

**INVESTIGATION**

**NUMBER:** LOG# 1049811/U#11-53

**INVOLVED**

**OFFICER #1:** "Officer A" (Chicago Police Officer); Male/Spanish; 39 years old; Off-Duty; Year of Appointment – 1999

**OFFICER #1**

**INJURIES:** None reported.

**SUBJECT:** "Subject 1"; Male/White Hispanic; 28 years old

**SUBJECT'S**

**INJURIES:** gun shot wound to the right side of his back.

**INITIAL**

**INCIDENT:** Off-duty officer witnessed a drive-by shooting and responded by firing his weapon. Officer failed to fire upon the suspect vehicle, and fired instead upon a witness.

**DATE/TIME**

**OF INCIDENT:** 05 November 2011, at approximately 0347 hours

**LOCATION:** 1132 N. Ashland Avenue

**ALLEGATIONS:**

On 05 November 2011 CPD Lieutenant A contacted the Independent Police Review Authority and initiated a complaint log number with Intake Aide Loraine Heard. It is alleged that on 05 November 2011, at approximately 0347 hours, in the vicinity of 1132 N. Ashland Avenue, **Officer A;**

- 1) **was inattentive to duty in that he discharged his firearm without identifying the appropriate target.**

It is also alleged that on 20 January 2015, at approximately 1119 hours, at 1615 W. Chicago Avenue, **Officer A;**

- 2) **provided false information regarding his actions in the police-involved shooting.**

**INVESTIGATION:**

The **Major Incident Notification Detail** dated 05 November 2011, indicated that at approximately 0648 hours, in the vicinity of 1132 N. Ashland Avenue, [Deceased Drive-by Shooting Victim], Witness 2, Witness 2, Victim 1 and Officer A were victims of an Aggravated Assault with a hand gun. The offender was listed as an unknown individual in a late model Mitsubishi Galant. It is reported the victims were standing in front of 1132 N. Ashland Avenue when they were approached by the offender, who was driving a red Mitsubishi Galant. The offender fired several shots striking three victims that were standing on the sidewalk. Off-duty Officer A witnessed the shooting and returned fire. The offender continued to fire, striking a fourth victim in the back while that victim was seated in his vehicle.<sup>1</sup>

The **Synoptic Report** dated 05 November 2011, submitted by CPD Sergeant 1, indicated that on 05 November 2011, at approximately 0348 hours, in the vicinity of 1132 N. Ashland Avenue, Officer A had discharged his weapon with no hits.<sup>2</sup> Officer A was presented with the "Notice of Alcohol and Drug Testing Following a Firearm Discharge Incident Form." The breath test was conducted and returned with a BAC reading of .000.

The **Preliminary Investigation Report** dated 26 January 2011 related that on 05 November 2011, at approximately 0340 hours, the La Pasadita restaurant was closing and several employees were gathered outside of the restaurant. Two employees of La Pasadita, Victim 1 and Witness 1, were sitting inside of Victim 1's blue in color Chrysler 300, which was double parked in the west lane near the restaurant, facing south. Victim 1 was seated in the driver seat and Witness 1 was seated in the front passenger seat. Witness 2 was standing on the passenger side of Victim 1's vehicle talking to Victim 1 and Witness 1.

The report relates that Officer A was walking to his vehicle which was parked near the sidewalk at 1142 N. Ashland Avenue. A red vehicle driving southbound on Ashland Avenue in the eastern lane approached Victim 1's vehicle and began firing from the passenger side in the direction of Victim 1's vehicle. The red vehicle then drove away southbound on Ashland Avenue. It was initially reported that upon hearing and seeing the gunshots coming from the red vehicle, Officer A withdrew his weapon and began running and firing in the direction of the red vehicle. During the incident, Officer A fired his weapon sixteen (16) times.

Victim 1's vehicle remained double-parked during the initial gunshots fired from the red vehicle. As Officer A began to fire, Victim 1 accelerated away, traveling southbound on Ashland Avenue. Victim 1 drove south on Ashland Avenue, turned east onto Augusta Boulevard, and pulled over near the intersection of Augusta Boulevard and Milwaukee Avenue. Victim 1 called 911 from his cellular phone and requested medical assistance, because he was shot in the back.

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<sup>1</sup> This was later disputed by Illinois State Police Laboratory findings.

<sup>2</sup> This was later disputed by Illinois State Police Laboratory findings.

