

Independent Police Review Authority

**INVESTIGATION**

**SUBJECT:** Log# 1019399/U# 08-31

**OFFICER**

**INVOLVED #1:** "Officer A" (Chicago Police Sergeant); Male/White; 41 years old; On-Duty; In uniform; Year of Appointment – 1994

**OFFICER  
INJURIES:**

None Reported

**OFFICER**

**INVOLVED #2:** "Officer B" (Chicago Police Officer); Male/White; 44 years old; On-Duty; In uniform; Year of Appointment – 1995

**OFFICER  
INJURIES:**

None Reported

**OFFICER**

**INVOLVED #3:** "Officer C" (Chicago Police Officer); Female/White; 38 years old; On-Duty; In uniform; Year of Appointment – 2001

**OFFICER  
INJURIES:**

None Reported

**OFFICER**

**INVOLVED #4:** "Officer D" (Chicago Police Officer); Male/White; 31 years old; On-Duty; In uniform; Year of Appointment – 2005

**OFFICER  
INJURIES:**

None Reported

**OFFICER**

**INVOLVED #5:** "Officer E" (Chicago Police Officer); Female/White; 29 years old; On-Duty; In uniform; Year of Appointment – 2004

**OFFICER  
INJURIES:**

None Reported

**OFFICER**

**INVOLVED #6:** "Officer F" (Chicago Police Officer); Female/White; 28 years old; On-Duty; In uniform; Year of Appointment – 2004

**OFFICER  
INJURIES:**

None Reported

**SUBJECT:** "Subject 1"; Male/White; 37 years old

**SUBJECT INJURIES:** Two gunshot wounds to the head; one gunshot wound to the left hand and arm; one gunshot wound to the toe; one gunshot wound to the upper chest (FATAL)

**INITIAL INCIDENT:** Aggravated Vehicular Hijacking

**DATE/TIME** 25 August 2008, 2111 hours

**LOCATION:** 5555 N. Washtenaw - Outside Beat 2011

**SUMMARY OF INCIDENT:**

On 25 August 2008, at approximately 1822 hours, at 3801 W Montrose Subject 1 carjacked a 2007, white Dodge Charger. Subject 1 displayed a firearm when he ordered Witness 1 out of his car saying, "Get out or I shoot you."

At approximately 1828 hours, at 3538 W. Belle Plaine, Subject 1 approached Witness 2, and attempted to rob her at gunpoint. He was not successful and drove off in the white Dodge Charger.

At 2111 hours, Officer A, Beat 1750, observed a white Dodge Charger, which matched the vehicle taken in the carjacking, on Lawrence Avenue and sent a flash radio message. Officer A followed this vehicle, which was driven by Subject 1. Subject 1 traveled on Lawrence to 3600 west then north on St. Louis and then he turned west on Leland. At this point, Officer A was joined by Beat 1741 and both activated their emergency equipment and attempted to curb the vehicle. Subject 1 accelerated and attempted to flee the area driving through streets and through alleys. Officer A (Beat 1750), Officer E and Officer F (Beat 1705), Officer B (Beat 1741), Officer C and Officer D (Beat 1754) pursued Subject 1. Subject 1 lost control of the vehicle and struck a stop sign and a

building at 5555 N. Washtenaw. Subject 1 attempted to exit the white Dodge Charger on the driver's side with a firearm in his hand. The pursuing officers exited their vehicles and took cover behind them. The officers reported that Subject 1 leveled his firearm at the officers and the officers fired at Subject 1 who fell back into the white Dodge Charger. Officer A and Officer G approached the vehicle and opened the passenger side door. Officer A removed a firearm from Subject 1's hand. Subject 1 was transported to Illinois Masonic Hospital where was pronounced dead at 2340 hours.

Detective A, Area Five conducted a **Roundtable Panel** on 26 August 2008. (Att # 5)

**Witness 3** related to the Roundtable Panel that he resides at a residence on the 2700 block of West Bryn Mawr, and while watching television he heard a loud crash outside of his building. He heard a single gunshot then heard numerous more shots. He looked out of his window and observed officers firing at a white vehicle that was next to the building at 5555 N. Washtenaw. He did not observe Subject 1 in the White Dodge Charger.

