

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	June 27, 2017
Time of Incident:	01:13 am
Location of Incident:	██
Date of COPA Notification:	June 27, 2017
Time of COPA Notification:	05:01 am

On June 27, 2017, Chicago Police Officer Taylor Clark ended his tour of duty and was driving his personal vehicle, a black 2014 Jeep Cherokee, on Roosevelt Road at approximately 1:00 a.m. On-duty Chicago Police Officers Jaime Jawor, #6740, and Mark Mueller, #7919, observed Officer Clark abruptly switching lanes and began to follow Officer Clark in a silver, unmarked Ford Explorer. As Officer Clark accelerated, Officer Jawor also accelerated, both vehicles reaching speeds of 103 miles per hour. Eventually, Officer Clark crossed the intersection of Roosevelt Road and Kostner Avenue, disregarding a red light. As he did so, Officer Clark struck the passenger side of civilian ██████████ vehicle. Both ██████████ and Officer Clark suffered fatal injuries as a result of the crash.

COPA initiated its investigation on July 6, 2017. COPA’s investigation consisted of interviewing both CPD officers and civilian witnesses, as well as reviewing video, documentary, and other evidence. This investigation has resulted in Sustained findings for Allegations 1 and 2 against Officer Jawor, and Unfounded findings for Allegations 3, 4, and 5 against Officer Jawor and Allegations 1, 2, and 3 against Officer Mueller.

II. INVOLVED PARTIES

Involved Officer #1:	Jamie Jawor, Star #6740, employee ID# ██████████ Date of Appointment November 27, 2006, rank Police Officer, Unit of Assignment 311 – Gang Enforcement, DOB ██████████, 1978, Female, White
Involved Officer #2:	Mark Mueller, Star #7919, employee ID# ██████████ Date of Appointment May 29, 2001, rank Police Officer, Unit of Assignment 311 – Gang Enforcement, DOB ██████████, 1975, Male, White

¹ 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. Therefore, 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.

Involved Individual #1: Taylor Clark, DOB [REDACTED], 1984, Male, Black²
 Involved Individual #2: [REDACTED] DOB [REDACTED], 1990, Female, Black

III. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Officer Jamie Jawor	1. Failed to drive with due regard for the safety of all persons	Sustained/Separation
	2. Drove in excess of the speed limit	Sustained/30-Day Suspension
	3. Failed to notify OEMC of a pursuit in progress	Unfounded
	4. Initiated a pursuit in violation of CPD policy	Unfounded
	5. Continued a pursuit in violation of CPD policy	Unfounded
Officer Mark Mueller	1. Failed to notify OEMC of a pursuit in progress	Unfounded
	2. Initiated a pursuit in violation of CPD policy	Unfounded
	3. Continued a pursuit in violation of CPD policy	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 1** Violation of any law or ordinance
2. **Rule 6** Disobedience of an order or directive, whether written or oral
3. **Rule 10** Inattention to duty

General Orders

1. **G03-03** Emergency Use of Department Vehicles
2. **G03-03-01** Emergency Vehicle Operations - Pursuits
3. **G03-03-02** Emergency Vehicle Operations – Non- Pursuits

² CPD Star # [REDACTED] Employee # [REDACTED] Date of Appointment [REDACTED] 2013, rank Police Officer, Unit of Assignment 010th District, DOB [REDACTED], 1984

V. INVESTIGATION³

COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

a. Interviews

Witness Statements⁴

In a statement to IPRA investigators on July 13, 2017, ██████████ stated she was Officer Clark's girlfriend of 12 years. ██████████ saw video footage on the news of Officer Clark speeding down Roosevelt Road, which reminded her of an incident where he drove just as fast. That incident occurred prior to Officer Clark starting the Chicago Police Academy. During that occurrence, ██████████ was waiting by her apartment window for Officer Clark to drop off a pizza when she saw Officer Clark zoom past the apartment followed by a group of Hispanic men in a van. The men in the van followed him and Officer Clark drove fast because he was afraid for his life. ██████████ believed that on the date of the July 2017 accident, Officer Clark drove at a high rate of speed down Roosevelt Road because he was afraid the vehicle behind him was "chasing him."⁶

In a statement to IPRA investigators on July 17, 2017, ██████████ ██████████ stated she dated Officer Clark for the past "eight years off and on"⁸ and the two became engaged approximately four to five months prior to the accident. ██████████ explained that Officer Clark was a good driver and did not have any speeding tickets. ██████████ stated on the date of the accident, Officer Clark texted her he was almost done with his shift.⁹ ██████████ expected Officer Clark to arrive at her residence after his shift on the date of the accident.

Officer Statements¹⁰

In a statement to IPRA investigators on July 11, 2017, Officer Emil Hageline, #█████████ stated he was assigned to the 010th District. Officer Hageline and Officer Clark had worked together since they met at the CPD Academy in August 2013. Officer Hageline described Officer Clark as a hard-working officer who loved to work out at the gym and learn about Cross Fit training

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ COPA investigators interviewed witness Jose Luis Gasca, who provided his observations of the crash. The audio recording of his statement can be found in Attachment #58

⁵ Attachment #134, 135

⁶ Attachment #135, Page 92 line 19

⁷ Attachment #136, 137

⁸ Attachment #137, Page 6 line 20

⁹ A photo copy of the text message sent on June 27, 2017 at 12:35 am by Officer Clark can be found in attachment 151

¹⁰ COPA investigators also interviewed Officers Pedro Ortiz #15608, Andrew Braun #4076, Keith Kalafut #16348, Adam Burns #13450, Cecil Phillips #6657, Charles Sykes #14658 and Juan Cortes #16012 regarding details surrounding the crash involving Officer Taylor Clark. All of the officers provided general information regarding how alerts are disseminated but did not recall an alert involving a stolen black Jeep Cherokee.

