

INVESTIGATION

NUMBER: LOG # 1038604 / U#10-29

OFFICER #1

INVOLVED: “Officer A” (Chicago Police Officer); Male/Hispanic; 30 years old;
On-Duty; Civilian Dress; Year of Appointment – 2003

OFFICER #2

INVOLVED: “Officer B” (Chicago Police Officer); Male/Hispanic; 31 years old;
On-Duty; Civilian Dress; Year of Appointment – 2003

OFFICER #3

INVOLVED: “Officer C” (Chicago Police Officer); Male/White; 31 years old;
On-Duty; Civilian Dress; Year of Appointment – 2002

OFFICER #4

INVOLVED: “Officer D” (Chicago Police Officer); Male/Black; 32 years old;
On-Duty; Civilian Dress; Year of Appointment – 2004
[DID NOT DISCHARGE WEAPON]

OFFICER #5

INVOLVED: “Officer E” (Chicago Police Officer); Male/Hispanic; 34 years old;
On-Duty; Civilian Dress; Year of Appointment – 2006
[DID NOT DISCHARGE WEAPON]

OFFICER #6

INVOLVED: “Officer F” (Chicago Police Officer); Male/White; 35 years old;
On-Duty; Civilian Dress; Year of Appointment – 2000
[DID NOT DISCHARGE WEAPON]

OFFICER #7

INVOLVED: “Officer G” (Chicago Police Officer); Male/White; 34 years old;
On-Duty; Civilian Dress; Year of Appointment – 2000
[DID NOT DISCHARGE WEAPON]

OFFICER #1

INJURIES: Graze wound, right shoulder, and foot fracture.

OFFICER #2

INJURIES: None reported.

OFFICER #3

INJURIES: None reported.

OFFICER #4

INJURIES: None reported.

OFFICER #5 None reported.
INJURIES:

OFFICER #6 None reported.
INJURIES:

OFFICER #7 None reported.
INJURIES:

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

SUBJECT’S
INJURIES: Through and Through GSW, right ankle, graze wound right
shoulder, laceration right eyebrow.

INITIAL
INCIDENT: Shots Fired – Armed Robbery.

DATE/TIME/
LOCATION OF
INCIDENT: 04 August 2010/ 1227 Hours/ 17 East 112th Place.

SUMMARY OF INCIDENT:

Units from the 005th District responded to a 'Shots Fired' call that included a detailed description of the wanted car that was headed in the direction of Officer A and his partner, Officer D, working Beat 362B. Officer A observed a car matching the description pass his car with a police car in pursuit. Officer A and Officer D followed the two cars. During the pursuit, Beat 6760I (Officer B and Officer C) of Unit 393/Gang Enforcement Division monitored the activity via OEMC. As Beat 6760I started to join in the pursuit from 124th and Halsted. As they did, they observed a car traveling in their direction at a high rate of speed. The offenders' car continued in the same manner, causing the officers to believe that the driver intended to strike Beat 6710I's car and the officers. Both Officer B and Officer C fired their weapon as the car bore down on them, then swerved around the squad car at the last second. At 125th and Justine the subject, now known as Subject 1, tumbled out of the wanted car, bumped against a parked car and began to run. Officer A exited his car and attempted to apprehend Subject 1. Officer A saw Subject 1 holding a black handgun. He called out to Officer D that the subject had a weapon and announced his office to Subject 1. Subject 1 continued to run and raised his weapon, pointing it at Officer A three times as he did. Officer A fired his weapon approximately three times each time Subject 1 pointed his at him. The last time Subject 1 pointed his weapon at Officer A, he then ran into the carport at 12508 South Justine, in Calumet City. Officer A observed Subject 1 attempting to crawl through a window into the carport. He then looked in Officer A's direction and said, "I'm shot" and fell to the ground. Officer A searched and handcuffed Subject 1, and requested medical assistance and made notifications. Officer D located Subject 1's weapon in the rear yard at 12508 South Justine.

INVESTIGATION:

General Offense Case Report HS-445-217 identifies the parties involved in the incident and refers the reader to a Supplementary Report for details.

A **Case Supplementary Report** completed by CPD Detective 1 and CPD Detective 2 indicates that they were assigned to an assignment of "Shots Fired by the Police". Upon arrival at the scene they observed that the area was a residential community of single family homes in Calumet Park. There were a yellow outer perimeter marked by yellow police tape and an inner perimeter marked with red tape. The detectives met with Officer A and observed blood stains and a hole in the sleeve of his 'T' shirt. Officer A lifted the sleeve and the detectives observed a gunshot graze wound on his upper right arm/shoulder area. Officer A related that he was working Beat 562B with Officer D, in civilian dress. Officer D was driving their car and Officer A was the passenger. Officer A monitored radio transmissions of 'Shots Fired' and the description of a car that was traveling in their direction. He then observed a black Ford with a police car in pursuit at 124th and Halsted (800W). The cars passed Beat 562B's car and they started following the two cars.

