

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1027851 / U #09-24

INVESTIGATION

NUMBER: Log #1027851 / U #09-24

OFFICER

INVOLVED #1: “Officer A” (Chicago Police Officer); Male/Hispanic; 33 years old;
On Duty; In Full Uniform; Year of Appointment – 2005

OFFICER’S

INJURIES: None Reported

OFFICER

INVOLVED #2: “Officer B” (Chicago Police Officer); Male/Black; 37 years old;
On Duty; In Full Uniform; Year of Appointment – 2003
(DID NOT DISCHARGE)

OFFICER’S

INJURIES: None Reported

OFFICER

INVOLVED #3: “Officer C” (Chicago Police Officer); Male/White; 30 years old;
On Duty; In Full Uniform; Year of Appointment – 2002
(DID NOT DISCHARGE)

OFFICER’S

INJURIES: None Reported

SUBJECT: “Subject 1”; Male/Black; 28 years old

SUBJECTS’

INJURIES: One gunshot wound to the left calf

INITIAL

INCIDENT: Armed robbery

DATE/TIME

OF INCIDENT: 01 July 2009, 2334 hours

LOCATION: 2 South Whipple

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SUMMARY OF INCIDENT:

On 01 July 2009, at approximately 2330 hours, Robbery Victims 1 and 2 were in the area of 3301 West Maypole when they were robbed by subjects, Subject 1 and Subject 2 who fired several shots at them. Subject 1 and Subject 2 entered a silver or gray Ford Focus, which was being driven by an unknown black male named "[Nickname]" and they departed the area. Officers A, B, and C were in an unmarked squad car and stopped at a red light in the northbound lanes of Washington Street. The silver/gray Ford Focus drove through the red light and Officer C, who was operating the squad car, turned the vehicle around in an attempt to conduct a traffic stop. The officers followed the Ford Focus a short distance and then activated their emergency lights in an alley behind a vacant lot located at 3018 West Madison in an attempt to curb the vehicle. The Ford Focus stopped momentarily as Subject 1 and Subject 2 exited. As Subject 1 and Subject 2 exited the vehicle, Officer C related to Officers A and B that he observed Subject 1 holding a gun. Subject 1 and Subject 2 ran from the vehicle and "[Nickname]" drove forward down the alley and away from the area. Officer A exited the front passengers' seat and Officer B exited the rear passengers' seat and they ran after Subject 1 and Subject 2. Officer C remained in the squad car and pursued "[Nickname]" in the silver/gray Ford Focus. Officers A and B chased Subject 1 and Subject 2 to a large vacant lot on the south side of Madison when Subject 1 turned toward Officer A with a gun in his hand and fired one shot. Officer A then fired four rounds in the direction of Subject 1. Subject 1 fell to the ground after he was struck by one round in his left calf. Officer A observed a gun on the ground near Subject 1. Officer A searched Subject 1 for other weapons and handcuffed him. Officer B assisted Officer A place Subject 1 in handcuffs. Subject 2 continued to run and briefly got away. Subject 2 was later found hiding under a vehicle at 15 South Albany. Officer C stopped pursuing "[Nickname]" in the vehicle when he heard the shots fired and drove to the scene where Officers A and B were. Robbery Victims 1 and 2 arrived on scene with [Name Withheld], but did not arrive until after the shooting took place. Robbery Victims 1 and 2 related to the officers that they had just been victims of an armed robbery by Subject 2 and Subject 1.