**Witness 9** related to the Roundtable Panel that he resides at a residence on the 5500 block of West Washtenaw. Witness 9 was in his kitchen when he heard sirens and a loud crash outside of the building. He walked to his front window and heard officers yelling, "Get out of the car." He then heard a single gunshot from the direction of a white vehicle that crashed into the building. Witness 9 heard numerous more shots. He did not observe Subject 1 in the white Dodge Charger.

**Witness 5** related to the Roundtable Panel that he was visiting his cousin Witness 6 who resides at a residence on the 5500 block of North Washtenaw. Witness 5 heard sirens, looked out the window, and observed the front of a marked Chicago police car bump the rear of a white vehicle. The white vehicle lost control and crashed into the building. Witness 5 heard yelling but did not

make out what was said. He heard a single gunshot and got down on the floor and then heard numerous shots. Witness 5 did not see Subject 1.

**Witness 6** related to the Roundtable Panel that he observed a white vehicle crash into the building, 5555 N. Washtenaw. He heard yelling and a single gunshot coming from the direction of the white vehicle. He then heard numerous gunshots. Witness 6 did not observe Subject 1 at any time.

**Detective B** interviewed **Witness 7** who was unable to attend the Roundtable panel. Witness 7 stated that he was parking his vehicle at 5553 N. Washtenaw when he observed Subject 1 turn right onto Washtenaw from Bryn Mawr and crash into the building at 5555 N. Washtenaw. Subject 1 exited the vehicle from the driver's side and held a dark firearm in his hand. Witness 7 heard gunshots and went to the ground.

**Officer I**, Beat 2022, related to the Roundtable Panel that he was on patrol with his partner, Officer J, when he heard a radio pursuit from the 017<sup>th</sup> District involving a carjacking. He turned left onto Bryn Mawr from Lincoln Avenue and observed a vehicle proceeding toward him followed by a police vehicle with emergency lights activated. He stopped his vehicle in the middle of Bryn Mawr facing west and observed the vehicle make a right turn onto Washtenaw and knock down a stop sign and then strike the front of the building, 5555 N. Washtenaw. Subject 1 came out of the vehicle on the driver's side with a firearm in his hand. Officers yelled, "Drop the weapon." Officer I took cover behind his vehicle. Subject 1 pointed his firearm at the officers and the officers fired at Subject 1. Officer A then approached Subject 1's vehicle and recovered the weapon. Officer I did not discharge his firearm due to the position of other officers at the scene. (Att# 5)

**Officer J** related to the Roundtable Panel an account of the incident that was consistent with the statement of his partner Officer I and the Summary of

Incident. He did not discharge his firearm due to the position of the other officers at the scene.

**Officer A** related to the Roundtable Panel an account of the incident that was consistent with the Summary of incident. During his tour of duty he received a flash message of a stolen vehicle taken at gunpoint and then later involved in a robbery. At approximately 2111 hours, Officer A was traveling westbound on Lawrence Avenue and observed a vehicle matching the flash message traveling eastbound on Lawrence at Central Park. Officer A then checked the license plate through OEMC and confirmed that the vehicle was stolen. The vehicle turned southbound onto St. Louis from Lawrence. The vehicle traveled through several streets and sidewalks throughout the 017<sup>th</sup> District and did not stop. The stolen vehicle drove to Bryn Mawr with Officer A and several units in pursuit. As the vehicle approached the intersection of Bryn Mawr and Washtenaw, the vehicle attempted to make a right turn onto Washtenaw but drove over the curb, hit a stop sign and crashed into a building, 5555 N. Washtenaw. Officer A exited his vehicle and observed Subject 1 attempt to exit the driver's side of the vehicle with a firearm in his hand. Subject 1 turned and pointed the firearm at Officer A who took cover behind his vehicle. Officer A fired his firearm at Subject 1 fourteen (14) times. Officer A then approached the vehicle and observed Subject 1 seated in the front seat of the vehicle with a firearm in his right hand. He recovered the firearm and called for EMS.

