

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1059373/U #13-02

**INVESTIGATION**

**NUMBER:** Log #1059373/U# 13-02

**INVOLVED**

**OFFICER:** “Officer A” (Chicago Police Officer); Male/White; 44 years old; On Duty; In Plain Clothes; Year of Appointment – 2003

**OFFICER**

**INJURIES:** None reported.

**WITNESS**

**OFFICER:** “Officer B” (Chicago Police Officer); Male/White; 36 years old; On Duty; In Plain Clothes; Year of Appointment – 2000

**OFFICER’S**

**INJURIES:** None reported.

**SUBJECT:**

“Subject 1”; Male/Black; 17 years old

**SUBJECT’S**

**INJURIES:** Multiple gunshot wounds; Fatal.

**DATE & TIME:**

07 January 2013, at approximately 1346 hours

**LOCATION:**

Vicinity of 2005 East 75<sup>th</sup> Street

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**ALLEGATIONS:**

On 07 January 2013, at 15:10 hours, Independent Police Review Authority IPRA Investigator A documented that CPD Deputy Chief A, reported that Police Officers A and B stopped a car driven by a subject near 75<sup>th</sup> Street and Jeffery Boulevard because the car had been involved in a vehicular hijacking. The subject fled from the car and ran south on Jeffery Boulevard. Both officers pursued the subject on foot. The subject pulled out a dark object and pointed it at the officers. Officer A, fearing for his life and the life of his partner, fired approximately four rounds at the subject, striking him. The dark object was later determined to be a black iPhone box, which may have been a possible proceed from the vehicle hijacking.

IPRA Investigator B alleges that on 07 January 2013, at approximately 1346 hours, while in the vicinity of 2005 East 75<sup>th</sup> Street, Police Officer A:

1. disobeyed the Chicago Police Department's use of deadly force policy by using excessive and unjustified deadly force against Subject 1 by shooting him.

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### **PRELIMINARY INFORMATION:**

On 07 January 2013, at 1418 hours, the Independent Police Review Authority (IPRA) was notified of a police-involved shooting that occurred near 7501 South Jeffery Boulevard, in the 4th District. The information below was provided by CPD Deputy Chief A, during a walkthrough of the shooting scene and is a summary based on multiple levels of hearsay; it is not verbatim.

CPD Deputy Chief A related that at approximately 1340 hours, Involved Officer A, and Witness Officer B, were assigned to Beat 463E, working in plainclothes. Officer B was driving and Officer A was seated in the front passenger seat. The two officers observed a gray Dodge Charger with Wisconsin plates driving erratically westbound on East 75th Street. They ran a check of the license plate on their PDT, which initially came back "clear". The officers then heard an Office of Emergency Management and Communications (OEMC) call of a battery-in-progress near 76<sup>th</sup> Street and Essex Avenue. The officers began to drive towards the location of the battery in progress. OEMC then updated the call over the air and stated that the battery-in-progress was now a robbery-in-progress and a vehicular hijacking. The OEMC dispatcher gave a description of the vehicle that was hijacked. Officers A and B realized the gray Dodge Charger they had just observed was the vehicle that had been hijacked. The officers drove back to 75th Street in search of the vehicle. The officers located the Dodge Charger stopped in traffic at the intersection of 75th Street and South Jeffery Boulevard.

Officer B drove the squad car into the bus lane and stopped alongside the passenger side of the Charger. Officer B exited the driver's side of the squad car and crossed in front of the Charger. Officer B ordered the driver, now known as Subject 1, to exit the vehicle. Subject 1 did not initially exit the vehicle and began to make furtive movements as he moved about within the vehicle. Subject 1 exited the Dodge Charger, leaving it in drive, and began to run towards the south side of 75th Street. Subject 1 then ran westbound toward Jeffery Boulevard. Officer B pursued Subject 1 along the same route, while Officer A ran diagonally toward the southeast corner of 75<sup>th</sup> Street and Jeffery Boulevard in order to intercept Subject 1. Subject 1 approached the corner of 75<sup>th</sup> Street and Jeffery Boulevard and continued to look back at the officers as he ran. Subject 1 then pointed a dark object back towards the officers as he continued to run. Officer A, fearing for his life and Officer B's life, fired four rounds at Subject 1, striking him. Subject 1 ran a short distance onto South Jeffery Boulevard just south of the intersection and fell to the ground, dropping the dark object. A Chicago Fire truck was passing the location just after the shooting and stopped to render aid. Subject 1 was transported to Northwestern Hospital where he died from his injuries.

