

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1032812/U #09-57

**INVESTIGATION**

**NUMBER:** Log #1032812 / U #09-57

**OFFICER #1**

**INVOLVED:** “Officer A” (Chicago Police Officer); Female/Hispanic; 29 years old; On Duty; Plain Clothes; Year of Appointment – 2006

**OFFICER #1’s**

**INJURIES:** None Reported

**OFFICER #2**

**INVOLVED:** “Officer B” (Chicago Police Officer); Male/Black; 37 years old; On Duty; Plain Clothes; Year of Appointment – 2006

**OFFICER #2’s**

**INJURIES:** None reported.

**OFFICER #3**

**INVOLVED:** “Officer C” (Chicago Police Officer); Male/Hispanic; 25 years old; On Duty; Plain Clothes; Year of Appointment – 2007

**OFFICER #3’s**

**INJURIES:** None reported.

**OFFICER #4**

**INVOLVED:** “Officer D” (Chicago Police Officer); Male/White; 42 years old; On Duty; Plain Clothes; Year of Appointment – 1995

**OFFICER #4’s**

**INJURIES:** None reported.

**SUBJECT:**

“Subject 1”; Male/Black; 31 years old

**SUBJECT’S**

**INJURIES:** Multiple gunshot wounds. Stable Condition. Treated at St[Name Withheld] Hospital.

**INITIAL**

**INCIDENT:** Traffic Stop.

**DATE/TIME:**

29 December 2009; at approximately 1925 Hours.

**LOCATION:**

5432 S. Indiana (Beat 232)  
5654 S. Calumet (Beat 234)

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**SUMMARY OF INCIDENT:**

On 29 December 2009, at approximately 1925 hours, Officers A and E (Beat 262B) saw Subject 1, who was driving a silver Toyota, disobey a stop sign at 5600 S. Indiana Ave. The officers curbed the vehicle at approximately 5447 S. Indiana Ave. Officers A and E approached Subject 1, who misdirected their attention to a parked van and alleged that the van's occupants pointed a gun at him. Officer E radioed for assistance and approached the van while Officer A remained with Subject 1, who was still sitting in his vehicle. Assist units arrived and it was later determined that the van's four occupants were unarmed. Officer A then requested assistance with the traffic stop involving Subject 1. As a marked squad car approached from the north, Subject 1 drove away northbound on Indiana Ave. and onto the west sidewalk of Indiana Ave. Subject 1 drove north and west, over the sidewalk and struck a knee-high metal fence at 5432 S. Indiana Ave. Officers F, G, and H were standing near the parkway when Subject 1 drove directly at Officer F. Officer F attempted to move out of the way but slipped on the ice and fell to the ground. Officer F accidentally discharged his firearm when he fell to the ground. The round struck the lower rear passenger side of Subject 1's vehicle. Officer F twisted his left ankle when he slipped on the ice. Subject 1 drove west through a vacant lot and then south through the west alley of Indiana Ave. Reference Log #1032817, Accidental Discharge.

Officers I and J (Beat 946) had just dropped off a civilian near 5500 S. King Dr. when they saw Subject 1's vehicle drive south out of the alley, and almost striking them, then over the median on Garfield Blvd. Officers I and J pursued Subject 1 to

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approximately 5700 S. Calumet Ave. During the pursuit the two vehicles remained under 25 mph, as Subject 1's vehicle was dragging one of its bumpers. 002<sup>nd</sup> District officers joined the pursuit and Subject 1 drove north in the west alley of Calumet Ave. towards 56<sup>th</sup> St. Subject 1 continued east and then south on the west sidewalk of Calumet Ave. During the pursuit Subject 1 threw a white bag to Subject 2, who was standing near 5644-46 S. Calumet Ave. Officers I and J stopped pursuing Subject 1's vehicle and chased Subject 2 as Subject 1 continued to drive south on the sidewalk. Officer A's unmarked squad car was stopped facing north on the west parkway on Calumet Ave. and Officers Officer B's and D's unmarked squad car was parked west of Officer A's. The officers' cars were parked in an attempt to block Subject 1's vehicle from fleeing. Officer A exited her squad car and approached Subject 1's car. Subject 1 drove toward Officer A as she yelled, "Police! Stop the vehicle!" Subject 1 revved the engine and continued in Officer A' direction. Officer A attempted to back up but was blocked by the squad cars. Fearing Subject 1 would strike Officer A with his vehicle, Officers A, B, and D discharged their firearms several times at Subject 1.

