

INDEPENDENT POLICE REVIEW AUTHORITY

U #07-12

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INVESTIGATION

NUMBER: Log #1005725/U#07-12

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Male/Black; 26 years old;
On-Duty; Civilian Dress; Year of Appointment – 2002

OFFICER’S

INJURIES: None Reported

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

SUBJECT’S

INJURIES: (1) gunshot wound to left buttock/hip area. Treated at
Northwestern Hospital. (Non-fatal)

INITIAL

INCIDENT: Street Stop/Field Interviews

DATE/TIME: 15 May 2007, 0042 Hours

LOCATION: 7829 S. Burnham
Beat 421

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SUMMARY OF INCIDENT:

On 15 May 2007, at approximately 0042 hours, Officer A, Officer B and Officer C were in plainclothes and driving an unmarked squad car, in the area of 7800 S. Burnham due to numerous complaints of “shots fired.” At approximately 2725 E. 78th St. the officers saw Subject 1, Subject 2, and Subject 3. As the officers exited their squad car Subject 1 ran east on 78th St. Officer A chased Subject 1 on 78th St. and then south on Burnham Ave. As Officer A chased Subject 1 he saw her drop several small shiny objects to the ground.

At approximately 7825 S. Burnham Officer A caught up to Subject 1 and grabbed her by her arm. Subject 1 then turned around and pointed a gun directly at Officer A’s chest. Subject 1 pulled the trigger several times but the gun did not fire. Officer A then pushed Subject 1 backwards. Subject 1 stumbled against the hood of a car and then fell to the ground. Subject 1 pointed her gun a second time at Officer A and continued to pull the trigger. Officer A then fired his weapon several times at Subject 1, striking her once on her buttocks. Subject 1 attempted to run away but fell to the ground. Officer A was then able to take Subject 1 into custody and recover her gun.

Subject 1’s firearm, a Charter Arms Undercover 38 Special five shot revolver, and five live .38 Special rounds were recovered on the ground between 7817 and 7829 S. Burnham.

The officers also discovered Subject 2 to have a Colt .45 Caliber six shot revolver at the time of the incident.

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On the night of the incident Detective A, Unit 610, spoke with Subject 1. Detective A then presented to the Roundtable Panel what Subject 1 told him. Subject 1 related that she walked to 7800 S. Burnham where she met two male/black subjects. Subject 1 only knew that one of their names was [Unnamed] [Unnamed] gave Subject 1 a handgun, which she put in her pocket. Subject 1 stated that she then saw an unmarked squad car approach them, at which time [Unnamed] told her to run. Subject 1 told Detective A that she ran

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because she had a gun. Subject 1 stated that as she ran she attempted to “pitch” the gun and was then shot in her left buttock.

Subject 1 subsequently refused to cooperate with the investigation.

Multiple attempts by IPRA to interview the witnesses, Subject 2, Subject 3, Witness 1, Witness 2, and Witness 3 were unsuccessful.

Officer A related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident.

In a statement to IPRA Officer A stated that he and his partners, Officer B and Officer C, were in the area because there was a lot of narcotic activity and shootings in the area. Officer A was driving the squad car. Officer A stated that when he first saw Subject 1, Subject 2, and Subject 3, they were walking east on 78th St. and wearing skull caps and hoodies. Officer A explained that because it was about seventy eight degrees outside Subject 1, Subject 2, and Subject 3 appeared to be over-dressed. Officer A pulled up along the curb where Subject 1, Subject 2, and Subject 3 were walking on the sidewalk. When Officer A stopped the squad car Subject 1 looked in the

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officers' direction and ran away. Officer A exited the car and immediately chased Subject 1 on foot.

As Subject 1 ran south on Burnham Avenue Officer A saw her dropping what he thought were several little packets that appeared white from the glare of the street lights. Officer A explained that when he caught up to Subject 1 he grabbed her hand (Officer A could not recall which hand he grabbed) and heard a clicking noise. Officer A then felt a hard object against his chest and he heard another click. Officer A shoved Subject 1 and she fell backwards over a car and landed on the ground. Officer A backed up several steps as he pulled his firearm from its holster. Officer A then saw Subject 1 point a gun at him across her body as she began to stand up. Officer A also heard the same clicking noise. Officer A ordered Subject 1 to drop the weapon. Officer A stated that he continued to hear the clicking noise and fearing that Subject 1 would shoot him Officer A fired at Subject 1 several times. Subject 1 began to scream and Officer A told her to drop her gun. Subject 1 dropped her gun to the ground and Officer A asked her, "Are you hit?" Subject 1 replied, "Yes." Officer A then used his radio to request an ambulance and to make the required notifications while guarding Subject 1. Subject 1 was subsequently taken into custody.

