

INDEPENDENT POLICE REVIEW AUTHORITY  
PUBLIC REPORT OF INVESTIGATION

**INVESTIGATION**

**NUMBER:** Log # 1018081; (Previously recorded as Log #1007605; U#07-24)

**OFFICER(S)**

**INVOLVED:** “Officer A” (Chicago Police Officer) — Male/Black; 38 years old;  
On-duty; Civilian clothes; Year of Appointment — 1998

**OFFICER**

**INJURIES:** None reported

**SUBJECT(S)**

**INVOLVED:** “Subject 1” — Male/Black; 14 years old

**SUBJECT**

**INJURIES:** One gunshot wound to the left forearm; one gunshot wound to the  
left hip

**INITIAL**

**INCIDENT:** Call of a “man with a gun”

**DATE/ TIME:** 16 July 2007, 1659 hours

**LOCATION:** 9132 South Prairie Avenue  
Beat 633

**INVESTIGATION:**

In his “Weapon Discharge by a Sworn Member” Report dated 16 July 2007, an Assistant Deputy Superintendent (ADS) of the Chicago Police Department related that he responded to the scene of an officer-involved shooting incident and was informed that Officers A and B responded to a call of a “man with a gun” at 92nd and Calumet. As the officers approached 9148 S. Forest they noticed three young males standing in the street with one of the subjects (NKA as Subject 1) matching the description of the offender with the gun (male/black; white t-shirt; black and red jean shorts) from the initial call. Officer A asked the individuals to stop to conduct a field interview. When Officer A exited the squad car, Subject 1 ran. As Subject 1 ran he held his right side and as his shirt lifted Office A viewed the butt of a gun. Officer A chased Subject 1 south on Forest Ave. over two fences. Officer A then chased Subject 1 east on 92nd St. through the front yards and nearly grabbed Subject 1 when he fell and lost a shoe at 246 E. 92nd St. Subject 1 got up and continued to run east toward Prairie Ave. and then into the backyard at 9246 S. Prairie. Officer A lost sight of Subject 1 and was cautiously walking around large shrubs and bushes looking for him. Officer A glanced across the street at citizens on a porch. These citizens gestured that Subject 1 was at 9232 S. Prairie. Officer A cautiously walked over to 9323 S. Prairie and noticed Subject 1 in a crouched position with his hands between his legs. Subject 1 ended up behind the garage at 9232 S. Prairie. As Officer A approached Subject 1, Subject 1 jumped out and startled Officer A. Officer A’s firearm discharged, striking Subject 1 on his left arm. The round went through Subject 1’s left arm and lodged in his left hip. Chicago Fire Department EMS transported Subject 1 to Comer Hospital in good condition. A subsequent search of the immediate area for Subject 1’s firearm was unsuccessful.

**INVESTIGATION (Continued):**

The ADS wrote that Officer A “unintentionally discharged his weapon in fear for his life.” The ADS also wrote, “Fearing that the subject was armed as he confronted the subject hiding behind the garage, he (Officer A) approached with caution with gun drawn and was startled when the subject jumped out from a squatting position towards him. The officer unintentionally discharged his weapon, striking the subject.” The ADS continued that, “Officer A was well within Department guidelines and directives in the use of force and that this incident should be classified as an accidental shooting.”

In a statement to the roundtable panel on 16 July 2007, Witness 1 related that she knew Subject 1 from school and from the neighborhood. Witness 1 stated that on the date of the incident she saw Subject 1 and two other male/black subjects walking on Calumet Ave. Witness 1 stopped and spoke with Subject 1. Witness 1 stated that Subject 1 pulled up his shirt and displayed the butt of a handgun.

In a statement to the roundtable panel on 16 July 2007, Witness 2 related that she was standing in the front yard of her residence a few blocks away from the scene when she observed a male/black subject wearing a white t-shirt, jean shorts, and blue gym shoes (NKA as Subject 1) and two other unknown male/black subjects loitering near her residence. Witness 2 saw Subject 1 remove a black gun from his pocket. Witness 2 then went into her residence, telephoned the police and provided them with Subject 1’s description.

