



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY
INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

TO: Kevin Connor
General Counsel

FROM: Angela Hearts-Glass
Deputy Chief Investigator

DATE: April 15, 2021

RE: Closure of Log No. 1071524

Summary:

This matter involves the September 13, 2014 non-fatal shooting of [REDACTED], by Chicago Police Officers Eric Mateo and Matthew Pasko. IPRA initiated investigation immediately following the shooting. COPA assumed jurisdiction as investigating agency when it began operations on September 17, 2017. IPRA and COPA investigators conducted a full review of available evidence and determined the shooting to be within Department policy. No allegations of misconduct were therefore served in this case. COPA later engaged the firm of Hillard Heintze (Subject Matter Expert or SME) to conduct an independent, third-party sufficiency review of the investigation, analyses, and findings. The SME delivered the report of findings attached hereto (Report) confirming the sufficiency of the evaluation and findings. The SME also offered supplementary comment for the review and benefit of COPA staff. The Report and COPA's response thereto are discussed below.

Subject Matter Expert Review and Findings:

The SME conducted a thorough, independent review of the IPRA/COPA investigation and findings. As detailed in the Report, the SME affirmed the investigation's sufficiency and concurred in COPA investigators' conclusion that Officers Mateo and Pasko acted within Department policy in their use of force and that the service of allegations of misconduct would not be appropriate in this matter.

Conclusion:

Having considered the investigators' review, analyses, and findings as well as the SME's Report and commentary, I agree with the recommendation that we accept COPA investigators' conclusions as confirmed by the SME and close this investigation and I seek your concurrence in its disposition..

Concur: [REDACTED]

General Counsel

1. INTRODUCTION

Overview of Assignment

On December 11, 2019, the City of Chicago Civilian Office of Police Accountability (COPA) engaged Hillard Heintze to conduct an independent, third-party sufficiency review of the underlying investigation contained within the case filed under **Log No. 1071524**. Hillard Heintze provides this report summarizing its review of the matter.

Hillard Heintze Investigators

Investigator Anthony Policandriotes led the review of the matter at the direction of Senior Director, Investigations Carl Dobrich.

2. INVESTIGATIVE REVIEW

Synopsis of Incident

Hillard Heintze derived its synopsis of the incident from the investigation IPRA and COPA conducted. Hillard Heintze provides its independent review of the investigation conducted by IPRA and COPA - it did not conduct further or independent investigation of the incident.

On September 13, 2014, Chicago Police Department (CPD) 12th District Police Officers Mark Wesselhoff (No. [REDACTED]), **Eric Mateo** (No. [REDACTED]) and **Mathew Pasko** (No. [REDACTED]) were on duty working as Gang Enforcement officers. The aforementioned officers were in plainclothes and wearing external vest carriers, which were clearly marked with "POLICE" on the back and had the CPD badge on the front. However, Officer Pasko testified that his hoodie was covering his outer vest carrier. Officers Wesselhoff, Mateo and Pasko were in an unmarked CPD patrol vehicle. None of the aforementioned officers wore body cameras and their vehicle was not equipped with an in-car camera.

At approximately 10 a.m., Officers Wesselhoff, Mateo and Pasko arrived in the area of W. Washington Boulevard and N. Western Avenue. Officer Mateo noted that they like to patrol that area because it is an area known for illegal drug sales.

Upon arrival in the area, the officers observed [REDACTED] at the BP gas station at 101 N. Western Avenue. The officers had previously conducted an investigative street stop of [REDACTED] nearby. During the stop, [REDACTED] admitted to unsuccessfully attempting to purchase heroin in the area. At the BP gas station, [REDACTED] was in the company of two white men later identified as [REDACTED] and [REDACTED]. [REDACTED] and [REDACTED] are cousins. [REDACTED] and the [REDACTED] entered a Honda vehicle.

