

INDEPENDENT POLICE REVIEW AUTHORITY
PUBLIC REPORT OF INVESTIGATION

INVESTIGATION

NUMBER: C.R. #314618; (Previously recorded as U #06-12)

OFFICER(S)

INVOLVED: “Officer A” (Chicago Police Officer) — Male/White; 30 years old;
On-duty; Civilian clothes; Year of Appointment — 2000

“Officer B” (Chicago Police Officer) — Male/White; 27 years old;
On-duty; Civilian clothes; Year of Appointment — 2001

“Officer C” (Chicago Police Officer) — Female/White; 35 years
old; On-duty; Civilian clothes; Year of Appointment — 2000

OFFICER

INJURIES: “Officer A” — minor injury to leg

SUBJECT(S)

INVOLVED: Subject 1 — Male/Black; 21 years old

SUBJECT

INJURIES: One gunshot wound to the upper left chest; one gunshot wound to
the left side of the face; multiple lacerations/abrasions to the left
side of the face; one small abrasion to the back of the left ring
finger. Subject’s wounds were fatal.

INITIAL

INCIDENT: Investigation of Armed Robbery/Hijacking

DATE/ TIME: 30 April 2006, 0138 hours

LOCATION: 10011 South Wallace Street
Beat 2232

INDEPENDENT POLICE REVIEW AUTHORITY

C.R. #314618; U #06-12

INVESTIGATION:

In his report dated 30 April 2006, an Assistant Deputy Superintendent (ADS) assigned to the Bureau of Operational Services, summarized the incident under investigation. On 30 April 2006, at approximately 0138 hours, Officers A, B, and C were working in civilian dress.

The officers were conducting an investigation into a previously reported Armed Robbery/Hijacking incident. As a result of their investigation, the officers had obtained a photo identification of a suspect who was identified as Subject 1. A short time before the above captioned incident occurred Officer A received information from an informant.

The informant stated that Subject 1 had been observed in the area of 10000 South Lowe and might be armed. The officers responded to the location and observed Subject 1 walking north on Wallace and beginning to enter a vehicle at approximately 10011 South Wallace in which there was a female occupant (nka Witness 1). Officer A drove the officers' vehicle into a blocking position in front of Subject 1's vehicle.

Officer A exited the police vehicle and took a position by the front driver's door. Officer B, the front passenger, exited and took a position behind Subject 1's vehicle and to the left of center. Officer C exited the rear of the police vehicle and took a position on the right side of Subject 1's vehicle, focusing on Witness 1.

Officer A identified himself as a police officer and ordered Subject 1 to show his hands. Subject 1 did not comply and Officer A could see a silver colored object in Subject 1's left hand. Officer A repeated his order to Subject 1 numerous times but he ignored them. Subject 1 suddenly grabbed the gear shift, placed the vehicle in reverse and accelerated quickly.

Officer B yelled that he had been struck as Subject 1's vehicle traveled backward. Fearing for Officer B's safety, Officer A fired his weapon at Subject 1 seven times. Subject 1's vehicle continued in reverse, north on Wallace, then east on 100th Street until coming to rest on a parkway near 556 West 100th Street. Officer A pursued the vehicle on foot while Officer C reentered the police vehicle and followed.

Once Subject 1's vehicle stopped on the parkway, Officers A and C approached it. Officer C removed Witness 1 from the vehicle while Officer A approached Subject 1, who was still in the vehicle and observed that Subject 1 had sustained injuries and was unresponsive. Medical assistance for Subject 1 and Officer B was requested.

Notifications were made and Witness 1 was transported to Area 2. Paramedics arrived and determined that Subject 1 was beyond medical attention. Officer B was transported to a hospital for treatment of his injuries. An examination of Subject 1's vehicle determined that seven rounds had been fired into it through the driver's side door, door frame, and roof. Six expended cartridge casings were found at the location.

INVESTIGATION (Continued):

Upon observation, it was determined that Subject 1 had a gunshot wound to his left cheek and a gunshot wound to his chest. A silver colored CD player was by Subject 1's left hand as he was removed from the vehicle. A search of his person resulted in the recovery of a seven shot .22 caliber silver colored revolver. It appeared to be rusty with the cylinder held in place by a common screw.

