

INDEPENDENT POLICE REVIEW AUTHORITY

LOG# 1041178/U# 10-39

**INVESTIGATION**

**NUMBER:** LOG# 1041178/U# 10-39

**OFFICER #1**

**INVOLVED:** “Officer A” (Chicago Police Officer); Male/White; 29 years old;  
On-duty; In Civilian Dress; Year of Appointment – 2006

**OFFICER’S**

**INJURIES:** Abrasions to the right knee, neck, left torso and left underarm area.

**SUBJECT:** “Subject 1”; Male/Black; 21 years old

**SUBJECT’S**

**INJURIES:** Multiple gunshot wounds (FATAL).

**INITIAL**

**INCIDENT:** Attempted street stop.

**DATE/TIME**

**OF INCIDENT:** 02 Nov 10, 1307 hours

**LOCATION:**

5852 S. Western Avenue  
**Beat 824**

**SUMMARY OF INCIDENT:**

On 02 Nov 10 at approximately 1300 hours, Officer A and Officer B, both assigned to the Area One Gun Team, were conducting a surveillance of the Kentucky Fried Chicken parking lot after receiving citizen complaints of drug and gang activity in that location. The officers were in an unmarked squad car, in civilian clothing, with Officer A driving. Officers A and B attempted to stop a 4-door green Nissan Maxima that was observed making a drug transaction in the parking lot. Officer A drove into the driveway of the restaurant with the emergency lights activated and the officers announced their office as they exited the squad. The driver of the Nissan, now identified as Subject 1, drove southbound through the restaurant parking lot with Officers A and B chasing the car on foot and continuing to announce their office. Officer A then attempted to reach into the vehicle through the front passenger door window that was partially down, in an effort to turn off the ignition. He became wedged in the window and was being dragged along the pavement. Officer A repeatedly ordered Subject 1 to stop the vehicle. Subject 1 refused to comply and drove out of the parking lot, turning left onto eastbound 59<sup>th</sup> Street toward Western Avenue. Officer B was running alongside the vehicle, on the driver's side, repeatedly ordering Subject 1 to stop the car. Subject 1 was still driving the vehicle and dragging Officer A when Officer A was able to draw his service weapon and fire several times at Subject 1. Subject 1's vehicle came to a stop when it struck the rear of a vehicle that was stopped in traffic. Officer A was injured and transported to Holy Cross Hospital where he was treated and released. Subject 1 was also injured and transported to Stroger Hospital, where he was pronounced dead.<sup>1</sup>

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<sup>1</sup> The information for the Summary of Incident was obtained from the Chicago Police Department's Case Supplementary report. At the time of this incident the Roundtable panel was no longer being conducted and the IPRA had not yet implemented the post-shooting report that is completed after a police-involved shooting. The post-shooting report was implemented in August 2011.

INDEPENDENT POLICE REVIEW AUTHORITY

LOG# 1041178/U# 10-39

**INVESTIGATION:**

In a formal statement to the IPRA on 02 Nov 10, **Witness Member Officer B** stated that he and Officer A were working as part of a narcotics team with CPD Sergeant 1 and Officer C who were in different locations in separate vehicles. Officer C's job was to notify Officers A and B when a drug transaction occurred. Officers A, B, and CPD Sergeant 1 were the enforcement vehicles, conducting the arrests. Officers A and B were parked on the southeast corner of 60<sup>th</sup> Street and Campbell Avenue. Officers A and B were given instructions to stop a green Nissan Maxima containing two occupants. Officer C informed them that the vehicle was exiting the Kentucky Fried Chicken (KFC) parking lot, heading to 59<sup>th</sup> Street. The officers drove from eastbound on 59<sup>th</sup> Street, turning north into the KFC parking lot, coming nose to nose with the Nissan Maxima. Officer A activated the squad car's emergency equipment and both officers exited the squad car.