¹¹ Attachment #110, 111, 179

techniques. Officer Clark was “real quiet,”¹² kept to himself, and never smoked or drank any alcohol. On the occasions Officer Clark drove, Officer Hageline never felt concerned about Officer Clark’s driving or believed he drove fast. When Officer Clark drove the patrol car, he often drove slowly to see the areas they patrolled. Officer Clark’s Jeep Cherokee was a luxury vehicle and while it was fast, Officer Clark never spoke about racing cars. Officer Clark “was not mechanically inclined”¹³ and therefore, Officer Hageline helped him with the vehicle’s maintenance.

On June 26, 2017, Officer Hageline started his shift at 6:00 pm. He and Officer Clark were assigned to Beat 1063E. Their tour of duty normally ended at 3:00 am, but they were released early on June 27, 2017, at approximately 1:00 am. Officer Clark’s demeanor on their last tour of duty was “nothing whatsoever out of the ordinary.”¹⁴ At the end of their shift, Officer Hageline and Officer Clark briefly spoke about the time they would meet at the gym the following morning. Officer Hageline could not offer any explanation as to why Officer Clark sped through the intersection of Roosevelt Road and Kostner Avenue. Officer Hageline stated perhaps Officer Clark may have been speeding to get home after his shift; however, even if he sped, Officer Clark always followed traffic signals. Officer Hageline, in the past, observed Officer Clark driving his personal car home and Officer Clark always stopped at traffic lights.

In a **statement to IPRA investigators on July 28, 2017, Officer Daniel Mieszcak, #15757,**¹⁵ stated at approximately 1:05 am on June 27, 2017, he received a notification from the Office of Emergency Management and Communications (OEMC) regarding a car crash at the intersection of Roosevelt Road and Kostner Avenue. Officer Mieszcak arrived on the scene at approximately 1:07 am. Officer Mieszcak became aware one of the crash victims was a CPD officer approximately one hour after he arrived on the scene because a responding firefighter recognized some items belonging to Officer Clark. When Officer Mieszcak arrived on the scene he spoke to an unknown sergeant and was informed he would be the paper car for the incident. Officer Mieszcak walked around the area of the crash and spoke to Officers Jawor and Mueller.

Officer Mieszcak stated the two officers reported that Officer Clark’s vehicle¹⁶ drove westbound on Roosevelt Road at a high rate of speed. The officers looked down for a second and then looked up and the crash happened. The officers were not sure where the second vehicle¹⁷ involved in the crash came from. Officer Mieszcak observed the “wreckage of the crash on the northwest corner”¹⁸ of Roosevelt Road and Kostner Avenue. He also observed debris from the crash throughout the gas station. Officer Mieszcak did not collect any evidence from the scene.

¹² Attachment #111, Page 23 line 9

¹³ Attachment #111, Page 35 line 3-4

¹⁴ Attachment #111, Page 40 line 7

¹⁵ Attachment #141

¹⁶ The vehicle now known to be Officer Clark’s black Jeep.

¹⁷ Now known to be [REDACTED] vehicle.

¹⁸ Attachment #141, Minute 3:46 of 4:27

In a statement to IPRA investigators on July 11, 2017, Major Accidents Investigations Unit (MAIU) Investigator Enrique Mellado, #12929,¹⁹ stated he was on duty on June 27, 2017 when he received a call from Sergeant Capparelli, who notified him of the crash. Upon arriving at the scene, Investigator Mellado observed members of the Chicago Fire Department (CFD) extricating the female victim, now known to be [REDACTED] from her vehicle and placing her in the ambulance for transportation to the hospital. Investigator Mellado spoke to the supervisors from the local district but could not recall their names. The supervisors on the scene reported to Investigator Mellado that the officers involved, now known to be Officers Jawor and Mueller, were on routine patrol, when they observed a dark colored Jeep matching the description of a vehicle involved in a previous incident. The unknown supervisors further reported to Investigator Mellado that when Officers Jawor and Mueller attempted to get behind the Jeep to retrieve the plate number, the Jeep took off. Investigator Mellado stated he did not speak to Officers Jawor or Mueller, but Officer Crayton²⁰ did. Investigator Mellado stated Officer Crayton prepared a summary report of the statement provided by the two officers.

In a statement to IPRA investigators on September 1, 2017, MAIU Investigator Betty Crayton, #6119,²¹ stated when she arrived on the scene, she observed a “horrific crash.”²² Investigator Crayton stated her duty on the scene was to assist Investigator Mellado, who was the lead investigator of the incident. Investigator Crayton interviewed Officer Jawor and Officer Mueller separately, as instructed by Investigator Mellado. Investigator Crayton stated Officer Jawor told her she saw the black Jeep Cherokee near the intersection of Independence Boulevard and Roosevelt Road, driving north on Independence Boulevard. Officer Jawor further explained to Investigator Crayton she observed the Jeep Cherokee drive west onto Roosevelt Road. Officer Jawor told Investigator Crayton the Jeep Cherokee fit the description of a vehicle involved in a robbery. Officer Crayton said that Officer Jawor stated after the Jeep Cherokee turned onto Roosevelt Road, it “took off at a high rate of speed.”²³

In a statement to IPRA investigators on August 30, 2017, MAIU Investigator Robert Nunn, #13732,²⁴ stated that he was an Illinois State Certified Traffic Crash Reconstructionist. Investigator Nunn confirmed he was certified in retrieving the vehicle data recorder (black box) from vehicles and certified in understanding the information the data recorder translates onto a spreadsheet. Investigator Nunn stated he did not respond to the scene of the incident and his only involvement related to this traffic accident was downloading the information from the data recorder in Taylor Clark’s vehicle as instructed by Sergeant Martinez. The results of the download showed Officer Clark’s vehicle traveled 103 miles per hour (mph) approximately five seconds before the crash.

¹⁹ Attachment #220

²⁰ Officer Betty Crayton #6119, Major Accidents Investigations Unit.

