

**INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1054068/U #12-15**

**INVESTIGATION**

**NUMBER:** Log #1054068 / U #12-15

**OFFICER**

**INVOLVED:** “Officer A” (Chicago Police Sergeant); Male/Asian; 41 years old;  
On- Duty; Full Uniform; Year of Appointment – 1997

**OFFICER’S  
INJURIES:**

None Reported

**SUBJECT/  
OFFENDER:**

“Subject 1”; Male/Black; 27 years old

**SUBJECT’S  
INJURIES:**

(1) gunshot wound to right buttocks and (1) gunshot wound to the  
left hand. Transported to Christ Hospital. Condition: Non-Fatal

**INITIAL  
INCIDENT:**

Call of a noise disturbance at 3123 W. 84<sup>th</sup> Place

**DATE/TIME:**

16 May 2012, 2154 hours

**LOCATION:**

3135 W. 84<sup>th</sup> Place

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1054068/U #12-15**

### **SUMMARY OF INCIDENT:**

This investigation, in conjunction with information gained through the investigation initiated by the Chicago Police Department revealed the following:

On 16 May 2012, at approximately 2154 hours, Officer A and Officer B responded to a noise disturbance at 3123 W. 84<sup>th</sup> Place. Upon their arrival to that location, they observed several unidentified black male and black female subjects standing in front of 3119 W. 84<sup>th</sup> Place. One of the subjects, identified as Subject 1, began to move from side to side and then fled on foot down the east driveway of 3123 W. 84<sup>th</sup> Place. The officers exited their unmarked squad car and pursued Subject 1. Officer A followed behind Subject 1 while Officer B ran to the west side of 3123 W. 84<sup>th</sup> Place to pursue Subject 1. Officer B went back to secure the unmarked squad car while Officer A continued his pursuit of Subject 1 on foot. Subject 1 jumped a fence in the back yard of 3123 W. 84<sup>th</sup> Place and then fled westbound down the easement in the alley. At one point, Subject 1 then turned around and pointed a firearm. In fear for his life, Officer A fired his weapon twice. Subject 1 continued to flee west bound and then jumped over another fence in the back yard of 3146 W. 85<sup>th</sup> Place. As Officer A approached the backyard of 3146 W. 85<sup>th</sup> Street, he observed Subject 1 running southbound. Subject 1 turned around again and pointed a firearm at Officer A and Officer A discharged his weapon several more times. Subject 1 continued to flee southbound, and then eastbound, on 85<sup>th</sup> Street. It was then that Officer A lost sight of Subject 1. Officers A and B, along with other officers, searched the area for Subject 1. Approximately an hour after losing sight of him, they heard dogs barking in the area. Subject 1 was discovered hiding in a shed at 3001 W. 85<sup>th</sup> Street. Subject 1 was taken into custody and transported to Christ Hospital via ambulance for medical treatment.

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1054068/U #12-15**

### **INVESTIGATION:**

The related **Department Reports**, including the Arrest Report of Subject 1 (CB 18408891), General Offense Case Reports (HV 289906) and Supplementary Reports (HV 289906) and Officer A's Tactical Response Report (TRR) and Officer's Battery Report (OBR), provide accounts of the incident which are consistent with facts contained in the Summary of Incident.

The **Office of Emergency Management and Communication (OEMC)** recorded transmissions, and related Event Queries were obtained and incorporated into this investigation. An analysis of the transmission and documents did not reveal any information which was inconsistent with the facts contained in the Summary of Incident and the accounts of Officer's Haleem and Sullivan.

The **CPD Forensic Services Division Records** (Crime Scene Processing Report, Video of Scene and Evidence Technician Photographic Records) were obtained, and incorporated into this investigation. A Ruger Model SR40 Smith & Wesson semi-automatic pistol was recovered from the scene and inventoried. Officer A's weapon was recovered and inventoried.

A search of the **Police Observation Device (POD)** in the vicinity of the incident identified as POD #685 (8300 S. Kedzie). The POD footage did not capture the actual police shooting or anything of evidentiary value.

**Illinois State Police Division of Forensic Services Reports** document the examination of recovered ballistic evidence in comparison to the firearm belonging to Officer A. The firearm was test fired and found to be in firing condition. The Ruger Model SR40 Smith & Wesson, .40 Cal semi-automatic, recovered on the scene, was found to be in firing condition.

The **Chicago Fire Department (CFD) Ambulance Report** documents that, CFD Paramedics 1 and 2 of Ambulance 18 responded to a call of a gunshot victim at 3001 W. 85<sup>th</sup> Street on 16 May 2012 at 2312 hours. Upon their arrival at the scene, they found Subject 1 in the custody of the police with gunshot wounds to the right buttocks and left hand. He was then transported to the trauma center at Christ Hospital for further treatment.

**IPRA Investigators A and B** responded to Christ Advocate Hospital's Emergency Room, in an effort to interview Subject 1, but found him to be a juvenile, and were, therefore, unable to interview him without parental consent. The investigators did speak with the Primary Nurse, Nurse A, and she related that Subject 1 had a flesh wound to his left (hand) fifth digit sustained from a bullet graze. It was further noted that there was also a bullet lodged in his right femoral shaft.

**Medical Records** from **Christ Hospital** for Subject 1 documented that Subject 1 arrived in the emergency room on 16 May 2012 at 2336 hours, and was treated for gunshot wounds to the right buttock and left hand.

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1054068/U #12-15

A canvass conducted in the vicinity of 3135 W. 84<sup>th</sup> Place failed to produce any witnesses to the police-involved shooting. A few residents in the neighborhood heard shots fired but none actually witnessed Officer A fire any shots.