Officer B approached the driver's side and Officer A approached the passenger side while announcing their office. Officer B reached the vehicle and tried to open the driver's side door, but it was locked. At that point, Subject 1 reversed the vehicle until it struck another vehicle. Once Subject 1 ignored Officer B's commands and began reversing the vehicle, Officer B withdrew his weapon. As the vehicle was reversing, Officers A and B followed it on foot, jogging alongside it, all the while continuing to order Subject 1 to stop the vehicle. Officer B tried to kick open the driver's side window but was unsuccessful then noticed that it was open by several inches. Subject 1 put the vehicle in drive and began driving forward; as the vehicle moved forward, Officer B observed that Officer A's upper torso was inside the vehicle, in the front passenger seat, and the other half of his torso was outside of the vehicle. Subject 1 continued driving, exiting the parking lot and turning east on 59<sup>th</sup> Street. Several seconds later, Officer B heard several gunshots but could not see who fired a gun. At approximately the same time, Officer B called a 10-1 over the radio and made notification of shots fired. Subject 1's vehicle continued east at a high rate of speed until it crashed into another vehicle on the street, causing it to come to a stop. Officer B had been running behind Subject 1's vehicle and caught up to it after it crashed. Officer B holstered his weapon and pulled out his baton as he reached Subject 1's vehicle and shattered the driver's side window. Officer B was able to reach in and unlock the door. It was at that time that Officer B observed that Subject 1 appeared to have been shot. Officer A appeared to be okay and was handcuffing Subject 1's hands. Officer B requested an ambulance for Subject 1. Officer B stated that it was only later that he observed Officer A seemed to be injured from the incident, as he looked visibly uncomfortable and in pain.

In a formal statement to the IPRA on 02 Nov 10, **witness Member Officer C** stated that he was working with Officer A, in civilian clothing, and was conducting a narcotics surveillance in the area of 59<sup>th</sup> Street and Western Avenue. Earlier in the day, Officer C received information from a confidential informant that occupants in a green Nissan Maxima had been selling narcotics in the area. Officer C set up his surveillance in the parking lot of the KFC restaurant in a covert vehicle, Officer A and B were in the enforcement vehicle. Officer C's job was to inform Officers A and B when he observed

INDEPENDENT POLICE REVIEW AUTHORITY

LOG# 1041178/U# 10-39

a drug transaction occur so they could stop the vehicle. Officer C was parked in the northwest corner of the parking lot when he observed the green Nissan Maxima turn into the parking lot. After observing a hand to hand transaction, which he believed to be a narcotics transaction between two males who approached the green Maxima and the occupants of the Maxima, Officer C radioed the enforcement vehicle. Officer C then radioed CPD Sergeant 1 and provided a description of one of the males who purchased narcotics, a white male, so that CPD Sergeant 1 could stop him. Because two people purchased narcotics and only one could be stopped, Officer C picked the white male because he knew it would be harder for him to blend into the area.

Officer C observed Officers A and B's vehicle approach the parking lot and turn in as the green Maxima was about to exit, so the two vehicles ended up nose to nose. Both officers exited the squad car and approached the green Maxima, Officer A on the passenger side and Officer B on the driver's side. The officers announced their office and told the occupants of the green Maxima to show their hands. Subject 1 backed the vehicle up, hesitated, then continued backing up until he struck another vehicle in the parking lot. At that time, Officers A and B were running to keep up with the vehicle, giving commands to stop the vehicle. The officers caught up to Subject 1's vehicle and tried to open the car doors. Officer B tried kicking in the window on the driver's side but was unsuccessful. Officer C could hear Officers A and B both repeatedly yelling at Subject 1, "Stop the car!" "Turn the car off!" and "Show me your hands!" Subject 1's vehicle began driving forward again and Officer C could see Officer A's upper body inside of Subject 1's vehicle.

Officer C exited his vehicle to assist the officers and ran towards Subject 1's vehicle to assist Officer A, who was being dragged as the vehicle continued moving out of the parking lot and east onto 59<sup>th</sup> Street.<sup>2</sup> As Subject 1's car turned onto the street, Officer C heard one gunshot. As Subject 1's car continued east on 59<sup>th</sup> Street, Officer C was running to catch up to it, and heard several more gunshots, approximately eight, coming from the car.<sup>3</sup> Officer C could hear Officer A yelling, "Stop the car! Stop the car!" and observed that Officer A was still stuck in Subject 1's car until it crashed into another vehicle on the street. Subject 1's car came to a stop and Officer A was able to get out of the car. Officer A went around to the driver's side to secure Subject 1. Officer C reached the passenger side of the vehicle, opened it and removed a black female, later identified as, Witness 1, that was seated in the front seat. Officer C handcuffed her and placed her inside of a police vehicle then went into the Kentucky Fried Chicken and arrested the white male who had purchased the narcotics from Subject 1.