During the walk through, the dark object alleged to have been pointed at the Officers was located near where Subject 1 had been taken into custody. The object was determined to be a black iPhone box; It was believed that the box was a proceed from the vehicular hijacking.

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**INVESTIGATION:**

**Department Reports** completed under RD #HW108051 and #HW114498 documented the initial investigation of the incident by Area South Detectives.

[Robbery Victim] was interviewed by detectives and related that she was seated in [Carjacking/[Robbery Victim]'s] Dodge Charger as he was waiting to meet [Female Client] at XXXX S. Essex Avenue. "Subject 3" and two other black males entered the rear seat. When [Female Client] arrived and began to argue with [Carjacking/Robbery Victim] about a cell phone, the three males in the back seat demanded money from [Carjacking/Robbery Victim] and grabbed, punched, and robbed [Robbery Victim] of her jacket, shoes, cell phone, and \$40, before she was able to flee. One of the males drove away in [Carjacking/Robbery Victim's] vehicle. [Robbery Victim] viewed a computer generated photograph of Subject 1 and positively identified him as one of the three subjects seated in [Carjacking/Robbery Victim's] vehicle, who had committed the robbery.

[Carjacking/Robbery Victim's] was interviewed by detectives and related that on the day of the incident, he went to meet [Female Client] at her residence, XXXX S. Essex Avenue, to sell a cell phone. [Female Client]'s brother, Subject 2, her boyfriend, Subject 3, and Subject 1 entered the rear seat of [Carjacking/Robbery Victim's] car. [Female Client] arrived at [Carjacking/Robbery Victim's] car, complaining that her cell phone had been canceled. Subject 2 grabbed [Carjacking/Robbery Victim] as Subject 1 struck [Carjacking/Robbery Victim] in the face several times. The men removed his shoes and \$400 from his pocket. When [Carjacking/Robbery Victim] was able to get out of his car, he was attacked by other bystanders. [Carjacking/Robbery Victim] observed Subject 1 drive away in his vehicle. [Carjacking/Robbery Victim] flagged down a passing motorist and subsequently called the police.

Subject 2 was interviewed by detectives and stated that he, Subject 3, and Subject 1 entered the back seat of [Carjacking/Robbery Victim's] car as [Female Client] argued with [Carjacking/Robbery Victim] about her cell phone. When [Carjacking/Robbery Victim] lied to [Female Client] about her phone, Subject 2 pulled [Carjacking/Robbery Victim] partially into the back seat and took a cell phone from the front seat console. Other people from the neighborhood pulled [Carjacking/Robbery Victim] from the car and began to beat him. Subject 1 drove away from the scene in [Carjacking/Robbery Victim's] vehicle.

Subject 3 gave a statement to detectives denying any knowledge of the incident. He later asked for a lawyer.

[Female Client] was interviewed by detectives and stated that [Carjacking/Robbery Victim] "deals in cell phones" and gives a referral fee to anyone who finds him customers. [Female Client] called [Carjacking/Robbery Victim] and told him that she had two customers for him, Subject 3 and Subject 1. When [Carjacking/Robbery Victim] arrived, Subject 3, Subject 1, and Subject 2 exited from the apartment and entered the back seat of [Carjacking/Robbery Victim's] car. [Female

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Client] went to the car and told [Carjacking/Robbery Victim] to give her referral fee to Subject 2. As soon as she said that, Subject 2 grabbed [Carjacking/Robbery Victim] from behind and people, including those hanging around the building at XXXX S. Essex Avenue, began to beat [Carjacking/Robbery Victim]. Subject 1 then drove away in [Carjacking/Robbery Victim's] car.

