

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 16, 2019
Time of Incident:	8:51 pm
Location of Incident:	5100 W. Chicago Avenue
Date of COPA Notification:	May 17, 2019
Time of COPA Notification:	12:50 am

Officers Sanders and Armstrong observed a motorist in a Chevrolet Monte Carlo traveling westbound on Chicago Avenue using a cell phone. The officers activated their vehicle’s emergency equipment and attempted to initiate a traffic stop at 4826 W. Chicago Avenue. The motorist pulled over briefly and then fled westbound on Chicago Avenue and the officers gave chase. Moments later, the motorist collided with a Chevrolet Equinox at 5100 W. Chicago Avenue. [REDACTED] one of two occupants in the Monte Carlo, was subsequently transported to [REDACTED] in critical condition, where he died from his injuries.

II. INVOLVED PARTIES

Involved Officer #1:	Marquita Sanders, star# 17071, employee ID# [REDACTED]; Date of Appointment: October 31, 2016; rank: Police Officer; Unit of Assignment: 4 th District; DOB: [REDACTED], 1984; female; Black.
Involved Officer #2:	Courtney Armstrong, star# 14440, employee ID# [REDACTED]; Date of Appointment: October 31, 2016; rank: Police Officer; Unit of Assignment: 4 th District; DOB: [REDACTED], 1991; female; Black.
Involved Individual #1:	[REDACTED] ¹ DOB: [REDACTED], 2000; male; Black.
Involved Individual #2:	Unknown

¹ Mr. [REDACTED] name is spelled [REDACTED] on multiple reports.

III. ALLEGATIONS

Pursuant to section 2-78-120(d) of the Municipal Code of Chicago, the Civilian Office of Police Accountability (“COPA”) has the duty to investigate incidents where a person dies as a result of police actions, such as during attempts to apprehend a suspect. COPA is also required to conduct investigations for all “officer-involved” deaths under the Police and Community Relations Improvement Act.² “Officer-involved death,” as defined in that statute, “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.”³ As a result of its investigation, COPA made the following allegations and findings:

Officer	Allegation	Finding
Officer Marquita Sanders	1. It is alleged that Officer Sanders failed to timely render aid to the occupant(s) in a Chevrolet Monte Carlo following a traffic crash.	Sustained
	2. It is alleged that Officer Sanders failed to timely render aid to the occupants in a Chevrolet Equinox following a traffic crash.	Sustained
	3. It is alleged that Officer Sanders failed to timely secure the scene following a traffic crash.	Sustained
	4. It is alleged that Officer Sanders failed to immediately notify OEMC ⁴ of a traffic crash.	Unfounded
	5. It is alleged that Officer Sanders failed to timely notify OEMC of a traffic stop.	Unfounded
	6. It is alleged that Officer Sanders failed to timely request an ambulance following a traffic crash.	Unfounded
	7. It is alleged that Officer Sanders was inattentive to duty in that she took no action to prevent the escape of the driver of the Chevrolet Monte Carlo.	Not Sustained
	8. It is alleged that Officer Sanders initiated a traffic pursuit without justification.	Sustained

² 50 Illinois Compiled Statutes 727/.

³ 50 ILCS 727/1-5.

⁴ Office of Emergency Management and Communications.

Officer Courtney Armstrong	1. It is alleged that Officer Armstrong failed to timely render aid to the occupant(s) in a Chevrolet Monte Carlo following a traffic crash.	Sustained
	2. It is alleged that Officer Armstrong failed to timely render aid to the occupants in a Chevrolet Equinox following a traffic crash.	Sustained
	3. It is alleged that Officer Armstrong failed to timely secure the scene following a traffic crash.	Sustained
	4. It is alleged that Officer Armstrong failed to immediately notify OEMC of a traffic crash.	Unfounded
	5. It is alleged that Officer Armstrong failed to timely notify OEMC of a traffic stop.	Unfounded
	6. It is alleged that Officer Armstrong failed to timely request an ambulance following a traffic crash.	Unfounded
	7. It is alleged that Officer Armstrong was inattentive to duty in that she took no action to prevent the escape of the driver of the Chevrolet Monte Carlo.	Not Sustained
	8. It is alleged that Officer Armstrong initiated a traffic pursuit without justification.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals.
2. Rule 3: Any failure to promote the Department’s efforts to implements its policy or accomplish its goals.
3. Rule 5: Failure to perform any duty.
4. Rule 6: Disobedience of an order or directive, whether written or oral.
5. Rule 10: Inattention to duty.
6. Rule 11: Incompetency or inefficiency in the performance of duty.

General Orders

1. G03-01-01: Radio Communications (July 13, 2016-present)
2. G03-03-01: Emergency Vehicle Operations – Pursuits (April 9, 2019 – August 15, 2020)

3. G04-01: Preliminary Investigations (October 15, 2017-present)

State Laws

625 ILCS 5/11 – 205

625 ILCS 5/12 – 610.2

City Ordinance

Municipal Code of Chicago 9-4-020

Municipal Code of Chicago 9-40-200

V. INVESTIGATION⁵

a. Interviews

Officer Sanders' Statements

In a statement to COPA on July 23, 2019, **Officer Marquita Sanders**⁶ stated she and her partner, Officer Courtney Armstrong, were detailed to the Summer Mobile Unit.⁷ The officers were on patrol in the 11th district when they observed a motorist in a black Chevrolet Monte Carlo using a cell phone while driving westbound on Chicago Avenue, east of Cicero. Officer Sanders explained she saw the glare of the cell phone and believed that the driver was texting.⁸ Officer Sanders believed there was also someone in the front passenger seat but was not positive. Officer Sanders, the driver of the marked squad car, followed the Monte Carlo. Once traffic permitted, Officer Sanders got behind the Monte Carlo, activated the squad car's emergency lights, and initiated a traffic stop. The Monte Carlo pulled over just west of Cicero. As the officers got ready to open their doors to exit the squad car, the driver pulled off, continuing westbound on Chicago Avenue. The officers had not yet notified OEMC of the traffic stop. Officer Sanders explained they did not have a Portable Data Terminal (PDT), which is typically how officers enter a traffic stop. However, immediately after the car fled, Officer Armstrong notified OEMC they attempted to curb a black Monte Carlo and it “just took off on us.”⁹

The driver pulled away quickly and increased speed. The officers decided to disengage, and Officer Armstrong announced over the radio they were self-terminating the pursuit. Within seconds, the Monte Carlo crashed into a Chevrolet Equinox. Officer Sanders could not estimate the Monte Carlo's speed prior to the crash, but believes the vehicle was traveling in excess of 30 miles per hour. Officer Sanders believes their squad car was also traveling in excess of 30 miles

⁵ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁶ Attachments 46, 48.

⁷ Officer Sanders has an assigned Body Worn Camera at her unit of assignment, the 4th District. Officer Sanders was not assigned a Body Worn Camera at her detailed unit, Summer Mobile Unit.

⁸ Officer Sanders related that the driver's window was either cracked, or completely down.

⁹ Attachment 46, page 19, line 17.

per hour and they were approximately six car-lengths behind the Monte Carlo when the crash occurred. Officer Sanders stopped the squad car, and Officer Armstrong immediately requested an ambulance and notified OEMC of the traffic crash. A “huge crowd”¹⁰ of citizens formed, some of whom pulled an injured person, now identified as ██████████ out the passenger side of the Monte Carlo. Officer Sanders observed people running in different directions. Officer Sanders was uncertain whether any of those people exited the Monte Carlo but assumed the driver of the Monte Carlo left the scene.¹¹ The officers remained in the squad car for approximately 30 seconds to assess and process the situation. The officers made notifications, requested a sergeant, discussed that Officer Sanders would assist ██████████ and Officer Armstrong would assist the occupants in the Equinox, later identified as ██████████ and ██████████. Officer Sanders drove closer to the scene, and both officers exited the squad car. Due to the large crowd, Officer Armstrong followed Officer Sanders to ██████████. Officer Sanders told everyone to move back and not to touch ██████████. Officer Sanders spoke to ██████████ and tried to keep him alert while they waited for the ambulance. Other officers arrived on scene and assisted with crowd control.

Officer Sanders said, given the situation, she rendered aid to ██████████ as quickly as possible. Once the situation was calm, Officer Sanders checked on the ██████████ and requested an ambulance for both parties. Officer Sanders and Officer Armstrong secured the scene as best as possible. They were two officers facing a crowd of people and had to devise a plan for their own safety and everyone else’s safety. The crowd disregarded verbal warnings from Officers Sanders and Armstrong, and only responded after additional officers arrived on scene. Officer Sanders added while she and her partner were assigned to the 11th district on the date of incident, the Monte Carlo crossed into the 15th district, which put them on a different radio zone. Hence, the officers had difficulty locating the correct zone to communicate with OEMC.

In a subsequent statement to COPA on August 11, 2021, **Officer Marquita Sanders**¹² addressed the allegation that she initiated a traffic pursuit without justification. Officer Sanders explained that she and her partner initiated the traffic stop due to the Monte Carlo’s “hazardous” driving, which included the fact that the driver “sped past,” was using a cell phone, switched lanes without using a signal causing a vehicle immediately behind him to brake at a green traffic light, and followed another vehicle too closely.¹³ Officer Sanders explained once the driver took off from the traffic stop, he was fleeing and eluding the police.

Officer Sanders stated that she conducted the balancing test at the initiation of the pursuit and found that the severity of the traffic offense outweighed the potential danger and concluded that “they could pursue him.”¹⁴ Officer Sanders noted that she did not see much pedestrian traffic in the area and, in fact, believed that she did not see “any pedestrians during the initial stop.”¹⁵ Officer Sanders also explained that there were “not too many cars on the road,” there was sufficient lighting, and that road and weather conditions “permitted” a pursuit. Officer Sanders also explained that she also pursued the Monte Carlo because she was unable to obtain its license

¹⁰ Attachment 46, page 26, line 20.

¹¹ Officer Sanders said she later learned ██████████ was the driver.

¹² Attachments 98-99.

¹³ Officer Sanders was unsure what specific movement the Monte Carlo made.

¹⁴ Attachment 99.

¹⁵ Attachment 99. Officer Sanders stated that the pedestrians appeared later—after the Monte Carlo had traveled further west on Chicago Avenue and crashed.

plate during the traffic stop in hopes of later apprehension of the driver. Based on all of the above reasons, Officer Sanders concluded that initiating a pursuit was “reasonable”¹⁶ at that time.

Officer Sanders stated that the situation changed as the driver increased his speed, again switched lanes without signaling, and drove erratically. Officer Sanders terminated the pursuit when the Monte Carlo’s driving became more hazardous, as she no longer felt it reasonable to continue. She stated the crash happened “within seconds” of her informing OEMC that she was self-terminating the pursuit.¹⁷

Officer Armstrong’s Statements

In a statement to COPA on July 23, 2019, **Officer Courtney Armstrong’s**¹⁸ statement was materially consistent with the statement of her partner, Officer Sanders, with some additional or specific details. Officer Armstrong notified OEMC that a vehicle had taken off from them and provided the vehicle’s direction of flight. Officer Armstrong could not estimate the Monte Carlo’s speed, but stated the Monte Carlo exceeded the speed limit. Officer Armstrong estimated the Monte Carlo crashed within twenty to twenty-five seconds of the initial stop. Once the vehicle crashed, Officer Sanders pulled to the center lane and stopped the squad car approximately four car-lengths from the Monte Carlo. The officers redirected traffic, told the crowd to move back, and stopped people from touching ██████. Officer Armstrong stated Officer Sanders attempted to talk to ██████ to see if he was conscious. Officer Armstrong received LEMART (Law Enforcement Medical and Rescue Training) training in the past, but given ██████ condition, there was nothing they could do.¹⁹

Officer Armstrong spoke with the ██████ and requested an ambulance for ██████. Officer Armstrong stated there was a delay in the officers’ securing the scene because there were twenty-five to fifty people on scene—some angry—and the officers were outnumbered. Additionally, Officer Armstrong had difficulty finding the correct zone on the radio because the officers were from an outside unit, and the radio equipment she had on the night of the incident was different than what she uses in her own unit. When she or Officer Sanders made notifications on the radio, they were told they were on the wrong zone.