**Officer B**, Beat 1741, related to the Roundtable Panel an account of the incident that was consistent with the Summary of Incident. He was on patrol in the 017<sup>th</sup> District when he heard a radio alert of a stolen vehicle involved in a robbery attempt. Officer B observed the stolen vehicle traveling eastbound on Bryn Mawr being pursued by Officer A. Officer B followed. As the stolen vehicle approached Bryn Mawr and Washtenaw, the driver made a right turn, struck a stop sign, and then struck the building at 5555 N. Washtenaw. The driver, Subject 1, exited the vehicle from the driver's side. Officer B observed a firearm in Subject 1's hand in a raised position and pointed toward the officers. Officer B

heard someone yell, "Gun!" Officer B took cover behind his vehicle and fired his firearm nine (9) times at Subject 1. Officer A then approached the vehicle and said, "He still has a firearm and he is moving." Officer A removed the firearm and secured it outside the vehicle.

**Officer D**, Beat 1754, related to the Roundtable Panel an account of the incident that was consistent with the Summary of Incident. He was on patrol with his partner, Officer C, when he heard a radio alert from Beat 1750 (Officer A) regarding a stolen vehicle involved in a robbery attempt. Officer D and his partner joined the pursuit at St. Louis and Leland. The vehicles traveled east on Bryn Mawr toward Washtenaw and, as the stolen vehicle approached Washtenaw, it made a right turn, knocked down a stop sign and struck the front of a building. Subject 1 exited the vehicle from the driver's side with a firearm in his hand and pointed it in the direction of the officers. Officer D took cover and heard someone yell, "Drop the gun, stop, stop." Officer D fired seventeen (17) times at Subject 1. He observed Officer A approach the vehicle and remove the firearm from Subject 1's hand.

**Officer C**, Beat 1754 related to the Roundtable Panel an account of the incident that was consistent with the statement of her partner, Officer D, and the Summary of Incident. She heard someone yell, "Drop it" and heard shots fired. She fired eight (8) times at Subject 1.

**Officer E**, Beat 1705, related to the Roundtable Panel an account of the incident that was consistent with the Summary of Incident. She heard the radio call of the carjacking and she and her partner, Officer F, traveled eastbound on Bryn Mawr behind Beats 1750 (Officer A) and 1754 (Officer D). She observed a white Dodge Charger strike a building at 5555 N. Washtenaw and observed Subject 1 exit the vehicle holding a firearm in his hand, and pointed it at the officers. Officers took cover behind vehicles and fired at Subject 1. Officer E took cover behind Beat 1741 and fired one round.

**Officer F** related to the Roundtable Panel an account of the incident that was consistent with the statement of her partner Officer E and the Summary of Incident. She observed Subject 1 crash into a building, exited the vehicle with a firearm in his hand and pointed the firearm at the responding officers. Officer F took cover behind Beat 1741 and observed a muzzle flash from Subject 1's vehicle. Officer F fired ten (10) times at Subject 1. (Att # 15)

In his **Shots Fired at and by the Police Report** dated 25 August 2008, Assistant Deputy Superintendent Robert Lopez, provides an account of the incident that is consistent with the Summary of Incident. The report indicates that Officer A and Officer G, Beat 1752, approached the vehicle opening the passenger side door, taking Subject 1's firearm out of his hand, and securing the weapon. (Att# 4)

**The Department Reports including the General Offense Case Reports, Traffic Pursuit Report, and the Illinois Traffic Crash Reports** provide accounts of the incident that are consistent with the Summary of Incident.

The General Case Report provided additional information. **Officer A** added that, as Subject 1 was fleeing eastbound on Bryn Mawr, he attempted to make a right turn down a side street but was traveling too fast and could not complete the turn. He ended up on the front lawn and sidewalk. Subject 1 continued to drive on the lawn and sidewalk of Bryn Mawr for approximately a city block until he drove back onto the city street and attempted to strike Officer A's vehicle. Officer A slammed on the brakes and continued the pursuit.

**Officer B**, added that he observed Subject 1, exit his vehicle on the driver's side with a firearm pointed in his direction. Subject 1 was on the driver's side outside the vehicle between the vehicle and the building. Officer B believed he saw Subject 1's muzzle flash and proceeded to fire his weapon.

**Officer F** added that when she exited her vehicle she observed the male, now known as Subject 1, exit his vehicle on the driver's side with a firearm in his hand and pointed the firearm at officers. Officer F saw Subject 1's muzzle flash one time and then proceeded to fire her weapon.

