

Officer-Involved Shooting-February 3, 2019
3508 Winhaven Drive, Waukegan, Illinois
Waukegan Police Department

On February 3, 2019, at approximately 2:46 p.m., an officer with the Waukegan Police Department was involved in a shooting within the town of Waukegan, Illinois.

After the incident, the Waukegan Chief of Police made a request for the Illinois State Police (ISP) to assume this investigation. The ISP deployed a team of investigators to undertake that responsibility.

The ISP then performed the following tasks:

- Interviewed all witnesses to determine what occurred prior to, during, and after the shooting.
- Photographed the scene
- Recovered all physical evidence
- Recovered all officer body camera videos
- Recovered all independent videos of the incident
- Reviewed the autopsy report and findings
- Reviewed the toxicology report and findings

The Lake County State's Attorney's Office has reviewed all of this information and the applicable laws regarding a police officer's use of deadly force. This informational release will outline the evidence in this case so that our Lake County Community is fully apprised of what occurred in the afternoon hours of February 3, 2019.

Statement of Officer Rolando Villafuerte

Officer Villafuerte is a Waukegan Police Officer. He has been with the department for 20 years. He is currently assigned to the Criminal Registration Unit.

On February 3, 2019, Officer Villafuerte worked the 6:00 a.m. to 6:00 p.m. shift. He wore a standard Waukegan Police Department patrol uniform comprised of a navy-blue long-sleeved shirt, navy-blue pants, boots, a standard duty belt containing a Springfield XDM 9mm pistol, and a navy-blue outer ballistic vest worn over his uniform shirt. The shirt had police patches on both shoulders. The outer vest was marked with his name and a police badge embroidered on the front. Officer Villafuerte's uniform also contained a body-worn camera and a police radio.

Officer Villafuerte was driving Waukegan Police Department squad #439. That vehicle, a marked Ford Explorer Sport utility vehicle, had police-identifying markings visible from all sides of the vehicle. The vehicle also contained an external emergency light bar. Officer Villafuerte stated that the emergency lights and siren were operable during his shift.

On February 3, 2019 at approximately 2:33 p.m., Officer Villafuerte was on duty in his squad on the northwest side of Waukegan. Dispatch contacted him and assigned him to respond to an “unknown problem” at 3508 Winhaven Drive. Officer Villafuerte stated that “unknown problem” often includes fights and domestic disputes. As Officer Villafuerte was enroute to this call, he received additional information that a couple of people had attacked a family member, that the person reporting this information was still in the home, and that the people responsible for the attack were now outside.

As Officer Villafuerte was proceeding to the location, a second officer (Officer Baysinger) was assigned to respond as well. Due to Officer Baysinger’s location (Grand Avenue at Sheridan Road), it was going to take a longer period of time for him to arrive at the Winhaven location. Officer Villafuerte proceeded to the call slowly and without activating his emergency lights or siren. Officer Villafuerte wanted to time his arrival with that of Officer Baysinger.

Officer Villafuerte received additional information that this call involved numerous subjects fighting and that there may be 5-7 people at the residence. Due to this dispatch, Officer Villafuerte requested a third officer to be assigned to the call.

Officer Villafuerte checked his global positioning system (GPS) to determine Officer Baysinger’s location. Based upon the nature of the call, the number of people present, and the fact that physical violence had been reported, Officer Villafuerte wanted to ensure that a sufficient number of officers were present to ensure community safety. Officer Villafuerte also noted that a homicide had occurred earlier that same day and wondered if this incident could be a rejoinder or follow-up to that case.

Officer Villafuerte arrived in the area of Edgewood Road and Winhaven Drive and waited for Officer Baysinger to arrive to the vicinity. Officer Villafuerte received another update over the radio that an offender was trying to leave the area in a grey Honda automobile. When Officer Baysinger arrived in the area, Officer Villafuerte proceeded to 3508 Winhaven Drive.

As Officer Villafuerte arrived from the south, Officer Baysinger arrived from the north of the residence.

Officer Villafuerte observed people pointing at a grey Honda backing out of the driveway and onto the street. The Honda was facing a southerly direction. Officer Villafuerte was planning on letting the Honda leave and following up with those individuals at a later time. At that point, Officer Villafuerte did not know what had occurred or if there was probable cause to arrest anyone.

