

DATE: 27 November 2017

TO: Chief Administrator  
Civilian Office of Police Accountability<sup>1</sup>

FROM: Investigator Brian Killen, #129

SUBJECT: LOG# 1078979  
V# [REDACTED]  
Name: [REDACTED]  
Incident Location: 6746 S. Dr. Martin Luther King Jr. Drive  
Date/Time: 22 January 2016 / 2258 hours

### INTRODUCTION:

On 22 January 2016, Officers Steven Holden and Shantell Clinton were on patrol when they observed the subject, [REDACTED] traveling westbound on 63<sup>rd</sup> Street in a white Chevrolet Equinox. The officers observed [REDACTED] make an illegal left turn onto southbound Dr. Martin Luther King Jr. Drive. The officers turned onto King Drive behind [REDACTED] who then proceeded through a red light. The officers pulled [REDACTED] over at approximately 6320 S. King Drive. [REDACTED] informed Officer Holden that he did not have a driver's license and did not immediately produce another form of identification. Officer Holden then asked [REDACTED] to exit his vehicle. Instead, [REDACTED] shifted his vehicle into Drive and sped south on King Drive. Officer Clinton reported the incident on the radio, including a description of [REDACTED] vehicle and the direction in which he fled. The officers drove south on King Drive to see where [REDACTED] was going. They observed [REDACTED] continue to drive south and collide into one of the support pillars under the viaduct on King Drive south of 67<sup>th</sup> Street. After colliding into the pillar, [REDACTED] vehicle spun around and came to rest facing north in the southbound lane of King Drive. The officers pulled up, exited their vehicle, approached [REDACTED] crashed vehicle on foot, and noticed observed a small fire under [REDACTED] vehicle. The officers looked inside [REDACTED] vehicle for him, but could not see anything. They then found [REDACTED] lying on the street near his vehicle. The officers pulled [REDACTED] away from his burning vehicle and immediately radioed for an ambulance. [REDACTED] was pronounced dead at the location of incident. There were no other occupants in [REDACTED] vehicle at the time of the incident.

### APPLICABLE RULES AND LAWS:

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<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

## General Order 03-03-01: Emergency Vehicle Operations - Pursuits

**SUMMARY OF EVIDENCE:****CPD Statements and Reports**

According to **Involved Officer Steven Holden** in a statement to IPRA on 27 January 2016, he and Officer Clinton started their shift at 2200 hours on 22 January 2016. They were on patrol in their marked SUV driving east on 63<sup>rd</sup> Street when they observed a white Chevrolet SUV that was travelling west on the same street make an illegal left turn onto King Drive. Officer Holden turned right onto King Drive and was behind the Chevrolet, which was stopped at a red light. As the officers tried to run the Chevrolet's license plate, it went through the red light. Officer Holden turned on his emergency lights and shined his spotlight at the Chevrolet. The Chevrolet stopped at approximately 6324-6326 S. King Drive. Officer Holden approached the Chevrolet and spoke to the driver, later learned to be ██████████. Officer Holden and ██████████ spoke through the window that was opened approximately four inches. Officer Clinton was on the passenger side of the vehicle where the window was not open. ██████████ acknowledged that he had gone through the red light and told Officer Holden that he did not have a driver's license. Officer Holden asked for any identification. ██████████ reached toward the glove compartment but then sat upright and looked around. Officer Holden thought that ██████████ looked nervous and asked him to get out of the vehicle. ██████████ asked why and said that he was getting his ID. Officer Holden observed that ██████████ speech was slurred at that point. Officer Holden again asked ██████████ to step out of the vehicle and said that they would take care of the ID after that. ██████████ reached toward something in the vehicle. Officer Holden did not know what ██████████ was reaching for. Officer Holden tried to open the door but was unable to do so. ██████████ then put the Chevrolet in gear and drove away. The officers returned to their own vehicle and used the radio to report what happened.<sup>2</sup> Officer Clinton provided ██████████ license plate and the direction in which he fled. By the time the officers got back in their vehicle, Officer Holden could see the Chevrolet approximately two blocks in front of them. Officer Holden drove after ██████████ as Officer Clinton, in the passenger seat, continued to provide descriptions of the Chevrolet and its direction over the radio. The officers did not initiate a pursuit and were merely following ██████████ to see where he was going.