INVESTIGATION:

On 02 July 2009, a Roundtable panel was conducted regarding an officer involved shooting. The following eight witnesses provided an account of the incident:

Officer C, related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Officer C stated that he was working with Officer A and Officer B. Officer C observed a Ford Focus drive south on Kedzie through a red light and turn east on Warren. Officer C turned the squad car around and followed the Ford Focus east in an alley north of Madison. Officer C activated the emergency lights as they traveled down the alley. Officer C stated that the Ford Focus stopped near a white garage across from a vacant lot. Officer C related that he observed Subject 1 (black jacket or shirt) get out of the front of the Ford Focus and Subject 2 (red shirt) get out of the rear seat. Officer C observed Subject 1 tuck a gun into his waistband and yelled that information to his partners as they exited the squad car. Officer C remained inside the squad car and pursued the Ford Focus east down the alley onto southbound Sacramento. Officer C related that when he approached Madison he heard approximately four gun

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shots. Officer C stopped pursuing the Ford Focus and drove to assist his partners. Officer C stated that when he arrived to the location of his partners, he observed Officer A standing over Subject 1, who was already in handcuffs. Officer C related that he did not witness the actual shooting itself.

Officer B, related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Officer B provided the same information as Officer C regarding the initial encounter with the Ford Focus. Officer B stated that a person in a black shirt (Subject 1) and a person in a red shirt (Subject 2) ran south from the Ford Focus through a vacant lot. Officer B and Officer A ran after Subject 1 and Subject 2. Officer B indicated that as he and Officer A exited the squad car, Officer C yelled to them that one of the individuals had a gun. Officer B related that Subject 1 was holding his side and was stumbling as he ran, allowing Officer A to gain distance on him. Officer B stated that he and Officer A gave Subject 1 and Subject 2 verbal commands to stop, however they continued to run. Officer B indicated that he and Officer A chased Subject 1 and Subject 2 across Madison into an open lot on the south side of the street. Officer B stated that he began to focus on Subject 1 when heard a "popping noise" and looked to his left to see a gun in Subject 1's hand. Officer B related that Subject 1 was pointing the gun behind him. Officer B stated that he looked back towards Subject 2 and then heard more shots. Officer B turned back towards Subject 1 and pointed his own firearm at him. Officer B related that Subject 1 was already laying on the ground when he turned and pointed his firearm at him. Officer B indicated that he heard all the gun shots, but failed to actually see any of the shots that were fired. Officer B then heard screeching tires and observed a van arrive on Madison. Officer B stated that two black males, Robbery Victims 1 and 2 exited the van and related to the officers that they had just been robbed by Subject 1.

Officer A, related to the Roundtable panel the same information as Officer C and Officer B regarding the initial encounter with the Ford Focus. Officer A stated that he was in uniform, with a black vest, name plate and badge. Officer A indicated that the Ford Focus stopped in an alley and two men, (Subject 1 and Subject 2) got out of the vehicle and ran south through a vacant lot. Officer A related that he and Officer B got out of the squad car and chased after Subject 1 and Subject 2. Officer A stated that as he and Officer B exited the squad car, Officer C told them that Subject 1 had a gun. Officer A related that he and Officer B gave repeated verbally commands of, "stop, police" to Subject 1 and Subject 2. Officer A stated that he focused on Subject 1 and observed him making movements towards his waistband. Officer A believed Subject 1 to be armed based on his previous experience and the information provided to him by Officer C. Officer A indicated that as he was behind Subject 1 on the south side of Madison in a vacant lot, Subject 1 turned towards him with a gun in his hand and fired one shot. Officer A related that this was the first time that he actually observed Subject 1 gun. Officer A then fired three to four shots at Subject 1. Officer A estimated that he was approximately seven feet behind Subject 1 when he discharged his weapon. Officer A stated that Subject 1 fell to the ground. Officer A approached Subject 1 whose arms were out. Officer A related that he observed a gun a couple feet away from Subject 1. Officer

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A handcuffed Subject 1. Officer A further related that he then looked up and observed Subject 2 continue to run across the vacant lot and out of view.

CPD Detective 1, related to the Roundtable panel that he conducted a canvass of the area near where the shooting occurred. CPD Detective 1 spoke to Witness 1 who related that she was sitting on her back porch and heard one gun shot, then a short pause and then four more gun shots. CPD Detective 1 indicated that Witness 1 entered her residence after hearing the shots and did not observe the incident.

