

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	July 3, 2020
Time of Incident:	9:53 p.m.
Location of Incident:	3138 W. Lake St.
Date of COPA Notification:	July 3, 2020
Time of COPA Notification:	Approximately 11:55 p.m.

On July 3, 2020, at approximately 9:53 p.m., Officers Francis Johnson and Curtis Alequin, who were in an unmarked SUV that was southbound on Homan Boulevard, encountered a northbound Jeep Cherokee that appeared to be driving at a high speed, possibly with its headlights off. Officer Johnson, the driver, made a U-turn on Homan Avenue near Washington Street and drove in the same direction, as had the Jeep Cherokee, which drove north on Homan Avenue and then east on Maypole Avenue. The Jeep Cherokee drove to the north-south alley east of Homan Avenue and turned northbound into that alley. Officer Johnson also drove north into the alley. Both vehicles turned east onto Lake Street. Officer Johnson pulled into the parking lane on the south side of Lake Street while continuing to drive east. The Jeep Cherokee drove at high speed, an estimated 63 miles per hour, eastbound and swerved at Kedzie Avenue, clipping a westbound vehicle. The Jeep Cherokee crossed Kedzie Avenue and went out of control, striking a pillar of the Chicago Transit Authority Green Line elevated structure at approximately 3138 W. Lake Street. The Jeep Cherokee spun around and stopped facing westbound. The Jeep Cherokee caught on fire. Officer Johnson parked his vehicle east of Kedzie Avenue. He and Officer Alequin exited their vehicle and attempted to open the Jeep Cherokee’s doors to help the driver, [REDACTED] and two passengers, [REDACTED] and [REDACTED] was in the front seat while [REDACTED] was in the back seat. Officer Alequin notified the Office of Emergency Management and Communications of the accident and requested an ambulance. Other officers responded to the scene. [REDACTED] and [REDACTED] were removed from the Jeep Cherokee and placed on the ground until ambulances arrived. Officers were unable to remove [REDACTED] from the driver’s seat, and he was dead at the scene. [REDACTED] who was pregnant, was treated at Stroger Hospital, but died of her injuries on July 4, along with her unborn baby. [REDACTED] was also treated at Stroger Hospital for fractures to both legs and a head injury, but she survived. During the incident, Officers Johnson and Alequin did not activate their vehicle’s emergency equipment to pull over the Jeep Cherokee. Finally, Officer Jeffrey Kriv, who wrote the Illinois Traffic Crash Report about the incident, was accused of verbally disrespecting or maltreating the two female crash casualties at the scene.

**II. INVOLVED PARTIES**

Involved Officer #1:	Francis Johnson; star#11858; Employee ID [REDACTED] Date of Appointment: June 29, 2015, Police Officer, Unit of Assignment: 011; DOB: [REDACTED] 1986; male; white.
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Involved Officer #2: Curtis Alequin; star#10028; Employee ID [REDACTED]; Date of Appointment: May 16, 2017, Police Officer, Unit of Assignment: 011; DOB: [REDACTED] 1994; male; Hispanic.

Involved Officer #3: Jeffrey Kriv; star#19265; Employee ID [REDACTED]; Date of Appointment: August 5, 1996, Police Officer, Unit of Assignment: 012; DOB: [REDACTED] 1966; male; white; Resigned: January 18, 2023

Involved Individual #1 [REDACTED] DOB: [REDACTED] 1995, male, black

Involved Individual #2 [REDACTED] DOB: [REDACTED] 1996, female, black

Involved Individual #3 [REDACTED] DOB: [REDACTED] 2001, female, black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Francis Johnson	1. That on July 3, 2020, at approximately 9:53 p.m., in the vicinity of 3300 W. Lake Street, Officer Johnson engaged in a motor vehicle pursuit while in an unmarked vehicle in violation of G03-03-01.	Not Sustained
	2. That during the same incident, Officer Johnson failed to activate his vehicle’s high-beam flashing headlights, siren and light bars, in violation of G03-03-01.	Not Sustained
	3. That during the same incident, Officer Johnson failed to timely notify the Office of Emergency Management and Communications of a pursuit in progress, in violation of G03-03-01.	Not Sustained
	4. That during the same incident, Officer Johnson failed to activate his high-beam flashing headlights after encountering an on-view emergency situation in violation of G03-03-02.	Sustained