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<sup>2</sup> Officer C stated that up until that point he had not exited his covert vehicle because he did not want to identify himself to anyone as a police officer. Officer C assumed that Officers Campbell and Martis would place Subject 1 into custody without any complications and they would continue working and making arrests.

<sup>3</sup> Officer C stated that Officer B was initially in front of him, closer to Subject 1's vehicle but Officer C lost sight of him once he caught up to Subject 1's vehicle and did not recall Officer B' actions or location until after the incident.

INDEPENDENT POLICE REVIEW AUTHORITY

LOG# 1041178/U# 10-39

In a formal statement to the IPRA on 03 Nov 10, **Involved Officer A** stated that he was working with CPD Sergeant 1, Officer C and Officer B. The four of them were conducting surveillance after receiving information that narcotics were being sold in the vicinity of the KFC. After being notified by Officer C that a green Maxima was involved in a narcotics transaction, Officers A and B attempted to stop the driver of the vehicle. After their vehicles came nose to nose, Officers A and B exited their squad and began approaching Subject 1's vehicle, while announcing their office and ordering Subject 1 to show his hands. Subject 1 began reversing his vehicle, then briefly stopped before continuing in reverse. Officer A realized that Subject 1 was going to strike a vehicle behind him and decided to reach inside of Subject 1's vehicle in an attempt to pull the keys out of the ignition. Officer A stated that Subject 1 was looking at him and Officer B and did not see that he was going to strike the vehicle behind him. Officer A did not think that Subject 1 would stop regardless because he had so far ignored the officers' commands to stop. Officer A decided to try and reach into Subject 1's vehicle and take the key out of the ignition before Subject 1 struck the vehicle behind him.

The passenger window of Subject 1's vehicle was partially open, so Officer A reached in with both hands, and with his gun in his right hand, tried to pull the key out of the ignition with his left hand. Officer A's upper torso was inside the car and the lower half of his body remained outside of the vehicle. As Officer A reached into the vehicle, at the point of impact between the two vehicles, he felt Subject 1 switch the gear into "drive." Officer A started yelling at Subject 1 to stop the car and also tried to put his feet down and pull himself out of the vehicle but realized he could not get put his feet down to pull himself out. The passenger in the car, Witness 1, had pushed herself back in the seat and was also repeatedly yelling for Subject 1 to stop the car. Officer A stated that although his body was not facing Subject 1's he was still in a position where he was pointing his gun at Subject 1's chest. Officer A repeatedly yelled at Subject 1 to stop the car. Subject 1 ignored Officer A and kept driving forward, heading towards the restaurant entrance/exit, off of 59<sup>th</sup> Street. Officer A feared that Subject 1 was going to cause him to strike his own squad car because the squad was parked at the entrance to the restaurant and Subject 1 was driving in that direction. Officer A did not think there was enough room for Subject 1's vehicle to get by without Officer A being struck. In fear for his life and safety, Officer A fired at Subject 1's chest/torso area for the first time. Officer A said he was facing Subject 1's right side but still had clear aim to Subject 1's torso/chest area or mass center.

Immediately after firing, Officer A felt the car turn onto 59<sup>th</sup> Street. In fear that Subject 1 would strike another car, or street light, and put Officer A's life in danger, Officer A fired a second time at Subject 1. Throughout this time, Officer A continued trying to put his feet down in order to get out of the car but was unable to because Subject 1 was driving at a fast rate of speed and when his feet touched the pavement, they were thrown back up again. Officer A realized that Subject 1 had no intention of stopping and was in fact, accelerating the vehicle faster. Officer A fired his gun at Subject 1 multiple times. Officer A estimated he fired approximately thirteen times at Subject 1's chest/torso area. Officer A fired with his right hand and was holding onto the door with his left hand. As the vehicle was still moving and Officer A was firing, he felt a hard

INDEPENDENT POLICE REVIEW AUTHORITY

LOG# 1041178/U# 10-39

impact and Subject 1's vehicle came to a stop. Officer A felt the threat was over and stopped firing although he did not know at that time what the vehicle struck. Officer A was able to get his feet down on the ground and pull himself out of Subject 1's vehicle.

