

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

Date of Incident:	March 2, 2020
Time of Incident:	2:07 A.M.
Location of Incident:	700 North LaSalle Drive Chicago, Illinois 60654
Date of COPA Notification:	March 2, 2020
Time of COPA Notification:	2:56 A.M.

On March 2, 2020, [REDACTED] was driving with his friend, [REDACTED]. At approximately 1:42 A.M., Mr. [REDACTED] struck [REDACTED] car at approximately 216 W. Ohio Street. Mr. [REDACTED] and Ms. [REDACTED] exited their vehicles. Mr. [REDACTED] refused to give Ms. [REDACTED] his information, stating, "You don't want to do that, I am drunk, and I have a gun."<sup>1</sup> Mr. [REDACTED] then fled the scene, striking Ms. [REDACTED] in the leg with his vehicle. Ms. [REDACTED] called police and provided Mr. [REDACTED] license plate number. Chicago Police Department ("CPD") Officers ("POs") Kenneth Sunde and Tyler Thomas observed Mr. [REDACTED] vehicle near the intersection of Michigan and Ohio. The POs followed Mr. [REDACTED] to Michigan and Huron, where POs Timothy Macgruder and Marya Amanullah, POs Christos Liagridonis and James Radomski, and Sergeant ("Sgt.") Kristopher Rigan arrived to assist.

As POs Sunde and Thomas initiated a traffic stop and approached Mr. [REDACTED] vehicle, Mr. [REDACTED] fled from the traffic stop and drove westbound on Huron. Sgt. Rigan pursued Mr. [REDACTED] vehicle westbound on Huron, and POs Macgruder and Amanullah immediately followed Sgt. Rigan, joining in the pursuit. POs Sunde and Thomas reentered their vehicle and drove southbound on Michigan, then westbound on Ontario. POs Liagridonis and Radomski pursued travelling northbound on Michigan and westbound on Superior, which is a one-way street where traffic moves in the eastbound direction. All officers involved reported that their units self-terminated the pursuit almost simultaneously to receiving an order to terminate over the radio. Seconds later, at 2:07 A.M., Mr. [REDACTED] struck a fire hydrant and a light pole at the intersection of LaSalle and Huron, approximately six blocks from the location of the initial traffic stop. Paramedics transported Mr. [REDACTED] and Ms. [REDACTED] to [REDACTED] Hospital, where Mr. [REDACTED] was pronounced deceased. Ms. [REDACTED] survived the incident.

**II. INVOLVED PARTIES**

Involved Sergeant #1:	Kristopher Rigan, Star #1279, Employee ID # [REDACTED], Appointed: March 25, 2002, Sergeant, 18 <sup>th</sup> District, DOB: [REDACTED], 1979, Male, White
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<sup>1</sup> Att. 28.

Involved Officer #2:	Kenneth Sunde, Star #18633, Employee ID # [REDACTED], Appointed: February 20, 2018, Police Officer, 18 <sup>th</sup> District, DOB: [REDACTED], 1991, Male, White
Involved Officer #3:	Tyler Thomas, Star #4170, Employee ID # [REDACTED], Appointed: January 16, 2018, Police Officer, 18 <sup>th</sup> District, DOB: [REDACTED] 1992, Male, White
Involved Officer #4:	Timothy Magruder, Star #14707, Employee ID # [REDACTED], Appointed: July 17, 2017, Police Officer, 18 <sup>th</sup> District, DOB: [REDACTED], 1993, Male, White
Involved Officer #5:	Marya Amanullah, Star #8580, Employee ID # [REDACTED], Appointed: July 27, 2018, Police Officer, 18 <sup>th</sup> District, DOB: [REDACTED] 1981, Female, Asian Pacific Islander
Involved Officer #6:	Christos Liagridonis, Star #17735, Employee ID # [REDACTED], Appointed: October 29, 2018, Police Officer, 18 <sup>th</sup> District, DOB: [REDACTED] 1983, Male, White
Involved Officer #7:	James Radomski, Star #19133, Employee ID # [REDACTED], Appointed: October 31, 2016, Police Officer, 18 <sup>th</sup> District, DOB: [REDACTED], 1992, Male, White
Involved Individual #1:	[REDACTED] DOB: [REDACTED] 1993, Male, Black

### 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.<sup>2</sup> “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.”<sup>3</sup> As a result of its investigation, COPA made the following allegations and findings:

Officer	Allegation	Finding / Recommendation
Sgt. Kristopher Rigan	It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, Sgt. Kristopher Rigan, Star	Sustained/180 day suspension

<sup>2</sup> 50 Illinois Compiled Statutes 727/.

<sup>3</sup> 50 ILCS 727/1-5.

	<p>#1279, failed to comply with S03-14 by failing to activate his body worn camera in a timely manner.</p> <p>2. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, Sgt. Kristopher Rigan, Star #1279, failed to comply with GO03-03 by leading a vehicle pursuit of [REDACTED] in an unmarked squad car when a marked squad car was on-scene and available to lead.</p> <p>3. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, Sgt. Kristopher Rigan, Star #1279, failed to comply with GO03-03 by failing to drive with due regard for the safety of all persons.</p> <p>4. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, Sgt. Kristopher Rigan, Star #1279, failed to comply with GO03-03 by failing to conform to the balancing test when initiating a pursuit.</p>	Not Sustained
Officer Kenneth Sunde	<p>1. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO Kenneth Sunde, Star #18633, failed to comply with S03-14 by failing to activate his body worn camera in a timely manner.</p>	Sustained/1 day suspension
Officer Tyler Thomas	<p>1. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO Tyler Thomas, Star #4170, failed to comply with S03-14 by failing to activate his body worn camera in a timely manner.</p> <p>2. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 628 North Michigan Avenue, Chicago, Illinois 60611, PO Tyler Thomas, Star #4170, failed to comply with GO03-03 by paralleling [REDACTED] vehicle.</p> <p>3. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO Tyler Thomas, Star #4170, failed to comply with GO03-03 by failing to drive with due regard for the safety of all persons.</p>	Sustained/1 day suspension Not Sustained Exonerated

	4. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO Tyler Thomas, Star #4170, failed to comply with GO03-03 by failing to conform to the balancing test when initiating a pursuit.	Not Sustained
Officer Timothy Magruder	<p>1. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO Timothy Magruder, Star #14707, failed to comply with S03-14 by failing to activate his body worn camera in a timely manner.</p> <p>2. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO Timothy Magruder, Star #14707, failed to comply with GO03-03 by roadblocking [REDACTED] vehicle.</p> <p>3. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO Timothy Magruder, Star #14707, failed to comply with GO03-03 by failing to drive with due regard for the safety of all persons.</p> <p>4. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO Timothy Magruder, Star #14707, failed to comply with GO03-03 by failing to conform to the balancing test when initiating a pursuit.</p>	Sustained/60 day suspension  Exonerated  Not Sustained  Sustained/60 day suspension
Officer Marya Amanullah	<p>1. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO Marya Amanullah, Star #8580, failed to comply with S03-14 by failing to activate her body worn camera in a timely manner.</p> <p>2. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO Marya Amanullah, Star #8580, failed to comply with GO03-03 by failing to conform to the balancing test when initiating a pursuit.</p>	Sustained/30 day suspension  Sustained/30 day suspension
Officer Christos Liagridonis	1. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO Christos Liagridonis, Star #17735, failed to comply with S03-14 by failing to activate his body worn camera in a timely manner.	Sustained/30 day suspension

	2. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO Christos Liagridonis, Star #17735, failed to comply with GO03-03 by failing to conform to the balancing test when initiating a pursuit.	Sustained/30 day suspension
Officer James Radomski	<p>1. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO James Radomski, Star #19133, failed to comply with S03-14 by failing to activate his body worn camera in a timely manner.</p> <p>2. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 732 North Michigan Avenue, Chicago, Illinois 60611, PO James Radomski, Star #19133, failed to comply with GO03-03 by paralleling [REDACTED] vehicle.</p> <p>3. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO James Radomski, Star #19133, failed to comply with GO03-03 by roadblocking [REDACTED] vehicle.</p> <p>4. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO James Radomski, Star #19133, failed to comply with GO03-03 by failing to drive with due regard for the safety of all persons.</p> <p>5. It is alleged that on March 2, 2020, at approximately 2:07 A.M., at or near 679 North Michigan Avenue, Chicago, Illinois 60611, PO James Radomski, Star #19133, failed to comply with GO03-03 by failing to conform to the balancing test when initiating a pursuit.</p>	<p>Sustained/90 day suspension</p> <p>Sustained/90 day suspension</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Sustained/90 day suspension</p>

#### IV. APPLICABLE RULES AND LAWS

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##### General Orders<sup>4</sup>

1. G03-03-01: Emergency Vehicle Operations-Pursuits (Eff. April 9, 2019 – August 15, 2020).

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<sup>4</sup> CPD general and special orders, also known as directives, “are official documents establishing, defining, and communicating CPD-wide policy, procedures, or programs issued in the name of the Superintendent of Police.” Department Directives System, General Order G01-03; *see also* Chicago Police Department Directives System, available at <http://directives.chicagopolice.org/directives/> (last accessed August 10, 2021).

2. G03-03: Emergency Use of Department Vehicles (Eff. April 24, 2003).

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Special Order

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1. S03-14: Body Worn Cameras (Eff. April 30, 2018)

**V. INVESTIGATION<sup>5</sup>**

**a. CPD Interviews**

On June 26, 2020, **Sergeant Kristopher Rigan, Star #1279<sup>6</sup>**, Beat 1884, provided a statement to COPA. Sgt. Rigan stated on March 2, 2020, he was on duty, working as Patrol Supervisor. He drove an unmarked squad car with no passengers. Sgt. Rigan stated he heard a radio call from Beat 1823R requesting assistance in curbing a vehicle that was wanted for a possible armed robbery, and possibly also had a gun in the car.<sup>7</sup> Sgt. Rigan drove southbound on Michigan, toward the location of the traffic stop that was being given through Beat 1823R's flash messages. He estimated it took him approximately one minute to arrive at Huron and Michigan, the location of the traffic stop in progress. As Sgt. Rigan arrived at the scene, he observed Beat 1823R approach the curbed vehicle with their emergency equipment activated. Sgt. Rigan pulled to the front left side of the bumper of Mr. [REDACTED] vehicle, which was stopped just north of the turning lane from Michigan onto Huron, facing northbound.

Sgt. Rigan remained in his vehicle and watched Beat 1823R attempt a traffic stop. As the officers exited their vehicle and approached Mr. [REDACTED] vehicle on foot, Mr. [REDACTED] maneuvered his vehicle between several squad cars and fled westbound on Huron. Sgt. Rigan, who was still seated in his vehicle and was the closest to Huron based on where he parked to observe the traffic stop, immediately initiated a vehicle pursuit. Sgt. Rigan stated the other officers had to run and jump back into their vehicles, so he pursued first. Sgt. Rigan activated his emergency equipment, backed up, and drove westbound on Huron. He called in the pursuit, gave the direction of flight, and maintained visual of Mr. [REDACTED] vehicle as it fled westbound on Huron.

Sgt. Rigan said he observed Mr. [REDACTED] speeds and applied the balancing test after he activated his emergency equipment. In applying the balancing test, he considered that Mr. [REDACTED] was wanted for a possible armed robbery, had fled from a police traffic stop, and it was approximately 2:00 A.M. in the morning. At that hour, Michigan and Huron had light vehicular and pedestrian traffic, though Sgt. Rigan acknowledged that night clubs and pedestrian traffic increased as he drove westbound on Huron, approaching LaSalle.

After Mr. [REDACTED] disregarded a red traffic light and accelerated rapidly, Sgt. Rigan self-terminated the pursuit by deactivating his emergency equipment, slowing down, and pulling to the curb just west of State.<sup>8</sup> Sgt. Rigan added he "could see Mr. [REDACTED] car kind of bottom out. Sparks

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

<sup>6</sup> Transcript Att. 83, Audio Att. 80.

<sup>7</sup> The actual OEMC dispatch conveyed that there had been a hit and run with a reported, but not seen, firearm. Atts. 7, 38.

