

INDEPENDENT POLICE REVIEW AUTHORITY

U #06-15

**INVESTIGATION**

**NUMBER:** U #06-15

**INVOLVED**

**OFFICER** “Officer A” (Chicago Police Sergeant); Male/White; 38 years old;  
On-Duty; In Uniform; Year of Appointment – 1998

**OFFICER’S**  
**INJURIES:** None Reported

**SUBJECT:** “Subject 1”; Male/Black; 24 years old (Deceased)

**SUBJECT’S**  
**INJURIES:** Multiple gunshot wounds. Pronounced dead at Mt. Sinai Hospital.

**DATE/TIME:** 16 May 2006, 2009 Hours.

**LOCATION:** 1136 N. Monticello  
Beat 1112

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## **SUMMARY OF INCIDENT:**

On 16 May 2006, at approximately 2009 hours, several 911 calls were made regarding an assault in progress, a person with a gun, and shots fired in the vicinity of 1136 N. Monticello. Officer A responded to the calls and at approximately XXXX N. Monticello saw a large group of people on the sidewalk on the west side of the street. Officer A radioed for additional units to respond and exited his squad car. Officer A saw Subject 1 immediately leave the group and walk north on the sidewalk. When Subject 1 reached a vacant lot he turned and looked at Officer A. Officer A then heard a female voice yell, "He's got a gun!" Subject 1 immediately ran west through the vacant lot. Officer A chased Subject 1 and observed that Subject 1 held the waist of his pants as he ran. Subject 1 reached the alley and then ran north with Officer A continuing to chase him. When Subject 1 reached 1136 N. Monticello he turned and pointed a semi-automatic handgun at Officer A. Fearing for his life, Officer A discharged his firearm six times at Subject 1, fatally striking Subject 1's chest and abdomen. Subject 1 fell to the ground and Officer A approached him and kicked the firearm from his hand. Officer A radioed for an ambulance. CFD Ambulance #52 responded and as the paramedics treated him, four plastic bags containing crack cocaine fell from Subject 1's body. The paramedics subsequently transported Subject 1 to Mt. Sinai Hospital where he was pronounced at 2100 hours.

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In a statement to the Roundtable Panel on 17 May 2006, **Witness 1** stated that he was at home in his second-floor apartment when he heard people yelling across the street. Witness 1 looked out a window and saw approximately twenty young black males and females across the street from his building. Witness 1 then saw Officer A approach from Division in his squad car. When Officer A exited his squad car he held his gun at his side. Officer A showed his gun to the group and Subject 1 ran through a vacant lot. Officer A chased Subject 1 and as Subject 1 ran he held his waist. Witness 1 explained that Subject 1 held his waist as if he was holding something. Officer A chased Subject 1 into the alley and out of Witness 1's line of sight. Witness 1 then heard three or four gunshots.

**Witness 1** related to CPD Detective 1 and CPD Detective 2 an account of the incident that was consistent with his statement to the Roundtable Panel. Witness 1 stated that from his apartment window he saw Officer A stop his marked squad car near an empty lot across the street. As Officer A exited his squad car a black male (NKA Subject 1) ran west through the empty lot. Witness 1 stated that Subject 1 held the right side of his waist area, as if he was holding something. Witness 1 stated that Officer A chased Subject 1, and that Officer A held his gun "along his leg." Officer A Chased Subject 1 through the empty lot and out of Witness 1's view. Witness 1 then heard three or four gunshots.

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In a statement to the Roundtable Panel on 17 May 2006, Witness 2 stated that she was inside her home when she heard “a lot of noise across the street.” Witness 2 looked out the window and saw a group of young black males and females talking and making noise. Witness 2 then saw a police car come from the direction of Division Street and stop across the street. When Officer A exited the squad car he had his gun in his hand. Subject 1 saw Officer A arrive and ran through a vacant lot. Witness 2 stated that Subject 1 appeared to be holding something at his side. Officer A chased Subject 1 to the alley and Witness 2 lost sight of them. Witness 2 then heard three or four gun shots.

In a statement to CPD Detective 1 and CPD Detective 2, **Witness 2** stated that she was inside her home with her son, Witness 1, when she heard a loud disturbance on Monticello. They looked out a window and saw a large group of approximately twenty black males and females yelling and causing a disturbance. Witness 2 saw a single male police officer (NKA Officer A) drive up in a marked squad car. The squad drove south on Monticello from Division St. Officer A stopped the squad car near an empty lot across the street from Witness 2's home. A black male subject (NKA Subject 1) ran west through the empty lot. Witness 2 stated that Subject 1 was holding his right side of his waist area as if he was holding something. Officer A held his gun in his right hand as he chased Subject 1 through the lot. Subject 1 and Officer A ran out Witness 2's view. Witness 2 then heard three to four gunshots.

