

**INDEPENDENT POLICE REVIEW AUTHORITY  
LOG#1042384/U#-11-01**

**INVESTIGATION**

**NUMBER:** Log#1042384

**OFFICER**

**INVOLVED #1:** “Officer A” (Chicago Police Officer); Male/White; 40 years old;  
On Duty; Uniform; Year of Appointment – 1998

**OFFICER’S**

**INJURIES:** None reported

**WITNESS**

**OFFICER:** “Officer B” (Chicago Police Officer); Male/White; 54 years old;  
On Duty; Uniform; Year of Appointment – 1999

**OFFICER’S**

**INJURIES:** None reported

**SUBJECT:**

“Subject 1”; Male/Black; 29 years old

**SUBJECT’S**

**INJURIES:** Gunshot wound—Deceased

**DATE/TIME:**

01 January 2011, 0152 hours

**LOCATION:**

834 E. 79<sup>th</sup> St, Chicago, IL 60619

## **INDEPENDENT POLICE REVIEW AUTHORITY**

**LOG#1042384/U#-11-01**

### **SUMMARY OF INCIDENT:**

Officers A and B began their tour of duty on 31 December 2010 at approximately 1900 hours. The officers were in a marked Crown Victoria parked northbound on Maryland when they heard a loud thud come from the west. The officers recognized this sound to be a car accident, so they proceeded to 79<sup>th</sup> Street in the direction of the incident. As they drove, several on lookers told the officers that someone hit a lady and did not stop. The officers then observed a bus shelter located on 847 E. 79<sup>th</sup> Street in front of Happy Liquor Store that appeared to have been struck by a vehicle and destroyed. The witnesses positively identified the offender's GMC SUV to the police officers, which was located in the lot of a Marathon gas station. The SUV then started to approach the marked police vehicle, so Officer A exited the car and positioned himself in front of the squad car with his gun drawn. Officer A loudly ordered the GMC SUV to stop multiple times, but the driver did not obey his verbal commands. During this time, the driver of the GMC SUV continued to drive directly at Officer A, closing the gap between the GMC SUV and Officer A. The driver of the GMC SUV then revved the engine and gunned the accelerator towards Officer A. In fear for his life, Officer A fired three shots at the driver. The driver of the GMC SUV quickly turned and drove at a high speed rate eastbound on 79th Street. At this time, Officers A and B had already reported shots fired by police, thus, several units were already chasing after the GMC SUV. The GMC SUV eventually came to a stop after plowing over several parking meters and crashing into a building. The offender was removed from the GMC SUV and placed in handcuffs.

## INDEPENDENT POLICE REVIEW AUTHORITY

LOG#1042384/U#-11-01

### INVESTIGATION:

In a statement to IPRA, **Officer A** stated that on 01 January 2011, he was working with his partner, Officer B. Officer A stated that he and his partner were in their marked squad car parked northbound on Saint Lawrence<sup>1</sup> when he heard a loud thud, which he immediately recognized as a car accident. He reported that as he put the car in drive, on lookers began waving them down to report that an SUV hit and ran over a lady. Officer A stated that as he made his way onto 79<sup>th</sup> Street, he observed the bus shelter completely destroyed. He stated that the witnesses positively identified an SUV that caused the damage, which was located at the Marathon gas station parking lot at 834 E. 79<sup>th</sup> Street. At that point, Officer A pulled his vehicle up a few feet, placed it in park because he observed the SUV approaching and coming towards him. Officer A got out of his vehicle as fast as he could, drew his weapon, and stood directly in front of the police car. Officer A exited the vehicle because he was trained that the most dangerous place to be is inside a police vehicle. He stated that it was safer for him to be outside of the vehicle in situations of this kind.

At this point, Officer A very loudly and repeatedly told the driver (offender) of the SUV to stop his vehicle. He used a voice that could be heard from a block away. He was positive that the voice he used was heard by the driver and passenger of the SUV. He stated that the driver would not stop, and it sounded as if the offender was driving with one foot on the gas pedal, and the other on the brake pedal. According to Officer A, he gave the driver multiple commands to stop which he did not obey. As the driver approached him, Officer A described the driver's face as having a glassy eyed look. The offender appeared under the influence. Officer A stated that the driver of the SUV revved the engine and gunned it directly at him. Officer A related that with not much lee way behind him to maneuver, and in fear of his life, as well as his partner's life, he fired three shots at the offender to stop the threat. Officer A dove towards his right to get out of the way of the oncoming SUV (the SUV was approximately two feet away from him). Officer A immediately radioed in shots fired by police. The SUV suddenly made a quick turn eastbound on 79<sup>th</sup> and sped away at least 50+ miles an hour.