**INVESTIGATION (Continued):**

Multiple attempts to interview Subject 1 were unsuccessful. After numerous phone calls and letters, three personal visits to Subject 1's home (two of those personal visits were previously scheduled appointments made with Subject 1's grandmother and guardian, to interview Subject 1, but neither visit resulted in an interview), and two subpoenas, Subject 1 did not cooperate with this investigation. Subject 1 did not provide an account of this shooting for the roundtable panel or a grand jury.

The General Offense Case Report (RD# HN 470-137) indicated that Officers C and D responded to a call of shots fired by the police at 9132 S. Prairie. At that location, Officers Officer C and D interviewed Officer A, who stated that he had responded to a call of a "man with a gun" at Burnside and Forest Avenues. Officer A and his partner observed a male/black individual fitting the physical description of the wanted subject (Subject 1). Officer A approached Subject 1 and announced his office. Subject 1 fled on foot westbound from Burnside and Forest Ave. During the foot pursuit, Officer A stated he observed Subject 1 lift his shirt up and grab the black handle of a handgun<sup>1</sup> in his waistband and continue running. Officer A lost sight of Subject 1. As Officer A was checking an area with heavy foliage he saw Subject 1 in a squatting position by the corner of a garage. As Officer A approached Subject 1 jumped up in an aggressive manner. Officer A unintentionally discharged his weapon, striking Subject 1 on his left forearm.

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<sup>1</sup> A gun was not recovered on 16 July 2007. On 17 July 2007 an off-duty police officer found a handgun in her backyard. That gun was inventoried under the same RD number.

**INVESTIGATION (Continued):**

The Detective's Supplemental Case Report (RD# HN 470-137) indicates that Officer A informed detectives that as he searched for Subject 1 in the yard at 9132 S. Prairie he turned the corner of the rear of the house, at which time Subject 1 lunged in his direction from a crouched position while simultaneously raising his hands, indicating that he had a weapon. Officer A, in fear for his life, discharged his weapon and struck Subject 1.

The Supplemental Case Report also indicates that Subject 1 told detectives he was with his friends. An unmarked squad car pulled up, and two detectives exited and ordered him to come to their vehicle. Subject 1 stated that he ran until he was in the public view. Subject 1 then stopped running and raised his hands. At this time the police shot him for no apparent reason and pushed him to the ground. Subject 1 then recanted his statement and told the detectives that he ran from the police because he is constantly being harassed and arrested. Subject 1 stated he ran from Forest Ave. to Prairie Ave. where he stopped and gave up. Subject 1 was then shot by a black police officer for no reason. Subject 1 then informed the detectives that he did not wish to discuss the matter any further and the interview was terminated.

Officer A's Tactical Response Report indicates that he responded to a "man with a gun" assignment. After a foot chase Officer A found Subject 1 crouched behind a garage. When confronted by Officer A, Subject 1 made an assertive movement towards Officer A which startled him and caused him to unintentionally discharge his weapon, striking Subject 1's left arm and hip.

**INVESTIGATION (Continued):**

Evidence Technician photographs taken on 16 July 2007 depict Subject 1 with a white gauze bandage wrapped around his left forearm and a piece of gauze bandage taped to his left hip. The photographs also depict the location of incident and show a white t-shirt, a single white and blue Nike gym shoe, and a blue piece of cloth with white stripes on the grass between a brick structure and a row of bushes.

Office of Emergency Management and Communication records indicate that on 16 July 2007, at 16:25:11 hours, an anonymous caller reported that a male/black teenage subject wearing black jeans, a white T-shirt and a red/black hat had a gun and was walking eastbound on 93rd St. with another male/black subject in blue jean shorts and a white t-shirt. At 17:06:01 hours Beat 42S05F, Officers A and B, notified OEMC that they were involved in a foot pursuit. At 17:06:44 hours Beat 42S05F notified OEMC of "Shots Fired."