Upon getting out of Subject 1's vehicle, Officer A immediately went around to Subject 1's side where Officer B was already trying to open the car door. The door was locked and Officer B struck the window with his ASP and opened the door from the inside. Officer A placed handcuffs on Subject 1. Officer A observed Officer C place Witness 1 in custody and ambulances were called for both Officer A and Subject 1. Officer A related the events to CPD Sergeant 1, who had just arrived on the scene.<sup>4</sup> Officer A stated he was injured in the incident and was treated at Holy Cross for pain, bruising and abrasions in his left shoulder.

In a statement to the IPRA on 03 Nov 10, **Witness 2**, stated he was on his lunch break at approximately 1430 hours, walking northbound to the KFC restaurant. Witness 2 stated he was entering the KFC via the south entrance of the restaurant when he observed two white male officers in plainclothes. The officers had their hands on their holsters and were standing on either side of a green Maxima or Altima that was at the entrance/exit of the restaurant. Both of the officers were yelling, "Get out of the car!" to the driver of the green Maxima/Altima, a black male, and the front passenger, a black female. Witness 2 stated the windows of the green Maxima/Altima were closed and the occupants refused to exit the vehicle. One of the officers, Officer #1 on the driver's side, attempted to open the car door but the door was locked. Officer #1 kicked the car window as the car started going in reverse. The other officer, Officer #2, shot at the windshield from the passenger side. The driver placed the vehicle in drive and drove off eastbound onto 59<sup>th</sup> Street as Officer #2 held onto the car.<sup>5</sup> Witness 2 stated he observed Officer #1 shoot at the driver's side of the green Maxima/Altima and Officer #2 shoot towards the driver. Witness 2 observed the car come to a halt when it crashed into the back of an SUV that was waiting at the light at 59<sup>th</sup> Street and Western Avenue. Witness 2 stated he observed Officer #1 fire his weapon approximately 3-5 times and Officer #2 fire his weapon approximately 3 times.

In a statement to the IPRA on 02 Nov 10, **Witness 3** stated that he was selling bottled water and soda at the intersection of 59<sup>th</sup> Street and Western Avenue when he observed a black male in a green colored vehicle, parked in the parking lot of the KFC. Witness 3 stated he knows this individual to be a drug dealer who sells drugs out of his vehicle. Witness 3 approached the black male and purchased a bag of heroin from him. A black female that Witness 3 knows only as "[Nickname]" was also in the car in the front passenger seat. Witness 3 walked away from the vehicle and observed other individuals approach to buy drugs. Witness 3 then observed the green car head

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<sup>4</sup> Officer A stated that to his knowledge, CPD Sergeant 1 did not witness the incident because after Officer C gave the details about the persons buying narcotics as well as those selling them, CPD Sergeant 1 went to stop the individuals who had purchased the narcotics. The interview of CPD Sergeant 1 by detectives confirmed he did not witness any part of the incident and did not hear gunshots.

<sup>5</sup> Witness 2 was unable to describe exactly how Officer #2 was holding onto the green Maxima/Altima as his view was from the driver's side of the vehicle.

INDEPENDENT POLICE REVIEW AUTHORITY

LOG# 1041178/U# 10-39

westbound to the west exit of the parking lot. Two white male police officers in plainclothes approached the vehicle, yelling, "Chicago Police! Stop the vehicle! Don't move!" Witness 3 stated that the officers were wearing vests and holding their police badges in their hands. The green vehicle went in reverse. Upon observing the officers, Witness 3 walked eastbound towards Western Avenue then northbound on Western Avenue. Witness 3 went behind a vehicle and snorted the heroin then returned to the KFC parking lot and entered the restaurant and pretended to be in line to order food, in order to avoid detection by the police. A police officer entered the restaurant, grabbed Witness 3 and told him, "Let's go." Witness 3 stated he never heard any gunshots fired.