In a statement to CPD Detective 3 and CPD Detective 4 on 17 May 2006, Witness 3 stated that prior to Subject 1 running away from Officer A, Witness 3 saw Witness 4

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hand Subject 1 a large black, semi-automatic handgun with a wooden handle. Witness 3 further stated that on the day of the incident he was visiting family at XXXX N. Monticello. Witness 3 stated that he saw two large groups of girls armed with sticks and bottles fighting on Monticello Ave. Witness 3 estimated there were about fifty girls in the two groups. Witness 3 stood on the sidewalk and saw a male subject he knows as "Nickname" (NKA Subject 1). Subject 1 and an unknown female walked to where Witness 3 was standing. Subject 1, Witness 3, and several other unknown people watched the two groups of girls fight in the street. As the fight continued Witness 4 approached Subject 1 and handed him a large, semi-automatic handgun. Witness 3 described the gun as black with a wooden handle. Subject 1 took the handgun from Witness 4 and began to wave it around and yell, "Get off the block! We're trying to get some money!" Witness 3 stated that a "blue and white" police car drove south on Monticello and stopped near 1128 N. Monticello. Subject 1 immediately walked north on the sidewalk. Witness 3 saw a police officer wearing a white uniform shirt (NKA Officer A) exit the squad car. Witness 3 then heard a female voice yell, "He's got a gun." Witness 3 saw Subject 1 tuck the gun he was holding inside his hooded sweatshirt and run through the vacant lot. Officer A pulled out his gun and chased Subject 1 into the west alley of Monticello and then north through the alley. Witness 3 stated that he lost sight of Subject 1 and Officer A after they ran north in the alley. Witness 3 stated that almost immediately after losing sight of Subject 1 and Officer A he heard gunshots. Witness 3 ran to the alley and saw Subject 1 lying in the alley and Officer A waving his gun at the crowd and telling everyone to get back. Numerous police cars arrived and Witness 3 left the area to get out of the way. Witness 3 agreed to view photo arrays and

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positively identified Subject 1 and Witness 4.

In a statement to CPD Detective 1 on 17 May 2006, **Witness 4** stated he and Subject 1 were friends, and that they used to drink together. Witness 4 stated that on the night of the incident he walked to the 1100 block of north Monticello to watch two groups of girls fight each other. When he arrived, he saw Subject 1 by an empty lot. Witness 4 also saw Witness 3 on the block. Witness 4 and Subject 1 spoke to each other for about ten minutes when Officer A pulled up in a marked squad car. When Officer A exited his squad car, Witness 4 saw an unknown black female point at Subject 1 and yell, "He's got a gun!" Witness 4 stated that Subject 1 then ran west through the empty lot. Witness 4 could not see if Subject 1 held his right waistband area because he only had a view of Subject 1's left side. Officer A chased Subject 1 through the lot and then north in the alley. Witness 4 stated that he lost sight of Subject 1 and Officer A. A few seconds later Witness 4 heard five or six gunshots. Witness 4 denied giving Subject 1 a gun.

In a statement to CPD Detective 1 and CPD Detective 2 on 17 May 2006, **Witness 5** stated that he is Subject 1's girlfriend. Witness 5 stated that she was standing in front of her residence at XXXX W. Thomas and learned that there was a fight on Monticello on the date of the incident. Subject 1 walked to Witness 5's home and told her to go inside. Subject 1 told her that he was going to the store. Witness 5 remained in front of her house and watched Subject 1 walk north in the west alley of Monticello. Witness 5 then saw a marked squad car drive into the same alley from Thomas St. Witness 5 stated that there was only one police officer in the squad car. Witness 5 stated

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that after the squad car drove into the alley she heard gunshots and saw Subject 1 lying in the alley. CPD Detective 2 confronted Witness 5 with the fact that other witnesses had the police officer drive into the alley from Division St. onto Monticello. CPD Detective 2 also confronted Witness 5 with the fact that other witnesses saw Subject 1 run through the empty lot from Monticello in the west alley. CPD Detective 1 told Witness 5 he did not believe that she was being truthful and Witness 5 acknowledged her first story was a lie. Witness 5 then stated she did not see what happened to Subject 1.

