

INDEPENDENT POLICE REVIEW AUTHORITY

Log # 1060190/ U # 13-05

INVESTIGATION

NUMBER: Log #1060190/ U #13-05

INVOLVED

OFFICER: “Officer A” (Chicago Police Officer); Male/White; 30 years old;
On Duty; Plain Clothes; Year of Appointment – 2007

OFFICER’S

INJURIES: Injured left foot; Transported to University of Illinois at Chicago
(UIC) Hospital

WITNESS

OFFICERS: “Officer B” (Chicago Police Officer); Male/Black; 37 years old;
On Duty; Plain Clothes; Year of Appointment – 2007

“Officer C” (Chicago Police Officer); Male/Black; 34 years old;
On Duty; Plain Clothes; Year of Appointment – 2004

“Officer D” (Chicago Police Officer); Male/Hispanic; 38 years old;
On Duty; Plain Clothes; Year of Appointment – 2001

SUBJECT/

OFFENDER: “Subject 1”; Male/Black; 26 years old

SUBJECT/

OFFENDER’S

INJURIES: (1) Gunshot Wound to the Left Flank; (1) Gunshot Wound to the
Right Forearm

DATE/TIME: 16 February 2013; Approximately 1133 hours

LOCATION: 3905 West Chicago Avenue

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SUMMARY OF INCIDENT:

This investigation, in conjunction with information gained through the investigation initiated by the Chicago Police Department, revealed the following.

On 16 February 2013, officers assigned to an 011th District Tactical team were working a four man plain clothed detail. Officers A, B, C, and D were in an unmarked vehicle on routine patrol in the area of Chicago Avenue and Springfield Avenue. While traveling southbound on Springfield Ave, the officers observed a group of individuals engaged in what that they believed to be a narcotics transaction on the northwest corner of Chicago Avenue and Springfield Avenue. Officer A exited the vehicle from the front passenger seat and approached the group of individuals. One of the persons, now identified as Subject 1, broke from the crowd and began running into a parking lot. Officer A gave chase. Subject 1 entered a gray minivan and attempted to put the vehicle in reverse in order to leave the parking lot. Officer A approached on the driver's side of the minivan, ordering Subject 1 to exit the vehicle. Subject 1 continued to drive in reverse, nearly striking Officer A.

Subsequently, the unmarked police vehicle entered the parking lot and began to approach the minivan. Officer A was now positioned between the front of the minivan and the approaching police vehicle. Subject 1 put his vehicle into drive and drove forward, toward Officer A. Officer A had his weapon drawn and continued to order Subject 1 to stop and exit the vehicle. Subject 1 continued to drive forward, trapping Officer A between the minivan and the police vehicle. With nowhere to go, Officer A jumped up in order to avoid being struck by the minivan. Officer A landed on the hood of the approaching minivan as the front of the minivan struck the front of the police vehicle. Officer A's foot went through the front grille of the police vehicle, injuring him. Officer A fired three rounds into the front windshield of the minivan, striking Subject 1. Subject 1 fell into the front passenger seat of the vehicle. Subject 1 exited from the passenger side of the vehicle and was placed into custody. Chicago Fire Department Ambulance #10 transported Subject 1 to Mt. Sinai Hospital, where he was treated for a gunshot wound to the right forearm and a gunshot wound to the left flank. Chicago Fire Department Ambulance #44 transported Officer A to University of Illinois Hospital where he was treated for pain to his left foot.

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Department Reports, the Tactical Response Report (TRR) and the Officers' Battery Report (OBR), all provided information that is consistent with the statements given by the involved officers and the independent witnesses.

The **OEMC** and **PCAD Reports** were collected and made part of this investigation. An analysis of said documents show no information that is inconsistent with the facts as related by the involved and witness officers. Attempts to locate additional independent witnesses were made to no avail.