Officer Armstrong denied she was inattentive to duty and took no action to prevent the escape of the driver of the Monte Carlo, adding that they had to ensure their safety amongst the crowd of people. Once the officers requested backup, their first priority was to render aid to ██████.

In a subsequent statement to COPA on August 11, 2021, **Officer Courtney Armstrong**²⁰ addressed the allegation that she initiated a traffic pursuit without justification. Officer Armstrong provided an account generally consistent with Officer Sanders regarding this allegation. Officer Armstrong stated that she and her partner initiated a traffic stop of the Monte Carlo after observing a cell phone violation and were concerned that the Monte Carlo, although not speeding, was

¹⁶ Attachment 99.

¹⁷ Attachment 99.

¹⁸ Attachments 45, 47.

¹⁹ Officer Sanders also reported she had LEMART training. See Attachment 69, Page 37-38,

²⁰ Attachment 100.

driving “fast enough to notice.”²¹ Officer Armstrong stated that, initially, the pursuit comported with the balancing test. She explained that there were “no people out” in the area and “skies were clear.”²² Officer Armstrong added that once the Monte Carlo began making evasive movements, switching lanes, jumping in front of cars, and pedestrians started appearing, the officers deemed the pursuit unsafe and terminated it.

Attempts to contact ██████ and ██████ were unsuccessful.

b. Digital Evidence

COPA investigators collected video footage from various locations that captured the involved squad car and the vehicle occupied by ██████ in the moments leading up to the crash. Among the video collected was footage from in-car video, third party surveillance cameras, Police Observation Devices (PODs), and red-light cameras.

In-car video for Officers Sanders and Armstrong, Beat 4472,²⁴ depicts the involved squad car coming to a stop at 00:02.²⁵ Simultaneously, the Monte Carlo is visible on the in-car video traveling westbound on Chicago Avenue. Beat 4472 subsequently makes a left turn, traveling westbound on Chicago Avenue. The Monte Carlo switches lanes at 00:21, and Beat 4472 activates the vehicle’s emergency equipment and initiates a traffic stop at 00:28. The Monte Carlo pulls to the right, along the north curb of Chicago Avenue and comes to complete stop at 00:40. The Monte Carlo stops for approximately four seconds, before pulling away from the curb and fleeing at 00:44. The Monte Carlo increases speed and drives left of center (into the oncoming traffic lane). At 01:05, the Monte Carlo strikes the Equinox and crashes into a building. At the time of the collision, the Equinox was traveling westbound on Chicago Avenue and attempting to make a left turn southbound onto LeClaire Avenue. At 1:09, Beat 4472 deactivate the emergency lights. Beat 4472’s squad car stops at 01:12, several car-lengths back from the intersection where the crash occurred. The squad car remains there momentarily, and ultimately arrives at the crash intersection at 1:52. Officer Armstrong is visible walking toward the crowd at 2:00 and moves in the direction of the Equinox at 2:45 before returning to the crowd at 3:39.

Third party surveillance footage from GiGi’s Food Mart,²⁶ located at 5050 W. Chicago Avenue, depicts the crash occurring at 19:50:52 hours.²⁷ Beat 4472’s squad car drives up to the crash intersection at 19:51:37. The officers exit their vehicle at 19:51:40 hours. An unmarked vehicle arrived and parked behind Beat 4472’s vehicle at 19:51:52.

²¹ Attachment 100.

²² Attachment 100.

²³ Attachments 23, 24, 49.

²⁴ Attachment 54.

²⁵ The squad car faces north at Chicago Avenue. This video does not have a time stamp. The times listed here refer to how far into the recording the specific action took place.

²⁶ Attachment 51. COPA Digital Forensic Analyst created an enhanced version of the surveillance footage from GiGi’s Food Mart, which also shows a person believed to be the second occupant exit the Monte Carlo at 01:10. Attachment 68.

²⁷ The time stamp is one hour behind.

POD 7197,²⁸ located at 5132 W. Chicago, depicts the crash at 20:22. It also shows a person believed to be the second occupant of the Monte Carlo exit the passenger side door and walk northbound, away from the scene, starting at 20:40.

OEMC Zone 10 transmissions²⁹ document that Beat 4472 first attempted to contact dispatch at approximately 8:49:21.³⁰ After a brief delay due to radio traffic, at 8:49:34 Beat 4472 announced that a black Monte Carlo took off from them during a traffic stop. At 8:49:46, Beat 4472 announced they would self-terminate the pursuit. At 8:49:54, Beat 4472 requested an ambulance, relating the car they were pursuing just struck another vehicle. At 8:52:00, Beat 4472 requested traffic assistance. The dispatcher told Beat 4472 to switch to Zone 12, as the location of incident is outside of Zone 10. At 8:52:45, Beat 4472 requested additional units to hurry. Beat 4472 again requested an ambulance and asked for additional units to help with the large crowd. Beat 4472 asked the dispatcher to relay the message while they find the correct radio zone.

OEMC Zone 12 transmissions³¹ document at approximately 8:51:15,³² Beat 1561B reported a car crash at LeClaire and Chicago Avenue. Beat 1561B requested two ambulances and additional units for a large crowd and traffic control. Beat 4443 reported the offending driver missing from the scene. Beat 4472 made their first transmission on Zone 12 at approximately 9:04:50.

c. Physical Evidence

There is no **GPS data**³³ for the involved officers' squad car. The Office of Emergency Management and Communications (OEMC) has not received any GPS communications from this squad car since the end of 2018.