	<p>5. That during the same incident, Officer Johnson failed to timely activate his body-worn camera in violation of Special Order S03-14.</p> <p>6. That during the same incident, Officer Johnson improperly engaged in an emergency vehicle operation in an unmarked vehicle in violation of G03-03-02.</p>	<p>Sustained</p> <p>Sustained</p>
<p>Officer Curtis Alequin</p>	<p>1. That on July 3, 2020, at approximately 9:53 p.m., in the vicinity of 3300 W. Lake Street, Officer Alequin engaged in a motor vehicle pursuit while in an unmarked vehicle, in violation of G03-03-01.</p> <p>2. That during the same incident, Officer Alequin failed to timely notify the Office of Emergency Management and Communications of a pursuit in progress in violation of G03-03-01.</p> <p>3. That during the same incident, Officer Alequin failed to timely activate his body-worn camera in violation of Special Order S03-14.</p> <p>4. That during the same incident, Officer Alequin improperly engaged in an emergency vehicle operation in an unmarked vehicle in violation of G03-03-02.</p>	<p>Not Sustained</p> <p>Not Sustained</p> <p>Sustained</p> <p>Sustained</p>
<p>Officer Jeffrey Kriv</p>	<p>1. That on or about July 3, 2020, at approximately 10:08 p.m., at or near 3138 W. Lake St., Officer Kriv committed misconduct through the following acts or omissions, by: disrespecting or maltreating an unidentified female car crash casualty by stating words to the effect of, “You don’t know him. Get in the car with strangers a lot?”</p>	<p>Sustained</p>

	<p>2. That on the same date, at approximately 10:10 p.m., in the same approximate location, Officer Kriv committed misconduct through the following acts or omissions, by: disrespecting or maltreating a second unidentified female car crash casualty by stating words to the effect of, “Well, he’s dead then. Okay. Since you don’t know him, it won’t bother you.”</p>	<p>Sustained</p>
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**IV. APPLICABLE RULES AND LAWS**

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Rules

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1. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
  2. Rule 10: Inattention to duty.
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General Orders

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1. G03-03-01 Emergency Vehicle Operations-Pursuits<sup>1</sup>
  2. G03-03-02 Emergency Vehicle Operations-Nonpursuits<sup>2</sup>
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Special Orders

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1. S03-14 Body Worn Cameras<sup>3</sup>
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<sup>1</sup> Att. #130

<sup>2</sup> Att. #129

<sup>3</sup> Att. #131

## V. INVESTIGATION<sup>4</sup>

### a. Interviews

In his COPA interview on August 21, 2020,<sup>5</sup> Officer Francis Johnson said he was working in uniform as a tactical officer and was the driver of an unmarked Ford Explorer, which was not equipped with an in-car camera. He was wearing his body-worn camera, which was operable. He and his partner, Officer Curtis Alequin were Beat 1163C. While driving south on Homan Boulevard near Washington Street, Officer Johnson saw a dark-colored SUV (identified later as a Jeep Cherokee) traveling north on the same street at a high speed. It was almost 10 p.m. Officer Johnson recalled that the dark-colored SUV did not have its headlights on and passed another northbound vehicle on the right, which is illegal. Officer Johnson made a U-turn at Washington Street to go north. He believed he used his spotlight at that time but did not recall why.<sup>6</sup> He did not see anyone inside the dark-colored SUV doing anything suspicious or acting as if they were hiding anything. He did not believe he made any kind of signal to get the dark-colored SUV to stop. After the U-turn, he did not see the dark-colored SUV on Homan Boulevard. At that point, he concluded that it had gone east on Maypole Avenue.