Subject 2 and Subject 3 were charged with Felony Murder, two counts of Robbery, and Vehicular Hijacking. Subject 1's case was closed as a Justifiable Homicide.

[Civilian] was interviewed by detectives and stated that she was in her vehicle, facing north on Jeffery Boulevard, preparing to turn east onto 75<sup>th</sup> Street, when she heard gunshots and observed Subject 1 run into her vehicle, knocking off her mirror and causing him to spin around.

Officer B was interviewed by detectives and stated that on the date of incident, he was working Beat 463E with Officer A, driving vehicle #4434. Officer B reported that he and his partner were working in tactical dress, with their stars visibly displayed. Officer B explained that while on routine patrol, he observed a silver Charger near Essex Avenue and 75<sup>th</sup> Street that failed to make a complete stop at a stop sign before turning westbound onto 75<sup>th</sup> Street. Officer B stated that he was able to get behind the Charger and observed it to have a Wisconsin license plate, XXX XXX. Officer B related that Officer A conducted a computer check of the plate, which came back clear. After turning off of 75<sup>th</sup> Street, there was a COS broadcast of a "Battery in progress, teens fighting in the street, exiting a silver Charger." Within moments, the call information was updated to reflect that the event had become a "Carjacking." After learning that the Charger that was carjacked bore a Wisconsin license plate, the officers drove back onto 75<sup>th</sup> Street and observed the Charger stopped in traffic at a red light near 75<sup>th</sup> Street and Jeffery Boulevard.

Officer B stated he pulled up next to the Charger, stopping just past the front of the vehicle, blocking any escape. Officer B stated he exited his vehicle, drew his weapon and crossed in front of the Charger. Officer B announced his office and ordered the driver to put his hands up. Officer B reported that Subject 1 raised his right hand up, but simultaneously reached down to the floor with his left hand, failing to comply with his orders. Officer B related that as he approached the driver's door, Subject 1 quickly opened the door, blocking him from reaching the entrance to the driver compartment of the Charger.

Officer B stated Subject 1 exited the Charger and ran southeast toward two parked cars while looking back towards Officer B. Officer B followed Subject 1 between the two parked cars. When Subject 1 reached the sidewalk, he turned westbound with Officer B still in pursuit. Subject 1 began to turn to his right, as if to face Officer B. At that time, Officer B heard several gunshots and immediately slowed his pursuit. When Officer B reached the corner, he observed Subject 1 lying in the street. Officer B heard Subject 1 say, "I give up. I'm shot."

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Officer A was interviewed by detectives and provided a statement consistent with that of Officer B. Officer A stated that upon exiting the vehicle, he proceeded around the rear of the squad and observed Officer B at the front of the silver Charger. Officer A explained that both he and Officer B had their weapons drawn. Officer A stated he heard Officer B shouting several times at the driver of the Charger, "Police, let me see your hands." Officer A explained that Subject 1 exited the Charger and ran southbound between the middle of two parked cars with Officer B in pursuit. Subject 1 reached the sidewalk and ran westbound. Officer A ran westbound in the street at which time he observed Subject 1 turn to his right, in the direction of he and Officer B. Officer A stated that Subject 1 had a dark object in his hand which he believed to be a handgun. Officer A related that at that moment, Officer B was in close proximity to Subject 1. In fear for Officer B's life, Officer A fired his weapon four times at Subject 1. Officer A explained that Subject 1 ran several more feet and then collapsed on the curb at Jeffery Boulevard.

A **Detective Case Supplementary** Report (HW108051) documented that on 07 January 2013, two lineups were conducted at Area South, which resulted in [Robbery Victim] identifying Subject 3 as one of the offenders who robbed her of her jacket, and [Carjacking/Robbery Victim's] identifying Subject 3 and Subject 2 as two of the subjects who robbed him of \$400 and a 4G cellular phone.

