back, and ran towards the schoolyard. One of the officers chased him on foot and the other officer was in the police vehicle. Subject 1 ran into the schoolyard and towards the exit gate, when he realized that there was a police vehicle in front of him and a second vehicle outside of the gate. Officers instructed Subject 1 to place his hands in the air. One officer then instructed Subject 1 to get on the ground. As Subject 1 moved his hands in a downward motion to the get down on the ground, one of the officers shot him.

Subject 1 did not see the officer who shot him. Subject 1 later learned from the media that officers put narcotics on his person. Subject 1 denied having drugs on his person. Subject 1 related that when the officers initially stopped him, his hands were at his side and not inside his coat pocket. At no time during the foot chase were his hands inside of his pockets. Subject 1 related that his coat was open the entire time and that he did not reach for his waistband. Subject 1 had no previous contact with either officer.

**Medical records** obtained from **Mount Sinai Hospital** reflect that Subject 1 sustained a gunshot wound to the neck.

A **canvass** of the area produced no additional witnesses or information.

**OEMC** records document that calls were made regarding a person shot from the telephone numbers of XXX-XXX-XXXX, unidentified caller, and XXX-XXX-XXXX, [Telephone Caller].

## INDEPENDENT POLICE REVIEW AUTHORITY

Log# 1022335/U# 07-27

An **Attempt to Contact OEMC / 911 caller** was unsuccessful. The telephone number of XXX-XXX-XXXX, identified as the telephone number of [Telephone Caller #2], was found to be out of service.

A personal visit was made to **911 caller** [Telephone Caller], XXX-XXX-XXXX, and additionally telephone contact was made. [Telephone Caller] related that she heard approximately four gunshots and that she did not witness the police involved shooting.

**Arrest Report CB# 16992505** associated with Subject 1 in essence reflects the same account of the incident as reported in the ADS report and the Roundtable report. Officers related that as Subject 1 fled, he ran through a school lot and he appeared to be clutching his side as if he was holding a weapon. Officer A observed Subject 1 reach into his pocket with his left hand and throw to the ground two clear plastic bags later to be recovered as suspect narcotics. As Subject 1 fled through the school lot, he doubled back and fled in the direction of Officers A and B. Subject 1 then pulled up his jacket with his left hand and reached into his waistband with his right hand. The officers observed a shiny object that the officers believed to be a weapon. Subject 1 raised his right hand toward the direction of the officers. In fear of their safety, the officers discharged their weapons and struck Subject 1 who was subsequently arrested. The shiny object, which the officers believed to be a weapon, was a belt buckle on Subject 1's pants. Subject 1 was charged with two counts of possession.

**Case Supplementary Report RD# HN546743** reflects in essence the same information as reported in the General Case report and ADS report. In addition, the report reflects CPD Detective 1 and CPD Detective 2 spoke with Subject 1 at Mount Sinai Hospital. The detectives informed Subject 1 of his rights. Subject 1 stated that he was walking when police chased him for no reason. He ran through a school lot and stopped when he got tired. When Subject 1 stopped, he raised his hands in the air and when he placed his hands by his waistband the officer shot him.

**Evidence Technician photographs** taken on the date of the incident depict images of the scene and numbered evidence.

**Additional photographs** depict a shiny belt buckle attached to a green belt looped around the waistband of a pair of blue jeans.

**Tactical Response Reports** submitted by **Officer B** and **Officer A**, document that Subject 1 posed an imminent threat to the officers. The officers responded with the use of deadly force in that they discharged their weapons.

**Inventory reports** document that officers recovered articles of clothing, suspect narcotics, and fired ammunition.

**Forensic Investigators** recovered and inventoried weapons belonging to Officers A and B.

INDEPENDENT POLICE REVIEW AUTHORITY

Log# 1022335/U# 07-27

**Reports** obtained from the **Illinois State Police Lab** documents that the weapons belonging to Officer A and Officer B were tested and found to be in working condition.

**Reports** obtained from the **Illinois State Police Lab** documents that the inventoried suspect narcotics, recovered from Subject 1, was tested and no scheduled substance was found.

On 16 September 2009, Subject 1 received a **settlement** relative to **Civil Suit # 08 CV3803** in the amount of \$48,432.00.