The **Chicago Fire Department Ambulance Report** documented that EMS was dispatched at 11:37:48 and their arrival time on scene was 11:40:59. Upon arrival, Subject 1 was lying on his back outside of a silver minivan, on the passenger side, with the door open. The narrative indicated that Subject 1 complained of pain to his right arm and lower back. Furthermore, the report documented that an assessment of Subject 1 revealed a gunshot to the right wrist/forearm and left flank.

A **personal visit** was made to Mt. Sinai Hospital on 16 February 2013. IPRA Investigator A, spoke with attending physician, Doctor A. Doctor A informed IPRA Investigator A that Subject 1 sustained a "through and through" gunshot wound to his lower back area and a gunshot wound to his right forearm. Doctor A further related that Subject 1's condition was stable.

A **Canvass** of the area of the incident was made in an attempt to locate additional witnesses and/or evidence. Two possible witnesses were identified. Multiple attempts were made to interview the two possible witnesses. However, both refused to cooperate with the investigation.

According to **Medical Records from Mt. Sinai Hospital**, Subject 1 was treated for multiple gunshot wounds; one to his right forearm and one to his left flank.

Evidence Technician Photographs documented the crime scene, the involved officer and Subject 1's injuries.

A search of **Police Observation Devices (PODS)** in the vicinity of the incident revealed two PODS. The PODS did not capture the actual police involved shooting. It is noted that the PODS did not depict anything contrary to what was reported.

Illinois State Police Forensic Science Laboratory Reports document the examination of the recovered ballistic evidence in comparison to the firearm belonging to Officer A. It was determined that the shell casings recovered at the scene of this event were fired from Officer A's Smith and Wesson 9mm, Semi-Automatic pistol; Serial # MPN6062.

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The **Chicago Fire Department Ambulance Report** documented that EMS was dispatched at 12:26:16 and their arrival time on scene was 12:33:15. Upon arrival, Officer A complained of left foot/ankle pain. The report indicated that Officer A explained that his foot was caught between Subject 1's vehicle and the responding officers' vehicle. Officer A was transported to hospital for treatment.

According to **Medical Records from the University of Illinois at Chicago (UIC) Hospital**, Officer A was treated for pain to his left foot caused from being pinned between two vehicles.

In separate statements to IPRA, Independent Witnesses 1 and 2 provided information consistent with the Department Reports, the involved officers' statements and the Summary contained within this report. Witness 1 and Witness 2 in separate statements stated that they observed a black male, now identified as Subject 1, run into a parking lot and enter a minivan. Witness 1 and Witness 2 explained that they observed an officer, now identified as Officer A, on the driver's side of Subject 1's vehicle, ordering Subject 1 to exit the vehicle.

Witness 1 and Witness 2 stated that Subject 1 reversed his vehicle, while Officer A continued to order him to exit the vehicle. Witness 1 and Witness 2 explained that after Subject 1 reversed his vehicle, the vehicle was positioned in a manner that put Officer A in front of the vehicle. Subsequently, Witness 1 and Witness 2 observed an unmarked squad car drive into the lot and towards Subject 1's vehicle. At the same time, Subject 1 drove forward and towards the officer's vehicle, causing Officer A to be trapped between the two vehicles. Witness 1 and Witness 2 explained that they observed Officer A jump onto the hood of Subject 1's vehicle and fire his weapon three times into the windshield of Subject 1's vehicle. Witness 1 and Witness 2 stated that they heard officers order Subject 1 to get out of the vehicle several times prior to Officer A firing his weapon but Subject 1 failed to follow orders.

In a statement to IPRA, Officer B provided his account of this event in a manner consistent with the Departmental Reports, witness accounts and the Summary contained within this report. In said statement, Officer B articulated that on the date of incident, he, Officers A, C, and D were on routine patrol in a four man unmarked vehicle. Officer B explained that they observed a group of individuals at the corner of Chicago Avenue and Springfield Avenue, engaged in what appeared to be a narcotics transaction. Officer B explained that Subject 1 looked in their direction and jogged towards an empty lot located at approximately 3905 W. Chicago Avenue. Officer B reported that Officer A exited the vehicle and proceeded southbound across Chicago Avenue and towards the empty lot. Officer B explained that they continued to drive and he exited the vehicle on Springfield Avenue, at which time he observed Subject 1 enter a van in the empty lot. Officer B stated Officers C and D continued to drive through the alley in an attempt to enter the lot. Officer B explained that he saw Officer A in the lot and yelled to him that Subject 1 was in the van.

