

SUSTAINED

## SUMMARY REPORT -

SUBJECT: COMPLAINT REGISTER INVESTIGATION NO.:  
CHICAGO POLICE DEPARTMENT

254326

DATE OF REPORT (DAY-MO.-YEAR)

09 July 1999

05 August 1999T

INSTRUCTIONS: SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS  
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME	RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.
James Lukas	Inv	231			113

REFERENCE NOS. (LIST ALL RELATED C.R., C.B., I.R., INVENTORY NOS. ETC., PERTINENT TO THIS INVESTIGATION)

RD#D-335326

Inventory #s 2124081; 2159996; 2159997; 2160057, -058, -059; 2160636; 2163806; 2166881

ADDRESS OF INCIDENT	DATE OF INCIDENT - TIME	BEAT OF INCIDENT	LOCATION CODE*
2836 South I-90/94 (Dan Ryan Expressway)	05 Jun 99 , 0107 hrs	2113	16

NAME	RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.
1. Van Watts IV	PO	11999			151
2. George Renner	PO	13349			151
3. Philip R. Banaszekiewicz	PO	18562			151

SEX/RACE	D.O.B.	DATE OF APPOINTMENT	DUTY STATUS (TIME OF INCIDENT)	<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	PHYS. COND. CODE*
1. M/B	66	26 Mar 90	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		03
2. M/W	41	20 Nov 67	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		01
3. M/W	69	03 Oct 94	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		01

IF APPLICABLE - DATE ARRESTED/INDICTED	CHARGES	COURT BRANCH	DISPOSITION & DATE
1.			
2.			
3.			

NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE*
Callie Baird	Chief Administrator, O.P.S.						

NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE*
(DECEASED) Robert A. Russ					M/B	22/76	09

NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE*
Robert Helson	Work - 3026 S. California, Chgo, IL Cook County Sheriff's Dept.			773 869-5284	M/W	50/68	01
					M/W	20/79	01

☒ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

\* SEE REVERSE SIDE FOR CODES, INSTRUCTIONS FOR STATING ALLEGATIONS, AND COMPLETING THE REMAINDER OF THE SUMMARY REPORT.

\*\* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

This is a conversion of U#99-22

SEE PAGE THREE (3)

## INSTRUCTIONS

AFTER COMPLETING THE FORM, CONTINUE THE SUMMARY REPORT ON 8½ x 11 INCH WHITE PAPER.

### 1. ALLEGATIONS

In narrative form, state how, when, where, and by whom the complaint was received. State the date, time, and location where the incident occurred, and summarize the complaint. If more than one allegation is made, enumerate each allegation as follows:

- No. 1: (Summarize the allegation)  
No. 2: (Summarize the allegation)

### 2. EVIDENCE

Number and attach all statements, reports, and other evidence gathered, on the lower right hand corner. The Complaint Register number must also be entered on the lower right hand corner of each attachment. Following are examples of attachments and the sequence in which they may be numbered (EXAMPLES ONLY). Attachments:

- No. 1 Complaint Against Department Member
- No. 2 Letter of complaint from victim
- No. 3 Statement of victim
- No. 4 Statement of witness (give name)
- No. 5 Report of member (give name)
- No. 6 Statement of member (give name)
- No. 7 Progress report of investigator (give name)
- No. 8 Copy of certified letter to complainant
- No. 9 Copy of Alcoholic Influence Report (accused)
- No. 10 General Offense Case Report, R.D. \_\_\_\_\_
- No. 11 Injury on Duty Report (give name of injured)

### 3. INVESTIGATION

In narrative form, indicate the fact-finding processes followed and the information ascertained as a result of the investigation. Whenever reference is made to an attachment, indicate the attachment number.

### 4. FINDINGS

Each allegation must be classified as either of the following:

Unfounded - Exonerated - Not Sustained - Sustained.

If the classification is "Sustained," indicate the rule number violated, the context of the rule, and how the rule was violated by the member.

Example: Allegation No. 1. Unfounded  
Allegation No. 1. Sustained - Violation of Rule 12, Failure to wear the uniform as prescribed, in that on 27 Feb 84 the accused was found to be wearing a non-prescribed short sleeve shirt.

Even though the original allegation(s) may be Unfounded, etc., the

investigation may uncover a violation of serious nature unrelated to the original complaint, in which case disciplinary action should be recommended for the other violation.

Example: Allegation No. 1. Unfounded

Allegation No. 2. Not Sustained

Other violation: Sustained - Violation of Rule 26, Failure to provide the Department with a current address and telephone number, in that the accused related in his statement that he had moved and obtained a new telephone number and he had failed to provide this information to the Department.

### SUMMARY OF PREVIOUS DISCIPLINARY ACTIONS and RECORD OF PREVIOUS COMPLIMENTARY HISTORY

IN SUSTAINED CASES ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments to the final investigation report. Refer to the General Order entitled "Complaint and Disciplinary Procedures."

### 5. RECOMMENDATION FOR DISCIPLINARY ACTION

One (overall) recommendation for disciplinary action will be made by the investigator. The recommendation will be for all sustained findings; recommendations will not be made for each sustained allegation.

- Examples:
- 1. Violation noted; no disciplinary action warranted.
  - 2. That the accused member be reprimanded.
  - 3. That the accused member be suspended for \_\_\_ days (not to exceed 30 days).
  - 4. That the accused member be separated from the Department.

6. DATE INITIATED: (Date complaint was received for investigation)

7. DATE COMPLETED: (Date of this report)

8. ELAPSED TIME: (Total time, expressed in days)

(Investigator)			
Rank	Name	Star No.	Unit

### 9. APPROVALS

The investigator will initiate the Command Channel Review form (CPD-44.113) by completing the Investigator Section.

### I.A.D. LOCATION CODES

- |                                  |  |
|----------------------------------|--|
| 01 Food Sales/Restaurant         | 11 Public Transportation Veh./Facility |
| 02 Tavern/Liquor Store           | 12 Park District Property              |
| 03 Other Business Establishment  | 13 Airport                             |
| 04 Police Building               | 14 Public Property - Other             |
| 05 Lockup Facility               | 15 Other Private Premise               |
| 06 Police Maintenance Facility   | 16 Expressway/Interstate System        |
| 07 CPD Automotive Pound Facility | 17 Public Way - Other                  |
| 08 Other Police Property         | 18 Waterway, Incl. Park District       |
| 09 Police Communications System  | 19 Private Residence                   |
| 10 Court Room                    |  |

### I.A.D. PHYSICAL CONDITION CODES

- 01 No Visible Injury - Apparently Normal
- 02 No Visible Injury - Under Influence
- 03 Injured, Not Hospitalized
- 04 Injured, Not Hospitalized - Under Influence
- 05 Injured, Hospitalized
- 06 Injured, Hospitalized - Under Influence
- 07 Injured, Refused Medical Aid
- 08 Injured, Refused Medical Aid - Under Influence
- 09 Deceased
- 10 Deceased - Under Influence

**ADDITIONAL WITNESSES:**

3. Brian Walker, State Trooper #4895, work address, State Police District 3, Des Plaines, IL; work phone, (847) 294-4400; M/B, D.O.B.: [REDACTED] 1968, Code 01.
4. Ronald A. Caves, State Trooper #4842; same work address and phone as Witness #3; M/W, DOB: [REDACTED] 71; Code 01.
5. Dennis Sheldon, State Trooper #4881; same work address and phone as Witness #3; M/W, DOB: [REDACTED] 73; Code 01.
6. Richard E. Decker, State Police Sergeant #3598; same work address and phone as Witness #3; M/W, DOB: [REDACTED] 63; Code 01.
7. [REDACTED] home phone, [REDACTED] F/B; DOB [REDACTED] 77, Code 01.
8. [REDACTED] home phone, [REDACTED] F/W, DOB: [REDACTED] 78, Code 01.
9. [REDACTED] home phone, [REDACTED] M/W, DOB: [REDACTED] 79, Code 01.

**ALLEGATIONS:**

The complainant, Chief O.P.S. Administrator Callie Baird, alleged that on 05 June 99, at approximately 0107 hours, in the vicinity of I-55 and the Indiana exit to I-90/94, in violation of Department procedures regarding motor vehicle pursuits, **Officer Van Watts IV:**

- (1) Took part in the pursuit of Robert Russ' car without being authorized to do so;
- (2) Did not maintain a safe distance behind the primary pursuit unit;
- (3) Attempted to block Robert Russ' car;
- (4) Boxed in Robert Russ' car; and
- (5) Rammed his car into Robert Russ' car.

It was further alleged that during the same incident, in the vicinity of 2836 South on I-90/94, **Officer Van Watts IV:**

- (6) Unnecessarily broke out the window of Robert Russ' car;
- (7) Was negligent in the display of his pistol;
- (8) Was negligent in the handling of his pistol, which resulted in the fatal shooting of Robert Russ; and
- (9) Did not have his pistol fully loaded.

It was further alleged that following the same incident, **Officer Van Watts IV:**

- (10) Did not report the incident as it actually occurred.

It was further alleged that on the same date and approximate time, in the vicinity of Lake Shore Drive and Roosevelt Road, in violation of the Department procedures regarding motor vehicle pursuits, **Officer George Renner:**

- (1) Took part in the pursuit of Robert Russ' car without being authorized to do so;
- (2) Overtook Robert Russ' car during the pursuit;
- (3) Boxed in Robert Russ' car during the pursuit;
- (4) Did not complete a Traffic Pursuit Report.

It was further alleged that following the pursuit, **Officer Renner:**

- (5) Did not file a Department Vehicle Traffic Crash or Damage Report regarding his squad car being struck by Robert Russ' car.

**ALLEGATIONS: (continued)**

It was further alleged that following the shooting of Robert Russ on the same date and approximate time, in the vicinity of 2836 South on I-90/94, **Officer George Renner:**

- (6) Did not report the incident as it actually occurred.

It was further alleged that on the same date and approximate time, in the vicinity of Lake Shore Drive and Balbo, after initiating the pursuit of Robert Russ' car and in violation of the Department procedures regarding motor vehicle pursuits, **Officer Philip Banasziewicz:**

- (1) Did not give the Office of Emergency Communications dispatcher the specific reason for the pursuit including known laws violated;
- (2) Did not provide the dispatcher with any other relevant conditions;
- (3) Boxed in Robert Russ' car during the pursuit.

It was further alleged that following the shooting of Robert Russ on the same date and approximate time, in the vicinity of 2836 South on I-90/94, **Officer Philip Banasziewicz:**

- (4) Did not report the incident as it actually occurred.

**EVIDENCE/ATTACHMENTS:**

- 1) Complaint Against Department Member Facesheet .
- 2) To/From/Subject report of Investigator Thomas Pageler, #244, Office of Professional Standards; Re: Response to Southbound Dan Ryan/Cermak.
- 3) To/From/Subject report of Investigator Michael Goldston, #219, Office of Professional Standards; Re: U# 99-22 - Preliminary Investigation.
- 4) Round Table Sign-In Sheet.
- 5) Shooting Investigation Report.
- 6) Weapon Discharge Report.
- 7) To/From/Subject report of Police Officer Van Watts, #11999, Unit 151 -Traffic Enforcement; Re: Firearm Discharge.
- 7A) Injury On Duty Report.
- 8) To/From/Subject report of Police Officer George Renner, #13349, Unit 151 -Traffic Enforcement; Re: Witness Statement.
- 9) To/From/Subject report of Police Officer George Renner, #13349, Unit 151 -Traffic Enforcement; Re: IOD of PO Watts, #11999.
- 9A) To/From/Subject report of Police Officer George Renner, #13349, Unit 151 -Traffic Enforcement; Re: IOD of PO Watts, #11999.
- 10) To/From/Subject report of Police Officer Philip Banaszkiwicz, #18562, Unit 151 -Traffic Enforcement; Re: Witness Statement.
- 10A) To/From/Subject report of Police Officer Philip Banaszkiwicz, #18562, Unit 151 - Traffic Enforcement; Re: IOD of PO Watts, #11999.
- 11) Witness' Accident Statement of Inv. Robert Helson, Cook County Sheriff's Dept.
- 11A) Report, Inv. J. Lukas, #231, O.P.S., Re: Information from Inv. Helson.
- 11B) Report, Inv. Lukas, Re: Attempt to Interview Inv. Helson.
- 12) To/From/Subject report of Acting Assistant Deputy Superintendent (ADS) William Hayes, Bureau of Investigative Services; Re: Weapons Discharge by a Sworn Member.
- 13) To/From/Subject report of Lieutenant Stanley Zaborac, #304, 021<sup>st</sup> District; Re: Attempted Disarming of a Police Officer - Offender Fatally Shot.
- 14) Chicago Police Department (CPD) General Offense Case Report (RD #D-335-326).
- 14A) Chicago Police Department (CPD) General Offense Case Report (RD #D-335-326); obtained from Records Division.
- 15) Department Vehicle Traffic Crash or Damage Report, Officer Watts.
- 16) Department Vehicle Traffic Crash or Damage Report, Officer Banaszkiwicz.
- 17) Illinois Traffic Crash Report (IDOT#7400-698).
- 18) Crime Scene Processing Report (RD #D-335-326).
- 18A) Crime Scene Processing Report (RD #D-335-326); Approved Copy.
- 18B) Hand Sketch for RD #D-335-326.
- 19) Property Inventory form #2124-081, car keys.
- 20) Property Inventory form #2159-996, GSR kit for Mr. Russ.

**EVIDENCE/ATTACHMENTS: (continued)**

- 21) Property Inventory form #2159-997, paint samples from cars.
- 22) Property Inventory form #2163-806, Officer Watts' weapon, cartridges, fired casing.
- 23) Event History Table.
- 24) Request for Review/Hold Recording Tape.
- 25) Request for Evidence Identification Photographs.
- 25A) Request for Evidence Identification Photographs (processed request form).
- 26) To/From/Subject report of Investigator M. John Oracion, #241, Office of Professional Standards; Re: Autopsy of Unknown Deceased Victim/Offender in U# 99-22.
- 26A) To/From/Subject report of Investigator M. John Oracion, #241, Office of Professional Standards; Re: Clarification of Information.
- 27) Request for Autopsy Report.
- 27A) Certified Mail Domestic Return Receipt.
- 27A-1) Same as Att. #27, Processed version.
- 27B) Report of Postmortem Examination.
- 27C) To/From/Subject report of Inv. Lukas, Re: Clarification of Autopsy Report.
- 27D) Report, Inv. Lukas, Additional Information from Pathologist.
- 27E) Report, Results of Blood Steroid Test.
- 28) Crime Scene Processing Report.
- 28A) Crime Scene Processing Report (Approved Copy).
- 29) Crime Scene Processing Report.
- 29A) Crime Scene Processing Report (Approved Copy).
- 30) Letter to Mrs. [REDACTED]
- 30A) Certified Mail Domestic Return Receipt.
- 31) Letter to Mrs. [REDACTED]
- 32) Request for Autopsy Photographs.
- 32A) Certified Mail Domestic Return Receipt.
- 33) Request for Ambulance "Run Sheet".
- 33A) Ambulance "Run Sheet".
- 34) Request for Forensic Analysis, Officer Watts' Weapon, Fired Evidence.
- 35) Same as #34, Faxed to State Lab.
- 36) Illinois State Police Division of Forensic Services (ISPDFS) FAX Cover Sheet.
- 37) ISPDFS Report, Fingerprints on Weapon [none suitable found].
- 38) Request for Forensic Analysis, GSR Kit.
- 39) Same as #38, Faxed to State Lab.
- 39A) ISPDFS Report, GSR test results.
- 40) Request for Plat (RD #D-335-326).
- 40A) Plat (RD #D-335-326).
- 41) Request for Evidence Identification Photographs.
- 41A) Request for Evidence Identification Photographs (processed copy).