The Chicago Fire Department Ambulance Run Report indicates that Ambulance 55 was dispatched on 16 July 2007, at approximately 1714 hours. The nature of the call was a "gun shot victim." The report indicates that at approximately 1718 hours Ambulance 55 arrived at the location of incident. The paramedics found Subject 1 with a gunshot wound to his left forearm and a gunshot wound to his left hip. At approximately 1730 hours Ambulance 55 left the scene with Subject 1. The report indicates that at approximately 1746 hours Ambulance 55 arrived at the University of Chicago/Comer's Children's Hospital.

**INVESTIGATION (Continued):**

An Illinois State Police (ISP) Forensics Services Gunshot Residue Test (GSR) indicates that Subject 1 may not have discharged a firearm with either hand. If Subject 1 did discharge a firearm, then the particles were removed by activity, were not deposited, or were not detected by the procedure.

A second ISP report indicates that Officer A's firearm was examined and found to be in firing condition. Officer A's firearm was loaded with fifteen (15) live Winchester 9mm Luger +P rounds. The spent casing recovered from the scene was also examined and found to have been fired from Officer A's pistol.

The gun recovered from the backyard of a residence near the scene on 17 July 2007, a Colt, Model Lawman MK III, .357 Magnum caliber revolver was loaded with six (6) live rounds. It was examined by ISP and found to be in firing condition. Further examination of the Colt revolver and its ammunition revealed no latent fingerprint impressions suitable for comparison. Swabs from the front and rear sights, trigger area, and release latch of the Colt revolver indicate that there was insufficient human DNA for analysis. Swabs from the grips of the Colt revolver indicate a mixture of two unidentified human DNA profiles.

Medical records obtained from the University of Chicago Medical Center indicate that Subject 1 sustained a through-and-through gunshot wound to his left forearm and a gunshot wound to his left hip. The entrance wound was "likely" the dorsal side of Subject 1's left forearm with the exit wound near the "volar" or palm of the hand. Subject 1 also sustained a

**INVESTIGATION (Continued):**

fracture to his ulna, or the bone in the forearm on the opposite side of the thumb. Subject 1 informed hospital personnel that he was running from the police with his three friends to avoid arrest. Subject 1 stated that the police chased him because they believed he had a gun. Subject 1 added that he stopped running as the officers drew near and put his hands up and was face to face with the officer when he was shot. Subject 1 also told hospital personnel that he hid from the police by a house until the homeowner told him to get off her property. Subject 1 stated that he then went to surrender but was shot by the police. Subject 1 underwent surgery for the wounds to his forearm and hip. According to the medical records the fired bullet/metal fragment was lodged “in the anterior proximal left femur.”

In a statement to IPRA on 17 July 2007 Witness 3, stated he was cutting a tree in the back of the house located at 9143 S. Prairie when he saw two unmarked squad cars driving on Prairie Ave. Witness 3 stated that one of the unmarked squad cars drove north while the other drove south. Witness 3 saw a male/black subject wearing a white T-shirt and blue or black jeans running north on the west side of Prairie Ave. The male/black subject ran behind some bushes at 9132 S. Prairie Ave. Witness 3 stated that he did not see the male/black holding anything in his hands. Witness 3 saw a male/black plainclothes officer get out of one of the unmarked squad cars and run north toward 9132 S. Prairie Ave. Witness 3 stated that he saw this male/black plainclothes officer holding a black gun. Witness 3 then heard the officer yell, “Get Down! Get Down!” Witness 3 heard a single gunshot. Witness 3 stated that he did not see the officer shoot the male/black subject. Witness 3 stated that he heard the officer say “shots fired” and the



**INVESTIGATION (Continued):**

officer told Witness 3 to call an ambulance. Witness 3 stated that additional officers arrived on the scene and ran towards 9132 S. Prairie Ave.