The **Event Query** for the incident (Event #1300707490) was initiated with a call from an individual identified as [Carjacking/Robbery Victim], reporting a robbery that just occurred at 7548 S. Kingston Avenue. [Carjacking/Robbery Victim] related he was robbed, beat up and carjacked of his silver Dodge Charger. Beat 412 was dispatched at 13:45:34 hours. Beat 463E was dispatched at 13:46:02 hours and reported they were behind the vehicle at 13:46:13 hours. At 13:46:27 hours Beat 463E gave a location of 75<sup>th</sup> Street and Jeffery Boulevard.

Other **Event Queries**, to include Event #1300707482, #1300707489, #1300707491, #1300707524, #1300707532, #1300707570, #1300707712, #1300707760, #1300708198, #1300708793, #1300708800, #1300708906, #1300709247, #1300709805, #1300710547, #1300711578, #1300715180 consisted of telephone calls made to 911 regarding the battery/robbery/carjacking and the officer involved shooting.

The **Office of Emergency Management & Communications (OEMC)** calls made on 07 January 2013, between the hours of 13:42 and 16:04, detailed multiple calls relating to the initial robbery/carjacking incident. During the first call, a male reported to the dispatcher that a group of approximately seven black males were beating an individual in the 7600 block of South Essex Avenue. Some members of the group got into a silver Dodge Magnum. Another caller reported that five black males beat the individual, took his car, and drove north on Essex Avenue.

At 13:44:49 hours, [Carjacking/Robbery Victim] called 911 from 75<sup>th</sup> Street and Kingston Avenue. He reported that ten individuals had beaten him and taken his shoes, wallet, and car. His car was described as a silver 2008 Dodge Charger, with Wisconsin

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plate XXX XXX. The car was driven down 75<sup>th</sup> Street. At 13:44:48 hours, a caller reported a female, who had been beaten and robbed of her coat and shoes at 7600 S. Essex Avenue, was now at 7545 S. Phillips and needed police assistance.

At 13:57:12 hours, a caller reported that there was a shooting at 75<sup>th</sup> Street and Jeffery Boulevard.

The **OEMC radio transmissions for Zone 8** detail that there was a battery-in-progress, involving eight black males, some of whom exited a silver Dodge Charger, at 7600 S. Essex Avenue. Approximately 23 seconds later, the dispatcher updated the call information to reflect that this event was now a robbery that had just occurred. Approximately 16 seconds later, the dispatcher radioed that a caller at 7548 S. Kingston reported his car, a silver Dodge Charger, had been carjacked. Beat 463E asked for a confirmation of the vehicle's description and approximately seven seconds later reported that they were behind that vehicle. Approximately 19 seconds later, Beat 463E reported shots fired by the police at 75<sup>th</sup> Street and Jeffery Boulevard.

**A CLEAR Data Warehouse Service Calls Search** detailed the progression of the incident which began as teens fighting near 7600 S. Essex Avenue, to a female who was battered near 7545 S. Phillips Avenue, to [Carjacking/Robbery Victim] calling about being robbed and carjacked.

**Officer A** submitted a **Tactical Response Report (TRR)** which documents that Subject 1 did not follow verbal directions and fled. Officer A responded with his presence, verbal commands, and his firearm. He fired four shots at a distance of approximately 10 to 15 feet. Officer A's additional information was "Subject began to turn towards R/O and his partner, Officer B, while holding an object believed to be a firearm. R/O, in fear for Officer B's life, discharged firearm at subject."

**Officer A** submitted an **Officer's Battery Report (OBR)** which documents that he and his partner were battered while pursuing/arresting an offender for 720 ILCS 5.0/18-3-A, Vehicular Hijacking. The subject was armed with a small black object. The narrative of the report documents that "Subject began to turn towards R/O and his partner, Officer B, while holding an object believed to be a firearm. R/O, in fear for Officer B's life, discharged firearm at subject."

**Officer B** submitted a **TRR** which documents that Subject 1 did not follow verbal directions, fled, and pointed an object at him. Officer B responded with his presence and verbal commands.

**Officer B's** submitted an **Officer's Battery Report** which documents that he and his partner were battered while pursuing/arresting an offender for 720 ILCS 5.0/18-3-A, Vehicular Hijacking. According to the report, the subject pointed a small black object at Officer B.