The **General Offense Case Report, the Tactical Response Report, and the Officer's Battery Report**, stated that as Officer B, and Officer C, responded to assist Officer A on a call of "shots fired by the police." The report stated that Officer A responded to a call of "shots fired" and upon his arrival he observed a large group of people in front of XXXX N. Monticello. Officer A saw Subject 1 leave the group and walk north on Monticello toward a vacant lot. Officer A exited his squad car and heard a voice call out, "He's got a gun!" Subject 1 then grabbed his waistband and ran through the vacant lot. Officer A chased Subject 1 and gave out a flash message of Subject 1's clothing. Subject 1 ran through the vacant lot and to the alley. Subject 1 then turned toward Officer A and pointed a blue steel, semi-automatic handgun at him. Fearing for his life Officer A discharged his firearm, striking Subject 1 multiple times. Officer A immediately radioed that shots had been fired and requested an ambulance for Subject 1. Subject 1's firearm was recovered and inventoried.

The **Supplemental Case Report** stated that Officer D, and Officer E, responded

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to a call of “shots fired by the police” at 1136 N. Monticello. Officers D and E relocated to the alley and found Subject 1 lying in the alley with his right hand extended from his side and a blue steel handgun touching his fingertips. The officers also found four plastic bags of suspect crack cocaine on Subject 1’s chest. CFD Paramedics arrived and treated Subject 1, at which time the crack cocaine fell from Subject 1’s body and onto the ground. Officer E recovered the narcotics and he and Officer D went to Area Four Police Headquarters to inventory the narcotics.

The **Office of Emergency Management and Communications (OEMC) Tape Transcription** and **PCAD Event Query** indicated that on 16 May 2006, between 2004 and 2007 hours, several telephone calls were made to “911” with the callers reported a large gang fight in the vicinity of 1100 N. Monticello. The callers reported that there was a group of approximately fifty people armed with bats, poles and bottles. Several of the callers also stated that at least two people in the group were armed with guns, and that they were firing the guns. The callers also reported hearing gunshots.

OEMC records documented that at approximately 2008 hours, Officer A used his radio to request additional police units to respond to 1100 N. Monticello. Officer A was then heard saying on the radio, “Male black, black jacket, white t-shirt.” Officer A then reported, “Shots fired by the police. Shots fired by the police.” Officer A radioed that he was in the alley and that he was “ok.” Officer A also requested an ambulance and additional police units.



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At approximately 2013 hours, an unknown male caller reported that a “white shirt just shot a man” in the alley. The unknown caller abruptly terminated the call.

**Evidence Technician Photographs** depict the location of incident. Six expended casings were observed on the ground in the alley near the bay door of a garage. A black semi-automatic handgun with a brown wooden handle was also photographed on the ground across the alley from the same garage bay door.

The **Chicago Fire Department’s Incident Report** stated that on 16 May 2006, at approximately 2010 hours, Ambulance #52 was dispatched to a “Gun Shot Victim” at 1100 N. Monticello. At approximately 2013 hours the paramedics arrived at the patient, Subject 1, who suffered gunshot wounds. The paramedics departed the scene with Subject 1 at 2040 hours and transported him to Mt. Sinai Hospital.

The **Office of the Medical Examiner Report of Postmortem Examination** of Subject 1 determined that he sustained multiple gunshot wounds to his chest, abdomen, and lower right leg and that he died as a result. The toxicological analysis indicated that Subject 1 tested positive for ethanol (Vitreous Humor: 196 MG/DL; Peripheral Blood: 185 MG/DL).

In a report from the **Illinois State Police (“ISP”) Division of Forensic Services** dated 05 June 2006, Officer A’s firearm was examined and found to be in firing condition. The report also stated that one recovered fired bullet and six recovered fired

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cartridge casings was determined to have been fired from Officer A's firearm.

The same **ISP Report** also stated that Subject 1's firearm was received in an unsafe condition due to a missing slide stop. Subject 1's firearm was examined and found to be in firing condition. The firearm's serial number was defaced.

In a separate **ISP Report** dated 21 June 2006, five recovered fired bullets that were determined to have been fired from Officer A's firearm. Two recovered copper fragments were unsuitable for microscopic comparison.

In a separate **ISP Report** dated 26 June 2006, the results of the gunshot residue tests on Subject 1's right and left hands indicated may not have discharged a firearm with either hand. If Subject 1 had discharged a firearm, then the particles were not deposited, were removed by activity, or were not detected by the procedure.