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After the shooting it was discovered that the “packets” Officer A saw Subject 1 drop were live rounds.

Officer B related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident.

In a statement to IPRA Officer B stated that after Officer A stopped their squad car Officer B and Officer C exited and approached Subject 1, Subject 2 and Subject 3. Officer B believed he said something to the effect, “Police, get on the car.” As Officer B and Officer C walked around the front of the squad car Subject 1 ran east on 78th St. Officer B stated that Subject 2 and Subject 3 stood where they were. Officer A then exited the squad car and chased Subject 1. Officer B and Officer C then handcuffed Subject 2 and Subject 3. While he was handcuffing Subject 2 and Subject 3 Officer B heard several gunshots. Officer B then ran east on 78th St and then south on Burnham. Halfway down the block Officer B saw Officer A standing on the sidewalk holding his gun and Subject 1 lying on the ground. Officer B heard Officer A tell Subject 1 not to go near the gun. Officer B then saw a black revolver handgun on the ground about two feet from Subject 1. After Officer B determined that Officer A was alright Officer B ran back to where Officer C was guarding Subject 2 and Subject 3. Officer B stated that when they searched Subject 2 they found a handgun.

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Officer B did not witness the shooting because Officer A chased Subject 1 around the corner building, which obstructed Officer B's view of the incident.

Officer C related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident.

In a statement to IPRA Officer C stated that as she and Officer B exited the squad car Subject 1 ran east on 78th St. and then south on Burnham. Officer C and Officer B stayed with Subject 2 and Subject 3 as Officer A chased Subject 1. A few seconds later Officer C heard several gunshots. Officer B ran to find Officer A while Officer C guarded Subject 2 and Subject 3. A few seconds later Officer B returned and told Officer C that Subject 1 had a gun and that Officer A shot Subject 1. EMS was requested and notifications were made. Officer C and Officer B searched Subject 2 and Subject 3 and found a handgun on Subject 2. Officer C did not witness the shooting involving Officer A and Subject 1.

The Arrest, Case, and Tactical Response Reports contained an account of the incident that was consistent with the accounts provided to the Roundtable panel and the Summary of Incident.

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The related Department Reports (RD# HN-343-026) indicate that Subject 1 agreed to be interviewed by Detective A. Subject 1 told Detective A that she met Subject 2 and Subject 3 at 78th and Burnham. Subject 1 explained that she has known Subject 2 for four years, but she did not know Subject 3. Subject 1 stated that when she saw the police Subject 2 gave her a gun. Subject 1 put the gun in her front pocket and ran when the police stopped. Subject 1 explained that she was running to get away from the police. Subject 1 stated that as she ran toward 79th St. she took the gun out of her pocket to throw it away and that she was shot as she pulled the gun out of her pocket.

Subject 3, in the presence of his father, Parent A, agreed to be interviewed by Detective B and Detective C. Subject 3 stated that he met Subject 1 and Subject 2 and as they walked on 78th St. they were stopped by the police. Subject 1 ran away and one of the officers chased her. Subject 3 stated that moments later he heard gunshots but he did not know what happened. Subject 3 stated that he did not know Subject 1 had a gun. Subject 3 also stated that he did not know Subject 2 had a gun until the police recovered it from him. Subject 3 denied that he gave a gun to anyone.

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Subject 2 was also interviewed by Detectives Detective B and Detective C in the presence of SVU Det. Detective D¹. Subject 2 informed the detectives that he had a gun for protection due to on-going gang activity in the area. Subject 2 stated that Subject 3 gave him the gun. Subject 2 stated he was unaware of what happened between Subject 1 and the officer, and he added that he was unaware that Subject 1 had a gun on her at the time of the incident. Subject 2 denied giving Subject 1 a gun and stated that the only gun he had was the one the police found on him.