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The **Crime Scene Processing Report** (Report #216071) documents several items that were inventoried, to include three (3) Hornady .45auto +P cartridge cases recovered from 2002 E. 75<sup>th</sup> Street and one (1) Hornady 45auto +P cartridge case recovered from 2000 E. 75<sup>th</sup> Street. A metal fragment was recovered from the sidewalk at 1958 E. 75<sup>th</sup> Street. A black Apple iPhone 5 box containing a new 16GB Apple iPhone 5 and a white cellular phone power adapter were recovered from the sidewalk at 7501 S. Jeffery Boulevard. A gray knit cap was recovered from the street at 7501 S. Jeffery Boulevard. A dark blue Hollister brand, hooded sweatshirt was recovered from the street at 7501 S. Jeffery Boulevard.

The Crime Scene Processing Report documents that the scene was photographed and videotaped as well.

The **Crime Scene Photos** depict the side of the Health Care Center at 2011 E. 75<sup>th</sup> Street and the north side of the South Shore Food Market at 7501 S. Jeffery Boulevard. The northeast side of the South Shore Food Market abuts the Health Care Center. The parked Buick LeSabre that Subject 1 ran past is opposite the side door of the South Shore Food Market. A utility junction box, a mail box, a newspaper box, and a light pole are located on the sidewalk, opposite the west end of the South Shore Food Market. There is an apparent bullet strike mark at the lower west corner of the entrance to the South Shore Food Market. There is an apparent bullet strike mark on the brick wall under the canopy of the South Shore Food Market. There are three (3) cartridge cases east of the east crosswalk at the 75<sup>th</sup> Street and Jeffery Boulevard intersection and north of the 75<sup>th</sup> Street center line. A fourth cartridge case was photographed on the west side of the east crosswalk, south of the 75<sup>th</sup> Street center line. A black iPhone box and a white cellular phone power adapter were photographed on the sidewalk at 7501 S. Jeffery. There are photographs of [Civilian]'s Jeep Compass that Subject 1 ran into.

The **Police Observation Device (POD) 824** at 7500 S. Jeffery Boulevard pans, showing east and west views of 75<sup>th</sup> Street and a southeast view of Jeffery Boulevard. At approximately 13:46:04 hours, the POD is focused on police action, east of the POD on 75<sup>th</sup> Street. A dark colored unmarked vehicle is observed on the passenger side of the Silver Charger. Between 13:46:04 and 13:46:05 hours, Officer A is standing behind the unmarked vehicle. The driver's door of the Charger opens and Subject 1 exits and begins fleeing, with Officer B following close behind. Subject 1 gains distance on Officer B and begins to run south. Officer A remains in the street with his firearm drawn and raised to a ready position.

Between 13:46:05 and 13:46:06 hours, Subject 1 and Officer B run between two parked vehicles. At approximately 13:46:07 hours, Officer A appears to be holding his pistol at ready position, pointing it towards Subject 1, who is passing the side door of the South Shore Food Market. Officer B, who is behind Subject 1, stops running. At approximately 13:46:08 hours, Subject 1 crouches low and runs past the South Shore Food Market and turns the corner. At approximately 13:46:10 hours, Officer B is observed near the South Shore Food Market, while Officer A continues to point his gun in Subject 1's direction of flight. At approximately 13:46:11 hours, Officer A moves

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diagonally from the center of 75<sup>th</sup> Street, towards the southeast corner of 75<sup>th</sup> Street and Jeffery, while pointing his pistol in the direction of Subject 1. Officer A continues to point his gun in the direction of Subject 1 until 13:46:17 hours.

**POD 823** is located at 7558 S. Jeffery Boulevard and it did not capture the incident.

There were three outside **video surveillance cameras**<sup>1</sup> at **South Shore Food Market**, 7501 S. Jeffery Boulevard. At approximately 13:35:45 hours, Camera 1 depicted two male subjects walking past the camera view. At approximately 13:54:10 hours, the same subjects were recorded running back towards the direction they had originally come from. At approximately 13:54:21 hours, Officer A was observed entering the moving Charger as it rolled into the intersection, in order to place the vehicle in park. The camera also captured a fire truck arriving at the scene at approximately 13:55:11 hours.

