

**INDEPENDENT POLICE REVIEW AUTHORITY  
PUBLIC REPORT OF INVESTIGATION**

**INVESTIGATION**

**NUMBER:** Log #1009457; U#07-30

**INVOLVED**

**OFFICER A:** “Officer A” (Chicago Police Officer); 32 years old; On Duty;  
Plainclothes; Year of Appointment – 2001

**OFFICER A’s**

**INJURIES:** Soreness to legs. Treated and released from UIC Hospital.

**INVOLVED**

**OFFICER B:** “Officer B” (Chicago Police Officer); 37 years old; On Duty;  
Plainclothes; Year of Appointment – 2004

**OFFICER B’s**

**INJURIES:** None reported.

**INVOLVED**

**OFFICER C:** “Lieutenant C” (Chicago Police Lieutenant); 46 years old; On  
Duty; Plainclothes; Year of Appointment - 1986

**OFFICER C’s**

**INJURIES:** None reported.

**INVOLVED**

**OFFICER D:** “Sergeant D” (Chicago Police Sergeant); 48 years old; On Duty;  
Plainclothes; Year of Appointment – 1993 Did not discharge a  
firearm.

**OFFICER D’s**

**INJURIES:** None reported.

**INVOLVED**

**OFFICER E:** “Officer E” (Chicago Police Officer); 41 years old; On Duty;  
Plainclothes; Year of appointment – 2001 Did not discharge a  
firearm.

**OFFICER E’s**

**INJURIES:** None reported.

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**SUBJECT 1:** "Subject 1" Male/Black; 34 years old

**SUBJECT 1's  
INJURIES:** Multiple gunshot wounds. Treated at Loyola Hospital.

**DATE/TIME:** 20 September 2007; 1216 Hours

**LOCATION:** 327 Home Ave., Oak Park, IL 60302  
Beat 3100

**SUMMARY OF INCIDENT:**

On 20 September 2007, at approximately 1000 hours, at XXXX W. Washington Blvd., apartment #6, Lieutenant C, Sergeant D, and Officers A, B, and E executed a search warrant (07SW6537). At the time that the warrant was executed, the apartment's resident, Subject 1, was not home. The search resulted in the recovery of two handguns and narcotics. During the search several painters arrived to paint the apartment. The officers had the painters call Subject 1 and ask that he meet them at the apartment. Officers E, and A remained in the apartment while Lieutenant C, Sergeant D, and Officer B set up surveillance in the rear parking lot of the apartment building and waited for Subject 1 to arrive.

At approximately 1215 hours Subject 1 arrived at the apartment. Subject 1 opened the front door of the apartment and was seen by Officers E and A. Subject 1 immediately turned and ran through the hallway and Officers E and A chased him. During the chase, Officer E noticed Subject 1 grabbing at his waistband and feared that Subject 1 was reaching for a weapon. Officer E repeatedly yelled, "Gun!" to alert Officer A. Subject 1 ran out the rear door on the west side of the building and then north through the alley west of Home. Lieutenant C and Officer B exited the squad car and chased Subject 1 through the alley. Sergeant D drove the squad car south through the alley, then east on Washington Blvd, and then north on Home Ave. in an attempt to cut off Subject 1's escape. Subject 1 scaled the rear fence at 339 Home Ave. and ran east through the gangway toward Home Ave. Officer E followed Subject 1 over the fence while the remaining officers ran east through the gangway on the north side of 327 Home Ave. Subject 1 ran to his vehicle, which was parked at approximately 340 Home Ave., on the east side of the street facing north.

Subject 1 got into the driver's seat of his vehicle and started the engine. Sergeant D saw Subject 1 get into his vehicle and pulled the squad car behind it. Subject 1 drove in reverse and backed his vehicle into the front of Sergeant D unmarked squad car. Subject 1 then drove forward and initially drove north on Home Ave. After several feet, Subject 1 steered his vehicle in a northwest direction across Home Ave. and toward Officer A, who was standing in the street between Subject 1's oncoming vehicle and two parked construction vans. Subject 1's vehicle struck Officer A, who fell onto the hood of Subject 1's car. Subject 1 continued driving and Officer A and the other officers repeatedly ordered Subject 1 to stop the vehicle.

