

**INDEPENDENT POLICE REVIEW AUTHORITY**

**Log #1058714 / U #12-46**

**INVESTIGATION**

**NUMBER:** Log #1058714/ U#12-46

**OFFICER**

**INVOLVED#1:** “Officer A” (Chicago Police Officer); Male/Black; 37 years old; Off Duty; In Uniform; Year of Appointment – 2003

**OFFICER #1’S**

**INJURIES:** None reported.

**WITNESS**

**OFFICER #1:** “Officer B” (Chicago Police Officer); Male/White; 42 years old; On Duty; In Plain Clothes; Year of Appointment – 1999

**WITNESS**

**OFFICER #2:** “Officer C” (Chicago Police Officer); Male/White; 35 years old; On Duty; In Plain Clothes; Year of Appointment – 2000

**SUBJECT:** “Subject 1”; Male/Black; 20 years old

**SUBJECT’S**

**WEAPON:** Attempted to run officer over with the vehicle he was driving.

**SUBJECT’S**

**INJURIES:** (1) Gunshot wound to the right hand. Transported to Mercy Hospital in Stable Condition

**DATE/TIME:** 29 November 2012, 2140 hours

**LOCATION:** 3700 S. Martin Luther King Jr. Drive  
Beat 212

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### **SUMMARY OF INCIDENT:**

On 29 November 2012, at approximately 2140 hours, off-duty Officer A was in his personal vehicle with his girlfriend, Witness 1. They were stopped at a traffic light at 3700 S. King Drive. when Officer A observed a silver 2003 Honda CR-V, now known to be driven by Subject 1, travel north on King Drive from 39<sup>th</sup> Street. Subject 1 swerved into the southbound lanes as he continued to drive north and attempted a left turn at 37<sup>th</sup> Street but lost control of the vehicle. Subject 1 drove northwest on to the median, striking a light pole, and continued across the service drive. Subject 1 drove on to the sidewalk and struck a pedestrian, now known to be Witness 2, and came to a stop after he crashed the vehicle into a concrete wall surrounding the residence at 3658 S. King Drive.

Officer A exited his vehicle and began to walk towards the Honda ordering Subject 1 to exit the vehicle. Subject 1 placed the vehicle in reverse and immediately accelerated towards Officer A. Officer A then discharged his firearm once at Subject 1. Subject 1 continued to drive backwards, striking the passenger side of Officer A's vehicle. Subject 1 continued to drive in reverse but the vehicle became wedged between the passenger side of Officer A's vehicle and a tree. Officer A again ordered Subject 1 to exit the vehicle, but Subject 1 attempted to drive the vehicle directly forward at Officer A. Officer A then discharged his firearm several more times at Subject 1, in which one of the rounds struck Subject 1 in the wrist. Subject 1 was subsequently taken into custody and transported to Mercy Hospital for medical treatment.

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The **Department Reports** (RD# HV582215, Event# 1233415946, CB# 18548975) related that Subject 1 was arrested for aggravated fleeing with the intent of causing bodily harm, aggravated assault with a motor vehicle, in possession of a stolen vehicle and attempted first degree murder. The incident narrative of the report documented that Officers B and C curbed the vehicle Subject 1 was driving at 343 E. Pershing after the plate reader in their squad car indicated that the vehicle Subject 1 was driving was stolen. Subject 1 fled at a high rate of speed northbound on King Drive. Officers B and C pursued the vehicle and observed Subject 1 cross over into the opposite lane of traffic. Subject 1 then turned left at 37<sup>th</sup> Street and lost control of the vehicle causing him to strike a light pole, then a pedestrian, and then a wall to the front yard of 3658 S. King Drive causing the vehicle to come to a stop. In an attempt to flee and defeat arrest, Subject 1 placed his vehicle in reverse and at a high rate of speed drove in the direction of off-duty Chicago Police Officer A, who was in full Chicago Police uniform. Officer A who was in fear for his life and the safety and life of his girlfriend, Witness 1, discharged his weapon striking Subject 1 in the wrist. Subject 1 was transported to Mercy Hospital for treatment to his injury.