CPD Lieutenant 1, provided a description of the evidence that was recovered to the Roundtable panel. CPD Lieutenant 1 indicated that two 9mm shell casings were recovered from 3301 W. Maypole, which was the original scene of the robbery. A Ruger 9mm handgun was recovered near Subject 1 at the scene of the shooting. CPD Lieutenant 1 stated that four live rounds were recovered from the weapon, which matched the rounds found on Maypole. The Ruger 9mm was cocked when it was recovered, which indicated that it had recently been fired. CPD Lieutenant 1 related that Officer A showed the direction that Subject 1 had fired his weapon in and a bullet hole was located in the vinyl siding of a garage located at 3027 W. Warren. The actual bullet and casing was not located prior to the roundtable. CPD Lieutenant 1 indicated that Officer A's firearm was inventoried and evidence photographs were taken of the scene, including the officers' car and the vehicle under which Subject 2 was located.

CPD Detective 2, related to the Roundtable panel that he interviewed Subject 2 at 0110 hours. CPD Detective 2 indicated that Subject 2 was attired in a red shirt at the time of the interview. Subject 2 related to CPD Detective 2 that he was at a barbershop in Maywood with "[Nickname]", who drives a silver Ford Focus and "[Nickname]" also known as "[First Name]". CPD Detective 2 provided a picture of Subject 1 to Subject 2 and Subject 2 identified the picture as the individual who he knew as "[Nickname]/[First Name]". CPD Detective 2 stated that Subject 2 and "[Nickname]" began to drive Subject 1 to his vehicle, which was parked on Springfield. Subject 2 related to CPD Detective 2 that they stopped the vehicle on Maypole east of Homan and Subject 1 got out of the vehicle and was gone for awhile. Subject 2 related that he was unaware what Subject 1 was doing while he was away from the vehicle. Subject 2 told CPD Detective 2 that they departed and drove through a red light and observed the police behind them. Subject 2 related to CPD Detective 2 that "[Nickname]" stopped the vehicle and he ran because he was scared. Subject 2 indicated to CPD Detective 2 that he heard the officers tell him to stop, however he just kept running. Subject 2 related that he heard gunshots and thought the officers were shooting at Subject 1. Subject 2 told CPD Detective 2 that he hid under a vehicle and was later located by officers. CPD Detective 2 further related that Subject 2 was identified by Robbery Victims 1 and 2 as one of the individuals that were involved in the robbery.

CPD Detective 3, related to the Roundtable panel that he interviewed Subject 1, who was attired in a black t-shirt. Subject 1 told CPD Detective 3 that he was picked up by "[Nickname]" and "[Nickname]" in Maywood. [Nickname] was identified by CPD Detective 3 as Subject 2. Subject 1 related to CPD Detective 3 that when they were about

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to be stopped by the police, “[Nickname]” placed a semi-automatic pistol in Subject 1’s lap. Subject 1 indicated that he then placed the pistol in his waistband. Subject 1 stated to CPD Detective 3 that he ran from the vehicle when they stopped and the pistol started to fall from his waistband. Subject 1 related that he attempted to secure the weapon, however while doing so the gun “went off.” CPD Detective 3 indicated that Subject 1 then heard gun shots, felt pain and then fell to the ground. Subject 1 stated that he was then handcuffed and put in the back of an ambulance. CPD Detective 3 related that Subject 1 was treated at Mount Sinai Hospital by Doctor A for a gunshot wound to the left calf. Detective Subject 1 spoke with Subject 1 again at Area 4 and Subject 1 related the same information as before. Subject 1 further related to CPD Detective 3 that he, “[Nickname]” and Subject 2 were on the 3300 block of Maypole when Subject 2 got into an argument with an unknown black male. Subject 1 stated that he fired two shots into the air.

CPD Detective 4, showed the Roundtable panel video recordings from Rothschild Liquors, located at 3015 West Madison and POD #515, located at 3200 West Maypole. The camera at Rothschild Liquors faced north and showed a vacant lot on the north side of Madison, the street and the northeastern corner of the vacant lot on the south side of Madison. CPD Detective 4 related that the time marked on the video was approximately 20-25 minutes later than the actual time. CPD Detective 4 related that two vehicles are seen in the alley on the north side of Madison at 2257 hours. CPD Detective 4 stated that the emergency lights on the second vehicle, which is the squad car were activated. CPD Detective 4 related that two individuals exited the first vehicle and ran through a vacant lot, across Madison and into the south side of the street before running out of the cameras view.

