

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	July 1, 2016
Time of Incident:	Approximately 11:00 a.m.
Location of Incident:	Intersection of Union Avenue and 124 th Street, Chicago, Illinois
Date of COPA Notification:	July 1, 2016
Time of COPA Notification:	11:30 a.m.

On the morning of July 1, 2016, at approximately 10:30 am, the manager of an Arby's restaurant, located at XXXXXXXXXXXX, Tinley Park, IL, was the victim of an armed robbery on her way to the bank to make a deposit. Following the robbery, subjects Subject 1, Subject 2, Subject 3, and Subject 4, fled towards Chicago in a gold Pontiac. Tinley Park Police issued an alert over the Illinois State Police Emergency Radio Network (ISPERN) indicating a robbery occurred.

That ISPERN alert gave general information about the robbery, including: the suspects were African-American males, riding in a gold Pontiac without plates, and were last seen traveling eastbound on 195th Street or possibly I-80. Illinois State Police (ISP) Troopers A and B responded to the alert and located the suspects' vehicle going northbound on Interstate 57 (I-57). Both ISP troopers followed the gold Pontiac and attempted a traffic stop off I-57 at the 127th Street exit in Calumet Park, Illinois. During the traffic stop, the suspects fled at a high-speed and Troopers A and B gave chase. The pursuit went northeast into Chicago. Soon thereafter, Chicago's Office of Emergency Communications (OEMC) became aware of the pursuit and communicated pursuit information over Zone-9 radio frequency, which provided radio communications for the Chicago Police Department's (CPD) Districts 5 and 22.

CPD Police Officers A, B, C, and D were all assigned to District 5. They were on routine patrol when they heard the radio transmissions on Zone-9 concerning the pursuit. The officers were at 119th Street or 120th Street and Halsted Street, near ISP's pursuit. Monitoring the radio for pursuit information and location callouts, Officer A drove the group of officers toward the ISP pursuit by going south on Halsted Street and then east on 124th Street. On 124th Street, the officer A's vehicle, traveling at approximately 50 mph (nearly 25 mph over the speed limit) proceeded into the intersection of Union Avenue and 124th Street, disregarded a stop sign, and struck the driver's side of the gold Pontiac. At the time of the collision, the gold Pontiac was pursued by ISP Troopers A and B going the wrong way on a one-way street. Officer A nor any officer inside of his vehicle saw the gold Pontiac traveling the wrong way down the one-way street until the

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

collision. Two passengers in the Pontiac died because of the accident. Two other passengers of the gold Pontiac, and all four officers sustained serious injuries as a result of the accident.

COPA has concluded that Officer A drove through the intersection of 124th Street and Union Avenue without due care as required by CPD General Order G03-03-02, as well as Illinois State Law 625 ILCS 5/11-205, in that he disobeyed a posted stop sign and entered an intersection at 55 mph without slowing down and failing to look southbound down Union Avenue as is necessary for safe operation and due regard for the safety of all vehicle and pedestrian traffic.

II. INVOLVED PARTIES

Involved Officer #1:	Officer A; Star #XXXX; Employee ID #XXXXXX; Date of Appointment: XXXXXXXXXXXX, 2007, X years; DOB: XXXXXXXX, 1977; Male; White.
Involved Officer #2:	Officer B; Star #XXXX; Employee ID #XXXXXX; Date of Appointment: XXXXX, 2008, X years; DOB: XXXXXXXX, 1982; Male; Hispanic.
Involved Officer #3:	Officer C; Star #XXXXX; Employee ID #XXXXXX; Date of Appointment: XXXXXX, 2002, XX years; DOB: XXXXXXXX, 1967; Male; White.
Involved Officer #4:	Officer D; Star #XXXXX; Employee #XXXXX; Date of Appointment: XXXXXX, 2007, X years; DOB: XXXXXXXX, 1984; Male; White.
Subject #1:	Subject 1; DOB: XXXXXX, 1990; Male; Black
Subject #2:	Subject 2; DOB: XXXXXXXX, 1991; Male; Black
Subject #3:	Subject 3; DOB: XXXXXX, 1994; Male; Black
Subject #4:	Subject 4; DOB: XXXXXXXX, 1990; Male; Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer A	1. It is alleged that on July 1, 2016, at approximately 11:00am, Officer A, at the intersection of 124th Street and Union Avenue, without slowing down as required and necessary for safe operation, and/or without due regard for the safety of all persons,	Sustained

	<p>disobeyed a posted stop sign and proceeded into the intersection.</p> <p>2. It is alleged that on July 1, 2016, at approximately 11:00am, Officer A endangered life or property, and/or without due regard for the safety of all persons, in that he exceeded the legally permitted speed limit as he proceeded eastbound on 124th Street and entered the intersection of 124th Street and Union Avenue.</p> <p>3. It is alleged that on July 1, 2016, at approximately 11:00am, Officer A drove a Chicago Police vehicle with the emergency lights activated, without justification to activate the emergency lights, as he proceeded eastbound on 124th street and approached the intersection of 124th Street and Union Avenue.</p> <p>4. It is alleged that on July 1, 2016, at approximately 11:00am, Officer A, at the intersection of 124th Street and Union Avenue, disobeyed a posted stop sign, without justification, and proceeded into the intersection.</p> <p>5. It is alleged that on July 1, 2016, at approximately 11:00am, Officer A disobeyed the legal permitted speed limit, without justification, as he proceeded eastbound on 124th street and approached the intersection of 124th Street and Union.</p>	<p>Sustained</p> <p>Withdrawn</p> <p>Withdrawn</p> <p>Withdrawn</p>
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IV. APPLICABLE RULES AND LAWS

Rules

Rule 1 – Violation of any law or ordinance.

Rule 2 – Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.²

² This Rule applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of Departmental policy or goals or which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also all acts, which although not unlawful in themselves, would degrade or bring disrespect upon the member or the Department. It also includes any action contrary to the stated policy, goals, rules, regulations, orders or directives of the Department.

Rule 6 – Disobedience of an order or directive, whether written or oral.

General Orders

Emergency Use of Department Vehicles, General Order G03-03

Emergency Vehicle Operations – Pursuits, General Order G03-03-01

Emergency Vehicle Operations – Non-pursuits, General Order G03-03-02

State Laws

625 ILCS 5/11-205 Public Officers and Employees to Obey Act-Exceptions.

V. INVESTIGATION³

a. Interviews

On July 18, 2017, COPA⁴ Investigators conducted the **first of two interviews of Officer A**. Officer A confirmed he was the driver of the police vehicle at all relevant times on the day in question. Officer A and his partners were assigned to beat XXXX and were on routine patrol when he heard a dispatch involving ISP troopers' pursuit of armed robbery suspects heading toward their district of patrol.

The officers heard an initial callout from the City of Chicago's Office of Emergency Management Communications (OEMC), Chicago's radio communication network putting the subjects' vehicle in the area of 127th Street. Among themselves, the officers agreed to assist the ISP pursuit. However, none of them radioed-in their intent to get involved. Officer A listened to OEMC communications for updates on the pursuit, but was unable to hear transmissions directly from ISPERN. Before the day in question, Officer A had never heard of ISPERN, his vehicle was unequipped to monitor ISPERN, and he had not been trained on ISPERN radio communications.⁵

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

⁴ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

⁵ Per CPD Special General Order titled *ISPERN Radio Checks* (S01-03-06) and General Order titled *Illinois State Police Radio Network* (G03-01-03), a CPD vehicle operating within District 5 may have an ISPERN radio installed; however, Officer A's, and the other POs interviewed, lack of knowledge regarding ISPERN during the interview clearly established his vehicle was not installed with an ISPERN radio and was not directly responsible for monitoring ISPERN.

Officer A drove towards the pursuit because he knew ISP troopers worked in vehicles alone and were likely outnumbered by the four-armed robbery suspects. Officer A also believed, based on his experience, the suspects likely had a firearm(s) given Officer A's understanding of the crime having been committed being an armed robbery. Officer A did not recall whether his lights and sirens were activated as he drove towards the pursuit.

The last OEMC update Officer A heard had the subjects' vehicle turning eastbound onto 125th Street from Wallace Street. Officer A drove eastbound on 124th Street from Halsted Street, believing the subjects' vehicle was about half-a-mile east and one block south of his location. Once eastbound on 124th Street from Halsted Street, Officer A estimated his vehicle was traveling at approximately 40 mph.

At the intersection of 124th Street and Union Avenue, Officer A approached a stop sign. He did not see any cars to his left (north), and since Union Avenue was a one-way street going south, he sped through the intersection without slowing down. As he entered the intersection, the last thing he remembered was a bright flash accompanied by a gold car coming at his vehicle from the right (south) at a high speed. Officer A said it felt like the gold car struck his vehicle, but he later learned his vehicle struck the subjects' vehicle.