Officer Holden saw the Chevrolet crash into the viaduct. Officer Holden could not see exactly what happened, he only saw the Chevrolet make contact with the viaduct wall followed by a puff of smoke. Officer Holden told Officer Clinton about what he observed and she reported it over the radio. As they got closer to the viaduct, they saw that the car was on fire and the

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<sup>2</sup> The officers had not previously notified the dispatcher about the traffic stop. Officer Holden stated that their normal practice with traffic stops is to inform the dispatcher about the stop after they have obtained the driver's identification and are ready to proceed.

viaduct was filled with smoke. The Chevrolet had extensive front end damage and was facing north in the southbound lanes. They again reported what was happening over the radio and requested assistance from the Chicago Fire Department. Officer Holden stopped their vehicle a distance away and at an angle from the Chevrolet in case they needed to get away from the fire quickly. Officer Holden looked for [REDACTED] in the Chevrolet but could not see him. Other officers were responding by that point. It was a moment before someone noticed that [REDACTED] was actually lying on the street near the passenger side. Officer Holden said that he may have run right past [REDACTED] in his haste to get to the Chevrolet and get [REDACTED] out of the vehicle. The officers reported over the radio that [REDACTED] had been ejected from the vehicle and again requested a fire truck and ambulance. They moved [REDACTED] away from the Chevrolet to protect him from further injury from the fire. After that, additional officers arrived and blocked traffic from coming into the viaduct. (Attachments 27, 46)

In a separate statement to IPRA on 27 January 2016, **Involved Officer Shantell Clinton** provided the same account of the start of the traffic stop as Officer Holden did. Officer Clinton thought that she reported the traffic stop to the dispatcher as the officers exited their vehicle to approach the Chevrolet. Officer Clinton went to the passenger side of the Chevrolet. She could not see into the vehicle because the windows were tinted. She also could not fully hear the conversation between Officer Holden and [REDACTED] but she heard Officer Holden ask [REDACTED] to get out of the vehicle. Officer Clinton opened the passenger door to make sure that there was no one else in the vehicle with [REDACTED] looked at Officer Clinton as she opened the door. She saw that his eyes were bloodshot and heard that his speech was slurred as he talked to Officer Holden. Officer Clinton assumed that [REDACTED] was intoxicated. The only command Officer Clinton issued to [REDACTED] was repeating Officer Holden's direction to get out of the vehicle. Officer Clinton saw [REDACTED] reach toward the gear shift and assumed he was about to drive away. [REDACTED] then put the vehicle into gear and pulled away from the curb.

The officers returned to their own vehicle and followed [REDACTED] at a distance. Officer Clinton provided information over the radio about the Chevrolet's license plate number, description, and direction of travel. They did not initiate a pursuit because they were merely following [REDACTED] to monitor where he was going. They saw the Chevrolet swerve, then heard an impact and saw a puff of smoke. [REDACTED] was approximately two or three blocks in front of them at that point and Officer Clinton could not clearly see what happened at the time of the impact. She assumed that [REDACTED] was under the viaduct at the time of the impact. When they reached the viaduct, they saw that the Chevrolet had crashed into the wall, was now facing north in the southbound lanes, and was on fire. The officers immediately went to the driver's side to see [REDACTED]. They did not find him in the vehicle and looked around the area for him. After other officers arrived, they soon found [REDACTED] lying on the street several feet from the Chevrolet on the passenger side, apparently having been ejected from the vehicle during the crash. Because the vehicle was still on fire and the officers did not know what [REDACTED]

status was, they moved him a few more feet away from the vehicle to protect him from further harm. Officer Clinton did not believe that [REDACTED] was conscious at this point. Officer Clinton reported all of their actions over the radio, including moving [REDACTED]. She had already requested an ambulance to come to the scene. (Attachments 29, 47)

