

**INDEPENDENT POLICE REVIEW AUTHORITY**

**LOG #1040514/ U#10-35**

**INVESTIGATION**

**NUMBER:** Log # 1040514 U #10-35

**OFFICER**

**INVOLVED:** “Officer A” (Chicago Police Officer); Male/White; 36 years old;  
On-Duty; In Uniform; Year of Appointment – 1991

**INJURIES:** Soreness to the neck and right shoulder

**SUBJECT/**

**OFFENDER:** “Subject 1”; Male/Black; 19 years old

**OFFENDER’S**

**INJURIES:** One gunshot wound to the left leg. Non-fatal.

**INITIAL**

**INCIDENT:** Offender was observed discharging his weapon at a group of unknown individuals. Officer A ordered the offender to drop his weapon. The offender refused and pointed his weapon at Officer A.

**DATE/ TIME/**

**LOCATION:** 10 OCT 2010, 0027 Hours, 2846 E. 89<sup>th</sup> Street  
**BEAT #0423**

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## **SUMMARY OF INCIDENT:**

On 10 October 2010, at approximately 0027 hours, the involved officer indicated that he was in the vicinity of 8900 S. Escanaba conducting a surveillance of gang members. Officer A reported that he observed an individual now known as Subject 1 approach on foot at 2846 E. 89<sup>th</sup> Street. Officer A then observed Subject 1 firing a handgun in the direction of 8900 S. Escanaba where several individuals were standing.

Officer A then put his squad car in drive and began to approach Subject 1. Subject 1 began to run towards him holding a semi-automatic handgun. Officer A exited the vehicle, and announced his office ordering Subject 1 to drop his weapon. Subject 1 then pointed the weapon at Officer A. In fear for his life, Officer A fired his weapon at Subject 1.

Subject 1 then began to run back south down the alley towards 89<sup>th</sup> Street. Officer A gave chase on foot, pursuing Subject 1 west on 89<sup>th</sup> street then south on Muskegon. Subject 1 then ran into a gangway located at 8911 S. Muskegon. Officer A heard Subject 1's weapon hit the ground under the porch located in the gangway of 8911 S. Muskegon. Subject 1 then jumped over a fence into the yard just south of 8913 S. Muskegon. Officer A ran into the gangway of 8913 S. Muskegon where he observed Subject 1 sitting on the pavement. Subject 1 was placed into custody. Subject 1 sustained gunshot wounds to the left leg. A weapon was recovered from the scene.

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**The offender, Subject 1,** signed a refusal to talk report presented by a member of the public offender's office. It should further be noted that during a conversation with Subject 1's grandmother, [Subject's Grandmother], she indicated that Subject 1 was born with cocaine in his body and now had ADHD. [Subject's Grandmother] further added that Subject 1 has a history of mental health issues and he is unable to read or write.

**The arrest report of Subject 1** indicated that he was arrested for Aggravated Assault/Officer/Firearm, UYW-Weapon-Felon, Possess/Use Firearm, and Aggravated Discharge with a Firearm – Occupied Vehicle by Officers A and C. The report indicated that Subject 1 was observed firing his weapon in the direction of citizens and then pointed the weapon at Officer A. Officer A announced his office and repeatedly ordered Subject 1 to drop his gun. Subject 1 refused to drop his weapon. Officer A, in fear of his life, fired his duty weapon striking Subject 1 in his lower left leg. After a short foot pursuit, Subject 1 was placed in custody and transported to Jackson Park Hospital by EMS. A Handgun was recovered at the scene.

**The Case Report** related in essence the same information as the arrest report. The case report further indicated that the arresting officers responded to the area for shots fired. Upon arrival, Officer A observed Subject 1 fire several shots at a crowd of unknown individuals, which led to Officer A firing his weapon at Subject 1. Subject 1 was transported to Jackson Park Hospital. A 9mm semi-automatic Ruger was recovered at 8911 S. Muskegon.

**The Tactical Response Report completed by Officer A** indicated that Subject 1 “did not follow verbal direction,” “fled,” “imminent threat of battery,” “attack with weapon,” “uses forces likely to cause death or great bodily harm,” and “weapon.” Officer A responded with “member presence,” “verbal presence,” and “firearm.” The TRR indicates that Subject 1 pointed a handgun at Officer A.