<sup>8</sup> This was done contemporaneously to the desk sergeant's order to terminate the pursuit. Atts. 7, 38.

flew. Kind of started to wiggle sideways.”<sup>9</sup> After Sgt. Rigan stopped his vehicle, he heard a loud noise and people screaming. Sgt. Rigan pulled away from the curb and drove at a normal pace to LaSalle and Huron, where he observed that Mr. [REDACTED] had crashed into a light pole and a fire hydrant. Sgt. Rigan stated he did not see the crash, and the distance from State and Huron to LaSalle and Huron is approximately three city blocks.<sup>10</sup> He called for assistance to the traffic crash, but he was unsure if a gun was recovered from the scene. Sgt. Rigan recalled the incident happened so quickly he was unable to activate his body worn camera (“BWC”) until after the crash. He stated, “I drive by myself. I’m a supervisor. I had to activate my emergency equipment. I had to get on the radio. I had to shift from park to drive to reverse. I had to check the – the streets to make sure it was clear where I was going... I called for an emergency because I saw the incident down there. And then by the time that all calmed down and I did get to the scene where everything was calm, I did activate my body camera later on.”<sup>11</sup>

On May 21, 2020, **Police Officer Kenneth Sunde Star #18633**<sup>12</sup>, Beat 1823R, provided a statement to COPA. PO Sunde stated on March 2, 2020, he and his partner, PO Tyler Thomas, were on patrol in a marked squad car. PO Thomas drove the vehicle, and PO Sunde was in the passenger’s seat. The officers received notification from OEMC that a man had threatened someone with a gun following a traffic crash. Shortly after hearing the call, the POs observed the suspect vehicle at Ohio and Wells. The vehicle was a Lexus and the registration plate matched the plate provided by the Office of Emergency Management and Communications (“OEMC”). The POs called for backup because they did not feel safe pulling over a vehicle that might have a gun in it without assistance. The POs continued to follow the vehicle from the moment they observed it, proceeding eastbound on Ohio and turning northbound onto Michigan. When the vehicle reached Huron and Michigan, backup units arrived in the area, and PO Thomas activated his emergency lights to stop the Lexus. POs Sunde and Thomas were directly behind the Lexus, in the left-hand turn lane of Michigan at Huron.

POs Sunde and Thomas exited their vehicle with their weapons drawn, as there was reportedly a firearm inside the Lexus. PO Sunde walked to the passenger side of the Lexus, where he observed the female passenger and the male driver, now known to be Mr. [REDACTED] with his hands in the air. Mr. [REDACTED] attempted to move the gear shifter into in drive but instead put it in neutral, so the engine revved loudly. He then succeeded in putting the vehicle in drive, fleeing westbound on Huron. The POs ran back to their vehicle and proceeded to make a quick U-turn to travel southbound on Michigan. PO Sunde stated his vehicle’s emergency lights were activated when the POs initiated the traffic stop, but he could not recall if the vehicle’s lights and sirens were both activated after they attempted to follow Mr. [REDACTED]. Approximately 15-30 seconds after they started to follow the car, the POs heard the order to terminate pursuit of Mr. [REDACTED] car. PO Thomas immediately slowed down and deactivated their unit’s lights. The POs then responded to the scene of the crash that was approximately three or four blocks from their location.

<sup>9</sup> Att. 83, pg. 12, lines 19-21.

<sup>10</sup> A person driving westbound on Huron from State will pass the intersections at Dearborn and Clark before arriving at Lasalle. The typical block dimensions in Chicago are 660 feet (east-west) by 330 feet (north-south). See City of Chicago, *Street and Site Plan Design Standards*, 2 (April 2007), <https://www.chicago.gov/dam/city/depts/cdot/StreetandSitePlanDesignStandards407.pdf>

<sup>11</sup> Att. 83, pg. 14, lines. 23- 24; pg. 15, lines 1-12.

<sup>12</sup> Transcript Att. 70, Audio Att. 57.

PO Sunde activated his body worn camera after he arrived at the crash site. He stated that due to the high-stress situation, being preoccupied with relaying directional information, and having his weapon drawn at the scene, he was not able to activate his body worn camera earlier. When asked about his understanding of the body worn camera order, PO Sunde explained that he is required to activate his camera whenever undertaking a police action. PO Sunde agreed that drawing his weapon and exiting his vehicle to conduct a traffic stop is a police action.

On May 21, 2020, **Police Officer Tyler Thomas, Star #4170<sup>13</sup>**, Beat 1823R, provided a statement to COPA. PO Thomas stated on March 2, 2020, he and his partner, PO Kenneth Sunde, were on patrol in a marked squad car. He was the driver and PO Sunde was the front seat passenger. The POs received a call from dispatch reporting that a person had brandished a gun at a victim in the vicinity of Franklin and Ohio. Dispatch gave a description and tag number of the offender's vehicle. Shortly thereafter, the POs observed the vehicle described by dispatch on Ohio. They called for backup and followed the vehicle to Huron and Michigan, where backup arrived. POs Thomas initiated a traffic stop in the northbound left-hand turn lane on Michigan at Huron. He did not activate his vehicle's emergency equipment until he stopped the Lexus, approximately .08 miles from the location where the POs initially observed the vehicle.

PO Thomas stated he drew his weapon as he exited his vehicle because the Lexus possibly contained a gun. PO Thomas and assisting PO James Radomski approached the driver's side of the Lexus, where PO Thomas observed Mr. [REDACTED] with his hands in the air. PO Radomski gave the Mr. [REDACTED] verbal instructions, but PO Thomas could not recall the specific commands that PO Radomski provided. Within seconds, Mr. [REDACTED] attempted to put the Lexus in drive and depressed the accelerator, but the vehicle did not move. Mr. [REDACTED] then succeeded in putting the Lexus in drive, and he fled the traffic stop at a high rate of speed, traveling westbound on Huron. PO Thomas stated he did not recall seeing a passenger in the Lexus.

POs Thomas and Sunde immediately returned to their vehicle and proceeded southbound on Michigan, then westbound on Ontario. According to PO Thomas, they were not actively pursuing the Lexus; however, their lights and sirens were activated. He added, "I was clearing intersections before going through them. I don't think I was excessively speeding."<sup>14</sup> PO Thomas estimated his maximum speed during the incident was approximately 30 miles per hour. When a COPA investigator asked PO Thomas what police activity he was engaged in if not a vehicle pursuit, he responded that he "wanted to be in position for officer safety, in case they wanted [a] pursuit."<sup>15</sup> He explained that he observed other police vehicles pursue Mr. [REDACTED] on Huron, so he drove two blocks south to Ontario and proceeded westbound.<sup>16</sup> PO Thomas acknowledged General Order G03-03-01 prohibits paralleling during vehicle pursuits, which he defined as "moving in the same direction in constant contact with the vehicle on an adjacent street."<sup>17</sup> According to PO Thomas, he did not parallel the Lexus, as he could not see the vehicle and was not following it on Huron.

<sup>13</sup> Transcript Att. 71, Audio Att. 59.

<sup>14</sup> Att. 71, pg. 23, lines 11-12.

<sup>15</sup> Att. 71, pg. 16, lines 23-24; see also pg. 30, line 24 – pg. 31, line 2.

<sup>16</sup> Due to one-way eastbound traffic on Erie, Ontario is the next westbound traveling street south of Huron.

<sup>17</sup> Att. 71, pg. 17, line 8-9. CPD General Order G03-03-01 defines the term paralleling as "the deliberate tactic of a vehicle operator to mirror on adjacent streets the direction and speed of vehicles actively involved in an authorized pursuit."

PO Thomas stated the incident lasted approximately fifteen seconds, and his lights and sirens were activated until he heard the terminate order over the radio. At that point, he deactivated his emergency equipment and returned to a normal patrol speed. When a COPA investigator asked PO Thomas why he slowed down and deactivated his lights and sirens if he did not believe he was involved in a pursuit, he responded he wanted to stay within a reasonable range in case he needed to assist other officers. When the termination order came over the air, PO Thomas realized other officers were not going to continue to follow the Lexus, so he decided to extinguish his lights and sirens. He then drove to the crash site at LaSalle and Huron to assist. PO Thomas did not know if a gun was recovered from the Lexus.

PO Thomas stated he drove with due regard for all persons because he visually cleared all of the intersections before driving through them, and he was not excessively speeding. He said the balancing test requires him to monitor the environment, the conditions on the road, and the amount of vehicular and pedestrian traffic, and to balance those factors against the necessity of making an arrest. PO Thomas described the neighborhood as commercial, the traffic as minimal, and the pedestrian traffic as light.

PO Thomas acknowledged he did not activate his body worn camera until after the crash. He explained that due to the high-stress situation, and the need to maintain visual of the Lexus before the traffic stop, he was too focused on driving to activate his BWC.

On May 21, 2020, **Police Officer Timothy Magruder, Star #14707<sup>18</sup>**, Beat 1813R, provided a statement to COPA. PO Magruder stated on March 2, 2020, he and his partner Officer Marya Amanullah, were on patrol in a marked squad car. PO Magruder said he and his partner were near State and Chicago when they received a call over the radio from 1823R asking for backup on Michigan Avenue. Beat 1823R reported they observed a vehicle that was involved in an altercation earlier that evening, and the driver possibly had a gun in the vehicle. PO Magruder drove eastbound on Chicago, then southbound on Michigan, at which time he observed three to four marked and unmarked squad cars with their lights on at Michigan and Huron. PO Magruder observed Mr. [REDACTED] vehicle facing northbound on Michigan in the far left-hand turn lane at Huron. PO Magruder pulled into the left-hand lane, up against the median, and out into the intersection where the traffic stop was occurring. He observed other officers outside their vehicle, conducting the traffic stop. PO Magruder did not recall how close he pulled to Mr. [REDACTED] vehicle, but he stated Mr. [REDACTED] had enough room to make the left turn and flee the traffic stop. PO Magruder and his partner did not have time to exit their vehicle when they arrived, because Mr. [REDACTED] fled the scene as soon as they pulled up.

When Mr. [REDACTED] fled, an unmarked squad car, now known to be driven by Sgt. Rigan, reversed and pursued Mr. [REDACTED]. PO Magruder followed behind that unit and activated his emergency equipment. He then observed Mr. [REDACTED] driving at a high rate of speed. Mr. [REDACTED] taillights appeared to move,<sup>19</sup> at which time PO Magruder decided to self-terminate the pursuit by de-activating his emergency equipment and slowing down. PO Magruder could not recall how far

<sup>18</sup> Transcript Att. 67, Audio Att. 55.

<sup>19</sup> Att. 67, pg. 14, line 18-21. PO Magruder did not know what made Mr. [REDACTED] taillights move but assumed the vehicle had bottomed out due to its high rate of speed.

Mr. [REDACTED] was ahead of his squad car but stated it was quite a distance. PO Magruder pursued Mr. [REDACTED] for approximately ten to fifteen seconds until he self-terminated.<sup>20</sup> Mr. [REDACTED] then wrecked his vehicle at 700 North LaSalle.

When asked why he did not activate his body worn camera, PO Magruder responded that he was focused on driving and making sure the intersections were clear of cars and pedestrians. He said he understands that he is supposed to activate his camera prior to taking police action. PO Magruder maintained that he drove with due regard for all persons by focusing on traffic and pedestrian traffic. He described the neighborhood as commercial with bars, restaurants, and hotels being common. At the time of the incident, the conditions were clear and dry, and the lighting was artificial. PO Magruder said at no point did any pedestrian walk in front of any police vehicles, no vehicles came to a screeching halt, and no POs were involved in any accidents. PO Magruder maintained that he conformed to the balancing test by assessing vehicle traffic, pedestrian traffic, what happened during the traffic stop, and the offense for which Mr. [REDACTED] was being pursued. PO Magruder reported that, after a couple of blocks, he felt it was too dangerous to pursue because of Mr. [REDACTED] high rate of speed.

On May 20, 2020, **Police Officer Marya Amanullah, Star #8580<sup>21</sup>**, Beat 1813R, provided a statement to COPA. PO Amanullah reported on March 2, 2020, she was working with her partner, PO Magruder. PO Magruder was driving, and PO Amanullah was the passenger. The POs received a call that assist cars were needed for a traffic stop of a person with a gun. PO Amanullah stated they were approximately ten to fifteen seconds away from the traffic stop, so they headed to the scene, where both marked and unmarked squad cars were already present. PO Amanullah observed Mr. [REDACTED] vehicle stopped in the left turn lane of Michigan, facing northwest at a 45-degree angle. PO Amanullah did not recall if she or her partner exited their vehicle before Mr. [REDACTED] fled the scene.

When Mr. [REDACTED] fled westbound on Huron, PO Amanullah observed Sgt. Rigan, who was in an unmarked squad car, start to pursue Mr. [REDACTED] vehicle. PO Amanullah and her partner followed immediately behind Sgt. Rigan's vehicle. Approximately ten seconds into the pursuit, PO Amanullah observed Mr. [REDACTED] vehicle start to fishtail and sparks fly from underneath the vehicle. At that time, the POs were approximately one to two blocks behind Sgt. Rigan's vehicle, and three to four blocks behind Mr. [REDACTED] vehicle. PO Amanullah stated she and PO Magruder immediately self-terminated the pursuit when they saw the sparks fly from Mr. [REDACTED] vehicle, as the pursuit was no longer safe. After they self-terminated, PO Amanullah heard an order to terminate come over the radio. She estimated approximately twenty-five seconds elapsed between the time Mr. [REDACTED] fled and the time he crashed at 700 North LaSalle.

PO Amanullah stated she did not activate her body worn camera because the incident happened too quickly and she did not think it was a priority at the time. During the pursuit, she

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<sup>20</sup> The OEMC zone traffic indicates a total of 30 seconds elapsed between the time the Lexus fled the traffic stop and the time it crashed. See Att. 7.

