

INDEPENDENT POLICE REVIEW AUTHORITY
PUBLIC REPORT OF INVESTIGATION

INVESTIGATION

NUMBER: Log # 1009900; U # 07-32

OFFICER(S)

INVOLVED: “Officer A” (Chicago Police Officer); Male/Black; 31 years old;
On-duty, Civilian Dress, Year of Appointment - 2002

SUBJECT(S)

INVOLVED: “Subject 1” - Male/Black; 37 years old

SUBJECT

INJURIES: **(Fatal)** Eight gunshot wounds to the back and shoulder

INITIAL

INCIDENT: Field interview.

DATE/TIME

OF INCIDENT: 05 October 2007 at 2223 Hours

LOCATION:

7832 S. Cregier, alley between Cregier and Ridgeland
Beat 414

SUMMARY OF INCIDENT:

On 5 October 2007, at 2223 hours, Police Officer A and B assigned to Beat 461B, in civilian clothes, observed three male black subjects at 7832 S. Cregier, an address known for narcotics and gang activity. The officers approached the three male black subjects in order to conduct a field interview. When the three male black subjects were asked if they were clean, two raised their hands while the third, now known as Subject 1, fled south on Cregier towards 79th then turned westbound into the "T" alley, then northbound into the west alley of 7800 S. Cregier. Officers A and B chased Subject 1 on foot into the alley. When Subject 1 ran through the "T" alley, Officer B turned and attempted to run parallel on Cregier, to cut off any attempt by Subject 1 to run between houses and then back on to Cregier. At the rear of 7832 S. Cregier, Subject 1 hid behind a car parked at the rear of the lot as Officer A chased behind. Subject 1 stood up and fired a handgun at Officer A. Officer A who had not drawn his weapon during the foot chase, retreated for cover and fell down. Subject 1 then fired his weapon again. Officer A continued to retreat north in the alley, drew his weapon and fired at Subject 1. Subject 1 ran back south to the rear of 7832 S. Cregier and fell to the ground between parked cars. Officer A approached Subject 1. Subject 1 again pointed his weapon at Officer A. Officer A fired his weapon again at Subject 1 fatally wounding him. Officer A recovered a revolver and a police scanner from Subject 1 and then summoned medical assistance for him (Subject 1). Subject 1 was pronounced dead at Christ Hospital.

INVESTIGATION:

Witness Detective C related to the Roundtable panel that he interviewed Witness 1, at 7828 S. Cregier, basement, who refused to personally appear at the Roundtable. Witness 1 stated that he was smoking on the rear porch of 7828 S. Cregier when he heard a single gun shot. Witness 1 stated that he went back inside then looked outside and saw a male black in a white shirt, holding a handgun, run southbound through the alley. Witness 1 stated that he saw a male black, who he described as a police officer wearing a black vest, chasing the male black in the white shirt. Witness 1 stated that he ducked down and heard three shots followed by five shots. Witness 1 stated that he heard someone ask, "Why did you shoot at me?" Witness 1 then heard someone say, "Bitch, you're gonna die," followed by four more shots. Witness 1 could not see who spoke or tell if the same person spoke both times.¹ (Att. # 3)

Witness Detective D related to the Roundtable panel that he interviewed minor Witness 2, ten years old, in the presence of his mother Witness 2's Mother, at an address on the 7800 block of S. Ridgeland. Witness 2's Mother refused to allow Witness 2 to appear at the Roundtable. Witness 2 stated that he was getting ready for bed when he heard two gunshots. Witness 2 stated that he went to the window and saw a male black in a white t-shirt fire a gun twice.² Witness 2 then saw a police officer, whom he identified as such because he wore a vest and badge and had a radio, fire a gun three times. Witness 2 stated that the male black in the white t-shirt dove between two parked cars, dropped his gun, and lay face down. The police officer approached and said words to the effect that, "You tried to kill me," "You tried to kill me." "You'd better not pick up that gun." Witness 2 stated that the male black in the white t-shirt said, "I'll shoot you."³ The police officer discharged his weapon at the male black in the white t-shirt. Witness 2 described the male black's weapon as a silver gun with a black handle.⁴

Witness Sergeant E related to the Roundtable panel that he responded to a foot chase, which then became a shots fired, and then a 10-1. Sergeant E stated that when he arrived at the alley in the rear of 7832 S. Cregier, he saw Officer A holding a handgun that he later learned was the handgun recovered from Subject 1. Sergeant E stated that Officer A told him that Subject 1 fired several shots at him trying to kill him (Officer A).

