

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 15, 2017
Time of Incident:	10:04 a.m.
Location of Incident:	4801 S. Wentworth Avenue, Chicago, IL
Date of COPA Notification:	November 15, 2017
Time of COPA Notification:	11:20 a.m.

On November 15, 2017, at approximately 09:49 a.m., [REDACTED] reported that a black male, now known as [REDACTED] demanded his car keys to his Lincoln-Continental Town Car,¹ while pointing a gun at him at [REDACTED] Street. [REDACTED] complied, and [REDACTED] entered the vehicle on the driver's side, while another male, now known as [REDACTED] got into the vehicle on the front passenger's side. [REDACTED] then called 911.

Officers Carlos Yanez Jr. #16022, Vincent Turner #16484, and Julian Rodriguez #14711, were working Beat 762C² in a single unmarked vehicle. They were on routine patrol when they received the flash message of [REDACTED] aggravated vehicular hijacking. After hearing the description of the vehicle, the officers observed the Lincoln near Garfield Boulevard³ and Wells Street. The officers followed the Lincoln as it drove east on Garfield Boulevard. The Lincoln turned north onto Wentworth Avenue and started to accelerate. The officers activated their emergency equipment and initiated a pursuit.

The Lincoln fled north on Wentworth Avenue⁴ where a semi-trailer truck was driving north in the west lane while the another was driving north in the east lane. The Lincoln attempted to go between the two semi-trailers but rear-ended the right back side of the semi-trailer⁵ in the west lane causing the Lincoln to flip and roll over. The Lincoln came to rest on the east sidewalk and lane on Wentworth Avenue. Officers Yanez, Turner, and Rodriguez approached the Lincoln and attempted to remove [REDACTED] and [REDACTED] from the vehicle. [REDACTED] was eventually removed from the vehicle and transported to Stroger Hospital. [REDACTED] was pronounced deceased on the scene. A Diamondback .380 caliber semi-automatic pistol was recovered from [REDACTED] front jacket pocket.

¹ License Plate Number [REDACTED].

² Officer Yanez was the driver of the unmarked vehicle.

³ 55th Street.

⁴ Wentworth Avenue had two lanes with both lanes going northbound.

⁵ The semi-truck was being driven by [REDACTED]

II. INVOLVED PARTIES

Involved Officer #1:	YANEZ Jr., Carlos, star #16022, Employee ID# [REDACTED], Date of Appointment: August 25, 2014, Chicago Police Officer, Unit of Assignment: 007, DOB: [REDACTED], 1981, Hispanic Male.
Involved Officer #2:	TURNER, Vincent, star #16484, Employee ID# [REDACTED], Date of Appointment: September 29, 2014, Chicago Police Officer, Unit of Assignment: 007, DOB: [REDACTED], 1978, Black Male.
Involved Officer #3:	RODRIGUEZ, Julian, star #14711, Employee ID# [REDACTED], Date of Appointment: February 02, 2015, Chicago Police Officer, Unit of Assignment: 007, DOB: [REDACTED] 1991, Hispanic Male.
Involved Individual #1:	[REDACTED], DOB: [REDACTED], 1998, Black Male.
Involved Individual #2:	[REDACTED], DOB: [REDACTED], 1991, Black Male.

III. ALLEGATIONS

COPA initiated an investigation into this incident pursuant to its authority to investigate “officer-involved deaths,” as defined by 50 ILCS 727/1-1 et seq.⁶ See also Chicago Municipal Code § 2-78-120(d). COPA did not identify any potential misconduct except for the below allegation.

Officer	Allegation	Finding/Recommendation
Officer Carlos Yanez Jr., #16022	1. It is alleged that on November 15, 2017, at 1004 hours, at 4801 S. Wentworth Avenue, Officer Yanez failed to equip himself with his department issued body-worn camera.	Sustained

IV. APPLICABLE RULES AND LAWS

⁶ “‘Officer-involved death’ includes any death resulting from a motor vehicle accident, if the law enforcement officer was engaged in law enforcement activity involving the individual or the individual’s vehicle in the process of apprehension or attempt to apprehend.”50 ILCS 727/1-5.

Rules

1. **Rule 6** – Disobedience of an order/directive, whether written or oral.
-

General Orders

1. **Body Worn Cameras, S03-14**
 2. **Emergency Vehicle Operations- - Pursuits, G03-03-01**
-

V. INVESTIGATION⁷**a. Interviews**

██████████ refused to be interviewed⁸ by COPA.

