

INDEPENDENT POLICE REVIEW AUTHORITY
PUBLIC REPORT OF INVESTIGATION

INVESTIGATION

NUMBER: Log#1005691; U #07-10

**OFFICER(S)
INVOLVED:**

“Officer A” (Chicago Police Department Officer) —
Male/Black; 45 years old; On-duty; In uniform; Year of
Appointment — 1993

“Officer B” (Chicago Police Department Officer) —
Male/Hispanic; 29 years old; On-duty; In uniform; Year of
Appointment — 2004

“Officer C” (Chicago Police Department Officer) —
Male/Hispanic; 44 years old; On-duty; In uniform; Year of
Appointment — 1998

“Officer D” (Chicago Police Department Officer) —
Male/Hispanic; 34 years old; On-duty; In uniform; Year of
Appointment — 2007

**OFFICER
INJURIES:**

None reported

**SUBJECT(S)
INVOLVED:**

“Subject 1” — Male/Black; 23 years old

**SUBJECT
INJURIES:**

Laceration to right calf

**INITIAL
INCIDENT:**

Shots fired

DATE/ TIME:

14 May 07, 0048 hours

LOCATION:

360 North Hoyne Avenue
Beat 1332

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SUMMARY OF INCIDENT:

On 14 MAY 07, at approximately 0048 hours, Officers A and B were in the area of Lake and Hoyne when they heard shots fired and then observed an individual, now known as Subject 1, hastily leaving the area. Officers A and B radioed their position and pursued Subject 1 north on Hoyne. At 360 N. Hoyne, Officer A ordered Subject 1 to stop and show his hands but Subject 1 disregarded the order. As Officer A exited the police vehicle, Subject 1 reached inside his waistband, produced a handgun and pointed the handgun at Officer A. Fearing for his life, Officer A fired one (1) shot at Subject 1 without striking him. Subject 1 dropped the handgun and fled south on Hoyne. Officer A remained at the scene and stood guard over the weapon as Officer B pursued Subject 1 on foot. During the pursuit, Subject 1 disregarded commands from Officer B to stop and show his hands and fled west on Carroll. Officer C joined in the foot pursuit and he and Officer B ordered Subject 1 to stop and show his hands. Subject 1 disregarded the orders, reached inside his waistband, produced a dark object and pointed the object in the direction of Officers B and C. In fear of their lives, Officers B and C fired multiple times at Subject 1. Subject 1 continued to flee westbound on Carroll and disregard the officers' orders to stop and show his hands. Officers B and C fired again at Subject 1 at 2102, 2119, 2121 and 2135 W. Carroll without striking him. At 2140 W. Carroll, Subject 1 briefly disappeared inside an abandoned building, reappeared and fled north on Leavitt. Officers B and C radioed Subject 1's direction of flight to other responding units. Officers D and E observed Subject 1 fleeing north on Leavitt. Officer D exited the vehicle and ordered Subject 1 to stop and show his hands. Subject 1 refused and pointed a dark object at Officer D. In fear of his life, Officer D fired one (1) shot at Subject 1 without striking him. Subject 1 was eventually apprehended by Officers D, E and F. No weapons were recovered from Subject 1's person. Items that were dark in color, however, were recovered. Subject 1 was transported to Area 4 for processing. During questioning at the Area, Subject 1 admitted that he was in possession of the firearm that was recovered at 360 N. Hoyne but denied firing the weapon. Subject 1 had a visible eight inch (8") gash to his right calf and was transported to Stroger Hospital for treatment. The attending ER physician was unable to determine the cause of Subject 1's injury. Due to Subject 1's injury, a roundtable was held.

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Officer A related to the Roundtable that he and his partner, Officer B, were in the area of Leavitt and Randolph Streets when they heard the sound of shots being fired. Officer A was the driver. Officer A radioed the shots fired to the dispatcher and then he and Officer B drove in the area of the shots fired to investigate. While driving north on Hoyne Street, Officer A observed a subject who was wearing a white t-shirt and red jogging pants (now known as Subject 1) walking north on Hoyne Street. Officer A again observed Subject 1 under the north viaduct at Carroll Street. Officer A announced his office and while holding his gun in his hand, instructed Subject 1 to stop. Subject 1 turned around to face the officers, pulled a gun from under his shirt/pants and pointed it at Officer A. Fearing for his life and while standing approximately fifteen feet away from Subject 1, Officer A fired once at Subject 1. Subject 1 discarded the firearm and fled south on Hoyne Street. Officer B pursued Subject 1. Officer A remained at the scene with the discarded weapon.

