

**INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1027261 / U #09-20**

**INVESTIGATION**

**NUMBER:** Log #1027261/U #09-20

**OFFICER**

**INVOLVED:** “Officer A” (Chicago Police Officer); Male/White; 33 years old;  
On Duty; Plain Clothes; Year of Appointment – 2006

**OFFICER’S**

**INJURIES:** None reported

**WITNESS**

**OFFICER:** “Officer B” (Chicago Police Officer); Male/White; 34 years old;  
On Duty; Plain Clothes; Year of Appointment – 2005

**OFFICER’S**

**INJURIES:** None Reported

**WITNESS**

**OFFICER:** “Officer C” (Chicago Police Officer); Male/Hispanic; 30 years old;  
On Duty; Full Uniform; Year of Appointment – 2003

**OFFICER’S**

**INJURIES:** None Reported

**WITNESS**

**OFFICER:** “Officer D” (Chicago Police Officer); Male/White; 33 years old;  
On Duty; Full Uniform; Year of Appointment – 2008

**OFFICER’S**

**INJURIES:** None Reported

**SUBJECT:**

“Subject 1”; Male/Black; 22 years old

**SUBJECT’S**

**WEAPON:**

No weapon recovered. (Used vehicle as a weapon)

**SUBJECT’S**

**INJURIES:**

(1) Gunshot wound to left shoulder lodged near heart. Transported to Mount Sinai Hospital in Stable but Critical Condition.

**DATE/TIME**

**OF INCIDENT:** 12 June 2009, 1935 hours

**LOCATION:**

5015 W. Madison  
Beat 1533

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1027261 / U #09-20**

### **SUMMARY OF INCIDENT:**

On 12 June 2009, at approximately 1935 hours, Beat 1513, Officer C and Officer D made an arrest for possession of heroin. The arrestee, [Arrestee], gave information to the officers regarding his supplier, now known as Subject 1. [Arrestee] told Officers C and D they could set up a drug transaction with Subject 1. Officers C and D, along with Officer A and Officer B, who were working Beat 1566A, set up a transaction to meet Subject 1.

The transaction was set up in the McDonald's parking lot located at 5015 W. Madison. Officer B drove [Arrestee]'s green Isuzu Rodeo to the McDonald's parking lot and parked the truck in a spot at the west end of the parking lot as instructed by Subject 1. Officer A positioned himself inside the McDonald's vestibule on the north side. Officer C drove Beat 1566A, which is an unmarked maroon squad car, and Officer D drove Beat 1513, which is a marked squad car behind the McDonald's and out of view.

Subject 1 arrived a short time later and parked by [Arrestee]'s green Isuzu. Subject 1 looked inside the Isuzu and recognized that it was not [Arrestee]. Officer A exited McDonald's and began to approach Subject 1's vehicle, a full size, 1989 GMC Van on foot. Subject 1 suddenly reversed the van eastbound through the parking lot. Officer A pursued the van on foot while Officers C and D circled around the drive thru and pursued Subject 1 in their squad cars. Officer D caught up to the van and drove side-by-side with Subject 1 as he continued eastbound in the parking lot. Officer C drove eastbound going forward towards Subject 1 with Officer A in front of him. Officer B exited the Isuzu and ran towards the van on foot behind the unmarked squad car driven by Officer C.

As Officer D drove forward he got a slight lead on Subject 1 van, at which time Subject 1 turned his steering wheel to the left and struck the front end of Officer D's squad car bringing the squad car and his van to a stop. Subject 1 then placed his vehicle into the forward gear and revved his engine causing the van to lunge forward towards Officer A. Officer A, in fear of his life, fired his weapon three times at Subject 1. As the van lunged forward it hit the front of the unmarked squad car driven by Officer C. Subject 1 jumped out of the front seat and entered the rear of the van. The officers gained entry into the van through the side passenger doors and took Subject 1 into custody. Subject 1 sustained one gun shot wound to his shoulder with the bullet lodged in his chest. Subject 1 was transported to Mount Sinai Hospital in stable but critical condition.