It should be noted that permission to interview **Subject 1** was granted to this R/I by his mother, Yvonne Edwards, but she advised R/I to contact Attorney A before proceeding. This R/I did contact Attorney A, who is the legal counsel for Subject 1, and he declined to allow the interview due to the pending criminal case.

It should be further noted that on 17 May 2012, CPD Detective 1 did interview Subject 1. Subject 1 related that he was hanging out in the front of the house located at 3123 W. 84<sup>th</sup> Place, and he did have in his possession a loaded silver and black .40 caliber pistol, which was tucked down in the waistband of his pants. He related that he saw two men approaching that he knew to be police officers. He stated that because he had a gun on his person, he ran to the rear of the house and, while holding the gun in his hand, he jumped over the fence into the alley. Subject 1 related that he dropped the pistol and ran westbound through the alley. He stated that a police officer ran after him firing his gun. Subject 1 related that he was struck in the buttocks by a bullet, but he continued to flee and he jumped over another fence at the rear of 3146 W. 85<sup>th</sup> Street, ran through the yard to 85<sup>th</sup> Street, and then eastbound. Subject 1 related that he ran to 3001 W. 85<sup>th</sup> Street where he hid in a shed until he was found by the police.

In a statement with IPRA, **Officer A** stated that on 16 May 2012 he and his partner, Officer B were called to the location of incident on a vice complaint of people on the sidewalk drinking and making a lot of noise. He stated that as they approached 3123 W. 84<sup>th</sup> Place in their vehicle they observed 7 to 8 male and female African-Americans standing out there with cups in their hands. Officer A stated that when they stopped at that location, they asked who lived there, and when no one responded, they asked them to come over to the car. He stated that one of the subjects fled on foot southbound through the gangway from 3123 W. 84<sup>th</sup> Place, Officer A stated that he and Officer B immediately exited their vehicle to pursue the subject, now known as Subject 1. He stated that Subject 1 reached a yard area, pulled a black handgun from his waistband and then jumped over a fence. Officer A stated that at this point, he's approximately 10 feet behind Subject 1 and he ordered him to drop his weapon, but Subject 1 continued to flee, jumped over another fence and ran westbound down an easement. Officer A stated that he ordered Subject 1 to drop his weapon several more times. Subject 1 continued to flee, and at one point, Subject 1 turned and pointed the handgun in his direction and then continued to flee. Subject 1 then turned again and pointed his gun at Officer A yet again and it was then that Officer A fired several shots. Subject 1 continued to flee. Subject 1 then jumped another fence, turned, and raised his arm again, at which point, Officer A fired 3 to 4 times. He stated that Subject 1 buckled a little bit. Officer A stated, that at that point, he believed that he hit him, but he wasn't sure. Subject 1 then jumped another fence and ran southbound and, as he got further away, Officer A lost sight of him. Officer A stated that when assisting officers arrived on the scene, they all began a systematic search and, approximately an hour later, Subject 1 was found hiding in a shed at the rear of a residence.

In a statement with IPRA, **Officer B**, stated that, he and his partner, Officer A, were dispatched to the area of 3123 W. 84<sup>th</sup> Street where there was a complaint of a disturbance where

## **INDEPENDENT POLICE REVIEW AUTHORITY**

### **Log #1054068/U #12-15**

a group of individuals were being loud, drinking, and smoking. Officer B stated that when they arrived at that location, they observed approximately 10 black male and female subjects. When they pulled up in their vehicle, they asked the group what was going on, but no one responded. The group of individuals were then asked who lived at that location and, again, there was no response. Officer B stated, that at that point, one of the males in the group started moving side to side and then he took off running down a driveway into a back yard, so both he and his partner gave chase. He stated that the unknown individual jumped over a fence with his partner in pursuit, but he decided to return to the squad car and drive around the block in hopes of cutting the fleeing individual off. Officer B stated that, as he was running back to the squad car, he heard two gun shots. As he returned to the vehicle, the group on the street attempted to block his path to keep him from leaving. As he backed away, someone in that group threw and struck the passenger side of the vehicle; Officer B stated that he drove west to an alley between 84<sup>th</sup> Place and 85<sup>th</sup> Street and the alley came to a dead end. He then met up with Officer A and they both began a search for the individual they were chasing. Officer B stated that Officer A told him that he was the one firing the shots. He stated that assist units began arriving on the scene. They began a yard to yard search for the fleeing individual. Officer B stated that as they continued their search, they heard that another assist unit located the offender, now known as Subject 1. Officer B stated that during the pursuit he only heard the two shots fired by Officer A.

**INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1054068/U #12-15**

**CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by Officer A was in compliance with Department policy and Illinois State statutes.

According to the Chicago Police Department's General Order No. 02-08-03, III:

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 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 to cause death or greatly bodily harm;
  - 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.

During Officer A's foot pursuit of Subject 1, Subject 1 drew a handgun from his waistband and pointed it several times at Officer A. According to Officer A, he ordered Subject 1 to drop his gun several times but he refused. Fearing for his life, Officer A discharged his weapon on two occasions in the direction of Subject 1. In all, he fired seven rounds during the pursuit, but he was not to sure if any of his bullets struck Subject 1. During the search, a semi-automatic firearm was recovered from a grassy area near a fence that was traversed by Subject 1. Subject 1 was eventually located by another unit on the scene and was found to be injured after sustaining gunshot wounds to his left hand and right buttock.

Based on the totality of the circumstances, the actions of Officer A were reasonable to prevent death or great bodily harm to his person. This use of deadly force was justified.