In a statement to the IPRA on 02 Nov 10, **Witness 4** stated that he is homeless and was in the area of 59<sup>th</sup> Street and Western Avenue, panhandling, when he observed the car that he usually buys drugs from in the KFC parking lot. Witness 4 then observed two males run over to the car and purchase drugs. Witness 4 knows one of the individuals, the white male, as Barney, who also panhandles on one of the street corners. The other individual was an unknown black male. Witness 4 was panhandling at the time and did not pay much attention until he heard screaming. Witness 4 turned around and observed two police officers running towards the car that was selling drugs and heard the officers yelling, although he could not make out what they were saying. Witness 4 knew they were police officers because both of them had their guns out and stated they looked like "military" guys. Witness 4 then observed the black car driving out of the parking lot with one of the officers half inside the car, on the passenger side, as the car was driving. The other officer was chasing the car on the driver's side, and yelling but Witness 4 could not hear what the officer was yelling. The car kept driving towards the exit and Witness 4 heard several gunshots. Immediately after hearing the gunshots, Witness 4 ran to the southeast corner of the Pizza Hut restaurant and lay on the ground. The building itself was in front of Witness 4 so that he was safe from the gunfire. Witness 4 stated that he did not know who was firing a gun but heard what he thought was approximately 30 gunshots. Witness 4 heard a screech followed by a crash but did not see what crashed. Witness 4 stood up and then observed a lot of police vehicles in the area but did not witness anything further.

In a statement to the IPRA on 02 Nov 10, **Witness 5** stated she is homeless and was panhandling on the corner of 59<sup>th</sup> Street and Western Avenue when she observed two or three police officers running from the Pizza Hut parking lot across the street to the KFC parking lot towards a black or dark colored car that was either in the KFC parking lot or on Artesian Street, right next to the KFC parking lot. Witness 5 knew the men were police officers because they were wearing black vests and she could see their guns as they ran and she heard them yell, "Police!" "Stop!" Witness 5 was standing approximately a block away from the Pizza Hut parking lot as she observed the car turn around in the parking lot and attempt to get away. One of the officers was running alongside the car and it looked to Witness 5 like the officer was trying to grab onto either the car or the steering wheel on the driver's side as the car kept moving east on 59<sup>th</sup> Street. It did not appear that the officer was being dragged by the car but more like the officer was trying to hold onto it. Witness 5 heard approximately 8-9 gun shots and so

she ran east, but turned around and saw the car strike an SUV. Witness 5 did not see or know who fired the gun(s) or the occupants of the black or dark colored car.

In a statement to the IPRA on 02 Nov 10, **Witness 6** stated he was working at J & M Body Shop at 2423 W. 59<sup>th</sup> Street when he heard yelling outside. Witness 6 exited the shop and observed a male running behind a green Nissan Maxima that was driving east. Witness 6 realized the male was a police officer when he observed handcuffs and a gun on the male's side. The officer was yelling, "Freeze!" "Stop!" Witness 6 also observed another male holding onto the front passenger door while being dragged by the Nissan Maxima. The passenger window was rolled down and the officer's left hand was inside the vehicle. The officer pulled his gun out and fired approximately 10 times. The Nissan then crashed into a Ford that was driving eastbound on 59<sup>th</sup> Street. When the Nissan came to a complete stop, the officer that fired stood up and fired one more round into the vehicle. Witness 6 was unable to observe the driver of the Nissan Maxima. The officer who had been running behind the car arrived and took his gun out and pointed it at the driver's side. Another police vehicle, a Tahoe, arrived and two uniformed officers exited. One of the officers opened the rear passenger door and pulled a female out. The second officer went to the driver's side, took out a "stick" and broke the window.