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1027261 / U #09-20

### INVESTIGATION:

The **Department Reports** related that Subject 1 was arrested for aggravated assault to Officer A and possession of less than 10 grams of heroin. The incident narrative of the report indicated that Subject 1 attempted to run over Officer A with his vehicle during a narcotics investigation. During the pursuit of Subject 1, Officer A fearing for his life, shot Subject 1 in the left shoulder. During a custodial search at the hospital, a plastic bag containing 12 baggies of heroin was discovered in the rectum of Subject 1.

A **Tactical Response Report** completed by Officer A documented that Subject 1 “did not follow verbal direction,” “fled,” was an “imminent threat of battery,” attacked with a “weapon,” and used “force likely to cause death or great bodily harm” with a “weapon.” Officer A responded with “member presence”, “verbal commands”, and the use of his “firearm”.

The **Officers Battery Report** completed by Officer A documented that he did not receive any type of injury.

The **Chicago Fire Department Ambulance Report** documented that Subject 1 was found to be in custody with a gunshot wound to the left shoulder and chest. The narrative stated that Subject 1 was transported in custody to Mount Sinai with three police officers present. Subject 1 arrived in stable but critical condition at the emergency room.

**Medical Records for Subject 1 from Mount Sinai Hospital** documented that Subject 1 was admitted on 12 June 2009 for a gun shot wound to the left chest, left clavicle fracture, left hemothorax and pulmonary contusion. Subject 1 was transported to the hospital via ambulance. Subject 1 was evaluated in the emergency room by Doctor A and found to have a gunshot entrance wound on the left upper chest. A chest x-ray of Subject 1 showed that he had a left hemothorax and a chest tube was placed. Subject 1 then went for a CAT scan of his chest with contrast for angiography and found that he had no great vessel injury and no cardiac injury. Subject 1 was discharged under police custody on 19 June 2012.

The **Traffic Crash Report** documented that the Driver of Vehicle 1 (Subject 1) attempted to elude police vehicles in the parking lot of McDonalds. Vehicle 1 intentionally struck Vehicle 2 (marked squad Beat 1513) by backing into vehicle. Vehicle 1 then attempted to drive straight ahead and intentionally struck Vehicle 2 (unmarked Beat 1566A) in the front passenger side.

**IPRA** sent a **certified letter** to the Law Office of Attorney E detailing that IPRA is conducting an investigation into the police involved shooting involving Subject 1.

A **Canvass** was conducted on 15 June 2009 near the location of 5015 W. Madison. The Canvass documented that no residents appeared to witness the incident in question.

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1027261 / U #09-20**

A search of **Police Observation Devices (PODS)** in the vicinity of the alleged incident found there was a POD in the area relevant to this investigation. POD 000123 located at 5001 W. Madison captured the events leading up to and after the incident. The video documented officers approaching the passenger side rear doors of the van once the van came to a complete stop in front of the McDonald's. The officers are not seen removing the subject from the van due to the camera panning away from the scene. The camera captures the officer's search the subject and the subject lying down on the pavement. The video continues to document units responding to the scene and the continuation of the investigation. However, the video failed to capture the police involved shooting due to the camera being pointed in the opposite direction during the time of the shooting.

**Surveillance Video from McDonald's** featured two frames of video in relation to the incident. One recording displayed the inside of the restaurant and the other recording displayed the rear entrance, parking lot and drive thru area. The video recording from 12 June 2009 started at 1945 hours and concluded at 2005 hours. The video documented the red GMC Van drive into a parking space facing the street. At 1957 hours, an unmarked red Crown Victoria entered the picture from behind the drive thru, circled around to the front of the restaurant and towards the red van. A marked squad car followed the unmarked red Crown Victoria. The red GMC Van suddenly reversed out of the parking spot and drove out of view. The unmarked red Crown Victoria and marked squad car followed the red van and drove out of view. The shooting incident was not captured on the cameras.