After the officers surveilled [REDACTED] and the [REDACTED] for a few minutes, the officers observed that they were not fueling the vehicle. The officers thought it was suspicious that they did not purchase fuel, were at an area known for illegal drug sales and that [REDACTED] had previously told them that he attempted to purchase heroin earlier. Officers Wesselhoff, Mateo and Pasko conducted an investigative encounter on the Honda [REDACTED] and the [REDACTED] were occupying. [REDACTED]

became agitated and Officer Mateo handcuffed him for safety purposes. ██████ told Officer Pasko they were in the area to purchase heroin. ██████ volunteered to help the officers arrest the heroin dealer from whom they were going to purchase the heroin.

Officer Wesselhoff and ██████ used ██████ cellphone to arrange a meeting to purchase heroin from a supplier, later identified as ██████, at the Currency Exchange at 2349 West Lake Street. ██████ said he would be in a black Chevrolet Impala.

Officer Mateo relayed that information to Officer Pasko. Officer Wesselhoff then removed the handcuffs from ██████ and the officers released ██████ at the corner of W. Lake St. and N. Western Avenue.

Officer Pasko drove the Honda to the Currency Exchange located at 2349 W. Lake Street. ██████ and ██████ were still in the Honda with Officer Pasko. Officer Pasko observed the black Chevrolet Impala¹ with Illinois license plate ██████ with ██████ inside parked on the south side of W. Lake Street, facing east. Officer Pasko passed this information along to Officers Mateo and Wesselhoff. Officer Pasko then parked the Honda behind the Chevrolet Impala.

At approximately 10:12 p.m., Officer Mateo activated his CPD patrol vehicle's emergency lights and parked approximately two feet in front of the Chevrolet Impala ██████ was driving, facing the vehicle at an angle. Officers Mateo and Wesselhoff exited the CPD patrol vehicle, drew their service firearms, announced that they were police officers and ordered ██████ to show them his hands. Simultaneously, Officer Pasko exited the Honda and did the same. Officers Wesselhoff and Mateo were still wearing external vest carriers with clearly visible police insignia and Officer Pasko was still wearing a hoodie over his external vest carrier. The area was well lit.

As the officers approached ██████, they gave him loud, clear verbal commands to show them his hands, announcing that they were the police. ██████ then drove in reverse, striking the Honda that ██████ and ██████ occupied. After striking that vehicle, ██████ drove forward and struck Officer Mateo's CPD patrol vehicle, forcing it backward. Officer Mateo, who was behind the driver's door of his CPD patrol vehicle, was struck in the left arm by the door of the patrol vehicle and sustained an abrasion to his left arm.

When the Chevrolet Impala went into reverse and struck the Honda, Officer Wesselhoff was approaching the vehicle. Officer Wesselhoff reached the front of the CPD patrol vehicle when ██████ drove the Chevrolet Impala toward him. Officer Wesselhoff jumped on the hood of the CPD patrol vehicle to avoid being crushed between the CPD patrol vehicle and the approaching Chevrolet Impala, which ██████ was driving. ██████ then struck the CPD vehicle with the Chevrolet Impala. ██████ struck the CPD patrol vehicle with the Chevrolet Impala, and then the patrol vehicle struck the left side of Officer Wesselhoff's body. Officer Wesselhoff fell to the ground on the passenger side of the CPD vehicle and attempted to move to safety.

¹ The vehicle was registered to ██████

Officer Mateo saw Officer Wesselhoff fall to the ground and heard the Chevrolet Impala's engine revving. Officer Mateo saw Officer Wesselhoff lying on the ground next to the passenger side of the CPD vehicle in the path of ██████'s only avenue of escape in the Chevrolet Impala. Officer Mateo feared for Officer Wesselhoff's life, so he fired his service firearm at ██████ at a distance of approximately five to 10 feet away. Officer Mateo saw his rounds striking ██████ because he saw ██████ body lurch backwards and then slump over to the right.

Officer Mateo saw Officer Pasko fire at ██████, while standing near the driver's side door of the Chevrolet Impala, approximately five to 10 feet away. Officer Pasko perceived that ██████'s only avenue of escape in the Chevrolet Impala was through the area where Officer Wesselhoff was lying on the ground. In fear for Wesselhoff's life, Officer Pasko also fired at ██████ in the Chevrolet Impala. Officer Pasko stopped shooting at ██████ when ██████'s body slumped over and ██████ raised his hands up. Officer Pasko performed a tactical reload² because he did not know how many rounds he fired.