A **canvass** of the location of did not produce any additional witnesses or information.

In a statement to the Roundtable Panel on 17 May 2006, **Officer E** stated that he and his partner were working in the 015<sup>th</sup> District, near North and Cicero Avenues, when they monitored a radio call of "shots fired." They proceeded to the area and went to the alley behind 1136 N. Monticello, where they found Officer A, Subject 1, and other police officers. Subject 1 was lying on the ground with his right hand extended with the

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fingertips touching a pistol. Officer E stated that he saw four small plastic knotted bags containing a white rock-like substance on Subject 1's chest. Officer E alerted the other officers to the bags, but did not touch them. An ambulance arrived and the paramedics rendered aid to Subject 1. When the paramedics turned Subject 1 on his side, the bags fell to the ground. Officer E stated that he then picked up the bags because the paramedics stepped on them. The bags were subsequently inventoried.

In a statement to CPD Detective 3 and CPD Detective 4, **Officer E** stated that he and his partner, Officer D, were monitoring the radio (Citywide One) when they learned of a police shooting. Officers D and E responded to the location of the police shooting and saw Subject 1 lying on his back. Officer E also saw a blue-steel handgun lying on the ground near Subject 1's right hand. When Chicago Fire Department personnel moved Subject 1 four plastic baggies containing suspect cocaine fell from his chest area. Officer E immediately recovered the narcotics and subsequently inventoried them.

In a statement to the Roundtable Panel on 17 May 2006, **Officer A** stated that he was working as the Rapid Response Sergeant in the 011<sup>th</sup> District when he monitored calls of a "person with a gun" and "shots fired." Officer A radioed that he was responding and proceeded to the location of the calls. Officer A turned onto Monticello and observed a group of people yelling in front of the building at 1122 N. Monticello. Officer A immediately radioed for assistance, stopped his car near a vacant lot, and exited with his gun held at his side. Officer A saw Subject 1 was walking north on Monticello away from the group or people. Officer A then heard a female voice say, "He's got a

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gun.” Officer A stated that he and Subject 1 made eye contact. Subject 1 then turned and ran through the vacant lot toward the alley. Officer A radioed OEMC that he was involved in a foot chase and provided a description of Subject 1. Subject 1 held the right side of his waist. Officer A stated that Subject 1 turned into the alley close to the northwest corner of the vacant lot. Officer A made a wider turn into the alley to keep some distance between Subject 1 and himself. Subject 1 stopped in front of speed bump behind the garage at 1138 N. Monticello and seemed to stumble. Subject 1 then removed a gun from his waistband, turned to his left, and pointed the gun at Officer A. Officer A gave several verbal commands for Subject 1 to drop the gun, but Subject 1 continued to point it at him. Officer A, in fear for his life, discharged his firearm six times. Officer A stated that he was standing in the middle of the alley, about fifteen feet from Subject 1, when he fired. Officer A stated that there was no cover in the alley and he tried to stay in Subject 1’s blind spot as he approached him. Subject 1 fell to the ground and eventually lowered his firearm. Officer A kicked the gun out of Subject 1’s hand and then radioed for an ambulance.

In a statement to CPD Detective 3 and CPD Detective 4 on 17 May 2006, **Officer A** stated that he was on duty, in full uniform, and assigned to Beat 1150 on the night of the incident. Officer A stated that while monitoring radio zone ten, he heard multiple calls of a “man with a gun” on the 110 block of north Monticello. Officer A drove south on Monticello and stopped his squad car in front of a large crowd at approximately 1128 N. Monticello. Officer A observed a black male (NKA Subject 1) walking north on the sidewalk on the west side of the street. Subject 1 was walking away from the group of

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people. Officer A exited his squad car and heard a female in the crowd yell, "He's got a gun!" Subject 1 looked at Officer A and then ran west through the vacant lot while holding the right side of his waistband with his right hand. Officer A notified OEMC and chased Subject 1 through the empty lot and then north through the alley. Officer A stated that he was approximately fifteen feet behind Subject 1 when Subject 1 abruptly stopped running and turned around. Officer A saw that Subject 1 was holding a handgun in his right hand. Subject 1 pointed his handgun at Officer A. Officer A repeatedly yelled, "Drop the gun!" but Subject 1 ignored him. Fearing for his life Officer A fired his gun six times at Subject 1 while attempting to gain cover from Subject 1, who continued to point the gun at him. When Officer A stopped firing, he was approximately five feet from Subject 1, who was lying on his back still holding the gun. Officer A approached Subject 1 and kicked the handgun from his hand. Officer A immediately notified Zone ten of "shots fired by the police" and requested an ambulance.