Camera 2, recorded the two subjects walking by at approximately 14:01:57 hours and running back at 14:02:14 hours.

Camera 3 showed Officer B chasing Subject 1 between two parked cars. At approximately 13:44:37 hours, Officer B is seen running behind Subject 1. Both of Subject 1's arms and hands are extended away from his body and in a running motion. At approximately 13:44:38 hours, Subject 1 runs between two parked cars, with Officer B in pursuit. It appears that one of Subject 1's arms extends towards Officer B as he runs between the parked cars. A dark colored object is observed in Subject 1's right hand. At approximately 13:44:39 hours Officer A raises his pistol from the low ready and points it at Subject 1. At approximately 13:44:41 hours, both Subject 1 and Officer B leave the camera's viewing area.

The **video camera** at **South Shore High School** did not capture the incident. The camera is directed at the southwest corner of 75<sup>th</sup> Street and Jeffery. At approximately 13:46:08, something appeared to capture the attention of a male subject, who has been identified as a Safe Passage worker, Witness 1. Subsequently, Officer A is observed entering the moving, driverless, Dodge Charger and stopping it at 13:47:10 hours in the westbound lane of the 75<sup>th</sup> Street and Jeffery Boulevard intersection.

On 08 January 2013, IPRA investigators conducted a **canvass** of the location near the incident. No witnesses were found as a result of the canvass.

The **Illinois State Police (ISP) Forensic Science Center Laboratory Report** (Case #C13-002396) dated 17 January 2013, documents the examination of Officer A's pistol, a Sig Sauer model P220 .45 caliber semiautomatic pistol, serial #G358342. It was found to be in firing condition. There were five (5) Hornady .45 Auto +P caliber unfired cartridges in the magazine. The four (4) recovered fired cartridges cases were identified as having been fired from the same weapon. The recovered fired .45 caliber bullet and

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<sup>1</sup> The times of the three cameras are not synchronized.

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.45 caliber bullet fragment could not be identified or eliminated as having been fired from the same weapon.

Additional findings from the ISP document that the latent fingerprints on the iPhone box were those of Subject 1.

The **Forensic Investigator's Plat** listed various measurements of the crime scene. 75<sup>th</sup> Street is 42' wide. The south sidewalk of 75<sup>th</sup> Street is 12' wide. The distance between the two cars that Subject 1 ran between was 1'8" wide. The location of three cartridge cases were measured at 21' north of the south curb of 75<sup>th</sup> Street and 26' east of the east curb of Jeffery; 23'6" north of the south curb of 75<sup>th</sup> Street and 25'6" east of the east curb of Jeffery; and 24' north of the south curb of 75<sup>th</sup> Street and 18'6" east of the east curb of Jeffery. A fourth cartridge case was 16' north of the south curb of 75<sup>th</sup> Street and 2'6" west of the east curb of Jeffery.

The **Report of Postmortem Examination** documented that on 08 January 2013, a postmortem examination of Subject 1 was performed by Doctor A. Doctor A identified a through-and-through wound to Subject 1's right forearm. She identified another gunshot wound to the right side of Subject 1's body. The eighth rib was fractured by that bullet's entry. That bullet passed through the liver, diaphragm, pericardial sac, and heart. The large caliber copper jacketed bullet was recovered adjacent to the thoracic spine.

Doctor A stated that Subject 1's cause of death was multiple gunshot wounds and the manner of death was homicide.

On 09 August 2013, a **Civil Law suit** (13-CV-05697) was filed in the United States District Court for the Northern District of Illinois on behalf of the Estate of Subject 1. The City of Chicago, Officer B and Officer A were named as defendants. It is alleged that the officers used excessive and unreasonable force.