██████████ observed Officers Wesselhoff and Mateo drive their CPD patrol vehicle toward the Currency Exchange from where he was dropped off. ██████████ saw Officer Mateo raise his firearm and heard him ordering ██████ out of the car and to put his hands up. ██████████ heard some crashing noises and then gunfire but could not see what had occurred. ██████████ ran from the area in an eastbound direction and then returned to the area and saw Officer Wesselhoff lying on the ground.

After the firing ceased, Officer Mateo immediately went to check on Officer Wesselhoff, who complained of back pain. Officers Mateo and Pasko then converged on the Chevrolet Impala, removed ██████ from the vehicle and handcuffed him. Officer Pasko called for ambulances for ██████ and Officer Wesselhoff.

A Chicago Fire Department (CFD) ambulance transported Officer Wesselhoff to Northwestern Memorial Hospital, where he was diagnosed with severe pain in his lower back and chest, as well as an abrasion on his right knee. A CFD ambulance transported ██████ to Cook County Hospital. Hospital staff determined that ██████ sustained one gunshot wound to his right chest, left lower abdomen and left arm, respectively, and multiple gunshot wounds³ to his lower left and right leg. A further examination revealed a gunshot wound in the crease separating the left buttock from the left thigh. Officer Mateo did not receive medical treatment for the abrasion to his left arm. Officer Pasko was uninjured.

Methodology - Materials Reviewed

As noted above, we did not conduct an independent investigation of this case. Our review was based on the following materials provided by COPA.

- Civilian interviews conducted by CPD detectives, IPRA and/or COPA investigators.

² A tactical reload is reloading a firearm before it is completely out of ammunition.

³ The exact number was not indicated.

- Officer interviews conducted by CPD detectives and IPRA investigators.
- Relevant digital evidence collected including Office of Emergency Management and Communications (OEMC) radio transmissions. Documents submitted to Hillard Heintze indicate the existence of video footage and some computer files' titles contained terms like "surveillance video," but these files are audio recordings of OEMC communications. No video footage was included in the digital evidence Hillard Heintze received.
- Relevant collected physical evidence including CFD ambulance reports, medical records from Northwestern Memorial Hospital and Cook County Hospital, CPD Crime Scene processing reports, CPD crime scene digital photographs and Illinois State Police laboratory reports.
- Relevant documentary evidence including CPD Detective Division Supplementary Reports, General Progress Reports, Tactical Response Reports, Officer Battery Reports and CPD Crime Scene Reports.

Analysis

By Ordinance, COPA, which upon its September 2017 inauguration assumed responsibility for pending IPRA investigations, is mandated to review all CPD officer-involved shooting (OIS) incidents. This was the predicate for the IPRA case initiation. No allegations of misconduct regarding the incident described herein have been served by IPRA or COPA.

Based upon the provided investigation, information and evidence reviewed by Hillard Heintze, using the standard of the preponderance of the evidence that applies in an administrative investigation, **Officers Mateo's and Pasko's use of force complied with applicable law and CPD policy regarding use of force, including deadly force.**

Based on the available information, evidence and the submitted investigation, the following are statements of fact.⁴

- Officers Wesselhoff, Mateo and Pasko were in the process of making what they believed to be a lawful arrest involving illegal drugs.
- In the process of [REDACTED]'s arrest, the officers approached [REDACTED] while he was seated in his Chevrolet Impala with their service firearms drawn, verbally identifying themselves as police officers and giving [REDACTED] clear, loud commands to show his hands. The officers testified that [REDACTED] was not playing loud music in his vehicle, and no commuter trains were overhead.
- Officers Wesselhoff and Mateo were wearing external vest carriers with clearly visible police markings. These two officers were directly in front of [REDACTED] and would have been the officers most visible to [REDACTED] due to this location. Officer Pasko wore a hoodie covering his outer vest carrier.