A **Tactical Response Report** completed by Officer A documented that Subject 1 “did not follow verbal direction,” was an “imminent threat of battery,” “attack[ed] with a weapon,” and used “force likely to cause death or great bodily harm.” Officer A responded with “member presence”, “verbal commands”, and the use of his “firearm”. The narrative documented that the subject “attempted to strike [Officer A] with a motor vehicle.”

**The Officers Battery Report for Officer A** documented that he was in fear of being injured when Subject 1 attempted to strike him with his vehicle. Officer A did not receive any type of injury.

The **Chicago Fire Department Ambulance Report** documented that Subject 1 was seated in the front seat of his vehicle with a gun shot wound to the left hand. Subject 1’s gunshot wound had an entrance and exit wound. Subject 1 was transported by Ambulance #4 to Mercy Hospital.

**On 30 November 2012 at approximately 0215 hours**, IPRA Investigator A visited Mercy Hospital and attempted to interview Subject 1 and witness, Witness 1. IPRA Investigator A spoke with Subject 1’s treating physician, Doctor A, who stated that Subject 1 had one gunshot wound to the left wrist that was through and through and had small broken bones in his right hand which did not require surgery. IPRA Investigator A spoke with Witness 1’s treating physician, Doctor B, who stated that she had soreness to her lower back and skeletal muscular pain and soreness. IPRA Investigator A was informed that Subject 1 was discharged into police custody and that Witness 1 could be interviewed at Area Central.

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**IPRA** sent a **certified letter** to the family of Subject 1 detailing that IPRA is conducting an investigation into the police involved shooting involving Subject 1.

**Medical Records for Subject 1 from Mercy Hospital** documented that Subject 1 was admitted to the emergency room on 29 November 2012 for a gun shot wound to the right hand and was seen by Doctor A. The documents listed Subject 1's address at XXXX S. Drexel Blvd, Apt XXX, Chicago, IL 60615 and his date of birth as XX November XXXX. Upon admission into the hospital, Subject 1 was in stable condition. Subject 1 was x-rayed and found to have carpal fractures. Subject 1's wounds were dressed and a splint was applied. Subject 1 was discharged on 30 November 2012 to the Chicago Police Department.

A **Canvass** was conducted on 30 November 2012 near the location of 3700 S. Martin Luther King Drive. IPRA Investigator B, IPRA Investigator C and IPRA Investigator D were unable to locate any residents that witnessed the incident in question.

**Crime Scene Processing Report #213150** documented items inventoried and photographs obtained by the Evidence Technicians at the scene. The report also documented that Officer A's weapon was recovered and photographed at Area Central Detective Divison. The report was submitted by Officer D.

**Evidence Technician Photographs** documented the crime scene and Officer A's firearm.

**Illinois State Police Forensic Science Laboratory Reports** documented under Lab Case #C12-09805 that Officer A's firearm was tested and was in proper working condition. The unfired cartridges were analyzed for caliber and type only. The four fired cartridge casings recovered from the street were fired from a Springfield, XDM-40, 40 Smith and Wesson caliber semiautomatic pistol. This pistol belongs to Officer A.

A search for **Police Observation Devices (PODS)** in the vicinity of the alleged incident found that there is a POD located in the area relevant to this investigation. POD 0003064, located at 3700 S. Martin Luther King Jr. Drive, records towards the west at the intersection of 37<sup>th</sup> Street and Martin Luther King Jr. Drive. The POD was operational on 29 November 2012 and recorded incident. A review of the POD video confirmed the sequence of events as related in the synopsis of this report.

The related **OMEC Event Queries** documented that at 2144 hours on 29 November 2012 a police officer reported shots fired by the police at 3658 S. Martin Luther King Jr. Drive. An ambulance was immediately dispatched to the scene.

The **Detectives Supplementary Report** documented the Reporting Detectives investigation of the incident. On 29 November 2012, at approximately 2200 hours the Reporting Detectives were assigned by CPD Sergeant A to investigate a police involved shooting which occurred at the intersection of 3700 S. Martin Luther King Drive.

