

**INDEPENDENT POLICE REVIEW AUTHORITY**

**Log#1061045/U# 13-011**

**INVESTIGATION**

**NUMBER:** Log #1061045, U# 13-11

**INVOLVED**

**OFFICER #1:** “Officer A” (Chicago Police Detective); Male/White; 49 years old;  
On Duty; In Plain Clothes; Year of Appointment – 1990

**OFFICER# 1’s**

**INJURIES:** None reported.

**INVOLVED**

**OFFICER # 2:** “Officer B” (Chicago Police Detective); Male/White; 52 years old;  
On Duty; In Plain Clothes; Year of Appointment – 1986

**OFFICER’S**

**INJURIES:** None reported.

**WITNESS**

**OFFICER:** “Officer C” (Chicago Police Detective); Male/White; 57 years old;  
On Duty; In Plain Clothes; Year of Appointment – 1986

**OFFICER’S**

**INJURIES:** None reported.

**SUBJECT:** “Subject 1”; Male/Black; 17 years old

**SUBJECT’S**

**INJURIES:** One GSW to the left thigh, fractured femur, Non-fatal, transported  
to Advocate Christ Hospital.

**WITNESS**

**SUBJECT:** “Subject 2”; Male/Black; 18 years old

**DATE & TIME:** 29 Mar 13, 1512 Hours

**LOCATION:** 2014 E. 94<sup>th</sup> Street, Beat 423

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log#1061045/U# 13-011**

### **SUMMARY OF INCIDENT:**

On 29 Mar 13, at approximately 1512 hours, Officer A, Officer B and Officer C were in the vicinity of 94th and Jeffery Avenue conducting a sexual assault investigation. Officer A was driving an unmarked, Ford Fusion, squad car. Officer B was the front seat passenger, and Officer C was the rear seat passenger along with two civilians, now known as Witness 1 and Witness 2. As Officer A drove east on 95<sup>th</sup> Street, the Detectives observed a large group of people in the parking lot of the White Castle Restaurant, located at the corner of 95<sup>th</sup> and Jeffery. As Officer A continued to drive northbound on Jeffery Avenue, the detectives heard multiple gunshots from the direction of the White Castle Restaurant parking lot. After the shots were fired, the group of people that had been in the White Castle parking lot ran in different directions. Officer A proceeded to drive northbound on Jeffery Avenue and then under a viaduct. The detectives observed three black males, who had been part of the group standing in the White Castle parking lot where the shots fired came from. The three males ran north on Jeffery Avenue in the same direction the squad car was traveling. The squad car then turned east on 94<sup>th</sup> Street and the Detectives observed the same three males. Officer A stopped the squad car near 9357 S. Jeffery Avenue. Officers A and B exited the squad car and announced their office. One of the males ran north, through the alley between Jeffery Avenue and Chappel Avenue. A second male put his hands up and dropped to the ground. The third male, now known as Subject 1, turned and pointed a firearm at Officers A and B. Officer A stayed behind the driver's door for cover, and Officer B used the body of the vehicle for cover. Officer C and the two civilians remained in the back seat of the squad car. In fear for their lives and the lives of the witnesses, Officers A and B discharged their weapons at Subject 1. Subject 1 was struck one time in the left leg and fell to the ground, dropping his gun on the parkway. Detectives placed Subject 1 into custody, made notification of the shots fired, and requested an ambulance.

At the time of the preliminary investigation, it was unknown if Subject 1 fired his weapon, which was a .38 Caliber, Colt revolver. The revolver was recovered at the scene inventoried by Crime Lab personnel.

## INDEPENDENT POLICE REVIEW AUTHORITY

Log#1061045/U# 13-011

### INVESTIGATION:

The **Original Case Incident Reports, Case Supplementary Reports, TRRs, Officers' Battery Report, Arrest Report of Subject 2 and the Arrest Report of Subject 1** indicate that Subject 1 was advised of his Miranda warnings and interviewed. Subject 1 stated that he, his brother Subject 2, and an unknown friend of Subject 2's walked to the White Castle Restaurant at 95<sup>th</sup> and Jeffery Avenue. While at the White Castle Restaurant parking lot, several black males engaged in a fight with Subject 1 and his group. Subject 1 pulled out a revolver and fired it approximately four to five times. Subject 1, Subject 2, and Subject 2's unknown friend fled northbound on Jeffery Avenue and then turned east at 94<sup>th</sup> Street.

