

INDEPENDENT POLICE REVIEW AUTHORITY

U# 06-13

INVESTIGATION

SUBJECT: U #06-13

REFERENCE: RD #HM-328967-Aggravated Assault to a Police Officer

OFFICER

INVOLVED: “Officer A” (Chicago Police Officer); Male/White; 33 years old;
On-Duty; In Civilian Dress ; Year of Appointment – 2002

OFFICER’S

INJURIES: Abrasions to upper left thigh, pulled muscle left shoulder blade and neck, sprained right ankle and bruising to left forearm. Admitted to Northwestern Memorial Hospital.

OFFICER

INVOLVED: “Officer B” (Chicago Police Officer); Female/White; 30 years old;
On-Duty; In Civilian Dress ; Year of Appointment – 2002

OFFICER’S

INJURIES: None

VICTIM/

SUBJECT: “Subject 1”; Male/Black; 31 years old

SUBJECT’S

INJURIES: Fatal, through-and-through gunshot wound to left bicep, gunshot wound to left side of chest lodged, gunshot wound to left leg lodged. Transported to Mount Sinai Hospital by CFD Amb. #34

LOCATION

OF INCIDENT: 3850 West Roosevelt Road-Beat 1133

DATE/TIME

OF INCIDENT: 03 MAY 2006, 2246 hours

SUMMARY OF INCIDENT:

On 03 May 2006 at approximately 2246 hours, Officer A and Officer B were in uniform, working Beat 1022. The officers were on routine patrol when they observed a car parked parallel on the sidewalk at approximately 3850 W. Roosevelt Road. Officer B, the driver of the marked squad car, stopped and parked behind the car parallel to the curb. Officer A approached the driver's side of the car and Officer B approached the passenger side. As Officer A asked the driver in the car, later identified as Subject 1, for his driver's license, he observed that the passenger of the car, later identified as Witness 1, was in possession of an open bottle of malt liquor. Subject 1 refused to cooperate with Officer A's request and he placed the car into reverse and began to quickly back up, hitting Officer A in the process. Officer A and Officer B yelled at Subject 1 to stop the car. Officer A attempted to regain his balance by grabbing onto the driver's side door frame of Subject 1's car. Subject 1 placed the car into forward gear, grabbed onto Officer A's left arm (shirt), and then drove westbound on the sidewalk, dragging Officer A with him. Officer A, repeatedly told Subject 1 to release him, which Subject 1 refused to do. Officer A, in fear for his life, withdrew his firearm and shot Subject 1 twice. Subject 1 released Officer A's arm, causing Officer A to fall to the ground and running over Officer A's right foot. The vehicle continued moving until it came to a stop at approximately 3942 W. Roosevelt Road, where Witness 1 put the vehicle into park. Officer B came to Officer A's aid and called for assistance. Beat 4608, Officer C, and Officer D, arrived in the area in response to Officer B's "10-1" call over the radio.¹ Officer B pointed west on Roosevelt Road to the responding officers, which was the direction in which Subject 1's car was headed. The responding officers continued west on Roosevelt and observed Subject 1's car stopped at the corner at approximately 3942 W. Roosevelt Road where a crowd had gathered. Officer D approached Subject 1's car and ordered Subject 1 to show his hands. Subject 1 raised his head slightly and then lowered it again. Officer D and Officer C removed Subject 1 from the car, noted blood on his clothing and Officer D called for medical assistance. Witness 1 was transported to Area Four for questioning. Evidence technician photographs show that Subject 1's driver's side window was partially down with a bullet hole in the window.

Subject 1 was transported to Mt. Sinai Hospital where he was pronounced dead at 2314 hours by Dr. K. Subject 1 sustained gunshot wounds to his left leg (lodged), left arm (through-and-through) and left torso (lodged). Officer A was transported to Northwestern Memorial Hospital where he was admitted for abrasions to his upper left thigh, a pulled muscle to the left shoulder blade and neck, and a sprained right ankle and bruising to the left forearm. Officer A was released from the hospital the following day.

¹ "10-1" indicates that an officer needs immediate assistance.

INVESTIGATION:

On 04 May 2006, a Roundtable panel was conducted regarding an officer involved shooting. One civilian witness, one of the involved officers and a responding officer, and a detective appeared. (Att. #16).