The revolver bore no manufacturer information or serial numbers. It contained five rounds of live ammunition. The crime scene was processed by Mobile Crime Lab personnel who inventoried evidence and photographed the scene. Upon completion of the ADS' initial assessment of the incident and crime scene processing, a Round Table was conducted at Area 2 Headquarters.

A sketch of the shooting scene, prepared by the Office of Professional Standards, and a Polaroid photograph, depict Subject 1's vehicle parked facing southbound on the east side of Wallace Street (600W). It is positioned just north of the walkway at 10011 South Wallace. The position of the officers' vehicle is indicated as in front of Subject 1's vehicle facing east toward the sidewalk.

The driver's side of the squad car is facing the front of Subject 1's vehicle. Officer A's initial position is indicated as on the parkway near the front fender on the driver's side of Subject 1's vehicle. Officer B's initial position is indicated as in the street north of, and behind, Subject 1's vehicle to the left of center.

Officer C's initial position is indicated as in the street west of, and beside Subject 1's vehicle near the front passenger side fender. A symbol representing a flashlight is depicted on the parkway just to rear of the initial position of Subject 1's vehicle (east). The path of Subject 1's vehicle is traced backward (northbound) to a position around a corner east of Wallace on 100th Street.

During a Round Table convened after the incident Witness 1 related that she met Subject 1 on 29 April 2006 when he picked her up from her home in Des Plaines. She stated that the two met in a chat room earlier in the day and decided to meet in person. They went to the home of Subject 1's mother where Subject 1 consumed alcoholic beverages.

Subject 1 then drove Witness 1 to the home of one his friends. Subject 1 exited the vehicle but Witness 1 did not. When Subject 1 returned he looked "strange". At that time an unmarked squad car pulled in front of Subject 1's vehicle. A "detective" exited the squad car, announced his office, and ordered Subject 1 and Witness 1 to put their hands up several times.

Witness 1 complied with the officer's orders. Subject 1 did not but rather started the vehicle and shifted into reverse quickly. Witness 1 then heard gunshots and felt broken glass strike her. Subject 1's vehicle traveled backward, northbound, to 100th Street and then eastbound on that street where it struck a tree and stopped.

INVESTIGATION (Continued):

Subject 1 began to wheeze and officers ordered Witness 1 out of a vehicle. Witness 1 used a table and chair to demonstrate the position of the officer who fired in relation to Subject 1's vehicle. That demonstration indicated that the officer was in very close proximity of Subject 1's vehicle when he fired his weapon.

Officer B stated during the Round Table that Officer A received a call from an informant who notified him that Subject 1 was armed and at 100th and Lowe Avenue (632W). The officers did not see Subject 1 at 100th and Lowe so they drove in the area looking for him. They had photographs of Subject 1 so they could identify him.

The officers saw Subject 1 walking at approximately 10011 South Wallace and feeling for something at his waist. Officer A stopped the officers' vehicle in front of Subject 1's vehicle. The officers exited and moved to surround Subject 1's vehicle. Officer B stated that Subject 1's vehicle was running as they approached. Officer B walked behind Subject 1's vehicle. At the same time Officer A announced his office and issued verbal commands to the occupants of Subject 1's vehicle. Officer B stood behind the middle of Subject 1's vehicle toward the driver's side. He saw the vehicle's reverse lights illuminate and tried to move from behind the vehicle. Subject 1's vehicle accelerated backward very quickly.

Subject 1's vehicle struck Officer B who fell onto the grass of the parkway on the east side of Wallace, very close to the street. Officer B yelled words to the effect of "I'm down, I'm hit." He then saw Subject 1's vehicle traveling in reverse north on Wallace to 100th Street then east around the corner of 100th Street and out of sight.

Officer B saw Officer A and Officer C run to Subject 1's vehicle. He then "struggled" to his feet and walked to the location of Subject 1's vehicle. Officer B further related that he was subsequently treated and released from a hospital where he was diagnosed with a contusion.

Officer C gave a Round Table account that was consistent with those the others interviewed at that time. She estimated that Officer A fired from a distance of approximately five feet. She stated the engine of Subject 1's vehicle was not running when the officers approached and that no vehicles were parked behind Subject 1's vehicle.