Officers A and D followed the cars westbound on 124th Street then southbound on Justine Street (1532W). At 125th and Justine, the wanted car turned left (eastbound on 125th Street). One of the offenders (now known as the subject, Subject 1) rolled out of the car. Officer A observed Subject 1 tumble out of the car, bump against a parked car and start running. Simultaneously, Officer A exited his car and attempted to apprehend Subject 1, who too quick and started to run. Officer A then observed Subject 1 holding a black handgun. Officer A yelled to Officer D that Subject 1 had a weapon and announced his office to Subject 1, saying "Police". Subject 1 raised his weapon and pointed it in Officer A's direction. Officer A fired approximately three rounds at Subject 1, who continued to run. He then raised his weapon again, pointing it toward Officer A, who again fired approximately three rounds at Subject 1. Subject 1 ran between the houses at 12506 and 12508, south on Justine. Again, Subject 1 raised his weapon and pointed it at Officer A; Officer A again fired approximately three rounds at Subject 1. Subject 1 ran into a carport in the rear yard at 12508 South Justine. Officer A observed Subject 1 attempt to climb through a window in the carport. He then looked in Officer A's direction, stated, "I'm shot", and fell to the ground. Officer A searched Subject 1 and handcuffed him. He radioed for medical assistance for Subject 1 and made notifications that shots had been fired by the police. Officer D located Subject 1's weapon in the rear yard of 12508 South Justine.

Eventually, a Calumet Park Fire Department ambulance arrived and transported Subject 1 to Christ Hospital in Oak Lawn for treatment.

A short time later, Officer A discovered that he had a gunshot graze wound to his right upper arm/ shoulder. He we taken to Metro South Hospital in Blue Island.

Officer D was interviewed by detectives and related in essence the same account of the incident as that of Officer A. When Subject 1 jumped out of the still moving wanted car, he fell to the ground using his left hand to break his fall. Officer D observed a black handgun in Subject 1's right hand. Subject 1 was fumbling with the weapon while running in a southwest direction. Officer A had exited the squad car and yelled, "Gun!" Officer D observed Subject 1 point his weapon at Officer A, who un-holstered his weapon. Officer D began to back the squad car on 125th Street and heard three gunshots. He continued to back the car toward the west alley of Justine and drove southbound into the alley. At that time, Officer D heard more shots being fired. He got on the police radio to notify Officer A that he was in the alley and to stop shooting. Officer D stopped the squad car at approximately 12504 South Justine and started checking yards. He jumped over the fence at 12508 South Justine and observed Officer A in the carport with Subject 1 who was curled up and yelling something Officer D could not discern. Officer D found Subject 1's weapon¹ and magazine in the rear yard at 12508 South Justine. Officer D then called for assist units; he initially gave an incorrect location and then corrected himself.²

The **detectives interviewed Officer H** who related the he was working Beat 6725B with Officer I, and their supervisor, CPD Sergeant 1. They were driving northbound on State Street at 112th Street when they heard several gunshots west of their location. Officer H then observed a black male running across State Street and into a Pepe's restaurant. Thinking that the male might be the offender, Officer H and CPD Sergeant 1 stopped him. In their interview the male (now known as [Bystander #1]) informed them that occupants of a black car had just shot at him. At that time, a black car pulled out onto State Street from 112th Place. It turned and sped off southbound on State Street. [Bystander #1] said that the car was the one from which he had been fired at. Beat 562D (Officer G, Officer F, and Officer E) were traveling northbound on States Street and passed the offenders' car. Officer H waved down Beat 562D and told them that there was a weapon in the black car. Beat 362D turned around and started pursuing the offenders' car. Officer H sent out a flash message on the car and offenders. CPD Sergeant 1 remained with [Bystander #1] and a second victim [Bystander #2]. Officers H and I got into their car and joined the pursuit of the offenders' car. Once they reached 124th Street, they lost the pursuit.

Officer I related to the **detectives** in essence the same account of the incident as that of Officer H. Officer I was driving their car and heard the gunshots west of State Street. He then observed two or three black males run across State Street and into the restaurant. After Officers H and I lost the pursuit at 124th Street, Officer I heard on the police radio that offenders bailed out at 124th and Emerald Avenue (732W) in the alley; he then heard shots being fired at 125th and Justine. Officer I drove to 125th and Justine.

¹ A Springfield Armory Model #XD45AOP, .45 caliber semi-automatic pistol, Serial #US741433.

² Subsequently, in his statement to IPRA, Officer D indicated that he initially gave the location as "125h and Emerald". When Calumet Park police units arrived at the scene after the shooting, someone from their department told Officer D the correct address, "125th and Justine". Officer D then radioed the correction.

Officer C was interviewed by detectives and related that he was working Beat 6760B with Officer B in civilian dress. Officer C was driving their car and monitored a call of 'Shots Fired at Police and by Police'. It was reported that the offenders were in a black car with Indiana license plates. Officer C turned at 124th and Halsted and observed the offenders' car traveling eastbound on 124th Street. The wheels were smoking and the car was moving at a high rate of speed. Officer C stopped their car near 124th and Peoria (800-900W). The officers exited their car and the offenders' car continued heading toward them. Officer C un-holstered his weapon and fearing for his life fired four rounds at the offenders' car which swerved around Beat 6760B's car, continuing eastbound, struck a parked car and continued on. Officer C observed another police car following the offenders' car. He got back into his car and heard a radio transmission that the offenders were bailing out of their car.

The **detectives interviewed Officer B** who related basically the same account of the incident as that of Officer C. When Officer B thought that the offenders' car was going to hit the squad car he and Officer C exited the car. Officer B un-holstered his weapon and, fearing for his life, fired five rounds at the offenders' car. When Officer B got back into the squad car to join in the pursuit, he heard the radio transmission that the offenders were bailing out of their car and were apprehended at 124th and Emerald in an alley.