Witness 1 related to the Roundtable panel that she was in a car with Subject 1, her boyfriend, going to a liquor store to buy some beer for Subject 1's aunt. Witness 1 admitted that she had an open container of an alcoholic beverage (malt liquor) in the car. They pulled into a driveway near the liquor store and a police car pulled behind them. The police car did not have its emergency equipment activated (lights and sirens). Two officers approached them, with the female officer (Officer B) on Witness 1's side, the passenger side of Subject 1's car. Witness 1 could not hear what the male officer (Officer A) was saying to Subject 1. Subject 1 put his car in reverse and Officer B yelled at him to stop the car. Witness 1 then observed Officer A reach into the car as if to reach for the keys. She did not see Officer A touch the keys. Witness 1 then saw Subject 1 put his hand out the window and start driving, using his knee to steer. Officer A was trying to pull away from Subject 1 at this point. Witness 1 then heard two gunshots and she "ducked" (lowered her head) in the car. Subject 1 leaned toward her and told her that he had been shot. Witness 1 tried to stop the car and it finally came to a stop on its own. Some police officers driving westbound on Roosevelt Road passed Subject 1's car and then returned. One of the officers searched Witness 1 and brought her to the police station. (Att. #16).

Witness Officer B related to the Roundtable panel that she was working in full uniform, assigned to Beat 1022 with her partner, Officer A. While driving westbound on Roosevelt Road, they observed a car blocking the sidewalk and pulled behind the car to conduct a traffic stop. Officer A approached the driver's side and Officer B approached the passenger's side, stopping near the rear passenger side door. Officer B could see Officer A talking to Subject 1 and then observed Subject 1 back the car up. Officer B and Officer A yelled at Subject 1 to stop the car, but he refused. Officer B then observed the car drive westbound on the sidewalk, dragging Officer A along the way. When the car was 20-30 feet away from her, Officer B observed Officer A discharge his firearm at the car two times. Officer A fell to the ground and the car continued driving westbound. Officer B began to run after Subject 1's car but then she went to provide assistance to Officer A, who was still on the ground. Officer B used her radio to request assistance. When additional squad cars arrived on the scene, Officer B directed them to continue westbound on Roosevelt Road to where Subject 1's car had stopped. (Att. #16).

Detective A related to the Roundtable panel that he spoke to Officer A, who was being treated at Northwestern Memorial Hospital. (Att. #16). Officer A related that he was on patrol with Officer B, driving westbound on Roosevelt Road, when he observed a Volkswagen (Subject 1's vehicle) dart across traffic without stopping at the stop sign on Avers, and then turned westbound on Roosevelt Road. Subject 1 parked his car on the sidewalk outside of a locked parking lot. The officers activated their emergency

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equipment on their car and stopped behind Subject 1's car. Officer A checked the car's license plate on their PDT (Portable Data Transmission) and the officers then exited their vehicle and approached Subject 1's car. Officer A approached the driver's side and Officer B approached the passenger's side. Officer A observed an unknown black male (no further information provided) approach the locked gate from the outside of the parking lot with keys in his hand. Officer A then asked the unknown black male to leave the area until the traffic stop was completed. At this time, Officer A observed an open alcoholic beverage in Subject 1's car and he asked for Subject 1's driver's license. Subject 1 became agitated and refused to cooperate with Officer A. Officer A again asked Subject 1 for his driver's license and Subject 1 put his car in reverse. When Subject 1 backed the car up, the front quarter panel struck Officer A, causing him to lose his balance. Officer A held the car door to steady himself and Subject 1 grabbed Officer A's arm (left), pulling him toward the car. Officer A screamed for Subject 1 to release his arm, but Subject 1 drove forward, pulling Officer A with him. Both Officer A and Officer B yelled at Subject 1 to stop, but Subject 1 continued driving. Officer A removed his firearm and again ordered Subject 1 to stop. When Subject 1 refused, Officer A fired two shots at him. Officer A then fell to the ground and does not remember what happened next. Additional officers arrived on the scene and Officer A was transported to Northwestern Memorial Hospital via ambulance.

Detective A related that Dr. S treated Officer A at Northwestern for a sprained right ankle, abrasions to his left upper thigh, bruises to his left forearm and pulled muscles behind his left shoulder blade and on his neck. Dr. S admitted Officer A overnight for observation. (Att. #16).