During the Round Table Officer A related he received a telephone call from an informant. The informant stated that Subject 1 was armed and at 100th and Wallace. Officer A, Officer B, and Officer C went to that location where they saw Subject 1 walking to and entering a vehicle. Officer A parked the vehicle he and the others occupied in front of the vehicle Subject 1 entered and exited the squad car with his weapon drawn. Subject 1 started his vehicle as Officer A exited the squad car. Officer A approached the driver's door, announced his office, and ordered Subject 1 and a second individual in Subject 1's vehicle to put up their hands.

The windows of Subject 1's vehicle were up. Officer B went to the rear of Subject 1's vehicle and Officer C went to the passenger side respectively. Officer A observed a shiny object, which he could not identify, in Subject 1's left hand. Subject 1 used his right hand to shift his vehicle into reverse and the vehicle then moved backwards.

INVESTIGATION (Continued):

Officer A heard Officer B say, “[Officer A], I got hit.” Officer A lost sight of Officer B at that time. Officer A fired his weapon at Subject 1 4-6 times. He estimated his distance from Subject 1 as two to four feet when he began firing. Subject 1’s vehicle continued to move backward. Officer A still could not see Officer B. Officer A thought that Subject 1’s vehicle was dragging Officer B. Officer A ran northbound on the parkway to the spot at which Subject 1’s vehicle stopped. The second occupant of Subject 1’s vehicle, a female, put her hands up and Officer A saw that Subject 1 had been shot. Officer A stated he saw Officer B when Subject 1’s vehicle struck him.

According to Officer A he next saw Officer B when they both arrived at the spot where Subject 1’s vehicle stopped. Officer A did not see Officer B at any point between. Officer A further indicated that he never saw Officer B lying on the parkway during the incident.

In Tactical Response Reports for Officers A and B, dated 30 April 2006, the ADS’ finding was that Officer A’s actions were in compliance with Department procedures and directives. The rationale provided relates basically the same account of the incident as that in his To/From/Subject report and that Officer A believed Officer B was being dragged under Subject 1’s vehicle.

Officer’s Battery Reports completed by Officers A and B indicate that an officer was struck with a vehicle.

The Case Reports, RD HM-287-787, HM-321-168, and HM-321-631, include basically the same information as the Tactical Response Reports.

A Case Supplementary Report, RD HM-287-787, relates basically the same account of how the officers identified Subject 1 as the offender. It indicates that the original Robbery/Vehicular Hijacking case was closed as the result of Subject 1’s death.

A Case Supplementary Report, RD HM-321-168, dated 10 May 2006, indicates that case (Aggravated Battery/Police Officer: Other Dangerous Weapon) was closed as a result of Subject 1’s death. It also refers the reader to the Justifiable Homicide Case Report (RD HM-321-631) for all pertinent facts relative to the Aggravated Battery investigation.

A Case Supplementary Report, RD HM-321-631, dated 03 July 2006, indicates that Officer A, provided detectives an account of the incident that was consistent with his Tactical Response Report. In addition, Officer A told the detectives that as he approached Subject 1’s vehicle while ordering him to put up his hands, Subject 1 was reaching for something with his left hand.

Officer A could tell that the object was shiny as Subject 1 raised it up, but he could not make out what it was. Subject 1 then used his right hand and shifted the vehicle into ‘Reverse’. Subject 1 accelerated backward, striking Officer B. After he fired at the vehicle because he

INVESTIGATION (Continued):

thought Officer B was still under it, Officer A saw Officer B standing on the street, in pain from his knee being struck.

In the Supplementary Report, an account by Officer B indicates that he was at the rear of Subject 1's vehicle when the reverse lights illuminated and the vehicle sped backwards. The vehicle struck Officer B knocking him to the ground. He managed to get to the curb before the vehicle completely ran over him. Officer B yelled that he had been hit and saw Officer A, on foot, chase Subject 1's vehicle past Officer B as he lay on the ground.

The Supplementary Report also indicated that a Witness 2 stated that she was a witness to the shooting and gave an interview to CLTV news. The detectives' attempt to interview Witness 2 was unsuccessful.

The CPD evidence photographs show: the scene at 10011 South Wallace, including the vehicle driven by Subject 1 [exterior and interior], Subject 1 inside the vehicle, Subject 1's wounds, bullet holes in the vehicle, a compact disc player on Subject 1's lap, a revolver, and marked evidence (including a black flashlight) on the ground.

Canvassing produced circumstantial witnesses.