<sup>21</sup> Transcript Att. 69, Audio Att. 56.

was focused on clearing intersections<sup>22</sup> so she and PO Magruder could get where they were going safely.

On August 3, 2021, Officer Amanullah provided a second statement to COPA.<sup>23</sup> Officer Amanullah stated she conducted a balancing test for this pursuit. She said the need to apprehend Mr. [REDACTED] was high because Mr. [REDACTED] allegedly had a gun. She said the inherent danger was low because there was little vehicle and pedestrian traffic, it was late at night, and the weather was clear.

On June 26, 2020, **Police Officer Christos Liagridonis, Star #17735**<sup>24</sup>, Beat 1831R, provided a statement to COPA. PO Liagridonis stated on March 2, 2020, he and his partner, PO James Radomski, were on patrol in a marked squad car. The POs were in the area where Mr. [REDACTED] was involved in a hit and run collision. They officers stopped and talked to the victim of the hit and run, who stated a person, now known to be Mr. [REDACTED] struck her vehicle. The victim also reported that after the collision, she attempted to assess the damage and exchange information with Mr. [REDACTED] but he refused. Mr. [REDACTED] told the victim he had a gun, instructed her not to say anything, and then fled the scene. POs Liagridonis and Radomski did not write the police report for this accident; they responded because they were in the area but were not the assigned unit to the incident. The victim provided POs Liagridonis and Radomski with the make, model, and tag number of Mr. [REDACTED] vehicle; the POs announced the information over the radio.

Shortly thereafter, PO Liagridonis stated he heard a radio call for assist units because another beat spotted Mr. [REDACTED] vehicle. POs Liagridonis and his partner responded to the area of Michigan and Huron, where they stopped their vehicle facing southbound, directly in front of Mr. [REDACTED] car. PO Radomski exited the police vehicle and approached the driver's side of Mr. [REDACTED] vehicle, while PO Liagridonis remained by the passenger's door of the police vehicle. PO Liagridonis heard PO Radomski issue verbal commands to the vehicle's occupants, but PO Liagridonis could not recall what they were. He observed a driver and a passenger in Mr. [REDACTED] vehicle, but he could not see whether they were cooperating with the officers.

Approximately five to ten seconds after PO Liagridonis stepped out of the police vehicle, Mr. [REDACTED] fled the traffic stop, traveling westbound on Huron. PO Liagridonis and his partner drove westbound on Superior<sup>25</sup>, and they immediately heard the terminate order over the radio. PO Radomski, who was driving the police vehicle, immediately stopped the pursuit by reducing their speed. PO Liagridonis explained they wanted to get off Superior because it is a one-way street with traffic moving in the eastbound direction. He maintained they drove cautiously, but he could not answer why his partner drove the wrong way on a one-way street. PO Liagridonis could not recall if their emergency equipment was activated during the pursuit.

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<sup>22</sup> Att. 69, pg. 22, lines 18-20. PO Amanullah defined clearing intersections as looking left and right to make sure no cars or pedestrians are in the intersections.

<sup>23</sup> Audio Att. 89.

<sup>24</sup> Transcript Att. 84, Audio Att. 81.

<sup>25</sup> Superior is a one-way street with traffic in the eastbound direction.

PO Liagridonis stated that he believed he turned on his body worn camera during the incident, but he was focused on clearing intersections and reporting information over the radio. He later acknowledged that he did not activate his camera until he arrived at the scene of the crash.

On August 3, 2021, Officer Liagridonis gave a second statement to COPA.<sup>26</sup> Officer Liagridonis stated he did not conduct a balancing test because by the time he and PO Radomski got into their vehicle to pursue Mr. [REDACTED] a supervisor had terminated the pursuit. Officer Liagridonis explained that when Mr. [REDACTED] fled the scene, he and his partner had to return to the vehicle, buckle their seatbelts, and put the vehicle into drive. By that time, the pursuit was over. Officer Liagridonis stated that, in the short time they were driving, he was responsible for checking the intersections for pedestrians and vehicular traffic while PO Radomski drove.

On May 21, 2020, **Police Officer James Radomski, Star #19133<sup>27</sup>**, Beat 1831R, provided a statement to COPA. PO Radomski stated on March 2, 2020, he and his partner, PO Christos Liagridonis, were on patrol, in full uniform, in a marked squad car. PO Radomski was the driver, and PO Liagridonis was the passenger. The POs heard a radio call of a man involved in a hit and run who told the victim he had a gun. The man, now known to be Mr. [REDACTED] fled the crash scene and reportedly struck the victim in the knee with his vehicle.

Shortly thereafter, PO Radomski heard another unit call for backup at a traffic stop of the vehicle that had fled the initial accident. PO Radomski and his partner responded to the scene to assist with the traffic stop. When they arrived, PO Radomski observed Mr. [REDACTED] vehicle stopped in the left turn lane at Huron, facing northbound on Michigan. PO Radomski stopped his vehicle facing southbound on Michigan. He could not recall whether he stopped at the traffic light or pulled into the intersection. PO Radomski then exited his vehicle and approached the driver's side of Mr. [REDACTED] vehicle. He told Mr. [REDACTED] to "show his hands,"<sup>28</sup> and asked him to turn off his engine and step out of the vehicle. Mr. [REDACTED] responded by driving away from the scene, fleeing westbound on Huron. PO Radomski observed two squad cars pursue Mr. [REDACTED] on Huron. He explained that because he saw other units pursuing Mr. [REDACTED] and because his vehicle was not parked in a position to quickly follow on Huron, he made a full U-turn, then drove northbound on Michigan and westbound on Superior. He could not recall if his emergency equipment was activated but did not think he exceeded the speed limit. PO Radomski stated by the time he turned onto Superior, the terminate order had been given, and Mr. [REDACTED] vehicle had crashed.

PO Radomski denied he engaged in a vehicle pursuit. He also denied he roadblocked Mr. [REDACTED] vehicle, which he defined as a method or a restriction to prevent the passage of a motor vehicle. PO Radomski stated he did not roadblock Mr. [REDACTED] vehicle because Mr. [REDACTED] was able to flee the traffic stop. When a COPA investigator asked PO Radomski if he paralleled Mr. [REDACTED] vehicle during the pursuit, PO Radomski responded he was never in a pursuit. He defined paralleling as mirroring another vehicle on adjacent streets and maintaining that vehicle's speed and direction. PO Radomski stated he did not parallel because he did not see Mr. [REDACTED] vehicle and did not maintain the vehicle's high speeds. PO Radomski stated by the time he returned to his vehicle, other units were already following Mr. [REDACTED] vehicle on Huron. PO Radomski drove a

<sup>26</sup> Audio Att. 90.

<sup>27</sup> Transcript Att. 68, Audio Att. 58.

<sup>28</sup> Att. 68, pg. 18, line 20.

different direction and was waiting for instructions from supervisors and other units vehicles at the scene.

PO Radomski maintained he did not engage in the vehicle pursuit because other units were already pursuing Mr. [REDACTED] vehicle. He stated there was light vehicular and pedestrian traffic, so he believed he could safely clear intersections even though he was traveling the wrong direction on a one-way street. PO Radomski stated he drove with due regard by constantly clearing intersections, looking where he was driving, watching out for foot and vehicle traffic, and maintaining a safe rate of speed.

When asked why he did not activate his body worn camera, PO Radomski stated he believed he had turned it on at the beginning of the incident. He explained it was a high-stress situation involving a man with a gun call, and although he is usually pretty good at turning his BWC on, in this situation, he did not.

#### b. Civilian Interviews

On March 2, 2020, Sgt. Dan Postelnick, Star #18354, conducted an electronically recorded interview at [REDACTED] Hospital with [REDACTED], the passenger in [REDACTED] vehicle. Ms. [REDACTED] stated that prior to the incident, she and Mr. [REDACTED] were at a bar for approximately 2.5 hours, and they both drank a long island iced tea. Before the bar they "had a few shots."<sup>30</sup> At the time of the incident, Ms. [REDACTED] stated she was in the front passenger's seat of Mr. [REDACTED] vehicle. She and Mr. [REDACTED] were on their way to a hotel when the police stopped their vehicle. Ms. [REDACTED] stated, "The police came and blocked us in and he just took off (sic)."<sup>31</sup> She said the car went into the air and that is the last thing she remembered. Ms. [REDACTED] wore a seat belt, but when she woke up she saw Mr. [REDACTED] hanging out of the car, having a seizure. She noted the car was wrecked and the police were at the scene.

#### c. Digital Evidence

##### Body Worn Camera:<sup>32</sup>

The **body worn camera of PO Sunde**<sup>33</sup> shows POs Sunde and Thomas (Beat 1823R) driving in their vehicle, then arriving at the traffic stop of Mr. [REDACTED]. PO Sunde has his weapon drawn as he approaches the passenger side of Mr. [REDACTED] vehicle. The video captures Mr. [REDACTED] passenger with her hands in the air. Mr. [REDACTED] flees the scene at timestamp 0:37 (2:05:14 am<sup>34</sup>). POs Sunde and Thomas then run back to their vehicle. PO Thomas does a U-turn and heads southbound on Michigan, then turns westbound on Ontario. It is unclear from the video if their lights are activated as they travel down Ontario. The POs arrive at the crash site at timestamp 2:00

<sup>29</sup> Att. 41.

<sup>30</sup> Att. 41, at timestamp 7:56.

<sup>31</sup> Att. 41, at timestamp 3:15.

<sup>32</sup> Att. 33.

<sup>33</sup> This footage was captured during the buffer period that is automatically recorded immediately prior to the PO activating his BWC.

<sup>34</sup> The timestamp on body-worn cameras is automatically set to Coordinated Universal Time ("UTC"). For the purposes of this report, all times have been adjusted to Central Standard Time ("CST").

(2:06:36 am). The video does not capture any audio of the incident because it occurs in the buffer period.

The **body worn camera of PO Thomas**<sup>35</sup> shows PO Thomas driving (Beat 1823R), then conducting the traffic stop of Mr. █PO Thomas draws his weapon at timestamp 0:23 (2:05:06 am). There are two squad cars, one on each side of Mr. █vehicle, facing southbound. The unit to the left of Mr. █vehicle has its emergency lights activated. Another officer unsuccessfully attempts to open Mr. █door. At timestamp 0:31 (2:05:14 am), Mr. █flees the scene heading westbound on Huron, at which point the video shows a third unit pulling up directly in front of Mr. █vehicle. PO Thomas does not follow Mr. █vehicle as it flees down Huron; instead, he does a U-turn on Michigan and drives southbound to Ontario, where he turns right and drives westbound. He then arrives at the scene of the crash and exits his vehicle. When PO Thomas returns to his vehicle, the video shows his emergency lights are activated. Later, at timestamp 4:30 (2:09:13 am), the lights are still activated.

The **body worn camera of PO Liagridonis**<sup>36</sup> (Beat 1831R) shows PO Liagridonis (passenger) and PO Radomski (driver) in their moving vehicle, heading westbound down Superior. They turn left onto Clark, then right onto Huron. Finally, the POs turn right off Huron and park and exit their vehicle on LaSalle, walking back to the crash site at the corner of Huron and LaSalle. When the BWC begins, PO Radomski's car appears to have the emergency lights activated. At timestamp 0:22 (2:05:54 am), he appears to turn off the emergency lights. The POs arrive at the scene of the crash approximately 1:05 minutes into the video (2:06:36 am).

The **body worn cameras of Sgt. Rigan** (Beat 1884), **PO Magruder** (Beat 1813R), **PO Amanullah** (Beat 1813R), and **PO Radomski** (Beat 1831R) all begin at the scene of the crash and do not include any information material to COPA's analysis.

#### In-Car Camera (ICC):<sup>37</sup>

The **in-car camera for Beat 1831R (POs Liagridonis and Radomski)** shows the POs' vehicle heading southbound on Michigan. PO Radomski appears to pull in front of Mr. █vehicle, blocking the front passenger's side bumper of Mr. █vehicle with the passenger side of the police vehicle. As POs Sunde and Thomas approach Mr. █vehicle with their weapons drawn, Mr. █drives away from the traffic stop. The video shows PO Radomski make a U-turn and drive across the center median on Michigan. He then turns westbound onto Superior and drives the wrong direction on Superior, with lights and sirens activated. PO Radomski slows down as he crosses the intersections at Wabash and State, and he maneuvers around the only two vehicles driving the opposite direction. As PO Radomski drives across State, the audio from the vehicle's in-car camera captures the terminate order come over the radio.

The **in-car camera for Beat 1813R (POs Macgruder and Amanullah)** shows the POs drive up to traffic stop and stop in front of Mr. █vehicle at timestamp 0:50. PO Macgruder appears to pull directly in front of Mr. █vehicle, but Mr. █quickly maneuvers his

<sup>35</sup> This footage was captured in the buffer period that is automatically recorded prior to the PO activating his BWC.

<sup>36</sup> This footage was captured in the buffer period that is automatically recorded prior to the PO activating his BWC.