The **Postmortem Examination Report**³⁴ documents that [REDACTED] was examined on May 19, 2019, at 7:50 am. The Medical Examiner identified 13 injuries to [REDACTED] head and neck, three torso injuries, and ten injuries to his extremities. The Medical Examiner determined [REDACTED] cause of death was multiple blunt force injuries due to a motor vehicle accident. The Toxicology Report did not reveal any positive findings of toxicological significance.

d. Documentary Evidence

The **Traffic Crash Report for RD # [REDACTED]**³⁵ documents that Officer Chris Warjas, #17195,³⁶ responded to an auto accident at 5100 W. Chicago Avenue. Officers Sanders and Armstrong reported they observed the driver of a Chevrolet Monte Carlo traveling westbound on Chicago Avenue using a cell phone. The officers activated their squad car's emergency equipment,

²⁸ Attachment 25.

²⁹ Attachment 29.

³⁰ This time corresponds to 19:21 into the recording. All times are approximate.

³¹ Attachment 29.

³² This time corresponds to 21:15 into the recording. All times are approximate.

³³ Attachment 17.

³⁴ Attachment 35.

³⁵ Attachment 50, pages 6-9.

³⁶ Officer Renee Pietrusiewicz, #16494, was Officer Warjas' partner but is not listed on the Traffic Crash Report.

east of Cicero, on Chicago Avenue, and the Monte Carlo pulled over at 4826 W. Chicago Avenue. Before the officers exited their squad car, the driver of the Monte Carlo immediately drove westbound on Chicago Avenue and collided with a Chevrolet Equinox, utility pole and a fence. Officer Warjas observed an occupant of the Monte Carlo,³⁷ now identified as [REDACTED] lying in the street, bleeding, and apparently unconscious. Officers Sanders and Armstrong related that unknown citizens pulled [REDACTED] out of the Monte Carlo through the front passenger side window. Officer Warjas spoke with the occupants of the Chevrolet Equinox, [REDACTED] and [REDACTED] who related that they were traveling westbound on Chicago Avenue when the driver of the Monte Carlo, also traveling westbound, attempted to overpass them, striking them. Chicago Fire Department (CFD) ambulance 15 transported [REDACTED] to [REDACTED] in critical condition. CFD ambulance 45 transported [REDACTED] and [REDACTED] to [REDACTED] in stable condition. Officers on the scene recovered twenty-five suspect Ecstasy pills from underneath the driver's seat of the Monte Carlo.

The **Major Accident Investigation Unit (MAIU) Supplementary Report**³⁸ documents that the Monte Carlo fled westbound on Chicago Avenue from a stop initiated by Beat 4472 (Officers Sanders and Armstrong),³⁹ drove left of center, and struck the Equinox that was turning left onto LeClaire Avenue. The Monte Carlo then struck a City of Chicago light pole and a building. Citizens told Officers Sanders and Armstrong a black male fled from the crash site. [REDACTED] mother, [REDACTED] told Sgt. Jacobson that on the evening of the incident, [REDACTED] stopped by their home in Carpentersville, Illinois with an individual named, [REDACTED] a black male, approximately 16-19 years old. [REDACTED] was driving a black, two-door vehicle. [REDACTED] told [REDACTED] he and [REDACTED] were going to the city to meet friends. [REDACTED] later received a Facebook message from [REDACTED] telling her to come to Chicago Avenue, "It's real (sic) bad."⁴⁰ [REDACTED] is identified as [REDACTED] from the Facebook message. Efforts to contact [REDACTED] were unsuccessful. Traffic Specialist Fligelman reviewed video and reports from the incident to identify the driver of the Monte Carlo. A black male wearing a white t-shirt and black shorts, now believed to be [REDACTED] is seen on video running northbound from the Monte Carlo.

The Supplementary Report documents that Traffic Specialist Fligelman spoke, via telephone, to [REDACTED] the registered owner of the Monte Carlo. [REDACTED] stated he loaned his car to [REDACTED] earlier in the day and did not know who was driving the car at the time of the crash. Traffic Specialists executed Search Warrant # [REDACTED] and recovered the Airbag Control Module (ACM), a deployed airbag, an Alcatel flip cell phone, and a white and blue Nike Jordan right gym shoe wedged under the driver's side dash near the gas pedal. This shoe matches the left shoe [REDACTED] was wearing. [REDACTED] was missing a right shoe on scene. Traffic Specialists determined that the impacts focused on the driver's side caused the fatal injuries suffered by [REDACTED] and established [REDACTED] as the driver of the Monte Carlo. The crash data retrieval (CDR) documents that the Monte Carlo's speed remained at/near 76 mph at 2.5 seconds prior to the crash, increased to 82 mph at one second prior to the crash, and then dropped to 77 mph .5 second prior to the event.

³⁷ Responding officers were unable to determine if [REDACTED] was the driver.

³⁸ Attachment 50, pages 82-97.

³⁹ Attachment 50, pp. 6-7, 100

⁴⁰ Attachment 50, page 94, paragraph 2.

The Supplementary Report further documents that Traffic Specialist Fligelman spoke with Officers Sanders and Armstrong. TS Fligelman reported that Officer Armstrong stated that they “attempted to stop the vehicle for texting while driving,” and that Officer Sanders reported that they “saw the vehicle traveling westbound on Chicago with the driver texting.”⁴¹

VI. LEGAL STANDARD

a. Preliminary Investigations – Procedures

Department policy under General Order G04-01 lays out several requirements for members upon their arrival at the scene of a crime or accident. Relevant to this investigation, G04-01 mandates that members *immediately* request appropriate medical aid and provide care consistent with their training.⁴² Additionally, members are to protect and preserve the scene.⁴³

b. Radio Communications

Department policy requires that members notify dispatch when making a traffic stop.⁴⁴ Members must also notify dispatch when responding to an on-view incident (such as a traffic crash).⁴⁵

c. Motor Vehicle Pursuits

The rules and policies governing emergency motor vehicle pursuits and non-pursuits establish procedures, responsibilities, and specific prohibitions regarding the behavior of CPD members during a motor vehicle pursuit.⁴⁶ Specifically, CPD members must remain “cognizant of the fact that **motor vehicle pursuits are a serious matter with a potential for death and/or injury to the involved members, persons in the vehicle being pursued, and other persons in the area.**”⁴⁷ Due to the inherently dangerous nature of motor vehicle pursuits, CPD has established policies for use of CPD vehicles “to ensure the safety of the public as well as [CPD] members at all times.”⁴⁸

