

INDEPENDENT POLICE REVIEW AUTHORITY

Log #1032272/U#09-49

**INVESTIGATION**

**NUMBER:** LOG# 1032272/U# 09-49

**OFFICER #1**

**INVOLVED:** “Officer A” (Chicago Police Officer); Male/Hispanic; 36 years old;  
On Duty; In Uniform; Year of Appointment – 1997

**OFFICER #2**

**INVOLVED:** “Officer B” (Chicago Police Officer); Male/White; 42 years old;  
On Duty; In Uniform; Year of Appointment – 2003

**SUBJECT #1:** “Subject 1”; Male/Black; 18 years old

**SUBJECT #2:** “Subject 2”; Male/Black; 19 years old

**SUBJECT #1’s**

**INJURIES:** Multiple gunshot wounds, fatal. Pronounced at Mount Sinai Hospital at  
2340 hours.

**SUBJECT #2’s**

**INJURIES:** Gunshot wounds to left chest and right thigh. Treated and released from  
Mount Sinai Hospital.

**INITIAL**

**INCIDENT:** Officers observed a vehicle that fit the description of a vehicle that was  
stolen in an Aggravated Vehicular Hijacking that occurred at 368 East  
Garfield Boulevard.

**DATE/TIME**

**OF INCIDENT:** 03 December 2009, 2121 hours

**LOCATION:**

4010 W 18<sup>th</sup> Street, Street  
**Beat 1012**

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## SUMMARY OF INCIDENT:

On 03 December 2009, at approximately 2035 hours, at a gas station at 368 E Garfield Boulevard, [Carjacking Victim] was the victim of an armed vehicular hijacking by four men. [Carjacking Victim] was driving a 2001 Lincoln Town Car that was owned by [Car Owner]. [Carjacking Victim] contacted [Car Owner] and [Car Owner] was able to locate the vehicle using GPS. The vehicle was in the vicinity of 3226 W 16<sup>th</sup> Street. Officers that responded to the armed vehicular hijacking relayed the location of the vehicle to Zone 10, serving the 10<sup>th</sup> and 11<sup>th</sup> Districts, through OEMC.

Officer C, and Officer A, were northbound on Ridgeway Avenue when they observed the 2001 Lincoln Town Car cross Ridgeway Avenue at 16<sup>th</sup> Street. The officers followed the vehicle and verified the license plate through OEMC. Officer C and Officer A continued to follow the Lincoln westbound to Pulaski Road. Officer D and Officer E were westbound on 16<sup>th</sup> Street and observed the Lincoln turn left onto southbound Pulaski Road. Officer D and Officer E followed the Lincoln and Officer C and Officer A followed behind the other officers. The vehicles continued southbound to 18<sup>th</sup> Street where the Lincoln made a right turn to go westbound on 18<sup>th</sup> Street. Officer D and Officer E drove in front of the Lincoln and stopped in front of them on an angle to prevent any forward movement. Officer C and Officer A stopped behind and to the left of the Lincoln.

Officer D exited his police vehicle and approached the Lincoln while at the same time an unknown individual<sup>1</sup> exited the Lincoln and ran eastbound toward Pulaski. Officer D, with his weapon drawn, opened the driver's side door and ordered the driver of the Lincoln, now known to be Subject 1, to exit the vehicle. Officer C and Officer A exited their vehicle, which was behind the Lincoln. Officer A exited from the driver's side and Officer C exited from the passenger side. Subject 1 shifted the Lincoln into reverse and backed up at a high rate of speed. Officer C saw the reverse lights of the Lincoln illuminate and tried to get to the rear of his squad car to avoid being struck. The Lincoln struck Officer A and Officer C's squad car then struck Officer C, who fell to the ground. Officer A saw the Lincoln strike his partner and discharged his weapon at Subject 1. The Lincoln continued to reverse and made a turn of about 90 degrees. The Lincoln continued in reverse until it struck the north wall of the 18<sup>th</sup> Street Food Store. The officers approached the vehicle and observed that Subject 2 had been shot and another passenger, Subject 3, was uninjured. Subject 1 exited the vehicle and fled towards Pulaski Road. At about that same time, Officer B, and Officer F, arrived on the scene in their marked Tahoe. Officer B ordered Subject 1 to stop but Subject 1 did not stop. Officer B continued to give verbal commands but Subject 1 disregarded the orders, pointed a weapon at Officer B. Officer B fired his weapon several times at Subject 1 and Subject 1 fell to the ground.