There were numerous individuals standing outside of the restaurant at the time of the incident. Several people were injured and transported to the hospital and later interviewed at Area North. Several unknown individuals fled the scene immediately after the incident and were not identified or interviewed.

In his statement to IPRA on 15 November 2011, **Victim 1** related he was seated in his vehicle in front of 1132 N. Ashland Avenue with Witness 1. Victim 1 related he was talking with Witness 2 when an unknown make and model vehicle drove past them and shot at him while he was inside his vehicle. Victim 1 believed he heard approximately six shots as he ducked for cover. Victim 1 related he heard the sound of the vehicle drive away and sat up in the driver's seat, at which time he heard more shots that were now coming from behind him. Victim 1 related that the rear window of his vehicle was shattered and he realized he had been shot in the back. In an effort to escape, Victim 1 drove south on Ashland Avenue, turned left on to Cortez Street, and continued driving until he parked his car near Augusta Boulevard and Milwaukee Avenue. Victim 1 stated he called 911 for an ambulance. Victim 1 related when the ambulance arrived they transported him to Stroger Hospital.

Victim 1 stated he later learned that the bullet penetrated his back and almost struck his heart. Victim 1 related the medical staff surgically removed the bullet that was lodged inside his body. Victim 1 did not see who shot him and did not know the identity of the occupant of the vehicle from which the initial shots were fired.

In his statement to IPRA on 05 November 2011, **Witness 1** related he is an employee of the La Pasadita restaurant and that on 05 November 2011, at approximately 0340 hours, he was leaving work. Witness 1 related Victim 1 was giving him a ride home. Witness 1 stated Victim 1 drove to the entrance of La Pasadita and they stopped to talk to several other employees who were standing outside, to include Witness 3. Witness 1 could not recall everyone who was standing outside at that time.

Witness 1 related he heard gunshots and he ducked down inside the car. Witness 1 stated he heard approximately six (6) shots but did not see who was firing. Witness 1 related Victim 1 drove away as an unknown person was shooting at them. Witness 1 related that Victim 1 realized that he had been shot and stopped near Ashland Avenue and Augusta Boulevard to call 911. Witness 1 stated he did not see where the shots were coming from and never saw anyone fire a gun.

In his statement to IPRA on 05 November 2011, **Witness 2** related he was standing outside of La Pasadita restaurant with Witness 3, [Deceased Drive-by Shooting Victim] and [Brother of Deceased]. Witness 2 added that he is a former employee of La Pasadita restaurant. Witness 2 stated everyone was preparing to leave when Victim 1 pulled up in his vehicle. Witness 2 related Victim 1's vehicle was facing south on Ashland Avenue. Witness 2 said that he walked over to Victim 1's vehicle and he heard gunshots. Witness 2 related he dropped to the ground and hid behind a parked vehicle. Witness 2 stated he heard approximately 5-9 gunshots. Witness 2 related he never saw anyone fire a gun, nor did he see anyone with a gun. Witness 2 stated he knew there was

a police officer who worked as a security guard at the restaurant. Witness 2 added he was shot in his left hand and was treated at Stroger Hospital.

In his statement to IPRA on 05 November 2011, **Witness 3** related he was standing outside of La Pasadita restaurant with a group of friends, [Deceased Drive-by Shooting Victim], [Brother of Deceased] and Witness 2, when Victim 1 drove up in a blue Chrysler 300. Witness 3 related Witness 2 walked to Victim 1's vehicle and began talking to Victim 1. Witness 3 stated a red vehicle drove up and the occupant was brandishing a silver .45 caliber hand gun. Witness 3 related before he could yell out, the unknown individual fired several shots. Witness 3 stated he ducked down as the unknown individual was shooting.

Witness 3 heard Officer A yell out, "Police, police stop," and the unknown individual in the red vehicle continued to shoot. Officer A ran past the blue car and yelled, "Police stop, stop, stop" and started shooting at the red vehicle five or six times.<sup>3</sup> Witness 3 related the red vehicle sped off and Officer A called for help. Witness 3 stated someone ran across the street to the fire department for help.