In a statement to the IPRA on 03 Nov 10, **Witness 1** stated she was the passenger in a grey Nissan Maxima with a black male she only knows as "[INITIALS]" or "[First Name]." Witness 1 stated she has known "[INITIALS]" for approximately six months. The two of them parked in the KFC parking lot and were immediately approached by two males who purchased narcotics from "[INITIALS]." Both Witness 1's window and "[INITIALS]" windows were partially open. As soon as the transactions were done, "[INITIALS]" began driving back towards the parking lot exit but as they approached it, an unmarked Crown Victoria with emergency lights flashing entered the lot and prevented "[INITIALS]"'s car from exiting. Two officers in plainclothes exited the unmarked car and approached the Nissan Maxima with their guns drawn, yelling, "Don't fucken' move!" As the officers approached the car, "[INITIALS]" rolled up his window and began driving in reverse, away from the officers. Their vehicle struck a parked pickup truck and they momentarily stopped. One of the officers approached the driver side window and struck the window repeatedly with his gun. At the same time, the second officer leaned into Witness 1's open window, from the waist up, while holding a gun in both hands. The officer pointed the gun at "[INITIALS]" and yelled, "Don't fucken' move!" "[INITIALS]" continued driving forward toward the open space between the Crown Victoria and the perimeter of the parking lot exit towards 59<sup>th</sup> Street.

As the Nissan Maxima exited the parking lot and turned east onto 59<sup>th</sup> Street, the officer inside of the vehicle began firing at "[INITIALS]" numerous times. Witness 1 stated that the officer never tried to reach for the steering wheel, nor did he try to remove the keys from the ignition. The officer kept both of his hands on his gun and continuously fired at "[INITIALS]." Witness 1, in fear for her safety, pushed the gun away from her so that none of the ammunition would strike her. Almost immediately, the Nissan Maxima struck a parked car and the front passenger air bag deployed, then immediately deflated. The officer fired approximately three more times then exited the



car, opened the passenger door, pulled Witness 1 from the car and handcuffed her. The other officer arrived along with multiple police vehicles and an unknown officer broke open the driver's side window of the Nissan Maxima and pulled "[INITIALS]" from the vehicle. Witness 1 stated she was not hurt during the incident.

In an interview with the IPRA on 02 Nov 10, **Witness 7** stated she was parked in the KFC parking lot working on her computer in her car when she observed two officers running towards a dark blue car. Inside the dark blue car were a female and male. The male was driving and the officers were yelling at the male occupant to get out of the car and to stop the car. Witness 7's line of sight allowed her to see the driver's side of the dark blue car and she observed one of the officers kicking the car until the moon roof popped out. The driver of the dark blue car drove the car towards the street and one of the officers had his gun out and was chasing behind the car. Witness 7 was unable to see the officer that was on the passenger side. The dark blue car crashed into another car that was on the street and Witness 7 got out of her car and started taking pictures after that happened.

A **canvass** was conducted and additional witnesses, Witness 8 and Witness 9 were located and interviewed.<sup>6</sup> There were no police observation devices (PODS) in the vicinity of this incident.

In a telephone conversation with the IPRA on 05 Nov 10, **Witness 8**, stated he was unavailable for an in-person interview, related that he works as a driver for a food service company. He and another employee, "[Male First Name]", were making a delivery to the Pizza Hut restaurant across the street from the Kentucky Fried Chicken restaurant at the time of the incident. Witness 8 stated he was outside with the truck when he observed a Hispanic woman running towards him while motioning with her hand. Witness 8 looked to his left and observed a white male or Hispanic male dressed in "street clothes" holding onto the passenger side of a dark colored car that was moving east on 59<sup>th</sup> Street, west of Western Avenue. The male's feet were sliding on the street as he held onto the car. Witness 8 heard what he described as six "pops" and took cover in the truck's trailer.<sup>7</sup> Witness 8 exited the truck trailer and observed a second white male or Hispanic male, also dressed in "street clothes" holding a gun. This male was running towards the dark-colored car and Witness 8 observed that the dark colored car had damage to the front because it had struck the rear of a Ford Explorer on 59<sup>th</sup> Street. Following the incident, Witness 8 and "[Male First Name]" made a delivery to the Kentucky Fried Chicken restaurant on the north side of 59<sup>th</sup> Street. Witness 8 stated that "[Male First Name]" did not witness the incident and was uncertain of "[Male First Name]'s" last name.