²¹ Attachment #180

²² Attachment #181, Page 5 line 18

²³ Attachment #181, Page 8 line 17

²⁴ Attachments #182, #183, #184

In a **statement to COPA investigators on October 11, 2017, Commander Francis Valadez, #484,**²⁵ stated on the date of the incident, he was at home when he received a telephone call from Commander Sanchez regarding the incident. Commander Valadez responded to the scene. Commander Valadez did not recall any information regarding an alert involving a stolen black Jeep Cherokee with White Sox plates. Commander Valadez explained officers receive alerts through a variety of sources, such as hearing them during roll call, hearing them directly from sergeants or lieutenants, reading them on the CLEAR application, and hearing them during conversations with other officers. Commander Valadez did not recall if any formal announcement regarding a stolen black Jeep Cherokee was made.

Commander Valadez “may have”²⁶ read the case report regarding the stolen Jeep Cherokee, although he could not state definitively. Commander Valadez explained roll call is conducted by the sergeants, and it is at that point that attendance and alerts are announced. Commander Valadez further explained that the updates on all alerts are provided differently, depending on how the update is received. Commander Valadez did not know when the alert regarding the stolen black Jeep Cherokee was released in relation to when the vehicular accident involving Taylor Clark occurred. Commander Valadez stated he had no knowledge of when or how Officers Jawor and Mueller were alerted of the stolen black Jeep Cherokee. Commander Valadez was never informed a black Jeep Cherokee had been recovered.

Commander Valadez spoke to Officers Mueller and Jawor at the District, after the crash, and they told him when they saw Officer Clark’s vehicle, which matched the description of a previously reported stolen vehicle. The officers informed Commander Valadez they tried to stop the vehicle, but it took off and crashed. Commander Valadez was not sure which officer provided what information regarding the crash. Commander Valadez did not recall if either officer mentioned how he or she learned about the stolen Jeep Cherokee alert. Commander Valadez was not on duty the night of the crash but went to the scene to offer support to the officers. Commander Valadez did not generate any paperwork related to the incident and had no knowledge of a previously stolen black Jeep Cherokee prior to this incident.

In a **statement to COPA investigators on November 6, 2017, Officer David McCray, #18508,**²⁷ stated he believed he was aware of an alert for a stolen black Jeep Cherokee with White Sox plates. Officer McCray stated the alert went out days prior to the incident, for a black Jeep SRT that was wanted for a shooting or some type of robbery. Officer McCray thought he saw a paper alert with a black Jeep SRT. Officer McCray thought he spoke to Officer Jawor after the accident. Officer McCray said Officer Jawor told him the car “took off”²⁸ and crashed. He was not sure if he ever spoke to Officer Mueller about this incident.

²⁵ Attachment #222

²⁶ Attachment #222, minute 5:30 of 14:41

²⁷ Attachment #195

²⁸ Attachment #195, Minute 10:09 of 12:35

In a **statement to COPA investigators on November 9, 2017, Sergeant Martin Chatys, #1478,**²⁹ stated on the night of the incident he was the supervising officer on duty for the Gang Enforcement Unit Area Central and was at Homan Square monitoring the radio. Sergeant Chatys explained Officer Mueller reported on the radio he and Officer Jawor were behind a black Jeep. Sergeant Chatys stated before he could authorize or terminate the chase, Officer Mueller “keyed in”³⁰ that the Jeep Cherokee had crashed. Sergeant Chatys stated immediately upon hearing there was a crash he headed to the scene. When he arrived on the scene, Sergeant Chatys spoke to Officer Jawor and Officer Mueller, who explained they believed the black Jeep Cherokee matched the description of the vehicle involved in a recent vehicular hijacking. As they followed the vehicle to run the license plate, the driver of the Jeep Cherokee “accelerated.”³¹

Sergeant Chatys stated approximately two days prior to the crash, he overheard a group of officers from the 010th District, as well as officers from his gang unit, discussing a black Jeep Cherokee with White Sox license plates involved in a carjacking. Sergeant Chatys could not recall the names of all the officers from the 010th District who were present during the conversation, but he did recall that Officers Jawor, Mueller, Kalafut, and McCray were present. Sergeant Chatys never independently looked into any status updates regarding the carjacking of the black Jeep Cherokee. Sergeant Chatys never personally provided any information to anyone on his team regarding a stolen black Jeep Cherokee, but he was certain his officers had been informed of the carjacking through fellow officers.

In his first **statement to IPRA investigators on June 27, 2017, Officer Mark Mueller, #7919,**³² stated on the date of the incident, he and his partner, Jamie Jawor, worked in civilian dress and were assigned an unmarked silver Ford Explorer. Officer Jawor first pointed out Officer Taylor Clark’s black Jeep to Officer Mueller, when she said, “this Jeep Cherokee keeps going in and out of lanes,”³³ as the Jeep headed north on Independence Boulevard. Officer Mueller and Officer Jawor followed Officer Clark’s vehicle as it turned westbound onto Roosevelt Road from Independence Boulevard. Officer Mueller then responded to Officer Jawor and stated words to the effect of, “it fits the description of the vehicle that might have been taken in a vehicular hijacking,”³⁴ to which Officer Jawor replied, “Yeah, I remember.”³⁵

Approximately two weeks prior to the date of the incident, Officers Mueller and Jawor had been informed by other officers in their unit that a black Jeep Cherokee with White Sox license plates had been stolen. Officer Mueller was also informed the stolen Jeep Cherokee had been seen in the 011 District. Officers Mueller and Jawor intended to follow the Jeep to get its license plate information. Officer Mueller stated the Jeep continued to increase speed westbound on Roosevelt Road.

²⁹ Attachment #201

³⁰ Attachment #201, Minute 6:37 of 9:12

³¹ Attachment #201, Minute 7:18 of 9:12

³² Attachment #185, #186

³³ Attachment #185, Page 10 lines 18-19

³⁴ Attachment #185, Page 10 lines 22-23

³⁵ Attachment #185, Page 10 line 24

Officer Mueller did not know how fast the Jeep traveled or how fast Officer Jawor drove. At Roosevelt Road and Pulaski Avenue, the Jeep “accelerated super-fast”³⁶ and further distanced itself to approximately a block and a half ahead of their vehicle. Officer Jawor then activated the emergency lights. Officer Mueller attempted to go over the radio, but only managed to say his beat number and “black Jeep”³⁷ before he saw the Jeep had crashed. Once they approached the crash scene, Officer Mueller observed the Jeep on its side but could not recall which side. Officer Mueller observed car parts throughout the area; he did not observe any passengers, or the second vehicle involved. Officer Mueller reported the crash to OEMC over the radio.