When Subject 1's vehicle did not stop, Officer A fired his weapon three times at Subject 1 through the windshield. Officer B, who was standing on the passenger side of Subject 1's vehicle with Lieutenant C, also fired his weapon once at Subject 1, shattering the front passenger side window. Subject 1's vehicle came to a stop approximately 15-20 feet later. After the vehicle came to a stop Subject 1 initially refused to exit the vehicle, but when he did exit the vehicle he ignored the officers' repeated orders to get on the ground and instead ran toward the rear of the vehicle. Sergeant D, who was standing near the rear of Subject 1's vehicle, discharged his Taser once at Subject 1. When Subject 1

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did not fall to the ground Sergeant D utilized a drive stun on Subject 1, who was subsequently handcuffed and taken into custody. The officers requested EMS for Subject 1 and Officer A and made notifications regarding the incident.

### INVESTIGATION:

Witness 1 related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Witness 1 explained that on 20 September 2007, he and Witness 2 were installing drywall in a kitchen at 339 Home Ave. Witness 1 put his tools into his vehicle, which was parked at approximately 339 Home Ave., facing south on the west side of Home Ave. Witness 1 was seated in the driver's seat of his vehicle when he heard yelling from across the street. Witness 1 saw an unmarked squad car behind another vehicle and saw several plainclothes police officers in street yelling at the driver of the other vehicle. The officers were yelling, "Police! Stop the car!" Witness 1 stated that the driver of the vehicle first drove in reverse and backed into the front of the unmarked squad car, pushing it backwards, and then drove forward on Home Ave. Witness 1 said his view of the incident was blocked by two vans parked along Home Ave. when the car drove forward. Witness 1 saw one of the officers in the middle of the street just before Subject 1 pulled away. Witness 1 heard gunshots and ducked down inside the front of his vehicle. Witness 1 yelled in Spanish to Witness 2, "Cover yourself!" Witness 1 explained that Witness 2 was standing outside the passenger side of his vehicle. A few seconds later Witness 1 heard what he believed to be three more gunshots. Witness 1 remained "ducked down" in his vehicle for several more seconds. Witness 1 then got out of his car and ran to the entrance of 339 Home Ave. (Att. 5)

Witness 2 related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Witness 2 stated that he was standing on the passenger side of Witness 1's vehicle when he heard Witness 1 yell, "Cover yourself!" Witness 2 ducked down next to the passenger side of Witness 1's vehicle. Witness 2 saw several plainclothes officers running on Home Ave. Witness 2 stated that he also saw a male black subject (NKA Subject 1) drive his vehicle in reverse, backing into the front of an unmarked squad car while the officers in the street yelled, "Stop the car! Stop the car!" Witness 2 stated that Subject 1 then drove forward slowly across Home Ave. and toward vans that were parked on the west side of the street. Witness 2 saw officers on both side of Subject 1's vehicle with their guns pointed at the vehicle. Witness 2 stated that he was unable to see what transpired next because his view was obstructed by the two parked vans. Witness 2 stated that a few seconds later he heard what he believed to be three gunshots. Witness 2 then ran to the entrance of 339 Home Ave., but his view of the street was still obstructed. Witness 2 stated that a short time later an ambulance arrived on the scene. (Att. 5)

Witness 3 related to the Roundtable panel an account of the incident that was consistent with the Summary of Incident. Witness 3 stated that at the time of the incident he was replacing a furnace at 339 Home Ave., apartment #2B when he heard yelling outside. Witness 3 heard someone yelling, "Stop! Police! Stop!" Witness 3 walked out onto the apartment's balcony and saw four plainclothes officers standing in

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the middle of Home Ave. Witness 3 also saw a car traveling in a northwest direction across Home Ave. Witness 3 stated that that car was traveling toward his van, which was parked on the west side of the street at approximately 339 Home Ave. Witness 3 added that he was afraid the car was going to strike his van. Witness 3 stated that as the car drove closer to his van his view of the car and of the officers was obstructed by the vans. Witness 3 stated that he did see an officer fire his weapon into the passenger side of the vehicle. Upon hearing the gunshots, Witness 3 ran inside the apartment where he remained for the next several minutes. Witness 3 looked outside again, at which point he saw several of the officers standing in the middle of the street and one of the officers limping away. (Att.5)

During a personal visit to Cook County Jail's Cermak Hospital, Subject 1 refused to cooperate with this investigation. (Att's 73, 74)

A canvass of the location of incident did not produce any additional witnesses or information relative to this incident. (Att. 44)

The Arrest, Case, And Tactical Response Reports contained accounts of the incident that were consistent with the accounts provided to the Roundtable panel and the Summary of Incident.