The related **OMEC Transmissions** documented that at 1958 hours on 12 June 2009 a police officer reported shots fired by the police at Madison and Lavergne in the McDonald's parking lot. Moments later an officer related that the offender was in custody and that an ambulance was needed. The recording also related that all of the involved officers were not injured during the incident.

The related **OEMC Event Queries** documented essentially the same information as the department reports and the OEMC Transmissions. There appeared to be no 911 calls related to this incident.

**Crime Scene Processing Report** documented items inventoried and photographs obtained by the Evidence Technicians at the scene. The report also documented that Officer A's weapon was recovered and swabbed in the presence of OCIC A at Area 5. The Evidence technicians relocated to Mount Sinai Hospital where Subject 1 was photographed along with his injuries. Subject 1's clothing and other property was also recovered by Officer E during that time. The report was submitted by Officer F.

**Evidence Technician Photographs** taken by Officer G and Officer F, Beat 177 depict photographs of the scene, including the vehicles involved, shell casing and damage to the vehicles. A Crime Scene Video was also obtained. Officers F and G then responded to Mount Sinai Hospital and photographed Subject 1 and his injuries.

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1027261 / U #09-20

**Illinois State Police Forensic Science Laboratory Reports** documented under Lab Case #C09-023016 that three Winchester 40 Smith and Wesson shell casings found at the scene were fired from a Springfield Armory, model XD, 40 Smith and Wesson caliber semiautomatic pistol, serial #US208392. The Smith and Wesson was test fired and displayed rifling characteristics of six lands and grooves with a right hand twist. Cartridges that were found at the scene were compared and found to be fired by the same Smith and Wesson. The findings of the tests were reported by Forensic Scientist 1.

The **Detectives Supplementary Report** documented the Reporting Detective's<sup>1</sup> investigation of the incident. On 12 June 2009, at approximately 1958 hours the Reporting Detectives responded to the location of McDonald's, located at 5015 W. Madison Street for a report of shots fired by the police. Upon arrival at the scene, the reporting detectives learned that a subject by the name of Subject 1 had been shot and wounded by Officer A after he attempted to run over the officer with his vehicle. Subject 1 sustained a single gun shot wound to the left shoulder and chest.

The Reporting Detectives related that an initial inspection of the scene revealed two police vehicles involved in an accident with an older burgundy colored GMC van, which sustained a bullet hole in the front windshield and two bullet holes in the front passenger side door. The Reporting Detectives also observed a third hole in the door, which was later determined to be a punched door lock and not a bullet hole. The GMC van had struck the left front driver's side quarter panel of a marked Chicago Police squad car, vehicle #8108. The offender's vehicle struck this vehicle with its rear driver's side bumper. The offender's vehicle also struck an unmarked Chicago tactical car, vehicle #4904, in the front bumper, which is where the offender's vehicle was stopped. The reporting detectives observed three spent shell casings on the ground to the north of the GMC van.

The Reporting Detectives reported that the police involved shooting occurred in the north parking lot of the McDonald's restaurant. The McDonald's restaurant is located on the south side of Madison Street, just west of Lavergne Avenue. There are two clearly marked parking lot entrances to the McDonald's restaurant, one entrance is west of the building and the other entrance is east of the building. The main entrance of the restaurant is on the north side of the building and the drive thru lane is on the south side of the building. The east end of the restaurant is a children's playroom and glass windows line the east, south and north sides of the eastern half of the building.

The Reporting Detectives indicated that three .40 caliber shell casings were observed on the ground. A bullet hole was observed in the center of the van's windshield and two bullet holes were observed in the front passenger side door. Two fired rounds were recovered from the offender's vehicle, one from the front passenger floor area, and the other was recovered from the front passenger door.

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<sup>1</sup> Reporting Detectives – CPD Detectives 2 and 3.