¹ In his statement to detectives, Witness 1 did not indicate that he ducked after hearing several shots were fired. Witness 1 stated he heard one gunshot then saw a male black, Subject 1, wearing a white t-shirt running and firing his weapon northbound. Subject 1 fired three shots then Witness 1 heard five more gunshots.

² In his statement to detectives Witness 2 stated that he could not see whom the male black was firing at.

³ In his statement to detectives, Witness 2 also stated that when the male black stated, "I'll kill you" he picked up his gun. The police officer then fired his weapon several times at the male black on the ground. (Att. #28)

⁴ Witness 2 gave an accurate description of Subject 1's weapon, which was stainless steel with a black handle. (Att. #8)

Witness Detective F related to the Roundtable panel that he went to Christ Hospital and learned that Subject 1 was pronounced dead at 2331 hours, 5 October 2007. Detective F stated that Subject 1's clothing included a white t-shirt and dark jeans.

Witness Officer B related to the Roundtable panel an account that was consistent with the Summary of Incident. Officer B stated that she and her partner, Officer A, stopped to conduct a field interview of three male blacks at 7832 S. Cregier, an address known for narcotics and gang activity. The officers approached the three male blacks and asked if they were "clean." Two of the men raised their hands while a third male black fled southbound on Cregier towards a t-alley. Officer A pursued the male black on foot into the alley. Officer B described the male black as wearing a white hat, white shirt and dark pants; a description that she provided over her police radio during the pursuit.⁵ Officer B ran northbound on Cregier in case the male black tried to get away through a gangway. At 7832 S. Cregier Officer B heard multiple gunshots and took cover. Officer B tried to enter the alley through the gangway at 7828 S. Cregier but was unable to. Officer B went back to 7832 S. Cregier where she saw Officer A in the rear. Subject 1 was on the ground near Officer A. Officer B did not hear anyone speak and could not specify how many gunshots she heard during the incident.

In a statement to the IPRA on 20 November 2008 the Involved Member, **Officer B**, provided an account of the incident that is consistent with the Summary of Incident, related Department Reports and the account she provided to the Roundtable panel. Officer B stated that she and her partner Officer A pursued Subject 1 as he fled from officers when they approached Subject 1 and two other males for a field interview. During the pursuit Officer B heard gunshots but did not see who fired them nor did she hear any conversations between Officer A and Subject 1. Officer B stated that she separated from her partner Officer A during the pursuit in order to block Subject 1's avenue of escape on Cregier. Officer B went back to the front of 7832 S. Cregier where a patrol unit had arrived. The officers and Officer B went to the backyard of 7828 S. Cregier and the officers jumped the fence to the alley. Officer B was unable to jump the fence so she went ran back around to the back yard of 7832 S. Cregier and opened the gate to the alley. By the time Officer B observed Officer A he was standing in the alley over Subject 1 who had already been shot. Officer B never saw Officer A fire his weapon. (Att. #38)

Witness Officer A related to the Roundtable panel an account that was consistent with the Summary of Incident. Officer A stated that at approximately 2224 hours, he and Officer B stopped when they observed three male black subjects near a house at 7832 S. Cregier. The officers asked if everyone was clean; two of the subjects raised their hands while a third male black, Subject 1, ran towards an alley. Subject 1 ran west into the alley, then ran north through the alley with Officer A pursuing on foot. Subject 1 stopped at the rear of 7832 S. Cregier and when Officer A approached him; Subject 1 pointed a handgun at Officer A and fired one shot. Officer A retreated backwards for cover and fell down. Subject 1 stood up and fired another shot at him (Officer A). Officer A stood