Subject 1 did not notice the unmarked squad car until it was right in front of him. The two plain clothes officers, now known as Officers A and B, got out of the squad car and yelled, "Police! Drop your gun!" Subject 1 stood approximately ten to fifteen feet from the Detectives with the revolver in his hand and pointed it in their direction. The Detectives again yelled, "Police! Drop your gun!" The detectives then fired shots at Subject 1 and Subject 1 fell to the ground. Subject 1 sustained a gunshot wound to the left thigh. CFD Ambulance transported Subject 1 to Advocate Christ Hospital. Subject 1 was charged with three counts of Aggravated Assault of a Police Officer; Aggravated Discharge of a Firearm at a Police Officer; and Aggravated UYW with a Loaded Gun.

The **OEMC event queries and audio transmissions** revealed that on 29 Mar 13, at approximately 1512 hours, several callers reported shots fired in the vicinity of the White Castle Restaurant located at 95<sup>th</sup> and Jeffery Avenue. At approximately 1517/1518 hours a notification was made of shots fired by the police and someone shot by the police.

A **canvass** of the vicinity of 2014 E. 94<sup>th</sup> St. was conducted and several residents reported they heard gunshots but they did not witness the actual police involved shooting.

Several **attempts to interview Subject 1** were met with negative results.

In a **statement with IPRA, Subject 2** stated that on 29 Mar 13, at approximately 1525 hours, he was walking to the store for his grandmother. On the way to the store, Subject 2 saw his little brother, Subject 1, and some of his friends. Subject 1 and his friends then accompanied Subject 2 to the store. While at the store, Subject 1 became involved in an altercation with approximately four males. Subject 2 knew one of the males and tried to calm down the situation. However, Subject 2 observed approximately twenty males come from a McDonald's Restaurant that was across the street. Subject 2 believed that the group of males Subject 1 had the altercation with had called their friends. When Subject 2 and his group began to cross the street toward the White Castle Restaurant, Subject 2 turned to look for Subject 1. Subject 2 observed Subject 1 fire a gun at the oncoming crowd of males. Subject 2 and Subject 1 ran toward 94<sup>th</sup> Street, and then toward Chappell Avenue. Subject 2 then observed an unmarked squad car with two

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log#1061045/U# 13-011**

male white officers in casual dress. The officers, now known as Officers A and B, got out of the squad car and yelled at Subject 1 and Subject 2 to get down. Subject 2 got down, and the officers continued yelling to get down and not to move. Subject 2 then heard shots being fired, and he crawled under a parked car. When Subject 2 looked up, he observed Subject 1 on the ground. Subject 2 was handcuffed, placed in a squad car and transported to the police station. Subject 2 did not sustain any injury as a result of this incident.

In a **statement with IPRA, Witness 1** stated that on 29 Mar 13, she and her brother, Witness 2, were picked up by three detectives, now known as Officers A, B and C, from their residence. The detectives were conducting an investigation in which Witness 1 was a victim and she was going to show the officers where the offender lived. The squad car traveled east on 95<sup>th</sup> Street and then came to a stop at Jeffery Avenue. At that time, Witness 1 heard four or five gunshots that came from the direction of the White Castle Restaurant parking lot. She then observed approximately six people run in different directions from the location of the White Castle Restaurant. Some of the people ran north on Jeffery and under the viaduct. The detectives observed the shooting and drove the squad car north on Jeffery following the people that ran from the parking lot. When the squad car arrived at the corner of 94<sup>th</sup> Street and Chappell Avenue, Witness 1 observed the three guys that ran from the parking lot. The three guys were walking and they were by a garage. The squad car stopped in front of the three guys and the detectives seated in the front, Officers A and B, got out. Officers A and B yelled, "Freeze, get down." One of the guys ran through the alley. Another subject, now known as Subject 2, got down on the ground; and the third guy, now known as Subject 1, began to run toward Jeffery Avenue. The detectives' yelled again at Subject 1 to freeze and get down. When Subject 1 continued to run toward Jeffery Avenue, the driver of the squad car, Officer A, fired three or four shots at Subject 1. Witness 1 thinks Subject 1 was shot, because he fell to the ground. Witness 1 did not have a clear view of Subject 1's hands so she was unable to determine if he had a gun or not. Witness 1 was seated in the back seat of the squad car between Witness 2 and Officer C when the events unfolded before her. Witness 1 and Witness 2 were placed in another squad car and transported to Area South for the shooting investigation.