**EVIDENCE/ATTACHMENTS: (continued)**

- 42) Request for Forensic Analysis, Mr. Russ' clothing.
- 42A) Same as #42, Faxed to State Lab.
- 42B) Fax Cover Sheet from ISPDFS.
- 42C) ISPDFS Results, Officer Watts' gun, fired evidence, clothes.
- 42D) Report, Inv. Lukas, Re: Firearms evidence.
- 42E) Report, Inv. Lukas, Re: Cartridge case.
- 43) Attendance & Assignment Record.
- 44) Event Query O.E.C. printout.
- 44A) To/From/Subject report of OPS Inv. Lukas; Re: Summary of Tape from Office of Emergency Communications (OEC).
- 44A-1) Report, Inv. Lukas, Re: Words on O.E.C. tape.
- 44B) Note Re: Cassette Copy of OEC Tape in CR file.
- 44B-1) Cassette Copy of OEC Tape.
- 45) Supplementary Report (RD #D-335-326), Re: Tire iron.
- 46) Property Inventory form #2124-098, tire iron.
- 46A) Property Turnover form, tire iron.
- 47) Request for Analysis/Receipt for Exhibit, tire iron.
- 48) Request for Forensic Analysis [Biochemistry], tire iron.
- 48A) Fax Cover Sheet from ISPDFS.
- 48B) ISPDFS results, test for glass on officer's weapon, tire iron.
- 49) Request for Forensic Analysis [Criminalistics], tire iron.
- 50) To/From/Subject report of OPS Inv. Lukas; Re: Interview of Witness [REDACTED]
- 50A) Hand Drawn Map from Mr. [REDACTED]
- 51) Report, Inv. Lukas, Re: Additional Information from Witness Mr. [REDACTED]
- 52) Investigator's Case Log - U# 99-22.
- 53) Request for Interview/Statement/Report - PO Watts.
- 54) Request for Interview/Statement/Report - PO Banaszekiewicz.
- 55) Request for Interview/Statement/Report - PO Renner.
- 56) Notification of Charges/Allegations - PO Watts.
- 57) Administrative Proceedings Rights - PO Watts.
- 58) Waiver of Counsel/Request to Secure Counsel - PO Watts.
- 59) Notification of Charges/Allegations - PO Renner.
- 60) Administrative Proceedings Rights - PO Renner.
- 61) Waiver of Counsel/Request to Secure Counsel - PO Renner.
- 62) Notification of Charges/Allegations - PO Banaszekiewicz.
- 63) Administrative Proceedings Rights - PO Banaszekiewicz.
- 64) Waiver of Counsel/Request to Secure Counsel - PO Banaszekiewicz.
- 65) Request for Ambulance "Run Sheet".
- 65A) Ambulance "Run Sheet".



**EVIDENCE/ATTACHMENTS: (continued)**

- 66) Request for Interview/Statement/Report - Sergeant Nick Ciaglia, #1401, Unit 151 - Traffic Enforcement.
- 67) Request for Evidence Identification Photographs.
- 67A) Medical Examiner Autopsy Photo Color Negative Strip-frames #20 - #25.
- 68) Request for Interview/Statement/Report - Sergeant Ciaglia.
- 69) To/From/Subject report of Investigator III Patrick Querfurth, #246, Office of Professional Standards; Re: Telephone Conversation, Anonymous Person.
- 69A) Report, Inv. Lukas, Re: Follow-up to Information from Anonymous Person.
- 70) Report, Inv. Lukas, Re: Observation of Scene.
- 70A) Report, Inv. Lukas, Re: Information from CTA.
- 70B) Report, Inv. Lukas, Re: Observation of area west of scene.
- 70C) Report, Inv. Lukas, Re: Canvass.
- 71) Report, Inv. Lukas, Re: Observation of Victim/Offender's Vehicle.
- 71A) Report, Inv. Lukas, Re: Observation of Victim/Offender's Vehicle at Night.
- 71B) Report, Inv. Lukas, Re: Dome light of Victim/Offender's Vehicle.
- 72) Notification of Charges/Allegations - PO Watts.
- 73) Administrative Proceedings Rights - PO Watts.
- 74) Waiver of Counsel/Request to Secure Counsel - PO Watts.
- 75) Report, Inv. Lukas, Re: Officer Watts' Work Schedule.
- 76) Police Records/Department Inquiry.
- 77) Notification of Charges/Allegations - PO Renner.
- 78) Administrative Proceedings Rights - PO Renner.
- 79) Statement of PO Renner.
- 79A) Portion of Round Table report.
- 79B) To/From/Subject report of Sergeant Ronald Martin, #1191, Internal Affairs Division; Re: Interrogation of Accused Officer George Renner, #13349, Unit 151.
- 79C) Report, Inv. Lukas, Re: Correction in Officer Renner's Statement.
- 79D) To/From/Subject report of Investigator Robert Ontiveros, #240, Office of Professional Standards; Re: Statement of Accused Officer George Renner, #13349 of Unit 151.
- 79E) Report, Inv. Lukas, Re: Correction in Officer Renner's Statement.
- 80) Notification of Charges/Allegations - PO Banaszekiewicz.
- 81) Administrative Proceedings Rights - PO Banaszekiewicz.
- 82) Statement of PO Banaszekiewicz.
- 82A) To/From/Subject report of Sergeant Cynthia Gross, #909, Internal Affairs Division; Re: OPS Statement of Police Officer Philip Banaszekiewicz, #18562, Accused CR 254326.
- 82B) To/From/Subject report of OPS Investigator Ontiveros; Re: Statement of Accused Officer Philip Banaszekiewicz #18562, of Unit 151.
- 83) Request For Interview/Statement/Report - PO Watts.
- 84) Request for Evidence Identification Photographs.

**EVIDENCE/ATTACHMENTS: (continued)**

- 84A) Same as #84, Processed.
- 84B-K) E.T. Photos of Victim/Offender's Car at Pound #1.
- 85) Statement of Sergeant Ciaglia.
- 86) Request For Interview/Statement/Report - PO Virgil Perisee, #4456, Unit 151 - Traffic Enforcement.
- 87) Attendance & Assignment Record.
- 88) Request For Interview/Statement/Report - PO Perisee.
- 89) Request For Interview/Statement/Report - PO Joseph Ozga, #16487, Unit 701 - Public Transportation.
- 90) Request For Interview/Statement/Report - PO Wayne Carlson #6464, Unit 701 - Public Transportation.
- 91) Request for PDT Printouts.
- 91A) Response to Request for PDT Printouts.
- 92-149) Evidence Technician Photographs, Depicting Scene and Mr. Russ.
- 150-176) Autopsy Photographs.
- 177) Autopsy Photograph Negatives.
- 178) Statement of Officer Virgil Perisee [witness].
- 179) Request for Interview/Statement/Report - PO Ozga.
- 180) Request for Interview/Statement/Report - PO Watts.
- 181) Request for Interview/Statement/Report - PO Ozga.
- 182) Notification of Charges/Allegations, PO Watts.
- 183) Administrative Proceedings Rights, PO Watts.
- 184) Statement of PO Watts.
- 184A) Consent from PO Watts to Release of Medical Records.
- 184B) Report, IAD Sgt. Gross, Re: PO Watts' Statement.
- 184C) Report, Inv. Ontiveros, Re: Statement of PO Watts.
- 184D) Medical Records, PO Watts.
- 185) Request for Interview/Statement/Report, PO Carlson.
- 186) Detectives' Supplementary Report.
- 187) Statement of PO Ozga.
- 188) Statement of PO Carlson.
- 189) Property Inventory Form #2166881, Glass standards.
- 190) Request for Forensic Analysis, Glass from Officer Watts' gun and glass standards.
- 191) Request for Evidence Identification Photos.
- 191A) Same as #191, Processed.
- 192) Request from Inv. Lukas for Traffic Pursuit Reports.
- 192A) Fax Cover Sheet from Unit 154, Re: Traffic Pursuit Report.
- 192B) Traffic Pursuit Report.
- 192C) Request for reports Re: Vehicle Crash/Pursuit.

**EVIDENCE/ATTACHMENTS: (continued)**

- 192D) File [RD D-335326] Pulled at Records Division.
- 193) Request for Interview/Statement/Report, POs Watts, Banaszekiewicz, Renner.
- 194) Notification of Charges/Allegations, PO Banaszekiewicz.
- 195) Administrative Proceedings Rights, PO Banaszekiewicz.
- 196) Request to Secure Legal Counsel, PO Banaszekiewicz.
- 197) Notification of Charges/Allegations, PO Renner.
- 198) Administrative Proceedings Rights, PO Renner.
- 199) Request to Secure Legal Counsel, PO Renner.
- 200) Request for Interview/Statement/Report, PO Watts.
- 201) Notification of Charges, Allegations, PO Watts.
- 202) Administrative Proceedings Rights, PO Watts.
- 203) Request for Counsel, PO Watts.
- 204) Notification of Charges/Allegations, PO Banaszekiewicz.
- 205) Administrative Proceedings Rights, PO Banaszekiewicz.
- 206) Statement of PO Banaszekiewicz.
- 206A) Report, IAD Sgt. Gross, Re: PO Banaszekiewicz' statement.
- 206B) Report, Inv. Ontiveros, Re: PO Banaszekiewicz' statement.
- 207) Notification of Charges/Allegations, PO Watts.
- 208) Administrative Proceedings Rights, PO Watts.
- 209) Statement of PO Watts.
- 209A) Report, IAD Sgt. Gross, Re: PO Watts' statement.
- 209B) Report, Inv. Ontiveros, Re: PO Van Watts' statement.
- 210) Notification of Charges/Allegations, PO Renner.
- 211) Administrative Proceedings Rights, PO Renner.
- 212) Statement of PO Renner.
- 212A) Report, IAD Sgt. Gross, Re: PO Renner's statement.
- 212B) Report, Inv. Ontiveros, Re: PO Renner's statement.
- 212C) Correction in PO Renner's statement.
- 213) General Order 92-3-1, Re: Department Authorized Firearms/Ammunition for Sworn Members Hired On or Before 01 Dec 91.
- 214) General Order 97-3-2, Re: Motor Vehicle Pursuits.
- 215) Report, Inv. Lukas, Interview of circumstantial witness [REDACTED]
- 215A) Map of scene, Ms. [REDACTED]
- 216) Report, Inv. Lukas, Interview of circumstantial witness [REDACTED]
- 216A) Report, Inv. Lukas, Information on circumstantial witnesses being college students.
- 216B) Map of scene, Ms. [REDACTED]
- 217) Report, Inv. Lukas, Interview of circumstantial witness [REDACTED]
- 217A) Map of scene, Mr. [REDACTED]
- 218) Report, Inv. Lukas, Interview of circumstantial witness State Trooper Brian Walker.

**EVIDENCE/ATTACHMENTS: (continued)**

- 219) Report, Inv. Lukas, Interview of circumstantial witness State Trooper Ronald Caves.
- 220) Report, Inv. Lukas, Interview of circumstantial witness State Trooper Dennis Sheldon.
- 221) Report, Inv. Lukas, Interview of circumstantial witness State Police Sgt. Richard Decker.
- 222) Case Log.

### **SUMMARY OF INCIDENT:**

The Area 1 Detective Division's Supplementary Report indicated that on 05 June 99, at approximately 0107 hours, Officer Philip Banaszkiwicz, #18562, of Unit 151 [Traffic Enforcement], Beat 3202, was southbound in his marked squad car on Lake Shore Drive when he observed a four-door 1986 Chevrolet, now known to have been driven by Robert Russ, 22 YOA. According to Officer Banaszkiwicz, Mr. Russ was driving the car erratically, and he almost struck an unidentified motorcyclist in the southbound lanes near Monroe Street. Officer Banaszkiwicz activated his emergency equipment and attempted to stop Mr. Russ as he continued southbound.

At Balbo, Mr. Russ was stopped by backed-up traffic and a red light. Officer Banaszkiwicz was behind Mr. Russ' vehicle and got out of his squad car. The officer walked up to Mr. Russ' vehicle, which had darkly tinted windows. When Officer Banaszkiwicz knocked on Mr. Russ' window, Mr. Russ locked his door and drove off in traffic. Officer Banaszkiwicz returned to his squad car, radioed in the chase and continued pursuing Mr. Russ southbound.

Officers Van Watts IV, #11999, Beat 3204, and George Renner, #13349, Beat 3203, who were also of Unit 151, joined the pursuit with their marked cars as it continued onto the I-55 Stevenson Expressway ramp. Another unit that joined the pursuit was an unmarked car driven by off-duty Cook County Sheriff's Investigator Robert Helson, who had observed Officer Banaszkiwicz' attempt to stop Mr. Russ at Balbo. All of the police vehicles, which were one-man units, used their emergency equipment during the chase. Mr. Russ' car was pursued as it went west on I-55 and then south on the Chinatown Feeder ramp, which led to I-90/94, the Dan Ryan Expressway.

During the chase [which officers described as being approximately at or below the speed limits], Mr. Russ rammed Officer Watts' squad car three times, and then Mr. Russ' car spun out on the feeder ramp and came to rest facing northeast at approximately 2836 South on the ramp, prior to the split between the express and local lanes of the Dan Ryan Expressway. Officer Watts positioned his car west of Mr. Russ' car, facing southeast. Officer Banaszkiwicz positioned his squad car just north of Mr. Russ' car and facing southbound, and Cook County Inv. Helson positioned his car about 20 feet south of Officer Watts' vehicle, facing east. Officer Renner's car was parked on the east shoulder, about 6 feet north and slightly east of Officer Banaszkiwicz' car. Officer Banaszkiwicz told the detectives that Mr. Russ then accelerated his car, apparently to continue to elude the officers, and Mr. Russ' car struck Officer Banaszkiwicz's car and then stopped, northeastbound, in the east [left] lane and shoulder, and was blocked in.

All officers exited their vehicles and approached Mr. Russ' vehicle on foot. The officers could not see clearly into Mr. Russ' car because of the tinted windows, and they shouted orders to whoever was in Mr. Russ' vehicle to exit and make themselves visible. After there was no

**SUMMARY OF INCIDENT: (continued)**

response to those commands, Officer Watts broke out the driver's side, rear door window of Mr. Russ' car with a tire iron so he could look inside Mr. Russ' car. The passenger side, front door, of Mr. Russ' car was opened at some point by Inv. Helson.

Mr. Russ reportedly sat motionless, with his hands hidden between his legs while he continued to ignore the officers' commands to show his hands. While Officer Watts continued to stand on the driver's side of Mr. Russ' car, Officer Banaszkiwicz and Inv. Helson were on the passenger side observing Mr. Russ through the open passenger-side door. The officers said that Mr. Russ suddenly turned to his left and with both hands, reached over his left shoulder, grabbed Officer Watts' weapon and began pulling Officer Watts into the vehicle [apparently through the broken window] in what was described as an apparent effort to disarm Officer Watts. After a short struggle, Officer Watts' weapon discharged, and then Mr. Russ went limp. The detectives' report indicated that seconds later, it was determined that Mr. Russ had been fatally shot. An ambulance was requested, and Mr. Russ was later pronounced dead on the scene. Officer Watts was treated for broken glass in his hands at a hospital and released.

## **INVESTIGATION:**

A report from O.P.S. Inv. Michael Goldston #219 summarized the accounts of the incident provided at the Roundtable at Area 1 HQ, which followed the shooting. Prior to the officers relating their accounts, Detective Edward Adams, #21185, Area 1, displayed Polaroid photos of Mr. Russ, which depicted an apparent gunshot wound in his upper left chest and what appeared to be a through-and-through gunshot wound of his right hand. Other injuries were apparent to the palms of both hands.