**Officer E** added that she observed the muzzle flash of Subject 1's firearm two times while pointed towards the officers on the scene. (Att# 6, 7, 8, 46, 47, 48, 49)

**Witness 10** stated to detectives that he heard someone yell, "Drop the gun" then heard 20-25 gunshots. He did not see the incident he only heard it.

**Witness 9** stated to detectives that he heard police sirens and walked to his front window and observed a police sergeant, (now known as Officer A), standing behind a black vehicle. The Sergeant yelled words to the effect, "Freeze, drop the gun." The Sergeant was shouting verbal warnings in the direction of the building. He heard one gunshot and then several gunshots. Officer A then started shooting towards the building. Witness 9 heard at least twenty gunshots.

**Witness 11**, 2700 W. Bryn Mawr #C, stated to detectives that she was cleaning when she heard a loud crashing sound and sirens. She looked out of her rear door window and observed a white car smashed into the building. She observed a figure jump out of the driver's side of the vehicle and then heard one shot followed by several shots. She did not observe Subject 1 or the officers discharge their weapons.

**Witness 7** stated to detectives that while parking his vehicle, he saw Subject 1 exited the vehicle and face Bryn Mawr. Subject 1 pointed his firearm in the direction of Bryn Mawr. Witness 7 saw the officers shoot at Subject 1 but darted down in his vehicle until the shooting was over.



**Witness 12**, 2700 W. Bryn Mawr #B, stated to detectives that he heard officers yelling, "Get out of your car, get down," but did not see the entire incident. He did hear the gunshots, looked out of the window briefly and saw the officers firing. He could not see the subject or his vehicle due to the angle of his porch.

**Witness 6**, 5553 N. Washtenaw, stated to detectives that he was on the second floor of the building when he heard cars. He looked out of the window, saw vehicle lights, and realized the police cars were chasing a vehicle. Witness 6 added that he observed the vehicle crash into the wall. Witness 6 was unable to see the person in the vehicle. Witness 6 heard the police shouting something then heard one (1) gunshot, then heard approximately (30) thirty gunshots.

**Witness 8**, 5553 N. Washtenaw, stated to detectives that he heard a loud noise (boom), then a loud crash and then he heard one (1) or two (2) gunshots followed by multiple gunshots.

**Witness 3**, 2700 W Bryn Mawr # A, stated to detectives that he lives on the second floor of his building. Witness 3 was in his bedroom watching television when he heard a speeding vehicle and police sirens. He then heard a loud crash. Witness 3 went to the window and heard one shot. Witness 3 then saw the police shoot. The shooting stopped and the officers approached a vehicle.

**Witness 4**, 5555 N. Washtenaw #2S, stated to detectives that he was driving southbound on Washtenaw towards Gregory. About one-half block away from Bryn Mawr he heard a car screeching followed by a crash. He observed the police exit their vehicles and heard one of the officers scream, "Gun!" He next observed officers fire in the direction of a white car. (Att# 46)

The **Chicago Fire Department Ambulance Record** indicates that paramedics responded to a call of a gunshot victim at W. Bryn Mawr and

Washtenaw Avenue. They found an unrestrained driver in an auto that had run into a building with a gunshot wound to the left side of the head and two to the lower arm. The patient, Subject 1, was treated and then transported to Illinois Masonic Hospital. (Att# 25)

**The Office of Emergency Management and Communication s (OEMC)** Event Query provides information consistent with the accounts provided by the involved officers and witnesses. The IPRA summarized pertinent (OEMC) transmissions made on 25 August 2008,<sup>1</sup> which consisted of a call for a vehicle carjacking, attempted robbery, police involved shooting and a request for an ambulance. (Att# 26, 72, 73)

**Medical Records** obtained from Illinois Masonic Hospital related that Subject 1 arrived by ambulance and police escort, as "John Doe." He was unresponsive and sustained gunshot wounds to the head and abdomen. Doctors pronounced Subject 1 dead at 2340 hours. (Att# 80)

The **Tactical Response Reports** from the involved officers indicate that Officer A fired his firearm fourteen (14) times, Officer B fired his firearm nine (9) times, Officer C fired her firearm eight (8) times, Officer D fired his firearm seventeen (17), Officer E fired her firearm one (1) time and Officer F fired her firearm ten (10) times. (Att# 9-14)