Subject 2 was also interviewed in the presence of the Assistant States Attorney 1. Subject 2 denied that he gave a gun to Subject 1. Subject 2 explained that he met Subject 1 outside and that as they walked toward Muskegon they met Subject 3, who talked about a recent shooting. Subject 1 pulled a small black handgun out of her pocket and showed it to Subject 2 and Subject 3. Subject 1 told them that she bought the gun to protect Subject 2. Subject 3 asked Subject 1 to see the gun but she would not give it to him. Subject 2 explained that when the police pulled up his gun was in his waistband. Subject 2 and Subject 3 stopped when the police approached but Subject 1 ran. One of the police officers chased her. A couple of seconds later Subject 2 heard several gunshots. Subject 2 stated that when he first heard the gunshots he thought Subject 1 shot the officer.

¹Subject 2's mother, Parent B, was contacted and she agreed to meet the Detectives at Area Two Police Headquarters. Parent B failed to show up and subsequent attempts to contact her were unsuccessful.

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Subject 3 was re-interviewed by ASA 1 and stated that Subject 2 lifted his shirt and showed Subject 3 and Subject 1 a gun with a brown handle. Subject 1 then pulled a small, black handgun from her back pocket and showed it to Subject 2 and Subject 3. Subject 3 stated that he told Subject 1 to give him the gun so he could “put it somewhere” because Subject 1 was on probation and he did not want her to get into any trouble. Subject 1 refused to give him her gun. Subject 3 also stated that when the police pulled up he told Subject 1 and Subject 2 to run away. Subject 1 ran away and Subject 2 and Subject 3 remained where they were. One of the officers chased Subject 1 and Subject 3 lost sight of them. Subject 3 then heard two or three gunshots but he did not know where they came from.

Subject 1 was re-interviewed in the presence of ASA 1. Subject 1 explained that Subject 2 gave her the gun to hold because females do not normally get searched during street stops and therefore the gun would not be found. Subject 1 stated that when the unmarked police car pulled up Subject 3 said, “Here come the dicks.” Subject 1 stated that when the officers called them to come over to the car she ran because she knew the female police officer would search her and find the gun on her. As Subject 1 ran she took the gun out of her pocket. When she reached the middle of the block she turned and pointed the gun at the officer, who was approximately eight feet behind her. Subject 1 stated that when she pointed the gun at the officer the chamber that holds the bullets was “hanging open.” Subject 1 did not know if there were any bullets inside. Subject 1 also

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did not know why she pointed the gun at the officer and explained that she only turned around to see where the officer was. Subject 1 stated that the officer ran into the side of a truck. Subject 1 continued running and did not turn around again. Subject 1 heard a gunshot and felt her left leg turn numb. Subject 1 fell down still holding the gun. Subject 1 started crying and she told the officer that she was sorry.

In an interview with Assistant States Attorney 1 on the night of the incident Subject 1 related essentially the same information that was contained in Department reports. Subject 1 stated that Subject 2 had two guns and that he asked her to hold one of them. Subject 1 stated that Subject 2 gave her a loaded gun, which she put in her right front pants pocket. Subject 1 stated that when Officer A, Officer B, and Officer C pulled up she ran because she knew Officer C would search her and find the gun. Subject 1 told ASA 1 that she knew that Officer A was chasing her because she saw him run after her after he exited the squad car. Subject 1 also stated that as she ran she had the gun in her hand in her pocket. After Officer A chased Subject 1 around the corner of a building Subject 1 took the gun out of her pocket and continued to run. Near the middle of the block Subject 1 turned and pointed her gun at Officer A, who was approximately eight feet behind her. Subject 1 explained that she did not know why she pointed the gun at Officer A. Officer A ran into the side of a truck and Subject 1 turned around to continue running, at which point she heard a gunshot and her left leg felt numb. Subject 1 fell to

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the ground still holding the gun in her hand. Subject 1 began to cry and told Officer A that she was sorry. Subject 1 stated that when she turned and pointed the gun at Officer A she saw that the gun's cylinder was hanging open. Subject 1 did not know if any bullets were still in the cylinder.

In an interview with Assistant States Attorney 1 on the night of the incident Subject 2 related essentially the same information as the Department reports. Subject 2 stated that he had a gun with him for protection because people shoot at him. Subject 2 and his cousin, Subject 1, walked toward Muskegon where they met Subject 3. Subject 1 then removed a gun from her pocket and showed it to Subject 2 and Subject 3. Subject 1 explained that she recently bought the gun to protect Subject 2. Subject 3 asked Subject 1 to give him the gun but she refused. As they walked down the street the police pulled up. Subject 2 still had his gun in the waistband of his pants when the police arrived. Subject 2 stated that he and Subject 3 stopped for the police but Subject 1 ran. Officer A chased Subject 1 down Burnham. Subject 2 stated that he then heard four or five gunshots and believed that Subject 1 shot Officer A. Subject 2 stated that he did not see the shooting. The female officer found Subject 2's gun in his waistband.