After the crash, Officer A tried to get out of his vehicle to see if the subjects were going to flee on foot, but when he stepped-down his left foot gave out. Officer A's injuries included multiple lacerations, a broken left ankle, and a fractured left knee cap.⁶

On September 14, 2017, COPA Investigators conducted a **second interview of Officer A**. Officer A explained he had worked in the 5th district his entire career, since early 2008, and was familiar with the area.

Officer A was at 119th or 120th and Halsted Street when he first heard of ISP's pursuit over Zone-9 radio communications. Officer A then drove south on Halsted Street as he listened for further information and pursuit location callouts over the radio. He did not recall if he stopped at traffic lights along Halsted Street, what speed he was going, or if he activated the vehicle's emergency lights and/or siren. Officer A turned east onto 124th Street and accelerated eastward intending to "get in the area" of the pursuit to assist the ISP troopers if needed.

During the interview, Officer A was shown a transcript of Zone-9 radio communications. He also listened to an audio recording of the same Zone-9 communications. He confirmed the Zone-9 radio communications he heard and read were accurate. Officer A explained he now knew, but was unaware at the time of the incident, the information he received that morning over Zone-9 was delayed and incorrect, which, in his opinion, was the sole reason the crash occurred. He specifically pointed to the last transmission before his partner, Officer B, called a 10-1 following the accident.⁷ That last transmission indicated the pursuit was eastbound on 125th at Wallace Street, blocks away from the officers. The accident occurred immediately following that last location callout. Officer A relied upon the accuracy of the radio communications and felt he had no reason to question the accuracy of what he heard over Zone-9.

⁶ Attachment 117.

⁷ "10-1" is CPD code for an emergency and/or officer in serious need of assistance.

Despite relying on the radio callouts to locate the pursuit, when interviewed Officer A pointed out instances during his response where he realized the callouts were flawed. Specifically, Officer A stated, “I mean, we really didn’t know because one time he’s saying, ‘southbound Wallace,’ then he’s saying, ‘westbound Wallace.’ Wallace doesn’t even run south, so, we really didn’t know... the directions are, yeah, the directions are messed up.”⁸

Officer A confirmed he never was assigned a job related to ISP’s pursuit, nor did he receive any information on his Portable Data Terminal (PDT) related to the pursuit.⁹ The pursuit was described as an emergency by Officer A, because the pursuit involved what he believed were armed subjects wanted for armed robbery. When asked if he was worried about running into someone, meaning either another police vehicle or a civilian vehicle, Officer A agreed, stating, “I mean you have to be...”¹⁰

The officers’ vehicle was an unmarked Ford Sports Utility Vehicle (SUV) equipped with a siren and blue, flashing, emergency lights on the vehicle’s front, rear and both sides. According to Officer A, he only activates his emergency lights if involved in a pursuit, a traffic stop, or going to a call. On the morning of the accident, the officers were going to a “call” to assist ISP troopers, and it would have been within his discretion whether to activate his emergency lights.

Officer A was confident his actions never amounted to a pursuit because he never saw any of the involved vehicles (the gold Pontiac or the troopers’ vehicle) until the crash. Officer A maintained he attempted to get into the area of the pursuit to support the ISP troopers and did not take any steps in furtherance of joining the ISP pursuit. Despite never being involved in a pursuit by an outside agency, Officer A knew the priority of the call was an “A-1,” which he based upon his past experiences as a police officer.¹¹ Officer A believed he could safely disobey traffic signals and traffic laws generally if done with due care.

There was no attempt to stop at the intersection of Union Avenue and 124th Street. Officer A slowed (let off the accelerator) his vehicle as he approached the intersection, and when he looked left, to the north, he did not see oncoming traffic. Officer A estimated he was going 40 mph when he collided with the gold Pontiac. Officer A admitted to never looking right, southbound on Union Avenue. He explained, “because it’s a one-way going south, so there shouldn’t be any cars going the wrong way on a one-way.”¹² Conversely, he also acknowledged pursued vehicles do not always obey traffic laws.

Officer A was provided a copy of the pre-crash data retrieved from the vehicle he drove during the accident. When asked whether it was possible he was traveling at 55 mph immediately preceding the accident as he drove through a stop sign at the intersection of 124th Street and Union Avenue, he answered in the affirmative. He looked northbound on Union Avenue approximately

⁸ Attachment 65 at Page 19.

⁹ PDT is an on-board terminal within a police vehicle which is capable of sending and receiving messages and information.

¹⁰ Attachment 79 at Page 17.

¹¹ A-1 is the highest priority assigned to a call and would permit an officer to operate as an emergency vehicle and disobey established traffic laws.

¹² Attachment 142 at Page 15.

45 feet from the intersection, and again acknowledged he failed to look south. Officer A stated he could have stopped the vehicle, even at a speed of 55 mph, prior to going through the intersection had he slammed on his brakes.

Finally, Officer A was directly asked if he proceeded through the intersection at Union Avenue and 124th Street safely and with due care. He thought he proceeded with due care by looking north, towards the direction of traffic, and said he would have never looked down the opposite direction of traffic at a one-way stop whether he was in a police pursuit or otherwise.¹³

On July 17, 2017, IPRA Investigators **interviewed Officer D**. On the day of the incident, Officer D was seated in the backseat behind the front passenger, Officer B. Officer A was the driver with Officer C seated behind him. Officer D was on routine patrol in District 5 when he overheard a radio communication describing a vehicle pursuit between ISP troopers and multiple subjects wanted for armed robbery.

Officer D stated the only information he had concerning the pursuit came from OEMC dispatch and that he was not directly listening to ISPERN. Officer D recalled 124th Street and Wallace Street being the last location given over OEMC. Officer D explained as they were going eastbound on 124th Street they heard the gold Pontiac was going westbound on 124th Street. Officer D never heard any radio communications putting the subjects' vehicle on Union Avenue.

He did not recall much about the crash because he lost consciousness immediately thereafter. Officer D also sustained a shoulder injury during the accident that had to be surgically repaired. Officer D did not recall any radio communications made by anyone in his vehicle to OEMC and indicated it was approximately a minute between the first OEMC radio communication notifying them of the pursuit until their vehicle crashed into the subjects' vehicle. The first time he saw the subjects' car was after the crash.

On July 18, 2017, IPRA Investigators **interviewed Officer B**. Officer B stated his partners were Officers A, C, and D. Officer A was the driver at the time of the incident. The officers received a call for assistance after they were alerted of a pursuit by ISP troopers of armed robbery suspects. Officer B clarified he did not hear any ISP troopers ask for assistance and he and his partners were never assigned to the pursuit. CPD officers were never deployed to the pursuit or directly to the scene. The information he received about the pursuit came directly from OEMC, not ISPERN. All four officers agreed to assist the ISP troopers. Driving towards the pursuit, they proceeded southbound on Halsted Street while OEMC provided updates of the pursuit's location. Officer B indicated he was unfamiliar with ISPERN or how to listen to ISPERN communications.

Officer B stated he heard sirens and "they," meaning the officers in the vehicle, tried to gauge where the sirens were coming from, but could not. Officer B stated, "...all I know is, at one point, we're slowing down into the intersection, uh, because we didn't wanna collide with any other vehicles, uh, offender, or other, other police that might be involved."¹⁴ Seconds later, the officers' vehicle struck the subjects' vehicle and Officer B called-in a 10-1 to OEMC.

¹³ Attachments 119 and 120.

¹⁴ Attachment 115 at Page 3.

Officer B stated he did not believe their vehicle had the emergency lights and siren activated. Officer B stated the first time he saw the subjects' vehicle was about a millisecond before the collision occurred. Officer B remembered calling-in his location to be 125th Street or 124th Street and Wallace Street because that was the last location he remembered being given over the radio. Officer B's injuries were a concussion and swelling in his right knee.¹⁵

On October 11, 2017, at approximately 9:00am, COPA Investigators conducted an **Interview of Illinois State Police Trooper A**. At the time of the interview Trooper A had been employed with the ISP for 21 years. During his career, Trooper A was involved in 25 to 30 separate police pursuits of which 15 to 20 occurred in part within the city of Chicago. Trooper A explained during any pursuit an officer should give traffic conditions, speed, reasons for the pursuit, and location callouts over the radio, which would allow for any responding units to safely know the pursuit's location and progression. When in a pursuit, Trooper A initially communicates with the ISP dispatcher who is working the northern or southern frequency. Then, once the pursuit is established, Trooper A would switch frequencies to ISP's ISPERN with all communications then occurring over ISPERN.

Trooper A was asked whether he typically looks both ways when crossing over a one-way street during a pursuit, like the pursuit he was engaged in on the morning of July 1, 2016. Trooper A said, out of habit he generally looks both ways when crossing any street and that his training also taught him to do so. Trooper A further agreed it is even more important to look both ways when crossing a one-way during an active pursuit.