The **Report of Postmortem Examination, Office of the Medical Examiner, County of Cook, Illinois** indicates the Subject 1 was examined on 26 August 2008, and diagnosed with multiple gunshot wounds. Gunshot #1 entered the left side of the head, fractured the skull, and lacerated the brain. Gunshot #2 entered the left side of the back of the head, fractured the skull and injured the left parietal of the brain. Gunshot #3 entered the left lateral chest wall, lacerated the loops of the small bowel, the mesentery, and injured the head of

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<sup>1</sup> The vehicle pursuit of Subject 1 follows the guidelines as set by Chicago Police Department Policy.

the pancreas and perinephric soft tissues. Gunshot #4 is a through and through wound of the back of the left hand. Gunshot #5 is a graze wound of the left mid forearm. Gunshot #6 is a graze wound of the left first toe. Subject 1 died as a result of multiple gunshot wounds. None of the wounds show evidence of close range firing. The manner of death is homicide. (Att# 45)

**The Crime Scene Processing Report, Evidence Technician Photographs and Video Tape** depicts the location of the incident and the locations of recovered evidence. Subject 1's weapon, a Walther PP 7.65mm, SN12022 was inventoried under No. 11410865. A "WW" 32 auto live cartridge was removed from the chamber along with five (5) "WW" 32 auto live cartridges from the magazine. One (1) "WW" 32-auto live cartridge was recovered in mulch next to the driver's door of the 2007 Dodge Charger and one (1) "WW" 32-auto live cartridge was recovered underneath the driver's seat of the Dodge Charger. No spent 32-auto casings were found at the scene. (Att# 28-39, 43, 44)

A report from the **Illinois State Police, Division of Forensic Services**, dated 06 November 2008, indicates that Officer E's Sig Sauer 9mm semi-automatic pistol, was examined, found to be in firing condition and test fired. Officer F's, Sig Sauer 9mm semi-automatic pistol, was examined, found to be in firing condition and test fired. Officer D's Springfield Armory 9mm semi-automatic pistol was examined found to be in firing condition and test fired. Officer C's Sig Sauer 9mm semi-automatic pistol was examined found to be in firing condition and test fired. Officer B's Sig Sauer 45 semi-automatic pistol was examined found to be in firing condition and test fired. Officer A's Sig Sauer 9mm semi-automatic pistol was examined found to be in firing condition and test fired. (Att# 50)

A report from the **Illinois State Police, Division of Forensic Services**, dated 11 February 2009, examined the results of the gunshot residue collection

kit administered to Subject 1.<sup>2</sup> The results indicate that Subject 1 may not have discharged a firearm with either hand. If Subject 1 did discharge a firearm, then the particles were removed by activity, were not deposited, or were not detected by the procedure. (Att# 62)

A report from the **Illinois State Police, Division of Forensic Services**, dated 21 August 2009, stated that Subject 1's firearm, a 32 Auto Walther, black finish, was inoperable at the time it was received due to the thumb safety lever being broken while in the "on position." The thumb safety was turned off using various tools and the firearm was test fired. The test shots were compared with IBIS database but no identification was made.

The swab of the slide and swab of barrel have been retained for possible future DNA analysis. (Att# 67, 76)

IPRA sent certified letters and conducted personal visits to the residences of Witness 3 and Witness 9, requesting their cooperation. The attempts were met with negative results. (Att# 51, 52, 53, 54)

In a statement to IPRA, on 26 August 2008, **Witness 4** related that at approximately 2055 hours he was walking south on Washtenaw when he saw a white Dodge Charger jump the curb and crash into the front door of his building. Police cars were coming from both directions on Bryn Mawr and after the crash the officers jumped out of their cars. Witness 4 heard a male police officer yell, "Gun," and then all he could hear was a lot of shooting. Witness 4 was about one-half block away from the front door of the building when he heard the officers yelling at the subject. He did not hear what the officers were saying but clearly heard the word "gun." Witness 4 never saw the subject during the shooting incident. Witness 4 never saw a firearm nor did he see the subject pointing a firearm at police. (Att# 16, 17, 18)