In a telephone conversation with IPRA on 18 July 2007 Witness 4 stated she was exiting her residence when she heard an officer say, "Police. Get down. Get down." Witness 4 heard a single gunshot and then heard a "kid crying." Witness 4 did not see the shooting.

In a telephone conversation with IPRA on 20 July 2007 Witness 5 stated that at the time of the incident she was in her house when she heard what sounded like a single gunshot. Witness 5 then saw several squad cars driving down the street. Witness 5 called "911" and reported the incident. Witness 5 did not witness the shooting.

In a statement to IPRA on 30 July 2007 Witness 6 stated that at the time of the incident she was laying on her couch in the living room of her home located near the scene when she heard a noise outside her kitchen window. When Witness 6 looked out that window she saw a young male/black subject near the side of her house. Witness 6 stated that it appeared that the young male/black subject was trying to hide from someone. Witness 6 yelled "Hey!" and closed the window. The young male/black subject looked at Witness 6 and held his finger to his lips to indicate for Witness 6 to be quiet. The male/black subject then walked slowly along the side of Witness 6's garage with his back against the garage. Witness 6 then saw a male/black plainclothes police officer jump over the fence behind her garage. When the young male/black subject was near the corner of her garage Witness 6 saw the male/black plainclothes police

**INVESTIGATION (Continued):**

officer approaching from the far end of her garage. Witness 6 explained that the police officer evidently did not see the young male/black subject until he reached the corner of the garage, where the young male/black subject was positioned in a crouched stance. Witness 6 stated that she then heard the plainclothes officer yell out something which she could not remember. The officer pointed his firearm and shot at the young/male black subject. Witness 6 stated that when the officer fired his weapon he and the young male/black subject were about three to five feet apart and facing each other. Witness 6 only heard one gunshot. Witness 6 stated that upon hearing the gunshot she ran away from the kitchen window. Witness 6 stated that she did not see the young male/black subject in possession of a gun prior to the shooting.

In statements to the roundtable panel on 16 July 2007 and to IPRA on 16 July 2008 Officer B related that he and his partner, Officer A, responded to a “man with a gun” call. Upon arrival they saw Subject 1 and two other unknown male/black subjects. Officer B stated that Subject 1 matched the description given of the person with a gun (black pants with red straps on the legs). Officer A, the driver of the squad car, stopped and called to Subject 1 to come over to the car. Subject 1 took two steps towards the squad car and ran west on 92nd St. Officer A exited the car and chased Subject 1 on foot. Officer B followed the foot chase in the car. Officer B used his radio to call for assistance and to call in the foot chase. Officer B followed Subject 1 and Officer A as they ran west on 92nd St. and saw Subject 1 jump over a couple of yard fences. Officer B stated that right before Subject 1 jumped over the first fence, Officer B saw Subject 1 holding what appeared to be a handgun in his right hand. Subject 1 then ran north on Prairie with Officer A behind him. Officer B then drove west on 92nd St. to the next street west of

**INVESTIGATION (Continued):**

Prairie with the intention of cutting off Subject 1's escape. When Officer B reached the next street west of Prairie he heard a single gunshot. Officer B stated throughout the foot chase he was unable to contact Officer A on the radio. When Officer B heard the single gunshot he used his radio to call "Shots Fired" at their location. Officer B made a u-turn and drove back to Prairie Ave.

At Prairie Ave. Officer B exited his car and ran north about a half a block. Officer B then saw Officer A and Subject 1. Subject 1 was lying on his side and Officer A was standing next to him with his gun pointed at Subject 1. Subject 1 was conscious and yelling, "You bogus, man!" Officer B saw blood on the ground and on Subject 1's shirt. Officer B stated that Officer A told him that he had dropped his radio during the foot chase. After additional units arrived on the scene Officer B retraced the foot chase and found Officer A's radio on 92nd St.