Subject 1 was transported to Mount Sinai Hospital where he was pronounced dead at 2340 hours. Subject 2 was also transported to Mount Sinai Hospital where he was treated for two gunshot wounds to the chest and a single gunshot wound to the thigh.

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<sup>1</sup> The unknown individual, who made good his escape, was identified only as "[Name Withheld]" in a Detective Supplementary Report. [Name Withheld] remains unidentified.

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[Carjacking Victim] positively identified Subject 1 and Subject 2 as two of the individuals that stole his vehicle. [Carjacking Victim] related that Subject 1 was the subject that had a handgun. Subject 2 and Subject 3 were taken into custody and charged with Vehicular Hijacking. Eleven spent cartridge casings that were fired from Officer A's weapon and debris from the damaged squad car were recovered from 18<sup>th</sup> Street. Five spent cartridge casings that were fired from Officer B's weapon and an Excam .25 caliber semi-automatic, Model 81, handgun were recovered from Pulaski Road.

**INVESTIGATION:**

During a **Roundtable** held subsequent to this incident, **Officer D**, provided an account that was consistent with the Summary of Incident included in this report. Officer D told the Roundtable panel that he was on routine patrol in the vicinity of 16 and Kostner when he heard the notification regarding the stolen Lincoln. Officer D continued to drive east on 16th Street and, on the radio, heard one of the officers assigned to Beat 1045 state that they were following the Lincoln. The Lincoln turned to continue southbound on Pulaski. Officer D turned right and followed directly behind the Lincoln with Beat 1045 behind them. The vehicles continued to 18<sup>th</sup> Street then turned right to go westbound. Officer D drove around the Lincoln and stopped in front of it to block its path. Beat 1045 stopped behind the Lincoln. Officer D exited his vehicle and approached the Lincoln with his gun drawn. A person exited the rear driver's side door and fled from the scene. Officer A, and Officer C, exited their vehicle. Officer D opened the driver's door and attempted to grab the driver, Subject 1. Subject 1 reversed the Lincoln at a high rate of speed and struck the squad car behind him. Officer D lost sight of Officer C, who had been on that side of the car. Officer A discharged his weapon at the Lincoln and the car continued to reverse until it collided with a building. Subject 1 exited the vehicle and fled toward Pulaski Road. Officer D and other officers took the remaining two passengers into custody and saw that one of them, Subject 2, had been shot. The officers called for an ambulance for Subject 2. Officer D stated that he heard more gunshots but did not see who was shooting because his focus was on taking the passengers into custody.

**Officer C, related to the Roundtable Panel** and account that was consistent with the Summary of Incident. Officer C stated that he and Officer A were responding to a burglar alarm call when they heard a "flash" message regarding the stolen Lincoln. The officers saw a white Lincoln Town Car pass them in the opposite direction on 16<sup>th</sup> Street. The officers followed the Lincoln and verified with the dispatcher that the license plate matched the plate of the stolen vehicle. They reported that they were following the vehicle and provided their location.