Officer B related to the Roundtable that he and Officer A were on patrol when he heard four gunshots and then observed Subject 1 walking away from the area. Subject 1 turned back and walked toward Officers A and B. Officer B instructed Subject 1 to show his hands. Subject 1 began fumbling with his waistband and produced a gun. Officer B heard a single gunshot and observed Subject 1 flee. Officer B, unaware of who fired the shot, pursued Subject 1 on foot. During the pursuit, Subject 1 repeatedly pointed a weapon at Officer B and fearing for his life, Officer B repeatedly fired at Subject 1.

INVESTIGATION (Continued):

Officer B lost sight of Subject 1 but later heard that Subject 1 was taken into custody by Officer C. Officer B related that he fired seven shots at Subject 1.

Officer C related to the Roundtable that he was driving north on Carroll Street when he heard a call of shots fired in the area of Hoyne and Carroll Streets. Officer C then observed Subject 1 running toward him while holding an unidentified object in his hand. Officer C exited his squad car and pursued Subject 1 on foot. Subject 1 stopped and turned toward Officer C while holding an unidentified object in his hand. Officer C, while standing approximately ten to fifteen feet away, fired once at Subject 1 and ordered him to, "Stop, get down." Subject 1 failed to comply and continued to flee. During the pursuit, Subject 1 again stopped and pointed an unidentified object at Officer C. Officer C fired at Subject 1. Subject 1 turned a corner and Officer C terminated his foot pursuit of Subject 1. Officer C fired a total of eleven (11) shots at Subject 1.

Officer D related to the Roundtable that he and his partner, Officer E, were driving on Grand Avenue when he heard four shots fired. Officers D and E drove toward the area of the shots and once they reached the railroad tracks located just north of Carroll Street, near Leavitt, Officer D monitored a call by Officer C of "Man with a Gun" and "Shots fired." Officers D and E proceeded past the railroad tracks/viaduct, heard two additional gunshots and then observed Subject 1 running north on Leavitt. Officer D exited the squad car and pursued Subject 1 on foot while ordering Subject 1 to, "Stop,

INVESTIGATION (Continued):

drop it.” Subject 1 stopped, turned toward him and pointed a dark object at Officer D. Officer D fired once at Subject 1, moved toward Subject 1 and tackled him to the ground. A struggle ensued between the two where Officer D overcame Subject 1’s resistance and placed him under arrest.

Officer E related to the Roundtable that he was the driver of the vehicle that he and Officer D occupied. They responded to a call of shots fired on Hoyne Street and observed Subject 1 in the area. Subject 1 pointed a gun at Officer D and Officer D fired at Subject 1. Officer E later observed Officer D tackle Subject 1 to the ground and place him into custody. Officer E did not fire any shots at Subject 1.

Officer F related to the Roundtable that he was driving on Grand Avenue when he heard a call of shots fired. Officer F proceeded south on Leavitt and met with Sergeant G. During their conversation, Officer F observed Subject 1 run north on Leavitt while Officers D and E were headed south on the same street. Officer F assisted Officer D and Sergeant G with placing Subject 1 into custody. Officer F did not fire any shots at Subject 1.

Sergeant G was unable to speak at the Roundtable due to a family emergency. Sergeant G did not fire any shots at Subject 1.

INVESTIGATION (Continued):

A CPD Detective, who summarized the shooting incident to the Roundtable personnel, related that he interviewed Subject 1. Subject 1 admitted that he was in possession of a handgun at the time of the incident but denied pointing the weapon at anyone or firing the weapon. Subject 1 stated that he carries a handgun because he carries large amounts of money on his person.

Three civilians, Witnesses 1, 2, and 3, were interviewed at the Roundtable regarding the police involved shooting. An IPRA Investigator documented their accounts in his Roundtable Report.