In an interview with OPS on 30 April 2006, Witness 1 stated that she had spoken with Subject 1 the first time, via telephone, on the previous day. The two 'chatted' on a 'party-line' and decided to meet. Subject 1 picked up Witness 1 at her residence in Des Plaines at approximately 1900 hours on 30 April 2006. The two talked for approximately one hour in Subject 1's vehicle outside Witness 1's apartment.

After visiting with Subject 1's mother and stepfather, Subject 1 drove to 10000 block of South Wallace to the residence of his friend. Subject 1 drove to an alley approximately two blocks away, exited the vehicle alone and went into a house. He returned and drove back to his friend's block, parking on the opposite side of the street. Subject 1 and his friend exited the vehicle.

The two men talked at the rear of the vehicle for approximately 2/3 minutes but Witness 1 could not hear any of the conversation. Subject 1's friend then walked to his residence and Subject 1 walked to the backyard of 10011 South Wallace. He remained there for approximately ten minutes, out of sight of Witness 1 who remained in the vehicle. When Subject 1 returned to the vehicle, he looked frustrated, angry and upset.

Witness 1 asked him what was wrong and he replied, "Nothing." At that time a dark, unmarked squad car pulled up and stopped in front of Subject 1's vehicle. A male white officer in casual dress and a protective vest exited the squad car with his weapon drawn. That officer shouted, more than once, for Subject 1 and Witness 1 to put their hands up. She then saw a red dot, as if from a laser sight, on Subject 1's chest.

INVESTIGATION (Continued):

Subject 1 started the vehicle and shifted into 'Reverse'. Immediately after, Witness 1 felt the vehicle accelerate 'very fast' in reverse. She heard approximately three gunshots and felt broken glass strike her body. The vehicle continued in reverse crossing 100th Street to the north and stopped when it struck a tree on the lot located at 9959 South Wallace.

Witness 1 heard Subject 1 wheezing. A second male white officer in casual dress and vest approached the vehicle. The second officer told Witness 1 that he had been struck by the vehicle and told her to exit. After Witness 1 placed the vehicle into 'Park' a female white officer opened the front passenger door and Witness 1 exited. The female officer conducted a protective 'pat-down' search of Witness 1.

The female officer handcuffed Witness 1. Another officer, who had just arrived, placed Witness 1 into another squad car. Witness 1 never saw Subject 1 in possession of a firearm during the incident nor heard him discuss firearm(s) or illegal activities. An ambulance arrived less than five minutes after Subject 1's vehicle came to a stop.

In an interview with the State's Attorney Office, Witness 1 related basically the same account of the incident as that which appears in her interview with OPS. Witness 1 related that when the first officer repeatedly [for approximately 30 seconds] ordered her and Subject 1 to put up their hands, she complied but Subject 1 did not. During that time, he stated, "Shit", locked the doors to the vehicle, and then placed it in 'Reverse'. Witness 1 stated that Subject 1 did not say anything to her after the police first arrived.

Efforts to identify Subject 1's friend were successful. Efforts to obtain Witness 2's interview or a transcript of same from CLTV News were unsuccessful.

The Chicago Fire Department Run Sheet, #061200123, reflects that Paramedics Witness 3 and Witness 4 responded to the scene at 0149 hours and found Officer B sitting on the curb. Officer B told the paramedics that he had struck on his left leg by the rear end of an auto trying to flee the scene.

The paramedics noted minor swelling and applied an ice pack and bandage. Officer B was ambulatory with assistance. The paramedics departed the scene at 0209 hours to transport Officer B to the hospital.

The Run Report also reflects that Paramedics Witness 3 and 4 found an unknown male sitting behind the steering wheel with a gunshot wound to his chest and a gunshot wound to his head. They were told by police that the male was trying to get away from the police, hitting one officer with the rear of the vehicle. CPD personnel designated the scene a crime scene. The paramedics placed the male on a monitor using leads, with negative results. Their finding was DOA.

In an interview with OPS on 11 May 2006, Paramedic in Charge Witness 3 related that personnel from a Chicago Fire Department engine were standing around a vehicle when he and

INVESTIGATION (Continued):

Paramedic Witness 4 arrived at the scene. The medic from the Chicago Fire Department engine, a male white whose name Witness 3 did not know, informed him that one person had been shot.