In a **statement with Detectives, Witness 2** stated essentially a similar account of the incident as Witness 1. In addition, Witness 2 stated that when they approached 94<sup>th</sup> Street, the police car stopped. The police officers yelled, "Stop, Police, get down!" Witness 2 stated that the guy wearing the grey top, now known as Subject 1, fell to the ground.

The **Crime Scene Processing Report** indicates that the scene and evidence of the police involved shooting were video taped, photographed and inventoried. The firearms belonging to Officers A and B were inventoried. The firearm belonging to Subject 1 was photographed and fingerprinted; his clothes were recovered and inventoried while Subject 1 was at Advocate Christ Hospital.

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log#1061045/U# 13-011**

The **Illinois State Police Forensic Science Laboratory Reports** indicate Subject 1's firearm, a Colt; 38 Special Caliber; Revolver, 2" Barrel, Model Cobra was recovered from the crime scene. The revolver was examined, found to be in firing condition and test fired. The Colt Revolver was examined and revealed no latent impressions suitable for comparison.

Officer A's firearm, a Smith & Wesson; .45 Caliber; Semi-Automatic pistol was examined, found to be in firing condition and test fired. Officer B's Glock; .40 Caliber; Semi-Automatic pistol was examined, found to be in firing condition and test fired.

**Medical Records of Subject 1** from Advocate Christ Hospital shows he arrived by CFD Ambulance # A09 on 29 Mar 13, at 1600 hours. Subject 1 told hospital personnel that he was in a shoot out with multiple people. Subject 1 also told hospital personnel that he was pointing a gun at the police and was shot in the leg by police. Subject 1 sustained a gunshot wound to the left thigh with a left femur shaft fracture.

**In a statement with IPRA, Officer C** stated that on 29 Mar 13, at approximately 1512 hours, he, Officers A and B were investigating an incident that involved the two civilian passengers in the vehicle with them. Officer A was the driver of the squad car and Officer B was the front seat passenger. Officer C sat in the passenger side of the back seat. The three detectives were in plain clothes and in an unmarked squad car, a Ford Fusion. The group was traveling east on 95<sup>th</sup> Street so the Witnesses could help detectives locate a particular house in the Jeffery Manor neighborhood. While stopped in traffic near the intersection of 95<sup>th</sup> and Jeffery, multiple shots were heard from the direction of the White Castle Restaurant, located on the northwest corner of the intersection. Officer A attempted to proceed through the traffic when Officer C yelled that he observed three males running east from the White Castle Restaurant parking lot. The three males ran north on Jeffery and under a viaduct.