Officer D related to the Roundtable panel that he was on patrol in full uniform driving westbound on Roosevelt Road when he heard the call for a "10-1" over the radio. He observed a police officer (Officer A) lying on the sidewalk and a female police officer (Officer B) standing nearby. Officer B saw Officer D's car and pointed west on Roosevelt Road. Officer D also heard a report of a wanted vehicle on the radio and continued driving west on Roosevelt. Officer D observed a gray Volkswagen with a crowd gathering and stopped his car. He got out of the car and approached the Volkswagen on the driver's side, where he observed a male (Subject 1) in the driver's seat. Officer D observed a female he later learned to be Subject 1's passenger (Witness 1) standing on the curb. Officer D told Subject 1 to show his hands and Subject 1 slightly lifted his head and then lowered it again. Officer D then opened the door, removed Subject 1 from the car and placed him in custody. Officer D then observed blood on Subject 1 and called for an ambulance. Officer D related that Subject 1 was unable to talk to anyone in his presence. (Att. #16).

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A **canvass** of the location of incident resulted in IPRA Investigator A, obtaining the names and contact information for two individuals, Witness 2 and Witness 3 who indicated that they had knowledge of the shooting. (Atts, #17-18).

Attempts to contact Witness 2 and Witness 3 met with negative results. (Att. #29-30).

The **Chicago Fire Department (CFD) Ambulance Report** indicates that paramedics who responded to the vicinity of 4000 W. Roosevelt Road, attended to Officer A who stated that he was struck by a motor vehicle. Officer A complained of pain to his right leg and to the left side of his back. Officer A was transported to Northwestern Hospital for medical care. (Att. #22).

The **Chicago Fire Department (CFD) Ambulance Report** indicates that paramedics, who responded to the vicinity of 3850 W. Roosevelt Road, found Subject 1 dead. The police at the crime scene instructed the paramedics to transport Subject 1 to Mount Sinai Hospital. (Att. #23).

A report from the **Illinois State Police Division of Forensic Services ("ISP")**, Division of Forensic Services, dated 15 May 2006, indicated that Officer A's 9mm pistol was examined, found to be in firing condition, and test fired. Two recovered casings and two bullets were found at the scene to have been fired from Officer A's weapon.

Related Department reports (Assistant Deputy Superintendent (ADS) report, General Offense Case Report, Supplementary Report, Tactical Response Report, Officer's Battery Report and Injury on Duty Report) provided an account of the incident that is consistent with the Summary of Incident. The supplementary report added that on 03 May 2006, Witness 1 told Detective B, that while Officer A was talking to Subject 1 on the driver's side of Subject 1's car, Subject 1 placed the car into reverse with his left hand. Witness 1 observed Officer A's hand inside the car and Subject 1 began driving forward with his knee. According to Witness 1, Subject 1 was holding onto Officer A's arm and Subject 1 tried to close his window. Witness 1 stated that she could not hear what Officer A was saying because the music in the car was loud. Witness 1 stated that while the car continued driving on Roosevelt Road, Subject 1 held onto Officer A's arm. Witness 1 then heard two gunshots and Subject 1's car struck something. At this time, Subject 1's car came to a stop; Subject 1 leaned toward Witness 1, and stated that he had been shot. Witness 1 placed Subject 1's car in park until it came to a stop. A short time later, officers arrived on scene. (Atts.# 2-8, 49).

The **Report of Postmortem Examination, Office of the Medical Examiner, County of Cook, Illinois**, of Subject 1 indicates that Subject 1 died of multiple gunshot wounds. The manner of death was Homicide. (Att. #31).

The **Office of Emergency Management & Communication (OEMC) Event Queries** and cassette tape of transmissions indicates that at approximately 2245 hours, Officer B reported that Officer A was struck and run over by a vehicle at Roosevelt Road and Springfield Avenue. She reported that the vehicle continued driving westbound on Roosevelt Road towards Pulaski Road. Officer B requested the paramedics to the scene. Numerous callers reported that shots were fired at and by the police. An anonymous caller stated that a police officer shot a man in the face after the man pulled off in his vehicle and did not stop, other callers reported that a police officer was shot, a police officer shot a male, and that police were threatening to mace citizens who did not move away from the crime scene. In addition, attempts to contact the individuals who called 911 met with negative results. (Att. #19, 51).