Witness 1 stated that at approximately 0100 hours, while standing under a viaduct on Hoyne, between Carroll and Hubbard, he heard four gunshots coming from the intersection of Lake and Hoyne. Approximately ten minutes later, he observed a male subject (now known to be Subject 1) walking down the street while holding his hand underneath his sweater. Police officers in the area instructed Subject 1 to stop. Subject 1 pulled out a gun and held it in the air. One of the officers fired once at Subject 1 but did not strike him. Witness 1 did not observe Subject 1 point the gun at the officers. Witness 1 later observed the gun that Subject 1 was holding on the ground and heard approximately 5-7 gunshots.

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INVESTIGATION (Continued):

Witness 2 stated that she was lying down under the viaduct when she heard gunshots. Witness 2 observed a police officer talking to Subject 1 while Subject 1 was holding a gun in the air in one hand and a beer in the other hand. Subject 1 made a “u turn,” lost his balance and fell against a wall. The gun that Subject 1 was holding fell out of his hand.

Witness 3 stated that he was under the viaduct when he heard approximately 2-3 gunshots. He walked toward Lake Street and observed a subject (now known to be Subject 1) walking toward him. Witness 3 observed Subject 1 fire a gun, stand near a pole, turn around and run into a wall.

The report from the CPD Acting Assistant Deputy Superintendent included an account that was consistent with the Summary of the Incident.

A canvass was conducted but no additional witnesses were located.

The OEMC transmissions indicate that Beat 1332H, occupied by Officers A and B, was in the area of Lake and Hoyne when the officers heard gunshots. Beat 1332, occupied by Officers H and I, was assigned to respond. Officers H and I informed the dispatcher that they were at Leavitt and Lake and did not hear anything. Officers A and B radioed again that they heard four gunshots and informed the dispatcher that they were

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headed over to the area. Officers H and I then radioed that they heard gunshots in the area of Grand and Leavitt or Grand and Damen. The dispatcher instructed Beat 1313, occupied by Officer J, to go to Grand and Leavitt. Officers A and B radioed that they were between Damen and Oakley, Lake and Walnut, and then Fulton and Carroll. Officers A and B radioed that a male/black who was wearing a white t-shirt was headed westbound on Carroll. Officers A and B then radioed shots fired by the police. Officers H and I also radioed shots fired by the police at Carroll and Hoyne. Officers A and B radioed that they pursued the suspect to Carroll and Leavitt and observed the suspect drop a gun under the viaduct. Officers A and B radioed that they were not sure if the suspect had another gun and that one of them was going to stay at the scene to secure the gun. Beat 1323, occupied by Officer C, radioed that the suspect was northbound on Leavitt from Carroll. The dispatcher requested additional units in the area of Carroll and Hoyne. Officer C radioed that the suspect ducked between three buildings, ditched whatever he had and came back out. Beat 1322, occupied by Officer F, radioed that the suspect was in custody at Carroll and Leavitt. Beat 5410, occupied by Sgt. K, asked if anyone was hit. The dispatcher radioed that there were no hits; that one weapon was recovered; that officers on the scene were looking for a possible second weapon and that the offender was in custody. Beat 1363 radioed that there were three witnesses under the viaduct on Hoyne, between Carroll and Hubbard.

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INVESTIGATION (Continued):

The Arrest Report of Subject 1, prepared by Officers D and E, indicates that Subject 1 was taken into custody at 341 N. Leavitt and charged with four counts of Aggravated Assault of an Officer/Fireman after he was observed pointing a handgun at Officers A and B. Fearing for their lives and safety, both officers discharged their weapons. Subject 1 fled on foot, disobeying verbal commands. During the pursuit, Subject 1 reached inside his waistband and pointed a dark object at Officer C. Fearing for his life and safety, Officer C fired at Subject 1. Subject 1 continued running northbound on Leavitt from Carroll, disobeying officer orders to, "Stop," "Drop the gun," and "Let me see your hands." Subject 1 slowed down, turned and pointed a dark object at Officer D. Fearing for his life and safety, Officer D fired at Subject 1. Subject 1 was eventually apprehended. Because Subject 1 was violent and combative following his apprehension, the arresting officers used emergency takedown techniques to prevent Subject 1 from defeating arrest. The firearm that Subject 1 was in possession of, a blue steel 9mm semi-automatic handgun, was recovered.