A police officer was sitting on the curb. There was a male black inside the vehicle, alone. Efforts to determine if the male had any life signs were negative. The male had a gunshot wound to the left temporal area and a gunshot wound to his chest. Witness 3 spoke with officers from the Chicago Police Department and all agreed that scene should be classified a crime scene.

A second ambulance arrived and Witness 3 informed those paramedics that their services were not required. Witness 3 returned to his ambulance where the officer who had been sitting on the curb told him that he had been struck by the rear of the vehicle containing the male black as he attempted to leave the scene. Witnesses 3 and 4 transported that officer to a hospital.

PIC Witness 3 did not recall seeing a compact disc player or shiny object inside the vehicle. His attention was focused on the male black's injuries. He did not see a firearm inside the vehicle or on the male black's person. He could not recall if he assisted in placing electrodes on the male black, and if so, that would have been the only physical contact Witness 3 had with the male black.

In an interview with OPS on 11 May 2006, Paramedic Witness 4 related basically the same account of the incident as that of PIC Witness 3 regarding receipt of the assignment and response to the location. Paramedic Witness 4 stated that upon their arrival, he observed an officer sitting on the ground injured. Witness 4 focused his attention on that officer and did not go to the vehicle or see the individual who had been shot.

In an interview with OPS on 23 May 2006, Firefighter/Paramedic Witness 5 related that he was assigned to a Chicago Fire Department engine and received an assignment at 100th and Wallace. He observed a vehicle possibly on the sidewalk/grass area. There was a police officer sitting on the curb. Someone, Witness 5 did not recall whom, stated that the officer had been hit by the vehicle.

Witness 5 told the EMTs from the engine to attend to the officer then approached the vehicle and saw that the driver's window had been shattered. He did not recall if the driver's door was open or if he opened the door. There was a male in the driver's seat and Witness 5 observed a hole in the left side of the male's face in the cheek area. Witness 5 checked for an exit wound but did not find one.

He then cut open the male's shirt to attach a monitor. At that time Witness 5 observed a hole in the male's upper left chest area near his heart. Witness 5 attached the monitor and received no signs of life. He removed the monitor as a Chicago Fire Department ambulance arrived. Witness 5 told the Paramedic In Charge of the ambulance what he knew about the situation and had determined about the male's condition.

Witness 5 started his paperwork for the assignment. He went into the ambulance where the police officer had been taken where he remained for a short period of time. The paramedics

INVESTIGATION (Continued):

were on the radio determining to which hospital the officer should be taken. Witness 5 gave the paramedics his paperwork and left the scene because he received another, unrelated, assignment.

According to Witness 5 he was focused on caring for the male in the vehicle while he was at the scene. He was concentrating on the wounds and the male's condition. He did recall seeing what appeared to be a bullet hole in the vehicle – possibly near the roof. Witness 5 did not recall any of the contents of the vehicle including a compact disc player or a handgun.

The initial Illinois State Police (ISP) Laboratory Report for Officer A's weapon indicates that it was found to be in firing condition and test fired. Fired bullets, jackets, a jacket fragment, and cartridge casings also submitted were determined to have been fired from Officer A's weapon. Two metal fragments were unsuitable for further microscopic comparisons.

A conversation with an ISP Forensic Scientist regarding a laser sighting device on Officer A's weapon resulted in a Supplemental Laboratory Report. That report indicates that the weapon was equipped with a single laser sight that was examined and found to be in proper operating condition as received.

CPD General Order 92-03-02A, III., E., and IV, D., Department Authorized Firearms and Ammunition for Sworn Members Hired After 01 December 1991, prohibits electrical or optical sights on Prescribed Semi-Automatic Pistols and/or Alternate Prescribed Semi-Automatic Pistols.

ISP photographs and Polaroid photographs show the location of the laser sight on Officer A's weapon.

An ISP Laboratory Report indicates that the .22 caliber revolver that was recovered was inoperable as received. It was reassembled and test fired. All of the unfired cartridges were examined and determined to be five Federal .22 Long Rifle. One wood screw that was recovered was used to test fire the revolver.

An ISP Laboratory Report indicated that examination of the .22 caliber revolver that was recovered revealed no latent fingerprint impressions that were suitable for comparison.

An ISP Laboratory Report indicates that one fragment of questioned glass recovered from the curb area was examined and determined to be the same color, type, thickness, density, and refractive index as a glass standard recovered from the "driver's seat". The results indicate a good probability of common origin.