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1027261 / U #09-20**

While being treated in the Mt. Sinai Hospital emergency room, Medical Intern 1 discovered narcotics hidden inside the rectum of Subject 1. Subject 1 did not disclose this to E.R. personnel but it was later found during routine medical procedure.

The Reporting Detectives related that on 12 June 2009 at approximately 2027 hours, CPD Detective 1 advised Subject 1 of his Miranda Rights. Subject 1 understood his Rights and waived them and agreed to speak with CPD Detective 1. Subject 1 related that he received a telephone call from a subject who had previously purchased drugs from him. Subject 1 related that the subject asked if he had any drugs for sale and Subject 1 stated "Yeah." Subject 1 related that he really didn't have drugs on him, but was going to "rip the guy," which meant he was only going to steal his money. Subject 1 agreed to meet the subject at the McDonald's restaurant on Madison and Lavergne. Subject 1 related that after he pulled into the parking lot, the police pulled up and pointed a gun at him. Subject 1 tried to put his vehicle in reverse and then put his hands into the air. Subject 1 related that this was when the police shot him. Subject 1 related that he was handcuffed by the police and this was then he realized that he was shot. Subject 1 related that an unknown officer placed an object in his pants. \$210.00 in United States Currency was recovered from the pants pocket of Subject 1. Subject 1 sustained a single gun shot wound to the upper left shoulder, which was lodged in his chest cavity.

The Reporting Detectives took the statements of Officer A, Officer B, Officer C, Officer D, and Witness 1 at the scene. Informant [Arrestee] was interviewed at the 15<sup>th</sup> District. All of the officer's statements collaborate with the statements given to the Independent Police Review Authority.

**A related Civil Suit, Subject 1 Jr. V. City of Chicago and Officer A** was located. The initial suit documented that Subject 1 posed no danger, or threat of danger to Officer A. It noted that Subject 1 was unlawfully seized and that Officer A used excessive force when attempting to apprehend Subject 1. It also documented that Subject 1 suffered mental and emotional injuries as well as bodily harm due to the manner in which he was treated at the time of his arrest. The suit documented that Subject 1 was represented by Attorneys A, B, C. and D.

Possible Witnesses 3, 4, and 5 did not observe the shooting.

**In a written statement to IPRA, Witness 1** stated that he works for \_\_\_\_\_ Security and was assigned to work at the McDonald's on 12 June 2009 from 1700 to 2300 hours. Witness 1 stated that around 2000 hours, he was taking his lunch break at one of the tables located in front of the registers when he saw a white male plainclothes officer enter the restaurant from the door located on the south side. Witness 1 stated that the officer continued to walk through the restaurant, passed the registers and went out the door located on the north side of the restaurant. Witness 1 stated that the officer stood in the vestibule and when he exited the north side door to have a cigarette the officer approached him. Witness 1 stated that the officer asked him to get out of the front of the restaurant because an investigation was taking place. Witness 1 followed the officer's request and walked through the restaurant and exited out of the south side doors. Witness

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1027261 / U #09-20

1 stated that he then heard a commotion as he was smoking his cigarette and described the commotion as a car squealing through the McDonald's parking lot. Witness 1 stated that he walked to the north side of the restaurant and saw a maroon van driving in reverse east bound through the parking lot towards Lavergne Street. Witness 1 stated that as the van was driving in reverse he saw a marked squad car drive alongside of it. Witness 1 stated that the van's back end hit the front of the marked squad car. Witness 1 stated that when the van hit the marked squad car an unmarked maroon squad car approached the van from the front. The van then proceeded forward and hit the unmarked squad car. Witness 1 stated that at this time he saw a male white officer approach the van on foot and stood by the unmarked squad car. Witness 1 stated that as the van continued to go forward the officer fired his weapon three times at the windshield of the van. Witness 1 stated that he believed that the officer's life was "in jeopardy." Witness 1 stated that after the shots were fired, a uniformed officer went to the north side of the van and removed the subject from inside of the van. Witness 1 stated that he went back into the restaurant at that time.