The related Department reports (RD# HN 600-350; HN 600-369) indicated that 018th District Gang Team Beat 1869 executed Search Warrant #07SW6537 at XXXX Washington, #6, Oak Park, IL. When the officers entered the apartment, Subject 1 was not home. The officers began a systematic search of the residence and subsequently found two handguns. The first was a blue steel .45 caliber semi-automatic Llama handgun loaded with twelve live rounds and with a defaced serial number. The second was a 9mm blue steel semi-automatic Makarov firearm. Officer A also recovered ten 9mm live rounds and eight .45 caliber live rounds. Officer E also recovered a quantity of narcotics and narcotic packaging.

Surveillance of the location was initiated and the officers waited for Subject 1 to return. At approximately 1215 hours Subject 1 returned to his apartment. Subject 1 saw the officers and fled. Lieutenant C, Sergeant D, and Officers A and B attempted to take Subject 1 into custody. Subject 1 fled to a car parked on Home Ave. Subject 1 started the car and drove north on Home Ave. Sergeant D attempted to curb Subject 1. Subject 1 put his car into reverse and struck Sergeant D's car. Subject 1 then drove forward directly at Officer A and struck him. Officer A was thrown onto the hood of Subject 1's car as Subject 1 continued to drive away. Fearing for his life, Officers A discharged his firearm three times at Subject 1. Officer B also discharged his firearm once at Subject 1. Subject 1 was struck several times and the car he was driving came to a stop at approximately 327 S. Home Ave. Subject 1 exited the vehicle and fled on foot. Subject 1 did not comply with Sergeant D's verbal commands to stop. Subject 1 charged at Sergeant D on foot and Sergeant D deployed his Taser, striking Subject 1. Sergeant D also used a Taser contact stun on Subject 1. Subject 1 was placed into custody and EMS

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was requested. Subject 1 was subsequently charged with UUW by a Felon, Aggravated Battery to a Police Officer, and PCS. (Att's 7-16, 27-30, 33)

The related Oak Park Police Department's Reports contained accounts of the incident that were consistent with the accounts provided to the Roundtable panel and the Summary of Incident. (Att. #40) The reports indicated that on 20 September 2007, at approximately 0930 hours, CPD Lieutenant C and members of his 018<sup>th</sup> District Gang Team came to the Oak Park Police Department to inform Oak Park Police that they intended to execute a search warrant at XXXX Washington, #6. At approximately 0955 hours Oak Park Police Officer F was assigned to accompany the CPD's 018<sup>th</sup> District Gang Team and stand-by during the execution of the search warrant. The Chicago Police Officers entered the multi-unit apartment building and gained entry into apartment #6 while Officer F stood outside the building. Subject 1 was not in the apartment when the officers gained entry. The Chicago Police Officers conducted a search and recovered drugs and weapons. The Chicago Police Officers then set up surveillance inside and outside the apartment building to await the arrival of Subject 1. Officer E cleared the scene at 1023 hours.

At approximately 1216 hours, Chicago Police Radio Zone 12 reported "shots fired" at XXXX Washington, Oak Park, IL. Additionally, several Oak Park citizens called "911" to report that shots were fired on Home Ave., north of Washington. Oak Park Police units responded. Upon arrival of Oak Park Police units, it was determined that Subject 1 had been shot by members of CPD's 018<sup>th</sup> District Gang Team as he attempted to run over one of the officers with his vehicle.