In his statement to IPRA on 05 November 2011, **Witness 4** related he was the owner of the La Pasadita restaurant. Witness 4 stated he heard several gun shots and he immediately ran outside to check on his son, Witness 3. Witness 4 related when he went outside he observed a blue vehicle next to his son's vehicle and then he heard more gun shots. Witness 4 stated he ran towards the people on the ground and was unable to determine where the gunshots were coming from. Witness 4 observed a red vehicle driving southbound on Ashland Avenue. Witness 4 stated he heard Officer A yell out, "Police get down." Witness 4 related he witnessed Officer A fire his weapon once at the red car and he immediately turned away from Officer A to focus on his son.<sup>4</sup>

In his statement to IPRA on 05 November 2011, **Witness 5** related he was standing outside the entrance of La Pasadita restaurant with Witness 4, Witness 2, [Deceased Drive-by Shooting Victim] and [Brother of Deceased] and was preparing to leave. Witness 5 stated that Victim 1 pulled up and began talking with Witness 2. Witness 5 observed a red vehicle, which he thought was a Mitsubishi Galant, drive alongside Victim 1's vehicle and stop. Witness 5 observed the window being rolled down and then heard two gunshots. Witness 5 could not give a physical description of the person in the vehicle nor could he articulate how many people were inside the vehicle.

Upon hearing the first two gunshots, Witness 5 dropped to the ground, crawled inside of a vehicle and got down between the front seat and glove compartment. Witness 5 stated the shooter did not make any statements to anyone. Witness 5 heard an additional five gunshots but could not see who was shooting. Witness 5 heard someone yell, "Police, police!" followed by approximately five more gunshots. Witness 5 exited the vehicle after the last shots and observed [Deceased Drive-by Shooting Victim] on the

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<sup>3</sup> It is noted that all of the evidence in this incident, to include the video footage, disputes this observation.

<sup>4</sup> It is noted that all of the evidence in this incident, to include the video footage, disputes this observation.

ground bleeding. Witness 5 yelled for someone to call for an ambulance and ran towards Officer A. Witness 5 informed Officer A that the vehicle was burgundy in color. Witness 5 related he never observed Officer A discharge his weapon.

In her statement to IPRA on 17 November 2011, **Witness 6** related that she was standing outside of the La Pasadita restaurant when an unknown individual drove up in a maroon colored vehicle. Witness 6 stated she heard four shots and then there was silence. Witness 6 ran inside the restaurant and then heard six additional shots coming from outside the restaurant. Witness 6 related she did not observe Officer A discharge his weapon.

**Witness 7** failed to cooperate with the investigation.

According to the **Crime Scene Processing Reports** 15 shell casings, blood standards, and Officer A's weapon were recovered from the scene of this incident. It was also noted that photographs were taken of the scene.

In a **To-From Report** dated 05 November 2011, IPRA Investigator A reported he responded to John Stroger Hospital and was informed that Victim 1, Witness 2, and [Deceased Drive-by Shooting Victim] were being treated for gunshot wounds. A fourth victim, Witness 2, had been transported to St. Mary's Hospital for treatment of a gunshot wound to his hand. CPD Detective 1, informed IPRA Investigator A that [Brother of Deceased] and [Deceased Drive-by Shooting Victim] sustained gunshot wounds while they stood on the sidewalk near 1132 N. Ashland Avenue and Victim 1 sustained a gunshot wound while seated inside his vehicle. IPRA Investigator A was unable to interview any of the victims involved in the shooting.

A **Canvass** at the location of the incident was conducted. No additional information or witnesses were produced.

According to the **Department Reports** on 05 November 2011, at approximately 0350 hours, in the vicinity of 1132 N Ashland Avenue, [Deceased Drive-by Shooting Victim], Luis Sanchez and Witness 2 were shot by an offender from a passing vehicle. Off-duty Officer A observed this incident and fired at the offender who fled southbound on Ashland Avenue, in a 1996 – 2000 red in color Mitsubishi Galant.

During his interview with the detectives Officer A related he was positioned on the sidewalk at approximately 1142 N. Ashland Avenue when he heard gunshots emanating from south of him. Officer A observed shots being fired from a vehicle, described by Officer A as a dark colored medium sized vehicle. Officer A observed the dark colored medium sized vehicle traveling in the left southbound traffic lane, at which time Officer A heard additional gunshots and observed muzzle flashes from the passenger compartment. Officer A fired his service weapon at the offender who was inside the vehicle. Officer A observed a second vehicle, a blue Chrysler 300, travel southbound on Ashland Avenue past Haddon Street, at which time Officer A lost sight of both vehicles.

