

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1046392 / U #11-35

INVESTIGATION

NUMBER: Log# 1046392/U# 11-35

OFFICER #1

INVOLVED: “Officer A” (Chicago Police Officer); Male/White; 41 years old;
On-Duty; In civilian dress; Year of Appointment – 1997

OFFICER’S

INJURIES: None Reported

OFFICERS #2

INVOLVED: “Officer B” (Chicago Police Officer); Male/Black; 31 years old;
On-Duty; In civilian dress; Year of Appointment – 2002

OFFICER’S

INJURIES: None Reported

SUBJECT: “Subject 1”; Male/White; 37 years old

SUBJECT’S

INJURIES: Possible graze wound to right leg

INITIAL

INCIDENT: Search Warrant-Narcotics

DATE/TIME

OF INCIDENT: 23 June 2011, 1526 hours

LOCATION: 103XX S. Trumbull, inside

SUMMARY OF INCIDENT:

On 23 June 2011, at approximately 1526 hours, Chicago Police Officer A, Officer B, Officer C, Officer D, and Officer E were at 103XX S. Trumbull to execute a narcotics search warrant at the residence at that address. The subject, Subject 1, was the target of that warrant. When the officers arrived at the residence, two young boys (later identified as Subject 1's nephews) were sitting in the living room. The boys told the officers that Subject 1 was in the basement. The officers went downstairs to find him. They observed a white female (identified as Witness 1) exiting a basement bedroom. Officer C detained her and brought her upstairs. Officer A and Officer B observed Subject 1 opening the door to another bedroom. They announced their office and asked Subject 1 to show his hands. Subject 1 refused to open the door when ordered to do so. He then opened the door and stepped aside. A large pit bull ran out of the bedroom and lunged at Officer B. Officer A and Officer B both discharged their firearms at the dog, fatally striking it. The officers placed Subject 1 into custody and searched his bedroom. They recovered three Ziploc bags, each containing a white powder substance (suspect heroin). Subject 1 sustained a minor abrasion to his lower right leg, the cause of which was unknown.

INVESTIGATION:

In an interview with IPRA on 23 June 2011, **Subject 1** related that he was sleeping in his bedroom in the basement of his family house. He heard someone outside the door yelling for him to open the door. When he opened it, he saw two police officers wearing masks. A pit bull that belonged to Subject 1's brother ran out of the bedroom. Subject 1 stated that he did not intentionally open the door so the dog could charge at the officers. Subject 1 heard a gunshot but did not see who fired it. The dog continued moving. Subject 1 heard another gunshot. He did not know who fired that shot and did not know whether it was the same officer who fired the first shot. The dog then fell to the ground. The officers told Subject 1 to put his hands on his head and get on the ground. Subject 1 complied and the officers held him down. The officers handcuffed Subject 1 and brought him upstairs. Subject 1 said that he felt pain to his leg immediately after the gunshots and believed that he was struck by a ricochet from one of the bullets. He told the officers about the injury. Officers brought him to Metro South Medical Center, where he was treated. (Attachments 38, 66)

The **Evidence Technician Photographs** of Subject 1 depict numerous small abrasions, similar to bug bites, to his arm and legs. One of the abrasions, located on his lower left leg, is slightly larger (approximately two-three centimeters long) and different in shape. (Attachment 44)

Medical Records from Metro South Medical Center indicate that Subject 1 sustained an abrasion to his lower right leg. There were multiple small abrasions observed on his right leg but Subject 1 did not know the source of those abrasions. Subject 1 told medical staff that he sustained the injury from a ricochet bullet. Orders for a tetanus shot and x-rays were cancelled when Subject 1 refused them. Subject 1 was diagnosed with a laceration / gunshot wound and was discharged in stable condition. (Attachment 55)

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1046392 / U #11-35

Nurse A of Metro South Medical Center informed IPRA that she treated Subject 1. She described his abrasion as an area that was “missing skin” and that there was minor bruising around the area. Nurse A, who admitted that she was “not an expert” in gunshot wounds, related that Subject 1’s injury was more consistent with the skin being scratched by a fingernail or a piece of furniture. (Attachment 34)