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Officer B stated that there was a wooden fence that prevented him from entering the lot, and he therefore jogged back on Springfield Avenue, towards Chicago Avenue, in order to enter the lot. As he approached the lot, Officer B heard Officer A yell, "Stop." Officer B stated that he then saw Officer A on top of the hood of Subject 1's van, trapped between the squad car and Subject 1's vehicle. Subsequently, Officer B heard three consecutive shots. Officer B explained that he initially saw the van parked eastbound and when he saw Officer A on the hood of the van, it was parked northbound. Upon entering the lot, Officer B saw Subject 1 lying on the ground.

In a statement to IPRA, Officer C provided his account of this event in a manner consistent with the Departmental Reports, witness accounts and the Summary contained within this report. In said statement, Officer C articulated that Subject 1 disobeyed Officer A's orders to get out of the vehicle, subsequently reversing the vehicle he was driving and maneuvering the vehicle in a manner that caused Officer A to be trapped between the officers' and Subject 1's vehicles. Officer C stated that prior to Subject 1 reversing his vehicle, he yelled out "Reverse." Officer C reported that he observed Officer A jump on the hood of the vehicle Subject 1 was driving and fire three rounds in succession.

Officer C explained that following the shooting, Subject 1 was taken out of the vehicle and put on the ground. At that point, Subject 1 stated words to the effect of, "I'm gonna get paid." Officer C further reported that upon attempting to handcuff Subject 1, Subject 1 informed the officers that he was shot. Officer C explained that he subsequently requested EMS. After a search of the vehicle, Officer C reported that narcotics were found in the driver's side door of Subject 1's vehicle.

In a statement to IPRA, Officer D provided his account of this event in a manner consistent with the Departmental Reports, witness accounts and the Summary contained within this report. In said statement, Officer D articulated that upon exiting the police vehicle, he proceeded towards the passenger side of Subject 1's vehicle. Officer D stated that he gave Subject 1 verbal directions to unlock the doors. Officer D further stated that he heard Officer C yell out "Reverse", at which time Subject 1 reversed his vehicle, turned and drove forward. At that point, Officer D observed Officer A at the front of Subject 1's vehicle, walking backward towards the squad car. Subsequently, Officer A jumped up and onto Subject 1's vehicle, drew his weapon, and fired three rounds. Officer D stated that he heard the doors to Subject 1's vehicle unlock and he observed Subject 1 slouched over the passenger seat. Officer D then observed Subject 1 exit the vehicle and land on the ground. Officer D stated that he heard Subject 1 state words to the effect of, "I'm gonna get paid."

In a statement to IPRA, Officer A provided his account of this event in a manner consistent with the Departmental Reports, witness accounts, and the Summary contained within this report. In said statement, Officer A articulated that on the date of incident, he, Officers B, C, and D were on routine patrol in an unmarked vehicle. Officer A explained that they observed a group of individuals at the corner of Chicago Avenue and Springfield Avenue. Officer A stated that it appeared that a narcotics transaction was

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going to occur. Officer A explained that Subject 1 looked in their direction and jogged towards an empty lot located at 3905 W. Chicago Avenue. Officer A reported that he exited the vehicle and proceeded towards the empty lot. Officer A explained that upon entering the lot, he observed three vehicles parked against a wall, all facing eastbound.

Officer A reported that he approached the vehicles looking for Subject 1, at which time he observed Officer B, who subsequently told him that Subject 1 was in the van. Officer A stated that he approached the driver's side door and observed Subject 1 start the ignition. Officer A related that he also observed Officer D at the passenger side window ordering Subject 1 to stop and turn off the vehicle. Officer A stated that Subject 1 reversed the vehicle and he attempted to move out of the way, ending up in the middle of the parking lot facing the front of Subject 1's vehicle.

