

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1058187/U#12-42

**INVESTIGATION**

**NUMBER:**

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**OFFICER #1:**

“Officer A” (Chicago Police Officer); Male/White; 40 years old; On-Duty; In Uniform; Year of Appointment – 1996

**OFFICER’S  
INJURIES:**

Multiple fractures to the left ankle and broken ribs; treated and released at Northwestern Hospital.

**SUBJECT:**

“Subject 1”; Male/White; 28 years old

**SUBJECT’S  
INJURIES:**

Through-through gun shot wound to the head, causing a fractured skull; treated at Mt. Sinai Hospital.

**INITIAL  
INCIDENT:**

Traffic Stop/ Fleeing

**DATE/TIME:**

04 November 2012 at 1902 hours

**LOCATION:**

1151 South Independence Boulevard - Beat 113

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**SUMMARY OF INCIDENT:**

On 04 November 2012, at approximately 1902 hours, Officer A and Officer B were assigned to the Violence Reduction Initiative Team. They were in a marked squad car, Beat 4517C, and in uniform. While patrolling an area of the 011<sup>th</sup> District, they were flagged down by an Illinois State Police Trooper. Illinois State Police Trooper A requested the officers' assistance in locating a vehicle involved in child abduction. [Wife of Subject 1] reported that her infant [Child of subject 1] had been forcibly kidnapped by her father. Illinois State Police Trooper A provided the license plate number and description of the involved vehicle that was near the Grenshaw Street area. The officers agreed to assist the ISP Trooper and began their search in the immediate area with the ISP Trooper behind them. While searching for the vehicle, the officers located a vehicle matching the description in the parking lot of the Church's Chicken Restaurant. As the officers entered the parking lot, the driver of the vehicle, now identified as Subject 1, immediately backed the vehicle up so it was facing south. Officer A exited his vehicle, ran in front of the Corolla and yelled at Subject 1, "Stop the car! Police!" Subject 1 accelerated the vehicle forward and struck Officer A, who landed on the hood of the Toyota Corolla. Officer A had his weapon out and while on the hood, fired four times at Subject 1. Subject 1 continued to drive at a high rate of speed and crashed the vehicle into an old pay phone and concrete posts. The force of the collision flung Officer A through the air and onto the ground. Officer B exited the squad car and ran to Subject 1's vehicle while Illinois State Police Trooper A assisted Officer A. Subject 1 was taken to Mt. Sinai Hospital where he was listed in stable condition after sustaining gun shot wounds to the rear of his head and to the right hand. His daughter, [Child of subject 1], was located in the rear seat of the vehicle and was also taken to Mt. Sinai Hospital for minor injuries and observation.

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**INVESTIGATION:**

The **preliminary report** provided substantially the same information as the Summary of Incident.

Attempts were made to interview **Subject 1**, but all attempts were met with negative results.

[**Wife of Subject 1**] did not cooperate with the IPRA investigation. However, she did provide a statement to Assistant State's Attorney A and CPD Detective 1 on 05 November 2012. [Wife of Subject 1] stated that she has been married to Subject 1 for two years and they have a child together, [Child of subject 1] (21 months old). She said she left Subject 1 while he was in jail and now lives with her boyfriend, [Boyfriend]. [Wife of Subject 1] reported that she obtained Orders of Protection against Subject 1 on both 29 and 31 October 2012.<sup>1</sup> [Wife of Subject 1] indicated that she met Subject 1 at the parking lot of Wal-Mart on 103<sup>rd</sup> and Harlem after work on 04 November 2012 because he had requested that she return some of his possessions. During this encounter, Subject 1 entered [Wife of Subject 1]'s vehicle and sat in the passenger side seat talking to her. Their conversation turned into a verbal altercation that, shortly thereafter, turned into a physical altercation. [Wife of Subject 1] stated that Subject 1 grabbed her in a headlock and punched her on the head several times when she refused to comply with his demands. [Wife of Subject 1] exited the vehicle and attempted to remove [Child of subject 1] from the rear passenger seat. Before she could do so, Subject 1 jumped into the driver's seat and drove away with [Child of subject 1] inside the vehicle.

[Wife of Subject 1] called 911, and began to track Subject 1's cell phone with a "Family Where" G.P.S. locator on her phone; [Wife of Subject 1] updated the responding Bridgeview police officers about Subject 1's location.

