

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017916 / U #08-25

INVESTIGATION

NUMBER: Log #1017916 / U# 08-25

OFFICER #1

INVOLVED: “Officer A” (Chicago Police Officer); Male/Black; 30 years old;
On Duty; Plain Clothes; Year of Appointment – 2005

OFFICER #1’s

INJURIES: None Reported.

SUBJECT: “Subject 1”; Male/Black; 18 years old

SUBJECT’S

INJURIES: Multiple gunshot wounds. Treated at Christ Hospital.

INITIAL

INCIDENT: Traffic Stop

DATE/TIME: 04 July 2008, 1753 hours

LOCATION: 2046 E. 83rd St.
Beat 414

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017916 / U #08-25

SUMMARY OF INCIDENT:

On 04 July 2008, at approximately 1753 hours, Officers A and B were in an unmarked squad car traveling northwest on South Chicago. Officer B was the driver and Officer A was the passenger. At approximately 8301 S. Chicago, Officers A and B noticed a white 1998 Ford Crown Victoria with an expired registration and attempted to curb the vehicle. The passenger of the Crown Victoria, Subject 1, exited the vehicle while it was still moving. Subject 1 ran southeast on South Chicago Ave. and into the parking lot of a Kentucky Fried Chicken restaurant. Subject 1 ran east through the lot and continued across 83rd St. Officer A exited the squad car and chased Subject 1 across 83rd St. Officer A repeatedly gave Subject 1 verbal commands to stop. Officer B simultaneously placed the driver of the Crown Victoria in custody and secured him in the rear seat of the squad car. At approximately 2042 E. 83rd St. Subject 1 scaled a chain-linked fence, dropping the gun to the ground in the process. Subject 1 picked the gun up and continued to run north through the gangway at 2046 E. 83rd St. Officer A ran into the mouth of the same gangway and saw Subject 1 reaching for something at the front of his body. Officer A saw Subject 1 produce a white-handled object and believed it to be a gun. Subject 1 pointed a gun at Officer A, who then fired his weapon several times at Subject 1. Subject 1 fell to the ground and was placed under arrest. Subject 1's gun was recovered and an ambulance was requested.

When Officer B heard the gunshots he drove in that direction, subsequently finding Officer A at the entrance of the gangway.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017916 / U #08-25

INVESTIGATION:

In a statement to CPD Detective 1 and CPD Detective 2, Subject 1 related that he found the gun in a dumpster in an alley on Clyde St. Subject 1 stated that he found ammunition in a sock on the ground alongside the same dumpster. Subject 1 told the detectives that he ran from the car and that he jumped into a gangway with the officer chasing him. Subject 1 stated that he dropped the gun when he jumped over the gate to the gangway. Subject 1 related that he picked up the gun and started to run again and the officer shot him. Subject 1 stated that he then threw the gun.

In a statement to IPRA on 18 July 2008, Subject 1 stated that he was a passenger in a car driven by his cousin, Witness 1. Subject 1 could not remember where they were driving. As they drove, he saw an unmarked squad car and Witness 1 reminded Subject 1 about the pistol and they found in a dumpster near their home earlier that day. Subject 1 stated that the gun was a “chrome .38 special revolver.” Subject 1 added that they also found a “sock full bullets” in the same dumpster. Subject 1 stated he got out of Witness 1’s car and started running with the revolver, and stated that a black male officer (NKA Officer A) chased him on foot. Subject 1 stated that when Officer A got out of the squad car he told Subject 1 not to run, but Subject 1 believed he could outrun the officer and throw the gun away. Subject 1 stated that he ran behind the “KFC” and through the parking lot, across the street and then did a “front flip” over a fence. The revolver fell out of his pocket when he “flipped” over the fence. Subject 1 stopped running and picked up the revolver. Subject 1 stated that he then continued running while holding the revolver

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017916 / U #08-25

in his hand. Subject 1 ran into a gangway, heard a gunshot, and saw “some blood fly over” his head. Subject 1 stated that Officer A had shot him in the back of his head. Subject 1 stated that he kept running but dropped the revolver at some point. Subject 1 stated that Officer A “kept shooting” at him and he “put his hands up.” Subject 1 stated that he was shot in the leg and fell to the ground. Officer A continued to shoot at him after he fell to the ground. Officer A then handcuffed Subject 1. Subject 1 stated that he never turned and pointed the revolver at Officer A. Subject 1 refused to read and sign his statement without first consulting his attorney.

Attempts to contact Subject 1’s attorney, Attorney A, in furtherance of the investigation were unsuccessful.