The Case Report, prepared by Officers H and I, contains essentially the same information that was indicated in the Arrest Report and indicated that Subject 1 was taken into custody at the rear of a building located at 2150 W. Carroll. The Case Report additionally lists various addresses where Subject 1 discarded miscellaneous objects from his person during the foot chase. At 2114 W. Carroll, Subject 1 discarded a black baseball cap. At 2134 W. Carroll, Subject 1 discarded miscellaneous United States

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INVESTIGATION (Continued):

Currency (USC). At 2136 W. Carroll, Subject 1 discarded a cell phone. At 331 N. Hoyne, Subject 1 discarded \$10.00USC. At 2150 W. Carroll, Subject 1 discarded red gloves, a sweatband and a brush.

The Detectives' Case Supplementary Report includes accounts from the involved officers that were essentially consistent with their overall Roundtable accounts and indicates that the involved officers were uniformed and patrolling the area in marked vehicles at the time of the incident.

The report specifically identifies and indicates where various items of evidence were recovered. One (1) Speer .45 caliber shell casing was recovered at 360 N. Hoyne. Six (6) Win Luger +P 9mm shell casings were recovered at 2102 W. Carroll. Four (4) Win Luger +P 9mm shell casings were recovered at 2105 W. Carroll. Three (3) Win Luger +P 9mm shell casings were recovered at 2121 W. Carroll. One (1) fired bullet was recovered under a construction crane at 2134 W. Carroll. One (1) metal bullet fragment, four (4) \$1.00 bills and one (1) Nokia silver cell phone were recovered from the sidewalk at 2134 W. Carroll. One (1) black baseball cap was recovered from the driveway at 2134 W. Carroll. One (1) Win Luger +P 9mm shell casing was recovered at 341 N. Leavitt. One (1) pair of size XL red and white "Easton" gloves and one (1) red, white and black wool headband were recovered from a loading dock at 341 N. Leavitt. One (1) "Swisher

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Sweet” cigar, one (1) “Magic Softy” natural boar bristle hair brush and one (1) \$10.00 bill were recovered from the sidewalk at 341 N. Leavitt.

The report additionally indicates that the three civilian witnesses, Witnesses 1, 2 and 3, were homeless and sought shelter underneath the viaduct at 360 N. Hoyne. Witnesses 1, 2 and 3 provided slightly different accounts to the Detective Division.

Witness 1 informed the detectives that he was sitting midway underneath a viaduct with Witnesses 2 and 3 when he heard several gunshots south of their location. The viaduct was located just north of Carroll and Hoyne. Thereafter, he observed an unknown male/black (now known to be Subject 1), who was holding his hands underneath his shirt, walking fast, on the west side of Hoyne, northbound from Fulton, towards Carroll. Fearing that Subject 1 was going to “do something,” Witness 1 alerted Witnesses 2 and 3 of Subject 1’s presence. Once Subject 1 reached the viaduct, Witness 1 observed a marked squad car that was occupied by uniformed officers (now known to be Officers A and B) pull alongside Subject 1. Officers A and B exited their vehicle and repeatedly instructed Subject 1 to stop and remove his hand from underneath his shirt. Instead, Subject 1 turned toward the officers, removed a gun from underneath his shirt and pointed it in the officers’ direction. Witness 1 ducked behind a wooden skid and then heard approximately 3-4 gunshots. Witness 1 did not observe who fired the gunshots. Once the gunfire ceased, Witness 1 looked out from behind the skid and observed Subject

INVESTIGATION (Continued):

1 turn, trip, fall to the ground and then run south on Hoyne and west on Carroll. Witness 1 then heard several additional gunshots. One of the officers remained at the scene to guard a weapon that was on the ground, at the location where Subject 1 had fallen. Witness 1 stated that he did not observe what occurred after Subject 1 fled from under the viaduct.