Officer Mark Mueller, #7919, gave a second **statement to IPRA investigators on August 31, 2017**.³⁸ Officer Mueller’s statement was materially consistent with his first statement. Officer Mueller said that when Officer Jawor pulled behind Taylor Clark’s Jeep, Officer Mueller noticed it had White Sox license plates. Officer Mueller explained approximately one to two days prior to the incident, during roll call, in an informal conversation with other officers, he was told about a black Jeep Cherokee with White Sox plates involved in a hijacking in the 011 District.

Officer Mueller stated he did not recall who told him about the hijacking and he could not recall if Officer Jawor was present. Officer Mueller stated while he and Officer Jawor were driving westbound on Roosevelt Road behind the Jeep, he could not read the license plates, he could only see they were White Sox plates. Officer Mueller stated he observed the Jeep began to increase speed while continuing westbound on Roosevelt Road from Independence Boulevard. Officer Mueller stated he and Officer Jawor did not increase speed along with the Jeep but continued to follow it on Roosevelt Road. Officer Mueller stated, at approximately Roosevelt Road and Springfield Avenue, the Jeep further increased its speed by an undetermined amount.

Officer Mueller stated he and Officer Jawor continued to follow the Jeep. Officer Mueller stated the rate of speed the Jeep traveled was just about to reach a point where a traffic stop would have been justified. After crossing the intersection of Roosevelt Road and Pulaski Avenue, the Jeep increased its speed at a higher rate. Officer Jawor and Officer Mueller increased speed as well, continuing to follow it. Officer Mueller stated he did not know how fast they were travelling at any given point while driving behind the Jeep.

In a follow-up **statement to COPA investigators on August 10, 2018 Officer Mark Mueller, #7919**,³⁹ stated although he and Officer Jawor were following the black Jeep, he did not consider themselves to be involved in a pursuit because the emergency lights were not activated, and they did not make a call to OEMC. Officer Mueller stated the responsibility of activating the emergency lights and making a call to OEMC is a shared responsibility between the driver and passenger of a CPD vehicle.

³⁶ Attachment #185, Page 15 line 7

³⁷ Attachment #185, Page 17 line 4

³⁸ Attachment #187, #217-218

³⁹ Attachment #241

In her first **statement to IPRA investigators on June 27, 2017 Officer Jamie Jawor, #6740,**⁴⁰ stated that she first observed the black Jeep Cherokee near the intersection of Roosevelt Road and Independence Boulevard. Officer Jawor stated the black Jeep Cherokee headed northbound on Independence Boulevard toward Roosevelt Road when she observed it making quick lane changes. Officer Jawor explained the Jeep switched from the right lane to the left lane on Independence Boulevard before it turned left onto Roosevelt Road. Officer Jawor had “prior knowledge”⁴¹ about a black Jeep with White Sox plates involved in a vehicular hijacking. Officer Jawor stated she did not recall the time or area in which the vehicular hijacking took place.

Officer Jawor continued to state once the Jeep Cherokee made a left turn onto Roosevelt Road she also turned left, following behind the Jeep at a “regular pace.”⁴² Officer Jawor stated after she and the Jeep Cherokee completed the turn and began heading westbound on Roosevelt Road, the Jeep Cherokee increased its speed and Officer Jawor began to increase speed as well. Officer Jawor explained she was not sure how fast the Jeep Cherokee increased in speed, but it was traveling faster than she was. Officer Jawor stated she wanted to get closer to the Jeep Cherokee to read the plate and verify if it was the vehicle involved in the hijacking. Officer Jawor stated once the Jeep Cherokee reached the vicinity of West Roosevelt Road and Pulaski Avenue, it sped up again, and then Officer Jawor activated her emergency lights. Officer Jawor said that she activated only the lights, not the siren. Officer Jawor stated her partner, Officer Mark Mueller #7919, handled the radio communication simultaneously as she drove their vehicle and activated the lights. Officer Jawor stated she was “a couple of blocks”⁴³ away from the Jeep Cherokee when it continued to travel faster at an unknown speed.

Officer Jawor stated her partner, Officer Mueller, was on the air reporting the description of the Jeep Cherokee when the crash occurred. Officer Jawor stated she was approximately a block and a half from the crash when it occurred. Officer Jawor further stated she observed the Jeep Cherokee crash into a pole on the northwest corner of Roosevelt Road and Kostner Avenue. Officer Jawor stated she immediately called for emergency assistance and, once she came upon the scene on foot, she realized there was a second vehicle involved in the crash. Officer Jawor stated she was unaware the driver of the Jeep Cherokee was an off-duty police officer. Approximately an hour after the crash, Officer Jawor learned from Sergeant Martin Chatys, #1478, the driver of the Jeep Cherokee was an officer. Officer Jawor did not have an opportunity to use the balancing test⁴⁴ prior to the crash.

In a follow-up **statement to COPA investigators on August 10, 2018, Officer Jamie Jawor, #6740,**⁴⁵ provided a description of events that was materially consistent with her first statement. Officer Jawor stated she was approximately a half block away from the black Jeep

⁴⁰ Attachment #244

⁴¹ Attachment #243, Page 13 line 3

⁴² Attachment #243, Page 15 line 5

⁴³ Attachment #243, Page 18 line 22

⁴⁴ The CPD General Order G03-03-01, Emergency Vehicle Operations Pursuits defines the “balancing test” as: The necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit.