**Investigator Helson** related that he was off-duty at the time of the chase and was returning home from secondary employment. He said that after he saw Officer Banaszekiewicz initially try to stop Mr. Russ' car, he followed the officer in case he needed assistance. Inv. Helson stated that he then saw Mr. Russ' car stop at a red light along Lake Shore Drive, and Officer Banaszekiewicz exited his vehicle, approached Mr. Russ' car and knocked on the driver's side window. He said he saw no response from the driver, and the officer walked back to his vehicle. When the signal turned green, Mr. Russ drove off, and Officer Banaszekiewicz followed.

Inv. Helson continued that Officer Watts joined the pursuit as the chase neared the entrance to the Dan Ryan Expressway off I-55. Officer Renner also joined the other police vehicles, and then Mr. Russ' car rammed Officer Watts' vehicle three times. Inv. Helson stated that Officer Watts' squad car struck Mr. Russ' vehicle, causing it to spin out of control, and when it stopped, it was facing partly in the direction [north] from where the vehicles had come. Mr. Russ' car stopped, but then accelerated and struck Officer Banaszekiewicz' car. The officers boxed in Mr. Russ' car and exited their vehicles with their guns drawn.

Inv. Helson said that after Mr. Russ did not respond to the shouted orders to Mr. Russ to show his hands and exit the vehicle, Inv. Helson and Officer Banaszekiewicz approached Mr. Russ' car on the passenger side, while Officer Watts approached from the driver's side.

Inv. Helson related that he pulled open the passenger side door and saw Mr. Russ sitting motionless in the driver's seat with his hands in his lap. He said the officers then again shouted orders for Mr. Russ to show his hands and exit the vehicle, but he still did not respond. He said that Officer Watts then shattered the rear driver's side window of the car.

In addition, Inv. Helson stated that he observed Mr. Russ then reach up quickly to his left and grab at Officer Watts. Inv. Helson said he heard a gunshot, but did not know its source. He related that Officer Banaszekiewicz indicated that he had not fired, and Inv. Helson checked his weapon and confirmed that he had not fired. He said that Mr. Russ returned to his original position, with his hands on his lap, and then Inv. Helson and Officer Banaszekiewicz pulled Mr. Russ from the car by his legs. After determining that he had been shot, the officers radioed for medical assistance and made the necessary notifications.

**INVESTIGATION: (continued)**

Inv. Goldston's report continued with the account from **Officer Banaszkiwicz**, which essentially was the same as the "summary of incident" and basically followed Inv. Helson's account. In addition, Officer Banaszkiwicz related that during the chase on Lake Shore Drive, near 20<sup>th</sup> Street, Officer Watts' car attempted to block Mr. Russ' path, but Mr. Russ' car struck Officer Watts' car from behind. He said Mr. Russ' car struck Officer Watts' vehicle three more times after the pursuit moved onto the Dan Ryan Expressway ramp.

Officer Banaszkiwicz continued that after all of the vehicles stopped and the officers exited their squad cars, he approached the driver's side of Mr. Russ' car, as did Officer Watts. Officer Banaszkiwicz stated that Officer Watts then shattered the window of Mr. Russ' car, and Officer Banaszkiwicz, with his weapon drawn, then moved around the front of Mr. Russ' car and saw the front passenger side door open. He said he then observed Mr. Russ sitting with his hands between his legs as Officer Watts approached from the left rear of the vehicle with his weapon drawn.

Officer Banaszkiwicz related that without warning, Mr. Russ reached up and backward over his left shoulder, grabbing Officer Watts' weapon. He said he then heard a gunshot and smelled gunpowder inside the car. Officer Banaszkiwicz stated that he and Inv. Helson ducked, and when they looked up again, Mr. Russ was slumped in the driver's seat, and they pulled him out.

Inv. Goldston's report indicated that **Officer Renner** told the Roundtable that he had been northbound on Lake Shore Drive when he monitored Officer Banaszkiwicz's call for assistance, and he joined the chase at Roosevelt Road. Officer Renner related that he drove ahead of Mr. Russ' vehicle until he observed it spin out of control, and then he circled back around Mr. Russ' car to help prevent it from fleeing. Officer Renner said he saw Mr. Russ' car strike Officer Banaszkiwicz' car. He also stated that he saw Officer Watts shatter the window, but he did not see or hear the gunshot. He also observed Officer Banaszkiwicz and Inv. Helson pull Mr. Russ out of the vehicle.

When **Officer Watts** addressed the Roundtable, he reiterated the accounts of the other officers and the "summary of incident." Regarding his squad car striking Mr. Russ' vehicle, Officer Watts related that it occurred when he was trying to regain control of his squad car after it had been struck by Mr. Russ' vehicle.

In addition, Officer Watts stated that after he and the other officers received no response from Mr. Russ, and they could not see inside because of the tinted windows, he went back to his vehicle and retrieved a tire iron, which he used to shatter the window. He said that the officers then ordered Mr. Russ out of the vehicle, but he still did not respond.



**INVESTIGATION: (continued)**

Officer Watts explained that while he was on the driver's side of Mr. Russ' car, the muzzle of his pistol was just outside the broken window. He told the Roundtable that Mr. Russ suddenly reached up and back over his shoulder without turning toward him and grabbed his gun. He said that he and Mr. Russ pulled in opposite directions several times, and then the weapon discharged. Officer Watts said that he then moved back away from the vehicle and re-holstered his weapon. He related that he suffered minor cuts from the broken window glass, which became embedded in his hands and left thigh. He was treated at University of Chicago Hospital and released.

At the end of the Roundtable, Detective Phillip Jones, #21149, of Area 1 reported that when Officer Watts' weapon was examined and inventoried, an expended cartridge was still in the chamber. Inv. Goldston reported that that information, along with the apparent wounds to Mr. Russ' hands, corresponded with the officers' account of Mr. Russ' hands being on the weapon and preventing the slide from cycling and ejecting the spent casing. [Att. #3]

Officer Watts' Weapon Discharge Report carried an account of the incident that was essentially the same as what he had related at the Roundtable. However, in describing Mr. Russ' movements, Officer Watts said that Mr. Russ "turned towards the left" before he reached up and grabbed his gun. The Discharge Report also indicated that Officer Watts was standing less than 5 feet from Mr. Watts when the gun discharged. Officer Watts cited as his reason for the discharge, "Prevent death or great bodily harm to reporting member." [Att.#6]

Officer Watts' Injury on Duty Report indicated that a "crowbar" was used to break the car window "to effect the arrest." The report also said, "In reaching into the vehicle, the offender struggled with P.O. Watts," causing the injuries to the officer. [Att. #7A]

In a witness To-From-Subject report, **Officer Renner** repeated the account he provided at the Roundtable, but he also related he did not hear the gunshot and later learned that the driver had been shot as they pulled the driver out the passenger door. He also said that Officer Banaszkiwicz placed handcuffs on Mr. Russ, and Officer Watts called for an ambulance. [Att. #8]

In another witness To-From-Subject report, **Officer Banaszkiwicz** also essentially repeated the account he gave the Roundtable, adding that he saw Mr. Russ struggle with Officer Watts over his weapon. After the gunshot, Officer Banaszkiwicz told Communications, "10-1 shots fired." He said he then removed Mr. Russ and handcuffed him while Officer Watts called for medical assistance. [Att. #10]

**INVESTIGATION: (continued)**

The report from **William Hayes, Acting Assistant Deputy Superintendent, Bureau of Investigative Services**, which was also written prior to the identification of Mr. Russ, contained accounts of the incident that essentially were the same as provided in the "summary of incident" and during the Roundtable. In addition, the report indicated that Mr. Russ had apparent powder burns to both hands, and that he was pronounced dead at the scene by Medical Examiner Inv. C. Latimer #13 at 0255 hours.

Acting ADS Hayes also reported that, based on his interviews at the scene with the involved officers, the officers positioned their cars during the low-speed chase to the right of Mr. Russ' vehicle, one in front of the other, and that was when Mr. Russ swerved his car into the car to his immediate right, which was driven by Officer Watts. The report continued that after the vehicles stopped on the feeder ramp and Officer Watts approached Mr. Russ' car, Officer Watts pounded on a driver's side window and attempted to have the driver step out, but he received no response. Officer Watts related to Acting ADS Hayes that the deeply tinted windows were rolled up, and he could not see inside. He then obtained the lug wrench [tire iron] and returned to the driver's side.

The report continued that Officer Banaszkiwicz and Inv. Helson approached on the passenger side of Mr. Russ' car and were unable to see what was occurring on the driver's side. The two officers on the passenger side "forced open" the passenger door, and with their weapons drawn and identifying themselves as police officers, they ordered Mr. Russ out of the car. Mr. Russ, however, remained mute and motionless, with his hands between his legs, preventing the officers from seeing what, if anything, he had in his hands.

The report said that Officer Watts could not gain entry to the vehicle, so he smashed the window with the lug wrench. Officer Watts then observed Mr. Russ in the same position, not being able to see if he had anything in his hands. Officer Watts said he identified himself as the police, shouting for Mr. Russ to raise his hands and exit the car. Officer Watts had drawn his gun for his safety, and said he was pointing the gun at the driver as he issued the orders. Officer Watts related that Mr. Russ, in a swift motion, grabbed rearward with his hands and grabbed the officer's gun. The two men pulled at the weapon two or three times, and then it discharged, striking Mr. Russ in his chest. A Fire Department ambulance [#36] responded to the scene, but paramedics found Mr. Russ to be dead. The ambulance later transported Officer Watts to the hospital for treatment of his cuts.

**INVESTIGATION: (continued)**

Acting ADS Hayes also reported that the Mobile Crime Lab processed the scene and performed a gunshot residue test on Mr. Russ. Sgt. [Nick] Ciaglia secured Officer Watts' weapon, which still had the spent cartridge case inside. Illinois State Police also were on the scene. Acting ADS Hayes concluded, at the end of the Roundtable, that Officer Watts had acted properly in his use of force and had displayed his weapon for his own safety. [Att. #12]

The report regarding the incident from **Lieutenant Stanley Zaborac**, #304, Watch Commander, 1st Watch, 021<sup>st</sup> District [location of incident] also contained accounts from the involved officers that essentially were the same as those in the "summary of incident" and the Roundtable report. In addition, Lt. Zaborac's report indicated that the magazine of Officer Watt's weapon contained 14 live 9mm cartridges. Also, paint samples had been taken from Mr. Russ' vehicle and the involved marked squad cars. Regarding Mr. Russ' injuries, Lt. Zaborac noted that the edge of Mr. Russ' left hand bore a small laceration consistent with close proximity weapons discharge. The chest wound appeared to have a downward trajectory.

In addition, Lt. Zaborac reported that when he spoke to Officer Banaszkiwicz on the scene, that officer said that when he observed Mr. Russ driving erratically on Lake Shore Drive [in heavy traffic that followed the Grant Park Blues Fest] he suspected that Mr. Russ was under the influence. Officer Banaszkiwicz also related that after the chase ended and he went to Mr. Russ' car's passenger side, he [rather than Inv. Helson] opened the front passenger door.

Lt. Zaborac related that Inv. Helson told him that he tried the passenger side door and found it to be open. Inv. Helson told Lt. Zaborac that while he was observing Mr. Russ through the open door, he observed Officer Watts as he broke out the window and then gave repeated commands for Mr. Russ to show his hands and exit, which were ignored.

Regarding Officer Renner, Lt. Zaborac said that he told him that after he joined the pursuit and was driving in front of Mr. Russ' car, he observed in his rear-view mirror Mr. Russ' car go out of control and spin out.

Lt. Zaborac also reported that after he examined the body of Mr. Russ on the scene, he proceeded to University of Chicago Hospital and interviewed Officer Watts, whose account was essentially the same as that he gave at the Roundtable. In addition, Officer Watts told Lt. Zaborac that when he first approached Mr. Russ' vehicle after the chase ended, he tried to open the driver's side door, but it was locked. After there was no response to the shouted commands, Office Watts broke out the window, after which he pointed his gun at Mr. Russ and again commanded him to show his hands and exit the vehicle. The struggle for the gun then ensued, with Mr. Russ "forcibly tugging" at least twice, possibly a third time before the discharge.

**INVESTIGATION: (continued)**

Lt. Zaborac concluded that based on the available information, the officers were justified in drawing their weapons because of Mr. Russ' erratic and violent behavior [ramming the squad cars]. Mr. Russ precipitated the struggle over the weapon, and it discharged during the struggle for possession and control of it. Mr. Russ' hand injuries and the pistol's failure to eject the cartridge casing indicated that he had his hands on the barrel/slide of the weapon when it discharged. Lt. Zaborac found Officer Watt's actions to be within Department policy and state statutes. [Att. #13]

The **Evidence Technician photos** depicted the scene of the incident from various angles, as well as the positions of the police cars, Mr. Russ' car and his sheet-covered body, which was lying on the pavement near the passenger side of his car. The photos depicted Mr. Russ' car as having its driver's door open and that door's window being completely down. The front passenger side door was also open, but the door window was up. The trunk lid was down. The photos also depicted the tinted glass of the car [other than for the windshield] and the damage on the passenger side caused by the contact with Officer Watts' car.

In addition, the photos indicated that more than half of the driver's side rear window was broken out by Officer Watts, with most of the remainder of the window being toward the front of the car. What appeared to be the print of a shoe heel was below the door handle of the door with the broken window. One photo [Att. #122] of the broken window and the driver's seat provided an approximation of the view Officer Watts had from his reported position on the driver's side of the car, standing next to the rear door. Other photos depicted the front seat and interior of the car. A purple Crown Royal bag was on the front seat [the bag was later inventoried]. It could not be determined if the interior dome light of the car was on when the photos were taken, although some photos depicted the interior as darkened.

The photos also depicted damage to the front of Mr. Russ' car, which appeared minimal. More damage was apparent on Officer Watts' squad car [Beat 3204/Car #9604] and on Officer Banaszkiwicz's car [Beat 3202/Car #8210]. Officer Watts' car was damaged on the left front bumper, headlight, quarterpanel and driver's door. Officer Banaszkiwicz's car's damage was to the driver side headlight and bumper. [Atts.# 15, 16, 125-142]

In addition, the photos depicted the body of Mr. Russ lying face-down on the pavement, as well as after he was turned face-up. One photo depicted the wound to his upper left chest. Other photos depicted the through-and-through wound and black smudges on his right hand and the wounds and a black smudge on his left hand. [Atts.#143-149]

**INVESTIGATION: (continued)**

The **Crime Scene Processing Report** indicated that the E.T. photos were taken, that Mr. Russ was fingerprinted and given the GSR test, that the paint samples were taken from Mr. Russ' car and the squad cars, that Mr. Russ' car was towed for investigation and that the forensic investigators received the fired cartridge case from Officer Watts' gun from Sgt. Ciaglia, Beat 3210. The report indicated that the forensic investigators swabbed the cartridge case with GSR solution and then returned it to Sgt. Ciaglia at the scene. Those investigators also drew a sketch of the scene. [Att. #18A]

The sketch indicated the positions of Mr. Russ' car, Car # 8210 [Officer Banaszkiwicz], Car #9604 [Officer Watts] and Inv. Helson's unmarked car. The sketch did not indicate where Officer Renner's car was positioned. The cars were grouped in the two easternmost lanes and shoulder of the expressway. The sketch also indicated that at the end of the incident, the front end of Car #8210 was 5 feet from Mr. Russ' car, while Car #9604's left front fender was 3 feet from Mr. Russ' car. The unmarked car was 10 feet from Mr. Russ' car. [Att. #18B]

The **Traffic Pursuit Report** from Officers Banaszkiwicz and Watts [both of whom signed it] indicated that the pursuit started about 0100 hours and ended at about 0107 hours and covered a distance of approximately four miles. Only those two officers' beats were listed in the report as being involved in the pursuit. [Att. #192B]

The State Police report regarding the traffic accident aspects of the incident contained already-summarized information. [Att. #17]

The **State Trooper** who wrote that report, Brian Walker, #4895, of District 3, related in a telephone interview that he had monitored at least part of the pursuit of Mr. Russ' car on his radio, but by the time he arrived on the scene, approximately two other State Police units had already arrived. He said an ambulance arrived about five minutes after he did. He also stated that he observed Mr. Russ' body lying face down under the open front passenger-side door, his face toward the west. He said Mr. Russ showed no signs of life, and he was handcuffed. A large puddle of blood was near the body.