The Cook County Medical Examiner's Report of Postmortem Examination indicates that Subject 1 died of multiple gunshot wounds, and that the manner was Homicide, generally defined as the killing of one human being by another. The wounds included one on the upper left chest which coursed downward and caused massive bleeding into the left chest cavity. A deformed copper jacketed bullet was recovered from within the left chest cavity. An atypical

INVESTIGATION (Continued):

entry wound, it indicated that the bullet may have struck an intermediate target before entering the body. There was no evidence of close range firing.

A second wound was on the left side of Subject 1's face, coursing left to right and slightly downward. A deformed copper jacketed bullet was recovered from the soft tissues of the upper right neck. This wound was also atypical, indicating that the bullet may have struck an intermediate target before entering the body. There was no evidence of close range firing. Additionally, there multiple red lacerations and abrasions on the left side of Subject 1's face in the chin and jaw area. Within these wounds, small bits of glass were present. On the back of the left ring finger there was a small red abrasion.

Toxicological analysis of Subject 1's blood resulted in positive findings for carbon monoxide (7% saturation) and ethanol (64 milligrams per deciliter). Analysis of his vitreous humor resulted in a positive finding for ethanol (88 milligrams per deciliter).

A standard conversion formula for the ethanol findings gives a result of .064 BAC for the vitreous humor sample and .088 for the blood sample.

Medical Examiner's photographs show: Subject 1's clothing (including two shirts with what appear to be blood and gunshot defects), two deformed copper jacketed bullets, overall photographs of the front and rear of Subject 1's body, and the wounds described in the postmortem report, with the exception of the abrasion on the back of the left ring finger.

In a statement given at OPS, Officer C related basically the same account of the incident as that which appears in police reports. She stated that Officer A received a phone call that the person he was looking for in regard to an aggravated vehicular hijacking was in the vicinity of 100th and Wallace. Officer C rode to the location with Officer A and Officer B.

Upon arrival Officer C observed Subject 1 (whom she recognized from previous contact) entering a vehicle. There was an individual whom Officer C later determined to be a female in the front passenger. Officer A stopped the squad car "kind of" positioned in front of the vehicle Subject 1 had entered. Officer C exited the squad car and approached the passenger side of the other vehicle to act as guard officer watching the passenger.

Officer A went to the driver's side of the other vehicle and Officer B went to the back of the other vehicle. Officer C heard Officer A tell Subject 1 "at least four or five times" to show his hands and not move. Officer A had his weapon pointed at the other vehicle. In her peripheral vision Officer C observed motion inside the other vehicle on the driver's side. She then saw Subject 1 place a hand on the center console shifter.

Officer C attempted to open the front passenger door. The vehicle began to move in reverse. Officer B said that he was hit by the vehicle and a shot rang out. After the first shot Officer C then heard "two or three more." Officer C did not know from where the shot emanated at that time. She crouched and returned to the squad car because the other vehicle was still traveling in reverse.

INVESTIGATION (Continued):

Officer C drove the squad car in reverse following the other vehicle. When she reached the corner of 100th and Wallace she observed that the other vehicle had stopped. She exited the squad car again and took cover behind the driver's door while drawing her weapon. After a period of inactivity Officer A and Officer C approached the other vehicle. Officer C removed the passenger and took control of her.

After the shooting, Officer C observed Subject 1 motionless in the driver's seat of the other vehicle. Officer B was sitting on a curb and complaining of pain in his leg. Officer C did not observe a handgun in the other vehicle and could not recall observing a silver colored compact disc player inside the other vehicle. She did not observe anyone recover a handgun from Subject 1 at the scene of the shooting.

Efforts to obtain statements from Officer A and Officer B were unsuccessful. Attempts were made to notify them through their unit and their places of residence. Subsequently both officers resigned from the Department.

CONCLUSION AND FINDINGS:

The Reporting Investigator recommends a finding of SUSTAINED for Allegation #1 against Officer A, that he was in possession of and discharged a semi-automatic pistol equipped with a laser sight in violation of Department policy. The witness, Witness 1, described “a red dot (like from a laser sight)” that appeared on Subject 1’s chest prior to the shooting. A Supplemental Laboratory Report submitted by the ISP laboratory indicate that Officer A’s weapon was equipped with a single laser sight that was examined and found to be in proper operating condition as received.