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<sup>2</sup> GSR Test was administered at Illinois Masonic Hospital at 0400 hours on 26 August 2008

In a statement to IPRA, on 26 August 2008, **Witness 5** related that he was visiting his cousin, Witness 6, heard sirens, looked out of the window onto 5500 Washtenaw and observed a white vehicle traveling eastbound on Bryn Mawr. The blue and white police vehicle struck the white vehicle from behind and the white vehicle made a wide turn onto Washtenaw and struck the building at 5555 Washtenaw. Numerous police vehicles arrived. Witness 5 heard a single gunshot come from the direction of the white vehicle. A white male officer approached the white vehicle and fired one shot at the white vehicle. Suddenly, all the officers began firing in the direction of the white vehicle. Witness 5 did not see the driver of the white vehicle. He could only see the hood of the white vehicle after the crash. He heard one single gunshot come from inside the white car. (Att #19, 20, 21)

In a statement to IPRA, on 26 August 2008, **Witness 6** related that he was in his residence on the 5500 block of North Washtenaw, when he heard sirens. Witness 6 went to his bedroom window, and looked out onto 5500 N. Washtenaw and observed a white vehicle traveling east on Bryn Mawr with several blue and white police vehicles following. As the white car approached Bryn Mawr and Washtenaw, he heard what he believed to be glass shattering. He observed the white vehicle make a wide turn south on Washtenaw and then he felt the building shake and heard a crash. Witness 6 removed the window screen and heard multiple gunshots. He looked down to the front of the building and saw a white male with his firearm out and firing toward the white vehicle, which had crashed. He did not see the driver of the white vehicle, but before the crash, he heard what he believed to be a single gunshot from the direction of the white vehicle. (Att# 22, 23, 24)

In a statement to IPRA taken on 18 November 2011, **Witness 7** related that on the date of the incident as he turned off his radio, rolled up the windows and parked his vehicle at 5553 N. Washtenaw he observed a white vehicle being chased by several marked police vehicles. During the chase, a police vehicle

struck the white vehicle from behind. The white vehicle then struck the building located at 5555 N. Washtenaw. The driver's side of the white vehicle was against the building. The driver of the vehicle, a white male attempted to open the driver's door, but the vehicle was against the building and there was little room for the white male to exit. The door of the vehicle was partially opened and the white male attempted to maneuver himself out of the vehicle. As the male white exited the vehicle, Witness 7 observed that he held a firearm in his hand. Witness 7 was unable to recall which hand. The white male pointed the firearm in the direction of the officers and suddenly Witness 7 heard gunfire and went to the floor of the vehicle. Witness 7 did not observe the white male discharge his weapon. (Att# 85)

In a statement taken at IPRA on 12 September 2008, **Witness 1** stated that he was driving east on Montrose, and as he approached Hamlin, he stopped for a red light. Subject 1 approached his vehicle and attempted to open the passenger door. Subject 1, who was holding a small black firearm in his hand, leaned into the vehicle through the open passenger side window. Subject 1 stated, "Get out of the car before I shoot you." Mr. Witness 1 placed the vehicle in park and Subject 1 opened the passenger side door and entered the vehicle. Mr. Witness 1 simultaneously exited the vehicle and ran across the street. Subject 1 drove off and Mr. Witness 1 called "911" to report the incident. (Att# 41)

In a statement taken at IPRA on 19 March 2009, **Officer A** related that on the day of the incident he was on duty, working alone. Earlier in the evening, a flash message came out over the radio concerning a vehicle carjacking and then an armed robbery involving a white Dodge Charger. Later, around 2200 hours, he observed a white Dodge Charger traveling eastbound on Lawrence and pulled in behind it. He checked the plate and confirmed via the radio that it was the vehicle involved in the robbery and carjacking incident in the area. Officer A continued to give location and direction of travel and did not activate his siren