In an interview with Assistant States Attorney 1 on the night of the incident Subject 3 related essentially the same information that was contained in Department

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reports. Subject 3 stated that he was walking with Subject 1 and Subject 2 to Subject 1's house when Subject 2 told him that he had the "four five on the side."

Subject 2 then lifted his shirt and Subject 3 saw a black handgun in Subject 2's pocket. Subject 1 then showed them a .38 caliber revolver that she had in her back pocket. Subject 3 then told Subject 1 to give him her gun but Subject 1 refused. Subject 3 explained that he wanted Subject 1's gun because she was on probation and he did not want her to get into any trouble for having the gun. Subject 3 stated that when the police pulled up he told Subject 1 and Subject 2 to run. Subject 1 ran and one of the officers chased her down Burnham and out of sight. Subject 3 stated that he then heard two or three gunshots. Subject 3 stated that he did not see the shooting. The female officer found Subject 2's gun in his waistband.

Evidence Technician photographs depict the location of incident.

The Chicago Fire Department Ambulance #50 Run Report indicates that the paramedics found Subject 1 on the ground with a gunshot wound to her left buttocks. Subject 1 told the paramedics that she could not move or feel her left leg. Patient had a good distal pulse in her left foot. Spinal precautions were taken but Subject 1 said she could not tolerate the C-collar. Subject 1 was alert during the transport. Subject 1 was taken to Northwestern Hospital.

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In separate reports from the Illinois State Police (“ISP”) Division of Forensic Services dated 27 July 2007 and 09 May 2007 indicate that Officer A’s 9mm firearm was examined and test fired and found to be in firing condition. Two of the three recovered casings were found to be fired from Officer A’s firearm. The third recovered casing could not be identified or eliminated as having been fired from Officer A’s firearm.

In separate reports from the Illinois State Police (“ISP”) Division of Forensic Services dated 29 June 2007 and 09 August 2007 indicate that Subject 1’s .38 caliber firearm was examined and test fired and found to be in firing condition. Subject 1’s firearm, as well as the five live rounds recovered from the scene, revealed no latent impressions suitable for comparison.

In a separate report from the Illinois State Police (“ISP”) Division of Forensic Services dated 22 April 2008, the trigger, hammer, sight and cylinder release of Subject 1’s firearm were swabbed and the DNA extracted was examined. The tests revealed that the DNA extracted from the trigger and hammer was a mixture of two male DNA profiles. The DNA extracted from the sight and cylinder release of Subject 1’s firearm also revealed a mixture of DNA profiles from two people, one of them being male DNA. Subject 1’s DNA was compared to the DNA taken from the sight and cylinder release of her firearm and it was determined that Subject 1’s DNA could be excluded.

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Medical records obtained from Northwestern Memorial Hospital indicate that Subject 1 was brought to the emergency room with a single gunshot wound to her left buttock. The records indicate that Subject 1 was shot by the police after “pulling a gun on the officer.” X-Rays of Subject 1’s left hip-area depicted large and small bullet/metallic fragments lodged in the subcutaneous tissue. Records also indicated that no exit wound could be identified.

CONCLUSION AND FINDING:

This investigation found that Officer A's use of deadly force was in compliance with Chicago Police Department policy and Illinois State statutes. According to the Chicago Police Department's General Order 02-08-03, III:

- 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 like to cause death or great bodily harm;
 - 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's actions were in accordance with both requirements of the Department's deadly-force policy. Both Subject 2 and Subject 3 stated to detectives that prior to being approached by the officers Subject 1 showed them her handgun. Subject 1 stated to detectives

CONCLUSION AND FINDING: (Continued)

that she ran because she had a gun, and that as Officer A chased her she turned and pointed her gun at Officer A. Subject 1 could not explain why she pointed her gun at Officer A. By pointing her gun at Officer A, Subject 1's actions amounted to attempting to defeat the arrest by escape using a deadly weapon. Further, based on this same conduct it was reasonable that Officer A believed deadly force was necessary to prevent death or great bodily harm to himself. Officer A reasonably feared for his life when Subject 1 pointed a gun at him during the foot chase. Officer A also added that when Subject 1 pointed her gun at him he heard a "clicking" noise, as if Subject 1 was pulling the trigger of the gun.