In a statement to IPRA on 23 January 2009, a Chicago Police Department Commander stated that on the day of the incident he was the Assistant Deputy Superintendent and that he responded to a police-involved shooting at 9132 S. Prairie Ave. During a "walk-through" of the incident Officer A gave the Commander his account of the shooting. The Commander also spoke with Officer A at Chicago Police Area Two Headquarters after the incident. The Commander stated that Officer A informed him that he did not mean to shoot Subject 1. According to the Commander what Officer A told him was that Subject 1 jumped up at him and startled him and Officer A pulled the trigger. Officer A informed the Commander that he did not mean to shoot Subject 1. Officer A told the Commander that the shooting was an accident.

**INVESTIGATION (Continued):**

In a statement to IPRA on 28 January 2009, Officer D stated that on the day of the incident he was assigned to Beat 621 with Officer C. Officer D stated that he was Officer C's Field Training Officer on the day of the incident. Officers C and D were assigned to complete a General Offense Case Report relative to the shooting. Officer D stated that although he could not remember speaking to Officer A on the day of the incident, he recalled that Officer C wrote the narrative of the Case Report. Officer D stated that Officer A provided them with the information that was contained in the narrative of the Case Report. Officer D also stated that Officer A was present when the Case Report was written and that Officer A was allowed to read the Case Report to verify its accuracy after it was completed. Officer D stated that Officer A informed them that he unintentionally discharged his weapon at Subject 1.

In a statement to IPRA on 06 February 2009, Officer C related essentially the same information as Officer D. Officer C stated that Officer D interviewed Officer A and that she wrote the General Offense Case Report. According to Officer C, Officers D and A, as well as several supervisors, provided her the information that was contained in the narrative of that Case Report. Officer C stated that Officer A was given the opportunity to review the completed Case Report but she did not know if Officer A read it because she did not see him read it. Officer C stated that while they were at Chicago Police Area Two Headquarters Officer A told Officer D that he unintentionally discharged his weapon at Subject 1.

**INVESTIGATION (Continued):**

In a statement to the roundtable panel on 16 July 2007 and in separate statements to IPRA on 18 July 2008 and 22 July 2008 Officer A related essentially the same information regarding the initial call and stop that was contained in Officer B's statement. Officer A stated that when he saw that Subject 1 matched the description of the person with the gun, he pulled up alongside Subject 1 and the two other subjects and said, "Come here, guys." Subject 1 and the other two subjects stepped toward the squad car but Subject 1 then ran west from that location. Officer A stated that when Subject 1 turned and ran he saw Subject 1 grab the handle of a gun in his waistband. Officer A stated that he then got out of the squad car and chased Subject 1. As Officer A chased Subject 1 he repeatedly yelled, "Police! Stop! Drop the gun!" Officer A stated that approximately 30 seconds into the chase he saw Subject 1 holding what appeared to be a semi-automatic handgun. Officer A did not know how far he chased Subject 1, explaining that they had jumped over "a couple of fences." Officer A's radio, which was in a holder attached to the right side of his waist, fell out of the holder during the chase and was later recovered by Officer B. Officer A was unsure how far or which direction(s) he chased Subject 1. Officer A did not see Subject 1 "drop or toss" the handgun during the foot chase.

Officer A continued that somewhere during the chase he lost sight of Subject 1. Officer A slowed his approach and cautiously looked around the corner because he was afraid Subject 1 still had a gun and may try to ambush him. Officer A proceeded around the corner and looked around some bushes and trees for Subject 1. Officer A saw Subject 1 hiding behind a long row of bushes. Subject 1 took off running again. Officer A ran after Subject 1 but lost sight of him a second time. As Officer A looked around for Subject 1 again he saw a group of men on a front

**INVESTIGATION (Continued):**

porch of a house across the street from his location. The men pointed in the direction of a yard a couple of houses away from Officer A's location. Officer A proceeded to a yard he believed the men were pointing at. When he looked back at the men on the porch they were waving and gesturing for Officer A to go to the next house. Officer A then walked towards the next house and continued to look for Subject 1.