Trooper Walker also related that although he spoke with Officer Watts on the scene about the accident aspect of the incident, he did not discuss the shooting with him. He said that Officer Watts' pistol was holstered when he first observed it, and later, he observed that the gun was placed in a plastic bag [for inventory]. Trooper Walker said that he saw that Officer Watts had a wrap on one of his hands, but he did not see cuts on the hand.

**INVESTIGATION: (continued)**

Trooper Walker continued that when he spoke briefly with Officer Banaszkievicz, that officer related that the subject [Mr. Russ] had tried to grab Officer Watts' gun. The trooper said that Officer Banaszkievicz did not refer to the cartridge casing remaining in the gun and did not discuss how Mr. Russ' car window was broken.

Regarding Sheriff's Inv. Helson, Trooper Walker said the only information he obtained from him was his identification and star number.

In addition, Trooper Walker related that he observed at least one other male black Chicago Police officer on the scene, as well as at least one other, older male white Chicago officer.

Regarding Mr. Russ' car, Trooper Walker said that he recalled that when he observed it, the driver's door was closed, and its window was shut, and he did not observe anyone open the door or roll the window down. He observed that the rear driver's side door window was broken and that the trunk lid was down. He said he believed that the interior dome light was off [even though the front passenger-side door was open]. Trooper Walker related that he did not see anyone kick the rear driver's side door and did not see any officer search the car. He said he did not hear any officer discuss whether the front passenger-side door was open before the window was broken. He said a State Police sergeant told an unidentified Chicago police officer to not touch Mr. Russ' car. [Att. #218]

Two other state troopers and a State Police Sergeant, who said they arrived on the scene shortly after the shooting, also were interviewed over the telephone. **Trooper Dennis Sheldon**, #4881, stated that he believed he was the first trooper on the scene. He said that he had monitored radio traffic while he was at the IDOT facility at 35<sup>th</sup> and Normal and had heard the "shots fired" call. He continued that he then proceeded to the scene and saw Mr. Russ' car facing northeast. Trooper Sheldon stated that he also spoke to Officer Watts on the scene, and Officer Watts told him that he had tried to curb Mr. Russ' car, but he would not stop and then eventually, Mr. Russ' car struck his car, and Officer Watts' car struck Mr. Russ' car.

Trooper Sheldon said that Officer Watts also told him that he had gotten out of his squad car and tried to place Mr. Russ in custody, but Mr. Russ grabbed his gun, a struggle ensued, and Officer Watts shot him. The trooper said that Officer Watts told him words to the effect, "I'm not dying."

Trooper Sheldon also related that he gave Officer Watts bandages for his hand injuries. He said Officer Watts did not discuss breaking the window of Mr. Russ' car or the struggle for the gun. He also stated that he was not sure if the driver's door of Mr. Russ' car was open or if

**INVESTIGATION: (continued)**

the door window was up or down. He said he believed that the right front passenger side door was shut, and the trunk lid of the car was closed. Trooper Sheldon said he did not hear a State Police sergeant tell any Chicago police officer to stay away from the car.

In addition, Trooper Sheldon said that Officer Watts did not state that his gun, which was in his holster by that time, malfunctioned.

He also said that although he knew of no civilian witnesses to the incident, he observed 20 to 25 persons standing a couple of hundred feet to the west of the incident site, behind possibly a fence. Trooper Sheldon said upon inquiry that he did not talk with Sheriff's Inv. Helson. [Att. #220]

**Trooper Ronald A. Caves**, #4842, related in his interview that he and Trooper Sheldon arrived on the scene about the same time, about a minute or a minute and a half after hearing the "shots fired" call over the radio. Trooper Caves said that when he talked with Officer Watts on the scene, Officer Watts told him that Mr. Russ had grabbed his gun, and he had shot him.

Trooper Caves also related that he could not recall if Mr. Russ' car trunk lid was open, but he said the driver's door was open and the door's window was rolled partly down. He said he did not recall if the front passenger door was open. Trooper Caves upon inquiry stated that he did not talk with Sheriff's Inv. Helson. [Att. #219]

**State Police Sgt. Richard E. Decker**, #3598, stated that when he arrived on the scene, he spoke with Officer Watts, whom he knew from a previous training session. Sgt. Decker said that Officer Watts told him that Mr. Russ had tried to grab his gun, and he [Officer Watts] had to shoot him. [Att. #221]

The **Case Report**, D-335326, contained already summarized information. In addition, the Case Report indicated that Inv. Helson related to the reporting officers that Mr. Russ' vehicle rammed the "pursuit police cruisers" on I-55. The report continued Officer Watts broke out the car window in an attempt to see inside it after getting no response from Mr. Russ. Regarding the injuries to Officer Watts, the report indicated that he suffered cuts to his right hand and an abrasion to his left thigh. [Att. #14A]

The **Supplementary Report** from Area 1 Detectives Jones and Adams contained already- summarized information and indicated that Mr. Russ, in addition to the gunshot wounds, had an abrasion to the left elbow and one above the right eye. Officer Watts had a laceration containing glass to his right thumb, his left palm area and one to the left inside of his upper thigh.

**INVESTIGATION: (continued)**

In addition, the Supplementary Report noted that Officer Watts' pistol contained a spent cartridge casing that was "lodged in the ejection port." It also indicated that Officer Watts related that he customarily kept 14 rounds in his 15-round magazine to reduce tension on the [magazine] spring.

The detectives also reported that, at the scene, they observed Mr. Russ lying face down, with his head to the west and feet to the east. [The E.T. photo indicated his head was turned to his left {facing south}.] His right hand was next to his right side, with the palm facing upward, and the right hand had an apparent entry gunshot wound with tattooing, to the right lower palm and an apparent exit wound below the right thumb. What appeared to be gunshot residue was on the right palm and thumb areas. His left hand was positioned slightly away from his body, and that hand had apparent gun powder residue on its heel. The report said the left ring finger [E.T. photos indicated the forefinger] and left thumb had lacerations, possibly graze wounds. The detectives also observed the apparent re-entry gunshot wound with a jagged shape and downward trajectory on Mr. Russ' upper left chest, just below the shoulder blade.

The report indicated that Mr. Russ' shirt had a hole in the upper left chest area corresponding to the location of the chest wound. No personal identification was found on him.

The Supplementary Report continued that Sgt. Ciaglia unloaded and inspected Officer Watts' weapon and found that the cartridge casing "was trapped in the ejection port." The sergeant also found the 14 live rounds in the magazine; he hand-carried the weapon and rounds to the Crime Lab and inventoried them.

Detective Jones eventually proceeded to the hospital regarding Officer Watts. There, Dr. Druelinger related that he was going to remove glass from Officer Watts' right thumb, left palm and left inside upper thigh, and then release him.

When **Inv. Helson** spoke to the detectives, he related that Officer Watts broke the driver's side rear passenger window of Mr. Russ' car, and then he [Inv. Helson] was able to open the front passenger door. The remainder of Inv. Helson's account was essentially the same as what he told the Roundtable.

**Officer Banaszkiwicz** related to the detectives that after he got out of his squad car at the end of the chase, he first positioned himself facing the driver's side window of Mr. Russ' car, and then he observed Officer Watts break the window. Officer Banaszkiwicz said he then repositioned himself to the passenger side of Mr. Russ' vehicle and saw that the front passenger door was open, with Inv. Helson standing and facing that open door. Officer Banaszkiwicz then positioned himself also facing that open door.



**INVESTIGATION: (continued)**

After he observed the struggle between Mr. Russ and Officer Watts, Officer Banasziewicz said Mr. Russ placed his hands in his lap. Officer Banasziewicz and Inv. Helson then pulled Mr. Russ out of the vehicle and handcuffed him, unaware of whether anyone had been shot.

The Supplementary Report also carried the detectives' interview of **Officer Watts**, who provided his account at Area 1 HQ. Officer Watts' account was essentially the same as that he provided at the Roundtable and to the command personnel.

In addition, Officer Watts told the detectives that before he broke the window, he attempted to open the driver's side doors of Mr. Russ' vehicle, but they were locked. He also said that he broke the window as a last resort to afford himself an opportunity to clearly view the interior and better assess the danger level and the possible need for aid to Mr. Russ.

Officer Watts continued that when Mr. Russ grabbed his weapon with both hands, he pulled Officer Watts and the weapon partially into the broken window, and Officer Watts struck his legs and hands against the car as his entire body was pulled forward. Officer Watts said he struggled to pull back to maintain control of the gun, but Mr. Russ "intensified" his pulling, again pulling the gun and Officer Watts against the vehicle and the broken window. After further struggle, the gun discharged, with Mr. Russ holding the gun and pulling for control of it. Mr. Russ released the gun after the discharge, and Officer Watts stepped back, eventually going to the passenger side and telling the other officers he was not shot.

In addition, the Supplementary Report indicated that when the detectives went to Mr. Russ' home, they told [REDACTED] how Mr. Russ had died. Mr. [REDACTED] then said that he was surprised something like that had not happened sooner in that Mr. Russ was strong and "could take on all of us in the room." The detectives also reported that Mr. [REDACTED] told them that Mr. Russ had previously weighed 300 pounds, but had lost weight, to about 240 pounds. When the detectives asked whether Mr. Russ had experienced any emotional problems or depression recently, Mr. [REDACTED] said that because of extensive injuries, Mr. Russ' professional football prospects had diminished, and that had disappointed him and his family.

The report continued that Mr. [REDACTED] related that Mr. Russ had been arrested some months earlier in Evanston for fighting and resisting the police. He was treated for injuries and then transferred to a hospital for psychiatric evaluation. The detectives reported that police at Northwestern University, where Mr. Russ had been a student, related that the only contact they had had with Mr. Russ involved a towed vehicle and a report from Mr. Russ about a theft from a men's locker room. Calumet City Police reported to the detectives that a burglar alarm report was the only contact they had had with Mr. Russ.

**INVESTIGATION: (continued)**

On 09 June 99, the detectives went to the morgue and met with the pathologist on the case, **Dr. Eupil Choi**, who said he believed that when the gun discharged, the bullet entered Mr. Russ' right palm [contact entry wound] and then exited the palm, grazing the fingers of the left "cuffed" hand and then entering the upper left chest. The bullet then traveled downward from left to right, passing through the heart and lung and stopping at the liver.

The detectives reported that Dr. Choi said that the post-mortem results were consistent with the involved officers' description of the incident. Dr. Choi related that Mr. Russ' injuries indicated that he was holding a weapon at the barrel with both hands, with the right hand against the barrel, and the left hand "cuffed" over the right hand and extended down the side of the weapon.

The report continued that Mr. Russ' blood alcohol level was .034 and that the complete toxicology report was pending. The detectives requested that the case be classified as In-Progress pending the toxicology report and additional investigation. [Att. #186]

The report from Ambulance 36 indicated that it was dispatched to the scene and arrived at 0125 hours. The paramedics found Mr. Russ, who was then still unidentified, lying face-down on the highway. He was then rolled over onto his right side. A gunshot wound, with no exit, was observed on his upper right chest. [Att. #33A]

The **autopsy report** from Dr. Choi indicated that Mr. Russ was 6 feet 4 inches tall, 273 pounds and 22 years old.

The anatomic diagnosis indicated that Mr. Russ had a through-and-through contact gunshot wound of his right hand, an "incised gunshot wound of the left hand," a re-entry gunshot wound of the left upper chest involving the lung, heart and liver, and left hemothorax [ more than 600 ml of blood in the left chest cavity]. The entry wound on the chest was below the clavicle and above the armpit level, and it was described as irregularly shaped, about one inch in maximum diameter. The course of the bullet was downward, rightward and backward. The bullet was copper-jacketed with open sharp spikes as part of the jacket. The bullet ended its course behind the 3<sup>rd</sup> segment of the duodenum [Dr. Choi later said the bullet was found behind the belly button]. The toxicological report was negative for benzoylecgonine [cocaine] and opiates, but was positive for ethanol, 34 mg/deciliter. The technical cause of death was gunshot wound of the hand, and manner of death was homicide. [Att. #27B]

In a later **O.P.S. interview with Dr. Choi**, he related that the bullet, after it passed through the right hand, tumbled and then entered the chest. He also said that it was common for the Medical Examiner's office to use the part of the body that was initially struck [the right hand]

**INVESTIGATION: (continued)**

in describing the cause of death, even though the extensive damage was to the chest organs. Regarding the ethanol level, Dr. Choi said that the amount was very small, amounting to that caused by drinking less than a can of beer. Upon inquiry, he added that he did not observe any foreign objects, such as broken glass, in either of Mr. Russ' hands. [Att. #27C]

In an additional O.P.S. interview with Dr. Choi, he said that the position of the wounds on Mr. Russ indicated that the involved officer [Watts] could have been standing over Mr. Russ' left shoulder and next to the rear door on the driver's side of the car, or he could have been outside Mr. Russ' driver door, with the door or the door window open, and the officer standing over Mr. Russ as he sat in the driver's seat.

Dr. Choi also stated that his reference to an "incised gunshot wound" of the left hand referred to both wounds on the fingers of the left hand [forefinger and thumb], which he said were caused by the bullet after it exited the right hand.

Dr. Choi further related that it was his impression that Mr. Russ' right hand was a short distance from the gun muzzle when it discharged, which allowed gunshot residue to be deposited around the wound. He said Mr. Russ' left hand seemed to have been behind and to the side of the right hand, although some of his left fingers might have been touching the side of the gun barrel. He also stated upon inquiry that he did not find evidence that the officer's gun was near Mr. Russ' head when it discharged.

Dr. Choi related that Mr. Russ was a muscular man, a football lineman [at Northwestern U.], whose hands appeared normal. He said he did not measure Mr. Russ' arm length. Upon inquiry, he also said that no other toxicological tests were planned and that no testing for steroids had been done. [Att. #27D]

A later blood test for steroid presence detected no drugs. [Att.#27E]

The autopsy photos depicted the gunshot wounds, old scars on Mr. Russ' back and surgical scars. One photo [Att. #175] depicted the left lung and an area of the heart, through which the bullet had passed. Another photo [Att. #176] depicted the spent bullet. [Atts. #150-176]

The R/I observed the scene of the shooting [2836 South on I-90/94] one week after the incident, at the same approximate time. Traffic on the expressway was light and no pedestrians were observed walking on Wentworth, the closest street to the west that was not part of the expressway. At approximately 0113 hours, a southbound CTA Red Line train passed on the east

**INVESTIGATION: (continued)**

side of the incident scene, but an expressway wall blocked much of the scene from the train's path. [Att. #70]

During daylight hours, it was observed that a bus stop for the #24 CTA bus was on Wentworth, at 28<sup>th</sup> Place, on the northwest corner, and that from the east side of Wentworth at 28<sup>th</sup> Place, next to an approximately four-foot high chain-link fence, a person could view the scene of the incident. However, a CTA official related that the #24 bus route had no service scheduled during the time of the incident.

A strip mall and apartment buildings existed from 2800 to 2826 S. Wentworth. The northernmost of those buildings, 2800 to 2808, were canvassed, but no witnesses were located.

It was observed that a large four-story building with addresses 2828-2838 S. Wentworth had four security cameras mounted on it about 20 feet from the ground, but none of them were pointed toward the scene of the incident.