Preliminary investigation by the Oak Park Police revealed that when Subject 1 returned to his apartment and was confronted by members of the CPD's 018<sup>th</sup> District Gang Team. Subject 1 fled through the rear of the building and around the 300 block of Home Ave. Subject 1 entered his vehicle (a gold Nissan) and attempted to flee when he was surrounded by the CPD officers, who ordered him to stop. Subject 1 struck one of the CPD officers with his vehicle. Two of the CPD officers "opened fire on Subject 1" and subsequently struck him. Subject 1 was transported to Loyola University Medical Center where he underwent surgery. The CPD officer that Subject 1 struck with his vehicle was treated at Oak Park Hospital. (Att. 40)

The Evidence Technician photographs depict the location of incident. The photographs depict two white conversion vans parked one in front of the other on the same side of the street and an unmarked squad car parked in the middle of the street next to the vans. Subject 1's vehicle is parked in front of the unmarked squad car. Three bullet holes on the driver's side of Subject 1's vehicle were photographed. The front passenger window of Subject 1's vehicle was shattered, with numerous shards inside Subject 1's vehicle. The shards were photographed on the passenger seat and on the floor of the passenger side of Subject 1's vehicle. (Att's 17-24, 53-68)

The Taser International download indicates that on 20 September 2007, at 1235 hours, Sergeant D's Taser (Serial #X000-272957) was discharged once for six seconds.

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(Att. 71)

Medical records obtained from Loyola University Medical Center indicate that Subject 1 sustained multiple gunshot wounds to his chest, abdomen, and his right flank. Subject 1 underwent surgery for his wounds. (Att. 81)

In separate reports from the Illinois State Police ("ISP") Division of Forensic Services, Officer A's firearm, a 9mm Smith & Wesson semi-automatic pistol, Model 5943, was found to be in firing condition. One of the recovered fired bullets and three of the recovered fired cartridge casings were determined to have been fired from Officer A's firearm.

Officer B's firearm, a .45 Caliber Sig Sauer, Model #P220, semi-automatic pistol, was found to be in firing condition. One of the recovered fired casings was determined to have been fired from Officer B's firearm.

Two of the recovered fired bullets could not be identified or eliminated as having been fired from Officer A's firearm. It was determined that they were not fired from Officer B's firearm. (Att. 72)

The results of the Gunshot Residue Tests on the windshield of Subject 1's vehicle indicate that the sampled areas contacted an item that contained gunshot residue particles or were in the environment of a discharged environment. (Att. 79)

Subject 1 subsequently pled guilty to Aggravated Battery to a Police Officer and was sentenced to one year of probation. (Att. 83)

Lieutenant C provided an account of the incident to the Roundtable panel that was consistent with the Summary of Incident. (Att. 5) Lieutenant C stated that during the execution of the search warrant it was determined that Subject 1 was not home. Officers E and A remained in the apartment while Lieutenant C, Sergeant D, and Officer B, set up surveillance in the parking lot behind Subject 1's apartment building. Approximately two hours later Lieutenant C saw Subject 1 exit the rear entrance of the building on foot with Officers E and A chasing him. Lieutenant C and Officer B exited the squad car and joined in the foot chase. Lieutenant C saw Subject 1 scale the rear fence of 339 Home Ave. and continue to run east toward Home Ave.

Officer E scaled the same fence while Lieutenant C and Officers A and B ran north through the alley and then east through the first open gangway, the north gangway of 327 Home Ave. Lieutenant C stated that he and Officer B then ran to the east side of Home Ave. From there Lieutenant C saw Subject 1 driving his car northwest across Home Ave. toward Officer A, who was standing on the west side of the street. Lieutenant C stated that he then saw Subject 1's vehicle strike Officer A, forcing Officer A onto the hood of the car. As Officer A's vehicle continued forward Lieutenant C saw Officer B fire his weapon, striking the front passenger side window. Subject 1's vehicle came to a stop.

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Subject 1 exited the vehicle and “lunged” at Sergeant D. Sergeant D discharged his Taser at Subject 1. Subject 1 fell to the ground and was placed into custody. Lieutenant C stated that he did not see Officer A fire his weapon when Officer A was on the hood of Subject 1’s vehicle. (Att. 5)

In a statement to IPRA on 17 June 2010, Lieutenant C stated after the search of Subject 1’s apartment, the officers set up surveillance inside and outside the apartment building and waited for Subject 1 to return. (Att. 88) Officers A and E remained in the apartment while Lieutenant C, Sergeant D, and Officer B waited in the squad car parked in the parking lot behind the building. A couple of hours later, Lieutenant C saw Subject 1 run out of the building through the rear entrance being chased by Officers A and E. Lieutenant C and Officer B exited the squad car and joined the chase on foot. Lieutenant C stated that they ran north through the alley after Subject 1. Lieutenant C stated that Subject 1 scaled a fence and ran east through the yard toward Home Ave. Lieutenant C continued to run north to the next house and then ran east toward Home Ave.