In an interview with IPRA on 23 June 2011, **Witness 1** related that she was in her bedroom in the basement of 103XX S. Trumbull, where she lives with her boyfriend, [Name Withheld] (Subject 1’s brother), their children, and the [Boyfriend and Subject 1’s] family. Witness 1 heard a man’s voice yelling upstairs and started walking toward the stairs. She saw a masked police officer coming down the stairs. The officer told her to go upstairs and accompanied her there. There were more officers in the kitchen and on the stairs. An officer handcuffed Witness 1 and brought her to the living room, where her two sons were playing on the computer. Witness 1 heard yelling coming from downstairs but did not now know what was said. She did not hear any gunshots. The officers later brought Subject 1 upstairs. Subject 1 was handcuffed, but he was walking on his own and did not appear to be in any pain. Subject 1 told Witness 1 that the officers shot the pit bull. Witness 1 heard Subject 1 tell the officers that he was possibly struck by a ricochet bullet. Witness 1 did not look at the injury but she believed that Subject 1 indicated to his left leg. The officers took Subject 1 out of the house. Witness 1 remained inside with the officers. (Attachment 40)

The **General Offense Case Report (HT-362461)**, **Subject 1’s Arrest Report**, the **Vice Case Report (HT-362244)**, **Narcotic Unit Supplementary Report**, **Search Warrant and Inventory Reports** include accounts of the incident that are consistent with the Summary of Incident. Subject 1 was charged with Possession of a Controlled Substance (Heroin) and Aggravated Assault to a Police Officer. (Attachments 4, 6, 32)

The **Tactical Response Reports** indicate that Officer B fired his .45 caliber handgun one time and Officer A fired his rifle one time. (Attachments 7-8)

The **Detective Supplementary Report** contains an account of the incident that is consistent with the Summary of Incident and the other related Department reports. Subject 1, Witness 1 and the involved officers gave the detectives essentially the same account of the incident as they did to IPRA. Subject 1 stated that he saw the police officers were on the other side of the door and that he tried to close the door to keep the dog in the room. Subject 1 stated that the dog was barking and growling and trying to get out of the room. Subject 1 stated that he heard two shots and the dog was not in the doorway. Subject 1 further stated that the police never pointed a gun at him. (Attachment 69)

The **Major Crime Scene Processing Report** indicates that the weapons used by Officer A and Officer B were inventoried. The officers also recovered several small Ziploc bags containing suspect heroin. (Attachment 26)

The **Evidence Technician Photographs** depict the location of the incident and recovered evidence. (Attachment 43)

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1046392 / U #11-35

A **Synoptic Report** from Internal Affairs Division CPD Sgt. 1 indicates that Officer A and Officer B both submitted to drug and alcohol testing. The Breathalyzer results for both officers were .000 and the Urinalysis results for both officers were negative for all tested drugs. (Attachment 51)

Office of Emergency Management and Communications records indicated that Beat #6236 reported that they were executing a search warrant at 1526 hours. At 1528 hours, the officers requested a watch commander on the scene and made the notification of a weapon discharge. The unit also reported that Beat #6236 destroyed a dog while entering the location at 103XX S. Trumbull. A watch commander later reported that a fragment from a round put a minor graze wound on Subject 1's ankle and he would be transported to Metro South Hospital. (Attachment 23, 24, 47, 48, 49, 68)

A report from the **Illinois State Police Division of Forensic Services ("ISP")** dated 23 August 2011 indicates that both officers' weapons were in firing condition. The recovered cartridge cases were found to have been fired from their weapons. (Attachment 67)