In a statement with IPRA, Robbery Victim 1, related that he and his friend, Robbery Victim 2 were robbed at gun point. Robbery Victim 1 stated that he and Robbery Victim 2 ran in different directions. Robbery Victim 1 indicated that he entered a building and heard gun shots. Robbery Victim 1 stated that he exited the building a short time later and observed squad cars coming down Madison Street. Robbery Victim 1 related that he went to the area where the squad cars were and observed one of the individuals who robbed him in the back of a squad car. Robbery Victim 1 did not witness any police officer shoot any of the offenders. Robbery Victim 1 related that he did not know that one of the offenders was shot until he arrived at Area 4.

In a statement with IPRA, Robbery Victim 2, related that he and his friend Robbery Victim 1 were robbed at gunpoint by two black males. Robbery Victim 2 indicated that one of the black males was attired in a black mask and the other one had on a red shirt. Robbery Victim 2 stated he was chased by the male with the black mask on and Robbery Victim 1 was chased by the other male. Robbery Victim 2 indicated that he and Robbery Victim 1 ran in opposite directions. Robbery Victim 2 stated that the male in the black mask fired a gun at him two times. Robbery Victim 2 related that he continued to run until he was picked up by Robbery Victim 1 in a van. Robbery Victim 2 indicated that they located the robbery suspects in a Ford Focus and began to follow them. Robbery Victim 2 stated that the robbery suspects ran a red light in front of a police car. Robbery

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Victim 2 observed the police car make a u-turn and follow the Ford Focus. Robbery Victim 2 related that when they arrived near Madison and Whipple they observed the police chasing the robbery suspects. Robbery Victim 2 stated that they stopped the van where the police had stopped and related to the officers that they were just robbed by the men they were chasing. Robbery Victim 2 observed the guy in the red shirt in the back of a police vehicle and the guy with the black mask on a stretcher. Robbery Victim 2 indicated that he heard from one of the officers that one of the offenders had been shot by the police because the offender had shot at the officer. Robbery Victim 2 related that he did not observe any part of the shooting between the officer and offenders.

In a statement with IPRA, Witness 2, related that she was watching television and falling asleep when she heard gunshots or firecrackers go off. Witness 2 proceeded to her kitchen window on the north side of her residence and observed police cars and flashing lights. Witness 2 indicated that she never went outside and was unsure how many gunshots she heard. Witness 2 had no further information regarding the incident.

In a statement with IPRA, Subject 2, related that on the night of the incident he was with an acquaintance he knows as “[Nickname]”. Subject 2 stated that [Nickname] drove him from a barbershop in Maywood, IL towards his vehicle parked at Division and Springfield in Chicago. Subject 2 indicated that he sat in the backseat and a black male; who he didn’t know was seated in the front passenger’s seat. Subject 2 related that [Nickname] ran a red light and an unmarked police car began to follow them with its emergency lights activated. Subject 2 indicated that [Nickname] stopped the vehicle and he jumped out and ran because he thought he had a warrant. Subject 2 stated that he ran through an alley and through a vacant lot. Subject 2 observed the black male that was seated in the front passenger’s seat running just to the left of him. Subject 2 did not observe [Nickname] run from the vehicle. Subject 2 related that as he was running he observed police officers yell, “Mother fucker stop. Mother fucker I am going to kill you. You black mother fucker, mother fucker get down.” Subject 2 stated that he then heard six or seven “pops” ring out from directly behind him. Subject 2 indicated that he observed the other black male fall down to the ground. Subject 2 continued to run and hid underneath a vehicle. Subject 2 related that two uniformed officers located him a short time later and arrested him. Subject 2 stated that he was transported to Area 4 where he was handcuffed to a rail on the wall and searched by a white male detective.