Shortly after reporting the shooting, Officer A stated that he observed several units chasing after the SUV. He and Officer B then followed behind and arrived at the crash scene of the SUV. Officer A did not witness the SUV veer onto the sidewalk, run over several parking meters, and crash into a building, but was informed of this while on the scene. Officer A and Officer B helped the female passenger exit the SUV, while he had his gun drawn towards the driver because an unidentified officer yelled that the hands of the offender were moving. The offender was subsequently removed from the vehicle and handcuffed.

Due to chest pains and breathing problems, Officer A was taken to The University of Chicago Hospital by his sergeant. During the whole event, he stated that he never heard the driver or passenger say anything. Officer A stated he was never struck by the SUV. He also related that he did not know exactly where his partner was (except that he

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<sup>1</sup> Officer B and other evidence indicate that they were parked on Maryland and not on St. Lawrence.

## INDEPENDENT POLICE REVIEW AUTHORITY

LOG#1042384/U#-11-01

was somewhere behind him) while he was standing in front of the squad car facing the SUV. The latter part of the interview included Officer A drawing an imperfect diagram<sup>2</sup> of the locations of the vehicles, Officer B, and himself.

In a statement to IPRA, **Officer B** stated that on the day of the incident, he was on duty with his partner, Officer A. Officer B and Officer A were assigned to 4512D, Operation Safe City. Officers A and B were in a marked police vehicle parked on Maryland facing northbound when they heard a loud crashing sound. At this time, Officer A placed the car in gear and started to slowly pull into the street when he saw a female black citizen waving and pointing westbound on 79<sup>th</sup>. Officer B related that a car also pulled alongside the driver's side of the squad car with someone leaning out of it (conversing with Officer A), but he did not know what the individual was saying since he was looking to his right. He then observed the same lady he had referenced earlier. He also saw an older gentleman frantically pointing at a black GMC truck and saying something. Officer B then observed the black truck driving around the gas pumps of a Marathon gas station. He observed that the vehicle stopped briefly at a pump and then it proceeded to drive in their direction. Officer A then drove in the direction of the truck, but paused in the intersection of 79<sup>th</sup> and Maryland to speak with the lady who was motioning and pointing at the black GMC truck. Officer B noticed that truck had fresh damage to the front of the vehicle.

The driver of the truck then pulled in front of their squad car so they were facing each other. The vehicles were about ten to fifteen feet apart at that time. Officer A exited the squad car and he radioed the dispatcher to run the license plate number on the truck. Officer B stated that Officer A yelled orders to the driver of the truck, but the driver did not react (approximately three to four feet away between Officer A and the truck) to his verbal commands. Officer B exited the squad car at this time. The driver of the truck reversed his vehicle and turned his steering wheel in order to direct his car right at Officer A, who was located in front of the squad car near the driver's side of the truck (approximately five feet away between Officer A and the truck). Officer B stated that his partner repeatedly told the driver to stop his car and turn the engine off, but he clearly disobeyed Officer A's numerous verbal commands.

Officer B noticed that the driver of the truck switched gears to go forward. He stated that the truck revved and lurched towards Officer A, at which time Officer A yelled at the driver to stop multiple times (Officer B believed that Officer A was touching the truck at this time). Officer A fired his first shot while directly in front of the truck, but began backing up towards the right very quickly to get out of the way. Officer B related that Officer A shot his weapon a total of three times. The driver then took off in the truck driving at a high speed of rate. The truck "jiggled"<sup>3</sup> until he veered onto a sidewalk, struck multiple street signs, a pay box, and then crashed into a building (food store).

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<sup>2</sup> Att. 27

<sup>3</sup> Att. 67, pg. 25, lines 21-24.

## INDEPENDENT POLICE REVIEW AUTHORITY

LOG#1042384/U#-11-01

Officer B and Officer A followed the truck to where it crashed and he (Officer B) approached the passenger side with his gun and flashlight drawn, while Officer A approached the driver's side. He observed a light skinned black female with blood on her head and face in the passenger seat who appeared to be passed or knocked out. Officer B holstered his gun and opened the door. The female passenger then began to wake up at this time, and he repeatedly asked her if she was okay. She slowly exited the vehicle and stated she was okay; that she hit her head. Officer B called for an ambulance. Officer B stated that he never saw the driver of the truck after the crash. Officer B did not sustain physical injuries; however he did seek medical treatment at Little Company of Mary for mental health treatment.