In a statement to IPRA on 24 June 2011, **Officer D** related that he and the other members of his team went to 103XX S. Trumbull to execute a search warrant. Officer D was part of the entry team with Officer C, Officer A, and Officer E. The officers knocked on the front door and announced their office. When they did not receive an answer, the officers found the door was unlocked and entered the residence. Officer D observed two boys, approximately 8-10 years old, sitting in the living room at a computer. Officer D went upstairs and checked to see if there was anyone on the second floor of the house. After finding no one there, Officer D went back downstairs to check the first floor. He heard people in the basement yelling, "Police, let me see your hands." Officer D recognized the voices as belonging to Officers Officer B and Officer A. He also heard a dog barking. Officer D started going toward the basement stairs in the kitchen. Before he got to the stairs, he heard a gunshot in the basement. Officer D did not have a view of the basement or the stairwell and could not see who fired the shot. As Officer D turned the corner to enter the stairwell, he heard a second gunshot. Officer D could not see who fired that shot but he recognized that it sounded like a rifle shot. Officer D looked down the stairs and saw Officer A's back. He was standing at the foot of the stairs. Officer B was standing on the basement floor in front of Officer A and a dog was lying on the floor between the officers. As Officer D went down the stairs, he saw Officer B holster his weapon and enter the bedroom that was at the bottom of the stairs. Officer A provided security while Officer B handcuffed the subject in the bedroom. Officer D believed that the subject's name was Subject 1 w/ Different Last Name (actually Subject 1). Officer D went downstairs and helped bring Subject 1 upstairs to the living room. Subject 1 walked on his own and did not complain of any pain or injury as he walked. Once Subject 1 sat down in the living room, he motioned to his leg. Officer D saw that there was a small trickle of blood on Subject 1's foot. Subject 1 told the officers that he heard the gunshot but did not know that he was injured until he sat down and saw that he was bleeding. He assumed that he had been struck by a piece of concrete or something. He said that he was not in pain. The two boys were in the living room with Subject 1, as was a female, now known as Witness 1. Officer D did not know where Witness 1 had been previously and believed that she was detained while he was upstairs on the second floor. The officers continued to perform their

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1046392 / U #11-35

search and called an ambulance for Subject 1. The paramedics eventually transported Subject 1 to the hospital. (Attachment 56-57)

In a statement with IPRA on 24 June 2011, **Officer C** related that he was part of the team that executed the search warrant at 103XX S. Trumbull. Officer C was a breach officer for the execution with Officer B. When there was no response to their knock at the door, one of the officers turned the doorknob and found the door to be unlocked. They then entered the residence through the front door. Officer C saw two young boys sitting in front of a computer in the living room. The boys said that Subject 1, the target of the search warrant, was their uncle and was downstairs. Officer C yelled, "Downstairs," to the other officers. The other officers walked past Officer C toward the rear of the residence and looked in the other rooms on that floor as they walked. Officer C remained in the living room at that point. The two boys seemed to be fine, so Officer C left them in the living room and walked to the rear of the residence. When he got to the kitchen, he saw a female (Witness 1) who had been brought up from the basement. Officer C heard the officers in the basement yelling, "Show me your hands." He then heard a gunshot and a second gunshot approximately five to ten seconds later. Officer C believed that all of the other officers were in the basement at that point but later realized that some of them were actually on the stairs. Officer C could not see the stairwell from where he was in the kitchen. Officer C handcuffed Witness 1, brought her to the living room, and ran back through the kitchen to go to the basement. Officer C saw a pit bull lying on the basement floor. Officers were bringing Subject 1 up the stairs as Officer C went downstairs. Subject 1 was in handcuffs at that point. The officers were escorting him but Subject 1 was walking on his own and did not appear to be injured. Officer C searched one of the bedrooms in the basement. He heard Officer B yell there was a "positive" in Subject 1's bedroom, meaning that he found drugs there. The officers recovered one bag of heroin on the bed and two bags of heroin on the small table next to the bed. Officer C never had any conversation with Subject 1 and did not personally hear Subject 1 say that he had been shot or hit with a ricochet. (Attachment 58-59)

In a statement with IPRA on 24 June 2011, **Officer E** related that he was assigned to be in charge of the shield during the execution of this search warrant, meaning that he was one of the first officers who entered the residence. Officer B and Officer A approached the front door in front of Officer E. They knocked on the door and announced their office but received no response. The officers entered the unlocked door and observed two kids playing on a computer in the living room. One of the officers asked them where was Subject 1. The kids said that Subject 1 was in the basement. Officer E went upstairs and found the bedrooms there to be empty. When Officer E returned to the first floor, he heard a gunshot coming from the basement area. Officer E also heard an officer saying, "Show me your hands," but was unsure whether he heard that before or after the gunshot. Officer E moved in the direction of the basement and encountered a woman (Witness 1) in the kitchen. Officer E heard a second gunshot around the time he encountered Witness 1. Officer E was still holding his shield at this point. He grabbed Witness 1 and held onto her until another officer came and handcuffed her. Officer E went down to the basement and observed a dead dog on the floor. He also observed Subject 1, who was already in handcuffs. Officer B, Officer A and Officer D were also in the basement. One of the officers passed Subject 1 to Officer E, who put down his shield and brought Subject 1 upstairs to the living room. Subject 1 walked on his own and did not appear to be injured. Subject 1 did not complain of anything as they walked upstairs. Once Subject 1 sat down in the living room, he

