

INDEPENDENT POLICE REVIEW AUTHORITY  
LOG #1065039 / U# 13-34

**INVESTIGATION**

**NUMBER:** LOG #1065039 / U #13-34

**OFFICER**

**INVOLVED:** “Officer A” (Chicago Police Sergeant); Male/White; 48 years old;  
On- Duty; In Uniform; Year of Appointment – 1991

**OFFICER**

**INJURIES:** None reported.

**SUBJECT:** “Subject 1”; Male/Hispanic; 44 years old

**SUBJECT**

**INJURIES:** One gunshot wound to the lower back; transported to Advocate  
Illinois Masonic Medical Center in good condition.

**INITIAL**

**INCIDENT:** Burglary in the vicinity of 6100 W. Belmont Ave.

**DATE/TIME/  
LOCATION OF  
INCIDENT:**

20 September 2013, 1722 hours. 5611 W. Roscoe Avenue,  
Chicago, IL 60634 (alley/street). **Beat 1633.**

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1065039 / U# 13-34

**SUMMARY OF INCIDENT:**

On 20 September 2013, at approximately 1722 hours, Officer B responded to a call of a burglary in the vicinity of 6100 W. Belmont Avenue, and observed the subject, now known to be Subject 1, flee the area in a gold vehicle. Officer B initiated a vehicle pursuit of the suspect and called out the pursuit over OEMC. The involved member, Officer A, was in the vicinity of Officer B and monitored the OEMC broadcast of the pursuit. Officer B continued to chase Subject 1 through the south alley of W. Roscoe Street. Officer A paralleled Subject 1 and Officer B as he drove east on Roscoe Street. Officer A stopped his vehicle at the south entrance of the alley and observed Subject 1's vehicle driving toward him. Officer A then exited his vehicle and retrieved his firearm from his holster. Officer A gave Subject 1 verbal commands to stop his vehicle and exit. Subject 1 placed his vehicle in reverse, revved the engine and struck the front end of Officer B's squad car. Subject 1 then placed his vehicle in drive, revved the engine and drove forward in the direction of Officer A. Officer A, in fear of his life, fired one round at Subject 1, who veered off and continued driving forward onto Roscoe, striking a civilian's vehicle. Subject 1's vehicle appeared to get stuck on the civilian's vehicle. Subject 1 reversed his vehicle and drove backwards toward Officer A, who was now on the driver's side of his squad car. Officer A fired his weapon a second time at Subject 1, striking the rear of Subject 1's vehicle. Subject 1 then fled in his vehicle eastbound on Roscoe. After a short pursuit, Subject 1 was taken into custody near 3411 N. Lavergne Avenue by Officer C and Officer B. It was then discovered that Subject 1 had sustained a gunshot wound to his lower back and was transported to Advocate Illinois Masonic Medical Center for treatment. Officer A remained at the scene until another unit secured that scene. Officer A then traveled to 3411 N. Lavergne Avenue and assisted the other units.

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1065039 / U# 13-34

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On 21 September 2013, at approximately 1939 hours, at Advocate Illinois Masonic Medical Center, the subject, Subject 1, was advised of his Miranda rights and agreed to speak with the detectives. Subject 1 related that he used a knife to open a window into the residence. The knife then broke and Subject 1 cut himself. Once Subject 1 entered the apartment, he took a watch and a camera. As he exited the apartment, Subject 1 was shot by the police at the scene of the burglary. The detectives confronted Subject 1 that he was not shot at the scene. Subject 1 then related that he no longer wanted to speak with the detectives and invoked his right to counsel.

Attempts to Contact Subject 1 and his attorney, Attorney A, were unsuccessful.