Witness 2 informed the detectives that she was sitting underneath the viaduct with Witnesses 1 and 3 when she heard approximately three gunshots, south on Hoyne, towards Lake Street. Witness 1 instructed Witness 2 to look out for a male/black (now known to be Subject 1) who was walking northbound on Hoyne from Fulton. Thereafter, Witness 2 observed Subject 1 walking toward Carroll while holding one hand underneath his shirt and a beer in the other hand. Subject 1 stopped under the viaduct, at approximately 360 N. Hoyne, and took a drink from his beer. A marked squad car pulled up. The officers who were inside the squad car instructed Subject 1 to stop. Instead, Subject 1 pulled a gun from underneath his shirt and pointed it in the officers' direction. Witness 2 heard approximately 3-4 gunshots, observed Subject 1 turn, trip, and then run westbound on Carroll. Witness 2 then heard several additional gunshots coming from Carroll. Witness 2 did not observe who fired any of the gunshots.

Witness 3 informed the detectives that he was under the viaduct with Witnesses 1 and 2 when he heard approximately 2-3 gunshots south of the viaduct. Witness 3 looked

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up and observed that Subject 1 was walking toward him. A marked squad car pulled up and instructed Subject 1 to stop. Witness 3 heard approximately 3-4 gunshots and then observed Subject 1 turn and run westbound on Carroll. Witness 3 heard approximately 5-7 additional gunshots from Carroll. Witness 3 did not observe who fired any of the gunshots or observe Subject 1 in possession of a weapon.

The report additionally indicates that Subject 1 was treated at Mt. Sinai Hospital for a laceration to his inner left leg and then released into police custody. The case was categorized as "Cleared Closed Arrest and Prosecution."

The Tactical Response Reports indicate that Officer A fired his weapon once at Subject 1 from a distance of 10-15 feet; that Officer B fired his weapon seven times at Subject 1 from a distance of over fifteen feet; that Officer C fired his weapon eleven times in the direction of Subject 1 from a distance of over fifteen feet; that Officer D fired his weapon once in the direction of Subject 1 from a distance of over fifteen feet and applied take down/emergency handcuffing to place Subject 1 into custody; that Officer F did not fire his weapon at Subject 1 but instead used wristlocks, open hand strikes and take down/emergency handcuffing procedures to place Subject 1 into custody; and that Officer E did not fire his weapon at Subject 1 but instead used take down/emergency handcuffing procedures to place Subject 1 into custody.

INVESTIGATION (Continued):

Attempts were made to interview Subject 1 via phone, letter and a personal visit to his residence but they met with negative results.

Evidence Technician photographs depict overall photographs of the entire crime scene originating at 360 N. Hoyne and culminating at 341 N. Leavitt. They also include photographs of Subject 1, where Subject 1 is depicted with abrasions to the right side of his face, head and right knee and a laceration to his right leg.

The medical records from Stroger Hospital indicate that on 14 MAY 07, at 1100 hours, Subject 1 was escorted into the emergency room by the police with complaints of blunt head trauma, loss of consciousness and an injury to his right calf. The attending emergency room physician was Dr. Frederic Starr. Subject 1 underwent examinations of his face, head, chest and right leg. No fractures were noted to his face or chest and no hemorrhaging was noted to his head. The examination of his leg revealed a soft tissue laceration. Subject 1 was diagnosed with blunt head trauma and a right calf laceration.

During an interview regarding the cause of the injury to Subject 1's right leg, Dr. Starr, a Trauma Surgeon, related that Subject 1 was diagnosed with an 8cm laceration to the right leg. Dr. Starr related that Subject 1's injury was never diagnosed as being a gunshot wound and upon examination, no bullets or fractures were discovered to Subject 1's body. Dr. Starr described Subject 1's injury as being "a superficial wound that did

INVESTIGATION (Continued):

not go very deep” and related that Subject 1’s muscles and arteries were in tact and were not damaged as a result of the injury. Dr. Starr identified the black discoloring surrounding Subject 1’s injury as possibly being dried or clotted blood. Dr. Starr could not say with any certainty what caused Subject 1’s injury other than stating that Subject 1’s injury “could have resulted from any sharp object.”

In a statement to the Independent Police Review Authority, Officer A stated that he and Officer B were assigned to Beat 1332H, in uniform and a marked vehicle. They were on patrol when they heard several gunshots just to the north of their location. They alerted the dispatcher of the gunshots and engaged in a search of the area in an effort to locate anyone involved. They observed Subject 1 walking south on Hoyne. Officer A made a u-turn in Subject 1’s direction. Subject 1 reversed his direction and began walking north at a rapid pace. Officers A and B observed that Subject 1 had his hands underneath his shirt and decided to conduct a field interview of Subject 1. The officers drove up to Subject 1 as he was walking, announced their office and exited the vehicle. Subject 1 stopped, made a rapid turn toward Officers A and B, pulled a blue steel semi-automatic handgun from his waistband and pointed it at them.