A **canvass** was conducted at the location of incident. Witness 1, manager of Church's Chicken Restaurant, stated that he and his cook were working when they heard one shot that was fired and observed his customers running for cover. Witness 1 did not see who fired the shot or if anyone was shot, but observed officers arrive on the scene. Witness 1 related his cook was in the back of the restaurant and was not a witness to the incident. Witness 1 related that his restaurant has interior store cameras, but they were not working. No other witnesses or video recordings were located relative to this incident.

**Department Reports** supported the narrative in the Summary of Incident and documented the investigation of an Attempted Murder, Aggravated Battery to Police Officer, Child Abduction and Aggravated Vehicular Hijacking. The reports documented that on 04 November 2012, Subject 1 took his estranged wife, [Wife of Subject 1]'s, vehicle by force following a domestic altercation. At the time of the offense, the daughter of the couple, [Child of subject 1], was in the vehicle when Subject 1 took the vehicle and fled the scene of the domestic dispute. The incident occurred in Bridgeview, Illinois, but Subject 1 fled Bridgeview and drove into Chicago. Subject 1's location was being monitored by the Bridgeview Police Department using his cellular phone in the vehicle, and then transmitted over the ISP Emergency Radio Network.

The reports documented that Illinois State Police Trooper A was in search of Subject 1 when he requested the assistance of Officer A and Officer B. During the search for Subject 1, they located

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<sup>1</sup> 12 DV 51301, Emergency Order of Protection issued on 29 October 2012, prohibiting Subject 1 from contacting [Wife of Subject 1] and [Child of subject 1].

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him in the parking lot of Church's Chicken Restaurant, located at 1200 S. Independence Boulevard. The reports documented that Officer A approached Subject 1 and ordered him to show his hands. Subject 1 failed to comply with the orders, and instead accelerated the vehicle toward Officer A. Subject 1 struck Officer A, who, in fear for his life, fired his weapon into the vehicle at Subject 1. The vehicle crashed and Officer A flew off the vehicle and slammed onto the pavement. Subject 1 was transported to Mt. Sinai Hospital for his injuries, including gunshot wounds to his head and hand. Subject 1 was arrested for Attempted Murder, Aggravated Battery to a Peace Officer, Child Abduction and Aggravated Vehicular Hijacking.<sup>2</sup>

The **Crime Scene Processing Reports** listed the relevant evidence, including inventoried items, and photographs of the victims, offender, and the location of incident.

The **Property Inventories** report related all the evidence collected and secured on 14 Mar 13 for the investigation. The evidence included firearms, casings, blood swabs, GSR kits, clothing of the subject, and POD recordings.

The **Event Query** documented that on 04 November 2012 at 1902 hours, Beats 1183 and 1194 were in the 1200 block of South Independence Boulevard. At 1903 hours, there were shots fired by the police, after the offender struck the officer with his vehicle. The Event Query documented that the officer was hurt and was taken to Northwestern Hospital for treatment. The baby that was in the vehicle, [Child of subject 1], was taken to Mt. Sinai Hospital, and Subject 1 was taken to Stroger Hospital, and subsequently transferred to Mt. Sinai Hospital.

The **OEMC** recorded several calls to 911 reporting shots fired. A caller reported that she heard at least three gun shots in the 1200 block of South Independence Boulevard. A radio transmission recorded an officer from Beat 1183, and he stated that shots were fired and that an officer was down at Independence Boulevard and Roosevelt Road. An officer requested a tow truck immediately after the shooting to 1159 South Independence to immediately secure the subject's vehicle for investigation. The officer told dispatch that the subject was involved in a police involved shooting and that the vehicle was a 1998 red, four-door, Toyota Corolla. Unit 4517 stated that the subject had a gunshot wound to the head. Another officer reported that the subject was in custody. Unit 230 later reported that the child was secure.

The **Chicago Fire Department Ambulance** report documented that Subject 1 was driving a car, struck a Chicago Police Officer and then a stationary object. In the process, the officer fired several shots into the windshield. The airbag deployed. Subject 1 had abrasions to his chest area, and a large amount of bleeding from the head, possibly from a gun shot. While in the ambulance, Subject 1 stated, "Is the officer okay, I didn't mean to do that."