⁵ A description of the offender, white shirt, white hat and blue jeans, was provided over the radio at approximately 22:24:53 hours. (Att. #12)

up, retreated north in the alley, drew his weapon, and fired it at Subject 1. Subject 1 turned back toward a vehicle parked at the rear of 7832 S. Cregier. Officer A continued to fire at Subject 1. Subject 1 then fell to the ground and lay on his stomach. Officer A approached Subject 1, saw Subject 1's gun in his hand and he (Officer A) told Subject 1 to drop his gun several times. Officer A related that Subject 1 said "Bitch, you gonna die today." Subject 1 then started to turn over with his gun in his hand. Officer A discharged his weapon several more times. Officer A took the handgun from Subject 1 and further discovered that he (Subject 1) was in possession of a radio/scanner which he kicked away.

In a statement to the IPRA on 18 November 2008, Involved Member, **Officer A**, provided an account of the incident that is consistent with the Summary of Incident, related Department Reports and the account he provided to the Roundtable panel. Officer A stated that he and his partner Officer B identified themselves as police officers and attempted a street stop or field interview of three male blacks at 7832 S. Cregier on 5 October 2007, 2223 hours. One of the three male blacks, Subject 1, fled. Officer A could only recall that they were responding to a selling narcotics call. Officer A stated that both he and his partner pursued Subject 1 south on Cregier. Officer A told Officer B to double back in front of the location and wait there. Subject 1 then ran west to the alley, then ran north down a t-alley. As Subject 1 ran south, west and then north he was reaching for something inside the side of his pants. Officer A thought Subject 1 was trying to throw down narcotics. Subject 1 then ducked down around a car, then stood up and ran towards Officer A firing his weapon.

Officer A had not drawn his weapon while pursuing Subject 1 and when Subject 1 started shooting, Officer A tried to get away but fell. Officer A got up, continued to move away but still heard shots behind him; Subject 1 was still shooting at him and Officer A realized he had no cover, there was only the alley behind him. When Officer A turned around, he saw that Subject 1 was maybe ten to fifteen feet away from him and still shooting at him. Officer A drew his weapon.

As Officer A turned and fully faced Subject 1, Officer A started firing his weapon at Subject 1. Subject 1 then retreated; he ran off and then he (Subject 1) disappeared into the parking lot area. Officer A stated he looked for Subject 1 and found him in the parking area alongside of a car. Officer A yelled to Subject 1 "Are you hit?" Subject 1 yelled back, "I'm hit." Subject 1 still had the gun in his right hand and was lying on his stomach facedown then lifted his head up but was facing towards the building, not Officer A as he was approaching him. Officer A informed Subject 1 he was going to approach him and as he began approaching Subject 1 he yelled for Subject 1 not to move and to let Officer A see his hands. As Officer A approached he yelled his commands louder. Officer A stated his intent was to kick the gun out of Subject 1's hand. Subject 1 turned (while still lying on the ground) around and said, "Bitch, you're going to die tonight." Subject 1 was turning towards Officer A and had the gun in his right hand. Subject 1 started swinging the weapon around so Officer A fired at Subject 1. Officer A stated that he discharged his weapon because he was in fear for his life and he only fired his weapon after he was fired upon by Subject 1. Officer A stated to IPRA that he was

grazed in the right forearm by one of Subject 1's shots but didn't realize it until later.⁶ (Att. #35)

The report from Assistant Deputy Superintendent ("ADS") G included an account of the incident that is consistent with the Summary of Incident. (Att. #4)

A canvass was conducted by IPRA, however no witnesses were located. (Att. #14)

Attempts to contact witnesses Witness 1 and Witness 2 (a minor) via his mother, Witness 2's mother, via letters and personal visits were met with negative results. (Att. #14)

The Chicago Fire Department ("CFD") Ambulance Report for Subject 1 indicates that paramedics found Subject 1 face down in an alley with multiple gunshot wounds. Subject 1 was unresponsive with no change in his condition during his transport to Christ Hospital. (Att. #24)

The Tactical Response Reports from the involved officers indicated that Officer A discharged his weapon 11 times. Officer B did not discharge her weapon. (Att. # 6, 7)

The Case Supplementary Report from Area 5 includes accounts of the incident that are consistent with the Summary of Incident and the accounts provided at the Roundtable. (Att. # 28, 29)