The Crime Scene Processing Report and Evidence Technician Photographs and Video Tape depicts the location of incidents, recovered evidence, fired evidence, Subject 1's vehicle and Subject 1's body. (Atts. #28-28X).

Officer A's **medical records** from Northwestern Hospital indicated that Officer A told the hospital personnel that he was struck by a car and that the driver of the car held his left arm and dragged him for approximately 10-25 feet. Officer A complained of pain to his right ankle. Officer A sustained tenderness on the left side of his neck, a superficial abrasion to his left knee, and right sprained ankle. (Att. #40).

Complaints at Law, Case No: 07 C 204 and 08 L 9598 named the city of Chicago, Officer A, Officer B, and unidentified officers as the defendants. It is alleged that on 03 May 2006, Officer A shot and killed Subject 1 without lawful justification. (Att. #34, 47).

General Order 02-08-03: Deadly Force, reads in part that 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 to prevent death or great bodily harm to the sworn member or to another person. (Att. #46).

In his statement to IPRA Investigator B, on 20 February 2008, **Involved Officer A** provided an account of the incident that is consistent with his account to Detective A on 06 May 2006, at Northwestern Hospital. In addition, Officer A stated that when Subject 1 reversed his car, the car made contact with the left side of his body and he reached his hands out to regain his balance. Officer A could hear Officer B screaming and he was afraid that Subject 1 had stuck her with the car. Subject 1 placed his car in drive and Officer A lost his balance and grabbed onto the door frame with his left hand. Subject 1 dragged Officer A down the sidewalk by holding onto Officer A's left arm. Officer A ordered Subject 1 several times to stop the car, but Subject 1 ignored the commands. Officer A reached for his firearm with his right hand, told Subject 1 to stop the car, and in fear for his life, Officer A fired his firearm at Subject 1. Subject 1 continued driving westbound on Roosevelt Road. Officer A stated that Officer B was standing at the passenger side of Subject 1's car and as Subject 1 backed his car, Officer A heard Officer B screaming and Officer A was afraid that Subject 1 had run her over

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with his car. Officer A stated that for a brief period he lost consciousness. Paramedics arrived at the scene and provided Officer A with medical care. Officer A was then transported to Northwestern hospital for medical care. Officer A stated that he twisted his right ankle, back, and neck. Had a knot to the back of his head, and had scrapes to his left knee, left hand, right elbow and right hand. Officer A agreed to sign a medical consent form. (Att. #38).

In her statement to IPRA Investigator B, on 20 February 2008, **Witness Officer B** provided an account of the incident that is consistent with her account at the Roundtable. In addition, Officer B stated that when Subject 1 reversed the car, she yelled out, "Oh, he's going to hit our car." Subject 1 then started driving westbound on the sidewalk. Subject 1 was dragging Officer A by his shirt sleeve or arm. Officer A was yelling something to Subject 1 but Officer B does not recall what he was yelling. Officer B observed Officer A unholster his firearm and fire twice into the vehicle. Officer A then fell to the ground and rolled over. Officer B stated that Subject 1's car appeared to strike Officer A and proceed westbound on Roosevelt Road. Assisting units arrived and Officer B pointed to the location of Subject 1's car.

CONCLUSION AND FINDING:

This investigation found that the 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 likely to cause death or great bodily harm;
 - b. has attempted to escape by use of a deadly weapon or;
 - c. otherwise indicated 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 the conditions of CPD's policy. During a traffic stop, Officer A and Officer B approached Subject 1's vehicle. Officer A requested to see Subject 1's driver's license at which time, Subject 1 ignored Officer A's request and reversed his vehicle, striking the left side of Officer A's body. Officer A attempted to regain his balance by holding onto the door frame of the car. Subject 1 held onto Officer A's arm and drove off dragging Officer A along side of his vehicle. Officer A repeatedly yelled for Subject 1 to stop the car but Subject 1 failed to comply with Officer A's command and attempted to defeat arrest by escape. Subject 1's actions caused Officer A to be in fear of his life and that of Officer B, which resulted in Officer A firing his weapon at Subject 1 to prevent death or great bodily harm.