Officer Villafuerte’s squad was facing in a northerly direction. He parked his squad at an angle 1-1 ½ car lengths from the Honda. The Honda was stopped at this point.

Officer Villafuerte got out of his squad and activated his body-worn camera. Officer Villafuerte saw a male/Hispanic (who had gotten out of another car) point at the Honda and say "That's him! Right there!"

Since the Honda was stationary and the engine was not running, he approached the car. There were two people in the car. The driver was later identified as Asuncion J. Gomez-Guerrero. The front seat passenger was later identified as Paige McEwan.

Officer Villafuerte walked towards the Honda with the intention of walking to the driver's side window. As Officer Villafuerte was walking towards the hood, Mr. Gomez-Guerrero started the engine. Mr. Gomez-Guerrero was moving his arms a lot as he sat in the driver's seat.

Mr. Gomez-Guerrero put the car in reverse and backed up. Officer Villafuerte said "No! No! Hey! Hey! Turn it off! Turn it off!" Mr. Gomez-Guerrero then put the car in "Drive" and turned the wheels of the car directly towards Officer Villafuerte. Officer Villafuerte then said "Don't!" Mr. Gomez-Guerrero then began to accelerate towards Officer Villafuerte. Officer Villafuerte's left leg was struck by the front center area of the front bumper. Officer Villafuerte's hand was on the front center of the hood and he had to run and hop backwards in order to avoid being run over by the automobile. At this point, Officer Villafuerte believed that Mr. Gomez-Guerrero was either going to run him over or, at an accelerating speed, pin Officer Villafuerte between Mr. Gomez-Guerrero's car and Officer Villafuerte's police squad. Believing that he was in imminent danger of death or great bodily harm, Officer Villafuerte pulled out his service weapon. Officer Villafuerte fired three shots through the driver's side windshield. Officer Villafuerte then quickly moved to the driver's side of the car as the car continued to accelerate. As the car passed Officer Villafuerte, the brake lights went on momentarily, and then the car sped southbound on Winhaven Drive. The car continued to drive another block and then struck a telephone pole before coming to a complete stop. The automobile's engine was turned off to avoid any fire hazard. Emergency medical personnel were immediately contacted. Upon arrival, aid was rendered to Mr. Gomez-Guerrero and his uninjured companion Ms. McEwan.

Officer Villafuerte stated that he fired a total of three shots. Once Officer Villafuerte was out of the path of Mr. Gomez-Guerrero's car, he fired no additional rounds because the threat had ceased.

Officer Villafuerte stated that he did not know either individual in the Honda and did not believe he had had any prior contact with either of them.

Officer Villafuerte received some injuries as a result of this incident including injuries to his left knee, his left elbow, and his left shoulder.

Statement of Officer Joseph Baysinger

Officer Baysinger is a 20-year police officer with the Waukegan Police Department. He is assigned to the Northern Illinois Police Alarm System as an Emergency Response Team Member.

On February 3, 2019, Officer Baysinger worked the 6:00 a.m. to 6:00 p.m. shift. He wore the standard Waukegan Police Department patrol uniform that included an embroidered police badge, his name, the word "Police" on the back, and Waukegan Police patches on both shoulders. He carried a standard duty belt and he wore a body camera in the center of his outer vest carrier.

Officer Baysinger was driving a black Waukegan Police Ford Explorer (unit #435) equipped with a push bumper.

On February 3, 2019, at approximately 2:33 p.m., Officer Baysinger was assigned as a cover unit to an "unknown problem" call to 3508 Winhaven Drive. As he proceeded to the scene, dispatch indicated that the call involved a fight. As Officer Baysinger was getting to the area, he looked at his patrol map and saw that Officer Villafuerte was staged south of the residence. Officer Baysinger approached the residence from the north. Some occupants of a van waved at Officer Baysinger and led him to 3508 Winhaven Drive. As Officer Baysinger got out of his squad, he began to walk towards the residence. A group of people in front of 3508 Winhaven Drive pointed towards a silver Honda.