The **Illinois Traffic Crash Report** recorded under RD # [REDACTED], which was written by Officer Anthony Orlando, documents that officers observed [REDACTED] vehicle facing north against a concrete wall in the southbound lanes of King Drive. There was damage to the left, center, and right sides of the front end of the vehicle. [REDACTED] had been ejected from the vehicle during the crash and was pronounced deceased at 2308 hours. (Attachment 5)

The **Traffic Pursuit Report** written by Sgt. Yolanda Irvin documents that this incident was, in fact, not a pursuit. Officers Holden and Clinton curbed [REDACTED] vehicle for minor traffic violations. The officers informed [REDACTED] why they stopped him. [REDACTED] informed them that he did not have a driver's license and did not produce any identification when asked to do so. When the officers asked [REDACTED] to step out of the vehicle, [REDACTED] instead drove south on King Drive at a high rate of speed. The officers sent out a flash message about [REDACTED] flight. [REDACTED] later crashed several blocks away. Sgt. Irvin noted that she heard the radio transmissions where the officers reported that [REDACTED] had fled from their attempted traffic stop and that the officers never stated they were initiating a pursuit. Sgt. Russell Marrella, who was the station supervisor at the time, added that he also heard the radio transmissions about the traffic stop and crash but no transmissions about a pursuit. There is an entry on the report revealing that someone at the Office of Emergency Management and Communications changed the associated Event from Traffic Crash to Pursuit at 2303 hours. There is no explanation in this report for the change. (Attachment 6)

The **Case Supplementary Report**<sup>3</sup> recorded under RD # [REDACTED], which was written by Traffic Specialist Sharon Norway on 04 May 2016, documents the results of the investigation completed by members of the CPD Major Accident Investigation Unit (MAIU) related to this incident. The vehicle was facing north in the southbound lanes when the MAIU specialists arrived. Debris found on the scene indicated that [REDACTED] was traveling southbound when he lost control of the vehicle and struck the west curb and second support beam under the viaduct. The vehicle continued south along the west curb, sideswiped the third support beam, and ricocheted to the left. This caused the vehicle to strike a center support beam head-on and come to a rest along the west curb. The engine caught on fire, which spread to other parts of the car. The report notes that there was a large pool of blood below the front passenger door. The front of the vehicle was severely damaged, with the hood crushed in the center and forced upwards. The windshield was shattered.

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<sup>3</sup> This report is pages 78-87 of Attachment 52, which also includes other documents from the related MAIU file.

Traffic Specialist Norway included summaries of the interviews that she conducted with Officers Holden and Clinton in her report.<sup>4</sup> The officers reported that they observed [REDACTED] drive through a red lights at 64<sup>th</sup> Street and King Drive and used their emergency lights to stop the vehicle a short distance away. [REDACTED] told the officers he did not have a driver's license but did have an ID. When [REDACTED] reached for the glove compartment, Officer Holden asked him to get out of the vehicle. Both officers reported that [REDACTED] appeared to have been drinking based on his slurred speech and glassy, bloodshot eyes. The officers also observed a plastic cup filled with a clear liquid and a bottle filled with some type of liquid in the vehicle's center console. Rather than complying with Officer Holden's direction to exit the vehicle, [REDACTED] put the vehicle into gear and drove away from the stop at a high rate of speed. The officers got back in their vehicle and followed, but did not chase. [REDACTED] was several blocks ahead of them at all times as they drove. When the officers arrived at the viaduct, they saw that [REDACTED] had crashed and his vehicle was on fire. They also saw [REDACTED] on the ground. The officers moved [REDACTED] away from his vehicle to a safer area. When paramedics arrived, they informed the officers that [REDACTED] had died from his injuries.