**In an audio recorded statement to IPRA, Witness 2** stated that he witnessed two police cars, a marked and an unmarked car driving side by side eastbound through the parking lot. Witness 2 stated that there was a van coming around the drive thru facing westbound and that both the unmarked and marked car faced the van as it was coming around. Witness 2 stated that the unmarked car hit the front of the van blocking it in and the marked car hit the rear of the van and blocked it in. Witness 2 stated that the officers then exited their vehicles and instructed the driver to exit the van several times. Witness 2 stated that he then observed a plainclothes officer who was standing directly in front of the van fire three shots towards it. Witness 2 stated that during this time the van never moved due to the vehicles blocking it in. Witness 2 stated that there were two males that the officers pulled out of the van. One of the males started yelling at the officers. Witness 2 stated that male was loaded into a police car and driven away from the scene. Witness 2 stated that the second male that was pulled out of the van appeared to have been shot.

**In an audio recorded statement with IPRA, Witness Officer B** stated that he and his partner, Officer A, received a phone call from Officers C and D that they placed an offender in custody that was willing to give up his dealer. Officer B stated that they met with Officers C and D at a location near Laramie and Jackson where they arrested the offender, [Arrestee]. Officer B stated that [Arrestee] called his drug dealer and set up a transaction to purchase twelve bags of narcotics at the McDonalds located on Madison. Officer B stated that [Arrestee] agreed to have the officers drive his green Isuzu to the McDonalds. Officer B stated that he drove [Arrestee]'s vehicle to McDonalds and parked the vehicle in the designated spot facing northbound, while Officer A obtained a position inside the vestibule at McDonalds. Officer B stated that Officer C drove the unmarked squad car and Officer D drove the marked squad car and parked them behind McDonalds. Officer B stated that once he saw the maroon van enter the McDonalds parking lot he radioed over the car to car radio for everyone to get ready. Officer B stated that the van pulled up next to him in the parking spot. The driver, now known to be Subject 1, looked over and noticed that Officer B was not the person he was suppose

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1027261 / U #09-20

to meet. Officer B stated that Subject 1 then put the van into reverse and began to back out of the space. Officer B stated that he got out of his vehicle and observed the van reverse through the parking lot. Officer B observed Officer A pursue the van on foot, while Officers C and D drove their vehicles around from the back of McDonalds and drove towards the van. Officer B stated that the marked squad car driven by Officer D pulled alongside the driver's side of the van and at that point, Subject 1 turned the wheel and backed into the marked squad car, crashing into it. Officer B stated that the van was now facing towards his partner. Officer B stated that Subject 1 then put the van into drive, revved the engine and jerked the van forward towards Officer A. Officer B stated that he then observed Officer A fire his weapon at the driver of the van while it lurched towards him. Officer B stated that Officer A moved to his left while he was firing his weapon. Officer B added that at some point during this time the unmarked car driven by Officer C collided with the van and the van came to a stop. Officer B then observed Officer C open the side door of the van and place Subject 1 into custody with the assistance of Officer D and brought him outside of the van. Officer B observed blood on the upper torso area of Subject 1's shirt once he was removed from the van. Officer B stated that they then searched the van for any weapons and narcotics. Officer B added that twelve packs of heroin were found on Subject 1 after he was transported to the hospital.