At that time, Officer C made a notification, via radio, of the shots fired; and he also provided a description of the three males that fled the scene of the shooting. Officer A turned north at the corner of 95<sup>th</sup> and Jeffery and proceeded under the viaduct. When Officer A drove out of the viaduct, they were at the intersection of 94<sup>th</sup> Street and Jeffery Avenue. Officer C looked to his right and observed the same three males, who had now, slowed their pace to a walk. Officer A turned east on 94<sup>th</sup> Street and drove to where the three males were. Officer A stopped the squad car and the three males looked at the squad car and momentarily froze. One of the males then ran through the alley and the other male, now known as Subject 2, immediately dropped to the ground. Officer C then yelled that the male, now known as Subject 1, who began to run toward Jeffery Avenue, had a gun in his hand. As Subject 1 began to run toward Jeffery Avenue, he faced the squad car, and pointed a gun in the direction of the squad car. Officer B exited the squad car shouting, "Drop the gun. Drop the gun. Police! " Officer A was also shouting as Officer C radioed that the offenders were on 94<sup>th</sup> Street and Chappel Avenue. While Officer C attempted to open the rear passenger door, he heard several shots fired. Officer C was unable to open the rear car door and immediately rolled over onto the seat as did Samantha and Witness 2. Officer C was then able to unlock the car door, drew his

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log#1061045/U# 13-011**

weapon, and saw that Subject 1 was lying on the ground. Officer C handcuffed Subject 1 and then radioed notification of the shots fired and also requested an ambulance. Officer C did not discharge his weapon during this incident.

**In a statement with IPRA, Officer B** stated essentially a similar account of the incident as Officer C. In addition, Officer B stated he exited the front passenger seat of the squad car, drew his weapon and yelled, "Police, police, police!" Subject 1, Subject 2 and the unknown male ran in different directions. Subject 1 began to walk toward Jeffery Avenue from the front of a taxi that was parked in a driveway. Officer B had his weapon over the roof of the squad car when he observed a black handgun in Subject 1's right hand.

Officer B again announced his office and shouted at Subject 1 to drop the gun. Subject 1 pointed the gun in the direction of Officer B and refused to drop the gun. Officer B fired two shots at Subject 1 and Subject 1 fell to the ground. As Subject 1 fell, the black gun he was holding also fell to the ground. Officer B observed that Officer C was by Subject 1 so Officer B placed Subject 2 into custody. Officer B stated that when Subject 1 pointed his gun at him and at the squad car, and refused to drop the weapon, he thought Subject 1 was going to shoot at the squad car, his partners and himself. Officer B further stated that he had no other option but to fire his weapon at Subject 1.

**In a statement with IPRA, Officer A** stated essentially a similar account of the incident as Officers B and C. In addition, Officer A stated that he opened his driver's door and yelled at Subject 1, "Police! get on the ground." Officer A observed a dark-colored revolver in Subject 1's hand as he continued facing Officer A. Officer A drew his weapon when Subject 1 pointed his gun in his direction of his partners and the squad car which had Witness 1 and Witness 2 in the back seat. Subject 1 began to run west on 94<sup>th</sup> Street as he pointed his weapon at them the entire time. Officer A then fired his weapon at Subject 1 and observed Subject 1's revolver fall to the ground. Subject 1 stumbled a few feet and then fell to the ground. Officer A stated he felt his life; his partners' lives and the lives of Witness 1 and Witness 2 were in danger and therefore fired his weapon at Subject 1. Officer A further stated he had absolutely no other option but to fire his weapon at Subject 1.

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log#1061045/U# 13-011**

### **CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by Officers A and B was Justified and in compliance with Chicago Police Department policy and Illinois State statutes. According to the Chicago Police Department's General Order 03-02-03, III, A:

- 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."

Officers A and B encountered Subject 1 and Subject 2 who had been involved in an incident where shots were fired. During the encounter, Subject 1 pointed a gun in the direction of the Detectives and the squad car which had Officer C, Witness 1 and Witness 2 in the back seat. Subject 1 continued to point the weapon in the direction of the Detectives and the squad car, and he refused to drop the firearm. Officer B thought Subject 1 was going to shoot at the squad car, his partners and himself. Officer B stated he had no other option but to fire his weapon at Subject 1. Officer A stated he felt his life; his partners' lives and the lives of Witness 1 and Witness 2 were in danger and therefore he fired his weapon at Subject 1. Officers A and B were in imminent danger of being shot and in reasonable fear for their lives; the lives of Officer C; Witness 1 and Witness 2 when they discharged their weapons in the direction of Subject 1.