and lights. When joined by other officers, he activated his emergency equipment.<sup>3</sup> Subject 1 then turned northbound, failed to stop, and continued driving at about thirty-five to forty miles per hour. At one point, Subject 1 lost control of the white Dodge Charger and began driving on the sidewalk. The vehicle drove off the sidewalk nearly striking Officer A's vehicle and continued driving east down Bryn Mawr. Subject 1 then attempted to go south on Washtenaw but crashed into the building at 5555 N. Washtenaw. Officer A stopped, exited his vehicle, and saw Subject 1 exit his vehicle. Officer A was standing on Washtenaw facing Subject 1's vehicle on the passenger side. Subject 1 was standing between the open car door and the vehicle. Subject 1 stood upright with a firearm in his hand, over his vehicle, pointed at the officers on Bryn Mawr. Officer A yelled "Gun" and discharged his firearm using a full clip. He did not recall if Subject 1 discharged his firearm. Subject 1 fell back into his vehicle and was non-responsive. Officer A removed the firearm from Subject 1's lap and an ambulance was called. (Att# 63)

In a statement taken at IPRA on 24 March 2009, **Officer F** related that on the day of the incident, she was working with her partner, Officer E, and heard the radio call involving a white Dodge Charger. She heard Officer A on the air relating that he had spotted the Charger and wanted to get behind it and make a positive ID. She heard Beat 1754 relate that they were behind Officer A and that Officer A was now going to activate his lights and try to curb the vehicle. The vehicle did not curb and she and her partner joined the pursuit behind Beat 1754. Officer F watched as the Charger attempted to make a right turn onto Washtenaw but lost control and struck a building. Officer F, the passenger officer, exited the vehicle with her firearm drawn. When Subject 1 crashed the vehicle, the driver's side door was against the building. She took cover behind Beat 1741's vehicle and observed Subject 1 try to climb out of the driver's side window with a firearm in his hand. She heard someone yell "Gun!" observed a firearm pointed in her direction and further observed what she believed to be

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<sup>3</sup> Officer A followed the guidelines of G.O. 03-03-01 Section VI A which defines the Balancing Test used to determine if a police chase is within Department guidelines.

muzzle flashes. Officer F then discharged her firearm firing approximately ten times. She did reload and shot one more time and Subject 1 fell backward into the vehicle. Officer F believed that Subject 1 discharged his firearm. (Att# 64)

In a statement taken at IPRA on 08 April 2009, **Officer E** related that on the day of the incident, she was working with her partner, Officer F and heard the radio call involving a white Dodge Charger. Officer E was the driver and Officer F operated the radio when they joined in the pursuit. Officer E saw Subject 1 attempt to make a right turn onto Washtenaw, lose control, and strike a building on the corner. Officer E stopped her vehicle and saw Subject 1 get out of the vehicle. He was between the door and the vehicle and had a firearm in his hand pointing in the direction of other officers who were on the scene. Officer E got out of her vehicle and ran around to the back where she took cover because she heard gunfire. Officer E clearly saw Subject 1 with a firearm in his hand and fired one shot at him. She then lost sight of Subject 1 as he fell out of her view. (Att# 69)

In a statement taken at IPRA on 25 March 2009, **Officer D** related that on the day of the incident, he was working as passenger officer with his partner, Officer C, and heard the radio call involving a White Dodge Charger. He heard Officer A give the plate and OEMC positively confirm that the vehicle was stolen. Officer A was traveling southbound on St. Louis from Lawrence so he and his partner went westbound on Leland from Kimball. Officer D saw the white Charger with Officer A behind it. He got on the air relating that he and his partner were behind Officer A. Subject 1 attempted to make a right turn onto Washtenaw, lost control and crashed into a building at 5555 N. Washtenaw. Subject 1's vehicle stopped on the grass with the driver's side of the vehicle next to the building. Officer D exited his vehicle and started to approach Subject 1's vehicle. He saw Subject 1's arm coming up holding a firearm and pointed at him. Officer D took cover. Officer D saw that the driver's side door was open. Subject 1 then leaned out of the door, placed his arm on the roof of the vehicle and pointed his firearm



at Officer D. Officer D heard shots being fired and discharged his firearm at least five times at Subject 1.<sup>4</sup> Subject 1 fell inside the vehicle and the shooting stopped. (Att# 65)