An official of the Illinois Department of Transportation related that the agency did not have video cameras mounted on the expressway signage at the incident location.[Atts. #70A-C]

A witness, [REDACTED] M/W, 20 YOA, of Bourbonnais, Ill., who was a college student, was interviewed first by the F.B.I. and then by O.P.S., in person, at the F.B.I. office in Chicago and over the telephone. Mr. [REDACTED] stated that part of the reason he came forward as a witness was that he had read in a newspaper account that Mr. Russ had gotten out of his car prior to the shooting, which was not true, based on what he observed.

In the O.P.S. interviews, Mr. [REDACTED] related that on 05 June 99, just before the approximate time of the incident, he was driving home from a birthday party in Evanston, where he had consumed two light beers. Mr. [REDACTED] said that as he drove on Sheridan Road, in or near Evanston, he observed a car later identified as Mr. Russ' car [Mr. [REDACTED] recalled the "vanity" license plate of that car, [REDACTED] He said he and Mr. Russ, whom he did not know, drove their cars southbound on Lake Shore Drive, and they passed each other. He said he did not see Mr. Russ drive erratically or make unsafe lane changes.

Mr. [REDACTED] continued that at one point, he observed flashing blue lights in his rear-view mirror, and then traffic behind him moved to make way for a squad car displaying the flashing lights. Eventually, that squad car drove behind Mr. Russ' car, which was stopped in the lane to the right of Mr. [REDACTED] at a traffic light north of the exit onto I-55. [REDACTED] said

**INVESTIGATION: (continued)**

he looked at Mr. Russ, whom he described as a "big, heavier-set black man," who had a goatee or beard. He said he did not observe any concern on Mr. Russ' face, and Mr. Russ slightly nodded his head toward him, and Mr. Russ nodded back.

Mr. [REDACTED] said he noticed that Mr. Russ' car had tinted windows, but there was enough street lighting to allow him to see Mr. Russ clearly. He said he did not see anyone else in the car. Mr. [REDACTED] said that he also saw a male white uniformed officer walk from the squad car behind Mr. Russ' car to about as far as the squad's front bumper before the light changed. He said Mr. Russ, along with other traffic, then proceeded south. Mr. [REDACTED] said upon inquiry that the officer did not walk up to Mr. Russ' driver's door before the light changed. He also said that he was bothered by Mr. Russ driving away because the officer was attempting to stop him. Mr. [REDACTED] stated that the officer got back into his squad car, talked on his radio and drove after Mr. Russ.

In addition, Mr. [REDACTED] related that as he continued driving south, he observed Mr. Russ' car and the squad car driving ahead of him at about the same speed as other traffic [50-55 m.p.h.]. He said that before he reached the I-55 exit off Lake Shore Drive, he observed a northbound squad car begin a U-turn to go south on Lake Shore Drive. He said he also saw two more marked squad cars, their emergency lights on, go past him southbound. Mr. [REDACTED] stated that he was excited and "flustered" because of observing a police chase. He said he eventually lost sight of Mr. Russ' car and the pursuit cars, but he could see flashing blue lights ahead of him as the cars exited onto I-55 and then south onto the I-90/94 ramp heading to the Dan Ryan Expressway.

Mr. [REDACTED] related that he next observed the squad cars as his car was southbound on the ramp leading to the Expressway. He said he saw what he believed were six marked squad cars about a mile away, and the squads were circled around Mr. Russ' car, which he depicted on a hand-drawn map as pointing in a southeasterly direction on the left [east] shoulder. He continued that other traffic was pulling around the incident scene to the right, and he stopped his car on the right [west] shoulder. He said that none of the squad cars blocked his view of Mr. Russ' car. On the same map, Mr. [REDACTED] indicated that his car was parked northwest of Mr. Russ' car, and he estimated that there were two lanes between his car and Mr. Russ' car. He related that he had his driver's side window open and his radio turned down.

Mr. [REDACTED] continued that he recalled seeing three uniformed officers on the scene and that the trunk of Mr. Russ' car was open. He said he had not seen Mr. Russ' car strike or make any contact with any officer's car, or move forward or backwards, and did not see damage to the squad cars.

**INVESTIGATION: (continued)**

Mr. [REDACTED] stated that one of the officers, whom he described as male white, was on the driver's side of Mr. Russ' car, while a second officer, also male white, was on the passenger side. He said both had their guns drawn. He recalled that a third officer, a "big white guy," was "casually" walking toward Mr. Russ' car, possibly from one of the squad cars parked north of Mr. Russ' car. He said he did not observe the third officer with his gun drawn.

In addition, Mr. [REDACTED] said he heard the officer on the driver's side of Mr. Russ' car repeatedly shout, "Get out of the fucking car!" Upon inquiry, he stated that the driver's door window of Mr. Russ' car was up at that time, but he could not tell if the front passenger door of the car was open.

Mr. [REDACTED] stated that he then observed the officer on the driver's side of Mr. Russ' car break the window of the rear door, driver's side, of that car. He said the officer used the butt of his drawn gun to break the window and used only his right hand, which held the gun. Mr. [REDACTED] said that he did not see the officer first go to a squad car for anything. He said the officer continued to shout as he broke the window. The same officer then briefly stuck his gun through the broken window opening and then pulled it back out.

Mr. [REDACTED] continued that the same officer continued shouting at Mr. Russ, and then he moved toward the driver's door of the car. The officer then opened the driver's door and stood in the doorway, which allowed Mr. [REDACTED] to see through Mr. Russ' front windshield. He said he could see Mr. Russ' silhouette. He also stated that not more than a minute elapsed between the time the officer broke the window and when he opened the driver's door. He said that the officer did not try to open the rear driver's side door.

Mr. [REDACTED] continued that after the same officer opened the driver's door, Mr. Russ turned his torso toward the officer [Mr. [REDACTED] demonstrated this move and had his hands up at chest level]. At this point, the officer still had his weapon drawn and pointed at the car. Mr. [REDACTED] related that he did not see Mr. Russ grab the officer's gun or make contact with the officer. He said he then heard a single gunshot, but did not see a flash from the gun. Mr. [REDACTED] stated that he could not tell how far the officer's gun was from Mr. Russ when it discharged.

In addition, Mr. [REDACTED] stated that after the gunshot, he observed Mr. Russ slump over inside his car. The officer on the driver's side stepped back, and the officer who had been walking toward Mr. Russ' car then turned around and walked back toward his squad car.

**INVESTIGATION: (continued)**

Upon inquiry, Mr. [REDACTED] said he did not hear Mr. Russ say anything during the incident. He also related that he had made notes about the incident following his F.B.I. interview and would provide the notes to O.P.S. [the notes were not made available as of the date of this summary]. [Atts. #50-51]

On 11 June 99, O.P.S. Inv. Patrick Querfurth #246 received a phone call from a male who identified himself only as [REDACTED] and who said he had witnessed the incident. He related that on the date of the incident, he had gone to Lawrence Fisheries, 2120 S. Canal, and was driving home on the Dan Ryan Expressway near 28<sup>th</sup> or 29<sup>th</sup> when he observed several police cars and a black or dark blue Chevrolet. [REDACTED] said he was approximately 150 yards away as he observed the car's driver [Mr. Russ], and he said that the "driver's side window" was down.

[REDACTED] also related that the officers on the scene were pointing their weapons at the driver and demanding, "Get the fuck out of the car" and his driver's license. He described the driver as African-American, with a heavy build, and a "low" hair cut. [REDACTED] said that the driver was asking the officers why he had to get out of the car. After the officers continued to demand that he get out of the car, one officer broke the rear, left side, passenger window, and then the officers continued to demand that the driver get out.

At that point, according to [REDACTED] he heard a gunshot and saw a blue flash. He said the driver of the car did not struggle with any officer or reach for an officer's gun before [REDACTED] heard the gunshot. After the gunshot, [REDACTED] left the scene, and he related that he did not know until two days after the incident that the driver had been shot by the officer.

[REDACTED] also stated that he was afraid to be identified because of his prior contact with the police. He said he would contact O.P.S. on 13 June 99 if he wanted to identify himself and make a statement. [No such contact was made on that date or thereafter.] The attempt to identify [REDACTED] through Lawrence Fisheries was unsuccessful. [Atts. #69, 69A]

Three college students who said they saw part of the incident contacted O.P.S. by telephone and were then interviewed in person. [REDACTED] F/B, 21 YOA, related that she and her two friends, [REDACTED] F/W, 20 YOA, and [REDACTED] M/W, 20 YOA, were in a car as Ms. [REDACTED] drove it from Lake Shore Drive, onto I-55 and onto the I-90/94 southbound ramp, where the incident occurred. However, the three students' accounts indicated that they likely arrived on the scene after the shooting because the man they believed was Mr. Russ was standing at the hood of his car while about fifteen squad cars were on the scene. They said they did not see officers with weapons drawn or hear a shot. [Atts.#215-217A]

**INVESTIGATION: (continued)**

**Sheriff's Investigator Helson**, through his attorney [REDACTED] refused to give a statement to O.P.S. unless he was allowed to first read his Roundtable account, the account he provided to officers on the scene, and the account he provided the Detective Division. [Att. #11B]

**The summary of the Communications tape** regarding the incident indicated that on 05 June 99, at approximately 0106 hours, Beat 3202 [Officer Banaszekiewicz] told the dispatcher that he was southbound on Lake Shore Drive from Balbo and that he was pursuing a car that would not stop. He then provided the license number of the car [REDACTED] and said that he and the car [Mr. Russ'] were only keeping up with traffic, but the car just refused to pull over. 3202 then said he observed another squad car ahead and that he needed him [the squad] to stop the car. 3202 then gave his location as Roosevelt, that 3203 [Officer Renner] was with him, but that the car would not stop.

Beat 3204 [Officer Watts] then told the dispatcher he was heading for the pursuit and when he asked for the current location and the dispatcher relayed that request, 3202 said "Southbound 18<sup>th</sup> Street, 3203 is with me."

At approximately 0108 hours, Beat 3210 [Sgt. Ciaglia] asked whether "202" got the car stopped, but 3202 said, "Negative, squad. He's on 55 now." An unidentified male voice said words that sounded like, "Beat 203, start slowin' down. We've got him pinned." A male voice then said, "Squad, he just hit 3203." The dispatcher told 3210 that 3203 had been hit by "this fleeing car," and 3210 said he was on his way. 3202 said he was then coming up on the Indiana exit to I-94.

At approximately 0109 hours, 3210 asked the dispatcher if she could get the State Police "up there." A siren sounded in the background as a male voice then told the dispatcher that the "guy" was not speeding, but just refused to pull over. A unit that sounded like 3204 said that he had been hit by the car, but that the car was stopped. An unidentified male voice said to "slow it down."

At approximately 0110 hours, the dispatcher asked where 3204 was; after the dispatcher repeated the question, "204" responded, "Shots fired!" with a siren sounding in the background. What sounded like a different male voice then said, "10-1, 10-1, shots fired!" After a voice that sounded like 3204 said words that included "shots fired" and "me, squad," and the dispatcher asked for a location clarification, a voice that sounded like 3204 said, "About 31<sup>st</sup> Street, squad. He tried to grab my weapon. I had to fire." The dispatcher then announced, "Shots have been fired by the police."



**INVESTIGATION: (continued)**

At approximately 0111 hours, Beat 3201 [Officer Virgil Perisee, #4456, Unit 151] told the dispatcher that he was coming in from the Skyway. An unidentified male voice asked the dispatcher to get an ambulance right away, and the dispatcher said one was en route.

At approximately 0113 hours, the dispatcher told 3204 that an ambulance was en route, and shortly thereafter, "204" told the dispatcher, "You've got an injured P.O. also. I'm injured." The dispatcher asked 3204 for information, but 3202 responded, and then a male voice, apparently 3202, said, "The subject is down. Gunshot wound. We have an injured P.O. Multiple vehicle accident." A short time later, a male voice, possibly 3202, told the dispatcher to have the ambulance get on [the interstate] from Cermak Road because the officers are "underneath there," about 2600.

At approximately 0120 hours, an unidentified male voice told the dispatcher that a sergeant was on the scene. Beat 3201 told the dispatcher to tell the ambulance to go all the way down to Chinatown and then come back up; he said it looked like the ambulance was taking the wrong cutoff. The dispatcher then called the Fire Department and passed on the directions.

At approximately 0122 hours, Beat 3204 asked the dispatcher if an ambulance had been called, and that is confirmed. At approximately 0125 hours, Fire Communications called the police dispatcher ["Charles from Citywide 1] and said we [apparently the ambulance] could not find 3202. Shortly thereafter, an unidentified male voice said that the ambulance had arrived.

At approximately 0126 hours, Beat 3210 asked the dispatcher to notify detectives and the Crime Lab, and the dispatcher said the notifications were being worked on. Shortly thereafter, Beat 4112 told the dispatcher that he and 4116 were with 3204 and 3202.

At approximately 0151 hours, the dispatcher asked 3201 for details of the incident, and 3201 said that during the pursuit, the offender ran into 3204, "and then 3204 got out and had his gun drawn, and the guy grabbed the gun." 3201 also said, "3204 shot the offender." 3201 also said that there was supposed to be a lot of glass in 3204's hands, so he was taken to the University of Chicago Hospital. He also said the Deputy was on the scene, and lawyers from F.O.P. had been notified.

At approximately 0201 hours, the same dispatcher ["Citywide 1 Charles"] answered, and then asked an unidentified male voice "You all right?" The male voice responded, "Yeah, I'm fine. I had to call you. I didn't want you to be worried. ... I got a little glass in my hands. They're gonna get it out at University of Chicago." The voices then ended the conversation.

**INVESTIGATION: (continued)**

At approximately 0219 hours, a male voice told "Citywide 1, Charles," "Hey, it's me again," and then asked the dispatcher if 3202 "and them" were still "out there?" After the dispatcher answered yes, the male voice told her to "send him a message if he can meet with me before he talk to anybody." The dispatcher said she would do that and then asked the male voice if he was okay, and he said "yes." Shortly thereafter, the male voice said words that were not understandable, although they sounded like, "Hey, it's me-him," and then the dispatcher said that that was the right choice. The male voice said "I'm still here," and the dispatcher repeated that that was the right choice. After they ended the call, the dispatcher called 3202 and asked if his computer was up. After a short time, 3202 told the dispatcher that he could not leave the scene and he said he would see if he could get someone to make a phone call and to give him a number, to which the dispatcher agreed. [Att. #44A]

The R/I and Inv. Bruce Dean #212 observed Mr. Russ' car on 16 June 99 at approximately 1628 hours at the Department's Auto Pound #1. The remaining portion of the broken window on the car was hanging inside the car along the rear driver's side door. The width of the bottom portion of the window was about 27 inches. What appeared to be one impact point on the glass was in approximately the middle of the glass and toward the bottom of the window.

The driver's door was unlocked and opened and closed easily from the outside. The locks for that door and the rear door on the same side were located toward the front of the car. The trunk lid was unlocked. The tinted window of the rear door on the passenger side of the car prevented the investigators from seeing inside the car. The tinted windows of both front doors of the car allowed the investigators to see inside the car, but the reflection off the window obstructed the view.