The **Chicago Fire Department Ambulance report** regarding [Child of subject 1] documented that she was alert, with age-appropriate behavior in the care of an officer from Beat 1113. [Child of subject 1] was restrained in a child seat as a backseat passenger in a vehicle that was involved in a motor vehicle crash accident. It was not clear how [Child of subject 1] was injured, and no other information was available. It was reported on scene that there was an amber alert

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<sup>2</sup> On 02 October 2014, Subject 1 pled guilty to Aggravated Vehicle Hijacking and was sentenced to fifteen years in the Illinois Department of Corrections.

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issued for this patient. Care was transferred to the hospital staff at Mt. Sinai Hospital. An officer from Beat 1113 accompanied [Child of subject 1] to the hospital.

The **Mt. Sinai Hospital Records** for Subject 1 from 04 – 05 November 2012 and 07 November 2012 affirm the wounds he sustained were the result of gunshot wounds he sustained during the above incident. Doctor A documented that Subject 1 was in a slightly decreased mental state, but in a stable condition. The medical record indicated that Subject 1 sustained two gunshot wounds to the posterior skull status post craniotomy. Subject 1 also has a left posterior parietal fracture and intracranial bleeding, floaters in the right eye and posterior skull headache with mildly blurry vision in both eyes. Subject 1 had difficulty ambulating and was unable to get out of a chair. Doctor A recommended neurosurgery, hand surgery, ophthalmology, physiologic medicine, and rehab. The final diagnosis was gun shot wound to the head, right hand, and multiple blunt traumas.

The **Medical Records** for [Child of subject 1] from Mt. Sinai Hospital documented that she was brought into triage by a Chicago Police Officer. [Child of subject 1] was restrained in a child safety seat in the rear passenger seat of a vehicle that struck a metal utility pole at an unknown speed. Bruising was observed on [Child of subject 1]’s forehead. X-rays were conducted, but were for negative fractures. Doctor B reported that [Child of subject 1] had blunt trauma to the head and a diaper rash. [Wife of Subject 1] was in stable condition.

The **Illinois State Police (ISP)** Division of Forensic Services Laboratory Report #C12-050272 indicated that the four fired cartridge cases found at the scene were fired from Officer A’s Sig Sauer P226 semiautomatic pistol, serial #U556209. The inventoried gun, bullet and shell casings belong to Officer A, who was involved in a police shooting. The report indicated that Subject 1 struck Officer A with his vehicle with the intent to kill or seriously harm Officer A. While on Subject 1’s vehicle, Officer A was able to discharge his weapon at Subject 1 four times. Officer A was slammed to the ground and seriously injured.

The **ISP in-car camera** recording did not have set times in its recording. The video and audio recording captured a marked CPD squad car and Illinois State Police Trooper A entering the Church’s Chicken Restaurant parking lot. The in-car camera stopped moving and faced south toward the bus stop shelter. Shortly after the camera ceased moving, several gun shots were heard and an officer was seen landing on the ground next to the bus stop shelter. Illinois State Police Trooper A exited his vehicle and stood next to the fallen officer. He reported via radio that there was an officer down and requested an ambulance. In the background, another person is heard to say, “Don’t move. Do not move!” At 0001 hours, the same person yelled, “Watch him!” several times and then came into view holding a young child.

**Evidence Technician photographs** depict the scene of the incident, as well as casings, markers, Subject 1 and his injuries, [Child of subject 1], Subject 1’s vehicle and Officer A. The photographs of the scene showed that it was nighttime and a damaged red Toyota Corolla faced south toward the base of the Church’s Fried Chicken sign. There were four casings found in the scene. Photographs of Subject 1 showed him sleeping in a hospital bed. His right hand was in a cast and bandages were seen wrapped around his head.

**POD 163**, located at the intersection of south Independence Boulevard, and Roosevelt Road, captured the arrival of the backup officers immediately after the incident, but did not capture the officer-involved shooting. The video showed several officers and their squad cars outside Church’s

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Chicken Restaurant. There is a bus stop shelter with clear sides obstructing the view. Several officers are seen behind the bus stop, as well as concrete poles next to the restaurant sign and a person who seems to be facedown.

In a statement with IPRA on 05 November 2012, and in the General Progress Reports from the Detective Division, **Officer B** related that he and Officer A were on duty working in the 010<sup>th</sup> District's Violence Reduction Mission. They were patrolling around Roosevelt and Central Park when they observed an Illinois State Trooper stick his arm outside the squad car window and wave to the officers. Officer B related the State Trooper informed them about the wanted individual in a red Toyota who had kidnapped a child. The State Trooper stated he was following a set of GPS coordinates from the subject's cell phone to track his location. After patrolling the area with the State Trooper, Officers A and B observed said male (now identified as Subject 1) in the parking lot of Church's Chicken Restaurant. Officer B related that as soon as Subject 1 saw them pull into the parking lot, he attempted to drive away.