The medical examiner's postmortem examination of [REDACTED] revealed that he tested positive for ethanol, with blood alcohol content at the time of the crash of .24. Based on the physical evidence on the scene, investigators determined that [REDACTED] crashed due to human error. [REDACTED] intoxication, the fact that he was driving on a revoked license, and his failure to comply with the officers' directions during the traffic stop were listed as evidence of the poor judgment he exhibited that led to the crash. (Attachment 52)

**Evidence Technician photographs** of the location of the traffic crash depict [REDACTED] vehicle with extensive front-end damage. There is debris from the vehicle strewn around the street. [REDACTED] body, which was covered by a sheet, was still on the scene and is visible in the photographs. (Attachment 36)

The **Crime Scene Processing Report** associated with the Evidence Technician photographs contains the same summary of incident as the other related reports. (Attachment 13)

**Office of Emergency Management and Communications ("OEMC")** records reveal that Officer Clinton reported to the dispatcher that a vehicle drove away from her and Officer Holden while they were conducting a traffic stop. Officer Clinton provided a description of the vehicle, the license plate number, and the direction in which it was travelling. Almost immediately after reporting this information, Officer Clinton reported that the vehicle had crashed. She updated the dispatcher about the vehicle fire and requested an ambulance and fire truck. She also requested more officers to the scene for traffic control. Officer Clinton also advised the dispatcher that the driver ([REDACTED]) had been ejected from the vehicle during the crash and that the officers were going to move him away from the burning car. The Event Query

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<sup>4</sup> It is not clear if Traffic Specialist Norway interviewed the officers together or separately.

for this incident reveals that the event started at 2258 hours as a Traffic Stop but was changed to Traffic Pursuit at 2303 hours. There is no explanation for that change and the radio transmissions prior to that time do not contain any indication that the officers were involved in a pursuit.<sup>5</sup> In fact, neither Officer Clinton nor Officer Holden ever reported over the radio that they were pursuing the vehicle, including after that change was made. (Attachments 31-34)

### **Video Evidence**

**In-car camera recordings** from Officer Holden and Clinton's vehicle show [REDACTED] vehicle make an illegal left turn onto King Drive and go through a red light. [REDACTED] stopped the car when the officers used their emergency lights. He told them he did not have a driver's license, and would not show any identification when Officer Holden asked for it. Officer Holden then asked [REDACTED] to get out of the vehicle. Instead, [REDACTED] drove away from the officers. They returned to their vehicle and followed him. The officers can be heard reporting [REDACTED] movements over the radio. They do not formally initiate a pursuit. As they drive south on King Drive, Officer Holden tells Officer Clinton that [REDACTED] vehicle crashed. The officers arrive at the viaduct where [REDACTED] crashed and immediately try to find [REDACTED] to remove him from the vehicle. Because of the smoke in the vehicle and under the viaduct, it takes them a moment to realize that [REDACTED] had been ejected from the vehicle during the crash. They move [REDACTED] body away from the vehicle to keep him away from the fire. Officers Holden and Clinton make many reports of the incident to other officers on the scene and over the telephone. Their account of the incident remains consistent throughout and they repeatedly state that they were not pursuing [REDACTED] but merely following to see where he was going. In-car camera recordings from two other vehicles that responded to the traffic crash do not contain any images of the crash itself. (Attachments 39, 40, 41, 53)

**Video recordings** from a Walgreens store at 6330 S. King Drive show [REDACTED] drive past the store at 2256 hours. A police vehicle with emergency lights activated drove past the Walgreens after [REDACTED] did. Video recordings from AutoZone at 6401 S. King Drive revealed that the only camera with a view of King Drive did not clearly show [REDACTED] or the involved officers' vehicle. Cameras from Best Motel at 6535 S. King Drive do not have a view of King Drive. Attempts to obtain video recordings from Mermaid Fish & Chicken at 6421 S. King Drive, which has limited view of the street, and from a CDOT speed camera located in the vicinity of 6330 S. King Drive,<sup>6</sup> were unsuccessful. (Attachments 18, 20, 21, 22, 42, 45, 54)

### **Medical Evidence**

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<sup>5</sup> The Event Query also reveals that an OEMC supervisor listened to the relevant transmissions at 0025 hours on 23 January 2016 and came to the same conclusion that there was no reason for the change in Event Type.