⁴ Hillard Heintze did not determine the IPRA allegations regarding non-use of force conduct. Some of those non-use-of-force allegations and conclusions are addressed in the "Additional Insights" section below.

- [REDACTED] did not indicate that he was unsure whether they were police officers. To the contrary, he made statements in the ambulance that he was selling drugs and trying to get away from law enforcement.
- Officer Wesselhoff was on the ground because [REDACTED] struck the CPD patrol vehicle, which in turn knocked Officer Wesselhoff to the ground.
- Officers Mateo and Pasko stated that they used deadly force to prevent the death of, or great bodily harm to, Officer Wesselhoff, who was lying on the ground on the passenger side of his CPD patrol vehicle in the only viable path of escape for [REDACTED] driving the Chevrolet Impala. [REDACTED] had already backed into the other vehicle, demonstrating his intent to escape, before he drove forward into the CPD patrol vehicle, again demonstrating his intent to escape.
- It was determined that Officer Mateo fired seven rounds from his .40 caliber service firearm at [REDACTED] inside the Chevrolet Impala from what he believed to be approximately five to 10 feet away. Officer Mateo ceased firing at [REDACTED] when he saw that his rounds had struck [REDACTED] and believed [REDACTED] was no longer a threat.
- It was determined that Officer Pasko fired 13 rounds from his 9mm service firearm at [REDACTED] inside the Chevrolet Impala from what he believed to be approximately five to 10 feet away. Officer Pasko told CPD detectives that he ceased firing at [REDACTED] when he believed that [REDACTED] was no longer a threat.
- Based on statements from Wallace and Officer Mateo, [REDACTED] initially drove the Chevrolet Impala in reverse into the Honda, then forward into the CPD patrol vehicle and then again in reverse when shots were fired. [REDACTED] testified that [REDACTED] began reversing the Chevrolet Impala immediately after shots were fired, and Officer Pasko testified that he was not sure which way the vehicle was moving when he fired on [REDACTED]

The Department's policy regarding the use of force, as well as Illinois and federal law, governs CPD officers' use of deadly force.

Based on the totality of circumstances and the information submitted to Hillard Heintze, Officers Mateo and Pasko complied with CPD policy regarding the use of deadly force.

Officer Mateo stated that he fired at [REDACTED] because he feared for the life of, or great bodily harm to, Officer Wesselhoff, who was laying on the ground in the escape path of the Chevrolet Impala driven by [REDACTED]. [REDACTED] had demonstrated his attempt to escape in the Impala by backing into a vehicle and driving forward into the CPD patrol vehicle. To avoid being crushed by the Chevrolet Impala, Officer Wesselhoff jumped onto the hood of the CPD patrol vehicle, and then fell to the ground after the impact. Officer Mateo fired seven rounds from his service weapon at [REDACTED]. Officer Mateo stated he stopped firing when he observed that he had struck [REDACTED] and believed [REDACTED] was no longer a threat.

Officer Pasko stated he fired at [REDACTED] because he feared for the life of, or great bodily harm to, Officer Wesselhoff, who was laying on the ground in the escape path of the Chevrolet Impala driven by [REDACTED]. [REDACTED] had demonstrated his attempt to escape in the Impala by backing into a vehicle and driving forward into the CPD patrol vehicle. To avoid being crushed by the Chevrolet Impala, Officer Wesselhoff jumped onto the hood of the CPD patrol vehicle, and then fell to the ground after the

impact. Officer Pasko fired 13 rounds from his service weapon at [REDACTED]. Officer Pasko stated he stopped firing when he believed [REDACTED] was no longer a threat.

It is unclear whether [REDACTED] drove the Chevrolet Impala [REDACTED] in reverse into the other vehicle a second time before or after Officers Mateo and Pasko fired shots. However, prior to the shots being fired, [REDACTED] had twice demonstrated his intent to use the Chevrolet Impala to escape by striking the other vehicle and then striking the CPD patrol vehicle. Officer Wesselhoff was laying on the ground injured in the escape path of [REDACTED] in the Chevrolet Impala. [REDACTED] never made a statement, and it would have been informative in this circumstance. IPRA made numerous attempts to interview [REDACTED], both through [REDACTED] and his attorney, but were unable to secure an interview.