CPD policy defines “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

⁴¹ Attachment 50, p. 93 (Note: The quoted language is from TS Fligelman’s Supplementary Report which cautions that its contents are merely a summary of the officers’ statements and are not a verbatim account of what the officers told TS Fligelman)

⁴² G04-01(V)(A)(1)

⁴³ *Id.* at (V)(A)(5)

⁴⁴ General Order 03-01-01(II)(M)

⁴⁵ *Id.* at (II)(L)

⁴⁶ G03-03-01.I; G03-03-02.I

⁴⁷ G03-03-01.IV.B (emphasis in original)

⁴⁸ G03-03.II (Eff. June 1, 2003 – present)

her speed, extinguishes his or her lights, or otherwise flees or attempts to elude the officer.⁴⁹

Pursuant to CPD policy, a Department member “**will only engage in a motor vehicle pursuit when**”: (1) a pursuit is authorized after applying the balancing test; (2) the appropriate emergency equipment is activated (lights and sirens); and (3) notification to OEMC regarding the facts concerning the pursuit has been made.⁵⁰ Any motor vehicle pursuit – its initiation, continuation and authorization – must comply with CPD’s “**BALANCING TEST**: [which requires a determination] **that the necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit.**”⁵¹ CPD Policy further mandates that all members “**involved in or supervising a motor vehicle pursuit must be prepared to justify their actions.**”⁵²

The balancing test requires CPD members to continuously assess whether the speeds and/or maneuvers of CPD vehicles do not create an unwarranted danger, whether pedestrian and vehicular traffic volumes justify the initiation or continuation of a pursuit, and whether the weather and road conditions are likewise reasonable.⁵³ CPD policy dictates that involved members must terminate a pursuit if they determine that the pursuit does not conform to the balancing test.⁵⁴ In addition, due to the inherently dangerous nature of motor vehicle pursuits, CPD policy requires all CPD members to “remain aware that they will not be able to apprehend every motorist they have probable cause to arrest.”⁵⁵

The balancing test discourages pursuits from being initiated or continued in a number of circumstances.⁵⁶ In particular, CPD members are to “consider not initiating or terminating an active motor vehicle pursuit whenever the suspect’s identity has been clearly established to the point where later apprehension can be accomplished without jeopardizing the life or safety of another individual.”⁵⁷

CPD policy also prohibits motor vehicle pursuits “whenever the most serious offense for which the motor vehicle is wanted is a non-hazardous traffic offense.”⁵⁸ A non-hazardous traffic offense is defined as any traffic offense “involving equipment, licensing or regulatory violations.”⁵⁹ A hazardous traffic offense, on the other hand, is defined as any traffic offense “involving the improper maneuvering or control of the vehicle that may create a hazard to other persons or property and does not meet the criteria for a nonhazardous moving violation.”⁶⁰

⁴⁹ G03-03-01, Glossary Terms 4.A

⁵⁰ G03-03-01.V.A (emphasis in original)

⁵¹ G03-03-01.II.A (emphasis in original)

⁵² G03-03-01.IV.A (emphasis in original)

⁵³ G03-03-01.VIII.A; G03-03-01.II.B

⁵⁴ G03-03-01.VIII.B.1

⁵⁵ G03-03-01.IV.B

⁵⁶ G03-03-01.II.B

⁵⁷ G03-03-01.II.B.2

⁵⁸ G03-03-01.III.A

⁵⁹ G03-03-01, Glossary Terms at ¶1

⁶⁰ G03-03-01, Glossary Terms at ¶7

d. Standard of Proof

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

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 **proposition is proved**.⁶¹ For example, 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.⁶² 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."⁶³

VII. ANALYSIS

a. Allegations Against Officer Marquita Sanders

COPA finds that **Officer Marquita Sanders** failed to timely render aid to the occupant(s) in the Monte Carlo following a traffic crash. Officer Sanders and her partner witnessed the crash, and based on the officers' accounts, they were four to six car-lengths away from the Monte Carlo when the crash occurred. Video evidence shows that the officers remained in their vehicle approximately 48 seconds before they exited and approached ██████ or the Monte Carlo. Pursuant to General Order G04-01, Officer Sanders was required to *immediately* request medical aid and may provide aid consistent with her training, as well as secure the scene. In her interview, Officer Sanders indicated that she waited to exit her vehicle because she was assessing the situation and thought that she did so as quickly as possible. However, as the officers sat in their vehicle for nearly a minute, citizens pulled an injured ██████ out the front passenger side window of the Monte Carlo, potentially causing him more harm. Based upon a preponderance of the evidence, COPA does not agree with Officer Sanders' assertion that her 48-second delay was "as quickly as

⁶¹ 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 been found to be more probably true than not).

⁶² See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

⁶³ *Id.* at ¶ 28.

possible,” and finds that such a delay does not satisfy the requirement of G04-01 to act *immediately* in requesting *appropriate* medical aid, as it was impossible to request immediate, appropriate medical without immediately exiting the vehicle and evaluating the scene. Consequently, this allegation is **Sustained**.

COPA finds that **Officer Marquita Sanders** failed to timely render aid to the occupants in the other vehicle involved in the crash, the Chevrolet Equinox. Similar to the above discussion for Allegation #1, Officer Sanders had a duty to act *immediately* under G04-01. However, after witnessing the crash, the officers remained in their vehicle approximately 48 seconds before they exited and engaged with either of the parties involved in the crash. In fact, both [REDACTED] and [REDACTED] sustained injuries and were transported to a hospital. For the same reasons as Allegation #1, this Allegation is also **Sustained**.

COPA finds that **Officer Marquita Sanders** failed to timely secure the scene following a traffic crash. Again, video evidence shows that Officers Sanders and Armstrong remained in their vehicle approximately 48 seconds after the crash occurred. As the officers sat in their vehicle, citizens pulled an injured [REDACTED] out the front passenger side window of the Monte Carlo. During that time, the second occupant of the Monte Carlo left the scene of the crash unnoticed. As mentioned in Allegation #1, G04-01’s requirement to *immediately* act also applies to securing the scene. Additionally, Officer Sander’s failure to act was inattentive to duty and in violation of Rule 10. Therefore, this Allegation is **Sustained** for the same reasons as the previous two.