<sup>37</sup> Att. 36.

vehicle through the squad cars and flees. Sgt. Rigan's unmarked squad car reverses slightly and pursues westbound on Huron, and PO Macgruder follows immediately behind Sgt. Rigan. Both vehicles' lights and sirens are activated as the squad cars cross approximately three intersections. PO Magruder and Amanullah's vehicle passes through one stop sign without appearing to slow at approximately the 1:03 minute mark. Shortly thereafter, at timestamp 1:13, the video captures a male and a female voice say, "Oh shit," "Oh fuck, fuck, fuck." Both squad cars slow down and appear to deactivate their emergency equipment. At timestamp 1:22, a terminate order is heard over the radio.

#### **CPD Police Observation Devices:<sup>38</sup>**

COPA obtained and reviewed the video from **14 Police Observation Device ("POD") cameras** located in the vicinity of the incident.

**POD # [REDACTED], located at 646 North Michigan,** shows Mr. [REDACTED] vehicle and a squad car (PO Thomas and Sunde)<sup>39</sup> traveling northbound on Michigan at a slow rate of speed. Both vehicles stop at the red light at Ontario, then continue northbound, off camera. Approximately one minute later, the video captures the squad car driving southbound on Michigan with its emergency lights activated. At timestamp 2:05:36, the vehicle makes a right turn onto Ontario.

**POD # [REDACTED], located at 103 East Huron,** shows a squad car approach the intersection of Huron and Michigan at timestamp 2:05:00. At timestamp 2:05:15, the video captures Mr. [REDACTED] vehicle fleeing at a high rate of speed westbound onto Huron, followed by multiple squad cars with their emergency lights activated.

**POD # [REDACTED], located at 703 North Dearborn,** shows Mr. [REDACTED] at timestamp 2:05:34, traveling at a high rate of speed. At timestamp 2:05:42, the video captures a black unmarked squad car, followed by a marked squad car and a second unmarked squad car, traveling at a much slower rate of speed. The marked car appears to be braking and its emergency lights are not activated.

**POD # [REDACTED], located at 698 North Clark,** shows Mr. [REDACTED] vehicle at timestamp 2:05:36. The video captures sparks fly from underneath Mr. [REDACTED] vehicle as it travels westbound across Clark at a high rate of speed. Approximately six seconds later, pedestrians begin running westbound on the north sidewalk of Huron. At timestamp 2:05:48, the video captures multiple squad cars driving westbound across the intersection. Their emergency equipment is not activated. Approximately two minutes later, the POD camera operator repositions the camera and zooms in on the crash scene, revealing a broken water hydrant gushing water onto the street. Multiple officers wade into the water and approach Mr. [REDACTED] vehicle.

**POD # [REDACTED], located at 652 North LaSalle,** shows Mr. [REDACTED] vehicle at timestamp 2:05:39, traveling at a high rate of speed. At timestamp 2:05:57, the video captures the first squad car driving into the intersection, then activating its lights. Squad cars continue to respond, and the POD operator eventually turns the camera and zooms in after Mr. [REDACTED] vehicle crashes.

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<sup>38</sup> Att. 35.

<sup>39</sup> COPA came to this conclusion based the officers' interviews and the synchronization of on syncing their ICC and BWC videos.

**POD # [REDACTED] located at 646 North Michigan**, shows a squad car (PO Thomas and Sunde) traveling southbound on Michigan with lights and sirens activated. At timestamp 2:05:36, the vehicle makes a right turn onto Ontario.

**POD # [REDACTED], located at 601 North LaSalle**, shows a squad car (PO Thomas and Sunde) heading westbound on Ontario at the same time Mr. [REDACTED] vehicle is on Huron, two blocks to the north. At timestamp 2:06:20, the squad car approaches the intersection of Ontario and LaSalle with its lights activated. The vehicle slows to nearly a complete stop, then turns right to head northbound on LaSalle.

#### Third-Party Video:<sup>40</sup>

An exterior camera from Huron & Wabash shows Mr. [REDACTED] vehicle at timestamp 0:43, and squad cars following him with their emergency lights activated.

An exterior camera from 100 East Huron shows Mr. [REDACTED] vehicle at timestamp 0:05, and squad cars immediately following with their emergency lights activated.

An outdoor east-facing camera at 100 East Huron shows Mr. [REDACTED] vehicle at timestamp 2:44, and squad cars immediately following with their emergency lights activated.

An exterior camera from 77 West Huron shows Mr. [REDACTED] vehicle at timestamp at 0:53, heading westbound on Huron. The vehicle is followed by multiple squad cars that appear to be slowing down and turning off their lights.

#### OEMC:<sup>41</sup>

The OEMC 911 Calls for Event # [REDACTED] reveal a woman named [REDACTED] called 911 on March 2, 2020, at 1:42:25 am. The audio from the 911 call captures [REDACTED] reporting a hit and run collision, stating, “He hit my car and then he hit me.” A man then gets on the phone and reports the accident occurred at Wells and Ohio, and no ambulance is required. The man states, “He said he was going to pull a gun, and then he drove off and pulled over.” The call is then disconnected. When the dispatcher calls back, the man says the vehicle was a black Lexus, license # [REDACTED] occupied by a black male and a black female. The driver of the Lexus reportedly told the man he was intoxicated.

The OEMC Zone 4 Radio Transmissions and Event Query contain the following notable times and entries:

- 01:50:23 am: The dispatcher assigns Beat 1832R to respond to a report of a hit and run by a black male in a dark Lexus, license # [REDACTED]. The dispatcher relays the Lexus “drove off, and hit the comp with his car, and told them, ‘You don’t want to do that. I have a gun,’

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<sup>40</sup> Att. 40.

<sup>41</sup> Atts. 7, 38.

but no gun was seen. The offender went eastbound, and the comp is located in a black Ford.”

- 02:02:51 am: Beat 1823R reports they spotted the vehicle that 1832R is looking for at Clark and Ohio.
- 02:03:13 am: 1823R states they are following the Lexus with no lights activated.
- 02:04:00 am: Beat 1823R reports the Lexus is heading northbound on Michigan from Ohio. The dispatcher then confirms the vehicle has not been reported stolen. Beat 1823R requests backup, and Beats 1831R and 1834R respond that they will assist.
- 02:05:21 am: An officer announces, “He’s taking off, he’s taking off, he’s taking off.” The dispatcher asks Beat 1823R what direction the vehicle fled, and Beat 1823R replies they are “not the lead car.”
- 02:05:52 am: An unknown unit reports, “Squad, nobody is following, it looks like it just wrecked.”
- 02:05:53 am: Beat 1820R issues an order to terminate the pursuit and directs the involved squad cars to stop wherever they are located.
- 02:06:01 am: Beat 1884 reports the Lexus is wrecked at LaSalle and Huron. He then requests CFD and a CPD supervisor respond to the scene.
- 2:06:05 am: A civilian calls 911 to report the collision and request an ambulance. Two other civilians subsequently call 911 and relay similar information.

#### d. Physical Evidence

The **Evidence Technician Photos**<sup>42</sup> show photographs of Mr. [REDACTED] vehicle<sup>43</sup> at the crash site. Mr. [REDACTED] and his passenger are not pictured.

The **Chicago Fire Department (“CFD”) Ambulance Report**<sup>44</sup> reports that on March 2, 2020, at 2:07:02 A.M., CFD Ambulance Unit A42 was dispatched to a motor vehicle accident at 700 North LaSalle Drive. The patient is reported as [REDACTED]. Upon arrival, CFD was on scene, extricating Mr. [REDACTED] from a single vehicle accident. The vehicle had driven off the road and wrapped itself around a light pole and a fire hydrant. It was severely damaged beyond repair, with the roof peeled back from the body of the vehicle. Additionally, there was water flooding the streets from the broken hydrant. Mr. [REDACTED] was extracted from the vehicle. Upon assessment by paramedics, Mr. [REDACTED] did not have a pulse and had multiple fractures to his lower extremities. Paramedics began CPR, but Mr. [REDACTED] did not have a heartbeat. Ambulance [REDACTED] transported Mr. [REDACTED] to [REDACTED] Hospital, where he was pronounced deceased following resuscitation efforts in the emergency department.

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<sup>42</sup> Att. 87.

<sup>43</sup> There is no record that CPD recovered a firearm from the vehicle or either of its occupants.

<sup>44</sup> Att. 65.

The **Medical Records** from [REDACTED] Hospital<sup>45</sup> for [REDACTED] show that on March 2, 2020, at 2:49 A.M., Dr. [REDACTED] reported Mr. [REDACTED] arrived at the hospital by ambulance following a high-speed motor vehicle chase. The trauma team evaluated Mr. [REDACTED] in the trauma bay of the hospital, where he was pronounced deceased at 2:38 A.M.

The **Medical Examiner's Autopsy Report**<sup>46</sup> shows Dr. [REDACTED] conducted a post-mortem examination of Mr. [REDACTED] on March 3, 2020, beginning at 8:45 A.M. Dr. [REDACTED] found Mr. [REDACTED] died of multiple blunt force injuries due to his motor vehicle striking a fixed object. The manner of death is reported as accident.

#### e. Documentary Evidence

The **General Progress Reports**<sup>47</sup> for the involved beats are as follows:

- Beat 1823R<sup>48</sup> (Sunde and Thomas), top speed 9 mph<sup>49</sup> at 2:06:47 A.M.
- Beat 1813R<sup>50</sup> (Magruder and Amanullah), top speed 29 mph at 2:05:56 A.M.
- Beat 1831R<sup>51</sup> (Liagridonis and Radomski Beat), top speed 34 mph at 2:03:53 A.M.
- Beat 1884 (Sgt. Rigan) was not logged in to a terminal and therefore his vehicle's speed cannot be definitively confirmed.<sup>52</sup>

The **Original Case Incident Reports for the Hit and Run (JD170875)<sup>53</sup> and the Battery and Aggravated Assault with a Handgun (JD170927)<sup>54</sup>** state that a hit and run collision occurred on March 2, 2020, at approximately 1:50 A.M., at 216 West Ohio Street. The reports identify [REDACTED] and Jose Rodriguez as the victims, and Ms. [REDACTED] vehicle as a 2020 Ford. The narrative section reports that while driving eastbound at approximately 216 West Ohio Street, Ms. [REDACTED] came to a stop to let pedestrians cross the street. A dark blue 2003 Lexus that was also travelling eastbound on Ohio struck the rear end of Ms. [REDACTED] vehicle, causing damage to the bumper. Both drivers exited their vehicles but the driver of the Lexus, now known to be Mr. [REDACTED] refused to exchange information and tried to cover the plate number of his vehicle. As Mr. [REDACTED] walked back to his vehicle, he told Ms. [REDACTED] and her passenger, "You don't want to do this, I am drunk, I have a gun." He did not display a weapon. Mr. [REDACTED] then drove away from the crash scene, striking Ms. [REDACTED] in the leg with the moving vehicle. Ms. [REDACTED] refused medical services and no injuries were visible at the time of the report.

<sup>45</sup> Att. 85.

<sup>46</sup> Att. 44.

<sup>47</sup> Atts. 17-21.

<sup>48</sup> Att. 19.

<sup>49</sup> COPA notes there are substantial gaps between the GPS data points; for Beat 1823R, there is no GPS data between 1:59:14 am and 2:06:47 am. As a result, Beat 1823R's "top speed" of 9 mph reflects the top speed identified in the GPS data points, and does not necessarily the officers' top speed during the incident.

<sup>50</sup> Att. 21.

<sup>51</sup> Att. 18.

<sup>52</sup> Att. 17. Sgt. Rigan may have been in vehicle 4623, which did not have a corresponding Beat listed in the GPS records. At 2:06:04 am, Vehicle 4623 was traveling westbound on Huron, between Clark and Dearborn, going 42 mph. By 2:06:34 am, the vehicle had stopped at the intersection of Huron and LaSalle, where it remained until at least 2:30 am (when the GPS data ends).

<sup>53</sup> Att. 28.

<sup>54</sup> Att. 10.

The Original Case Incident Report<sup>55</sup> and Detectives' Supplementary Reports<sup>56</sup> for the Vehicle Crash [REDACTED] states that on March 2, 2020, at 2:07 A.M., a vehicle crash occurred at 700 North LaSalle. The report identifies the suspect as [REDACTED]. The narrative section states Beat 1823R heard an OEMC flash message of a vehicle involved in a hit-and-run auto accident, an aggravated assault with a firearm, and an aggravated battery. The POs then viewed a vehicle matching that description at the intersection of Michigan and Ohio. Beat 1823R initiated a traffic stop and curbed the vehicle at the intersection of Michigan and Huron. The POs approached the vehicle but the driver placed the vehicle in gear and fled westbound on Huron. Beats 1813R and 1884 initiated a traffic pursuit heading westbound on Huron. Both units self-terminated the pursuit at the intersection of State and Huron. Beat 1884 then observed and heard what appeared to be an explosion west of his location. Beat 1884 proceeded westbound to see if medical aid was needed, and he observed the above vehicle crashed into the light pole located on the northwest corner of LaSalle and Huron. Mr. [REDACTED] was pronounced deceased on scene at 2:38 A.M. Paramedics transported Mr. [REDACTED] passenger to [REDACTED] Hospital, where doctors treated her for a laceration to her right leg and bruising around the head.