Officer Baysinger saw that Officer Villafuerte was walking towards the silver car. Officer Baysinger heard the Honda engine start. The engine sounded louder than a normal idle. Officer Villafuerte was positioned towards the center of the Honda. Officer Villafuerte ordered the driver to "turn the car off!" Don't do it!" in a loud and firm voice. Officer Villafuerte was in his patrol uniform and his gun was holstered.

The driver of the Honda drove directly at Officer Villafuerte. The car struck Officer Villafuerte. Officer Villafuerte's left hand was on the hood of the car and he was moving backwards. Multiple gun shots were then fired by Officer Villafuerte. Officer Villafuerte continued to move backwards and to his right to avoid being either run over by the Honda or being pinned between the Honda and Officer Villafuerte's squad. Officer Baysinger stated that he feared that Officer Villafuerte was going to get run over and feared for Officer Villafuerte's life.

The Honda continued to drive southbound on Winhaven Drive. Officer Villafuerte radioed that shots were fired. Officer Baysinger got into his squad to follow the Honda. Approximately 1-2 blocks south, Officer Baysinger saw that the Honda had struck a pole. The car was stopped. The female passenger had gotten out of the car. The driver remained in the driver's seat.

The engine was revving at full throttle. Officer Baysinger placed the car in park and turned off the ignition. An immediate request was made for emergency medical personnel.

Waukegan Fire and Rescue arrived and immediately tended to the driver of the car.

Statement of Paige McEwan

Paige McEwan was an acquaintance of Asuncion J. Gomez-Guerrero. She had been seeing Mr. Gomez-Guerrero for a few weeks prior to February 3, 2019 though she had known him long before then.

Ms. McEwan states that she was with Mr. Gomez-Guerrero on the evening of February 2, 2019. They went to the store and purchased some liquor. After the purchase, they went back to Mr. Gomez-Guerrero's residence (3508 Winhaven Drive in Waukegan) where they stayed for the night. Ms. McEwan and Mr. Gomez-Guerrero drank alcohol throughout the night and, she states, "we were drinking in the morning of February 3, 2019 too." Ms. McEwan said they were "drinking vodka."

Ms. McEwan states that, on the morning of February 3, 2019, Mr. Gomez-Guerrero started complaining about "this bitch, his sister." He became unhappy about the fact that an unidentified man had been allowed into the house. Ms. McEwan was asked if Mr. Gomez-Guerrero hit anyone in the home. She responded that he probably punched someone. McEwan stated that Mr. Gomez-Guerrero was "trying to come at everybody."

Ms. McEwan states she was punched in the face while trying to break up a fight between Mr. Gomez-Guerrero and an unknown male/Hispanic. Mr. Gomez-Guerrero's sister then announced: "I'm calling the cops."

As Ms. McEwan was making her statement to the investigators, she admitted that she and Mr. Gomez-Guerrero should have left sooner than they did: "not to put it this way, but we took too long to get out of there." She further states that "as we were leaving, the cops came."

Ms. McEwan and Mr. Gomez-Guerrero were now in a Honda automobile. Mr. Gomez-Guerrero was in the driver's seat. Ms. McEwan was in the front passenger seat. Ms. McEwan states that the Honda was Mr. Gomez-Guerrero's vehicle. She added: "I know he doesn't have a license. I don't know if he has insurance."

As they were about to leave, Ms. McEwan stated that an officer walked in front of the car. Ms. McEwan described the officer as wearing a clearly identifiable police uniform with police patches and other identifying markings. According to Ms. McEwan, the officer extended his arm with palm up and said "stop." Ms. McEwan continued: "The officer said 'stop.' [Gomez-Guerrero] did not. I told [Gomez-Guerrero] 'Stop. Relax.' I grabbed [Gomez-Guerrero] and [Gomez-Guerrero] didn't stop."

Ms. McEwan said that the officer fired three shots and Mr. Gomez-Guerrero was struck. Gomez-Guerrero stated that he was shot. According to Ms. McEwan, Mr. Gomez-Guerrero then fell asleep with his foot on the gas pedal. The car proceeded down the street, drove off the roadway, and crashed into a pole. Ms. McEwan added that “[Gomez-Guerrero] was wrong for not stopping.”