In a digitally recorded interview taken at IPRA on 08 June 2011, **Accused Officer A** related in essence the same information as reported to the Roundtable Panel and in submitted Department reports. Additionally, Officer A related that during the foot chase, he gave Subject 1 verbal commands to stop, but he failed to comply. Officer A stayed in radio contact with Officers B and C during the foot chase. Officer A observed that Subject 1 ran with his right arm clutched to his side and his left hand reaching inside of his jacket and threw out a white bag holding possible narcotics.

As Subject 1 reached the alcove at 3939 W. Wilcox, he turned and ran back towards Officer A, who had his weapon raised and instructed him to stop, but Subject 1 failed to comply. As Officer A repeatedly instructed Subject 1 to place his hands in the air, he heard Officer B behind him also giving Subject 1 verbal commands to stop. Suddenly, Subject 1 stopped, turned and ran towards the officers. Officer A again instructed Subject 1 to place his hands in the air, but he refused. Officer A, who had his weapon drawn, approached Subject 1 and repeated his instructions and Subject 1 still refused to comply. Officer A moved closer to Subject 1 and as he began to holster his weapon, Subject 1 raised his jacket, reached into his pants. Officer A observed Subject 1 pull out and extend his arms forward toward him, at which time Officer A, who was approximately 20 to 30 feet from Subject 1, drew his weapon and discharged his weapon twice. Subject 1 placed his hands back into his jacket pockets and fell to the ground. Officer A ordered Subject 1 to show his hands, but Subject 1 refused to comply. Officer A asked Subject 1 if he had been shot and he replied yes. Officer A asked Officer B to call for an ambulance. Officer A handcuffed Subject 1.

Officer A related that Subject 1 did not fire a weapon at him and there was no weapon recovered at the scene. Officer Subject 1 was standing in the open when he fired his weapon. The area where Subject 1 stood was dark. There was artificial lighting from the street.

Officer A related that he was not aware that Officer B was also involved in the foot chase and only became aware of his presence behind him, when Officer B fired his weapon once at Subject 1.

Officer A related that he did not plant drugs on Subject 1, he did not falsely arrest him nor did he shoot Subject 1 without justification. Officer A related that Subject 1

## INDEPENDENT POLICE REVIEW AUTHORITY

Log# 1022335/U# 07-27

failed to follow verbal commands and made a furtive move toward his waistband and being in fear for his safety, he fired his weapon.

Officer A related the path of the foot chase to additional officers who arrived on the scene. The additional officers on the scene recovered suspect narcotics.

Officer A related that the two unknown males with Subject 1 were no longer on the scene. Officer A had no knowledge of their whereabouts.

In a digitally recorded interview taken at IPRA on 08 June 2011, **Accused Officer B**, related in essence the same information as reported to the Roundtable Panel and in Department reports. Officer B related that as Officer A pursued Subject 1 on foot, Officer B exited the vehicle and followed. During the chase, Officer B lost briefly lost sight of Subject 1. When he observed him again, Subject 1 was still running and being followed by Officer A. Both he and Officer A repeatedly yelled for Subject 1 to stop but he refused. Suddenly as Subject 1 entered the alcove, he stopped, turned toward the officers, and with his left hand, lifted the bottom of his jacket and with right hand, he reached toward his waistband. Officer B observed a shiny object, which Officer B believed to be a weapon. Officer A fired two shots at Subject 1. In fear for his safety and the safety of Officer A, Officer B fired once at Subject 1.

Officer B related that during the chase he did not observe Subject 1 throw anything to the ground. Officer A informed him that during the chase he observed Subject 1 throw something to the ground.

As Subject 1 lay on the ground, he continued to resist and the officers repeatedly instructed him to stop, handcuffed him, and requested an ambulance.

Officer B denied the allegations attributed him. Officer A related that he did not plant drugs on Subject 1, he did not falsely arrest him nor did he shoot Subject 1 without justification.

On 25 July 2011, **Accused Officer C**, provided a digitally recorded interview to IPRA. Officer C related on the date and time of the incident he was on duty, in a marked squad car, and in uniform. Officer C stated that even though it had rained earlier that night, the rain had stopped and it was dark outside. Officer C related that he and his two partners, Officers A and B, attempted to conduct a street stop of three males in the vicinity of 3939 W. Wilcox. Officer A noticed that one of the males (NKA Subject 1) appeared to have a heavy object in his coat pocket. Officer A exited the car first to approach Subject 1 and the other two individuals. Officer C related that he turned on the headlights of the car, exited it, and told everyone to step in front of the vehicle and put their hands on the car. Officer C stated two of the males complied and put their hands on the car, but Subject 1 immediately fled on foot.