Trooper A was asked whether he always relied upon the pursuit location callouts over the radio when he engages in a pursuit. Drawing upon his past experiences, Trooper A explained radio communications are not one-hundred percent correct. Unsolicited, Trooper A continued to describe a specific communication delay problem with pursuits occurring within Chicago's jurisdiction, "...I do not know exactly why it is, but I know it's...usually a two to three-minute delay, and it's been that way since I've been on the job."

According to Trooper A, towns and cities statewide are required to monitor ISPERN because it is the state's emergency channel, which would apply to Chicago too. Nevertheless, Trooper A wanted to reach CPD directly over his in-car zone radio; however, the radio was out of Trooper A's physical reach.¹⁶ Trooper A told investigators his in-car zone radio was purchased to end the radio communications delay between CPD and ISP during incidences where possible assistance would be needed from CPD.

Trooper A was shown two videos captured by his in-car camera. The first video showed the accident between Officer A's vehicle and the gold Pontiac, and the second video captured Trooper A (audio only as Trooper A was just outside the lens' view) sharing his opinion as to why the accident happened. Trooper A seemed to foreshadow the accident. When asked how he knew, Trooper A stated, "I was talking about the communications gap between Chicago and them not knowing, exactly, where we were..."¹⁷ Trooper A clearly knew Illinois state law required all

¹⁵ Officer C was not interviewed regarding this incident because he is deceased from unrelated accident.

¹⁶ Trooper A's zone radio "went flying" when he hit a curb during the pursuit.

¹⁷ Attachment 31 at Page 17.

officers to drive with due care during a traffic pursuit. Investigators asked Trooper A, "...driving with due care would mean, even if you're driving down a one-way, or you know driving through a one-way, that you look both ways?" Trooper A replied, "that's correct."¹⁸

On July 1, 2016, at approximately 2:45 pm, IPRA Investigators conducted an **interview of Civilian 1**. Civilian 1 resided at XXXXXXXXX, near the accident location. Civilian 1 was on the phone with her husband when she heard the crash and then went to the front door of her residence to see what happened. She saw the accident end in the front lawn of the residence located on the northeast corner of Union Avenue and 124th Street. Civilian 1 never saw the crash or anything relevant before the crash. Civilian 1 explained she spoke with her neighbor (Civilian 2) after the accident. Civilian 2, who lived at the residence where the accident ended, told Civilian 1 she had just parked her car in front of her house when the vehicles came out of nowhere and crashed.¹⁹

On July 1, 2016, at approximately 6:58 pm, COPA Investigators **interviewed Civilian 3 and Civilian 2**. Civilian 2 lived at XXXXX South Union Avenue. Moments before the accident, Civilian 2 pulled up in front of her home and parked her vehicle when she heard lots of sirens in the area. She then went into the backseat of her vehicle to retrieve personal items, but when she looked up, she saw multiple vehicles (a gold car with police vehicles following behind) heading north, the wrong way, on Union Avenue at a high-speed. Recognizing this as a police pursuit, Civilian 2 took cover and heard the crash.²⁰

On July 3, 2016, at approximately 2:24 pm, COPA Investigators **interviewed Civilian 4**. Moments before the accident, Civilian 4 drove westbound on 124th Street with her fiancée Civilian 5. Civilian 5 was the driver and Civilian 4 sat in the front passenger seat. Ahead on 124th Street, Civilian 4 saw police vehicles "zipping" in and out of the blocks. Civilian 5 pulled over and briefly yielded to the police vehicles, but started driving again. At that point, the couple was approximately one block east of Union Avenue on 124th Street when Civilian 4 saw a dark-colored SUV coming east towards them. She also saw a four-door, light-colored vehicle crossing Union Avenue at the intersection of 124th Street. Civilian 4 saw the vehicles collide when the SUV hit the light-colored sedan. Both vehicles were traveling very fast, and both failed to stop at the intersection.²¹

On July 3, 2016, at approximately 2:50 pm, COPA Investigators **interviewed Civilian 5**. Civilian 5 saw an accident at the intersection of 124th Street and Union Avenue. Moments before the accident, Civilian 5 was driving on 124th Street and heading west towards Halsted Street when he saw an undercover CPD blue Ford Explorer, heading eastbound towards Civilian 5. Civilian 5 could see the SUV's blue emergency lights activated. Civilian 5 then saw a "big impact" at the intersection ahead where the undercover Ford Explorer collided with a tan sedan. Neither vehicle stopped at the intersection of Union Avenue and 124th Street.²²

b. Digital Evidence

¹⁸ Attachment 124.

¹⁹ Attachment 16.

²⁰ Attachment 82.

²¹ Attachment 28.

²² Attachment 113.

ISP Trooper A's Dash-Cam

ISP Trooper A took the lead position during ISP's pursuit of the gold Pontiac. Trooper A's vehicle's dash-cam captured the pursuit of the gold Pontiac by Trooper A and Trooper B from Trooper A's perspective. The video started with Trooper A parked on the shoulder along I-57. There is no audio captured at this point. At 3:30 on the video²³, Trooper A pulled off the shoulder and started driving on the highway. At 4:30 on the video, the subject's car can be seen driving to the left of Trooper A's vehicle and at roughly the same speed. At 5:30 on the video, Trooper B's car can be seen two lanes to the right of the subjects' car. At 7:05 on the video, the subjects' car pulled in front of Trooper B's vehicle and into the far-right lane. At 7:32 on the video, the subject exited the highway (audio is now captured once Trooper A activated his emergency lights and sirens).

At 7:46 on the video, the gold Pontiac stopped just off the exit. At 7:50 on the video, Trooper A can be heard saying, "Step out, step out." Trooper B can be heard saying "step out" as well. At 8:06 on the video, the subjects' car fled and does a complete U-turn onto a one-way street. The subjects then drove through a motel parking lot. While this is happening, Trooper A notified ISP radio communications of the pursuit situation, which included location, as well as the pursuit speeds. The subjects drove roughly 75 mph. At 9:40 on the video, the subjects drove northbound on Halsted Street. At 10:14 on the video, the subjects drove through a vacant lot at 123rd Street and Halsted Street. At 10:36 on the video, Trooper A asked ISP dispatch, "give me CPD." At 10:43 on the video, the pursuit is at 123rd Street and Wallace Street. At 11:03 on the video, the subjects are pursued through an alley and then a vacant lot. At 11:09 on the video, the subjects went southbound on Wallace Street and headed towards 124th Street. At 12:15 on the video, Trooper A stated to ISP dispatch the subjects went northbound on Union. At 12:28 on the video, the crash between Officer A's vehicle and the pursued gold Pontiac can be seen approximately half a block ahead. Several minutes after the crash, officer(s) and/or trooper(s) can be overheard discussing the crash.²⁴ One of the ISP officers exclaims that he knew a crash was imminent.²⁵

ISP Trooper B's Dash-Cam

This video was taken from the vantage point of the second pursuit car. At approximately 01:18 on the video (#11078_580007), Officer A's vehicle's right rear taillight can briefly be seen flashing, which appeared consistent with the vehicle's emergency lights activated. The audio captured Trooper B listening to ISP radio communications, not OEMC Zone-9. This video revealed nothing additional of significance as to what was captured by Trooper A's in-car video.²⁶

POD Video

A search conducted of all POD cameras within a one-mile radius of the accident location returned a single POD, #80. POD #80 was located at 12301 South Halsted Street. Video footage

²³ The timeline of the video is based only on the application of the media player and not relative to the time of day.

²⁴ Attachment 110.

²⁵ ISP Trooper A's comments were discussed at length during his interview included *supra*.

²⁶ Attachment 109.

was requested; however, per OEMC, POD #80 was inoperable at the time of the incident due to technical difficulties.²⁷

c. Documentary Evidence

GPS

GPS records were pulled by COPA Investigator A for the two following locations: a 1000-foot radius of 12400 South Halsted Street and a 1000-foot radius of 12337 South Wallace Street. Those records contained all captured GPS data from each location starting at 10:50 am on July 1, 2016 and ending at 11:30 am on the same day. This data returned no relevant information to this investigation or from vehicle (#4659),²⁸ which Officer A drove that day.²⁹

[This section intentionally left blank pursuant to a diagram inputted on the next page].

Figure 1

²⁷ Attachment 79.

²⁸ This vehicle number was identified through the Major Accident Investigation Unit's (MAIU) Traffic Crash Report.

²⁹ Attachment 136, 137 and 138.