⁴⁵ Attachment #242. This interview was delayed because Officer Jawor’s work status was noted as “inactive” from March 2018 to July 2018. During this time, COPA was prohibited from obtaining her appearance for an interview attempting to scheduling such an interview.

when she observed it abruptly changing lanes between other vehicles on the road. Officer Jawor stated she then told Officer Mueller her observation of the black Jeep. Officer Jawor stated the black Jeep eventually reached the intersection of Independence Boulevard and Roosevelt Road, but she did not recall how close she was behind the Jeep or if the stop light at that intersection was red or green.⁴⁶ Officer Jawor stated the black Jeep turned westbound onto Roosevelt Road at an unknown rate of speed and continued driving approximately a few car lengths ahead of her. Officer Jawor was able to see the Jeep had White Sox license plates; she was unable to make out any numbers or letters on the plate. Officer Jawor explained that either she or Officer Mueller pointed out that the Jeep fit the description of a Jeep involved in a recent vehicular hijacking.

Officer Jawor explained approximately a week before the incident, during a conversation with fellow officers in her unit, an unknown officer stated they were still looking for a black Jeep Cherokee with White Sox license plates, which had been involved in a vehicular hijacking. The unknown officer also relayed the black Jeep in question would “take off”⁴⁷ from other officers in the 010th and 011th Districts. Officer Jawor did not attempt to immediately curb the black Jeep because she was still trying to gather license plate information. Officer Jawor proceeded to drive westbound behind the black Jeep. The distance between them started at approximately three car lengths and began increasing as the Jeep accelerated at a high rate of speed, which made her unable to obtain the plate number.

Officer Jawor did not recall how fast she traveled but believed the black Jeep began travelling faster than the speed limit of 35 mph⁴⁸ at Roosevelt Road and Pulaski Avenue. At that point, Officer Jawor activated her emergency lights due to the accelerated rate of speed of the black Jeep. Officer Jawor did not consider herself to have been involved in a pursuit with the black Jeep, because she did not activate her emergency equipment until she reached Pulaski Avenue. Officer Jawor’s understanding of the pursuit policy was a pursuit begins when an officer activates his or her emergency lights to curb a vehicle, and a pursuit continues when the pursued vehicle does not stop within a reasonable amount of time. Officer Jawor explained since the crash happened immediately after she activated her emergency lights, there was not enough time for the incident to be considered a pursuit. Officer Jawor added the entire distance she traveled behind the black Jeep prior to activating her lights was not a pursuit because she did not have her emergency equipment activated. Officer Jawor finally activated her lights when she determined it was warranted and reasonable to curb the vehicle, due to the high rate of speed of the Jeep.

Officer Jawor stated it is a shared responsibility between the driver and passenger of a police vehicle to activate emergency equipment and report incidents to OEMC via the radio. On the date of the incident, Officer Jawor activated the emergency lights and Officer Mueller reported the black Jeep via the radio, but within seconds, the black Jeep crashed. Officer Jawor later learned from an unknown officer on the scene the driver of the black Jeep was Chicago Police Officer Taylor Clark. Officer Jawor did not know Officer Taylor Clark prior to this incident.

⁴⁶ Attachment #121, video obtained from the BP Gas Station at 3803 W. Roosevelt (at the Southwest corner of Roosevelt Road and Independence Boulevard) shows a black Jeep approach a red light at intersection of Independence and Roosevelt Road, at 1:02:04 and at 1:02:22, the traffic light turns green. The black Jeep proceeds through the intersection, followed by a silver SUV.

⁴⁷ Attachment #242, Page 12 line 24

⁴⁸ Attachment #169, photograph of the 30 mph speed limit signs on Roosevelt Road.

In a **second amended complaint** in case No. 17 L [REDACTED] [REDACTED] as Special Administrator of the Estate of [REDACTED] filed wrongful death allegations against the City, Officer Jawor, and the Estate of Taylor Clark.⁴⁹

Officer Jawor gave a deposition on October 30, 2018, that was materially consistent with her IPRA/COPA statements.⁵⁰ Officer Jawor said the car she was driving on the night of the incident was equipped with a siren and lights. She did not activate the siren when she activated her lights because Officer Mueller was calling the dispatcher, and it is generally difficult to hear over the sirens. Officer Jawor believed it was likely that she attained speeds of 70 miles per hour before she activated her lights. Officer Jawor was questioned about the portion of the traffic pursuit report⁵¹ (TPR) that she signed, which stated the highest speed Officer Jawor reached during the pursuit was 60 to 80 miles per hour. Officer Jawor said this was only an approximation that she gave to Sergeant Chatys, as she did not know at the time the TPR was completed how fast she had driven.

Officer Mueller gave a deposition on November 6, 2018, that was materially consistent with his statements to IPRA/COPA.⁵² Officer Mueller could not recall why, immediately after he spoke to Officer Jawor about the Jeep possibly matching the suspected hijacking vehicle, he did not obtain the Jeep's license plates. He speculated he and Officer Clark may have been looking at each other when they were speaking, or he may have been unable to see the plate properly. He acknowledged that he and Officer Jawor were stopped behind Taylor Clark's Jeep at a stoplight on Roosevelt Road west of Independence Avenue for some time, possibly ten seconds. He agreed it would not have taken many seconds for him to see and remember a license plate if the license plate was within his field of vision. Officer Mueller said that at no point did he or Officer Jawor get on the radio and try to obtain the license plate of the vehicle that was involved in the hijacking.

b. Digital Evidence

COPA investigators collected **video footage from various locations**⁵³ that captured Officer Taylor Clark and Officers Jawor and Mueller in the moments leading up to the crash. Among the video collected was footage from a red-light camera located at 4400 W Roosevelt Rd, Chicago, IL.⁵⁴ At minute 1:02:50 into the video recording, a black Jeep collides with a silver Nissan.⁵⁵ A video timeline of the additional video footage collected, which captures Officer Taylor Clark and Officers Jawor and Mueller travelling from Roosevelt Road and Independence Boulevard to Roosevelt Road and Kostner Avenue, was also completed by COPA investigators.⁵⁶

Evidence Technician (ET) photographs⁵⁷ taken of the scene depict debris scattered around the RayBon gas station at the intersection of Roosevelt Road and Kostner Avenue. The photographs also show the scene after [REDACTED] Davis' and Taylor Clark's vehicles crashed.