In a statement with COPA on March 16, 2018, **Involved Officer Vincent Turner⁹**, stated that on the date of the incident he was assigned to the 7th District Tactical Unit and was working a three-man vehicle with Officers Yanez and Rodriguez. The officers were in an unmarked vehicle. Officer Turner stated that the unmarked vehicle was not equipped with an in-car camera. Officer Yanez was the driver of the unmarked vehicle, while Officer Rodriguez was the front seat passenger. Officer Turner was in the backseat on the passenger's side.

While the officers were on patrol, a call came out over dispatch that a vehicle had been taken from an elderly man¹⁰ at gunpoint at ██████████ Street. The officers proceeded to the location of incident to assist the assigned unit. As the officers drove towards ██████████ Street, they received an update that the Lincoln was spotted going northbound on Aberdeen Street towards 59th Street.¹¹

Officer Turner stated that, given his experience with calls that come out of the Englewood area, he believed that the Lincoln was going to head towards the highway. The officers proceeded to drive towards 55th Street.¹² When the officers got to 55th Street, they started to drive east towards Wentworth Avenue. At that time, Officer Rodriguez observed the Lincoln directly in front of them and alerted Officers Yanez and Turner. Officer Rodriguez announced over the radio,

⁷ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁸ COPA attempted to interview ██████████ while he was in custody at Cook County Jail, but he refused. Attachment 65.

⁹ Attachments 58 and 62.

¹⁰ Now known as ██████████

¹¹ Officer Turner could not recall who provided the information. Officer Turner stated he was also updated with the license plate number and color of the Lincoln. Officer Turner recalled hearing the Lincoln was gray.

¹² Also known as Garfield Boulevard.

“Emergency.”¹³ Officer Rodriguez then provided the plate number of the Lincoln and the direction it was going. Officer Turner stated that occupants in the vehicle were two black males¹⁴.

The Lincoln turned left on Wentworth Avenue heading northbound. The officers followed the Lincoln and activated their emergency equipment.¹⁵ The Lincoln accelerated and headed towards the I-94 West northbound entrance ramp on 55th Street and Wentworth Avenue. The Lincoln drove onto the entrance ramp, but abruptly veered to the right of the exit ramp. The Lincoln then drove north on Wentworth Avenue. Officer Rodriguez started to provide information over the radio. The Lincoln continued to speed off and went through a red light on 51st Street and Wentworth Avenue.

When the officers reached 51st Street and Wentworth Avenue, they slowed down. Officer Turner stated that they slowed down because there were two semi-trucks “staggered” ahead on Wentworth Avenue.¹⁶ Officer Turner explained that, by “staggered,” he meant one truck was in the left lane and one truck was in the right lane. The truck in the left lane¹⁷ was ahead of the truck in the right lane.¹⁸ The Lincoln continued to speed northbound at a high rate of speed and attempted to squeeze between both trucks. According to Officer Turner, the Lincoln’s front driver side struck the back right side of the truck in the left lane. The Lincoln then “peeled back,”¹⁹ spun around, and struck a wall on the east side of Wentworth Avenue. Officer Turner estimated that the Lincoln was driving at a speed of 85-90 mph prior to the traffic crash. Officer Turner estimated that their squad car’s speed was between 40-50 mph prior to the traffic crash because they had slowed down at the traffic light on 51st Street and Wentworth Avenue.

Officer Turner stated, at the time of the crash. Officer Rodriguez was giving out a flash message of the incident. The officers then approached the scene and requested an ambulance and fire truck. Officer Turner stated that he and the officers attempted to get [REDACTED] and [REDACTED] out of the Lincoln, but the wreckage was too bad. Officer Turner stated that from the time their emergency equipment was activated to the time of the traffic crash was at least thirty-five to forty-five seconds. Officer Turner stated that, after the incident, he learned that a .380 semi-automatic pistol was recovered from [REDACTED]

In a statement with COPA on March 16, 2018, **Involved Officer Julian Rodriguez**²⁰ provided substantially similar information as Officer Turner. Officer Rodriguez added that Wentworth Avenue was empty, and the flow of traffic was moderate during the pursuit. Officer Rodriguez stated that there were no other vehicles between the Lincoln and their squad car when

¹³ This stops other officers from getting through to dispatch and/or alerts other officers not to use the radio so an officer can report his/her emergency.