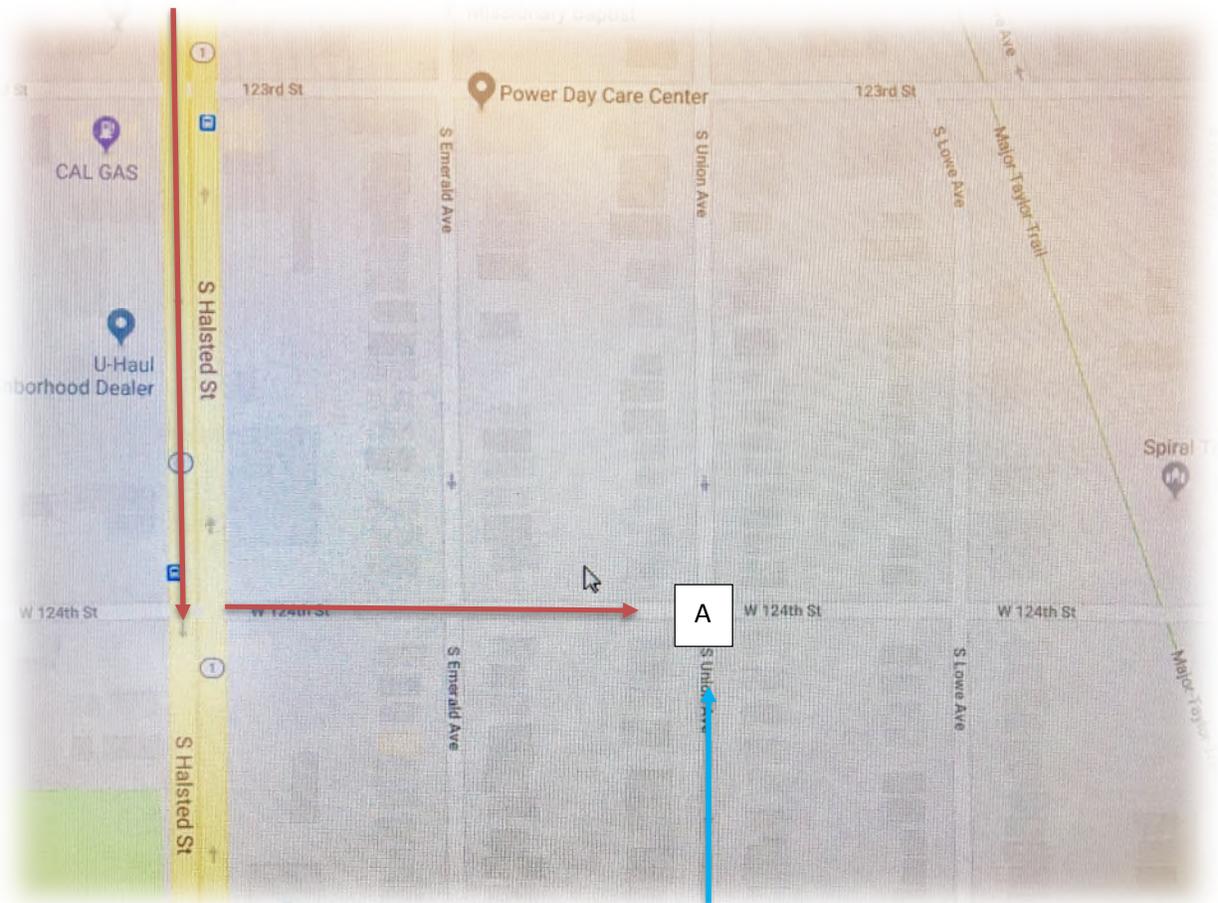


Figure 1 illustrates the route Officer A (the red arrows) and the gold Pontiac (the blue arrow) traveled within the final seconds just before the accident. Point A shows the accident's location at Union Avenue and 124th Street, where the vehicle driven by Officer A collided with the gold Pontiac.

Post Mortem Examinations

The post mortem examination of Subject 3 and Subject 4 concluded both individuals died from injuries sustained from a motor vehicle accident.³⁰

Medical Records

Various medical records obtained for Subject 1, Subject 2, and Officers A, B, C, and D showed they all sustained injuries consistent with a motor vehicle accident.³¹

Radio Communications

Figure 2

³⁰ Attachments 25, 112, and 113.

³¹ Attachments 85, 86, 87, 88, 106, and 107.

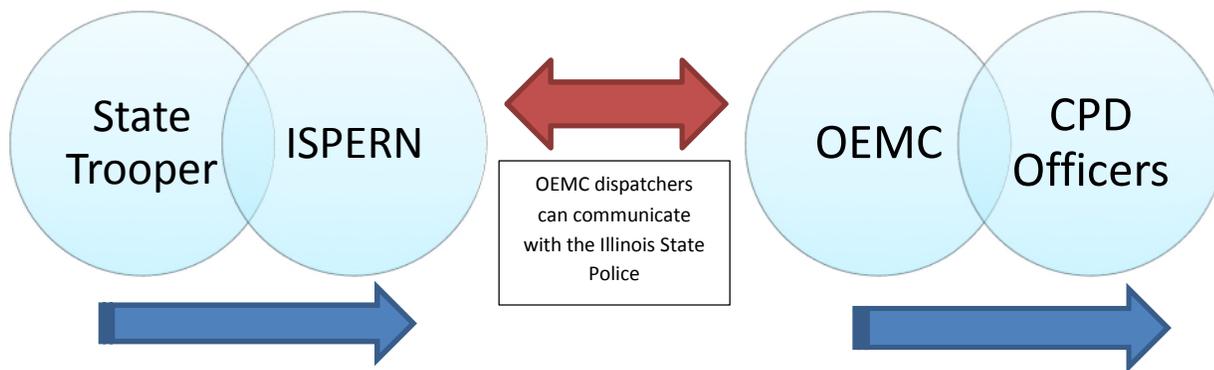


Figure 2 depicts the typical flow of radio communications from an ISP trooper to a CPD officer when both parties have standard issued access and equipment. Overlapping circles show where the various parties can hear and communicate directly with each other, e.g. typically, a CPD officer can only hear and communicate with OEMC and is unable to hear or communicate directly with ISPERN, ISP dispatch, and/or ISP troopers. The flow of communications in Figure 2 is based upon interviews conducted during this investigation and CPD written directives.

OEMC Zone-9

Below are the July 1, 2016 radio communications from an OEMC dispatcher and an unidentified individual³² who informed the OEMC dispatcher of the ISP pursuit. The communications highlighted in yellow are from the unidentified individual, and the green highlight is when the OEMC dispatcher confirmed she was not monitoring ISPERN.³³

To Dispatch: at 00:01 "Zone-9 are you monitoring ISPERN?"

Dispatcher: at 00:05 "Negative."

To Dispatch: at 00:09 "Pursuit at 123rd and Halsted, Tinley Park."

Dispatcher: at 00:16 "Ten-Four."

To Dispatch: at 00:27 "XXXX."

To Dispatch: at 00:33 "Squad what was that on Halsted?"

To Dispatch: at 00:36 "Going to the area to qualify."

Dispatcher: 00:39 "Ten-Four."

Dispatcher: 00:58 "OK, last I got was 123rd and Halsted. I'm trying to find out details."

To Dispatch: 01:12 "Southbound Wallace at a hundred a. . . (garbled)."

To Dispatch: 01:19 "124th and Wallace westbound from a hundred..."

³² This individual never identified himself over the radio by name, beat number or otherwise.

³³ Attachment 89 to 104.

Dispatch: 01:24 “Ok, I’m getting westbound from 124th and Wallace.”

To Dispatch: 01:28 “Wanted for armed robbery.”

Dispatch: 01:33 “Ok, wanted for armed robbery, anybody...any descriptions?”

To Dispatch: 01:39 “Gold Pontiac, gold Pontiac!”

Dispatch: 01:45 “Alright, gold Pontiac.”

To Dispatch: 02:02 “Northbound Wallace from 125th.”

To Dispatch: 02:13 “Eastbound Union from 125th.”

Dispatch: 02:16 “Alright, eastbound on 125th.”

To Dispatch: 02:18 “Ten-one ten-one!”