Fearing for his life and that of his partner, Officer A fired one round in Subject 1’s direction from a distance of approximately 10-15 feet. At the time, they were standing under a viaduct and Officer B was positioned on the opposite side of the squad

INVESTIGATION (Continued):

car. Subject 1 immediately fled past Officers A and B, south on Hoyne. Officer A observed Subject 1 stumble and then catch himself and drop the gun. Subject 1 then continued running south. Officer B pursued Subject 1 on foot. Officer A remained at the scene and stood over the weapon because civilians were in the immediate area. Officer A stated he next saw Subject 1 at Area 4 Detective Division while he was being questioned. Officer A noticed that Subject 1 was bleeding from his right leg several hours later, while the ETs were conducting their investigation. Officer A was unaware of how Subject 1 sustained the injury and stated that to his knowledge, Subject 1 was not struck by the single shot that he fired at Subject 1.

In a statement to the Independent Police Review Authority, Officer B basically corroborated the account of Officer A and stated that he was exiting the squad car when he heard the single shot fired. Officer B was unsure of whether Officer A or Subject 1 fired the single shot but after the shot was fired, he observed Subject 1 flee the scene. Officer B pursued Subject 1 on foot and was joined by Officer C. They chased Subject 1 until Subject 1 stopped at a gangway of a burned down factory. At that time, Subject 1 turned to face Officers B and C and from a distance of approximately 10-15 feet, Subject 1 pointed an unknown dark object at them. Fearing for his life and the life of Officer C, Officer B, from a distance of approximately 10 feet, fired approximately 3-4 rounds at Subject 1. Subject 1 exited the gangway and continued running west. After fleeing approximately 25 feet, Subject 1 ducked into another gangway, turned around to face

INVESTIGATION (Continued):

Officers B and C, raised his hand and pointed an unknown dark object in their direction. Fearing for his life and that of Officer C, Officer B, from a distance of approximately 30 feet, fired approximately 3-4 additional rounds in Subject 1's direction. Subject 1 turned around again and continued running west on Carroll. Subject 1 then turned right on Leavitt, causing Officer B to lose sight of him. Subject 1 was already in custody when Officer B next observed him. Officer B did not observe any injury to Subject 1 until they were at the Area 4 Detective Division when Subject 1 complained of leg pain. At that time, Officer B observed a laceration to Subject 1's right leg but Subject 1 never informed him of how he sustained the injury. Officer B stated that to his knowledge, Subject 1 was never struck by any of the shots that were fired at him.

In a statement to the Independent Police Review Authority, Officer C stated that he was responding to a call of shots fired and as he was touring the area from where the call was given, he approached Carroll and Hoyne and heard what he believed to be two shots fired. Officer C immediately observed Subject 1 fleeing from the location of where the shots came from, which was a viaduct. Officer C observed a squad car parked under the viaduct with two officers [Officers A and B] present at the time. Officer C immediately began a foot chase of Subject 1. Subject 1 entered an opening of a building that was being demolished. As Officer C approached the area, Subject 1 exited the opening with a dark object in his hand. Officer C repeatedly instructed Subject 1 to drop the object but Subject 1 failed to respond. In fear of his life, Officer C fired twice at

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INVESTIGATION (Continued):

Subject 1. Subject 1 continued running west as Officer C pursued him while repeatedly ordering Subject 1 to drop the object. Subject 1 entered a second opening and was looking in Officer C's direction. Officer C observed that Subject 1 was still holding the dark object in his hands and in fear of his life, he fired two additional times at Subject 1. Subject 1 continued to flee and gained some distance away from Officer C. The next time that Officer C saw Subject 1, he was already in police custody. Officer C stated that to his knowledge, Subject 1 was not injured by any of the rounds that he or other officers fired. Officer C stated that once at the Area 4 Detective Division, he heard Subject 1 complain of leg pain and observed a large scratch to Subject 1's right leg. Officer C was unaware of how Subject 1 sustained the injury and stated that he never heard Subject 1 complain of having been shot by the police.