The Office of Emergency Management and Communications ("OEMC") Event Query provides information consistent with the Summary of Incident. The OEMC Event Query further indicates that three individuals called "911" stating they had heard several gunshots being fired. Attempts to contact the three "911" callers were met with negative results. (Att. #12, 47)

The Evidence Technician Photographs and Videotape depict the location of the incident and recovered evidence. (Att. #11, 42)

A report from the Illinois State Police, Division of Forensic Services ("ISP") dated 27 October 2007, reflects that results of a gunshot residue collection kit administered to Subject 1 indicated that Subject 1 discharged a firearm, contacted a PGSR related item, or had both hands in the environment of a discharged firearm.⁷ (Att. #19)

A report from ISP dated 24 January 2008, reflects that Subject 1's weapon, a Taurus, Model 85, .38 Special, stainless steel, 5-shot revolver was examined, found to be

⁶ Due to the fact that Officer A did not realize he had a graze wound until later, he was not treated for any injuries and was not listed as sustaining injury in any reports. (Att. #4)

⁷ The Gun Shot Residue (GSR) test was performed on Subject 1 at the hospital after he had been treated and expired from his injuries. (Att. #8)

in firing condition and test fired. The ISP report further reflects that of the fired evidence recovered at the scene, two (2) Remington brand unfired cartridges recovered from the cylinder of Subject 1's weapon displayed tool marks of an unknown origin. The tool marks could not be identified or eliminated as having been made from Subject 1's weapon, two (2) Federal brand expended cartridge cases recovered from the cylinder of Subject 1's weapon were fired from Subject 1's weapon and one (1) Sellier & Bellot fired cartridge case could not be identified or eliminated as having been fired from Subject 1's weapon. (Att. #27)

A report from ISP dated 24 October 2007, reflects that of the fired evidence recovered at the scene and at the autopsy, three (3) fired bullets recovered from the Medical Examiner's Office, one (1) fired bullet fragment recovered from the passenger side dashboard of an Astro van located at 7832 S. Cregier, seven (7) fired cartridge cases, recovered from the ground in the alley near the garage at 7825 S. Ridgeland Avenue and four (4) fired cartridge cases recovered from the ground in the alley at 7832 S. Cregier were matched to Officer A's weapon.⁸ Officer A's weapon was examined, found to be in firing condition and test fired. (Att. #32)

An ISP report dated 31 Dec 07, reflects that of the exhibits submitted for latent impressions only one exhibit, a weather alert radio, revealed latent impressions suitable for comparison. Comparison to the fingerprint standards of Subject 1 did not reveal an identification. (Att. #43)

The Medical Examiner's Report indicates Subject 1 had a gunshot wound of the left upper back; a through and through gunshot wound of the left back; a through and through gunshot wound of the left lower back; a gunshot wound of the left lower back; and a through and through gunshot wound of the right upper shoulder. The entry gunshot wounds showed no evidence of close-range firing. The toxicologic analysis was positive for ethanol. The cause of death is multiple gunshot wounds. Manner of death was homicide. (Att. #22)

⁸ Fired/unfired evidence locations were determined by cross referencing the Crime Scene Processing Report and inventory numbers with the ISP report dated 24 Oct 07. The exact locations of each item of evidence could not be determined. The Crime Scene Processing Report grouped multiple items together as one inventory number along with numbered markers (based on the location they were recovered from) and the ISP report only indicated the findings based on the inventory numbers not on the individual markers the Crime Scene Processing report also used to identify each item.

CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A was in compliance with Chicago Police Department policy. According to the Chicago Police Department's General Order No. 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.”

Officer A's actions were in accordance with the requirements of the Chicago Police Department's deadly force policy. Officers A and B identified themselves and attempted a street stop and field interview of Subject 1 who fled. During the pursuit by Officer A, Subject 1 fired multiple shots at Officer A in an effort to elude police. Officer

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A reasonably believed that he was in danger of death or great bodily harm from Subject 1. Subject 1 committed a forcible felony when he fired several times at Officer A. Subject 1 continued trying to fire his weapon at Officer A after he, Subject 1, had been struck.