Officers C and K arrived and parked their marked Tahoe on the west side of Calumet Ave. Officer C did not see Subject 1 drive towards Officer A, but he did hear the gunshots. Officer C saw Subject 1 exit his vehicle and saw him holding his right hand near the left side of his chest. Officer C, believing Subject 1 was armed, discharged his firearm at Subject 1. Subject 1 fell to ground and was taken into custody.

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**INVESTIGATION:**

Subject 1 did not cooperate with this investigation.

Subject 2 did not cooperate with this investigation.

During an interview with CPD Detective 1 and CPD Detective 2 on the night of the incident, Subject 2 related that he was visiting a friend named "Mark" at 5600 S. Calumet Ave. when he received a telephone call from "[Name Withheld]," whom he has known for five or six years. "[Name Withheld]" asked Subject 2 to come downstairs. Subject 2 went downstairs and saw "[Name Withheld]" driving on the sidewalk. "[Name Withheld]" lowered the passenger window and tossed a white bag containing "weed" to him. Subject 2 saw the police behind "[Name Withheld]" and ran to the third floor rear porch where he tossed the bag and was subsequently arrested. Subject 2 stated that he did not hear any gunshots.

In a statement to IPRA on 30 December 2009, Witness 1 stated that on the night of the incident he was in his third floor apartment watching television when his girlfriend, [Female Name], said that the police were chasing an unidentified individual. Witness 1 looked out his window and saw a grey, four-door, vehicle being chased by the police. Witness 1 saw the vehicle driving south on the west sidewalk of Calumet Ave. Witness 1 saw approximately twenty police cars surround the grey car. As the grey car drove south on the sidewalk Witness 1 saw a male officer standing in front of it. The car drove in a westward direction, and as the grey car passed the officer, the officer repeatedly shot at

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the driver's side of the vehicle. The grey vehicle came to a stop and its driver "rolled out" of the vehicle and fell to the ground. The driver was handcuffed and placed in an ambulance. Witness 1 did not see any other shots fired at the grey car. Witness 1 did not know how many times the first officer shot at the grey car.

No other witnesses were identified during four separate canvasses conducted by IPRA.

The Case, Arrest, and Tactical Response Reports, contained an account of the incident that was consistent with the accounts provided to the Roundtable panel and the Summary of Incident. The reports related that Subject 1 failed to stop at the stop sign located at 5600 S. Prairie Ave. Officers subsequently curbed Subject 1's vehicle, at which time Subject 1 attempted to strike Officer F, with his vehicle in an attempt to flee. Subject 1 attempted to elude the police and drove in a reckless manner. Subject 1 then delivered a large amount of suspect cannabis to Subject 2, after which he attempted to strike Officer A with his vehicle at 5654 S. Calumet Ave. Subject 2 was placed into custody after officers observed him take possession of a large white plastic bag containing suspect cannabis. The bag had been thrown from a vehicle driven by Subject 1.

Evidence Technician photographs depict the location of incident. The photographs also depict Subject 1, who appears to be lying on a hospital bed. The

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photographs also depict Officer F, who appears to have his left ankle bandaged and is utilizing a pair of crutches.

The Chicago Fire Department's Ambulance Report indicates on 29 December 2009, at 1935 hours, Ambulance #92 arrived at the location of incident. Paramedics found Subject 1 lying on the ground next to a car. Subject 1 sustained multiple gunshot wounds on his left side, left temple, left upper chest, left forearm, and left shin. Subject 1 was transported by ambulance to Stroger Hospital.

POD #884, which is located at 201 E. Garfield Blvd, depicts that at 1928 hours, a vehicle is observed crossing the median from one lane to another as four Chicago Police Department squad cars follow. All of the vehicles drove out of the view of the camera and no further activity is observed.