Attempts to obtain a **statement with** Subject 1 were met with negative results. On 02 July 2009 an attempt was made to interview Subject 1 at the 011th District Lockup. Subject 1 refused to provide a statement and sign the Miranda Rights Form. Subject 1 stated that they only were charging him with UUC and felt an interview was unnecessary. Subject 1 pulled up his left pant leg and displayed a bandage around his left calf. Subject 1 related that he was shot in the calf by a Chicago Police Officer. Subject 1 stated that he had been photographed extensively by an Evidence Technician. A business card was left with Subject 1 and he was instructed to call IPRA if he decided to provide a statement. A **certified letter** was mailed to Subject 1 on 07 July 2009. Subject 1 failed to respond to the letter.

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The related **Department Reports** (Event #0918221252), (RD #HR406681, HR406835) (CB #17609323, 17609236) document that the arresting officers observed a silver Ford Focus proceed through a red light at the intersection of Kedzie and Washington Avenue. The reports relate that the officers pursued the silver Ford Focus until it stopped in the alley near 3018 West Madison. Offender Subject 1 and Subject 2 exited the passenger's side of the vehicle. Officer C observed Subject 1 place a hand gun into his waistband. Officer C related the information to his partners, Officer B and Officer A. Officer B and A pursued Subject 1 and Subject 2 on foot to the area of 2 S. Whipple, at which time Subject 1 fired one shot in the direction of Officers A and B. The reports state that Officer A, fearing for his life, fired multiple shots striking Subject 1 in the calf. Officer A then took Subject 1 into custody. A weapon was recovered by Crime Lab Beat #5803. Further investigation related that Subject 1 and Subject 2 were involved in the armed robbery of Robbery Victim 1 and Robbery Victim 2 just before the shooting.

Tactical Response Report from Officer A documented that Subject 1 failed to follow verbal direction; then fled and used force that would likely cause death or great bodily harm to Officer A by firing his weapon in the direction of Officer A. Officer A responded with member presence, verbal commands and fired his weapon; striking Subject 1. CPD Watch Commander A concluded that the members' actions were in compliance with department procedures and directives.

Officers Battery Report for Officer A documented that he received a physical battery from being shot at by Subject 1 at the location of 2 South Whipple Street. Officer A related that he received no apparent physical injuries from the arrest of Subject 1.

Tactical Response Report from Officer B documented that Subject 1 failed to follow verbal direction; then fled and used force that would likely cause death or great bodily harm to Officer B by firing his weapon in the direction of Officer B. Officer B responded with member presence and verbal commands to Subject 1. CPD Watch Commander A concluded that the members' actions were in compliance with department procedures and directives.

Officers Battery Report for Officer B documented that he received a physical battery from being shot at by Subject 1 at the location of 2 South Whipple Street. Officer B related that he received no apparent physical injuries from the arrest of Subject 1.

Surveillance Video from Rothschild Liquors faced north and showed a vacant lot on the north side of Madison, the street and the northeastern corner of the vacant lot on the south side of Madison. The time marked on the video was approximately 20-25 minutes later than the actual time. The video depicted two vehicles in the alley on the north side of Madison at 2257 hours. The emergency lights on the second vehicle, which is the squad car were activated. Two individuals exited the first vehicle and ran through a vacant lot, across Madison and into the south side of the street before running out of the cameras view. Two individuals exited the squad car and ran after the first two individuals. The vehicles drove forward down the alley and out of view. Seconds later a dark colored unmarked squad car parked near the intersection with its emergency lights

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on. A white male police officer exited the car and walked towards the vacant lot. A white full size van parked along the curbside and two black males exited and laid down on the ground with their arms out. Several other marked and unmarked units arrived on the scene. The actual shooting was not observed on the surveillance video.

Evidence Technician photographs taken by Officer D and Officer E depict photographs of the scene, including the vehicles involved, bullet holes, shell casings and the weapon that was allegedly used by Subject 1. Officer F obtained photographs of Subject 1 while Subject 1 was at the hospital. Subject 1 was handcuffed to the hospital bed and appeared to have blood or a red stain on his right hand. The pictures did not depict an injury to Subject 1 leg.