In a statement with IPRA, **Witness 1**, while at Northwestern Hospital on 01 January 2011, at 0500 hours, stated that earlier that same morning her friend, Subject 1, picked her up in his vehicle and they drove to a liquor store where she purchased several bottles of alcohol. Witness 1 stated that Subject 1 was already intoxicated by the time she saw him. After they left the store, Subject 1 drove into a bus stop on 79<sup>th</sup> and Cottage Grove, and continued driving. After the crash, Subject 1 then drove into a gas station parking lot. At this point, Witness 1 observed a marked police vehicle blocking their path of exit. When Witness 1 observed the officers, she became frightened. She ducked and crouched down on the front passenger seat. Witness 1 stated that she did not see anything after this point except for when she exited the vehicle after its final crash, where her head hit the dashboard. Witness 1 stated she heard gunshots, glass shattering, and Subject 1 gasping for air while she was hiding. Witness 1 said Subject 1 did not have a weapon on them. She also stated that she did not remember hearing a police officer say to Subject 1, "Police, stop the vehicle."

In a statement with IPRA, **Witness 2**, stated on 01 January 2011 at 0152 hours, she and her brother, Reverend Hollis Witness 3, her son, her daughter, and her grandchild were headed home from church when she and her brother (the children were sleeping in the back seat) witnessed a car hit a woman at a bus stop. Witness 2 stated that it appeared as if the vehicle was not going to stop after striking the lady, so she intended on pursuing the car in order to get the license plate number. As the vehicle began to leave the accident scene, Witness 2 and her brother waved down a police car they saw nearby. She explained to the officers what they witnessed. Almost immediately the hit and run vehicle entered a gas station lot and pretended like they were pumping gas.

Witness 2 then observed an officer exit his squad car. The officer stood in front of the police car and announced his office. He then ordered the driver to get out of the car. Witness 2 stated that the Blazer/Jeep began "revvin' up the engine like he was fittin'<sup>4</sup> to hit the officer" when the driver saw the police officer. She stated that the vehicle revved its engine about two to three times and it moved in the direction of the officer. Witness 2 stated that the offender's vehicle was about two feet away from the officer when the officer fired his gun. She recalled that after she heard the first gunshot, she went into shock. At this point, Witness 2 put her head down and froze.

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<sup>4</sup> Getting ready to strike the officer

**INDEPENDENT POLICE REVIEW AUTHORITY**  
**LOG#1042384/U#-11-01**

As soon as she became aware of herself and her surroundings, she observed the offender's vehicle drive away and crash into a store. Witness 2 could not remember other details of the incident. Witness 2 then kept insisting to her brother that they leave because she wanted to go. She claimed that they left the scene because the police had already obtained their license plate number. They were reportedly contacted by the police to provide statements at a later time.

In a statement with IPRA, **Witness 3**, stated on 01 January 2011 at 0152 hours, that he and his sister, Witness 2 were headed home from church when he observed a Blazer make a very wide left turn and drove straight into a glass bus shelter where a man and a woman stood. Witness 3 stated that the Blazer hit these two individuals and then it reversed and left the scene. As soon as the light at the intersection of 79<sup>th</sup> and Cottage Grove turned green, Witness 3 stated that he did not want to lose sight of the Blazer so he followed it to the next block. Witness 3 then stated that the Blazer went into a gas station lot at Maryland and 79<sup>th</sup>. The Blazer circled around and began to exit westbound on 79<sup>th</sup>. Witness 3 then observed a police vehicle and cut them off to the point where they could not drive anymore. Witness 3 flagged the officers down, pointed towards the Blazer and said, "That guy just hit a lady over at the bus stop."<sup>5</sup> There were also about three to four other people screaming and trying to get the attention of the police officers. Witness 3 stated the driver officer then drove the squad car directly in front of the Blazer to block its pathway from the gas station lot. The officer exited the vehicle and he stood in front of the squad car and yelled at the driver several times to get out of the car. The driver of the Blazer reversed slightly to straighten his vehicle as the police officer walked slightly forward. The Blazer then positioned itself to go forward towards the officer; he said that the tires spun and screeched as he moved forward. The officer then stepped to the side on the driver's side of the Blazer and fired four to five times. The Blazer was approximately three to four feet away from the officer. Witness 3 said if the officer had not quickly stepped to the side like he did, out of the way, the Blazer would have struck him. The Blazer then made a left turn on 79<sup>th</sup> and drove erratically swerving back and forth for approximately one block before it crashed into a store. The officer got back into the squad car and followed the Blazer.