POD #607, which is located at 5800 S. Calumet Ave., depicts that at approximately 1933 hours multiple Chicago Police Department squad cars appear to stop in the middle of Calumet Ave. At 1935 hours, Chicago Fire Department Emergency vehicles are also seen arriving on the scene.

The In-Car Camera Recording from Beat #234 did not depict the incident involving Subject 1 and Subject 2. There were no additional In-Car Camera recordings.

A report from the Illinois State Police Division of Forensic Services dated 29 March 2010 indicated that thirteen of the fired casings were determined to have been

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fired from Officer A' firearm, twelve from Officer C's firearm, eight from Officer B's firearm, and one from Officer D's firearm. The ISP report also indicates that one fired bullet was determined to have been fired from Officer F's firearm.

CPD Detective 1 related to the Roundtable panel that after being given his Miranda Warning, Subject 1 agreed to speak to him. Subject 1 told CPD Detective 1 that he fled from the officers because he had "weed" on him. Subject 1 also explained that he was parole and did not want to go back to prison. Subject 1 stated that while he drove on the sidewalk, he threw the white bag out of his car to "Subject 2." Subject 1 said he saw the female officer (NKA Officer A) in front of his car as he drove on the sidewalk. Subject 1 said he did not follow the commands to stop. Subject 1 drove at Officer A because he did not want to go back to prison.

During an interview with CPD Detective 1 and CPD Detective 2, Subject 2 stated that he ran after observing Subject 1 throw him a bag containing narcotics. Subject 2 stated that he hid in the building but was found by the police. Subject 2 stated that he did not hear any gunshots and did not witness the shooting.

In a statement to IPRA on 04 August 2011, **Officer E** stated that on the night of the incident she was working with Officer A. Officer E stated that they were on routine patrol when she observed a vehicle driven by Subject 1 commit a traffic offense. Officer E stated that Subject 1 failed to obey a stop sign at 5600 S. Prairie Ave. and that they pulled him over near 5400 S. Indiana Ave. Officers A and E exited their vehicle and

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approached Subject 1's vehicle. Subject 1 exited his vehicle, pointed to a parked van approximately half a block away, and told the officers that the van's occupant pointed a gun at him. Officer E stated that she then approached the van to investigate. As Officer E approached the van she observed there to be more than one occupant. Officer A, who had remained with Subject 1, radioed for assistance. Officer E stated that her attention remained on the van and its occupants as she waited for assist units to arrive. Officer E stated that when the other officers arrived they had the occupants exit the van and protective pat-downs were conducted. Officer E stated that investigation revealed that none of the van's occupants were armed. Officer E stated that she did not know which officers assisted Officer A with the traffic stop involving Subject 1 because her attention was focused on the occupants of the van. Officer E stated that while she was investigating the van's occupants she heard a gunshot. Officer E stated that she did not know where the gunshot came from. Officer E had the van's occupants get on the ground for their safety because she did not know who was shooting. Officer E stated that she then saw Subject 1's vehicle drive north on Indiana Ave. followed by Officer A in their squad car. Officer E stated that she remained with the occupants of the van and did not further witness the incident involving Subject 1.

Officer A related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident.

In a statement to IPRA on 04 August 2011, **Officer A** stated that on the day of the incident she was working with Officer E. Officer A stated that Subject 1 failed to obey a



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stop sign and they pulled him over. Officer A stated that as they approached Subject 1's vehicle, Subject 1 pointed to a green van that was parked a half block away and said that the people in the van "pulled" a gun on him. Officer A stated she remained with Subject 1 while Officer E walked over to the van to investigate Subject 1's claim. Officer A radioed for assistance and waited for other officers to arrive to assist her and Officer E. Officer A stated that when she saw that Officer E and the other officers had secured the van's occupants she radioed for assistance with Subject 1. Officer A stated that Subject 1 drove away when one of the assist units approached them. Officer A stated that Subject 1 began to drive north on Indiana Ave., she ran to her squad car, and as she was running she heard a gunshot. Officer A stated that she at the time of the incident she did not know where the gunshot originated. Officer A stated that she radioed dispatch to notify them of shots fired. Officer A got into her car and chased Subject 1. Officer A lost sight of Subject 1, but a short time later she saw him driving north in the alley between Prairie and Calumet, approaching 57<sup>th</sup> St. Officer A then saw him drive east to Calumet. When Officer A reached Calumet she saw Subject 1 driving on the sidewalk towards 57<sup>th</sup> St. Officer A stated that Subject 1's vehicle appeared to have stopped. Officer A exited her car and approached Subject 1's vehicle, at which time Officer A heard Subject 1's engine "rev" and saw his vehicle driving toward her. Officer A stated that when she saw Subject 1's vehicle coming at her she discharged her firearm at Subject 1. Officer A stated that at the time she was aware that there were other officers nearby, and she heard them shooting also. Officer A did not witness Subject 2's arrest.