A search of **Police Observation Devices (PODS)** documented that POD #515 located at 3200 West Maypole was operational and in the vicinity of the incident. The POD recording on 01 July 2009 started at 2300 hours and concluded at 0100 hours. The road conditions appeared dry, it was dark and the streets appeared well lit. From 2300 – 2330 hours the video depicted routine foot and vehicular traffic. At 2331 hours a dark colored SUV approached the intersection followed by a silver sedan believed to be the silver Ford Focus and a full size van. The dark colored SUV stopped at the red traffic light. At 2332 hours the silver sedan proceeded around the passenger's side of the SUV and drove forward through the red traffic light and out of view. Seconds later, a second vehicle, believed to be an unmarked squad car made a u-turn and drove towards the silver sedan and out of view. The full size van turned right and also drove out of view. At 2334 hours a marked squad car and an unmarked squad car proceeded through the intersection with their emergency lights illuminated. From 2335 – 0100 hours the video depicted routine foot and vehicular traffic.

A **canvass** in the area of the incident on 02 July 2009 at approximately 1550 hours was met with negative results.

Chicago Fire Department Ambulance Report indicated that Subject 1 was transported Mount Sinai Medical Center by CFD #33. The report documented that Subject 1 had one gun shot wound to his left calf.

Medical Records for Subject 1 from Mount Sinai Medical Center documented that Subject 1 was admitted to the emergency room on 02 July 2009 at 0041 hours for a gunshot wound to his left leg. The records indicate that Subject 1 received soft tissue damage near his left calf. The documents relate that there did not appear to be any evidence of a foreign object in the left leg. Further, records documented that there was no evidence of fracture in Subject 1 leg.

The related **O.E.M.C Event Query's** documented that the 911 callers at XXXX W. Fifth Avenue (2302 hours), XXXX W. VanBuren (2322 hours), XXXX W. Maypole (2332 & 2333 hours), 3253 W. Maypole (2332 hours) and XXXX W. VanBuren (2353 hours) were not located in the vicinity of the Officer-Involved Shooting. The O.E.M.C. caller (2337 & 2338 hours) located at XX S. Albany observed a subject hiding under a vehicle

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at that location. The Reporting Investigator attempted to locate a working telephone number to the Sprint PCS caller and was met with negative results. Further, the Reporting Investigator listened to the related 911 calls provided by O.E.M.C for the previously listed addresses and found no mention or indication that any of the callers observed the Officer-Involved Shooting.

Property Inventory sheet #11715858 documented four fired Winchester 9mm Luger cartridges. **#11715742** documented one Gun Shot Residue (GSR) kit that was administered to Subject 1. **#11715703** documented one Gun Shot Residue (GSR) kit that was administered to Subject 2. **#11715846** documented one 9mm semi automatic Ruger P95DC firearm, four 9mm Luger cartridges, (1 from chamber, 3 from magazine) and one 9mm magazine. **#11715840** documented on Sig Sauer P229 semi automatic firearm with serial number AAU04205, ten Winchester 9mm Luger Cartridges, (1 from chamber, 9 from magazine) and one Sig Sauer magazine, all recovered from Officer A. **#11715908**, **#11715745**, **#11716087**, **#11715911** documented personal property recovered from Subject 1. **#11715855** and **#11715854** documented cotton swabs containing DNA sample from Officer A's firearm. **#11715993** documented four expended Winchester 9mm Luger cartridges. **#11716085**, **#11715988**, **#11715831** documented personal property recovered from Subject 2. **#11716051** documented a 9mm Luger expended cartridge case recovered on Parkway grass at 3301 W. Maypole. **#11716047** documented a 9mm Luger expended cartridge case recovered on Parkway grass at 3300 W. Maypole. (Att. 52).