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After arriving at the scene, the Reporting Detectives interviewed the victim Police Officer, victims, responding and arresting officers as well as conducted an examination of the scene. The Reporting Detectives learned that Beat 206C, occupied by Officers B and C were on routine patrol driving a marked Chicago Police Vehicle that was equipped with an automated license plate reader. As the officers traveled southbound on the 4000 block of South Prairie Avenue, they passed a gray Honda with an Illinois license plate of XXXXXXX. The automated plate reader notified the officers that the vehicle was reported stolen. The officers double checked the plate through their portable data terminal and confirmed that the vehicle was stolen.

The officers activated their emergency equipment and curbed the stolen vehicle on 39<sup>th</sup> Street just east of King Drive. As the officers exited their vehicle, the offender, now known as Subject 1 sped away. Subject 1 turned northbound onto King Drive and fled at a high rate of speed towards 37<sup>th</sup> Street.

At the intersection of 37<sup>th</sup> Street and S. King Drive, Subject 1 attempted to turn left onto 37<sup>th</sup> Street which resulted in his vehicle crashing into a light pole. After Subject 1 knocked down the light pole, his vehicle continued forward and struck a pedestrian, now known as Witness 2, on the west sidewalk of inner King Drive. Subject 1's vehicle then came to a stop after it struck a cement wall at the location of 3658 S. King Drive. During this time, off duty Chicago Police Officer A was sitting in his 2003 GMC Yukon in the furthest west southbound lane of King Drive. Also, in the vehicle was Officer A's girlfriend, Witness 1, and they observed the accident.

After striking the wall, Subject 1 reversed the vehicle and traveled east towards King Drive. Officer A, who was still in uniform after completing his tour of duty in Unit 001, exited his vehicle and gave verbal commands for Subject 1 to stop and exit his vehicle. Subject 1 refused to comply with Officer A's commands and continued to reverse at a high rate of speed toward Officer A and Witness 1, who was still seated in Officer A's vehicle. Officer A moved to his left out of the path of the oncoming vehicle and fired two shots at Subject 1 in an attempt to prevent him from crashing into and injuring Witness 1.

Subject 1 struck the GMC Yukon, containing Witness 1, which caused the Honda to come to a stop between a tree in the parkway and the GMC Yukon. Officer A stood in front of the vehicle and again shouted orders at Subject 1 to stop the vehicle. Subject 1 revved the engine and attempted to drive forward at Officer A. Officer A then fired two rounds at Subject 1 because he feared for his own safety.

Subject 1 sustained a single gun shot wound that was through and through to his right wrist. Subject 1 was transported by CFD Ambulance #4 to Mercy Hospital for treatment.

**In an audio recorded statement to IPRA, Victim Subject 1 related** that on the 29 November 2012, he was pulled over by a marked Chicago Police squad car near the location of Pershing and King Drive. As the officers exited their squad car, Subject 1 sped away because he was driving a stolen vehicle. Subject 1 related that he turned left

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on to King Drive and traveled north at high speed. After traveling two blocks, Subject 1 made a left turn at full speed which caused him to strike a light pole. The vehicle Subject 1 was driving ultimately ended up on the sidewalk and struck a wall. Subject 1 related that he tried to exit the vehicle, but couldn't, so he placed the car into reverse and backed up at full speed. As Subject 1 was doing this, the marked Chicago Police squad car that initially stopped him arrived on scene. Subject 1 related that he continued to back up without paying attention to what was behind him because he was focused on the police car. As Subject 1 reversed, he hit a civilian vehicle, now known to be driven by Officer A. Subject 1's vehicle spun around and traveled south parallel to the vehicle Officer A was in. Subject 1 related that he observed Officer A, who was in full uniform exit his vehicle and stand in front of his car. Subject 1 related that Officer A was saying something, but he couldn't hear him because his radio was turned up. Subject 1 then put his vehicle in drive, put his foot on the accelerator and drove forward. As he did this, Officer A fired his weapon and shot Subject 1 in the left hand. Subject 1 then stopped his vehicle. Subject 1 related that Officer A was standing approximately five to six feet in front of his car when he shot him.