The **Chicago Fire Department Sheet** documented EMS 2, C063, responded to a gun shot victim in the vicinity of Division Street and Ashland Avenue on 05 November 2011, at approximately 0350 hours. It is reported that the responding paramedics arrived on the scene and found [Brother of Deceased] conscious and alert with a superficial graze gunshot wound to the right side of his chest. [Brother of Deceased] was transported to Stroger Hospital without incident.

The **Chicago Fire Department Sheet** documented EMS 2, C131, responded to a gun shot victim in the vicinity of Augusta Boulevard and Milwaukee Avenue on 05 November 2011, at approximately 0350 hours. It is reported that the responding paramedics arrived on the scene and found Victim 1 conscious and alert in mild distress sitting on the driver seat of a vehicle. Victim 1 stated he had been shot while he was inside his vehicle. Victim 1 further related he drove approximately 8 blocks away from the scene prior to calling 911. The paramedics notated they did not notice an exit wound. Victim 1 was transported to Stroger Hospital without incident.

The **Chicago Fire Department Sheet** documented EMS 2, C112, responded to a gun shot victim in the vicinity of Division Street and Ashland Avenue on 05 November 2011, at approximately 0351 hours. It is reported that the responding paramedics arrived on the scene and found Witness 2 with a gun shot wound to his left hand. Witness 2 was transported to St. Mary Hospital without incident.

The **Chicago Fire Department Sheet** documented EMS 2 responded to a gun shot victim in the vicinity of Division Street and Ashland Avenue on 05 November 2011, at approximately 0349 hours. It is reported that the responding paramedics arrived on the scene and found [Deceased Drive-by Shooting Victim] with one gun shot wound to the face. There was a large amount of blood coming from his mouth and nose area, making it difficult to find an entrance or exit wound. There was also possible brain matter noted at the scene. [Deceased Drive-by Shooting Victim] was unresponsive.

According to the **Chicago Police Department Event Queries** several calls were made to 911 regarding persons being shot and/or gun shots being heard. Many of the 911 calls were from persons reporting that they heard gunshots in the area, but did not witness the shooting. Efforts to identify and locate these callers were not made. The remaining 911 callers consist of the known victims and witnesses in this event, all of which were interviewed by either CPD or IPRA.

During the initial radio call, Officer A requested an ambulance at 1132 N. Ashland Avenue. On the OEMC transmission, Officer A states, "Blue Chrysler, southbound, came and shot some guys that were standing out front."

In the recording, a supervisor notified the dispatcher that Officer A had indicated he may have shot out the glass of the rear window of the suspect vehicle. Later in the recording, it is noted that the suspect vehicle was actually the red in color Mitsubishi, and that said vehicle was last seen driving southbound on Ashland Avenue.

**Police Observation Device (POD) #276** time stamped 05 November 2011, 0320 hours – 0420 hours, located at 958 N. Ashland Avenue did not depict any police and civilian contact and/or activity.

**POD #721** time stamped 05 November 2011, 0320 hours – 0420 hours, located at 1559 W. Division Street, depicts a marked Chicago Police Department Chevrolet Tahoe driving northbound on Ashland Avenue near Division Street and then making a U-turn on Ashland Avenue, where it then travels south towards La Pasadita Restaurant. The R/I observed several Chicago Police Officers and Fire Department Personnel on the scene at 1132 N. Ashland Avenue.

**POD #723** time stamped 05 November 2011, 0320 hours – 0420 hours, located at 1034 N. Ashland Avenue, did not depict any police and civilian contact and/or activity.

The **Surveillance Video** obtained from La Pasadita restaurant depicts several people standing outside of La Pasadita restaurant and Officer A standing near the entrance of the restaurant. Officer A is later seen walking towards the rear of his vehicle. Moments later, Victim 1's Chrysler 300 drives into camera view and double parks near the crowd of people. An individual who was standing with the crowd is seen walking towards the vehicle and stands by the front passenger window.

Several seconds later, a dark in color Mitsubishi Galant pulls up along the left side of the Chrysler 300. Muzzle flashes can be seen coming from the passenger side of the Mitsubishi Galant as it continued driving southbound on Ashland Avenue. [Deceased Drive-by Shooting Victim] is seen falling to the ground. Officer A is then seen standing in the street, firing his weapon several times as he moves southbound on Ashland Avenue. The video shows that Officer A is shooting at the Chrysler 300. Officer A does not begin firing his weapon until after the Mitsubishi Galant has already driven away. Officer A continues to fire at the Chrysler 300 as he moves up onto the sidewalk behind the Chrysler 300. The Chrysler 300 is seen driving away, at which time Officer A runs towards his vehicle and apparently retrieves his police radio.