Officer B and Illinois State Police Trooper A blocked the offender's way and Officer A exited the vehicle. Officer A ran toward the front of the vehicle and ordered Subject 1 to stop. Officer A was making his way to the driver's side when the subject turned the vehicle toward Officer A and accelerated. Officer A attempted to get out of the way, but instead landed on the hood of the Toyota when Subject 1 struck him with the vehicle. Officer B related he saw Officer A go on top of the hood of the Toyota and, while holding his gun in his hand, fire four times toward Subject 1, who accelerated the vehicle. The Toyota crashed into two poles and a restaurant sign.

Officer B related that he was under the impression that Subject 1 was trying to kill Officer A. Officer A flew off the hood once the vehicle crashed and landed in front of the Toyota vehicle. Officer B then observed Subject 1 reaching for something under the seat. Officer B ordered Subject 1 to show his hands, but Subject 1 did not comply with the verbal commands. Officer B spotted a child in the backseat of the Toyota vehicle and made his way over to the passenger side of the vehicle. Officer B related he grabbed the child in fear for the child's life. He then held Subject 1 at gunpoint while additional units responded. Illinois State Police Trooper A immediately assisted Officer A, while Officer B both held the baby and pointed a gun at Subject 1. Officer B then observed CPD Sergeant 1 arrive at the scene, remove Subject 1 from his vehicle, and place him under arrest. Officer B then heard CPD Sergeant 1 notify the zone of the shots fired and request assistance.

In a statement with IPRA on 26 August 2014, and in the General Progress Reports from an interview conducted by the detectives, **Illinois State Police (ISP) A** provided similar accounts of the incident as reported in the Summary of Incident section of this report. Illinois State Police Trooper A's account was consistent with the narratives provided by Officers A and B.

In a statement with IPRA on 04 September 2014, and in the General Progress Reports from an interview conducted by the detectives, **Involved Officer A** reiterated accounts of the incident consistent with Officer B and Illinois State Police Trooper A. Officer A also stated that while they were touring the area he saw the individual that they were looking for in the parking lot of Church's Chicken Restaurant. They entered the parking lot, he exited the vehicle and directed verbal commands to the driver (Subject 1) to show his hands, which he failed to do. Officer A related that Subject 1 placed the car in reverse. After Officer A repeated the commands, Subject 1 accelerated the vehicle toward him. Officer A drew his gun and pointed it at Subject 1. Officer A related that he

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continued to direct commands for Subject 1 to stop the vehicle and show his hands, but Subject 1 failed to comply and instead struck him at the knees with the vehicle. Officer A related that he held the hood with his left hand; with his right hand he pointed and fired his weapon four times at Subject 1 because he was in fear for his life.

The vehicle crashed into a pole, smashing Officer A's foot and leg, and then throwing him onto the ground. Officer A stated that he broke all the ribs on the right side of his body, and every bone in his left foot was crushed. Officer A related that he then recalled looking for his gun; the ISP Trooper assisted him. Officer A observed Officer B holding a baby, and noticed that Subject 1 was on the ground. Officer A did not know who detained Subject 1.

**CONCLUSION AND FINDING:**

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

- A. "a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
  - 1. to prevent death or great bodily harm to the sworn member or to another person, or;
  - 2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
    - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
    - b. is attempting to escape by use of a deadly weapon or;
    - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."
    - d.
- B. "Firing at or into a moving vehicle is only authorized to prevent death or great bodily harm to the sworn member or another person. When confronted with an oncoming vehicle and that vehicle is the only force used against them, sworn members will move out of the vehicle's path."

Officer A assisted in locating Subject 1, who was suspected in a hijacking of a Toyota Corolla and kidnapping of infant [Child of subject 1]. After locating Subject 1, the officers surrounded Subject 1 and attempted to take him into custody. Subject 1 attempted to evade arrest by accelerating and striking Officer A with his vehicle. Officer A was in fear for his life and fired four times after being struck, and seriously injured, by the moving vehicle into which he discharged his weapon. All witnesses present at the incident confirm Officer A's description of the incident, and the evidence is consistent with their accounts. Therefore, based on the totality of circumstances surrounding the incident, Officer A was justified in using deadly force.