As Officer A approached the garage attached to the house he continued to look under a row of bushes to his left for Subject 1. Officer A then heard a noise to his right. Officer A looked to his right and saw Subject 1 in a crouched position with both hands clasped in front of him between his legs. Officer A stated that he and Subject 1 were facing each other. Officer A stated that Subject 1 then lunged upwards, and believing Subject 1 had a gun Officer A turned and fired his weapon once at Subject 1. Subject 1 fell to the ground holding his arm and screaming, "You shot me!" "You bogus!" A few seconds later Officer B arrived on the scene.

Officer A stated that he was between three and five feet away from Subject 1 when he fired his weapon. Officer A stated that he discharged his weapon as an "instinctive reaction," and explained that when Subject 1 jumped up he raised his hands. Fearing for his life Officer A fired his weapon at Subject 1. Officer A stated that he believed he held his gun in both hands when he fired at Subject 1 and that he shot Subject 1 intentionally.

**INVESTIGATION (Continued):**

Officer A also stated that he spoke with the ADS at the scene and at Chicago Police Area Two Headquarters. Officer A stated that while he told the ADS that Subject 1 startled him when he jumped up, he never told the ADS that he unintentionally or accidentally fired his weapon.

Officer A also stated that he spoke with Officers Officer C and D at Area Two Headquarters and gave them an account of the incident. Officer A could not remember specifically what he told Officers C and D. Officer A stated that he did not tell Officers C and D that he unintentionally discharged his firearm at Subject 1. Officer A did not recall reviewing the General Offense Case Report completed by Officers C and D. Officer A stated that he never told anyone that he unintentionally discharged his firearm at Subject 1.

**CONCLUSION AND FINDINGS:**

The Reporting Investigator recommends a finding of Sustained for Allegation #1 that Officer A was inattentive to duty in that he accidentally discharged his firearm, striking the victim, Subject 1. Although Officer A denied the allegation, adding that he intended to shoot Subject 1 because he believed Subject 1 had a gun, his account is not supported by the evidence. In his report on the day of the incident and in his statement to IPRA later, a Chicago Police Department Commander stated that Officer A unintentionally discharged his weapon at Subject 1 because Subject 1 startled him. The Commander further explained that on the day of the incident Officer A informed him that he accidentally shot Subject 1. Furthermore, Officers D and C stated that they spoke with Officer A and that he told them that the shooting of Subject 1 was unintentional. The officers summarized Officer A's statement in the case report. The Detective Supplemental Case Report did not indicate whether or not Officer A unintentionally discharged his firearm at Subject 1. Officer A's contemporaneous statements to the preliminary investigators of this incident corroborate the allegation that Officer A accidentally discharged his firearm at Subject 1.

The Reporting Investigator also recommends that Officer A be cited for an additional violation of Rule 14, "Making a false report, written or oral," in that Officer A provided a false statement to IPRA regarding this incident. Although Officer A denied he informed anyone on the day of the incident that he unintentionally discharged his firearm at Subject 1, his version of events is contradicted by the Department reports and statements provided by a Chicago Police Department ADS and Officers D and C. In separate statements, the ADS and Officers D and C each stated that Officer A informed them that he unintentionally discharged his firearm at



**CONCLUSION AND FINDINGS (Continued):**

Subject 1. The related Department reports completed by the ADS and Officers D and C are consistent with their statements. Their reports indicate that on the day of this incident Officer A informed them that he unintentionally discharged his firearm at Subject 1. In his statement to IPRA, however, Officer A related that he shot Subject 1 intentionally and that he informed the preliminary investigators of his reasons for doing so on the day of the shooting.