**The Evidence Technician Photographs** depicted pictures of the scene, the recovered evidence, Subject 1's injuries and Subject 1's weapon.

**The Ambulance Report** indicated that **Subject 1** was bleeding from his left lower leg and had minor blood loss. The bleeding was controlled on the scene. Subject 1 had two holes in his lower left leg that appeared to be entry/exit wounds which he sustained from a gunshot. Subject 1 was yelling at the EMS while they were treating him.

The **Medical Records** indicated that **Subject 1** in CPD custody was treated and released on the same day by Doctor A on 10 October 2010 at 0133 hours for a GSW to left leg.

**A Case Supplementary Report** indicates that detectives were assigned to investigate an incident of aggravated assault to a police officer and immediately went to

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the scene at 2846 E. 89<sup>th</sup> Street. The detectives were met by CPD Sergeant 1 who stated that an on duty Chicago Police Officer had been assaulted by an individual who was armed with a handgun. CPD Sergeant 1 also reported that Officer A had fired his service weapon at the offender and struck him on the left leg. CPD Sergeant 1 informed the detectives that the offender was named Subject 1 and he had been transported to Jackson Park Hospital.

The Case Supplementary Report includes interviews of Officers A, B, and C, all of which are consistent with their in-person statements. Subject 1 provided a statement to the detectives. Subject 1 stated, "I know I might have fucked up, but I'm hurting. I'm dead to the fucking wrong but I didn't fire upon no police officers." "They seen me with a gun, they shot the shit out of me." "I know the police shot me, but I didn't fire upon no police officers, I did fire upon two Mexicans." Subject 1 admitted that he had been drinking and smoking marijuana.

Subject 1 related that the gun he had, he found two weeks prior to the incident. Subject 1 stated that he been drinking earlier in the day and he went over to the location to shoot two "Mexicans" standing on the corner of 8900 S. Escanaba because the two "Mexicans" threw bottles at a vehicle he was riding in. Subject 1 then indicated that when he saw the two "Mexicans" he shot at them. Subject 1 ran down the alley and that is when the "detectives" observed him. Subject 1 ran away from the police while holding a handgun. Subject 1 stated that the police shot him, but he continued running through some gangways. Subject 1 dropped his handgun in one of the gangways as he fled, and after a brief foot chase, the police apprehended him.

**The OEMC event queries and CD recordings** indicated that at 00:27:00, there was a report of a shots fired at and by the police on 8917 S. Mackinaw, one block west of Escanaba. The reports indicated that a male/black was in possession of a black and chrome handgun. The offender was placed in custody at the middle of the block; the weapon was recovered at 8911 S. Muskegon. An EMS was requested for an officer with injury to his back. It was further reported that the offender was shot in his leg and was in good condition.

**A Reports from the Illinois State Police (ISP), Division of Forensic Services,** indicates that Officer A's weapon, a Springfield Armory, model XD-45, 45 Auto caliber semiautomatic pistol, serial #US687967, was examined and found to be in firing condition.

The reports further indicated that Subject 1's weapon, a Ruger, model p89, 9mm Luger caliber semiautomatic pistol, serial number obliterated, was found to be in firing condition. The weapon displayed rifling characteristics of six lands and grooves with a right hand twist.

Also the SEM/GSR that was tested on Subject 1 shows that he discharged a firearm, contacted a PGSR related item, or had the left hand in the environment of a discharged firearm.

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**The POD Video** depicts several police vehicles traveling westbound on 89<sup>th</sup> Street with their emergency light activated. The POD video did not show any other police activity.

**The canvass conducted in the vicinity of 8913 S. Muskegon and 2846 E. 89<sup>th</sup>** did not produce any additional witnesses.

In a statement to IPRA on 10 October 2010, the involved member, **Officer A**, stated that on 10 October 2010<sup>1</sup> he was working with Officers B and C. Officer A indicated that he was the driver on that day. According to Officer A, he was parked at the location of 8840 S. Escanaba. Officer A indicated that he was in the squad car alone and Officer B was positioned on foot at 8800 S. Escanaba, and Officer C was positioned on foot on 8900 S. Escanaba. Officer A related that they were monitoring the Latin Kings because they were having parties in the area.