The **Medical Reports** from John Stroger Hospital document that Victim 1 arrived on 05 November 2011, via ambulance, with a gun shot wound to the right side of his back. It is reported that the x-ray showed that the bullet was in the midline of the chest near the heart. The bullet was later removed and inventoried with the Chicago Police Department.

The **Medical Reports** from St. Mary's Hospital document Witness 2 arrived on 05 November 2011, via ambulance with a gun shot wound to his left hand. Witness 2 reported he was standing outside talking to his friends when a vehicle drove past and shot at him. Witness 2 was diagnosed with a gun shot wound to his left hand and a fracture to his middle finger.

The **Medical Reports** from John Stroger Hospital document [Brother of Deceased] arrived on 05 November 2011, via ambulance, with a gun shot wound to the



right side of his chest (graze wound). [Brother of Deceased] related he was walking home when someone shot at him. [Brother of Deceased] was diagnosed with a gun shot wound to the right side of his chest.

The **Medical Examiner Reports** document [Deceased Drive-by Shooting Victim] died as a result of a single gunshot to wound his head. The projectile fractured the skull and lacerated the brain. A copper jacketed lead bullet was received from the upper back. The manner of death was ruled as a homicide.

The **Evidence Technician Photographs** depict images of the crime scene, the Blue Chrysler 300, [Deceased Drive-by Shooting Victim] and Victim 1.

The **Illinois State Police (ISP) Report**, dated 30 January 2012, documents the testing of Officer A's firearm, a Sig Sauer Model P226, 9mm semi-automatic pistol, bearing serial # U668051. The weapon was found to be in functional condition. A ballistic examination of the evidence from this incident was conducted in comparison to Officer A's weapon. It was determined that the bullet removed from Victim 1 was fired from Officer A's weapon.

The same ISP report documents that the bullet obtained from [Deceased Drive-by Shooting Victim]' body was fired from either a .38 caliber or .357 caliber revolver, and not from Officer A's weapon.

The **Illinois State Police Results** dated 13 October 2013, document that the GSR results for [Deceased Drive-by Shooting Victim], [Brother of Deceased], Witness 2, Witness 1, Witness 4, Witness 5 and Victim 1 were negative.

In his statement to IPRA on 17 September 2013, **CPD Detective 2** related that when he arrived at the scene of the incident, he initially spoke with CPD Lieutenant A. CPD Lieutenant A obtained the information regarding the incident from several witnesses at the scene. CPD Lieutenant A informed CPD Detective 2 that there were three individuals that were shot by an individual from inside a passing vehicle and that the victims had been transported to St. Mary's Hospital and Stroger Hospital. It was related that off-duty Officer A observed the incident and fired at the offender.

CPD Detective 2 related that during his interview with Officer A, Officer A never gave a specific description of the vehicle from which he observed the muzzle flashes come from, nor did he describe the vehicle at which he fired. Officer A described the vehicle as being midsize and dark in color.

**In his statement to IPRA on 07 November 2013, Accused Officer A** related, on the date and time of the incident, he was off-duty and working as a security officer for La Pasadita Restaurant. Officer A related he was in civilian dress and wore his gun, his police star on his belt, and a pair of handcuffs. Officer A was also in possession of a police radio.

Officer A stated he was providing security and witnessed a shooting take place. Officer A related he observed a “dark-colored, midsized vehicle” shooting in the direction of several citizens that were standing on the sidewalk. Officer A stated the vehicle that the shots were coming from was traveling southbound on Ashland Avenue in the left hand lane. Officer A related he was standing near his vehicle, which was north of the location of where the shooting occurred, when he witnessed the shooting.

Officer A related the suspect vehicle was in the left lane, traveling south. Officer A related that during the shooting, he only observed one vehicle and that was the vehicle in the left lane. Officer A denied observing a vehicle stopped in the right lane. Officer A related he saw muzzle flashes coming from the passenger side of the vehicle, but that he could not determine the position of the person shooting from within the car.