COPA finds that **Officer Marquita Sanders** immediately notified OEMC of a traffic crash. The OEMC transmissions document that Officers Sanders and Armstrong immediately notified OEMC of the traffic crash. Therefore, clear and convincing evidence exists to conclude that Allegation #4 is **Unfounded**.

COPA finds that **Officer Marquita Sanders** did timely notify OEMC of a traffic stop. According to Officer Sanders, their squad car was not equipped with a Portable Data Terminal (PDT), which is how officers typically enter a traffic stop. When the officers initiated a traffic stop on the Monte Carlo, the vehicle fled the as soon as they opened their squad car doors to approach the driver. Video evidence shows that the Monte Carlo stopped for four seconds before fleeing. Immediately after the car fled, Officer Armstrong notified OEMC that they attempted to stop the black Monte Carlo and it “just took off on us.” Based on the above, clear and convincing evidence exists to determine that Allegation #5 is **Unfounded**.

COPA finds that **Officer Marquita Sanders** did timely request an ambulance following a traffic crash. OEMC transmissions document that Officers Sanders and Armstrong did, in fact, request an ambulance immediately following the traffic crash. Therefore, clear and convincing evidence exists showing that Allegation #6 is **Unfounded**.

COPA finds contrasting evidence regarding **Allegation #7** against **Officer Marquita Sanders**, that she was inattentive to duty in that she took no action to prevent the escape of the driver of the Chevrolet Monte Carlo. Video evidence shows that Officers Sanders and Armstrong remained in their vehicle for approximately 48 seconds after the crash occurred. During this time, a crowd of onlookers formed, and the second occupant of the Monte Carlo left the scene. Officer

Sanders said she observed people running in different directions but was uncertain whether any of them exited the Monte Carlo. While it is clear there was a second person in the vehicle, upon COPA's review of the video, it is difficult to see exactly when that individual left the scene, as he blended in with the crowd. Based on the available evidence, there is insufficient information to determine if Officer Sanders knew or saw the second person exit the vehicle. Because there is not sufficient information upon which to prove or disprove this allegation, by a preponderance of the evidence, Allegation #7 must be **Not Sustained**.

b. Allegations Against Officer Courtney Armstrong

COPA finds **Allegations #1, #2, and #3** against **Officer Courtney Armstrong are Sustained**. As with Officer Sanders, these three allegations involve a failure to timely secure the scene and render aid to the occupants of the vehicles involved in the crash. Officer Armstrong indicated in her interview that she did not act immediately out of a concern for officer safety. However, she did not articulate any specific threats that justified her delayed action. Inclusive of the analysis detailed above for Officer Sanders, and based upon a preponderance of the evidence, each corresponding allegation against Officer Armstrong is also **Sustained**.

COPA finds **Allegations #4, #5, and #6** against **Officer Courtney Armstrong to be Unfounded**. Similar to Officer Sanders, these allegations also involve the timely notification to OEMC of a traffic stop, the subsequent crash, and the request for an ambulance. As previously described, the OEMC transmissions are clear and convincing evidence that all notifications were made in a timely manner. Therefore, these allegations are **Unfounded**.

COPA finds contrasting evidence to support **Allegation #7** against **Officer Courtney Armstrong**, that she was inattentive to duty when she took no action to prevent the escape of the driver of the Chevrolet Monte Carlo. Inclusive of the analysis from Allegation #7 for Officer Sanders, there is also insufficient information to determine if Officer Armstrong knew about or saw the second person exit the vehicle. Because there is not sufficient information upon which to prove or disprove this allegation, by a preponderance of the evidence, Allegation #7 must be **Not Sustained**.

c. Allegation # 8 against Officer Marquita Sanders & Officer Courtney Armstrong

COPA finds sufficient evidence by a preponderance of the evidence to sustain **Allegation #8** against both, **Officer Marquita Sanders** and **Officer Courtney Armstrong** alleging that they initiated a traffic pursuit without justification. Specifically, although the pursuit was not prohibited by Department Policy, COPA finds that it was objectively unreasonable under the Balancing Test. Allegation #8 is therefore **Sustained**.

1. Both Officers Engaged in a Pursuit of the Monte Carlo and are Responsible for Any Violations of Department Policy Stemming from the Pursuit.

COPA finds that based on a preponderance of the evidence, both officers engaged in a pursuit of the Monte Carlo. First, the evidence shows that the driver of the Monte Carlo failed or

refused to obey the officers' activated emergency lights and siren when he pulled away from their traffic stop.⁶⁴ Second, the evidence shows that both officers were actively attempting to apprehend the driver of the Monte Carlo and worked together to accomplish this goal.

The officers described how they divided their responsibilities. As the front seat passenger, Officer Armstrong had the responsibility to identify and alert Officer Sanders to any infractions she observed, to communicate with OEMC, and to complete any necessary paperwork.⁶⁵ Officer Sanders had the responsibility of driving. Officer Armstrong, as the officer who called out the pursuit's progress over the radio, and as the "eyes"⁶⁶ of the operation, had a duty to ensure that the pursuit complied with Department policy. As the front seat passenger in the pursuit vehicle who called out the pursuit's progress over the radio, Officer Armstrong either knew or should have known that Officer Sanders' driving and the pursuit they were engaging in failed to comport with the balancing test.

COPA finds that Officer Armstrong actively participated in a vehicle pursuit in violation of Department Rules. Although Officer Armstrong was the passenger, Department policy did not permit her to passively sit by. Rule 2 prohibits conduct which impedes the Department's efforts to achieve its policy and goals. Rule 3 prohibits failures to promote Department policy. Moreover, the pursuit directive expressly states that "**all members involved in or supervising a motor vehicle pursuit must be prepared to justify their actions.**"⁶⁷ Working in concert, these three rules create a duty whereby all officers playing a role in a pursuit must justify their actions and cannot passively sit by. By not objecting to Officer Sanders' actions and by advancing OEMC communications in furtherance of the pursuit, Officer Armstrong also failed to carry out the goals of the Department. As such, based on a preponderance of the evidence, COPA finds that both officers actively attempted to apprehend the driver of the Monte Carlo.