**In an audio recorded statement to IPRA, Witness 1 related** that she was riding in the front passenger seat of a Black GMC Yukon with her boyfriend, Officer A, when they stopped at a red light at 37<sup>th</sup> Street and King Drive. Witness 1 observed a car travel northbound in the northbound lanes and then crossed over and began to travel northbound in the southbound lanes straight towards her and Officer A. Suddenly, the vehicle made a left turn, hopped the sidewalk and struck a light pole. The vehicle continued to drive across Inner Martin Luther King Drive, hopped the sidewalk, struck a pedestrian and hit a concrete wall. Witness 1 related that Officer A exited his vehicle and ran towards the scene, but the vehicle reversed off of the sidewalk and attempted to hit Officer A. Witness 1 related that Officer A jumped out of the way and the vehicle continued to back up towards the GMC Yukon that she was seated in. Witness 1 related that she moved over to the driver's side of GMC Yukon in an effort to escape injury moments before the vehicle hit the passenger side of the GMC Yukon. Witness 1 related that she then exited the vehicle and began to run north towards 36<sup>th</sup> Street to protect herself. Witness 1 related that she did not see what happened after she exited the vehicle nor did she hear any gunshots.

**In an audio recorded statement to IPRA, Witness 2 related** that she was walking home on the sidewalk near 37<sup>th</sup> Street and King Drive when she heard a pop. Witness 2 turned around and saw an SUV hit the light pole and come towards her. Witness 2 tried to get out of the path of the vehicle, but couldn't and the SUV hit Witness 2 on the left side of her body causing her to fall to the ground. Witness 2 related that the vehicle continued to drive over her until it came to a complete stop. Witness 2 related that she was able to roll out from underneath the vehicle and when she looked up she observed a male individual, now known to be Officer A, standing in the middle of the street ordering the driver, now known as Subject 1, to stop the vehicle. Witness 2 related that she heard the vehicle hit something and again Officer A ordered the driver to stop the vehicle. Witness 2 then heard the tires on the vehicle screech and saw Officer A discharge his firearm. Witness 2 related that she heard three shots.

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**In an audio recorded statement to IPRA, Witness 3 related** that he was standing on the balcony of his apartment located at 3708 South King Drive on 29 November 2012 when he observed a silver Honda CR-V travel at a high rate of speed on King Drive. The Honda was followed by a marked Chicago squad car with its emergency equipment activated. Witness 3 observed the Honda turn left on to 37<sup>th</sup> Street and hit either the light pole or strike the brick wall surrounding a corner mansion located at 3656 S. Martin Luther King Drive. Witness 3 then observed the Honda move and hit a black SUV on the passenger side that was stopped at the light facing southbound on Martin Luther King Drive. Witness 3 observed a tall black male, now known to be Officer A, wearing all black clothing, standing approximately 10-15 feet from the Honda. Witness 3 related that he then heard someone say something in a loud tone. Immediately following, he observed Officer A fire his weapon two or three times towards the Honda. Subsequently, he observed the Honda move and then heard Officer A discharge his weapon again.

**In an audio recorded statement to IPRA, Witness Officers B and C related** that on 29 November 2012 they were on duty, in plain clothes and assigned to beat 206C. Officer B related that he was driving and Officer C was seated in the front passenger seat of a marked Chicago squad car equipped with a plate reader. Officers B and C related that they were at the 4000 block of South Prairie heading southbound when a 2003 Honda passed them going northbound. The plate reader alerted the officers that the Honda was stolen. Officers B and C did a U-turn and began to follow the vehicle. Officers B and C related they confirmed that the vehicle was stolen through the PDT terminal and curbed the vehicle at 343 East Pershing. Officers B and C exited the squad car and attempted to make contact with the driver, now known to be Subject 1, who then fled northbound on King Drive at a high rate of speed. Officers B and C got back in their squad car and began to pursue Subject 1. As Officers B and C approached 37<sup>th</sup> Street they observed that Subject 1 crashed the Honda into a wall located at 3658 South King Drive. As they got closer to the vehicle, Subject 1 put the Honda into reverse and backed into an off-duty police officer's vehicle, a GMC Yukon, that was stopped at the red light facing southbound. Once Subject 1 hit the GMC Yukon, his vehicle turned and faced southbound. Officer B stopped the squad car and exited the vehicle. Once outside the vehicle, Officer B observed the off-duty officer, now known to be Officer A, stand five to ten feet in front of the Honda. Officer B observed Officer A to be in full uniform and heard Officer A order Subject 1 to stop the vehicle. Officer B then heard Subject 1 rev the engine as if he wanted to drive forward. Officers B and C then observed Officer A fire two rounds at the Honda. Officer C related that he walked over to Officer A to see if he was okay while Officer B approached the Honda and observed Subject 1 sticking his hands out of the driver's window. Officer B related that Subject 1 stayed in the vehicle until an ambulance arrived.