Detectives went to the rear of 12508 South Justine where there was a carport connected to the garage. Mobile Crime personnel recovered evidence and took a sample of blood that was on the concrete pad. The detectives then relocated to 751 East 124th Street where the offenders' car was located. They met with Beat 562D³ who related that there was a wristwatch in the center console of the car. The watch belonged to the victim of the armed robbery at 17 East 112th Place. Mobile Crime Lab personnel came to the 124th Street to photograph and recover the watch. The watch was eventually identified by [Bystander #1] as his property that was taken in the robbery. The offenders' car, a black Ford Taurus had a fired bullet on the front dash, a fired bullet in the rear passenger side back rest⁴, a bullet hole in the trunk, a bullet hole in the driver side front door, and a bullet hole in the front driver side window trim.

Officer G was interviewed by detectives. He was the driver in the three-man Tactical car. Beat 6725A & B flagged them down on State Street and indicated a black car traveling southbound on State Street had been involved in a shooting. Officer G pursued the car and at 125th and Justine, observed Subject 1 jump from the car. Another squad car was following Officer G's car and observed Officer A get out of that car to pursue on foot. Officer G decided to continue to pursue the offenders' car. Officer G observed the offenders' car strike a parked car on 124th Street at Peoria Street. The offenders' car continued eastbound and the offenders jumped out at 751 West 124th

³ Officer G, Officer E, and Officer F, all in civilian dress.

⁴ Subsequent testing by the Firearms Section of the Illinois State Police Forensic Services Division determined that the two fired bullets exhibited characteristics consistent with the manufacturer (Glock) and caliber (.40/10mm) of Officer B's weapon, but could not be specifically identified or eliminated as being fired from Officer B's weapon, which was the only weapon of that type involved in the incident.

Street. Officer G apprehended the driver⁵ and Officer E and Officer F apprehended the passenger.⁶ Subject 2 told Officer G, “My boys picked me up and said I could drive. We were going to hit some blocks.”

The **detectives interviewed Officer F** who related in essence the same account of the incident as that of Officer G. Officer F stated that the offenders’ car was being driven recklessly, left of center and overtaking other cars at a high rate of speed. The offenders’ car made several turns and at 125th and Justine, Officer F saw Subject 1 exit the passenger side of the car. Subject 1 fell to the ground and Officer F saw a handgun on the ground next to him. The offenders’ car continued on with Beat 562D in pursuit. During the pursuit, the offenders’ car headed toward a police car on 124th Street. The officers were out of their car and Officer F heard several gunshots. The offenders’ car struck a parked car at 124th and Green and continued eastbound. It crossed Halsted and stopped between Halsted and Emerald. The offenders bailed out and Officer F saw Subject 3 run away. He and Officer E apprehended Subject 3.

The **detectives interviewed Officer E** who related in essence the same account of the incident as that of Officer F.

Detectives interviewed [Bystander #1] who related that he, Lavelle Sykes, and Cordarius Stokes were on their way to buy shoes. The offenders were watching the three from their car. Eventually, Subject 1 got out of the car with a black gun. He said something to [Bystander #1] that he could not understand. [Bystander #1] and his two companions ran in different directions. As [Bystander #1] ran toward the Pepe’s restaurant he fell to the ground and his wrist watch fell off. Subject 1 fired three shots at [Bystander #1] who got up and ran to the restaurant. As he did, he turned and saw Subject 1 pick up his watch. When [Bystander #1] came out of the restaurant, a group of police officers were pointing guns at him. He explained what happened and pointed out the offenders’ car when it drove onto State Street. The police began to chase the car. [Bystander #1] said that he thought the offenders were trying to rob him, and he could have been hit by one of the rounds Subject 1 fired at him. He said that he could positively identify Subject 1, but none of the

other offenders. [Bystander #1] positively identified the recovered wrist watch as the one that fell off his wrist.

When detectives interviewed **[Bystander #2]**, he related that he was walking to meet [Bystander #1]. When he did, [Bystander #1] was looking at three males who asked, “what’s wrong”. The three males got into a black car and drove past [Bystander #2] and [Bystander #1]. Subject 1, wearing a black shirt and holding a black gun, got out of the car. Subject 1 asked [Bystander #1], “What did you say to me?” [Bystander #1] ran in the direction of the Pepe’s Restaurant and Subject 1 chased [Bystander #1]. [Bystander #2] heard one gunshot and ran toward a vacant lot and to a thrift store on

⁵ Subject 2.

⁶ Subject 3.

111th Street. He called [Bystander #1] who told him what happened at the restaurant. [Bystander #2] thought that the offenders were going to rob [Bystander #1] and himself.

Subject 2 was interviewed and related that he, Subject 3 and Subject 1⁷ were in Subject 3's car, when they saw [Bystander #1] and his two companions. One of the three was counting money and Subject 1 said, "Let's get them". They all got out of the car and walked to the middle of the block, but [Bystander #1] and the others had passed them. Subject 2 told Subject 1, "Man! That was your chance to rob them before they got to the end of the block." Subjects 1, 2, and 3 got back into the car, with Subject 2 driving. He drove onto 112th and State and saw [Bystander #1] and the others across the street. Subject 2 stopped the car and Subject 1 jumped out of the car with a gun in his hand. Subject 2 saw Subject 1 chase [Bystander #1] and fire three shots at him. The other two males who were with Subject 1 ran in different directions. [Bystander #1] fell, dropping his hat and his watch. [Bystander #1] got up and kept running. Subject 1 picked up the watch and ran back to the car and jumped in. Subject 2 began to drive southbound on State Street with the police trying to stop him. After several turns, Subject 2 was on 125th Street, when Subject 1 jumped out of the car and ran. Subject 2 continued to drive with the police still in pursuit. At 124th and Green, officers were standing in the street with their weapons drawn, telling Subject 2 to stop. He tried to drive around the officers because he just wanted to go home. The officers started shooting at Subject 2 in the car. When the police started shooting, Subject 2 crashed the car. He and Subject 3 jumped out of the car; the police caught both of them and they were arrested. Mobile Crime Lab personnel performed a Gunshot Residue (GSR) test on Subject 2.