Lieutenant C explained that he intended to parallel and possibly cut off Subject 1 but by the time he reached Home Ave., Subject 1 was already in the driver’s seat of his vehicle and traveling north on Home Ave. Sergeant D was driving a squad car behind Subject 1’s vehicle. Lieutenant C and Officer B were on the east side of the street running south and Officer A was on the west side of the street. Lieutenant C stated that Subject 1 was ordered to stop but he continued north on Home Ave. Subject 1 then drove northwest and struck Officer A with the front of his vehicle. Lieutenant C saw Officer A on the hood Subject 1’s vehicle. The officers continued to yell at Subject 1 to stop the vehicle but he continued driving with Officer A on the hood. Lieutenant C stated that he then heard several gunshots and saw Officer B, who was standing near the passenger side of Subject 1’s vehicle, discharged his firearm. Lieutenant C later learned that Officer A discharged his firearm at Subject 1 through the windshield of the vehicle. Subject 1’s vehicle stopped a short distance away. Subject 1 exited the vehicle and ran. Sergeant D discharged his Taser at Subject 1 who fell to the ground and was placed into custody. (Att. 88)

Officer E provided an account of the incident to the Roundtable panel that was consistent with the Summary of incident. (Att. 5) Officer E stated that he and Officer A waited in Subject 1’s apartment to wait for him to return. When Subject 1 returned to the apartment and opened the door, Officer E announced his presence and attempted to place Subject 1 under arrest. Subject 1, however, ran down the hall toward the stairwell. As he ran Officer E saw Subject 1 make movements with hands at his waistband. Believing Subject 1 may be reaching for a gun Officer E yelled out, “Gun! Gun!” to alert Officer A that Subject 1 may have a gun. Officers E and A continued to pursue Subject 1 “at a safer distance.” Subject 1 ran out of the building through the rear entrance and north through the alley.

Subject 1 scaled the rear fence of 339 Home Ave. and ran west through the gangway toward Home Ave. Officer E also scaled the same fence and chased Subject 1 through the gangway. Officer E stated that Subject 1 then ran across Home Ave. to a



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vehicle car that was parked on the east side of the street facing north. Subject 1 got into the driver's seat and started the engine. Officer E saw Sergeant D drive the squad car north on Home Ave. Sergeant D pulled up behind Subject 1's vehicle. Subject 1 reversed his vehicle and backed into the front of Sergeant D's squad car. Subject 1 then turned the steering wheel and drove the vehicle north on Home Ave. Officer E stated that he ran parallel to the driver's side of Subject 1's vehicle and ordered him to stop the car. Officer E stated that he had his gun pointed at Subject 1 as Subject 1's vehicle veered across to the west side of Home Ave. and toward Officer A, who was on the west side of Home Ave. near a parked van. Officer E heard a "bump" and saw Officer A on the hood of Subject 1's vehicle. Officer E then heard gunshots fired. Subject 1's vehicle came to a stop and Subject 1 exited the vehicle looking dazed. Officer E was standing lightly to the rear of the driver's side of Subject 1's vehicle. Sergeant D was standing behind him. Subject 1 attempted to flee but Sergeant D discharged his Taser at him. Subject 1 fell to the ground and was taken into custody. (Att. 5)

In a statement to IPRA on 09 June 2010, Officer E stated that during the search of Subject 1's apartment two firearms and a quantity of narcotics were found. Officer E stated that he and Officer A remained in the apartment and waited for Subject 1 to return while the other officers conducted surveillance from outside. Officer E was standing near the front door to the apartment when he heard keys in the door lock. Subject 1 opened the door and looked into the apartment. Subject 1 saw Officer E standing in his apartment and immediately fled. Officer E stated that he chased Subject 1 through the hallway and that during the chase Subject 1 pulled an unidentified object from the right side of his midsection with his right hand. Officer E stated he heard what he believed to be the sound of a weapon being removed from a holster. Subject 1 turned his upper torso toward Officer E, extended his right arm toward him and pointed a black object at Officer E. Officer E yelled, "Gun!" to warn Officer A that Subject 1 was armed. Officer E stated that he and Officer A let Subject 1 get approximately forty feet ahead of them.