Officer A related when the shooting began, he announced his office and began to fire at the suspect vehicle. Officer A related that as he was firing at the suspect vehicle, the suspect within the vehicle continued to fire at the persons on the sidewalk as the vehicle pulled away from the scene.

Officer A stated after the vehicle drove away, he retrieved his radio and made notification that the vehicle was a dark blue Chrysler. Officer A admitted he may have informed dispatch that the dark blue Chrysler fired shots at several people.

Officer A related he had previously seen the surveillance video that captured this shooting. Officer A did not relate when, or precisely how, he had seen the video.

Officer A contended he only recalled observing a “dark-colored, mid-sized vehicle” shooting at the citizens on the sidewalk. Officer A contended that during the incident he was focused on the dark-colored, medium-sized vehicle that he witnessed the muzzle flashes coming from, and he discharged his weapon. Officer A denied failing to properly identify the appropriate target prior to discharging his weapon.

**In his statement to IPRA on 20 January 2015, Officer A** reaffirmed his statement, which he gave to IPRA on 07 November 2013. Officer A stated he had an opportunity to review the surveillance video related to the incident during the detective’s investigation of the homicide. After reviewing the surveillance video again at IPRA on 20 January 2015, Officer A related he did not need to correct anything regarding the statement he gave to IPRA on 07 November 2013.

Officer A related, on the date and time of the incident, he was standing near the driver’s side of his personal vehicle when he first became aware of the shooting. Officer A described his personal vehicle as being a black in color Chevrolet Malibu. Officer A stated his vehicle was parked near La Pasidita Restaurant at the time of the shooting.

Officer A stated when he heard gunshots he looked up and observed a “dark in color, mid-size vehicle” shooting at a crowd of citizens who were standing on the sidewalk. Officer A related he reacted by shooting at the dark in color mid-size vehicle

that was shooting at the crowd of citizens. Officer A again explained that this suspect vehicle was traveling southbound in the left hand lane at the time he began to fire at it.

During the statement, Officer A viewed the La Pasadita surveillance video and was asked to describe his actions. Officer A described the movement of the suspect vehicle, which is now known to be a Mitsubishi Galant, and the muzzle flashes seen coming from said vehicle. Officer A confirmed that the surveillance video depicts him firing his weapon at the 5:07 mark of the surveillance video. Officer A nonetheless continued to contend that he shot at the Mitsubishi Galant after he witnessed an occupant of the vehicle shooting at the crowd of civilians standing on the sidewalk.

**In his statement to IPRA on 19 March 2015, Officer A** affirmed that on the evening of the shooting, and again on 20 January 2015, he had an opportunity to review the video regarding this incident. Officer A denied shooting at the Chrysler 300. Officer A claimed that he was firing at the Mitsubishi Galant after witnessing an occupant of that vehicle firing at the people on the sidewalk.

Officer A could not explain how the Chrysler 300 had been struck by his gunfire multiple times or how Victim 1 had been shot. When presented with the video evidence that clearly shows that he (Officer A) was shooting at the Chrysler 300 Officer A stated, “the video speaks for itself.”

Officer A related he did not recall relating to police dispatch that “a blue Chrysler 300 came and shot some guys out front” immediately after this event occurred. Officer A stated he relies on his previous statement to IPRA regarding what he related to dispatch immediately after the shooting.

**CONCLUSION:**

The R/I recommends a finding of **Sustained** for **Allegation #1**, that on 05 November 2011, at approximately 0347 hours, in the vicinity of 1132 N. Ashland Avenue, **Officer A** was inattentive to duty in that he discharged his firearm without identifying the appropriate target.

In the video footage obtained from La Pasadita Restaurant, Officer A is observed walking to his personal vehicle when a blue Chrysler 300, driving southbound on Ashland Avenue, double parked in the west lane on Ashland Avenue. There were also several individuals standing on the west sidewalk of Ashland Avenue. One individual walked up to the Chrysler 300 and appeared to be conversing with the individuals inside.

Moments later, a red in color Mitsubishi Galant is seen driving south on Ashland Avenue in the east lane. Muzzle flashes are seen coming from the passenger side of the Mitsubishi Galant. One individual can be seen falling to the ground while others are seen running from the area. The Mitsubishi Galant continues southbound on Ashland Avenue as the suspect within continues to fire in the direction of the crowd of people and the Chrysler 300. The Mitsubishi Galant then moves into the west lane and continues southbound on Ashland Avenue.