Subject 3 was interviewed and related that he was sitting in the back seat of Subject 1's car. Subject 2 was driving and Subject 1 in the front passenger seat. Subject 3 saw [Bystander #1] and his two companions at 112th and State. One of them said something to Subject 1, but Subject 3 could not hear what was said. Subject 2 parked the car and Subject 1 told Subject 3 and Subject 2 to get out. [Bystander #1] and the others walked past and [Bystander #1] said something to Subject 1. Subject 3, Subject 2, and Subject 1 got back into the car. Subject 2 drove past [Bystander #1]'s group and Subject 1 jumped out of the car with a gun. He chased [Bystander #1] and shot at him twice. [Bystander #1] fell, got up, and ran to State Street. Subject 1 got back into the car and Subject 2 drove to State Street. Officers in civilian dress began to chase them and Subject 1 told Subject 2 to "push the motherfucker". They ended up in Calumet Park. Along the way, Subject 2 drove over some railroad tracks and flattened a front tire. Subject 1 jumped out of the car at an unknown location. Subject 2 continued driving. Subject 3 told him to stop the car. Subject 2 drove toward some officers who were out of their cars. As Subject 2 drove past, the officers started shooting at the bottom of the car. Subject 3 ducked and Subject 2 stopped the car. Subject 3 ran and fell in a gangway. The police arrested him.

Calumet Park Police Department Incident Report #10-1727 officers from that Department assisted Chicago Police in the pursuit; that ended on the 124th block of Justine and was turned over to the Chicago Police.

⁷ Who Subject 2 knew only as "[Nickname]".

Subject 1's Arrest Report indicates that he was taken into custody after exchanging gunfire with Officer A during which both were hit. Officer A and his partner had responded to a 'Shots Fired' flash message that included the description of a wanted car. While in pursuit of that car, Officer A observed Subject 1 exit the wanted car and stumble. In his effort to regain his footing, he pointed his weapon at Officer A. The two exchanged fire striking each other. Officer A sustained a gunshot wound⁸ to his upper right shoulder. Subject 1 was taken into custody and transported to Christ Hospital for treatment.

Officer A Tactical Response Report⁹ identifies Subject 1 as the subject. The subject's actions are indicated as: "Did Not Follow Verbal Direction", "Fled", "Imminent Threat of Battery", "Attack With Weapon", and "Uses Force Likely to Cause Death or Great Bodily Harm". The report also indicates that Subject 1 used a blue steel semi-auto .45 caliber weapon. The Weapon Discharge Incident section of the TRR indicates that Officer A fired a total of nine shots. The "Other" box for who fired the first shot is marked and there is a notation of "UNK" underneath. The distance between Officer A and Subject 1 when the first shot was fired is indicated as 05-10 feet. That section of the report also indicates that Officer A was running at the time he fired, he did not use his sights, and that he used a tree for protective cover.

The Watch Commander/OCIC Review section of the TRR indicates that Subject 1 refused to give a statement at the time of the incident. It further indicates that given the facts available at the time, the preliminary determination was that Officer A was in compliance with the CPD's Deadly Force policy, procedures and directives. Further, it states that Officer A observed Subject 1 point a handgun in his direction and fire it, striking Officer A.¹⁰ Fearing for his life, Officer A fired his weapon, striking Subject 1 and eliminating the threat. The Log number and U number are noted as "1038604" and "10-29" respectively.

According to the **Officer's Battery Report**¹¹, Officer A was on duty, in civilian dress, and working with one partner in a squad car. The Type of Activity was "Traffic Stop" and "Man with a Gun". Officer A sustained a non-fatal/minor injury as the result of the incident. The manner of attack was "Shot", and the type of weapon/threat used was a .45 caliber semi-automatic pistol. The weather was clear with an approximate temperature of 85 degrees. It was not known if Subject 1's activity was drug or gang related.

⁸ GSW

⁹ TRR

¹⁰ Subsequently, Officer A reported that he was not aware of Subject 1 firing his weapon at him during the incident. He did not know he had been shot until after the incident when assist/investigating officers told him.

¹¹ OBR

Arrest reports for **Subject 2** and **Subject 3** relate basically the same account of the incident and their arrests as that which is documented in the detectives' Supplementary Report.

The **In-car Camera video** for Beat 524 shows one minute of a static street scene with traffic passing. The timestamp is 1300 hours and the video contains no images of the incident under investigation.

A **canvass** conducted by IPRA resulted in two witnesses to the shooting. Witness 1 and her husband Witness 2 reside at XXXXX South XXXXXXXX. After initially agreeing to be interviewed, Witness 1 changed her mind and would give a formal interview. In conversation with her, she stated that she and her husband were inside their residence when she heard tires screeching and one gunshot. Witness 1 looked out through her front windows and saw a car stopped on the street. Subject 1 got out of the car, striking his head against it as he did. He then ran across Justine Street and toward the gangway between 12500 and 12504. At that time Subject 1 had what appeared to be a silver handgun in his hand.