⁴⁹ Attachment #261

⁵⁰ Attachment #259

⁵¹ Attachment #263, Traffic Pursuit number 17-[REDACTED]

⁵² Attachment #260

⁵³ Attachments #82, #121 - #130 and #163

⁵⁴ This red-light camera was camera [REDACTED] [REDACTED]

⁵⁵ Attachment #129

⁵⁶ Attachment #167

⁵⁷ Attachment #118

Various health and fitness items can be seen in the photographs. The photographs also show the Toyota 4 Runner owned by witness ██████████ parked at the RayBon gas station.

c. Physical Evidence

The **Report of Postmortem Examination**⁵⁸ from the Office of the Medical Examiner (ME) documents Officer Taylor Clark was examined on June 27, 2017 at 7:45 am. The examination identified 25 external and 22 internal injuries. The medical examiner determined the cause of Taylor Clark's death was multiple injuries due to a motor vehicle collision.

As part of the Postmortem Examination report, a **Toxicology Report**⁵⁹ was issued on July 12, 2017 from NMS Labs regarding Officer Taylor Clark. NMS Labs received samples for testing on July 6, 2017 from Cook County Medical Examiner Dr. Arunkumar. The detailed findings in the toxicology report concluded the examination of the specimens submitted did not reveal any positive findings of toxicological significance.

The **Report of Postmortem Examination**⁶⁰ from the Office of the Medical Examiner indicates ██████████ was examined on June 28, 2017 at 10:15 am. The medical examination identified nine different injuries to her head and neck, 19 torso injuries, and 10 injuries to her extremities. The medical examiner determined ██████████ cause of death was multiple injuries due to a motor vehicle collision.

As part of the Postmortem Examination Report, a **Toxicology Report**⁶¹ was issued on July 13, 2017 from NMS Labs regarding ██████████. NMS Labs received samples for testing on July 6, 2017 from Cook County Medical Examiner Dr. Zakariya. The detailed findings in the toxicology report found that ██████████ tested positive for Delta-9 THC in the amount of 0.63 ng/mL.

d. Documentary Evidence

The **Original Case Incident Report for RD #** ██████████ documents on June 9, 2017, at 2:00 pm, a black, Jeep Cherokee with White Sox plates was stolen from 1800 N. Clybourn Avenue in Chicago, IL. The Jeep was later recovered on June 10, 2017 and processed for evidence.

The **Original Case Incident Report for RD #** ██████████ documents on June 9, 2017, at 11:28 pm, ██████████ drove her grey Chrysler 300 near 1758 W. Augusta Boulevard, when she pulled over to allow an emergency vehicle to drive past. While stopped, a black Jeep Cherokee with White Sox license plates struck the back of her vehicle. Mendez exited her vehicle to check for damage; the driver of the Jeep also exited. As ██████████ looked at her vehicle, a female pushed her, got in the driver seat of the Chrysler 300, and drove off.

⁵⁸ Attachments #145, #146

⁵⁹ Attachment #144

⁶⁰ Attachments #147, #166

⁶¹ Attachment #166 pg. 10-12

⁶² Attachment #47

⁶³ Attachment #45

The **Original Case Incident Report for RD # [REDACTED]** documents on June 27, 2017, at 1:01 am, a fatal traffic accident occurred near 4400 W. Roosevelt Road in Chicago, IL. The report, submitted by Officer Daniel Mieszcak, summarizes that the incident involved two vehicles labeled Unit 1 and Unit 2. Unit 1 is identified as the black Jeep driven by Taylor Clark and Unit 2 is identified as the Nissan driven by [REDACTED]

The **Case Supplementary Report for RD # [REDACTED]** documents on June 27, 2017, at 1:17 am, the Major Accidents Investigation Unit (MAIU) was notified by Beat 1131R, Officer Dariusz Wlodkowski, #10165, of a car crash involving two vehicles. At 1:25 am, Investigator Enrique Mellado, #12929 and Investigator Betty Crayton, #6119, were assigned by Sergeant John Capparelli, #21310 to investigate the incident. It was relayed to Investigator Mellado a black Jeep traveled westbound on Roosevelt Road, at a high rate of speed, when it struck a gold-colored vehicle traveling north or southbound on Kostner Avenue. It was also reported Beat 6714A drove behind the black Jeep, prior to the traffic accident. At approximately 1:50 am, CFD was in the process of extricating the individuals from inside the two vehicles. Investigator Mellado interviewed witness [REDACTED], and conducted separate interviews with Officer Jaime Jawor, #6740, and Officer Mark Mueller, #7919.

In a **To-From Report**,⁶⁶ an execution of a search warrant on Taylor Clark's Jeep Cherokee took place with Major Accidents Investigation Unit (MAIU) Investigators Dan Postelnick, #18354 and Craig Ziedman, #19256. A search of the vehicle resulted in the seizure of two clear plastic water bottles from the front passenger area, the vehicle's data recorder (black box), and the vehicle's GPS unit.

According to **Inventory Sheet # [REDACTED]** on July 6, 2017, MAIU Investigator Craig Ziedman logged into evidence one clear plastic bottle containing a reddish liquid and one clear plastic bottle containing clear liquid. The lab test results for each bottle found that no volatiles were detected.⁶⁸

According to **Inventory Sheets**⁶⁹ # [REDACTED] and # [REDACTED] on July 24, 2017, MAIU Investigator John Brownridge, #2874 logged into evidence a vehicle data recorder (black box) and a GPS unit, describing each item in the inventory sheet as "vehicle parts."