The Major Accident Investigation Unit (MAIU) Report ([REDACTED]<sup>57</sup>) reports on March 2, 2020, at 2:07 A.M., a vehicle accident occurred at 700 North LaSalle Dr., Chicago, Illinois 60654. The report identifies the victim as [REDACTED] age 26, who was pronounced deceased on scene at 2:38 A.M. [REDACTED] 27 years old, is listed as his passenger. The vehicle was. The narrative states on March 2, 2020, at 2:07 A.M., Mr. [REDACTED] was driving a black 2003 Lexus sedan bearing IL license plate # [REDACTED]. As he drove westbound on Huron, Mr. [REDACTED] struck a City of Chicago fire hydrant and a light pole. Prior to the crash, he had also been involved in another collision in the Lexus. Mr. [REDACTED] reportedly threatened the victims of the first crash, claiming to have a gun. As he fled that scene, Mr. [REDACTED] bumped one of the victims with his Lexus, committing an aggravated battery. Officers in the 18<sup>th</sup> District attempted a traffic stop on Mr. [REDACTED] who then fled at a high rate of speed. Mr. [REDACTED] subsequently struck the fire hydrant, causing his death.

## VI. LEGAL STANDARD

### a. Body Worn Cameras.

To increase transparency and improve the quality and reliability of investigations, CPD policy requires law-enforcement-related encounters to be electronically recorded. Law-enforcement encounters include, but are not limited to, vehicle pursuits, traffic stops, investigatory stops, high risk situations, and emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene.<sup>58</sup> The decision to record is mandatory, not discretionary. Officers must activate their cameras at the beginning of an incident and record the entire incident. If there are circumstances preventing the activation of the BWC at the beginning of an incident, CPD policy provides that it shall be activated as soon as practical.

<sup>55</sup> Att. 30.

<sup>56</sup> Atts. 3, 44, 45.

<sup>57</sup> Att. 2. COPA requested the complete MAUI file on February 16, 2021.

<sup>58</sup> Special Order S03-14 (III)(A) effective April 30, 2018

**b. 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.”<sup>59</sup> The policy grants CPD vehicles, namely those which are readily identifiable as an emergency vehicle, special privileges and exemptions while in a motor vehicle pursuit, which are governed by CPD Directives and Illinois statute.<sup>60</sup> However, CPD policy specifically states that these privileges “do NOT relieve [CPD] members from the responsibility of driving with due regard for the safety of all persons...”<sup>61</sup> Furthermore, CPD policy provides that “[a]ll members involved or supervising a motor vehicle pursuit must be prepared to justify their actions.”<sup>62</sup>

The rules and policies governing motor vehicle pursuits and non-pursuits establish procedures, responsibilities, and specific prohibitions on the behavior of CPD members during a motor vehicle pursuit.<sup>63</sup> In either instance the vehicle’s lights and sirens must be in operation.<sup>64</sup> CPD policy defines “motor vehicle pursuit” as:

“[A]n active attempt by a sworn member operation 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.”<sup>65</sup>

Any motor vehicle pursuit—its initiation, continuation, authorization—must comply with CPD’s **“BALANCING TEST: [that] the necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit.”**<sup>66</sup> 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.<sup>67</sup> CPD policy dictates that involved members must terminate a pursuit if they determine the pursuit does not conform to the balancing test.<sup>68</sup>

Additionally, the balancing test discourages pursuits from being initiated or continued in a number of circumstances.<sup>69</sup> In particular, CPD members are to “consider not initiating or terminating an active motor vehicle pursuit whenever the suspect’s identity has been clearly

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<sup>59</sup> G03-03.II (effective 6/1/2003 – present).

<sup>60</sup> G03-03.III.A; 625 ILCS 5/11-205.

<sup>61</sup> G03-03.III.A (emphasis in original).

<sup>62</sup> GO03-03-01.IV.A.

<sup>63</sup> G03-03-01.I; G03-03-02.I .

<sup>64</sup> G03-03-01.V; G03-03-02.III.

<sup>65</sup> G03-03, Glossary Terms 1.A.

<sup>66</sup> G03-03-01.II.A (emphasis in original).

<sup>67</sup> G03-03-01.II.B.

<sup>68</sup> G03-03-01.VIII.B.1.

<sup>69</sup> G03-03-01.II.B.

established to the point that later apprehension can be accomplished without jeopardizing the life or safety of another individual.”<sup>70</sup>

CPD policy also limits the number and types of CPD vehicles permitted to engage in a motor vehicle pursuit, specifying that the police vehicle must be either marked or unmarked.<sup>71</sup> According to the policy, motor vehicle pursuits are limited to two CPD vehicles—one primary and one secondary pursuit vehicle—unless additional vehicles are specifically authorized by a supervisor.<sup>72</sup> In the event that the CPD vehicle initiating the pursuit is an unmarked vehicle, the unmarked vehicle cannot pursue in cases that only involve a traffic offense.<sup>73</sup> If a pursuit is initiated, the unmarked vehicle is only permitted to engage in a motor vehicle pursuit until a marked CPD vehicle is able to take over.<sup>74</sup> Even then, the unmarked CPD vehicle may only continue as the secondary pursuit vehicle with the approval of a supervisor.<sup>75</sup>

Among other tactics, CPD policy explicitly prohibits “pursuit paralleling,” and the use of roadblocks.<sup>76</sup> Pursuit paralleling may be specifically authorized by a supervisor during the course of a motor vehicle pursuit. Roadblocking is never authorized.<sup>77</sup> Pursuit paralleling is defined as “[t]he deliberate tactic of a vehicle operator to mirror on adjacent streets the direction and speed of vehicles actively involved in an authorized pursuit.”<sup>78</sup> Unlike pursuit paralleling, a roadblock does not require deliberate action on the part of the CPD member, but is rather defined as “[a]ny method, restriction, or obstruction used or intended for the purpose of preventing passage of a motor vehicle,” meaning that roadblocks are prohibited by policy even when the CPD member did not intend to create a roadblock.<sup>79</sup>

### c. Duty to drive with due regard.

Pursuant to Illinois Law, police vehicles are afforded special privileges and exemptions when engaging in emergency response calls and motor vehicle pursuits.<sup>80</sup> These special privileges apply to all members but only when the vehicle driven is readily identifiable as an emergency vehicle. During a pursuit, the exemptions allow members to exceed the speed limit, disregard regulations governing direction of movement, and proceed past red traffic signals and stop signs so long as it does not endanger life or property.<sup>81</sup> These provisions do not relieve CPD members from the responsibility of driving with due regard for the safety of all persons, nor do such provisions protect CPD members from the consequences of any conscious disregard for safety.<sup>82</sup>

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<sup>70</sup> *Id.* at 2.

<sup>71</sup> G03-03, Glossary Terms 2.

<sup>72</sup> G03-03-01.V.B.

<sup>73</sup> G03-03-01.V.D.1.

<sup>74</sup> G03-03-01.V.D.

<sup>75</sup> *Id.* at 1.

<sup>76</sup> G03-03-01.V.E.

<sup>77</sup> G03-03-01.V at B, E.

<sup>78</sup> G03-03, Glossary Terms 7.

<sup>79</sup> G03-03, Glossary Terms 13.

<sup>80</sup> 625 ILCS 5/11-205

<sup>81</sup> 625 ILCS 5/11-205(C)

<sup>82</sup> General Order G03-03(III)(A), effective June 1, 2003.

**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 **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with CPD policy.<sup>83</sup> If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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.<sup>84</sup> 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.”<sup>85</sup>

**VII. LEGAL ANALYSIS<sup>86</sup>*****Allegations against Sgt. Rigan*****A. Sgt. Rigan failed to timely activate his body worn camera.**

COPA finds that Sgt. Rigan failed to comply with Special Order S03-14 and did not activate his BWC until after arriving at the crash site. This incident involved multiple law-enforcement-related activities that CPD policy identifies as requiring the activation of BWC. Sgt. Rigan admitted he did not activate his BWC until after arriving at the crash site because of the speed at which the situation unfolded. Sgt. Rigan should have activated his BWC as he reached the site of the traffic stop. Had he done so, his camera would have been activated as he began the

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<sup>83</sup> 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).

<sup>84</sup> See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

<sup>85</sup> *Id.* at ¶ 28.

<sup>86</sup> COPA relied on the evidence, including officer statements, summarized above in reaching its conclusions. Although COPA disagreed in some respects with certain officer’s assertions, COPA generally found each involved officer to be credible.

pursuit and well before he arrived at the crash site. For these reasons, COPA finds that Sgt. Rigan failed to timely activate his BWC, in violation of Rule 6. Therefore, Allegation 1 is **sustained**.

**B. COPA does not have sufficient evidence to find that Sgt. Rigan violated CPD Policy by leading a pursuit in an unmarked car.**

Sgt. Rigan led the pursuit in an unmarked car, in apparent violation of CPD policy. However, Sgt. Rigan believed he was best positioned to pursue Mr. [REDACTED] because he was still in his car when Mr. [REDACTED] fled the traffic stop, and he was closest to Mr. [REDACTED] vehicle. The other officers who were still in their vehicle, POs Magruder and Amanullah, were positioned farther from Mr. [REDACTED]. Sgt. Rigan pulled over his vehicle after following Mr. [REDACTED] for approximately 30 seconds. The marked car that followed Sgt. Rigan then passed Sgt. Rigan's car. Yet, COPA has no evidence that Sgt. Rigan attempted to comply with his duty to fall back and allow the marked car to lead the pursuit. Sgt. Rigan only said he chose to self-terminate the pursuit, and said nothing about trying to let the marked car pass him. However, based on the duration of the incident, and given Sgt. Rigan's relative position to Mr. [REDACTED] as he fled, COPA does not have sufficient evidence to prove that Sgt. Rigan violated CPD policy by leading the pursuit in an unmarked vehicle. For these reasons, COPA finds Allegation 2 is **not sustained**.

**C. COPA does not have sufficient evidence to find that Sgt. Rigan drove without due regard.**

Sgt. Rigan acknowledged that the pursuit became unnecessarily dangerous. While pursuing Mr. [REDACTED], Sgt. Rigan observed Mr. [REDACTED] run a red light and "bottom out" such that it caused sparks. It was precisely this observation that Sergeant Rigan gave as his justification for terminating the pursuit. POD footage and the in-car camera footage from POs Magruder and Amanullah's vehicle shows Sgt. Rigan following Mr. [REDACTED] with his emergency lights activated during the pursuit, before slowing down considerably and turning off the emergency lights upon termination of the pursuit. In his interview, Sgt. Rigan stated that he checked the streets as he pursued Mr. [REDACTED]. He also acknowledged the increase in vehicular and pedestrian traffic as he approached LaSalle. The total length of the pursuit lasted approximately 32 seconds.<sup>87</sup> COPA could not ascertain Sgt. Rigan's top speed during the pursuit; however, POs Magruder and Amanullah closely followed Sgt. Rigan's vehicle, and their top recorded speed was 29mph.<sup>88</sup> COPA has no evidence that Sgt. Rigan exceeded that approximate speed during the relatively short duration of the pursuit. POD footage also shows Sgt. Rigan driving down Huron with his emergency lights activated.<sup>89</sup> Ultimately, COPA finds there is insufficient evidence to prove the allegation that Sgt. Rigan drove without due regard by a preponderance of the evidence. Accordingly, COPA finds Allegation 3 is **not sustained**.

**D. Sgt. Rigan engaged in a pursuit that violated CPD policy because it was objectively unreasonable under the balancing test.**

COPA finds that CPD policy prohibited Sgt. Rigan from initiating a vehicle pursuit because

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<sup>87</sup> Based on OEMC Radio Transmissions that have Mr. [REDACTED] leaving the traffic stop at 02:05:21 am and the order to terminate the pursuit being issued at 02:05:53 am. See Atts. 7, 38.

<sup>88</sup> Att. 21.

<sup>89</sup> Att. 35.

it was not authorized under CPD's balancing test.<sup>90</sup> Before Mr. [REDACTED] was pulled over by POs Thomas and Sunde, and before Sgt. Rigan even arrived at the scene of the traffic stop, PO Thomas had checked the license plate of Mr. [REDACTED] vehicle. OEMC confirmed that Mr. [REDACTED] vehicle was not stolen, which means Sgt. Rigan should have considered not initiating the pursuit because Mr. [REDACTED] identity had been established to the point that he could later be apprehended without jeopardizing the safety of another individual. Although the 911 caller stated that Mr. [REDACTED] said he had a gun, the caller also stated that she did not actually see a gun. COPA therefore finds that the need to immediately apprehend Mr. [REDACTED] did not outweigh the level of inherent danger created by a pursuit.<sup>91</sup> For these reasons, COPA finds that Sgt. Rigan failed to comply with General Order G03-03 and, therefore, Allegation 4 is **sustained** as a violation of Rules 2, 3, and 6.