In this specific circumstance, CPD General Order 03-02-03 Section II and Section III (E) are contradictory (See "Additional Insight" section below).

COPA served allegations against Officers Mateo, Pasko and Wesselhoff for failing to failing to complete a Field Contact Card after the field interrogation of Matthew Wallace.

Applicable Rules and Law

Chicago Police Department General Orders:

CPD General Order 03-02-03, Section II (A) states that:⁵

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.

CPD General Order 03-02-03, Section III, E states the following:

"Use of firearms in the following ways is prohibited:

- E. Firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person."

⁵ This was the Use of Force policy in effect at the time of this incident. It has since been rescinded and replaced.

Illinois and United States Precedent:

A law enforcement officer's use of deadly force is a seizure within the meaning of the Fourth Amendment. Determinations regarding the potential use of excessive force in the course of an arrest, investigatory stop or other seizure are properly analyzed under the Fourth Amendment's objective reasonableness standard. Our review was intended to determine whether the officer's actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.⁶

The following factors are instructive when making the determination of whether an officer's use of force is reasonable.

- The severity of the crime at issue;
- Whether the suspect poses an immediate threat to the safety of the officers or others; and,
- Whether he is actively resisting arrest or attempting to evade arrest by flight.⁷

The analysis of the reasonableness of an officer's actions must be grounded in the following perspective.

[A] reasonable officer on the scene, rather than with the 20/20 vision of hindsight" and "allow for the fact that police officers are often forced to make split-second judgments - in circumstances that are tense, uncertain, and rapidly evolving - about the amount of force that is necessary in a particular situation."⁸

Consequently, "when an officer believes that a suspect's actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury, the officer can reasonably exercise the use of deadly force."⁹ Finally, the analysis must take into account the totality of the circumstances confronting the officer, rather than just one or two factors.¹⁰

Illinois Statute

CPD officers are bound by Illinois law regarding the use of deadly force as codified in the Illinois Compiled Statutes.¹¹ The pertinent Code provision states:

⁶ *Graham v. Connor*, 490 U.S. 386, 397 (1989); see *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003).

⁷ *Graham*, 490 U.S. at 396 (citing *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)).

⁸ *Plumhoff v. Rickard*, 134 S. Ct. 2012 (2014). Internal quotations and citation were omitted.

⁹ *Muhammed v. City of Chicago*, 316 F.3d 380, 383 (7th Cir. 2002) (quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir. 1988) (en banc) (omitting emphasis)

¹⁰ *Plumhoff v. Rickard*, 572 U.S. 765, (2014) 134 S. Ct. 134 S. Ct. 2012, 2020 (2014); see also *Scott v. Edinburg*, 346 F.3d 752, 756 (7th Cir. 2003).

¹¹ 720 ILCS 5

[A] peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person...¹²

Additionally, Illinois Statute addresses the use of self-defense by all individuals by stating:

A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony.¹³

Standard of Proof

The standard of proof applicable in administrative investigations such as this is a preponderance of the evidence. A preponderance of evidence can be described as evidence that makes it more likely than not that the alleged misconduct took place.¹⁴ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred than that it did not occur, even if by a narrow margin, the standard of proof has been met.¹⁵

3. CONCLUSION

Hillard Heintze's administrative review of the officer-involved shooting under Log No. 1071524 determined that the use of force in the case was consistent with CPD's use of force policies, based on the information provided.

As stated previously in this report, CPD General Order G03-02-03, Section III, line E. states that "Firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person" is prohibited. A literal, obdurate reading of this policy would interpret Officer Mateo and Officer Pasko's firing into the moving Chevrolet Impala driven by [REDACTED] as a policy violation.

¹² 720 ILCS 5/7-5(a)

¹³ 720 ILCS 5/7-1(a)

¹⁴ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not).

¹⁵ In criminal cases, the standard of proof is beyond a reasonable doubt, which is a significantly higher evidentiary standard than the preponderance of the evidence standard that applies to administrative findings.