Witness 1 yelled to her husband that Subject 1 had a weapon. Subject 1 was holding the weapon down at his side as he reached the gangway. Witness 1 then observed numerous police officers at the scene and heard a volley of gunshots. She could not tell if any of those shots struck Subject 1. He kept running along the gangway and out of Witness 1's sight at the rear of 12504. Police followed him to the rear of the residence and later medical personnel arrived and brought out Subject 1 who was sitting on a gurney. Witness 1 said that she did not see Subject 1 raise the weapon as he ran and did not see any specific officer(s) fire at him. She also indicated that she did not see who fired the lone shot she heard before she looked outside.

In an interview conducted at his home, **Witness 2** related that he was sitting in his living room with his wife. He heard a car stop suddenly outside. Witness 1 looked outside and began screaming, "He's got a gun!" Witness 2 then looked outside through the front windows and the glass windows in their front door. He saw Subject 1 running toward the gangway of the first house south of 12504 South Justine across the street, Witness 2 saw police officers running after Subject 1 and others who appeared to be trying to go around the house, to cut off his escape route. He heard numerous gunshots but the only person he saw fire a weapon was a white male officer in casual dress¹². That officer was running after Subject 1 and was in the middle of the street in a direct line from Witness 2's front door. That officer fired seven or eight shots at Subject 1 from a semi-automatic pistol. Subject 1 continued to run, out of sight down the gangway along the house. He did not appear to be shot. Officer A ran out of sight down the gangway after Subject 1. Other officers followed the two down the gangway and out of sight. Numerous emergency cars arrived at the scene and approximately 10 to 15 minutes later, paramedics brought Subject 1 out from the rear of the house. He was sitting on a gurney. Witness 2 did not see any injuries to Subject 1 and did not know if he had been shot during the incident. Witness 1 later told Witness 2 that she had seen Subject 1 holding a

¹² Officer A

weapon down by his side as he ran across the street toward the gangway. She said that she never saw the male do anything with it other than hold it at his side. Witness 2 never observed Subject 1 holding anything.

Office of Emergency Management & Communications (OEMC) traffic includes calls to 911 by several citizens who heard shots fired and people running at the location of the initial incident in the area of 112th Place and State. Under Event Number 1021608039, Beat 6725B reported a Person with a Gun and a black car southbound on State Street. A sequence of transmissions that are consistent with the detectives' Supplementary Report are included in the case file as attachments.

The **Crime Scene Processing Reports** indicate that units from the Mobile Crime Lab and Forensic Services Division – ET South processed the three scenes. Photographs of Officer A and Subject 1 were obtained.

The **Mobile Crime Lab photographs and Crime Scene video, along with the Evidence Technician photographs** depict the initial scene at 112th and State, along with evidence markers and expended cartridge casings. They also show vehicle damage evidence at 124th and Green (832W). Additionally they show the scene and surrounding area near 12408 South Justine. At that location, photographs were taken of the offenders' car, Subject 1's weapon, and fired evidence. Other photographs depict the offenders' car, with bullet and non-bullet damage, fired bullets recovered from inside the car. Subject 3 and Subject 2 were photographed in separate interviews at Area 2.

A report from the Illinois State Police, Division of Forensic Services, dated 21 September 2010 indicates that processing of the GSR kits led to the following conclusions: Subject 1 discharged a firearm, contacted a PGSR¹³ related item, or had both hands in the environment of a discharged firearm.

A report from the Illinois State Police, Division of Forensic Services, dated 28 September 2010 indicates that the weapons belonging to Officer A, Officer C, and Officer B were examined, found to be in firing condition, and test fired. Subject 1's weapon was also examined, found to be in firing condition, and test fired.

A report from the Illinois State Police, Division of Forensic Services, dated 26 July 2011 indicates that swabs from Subject 1's weapon and a Buccal standard from him had been preserved and were being returned to the CPD Evidence and recovered Property Section.

A report from the Illinois State Police, Division of Forensic Services, dated 26 March 2012 indicates that Subject 1 could not be excluded from the population that resulted from a comparison of the swabs to the Buccal standard. Elements of the DNA recovered from the weapon were interpreted as a mixture of at least two people.

¹³ Primer Gunshot Residue

A **Calumet Park Police Department Incident Report**¹⁴ indicates that officers from that agency assisted CPD personnel in pursuit of an offender who was traveling westbound on 124th Street at a high rate of speed. The report notes that the pursuit ended on the block of 124th and Justine, and the incident was turned over to CPD.

The **South Cook County EMS Report Forms** indicate that a Calumet Park Fire Department ambulance initially responded to a call of an injured officer at 124th and Peoria but found no patient when they arrived. The ambulance then relocated to 125th and Justine with information a police officer had been shot. The ambulance crew noted a graze wound on Officer A's right shoulder and he complained of pain in his left ankle. He was transported to Metro South Hospital.