Officer C related that Subject 1 headed west and in the process of running, one of Subject 1's shoes came off. At this time, Officer A pursued Subject 1 on foot, followed



# INDEPENDENT POLICE REVIEW AUTHORITY

Log# 1022335/U# 07-27

by Officer B. Officer C got back inside the car and drove westbound in pursuit of Subject 1 as well. As Officer C turned northbound around the school and into an alley, Officer C spotted Subject 1 again. When Officer C saw Subject 1, he got out of his car to chase him on foot as Officers A and B were nearing Subject 1. Officer C stated that there was a huge curb that he was looking down at and at which time Officer C heard "Show me your hands." Officer C related that when he looked up, shots were fired. Officer C stated that he could not see who was firing their weapons because he was focused on Subject 1 and it was really dark in this area as well. Officer C related that he did not know how many shots were fired but that he could see Subject 1 falling to the ground and Officers A and B with their weapons in their hands. Officer C related that although he did not see Subject 1 pull a weapon out, he was positioned whereas he could only see Subject 1's left side.

The officers approached Subject 1 who was shot and lying on the ground. They placed Subject 1 into custody and then called for backup and medical assistance. Officer C related the he saw a gunshot or graze wound on the left side of Subject 1's neck and that Subject 1 was bleeding heavily.

Officer C related that he later found out while at the district station that a bag of suspect narcotics was found at the scene and Subject 1 would be charged accordingly. Officer C categorically denied the allegations against him. He stated that he did not stop Subject 1 without justification, plant drugs on Subject 1, or falsely arrest him.

## INDEPENDENT POLICE REVIEW AUTHORITY

Log# 1022335/U# 07-27

### CONCLUSION:

Based on the information obtained during this investigation, the Reporting Investigator recommends that **Allegation #1** that **Officer B, Officer A and Officer C**; stopped Subject 1 without justification be **NOT SUSAINED**. The officers observed Subject 1 who was wearing a heavy jacket on a warm and humid day. The jacket appeared to be hanging low on one side and the officers decided to conduct a field interview and were justified in doing so. Based on the officers' account as well as Subject 1, as the officers approached Subject 1 and his friends, Subject 1 immediately fled. The remaining males complied with the officers' orders.

Based on the information obtained during this investigation, the Reporting Investigator recommends that **Allegation #2** that **Officer B, Officer A and Officer C**, planted narcotics on Subject 1 be **NOT SUSTAINED**. Officer A related in his statement that during the foot chase he observed Subject 1 throw a clear baggie from his the pockets from his jacket. Officers later recovered suspect narcotics in the path of the foot chase involving Subject 1. Although Subject 1 denied being in possession of suspect narcotics, the officers denied the allegations. There were no additional witnesses to the incident. Based on the above, there is insufficient evidence to substantiate the allegation.

Based on the information obtained during this investigation, the Reporting Investigator recommends that **Allegation #3** that **Officer B, Officer A and Officer C**, **falsely** arrested Subject 1 be **NOT SUSTAINED**. Officers approached Subject 1 in an attempt to conduct a field interview when he then fled the area on foot. During the pursuit, Officer A observed Subject 1 discard items from his jacket pocket. During a search of the area, officers recovered a plastic bag identified by Officer A as containing suspect narcotics.

Based on the information obtained during this investigation the Reporting Investigator recommends that **Allegation #4** that **Officer B and Officer A** failed to follow the provisions as set forth in the Use of Force Policy in that Officers A and B shot Subject 1 without justification, be **UNFOUNDED**.<sup>1</sup> During the pursuit of Subject 1, the officers believed that they observed a weapon on his person. Although officers did not recover a weapon from the scene, the officers related that they observed something shiny that led them to believe that Subject 1 had a weapon on his person. According to Officer B, during the pursuit, Subject 1 stopped, turned toward the officers, lifted the bottom of his jacket and reached toward his waistband. Officer B observed a shiny object, which he believed to be a weapon. Similarly, Officer A related that Subject 1 raised his jacket, reached into his pants, and extend his arms forward toward the officers. The officers were in fear for their safety and discharged their weapons at Subject 1.

---

<sup>1</sup> It should be noted that during the course of the investigation, although it was confirmed that both officers fired at Subject 1, it was not determined which officer shot Subject 1.