

INDEPENDENT POLICE REVIEW AUTHORITY
PUBLIC REPORT OF INVESTIGATION

INVESTIGATION

NUMBER: LOG# 1003119 / U# 07-02

OFFICER(S)

INVOLVED: “Officer A” (Chicago Police Officer) – Male/Black; 47 years old; Off-duty; In uniform; Year of Appointment - 1996

OFFICER

INJURIES: None reported

SUBJECT(S)

INVOLVED: “Subject 1” – Male/Black; 19 years old

SUBJECT

INJURIES: One through-and-through gunshot wound to the right forearm; Two gunshot wounds to the lower abdomen, one through-and through; One through-and-through gunshot wound to the left hip; One through-and-through gunshot wound to the left armpit. (Fatal)

INITIAL

INCIDENT: Burglary

DATE/TIME

OF INCIDENT: 30 Jan 07, 0839 hours

LOCATION:

Officer A’s home residence – inside
Beat 614

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SUMMARY OF INCIDENT:

On 30 January 2007, at approximately 0830 hours, Officer A returned home from his second job. Upon arriving, Officer A found the rear glass sliding doors and the security door open on the back of his residence. Officer A entered his residence and heard a voice from upstairs state, "Hey G. let's get this computer." Officer A walked up the stairs at which time the subject, Subject 1, confronted him and reached inside his jacket.

Officer A, in full uniform, announced his office and told Subject 1 to take his hands out of his jacket and lay on the floor. Subject 1 refused to comply and Officer A fired one shot striking Subject 1. Subject 1 remained standing and continued to reach inside his jacket. After repeatedly instructing Subject 1 to remove his hands from his jacket, Officer A fired again. Subject 1 fled into a bedroom and began reaching in his pant leg. Officer A, in fear for his life, fired three more times and then called "911" for assistance. Subject 1 was transported to Christ Hospital by a CFD Ambulance where he was pronounced dead. A 6-inch knife was recovered inside Subject 1's jacket pocket.

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Three police officers provided accounts for the Roundtable presentation. Officer B, related to the Roundtable panel that he responded to a 10-1 call (Officer needs assistance) at Officer A's residence. Upon his arrival to the location, he spoke with Officer A who informed him of the situation and the location of Subject 1. Officer B went to the second floor of the residence and observed Subject 1 on the floor, going in and out of consciousness. Officer B waited with Officer A until a supervisor arrived.

A Chicago Police Department Detective related to the Roundtable panel that he responded to Christ Hospital and spoke with a doctor who informed him that Subject 1 sustained one through-and-through gunshot wound to the left shoulder, one through-and-through gunshot wound to the right forearm, and one gunshot wound each to the thigh and buttocks. The doctor pronounced Subject 1 dead at 0955 hours.

Officer A told the Roundtable panel that as he returned to his residence after working his second job, he observed his rear gate open. As he approached his residence from the rear, Officer A observed that the rear security gate and the sliding glass doors had been forced open. As Officer A entered the residence he heard a voice state, "Hey 'G' get the computer." Officer A drew his weapon, went upstairs and replied, "This aint 'G,' it's the police. Show me your hands and get to the floor."

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INVESTIGATION (continued):

Subject 1 refused to comply and reached inside his jacket. Officer A believed that Subject 1 was reaching for a weapon and fired one round, striking Subject 1. Officer A then yelled, "Get down," and again Subject 1 failed to comply and continued to reach inside his jacket. Officer A, in fear of his safety, fired again. Subject 1 then turned away from Officer A, walked into a side room, fell to his knees and reached down toward his left ankle. Officer A yelled, "Let me see your hands!" Officer A then fired again. Subject 1 stated, "I'm hit." Officer A then telephoned "911" to report the incident and request an ambulance.

The Burglary by Forcible Entry Case Report contains an account of the incident consistent with the summary of the incident.

The Burglary by Forcible Entry Case Supplemental Report indicates that the unknown offender(s) were sought in this matter; however, there was no additional information or investigative leads thereby the case was suspended and categorized "Exceptional Cleared Open."

The Homicide Case Supplemental Report indicates that when asked to conduct a walkthrough of the interior and exterior of his residence, Officer A stated that when he returned home from working secondary employment, he parked his vehicle in front of his house and walked through the gangway to the rear of his residence because he did not possess keys to the front door. While walking through his gangway he noticed that the

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INVESTIGATION (continued):

rear gate to the alley was left open. Officer A stated that he walked to the rear gate area and secured it before returning to his rear door. At that time Officer A discovered that his rear patio door was opened. Further inspection revealed that it and the security door were damaged. Officer A entered the residence and found the family room in disarray; it appeared that the home had been ransacked. The remainder of Officer A's account as stated in the supplemental report is consistent with the account presented at the Roundtable.

The Event Queries from the Office of Emergency Management and Communications indicate that Officer A immediately notified OEMC of his weapon discharge.

The Evidence Technician photographs depict the scene of the shooting from various angles.

A 6 inch pocket knife with a 2 ½ inch blade was recovered from Subject 1's breast pocket.

The Medical Examiner's Report indicates that Subject 1 died of multiple gunshot wounds (five entrance and four exit wounds) and the manner of death was Homicide. Subject 1 tested negative for narcotics and alcohol.

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INVESTIGATION (continued):

The Illinois State Police Laboratory Report indicates that Officer A's weapon was examined and test fired with no malfunction reported. The report concluded that five fired cartridge cases and five recovered bullets recovered from the scene were fired from Officer A's weapon.

In an interview with IPRA on 21 February 2008, Officer A stated that he had just arrived home from his secondary job when he noticed that his two yard gates were open, the side and rear gates. He then observed that the security and sliding patio doors at the rear of his residence were open. Upon entering the den of his home, the first room at the rear entrance of the house, Officer A heard a voice from the second floor of his residence state, "Hey G, let's get this computer."

Officer A stated that he walked upstairs and saw Subject 1 standing in the hallway near the computer. Officer A stated, "This isn't G. It's the police. Get on the floor." Subject 1 did not get on the floor, but instead stepped toward Officer A and reached inside his jacket. Officer A again told Subject 1 to get on the floor, simultaneously looking around for "G." Subject 1 again stepped toward Officer A and kept reaching inside his jacket, so Officer A fired two rounds at Subject 1. Subject 1 did not fall and continued to look at Officer A. Officer A stated that he was not sure if Subject 1 was struck because he did not see any blood.

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INVESTIGATION (continued):

Officer A stated that he again told Subject 1 to get on the floor but Subject 1 continued looking at him with his arm inside his jacket. Officer A then fired two more rounds and heard Subject 1 say, "Okay, okay," as he dove into a playroom. Subject 1 pulled his hand away from his jacket and reached toward his pant leg. At that time Officer A fired again. Subject 1 yelled, "I'm hit!" and fell to the floor. Officer A stated that he gave Subject 1 instructions not to move as he called 911.

Officer A stated that he never saw "G" or anyone else in the home. He also stated that he never saw Subject 1 produce a weapon; however, someone from the CPD Crime Lab informed him that a knife was recovered inside Subject 1's jacket pocket.

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 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 conditions of CPD's deadly force policy. Officer A was in full uniform when he discovered Subject 1 in his residence. Officer A shot Subject 1 after Subject 1 disregarded Officer A's verbal commands and continued to reach inside his jacket while stepping towards Officer A. Subject 1 then continued to disregard Officer A's commands and reach toward his pant leg. Officer A believed Subject 1 was reaching for a weapon. Officer A also believed that another subject named "G" was also somewhere in his house. This placed Officer A in imminent fear of great bodily harm or death from Subject 1.