Illinois State Police Forensic Science Laboratory Report documented that four Winchester 9mm cartridge cases found on the scene were fired from a Sig Saur, Model P229, 9mm Luger, serial #AAU04205. Further, a Sturm, Ruger & Co., Model P95DC, 9mm Luger semiautomatic pistol, serial #314-02889 was examined and found to be in firing condition. The Sturm Ruger was test fired and displayed rifling characteristics of six lands and grooves with a right had twist. Cartridges that were found at the scene of the original robbery were compared and found to be fired by the Sturm Ruger. The findings of the tests were reported by Forensic Scientist A.

Illinois State Police Forensic Science Laboratory Report documented that Gun Shot Residue (GSR) kits on Subject 1 and Subject 2 were performed and provided to the laboratory under Inventory #'s 11715742 and 11715703. Subject 1 test was documented under Exhibit 5 and indicated that Subject 1 discharged a firearm, contacted a PGSR related item or had his right hand in the environment of a discharged firearm. Subject 2's test was documented under Exhibit 6 and indicated that Subject 2 may not have discharged a firearm with either hand. If Subject 2 did discharge a firearm, then the particles were removed by activity, were not deposited or were not detected by the test. The findings of the test were reported by Forensic Scientist B.

In a **statement provided to IPRA**, Officer C related in essence the same information he provided to the Roundtable Panel. Officer C added that he was working gang enforcement with partners Officers B and C on the west side of Chicago. Officer C stated that he was in full uniform with his protective vest, nametag and star displayed.

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Officer C related that he was operating a black unmarked Chevrolet Impala and Officer A was seated in the front passenger's seat and Officer B was seated in the rear passenger's seat. Officer C believed their start time on the day of the incident was 1800 hours. Officer C added that when he heard the gunshots, he discontinued the pursuit of the silver Ford Focus and drove to Madison and Whipple where he observed Officer A standing over Subject 1. Officer C indicated that Officer A placed Subject 1 in handcuffs. Officer C observed a weapon in the immediate area of Subject 1. Officer C related that a van arrived on scene and two black occupants exited stating they had just been robbed.

In a **statement provided to IPRA**, Officer B related in essence the same information he provided to the Roundtable Panel. Officer B indicated that he was on patrol as 6750A with partners, Officer A and Officer C. Officer B stated that he was in full uniform in an unmarked squad. Officer B related that he was seated in the rear passenger's seat, Officer C was operating the vehicle and Officer A was seated in the front passenger's seat. Officer B stated that on the night of the shooting they were stopped at a red light and observed two vehicles traveling southbound. Officer B indicated that one of the vehicles went through the red light and almost hit their squad car. Officer B related that Officer C turned the squad car around and began to follow the vehicle with the emergency lights on. Officer B stated that the vehicle refused to pull over and continued down an alley. Officer B indicated that the vehicle stopped near a vacant lot and the front seat passenger and rear seat passenger, (Subject 2 and Subject 1) exited the vehicle and began to run through the open lot. Officer B related that he and Officer A exited the squad car and while doing so Officer C yelled that one of the males was holding a gun. Officer B stated that Officer C remained inside the squad car and drove down the alley in pursuit of the vehicle involved. Officer B indicated that one of the males was running while holding his side. Officer B stated that as he was chasing one of the subjects (Subject 2) and heard a loud pop. Officer B turned to his left and observed the other black male, (Subject 1) who Officer A was chasing holding a gun near his waist. Officer B looked back towards the subject he was chasing and then heard several more shots. Officer B looked back and observed the Subject 1 lying on the ground. Officer B stopped chasing Subject 2 and assisted Officer A. Officer B radioed dispatch and related there were shots fired at and by the police. Officer B related that he heard the shots being fired during the incident but did not actually see any of the shots being fired. Officer B stated that a van arrived along the curbside and two black males jumped out. Officer B pointed his firearm at the individuals and made them lay on the ground because he was unsure what they were doing. Officer B related that a short time later when more squad cars arrived they were able to ascertain that the black males in the van had just been robbed and shot at by the black males they chased.