¹⁴ Now known as [REDACTED] and [REDACTED]

¹⁵ In-car camera footage from Beat #9475, body-worn camera footage from Officer Rodriguez, and Metra Video footage depicted that the officers’ unmarked squad car had lights and sirens activated and headlights oscillating after the incident. There is no audio on any of the video footage.

¹⁶ Wentworth Avenue was a one-way street with two-lanes both going northbound.

¹⁷ This truck was driven by [REDACTED]

¹⁸ This truck was driven by [REDACTED]

¹⁹ Officer Turner stated the Lincoln’s left side went up under the semi-truck as if it was being peeled back. Att. 62, P. 33.

²⁰ Attachments 59, 63.

they turned onto Wentworth Avenue. As the officers drove towards the intersection of 51st Street and Wentworth Avenue, they stopped at the intersection to ensure they were not involved in any accidents. The officers then continued driving northbound. Officer Rodriguez estimated that their squad car was going approximately 50 mph after it crossed the intersection of 51st Street and Wentworth Avenue, and the Lincoln was traveling faster than their squad car. According to Officer Rodriguez, the pursuit lasted under thirty seconds.

In a statement with COPA on April 03, 2018, **Involved Officer Carlos Yanez Jr.**²¹ provided a similar statement as Officers Turner and Rodriguez. Officer Yanez described the occupants in the vehicle as two black males but could not provide any further description. Officer Yanez stated all vehicular traffic was going northbound on Wentworth Avenue to get on the expressway. The Lincoln changed its direction and continued to drive north on Wentworth Avenue instead of getting on the expressway. Officer Yanez stated the Lincoln was going approximately 70 mph, and he was driving an estimated 50 – 55 mph. Officer Yanez stated the semi-trucks on Wentworth were driving 30mph.

As the Lincoln traveled northbound on Wentworth, Officer Yanez slowed down the speed of the squad car. The Lincoln attempted to drive between the trucks but was unsuccessful. Officer Yanez stated the Lincoln had slowed down prior to attempting to drive in between the trucks. Officer Yanez stated he did not know if he increased his speed over 50 mph during the incident because he was focused on the Lincoln, the traffic, and making sure he was maintaining safety at all times. Officer Yanez stated that on the date of the incident he failed to equip himself with his department issued body-worn camera. Officer Yanez explained that he does have a body-worn camera but forgot to put it on.

b. Digital Evidence

Office of Emergency Management and Communications²² (OEMC) records document that on November 15, 2017, at approximately 09:55 a.m., Beat 765A reported observing the Lincoln northbound on Aberdeen Street. A few minutes later, Beat 762²³ radioed “emergency²⁴.” Officer Rodriguez stated that his squad car was behind the Lincoln, and they were headed northbound on Wentworth Avenue approaching 51st Street. Approximately thirty-six seconds later,²⁵ Officer Rodriguez reported that the Lincoln had crashed at 49th Street and Wentworth Avenue.

²¹ Attachments 60, 61, 64.

²² Attachment 57.

²³ Officer Rodriguez.

²⁴ This is at 10:45 on the OEMC Disc.

²⁵ This is at 11:21 on the OEMC Disc.

Evidence Technician Photographs²⁶ depict the scene and the recovered physical evidence.

Metra Train Yard²⁷ video footage²⁸ depicts two semi-trucks driving north on Wentworth Avenue at 09:56:15 hours. As the semi-trucks drove north, there appeared to be pieces of debris being thrown up in front of the semi-truck in the right (west) lane. The debris in the footage has now be identified as pieces from the Lincoln Town Car. A blue unmarked police vehicle, which was the vehicle occupied by Officers Yanez, Turner, and Rodriguez, was observed approaching the scene with lights activated. There is no audio available.

Body-Worn Cameras²⁹ did not capture the pursuit, only the aftermath. However, the body-worn camera of Officer Rodriguez showed after the incident that his blue unmarked vehicle had its lights and sirens activated, and the headlights appeared to be oscillating.

In-Car Camera footage³⁰ from Car #9475³¹ did not capture the incident, only the aftermath. However, it showed Car #9475 responding to the scene immediately after the incident. The footage also showed Officers Yanez, Turner, and Rodriguez blue unmarked vehicle had its lights and sirens activated. Additionally, Beat 762C³² was not equipped with an In-Car Camera because it was an unmarked tactical vehicle.