After the Mitsubishi Galant has left the area, Officer A is seen moving towards the Chrysler 300, firing his weapon at the rear of the vehicle. Officer A continues to fire at the Chrysler 300 as it eventually drives away from the scene, southbound on Ashland Avenue.

Officer A fired his weapon sixteen times into the rear of a vehicle occupied by an unarmed and innocent witness, Victim 1. Illinois State Police Crime Lab Reports later confirmed that the projectile that struck Victim 1 was fired from Officer A's firearm.

The available video evidence shows that the true suspect vehicle in this event was the red in color Mitsubishi Galant, and not the blue in color Chrysler 300. It is clear that Officer A was inattentive to duty in that he discharged his firearm without properly identifying the appropriate target. As a result of Officer A's inattention, Victim 1 was shot in the back, causing him great bodily harm.

The R/I recommends a finding of **Sustained** for **Allegation #2**, that on 20 January 2015, at approximately 1119 hours, **Officer A** provided a false statement regarding his actions in the police-involved shooting.

The evidence in this investigation supports the clear finding that, on 05 November 2011, at approximately 0347 hours, Officer A fired his weapon at the blue in color Chrysler 300 operated by Victim 1. This fact is established through the findings of the Illinois State Police Crime Lab, OEMC recordings, and the video surveillance footage from the La Pasadita Restaurant.

Officer A has had the opportunity to review this video footage, both on the night of the shooting, and formally on 20 January 2015 at the offices of the Independent Police Review Authority. Even after viewing this footage, Officer A continued to contend that he was firing upon the Mitsubishi Galant, and not at the Chrysler 300.

In three statements to IPRA, Officer A stated that his attention was on the (Mitsubishi Galant) suspect vehicle, that he was firing upon this vehicle, and that he was never firing at the Chrysler 300. The video surveillance footage clearly shows that Officer A is firing upon, and only upon, the Chrysler 300.

Furthermore, an analysis of the OEMC recordings shows that within 37 seconds of transmitting that shots had been fired, Officer A announces, "Blue Chrysler. Southbound. Came and shot some guys that were standing out front."

When confronted with the OEMC recordings that contradict Officer A's assertions, Officer A claimed that the description of a blue Chrysler 300 was provided to him by bystanders after the shooting had occurred, and that he was relaying their accounts to the dispatcher. It is noted that the video evidence from La Pasadita shows Officer A ran back to his vehicle to retrieve his police radio immediately after the Chrysler 300 has driven away. No persons are observed approaching Officer A as he is on his radio making his announcements to OEMC.

Furthermore, as the witnesses to this event are familiar with Victim 1 and his vehicle, it is highly unlikely that any one of them would have reported that the Chrysler 300 was the suspect vehicle. In fact, Witness 5 specifically told Officer A that the suspect vehicle was burgundy in color.

It is noted that Witness 3 and Witness 4, in their statements to IPRA, related Officer A was shooting at the red in color Mitsubishi Galant. Witness 3 also related that Officer A ran past the blue in color Chrysler 300 before he began firing his weapon. All of the evidence in this incident, to include the video footage, disputes these observations. Witness 3 and Witness 4 both lack credibility as their assertions are not supported by fact.

At no other time in this investigation, or the parallel criminal investigation, does any witness assert that the Chrysler 300 was the suspect vehicle in this incident. Officer A did not describe, or in any other way identify, the person(s) that allegedly relayed this information to him.

The OEMC evidence, the video evidence and the ballistic evidence all show that Officer A knowingly and intentionally fired upon the Chrysler 300. In multiple statements to IPRA, to include the 20 January 2015 statement where he was allowed to view the evidence himself, Officer A has continued to state he was firing at the Mitsubishi Galant. This statement is categorically false and is disputed by all of the available evidence.

**FINDINGS:****Accused #1:****Officer A****Allegation #1:**

**Sustained – Violation of Rule 10**, “Inattention to duty,” in that on 05 November 2011, at approximately 0347 hours, in the vicinity of 1132 N. Ashland Avenue, while off-duty, **Officer A** discharged his firearm without identifying the appropriate target.

**Allegation #2:**

**Sustained – Violation of Rule 14**, “Making a false report, written or oral,” in that on 20 January 2015, at 1119 hours, at 1615 W. Chicago Avenue, while on-duty, **Officer A** provided false information regarding his actions in a police-involved shooting.