On the driver's side, it was observed that the door post, between the doors, was approximately 6 1/2 inches wide at the bottom and approximately 4 3/4 inches wide at the top. To simulate the positions of Mr. Russ and Officer Watts, the investigators took turns sitting in the driver's seat and standing outside, near the window opening of the rear driver's side door. Both investigators were approximately 6 feet 1 inch tall [Mr. Russ was 6 feet 4 inches tall]. It was observed that both investigators could reach with both hands over their left shoulders and upwards to grab a weapon held close to the passenger door window outside. When the seatbelt was in place, it hindered the hands moving over the left shoulder, but did not prevent them from moving outside. It was observed that the investigators' hands could reach out, at most, about half of the rear window opening while turning to the left. Inv. Dean observed that although the grabbing could occur, a person standing outside the car in the position described by Officer Watts could step back quickly when he observed the hand motion [toward the gun]. However,

**INVESTIGATION: (continued)**

Inv. Dean also observed that the tinted glass [of the driver's door], in combination with the width of the door post, could prevent a person standing outside from seeing a driver's hands as they reached backwards. [Att.#71]

The R/I also observed the car under night-time conditions, on 17 June 99 at approximately 2156 hours. Bright, orange-tinted lights illuminated the area near the car, but the R/I could not see through the intact tinted window of the rear door on the passenger side. The tinted windows of the front doors allowed more light in, allowing white paper on the front passenger seat to be seen. It was not possible to see through the long back window of the car because of the tinted glass. When the front doors were opened, the interior dome light, which was approximately 3 inches square, came on and it provided more illumination inside the car.

In the car, it was observed that the driver's seat back was leaning backwards approximately one inch farther than the front passenger seat back. The seats were separated by a fold-down arm rest. The headrest of the driver's seat was in the down position, and the headrest itself was about 4 inches above the top of the driver's seat. The car's headlights and taillights were intact, and the front grille was broken on the driver's side. [Atts. #71-71B]

**The report from the Illinois State Police Division of Forensic Services** indicated that Mr. Russ' right hand [back and palm] and the palm of his left hand showed evidence that they had handled a firearm or had been in close proximity to a discharged firearm. [Att. #39A]

That laboratory's report regarding Officer Watts' gun indicated that no fingerprints that were suitable for comparison were found on the gun, the discharged cartridge case, the live cartridges or the gun magazine. [Att. #37]

Another laboratory report indicated that Officer Watts' weapon was in firing condition and that it fired the recovered bullet and empty cartridge case. In examining the empty cartridge case, Joseph Thibault, Group Supervisor, Forensic Services Division, recalled that he did not see an ejection mark on it and that it did not appear to have been misshapen or deformed. He also reported that distance determination testing indicated that the pistol was not in contact with Mr. Russ' shirt when it discharged, but was less than 12 inches away. [Atts. #42C,-D]

Another State Forensic Services report indicated that a very small fragment of glass was recovered from Officer Watts' handgun, and two very small glass fragments were recovered from the tire iron. However, the state laboratory reported that the glass fragments recovered from the gun and tire iron were of insufficient quality for comparison. [Att#48B]

**INVESTIGATION: (continued)**

The Police Department's **General Order 97-3, Addendum 2** governing motor vehicle pursuits stipulates that a pursuit is to involve no more than a primary and secondary pursuit unit unless otherwise directed by a supervisor. Other units are not to actively participate unless specifically authorized to do so. The order also requires that the officer initiating the pursuit provide information to the O.E.C. dispatcher, including the specific reason for the pursuit [including known laws violated] and any other "relevant conditions." The General Order also requires that the secondary pursuit unit maintain a safe distance behind the primary pursuit unit.

In addition, the same Order prohibits pursuit units from engaging in "boxing in," "overtaking," "ramming," "roadblocks" and other tactics. The order also requires officers involved in a pursuit to submit a Traffic Pursuit Report before their tour of duty is completed. [Att. #214]

Another **General Order, 92-3-1**, regarding rules for the use of semi-automatic pistols by officers hired on or before 01 Dec 91, requires that such pistols be fully loaded and carried with a cartridge in the firing chamber. [Att. #213]

**In a statement, Officer Watts** essentially reiterated the accounts of the incident he provided at the Roundtable, in his Discharge Report, to superior officers and to the detectives. In addition, he said his date of appointment to the Department was 26 March 90, and he had worked in Traffic Enforcement for about 2 and ½ years. He described himself as male black, approximately 5 feet 6 and ½ inches tall, 183 pounds, with black hair and brown eyes. He said he was right-handed.

In addition, Officer Watts related that during the pursuit, which was at approximately 45 or 50 miles per hour, he did not observe Mr. Russ inside the car because of his tinted windows. He said that at the end of the pursuit, he parked his squad car about 15 to 20 feet from Mr. Russ' car, on Mr. Russ' driver's side. Officer Watts stated that he did not recall where Officers Renner and Banaszkievicz and Inv. Helson were when he exited his car and approached Mr. Russ' car with his gun drawn, although he heard other officers shouting commands to Mr. Russ. He said he and the other officers did not use profanity when ordering Mr. Russ to exit and show his hands. Officer Watts also said that Mr. Russ was never outside his car prior to his being shot. He described the scene as dark, but with street light present.

He also related that, to his knowledge, none of those three officers approached the driver's side when he also approached that side of Mr. Russ' car. He said he did not communicate in any way with those other three officers before the shooting, and he had no

**INVESTIGATION: (continued)**

knowledge of their telling him anything before the shooting. Officer Watts related that he did not call for a supervisor to come to the scene because there was "no need to" and because Sgt. Ciaglia was monitoring the chase and was on his way.

In addition, Officer Watts said that neither of Mr. Russ' driver's side windows was opened when he went to that side. Upon inquiry, he said it took him only seconds to go from Mr. Russ' driver's side to the squad car trunk and get the tire iron. In doing so, Officer Watts related that he backed away from Mr. Russ' car, still observing the car, not turning his back to the car. He said he did not try to open either passenger-side door of Mr. Russ' car because he was on the driver's side and was attempting to get to Mr. Russ as quickly as possible. He said he did not know if any officer tried to open either of the passenger-side doors. When asked if it would have taken about the same amount of time for him to have tried the passenger-side doors as it did for him to get the tire iron, Officer Watts said he was not sure. He did not recall that an object or a car blocked his path around either end of Mr. Russ' car.

In addition, Officer Watts said that before he broke out the window, he did not observe and was not told by any officer that the front passenger-side door was open. He related that he did not try to use a flashlight to see into the car because the light would have reflected off the tinted windows. He also said that it would have been unsafe for him to have tried to look through the car's front window to see Mr. Russ and did not know if any other officer on the scene did that.

When asked why it was necessary for him to get to Mr. Russ as quickly as possible, Officer Watts said that it was because of concern for his safety and that of the other officers in light of Mr. Russ' prior actions, including his erratic driving, his intentionally ramming two squad cars and his refusing to obey orders to show his hands and exit the vehicle. Officer Watts also said he wanted to check on Mr. Russ' well-being because the silhouette of him that he observed did not appear to be moving. Upon inquiry, Officer Watts said that Mr. Russ' not moving could have indicated that he was planning his attack or that he was on narcotics or that he was injured. [He said he did not observe any liquor or legal or illegal drugs at any time in Mr. Russ' car or on his person, but also never checked the car or Mr. Russ for those items.]

Also upon inquiry, Officer Watts, using the Police Department's Use of Force model, said he considered Mr. Russ an "assailant" because of his car striking the police cars. He said the situation was "urgent" and that was why he did not just "wait out" Mr. Russ as he sat in the car. Regarding the threat Mr. Russ posed to him and the other officers, Officer Watts said he did not know if Mr. Russ would try to move his vehicle or whether he had a weapon in his hands. He said he did not remember if Mr. Russ' car engine was still running before the window was broken. As to whether he considered contacting a supervisor before forcibly entering Mr. Russ'

**INVESTIGATION: (continued)**

car, Officer Watts said he had not, again because of there being no need or requirement to do that and because of the "urgent" situation that required immediate action.

Officer Watts said he did not recall being trained in the Police Academy as to what to do when a motorist refused to exit his vehicle, but he said he had not had to break out a motorist's window to gain entry in the past. He related that he did not strike any part of Mr. Russ' car with his pistol, and holstered his pistol in order to hold the tire iron in his right hand to smash the window. When asked whether he was endangering himself by holstering his weapon, given that he believed that Mr. Russ posed such a danger to him and his fellow-officers, Officer Watts said that the urgency of the situation meant that the safest option was to briefly holster the pistol to break the window and then immediately draw the weapon again. He said that after breaking the window, he dropped the tire iron to the ground and stood by the rear door with his gun drawn.

Officer Watts said upon inquiry that, after the window was smashed, neither he nor Mr. Russ opened the driver's door, and no one opened the driver's side rear door. He also said "maybe several seconds" elapsed between his breaking the window and Mr. Russ' grabbing his gun. He said that just before Mr. Russ grabbed the gun, he observed "real slight head movement" of Mr. Russ, and he did not hear Mr. Russ say anything.

Officer Watts first denied placing his weapon inside the car, but then said that, to his recollection, he did not place his weapon into the car before Mr. Russ grabbed it. He said the gun was "right at the [broken] window," slightly pointing down and that he was at a "safe distance" from Mr. Russ for the situation. He did not know if glass got on his gun. Officer Watts related that Mr. Russ' arms turned toward the left and his head and body turned slightly to the left when he grabbed the gun. Regarding the discrepancy in his Discharge Report and the Roundtable account about whether Mr. Russ turned toward him before grabbing the gun, Officer Watts said he twisted to the left. He said the Roundtable report was prepared by someone else [other than him].

When asked why, if Mr. Russ posed an immediate threat, he situated himself so that Mr. Russ was able to grab the gun, Officer Watts replied that he had not, but that Mr. Russ' movements were unexpected and sudden. Officer Watts said he did not see Mr. Russ' hands immediately before he grabbed the gun. He said Mr. Russ grabbed the gun barrel and squeezed it tightly and that Mr. Russ was in a twisted position with his arms stretched back. He did not recall if Mr. Russ was wearing a seatbelt. During the struggle for the gun, Officer Watts said he twisted and pulled to free the gun. He said that when the gun discharged, it was in Mr. Russ' hands, with his hands wrapped around the barrel, above his left shoulder, facing downward. Officer Watts said that he did not remember putting his finger on the trigger, but said it must have been there for the gun to discharge. However, he denied intentionally shooting Mr. Russ,

**INVESTIGATION: (continued)**

despite his comments on the Communications tape. Regarding the words to the effect that the shooting incident was "him or me," Officer Watts said that had Mr. Russ gotten his gun, it would have been him [Officer Watts] who was shot, rather than Mr. Russ. He said the comment did not affect his assertion that he did not intentionally shoot Mr. Russ.

Officer Watts was shown the autopsy photos of Mr. Russ' hands and was asked how he could have suffered the wounds if his hands had been wrapped around the gun barrel when it discharged. Officer Watts replied that Mr. Russ' hands could have slid forward, but he still held the gun barrel. He said he saw no flash from the gun discharge, and that was possibly caused by Mr. Russ holding the barrel. He also related that he later learned that the cartridge case did not eject from his gun, and he said he did not remove the empty cartridge case from the gun.

Officer Watts stated that a police siren might have been on when the shot was fired. He said he did not know where Officer Renner or the other officers were at the time of the shooting.

Officer Watts said he did not recall telling Sgt. Ciaglia anything about the shooting, but he turned over his gun to him. Regarding why he loaded the gun magazine with 14, rather than 15 rounds, Officer Watts said that practice was allowed by his supervisors, to the best of his knowledge. He also said upon inquiry that he had not experienced an incident in the past in which he fired his pistol and the empty cartridge was not ejected.

As to Mr. Russ' car, Officer Watts said that he did not kick the left rear passenger door and to his knowledge, no one else did. He said he did not observe the trunk lid in the up position at any time. In addition, he stated that he did not recall seeing any officer open the driver's side front door of the car or roll that door's window down.

Regarding Officer Watts' taped remark about wanting to meet Beat 3202 before that beat talked to anyone, Officer Watts said the message was for 3202 to call him, and when he called him, they discussed making sure his equipment, such as his hat, bag and tickets books, were secure. He denied that the request to talk with 3202 was an attempt to make sure his account and 3202's account of the incident were the same. [Att. #184]

As to the allegations attributed to him stemming from the pursuit and the manner in which he loaded his weapon, Officer Watts stated that he believed he was authorized to take part in the pursuit of Mr. Russ because an officer [Banaszkiewicz] had called for help in the pursuit. As to whether he remained a safe distance behind Officer Banaszkiewicz' car during the pursuit, Officer Watts stated that he did, although he also acknowledged that his car was ahead of Officer Banaszkiewicz' car at the point that Mr. Russ' car struck his [Officer Watts'] car. Officer Watts denied that he attempted to block Mr. Russ' car with his car during the pursuit, and said that

**INVESTIGATION: (continued)**

Officer Banaszkiwicz' Roundtable statement that Officer Watts attempted to block Mr. Russ at 20<sup>th</sup> Street was inaccurate.

Regarding the allegation that he "boxed in" Mr. Russ' car during the pursuit, Officer Watts said he was unfamiliar with that term, although "boxing in" appears in the General Order governing procedures officers are to follow during vehicle pursuits. In effect, he denied boxing in Mr. Russ' car during the pursuit, despite acknowledging that his car was close enough to Mr. Russ' car that Mr. Russ was able to strike his car.

As to his alleged ramming of Mr. Russ' car, Officer Watts denied intentionally doing that, although again, he acknowledged that his car hit Mr. Russ' car while it was stopped and while he [Officer Watts] was trying to bring his car under control, having just been struck by Mr. Russ.

Finally, Officer Watts stated that he had his pistol fully loaded at the time of the incident, based on his understanding of the applicable General Order. He related that his understanding of that order required him to insert a fully loaded [15 cartridges] magazine into his weapon, and then chamber a round, which he said he did. Officer Watts said that he was never instructed that after chambering a round, he was to ensure that the magazine contained a full load of 15 rounds. [Att. #209]

**In a statement, accused Officer Renner**, who was Beat 3203, provided an account that was essentially the same as those he gave at the Roundtable and to the supervisory personnel and to detectives. In addition, he said he was male white, 5 feet 8 inches tall, 250 pounds, with gray hair and gray eyes. His date of appointment to the Department was 20 Nov 67. He said he had been assigned to Traffic Enforcement for about five years.

In addition, Officer Renner related that after he joined the units pursuing Mr. Russ' car, he drove ahead of all of the vehicles to alert other drivers of the "impending danger" posed by the chase. He said that after the chase ended, he did not observe any civilian cars stopped on the scene. Officer Renner said that after he exited his car, he walked toward Mr. Russ' car, and then he was positioned at the left front of Officer Banaszkiwicz' car. Upon inquiry, he said that at some point, he observed Mr. Russ inside the car, and he was staring straight ahead. He recalled that Mr. Russ was not wearing his seat belt. Officer Watts was on the other side of Officer Banaszkiwicz' car and was close to the driver's side of Mr. Russ' car. Officer Renner said he did not know if Officer Watts tried to open any of the car doors before breaking the window. He stated that he heard all of the officers on the scene repeatedly order Mr. Russ out of the car.



**INVESTIGATION: (continued)**

Officer Renner also related that he was about 10 feet from Officer Watts when he broke the car window, and he said that Officer Watts held the "jackhandle" [tire iron] in his left hand while he broke the window with it. In addition, he said that at the same time, Officer Watts held his pistol in his right hand. After breaking the window, which involved hitting it a couple of times, according to Officer Renner, Officer Watts dropped the jackhandle to the ground. Officer Renner also said that when Officer Watts hit the window, it shattered, but "stood there," and Officer Watts then pushed it in.

Officer Renner said that after the window was broken, he walked around the rear of Officer Banaszkiwicz' car and then as he approached Officer Watts, he heard him calling on the radio about the shooting and asking for an ambulance. He again said he did not hear the gunshot, noting that a police siren was sounding as he was walking around Officer Banaszkiwicz' car. Officer Renner said he could not explain how he heard the officers' verbal commands to Mr. Russ, but did not hear the gunshot.