In a statement to IPRA on 1 March 2013, **Witness 1** stated that on 07 January 2013, he was working for Safe Passage and assigned to a post at the southwest corner of 75<sup>th</sup> Street and Jeffery, at South Shore International College Prep. Witness 1 stated he observed two black males with dreadlocks in their hair riding in a Silver Dodge Charger<sup>2</sup> and two white male police officers in a gray Crown Victoria behind the charger. Witness 1 saw the driver of the Charger jump out of the moving vehicle and run. The driver ran west on 75<sup>th</sup> Street and turned south on Jeffery Boulevard, and then east into the alley. Witness 1 observed one officer chasing him. Witness 1 stated he observed the second officer chasing the other black male. Witness 1 said that the officer had his gun drawn and he heard the officer telling the black male words to the effect of, "Freeze. Stop. Stop. Freeze."<sup>3</sup> Witness 1 stated he turned away once he saw the officer's gun, at which time he heard multiple gunshots. When Witness 1 turned back around, he saw the black male

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<sup>3</sup> Statement of Witness 1, page 15, lines 19-21.

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lying on the ground. Witness 1 stated he heard the subject say, “ahh, you got me, you hit me.”<sup>4</sup> The officer subsequently said, “Just be still, don’t move.”<sup>5</sup>

In a statement to IPRA on 07 January 2013, **Witness Police Officer B**, stated that on 07 January 2013, he was assigned to Beat 463E with Officer A. Officer B was the driver of their unmarked squad car. At approximately 1347 hours, Officer B observed a silver Dodge Charger fail to come to a complete stop at a stop sign at 75<sup>th</sup> Street and Essex Avenue. Officer B ran the license plate on his car’s PDT and learned that the Charger was clear, registered to a subject in Milwaukee, as it drove westbound on 75<sup>th</sup> Street.

Officer B then heard an OEMC dispatched message of a battery-in-progress at 76<sup>th</sup> Street and Essex Avenue, involving teens who had exited a silver Charger. That message was soon updated to a robbery-in-progress, in which a silver Charger with a Wisconsin plate was taken. Officer B proceeded westbound on 75<sup>th</sup> Street in an attempt to relocate the Charger. Officer B observed the Charger stopped in traffic at 75<sup>th</sup> Street and Jeffery Boulevard.

Officer B stopped his vehicle next to, and just in front of, the front passenger side of the Charger. Officer B observed Subject 1 in the driver’s seat. Officer B exited his car, identified himself as a police officer, and ordered Subject 1 to exit the vehicle and put his hands up. Officer B stated, “While continuing to identify myself as the police and continuing to tell him to put his hands up, the individual put one, his one hand up - which I believe was his right - and proceeded to go to the floor of the car inside with his left hand.”<sup>6</sup> Officer B continued, “I moved to the driver’s side and as I’m continuing to approach the driver’s side, he’s still reaching toward the bottom of the car which I assume is he’s picking up a weapon at this time, being that it’s involved in a carjacking.”<sup>7</sup>

Officer B reported that Subject 1 opened the driver’s door and fled southbound toward the south side of 75<sup>th</sup> Street. Officer B related he pursued Subject 1 between two parked cars and down the sidewalk. Officer B related he did not see an object in Subject 1’s hand, as his attention was on Subject 1’s head. Officer B related Subject 1 began to make a move to his right, at which time Officer B heard gunshots.

Officer B stated the gunshots initially caused him to slow his pursuit because he did not know where the shots were coming from. As he rounded the southeast corner of 75<sup>th</sup> Street and Jeffery, he saw Subject 1 lying in the street. Officer B heard Subject 1 say, “I give up. I’m shot.”<sup>8</sup> Officer B then handcuffed Subject 1 and noticed a gunshot wound to Subject 1’s right forearm. Officer B stated Subject 1 had nothing in his hands, though he did observe a black in color box on the ground near where Subject 1 had fallen.

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<sup>4</sup> *Id.*, page 25, lines 7-8.

<sup>5</sup> *Id.*, page 25, lines 8-9.

<sup>6</sup> Statement of Officer B, page 13, lines 13-18.

<sup>7</sup> *Id.*, page 14, lines 9-14.

<sup>8</sup> *Id.*, page 17 lines 22-23.