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<sup>6</sup> The names of several Pizza Hut employees: Employee #1, #2, and #3 were provided to IPRA during a canvass as possible witnesses. However, a subsequent telephone conversation with one of the employees, Employee #3, determined that none of the employees were witnesses as they were all inside, working at the time the incident occurred.

<sup>7</sup> Witness 8 estimated that he was standing approximately 20-25 feet from the dark colored car and observed only the back of the white/Hispanic male.

In a statement with the IPRA on 04 Nov 10, **Witness 9** stated that he was working as a mechanic at Marquette Frame and had parked a vehicle outside when he heard the sound of tires squealing followed by what he thought sounded like two gunshots. He turned and observed a silver-colored four door vehicle crash into a black Ford Explorer, in the eastbound lane of 59<sup>th</sup> Street, approximately 100 yards from where he was standing. Witness 9 could not see who was driving the silver colored car because the sun was in his eyes and there was steam coming out of the car after it crashed. Witness 9 observed a white male officer in plainclothes and vest run up to the driver's side of the silver vehicle and yell at the driver, although Witness 9 could not hear what he was saying. The silver vehicle continued to rev its engine, pushing the Ford Explorer. The officer then drew his firearm with his right hand, pointed it at the driver's side and fired three to four rounds. A second officer appeared on the passenger side of the vehicle and looked inside. Witness 9 entered the mechanic shop and told someone to call the police.<sup>8</sup>

**Department reports including the Case Supplementary Report** include accounts of the incident that are consistent with the Summary of Incident and the accounts provided to IPRA.

Attempts to contact **Witness 10 and Witness 11** were met with negative results. The address they provided as their home address was not a correct address. Both witnesses gave statements to Chicago Police detectives, which are summarized below.

**Witness 10** related to detectives that he was driving a Ford Explorer and in the vehicle with him was Witness 11. Witness 10 was stopped in traffic, facing eastbound at 59<sup>th</sup> Street and Western Avenue when he heard people shouting then heard several gun shots. Witness 10 pulled his vehicle closer to the curb and a vehicle struck the rear of his vehicle, causing damage. Witness 10 did not observe the shooting.

**Witness 11** related to detectives that he was seated in the front passenger seat of the Ford Explorer when he heard yelling then several gun shots. Witness 11 then felt a car strike the rear of the Ford Explorer.

The **Chicago Fire Department's Ambulance Report** indicates that paramedics responded to a call of a gun shot victim at 59<sup>th</sup> Street and Western Avenue. Upon arriving, paramedics encountered the subject, Subject 1, unresponsive, in the driver's seat of a vehicle. Subject 1 had multiple gunshot wounds in the chest, abdomen and both arms. Subject 1 was removed from the vehicle with no vital signs and was transported to Stroger Hospital.

Paramedics also encountered an on-duty CPD officer, identified as Officer A who had been involved in a traffic stop and was dragged several feet by a vehicle while hanging out of the driver's side window. Officer A denied being dragged on the ground and complained of left shoulder pain. Officer A was transported to Holy Cross Hospital.

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<sup>8</sup> A security camera on the exterior of the mechanic shop was viewed but did not contain any images relative to the incident. Witness 9 initially stated he would make a copy of the video available to the IPRA but later stated the video had been accidentally erased and the IPRA was unable to obtain a copy of it.

**Medical records** from Stroger Hospital for Subject 1 were not available. The hospital did not have any records of treatment for Subject 1 rendered on 02 Nov 10.<sup>9</sup>

**Medical records** dated 02 Nov 10, from Holy Cross Hospital, indicate Officer A was treated for a sprain to his left shoulder and was referred for physical rehabilitation.

The **Tactical Response Report** for Officer A indicates he fired his gun (12) times.

An **Alcohol and Drug Test** was conducted on Officer A. The testing consisted of a twenty minute observation period and a breath test and resulted in a Blood Alcohol Content (BAC) reading of .000.