<sup>6</sup> An email in the related MAIU file indicates that there was a malfunction with this camera that prevented the recording from being duplicated. (Attachment 52, page 55)

The **Chicago Fire Department ambulance report**<sup>7</sup> reveals that paramedics discovered [REDACTED] lying on the ground near the SUV he had been driving. Officers on the scene informed the paramedics that [REDACTED] struck the viaduct head-on at a high rate of speed, which caused the SUV to catch on fire. The paramedics noted a large area of blood pooling next to the passenger side door. [REDACTED] had a large gaping wound to the neck which appeared to involve major vessels. He also sustained multiple blunt trauma injuries to his head and chest. [REDACTED] was pulseless and breathless and these injuries were noted to be “incompatible with life.” The paramedics contacted Holy Cross Hospital and declared [REDACTED] deceased. (Attachment 52)

The **Report of Postmortem Examination** from the Office of the Medical Examiner documents that [REDACTED] performed the examination on [REDACTED] on 23 January 2016. The examination revealed that [REDACTED] died as a result of the multiple injuries he sustained in the traffic crash. The noted injuries are: red abrasions on the face, neck, chest, left hand, left thigh, abdomen, and right thigh; lacerations on the right cheek, right side and middle of neck, left thigh, left hand, left wrist, right thigh, right lower leg; fractured sternum; transected descending thoracic aorta; bilateral hemothoraces;<sup>8</sup> and subarachnoid hemorrhage of the right temporal, parietal, and occipital lobes and of the cerebellum.<sup>9</sup> The report also noted the presence of electrocardiogram pads on the chest and abdomen, indicating that medical professionals had attempted to save [REDACTED] life. The toxicology report indicates that [REDACTED] had a blood alcohol content of .246-.290 g/dL<sup>10</sup> at the time of his death. (Attachment 51)

**Photographs** taken by the medical examiner’s staff show the injuries documented in the Report of Postmortem Examination. (Attachment 35)

## CONCLUSION:

This incident involves a fatal traffic accident after the subject fled from a traffic stop, but there is no indication that there was any traffic pursuit.

General Order G03-03-01 defines a motor vehicle pursuit as “an active attempt by a sworn member operating an authorized emergency vehicle to apprehend any driver or operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such driver or operator to bring his or her vehicle to a stop, fails or refuses to obey such direction, increases or maintains his or her speed, extinguishes his or her lights, or otherwise flees or attempts to elude the officer.” This particular case is not a pursuit, as defined by the policy, because the officers were not making an “active attempt” to apprehend [REDACTED]. According

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<sup>7</sup> This report is included in the MAIU file, pages 114-116.

<sup>8</sup> A hemothorax is the accumulation of blood in the space between the lung and the chest wall; bilateral hemothoraces means that this occurred for both lungs.

<sup>9</sup> This means that [REDACTED] sustained bleeding of the brain in multiple locations.

<sup>10</sup> The test results were 290 mg/dL in the vitreous humor (transparent tissue filling the eyeball behind the lens) and 246 mg/dL in the central blood. This report uses the more common g/dL unit of measure.

to all available evidence, the officers involved were merely observing [REDACTED]. Arguably, the officers had an affirmative duty to continue to observe [REDACTED] as they both believed that he was driving while intoxicated, and at a high rate of speed, both of which alone could pose a serious public safety risk.

Officers Holden and Clinton both stated that they followed [REDACTED] after he fled from them, and the evidence, which includes their in-car camera recording with both video and audio, corroborates their assertion that they were merely following him to monitor where he was going. In fact, by the time the officers got back to their vehicle after attempting the traffic stop, [REDACTED] vehicle crashed into the viaduct before they had time to do anything except start driving and report what was going on over the radio. The related OEMC Event Query reveals that the dispatcher inexplicably and erroneously coded the incident as a Traffic Pursuit, despite the fact that neither of the involved officers reported that they were engaged in a pursuit. The evidence does not support this coding. The MAIU investigation into the crash determined that it was caused by [REDACTED] own actions, which include being highly intoxicated while he was driving on a revoked license.

As this investigation revealed no violations of Department Rules, Regulations, General Orders, or Special Orders, IPRA recommends that this investigation be closed and that no Department member address any allegations of misconduct.

[REDACTED]  
COPA Investigator

[REDACTED]  
COPA Supervising Investigator

[REDACTED]  
COPA Deputy Chief