Officer Johnson drove north on Homan Boulevard and turned east onto Maypole Avenue. He did not see the dark-colored SUV and since Maypole Avenue is a long block and he believed he would still be able to see the SUV had it stayed on Maypole Avenue, he concluded it had driven north in the east alley of Homan Boulevard. Officer Johnson turned into that alley and saw brake lights or taillights from a dark-colored SUV vehicle traveling east on Lake Street, which he assumed was the vehicle that he had seen on Homan Boulevard. Officer Johnson also turned eastbound onto Lake Street from the alley. He observed that the dark-colored SUV was traveling at high speed, so he pulled over from the middle lane to the far-right lane, the bicycle lane, so that the pillars of the Chicago Transit Authority elevated tracks were to his left. He was moving out of the eastbound driving lane. By this point, the police vehicle had traveled about a half block east of the alley. Officer Johnson said he did not stop his vehicle, but believed he slowed down, with his foot off the gas pedal, and told Officer Alequin to notify the Office of Emergency Management and Communications (OEMC). He estimated that he was just west of 3300 W. Lake Street and more specifically estimated that it was 3315 W. Lake Street but stated that he was next to a vacant lot, so it was difficult to determine a specific address.

Officer Johnson said Officer Alequin started to contact OEMC, and that was when both officers observed the accident involving the dark-colored SUV, which occurred just east of Kedzie Avenue. Officer Johnson said what drew his attention was that the whole back end of the dark-colored SUV came up in the accident, which occurred a little more than one block away from where the officers' vehicle was located. Officer Alequin called out an emergency on his radio. Officer Johnson drove east on Lake Street to the accident scene to render aid. He observed that the dark-colored SUV was facing west following the accident, which indicated how substantial the impact was. Officer Johnson estimated that one or two minutes elapsed between when he saw the dark-colored SUV

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<sup>4</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>5</sup> Attachments 97, 100

<sup>6</sup> He conjectured that he maybe used the spotlight to check if the suspect SUV had lights on.

on Homan Boulevard and when the accident occurred. Other than when he first observed the SUV he was never able to see the front of the car to know if it had its headlights on at other times. He saw lights on the rear of the car that he assumed were brake lights and gave no indication that there were any issues with the brake or taillights of the subject SUV.

Officer Johnson believed that before slowing down on Lake Street, he was driving not much over the speed limit. He said the Major Accident Investigation Unit told him his top speed was 41 mph. Officer Johnson guessed that he might have gone that fast after the accident occurred in front of him and he drove east to the scene to render aid.

Regarding Allegation #1 against him, that he engaged in a motor vehicle pursuit while in an unmarked vehicle (and the offense is a traffic offense), Officer Johnson acknowledged that the incident on Homan Boulevard involved a traffic offense, but his action was never a pursuit. Officer Johnson said he did not turn on his emergency equipment during the incident because initially he would not be able to pull in front of the dark-colored SUV as he was going southbound, and the SUV was going northbound. Then, as the incident continued, he was not pursuing the dark-colored SUV because it was too far ahead of him. He said in his training, the definition of a pursuit was when emergency equipment is activated, and a vehicle refused to stop. Officer Johnson added that he did the U-turn on Homan Boulevard to find out more about the dark-colored SUV to notify OEMC, because the vehicle was driving at a high-speed during the 4<sup>th</sup> of July weekend. Officer Johnson estimated the dark-colored SUV's speed at 70 or 80 mph as it traveled east on Lake Street. He said he did not get the license plate number for the dark-colored SUV because he was never near enough to it. Officer Johnson said his initial intention was to stop the dark-colored SUV, but it was too far away to initiate a stop.

Regarding Allegation #2 against him, that, during the pursuit, he failed to activate his high beam flashing headlights, siren and light bars, Officer Johnson reiterated that his actions were never a pursuit.

Regarding Allegation #3 against him, that he failed to timely notify OEMC of a pursuit in progress, Officer Johnson again stated that his actions were never a pursuit. He said he and his partner attempted to notify OEMC for officer safety at approximately the same time as they observed part of the accident on Lake Street.

Regarding Allegation #4 against him, that he failed to activate his high-beam flashing headlights after encountering an on-view emergency situation, Officer Johnson said he did not consider the dark-colored SUV traveling fast on Homan Boulevard with its lights off an emergency situation, considering it was more of a traffic violation. He did state that he probably should have activated the flashing headlights at the accident scene, but he was more focused on trying to help the accident victims. He later said that he did not activate his lights once he was on Lake Street, mainly because he believed it would aggravate the situation, but additionally because "it would have been a pursuit, and we were not allowed to pursue in unmarked vehicles."<sup>7</sup>

Regarding Allegation #5 against him, that he failed to timely activate his body-worn camera (BWC), Officer Johnson said he did not activate it when he made the U-turn on Homan

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<sup>7</sup> Att. 100, p. 61 ln 9-13.