Subject 1 exited the apartment building through the rear entrance and ran north through the alley. Subject 1 scaled a chain-link fence and ran east to Home Ave. Officer E scaled the same fence and continued to run after Subject 1. Officer E stated that Subject 1 ran across Home Ave. and got into the driver's seat of his vehicle. Officer E saw Lieutenant C and Officers A and B approximately fifty yards north of his location and surmised that they had run further north through the alley before running east toward Home Ave. Lieutenant C ran along the sidewalk while Officers A and B ran in the street. Officer E stated that Sergeant D pulled up behind Subject 1's vehicle in an unmarked squad car. Subject 1 drove in reverse and backed into the front of Sergeant D's squad car. Subject 1 then drove forward, north, on Home Ave. Officer E stated that he ran along the driver's side of Subject 1's vehicle yelling at him to stop when he heard a "thump." Officer E then saw Officer A on the hood of Subject 1's vehicle. Subject 1 continued to drive north on Home Ave. with Officer A on the hood. Officer E stated that he was "running out of room" and explained that he was between the driver's side of Subject 1's vehicle and trucks that were parked on the west side of Home Ave. Officer E stated that Subject 1's vehicle began to accelerate. Officer E stated that he was afraid he would be crushed between Subject 1's vehicle and the parked trucks. Officer E then

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heard a gunshot and saw Officer A still on the hood of Subject 1's vehicle. Officer A was pointing his firearm at Subject 1 through the windshield. Officer E stated that he was near the rear of Subject 1's vehicle when he heard a second gunshot. Officer E ducked down and ran between two parked trucks to the sidewalk. Officer E ran around the trucks and back onto Home Ave. Officer E saw that Officer A was still on the hood of Subject 1's vehicle. Officer E also saw Subject 1 shift his vehicle into park. Subject 1 immediately exited the vehicle and pulled his jersey off. Subject 1 faced Officer E and said, "You shot me!" Officer E ordered Subject 1 to get on the ground; however, Subject 1 looked like he was about to fight. Subject 1 ran toward Officer E and Sergeant D, who was standing next to Officer E. Sergeant D discharged his Taser at Subject 1. Subject 1 fell to the ground. Officer E holstered his firearm and handcuffed Subject 1. Officer E stated that he believed he heard a total of four gunshots and that at the time of the incident he was only aware of Officer A discharging his firearm. Officer E did not see Officer B discharge his firearm. (Att. 87)

Sergeant D provided an account of the incident to the Roundtable panel that was consistent with the Summary of Incident. (Att. 5) Sergeant D stated that he, Lieutenant C, and Officer B conducted surveillance of the rear of Subject 1's apartment building. Sergeant D was in the driver's seat of the unmarked squad car parked in the rear of the building when he saw Subject 1 run out of the building into the alley with Officers E and A in pursuit. Lieutenant C and Officer B exited the squad car and joined the foot chase. Sergeant D saw Subject 1 scale the rear fence of 327 Home Ave. Sergeant D first drove south through the alley, then east on Washington. Sergeant D drove north on Home Ave. and saw Subject 1 get into a car that was parked on the east side of the street facing north. Sergeant D drove the squad car behind Subject 1's vehicle and stopped. Subject 1 backed his vehicle into the front of the squad car. Subject 1 then drove north on Home Ave. and then across Home Ave., toward the west side of the street. Sergeant D stated that Officer A was on the street between Subject 1's oncoming vehicle and a parked van. Sergeant D stated that Subject 1's car appeared to strike Officer A, because it appeared that Officer A was "jarred back." Sergeant D then saw Officer A on the hood of Subject 1's still-moving vehicle. Officer A discharged his firearm at a downward angle from the car hood. Sergeant D saw Officer B on the passenger side of Subject 1's vehicle with his gun pointed at the vehicle and heard several gunshots. Subject 1's vehicle came to a stop. Sergeant D yelled to Subject 1, "Let's see your hands!" Subject 1 then exited his vehicle and ran toward Sergeant D, who holstered his gun and pulled out his Taser. Subject 1 continued toward Sergeant D, who then fired the Taser at Subject 1. Sergeant D stated that he believed only one of the Taser's probes struck Subject 1 because the Taser did not have any effect on Subject 1. Sergeant D then used the Taser to perform a "dry stun" on Subject 1, who then fell to the ground. Subject 1 was then placed under arrest.