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Officer B stated Officer A flagged down a passing fire engine in order to provide medical attention to Subject 1.

In a statement to IPRA on 15 July 2014, **Accused Police Officer A**, provided a statement consistent with Department reports and that of Officer B. Officer A stated that on 07 January 2013, he was assigned to Beat 463E with Officer B. Officer A stated Officer B stopped next to and slightly in front of the Charger and that they both exited their vehicle with their weapons drawn. Officer A stated Officer B announced his office several times and ordered Subject 1, the only occupant in the vehicle, to put his hands up. Officer A related Subject 1 exited his vehicle and fled southbound towards 75<sup>th</sup> Street, in between two parked cars.

Officer A explained he ran diagonally across 75<sup>th</sup> Street in a southwest direction, while Officer B pursued Subject 1. Officer A stated, “At which point, when the driver of the vehicle reached the corner, he began to turn to his right slightly. I observed in his right hand a dark gray or black object which I believed to be a handgun. In fear of [sic] Officer B’s life and my own life, I fired four shots at the driver of the vehicle.”<sup>9</sup>

Officer A stated he fired his weapon from a standing position approximately 15 to 25 feet away from Subject 1, and that there was no object between him and Subject 1 when he fired.

Officer A stated Subject 1 continued running southbound out of his line of sight. When Officer A turned the corner, he observed Officer B placing Subject 1 in custody, at which point he returned to the Charger to stop it from rolling down the intersection. Officer A stated he then flagged down a passing fire truck to administer aid to Subject 1.

When asked by IPRA Investigator B, at what point did Subject 1 pose a threat, Officer A stated he felt that Subject 1 posed a threat “When he slowed down at the corner and began to turn to his right. I was able to see a dark object in his hand which I believed to be a handgun.”<sup>10</sup>

Officer A stated Subject 1 did not extend his arm toward him or Officer B. Officer A described Subject 1’s body movement, stating, “It was more of an upper torso turn from what I remember.”<sup>11</sup> Officer A added that at the time Subject 1 made the aforementioned movement, he again saw the black object he held in his right hand. Believing the “dark object” to be a gun, he fired his weapon.

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<sup>9</sup> Statement of Officer A, page 6, lines 20-24 and page 7, line 1.

<sup>10</sup> *Id.*, page 8, lines 3-4.

<sup>11</sup> *Id.*, page 13, lines 3-4.

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**CONCLUSION:**

The Reporting Investigator recommends Allegation 1, that Officer A disobeyed the Chicago Police Department's use of deadly force policy by using excessive and unjustified deadly force against Subject 1 by shooting him, be **Unfounded**.

Both Officer B and Officer A provided consistent accounts of the incident. The Departmental Reports and the available video evidence support the officers' account of the incident. The officers explained they became involved in the response to a carjacking that had just occurred and had located the stolen vehicle within minutes of the robbery. The officers attempted to stop the stolen Dodge Charger and came in contact with the suspect in the carjacking, Subject 1.

Both Officer A and Officer B explained they approached the vehicle with their weapons drawn, announced their office and gave Subject 1 several verbal commands to "put his hands up," instead, Subject 1 reached towards the floorboard of the vehicle. The officers would later articulate that, given the nature of the crime that they were investigating, coupled with Subject 1's furtive movements, they believed he was reaching for a firearm.

Subject 1 subsequently fled from the Dodge Charger with Officer B in close pursuit. Both Officer B and Officer A stated that at one point during the pursuit, Subject 1 turned to his right, towards Officer B. Officer A explained he observed a dark colored object in Subject 1's hand, while he was turning towards Officer B. Officer A explained he believed this object to be a firearm and, in fear for Officer B's life, and his own life, he fired multiple shots at Subject 1.

This investigation found that Officer A's use of deadly force was in compliance with Chicago Police Department Policy and the Illinois State Statutes. According to the Chicago Police Department's General Order General Order 03-02-03 II:

- 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;

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- 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.

**FINDINGS:**

**Accused #1                      Police Officer A**

**Allegation #1                Unfounded**