Witness 3 stated that his sister, Witness 2, was hysterical and could not drive anymore so they switched seats. He said that he never took his eye off the entire incident. As soon as they arrived at home, Witness 3 called 9-1-1 and reported that he was a witness to the shooting.

In an **interview** with IPRA, **Witness 4** stated that on 01 January 2011, at approximately 0152 hours, he was waiting at a CTA bus stop shelter on the corner of 79<sup>th</sup> St. and Cottage Grove. As he waited, he spoke with an unknown black female in her 40s, also waiting for the bus. As they spoke, Witness 4 stated he heard a vehicle's tires screeching and observed a black jeep swerve out of control onto the sidewalk and into the bus shelter where he and the lady were waiting. He stated the bus shelter collapsed and struck him on the face and shoulder, and then the jeep struck him. Witness 4 stated he was not knocked to the ground. He immediately then walked to the side of a building and

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<sup>5</sup> Page 7, line 4-5

## INDEPENDENT POLICE REVIEW AUTHORITY

LOG#1042384/U#-11-01

sat down because he was in pain. After this incident, Witness 4 stated he did not see the vehicle again but heard two gunshots about two to three blocks away. Witness 4 was informed by other bystanders that someone was shooting at the police and he assumed that it was the driver of the erratic vehicle that struck him. Witness 4 further stated that an ambulance took him to Jackson Park Hospital where he was treated for his lacerations and shoulder pain. At the hospital, officers informed him that the driver of the vehicle was shot by police.

In an **interview** with IPRA, **Witness 5**, an employee of Marathon Gas Station (79<sup>th</sup> and Maryland), stated that on 01 January 2011, at about 0145 hours, he was working security for the gas station when he observed a male and a female flag down a squad across the street. Witness 5 said a black SUV drove into the gas station parking lot and stopped facing the south side exit of the lot. Witness 5 then witnessed an officer exit the squad car and approach the passenger side of the SUV. The officer then moved in front of the vehicle towards the driver's side. Witness 5 then observed and heard two gunshots from this officer. According to Witness 5, who later stated he did not witness the entire incident, the SUV did not move prior to the gunshots; however, he later recanted and said he observed the whole event. Witness 5 stated that after he locked the doors to the gas station, he looked out the window and observed the SUV was gone and a police vehicle driving eastbound on 79<sup>th</sup> St.

In an **interview** with IPRA, **Witness 6**, an employee of Marathon Gas Station (79<sup>th</sup> and Maryland) stated that on 01 January 2011 between 1230-1245 hours, he was working inside the gas station at the cash register when he heard maybe two shots. When he looked outside from where he stood which was by the window, he observed a police car right on 79<sup>th</sup> Street and maybe two or three cars at the gas pump. He then went on to say that he did not witness the actual shooting, just heard shots. When he asked if he saw officers when he looked out, Witness 6 said no.

The **Ambulance Report** for **Witness 1** stated that the female passenger of the involved SUV received injuries to her head and right arm. After examination, the EMT recorded that Witness 1 had an avulsion<sup>6</sup> on her forehead approximately three to four inches long revealing her skull. She was transported to Rush Hospital where the findings reported "avulsion to frontal lobe" and "contusion left bicep."

The **Ambulance Report** for **Witness 4**, victim of the initial crash incident with the SUV, stated that he received left arm and shoulder pain, swollen upper arm, and a minor laceration to his left cheek. The SUV drove directly into the bus shelter, where Witness 4 was waiting for the bus, which caused the above injuries.

In a **report**, IPRA Investigator A, who attended the autopsy for **Subject 1**, documents that the medical examiner discovered one entry wound located on the rear left

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<sup>6</sup> Encarta Dictionary: the tearing away or separation of part of the body resulting from an accident or performed during surgery.

## INDEPENDENT POLICE REVIEW AUTHORITY

LOG#1042384/U#-11-01

shoulder with no exit wound. The medical examiner also removed a bullet jacket<sup>7</sup> from the right shoulder. Subject 1 had two abrasions: one on his chin and another on his forehead. The Cause and Manner of Death was determined as “GSW/Homicide.”

The **Office of the Medical Examiner Post Mortem Examination Report** documents that Subject 1 sustained a gunshot wound to the left shoulder, abrasions on the face, laceration of the gum, traumatic chipping of the central incisors and visceral pallor. The report further states that Subject 1’s cause of death was due to a gunshot wound to the shoulder. The manner of death was Homicide.