In a statement to IPRA on 04 June 2010, Sergeant D stated that when he saw Subject 1 run from the building he (Sergeant D) drove the squad car from behind Subject 1's apartment building to Home Ave. he saw Subject 1 get into his vehicle. Sergeant D attempted to box him in by stopping the squad car behind Subject 1's vehicle, but Subject 1 backed his vehicle into the front of the squad car. Subject 1 then drove north on Home Ave. Sergeant D stated that he then saw Subject 1 drive the vehicle northwest across

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Home Ave and strike Officer A with the front of his vehicle. Sergeant D saw Officer A on the hood of Subject 1's vehicle as the vehicle continued to travel north on Home Ave. Sergeant D drove behind Subject 1's vehicle for a few feet when he heard two or three gunshots. Sergeant D saw Officer B discharge his firearm into the front passenger window of Subject 1's vehicle. Subject 1's drove a few feet further and then stopped. Sergeant D stopped and exited his squad car with his gun drawn. Sergeant D stated that Subject 1 exited his car and was ordered to get on the ground, however, Subject 1 "charged" toward Officer E and Sergeant D as they stood near the trunk of Subject 1's vehicle. Sergeant D saw that Subject 1 did not have anything in his hands. Sergeant D holstered his firearm and produced his Taser. Sergeant D discharged the Taser at Subject 1 but believed one of the probes missed Subject 1 because Subject 1 continued to run toward him. Sergeant D then performed a "dry stun." Subject 1 fell to the ground and was placed into custody. (Att. 86)

Officer Sean B related an account of the incident to the Roundtable panel that was consistent with the Summary of Incident. (Att. 5) Officer B stated that after Subject 1 and Officer E scaled the fence at 327 Home Ave., he, Lieutenant C, and Officer A ran through the next open gangway, the north gangway of 339 Home Ave. Officer B ran east through gangway and across to the east side of Home Ave. Officer B stated that he saw Subject 1 driving north on Home Ave., and then saw Subject 1's vehicle turn toward Officer A, who was on the west side of Home Ave. between the front of Subject 1's vehicle and a parked van. Officer B stated that he yelled, "Stop! Police!" Subject 1's vehicle continued moving forward and struck Officer A, knocking him onto the hood. Subject 1's vehicle continued forward with Officer A on the hood and Officer B yelling, "Stop! Police!" Officer B discharged his firearm at Subject 1 through the front passenger side window. Subject 1's vehicle came to a stop and Subject 1 exited and ran toward the back of the car. Sergeant D Tasered Subject 1, who fell to the ground and was taken into custody. (Att. 5)

In a statement to IPRA on 09 March 2010, Officer B stated that during the foot chase he temporarily lost sight of Subject 1 and Officers E and A when they ran through separate gangways. Officer B stated that he next saw Subject 1 driving his vehicle north on Home Ave. Officer B explained that he and Lieutenant C ran east across Home Ave. anticipating that Subject 1 would continue to run east. Officer A ran onto Home Ave. Officer B did not know where Officer E was. Officer B stated that as he and Lieutenant C ran east across Home Ave., he saw Subject 1 in his vehicle drive north. Officer B also heard Officer E yell, "Stop! Police! Stop! Police!" Officer B saw Officer A run south along the west side of the street. Officer B stated that he saw Subject 1's vehicle "veer" toward Officer A. The front of Subject 1's vehicle struck Officer A, who fell onto the hood of the vehicle. Subject 1's vehicle continued to travel north on Home Ave. with Officer A on the hood. The officers repeatedly ordered Subject 1 to stop the vehicle but he continued north on Home Ave. Officer B heard gunshots fired. Officer B stated that he discharged his firearm once through the front passenger window at Subject 1. Subject 1's vehicle continued for a short distance before it came to a stop. Subject 1 exited his vehicle and ran toward Sergeant D, who discharged his Taser at him. Subject 1 was then taken into custody. (Att. 85)