As Ms. McEwan reflected on the aftermath of this incident, she said that Mr. Gomez-Guerrero “was angry, he was upset from the fight, his foot fell on the gas.” McEwan added: “in the heat of the moment, I’m not going to listen to that cop.”

When Mr. Gomez-Guerrero started to drive his car away, Ms. McEwan said the officer was in front of the car and was more toward the passenger side. She said that the car may have hit the officer’s leg.

Ms. McEwan was asked if the officer would have used lethal force if Mr. Gomez-Guerrero had stopped his car. Her response: “No. Probably not.”

Ms. McEwan was asked whether the officer may have believed he was about to be run over by the car. Her response: “Well, yeah, but he’s a dumb ass.”

Ms. McEwan was asked whether the officer may have felt threatened by Mr. Gomez-Guerrero’s actions. Her response: “[the officer] was probably threatened because the car was moving.”

Statement of Neighbor in 3400 Block of Winhaven

A neighbor in the 3400 Block of Winhaven Drive provided the following information:

On February 3, 2019 in the mid-afternoon hours, the neighbor had just returned home from work. As she got out of her car and was walking towards her home, she heard an argument between multiple people occurring down the street. The neighbor decided to record the incident on her telephone.

The neighbor observed two marked police squad cars approach a Winhaven home from opposite directions on Winhaven Drive. One squad approached from the north and one from the south. The squad pulled up to the area of a silver-colored car that was leaving the residence where the argument was occurring.

The neighbor saw a police officer get out of his squad and approach the silver car. The officer loudly announced, “Stop the car!” The neighbor observed the car to accelerate towards the officer. The neighbor feared that the officer was going to be run over. At that point, the neighbor heard at least two gunshots being fired. She then saw the silver car continue southbound down Winhaven until it came to rest against a telephone pole.

Post-Mortem Examination

An autopsy was performed on the body of Asuncion J. Gomez-Guerrero on February 4, 2019. The examination showed that Asuncion J. Gomez-Guerrero died from multiple gunshot wounds to the upper body.

Toxicology Results

Ethanol: 182 mg/dL
Blood Alcohol Concentration (BAC): .182 g/100 mL
Delta-9 THC: .74 ng/mL

Conclusion

Based upon the facts gathered in this investigation and a review of the applicable Illinois Statutes, Officer Villafuerte acted reasonably and appropriately.

Officer Villafuerte was on duty, in uniform, and driving a marked Waukegan Police Department squad. While on patrol, Officer Villafuerte received a dispatch regarding an "unknown problem" at 3508 Winhaven Drive in Waukegan, Illinois. Follow up dispatches indicated that there was screaming, physical violence, and 5-7 people at that Winhaven residence. Due to the nature of the call, additional officers were also dispatched to the scene. Officer Baysinger was one of the additional officers providing support to Officer Villafuerte.

As officers Villafuerte and Baysinger arrived at the area, an updated dispatch stated that an offender may be leaving the residence in a grey Honda automobile. Both officers proceeded to 3508 Winhaven. Officer Villafuerte drove northbound on Winhaven to the residence. Officer Baysinger drove southbound on Winhaven to the same location.

The Honda was facing in a southbound direction. It was on the street and the engine was off. Officer Villafuerte's marked squad was positioned at an angle 1-1/2 car lengths in front of the Honda. Officer Villafuerte got out of his squad.

Officer Villafuerte was in full Waukegan Police uniform with police badges and markings on full display. Officer Villafuerte walked towards the Honda in order to approach the driver's door and have a discussion with the driver (later identified as Asuncion J. Gomez-Guerrero).

While Officer Villafuerte was still in front of the car, Mr. Gomez-Guerrero immediately started the engine. Mr. Gomez-Guerrero put the Honda in reverse and began to back up. Officer Villafuerte extended his open hand and arm out and told Mr. Gomez-Guerrero "No! No! Hey! Hey! Turn it off! Turn it off!" Officer Villafuerte was attempting to have the car stop to eliminate any potential danger to the officer or any other citizens in the vicinity. Officer Villafuerte's sole interest at that point was to quell any danger. Mr. Gomez-Guerrero, on the other hand, had the sole interest of ignoring the commands of a uniformed police officer and fleeing the scene. Mr. Gomez-Guerrero had no regard for the danger being thrust upon Officer Villafuerte.