In a **To-From Report**,⁷⁰ an examination of CPD SUV #1779, occupied by Officer Jawor and Officer Mueller on the date of the crash, was examined on October 23, 2017 at the Joliet Speedway in Joliet, IL. COPA Supervising Investigator Robert Coleman operated the SUV while Adam Hyde, a traffic crash expert from Cooper Barrette Consulting, sat in the passenger seat with a radar gun and a video camera. Mr. Hyde recorded the speed on the speedometer and the speed displayed on the radar gun. Those speeds were recorded and used to compare speeds recorded by the OEMC GPS system, to ensure the system was accurate.

⁶⁴ Attachment #37-38

⁶⁵ Attachment #228

⁶⁶ Attachment #91, 92

⁶⁷ Attachment #11

⁶⁸ Lab results can be found in attachment #254

⁶⁹ Attachments #229, #230

⁷⁰ Attachment #225

In a **GPS Analysis Summary Report**,⁷¹ Adam Hyde summarized his analysis of CPD SUV #1779, which was conducted on October 23, 2017 at the Joliet Speedway in Joliet, IL. The report states a total of four speed tests were conducted at speeds up to 80 mph. The speed from the speedometer, GPS, and radar were consistent with one another during the testing. The report concluded the GPS data collected on CPD SUV #1779 on the date of the crash was reliable based on the accuracy of the analysis and independent testing.

The **OEMC GPS Report**⁷² documents speed data collected from CPD SUV #1779 between 12:00 am and 1:30 am on June 27, 2017. The SUV traveled westbound on Roosevelt Road, when it accelerated speed from 58 mph at 1:02:32 am to 103 mph at 1:02:52 am. The SUV slowed to 21 mph before stopping at the crash site and coming to rest at the intersection of Roosevelt Road and Kostner Avenue.

In the **Crash Summary completed by The Major Accidents Investigations Unit**,⁷³ Investigator Mellado summarized the driver of the black Jeep Cherokee, for unknown reasons, began to increase its speed as Beat 6714A traveled behind it. Having knowledge of a black Jeep Cherokee, with White Sox license plates, involved in another incident, Beat 6714A began to follow the vehicle and activated its emergency blue lights in an effort to conduct a traffic stop. A camera at the intersection of Roosevelt Road and Kostner Avenue showed the driver of the black Jeep Cherokee had a steady red light when it entered the intersection and struck [REDACTED] vehicle. The data evidence collected from the Jeep Cherokee indicates it traveled at 85 mph, .1 seconds before impact. The massive crush damage sustained by both vehicles was indicative of the high rate of speed. It was unknown why the driver of the Jeep Cherokee chose to drive his vehicle at a high rate of speed and why he chose not to stop or if he saw the emergency blue lights from Beat 6714A.

The **Traffic Pursuit Report**⁷⁴ number 17-0180, signed by Officer Jawor, details the highest speed of the unmarked CPD vehicle (operated by Officer Jawor) as 60 – 80 miles per hour. The report also summarized that no termination order had been given because the pursuit had briefly lasted less than fifteen (15) seconds.

⁷¹ Attachment #226

⁷² Attachment #52

⁷³ Attachment #219, Page 37-38

⁷⁴ Attachment #263

VI. ANALYSIS

1. Legal Standard

The allegations in this case are governed by the following general orders and portions of the Illinois Vehicle Code.

General Order 03-01-01 sets forth several actions that officers are required to take when engaging in a motor vehicle pursuit, including conducting a balancing test and notifying OEMC of certain information. General Order 03-01-01 defines a “motor vehicle pursuit” as “[a]n 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.”

General Order 03-03 governs situations in which an officer is engaged in a “nonpursuit emergency vehicle operation.” Officers who are engaged in nonpursuit emergency vehicle operations are required to adhere to the provisions of section 5/11-205 of the Illinois Vehicle Code.⁷⁵ Section 5/11-205 of the Illinois Vehicle Code states that, when the driver of an authorized emergency vehicle is “in the pursuit of an actual or suspected violator of the law,” the driver may “[e]xceed the maximum speed limits so long as he does not endanger life or property.”⁷⁶ An authorized emergency vehicle, other than a police vehicle, may only undertake the aforementioned action “when the vehicle is making use of either an audible signal ... or visual signals.”⁷⁷

The standard of proof in administrative cases investigated by COPA is a preponderance of the evidence. A preponderance of evidence can be described as evidence that makes it more likely than not that the alleged misconduct took place. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred than that it did not occur, even if by a narrow margin, then the standard of proof has been met.⁷⁸

2. Allegations Against Officers Jamie Jawor and Mark Mueller

a. Allegations 1 and 2 Against Officer Jamie Jawor

COPA Sustains Allegations 1 and 2 against Officer Jamie Jawor, that she failed to drive with due regard for the safety of all persons and that she drove in excess of the speed limit.

⁷⁵ General Order G03-03(III)(A).

⁷⁶ 625 ILCS 5/11-205(b)-(c).

⁷⁷ 625 ILCS 5/11-205(d).

⁷⁸ In criminal cases the standard of proof is beyond a reasonable doubt, which is a significantly higher evidentiary standard than the preponderance of the evidence standard that applies to COPA’s administrative findings.

As previously stated, General Order G03-03 requires officers who are engaged in emergency vehicle operations to adhere to the provisions of section 5/11-205 of the Illinois Vehicle Code, and that section of the Illinois Vehicle Code allows the driver of an authorized emergency vehicle to drive in excess of maximum speed limits when the driver is “in the pursuit of an actual or suspected violator of the law.” While generally the special allowances set forth in section 5/11-205 of the Illinois Vehicle Code apply only where the driver of an authorized emergency vehicle is “making use of either an audible signal...or visual signals,” the statute makes an exception for police vehicles.⁷⁹ Thus, police vehicles need not be using an audible or visual signal for the exceptions set forth in section 5/11-205 to apply.⁸⁰ In other words, even though she did not have her lights or sirens activated for much of the chase, Officer Jawor was entitled to exceed the speed limit under section 5/11-205 of the Illinois Vehicle Code.