In a **statement provided to IPRA**, Officer A, related in essence the same information he provided to the Roundtable Panel. Officer A stated that he was working beat 6750G in full uniform, in a black unmarked squad car with Officers B and C with an 1800 hour start time. Officer A described his primary firearm at the time of the incident as a 9mm Sig Sauer, two toned, semi-automatic pistol. Officer A indicated that he was using his authorized holster on his right side and his primary shooting hand is his right hand. Officer A stated that his firearm was fully loaded with authorized ammunition and he had

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one bullet loaded in the chamber. Officer A qualified with the weapon described; however he was unable to recall when he last qualified with the weapon. Officer A was not carrying any other firearms and was not carrying any other less lethal weapons during the night of the incident. Officer A related in essence the same information provided by Officer C and Officer B. In addition, Officer A stated that he observed Subject 1 fidgeting with his waist band. Officer A related that he and Officer B announced their office several times throughout the foot pursuit. Officer A indicated that as they crossed Madison into a second empty lot, Subject 1 turned to his right and fired one shot in his direction. Officer A related that he observed the muzzle flash. Officer A stated that he fired approximately four rounds back at Subject 1 and Subject 1 fell flat to the ground. Officer A observed Subject 1 firearm lying on the ground. Officer A related that he did a quick check of Subject 1 and then handcuffed him. Officer A did not observe or hear any other Officers discharge their firearms during the incident.

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CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A was **JUSTIFIED** and in compliance with Department policy and State statutes. According to the Chicago Police Department's General Order No. 02-08-03, III:

"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 believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involved 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."

Robbery Victims 1 and 2 were in the area of 3301 West Maypole when they were robbed by subjects, Subject 1 and Subject 2 who fired several shots at them. Subject 1 and Subject 2 entered a silver or gray Ford Focus, which was being driven by an unknown black male named "[Nickname]" and they departed the area. Officers A, B, and C were in an unmarked squad car and stopped at a red light in the northbound lanes of Washington Street. The silver/gray Ford Focus drove through the red light and Officer C, who was operating the squad car, turned the vehicle around in an attempt to conduct a traffic stop. The officers followed the Ford Focus a short distance and activated their emergency lights in an alley behind a vacant lot located at 3018 West Madison in an attempt to curb the vehicle. The Ford Focus stopped momentarily as Subject 1 and Subject 2 exited. As Subject 1 and Subject 2 exited the vehicle, Officer C related to Officer A and B that he observed Subject 1 holding a gun. Subject 1 and Subject 2 ran from the vehicle and "[Nickname]" drove forward down the alley and away from the area. Officer A exited the front passengers' seat and Officer B exited the rear passengers' seat and ran after Subject 1 and Subject 2. Officer C remained in the squad car and pursued "[Nickname]" in the silver/gray Ford Focus. Officers A and B chased Subject 1 and Subject 2 to a large vacant lot on the south side of Madison when Subject 1 turned toward Officer A with a gun in his hand and fired one shot. Officer A then fired four rounds in the direction of Subject 1. Subject 1 fell to the ground after he was struck by one round in his left calf. Officer A observed a gun on the ground near Subject 1. Officer A searched Subject 1 for other weapons and handcuffed him. Officer B assisted Officer A place Subject 1 in handcuffs. Subject 2 continued to run and briefly got away. Subject 2 was later found hiding under a vehicle at 15 South Albany. Officer C stopped pursuing "[Nickname]" in the vehicle when he heard the shots fired and drove to the scene where Officers A and B were. Robbery Victims 1 and 2 arrived on scene with [Name Withheld], but did not arrive until after the shooting took place. Robbery Victims 1 and 2

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related to the officers that they had just been victims of an armed robbery by Subject 2 and Subject 1.

The Officers' actions were in accordance with the requirements of the Department's Use of Deadly Force policy. Officer A's reactions were solely based on the actions of Subject 1. Subject 1 pointed a weapon in the direction of Officers A and B. Officer A was reasonably in fear for his and his partner's life which was in fact in imminent danger when Subject 1 pointed a handgun at them.