As Mr. Gomez-Guerrero continued to ignore Officer Villafuerte's requests, Mr. Gomez-Guerrero put the car in drive. Mr. Gomez-Guerrero turned the steering wheel of the car towards the officer. Officer Villafuerte screamed "Don't!" Mr. Gomez-Guerrero then stepped on the accelerator as the car was pointed directly at Officer Villafuerte. Officer Villafuerte was standing in front of the Honda with his body positioned towards the center of the hood. Officer Villafuerte's left leg was struck by the front center area of the front bumper. Officer Villafuerte's hand was pressed against the top of the hood of the car. Officer Villafuerte had to run and hop backwards to avoid being run over. Officer Villafuerte believed that he was either going to be run over or pinned between Mr. Gomez-Guerrero's car and his own squad. Officer Villafuerte believed he was in imminent danger of death or great bodily harm. Confronted by these circumstances, Officer Villafuerte drew his weapon. He fired three shots. He then moved to his right to evade Mr. Gomez-Guerrero's moving car. Once that threat was removed, Officer Villafuerte immediately stopped firing his weapon and holstered it.

Officers Villafuerte and Baysinger then radioed that shots had been fired and that rescue personnel were needed.

It should be noted that multiple witnesses, both police and citizen bystanders, provided the same account of these events and expressed fear that the officer would be run over by Mr. Gomez-Guerrero.

Paige McEwan, Mr. Gomez-Guerrero's companion, recounts the hours leading up to the shooting. Those hours included drinking vodka, arguments, and fights erupting within the household at 3508 Winhaven Drive. Mr. Gomez-Guerrero's sister called the police to help in alleviating the domestic violence. Ms. McEwan admits that she and Mr. Gomez-Guerrero had remained at the residence much too long. Once in the car, Ms. McEwan's account mirrors the police version of events: that the officer was on duty, in police uniform, and directing Mr. Gomez-Guerrero to "stop." Ms. McEwan also ordered Mr. Gomez-Guerrero to "Stop.... Relax." Mr. Gomez-Guerrero disregarded the officer's commands in addition to Ms. McEwan's requests. As the car accelerated towards the officer, shots were fired. Ms. McEwan admitted that "[Gomez-

Guerrero] was wrong for not stopping” and that the officer certainly could have believed that he was about to be run over by Mr. Gomez-Guerrero.

A post-mortem toxicology analysis of Mr. Gomez-Guerrero revealed that his blood alcohol concentration was over two times Illinois’ legal limit for intoxication. In addition, the drug THC (active ingredient of marijuana) was also in his system.

During this entire encounter, Officer Villafuerte acted firmly, responsibly, and took every reasonable step to avoid a confrontation. Mr. Gomez-Guerrero ignored the officers’ orders and signals to “Stop,” to “Turn Off” the engine, and to eliminate any danger to Officer Villafuerte. Mr. Gomez-Guerrero disregarded each command. Mr. Gomez-Guerrero’s acts of turning the car towards Officer Villafuerte and accelerating in his direction created the reasonable belief that Officer Villafuerte’s life was in imminent danger. He acted reasonably in eliminating that threat.

In accordance with the policy of my office with respect to officer involved shootings involving death, I am making the case file open and available to the public. Transparency is essential to promoting public trust. Please note that due to ethical, legal and privacy issues, not all of the case file can be made public and some of the reports that have been made public have been redacted. This file will be available in the coming weeks on the State’s Attorney website to anyone who wishes to review the material.

Again, this event illustrates how a seemingly innocent police task can suddenly become a deadly confrontation. I would like to express my condolences to the family of Asuncion J. Gomez-Guerrero. I would also like to acknowledge the Illinois State Police for its expertise, dedication, and thoroughness. I would like to commend the professionalism exhibited by Officer Rolando Villafuerte during these trying circumstances. And lastly, my thanks to the Citizens of Waukegan for their patience and cooperation in this matter.