2. The pursuit was not expressly prohibited by Department Policy

Department Policy prohibits motor vehicle pursuits "whenever the most serious offense for which the motor vehicle is wanted is a non-hazardous traffic offense."⁶⁸ COPA finds by a preponderance of the evidence that the violations observed by the officers were not equipment, licensing or regulatory violations.⁶⁹ As such, the pursuit was not prohibited by Department Policy. The officers provided various justifications for the traffic stop and pursuit. However, only two of the violations provided by the officers – the use of a cell phone while driving and changing lanes without the use of signal – have been shown by a preponderance of the evidence. COPA finds that these violations do not meet the definition of a non-hazardous traffic offense per Department Policy. As such, COPA cannot find that the pursuit was prohibited for this reason.

In its evaluation, COPA has considered the various CPD reports, including the Traffic Crash Report and the Detective Supplementary Report, the officers' interviews with COPA, as

⁶⁴ See Atts. 45-48, 53-54, 98-100

⁶⁵ See Atts. 45-48, 98-100.

⁶⁶ See Att. 46, p. 11, lines 19-23; see also Atts. 98-99.

⁶⁷ G03-03-01.IV.A

⁶⁸ G03-03-01.III.A

⁶⁹ G03-03-01, Glossary Terms at ¶7

well as available video-recorded footage pertaining to the incident. Initially, Officers Sanders and Armstrong both consistently reported observing the driver of the Monte Carlo commit only a single violation – driving while using a cell phone. Specifically, the Traffic Crash⁷⁰ report and the MAIU Supplementary Report⁷¹ both indicate that this was the only violation reported by the officers. Both officers also only referenced the Monte Carlo’s driver’s cell phone usage as the reason for the stop during their COPA interviews. Based on a preponderance of the evidence, COPA finds that the officers’ consistent account and the available footage, which appears to show a brief flash through the driver’s side window of the Monte Carlo as it travels westbound on Chicago Avenue, supports the conclusion that the officers observed the driver of the Monte Carlo using a cell phone prior to initiating the traffic stop.

However, it was not until the Officers’ second COPA interview that the officers provided additional justifications for their pursuit, stating that the Monte Carlo’s driving was hazardous. Specifically, they each stated that they noticed the Monte Carlo’s speed, that they believed the Monte Carlo caused a car behind it to brake while the light signal was green, and that they observed it change lanes without the use of a signal. The in-car camera does depict the Monte Carlo moving into the northern lane of Chicago Avenue without using a signal, corroborating the officers’ account. As such, COPA finds by a preponderance of the evidence that this traffic violation occurred. The remaining justifications, however, lack corroboration.⁷²

because COPA does find by a preponderance of the evidence that the two violations consisting of cell phone use while driving and changing lanes without using a turn signal likely do not meet the Department’s definition of a non-hazardous traffic violation, COPA does not find that the pursuit was prohibited by Department Policy.⁷³

⁷⁰ Att. 50, pp. 6-9

⁷¹ Att. 50, pp. 82-97

⁷² The additional justifications provided by Officer Sanders and Officer Armstrong for the traffic stop are difficult to corroborate via available footage and via the officers’ own statements. Specifically, while Officer Sanders stated that the Monte Carlo “sped past” when they first observed it, Officer Armstrong stated that the Monte Carlo was not speeding but was “going fast enough to notice.” Neither Officer Sanders nor Officer Armstrong explained how fast the Monte Carlo was traveling. Moreover, the Monte Carlo’s speed while approaching Cicero Avenue cannot be determined from the available evidence. Based on the evidence before it, COPA cannot find by a preponderance of the evidence that the Monte Carlo was exceeding the speed limit and violating the law in this manner. As such, this justification cannot support the stop and subsequent pursuit of the vehicle.

Both officers also claimed that the Monte Carlo caused the vehicle immediately behind it to brake “pretty hard” although it had a green light. The video, however, shows that the light was only green for only about 3 seconds when the white car in front of the officers had to brake, that the traffic was not yet flowing, and that the white car appeared to brake at other times for reasons apparently unrelated to the Monte Carlo – such as after the Monte Carlo had already changed lanes. Moreover, both officers admitted that they could not see exactly what caused the white vehicle to brake but believed that it had been an unspecified “maneuver” by the Monte Carlo. Based on the evidence before it, COPA cannot find that the preponderance of the evidence supports the officers’ conclusion that the Monte Carlo’s hazardous driving caused the white vehicle to brake.

⁷³ G03-03-01, Glossary Terms at ¶7

3. The pursuit was objectively unreasonable under the Balancing Test.

COPA finds by a preponderance of the evidence that the pursuit was objectively unreasonable under the balancing test because the driver of the Monte Carlo was only wanted for minor traffic offenses, and there was no need to immediately apprehend him. Policy dictates that the initiation and continuation of a pursuit must conform to the balancing test, in which officers must determine whether “**the necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit.**”⁷⁴ In this case, the minor offenses of using a cell phone and changing lanes without the use of a signal did not necessitate the immediate apprehension of the driver of the Monte Carlo and therefore did not outweigh the level of inherent danger created by the pursuit. COPA therefore finds by a preponderance of the evidence that the minor traffic offenses cited by the officers did not justify the initiation of the traffic pursuit.

The officers, via their pursuit of a vehicle wanted for only minor traffic violations, created a dangerous situation that resulted in a fatal car crash. The unreasonableness of the officers’ actions is highlighted by the fact that the crash occurred only 21 seconds after the initiation of the pursuit due to the high speed of the pursuit and the volume of traffic in the area. Although the weather conditions were favorable, there was artificial lighting, the roads were dry, and visible pedestrian traffic was light, the volume of vehicular traffic weighed against the initiation of the pursuit.