The officers followed the Lincoln and Beat 1012 to westbound 18<sup>th</sup> Street where Beat 1012 stopped in front of the Lincoln and Officer A stopped their vehicle behind the Lincoln, but offset from the center of the vehicle. A passenger exited the vehicle and fled. Officer C exited the vehicle and looked behind him toward the fleeing passenger so that he could transmit a flash message over the police radio. When Officer C turned back toward the Lincoln, he saw that the reverse lights were illuminated. Officer C ran toward the rear of his vehicle to get out of the way of the Lincoln, which was now reversing toward him. The Lincoln struck the squad car then struck Officer C and knocked him to the ground behind his squad car. Officer C stated that he heard gunshots at that time but did not observe who discharged a weapon, because he was on the ground. Officer C saw the Lincoln lose control and back into a building. Officer C stayed on the ground and observed Officer A giving orders to the occupants of the Lincoln. Officer C also saw an 11<sup>th</sup> District officer chasing Subject 1, who was running away from the Lincoln. Officer C heard gunshots but did not see who discharged a weapon because he was focused on Officer A.

During a **Roundtable** held subsequent to the incident, **Officer A**, related an account of the incident that was consistent with the Summary of Incident. Officer A's description of the initial contact with the Lincoln was the same as Officer C's description of the initial contact.

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Once the vehicles stopped on 18<sup>th</sup> Street, Officer A stopped his vehicle behind and to the left of the Lincoln. A person exited the Lincoln and fled eastbound. Officer C exited the squad car to pursue that person. Officer A exited the vehicle and unholstered his weapon. Officer A saw that the Lincoln was reversing. The Lincoln struck the passenger side of the squad car and Officer C who was standing on the passenger side of the vehicle. Officer A lost sight of his partner and, in fear of his life and the life of his partner, Officer A discharged his weapon at the driver of the Lincoln approximately six to seven times. The Lincoln continued to reverse and crashed into a building. Officer A ran to the passenger side of the vehicle and saw Subject 1 on the floor of the front driver's side. Subject 2 and Subject 3 exited the rear of the vehicle and Officer A ordered them to get on the ground. Subject 1 exited the vehicle and ran east toward Pulaski. Officer A stayed with Subject 2 and Subject 3. Officer A heard four or five gunshots but did not see who discharged a weapon.

**Officer B, related to the Roundtable Panel** an account of the incident that was consistent with the Summary of Incident. Officer B stated that he and his partner, Officer F, were in the vicinity of Pulaski and Polk when they heard the radio call about the stolen Lincoln. When 10<sup>th</sup> District officers radioed that they saw the vehicle, Officer B and Officer F drove in the direction of the reported contact. Officer F told Officer B that he saw the vehicles and directed Officer B to continue south and then turn onto 18<sup>th</sup> Street. When the officers arrived on the scene, Officer B observed a squad car parked in the middle of the street and the Lincoln Town Car stopped against a building. Officer B saw that an officer standing outside at the scene had a gun in his hand. When Officer B exited the squad car, he also unholstered his weapon. Subject 1 exited the Lincoln and ran in the direction of Officer B's vehicle. Subject 1 held his right side as he ran and Officer B believed that Subject 1 might have a gun. Officer B announced his office and told Subject 1 to stop. Subject 1 turned and pointed a gun at Officer B and Officer B told him to drop the gun. Subject 1 did not drop his weapon and Officer B discharged his weapon at Subject 1. Officer B stated that he fired his weapon at least three times. Subject 1 fell to the ground and Officer B went to Subject 1, cleared the area, reported the shots fired and requested an ambulance. Officer B stated that Subject 1 was in the middle of Pulaski Road and he had just stepped off of the west curb when he fired. Officer B estimated the distance to Subject 1 at about ten feet when he fired. When asked, Officer B stated that he was unaware if Subject 1 discharged a weapon at him.

In a **statement** at the Independent Police Review Authority on 19 June 2013, **Officer D**, provided an account that was essentially the same as the account that he related to the Roundtable Panel on the night of the incident. When asked why he did not fire his weapon, Officer D indicated that he did not have a clear line of sight to the driver of the Lincoln Town Car.

In a **statement** at the Independent Police Review Authority on 16 July 2012, **Officer C**, provided an account that was essentially the same as the account he provided during the Roundtable Panel on the night of the incident. When asked where the Lincoln struck him, Officer C stated that he got hit in the right flank area.