#### *Allegations against PO Sunde*

##### **A. PO Sunde failed to timely activate his body worn camera.**

COPA finds that PO Sunde failed to comply with Special Order S03-14 by not timely activating his BWC. This incident involved multiple law-enforcement-related activities that CPD policy identifies as requiring the activation of BWC. Officer Sunde admitted that he failed to activate his BWC until he arrived at the crash site, after the incident was over. PO Sunde should have activated his BWC at the beginning of the incident, when he and PO Thomas activated their emergency lights to curb Mr. [REDACTED] vehicle. For these reasons, COPA finds Allegation 1 is **sustained** as a violation of Rule 6.

#### *Allegations against PO Thomas*

##### **A. PO Thomas failed to timely activate his body worn camera.**

COPA finds that PO Thomas failed to comply with Special Order S03-14 by not timely activating his BWC. This incident involved multiple law-enforcement-related activities that CPD policy identifies as requiring the activation of body worn cameras. Officer Thomas admitted that he failed to activate his BWC until he arrived at the crash site, after the incident was over. PO Thomas should have activated his body worn camera at the beginning of the incident, when he and PO Sunde activated their emergency lights to curb Mr. [REDACTED] vehicle. For these reasons, COPA finds Allegation 1 is **sustained** as a violation of Rule 6.

##### **B. COPA has clear and convincing evidence PO Thomas drove with due regard.**

Due to incomplete GPS information, COPA cannot accurately ascertain Officer Thomas's top speed during the pursuit.<sup>92</sup> However, the POD footage shows that PO Thomas drove approximately 0.4 miles on Ontario, from Michigan to LaSalle, in 44 seconds, indicating that PO Thomas drove at approximately 33mph. This tracks with PO Thomas's COPA interview, where he estimated driving at 30mph and described checking intersections before he proceeded through

<sup>90</sup> COPA finds that Sgt. Rigan engaged in a motor vehicle pursuit under CPD policy. First, Sgt. Rigan acknowledged he was actively attempting to apprehend Mr. [REDACTED]. He also admitted that he initiated the pursuit as the vehicle closest to Huron and stated that he did so because POs Thomas and Sunde, and POs Liagridonis and Radomski, were still out of their car while he was still seated.

<sup>91</sup> Att. 7, 38, *see* G03-03-01.II.B.

<sup>92</sup> See Att. 19.

them as he drove down Ontario.<sup>93</sup> This is substantiated by the video, which also shows PO Thomas driving approximately 15 seconds on Ontario before the termination order. Once the order to terminate the pursuit was issued, the POD footage shows PO Thomas slowing to an almost complete stop at the intersection of Ontario and LaSalle, with his lights properly activated, before turning onto LaSalle to approach the crash site. Rather than drive the wrong way down Erie, PO Thomas went the extra block to reach Ontario. Each of these factors lead COPA to conclude that, by clear and convincing evidence, PO Thomas drove with due regard. Accordingly, COPA finds Allegation 3 is **exonerated**.

### C. PO Thomas did not engage in a pursuit under CPD policy.

Based on a preponderance the evidence, COPA finds that Officer Thomas's actions did not constitute a pursuit under G03-03-01. First, PO Thomas denied engaging in a pursuit, stating that he "wanted to be in a position for officer safety, in case they wanted pursuit."<sup>94</sup> PO Thomas did active his lights and sirens, but he also trailed behind other officers two streets away. Given his speed, location, and his stated intent to offer assistance to other officers, COPA finds he was not engaged in a pursuit under CPD policy. Accordingly, COPA cannot find that PO Thomas failed to conform to the Balancing Test. For these reasons, COPA finds that Allegation 4 is **not sustained**.

For similar reasons, COPA finds that PO Thomas was not engaged in "pursuit paralleling" under CPD policy. PO Thomas's vehicle traveled in the same direction, and at the same relative speed, as officers engaged in a pursuit. But, given PO Thomas's location two blocks away, COPA does not have sufficient evidence to find that PO Thomas deliberately mirrored the vehicles actively engaged in the pursuit. Accordingly, COPA finds that Allegation 2 is **not sustained**.

### *Allegations against PO Magruder*

#### A. PO Magruder failed to timely activate his body worn camera.

COPA finds that PO Magruder failed to comply with Special Order S03-14 and did not timely activate his BWC. This incident involved multiple law-enforcement-related activities that CPD policy identifies as requiring the activation of body worn cameras. PO Magruder admitted that he did not activate his BWC and acknowledged that he should have activated the camera prior to taking police action. Under CPD policy, PO Magruder was required to activate his BWC at the beginning of the incident, when he and PO Amanullah arrived at the scene of the traffic stop. For these reasons, COPA finds Allegation 1 is **sustained** as a violation of Rule 6.

#### A. COPA cannot find that PO Magruder roadblocked Mr. [REDACTED] car in violation of CPD policy.

PO Magruder told COPA that he did pull his vehicle in front of Mr. [REDACTED] vehicle at the location of the traffic stop. However, he took this action while Mr. [REDACTED] vehicle was stopped,

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<sup>93</sup> Atts. 59, 71.

<sup>94</sup> Att. 71, pg. 23, lines 11-12; *see also* Att. 59.

prior to any pursuit.<sup>95</sup> Accordingly, this means that even if PO Magruder had used a roadblock against Mr. [REDACTED] he did not do so during the pursuit. Given that his conduct falls outside the purview of the prohibition against the use of roadblocks during motor vehicle pursuits, COPA cannot find that PO Magruder engaged in roadblocking. For these reasons, COPA finds Allegation 2 is **exonerated**.<sup>96</sup>

**B. COPA does not have sufficient evidence to find that PO Magruder drove without due regard.**

In this instance, despite PO Magruder's involvement in a pursuit that was in violation of CPD policy, there is not sufficient evidence to find that PO Magruder drove without due regard for the safety of all persons. Based on GPS information, PO Magruder's top speed was 29mph.<sup>97</sup> PO Magruder told COPA that he did not see pedestrians attempting to cross the street, was attentive to vehicular and pedestrian traffic, and checked all intersections before crossing.<sup>98</sup> This is partially substantiated by in-car camera footage, which shows PO Magruder crossing three intersections before slowing down when the order to terminate is heard.<sup>99</sup> However, PO Magruder's in-car camera does appear to show him driving through a stop sign without slowing. Despite this, given the speed of PO Magruder's vehicle, and the fact that the video shows no pedestrian or vehicular traffic, COPA cannot find that a preponderance of the evidence establishes that PO Magruder drove without due regard. For these reasons, COPA finds Allegation 3 is **not sustained**.

**C. PO Magruder engaged in a pursuit that violated CPD policy because it was objectively unreasonable under the balancing test.**

COPA finds that CPD policy prohibited PO Magruder from initiating a pursuit because it was not authorized under CPD's balancing test.<sup>100</sup> Before stopping Mr. [REDACTED] PO Thomas had checked the license plate of Mr. [REDACTED] car. OEMC confirmed that Mr. [REDACTED] car was not stolen, which means the officers should have considered not initiating the pursuit because Mr. [REDACTED] identity had been sufficiently established to be apprehended at a later time without engaging in a pursuit.<sup>101</sup> Although the caller reporting the initial collision stated Mr. [REDACTED] said he had a gun, she also stated she did not actually see a gun. COPA, therefore, finds that the need to immediately apprehend Mr. [REDACTED] did not outweigh the level of inherent danger created by a pursuit. For these reasons, COPA finds Allegation 4 is **sustained** as a violation of Rules 2, 3, and 6.

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<sup>95</sup> COPA also has no evidence PO Magruder parked his car in front of Mr. [REDACTED] car "for the purpose of preventing passage of a motor vehicle." See GO G03-03-01, Glossary Terms 16. COPA could reasonably conclude that PO Magruder intended or used his vehicle to prevent Mr. [REDACTED] car from passing. However, Mr. [REDACTED] successfully navigated his vehicle past PO Magruder's car. Accordingly, COPA could also reasonably find PO Magruder neither intended nor used his vehicle to prevent the passage of Mr. [REDACTED] vehicle.

<sup>96</sup> For the avoidance of doubt, COPA also has no evidence that PO Magruder's parking in this instance violated any other applicable rule or law.

<sup>97</sup> See Att. 21.

<sup>98</sup> Atts. 58, 68.

<sup>99</sup> Att. 36.

<sup>100</sup> PO Magruder stated he was actively attempting to apprehend Mr. [REDACTED] effectively admitting he was engaged in a pursuit.

<sup>101</sup> Att. 7, 38, see G03-03-01.II.B.

*Allegations against PO Amanullah***A. PO Amanullah failed to timely activate her body worn camera.**

COPA finds that PO Amanullah failed to comply with Special Order S03-14 by untimely activating her BWC. This incident involved multiple law-enforcement-related activities that CPD policy identifies as requiring the activation of BWC. PO Amanullah admitted she did not activate her camera until she arrived at the crash site because she did not believe it to be a priority at the time. PO Amanullah should have activated her BWC at the beginning of the incident, when she and PO Magruder arrived at the scene of the traffic stop. PO Amanullah failed to timely activate her BWC and, therefore, COPA finds Allegation 1 is **sustained** as a violation of Rule 6.

**B. PO Amanullah engaged in a pursuit that violated CPD policy because it was objectively unreasonable under the balancing test.**

COPA finds that CPD policy prohibited Officer Amanullah from initiating a pursuit because it was not authorized under CPD's balancing test.<sup>102</sup> Before Mr. [REDACTED] was pulled over by POs Thomas and Sunde, PO Thomas had checked the license plate of Mr. [REDACTED] car. OEMC confirmed that Mr. [REDACTED] car was not stolen, which means the officers should have considered not initiating the pursuit because Mr. [REDACTED] identity had been sufficiently established to be apprehended at a later time. Although the caller reporting the initial collision stated that Mr. [REDACTED] said he had a gun, she also stated that she did not actually see a gun. COPA, therefore, finds the need to immediately apprehend Mr. [REDACTED] did not outweigh the level of inherent danger created by a pursuit. For these reasons, COPA finds Allegation 2 is **sustained** as a violation of Rules 2, 3, and 6.

*Allegations against PO Liagridonis***A. PO Liagridonis failed to timely activate his body worn camera.**

COPA finds that PO Liagridonis failed to comply with Special Order S03-14 and did not activate his BWC until he arrived at the crash site, after the incident ended. This incident involved multiple law-enforcement-related activities that CPD policy identifies as requiring the activation of BWC. PO Liagridonis stated he initially believed he had activated his BWC earlier in the incident, but at another point in his COPA interview he admitted to not activating his camera until after he arrived at the crash site. For these reasons, COPA finds Allegation 1 is **sustained** as a violation of Rule 6.

**B. PO Liagridonis engaged in a pursuit that violated CPD policy because it was objectively unreasonable under the balancing test.**

COPA finds that Officer Liagridonis' actions constituted a pursuit. Although PO Liagridonis claimed not to have engaged in a pursuit, his belief appears to be based on a misunderstanding of the definition of a vehicle pursuit: he believed that because he was the passenger rather than the driver, he was not in a pursuit. However, the applicable general order is

<sup>102</sup> PO Amanullah stated that she was attempting to apprehend Mr. [REDACTED] when she and her partner followed Sgt. Rigan. She therefore effectively admitted to engaging in a pursuit under CPD policy.

explicit that any CPD member involved in a pursuit “must be prepared to justify their actions.”<sup>103</sup>

Additionally, PO Liagridonis asserted that the incident happened too quickly for him to have been in a pursuit, as the order to terminate was issued as soon as he and PO Radomski made it to their vehicle.<sup>104</sup> However, this does not comport with PO Liagridonis’ prior statement to COPA. In PO Liagridonis’ first statement to COPA, he acknowledged that he and Officer Radomski had gotten to their vehicle, made a U-turn on Michigan Avenue, and begun driving the wrong way down a one-way street when the order to terminate was issued.<sup>105</sup>

PO Liagridonis is not exempt from the requirements of CPD policies because another officer was the driver of the vehicle, nor does the short length of the pursuit render it permissible. As PO Liagridonis was involved in the traffic stop to apprehend Mr. [REDACTED] his subsequent steps—including making a U-turn on Michigan Avenue and driving the wrong way down a one-way street—were taken as part of an attempt to apprehend Mr. [REDACTED]. This conduct is, by definition, a pursuit.

COPA finds that CPD policy prohibited PO Liagridonis from initiating a pursuit. Mr. [REDACTED] was pulled over by POs Thomas and Sunde before PO Liagridonis arrived. PO Thomas checked the license plate of Mr. [REDACTED] car and confirmed it was not stolen. PO Liagridonis should therefore have considered not initiating the pursuit because Mr. [REDACTED] identity had been established to the point that he could later be apprehended without jeopardizing the safety of another individual. Although the 911 caller stated that Mr. [REDACTED] said he had a gun, the caller also stated that she did not actually see a gun. COPA, therefore, finds that the need to immediately apprehend Mr. [REDACTED] did not outweigh the level of inherent danger created by a pursuit. For these reasons, COPA finds that Allegation 2 is **sustained** as a violation of Rules 2, 3, and 6.