**In an audio recorded statement to IPRA, Officer A related** that on 29 November 2012 he was working his tour of duty in full uniform from 1300 to 2100 hours in the 001 District. At 2100 hours, he left the 001 District, still dressed in full uniform, and picked up his girlfriend, Witness 1. Officer A related that he was driving his 2003 GMC Yukon southbound on King Drive until they came to a stop at a traffic light at 37<sup>th</sup> Street. Officer A related that while he was sitting in the furthest lane to the right at the light, he

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observed a silver truck come towards him in the northbound lanes at a high rate of speed. Behind the silver truck was a squad car with its emergency equipment activated. Officer A observed the silver truck swerve into the southbound lanes and drive head on towards him. The silver truck then made a sharp left turn at 37<sup>th</sup> Street, lost control and hit a light pole. The silver truck continued to travel across the grass median, hit a pedestrian on the west sidewalk and then hit a wall. Officer A related that he observed all this while he was seated in his vehicle. Officer A related that he exited his vehicle and ran towards the silver truck. As Officer A ran towards the silver truck, the subject, now known as Subject 1, threw the silver truck into reverse and began to travel at a high rate of speed towards Officer A. Officer A related that he was approximately 15 to 20 feet behind the silver truck when it began to reverse towards him. Officer A related that he stepped out of the way to avoid getting hit, but then realized that the silver truck was headed towards his vehicle where Witness 1 was still located. Officer A related that he feared for the safety of Witness 1 and yelled "Stop!" Officer A related that he then pulled out his service weapon and fired two shots towards the driver's side window. Officer A related that he was approximately five feet away from the silver truck when he did this. Subject 1 continued to travel in reverse, turned the wheel of his vehicle and struck the front passenger door of the GMC Yukon where Witness 1 was seated. Officer A related that the silver truck continued to travel in reverse parallel and alongside the GMC Yukon to the point that Subject 1 wedged his vehicle between the GMC Yukon and a tree. The silver truck now faced southbound towards Officer A. Officer A related that he walked towards the silver truck in an attempt to apprehend Subject 1. As Officer A walked closer to the silver truck, Subject 1 put the vehicle into drive and revved the engine. Officer A related that he again yelled "Stop!" and then fired two more shots towards the windshield of the silver truck. Officer A then instructed Subject 1 to stick his hands out of the window, to which Subject 1 complied.



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### CONCLUSION AND FINDING:

This investigation found that the use of deadly force by Officer A was **Justified** and 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."

The actions of Officer A was in accordance with the statute "to prevent death or great bodily harm to the sworn member or to another person" because he reasonably believed that his life and his girlfriend's life were in danger when Subject 1 reversed at a high rate of speed towards them.

Officer A ordered Subject 1 to stop the vehicle numerous times, but Subject 1 failed to comply. Subject 1 reversed the vehicle he was driving at a high rate of speed towards Officer A and Witness 1. Officer A who was in fear of his life and Witness 1's life, fired his weapon towards Subject 1. Subject 1 continued to reverse his vehicle until he became stuck between a tree and Officer A's personal vehicle. Officer A continued to order Subject 1 to stop, in which, Subject 1 failed to comply. Subject 1 placed his vehicle into drive and revved the engine. Again, Officer A, who was in fear of his life, discharged his weapon striking Subject 1 in the wrist. Officer A's account involving the discharge of his weapon was substantiated by witness accounts of the assisting officers, witnesses near the scene and Subject 1.