POD cameras³³ and **Citgo Gas Station cameras**³⁴ did not capture the pursuit.

c. Physical Evidence

A **Chicago Fire Department Ambulance Report**³⁶ documents that the CFD responded on November 15, 2017, at 10:06 a.m. The report documents [REDACTED] injuries and that he was extricated from the vehicle. The driver ([REDACTED] was observed with trauma to his head and face and pronounced dead on the scene. [REDACTED] was transported to Stroger Hospital.

Medical Records from Stroger Hospital³⁷ documents that [REDACTED] was diagnosed with a maxillary fracture and subdural hematoma.

The Office of the Medical Examiner (M.E.) Report of Postmortem Examination,³⁸ Case # [REDACTED] by [REDACTED], documents that [REDACTED] sustained multiple blunt

²⁶ Attachments 50-53.

²⁷ Located at 147 W. 47th Street.

²⁸ Attachment 37.

²⁹ Attachments 39-42.

³⁰ Attachment 35.

³¹ According to Attendance and Assignment Sheets on the date and time of the incident, Officer Triston Eiland, #13052, and Officer Luis Posadas, #13891, were assigned to Car #9475.

³² Occupied by Officers Yanez, Turner, and Rodriguez.

³³ POD #7081 – 204 W. Garfield Boulevard, POD #7347 – 958 W. 59th Street, POD #6242 – 5456 W. Wells Street, POD #6241 – 4704 S. Wells Street, and POD #734 – 5558 S. Loomis Boulevard, Attachments 43 – 47.

³⁴ Attachment 36

³⁶ Attachment 25.

³⁷ Attachment 38.

³⁸ Attachment 56.

force injuries. The cause of death was multiple blunt force injuries due to motor vehicle crash and the manner of death was accident. Toxicology reports for ██████ indicated that he had cannabis in his system.

The **CPD Crime Scene Processing Report**³⁹ documents the evidence identified, collected, and inventoried in connection with this incident. A Diamondback, model #Db380, .380 caliber, semi-automatic pistol, was recovered from the right jacket pocket of ██████

d. Documentary Evidence

An **Arrest Report**⁴⁰ for ██████ for Vehicular Hijacking- Aggravated – Firearm, Robbery – Armed with Firearm, and Murder – Other Forcible Felony documents the incident and contains substantially the same information provided by the involved officers.

An **Original Case Incident Report**⁴¹ for Robbery – Aggravated Vehicular Hijacking documents that Officers Lynn Callahan, #10212, and Michael Clearly, #7514, responded to the home⁴² of victim ██████ reported that he was returning home from the YMCA. As ██████ attempted to exit his Lincoln Town Car, he was approached by ██████ who was wearing a black ski mask and displaying a handgun. ██████ told ██████ “Give me the keys.” ██████ complied and stepped away from the vehicle where he observed another offender, ██████ wearing a black ski mask standing by the passenger side of his vehicle. ██████ entered the vehicle and then unlocked the passenger side door where ██████ also entered the vehicle and they both took off northbound on Aberdeen Street.

An **Illinois Traffic Crash Report**⁴³ documents that Unit 1, the Lincoln Town Car driven by ██████ was travelling northbound on Wentworth Avenue at a high rate of speed and rear-ended Unit 2, a semi-trailer. Unit 1 spun out of control and struck the east wall of Wentworth Avenue.

A **Traffic Pursuit Report**⁴⁴ documented the pursuit was initiated at 09:55:53 hours. There was a known felony at the beginning of the pursuit. ██████ was speeding and was observed disobeying one stop sign/light during the pursuit. The report notes that there was rain,⁴⁵ the road surface was wet, it was daylight, and traffic conditions were light. Approximately twenty-nine seconds later, at 09:56:22 hours, ██████ crashed the Lincoln. The pursuit lasted approximately six blocks. Officer Yanez reported that he used the balancing test⁴⁶ and maintained 100% control of his unmarked vehicle. Officer Yanez further stated that it was daylight with light vehicular

³⁹ Attachment 19.

⁴⁰ Attachment 7.

⁴¹ Attachment 8.

⁴² Located at ██████ Street.

⁴³ Attachment 10.

⁴⁴ Attachment 11.

⁴⁵ Officer Yanez clarified in his statement to COPA that it was not raining when the pursuit occurred. Officer Yanez stated that it had rained earlier in the morning on the date of the incident. Attachment 64, Page 39, Lines 3-7.