**In an audio recorded statement with IPRA, Witness Officer C** was working with Officer D. Officer C related that prior to the incident they received information from an arrestee that was willing to give up his narcotics dealer. Officer C stated that he radioed for an assisting unit and Officers A and B arrived at their location. Officer C stated that the arrestee called his dealer, now known to be Subject 1, and agreed to meet at a certain time and location. Officer C stated that they relocated to the McDonalds Restaurant located at Madison and Lavergne with the arrestee's vehicle. Officer C stated that Officer A went into the vestibule area of the McDonalds to observe the parking lot while he drove the unmarked vehicle to the rear of the McDonalds. Officer C stated that his partner, Officer D followed directly behind him in a marked squad car (Beat 1513). Officer C stated that Officer B radioed to him that Subject 1 was driving into the lot. At that point, Officer C and Officer D drove their vehicles towards the front of the store. Officer C stated that when he turned the corner he saw the maroon van reverse down the parking lot with Officer A running after it. Officer C stated that he heard Officer A state "Police, Stop!" Officer C stated that he was driving towards the van as it was reversing through the parking lot. Officer C stated that while he was driving towards the van, Officer D passed him on the right side of the vehicle and pulled alongside of the van. Officer C stated that at some point the van made a sharp turn to the left and collided with the marked squad car operated by Officer D. Officer C stated that Subject 1 then made a gesture with his hand as to shift the van into drive. Officer C heard the van rev and saw it jerk forward. At this point, Officer C observed Officer A fire his weapon and move to his left to get out of the path of the van. Officer C stated that he heard three shots fired. Officer C stated that he saw Subject 1 leave the drivers seat and move to the rear of the van as Officer A was firing his weapon. Officer C stated that he continued to drive forward, stopped, placed his car in park and ran towards Officer A to see if he was alright. Officer C stated that he then reached into the front passenger door of the van and



## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1027261 / U #09-20

unlocked the doors. Officer C stated that he went to the rear side doors and opened them and saw Subject 1 lying in van and yelling that he had been shot.

**In an audio recorded statement with IPRA, Witness Officer D** stated that he was working Beat 1513 with Officer C when they made a routine traffic stop which resulted in a narcotics arrest near the location of Jackson and Laramie. Officer D stated that they arrested a white male, (name not recalled) who told the officers that he could make a phone call to the person he bought the narcotics from. Officer D stated that he called Officer B and Officer A to come to their location. Officers A and B arrived at his location and had the white male arrestee call his dealer, now known to be Subject 1. Officer D stated that Subject 1 agreed to meet at the McDonald's Restaurant located at 5015 W. Madison. Officer D stated that Officer B took the arrestee's vehicle, a green Isuzu, and drove it to the McDonalds and parked it in the agreed upon location. Officer D stated that he rode with Officer C in a marked squad car and parked behind the McDonalds. Officer D stated that Officer A drove the unmarked squad car to the McDonald's and also parked it behind the building. Officer D stated that Officer A then stationed himself in the vestibule of the McDonalds while Officer B stayed in the green Isuzu and Officer C stationed himself in the unmarked squad car. Officer D stated that he was in the marked squad car behind Officer C. Officer D stated that he observed his partner pull forward in the unmarked squad car, which indicated that the subject arrived. Officer D followed Officer C around the drive thru and could see a maroon van reversing through the parking lot. Officer D stated that Officer C was in front of the maroon van and noticed that there was a space between the van and building that he could fit into. Officer D drove his vehicle forward into the space because he didn't know when the driver, Subject 1, was going to bail out of the vehicle and possibly run on foot. Officer D stated that while he was driving his vehicle forward, Subject 1, turned his vehicle in his direction of travel and caused a collision with both vehicles. Officer D stated that both vehicles came to a stop at that point. Officer D stated that a few seconds passed and then he saw the van jerk forward and felt his vehicle go backwards and to the side. Officer D stated that when the van jerked forward he heard three rapid gunshots. Officer D stated that he exited his vehicle and ran to the back of the van to secure the rear doors. Officer D stated that all the other officers were by the side passenger doors. The officers opened the doors and found Subject 1 lying on the rear floor. Officer D stated that he observed Subject 1 bleeding from his left shoulder. Officer D stated that he then placed handcuffs on Subject 1.