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In a **statement** at the Independent Police Review Authority on 21 July 2011, **Officer A**, provided an account that was essentially the same as the account provided during the Roundtable Panel on the night of the incident. Officer A clarified that when he provided his statement during the Roundtable, he believed that he had discharged his weapon five or six times but learned later that he had actually discharged his weapon eleven times.

In a **statement** at the Independent Police Review Authority on 11 July 2011, **Officer B**, provided an account that was essentially the same as the account he provided to the Roundtable Panel on the night of the incident.

In a **statement** at the Independent Police Review Authority on 11 July 2011, **Officer F**, provided an account of the incident that was consistent with the account provided by his partner, Officer B. Officer B and Officer Fr arrived on the scene of the incident after they responded to the vehicular hijacking call on the radio. When the officers arrived, Officer F heard gunshots and saw smoke in the air but did not know who had fired a weapon. Officer F stated that he saw two police vehicles on the scene and one additional civilian vehicle. Officer F saw a police officer standing in front of the civilian vehicle with his gun drawn and pointed at the vehicle. The civilian vehicle was backed against a building. The officer in front of the vehicle shouted orders at the occupants of the vehicle. A black male, now identified as Subject 1, exited the vehicle and ran eastbound toward Officer F and Officer B's vehicle. Officer F and Officer B exited their vehicle and pursued Subject 1. Officer F stated that he entered Pulaski Road at approximately the same time as Subject 1. Officer F stated that Officer B was behind him and to his right. Subject 1 held his right side as he ran. Officer F stated that he believed Subject 1 may have had a weapon because of the way he ran. Officer F heard Officer B order Subject 1 to drop what he was holding. Officer B discharged his weapon at Subject 1. Officer F stated that Subject 1 fell to the ground and he ran to Subject 1 and handcuffed him. Subject 1 was breathing but not moving or talking when Officer F handcuffed him. Officer B notified OEMC of the shots fired and requested an ambulance to the scene. Officer F stated that he could not see anything in Subject 1's hand because of his position and Subject 1's body position. Officer F stated that a handgun was recovered from the middle of the street and it had been dropped or tossed by Subject 1.

In a **statement** at the Independent Police Review Authority on 12 December 2012, **Officer E**, provided an account of the incident that was consistent with the accounts provided by his partner, Officer D.

In a **handwritten statement** with the Independent Police Review Authority on 03 December 2009, **Witness 1** stated that she was at a bus stop on Pulaski Road at about 2115 hours. Witness 1 saw a white vehicle make a right turn onto 18<sup>th</sup> Street. Two police vehicles also turned onto 18<sup>th</sup> Street. A police Tahoe stopped in front of the white vehicle and a "regular police car" stopped behind the white vehicle. A white male officer exited the Tahoe, pointed his gun at the white vehicle, and told the occupants of the white vehicle to "Freeze." The white vehicle's reverse light came on but the vehicle could not back up. The white vehicle rolled up onto the sidewalk and two black males exited the vehicle and ran. One of the men ran south on Pulaski and the other ran toward Witness 1, who was standing on the east side of Pulaski. The man that was running toward Witness 1 had a gun in his hand. The man running toward Witness

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1 turned behind him and discharged his weapon at officers that were chasing him. The officers returned fire and Witness 1 ran behind a parked car and hid. The man that had been running toward Witness 1 threw his gun toward the officers and they discharged their weapons again. The man fell down near the bus stop where Witness 1 had been standing and officers ran up and handcuffed him. Witness 1 stated that she was not able to get close enough to see if she knew the man who had been shot. Witness 1 also stated that the man that fled south on Pulaski, got away and was not caught.