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1046392 / U #11-35

appeared to be agitated. Subject 1 had a small laceration on his foot. Officer E never heard Subject 1 say that he had been shot or struck with a ricochet. Officer E related that he was unable to see who fired either of the gunshots because he did not have a view of the basement from where he was standing. (Attachment 60-61)

In a statement with IPRA on 24 June 2011, **Officer B** related that he was assigned as a breach officer during the search warrant execution at 103XX S. Trumbull. Officer A, who was assigned as the point officer, found that the front door was unlocked and opened the door. Officer B was the last officer in the team to enter the residence. He saw two children sitting in the living room. The officers announced their office and said that they were there on a search warrant. One of the officers told the children to sit on the couch. The officers continued through the house and cleared each of the rooms. Officer B went into the kitchen as Officer A cleared the room to the right of the living room. Officer B walked downstairs to the basement and said, "Police, search warrant." Officer B was the first officer to reach the basement. He observed a female (Witness 1) in the bedroom directly in front of the basement stairs. Officer B handcuffed Witness 1 and asked who else was in the basement. Witness 1 did not answer and appeared to not know what was happening. Officer B handed Witness 1 to Officer A, who was on the stairs behind Officer B. Officer B saw a room to his right with a slightly open door. He saw Subject 1, who was the target of their search warrant. Officer B recognized Subject 1 immediately. Officer B could only partially see Subject 1 and asked to see his hands. Subject 1 refused to show his hands and would not fully open the door when Officer B ordered him to do so. Subject 1 finally opened the door, stepped back, and put his hands in the air. Officer B then observed a pit bull moving in his direction. Officer B was standing within three feet of the open door at that point. He did not previously know that there was a dog in that bedroom. The pit bull ran toward Officer B. Subject 1 did not do anything to try to prevent the pit bull from charging at Officer B. Officer B fired his Glock handgun once at the pit bull. He was approximately two feet away from the pit bull when he fired. The pit bull stopped and backed up a step but did not fully re-enter the bedroom. The pit bull remained facing Officer B. Officer B backed into the bedroom where he had seen Witness 1. He only had approximately three or four feet in which to maneuver. Again, Subject 1 did nothing to try to control the pit bull. The pit bull again began to come at Officer B. Officer A, who was standing on the first or second stair, fired one shot at the pit bull. The pit bull fell to the floor at that point. Officer B did not fire a second shot because the threat was eliminated. Officer B turned his focus to Subject 1, who was still in his bedroom. Officer B gave Subject 1 verbal directions to put his hands on his head and get on his knees. Subject 1 refused to obey the directions at that point. Officer B reholstered his weapon, grabbed Subject 1, and put him on the ground to handcuff him. Officer B then brought Subject 1 to his feet and patted him down to make sure he did not have any weapons. Subject 1 did not make any complaints and did not appear to be injured at that point. He then passed Subject 1 to Officer A so someone could take Subject 1 upstairs. Officer B saw Subject 1 walk on his own. Officer B remained in the basement to make sure that no one else was there. Officer B returned to the first floor approximately twenty minutes later and saw Subject 1 in the living room. Officer B heard Subject 1 say that he had been struck by a round or by ricochet, but he did not recall exactly how Subject 1 phrased it. While they were in the living room, Officer B observed blood on Subject 1's leg but did not look at the injury. (Attachment 62-63)