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Officer I related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident.

In a statement to IPRA on 04 August 2011, **Officer E** stated that on the night of the incident she was working with Officer A. Officer E stated that they were on routine patrol when she observed a vehicle driven by Subject 1 commit a traffic offense. Officer E stated that Subject 1 failed to obey a stop sign at 5600 S. Prairie Avenue and pulled him over near 5400 S. Indiana Avenue. Officers A and E exited their squad car and approached Subject 1's vehicle. Subject 1 exited his vehicle, pointed to a parked van approximately half a block away, and told the officers that the van's occupant pointed a gun at him. Officer E stated that she then approached the van to investigate. As Officer E approached the van she observed there to be more than one occupant. Officer A, who had remained with Subject 1, radioed for assistance. Officer E stated that her attention remained on the van and its occupants as she waited for assist units to arrive. Officer E stated that when the other officers arrived they had the occupants exit the van and protective pat-downs were conducted. Officer E stated that a search revealed that none of the van's occupants were armed. Officer E stated that she did not know which officers assisted Officer A with the traffic stop involving Subject 1 because her attention was focused on the occupants of the van.

In a statement to IPRA on 07 September 2011, **Officer I** stated that on the night of the incident he and his partner, Officer J, were driving west on 55<sup>th</sup> St. from King Dr. when they saw a silver Toyota Camry exit an alley then drive south onto 55<sup>th</sup> St., nearly

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striking their squad car. The Toyota's driver (NKA Subject 1) drove the car across the median and the eastbound lanes and into another alley. Officer I stated that he activated their squad car's emergency equipment while Officer J utilized his radio to notify dispatch that they were pursuing Subject 1. Officers I and J followed Subject 1 south through the alley and then across a vacant lot in the vicinity of 5642 S. Calumet Ave. Subject 1 then drove around the building and stopped on the sidewalk. Officer I saw Subject 1 throw a white plastic bag out of his car through the open passenger window to Subject 2, who was standing on the sidewalk. Subject 2 caught the bag and ran into the building through the front entrance. Subject 1 continued to drive on the sidewalk with other squads following him. Officer I stopped the squad car and Officer J exited and ran after Subject 2. Officer I stated that as he exited the squad car he heard gunshots. Officer I stated that he took cover behind the open driver's door of his squad car. When the gunshots stopped Officer I ran to Subject 1's car, which was already "surrounded by a lot of police officers." Officer I saw Subject 1 fall out of the driver's seat onto the ground where he was placed into custody. After making sure there were no other occupants in Subject 1's car Officer I ran back to the building where Officer J chased Subject 2 into. Officer I stated that he and Officer J were unable to enter the building through the front entrance because it was locked. Officer I stated that they walked around and entered the building through a rear entrance. Officers I and J located and arrested Subject 2 inside the building. The plastic bag containing the narcotics was found under a red bucket on the rear porch of the same building. Officer I stated that he did not see who was shooting during the incident. Officer I only heard the gunshots.

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In a statement to IPRA on 07 September 2011, **Officer J** related essentially the same information as his partner, Officer I. Officer J stated that after he saw Subject 1 throw a plastic bag to Subject 2, Subject 2 ran into a nearby building. Officer J exited the squad car and ran after Subject 2. Officer J stated that when he reached the front door of the building Subject 2 ran into he heard gunshots. Officer J radioed dispatch that he heard gunshots, and explained that he did not know who was shooting. Several officers, including Officer J, entered and searched the building and Subject 2 was subsequently found and taken into custody. Officer J stated that he did not witness the shooting. Officer J only heard the gunshots

Officer D related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident.