Figure 3

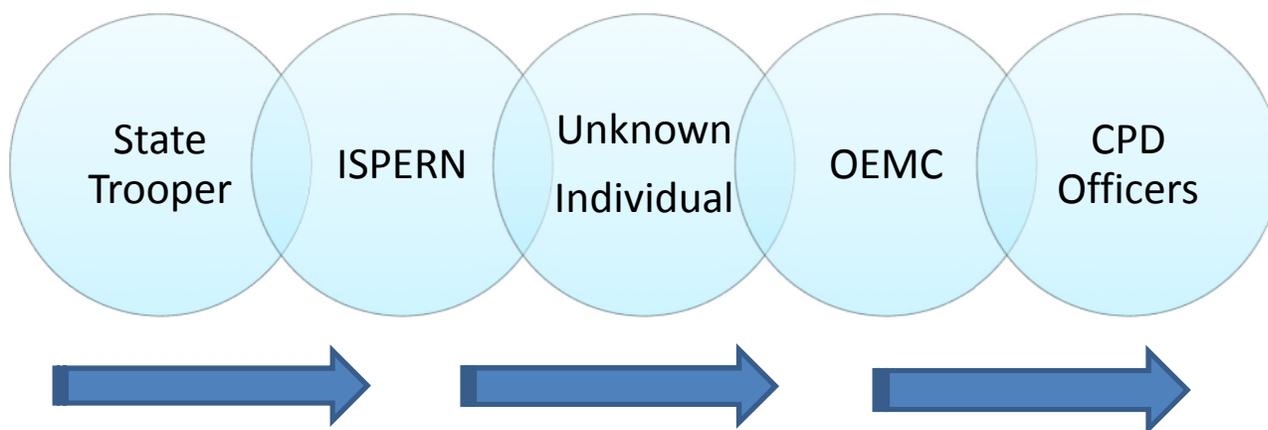


Figure 3 depicts how the flow of communications likely occurred on the morning of July 1, 2016. The yellow highlighted OEMC radio communications above are transmissions to OEMC from an individual who failed to identify himself when communicating over the radio. This unidentified individual relayed pursuit information to the OEMC dispatcher, and it is clear from the OEMC dispatcher’s answer (highlighted in green above at page 12) that OEMC was not monitoring ISPERN. This flow of communications in Figure 3 was based upon interviews conducted during this investigation, CPD written directives, and OEMC records.

OEMC Event Query Records

These records show event number 1618306295 was established by OEMC dispatch at 11:10:43 as a call to assist ISP. OEMC set the call’s priority at A-1. The initial entries under the event described pursuit locations consistent with the audio communications over Zone-9.

Following the accident were entries consistent with EMS and additional CPD personnel responding to the accident.³⁴

Bosch Pre-Crash Data Retrieval

Officer A’s vehicle was equipped with an on-board computer system capable of capturing and storing pre-crash data. This pre-crash data was retrieved from Officer A’s vehicle following the accident. The system captured vehicle speed, accelerator pedal deflection, brake service, and engine rpm data seconds before the accident. This data showed Officer A’s vehicle traveling at 46 mph and accelerating at approximately five seconds before the accident. At this point Officer A was accelerating towards the intersection. At approximately two seconds before the accident, Officer A’s vehicle was traveling at 55 mph, with no accelerator applied, and no brake service engaged. This is consistent with Officer A not engaging his brake service, not accelerating, but likely an intent to stay consistent at 55 mph through the intersection at 124th Street and Union Avenue. At approximately 0.5 seconds before the accident Officer A’s vehicle was traveling at 55 mph with no brake service engaged.³⁵

Figure 4

Pre-Crash Data -5 to 0 sec [2 samples/sec] (First Record, table 1 of 2)

Times (sec)	Speed, Vehicle Indicated (MPH [km/h])	Accelerator Pedal, % Full	Service Brake, On/Off	Engine RPM	ABS Activity (Engaged, Non-Engaged)	Brake Powertrain Torque Request
- 5.0	46 [74]	93.2	Off	5,858	non-engaged	No
- 4.5	46 [74]	100.0	Off	3,878	non-engaged	No
- 4.0	48 [78]	100.0	Off	4,242	non-engaged	No
- 3.5	50 [81]	100.0	Off	4,408	non-engaged	No
- 3.0	52 [84]	99.1	Off	4,506	non-engaged	No
- 2.5	54 [87]	89.6	Off	4,676	non-engaged	No
- 2.0	55 [89]	0.0	Off	4,526	non-engaged	No
- 1.5	55 [88]	0.0	On	4,274	non-engaged	No
- 1.0	55 [88]	52.2	Off	2,814	non-engaged	No
- 0.5	55 [88]	4.4	Off	2,592	non-engaged	No
0.0	48 [78]	0.0	On	2,312	engaged	No

Figure 4 shows pre-crash data retrieved from Officer A’s vehicle.

Additionally, pre-crash data was retrieved from the gold Pontiac. This data showed the vehicle traveling at 60 mph approximately one second before the vehicle’s airbags deployed.³⁶

Figure 5

³⁴ Attachment 60.

³⁵ Attachment 41.

³⁶ Attachment 44.

Seconds Before AE	Vehicle Speed (MPH)	Engine Speed (RPM)	Percent Throttle
-5	48	5760	100
-4	52	3584	100
-3	55	3712	100
-2	58	3904	100
-1	60	4032	100

Figure 5 shows pre-crash data retrieved from the subjects' gold Pontiac.

Major Accident Investigation Unit (MAIU) Report

MAIU completed a report of the accident. It included the following documents: the Traffic Crash Report; Detective Supplementary Reports; General Progress Reports; transcript of OEMC Zone-9 communications; PDT records; search warrant; and the subjects' Criminal History reports. The on-scene Traffic Crash Report completed by CPD personnel indicates unit 2 (Officer A's vehicle) struck the passenger side of unit 1 (the pursued gold Pontiac).³⁷

Figure 6

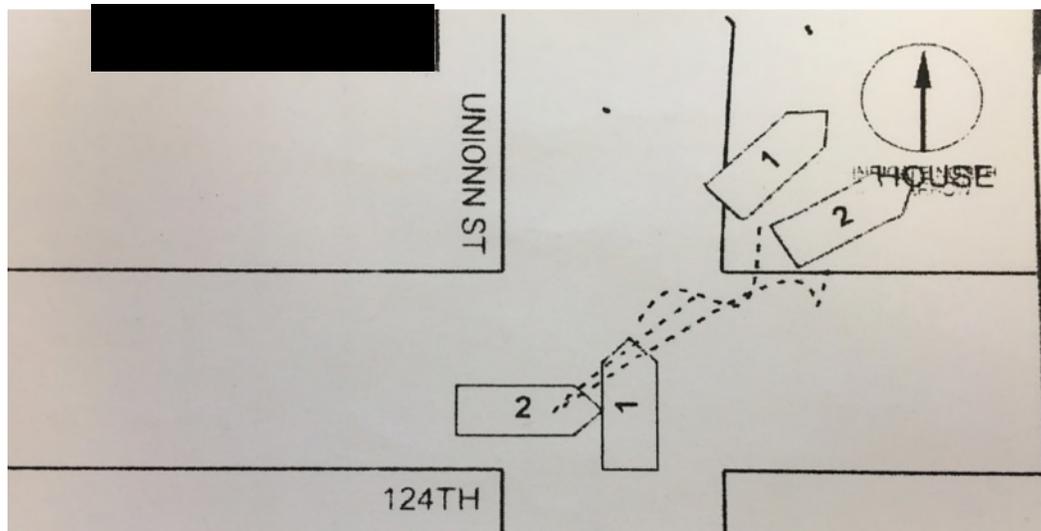


Figure 6 is an excerpt from the Illinois Traffic Crash Report number [REDACTED], which shows the location of unit 1 (gold Pontiac) and unit 2 (Officer A) at the point of impact and then both units' final resting position after the collision.

VI. ANALYSIS

This investigation concluded three factors caused the accident:

³⁷ Attachment 132, 133, 134.

- 1.) The alleged unlawful acts and subsequent traffic violations of the armed robbery subjects;
- 2.) The problematic and delayed Zone-9 radio communications; and,
- 3.) Officer A's lack of due care and due regard when operating his vehicle.

Regarding the first factor, Officer A is not responsible for the actions of the armed robbery suspects. Therefore, because factor 1 is outside of Officer A's role in the incident, further discussion is unnecessary. The communication issues relative to the second factor were also beyond Officer A's control. Officer A can only react to what is communicated to him and had no control over what information he received. However, because Officer A's reaction to the communications contributed to the accident, and because Officer A blamed the accident on poor radio communication, further analysis of the radio communications during the incident is necessary and further discussed below. Finally, Officer A, as the driver, was solely responsible for the operation and control of his police vehicle. Officer A chose to drive at 55 mph through a stop sign at the intersection of 124th Street and Union Avenue, without reducing speed and admittedly failing to look both ways. This decision played a critical role in the accident. The analysis of Officer A's driving below establishes Officer A drove without due care and due regard and therefore violated CPD policy and Illinois State Law.

Communications

Shortcomings with communications between ISP and CPD became apparent during this investigation. ISP and the City of Chicago each independently own and operate unique radio communication networks: for the City of Chicago it is OEMC, with its various zone frequencies and for ISP's radio network this includes north and south frequencies for general radio traffic, and the statewide ISPERN. Such a separation between the two agencies' radio networks is generally inconsequential when there are no jurisdictional overlaps. But, where overlap occurs, ISP is hindered when trying to communicate with CPD, and vice versa.