⁴⁶ General Order, G03-03-01, Emergency Vehicle Operations reads in part, “When applying the balancing test, officers should consider speeds involved, volume of pedestrian and vehicular traffic, and weather.”

traffic, and no pedestrian traffic was observed on Wentworth Avenue. Additionally, marked units were radioed for assistance prior to the traffic crash.

GPS data⁴⁷ documented the speed of Beat 762C (Vehicle #4572):⁴⁸

- 09:55:21 – 11 mph
- 09:55:41 – 65 mph
- 09:55:51 – 81 mph
- 09:56:01 – 39 mph
- 09:56:12 – 74 mph
- 09:56:22 – 35 mph
- 09:58:29⁴⁹ – 0 mph

The Case Supplementary Report⁵⁰ provides the same information as stated in other department reports. Additionally, Detectives spoke with ██████████ acknowledged knowing ██████████ and that he was in the car when it crashed. ██████████ recalled that, as ██████████ was approaching the expressway, he heard a police siren, and ██████████ started driving faster. ██████████ stated that he had no memory of what occurred after the car accelerated.

Detectives spoke to ██████████ states that he was the driver and sole occupant of his semi-truck. As ██████████ was driving northbound on Wentworth Avenue from 51st Street, he felt the truck get bumped from behind. ██████████ slowed down and used the outside mirrors of the truck to view the surrounding area and observed a car spinning past his truck on the passenger side and colliding with a cement wall. ██████████ then observed a police vehicle with flashing lights, and officers approached the crash site. ██████████ recalled that he was driving northbound in the left lane of Wentworth Avenue. He was aware that an unknown co-worker, now known as ██████████ was driving behind him in a similar semi-truck and trailer in the right lane on Wentworth Avenue.

Detectives spoke with ██████████ stated he was the driver and sole occupant of the truck. As ██████████ drove northbound on Wentworth Avenue towards the entrance of the I-94 expressway, a Lincoln passenger car approached from behind and passed him, narrowly missing his truck. The Lincoln collided with the rear passenger bumper of a passing JB Hunt Tractor Trailer⁵¹ which caused the Lincoln to spin out and collide with a guardrail. ██████████ then observed a police vehicle approaching from the same direction as the Lincoln.

Detectives also spoke to Officers Yanez, Rodriguez, and Turner who provided accounts consistent with their statements to COPA. The reports added the Major Accident Investigation Unit (M.A.I.U.) reviewed data of the airbag control module from the Lincoln. M.A.I.U. could not ascertain the speed of the Lincoln Town Car. However, the data indicated that there was an unbuckled driver, ██████████ and unbuckled front right passenger, ██████████ in the vehicle at the time of the crash.

⁴⁷ Attachment 12.

⁴⁸ Time as reflected in GPS reports.

⁴⁹ There is no available data on the vehicle between 09:56:22 – 09:58:29. It is unknown why there is no data.

⁵⁰ Attachments 66, 68.

⁵¹ Driven by ██████████

Criminal Case # ██████████⁵² documented that ██████████ plead guilty to Aggravated Vehicle Hijacking/Handicapped and was sentenced seven years to the Illinois Department of Corrections. The other charges, Armed Robbery with Firearm, Aggravated Vehicle Hijacking/Firearm, and Aggravated Unlawful Restraint, against ██████████ were Nolle Prosequi⁵³.

VI. ANALYSIS

a. Applicable Law and Directives

1. General Order 03-03-01

General Order 03-03-01 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.”⁵⁴

General Order 03-03-01 provides that a CPD member will only engage in a motor vehicle pursuit when a pursuit is authorized after applying the balancing test and other restrictions of General Order 03-03-01. When applying the balancing test, CPD members are required to determine whether the:

- “a. speeds involved and/or the maneuvering practices engaged in permit the Department vehicle operator complete control of the Department vehicle and do not create unwarranted danger to himself or others;
- b. volume of pedestrian and vehicular traffic reasonably permits initiating or continuing the pursuit; and
- c. weather and road conditions reasonably permit initiating or continuing the pursuit.”⁵⁵

General Order 03-03-01 provides that a CPD member will only engage in a motor vehicle pursuit when, “if in an unmarked vehicle, the high-beam flashing headlights, siren and light bars (if equipped) are activated” and when “notification has been made to the OEMC dispatcher regarding the facts concerning the pursuit.”⁵⁶

2. Legal Standard

For each Allegation COPA must make one of the following findings:

⁵² Attachment 75

⁵³ Prosecutors decided not to pursue charges.