In a statement with IPRA on 04 August 2010, **Witness Officer D** related that at the time of the incident he was dressed in plain clothes, in an unmarked squad car, Beat 562B, with his partner Officer A. Officer D stated that he and his partner had just finished responding to a call and were heading back to the district station when he heard an OEMC call of shots fired. Officer D indicated that they monitored the call and drove in the direction that was being broadcasted over OEMC. Officer D stated that they observed the offenders car and an unmarked squad car chasing it near 124th and Halsted. Officer D related that the unmarked squad car following the car was Beat 562, which was occupied by Officer G, Officer E, and Officer F. Officer D and Officer A became the second squad car in the pursuit. Officer D stated that one of the offenders jumped out of the passenger's side of the car near 125th and Justine with a black semi-automatic gun in his right hand. Officer D related that Officer A exited the squad car and chased the offender on foot. Officer D heard Officer A yell, "Stop", "Police" and "Gun" as he ran towards Subject 1. Officer D remained in the squad car in an attempt to parallel Subject 1, until Officer D heard three gunshots. At that point Officer D observed three civilian witnesses running across the street as he reversed the squad car down the road. Officer D entered the alley in case Subject 1 cut through the yards. Officer D stopped the squad car in the alley near 12508 South Justine. Officer D indicated that he exited the squad car and heard additional gunshots. Officer D ran through the yards and reported the gunshots over OEMC.

Officer D located his partner and then observed the offender lying on the ground in a carport. Officer D did not immediately observe a gun near the offender. Officer D a short time later observed the firearm approximately 10-15 feet from where the offender was laying. Officer D stated that other units arrived on scene and an ambulance was called for the offender. Officer D related that he only heard the gunshots during this incident and did not actually observe any of the shots being fired.

In a statement provided to IPRA on 21 December 2010, **Officer A** related that he was in plain clothes assigned to Beat 5621 with Officer D. Officer D was the driver, while Officer A was seated in the front passenger seat. Officer A related that they were monitoring the radio and responding to assist other officers in pursuit of a black Ford Taurus that was involved in a shooting. Officers A and D headed south on 124th Street

¹⁴ #10-1727

and joined the pursuit at 124th and Halsted. Officer A related that they joined the pursuit and became the third unmarked car in the chase. The black Ford Taurus continued west to Justine, where it turned and went south. The car continued south until 125th Street where it started to make a left turn heading east. Just before the car turned, an occupant of the car, now known as Subject 1, exits the car while it was still moving.

Subject 1 exited the car with a gun in his right hand and hit the rear bumper of a parked Lexus. The force of the hit caused Subject 1 to bounce off of the bumper and on to the ground. Officer A exited his squad car and ran towards Subject 1. Subject 1 got up off of the ground with the gun in his hand, started to run across the street and raised the gun towards Officer A. Officer A shouted, "Police" and then fired two or three shots towards Subject 1. Subject 1 continued to flee down the street with Officer A behind him. Officer A stated that he was approximately five to ten feet behind Subject 1. While running, Subject 1 again raised his gun up and pointed it toward Officer A. Officer A again fired his weapon two or three more times. Subject 1 ran into a gangway and made his way to the backyard of a house. Officer A continued to pursue him to the point that Subject 1 raised his weapon towards Officer A for a third time. Officer A again fired two or three more times towards Subject 1. Subject 1 dropped his pistol and ran through gangway to a carport. Subject 1 attempted to gain entry through carport but was unable to and then lay down on the ground and yelled, "I'm shot, I'm shot." Officer A approached Subject 1, placed him into custody and radioed for ambulance and a sergeant and then announced over the air "Shots Fired By the Police."

Officer A related that during the time he was pursuing Subject 1 on foot, his partner, Officer D was in the squad car attempting to cut them off in the alley. Officer A did not see any blood or wounds to Subject 1 while he was laid on the ground. Officer A suffered a graze wound to his right shoulder and fractured his right foot when he jumped out of his squad car. Officer A added that Subject 1 kept running forward while pointing the gun at him each time. Each time Officer A fired at him, Subject 1 lowered the weapon. Officer A did not know that he had been shot until other officers approached him after the incident and told him that he was bleeding. He was not aware of Subject 1 firing at him during the incident.

In a statement with IPRA on 17 August 2010, **Officer C** related that at the time of the incident he was dressed in plain clothes, in an unmarked squad car, Beat 6760B, with his partner Officer B. Officer C indicated that he was monitoring an OEMC call of shots fired that occurred near 112th and State Street. Officer C heard a unit on OEMC state they were behind the suspect car from the shooting, which was described as a black Ford Taurus with Indiana license plates. Officer C stated that as they were attempting to catch up to the cars he heard an OEMC call of "Shots Fired At and By the Police" on 125th and Justine.

Officer C stated that he made a u-turn and began to drive eastbound on 124th Street, when he observed a car coming towards them with smoking tires and driving erratically. Officer C related that he stopped his car because he was unsure what the offender's car was going to do. Officer C stated that the car turned in their direction and

drove directly at their squad car. Officer C estimated that the offender's car was traveling at approximately 80 mph. Officer B and Officer C both exited their squad car because they feared the offender was going to intentionally hit their squad car. Officer C stated that he was caught between the door and his car and felt no other option than to retrieve his firearm and discharge it towards the offender's car to stop the threat. Officer C indicated that he fired his weapon three times and the offender's car sped by without hitting them. Officer C stated that the offender's car was only a couple feet away when it swerved and passed him. Officer C related that he also heard Officer B discharge his weapon; however he was unsure how many shots Officer B fired. Officer C stated that after the offender's car passed them, it struck a black SUV and then continued eastbound down 124th Street. Officer C indicated that an unmarked unit then passed them in pursuit of the offender's car.

Officer C related that he and Officer B re-entered their squad car and attempted to catch up to the offender's car. Officer C stated that he observed an unmarked unit taking the offenders into custody near 125th Street and Halsted. Officer C stated that he and Officer B returned to the scene where they discharged their weapons and called for a sergeant.