Officer A directly experienced this shortcoming when he acted to assist ISP troopers with their pursuit of the gold Pontiac. Officer A never heard or communicated directly with troopers Trooper A and Trooper B regarding their situation or location. A direct line of communication with Trooper A and Trooper B, absent of hearsay and delay, would have clearly benefited Officer A. Nevertheless, this lack of direct communication between the ISP troopers and Officer A did not relieve Officer A of his legal obligation to drive with due care and due regard for the safety of all persons.

This is an issue that COPA has asserted is an important one to help prevent further accidents related to jurisdictional overlaps in the future. Officer A alleges that he relied upon the flawed call-outs to his detriment. There is clearly a flaw between CPD and ISP related to this level of communication as all of the CPD officers questioned indicated their lack of awareness of ISPERN or how to communicate with ISP officers.³⁸ Once more, such an issue clearly contributed to the accident, but fails to relieve Officer A of his legal obligation to drive with due care, as further discussed elaborated upon below.

³⁸ COPA plans to draft a policy recommendation later to the Superintendent concerning this flaw in communication between ISPERN and CPD related to jurisdictional overlap.

Emergency Vehicle Operation and a Duty of Due Regard

CPD policy does not permit vehicles to be operated as an emergency vehicle at-will. Only certain situations permit a department vehicle to be operated outside the confines of the traffic laws applicable to all drivers. In furtherance of this policy, CPD directives and Illinois State Law have identified which situations allow officers to safely operate their police vehicle outside of traffic laws, *i.e.* proceeding through a traffic signal or stop sign and speeding. To determine whether Officer A's driving on the morning of July 1, 2016, complied with CPD policy and Illinois State Law, a review and analysis of CPD directives, Illinois State Law, and Officer A's actions is required.

Emergency Lights

Officer A did not recall whether his emergency lights were activated. In fact, none of the passenger officers could recall whether the emergency lights and sirens were activated. Despite their lack of recollection, independent witnesses did recall Officer A's vehicle with the emergency lights on just prior to the accident. Additionally, ISP Trooper B's in-car camera briefly captured Officer A's emergency lights activated post-accident. These facts taken collectively all point to Officer A driving with the emergency lights activated, which indicates Officer A, at some point, decided to operate as an emergency vehicle.

Vehicle Speed

Officer A himself described his vehicle's speed as approximately 40 mph just prior to the accident. Officer A's admission of speeding is further corroborated by the pre-crash data downloaded from the on-board computer in Officer A's vehicle. This data shows one-second before the accident Officer A's brake lights and ABS system were off. The data also shows the following speeds and accelerator pedal deflections³⁹: 5.0 seconds before the accident, 46 mph, accelerator pedal 93.2% deflected; 4.0 seconds before the accident, 48 mph, accelerator pedal 100.0% deflected; 3.0 seconds before the accident, 52 mph, accelerator pedal 99.1% deflected; 2.0 seconds before the accident, 55 mph, accelerator pedal 0.0% deflected, brake service off; and, 1.0 second before the accident, 55 mph, accelerator pedal 52.2% deflected. Additionally, two witnesses (Civilian 4 and Civilian 5), located one block east of the accident when it occurred, described Officer A's vehicle traveling at a high rate of speed. At the time of the accident, the established speed limit within Chicago was 30 mph.⁴⁰ Considering Officer A traveled at 55 mph one-second before the crash, he was well beyond the legal speed limit.

Stop Sign

Finally, Officer A admitted he did not stop at the intersection of 124th Street and Union Avenue, which had a stop sign posted for eastbound traffic. Furthermore, the above pre-crash data

³⁹ Accelerator pedal deflection reflects to what angle and percentage the accelerator pedal is being held or pushed down by the driver's foot. For example, 100% accelerator pedal deflection indicates that the driver cannot push the accelerator pedal any further than he/she is pushing, or the maximum accelerator pedal deflection.

⁴⁰ MCC 9-12-070

indicates Officer A did not stop. Two eyewitnesses, Civilian 5 and Civilian 4, and the passenger officers all indicated Officer A never stopped at the intersection of Union Avenue and 124th Street. From the pre-crash data it was also learned that Officer A did not even slow down prior to approaching the intersection; he merely took his foot off the accelerator pedal as he approached the intersection, i.e. 0% pedal deflection, but brake service off, 2.0 seconds prior to crash.

Figure 7



Figure 7 shows the eastbound view on 124th street approaching Union Avenue. Officer A had a similar view as he approached Union Avenue from the west the morning of the accident, including the red home to the right or southbound which partially blocks the intersection and obstructs the view of oncoming traffic, pedestrian or vehicular, coming northbound on Union Avenue, which is admittedly the opposite direction of travel for Union Avenue.

Considering Officer A had his emergency lights on, was traveling over the legal speed limit, and did not obey posted stop signs, it is clear Officer A decided to operate his vehicle as an emergency vehicle. Because Officer A made the decision to operate as an emergency vehicle, that operation must comport with CPD policy and the Illinois Vehicle Code.

There are two General Orders, Emergency Vehicle Operations – Pursuits (G03-03-01) and Emergency Vehicle Operation – Non-Pursuits (G03-03-02), that permit an officer to operate an emergency vehicle. An additional General Order, Emergency Use of Department Vehicles (G03-03), dictates how an officer can safely operate as an emergency vehicle. These policies are discussed below in the context of Officer A's actions.

1.) Emergency Vehicle Operations – Pursuits, CPD General Order G03-03-01

During his interview, Officer A maintained he was not in a pursuit. He offered the following rationale: 1) he never saw the gold Pontiac, 2) did not call out pursuit locations over the

radio, and 3) his intent was to assist the likely undermanned ISP troopers, if necessary. We find it more likely than not Officer A was not involved in a pursuit. It is reasonable for an officer to respond with assistance when other law enforcement personnel are engaged in a pursuit. Such needed assistance includes understaffed ISP troopers facing a potential predicament with four potentially armed subjects. It is also possible to provide such assistance without becoming involved in the actual pursuit until necessary, which is exactly what Officer A claimed he did. Nothing prevented Officer A from moving into the pursuit's general area in a cautious manner ready to assist, as long as he did so with due care and due regard for the safety of all persons. However, moving to the general area may be done without the added dangers of playing an active role in the pursuit. While Officer A came extremely close to engaging in the pursuit, and some may argue reasonably that he was in fact engaged in a pursuit, his perspective, and that of the officers in the vehicle with him, put them close to the pursuit and able to assist if necessary but not engaged in the pursuit according to the parameters of General Order G03-03-01. Officer A never observed the pursuit on-view and therefore never joined the pursuit as a third vehicle. Because Officer A was not in a vehicle pursuit, justification for his operation as an emergency vehicle must come from elsewhere.

2.) Emergency Vehicle Operations – Nonpursuits, CPD General Order G03-03-02

When an emergency other than a vehicle pursuit arises, CPD's G03-03-02 provides for three possible ways an officer may be permitted to operate his vehicle as an emergency vehicle. When deciding whether to operate as an emergency vehicle, an officer can react to a situation according to the assigned OEMC priority. Despite having no experience with inter-department pursuits, Officer A told investigators the priority that day was A-1. CPD's G03-03-02 established A-1 priority is an "Immediate Dispatch," which permits an officer to proceed with emergency vehicle operation, *i.e.* activated lights and sirens. Additionally, OEMC Event Query records confirmed the OEMC priority was A-1.

Because Officer A responded to an A-1 priority emergency, CPD's G03-03-02 permitted him to operate as an emergency vehicle when he went to assist the ISP pursuit:

CPD G03-03-02 Directive

II. Policy

The use of nonpursuit emergency vehicle operation by Department members is limited to the following:

A. The dispatch priority protocol as defined in the Department directive entitled "Radio Communications."

- 1.) Priority 0 - A 10-1, police or fire. Emergency vehicle operation is justified
- 2.) Priority 1 - Immediate Dispatch. Emergency vehicle operation is justified

- 3.) Priority 2 - Rapid Dispatch. Emergency vehicle operation is discretionary
- 4.) Priority 3 - Routine Dispatch. Emergency vehicle operation is prohibited
- 5.) Priority 4 - Administrative Dispatch. Emergency vehicle operation is prohibited

NOTE: When a unit receives an assignment from OEMC, the priority designation of the assignment is indicated on the portable data terminal screen (PDT). A unit that is not issued a PDT or seeks to verify the priority designation of an assignment will obtain clarification from the OEMC dispatcher.

Officer A's Emergency Vehicle Operation

When an officer chooses to operate their vehicle as an emergency vehicle, regardless of their justification, an officer must operate within the guidelines provided in CPD's G03-03 directive. This directive provides, in part, the following policy:

Police vehicles have been afforded special privileges and exemptions when engaging in emergency response calls and motor vehicle pursuits. These special privileges apply only when the vehicle is readily identifiable as an emergency vehicle. All Department members will adhere to the provisions of Chapter 625 ILCS 5/11-205, "Public officers and employees to obey Act; Exceptions." These provisions do NOT relieve Department members from the responsibility of driving with due regard for the safety of all persons, nor do such provisions protect Department members from the consequences of any conscious disregard for safety.