Officer Sanders admitted during her COPA interview that she was unable to immediately effect a traffic stop of the Monte Carlo because she had to “wait for traffic”⁷⁵ to clear sufficiently so that she could turn onto Chicago Avenue. She also indicated that once she was on Chicago Avenue, there were “a couple cars in between [her] car and [the Monte Carlo]” causing her to have to wait to effect the traffic stop to avoid pulling over the “wrong car.”⁷⁶ Officer Armstrong similarly stated that she and Officer Sanders could not activate their emergency equipment immediately upon observing the cell phone violation because there were “other vehicles behind the Monte Carlo.”⁷⁷ The available video footage also shows that the traffic was flowing in both directions on Chicago Avenue and appeared heavier heading westbound. Thus, the traffic violations for which the Monte Carlo was wanted in combination with the substantial vehicular traffic in the area, weighed strongly against the initiation of a pursuit. As such, COPA finds by a preponderance of the evidence that the initiation of the pursuit was objectively unreasonable under the Balancing Test.

Therefore, because the preponderance of the evidence demonstrates that Officer Sanders and Officer Armstrong initiated a pursuit which was objectively unreasonable under the Balancing Test, **Allegation #8** is **Sustained** as to both officers.

⁷⁴ G03-03-01.II. A

⁷⁵ Att. 48; Att. 46, p. 16, line 10

⁷⁶ Att. 48; Att. 46, p. 18, lines 1-5

⁷⁷ Att. 47; Att. 45, p.16

VIII. CONCLUSION

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

Officer	Allegation	Finding
Officer Marquita Sanders	1. It is alleged that Officer Sanders failed to timely render aid to the occupant(s) in a Chevrolet Monte Carlo following a traffic crash.	Sustained
	2. It is alleged that Officer Sanders failed to timely render aid to the occupants in a Chevrolet Equinox following a traffic crash.	Sustained
	3. It is alleged that Officer Sanders failed to timely secure the scene following a traffic crash.	Sustained
	4. It is alleged that Officer Sanders failed to immediately notify OEMC of a traffic crash.	Unfounded
	5. It is alleged that Officer Sanders failed to timely notify OEMC of a traffic stop.	Unfounded
	6. It is alleged that Officer Sanders failed to timely request an ambulance following a traffic crash.	Unfounded
	7. It is alleged that Officer Sanders was inattentive to duty in that she took no action to prevent the escape of the driver of the Chevrolet Monte Carlo.	Not Sustained
	8. It is alleged that Officer Sanders initiated a traffic pursuit without justification.	Sustained
Officer Courtney Armstrong	1. It is alleged that Officer Armstrong failed to timely render aid to the occupant(s) in a Chevrolet Monte Carlo following a traffic crash.	Sustained
	2. It is alleged that Officer Armstrong failed to timely render aid to the occupants in a Chevrolet Equinox following a traffic crash.	Sustained
	3. It is alleged that Officer Armstrong failed to timely secure the scene following a traffic crash.	Sustained
	4. It is alleged that Officer Armstrong failed to immediately notify OEMC of a traffic crash.	Unfounded
	5. It is alleged that Officer Armstrong failed to timely notify OEMC of a traffic stop.	Unfounded
	6. It is alleged that Officer Armstrong failed to timely request an ambulance following a traffic crash.	Unfounded
	7. It is alleged that Officer Armstrong was inattentive to duty in that she took no action to prevent the escape of the driver of the Chevrolet Monte Carlo.	Not Sustained
	8. It is alleged that Officer Armstrong initiated a traffic pursuit without justification.	Sustained

IX. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**a. Officer Marquita Sanders****i. Complimentary and Disciplinary History**

Officer Sanders has been a member of the Chicago Police Department since October 31, 2016. In that time, she has received 1 Honorable Mention. In the last five years, she received a reprimand for a preventable accident on May 10, 2019.

ii. Recommended Penalty, by Allegation

For the allegations that Officer Sanders failed to timely render aid to the occupant(s) in a Chevrolet Monte Carlo following a traffic crash, failed to timely render aid to the occupants in a Chevrolet Equinox following a traffic crash, failed to timely secure the scene following a traffic crash, and initiated a traffic pursuit without justification, **COPA recommends a suspension of 180 days up to and including separation from the Department.**

b. Officer Courtney Armstrong**i. Complimentary and Disciplinary History**

Officer Armstrong has been a member of the Chicago Police Department since October 31, 2016. In that time, she has received 4 Honorable Mentions. In the last five years, she has not received any discipline.

ii. Recommended Penalty, by Allegation

For the allegations that Officer Sanders failed to timely render aid to the occupant(s) in a Chevrolet Monte Carlo following a traffic crash, failed to timely render aid to the occupants in a Chevrolet Equinox following a traffic crash, failed to timely secure the scene following a traffic crash, and initialed a traffic pursuit against Department policy, **COPA recommends a suspension of 180 days up to and including separation from the Department.**

In this instance, even though [REDACTED] was only suspected of committing minor traffic offenses, and therefore the necessity for immediate apprehension was low, the involved officers, acting in concert, exercised poor judgment and decision-making by initiating a vehicle pursuit in heavy traffic conditions. This decision arguably influenced subsequent events that resulted in the death of [REDACTED]. Accordingly, COPA finds the above recommended discipline appropriate.

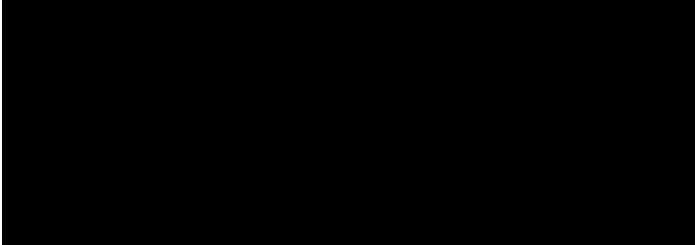
Approved:



2/24/2022

Matthew Haynam
Deputy Chief Administrator

Date



2/24/2022

Andrea Kersten
Chief Administrator

Date