Officer Renner said he did not see Officer Watts point his gun near or through the broken window, and he did not see Mr. Russ grab Officer Watts' gun. Upon inquiry, Officer Renner said he did not have his pistol out at any time during the incident.

In addition, Officer Renner said the driver's door of Mr. Russ' car was not open before Officer Watts broke the glass, and the driver's door window was up just before he realized Mr. Russ had been shot. He stated that he did not know when the passenger door of the car was first opened, and he did not think that the interior dome light lit up.

Officer Renner said that following the shooting, Officer Watts told him that the offender, Mr. Russ, had grabbed his gun, and he [Officer Watts] had been cut on his hand in the incident, but Officer Watts had not explained how he had been cut. When shown a copy of his report regarding Officer Watts' injuries, in which Officer Renner said Officer Watts struggled with the offender, Officer Renner said the report was based on what Officer Watts told him.

He also clarified his earlier report, regarding the incident, in which he said that the driver, Mr. Russ, had been shot as officers pulled him out the passenger door. Officer Renner said he meant that as officers pulled Mr. Russ out of the car, Officer Watts was calling "shots fired" and for an ambulance, and that was when he learned that Mr. Russ had been shot. He said he also helped carry Mr. Russ out of the car. He related that Officer Banaszkiwicz and Inv. Helson later told him that they had a clear view through the passenger doorway of Mr. Russ grabbing Officer Watts' gun.

**INVESTIGATION: (continued)**

Officer Renner stated that, prior to the Roundtable, he did not discuss with Officer Watts what he would report about the shooting incident, and he denied the allegation attributed to him.

Regarding his training for getting a person out of a car when he refused to open the door, Officer Renner said he was trained to use any method, depending on the urgency. He also said that he was not trained to call for a supervisor before forcibly entering a vehicle. As to whether he felt any sense of urgency to get Mr. Russ out of the car, Officer Renner said "we" were tying up an interstate expressway, and the longer that Mr. Russ was in the car, the longer he had to think about escape. He said Mr. Russ could have backed up and crashed his car. Officer Renner also stated that he thought Mr. Russ, because of his behavior, had been "driving under the influence."

Regarding when the ambulance arrived on the scene, Officer Renner estimated that it took about 15 minutes because it "couldn't find it. They couldn't get to it." [Att.#79]

As to the allegations attributed to him regarding the pursuit, Officer Renner, as did Officer Watts, related in a statement that he was authorized to join in the pursuit because another officer [Banaszkiewicz] was calling for assistance. He said he did not hear a supervisor authorize his joining the pursuit.

Officer Renner also said that if his passing of the other cars in the pursuit [including Mr. Russ] meant "overtaking," then he overtook Mr. Russ' car in the pursuit. However, he denied boxing in Mr. Russ' car, which he understood to mean surrounding a vehicle with other vehicles and then coming to a stop.

Regarding the allegation that he did not file a Traffic Pursuit Report, Officer Renner said that the report was filed by his supervisor, Sgt. Ciaglia, after an interview with him at the scene. He acknowledged that his name was not on the Traffic Pursuit Report that carried the names of Officers Banaszkiewicz and Watts. He said he did not know why he was not included in the report as a pursuit car.

Officer Renner stated that Mr. Russ' car did not strike his squad car during the incident, and no squad car struck his. He said his car was not damaged in the pursuit. [Att. #212]

**Officer Philip Banaszkiewicz**, in a statement, also provided essentially the same account he provided at the Roundtable and to command personnel and detectives. In addition, he said his date of appointment was 03 Oct 94 and he had been with Traffic Enforcement about three months. He described himself as male white, 6 feet 1 inch, 205 pounds, with brown hair and blue eyes.

**INVESTIGATION: (continued)**

Officer Banaszekiewicz also related that when he approached Mr. Russ' car on Lake Shore Drive, the car's windows were up and he did not hear him say anything. He said he did not observe anything inside the car because of the window tint.

Officer Banaszekiewicz also stated that after the chase ended, he was not injured when Mr. Russ drove his car into his squad car. Officer Banaszekiewicz said he then exited his squad car with his gun drawn and eventually went to the passenger side of Mr. Russ' car. While he was near Mr. Russ' car, he said he observed Mr. Russ, and he was staring straight ahead and not moving. He said apart from the artificial light on the scene, he believed that his squad car spotlight partially illuminated Mr. Russ' car.

Officer Banaszekiewicz stated that he observed Inv. Helson open the passenger-side door, and after he looked into the car, Officer Banaszekiewicz said that Mr. Russ' hands were at that time hidden between his legs. He was not wearing his seatbelt. In addition, Officer Banaszekiewicz related that he saw Mr. Russ make a sudden movement over his left shoulder, then make a jerking motion, and then he heard the gunshot, but saw no flash. He related that Mr. Russ' head hid the position of Officer Watts' gun from his view at the time. As to whether a siren was on at the time of the gunshot, he said he believed his car's siren was activated. He also said he did not know where Officer Renner was when the gun discharged.

Regarding when the window was broken, Officer Banaszekiewicz said he believed it occurred before the passenger door was opened. He said about one minute elapsed between the window being broken and the shot being fired. However, he also said that he was not sure how he became aware that the window had been broken.

Officer Banaszekiewicz stated that after he heard Officer Watts call for an ambulance, he and Inv. Helson prodded Mr. Russ and got no response, after which they reached in and removed him from the vehicle. He said that he handcuffed Mr. Russ based on his training. In addition, he said that he believed that Officer Renner eventually unlocked Mr. Russ' driver's door, opened it and rolled down its window.

Officer Banaszekiewicz said that Officer Watts later told him that Mr. Russ had grabbed the gun. In addition, Officer Banaszekiewicz said that the message he received from a dispatcher following the incident was to call Officer Watts, which he did on a cell phone. He said that Officer Watts was being treated at the hospital at the time, and Officer Watts asked him to secure his property from his squad car. He said Officer Watts did not discuss the circumstances of the shooting.

**INVESTIGATION: (continued)**

Regarding Mr. Russ' car trunk lid, Officer Banaszkiwicz said he thought it came open as a result of the impacts with the squad cars.

In addition, Officer Banaszkiwicz related that he did not recall receiving training in how to deal with a person refusing to exit his car. He said he considered Mr. Russ an "assailant" because of his previous actions and that it was urgent that he be removed from the car, even after the passenger door was opened. He said he believed that the car's engine was still running at that time. [Att. #82]

When asked to respond to the allegations regarding the pursuit, Officer Banaszkiwicz said in a statement that when he initiated the pursuit, he told the dispatcher that the traffic violator [Mr. Russ] had not stopped and that he was fleeing and eluding. He stated that he did not recall citing specific violations or statutes and did not believe that the General Order required him to list specific violations.

Officer Banaszkiwicz related that he also told the dispatcher about traffic conditions and speed of the pursuit, which he considered "relevant conditions." He said he did not believe he told the dispatcher about Mr. Russ' heavily tinted windows because that was not a hazardous moving violation. Upon inquiry, Officer Banaszkiwicz said that after the pursuit was initiated, he considered the tinted windows a "relevant condition" because of Mr. Russ' erratic and aggressive behavior.

In addition, Officer Banaszkiwicz denied that he or anyone else boxed in Mr. Russ' car during the pursuit. He also said he reported the incident as it actually occurred. [Att. #206]

**In his witness statement, Sgt. Ciaglia**, who was a Traffic Enforcement supervisor, said that at the time of the incident, he was in uniform and in an unmarked car. He said he monitored the pursuit of Mr. Russ' car, but did not observe any part of the pursuit. He said that by the time he arrived on the scene, the shooting had occurred. He said an ambulance was on the scene, as well as State Police cars. Sgt. Ciaglia also related that he observed Officer Watts being treated at the back of the ambulance, and he observed the body of Mr. Russ under a sheet, about one or two feet from his car on the passenger side. He said the lighting on the scene was not bright.

Sgt. Ciaglia stated that when he asked Officer Watts what had occurred, Officer Watts told him that he had already contacted the F.O.P. and that he was not going to talk with anyone then. The sergeant said he did not ask him further questions, although Officer Watts did tell him that he had cut his hands on glass of a window of Mr. Russ' car. Sgt. Ciaglia related that he was later informed by Officers Banaszkiwicz and Renner that Mr. Russ had grabbed Officer Watts' gun, and it discharged.

**INVESTIGATION: (continued)**

Sgt. Ciaglia said that he asked Officer Watts for his weapon, which was holstered, and the officer gave it to him. Sgt. Ciaglia stated that he observed that the magazine was still in the gun, and because he had heard that Mr. Russ had grabbed the gun, he handled it by the grips. He said he asked for and got a plastic bag from the paramedics and placed the gun in the bag.

He continued that after Lt. Zaborac from the 021<sup>st</sup> District arrived, and at his instruction, he [Sgt. Ciaglia] ejected the magazine and they counted 14 live rounds in it. Sgt. Ciaglia said he then pulled back the slide, and an empty cartridge that was still in the chamber fell out. He said the weapon and the other evidence were inventoried, and upon inquiry, he related that he did not see any obvious blood on the gun.

Regarding Mr. Russ' car, Sgt. Ciaglia said that he observed that the driver's door was open, but he did not recall if the window of the door was open. He did not recall if the car's trunk lid was open.

In addition, Sgt. Ciaglia said that when he arrived on the scene, Officer Virgil Perisee was also there, and he told the sergeant that he had come by to see if anyone needed help. He did not discuss the shooting.

Upon inquiry, Sgt. Ciaglia stated that he knew of no officer who went to the hospital to see Officer Watts while he was being treated.

In answer to another question, he said that the proper procedure for an officer to follow when dealing with a driver who refused to exit his car depended on the situation. He said he was not aware of any requirement that an officer, faced with that situation, is supposed to call for a supervisor. He also said he had no answer to the question of whether force should be used to take a person out of their vehicle when he or she refuses to exit. [Att. #85]

**In his statement, witness Officer Perisee**, who was Beat 3201, related that he was male African-American, 5 feet 11 ½ inches tall, 225 pounds, with a medium complexion, black hair and brown eyes. His date of appointment was 26 Aug 66. He said that at the time of the incident, he was working in uniform, in a marked car, without a partner. He also stated that he overheard the pursuit of Mr. Russ' car and after he heard the call of "shots fired," he responded as an assist unit to the scene. He said ten to fifteen State and Chicago police cars were on the scene.

In addition, Officer Perisee said that at the scene, he spoke with Officers Watts, Renner and Banaszkievicz, asking if they were okay, and he noticed that Officer Watts' hand was injured. Paramedics then began treating him. Officer Renner told him only that Officer Watts had fired his weapon, and Officer Banaszkievicz told him nothing about the incident. However,

**INVESTIGATION: (continued)**

Officer Perisee said he overheard State Police, other officers and a detective talking on the scene and heard from them that the offender, Mr. Russ, had grabbed Officer Watts' gun during the incident.

Regarding the taped Communications radio transmission in which Beat 3201 [Officer Perisee] said that F.O.P. lawyers had been notified, Officer Perisee stated that he believed he was the person who notified those lawyers, and upon inquiry, he said he told them a shooting involving a police officer had occurred. As to the taped transmission quoting him as saying, "3204 [Officer Watts] shot the offender," Officer Perisee said he heard that information from supervisors on the scene, and he related it to the dispatcher. He also said he did not talk with a man fitting Inv. Helson's description.

Upon inquiry, Officer Perisee said that he did not recall what he was taught at the Police Academy as to how to deal with a person who refused to get out of his car. [Att. #178]

The Communications Event Query regarding the incident indicated that Beats 4112 and 4116, Canine Units, were on the scene of the incident at approximately 0129 hours. The Attendance and Assignment records indicated that Beat 4112 was Officer Wayne Carlson, #6464, and Beat 4116 was Officer Joseph Ozga, #16487. They were considered witness officers.

**In his statement, Officer Carlson** said his date of appointment was 01 Nov 77. He also related that he did not observe any part of the pursuit of Mr. Russ' car, but monitored it on the radio. He said that when he arrived on the scene, he saw several squad cars and three male uniformed Chicago police officers, whose names he did not know. Officer Carlson said he asked one, a male black officer, who was holding his hand, if he needed medical attention. He said he did not talk with the other two officers, who were white. In addition, Officer Carlson related that he asked Inv. Helson who he was because he was in civilian clothes. He continued that Inv. Helson told him, not verbatim, that he saw the male black officer struggling with Mr. Russ inside Mr. Russ' vehicle, and he saw Mr. Russ "grab for" the officer's weapon. However, Officer Carlson also said that Inv. Helson did not say that the officer's weapon discharged.

Officer Carlson stated that when he observed Mr. Russ lying on the ground near his car, he did not see any signs of life on him. He said he did not examine Mr. Russ' body, and he added that paramedics arrived shortly after he did and apparently checked his vital signs. He also did not recall details about Mr. Russ' car. Officer Carlson related that, while he and Officer Ozga were on the scene, they were available for traffic control or other duties. [Att. #188]

**INVESTIGATION: (continued)**

**Officer Ozga**, in his witness statement, related essentially the same account as Officer Carlson. Officer Ozga's date of appointment was 26 Apr 76. In addition, Officer Ozga said that while on the scene, he did not talk with Officers Watts, Banaszkievich or Renner, but he did talk with Inv. Helson, who told him only that he witnessed the chase and followed the police vehicles. He said that Inv. Helson did not provide him a description of the shooting. [Att. #187]

## CONCLUSION:

This investigation found that the shooting of Mr. Russ was **ACCIDENTAL** in that the preponderance of the evidence indicated that Mr. Russ grabbed **Officer Watts'** weapon, and in the ensuing reported struggle, the gun discharged. **Officer Watts** said he did not intentionally shoot Mr. Russ, and no physical evidence or credible witness account contradicted that assertion.

The investigation also found that the involved officers' accounts of the incident were generally consistent with each other and with the physical evidence. However, the accuracy of the accounts of the five civilian witnesses was suspect.

Regarding Mr. [REDACTED] account, his description of what occurred on Lake Shore Drive when Mr. Russ was stopped by **Officer Banaszkievicz** was plausible, but parts of his description of what occurred on the scene of the shooting were not. On his map of the expressway scene, Mr. [REDACTED] drew Mr. Russ' car as pointing southeasterly, while other witness accounts and the E.T. photos placed Mr. Russ' car as pointing northeasterly. The difference was important because it altered the possible vantage point from where Mr. [REDACTED] viewed the incident.

In addition, Mr. [REDACTED] described the officer whose weapon fired as being white, rather than black, a significant discrepancy. He also stated that the officer on Mr. Russ' driver's side used his pistol to break the car window and did not go to a squad car prior to breaking the window. Although a small fragment of glass was recovered from **Officer Watts'** handgun, small fragments were also recovered from the tire iron, lending credibility to **Officer Watts'** account, which was supported by other officers.

As to the account from the witness, [REDACTED] his credibility was suspect because he would not identify himself. He also recalled that he did not see a struggle for the gun before the gunshot, and he said he saw a blue flash when he heard the gunshot. In addition, he said he was about 150 yards away from the incident when he viewed it.

Regarding the accounts from Ms. [REDACTED] Ms. [REDACTED] and Mr. [REDACTED] it appeared that they might have observed the aftermath of the incident, given how many squad cars they described as being on the scene and that someone they thought was Mr. Russ was standing at the hood of Mr. Russ' car. No other witness said that Mr. Russ had been outside his car before the shooting.



**CONCLUSION: (continued)**

As to the allegations against **Officer Watts**, it is recommended that **Allegation #1**, that he took part in the pursuit of Robert Russ' car without being authorized to do so, be classified as Unfounded. The Traffic Pursuit Report indicated that **Officer Watts** was the operator of the authorized "secondary unit" in the pursuit.