In a statement to the Independent Police Review Authority, Officer D stated that he and his partner, Officer E, were patrolling the area of Hoyne and Leavitt when they monitored a call of either shots fired or man with a gun. Officer D then heard Officer A, who was closest to the scene, radio that he and his partner heard the shots and provide a more exact location of where the shots were fired. Officer D then heard Officer A radio that he and his partner were about to make a street stop regarding the shots fired. Immediately thereafter, Officer D monitored shouts of, "He's got a gun."

INVESTIGATION (Continued):

Officer D stated that he and Officer E quickly drove toward the scene and continued to monitor their radio. As they got closer, while driving south on Leavitt, they monitored what became a foot chase with shouting over the radio of, "Shots fired by the police," and "He just fired at us." Once they drove approximately one block west of 360 N. Hoyne, which was the area of where the shots were being fired, Officer D observed officers taking cover as Subject 1 came running around the corner, headed north on the sidewalk, on Leavitt. Unaware of whether or not Subject 1 had actually shot at the police, Officer D exited his squadrol and gave chase of Subject 1 on foot. Subject 1 turned the corner and Officer D chased Subject 1 as far as the end of a building and repeatedly ordered Subject 1 to stop, show his hands and get on the ground.

Officer D stated that once Subject 1 reached the end of the building, he realized that Officer D was getting closer to him. Subject 1 then reached underneath his shirt, turned in Officer D's direction and pointed a dark object at Officer D. Officer D believed the object to be a gun. At the time, Subject 1 was approximately 2-3 car lengths away from Officer D. Officer D instructed Subject 1 to drop the object. Subject 1 failed to comply and continued to point the dark object at Officer D. Fearing for his life, Officer D fired once in Subject 1's direction. Subject 1 fled around the corner of the building. Officer D continued to chase Subject 1 at a wider angle.

INVESTIGATION (Continued):

Officer D stated that within yards of Subject 1 fleeing around the corner, he observed that Subject 1's back was to him and "seized on that opportunity" by tackling Subject 1 to the ground. Officer D stated that he could not recall what, if anything, Subject 1 was holding in his hands at the time. Once on the ground, Officer D took Subject 1's hands and pulled them behind his back in an effort to handcuff him. Subject 1 resisted by flailing his elbows, kicking, attempting to rise up to regain his footing and by attempting to escape from Officer D's grasp. Officer F and Sergeant G assisted Officer D by attempting to take control of Subject 1's arms. Once Subject 1 was successfully handcuffed, Officer D conducted a custodial search of Subject 1's person and found that Subject 1 was not in possession of a handgun. No handgun was found at the scene of Subject 1's arrest. Other objects consisting of a dark hat, gloves and a dark hair brush were recovered from the scene. Officer D stated that he was never able to verify the object that Subject 1 had pointed at him.

Officer D stated that he did not observe Subject 1 with any injuries at the scene. However, hours after they arrived at the Area 4 Detective Division, he became aware that Subject 1 had complained of a laceration to his calf. Officer D was unaware of how Subject 1 sustained the injury and was unaware if Subject 1 was ever struck by the shots fired by the police.

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by the involved officers 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 involved officers heard shots fired and observed Subject 1 hastily walking in the area of the shots fired. When the involved officers stopped Subject 1 to question him, Subject 1 displayed a gun, pointed the gun at the officers, tripped, dropped the gun and fled from the scene. The gun was secured at the scene. While fleeing from the initial scene, Subject 1 repeatedly pointed a dark object at the pursuing officers, despite repeated

CONCLUSION AND FINDING (Continued):

orders from the officers to drop the weapon. In fear of their lives and the lives of other officers, the involved officers fired upon Subject 1. Though a second weapon was never recovered, miscellaneous objects that were dark in color were recovered. These were objects that Subject 1 dropped to the ground during the foot chase. The evidence indicates that the involved officers reasonably believed deadly force was necessary to prevent death or great bodily harm to themselves or others at the hands of Subject 1. In addition, the officers reasonably believed the force was necessary to prevent an arrest from being defeated as defined above.