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Officer A provided an account of the incident to the Roundtable panel that was consistent with the Summary of Incident. (Att. 5) Officer A stated that he and Officer E waited in Subject 1's apartment for him to return. Upon his arrival, Subject 1 was confronted by the officers. Subject 1 immediately fled through the rear entrance of the building. During the chase Officer A heard Officer E yell, "Gun!" several times. When Officer E scaled the rear fence of 327 Home Ave. after Subject 1, Officer A, Lieutenant C, and Officer B ran through the north gangway of 339 Home Ave. Officer A stated that Lieutenant C and Officer B ran across to the east side of Home Ave., while he remained on the west side of Home Ave. Officer A state that he ran south on Home Ave. and saw Subject 1 driving a vehicle directly at him. Officer A stated that he was on the street between Subject 1's vehicle and a van parked on the west side of Home Ave. and had "nowhere to go." Officer A stated that he was unable to get out of the way of Subject 1's vehicle. Officer A stated that he was subsequently struck by Subject 1's vehicle and landed on the hood of the vehicle, which continued to drive north on Home Ave. Officer A repeatedly ordered Subject 1 to stop, and when he did not Officer A discharged his firearm three times through the front driver's side windshield into the vehicle. Officer A also heard another gunshot and later learned that it came from Officer B. Subject 1's vehicle came to a stop and Officer A rolled off of the hood. Officer A saw Subject 1 exit his vehicle and run toward the rear of the vehicle, toward Sergeant D. Sergeant D discharged his Taser at Subject 1, but Subject 1 did not fall down. Sergeant D then Tasered Subject 1 a second time and Subject 1 fell to the ground and was handcuffed. (Att. 5)

In a statement to IPRA on 09 March 2010, Officer A stated that during the foot chase he briefly lost sight of Subject 1 after Subject 1 scaled the fence and ran east toward Home Ave. Officer A stated that he followed Lieutenant C and Officer B to the next gangway north of the yard Subject 1 ran through. Officers A ran east through the gangway and onto Home Ave. Officer A stated that he ran south along the west side of Home Ave. and that there were vans parked along the west side of the street. Officer A ran along the vans, in the street, and saw Subject 1 driving his vehicle toward him. Officer A stated that he could not get out of the way of Subject 1's vehicle because he was between the parked vans and Subject 1's oncoming vehicle. Officer A stated that the front of the Subject 1's vehicle struck him and he landed on the hood. Subject 1 continued to drive north on Home Ave. with Officer A on the hood of the vehicle. The officers repeatedly ordered Subject 1 to stop but he refused. Officer A stated that he then discharged his firearm three times at Subject 1 through the windshield of his vehicle. Officer A heard a fourth gunshot. Officer A later learned that Officer B fired the fourth gunshot. Subject 1's vehicle came to a stop. Subject 1 exited the vehicle and ran toward the rear of the vehicle, where Sergeant D discharged his Taser at him. Subject 1 was then taken into custody. Officer A stated that he sustained bruising to both of his legs and elevated blood pressure as a result of the incident. Officer A received medical treatment at UIC Hospital. (Att. 84)

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### CONCLUSION AND FINDING:

This investigation found that Officer A and Officer B's use of deadly force was in compliance with Chicago Police Department policy. 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 involved the infliction, threatened infliction, or threatened use of physical force like to cause death or great bodily harm;
    - b. attempted 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 officers' actions were in accordance to both requirements of the Department's deadly force policy. Subject 1 struck Officer A with his vehicle and continued to drive with Officer A on the hood of his vehicle. Officers A and B discharged their firearms at Subject 1. Lieutenant C, Sergeant D, and Officer E witnessed Subject 1 strike Officer A with his vehicle and continue to drive with Officer A on the hood. After Subject 1 struck Officer A with the vehicle and continued to drive with him on the hood, Officers A had a reasonable belief that Officer A faced a safety risk for death or great bodily harm. Subject 1 placed Officer A at risk of great bodily harm, Subject 1 also used his vehicle as a weapon in an attempted escape to prevent arrest. Therefore the uses of deadly force by Officers A and B complied with CPD policy.