However, as shown in this report, Officer Mateo and Officer Pasko fired at the moving Chevrolet Impala driven by [REDACTED] because they perceived it was a threat to the life of or could cause great bodily harm to Officer Wesselhoff, who was lying on the ground in the path of [REDACTED]'s escape. [REDACTED] had twice demonstrated his intent to escape in the Chevrolet Impala by reversing into a vehicle and driving forward into the CPD patrol vehicle, nearly crushing officer Wesselhoff resulting, in officer Wesselhoff jumping onto the hood of the CPD patrol vehicle before falling to the ground. It was reasonable to expect Officer Wesselhoff was in danger of death or injury while laying in the Chevrolet Impala's path of escape.

This entire policy is predicated on protection of life. In this instance, Officer Mateo and Officer Pasko believed they had no other options other than to shoot [REDACTED], the driver of the Chevrolet Impala, before he drove it into Officer Wesselhoff. Hillard Heintze's interpretation of the policy is that Section II identifies the overall predicate for the use of force. Section III (E) is fact-specific to a moving vehicle. [REDACTED] was using the vehicle in question, a Chevrolet Impala, to escape arrest and potentially cause death or injury to Officer Wesselhoff.

4. ADDITIONAL INSIGHTS

Though Officers Mateo's and Pasko's use of force was consistent with policy, Hillard Heintze identified additional issues and serious concerns that are beyond the scope of the immediate review but are noteworthy for their impact on the predicate to the incident. This information is provided for transparency and further discussion within COPA, as needed, to determine appropriate practices, policies, and future incident response strategies for COPA and the CPD.

1. It is unclear if [REDACTED], [REDACTED] and [REDACTED] properly consented to assist in [REDACTED]'s arrest or whether they consented to assist the police in the operation because they were likely not free to leave. [REDACTED] was in handcuffs in a CPD patrol vehicle and in the presence of two police officers up until officers released him only moments prior to the enforcement action. That alone suggests duress rather than freely given consent. Additionally, Officer Wesselhoff possessed [REDACTED]'s cellphone and Officer Pasko was driving the Honda [REDACTED] and the [REDACTED] were previously using with [REDACTED] and [REDACTED] as passengers.
2. The issue of adherence to electronic surveillance statutes is also a concern. Officer Wesselhoff answered [REDACTED] cellphone and placed it on speaker to monitor the conversation between [REDACTED] and [REDACTED]. This could be considered illegal eavesdropping under Illinois law (720 ILCS 5/14-1) regardless of whether [REDACTED] agreed to be a consenting party to a conversation law enforcement is monitoring. A review of the above eavesdropping statute as well as 725 ILCS 5/108A (Judicial Supervision of the Use of Eavesdropping Devices) and 725 ILCS 108B (Electronic Criminal Surveillance) suggests that Officers Wesselhoff and Mateo should have consulted with an immediate supervisor, CPD legal counsel and/or the Cook County State's Attorney's Office concerning the eavesdrop.
3. Placing [REDACTED] and [REDACTED] and their Honda vehicle at the scene to arrest [REDACTED] put [REDACTED] and [REDACTED] in a dangerous situation and placed the Honda at risk to damage.

In this specific instance, Officer Pasko drove [REDACTED] and [REDACTED] to the scene of an arrest operation and parked directly behind [REDACTED] Chevrolet Impala. Officer Pasko knowingly drove [REDACTED] and [REDACTED] from an area of relative safety to an area and situation that was so dangerous that it warranted three CPD officers to draw their service firearms immediately upon exiting their vehicles, a mere few feet from where [REDACTED] and [REDACTED] were sitting.

4. At one point during the operation to arrest [REDACTED] both [REDACTED] and [REDACTED] were left unattended in the Honda, which [REDACTED] rammed in his attempt to escape. The civil liability of placing [REDACTED] and [REDACTED] - cooperating or not - in their own vehicle, which was eventually used to physically block off [REDACTED]'s Chevrolet Impala's escape route, should have been obvious to the involved officers.