#### *Allegations against PO Radomski*

##### **A. PO Radomski failed to timely activate his body worn camera.**

COPA finds that PO Radomski failed to comply with Special Order S03-14 and did not activate his BWC until after arriving at the crash site. This incident involved multiple law-enforcement-related activities that CPD policy identifies as requiring the activation of BWC. PO Radomski stated he believed he had activated his BWC at the beginning of the encounter, but he later realized that in this instance he did not timely activate his BWC. For these reasons, COPA finds Allegation 1 is **sustained** as a violation of Rule 6.

##### **B. PO Radomski engaged in paralleling in violation of CPD policy.**

PO Radomski denied engaging in paralleling based on an apparently incorrect understanding of the definition of that term. He claimed that paralleling required him to be driving at the same speed as the pursued vehicle, with the ability to see the pursued vehicle. CPD policy does not include any language limiting paralleling to those circumstances. PO Radomski’s vehicle mirrored, on an adjacent street, the direction and speed of the vehicles involved in a pursuit. PO

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<sup>103</sup> G03-03-01.IV.A.

<sup>104</sup> Att. 90.

<sup>105</sup> Atts. 81, 84.

Radomski acknowledged driving westbound on Superior, precisely one block north of where other officers pursued Mr. [REDACTED] on Huron. GPS reports show PO Radomski hitting a top speed of 34 mph. PO Radomski's speeds, therefore, tracked those of pursuing members PO Magruder and Sgt. Rigan. Finally, COPA finds it is more likely than not that PO Radomski's actions were deliberate. PO Radomski made a U-turn on Michigan Avenue to proceed the wrong way down a one-way street, suggesting he intended to maintain the same speed and direction of pursuing officers on an adjacent street. For these reasons, COPA finds Allegation 2 is **sustained** as a violation of Rules 2, 3, and 6.

**C. COPA cannot find that PO Radomski roadblocked Mr. [REDACTED] car in violation of CPD policy.**

PO Radomski acknowledged he pulled in front of Mr. [REDACTED] vehicle at the traffic stop, but he denied roadblocking Mr. [REDACTED] vehicle because Mr. [REDACTED] was able to maneuver around the police vehicles and flee the traffic stop.<sup>106</sup> The video evidence confirms that PO Radomski pulled in front of Mr. [REDACTED] vehicle while it was stopped, before the initiation of the vehicle pursuit. Therefore, even if PO Radomski did roadblock Mr. [REDACTED] vehicle, he did not do so during a pursuit. His actions, therefore, fell outside of the prohibition identified in CPD pursuit policy.<sup>107</sup> As such, PO Radomski's decision to stop directly in front of Mr. [REDACTED] did not constitute roadblocking and did not violate CPD policy. Therefore, COPA finds Allegation 3 **exonerated**.

**D. COPA does not have sufficient evidence to find that PO Radomski drove without due regard for the safety of all persons.**

In this instance, despite PO Radomski's involvement in a pursuit that was in violation of CPD policy, there is not sufficient evidence to find that PO Radomski drove without due regard for the safety of all persons.

Based on GPS information, PO Radomski's top speed is shown to be 34mph, higher than any of the recorded speeds for the other involved vehicles, but not significantly higher overall.<sup>108</sup> PO Radomski specifically addressed this in his COPA interview, stating that he checked all intersections prior to crossing, was attentive to vehicular and pedestrian traffic, and maintained a safe speed.<sup>109</sup> This is partially substantiated by in-car camera footage, which shows PO Radomski slowing down through the intersections of Wabash and Superior and State and Superior, as well as navigating around cars driving the opposite direction.<sup>110</sup> However, the videos also show PO Radomski making a U-turn on Michigan Avenue, driving over the center median, and then driving the wrong way down a one-way street. Although this evidence shows no gross disregard for the safety of those in his vicinity, it does not provide clear and convincing evidence of due regard.

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<sup>106</sup> COPA also has no evidence that PO Radomski parked his car in front of Mr. [REDACTED] with the intention of preventing his passage. See GO G03-03-01, Glossary Terms 16. COPA could reasonably conclude that PO Radomski intended or used his vehicle to prevent Mr. [REDACTED] car from leaving. However, Mr. [REDACTED] successfully navigated around the vehicles of POs Magruder and Radomski. Accordingly, COPA could also reasonably find that PO Radomski neither intended nor used his vehicle to prevent the passage of Mr. [REDACTED]

<sup>107</sup> The Illinois Traffic Code does not address roadblocks. As a result, COPA cannot conclude PO Radomski's parking in this instance violated other applicable law.

<sup>108</sup> See Att. 18.

<sup>109</sup> Atts. 58, 68.

<sup>110</sup> Att. 36.

For these reasons, COPA finds there is insufficient evidence to prove, by a preponderance of the evidence, that PO Radomski failed to drive with due regard for the safety of all persons. Accordingly, COPA finds Allegation 4 is **not sustained**.

**E. PO Radomski engaged in a pursuit that violated CPD policy because it was objectively unreasonable under the balancing test.**

Based on the evidence, COPA finds that Officer Radomski's actions constituted a pursuit. PO Radomski denied engaging in a pursuit, stating that he was not in a pursuit because other vehicles were already pursuing Mr. █. However, the definition of a pursuit under CPD policy does not depend on being the first responding vehicle, but hinges on whether an officer is attempting to apprehend an individual. PO Radomski is not exempt from the requirements of CPD policies because other officers engaged first, nor is his belief that he was not involved in a pursuit the determinative factor. As PO Radomski was involved in the traffic stop to apprehend Mr. █ his subsequent steps— including making a U-turn on Michigan Avenue and driving the wrong way down a one-way street— were taken as part of an attempt to apprehend Mr. █ This conduct is, by definition, a pursuit.

COPA finds that CPD policy prohibited PO Radomski from initiating a pursuit. Mr. █ was pulled over by POs Thomas and Sunde before PO Radomski arrived. PO Thomas checked the license plate of Mr. █ car and confirmed it was not stolen. PO Radomski should therefore have considered not initiating the pursuit, as Mr. █ identity had been established to the point that he could later be apprehended without jeopardizing the safety of another individual. Although the 911 caller stated that Mr. █ said he had a gun, the caller also stated that she did not actually see a gun. COPA, therefore, finds that the need to immediately apprehend Mr. █ did not outweigh the level of inherent danger created by a pursuit. For these reasons, COPA finds that Allegation 5 is **sustained** as a violation of Rules 2, 3, and 6.

## **VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

### **a. Sergeant Kristopher Rigan**

COPA has reviewed and considered Sgt. Rigan's complimentary history, lack of disciplinary history, and training record in recommending discipline. COPA has found that Sgt. Rigan violated Rules 2, 3, and 6 by initiating a motor vehicle pursuit that did not comply with the balancing test, and by failing to timely activate his body worn camera. Sgt. Rigan violated General Order G03-03-01 when he engaged in the pursuit despite the fact that Mr. █ identity had been established to the point where he could be apprehended at a later time. Sgt. Rigan's poor judgment and decision-making had significant consequences, setting in motion the chain of events that resulted in the death of Mr. █ and the serious injury of Ms. █ Additionally, there is no question that Sgt. Rigan's rank and nearly twenty years of experience influenced his subordinates' decisions to join in the out-of-policy pursuit. For these reasons, COPA recommends a 180-day SUSPENSION.

**b. Officer Kenneth Sunde**

COPA has reviewed and considered PO Sunde's complimentary, disciplinary, and training history in recommending discipline. COPA has found that PO Sunde violated Special Order S03-14 when he failed to timely activate his body worn camera during this incident. Given PO Sunde's inexperience as a police officer, COPA recommends a 1-day SUSPENSION.

**c. Officer Tyler Thomas**

COPA has reviewed and considered PO Thomas' complimentary history, lack of disciplinary history, and training history in recommending discipline. COPA has found that PO Thomas violated Special Order S03-14 when he failed to timely activate his body worn camera during this incident. Given PO Thomas' inexperience as a police officer, COPA recommends a 1-day SUSPENSION.

**d. Officer Timothy Magruder**

COPA has reviewed and considered PO Magruder's complimentary, disciplinary, and training history in recommending discipline. COPA has found that PO Magruder violated Rules 2, 3, and 6 by engaging a motor vehicle pursuit that did not comply with the balancing test, and by failing to timely activate his body worn camera. PO Magruder's conduct is mitigated by the fact that he joined in the pursuit only after his supervisor, Sgt. Rigan, initiated it. However, Sgt. Rigan's poor judgment does not absolve PO Magruder of responsibility for his own conduct. For these reasons, and in recognition of PO Magruder's limited experience as an officer, COPA recommends a 60-day SUSPENSION.

**e. Officer Marya Amanullah**

COPA has reviewed and considered PO Amanullah's complimentary history, lack of disciplinary history, and training record in recommending discipline. COPA has found that PO Amanullah violated Rules 2, 3, and 6 by engaging a motor vehicle pursuit that did not comply with the balancing test, and by failing to timely activate her body worn camera. PO Amanullah's conduct is mitigated by the fact that she was a passenger in PO Magruder's vehicle, and she did not drive any of the vehicles involved in the pursuit. However, PO Amanullah acknowledged that she conducted the balancing test and played an active role in the pursuit. For these reasons, and in recognition of PO Amanullah's limited experience as an officer, COPA recommends a 30-day SUSPENSION.

**f. Officer Christos Liagridonis**

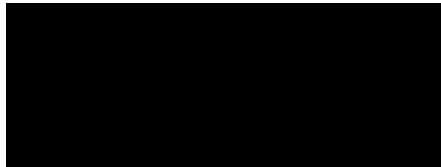
COPA has reviewed and considered PO Liagridonis' complimentary history, lack of disciplinary history, and training record in recommending discipline. COPA has found that PO Liagridonis violated Rules 2, 3, and 6 by engaging a motor vehicle pursuit that did not comply with the balancing test, and by failing to timely activate his body worn camera. PO Liagridonis denied he engaged in a vehicle pursuit, pointing to the fact that he was only a passenger in PO Radomski's vehicle. However, PO Liagridonis is not exempt from the requirements of G03-03-01 because another officer drove the vehicle. He bears responsibility for his own actions, including

actively participating in the pursuit by checking intersections for vehicular and pedestrian traffic before his partner drove through them. For these reasons, and in recognition of PO Liagridonis' limited experience as an officer, COPA recommends a 30-day SUSPENSION.

**g. Officer James Radomski**

COPA has reviewed and considered PO Radomski's complimentary history, lack of disciplinary history, and training record in recommending discipline. COPA has found that PO Radomski violated Rules 2, 3, and 6 by engaging a motor vehicle pursuit that did not comply with the balancing test, by paralleling Mr. [REDACTED] vehicle, and by failing to timely activate his body worn camera. Although PO Radomski denied he was involved in the pursuit, the video evidence shows he engaged in high-risk driving in an attempt to apprehend Mr. [REDACTED] including making a U-turn on Michigan Avenue, driving across the center median, and proceeding the wrong way down a one-way street. Worse still, PO Radomski engaged in the pursuit surreptitiously, paralleling Mr. [REDACTED] vehicle on Superior as Mr. [REDACTED] drove westbound on Huron. COPA recognizes that PO Radomski joined the pursuit only after Sgt. Rigan initiated it; however, the sergeant's poor judgment does not absolve PO Radomski of responsibility for his own conduct. For these reasons, COPA recommends a 90-day SUSPENSION.