In a statement to IPRA on 08 August 2011, **Officer D** stated that on the night of the incident he was working with Officer B. Officer D stated that by the time he and Officer B arrived at 5400 S. Prairie Ave, Subject 1 had driven away with officers pursuing him. Officer D stated that he joined the chase and that he saw Subject 1 drive through an empty lot and then onto a sidewalk. Officer D stated that he then saw Subject 1 throw a bag of drugs to his friend (NKA Subject 2) that was standing in front of an apartment building. Officer D stated that Subject 2 ran into the apartment building with the bag of drugs. Subject 1 stopped the car on the sidewalk and Officer D saw Officer A approaching him on foot. Officer D heard the sound of Subject 1's vehicle accelerating. At first Officer D was afraid that that Subject 1's vehicle might strike him, but then

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realized Subject 1 was driving directly toward Officer A, who would not have been able to get out of the way. Officer D stated that he was standing on the driver's side of Subject 1's vehicle when he discharged his firearm at Subject 1. Officer D stated that Officer B also discharged his firearm at the passenger side of Subject 1's car. Officer D stated that Subject 1's vehicle veered to the right and stopped. Officer D then handcuffed Subject 1.

Officer B related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident.

In a statement to IPRA on 08 August 2011, **Officer B** stated that on the night of the incident he was working with Officer D. Officer B stated that he and Officer D responded to a call of an assist with a vehicle pursuit. Officer B stated that the first time he saw Subject 1's car it was traveling north through an alley. Officer B stated that they joined the chase. Subject 1's vehicle went around the block and drove through an empty lot and then south on the sidewalk. Subject 1's vehicle came to a stop on the sidewalk. Officer B saw Officer A exit her vehicle and approach Subject 1's vehicle. Officer B stated that Subject 1's car then accelerated towards Officer A. Officer B stated that he discharged his firearm seven or eight times at Subject 1 from the passenger side of his car. Officer B also discharged his firearm at Subject 1. Officer B also stated that he heard Officer A order Subject 1 to stop and exit his vehicle.

Officer C related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident.

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In a statement to IPRA on 09 August 2011, **Officer C** stated that on the night of incident he was working with Officer K. Officer C stated that they responded to the radio call of Subject 1 fleeing from the traffic stop. Officer C stated that the first time he saw Subject 1's vehicle was when he was driving north through the alley west of Calumet Ave. Officer C stated that Subject 1 drove south on the sidewalk towards them. Officer C stated that when Subject 1's vehicle stopped he (Officer C) exited his SUV and approached the front of Subject 1's vehicle. Subject 1 exited his vehicle and lunged towards Officer C. Officer C also heard gunshots and believed Subject 1 was shooting at him. Officer C then discharged his firearm several times at Subject 1.

Officer K related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident.

In a statement to IPRA on 09 August 2011, **Officer K** stated that on the night of the incident he was working with Officer C. Officer K stated that he and Officer C responded to the radio call to assist with the traffic stop involving Subject 1. Before they reached the traffic stop they saw other police cars chasing Subject 1's vehicle. Officer K joined the chase and subsequently saw Subject 1's vehicle driving south on sidewalk approaching them. Officer K stopped the marked Chevy Tahoe, and before he could exit the Tahoe he heard gunshots. Officer K exited the Tahoe and took cover behind a nearby tree because he did not know where the gunshots were coming from. Officer K did not discharge his firearm.

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**CONCLUSION AND FINDING:**

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

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 involved the infliction, threatened infliction, or threatened use of physical force like to cause death or great bodily harm;
    - b. attempted 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."

The officers' actions met the requirements of the Department's deadly force policy. The involved officers provided separate and consistent accounts of the incident, that Subject 1 failed to comply with the officers' orders to exit his car after he stopped on the sidewalk. Subject 1 also revved his engine and drove his car directly at Officer A, placing the officers in fear of Officer A being injured or killed.