In a statement to CPD Detective 1 and CPD Detective 2 on 04 July 2008, Witness 1 related that he was at his home at 8313 S. Clyde when he agreed to drive Subject 1 to 8700 S. Jeffrey. As Witness 1 drove on South Chicago Ave., he noticed a police car driving behind him. Witness 1 stated that he believed he was going to be pulled over because he and Subject 1 were not wearing their seatbelts and he began to pull over to the right lane. Witness 1 noticed the squad car’s police lights come on and he came to a complete stop at the light at 8300 S. South Chicago Ave. Witness 1 stated that Subject 1 exited his car and ran east on the sidewalk in front of the KFC restaurant. Witness 1 stated that the police told him to put his hands up and to exit the car. Witness 1 stated that the officer told him to put his hands on to the roof of his car. Witness 1 stated that he put his hands on the roof and he heard three gunshots. The officer handcuffed Witness 1,

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017916 / U #08-25

sat him in the back of the squad car, and drove to 8300 S. Chappel. A few minutes later more police cars and an ambulance arrived.

Witness 1 stated that he had no knowledge that Subject 1 was armed with a gun at the time of incident. Witness 1 denied having any knowledge of the presence of the ammunition filled sock that had been found in his car.

During a personal visit to Witness 1 on 23 July 2008, he refused to be interviewed or provide any information to IPRA regarding this incident.

Attempts to contact and interview Potential Witness¹ in furtherance of this investigation were unsuccessful.

The **Case, Arrest, and Tactical Response Reports** contained an account of the incident that was consistent with the accounts provided to the Roundtable panel and the Summary of Incident. The reports indicate that Officers A and B were on routine patrol when they curbed a vehicle at 8305 S. South Chicago Ave. for expired plates. As the vehicle pulled over, Subject 1 got out of the passenger side door and began to run east with Officer A following on foot. Stubblefield pursued Subject 1 to the gangway at 2046 E. 83rd St. Officer A repeatedly announced his office during the foot chase. During the foot chase Subject 1 pulled a chrome revolver from the right side of his person, turned around and pointed it at Officer A. Officer A ordered Subject 1 to drop his gun, but

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017916 / U #08-25

Subject 1 did not comply with the command. Fearing for his life, Officer A discharged his firearm six times, striking Subject 1's leg and abdomen and grazing the top of his head. Subject 1 was taken into custody and subsequently transported to Christ Hospital via Chicago Fire Department Ambulance #50. The chrome revolver was also recovered.

Evidence Technician Photographs depict the location of incident. The photographs also depict Subject 1, who appears to be on a stretcher or hospital gurney and covered by a white blanket.

Separate **Canvasses** of the location of incident did not produce any additional witnesses or information.

The **Chicago Fire Department's Ambulance Report** stated that on the 04 July 2008, at approximately 1756 hours, CFD Ambulance #50 was dispatched to 2046 E. 83rd St. regarding a gunshot victim. Ambulance #50 arrived at 1802 hours and treated Subject 1 for a gunshot wound to his head. At 1816 hours, Ambulance #50 departed the scene and transported Subject 1 to Christ Hospital.

Medical Records obtained from **Christ Hospital** stated Subject 1 was brought to the Emergency Room with multiple gunshot wounds. The records stated that Subject 1 pointed a firearm at police, who responded by shooting him. Subject 1 sustained two gunshot wounds to his upper left arm, two gunshot wounds to his upper left leg, one

¹ Potential Witness registered a complaint (Log #1017915) regarding this incident. Log #1017915 was

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017916 / U #08-25

gunshot wound to his right hip, and one gunshot wound to the back of his head. Subject 1 was conscious and complaining of numbness to his left forearm, and only being able to move his left thumb.

In a report from the **Illinois State Police (“ISP”) Division of Forensic Services**, Officer A’s firearm, a Smith & Wesson, Model 5943, 9mm Luger semi-automatic, was test fired and found to be in firing condition. The six recovered expended casings, and two recovered fired bullets were examined and determined to have been fired from Officer A’s firearm. All of the recovered expended casings were Winchester 9mm Luger +P.

In a separate **ISP Report**, the Gunshot Residue Test indicated that Subject 1 may not have discharged a firearm with his right hand. If he did discharge a firearm, then the particles were removed by activity, were not deposited, or were not detected by the procedure. No GSR same was recovered from Subject 1’s left hand.

In a separate **ISP Report**, the Taurus Model 80, .38 Special Caliber revolver reportedly recovered from Subject 1 was examined and found to be in firing condition. The revolver’s cylinder contained six .38 caliber unfired cartridges.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017916 / U #08-25

In a separate **ISP Report**, examination of the revolver recovered from Subject 1 revealed a latent print that was made by the person whose fingerprints appear on the copy of the fingerprint card marked Subject 1.

In separate statements to the Roundtable Panel and to CPD Detective 1 and CPD Detective 2 on 04 July 2008, Witness 2 stated that she was lying in her bed reading when she heard what sounded like a person in her gangway say, "What's in your hand, man?" Witness 2 did not hear a reply to the question. Witness 2 then heard three gunshots. Witness 2 ran to look out her window and saw a male officer (NKA Officer A) standing near the entrance to her gangway. The officer had one gun in a holster and was holding a gun in his right hand. Witness 2 stated that the gun she saw Officer A holding was silver with a pearl-white ivory handle. Witness 2 stated that she did not see anyone discharge a firearm.