In a statement to IRPA on 03 April 2012, **Officer A** stated that on the night of the incident he was in uniform assigned to Beat 1150 and working alone. Officer A stated that he responded to a radio assignment of a fight on the street and of either "shots fired" or a "man with a gun." Officer A stated that he was the first police unit to arrive at the location of incident. Upon arrival Officer A saw a large crowd of people in the street as he pulled up. Officer A stated that people in the group were arguing. Officer A saw an individual (NKA Subject 1) walk away from the crowd. Subject 1 was walking north on the west side of Monticello. Officer A described Subject 1's behavior as odd, and explained that Subject 1 was walking quickly away from the group and would not look at

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Officer A. Officer A parked his squad car in the street and exited. Officer A announced his office and ordered Subject 1 to stop. Officer A walked around the front of his squad car and began to approach Subject 1 while ordering him to stop and show his hands. Officer A stated that he then heard a female voice yell words to the effect of, "That's him! He's got a gun!" Subject 1 grabbed the right side of his waistband and ran west through the empty lot. Officer A stated that he immediately chased Subject 1. Officer A followed Subject 1 west through the empty lot and then north through the alley. Officer A estimated that he was between twenty and thirty feet behind Subject 1. Officer A also explained that he intended to maintain that distance from Subject 1 to give him some time to react in case Subject 1 was armed. Also, because he intended to let Subject 1 tire himself out to make it easier to control Subject 1 when taking him into custody. Officer A also stated that he held his firearm in his right hand as he chased Subject 1. Officer A stated that when Subject 1 turned to run north through the alley he turned his head and looked at him. Subject 1 ran north through the alley approximately the length of two houses when he abruptly stopped running. Officer A stated that Subject 1 immediately pivoted toward him and pointed a gun at him. Subject 1 held the gun in his right hand. Officer A yelled, "Drop the gun!" and began to move to his right. Officer A stated that Subject 1 continued to point the gun at him as he moved to his right. Officer A stated that as he discharged his firearm several times at Subject 1 as he (Officer A) moved to his right. Officer A stated that they were in an empty alley and that there was no way for him to gain cover. Officer A explained that he is right-handed and that when he fired his gun he held it in both hands. Officer A stated that Subject 1 fell to the ground still holding and pointing his gun at Officer A. Officer A approached Subject 1 after he fell

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and kicked the gun out of his hand. Officer A used his radio to make the notification of shots fired and requested an ambulance. Officer A guarded Subject 1 and Subject 1's firearm until assist police units arrived and secured the location as unknown people entered the alley.

**CONCLUSION AND FINDING:**

This investigation found that Officer A's use of deadly force was in compliance with Chicago Police Department policy. 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 involved the infliction, threatened infliction, or threatened use of physical force like to cause death or great bodily harm;
    - b. attempted to escape by use of a deadly weapon or;
    - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

Officer A's actions met the requirements of the Department's deadly force policy. Officer A provided consistent accounts of the incident that an unknown female subject yelled that Subject 1 had a gun. Subject 1 held his right side as he ran and once in the alley Subject 1 turned and pointed a semi-automatic handgun at Officer A. Fearing for his safety Officer A discharged his firearm at Subject 1. It was reasonable that Officer A



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feared for his safety, after Subject 1 pointed gun at him and failed to comply with Officer A's orders to drop the gun.

Officer A's account of the incident is corroborated by the witnesses. Witness 2 and Witness 1 provided consistent accounts of the incident. Both stated that they saw Subject 1 run west through the empty lot when Officer A arrived. Witness 2 and Witness 1 both stated that Subject 1 held his right side as if he was holding something as he ran through the empty lot.

Witness 3 saw Subject 1 with a gun before Officer A arrived. Witness 3 stated that he saw Witness 4 hand a semi-automatic handgun to Subject 1. Witness 3 also said that Subject 1 waved the gun at the group of girls that were fighting in the street and yelled, "Get off the block! We're trying to get some money!" Witness 3 also said he saw Subject 1 tuck the gun under his shirt when Officer A arrived. Witness 3 saw Subject 1 hold the gun under his shirt as he ran from Officer A. Furthermore, a gun was recovered at the location of incident.