In a statement taken at IPRA on 02 April 2009, **Officer C** related that on the day of the incident, she was the driver officer, working with Officer D. At approximately 2111 hours, Officer C heard the radio call involving the Dodge Charger, and joined in the vehicle pursuit. Officer C added that after the crash, Subject 1 opened the driver's side door and began to wiggle himself out of the vehicle in an upward motion. She saw his hands as he came out and she observed a firearm in one of his hands. She observed Subject 1 point his firearm in the general direction of other officers on the scene. Someone to her right, a male voice, yelled, "Drop the gun!" Subject 1 was not following verbal commands. Officer C then heard a gunshot. Officer C fired her firearm three or four times in quick succession. She then saw movement inside of the vehicle and thought that Subject 1 would put the vehicle in reverse. Officer C fired again, approximately three to four shots.<sup>5</sup> She did not know if Subject 1 fired his weapon. (Att# 68)

In a statement taken at IPRA on 30 March 2009, **Officer B** related that he heard the flash message of a vehicle taken at gunpoint at approximately 3800 W. Montrose. He heard Officer A say that he was behind the carjacked vehicle and give out the description and direction of travel. Officer B joined the vehicle pursuit and followed the vehicle to Washtenaw where it struck the building. Subject 1's vehicle was sitting at an angle partially against the building. Officer B exited his vehicle and approached Subject 1's vehicle. Subject 1 opened the driver's side door and exited from the driver's side of his vehicle. Subject 1 came over the roof of the vehicle with a firearm in his hand. The firearm was pointed in Officer B's direction and, at that time, Officer B fired his firearm approximately eight or nine times. He did hear someone yell, "He's got a gun." He did not

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<sup>4</sup> Officer D fired 17 (seventeen) times and reloaded his weapon.

<sup>5</sup> Officer C fired 8 (eight) times and reloaded her weapon.

know if Subject 1 discharged his firearm but he saw what he believed to be muzzle flashes coming from Subject 1's direction. (Att# 66)

In a statement taken at IPRA on 14 September 2009, **Officer G** related that, upon his arrival to the location of incident, he heard gunfire as he exited his vehicle and took cover behind a parked vehicle on the street. He did not observe Subject 1 or any officer on the scene discharge a weapon. When the shooting stopped, Officer A, followed by Officer G, approached the vehicle. Officer A recovered a weapon and Officer G reached inside and checked Subject 1 for additional firearms, none were found. Once the scene was secure, Officer G radioed for an ambulance and supervisors to the scene. (Att# 79)

In a statement taken at IPRA on 14 September 2009, **Officer H** related that upon his arrival to the location of incident, he heard gunfire as he exited his vehicle with his firearm drawn and took cover behind a marked vehicle. When the shooting stopped, Officer H observed Officer A and Officer G approached Subject 1's vehicle. Officer H holstered his firearm and began to gather information from witnesses on the scene. Officer H did not observe the officers on the scene or Subject 1 discharge a weapon. (Att# 78)

## **CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by Officer A and Officer B, Officer C, Officer D, Officer E and Officer F was in compliance with Chicago Police Department policy.

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 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 firearm or;
  - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

The Sergeant's and the Officers' actions were in compliance with the requirements of the Chicago Police Department's deadly force policy. The officers were in pursuit of a vehicle that was carjacked at gunpoint and later involved in an attempted armed robbery. The driver failed to stop for Officer A when he activated his emergency equipment. The driver, Subject 1, attempted to elude police and ultimately crashed the vehicle into a building. Subject 1 exited the vehicle with a firearm in his hand and pointed it at the officers. Several officers stated they thought they saw muzzle flashes coming from his direction.

However, forensic test conducted by the Illinois State Crime Lab, reflect

that the firearm associated with Subject 1 was inoperable due to thumb safety being broken in the "on" position. Several civilian witnesses thought they heard gunshots coming from the direction of Subject 1's vehicle. When the Officers' fired, they reasonably believed that they and others were in danger of death or great bodily harm from Subject 1.

In addition, Subject 1 had committed a forcible felony when he carjacked the white Dodge Charger displaying a firearm and threatening the use of physical force likely to cause death or great bodily harm. The officers could reasonably believe that Subject 1 was threatening the use of deadly force after he crashed into the building and pointed his weapon in the direction of the officers.

In addition, the police officers could reasonably believe that Subject 1 was attempting to flee as he exited the white Dodge Charger. Therefore, the officers could use the necessary force reasonable to prevent the arrest from being defeated.