As to **Allegation #2** against **Officer Watts**, that he did not maintain a safe distance behind the primary pursuit unit, it is recommended that it be classified as Sustained. **Officer Watts** acknowledged that his car was ahead of **Officer Banaszkiwicz**' car when Mr. Russ' car struck **Officer Watts**' car.

As to **Allegation #3** against **Officer Watts**, that he attempted to block Mr. Russ' car, it is recommended that it be classified as Not Sustained because of conflicting accounts. **Officer Watts** denied that he attempted to block Mr. Russ' car, but **Officer Banaszkiwicz** was reported to have stated at the Roundtable that he made such an attempt. **Officer Banaszkiwicz** later said that **Officer Watts** did not try to block Mr. Russ.

It is recommended that **Allegation #4** against **Officer Watts**, that he boxed in Mr. Russ' car, be classified as Sustained. During the pursuit, **Officer Watts**' car was on the right side of Mr. Russ' car and close enough that Mr. Russ was able to use his car to strike **Officer Watts**' car. **Officer Watts** was supposed to be situated behind **Officer Banaszkiwicz**, as was **Officer Renner**. The positions of **Officers Watts**' and Renner's cars indicated that those two officers were attempting to box in Mr. Russ' car, making use of **Officer Banaszkiwicz**' car's position behind Mr. Russ.

Regarding **Allegation #5** against **Officer Watts**, that he rammed his car into Mr. Russ' car, it is recommended that it be classified as Unfounded. At the Roundtable, Sheriff's Inv. Helson said that after Mr. Russ' car struck **Officer Watts**' car, **Officer Watts**' car struck Mr. Russ' car, which caused it [Mr. Russ' car] to spin out of control. In contrast to that account, **Officer Watts** said his car hit Mr. Russ' car after Mr. Russ' car had stopped and while he [**Officer Watts**] was trying to regain control of it. Regardless as to when the contact was made, no evidence indicated that **Officer Watts** purposely rammed his car into Mr. Russ' car.

It is recommended that **Allegation #6**, that **Officer Watts** unnecessarily broke out the window of Mr. Russ' car, be classified as Unfounded. This investigation indicated that **Officer Watts** was justified in approaching Mr. Russ' car and displaying his weapon, based on the accounts of Mr. Russ' behavior during the chase. Mr. Russ fled and eluded three marked squad cars, struck **Officer Watts**' car three times and drove his car into **Officer Banaszkiwicz**'s car. After actively fleeing the police, Mr. Russ refused to respond to the officers' orders to get out of the car or show his hands. Instead, Mr. Russ remained in the car.

**CONCLUSION: (continued)**

Mr. Russ' behavior during the chase was erratic and aggressive. The windows of his auto were heavily tinted, limiting visibility into the car. Consequently, **Officer Watts'** fearfulness for his safety when he approached the car was justified. Moreover, **Officer Watts** stated that he tried to open both driver's side doors, but was unable to do so. Under the unusual circumstances, it was reasonable for **Officer Watts** to break the window.

Regarding **Allegation #7** that **Officer Watts** was negligent in the display of his pistol, it is recommended that this allegation be classified as Unfounded. Mr. Russ' behavior, as noted above, justified Officer Watts' displaying his weapon.

Regarding **Allegation #8** that **Officer Watts**, was careless in the handling of his pistol, it is recommended this allegation be classified as Sustained. It is undisputed that **Officer Watts'** weapon was within close proximity to Mr. Russ, which allowed Mr. Russ to grab the gun.

**Officer Watts** stated that he considered Mr. Russ an "assailant" and that he was concerned about his [**Officer Watts'**] safety and that of his fellow officers. He also stated that after he broke the window, he could not see Mr. Russ' hands and did not know if he had a weapon in his hands. [**Officer Banaszkiwicz** and Inv. Helson, who were on the passenger side of the car looking through the open doorway, also said that Mr. Russ' hands were not in view.] Mr. Russ continuously ignored the commands from **Officer Watts** and the other officers to show his hands and get out of the car, even after the window was broken. **Officer Watts** stated that the motionless silhouette of Mr. Russ suggested to him that Mr. Russ could have been planning an "attack" or that he was on narcotics, and he said he did not know whether Mr. Russ would try to move his car again [having just struck **Officer Banaszkiwicz'** car].

Faced with such a seemingly unstable and potentially dangerous offender, it behooved **Officer Watts** to exercise caution and keep his weapon a safe distance away from Mr. Russ.

Although **Officer Watts** approached Mr. Russ from behind and that, to his recollection, he did not place his weapon into the car before Mr. Russ grabbed it, **Officer Watts** unnecessarily placed his weapon within the reach of someone he considered dangerous. The gun placement was unnecessary because, despite **Officer Watts'** assertion that the situation was "urgent," there was enough time for him to get the tire iron and for the other officers to open the passenger side door and observe Mr. Russ inside the car. In addition, even though **Officer Watts** said he did not recall where the other officers on the scene were when he approached Mr. Russ' car, he was aware that he was not the only officer on the scene. His safety was not in immediate jeopardy, given that he acknowledged holstering his weapon when he wielded the tire iron to break the window. His placing his weapon just outside or just inside the car endangered himself, his fellow officers and Mr. Russ.

**CONCLUSION: (continued)**

Although it was not possible to definitely determine if **Officer Watts** placed his gun inside the car, it was significant that while **Officer Watts'** hands had glass from the broken window imbedded in them, Mr. Russ' hands did not. As the Evidence Technician photos indicated, after the window was broken, most of the remainder of the window was toward the front of the car, where Mr. Russ was sitting. That indicated that if Mr. Russ had indeed turned around and stretched his hands outside the broken window and pulled **Officer Watts** inside [as **Officer Watts** asserted], it could be expected that Mr. Russ would have had glass in his hands, as **Officer Watts** did. The lack of glass in Mr. Russ' hands is an indication that **Officer Watts** stuck the gun into the car, close to Mr. Russ' left shoulder, which made it possible for him to grab it.

However, **Officer Watts'** positioning of his pistol did not cause the fatal shooting of Mr. Russ. Rather, Mr. Russ' overt act of grabbing the gun and the reported brief struggle that followed caused the fatal shooting.

In general, **Officer Watts'** account of the struggle for the gun was supported by the accounts of the other officers on the scene. Although no usable fingerprints were found on the gun, the physical evidence, including the hand injuries to Mr. Russ, the GSR test results and the cartridge case being lodged in the gun, indicated that Mr. Russ was grabbing the gun when it discharged.

The preponderance of the evidence, including the physical evidence and the available witness accounts, indicated that **Officer Watts** fired the gun accidentally during his lawful attempt to avoid being disarmed by an offender who had used his car as a weapon, who had not complied with lawful orders to show his hands and get out of his car and who had grabbed a police officer's gun.

As to **Allegation #9** against **Officer Watts**, that he did not have his pistol fully loaded, it is recommended that it be classified as Sustained. The applicable General Order [92-3-1] requires that an officer's semi-automatic pistol be fully loaded and carried with a cartridge in the firing chamber. **Officer Watts** acknowledged that he did not carry his magazine fully loaded after a round was chambered.

Regarding **Allegation #10** against **Officer Watts**, that he did not report the incident as it actually occurred, it is recommended that it be classified as Unfounded. No substantive evidence or reliable witness account contradicted **Officer Watts'** account.

**CONCLUSION: (continued)**

As to the allegations against **Officer Renner**, it is recommended that **Allegation #1**, that he took part in the pursuit of Mr. Russ' car without being authorized to do so, be classified as Sustained. The General Order regarding pursuits restricts pursuits to no more than a primary and a secondary unit "unless otherwise directed by a supervisor." **Officer Renner** stated that he did not hear a supervisor authorize his joining the pursuit. The Traffic Pursuit Report did not indicate that **Officer Renner** was authorized to be involved in the pursuit.

Regarding **Allegation #2** against **Officer Renner**, that he overtook Mr. Russ' car during the pursuit, it is recommended that it be classified as Sustained because **Officer Renner** admitted passing Mr. Russ' car during the pursuit.

It is recommended that **Allegation #3** against **Officer Renner**, that he boxed in Mr. Russ' car during the pursuit, be classified as Sustained for the same reason stated in the above discussion of **Officer Watts'** allegations. **Officers Watts and Renner** engaged in boxing in by positioning their cars to the side [Watts] and ahead [Renner] of Mr. Russ.

As to **Allegation #4** against **Officer Renner**, that he did not complete a Traffic Pursuit Report, it is recommended that it be classified as Sustained. The General Order requires that an officer involved in a pursuit submit the report before his tour of duty is completed. The submitted report contained the names and signatures only of **Officers Watts and Banaszkiwicz**.

Regarding **Allegation #5** against **Officer Renner**, that he did not file a Department Vehicle Traffic Crash or Damage Report regarding his squad car having been struck by Mr. Russ' car, it is recommended that it be classified as Unfounded because no evidence existed that his car was struck during the pursuit. **Officer Banaszkiwicz** said that his report to the OEC dispatcher that **Officer Renner's** car had been hit was mistaken.

It is recommended that **Allegation #6** against **Officer Renner**, that he did not report the incident as it actually occurred, be classified as Unfounded because his account was not contradicted by available credible accounts or evidence.

As to the allegations against **Officer Banaszkiwicz**, it is recommended that **Allegation #1**, that he did not give the Office of Emergency Communications dispatcher the specific reason for the pursuit including known laws violated, be classified as Unfounded. The O.E.C. tape indicated that he told the dispatcher that Mr. Russ would not stop his car, which was a violation of the law.

**CONCLUSION: (continued)**

It is recommended that **Allegation #2** against **Officer Banaszkiewicz**, that he did not provide the dispatcher with any other relevant conditions, be classified as Sustained because he did not inform the dispatcher that Mr. Russ' car had tinted windows, which prevented him from seeing into the car and learning how many people were inside, which was important for the safety of the officers.

It is recommended that **Allegation #3** against **Officer Banaszkiewicz**, that he boxed in Mr. Russ' car during the pursuit, be classified as Unfounded because **Officer Banaszkiewicz**, as the primary pursuit unit, stayed behind Mr. Russ' car, as required by the General Order. No evidence was found that **Officer Banaszkiewicz** communicated with the other officers to join in their boxing in of Mr. Russ.

As to **Allegation #4** against **Officer Banaszkiewicz**, that he did not report the incident as it actually occurred, it is recommended that it be classified as Unfounded because his account was not contradicted by the available evidence and accounts.

**FINDINGS:**

Accused #1	<b>POLICE OFFICER VAN B. WATTS IV, STAR #11999, UNIT 151.</b>
Allegation #1	<b>UNFOUNDED</b>
Allegation #2	<b>SUSTAINED</b> - Violation of Rule 6, "Disobedience of an order or directive, whether written or oral," in that on 05 June 99, at approximately 0107 hours, during the pursuit of Robert Russ' car in the vicinity of southbound I-90/94, near I-55, Officer Van Watts, Star #11999, did not maintain a safe distance behind the primary pursuit unit, thereby violating a provision of General Order 97-3, Addendum 2, Section III, Paragraph B (1), regarding motor vehicle pursuits.
Allegation #3	<b>NOT SUSTAINED</b>
Allegation #4	<b>SUSTAINED</b> - Violation of Rule 6, "Disobedience of an order or directive, whether written or oral," in that on 05 June 99, at approximately 0107 hours, during the pursuit of Robert Russ' car in the vicinity of southbound I-90/94, near I-55, Officer Van Watts, Star #11999, boxed in Mr. Russ' car, thereby violating a provision of General Order 97-3, Addendum 2, Section III, Paragraph D (2) (b), regarding motor vehicle pursuits.
Allegation #5	<b>UNFOUNDED</b>
Allegation #6	<b>UNFOUNDED</b>
Allegation #7	<b>UNFOUNDED</b>
Allegation #8	<b>SUSTAINED</b> - Violation of Rule 38, "Unlawful or unnecessary use or display of a weapon," in that on 05 June 99, at approximately 0107 hours, in the vicinity of 2836 South on I-90/94, Officer Van Watts, Star #11999, unnecessarily placed his weapon within reach of an offender, Mr. Russ.

**FINDINGS: (continued)**

Accused #1

**POLICE OFFICER VAN B. WATTS IV, STAR #11999, UNIT 151: (continued)**

Allegation #9

**SUSTAINED** - Violation of Rule 6, "Disobedience of an order or directive, whether written or oral," in that on 05 June 99, at approximately 0107 hours, in the vicinity of 2836 South on I-90/94, Officer Van Watts, Star #11999, did not have his pistol fully loaded, thereby violating provisions of General Order 92-3, Addendum 1, Section IV, Paragraph B (4), regarding the loading of semi-automatic pistols.

Allegation #10

**UNFOUNDED**

**FINDINGS: (continued)**

Accused #2

**POLICE OFFICER GEORGE RENNER, STAR #13349,  
UNIT 151**

Allegation #1

**SUSTAINED** - Violation of Rule 6, "Disobedience of an order or directive, whether written or oral," in that on 05 June 99, at approximately 0107 hours, in the vicinity of Lake Shore Drive and Roosevelt Road, Officer George Renner, #13349, took part in the pursuit of Robert Russ' car without being authorized to do so, thereby violating provisions of General Order 97-3, Addendum 2, Section III, regarding motor vehicle pursuits.

Allegation #2

**SUSTAINED** - Violation of Rule 6, "Disobedience of an order or directive, whether written or oral," in that on 05 June 99, at approximately 0107 hours, in the vicinity of I-55, northeast of the entrance to I-90/94 southbound, during the pursuit of Mr. Russ' car, Officer George Renner, #13349, overtook Mr. Russ' car, thereby violating a provision of General Order 97-3, Addendum 2, Section III, Paragraph D (2) (d), regarding motor vehicle pursuits.

Allegation #3

**SUSTAINED** - Violation of Rule 6, "Disobedience of an order or directive, whether written or oral," in that on 05 June 99, at approximately 0107 hours, on I-90/94, south of I-55, during the pursuit of Mr. Russ, Officer George Renner, #13349, boxed in Mr. Russ' car, thereby violating a provision of General Order 97-3, Addendum 2, Section III, Paragraph D (2) (b), regarding motor vehicle pursuits.

Allegation #4

**SUSTAINED** - Violation of Rule 6, "Disobedience of an order or directive, whether written or oral," in that on 05 June 99, at approximately 0107 hours, following the pursuit of Mr. Russ' car, Officer George Renner, #13349, did not complete a Traffic Pursuit Report, thereby violating a provision of General Order 97-3, Addendum 2, Section III, Paragraph A (5), regarding motor vehicle pursuits.

Allegation #5

**UNFOUNDED**

Allegation #6

**UNFOUNDED**



**FINDINGS: (continued)**

Accused #3                      **OFFICER PHILIP BANASZKIEWICZ, STAR #18562, UNIT 151**

Allegation #1                      **UNFOUNDED**

Allegation #2                      **SUSTAINED** - Violation of Rule 6, "Disobedience of an order or directive, whether written or oral," in that on 05 June 99, at approximately 0107 hours, in the vicinity of Lake Shore Drive and Balbo, after initiating the pursuit of Robert Russ, Officer Philip Banaszkiwicz, #18562, did not provide the Office of Emergency Communications dispatcher with "any other relevant conditions," thereby violating a provision of General Order 97-3, Addendum 2, Section III, Paragraph A (2) (f), regarding motor vehicle pursuits.


Allegation #3                      **UNFOUNDED**

Allegation #4                      **UNFOUNDED**

DATE INITIATED: 15 June 1999

DATE COMPLETED: 30 July 1999

TOTAL ELAPSED TIME: 45 Days

  
Investigator James Lukas #231

APPROVED:   


O.P.S. Supervisor Joseph Fakuade #111

/llb