**In a statement to IPRA and to Area North detectives on 21 September 2013, the witness, Witness 1,** provided an account of the incident that is consistent with the Summary of Incident and related Department reports. Witness 1 related that he was a passenger in the vehicle driven by his wife, Witness 2, as they headed northbound on Major Avenue. Witness 1 heard police sirens and then a tan or beige vehicle almost rammed their vehicle from behind. The unknown vehicle proceeded eastbound in the south alley of Roscoe Street with a police vehicle in pursuit. Witness 2 then drove north on Major Avenue and east on Roscoe Street. Witness 1 then observed the unknown vehicle coming out of the alley and a marked police vehicle stopped in front of the unknown vehicle. Witness 1 stated that the police vehicle was on an angle to the alley. A police officer exited the driver's side of the police vehicle, stood in front of the unknown vehicle and gave verbal commands to the driver of the unknown vehicle. The driver of the unknown vehicle stopped and reversed, and then drove the vehicle at the police officer. Witness 1 heard one gunshot and he and his wife dove under the dashboard of their vehicle. Witness 1 then heard a vehicle crash and saw the unknown vehicle trying to maneuver around the squad car. The unknown vehicle then fled eastbound on Roscoe Street.

**In a statement to IPRA and to Area North detectives on 21 September 2013, the witness, Witness 2,** provided an account of the incident that is consistent with the Summary of Incident and related Department reports. Witness 2 related that she was driving eastbound on Roscoe Street when she heard a police siren and observed behind her a marked police vehicle headed eastbound. She pulled to the right of the street next to the mouth of the alley. Witness 2 heard one gunshot and ducked down inside her vehicle. Witness 2's vehicle was then struck by an unknown vehicle on the passenger side rear fender and her vehicle was pushed into the street. Witness 2 then heard a second gunshot and observed an unknown vehicle pass her vehicle eastbound on Roscoe Street. Witness 2 remained on the scene and moved her vehicle east of the incident.

**In a statement to IPRA and to Area North detectives on 21 September 2013, the involved officer, Officer A,** provided an account of the incident that is consistent with the Summary of Incident and related Department reports. Officer A related that he was assigned to Beat 2510 in a marked police vehicle when he heard a call of a burglary

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1065039 / U# 13-34

in progress. While monitoring the radio, Officer A heard that Officer B was pursuing the subject, now known as Subject 1, from the burglary. Officer A activated his emergency equipment and observed Subject 1's vehicle turn eastbound in the south alley of Roscoe Street with Officer B in pursuit. Officer A drove to Roscoe Street and then eastbound to the mouth of the alley. Officer A stated that an unknown vehicle pulled over and partially blocked the mouth of the alley. Officer A turned his vehicle into the mouth of the alley facing southeast when he observed Subject 1's vehicle turn north in the alley. Officer A exited his vehicle and stood in front of his vehicle. Subject 1 drove his vehicle at Officer A and then stopped. Officer A approached Subject 1 to give verbal commands when Subject 1 reversed his vehicle and rammed it into Officer B's squad car. Subject 1 then placed his vehicle in drive and drove at Officer A who was standing in front of his vehicle. Officer A stated that he did not have an avenue of escape and Subject 1's actions placed him in fear for his life. The sergeant then discharged his weapon once at Subject 1, striking the driver's side window. Subject 1 veered and crashed into the unknown vehicle, causing that vehicle to block Subject 1's avenue of escape. Subject 1 then drove his vehicle in reverse at Officer A, who was trapped between Subject 1's vehicle and his squad car. In fear for his life, Officer A discharged his firearm a second time at Subject 1. Subject 1 drove forward, striking the unknown vehicle a second time, and headed eastbound on Roscoe Street. Officer A notified the zone of shots fired by the police and remained on the scene until assist units arrived and secured the scene. Officer A proceeded to Lavergne and Roscoe where Subject 1 had been placed into custody by Officer C and Officer B, and positively identified Subject 1 as the subject who twice tried to intentionally run him over.

**In a statement to IPRA and to Area North detectives on 21 September 2013, the witness, Officer B,** provided an account of the incident that is consistent with the Summary of Incident and related Department reports. Officer B related that he responded to call of a burglary and, upon arrival, observed an unknown male standing in front of a beige/brown SUV. The sergeant sounded his air horn and the unknown male moved out of the path of the SUV and told the sergeant that the SUV was involved in the burglary. Officer B activated his emergency equipment and attempted to curb the SUV with negative results. Officer B pursued the SUV to the south alley of Roscoe Street and then to the east alley of Central Avenue. As the SUV turned north in the alley, Officer B observed that Officer A had stopped his squad car in the mouth of the alley. The subject, now known as Subject 1, stopped his vehicle and Officer A approached the front of Subject 1's vehicle. Subject 1 then placed the SUV in reverse and drove into Officer B's squad car. Subject 1 then drove forward at Officer A at a high rate of speed. Officer A discharged his firearm at Subject 1 who veered to the right, striking an unknown vehicle. Subject 1 placed the SUV again in reverse and drove at Officer A who again discharged his firearm at Subject 1. Subject 1 then proceeded eastbound on Roscoe Street and eventually stopped at 3411 N. Lavergne Avenue where he was placed in custody by Officer B and Officer C.