In a **statement** with the Independent Police Review Authority on 04 December 2009, **Witness 2** stated that she is a CTA Bus Operator and she was driving the Pulaski bus southbound. Witness 2 saw a police car with its lights on driving fast. Witness 2 pulled her bus over and let the police car pass. Witness 2 saw two men running from west to east on 18<sup>th</sup> Street. Police officers chased the two men and grabbed one of them. The man who the officers grabbed had something like braids in his hair. The other man ran away and the man with braids was able to slip out of the officer's grasp. That man then turned toward the officers, Witness 2 could not say if the man had anything in his hands but she assumed he was shooting at the officers because she heard gunshots. At that time, Witness 2 left her seat and started screaming. Witness 2 did not see anything more of the incident.

In a **statement** with the Independent Police Review Authority on 04 December 2009, **Witness 3** stated that he was a passenger on the bus that Witness 2 was driving. Witness 3 heard the bus driver scream and he got up and went to the window. Witness 3 saw a man running across Pulaski and then he saw a police officer drop to one knee and shoot the man that was running. Witness 3 went to the middle of the bus and got down so as to mitigate the risk of being shot.

In a **statement** with the Independent Police Review Authority on 04 December 2009, **Witness 4** stated that she is a CTA bus operator and that she was driving the northbound Pulaski bus at the time of the incident. Witness 4 stated that she stopped her bus to let a passenger on and let a passenger off. About that time, Witness 4 heard several gunshots and she ducked down behind her steering wheel. Witness 4 looked out her window as she ducked and saw a police officer fire his weapon at a man on the other side of the street. The man fell on his face and officers ran up and "checked his vitals." Witness 4 related that she did not actually see the officer shoot the man but she saw the officer with the weapon, heard gunshots and saw the man fall.

In a **statement** with the Independent Police Review Authority on 04 December 2009, **Witness 5** stated that she was riding the southbound Pulaski bus at the time of the incident. Witness 5 stated that she saw a man run in front of the bus but she could not tell if the man held anything in his hands. Witness 5 stated she saw an officer exit a squad car drop to one knee, point a handgun across the street in the direction of the man she saw running across the street, and then Witness 5 heard three gunshots. Witness 5 closed her eyes when she heard the gunshots.

In a **statement** with the Independent Police Review Authority on 04 December 2009, **Witness 6** stated that he had boarded the northbound Pulaski bus at 19<sup>th</sup> Street. Witness 6 stated

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that he saw a black male subject run south on Pulaski, and then he saw a white male uniformed officer exit a squad car that was parked on 18<sup>th</sup> Street just west of Pulaski. Witness 6 saw another black male subject on the east side of Pulaski who was pointing a handgun at the officer that had exited the squad car. Witness 6 heard the officer yell, "Put the gun down, now!" Witness 6 stated that the black male subject and the officer began shooting at one another. Witness 6 heard several gunshots and the black male subject fell to the ground near the curb. The officer then ran over to the black male subject and handcuffed him.

In a **statement** with the Independent Police Review Authority on 04 December 2009, **Witness and Victim of the Aggravated Vehicular Hijacking [Carjacking Victim]** stated that a black male subject with braids used a gun to steal his vehicle, a white Lincoln Town Car from a gas station at 55<sup>th</sup> and King Drive. The man with the braids called several other men to the car and they all tried to get [Carjacking Victim] to get inside the backseat of the car. [Carjacking Victim] refused to get in the car and, after about five minutes, the men left in [Carjacking Victim]'s vehicle. [Carjacking Victim] went inside the gas station and eventually got the gas station attendant to call police on his behalf. Officers responded and [Carjacking Victim] explained what happened. [Carjacking Victim] contacted the person from whom he leased the Town Car and he provided police with the location of the vehicle. The owner of the vehicle had used a tracking device to locate the vehicle.

A **Canvass** of the vicinity of the incident produced no additional witnesses or information.

**Officer D** completed a **Tactical Response Report (TRR)** in which he described Subject 3 as an Active Resister, in that he did not follow verbal direction and he fled. Officer D indicated that he responded to Subject 3' actions with Takedown/Emergency Handcuffing techniques.