The **Office of Emergency Management Communications (OEMC)** Event Query indicates that at 14:13:15 a notification of shots fired was made. The notification indicated that all officers were okay but an offender had been shot and two ambulances were needed; one for the offender and one for an officer who was not seriously injured.

**Evidence Technician Photographs and Crime Scene Videotape** depict the crime scene; Subject 1's vehicle; the officer's unmarked vehicle; Officer A and his injuries; Subject 1 and his injuries at Stroger Hospital; and various locations and evidence of the crime scene.

A report from the **Illinois State Police, Division of Forensic Services (ISP)** dated 09 Dec 10, indicated that Officer A's weapon was examined, found to be in firing condition and test fired. The report further reflects that of the fired evidence recovered at the scene: (12) twelve Winchester 9 mm Luger + P fired cartridges cases, located inside of Subject 1's vehicle, were fired from Officer A's weapon; and (3) fired bullets and (1) fired bullet fragment, recovered from the Medical Examiner's Office, were fired from Officer A's weapon;<sup>10</sup> (1) one Magtech/CBC 9mm Luger fired cartridge case, located in the parking lot of 5852 S. Western Avenue, was not fired from Officer A's weapon; and (3) three fired bullet jacket fragments located on the pavement at 5820 S. Western Avenue were not fired from Officer A's weapon.

An **ISP** report dated 10 Jan 12, indicated that a Gunshot Residue (GSR) Collection Kit administered to Subject 1 was examined by Scanning Electron Microscopy (SEM) for the presence of Primer Gunshot Residue (PGSR). The results indicated that Subject 1 discharged a firearm, contacted a PGSR related item, or had both hands in the environment of a discharged firearm.

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<sup>9</sup>The medical records received from Stroger Hospital were for treatment that Subject 1 received on 17 Oct 10. The R/I called Stroger Hospital, Medical Records Section, and spoke to "[Female First Name]" who stated there was no record of treatment rendered on 02 Nov 10 under Subject 1's name or under "John Doe."

<sup>10</sup> Fired/unfired evidence locations were determined by cross referencing the Crime Scene Processing Report's photographs, markers and inventory numbers with the ISP report dated 09 Dec 10.

The Cook County **Medical Examiner's Report** of Postmortem Examination indicates that Subject 1 had a gunshot wound on the right side of his chest that fractured the eighth rib, and coursed into the left side of the chest where a deformed medium caliber copper-jacketed bullet was recovered; a gunshot wound on the right side of his chest that fractured his ninth rib that exited the left side of the abdomen, then coursed side to front, right to left and slightly upward; a gunshot wound of the right lateral buttock that entered the pelvic cavity then coursed into the left side of the abdomen with a deformed medium caliber copper-jacketed bullet was recovered; a gunshot wound of the right side of the abdomen that courses through tissue and muscle, exiting on the left side of the abdomen where the gunshot wound is shored; a graze wound on his inner right thigh; a gunshot wound on the right outer arm that exited on the inner right arm; a gunshot wound of the right outer arm that coursed through tissue and muscle, fragmenting the bullet, which was recovered in the muscle of the right arm; a graze wound on the right posterior hand; a gunshot wound on the left anterior arm which coursed through the muscle and into the outer arm where a deformed medium caliber copper-jacketed bullet was recovered; and a gunshot wound on the left anterior inner forearm which coursed through the tissue and exited on the distal left anterior forearm. None of the bullet entrances revealed evidence of close-range fire. The cause of death was a result of multiple gunshot wounds; the manner of death was homicide. The medical examiner photographs depict Subject 1's body at different stages of the autopsy; his injuries and the recovered bullets/fragments.

**CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by Officer A was in compliance with Department policy. According to the Chicago Police Department's General Order No. 02-08-03, III. *Department Policy*:

- 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 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 was justified in using force likely to cause death or great bodily harm as Subject 1 was placing him in danger of death or great bodily harm by driving while Officer A's body was partially stuck in the vehicle. Subject 1 did not provide Officer A the opportunity to exit the vehicle, even after repeated commands to stop the vehicle. By not stopping the vehicle, Subject 1 was using the vehicle as a deadly weapon and placing Officer A in danger of death or great bodily harm.