⁵⁴ G03-03-01, (Glossary of Terms) (4).

⁵⁵ G03-03-01(II)(B)(1)(a)-(c).

⁵⁶ G03-03-01(V)(A).

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed violated Department policy. *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 conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

b. Legal Analysis

1. Officer Turner, Yanez's and Rodriguez's Pursuit Complied with CPD Policy

It is undisputed that Officer Turner, Yanez, and Rodriguez engaged in a motor vehicle pursuit of ██████████ Lincoln. The evidence demonstrates that Officers Turner, Yanez, and Rodriguez pursued ██████████ who attempted to elude Officers Turner, Yanez, and Rodriguez after they activated their lights and sirens.

The relevant inquiry is whether Officer Yanez properly applied the balancing test and whether Officers Turner, Yanez, and Rodriguez otherwise complied with Department policy. The pursuit lasted approximately six blocks. The duration was approximately thirty-five seconds and ended when ██████████ crashed the Lincoln while attempting to go in between two semi-trucks.

The evidence demonstrates that Officer Yanez's application of the balancing test was objectively reasonable. Officers Turner, Yanez, and Rodriguez had specific information reflecting that the occupants of ██████████ Lincoln had recently committed a serious felony involving the threat of violence, vehicular hijacking with a firearm. At the time of the pursuit, traffic conditions were relatively light, and it was daylight. Officer Rodriguez notified OEMC of the pursuit. Although there is no direct evidence of the speed of the Lincoln, the officers' accounts suggest the

Lincoln fled at speeds in excess of 80 mph. According to GPS data, Officer Yanez briefly increased the speed of the police vehicle to over 80 mph in pursuit of the Lincoln. However, the GPS data corroborates the officers' assertions that Officer Yanez accounted for the safety of themselves and others. For example, the GPS data corroborates the assertion that Officer Yanez substantially slowed down at the traffic light located at 51st Street and Wentworth Avenue.

Under the totality of the circumstances, Officer Turner's decision to pursue ██████████ Lincoln and the manner of the pursuit was objectively reasonable. The evidence further demonstrates that Officers Turner, Yanez, and Rodriguez otherwise materially complied with General Order 03-01-01.

2. Officer Yanez Failed to Comply with Special Order S03-14.

Officer Yanez was required to equip himself with his Department issued body-worn camera. Because Officer Yanez did not equip himself with his body-worn camera, he could not activate it during the incident as required by Special Order S03-14.⁵⁷ It is undisputed that Officer Yanez failed to equip himself with his Department issued body-worn camera on the date incident.⁵⁸ Therefore, Allegation #1 against Officer Yanez is **Sustained**.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Carlos Yanez, #16022

i. Complimentary and Disciplinary History

Complimentary History

1	Attendance Recognition Award
4	Department Commendation
64	Honorable Mention
2	Complimentary Letter
2	Top Gun Arrest Award
1	Unit Meritorious Performance Award

ii. Recommended Penalty, by Allegation

1. Allegation No. [__]

VIII. CONCLUSION

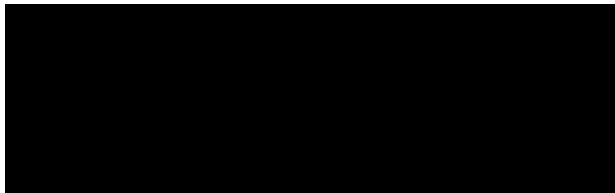
The evidence demonstrates the pursuit of ██████████ complied with Department policy. However, Officer Yanez violated Special Order S03-14 by failing to equip himself with his Department issued body-worn camera on the date of the incident.

⁵⁷ Special Order S03-14 states in relevant part, "The Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities."

⁵⁸ Officers Turner and Rodriguez activated their body-worn cameras during the incident.

Officer	Allegation	Finding/Recommendation
Officer Carlos Yanez, #16022	1. It is alleged that on November 15, 2017, at 1004 hours, at 4801 S. Wentworth Avenue, Officer Yanez failed to equip himself with his department issued body-worn camera.	Sustained/5Days

Approved:



Angela Hearts-Glass
Deputy Chief Administrator

12-12-19

Date

Appendix A

Assigned Investigative Staff

Squad#:	7
Major Case Specialist	LaKenya White
Supervising Investigator:	Mark Javier
Deputy Chief Administrator:	Angela Hearts-Glass