The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this Chapter;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation;
3. Exceed the maximum speed limits so long as he does not endanger life or property;
4. Disregard regulations governing direction of movement or turning in specified directions.

Additionally, Illinois State Law, The Public Officers and Employees to Obey Act (Act), which is incorporated into G03-03, provides for when an emergency vehicle is exempt from obeying the rules of the road in Illinois, and provides:

(a) The provisions of this Chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this State or any county, city, town, district or any other political subdivision of the State, except as provided in this Section and subject to such specific exceptions as set forth in this Chapter with reference to authorized emergency vehicles.

(b) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.

(c) The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this Chapter;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation;
3. Exceed the maximum speed limits so long as he does not endanger life or property;
4. Disregard regulations governing direction of movement or turning in specified directions.

(d) The exceptions herein granted to an authorized emergency vehicle, other than a police vehicle, shall apply only when the vehicle is making use of either an audible signal when in motion or visual signals meeting the requirements of Section 12-215 of this Act.

(e) The foregoing provisions do not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the safety of all persons, nor do such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Legal Analysis

In general, General Order G03-03 allowed Officer A the ability to disregard traffic laws when operating as an emergency vehicle, such as an A-1 priority call. However, the privilege to disregard traffic laws comes with very strict limitations. General Order G03-03 and Illinois State Law, specifically the Public Officer and Employees to Obey Act, expressly imposes a duty on all CPD department members to drive with due regard and safety for all persons. Furthermore, G03-03 only permits an officer to exceed the speed limit if he/she does not endanger life or property. The G03-03 also allows an officer to proceed through a stop sign, but “only after slowing down as may be required and necessary for safe operation.” Most importantly, an officer is never relieved of the responsibility of driving with due regard for the safety of all persons.

Officer A made several admissions regarding his conduct. First, Officer A admitted to driving at 55 mph through a stop sign at the intersection of 124th Street and Union Avenue, without reducing his speed, as detailed in the black-box crash report. Second, Officer A admitted specifically to failing to look southbound or right at the intersection of 124th Street and Union Avenue. Although Officer A was permitted to operate his police vehicle as an emergency vehicle, pursuant to CPD General Order G03-03, including proceeding past a stop sign and exceeding maximum speed limits, he was required to slow down as may be required and necessary for safe operation, and to exercise due regard for the safety of all persons pursuant to Illinois State Law and the Public Officer and Employees to Obey Act.

First, Officer A admitted, after being shown the black-box data, that he was driving his police vehicle 55 mph as he operated his vehicle through a stop sign and into the intersection at 124th Street and Union Avenue. That rate of speed left Officer A with little to no time to react to an oncoming vehicle from either direction on Union Avenue. Safe vehicle operation through a stop sign requires enough time to determine whether the intersection is clear, and then time to react if it is not. Officer A’s decision to travel at 55 mph through a stop sign is again governed by Illinois State Law and General Order G03-03. Specifically, Officer A can proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation. Further, Officer A may exceed the maximum speed limits of a roadway, so long as he does not endanger life or property. Officer A failed to adhere to General Order G03-03 as he sped through the intersection, past a stop sign, at 55mph, without slowing down, as shown in the black-box data, as is required and necessary for safe operation, clearly endangering both life and property as he collided with a passenger vehicle killing two civilians and severely injuring two civilians and four police officers.

During his interview, Officer A confirmed he was speeding within 45 feet of the Union Avenue and 124th Street intersection. Pre-crash data showed Officer A traveling at 55 mph 0.5 seconds before the accident. At 55 mph, Officer A’s vehicle covered approximately 80.1 feet per second.⁴¹ That rate of speed left Officer A with little time to ensure the intersection was clear, and

⁴¹ The number of feet in a mile 5280 was multiplied by 55 (55 mph was Officer A’s speed just prior to impact), which equaled 290,400 feet; therefore, traveling at 55 mph Officer A would cover a distance of 290,400 feet in a single hour. Divide 290,400 by 60 (the number of minutes in an hour) and equaling the number of feet in a minute Officer A was traveling, which was 4,840 feet. Further divide 4,840 by 60 (the number of seconds in a minute) and resulting in the number of feet per second Officer A was traveling at, which equaled 80.66 feet.

no time to react and prevent the accident if it was not. As such, it is highly unlikely that had Officer A even spotted the gold Pontiac coming northbound down Union Avenue, he would have been able to stop his vehicle from entering the intersection. COPA is unable to determine whether or not Officer A's vehicle would still have collided with the gold Pontiac had Officer A hit the brakes a second or two prior to entering the intersection; however, what is certain is that he would have been likely unable to prevent his vehicle from at the very least entering the intersection and potentially striking the gold Pontiac or any other vehicle or civilian in the roadway. This was a residential neighborhood, in the middle of summer, and event happened in the afternoon when vehicle and pedestrian traffic would have been its highest. That speed alone is not reflective of due regard and clearly not safe vehicle operation pursuant to Illinois State Law and General Order G03-03.

Second, Officer A admitted to not looking right or southbound on Union Avenue before entering the intersection at 55 mph. Although Union Avenue is a one-way street headed South, a reasonable officer in a similar situation would have looked both ways. Looking both ways down a one-way street is not only prudent during a police pursuit, but is necessary, especially when driving 55 mph, to prevent death or great bodily injury to children and other civilians that may be walking, running, biking, skateboarding, or, perhaps, driving in the opposite direction of travel on a one-way street.

It is necessary for officers to slow down and look both ways during the use of their vehicle in both emergency and non-emergency situations to prevent accidents. That should be even more clear to an officer driving his vehicle 55 mph towards a high-speed pursuit so as to prevent striking an innocent civilian and/or child who may find themselves in the street during a police pursuit or emergency vehicle operation situation. As was indicated by multiple officers during this investigation, including Officer A, as well as non-CPD member and Illinois State Trooper A, it is clear that vehicles being pursued by police vehicles during a high-speed pursuit do not always follow traffic laws and sometimes drive the wrong way down a one-way street. Such actions by the armed robbery suspects here should have been anticipated by Officer A, inasmuch that he was overly cautious when approaching intersections and looking both ways.

Officer A's partner, Officer B, clearly indicated during his interview he was worried about hitting the subject's vehicle in the pursuit. Officer B was in the same vehicle as Officer A, heard the same OEMC communications, and he was not confident of the pursuit's location. In fact, Officer A himself admitted on multiple occasions that he was worried about running into either the subject car or another officer's vehicle. That worry, along with General Order G03-03 and Illinois State Law, should have caused Officer A to drive with due regard, including slowing his vehicle to a safe speed and looking both ways before entering the intersection at issue. The last minute of OEMC pursuit location callouts put the pursuit within the small nucleus of Wallace Street, Union Avenue, 124th Street and 125th Street, which contained only a few blocks. Officer A hastily sped into this nucleus at 55 mph, and sped past a stop sign without looking both directions or slowing down for the safe operation of his vehicle in violation of Illinois State Law and General Order G03-03.

Officer A argued that he was not required to look right or south on Union Avenue because Union Avenue was a one-way street going southbound. This argument clearly fails to consider

the dangerous and unpredictable nature of high-speed pursuits, delays with radio callouts, and the extension of due care and due regard to all persons, whether it be pedestrians, bike or vehicular traffic. A prudent safety assessment of the intersection, as well as General Order G03-03 and Illinois State Law, necessitated Officer A to look in both directions and slow down at the stop sign. Contrary to Officer A's assertion he did not need to look right at the intersection of Union Avenue and 124th Street, the multiple points above illustrate Officer A's responsibility to look right at the intersection of Union Avenue and 124th Street. By not looking to his right and driving through the intersection at 55 mph, Officer A disregarded his mandatory duty of due regard for the safety of all others and ultimately contributed to an accident that ended in the death of two and serious injuries for six people, including himself and three additional officers.⁴²

Officer A's failure to look both ways before entering into a residential intersection at over 50 mph amounted to a failure to use due regard for the safety of all persons. It cannot be overstated by COPA that the duty of due regard extends to pedestrians who could have been walking, running, or biking the opposite way of traffic on Union Avenue, as well as civilians traveling in vehicles. In addition to the possibility of the pursuit coming north (from Officer A's right) on Union Avenue, there are other reasons Officer A should have looked to his right, *e.g.* the fact the pursuit was in a residential neighborhood, at 11:00am, in the middle of summer, increasing the likelihood that people and children would be outside in the area. Due regard in this situation would have included Officer A slowing his vehicle, not necessarily stopping it, to determine whether the intersection was clear and ensuring ample time for him to look both ways to determine if the intersection was safe, which is exactly what CPD's written policies and Illinois State Law required of him.