**In an audio recorded statement to IPRA, Involved Officer A** stated that he received information from arrestee; [Arrestee] that his dealer would deliver heroin to him at the McDonald's located on Madison Street. Officer A stated that his partner, Officer B, drove [Arrestee]'s vehicle, a green Isuzu, to the McDonald's and Officer A followed in an unmarked police vehicle. Officer A indicated that he parked his unmarked squad car behind the McDonald's and out of view and that Officer C took over as the driver of that vehicle. Officer A set up position inside the McDonald's vestibule on foot, while Officer B set up position in [Arrestee]'s vehicle. Officer A added that Officer D was in a marked squad car and also parked behind the McDonald's and out of view. Officer A stated that after being in the vestibule for a few minutes, he observed a van matching the description

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1027261 / U #09-20**

that [Arrestee] described enter the east side of the lot. The van drove west through the lot and past the location of where Officer A was located. Officer A stated that he observed the van pull into the spot directly to the east of Officer B. Officer A stated that he exited the vestibule, took his weapon out and began to approach the van. Officer A observed the van pull into the spot and then the van went into reverse and backed out of the spot. Officer A stated that the passenger side window of the van was open and he announced his office by stating words to the effect of "Police! Stop the vehicle! Let me see your hands!" Officer A stated that the driver disobeyed his order and continued to reverse out of the spot, turned and reversed through the parking lot. Officer A stated that the van was now traveling eastbound in the parking lot and he began to pursue it on foot. Officer A stated that Officer D drove past him on his right in the marked squad car and attempted to pass the van on the driver's side. Officer A then observed, the driver of the van, now known to be Subject 1, turn the wheel of the van to the left and the rear of the van turned into Officer D's vehicle. Officer A stated that he did not see the accident, but heard the impact while he was still running towards the van. Officer A indicated that he saw Subject 1 shift the van into drive, heard the engine rev, and then the van lunged forward towards him. Officer A stated that at this time he fired his weapon because he believed the van was about to run him over and kill him. Officer A added that he fired three shots while he moved to his left. Officer A stated that after he fired his third shot he heard another impact of the van crashing into the unmarked squad car driven by Officer C. Officer A stated that he observed Subject 1 leave the driver's seat and go to the back of van and out of his view. Officer A stated that Officers B and C came around to the side of the van. Officer C opened the side door and placed Subject 1 under arrest with assistance from Officer D. Officer A stated that once Subject 1 was brought out of the vehicle, he observed that Subject 1 was bleeding from his left shoulder. Officer A related that they called for an ambulance after they observed that Subject 1 was shot.

## INDEPENDENT POLICE REVIEW AUTHORITY

Log #1027261 / U #09-20

### CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A was **Justified** and in compliance with Chicago Police Department policy and Illinois State statutes. According to the Chicago Police Department's General Order 02-08-03, III:

- A. "a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
1. to prevent death or great bodily harm to the sworn member or to another person, or;
  2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
    - a. has committed or has attempted to commit a forcible felony which 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."

Officer A approached Subject 1's van on foot, announced his office and ordered Subject 1 to stop. Subject 1 failed to comply and began to flee by reversing through the parking lot. Officer A pursued Subject 1 on foot while other officers assisted him by pursuing the van. Subject 1 collided with a marked squad car, shifted his van into drive and the van lunged forward towards Officer A. Officer A, who in fear of his life, discharged his weapon. Subject 1 failed to cooperate with this investigation. Evidence Technician photographs documented the scene and the evidence appears to be consistent with the officers statements. The video footage of POD #000123 and the McDonald's security camera's provided evidence consistent with the officer's statements. In addition, Witness 2's statement is inconsistent with the video footage obtained from the POD and McDonald's security cameras.

Officer A was in accordance with the statute "to prevent death or great bodily harm to the sworn member or to another person" because he reasonably believed his life was in danger when Subject 1 drove his vehicle towards him. The reports document that there was a high likelihood that Officer A was in danger of "great bodily harm" described in the statute if he did not stop the threat on his life by firing his weapon.