Approved:

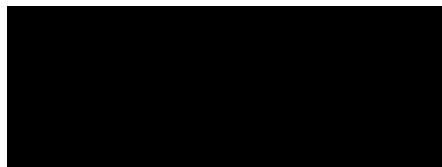


8/31/2021

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Matthew Haynam  
*Deputy Chief Administrator*

Date



8/31/2021

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Andrea Kersten  
*Interim Chief Administrator*

Date

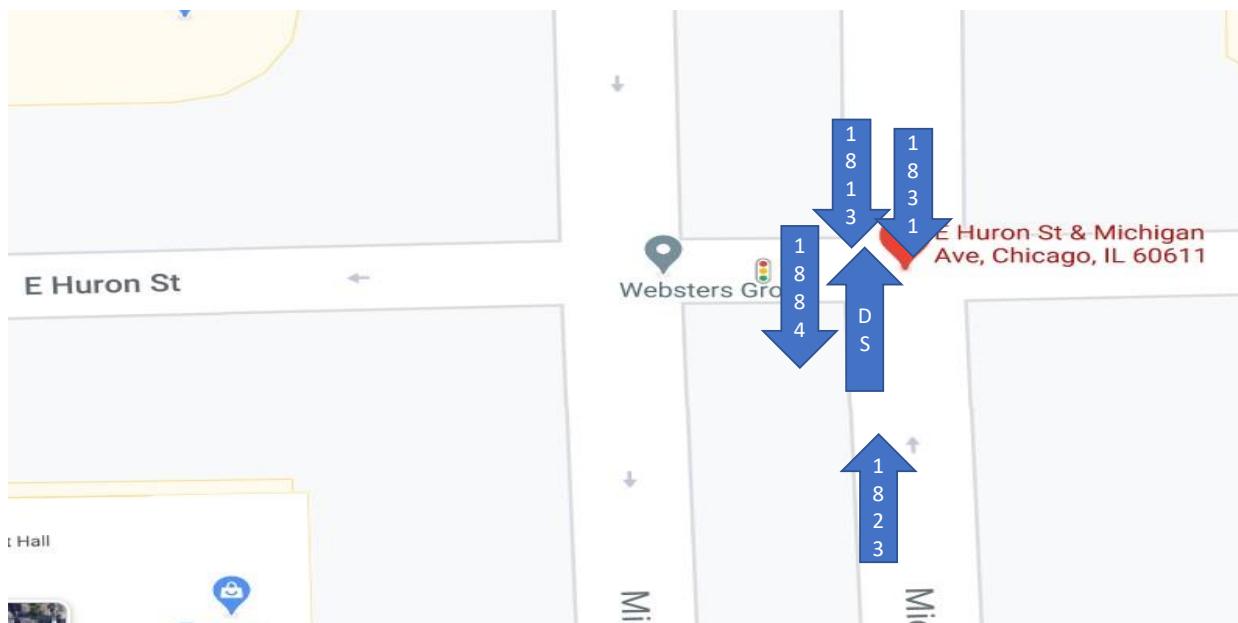
Appendix A<sup>111</sup>

Figure 1. Diagram showing the location of the involved vehicles during the traffic stop. DS represents [REDACTED] who was in the left turn lane from Michigan onto Huron.

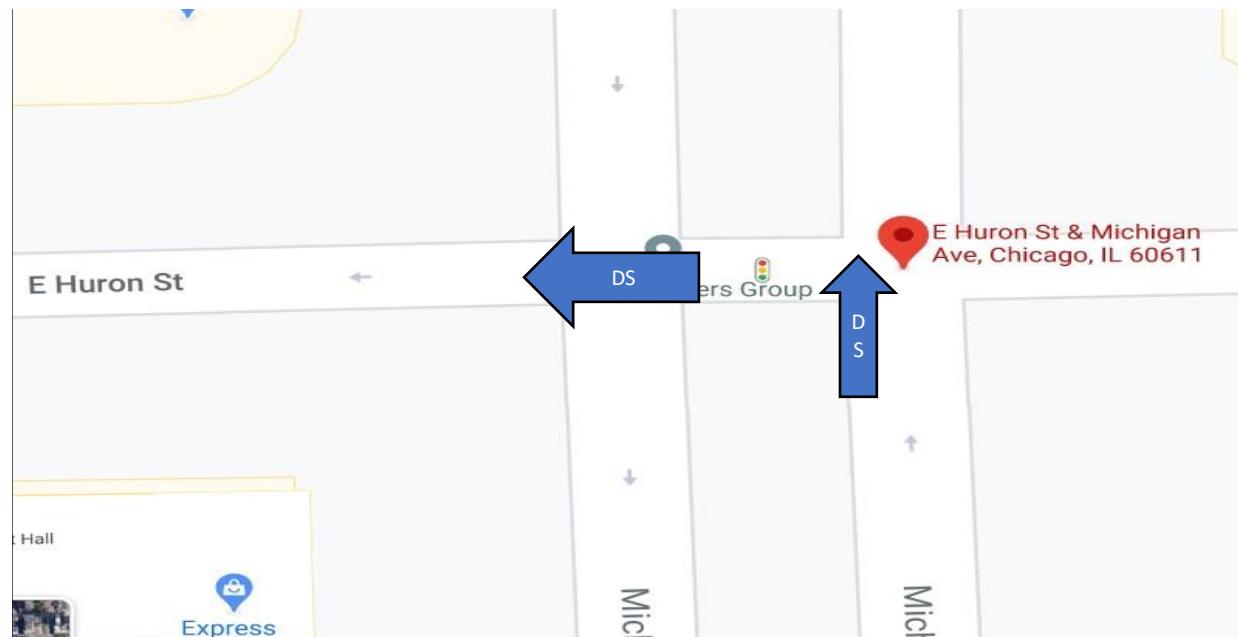


Figure 2. The direction [REDACTED] fled, westbound on Huron.

<sup>111</sup> Att. 87.

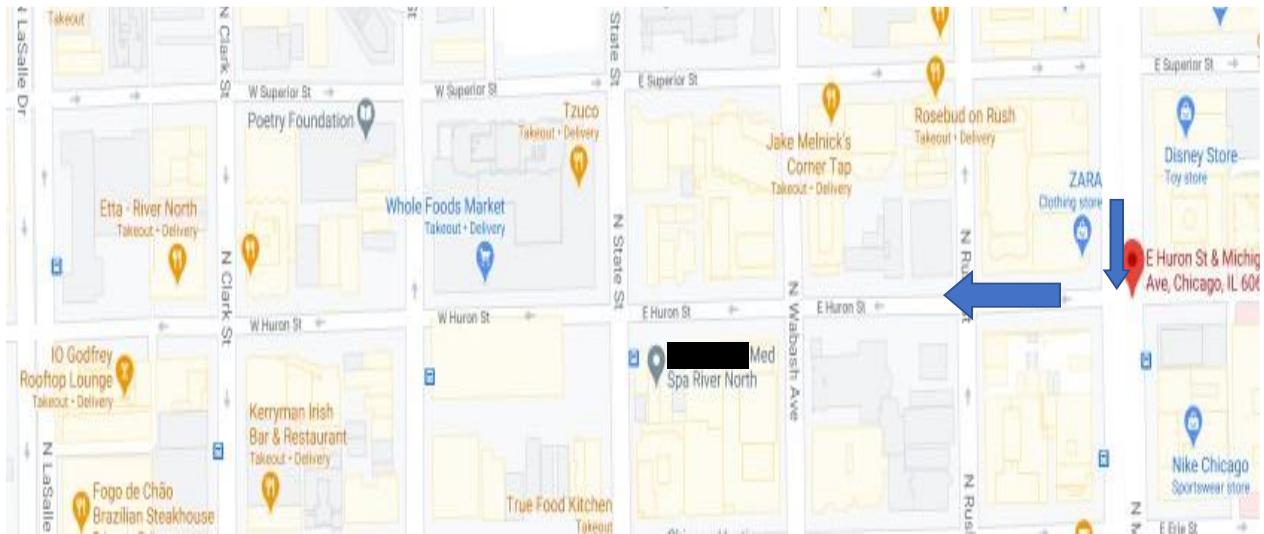


Figure 3. The direction of Beats 1884 (Sgt. Rigan) and 1813R (POs Magruder and Amanullah). From the traffic stop at Michigan and Huron, both vehicles turned westbound onto Huron. Sgt. Rigan stated he terminated the pursuit on Huron, just west of State.

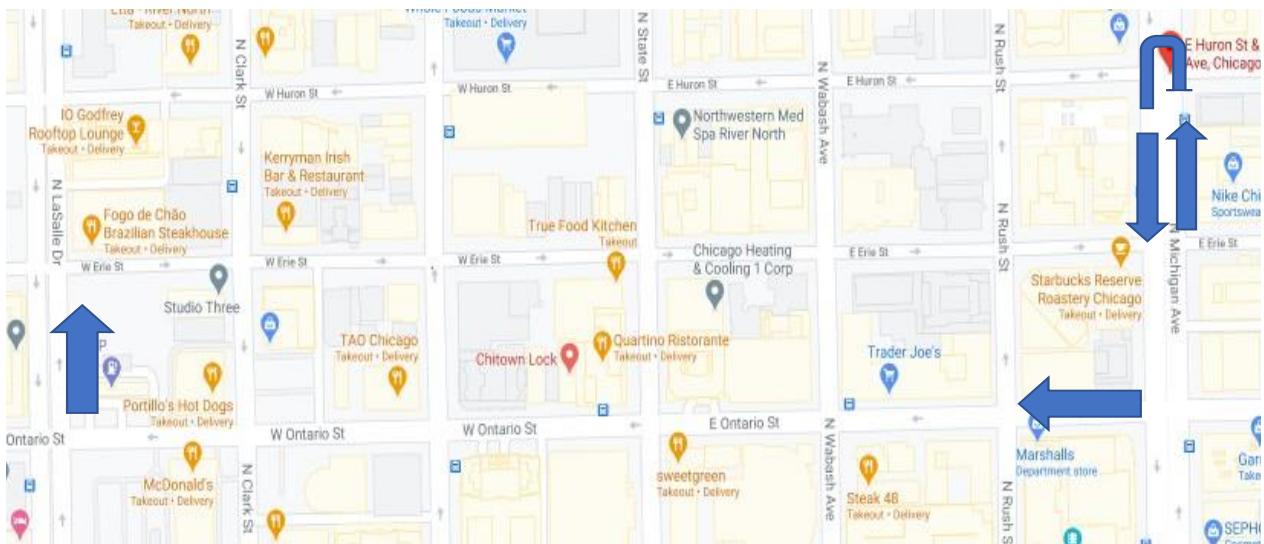


Figure 4. The direction of Beat 1823R (POs Sunde and Thomas). From the traffic stop at Michigan and Huron, the POs made a U-turn and headed southbound on Michigan, then westbound on Ontario.



Figure 5. The direction of Beat 1831R (POs Liagridonis and Radomski). From the traffic stop, the POs made a U-turn and headed northbound on Michigan, then westbound on Superior, which is a one-way street with traffic traveling eastbound.

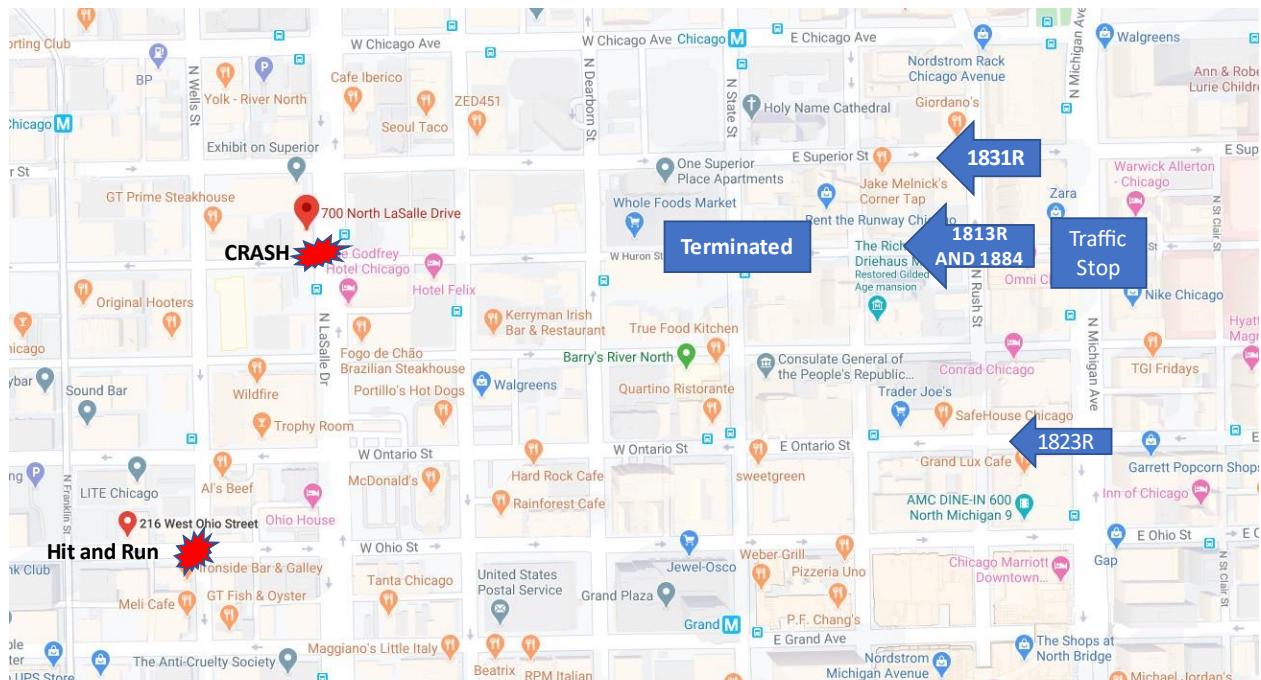


Figure 6. Diagram showing the location of the hit and run collision, the traffic stop, and the path of the involved vehicles. The diagram also shows the location of the fatal collision at LaSalle and Huron.

**Appendix B**

## Assigned Investigative Staff

<b>Squad#:</b>	Six
<b>Major Case Specialist:</b>	Emily Pierce
<b>Supervising Investigator:</b>	Steffany Hreno
<b>Deputy Chief Administrator:</b>	Matthew Haynam