In a statement with IPRA on 17 August 2010, **Involved Officer B** related that at the time of the incident he was dressed in plain clothes, in an unmarked squad car, Beat 6760I, with his partner Officer C. Officer B stated that he and Officer C monitored an OEMC call of on-view shots fired by a tactical team in the 005th District. Officer B indicated that they started to drive in the direction of the call when they heard a distress call by an officer saying, "Shots fired at the police, shots fired by the police."

Officer B stated that they were at 124th and Halsted when the call of shots fired came out. Officer B stated that as they were going to travel towards the call of shots fired, they observed a car matching the offender's description traveling in their direction with smoke coming from the tires. Officer B indicated that the car was approximately two blocks away when they observed it. Officer B stated that the car was traveling at a high rate of speed and directly head on at them. Officer B related that Officer C stopped their squad car because they were unsure what the driver of the offenders' car was going to do. Officer B stated that he and Officer C began to exit their squad car as the offender's car began to drive at them. Officer B related that as it appeared the offender's were going to strike them, they began to open fire at the driver in fear of their lives. Officer B indicated that he stopped firing his weapon when the car passed them and there was no longer a threat to himself or Officer C. Officer B stated that the offender's car continued past them and didn't hit them. Officer B indicated that the offender's car side swiped a black SUV and continued eastbound away from the area. Officer B observed an unmarked squad car following the offender's car.

Officer B related that he and Officer C re-entered their squad car and drove in the direction of the offender's car. Officer B stated that prior to them catching up to the offender's car; they had stopped and fled on foot. Officer B indicated that other tactical

units took the occupants into custody. Officer B stated that he and Officer C returned to the scene where they discharged their firearms and waited for a supervisor.

In a statement with IPRA on 18 August 2010, **Officer E** related that at the time of the incident he was dressed in plain clothes, in an unmarked squad car, Beat 562, with his partners Officer G and Officer F. Officer E indicated that they were driving northbound on State at approximately 114th when they observed an unmarked unit stop and quickly approach some individuals in front of a Pepe's Restaurant. Officer E related that as they approached the other officers, one of the officers yelled to them to stop "the black car" that was simultaneously passing by. Officer E stated that they pursued the black car as it refused to stop for them after they activated their emergency equipment. Officer E related that the offenders black car slowed down near 125th and Justine. At that point the front seat passenger exited the car with a blue steel handgun. Officer E indicated that they briefly stopped and then continued to pursue the black car because another unmarked squad car was behind them. Officer E stated that as they drove away he heard three to five gunshots. Officer E was unsure who fired the gunshots. Officer E stated that they were now approximately three blocks behind the offender's car. Officer E indicated that an unmarked squad car was stopped on 124th and the offenders drove towards the unmarked squad car. Officer E stated that they were approximately two blocks behind the offender's car when he heard gunshots. Officer E didn't observe who was firing the shots. Officer E observed two plain clothes officers near the unmarked squad car as they passed. Officer E did not recognize the officers. Officer E related that the offender's car then stopped a short distance later near 124th and South Emerald. Officer E indicated that the two offenders fled from the car. Officer E stated that he and Officer F exited the squad car and ran after the passenger and Officer G drove the squad car after the driver and apprehended him. Officer E related that they chased the backseat passenger into an alley at which point they were able to take him into custody without any further incident. Officer E indicated that he only heard gunshots throughout this incident and did not actually observe anyone firing their weapons.

In a statement provided to IPRA on 26 August 2010, **Officer F** related that he was working in plainclothes assigned to Beat 562D along with Officer G and Officer E. Officer F was seated in the front passenger seat as they were driving north on State Street. Officer F observed another gang enforcement unit drive north of them, which was occupied by Officers H and I. Officer F observed Officers H and I conduct a traffic stop at 112th Place and State Street. Officers E, F, and G pulled up to assist and before they exited their car, Officer H yelled out, "There's a black car headed south on State, car had a gun in it." Officers E, F, and G do a U-turn and began to follow a black Ford Taurus with Indiana license plates. The officers activated their cars emergency equipment in an attempt to curb the car, but the driver would not pull over and stop. The black Ford Taurus traveled southbound, over taking cars, and drove through the red light at 115th and State Street. At 124th Street, the black Ford Taurus made a right and headed west and then blew a tire at 124th Street and Lowe. The car made a left on to Justine and crosses the intersection of 125th Street. After crossing the intersection, the car starts to slow down to about 15 or 20 miles per hour. Once the car slowed down, the front passenger, a young black male exited the car, fell to the ground and dropped a gun. The car

continued to drive and Officers E, F, and G continued to pursue it. Officer F related that there was another car behind them occupied by Officers A and D, who stopped and engaged the front passenger who just exited the car.

About a block later, Officer F heard several gunshots and then an officer state over the radio "shots fired." Officers E, F, and G continued to pursue the car that turned and went eastbound down 124th Street. As the pursuit continued, Officer F observed an unmarked squad car parked on the north side of 124th Street with two plainclothes officers were standing outside of it. Officer F observed the car swerve into the westbound lane and traveled towards two plainclothes officers and appeared that the driver attempted to either hit the officers or clip the car they were standing outside of. The two plainclothes officers raised their weapons and then Officer F heard several gunshots. Officer F was not able to identify the officers on the side of the road since he does not know them. Officer F related that the car came very close to the officers, but could not give an exact measurement. The car continued to drive east for another two blocks and then struck a parked car. The car continued east, crossed Halsted and then the driver and rear passenger bailed from the car. Officer G chased down and apprehended the driver of the car, while Officer E apprehended Paris Withers. Officer F related that the subjects were handcuffed, detained and separated from one another. Officer F related that he, nor Officer G or Officer E fired their weapons throughout the entire incident.