Officer A reported that Subject 1 began to drive towards him, at which time he walked backwards to gain distance. After he took several steps back, Officer A realized that he had backed up into the squad car and he had nowhere to go. Fearing for his life, Officer A stated that he jumped up and landed on the hood of Subject 1's vehicle. Officer A explained that subsequent to landing on Subject 1's vehicle, he fired his weapon three consecutive times. Officer A stated that after he fired the last round, he realized that the Subject 1's vehicle had struck the squad car and his foot had hit the squad car.

Officer A reported that he jumped off the vehicle and proceeded towards the driver's side of Subject 1's vehicle. Officer A stated that he observed Officer D assisting Subject 1 out of the passenger side door and onto the ground. Officer A reported that the first thing Subject 1 said was, "I'm gonna get paid." Subsequently, they learned that Subject 1 had been shot.

In a statement to IPRA, Subject 1 stated that on the date and time of incident he had gone to a store on Chicago Avenue, possibly called "The Hard Store," where he talked to a male named "[Male First Name]." After he left the store he spoke to some people and a friend named "[Nickname]" outside. Subject 1 said that after he crossed the street he walked to his vehicle located in an empty lot. Subject 1 explained that he reversed the vehicle and as he was about to drive forward, he was blocked in by a police vehicle. Subject 1 stated that an officer approached him on the passenger side of his vehicle while another officer stood in front of his vehicle. Subject 1 explained that he heard an officer say, "Police, police, police", while the officer standing in front of his vehicle jumped on the hood of his vehicle, fired his weapon once and struck him. As he was falling over, the officer fired his weapon again striking him in the back. Subject 1 stated that the officer fired his weapon a third time but missed him. Subject 1 reported that when the officer fired his weapon, he had his vehicle in park.

After the shooting, Subject 1 explained that he was pulled out of the vehicle and he overheard an officer say "I tried to kill that mother fucker," and another officer, whose name he believed to be Officer B, state words to the effect of, "You should have killed

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that mother fucker.” Subject 1 further reported that the officers did not call for an ambulance until after several minutes.

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CONCLUSION AND FINDINGS:

This investigation found that Officer A's use of deadly force was in compliance with Chicago Police Department Policy. According to the Chicago Police Department's General Order General Order 03-02-03 II:

- A. A sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
 - 1. to prevent death or great bodily harm to the sworn member or to another person, or;
 - 2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involved the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.

Officer A, along with multiple witness officers, observed Subject 1 involved in what they believed to be a narcotics transaction. Upon seeing the officers, Subject 1 gave chase, entered his vehicle and attempted to flee from officers. Officers Conner and Sanchez gave Subject 1 repeated verbal direction to stop and exit the vehicle. Instead, Subject 1 reversed his vehicle and positioned it in a manner that put Officer A directly in front his vehicle. Subject 1 then drove forward, causing Officer A to be trapped in between his vehicle and the officers' vehicle.

Subject 1's actions placed Officer A in imminent fear of great bodily harm or death, both to himself, and his partners. Subsequently, Officer A jumped up, landing on Subject 1's vehicle and fired his weapon multiple times, striking Subject 1 twice.

Multiple independent witnesses support the officers' account of the event and related that Subject 1's actions placed Officer A in a position with no other available options.

Although Subject 1 made claims that the officers did not immediately call for an ambulance, OEMC and PCAD Reports indicated that the involved officers reported shots fired by the police at 11:37:45 and the Chicago Fire Department Ambulance Report indicated that that EMS was dispatched at 11:37:48. Additionally, Subject 1 made claims

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that he heard the officers state words to the effect of, “I tried to kill that mother fucker” and “You should have killed that mother fucker.” There is no evidence to support this claim.

Based on the totality of the circumstances, Officer A’s actions were reasonable to prevent death or great bodily harm.