**Officer C** completed a **TRR** in which he described Subject 1 as an Assailant: Deadly Force, in that he used an automobile as a weapon and used force likely to result death or great bodily harm. Officer C responded with his presence. Officer C also completed an **Officer's Battery Report (OBR)**, in which he reported that he sustained non-fatal minor injuries during the incident.

**Officer A** completed a **TRR** in which he described Subject 2 as an Assailant: Deadly Force, in that he used an automobile as a weapon and used force likely to cause death or great bodily harm. Officer A responded by discharging his weapon 11 times.

**Officer B** completed a **TRR** in which he described Subject 1 as an Assailant: Deadly Force in that he attacked with a weapon and used force likely to result in death or great bodily harm. Officer B responded by discharging his weapon five times at Subject 1. Officer B also completed an OBR in which he stated that he was not injured during the incident.

**Officer E** completed a **TRR** in which he described Subject 2 as an Active Resister in that he fled and did not follow verbal direction. Officer E responded to Subject 2's actions with Takedown/Emergency Handcuffing techniques.



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A **Chicago Fire Department EMS Report** indicated that paramedics arrived on the scene of the incident and found Subject 1 to be unresponsive. The paramedics noted that Subject 1 had a single gunshot wound to the back. The ambulance transported Subject 1 to Mt. Sinai Hospital for treatment.

A **Chicago Fire Department EMS Report** indicated that paramedics arrived on the scene of the incident and found that Subject 2 had been immobilized by CFD Engine 38. The ambulance crew treated Subject 2 for a gunshot wound to the top of his right thigh and two gunshot wounds to the lower left ribcage.

A **Report of Postmortem Examination** obtained from the Office of the Medical Examiner of Cook County indicated that Subject 1 had gunshot wounds to the back and both thighs. Each gunshot wound traveled from back to front through the body. The gunshot wound to the left thigh was “through and through” while the bullets responsible for the other two gunshot wounds were recovered from the body. Subject 1’s blood tested positive for ethanol in a concentration of 15mg/dL [a BAC of .0015]. The cause of death was multiple gunshot wounds and the manner was homicide.

**Evidence Technician photographs** depict the scene, the subject’s vehicle, and evidence markers as they were following the incident. Of special note, are the photographs of the recovered weapon a small black semi-automatic pistol marked with evidence marker #6. The photographs of the subject vehicle include photographs in which rods were placed to ascertain the angle at which the fired rounds entered the vehicle. Photographs of the scene include photographs of CPD vehicle 9260 which has a beat tag showing that the vehicle was assigned to Beat 1045. In the photographs of vehicle 9260, there is slight body damage and paint transfer along the length of the passenger side of the vehicle.

**Evidence Technician photographs** of Police Officer C depict Officer C with dirty, but intact uniform pants.

The **Arrest Reports** completed subsequent to the incident indicated that Subject 2 and Subject 3 were both arrested for aggravated vehicular hijacking (firearm).

A **Laboratory Report** from the Illinois State Police Division of Forensic Sciences Forensic Science Center at Chicago reported that the recovered fired evidence was matched to either Officer B’s weapon or Officer A’s weapon.

A **Laboratory Report** from the Illinois State Police Division of Forensic Sciences Forensic Science Center at Chicago reported that the Gun Shot Residue (GSR) kits administered to Subject 1 and Subject 2 indicated that Subject 1 and Subject 2 may not have discharged a firearm with either hand. If either of them did discharge a firearm, then the particles were removed by activity, were not deposited, or were not detected by the procedure.

**CONCLUSION AND FINDING:**

This investigation found that the use of deadly force by Officer A and Officer B was in compliance with Chicago Police Department policy and Illinois State statutes. According to the Chicago Police Department's 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 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."

Both officers fired their weapons when confronted with actual or threatened use of deadly force. Officer A fired his weapon at the driver of the white Lincoln after he had observed the vehicle to strike his partner. The driver was attempting to escape by use of a deadly weapon. Officer B discharged his weapon after Subject 1 had pointed a handgun at him.