However, section 5/11-205 states that an officer is only entitled to exceed the speed limit if she does not “endanger life or property” in doing so.⁸¹ Here, Officer Jawor’s chase of Taylor Clark transpired on roads with a speed limit of 30 miles per hour. Officer Jawor sustained a speed of at least 58 miles per hour for 20 seconds, driving several blocks and accelerating throughout this time to reach an eventual speed of 103 miles per hour. Though the chase transpired at night, the video footage shows pedestrians on some of the sidewalks and other vehicles parked or being driven on the road. During most of the time that she was driving this fast, Officer Jawor did not even have her emergency lights on, and at no point did she have her sirens on.

By driving at such a high rate of speed without activating the car’s lights or sirens, Officer Jawor failed to exercise due regard for the safety of others and drove in excess of the speed limit while endangering life or property. The lights and sirens on an officer’s car are not only a means by which to signal to a suspect that he should stop, but also a mechanism by which to warn other pedestrians or drivers that a high-speed chase is taking place such that those pedestrians or drivers can take evasive action to protect themselves. Using the lights and sirens was particularly important in this case because Officer Jawor was pursuing Taylor Clark at 1 a.m., when pedestrians and other drivers would not have been able to see Officer Jawor’s or Taylor Clark’s vehicles as readily. For these reasons, by driving at such a high rate of speed without activating the car’s lights and sirens, Officer Jawor failed to exercise due regard for the safety of others. Accordingly, COPA concludes that Allegations 1 and 2 are Sustained. COPA found the actions of Officer Jawor to be unreasonably dangerous not only because it was dark out due to the time of day, but also because there was other vehicular traffic that not only could have, but was, a casualty of this lack of warning. The lights and sirens are not just to alert a suspect to stop but to allow others to take evasive action to protect themselves. Without those signals to alarm a driver, they cannot protect themselves.

b. Allegations 3, 4, and 5 Against Officer Jawor and Allegations 1, 2, and 3 Against Officer Mueller

COPA recommends that Allegations 3, 4, and 5 against Officer Jawor and Allegations 1, 2, and 3 against Officer Mueller be Unfounded.

⁷⁹ 625 ILCS 5/11-205(d).

⁸⁰ *Id.*

⁸¹ 625 ILCS 5/11-205(c)(3).

Allegations 3, 4, and 5 against Officer Jawor and Allegations 1, 2, and 3 against Officer Mueller are all premised on the officers purportedly partaking in a pursuit. COPA has concluded that that these allegations all be Unfounded because the officers were not in a “motor vehicle pursuit” as that term is defined by General Order G03-03-01. This is because General Order G03-03-01 defines a “motor vehicle pursuit” as an attempt by an officer operating an authorized emergency vehicle to apprehend a driver who, “having been given a *visual and audible signal* by the officer directing such driver...to bring his or her vehicle to a stop,” fails or refuses to obey the officer’s direction.⁸² According to Officer Jawor, she did not activate her siren, nor is there any evidence that she otherwise provided an “audible signal” directing Taylor Clark to stop his vehicle. Accordingly, the officers were not in a “motor vehicle pursuit” as that term is defined by General Order 03-03-01. Therefore, COPA recommends that Allegations 3, 4, and 5 against Officer Jawor and Allegations 1, 2, and 3 against Officer Mueller be Unfounded.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Jamie Jawor

i. Complimentary and Disciplinary History

Officer Jawor has been a CPD member since November 27, 2006. In that time, she has received 67 Honorable Mentions, 4 Complimentary Letters, and 1 Traffic Stop of the Month Award. In the last seven years, Officer Jawor received a 5-day suspension for miscellaneous conduct unbecoming related to an off-duty investigation and a 15-day discipline for misuse of department equipment.

ii. Recommended Penalty, by Allegation

For Allegation #1, COPA recommends **Separation**. Officer Jawor did not have probable cause to believe that Officer Clark had committed any crime other than a traffic offense. Officer Jawor did not have a sufficiently reasonable basis to believe Officer Clark’s Jeep was stolen or that driver had any involvement with any alleged vehicular theft particularly considering how little Officers Jawor and Mueller knew about the initial report. Officer Jawor engaged in speeds in excess of 100 mph on a major thoroughfare with full knowledge that pedestrians and numerous other vehicles were present. Officer Jawor failed to provide proper notice to Officer Clark, Adams, and other drivers by activating her sirens. Activating siren would have provided notice to Officer Clark that Officer Jawor was a police officer and to ██████████ and other drivers to pull over due to police activity. Officer Jawor demonstrated a lack of due regard for the safety of the other vehicles and persons present on and near Roosevelt Road during this incident.

For Allegation #2, COPA recommends **Suspension of 30 days**. The excess speeds, while a violation of policy, do not warrant separation on their own.

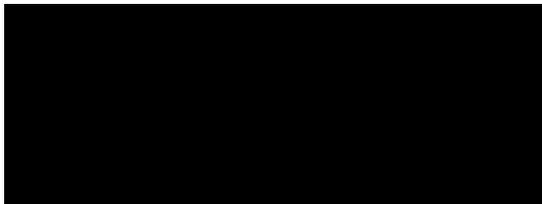
⁸² General Order G03-03-01 (emphasis added).

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding/ Recommendation
Officer Jamie Jawor	1. Failed to drive with due regard for the safety of all persons 2. Drove in excess of the speed limit 3. Failed to notify OEMC of a pursuit in progress 4. Initiated a pursuit in violation of CPD policy 5. Continued a pursuit in violation of CPD policy	Sustained/Separation Sustained/30-Day Suspension Unfounded Unfounded Unfounded
Officer Mark Mueller	1. Failed to notify OEMC of a pursuit in progress 2. Initiated a pursuit in violation of CPD policy 3. Continued a pursuit in violation of CPD policy	Unfounded Unfounded Unfounded

Approved:



Chief Administrator

February 15, 2019

Date

Appendix A

Assigned Investigative Staff

Squad #:	1
Major Case Specialist:	Norelis Martinez
Supervising Investigator:	Shannon Hayes
Deputy Chief Administrator:	Andrea Kersten