The police shooting was not captured by any **video surveillance systems**.

Two **canvasses** of the location of the incident were met with negative results.

Officer A's **Tactical Response Report** indicates that he discharged his firearm two times at Subject 1.

**Office of Emergency Communications (OEMC) Event Query** showed that the OEMC dispatcher received a call of a burglary at 6111 W. Belmont Avenue. Beat 2530 responded that he is pursuing the subject and Beat 2510 joined in the pursuit. Beat 2510 reported that shots were fired by the police at 5611 W. Roscoe Street. The subject continued to flee and was eventually placed into custody in the vicinity of 3404 N. Lavergne Avenue. An ambulance was requested and the subject was transported to Advocate Illinois Masonic Medical Center.

**Evidence Technician photographs** depict the shooting scene; the subject Subject 1; Subject 1's vehicle; Officer A's weapon; and two shell casings.

**A Chicago Fire Department EMS Report** indicated that Subject 1 was found lying on the street. Subject 1 had one gunshot wound to the left side of his back at approximately the middle to lower area. Subject 1 was then transported to the Advocate Illinois Masonic Medical Center trauma room.

**Medical Records for Subject 1 from Advocate Illinois Masonic Medical Center** indicated that Subject 1 was treated for one gunshot wound to his left paraspinal back. A bullet fragment was found lodged inside Subject 1, without any evidence of vascular injury. Hospital personnel noted that Subject 1 admitted that he had snorted heroin that morning.

**Crime Scene Processing Reports** described Subject 1's various clothing, personal items and contraband that were photographed and inventoried. In addition, Officer A's blue steel Glock Model 21, .45 semi-automatic pistol with a 4 and ½ inch barrel was photographed and inventoried.

**A laboratory report from the Illinois State Police, Division of Forensic Services**, dated 21 October 2013, indicated that the laboratory examined Officer A's firearm, a Glock Model 21, .45 Auto caliber semiautomatic pistol, serial number MNT937 (inventoried under # 13007553). The firearm was found to be in firing condition and test fired. The firearm displayed polygonal rifling characteristics of eight lands and grooves with a right hand twist. Two Winchester 45 Auto caliber fired cartridge cases, inventoried under #13007516, were examined and determined to have been fired from Officer A's firearm.

INDEPENDENT POLICE REVIEW AUTHORITY

LOG #1065039 / U# 13-34

**CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by Officer A was in compliance with Chicago Police Department Policy and Illinois State Statutes. According to the Chicago Police department General Order 03-02-03, II, A:

- 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."

Officer A's actions were in accordance with both conditions of CPD's deadly force policy. Officer B observed the subject, Subject 1, flee from the scene of a suspected burglary and began to pursue him. Officer A joined the pursuit and attempted to prevent Subject 1 from escaping. Officer A, Officer B and the witness, Witness 1, observed the vehicle driven by the subject, Subject 1, head toward Officer A. Both Officer A and Officer B stated that Officer A was standing between his squad car and Subject 1's vehicle and did not have an avenue of escape. Consequently, Officer A discharged his firearm once at Subject 1. Subject 1 proceeded to strike Witness 1's vehicle with his vehicle and then drove in reverse toward Officer A, who now stood between his vehicle's driver side and Subject 1's vehicle. Officer A again did not have an avenue of escape and, as a result, discharged his firearm a second time at Subject 1's vehicle. Subject 1 continued to flee until he was eventually placed into custody. Based on the totality of the circumstances, when Officer A fired his weapon, he reasonably believed that he was in danger of death or great bodily harm from Subject 1 and his actions were justified.