The Reporting Investigator recommends a finding of NOT SUSTAINED for Allegation #2 against Officer A, that he shot Subject 1 without provocation or justification, resulting in his death. Officer C and Witness 1 both established that Officer A announced his office and ordered Subject 1 and Witness 1 to raise their hands. They also indicated that Officer A fired after Subject 1’s vehicle began to move in reverse. Officer C related that Officer A fired after Officer B stated that he had been hit. The ambulance run sheet indicates that minor swelling to Officer B’s leg was noted.

During the Round Table Officer B stated that he fell onto the grass of the parkway on the east side of Wallace very close to the street after he was struck by Subject 1’s vehicle. The parkway was on the driver’s side of Subject 1’s vehicle. Additionally Officer B’s flashlight was recovered from the parkway in the same area in which Officer B stated he fell. A supplementary report indicates Officer B fell to the ground after being struck by Subject 1’s vehicle and then got to the curb before being run over.

Officer A’s Round Table and supplementary report accounts indicate that he was on the driver’s side of Subject 1’s vehicle placing him on the parkway on the east side of Wallace. Subject 1’s vehicle began to move backwards and Officer B stated that he had been hit. Officer A lost sight of Officer B and fired his weapon because he believed Officer B was being dragged underneath Subject 1’s vehicle. The accounts place Officer B on the same side of the street on the parkway after Officer B was struck by Subject 1’s vehicle.

The accounts of Officer B being on the parkway on the same side of the street as Officer A after he was struck presents the question whether Officer A actually believed Officer B was being dragged by Subject 1’s vehicle. Additionally five expended cartridge casings from Officer A’s weapon were recovered from the general area in which he positioned himself at the start of the incident. Two expended casings from his weapon were recovered from the area in which Officer B’s flashlight was recovered. That location is near the rear of the initial position of Subject 1’s vehicle.

Accused #1	Police Officer A
Allegation #1	Count 1 - Sustained – Violation of Rule 6, “Disobedience of an order or directive, whether written or oral” in that on Sunday, 30 April 2006, at approximately 0138/0140 hours, at/in the vicinity of 10011 South Wallace, Officer A disobeyed General Order 92-03-02A, III., E., in that he was in possession of and discharged a semi-automatic pistol equipped with a laser sight in violation of Department policy.

CONCLUSION AND FINDINGS (Continued):

Count 2 – Sustained – Violation of Rule 2, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department” in that on Sunday, 30 April 2006, at approximately 0138/0140 hours, at/in the vicinity of 10011 South Wallace, Officer A engaged in actions which impeded the Department’s efforts to achieve its policy and goals and brought discredit upon the Department in that he was in possession of and discharged a semi-automatic pistol equipped with a laser sight in violation of Department policy.

Allegation #2 Not Sustained

ADDITIONAL ALLEGATIONS:

Allegation #3 Count 1 – Sustained – Violation of Rule 6, “Disobedience of an order or directive, whether written or oral” in that subsequent to the shooting of Subject 1 on Sunday, 30 April 2006, at approximately 0138/0140 hours, at/in the vicinity of 10011 South Wallace, Officer A violated General Order 93-03-02B; Section II; A,2 when he did not cooperate with the investigation of allegations of misconduct against him.

Count 2 – Sustained - Violation of Rule 2, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department” in that subsequent to the shooting of Subject 1 on Sunday, 30 April 2006, at approximately 0138/0140 hours, at/in the vicinity of 10011 South Wallace, Officer A did not cooperate with the investigation of allegations of misconduct against him.

Accused #2 Officer B

Allegation #1 Count 1 – Sustained – Violation of Rule 6, “Disobedience of an order or directive, whether written or oral” in that subsequent to the shooting of Subject 1 on Sunday, 30 April 2006, at approximately 0138/0140 hours, at/in the vicinity of 10011 South Wallace, Officer B violated General Order 93-03-02B, II., A., 2, in that he did not cooperate with the investigation of allegations of misconduct against Officer A.

Count 2 – Sustained - Violation of Rule 2, “Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department” in that subsequent to the shooting of Subject 1 on Sunday, 30 April 2006, at approximately 0138/0140 hours, at/in the vicinity of 10011 South Wallace, Officer B did not cooperate with the investigation of allegations of misconduct against Officer A.