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1046392 / U #11-35

In a statement with IPRA on 24 June 2011, **Officer A** related that he was assigned to be the point man for entry at the execution of this search warrant, which means that he was the first person to enter the residence after the door was breached. He was armed with a carbine rifle during the search. Officer A opened the screen door and checked the doorknob to see if the door was locked. He observed that the door was not completely shut. He pushed on the door to make sure that it was unlocked and told the breach officers that the door was open. Officer A announced, "Search warrant, Chicago Police Department, search warrant." He then pushed open the door and entered the residence. Officer A walked through a small corridor to the living room and cleared the room. He observed two young boys, approximately seven or eight years old, sitting in the next room playing on the computer. Officer A explained to the boys that they were the police and there to do a search warrant. He asked where their parents were. The boys said that their parents were not home but that someone was in the basement. Officer A did not hear whether they said who was in the basement. Officer A told the boys to remain where they were and continued clearing the rooms on the first floor. Officer A cleared the bathroom and a closet before coming upon a padlocked door that he believed led to a bedroom. Officer A left the locked door alone at that point because no one would be able to exit the room that was locked from the outside. Officer B passed Officer A and several other officers went upstairs to check the second floor. Officer B cleared the kitchen and led the way down the stairs to the basement. Officer A followed a few feet behind Officer B. Officer B yelled, "Search warrant, Chicago Police Department." Officer B came across a female (Witness 1), grabbed her, and handed her to Officer A as he continued to clear the basement. Officer A did not believe that Witness 1 was handcuffed at that point. She cooperated with the officers as she went up the stairs. Officer A turned around and handed Witness 1 to the officer behind him, possibly Officer D or Officer C. Officer A heard Officer B telling someone to show their hands and open a door. Officer A assumed that Officer B did not get cooperation from whoever he was talking to because he kept repeating the orders. Officer A observed that Officer B was all the way down the stairs at this point. Officer A continued down the stairs and observed Officer B looking at the door directly in front of where he was standing. Officer A could not see what Officer B was looking at, but he observed him trying to take cover near a second door behind him. Officer B said, "Police, let me see your hands." Officer A could not see who Officer B was talking to. Officer A took cover to the side of the stairwell because he could not see what Officer B was looking at. As Officer A leaned against the wall of the stairwell, he heard a door creak open. The next thing he saw was a pit bull running out of the room that he could not see. The pit bull was barking and charging at Officer B in the hallway. The pit bull got very close to Officer B, approximately six inches or one foot. Officer A observed Officer B lower his weapon and fire at the pit bull. The pit bull backed up and started charging at Officer B again. Officer B reversed into the bedroom behind him. He did not appear to be in a position to fire his weapon again. Officer A then fired one shot from his rifle at the pit bull. Officer A was standing on the first stair off the floor and was approximately two feet from the pit bull when he fired. The pit bull fell to the floor. Officer B stepped over the pit bull and went into the bedroom that the pit bull came from. Officer A heard Officer B repeatedly yell, "Police. Let me see your hands." Officer A followed Officer B into the bedroom and saw that the subject (Subject 1) was still being combative by not showing his hands, not complying with the officers, and screaming at them. Officer B holstered his weapon, performed an emergency takedown on Subject 1, and handcuffed him. The officers brought Subject 1 to his feet and Officer B searched him to make sure that Subject 1 did not have any weapons. The officers then walked Subject 1 up the stairs. Officer A observed Subject 1 walking

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1046392 / U #11-35

on his own and did not appear to have any trouble doing so. Subject 1 did not complain of any injuries. Officer A followed the other officers and Subject 1 up the stairs and went outside to cover the front of the residence. Officer A did not talk to Subject 1 and did not hear Subject 1 say that he thought he had been struck with a ricochet. Officer A did not see any blood or injuries on Subject 1. An ambulance arrived while Officer A was outside. (Attachment 64-65)

CONCLUSION:

This investigation found that the use of deadly force by Officer A and Officer B was in compliance with Department policy. According to the CPD's General Order 03-02-03, II:

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 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."

Officer A's and Officer B's actions were in accordance with the first condition of CPD's deadly force policy. The officers fired at a pit bull that lunged at them. Subject 1 described that the pit bull acted in an aggressive manner and stated that it ran toward the officers. The officers were in fear that the dog was going to attack them and they were justified in using deadly force on it. The injury that Subject 1 sustained, which may or may not have been a ricochet, was very minor. The nurse who treated him believed that it was more consistent with a scratch than a graze wound.