In a statement provided to IPRA on 07 October 2010, **Officer G** related that he was working Beat 562D in plainclothes with Officer F and Officer E. Officer G related that he was the driving their squad car northbound State Street near 112th Place when he observed Officer I, Officer H and CPD Sergeant 1 talking to some people on a sidewalk. Officers H and I and CPD Sergeant 1 are looking southbound while Officer G is traveling northbound about to approach them. Officer G observed the officer's motion towards a car that was traveling southbound, away from them, and they are yelling that there is a gun in the black car. Officer G did a U-turn and began to pursue a black Ford. As soon as he caught up to the car, Officer G activated the car's emergency equipment. The car increased its speed and continued south on State Street, until 124th Street. At 124th Street the car turned and drove westbound. At 125th Street the car turned eastbound and began to slow down as it was turning corners. At 125th Street and Justine the front passenger exited the car. Officer G slowed down his squad car in anticipation of a foot chase, but the driver kept driving. Officer G looked in his rearview mirror and observed Officers A and D exited their car and pursued the front passenger who just exited the car on foot. Seconds later, Officer G heard gunshots but did not know who was firing the shots.

Officer G continued to the pursued the car and at some point ends up back on 124th Street traveling eastbound. As they traveled eastbound, Officer G observed that the car lost one of its tires and that heavy smoke was coming from that area. The car continued eastbound on 124th Street to Peoria. At Peoria, Officer G observed two officers standing near their squad car on the north side of the street. The black Ford veered and headed straight towards the officers. The officers retreated to the sidewalk and the car continued eastbound past Halsted. After it crossed Halsted the car came to a stop in the middle of the street and the driver, now known to be Subject 2, exited the car

and ran westbound. The rear passenger exited the car and ran southbound. Officer G exited the squad car and pursued the driver, which he apprehended about half a block from the scene. Officer F and Officer E apprehended the rear passenger of the car. All the officers return to the car and place Subject 2 and the rear passenger into a squad car. Officer G related that he did not discharge his firearm during the incident and did not observe Officer A discharge his weapon.

CONCLUSION AND FINDINGS:

This investigation found that the use of deadly force by 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 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 officers' attention was brought to the situation by the victim of an Attempted Armed Robbery during which one offender fired shots at the victim. The offenders fled in a car the victim of the Robbery identified, with officers giving chase. When the car reached the area of incident, the subject, Subject 1, exited the wanted vehicle with a gun in his hand. Subject 1 struck the bumper of a parked car and fell to the ground. He regained his feet with the gun in his hand and ran, with Officer A in pursuit on foot. Subject 1 raised the gun in Officer A's direction three times during the chase. Officer A fired several rounds each time Subject 1 raised the weapon in his direction. After the incident, Officer A learned that he had sustained a gunshot graze wound. Subject 1 was identified by [Bystander #1] and his two companions as the offender with the gun, which he fired at [Bystander #1]. Subject 1 was identified by his co-offenders and witnesses Witness 1 and Witness 2 as having a gun. Officer A saw the gun in Subject 1's hand as he exited the offenders' vehicle. During the foot chase, Subject 1 raised his gun in the direction of Officer A three times. The evidence supports the assessment that Subject 1 was a bona fide threat using force likely to cause death or great bodily harm. Under those circumstances, fearing for his own life as well as the lives of others (fellow officers, residents), Officer A was justified in discharging his weapon at Subject 1, striking him in the foot.

During the vehicle pursuit, the offenders' car almost struck Officer B's and Officer C's vehicle at a high rate of speed. The offenders' car was traveling erratically at a high rate of speed¹⁵, and its tires were smoking. Just as the offenders' car appeared to be about to crash into the two officers as they were attempting to exit their vehicle, they fired their weapons as the car bore down on them. The offenders' car swerved when it came within several feet of the two officers and their vehicle, sideswiping a parked car.- and going past the officers. Two fired bullets were recovered from the interior of the offenders' car (one on the front dash, the other in the rear passenger side back rest). The Illinois State Firearms Section determined that both bullets exhibited characteristics consistent with Officer B's weapon, which was the only one of its type involved in the incident. There was also a bullet hole in the driver side door, front driver side window trim, and the trunk of the offenders' car. Given the dynamic nature of an incident such as the one under investigation, it is not uncommon to see a bullet hole in the rear of a vehicle considering the totality of the circumstances. Officer B and Officer C had monitored a call of an On-View 'Shots Fired' incident. As they prepared to join the pursuit of the offenders, the offenders' vehicle appears, traveling toward them at a high rate of speed. Thinking that the offenders' vehicle was about to strike their squad car just as they were exiting, the two officers believed their lives to be in danger and fired their weapons at the threat. Given the above, and the concept of 'lag time'¹⁶, The round through the trunk is not unreasonable. Lag time, coupled with the movement of a threat can account for discrepancies in an officer's account and what actually happened. As when Officer B indicated in his statement with IPRA that he stopped firing at the offenders' car when passed them and was no longer a threat. Given the totality of the circumstances, Officer B and Officer C were in compliance with Department Policy and State Statutes were they discharged their weapons.

¹⁵ Approximately 80 miles per hour.

¹⁶ Encompasses the process of perceiving a threat, the brain processing the threat, and then physical reaction to the threat