In a **report**, IPRA Investigator B reported that she attempted to obtain video security footage from three locations: Daddy Food and Liquor Mart Store, Food Store<sup>8</sup>, and the Marathon gas station. The Daddy Store footage depicted some police vehicles with their emergency lights activated. The Food Store footage displayed the fleeing SUV for a brief moment. The final location, Marathon, was not able to access their footage.

The **Tactical Response Report** documents that the offender did not follow verbal direction, fled, attacked with a weapon (used his vehicle in attempt to run down officer), posed an imminent threat of battery, and used force likely to cause death or great bodily harm. The report also concluded with Watch Commander A’s finding that Officer A’s actions were in compliance with department policy.

The **Battery Report** documents that the offender attempted to strike **Officer A** with his SUV. The report also stated that the officer received minor injuries.

**A Report from the Illinois State Police (ISP), Division of Forensic Services**, documents that Officer A’s weapon, a Glock, Model 21, 4.5 Barrel, 45 Caliber, Serial #LEP276, was examined and found to be in firing condition.

The **Case Supplementary Report** documents that the offender, Subject 1, committed aggravated assault with a dangerous weapon. Officer A was listed as the victim.

The **POD 1065** request documents that there was no video because at the time of incident the hard drive was not recording.

**POD 234** documents marked vehicles driving through the frames with their emergency lights activated.

**POD 690** documents the Blazer at 79<sup>th</sup> Street, which struck a grocery store on the south side of the street. Two officers stepped out of their vehicle and one of them approached the passenger’s side of the car. Shortly after, numerous vehicles arrive on

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<sup>7</sup> Although this report refers to a bullet jacket, the medical examiner in fact removed a copper jacketed bullet. (Att. 93)

<sup>8</sup> The correct name for this store is JBJ Mart and the location for this store is 847 E. 79<sup>th</sup> Street (Att. 86, pg 5)



## **INDEPENDENT POLICE REVIEW AUTHORITY**

**LOG#1042384/U#-11-01**

scene. There were traffic signs that were hit and now laying on the street. An ambulance and a fire truck arrived at scene.

**POD 857** documents a marked police vehicle on 79<sup>th</sup> Street and two unmarked police vehicles heading east on 79<sup>th</sup> Street. A marked police vehicle turned into the Marathon Gas Station to secure the perimeter.

**POD 875** documents a black car swerving to the right, driving on the side walk, and then crashing into a building on the south side of the street. A marked SUV as well as multiple police vehicles head towards the incident.

The **OEMC Event Query** documents that shots were fired by police. Beat 4512 reported shots fired by police and EMS requested. The report further stated that two victims were hit by a vehicle. Involved officer from Beat 4512 was transported to the University Of Chicago Hospital. An OEMC call received at 01:54:32 hours documents that an intoxicated driver hit two people at a bus stop. The vehicle was reported to be a black Blazer with plate #159067. Another OEMC call received at 01:55:22 hours stated that someone was hit by a car. Two ambulances were requested for the person that was hit by the blazer and for the offender that hit the store. The offender was shot by the police and a crime lab, as well as a sergeant, were requested to the scene. The female victim was taken to the hospital and the offender was pronounced dead on arrival. The involved officer was taken to the hospital by another police officer for medical treatment.

The **canvass** conducted in the vicinity of 834 E. 79<sup>th</sup> Street did not produce any additional witnesses.

In a **report**, IPRA Investigators C and D document that they viewed the footage from [Store Owner's] store video and reported that nothing significant could be seen from the camera's viewpoint.

## INDEPENDENT POLICE REVIEW AUTHORITY

LOG#1042384/U#-11-01

### CONCLUSION AND FINDING:

The investigation found that the use of deadly force was **JUSTIFIED** and in compliance with Chicago Police Department policy and Illinois State Statutes. According to the Chicago Police Department's General Order No. 02-08-3, 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 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's actions were in accordance with CPD's deadly force policy. Officer A observed Subject 1 use his vehicle as a weapon to cause bodily harm towards pedestrians and possible death or serious bodily harm towards Officer A. Officer A loudly announced his office and repeatedly ordered Subject 1 to stop his vehicle to which he did not obey. Officers A and B reported that Subject 1 instead intentionally drove his vehicle directly at Officer A. These actions by Subject 1 clearly justified the use of deadly force by Officer A as actions necessary to prevent death or great bodily harm to himself and to additional civilians on the street.

The witnesses, Witness 3 and Witness 2, corroborated the officers' statements that Subject 1 intentionally directed his SUV at Officer A. Based upon all reasonable objective standards Officer A was in fear of his life as well as the life of civilians, and was justified in the use of deadly force.