COPA also took into consideration the radio communications between ISPERN and OEMC, as well as the actions of the gold Pontiac. The problematic and delayed Zone-9 radio communications must be addressed in the future to avoid a similar tragic accident. However, the communications issues that exist between ISPERN and OEMC are outside of Officer A's control. Officer A can only react to the information that he is provided through OEMC and is unable to otherwise communicate with ISPERN or the individual Illinois State Police Trooper in order to get the most accurate, on-time directional pattern of the suspect vehicle and the pursuit. It is clear from our investigation that ISP and CPD have severe shortcomings with regard to hearing radio traffic of the other agency during an emergency. This is clearly important moving forward as it stands to reason that a similar, if not identical, type of pursuit from the south suburbs will again enter the City of Chicago with ISP in pursuit. However, it again did not relieve Officer A of his legal obligation to drive with due regard.

⁴² The case of *Mayfield v. City of Springfield*, 103 Ill. App. 3d 1114 (4th Dist. 1982), is instructive on the duty of due regard specifically regarding the Public Officer and Employees to Obey Act in the State of Illinois. The Appellate Court had particularly strong language relative to the duty of due regard in a case with similar, yet not identical set of facts: "The driver of an authorized emergency vehicle may proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation...[t]his suspension of the rules of the road is available only 'when responding to an emergency call'...and only when 'due regard for the safety of all persons' is exhibited (internal citations omitted). This special rule governing drivers of emergency vehicles permits them to cautiously circumvent strict application of the traffic laws in the interest of hastening their mission, thus promoting the public safety and welfare. It does not permit them carte blanche authority to charge into heavily traveled urban intersections in defiance of all reason as if bearing the colors for General Pickett. To so construe the authority of section 11-205 would undermine the very purposes of public safety and welfare that the statute was intended to serve." *Id.* at 106.

Nor did the actions of the gold Pontiac relieve Officer A of his legal obligation to drive with due regard. It is quite clear that the unlawful acts and subsequent traffic violations of the armed robbery subjects were a substantial reason for this accident. The four-armed robbery suspects were committing numerous traffic violations, including speeding and traveling the wrong way down a one-way road. Officer A is clearly not responsible for their conduct, and once more, his role is one of assistance in attempting to help ISP troopers exert control over the subjects if the need arose. However, another driver's actions, even if criminal in nature, does not relieve Officer A of his responsibility relative to both Illinois State Law and General Order G03-03.

Officer A indicated to investigators during his interview he drove with due regard for the safety of all persons because he looked in the direction of travel on Union Avenue, as well as stepped off the brake pedal seconds before entering the intersection. Officer A continued that no one looks towards the opposite direction of travel on a one-way street. This action, specifically that of stepping off the gas pedal seconds before entering the intersection, shows some level of care by Officer A before entering the intersection. However, some level of care, is not due care or due regard for the safety of all persons. That is the distinguishing characteristic between Officer A's conduct and that of General Order G03-03 and Illinois State Law. COPA understands that Officer A's intentions may not have been malicious, and even honorable in moving towards a pursuit in which he understood that an Illinois State Trooper was riding alone in a vehicle, pursuing what he believed was four armed offenders that had just committed an armed robbery. Although the intent of Officer A may be admirable, his execution was flawed.

It should be noted that allegations #3-#5 were withdrawn by COPA because, as stated numerous times above, COPA has concluded that Officer A did in fact have justification to drive his vehicle with emergency lights activated (#3), had justification to disobey a posted stop sign (#4), and had justification to disobey the posted speed limit (#5). Officer A, based on General Order G03-03, had justification to exceed the speed limit if he did not endanger life or property. Officer A further, again based on General Order G03-03, had justification to proceed through a stop sign, but "only after slowing down as may be required and necessary for safe operation." And, Officer A had justification to drive as an emergency vehicle with lights and sirens activated, based on the A-1 priority level. Nonetheless, as noted above, Officer A failed to drive with due regard for the safety of all persons and not endanger life and property when he drove 55 mph through a stop sign, without looking both directions, and failed entirely to slow his vehicle as required and necessary for safe operation. As a result, allegations #1 and #2 are sustained.

COPA understands the necessity in apprehending the suspects in the gold Pontiac, as well as Officer A's willingness to move towards a likely dangerous situation. But it is not fair, nor is it allowed under General Order G03-03 or the Public Officer and Employees to Obey Act to say that an officer can do *anything* in furtherance of apprehending a suspect or helping other officers or troopers under potential threat. Instead, they must follow the law and the General Orders, and here, specifically, needed to approach with due care and regard at the intersection and safely proceed through. Driving into the intersection and past a red stop sign at 55 mph, without the ability to control or stop your vehicle if an obstacle presented itself, and then failing to look in the

opposite direction of traffic is a clear violation of both General Order G03-03 and the Public Officer and Employees to Obey Act.⁴³

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer A

i. Complimentary and Disciplinary History

Officer A has no previous disciplinary history. Nor does Officer A have any significant complimentary history.

ii. Recommended Penalty by Allegation

1. Allegation #1

COPA again understands that Officer A's intentions were valid and admirable, but his execution flawed, and his reasoning similarly flawed. It is in fact his duty to exercise due care and regard when operating an emergency vehicle under both General Order G03-03 and Illinois State Law. This included slowing down as required and necessary for safe operation, and proceeding past a stop sign only after observing the intersection to be safe. Officer A did not proceed with due regard for the safety of all person when he failed to slow and disobeyed a posted stop sign. Additionally, Officer A failed to look both ways at the intersection of Union Avenue and 124th Street, including failing to look the opposite direction of travel on a one-way street. Some level of care, which COPA admits Officer A did display through taking his foot off the accelerator when approaching the intersection and looking in the direction of vehicle traffic, is simply not due regard for the safety of all.

Officer A had been an officer for more than ten years and was aware of the General Orders relative to use of his emergency vehicle. Although he was conciliatory at times to the fact that two civilians lost their lives, Officer A did not outright accept responsibility for his conduct. Moreover, Officer A failed to acknowledge that he was traveling too fast to stop his vehicle and failed to acknowledge that he should have looked both ways, insisting that most people do not in fact look in the opposite direction of traffic on a one-way street. Clearly, this goes against the great weight of General Order G03-03 and Illinois State Law. Because Officer A failed to demonstrate due regard according to General Order G03-03 and Illinois State Law, and because his conduct led to two civilian deaths and injured six additional individuals, including four police officers, COPA recommends that Officer A be disciplined with a 90-day suspension regarding allegation #1.

2. Allegation #2

Officer A failed to demonstrate due regard according to General Order G03-03 and Illinois State Law in that he exceeded the legally permitted speed limit as he proceeded eastbound on 124th Street and entered the intersection of 124th Street and Union Avenue. Again, he caused an accident that led to the deaths of two civilians, while injuring six additional individuals, including four police officers. The other mitigating and aggravating factors have been discussed at length in the body of this summary report, as well as in allegation #1 above. COPA recommends that Officer A be disciplined with a 90-day suspension regarding allegation #2. This is for a total of one 90-day suspension for both sustained allegations to be run concurrently.

VIII. CONCLUSION

Officer	Allegation	Finding/Recommendation
Officer A	1. It is alleged that on July 1, 2016, at approximately 11:00am, Officer A, at the intersection of 124th Street and Union Avenue, without slowing down as required and necessary for safe operation, and/or without due regard for the safety of all persons, disobeyed a posted stop sign and proceeded into the intersection.	Sustained-90-day suspension
	2. It is alleged that on July 1, 2016, at approximately 11:00am, Officer A endangered life or property, and/or without due regard for the safety of all persons, in that he exceeded the legally permitted speed limit as he proceeded eastbound on 124th Street and entered the intersection of 124th Street and Union Avenue.	Sustained-90-day suspension
	3. It is alleged that on July 1, 2016, at approximately 11:00am, Officer A drove a Chicago Police vehicle with the emergency lights activated, without justification to activate the emergency lights, as he proceeded eastbound on 124th street and approached the intersection of 124th Street and Union Avenue.	Withdrawn
	4. It is alleged that on July 1, 2016, at approximately 11:00am, Officer A, at the intersection of 124th Street and Union Avenue, disobeyed a posted stop sign,	Withdrawn

without justification, and proceeded into the intersection.

Withdrawn

5. It is alleged that on July 1, 2016, at approximately 11:00am, Officer A disobeyed the legal permitted speed limit, without justification, as he proceeded eastbound on 124th street and approached the intersection of 124th Street and Union.

Approved:

Deputy Chief Administrator – Chief Investigator

Date

Chief Administrator

Date

Appendix A

Assigned Investigative Staff

Squad#:	
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	