During this time, Officer A observed a male<sup>2</sup> wearing a “hoodie” walking eastbound on 89<sup>th</sup> Street. Subject 1 stopped at the mouth of the alley and raised a silver handgun and fired numerous times eastbound. Officer A placed the vehicle in drive and slowly approached Subject 1. Subject 1 began running towards Officer A who was still seated in the vehicle. Officer A observed Subject 1 look in his direction and immediately raised his weapon at him as he ran towards him. Officer A then exited the vehicle without putting the vehicle in park and ran behind the vehicle for cover. Officer A drew his weapon and repeatedly stated, “Police, police, drop your weapon.” Subject 1 refused.

Subject 1 continued to run towards Officer A with his weapon raised. At this time, Officer A was in fear of his life and began firing his weapon at Subject 1. Subject 1 then ran southbound. Subject 1 proceeded west on 89<sup>th</sup> Street toward Muskegon. Officer A related that at an unknown address, he observed Subject 1 do a “Superman” jump over a gate. Officer A stated that he heard the weapon drop to the ground during that time. Officer A continued to follow Subject 1 until he was able to place him into custody. Officer A indicated that Subject 1 never fired his weapon at him.

In a statement to IPRA on 10 October 2010, witness, **Officer B**, related that on 10 October 2010, he was working with Officers A and C. Officer B indicated that they were in the vicinity of 8800 S. Escanaba conducting surveillance of the Latin Kings. Officer B stated that there was a party in the area and they decided just to hang out in the area. Officer B related that they separated during this time and he was on 88<sup>th</sup> and Escanaba on foot and Officer C was on 89<sup>th</sup> Escanaba on foot. Officer A remained inside of the vehicle, in the alley area of 8840 S. Escanaba.

According to Officer B, he was seated underneath a porch when he heard about six to eight gunshots. Officer B broke his surveillance and began running westbound towards the direction of where he heard the gunshots. He then met up with Officer C and

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<sup>1</sup> The incident began on 09 October 2010 and ended on 10 October 2010.

<sup>2</sup> Now known to be Subject 1.

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they heard Officer A say over the radio that he fired his weapon at someone. He and Officer C then began running westbound toward Officer A. They finally met up with Officer A at the location of 8913 S. Muskegon, where he observed Subject 1 on the ground handcuffed and several officers standing around him. Officer B observed a gunshot wound to Subject 1's left knee. Officer B did not observe how Subject 1 sustained the gunshot wound.

In statement to IPRA on 17 June 2009, witness, **Officer C**, stated that on 10 October 2010, he was working with Officers A and B. Officer C related on this day that he, Officers A and B were doing surveillance in that area because of numerous shots fired calls. Officer C was in the alley of 8900 block of Escanaba and Muskegon. Officer C was on the west side of Escanaba, east of Muskegon on foot. Officer C walked northbound down the middle of the alley, and when he gets closer to 8920 Escanaba, he hears approximately six to eight gun shots. Officer C looks north and sees a muzzle flash. According to Officer C, all the shots are coming from that direction. Officer C then hides behind a garage can that was located to his right. Officer C gets on the air and says that he thinks that he is being shot at, so he asked for someone to get on the zone to tell them what was going on. Officer C then hears a second set of gun shots and hears Officer A on the radio saying, "he's running to you."

Officer C waited until he stopped hearing shots to leave his location and went eastbound towards Escanaba. Once there, Officer C switched over to zone 8 and then heard unknown officers saying, "We got them in custody." Officer C was then given an address of 8913 Muskegon which was one block west of where he originally was. Officer C then immediately relocated to that area and once there, he observed Officer A, other officers and someone in custody. Officer C asked Officer A if he was okay and then just stood around with other numerous officers. Officer C related that he did not see Officer A fire his weapon.

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### **CONCLUSION AND FINDING:**

This investigation found that the use of deadly force was **JUSTIFIED** and 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 involved the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm;
    - b. has attempted to escape by use of a deadly weapon or;
    - c. otherwise indicated 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 both the conditions of CPD's policy. Officer A observed Subject 1 firing his weapon at a crowd of unknown individuals for no apparent reason. Officer A announced his office and repeatedly ordered Subject 1 to drop his weapon, and Subject 1 refused. Subject 1 then pointed his weapon at Officer A. These actions by Subject 1 clearly justify the use of deadly force by Officer A as actions necessary to prevent death or great bodily harm to himself and to civilians on the street. Based upon all reasonable objective standards Officer A was in fear of his life as well as the life of civilians, and was justified in the use of deadly force.