In separate statements to the Roundtable Panel and CPD Detective 1 and CPD Detective 2 on 04 July 2008, witness Officer C, stated that she accompanied Subject 1 in the ambulance during transport to Christ Hospital from the location of incident. At the hospital Subject 1 called for Officer C and asked her to tell the officer that shot him that he was sorry that he (Subject 1) "upped a pistol at him." Subject 1 told Officer C that he dropped his gun, then picked it up, and that was when he was shot by the officer.

In a statement to the Roundtable Panel on 04 July 2008, CPD Detective 3, stated that after he Mirandized Subject 1 at Christ Hospital, Subject 1 related to him that he

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017916 / U #08-25

wanted to “apologize to the asshole who shot me.” CPD Detective 3 said he asked Subject 1 if he was referring to the officer who shot him, and he replied, “Yes.” Subject 1 also told CPD Detective 3 that he found the revolver and a sock containing the cartridges in a dumpster. Subject 1 stated that officers chased him and he dropped the gun, but he went back and picked it up. Subject 1 stated that after he was shot he threw the gun away.

Officer B related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident.

In a statement to IPRA on 04 March 2009, Officer B, stated that he was driving the unmarked squad car when he attempted to curb a car for traffic violations. Officer B explained the he observed that the car had expired pates and that neither the driver, Witness 1, nor the passenger, Subject 1, were wearing seatbelts. Officer B activated the squad car’s emergency equipment and the offending car began to slow down. Before the car came to a complete stop, Subject 1 “jumped out of the vehicle.” Officer B slowed the squad car and Officer A chased Subject 1 on foot east in the parking lot of the Kentucky Fried Chicken restaurant. Witness 1 stopped his car, Officer B ordered him to put the car in park and, “show his hands out the vehicle.” Officer B saw Officer A chasing Subject 1 north from the restaurant’s parking lot. Officer B utilized his radio to report the foot chase. Officer B ordered Witness 1 to get out of the car and performed a safety pat down.

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017916 / U #08-25

Officer B stated that he lost sight of Officer A and Subject 1 when they ran into gangway. Officer B then heard several gunshots and immediately radioed a "10-1." Officer B handcuffed Witness 1, placed him into the backseat of the squad car and drove to 8300 S. Clyde. He saw a marked squad car there and asked the officers in the marked car to secure Witness 1 in their car. Officer B then ran to the gangway where he last saw Officer A and Subject 1. Officer B saw Officer A exit the gangway and saw Subject 1 handcuffed and lying on the ground in the gangway. Officer A stated that Subject 1 pulled a gun on him and ignored his commands to drop the gun.

Officer A related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident.

In a statement to IPRA on 03 March 2009, Officer A, related that on the day of the incident he was the passenger officer in an unmarked squad car driven by his partner, Officer B. Officer A stated that Officer B activated their squad car's emergency equipment and curbed Witness 1's vehicle. Before Witness 1's vehicle came to a complete stop, the passenger, Subject 1, "bailed out" of the car and ran east on 83rd St. and then through the parking lot of the Kentucky Fried Chicken restaurant. Officer A exited the squad car and chased Subject 1 on foot. Officer A stated that he dropped his radio when he exited his squad car and was unable to report the foot chase. Officer A stated that he momentarily lost sight of Subject 1 when Subject 1 ran north across 83rd St. and into a gangway. Officer A saw Subject 1 scale a fence and retrieve a handgun from the right side of his waistband. Officer A repeatedly said, "What's in your hand? What's

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017916 / U #08-25

in your hand?” and, “Drop the gun! Drop the gun! Police!” Subject 1 turned and raised his hand with the gun in Officer A’s direction. Officer A feared for his life and discharged his firearm several times at Subject 1. Officer A stated that he stopped firing his weapon when he saw Subject 1 drop his handgun. Officer A holstered his weapon, walked into the gangway and handcuffed Subject 1. Because he dropped his radio at the beginning of the foot chase Officer A used his cell phone to call “911” and request an ambulance.

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 gave consistent accounts of the incident to police personnel and to IPRA. Officer A reported that Subject 1 ran and repeatedly failed to comply with his commands. Officer A reported that during the foot chase Subject 1 pointed a revolver handgun at him. Subject 1 repeatedly admitted to police personnel, as well as IPRA, that he was in possession of a revolver. Officer A and Subject 1 both stated that when Subject 1 scaled the chain-linked fence he dropped the gun. Officer A and Subject 1 also stated that

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1017916 / U #08-25

Subject 1 stopped and picked up the gun. In a statement to IPRA Subject 1, denied pointing the gun, but in statements made to CPD Detective 3 and to Officer C, Subject 1 apologized for “upping” the gun at Officer A. The revolver was recovered and Subject 1’s fingerprints were discovered on the gun.