Boulevard because he was not pursuing anything. He said he activated his BWC when he went to render aid to the accident victims. He did not believe he turned on his BWC too late because his main concern at the accident scene was to help the victims. He said the BWC is important, but human life was the priority.

**In his second COPA interview on November 20, 2020,<sup>8</sup> Officer Johnson** addressed a sixth allegation, that during the same incident, he improperly engaged in an emergency vehicle operation in an unmarked vehicle. Officer Johnson was asked if he complied with the applicable provisions of the order, G03-03-02, III. A, 2 through 7.<sup>9</sup>

Officer Johnson repeated that the initial incident on Homan Boulevard was a traffic violation, not an emergency. He again said he did not activate his emergency lights at the accident scene because he was more focused on rendering aid to the accident victims. However, he did acknowledge that he should have activated his emergency equipment at that point. He said he did not activate his high-beam emergency lights before the accident occurred because after he turned on Homan Boulevard, he did not see the offending vehicle (the dark-colored SUV), and on Lake Street, that vehicle was too far ahead of his vehicle to activate his lights.

Before his second statement, COPA showed Officer Johnson various videos related to the incident. The videos included those from two POD cameras at 234 N. Homan Ave. and 132 N. Kedzie Ave., and others from the Sham store<sup>10</sup> and from D&W Manufacturing.<sup>11</sup> In addition, Officer Johnson said he had seen his body-worn camera video on the COPA website. During his second statement, Officer Johnson confirmed he saw brake lights of a vehicle while he was traveling in the east alley of Homan Boulevard. In relation to the Sham video that depicted the two vehicles northbound in that alley, Officer Johnson was asked whether he did not see the vehicle directly in front of him. Officer Johnson responded that he could not say for sure that one of the vehicles was his, and the alley is very short.

**In his COPA interview on July 22, 2020,<sup>12</sup> Officer Curtis Alequin** provided an account of the incident that was consistent with Officer Johnson's. Officer Alequin said he had not reviewed his own BWC video before his COPA statement but had seen the BWC from one of the

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<sup>8</sup> Attachments 111, 120; because of a recording problem, the second audio interview was done in two parts, with the two parts joined into one interview.

<sup>9</sup> Att. #129. The provisions require the operator of an unmarked vehicle, when engaged in a nonpursuit emergency vehicle operation, to: activate the siren in advance of encountering any traffic obstruction or to alert others of the approach of his or her vehicle; adhere to basic traffic-safety practices; operate the vehicle at a speed and in a manner compatible with weather and local conditions to ensure that control of the vehicle is maintained at all times; proceed through intersections or traffic signals only after determining it is reasonable and safe to proceed; yield the right-of-way to all pedestrian traffic; and ensure that the emergency-roof lights remain illuminated on limited-access highways until the police vehicle and the overtaken or disabled vehicle are safely positioned off the main portion of the roadway. Also, the operator of an unmarked vehicle is to activate the high beam flashing headlights.

<sup>10</sup> At 3400 W. Lake St. The Sham store video depicted two SUV-like vehicles driving north in the east alley of Homan Boulevard, approximately four seconds apart, at the approximate time of the incident.

<sup>11</sup> At 3237 W. Lake St. The D&W Mfg. videos depict two SUV-like vehicles driving east on Lake Street, approximately

four seconds apart, before the accident occurred at 3138 W. Lake St.

<sup>12</sup> Attachments #92, #99

responding officers on the day after the incident.<sup>13</sup> That BWC showed activity at the accident scene.

In addition, Officer Alequin said that after the subject vehicle that was driving on Homan Boulevard at high speed with its lights off passed them, he viewed that vehicle turning east onto Maypole Avenue. Officer Johnson made the U-turn on Homan Boulevard near Washington Street. Officer Alequin said Officer Johnson did not activate any emergency equipment when he made the U-turn because the officers were trying to catch up to the subject vehicle, hoping that it would pull over after turning onto Maypole Avenue. The officers did not give a signal to the subject vehicle to stop or slow down. Officer Alequin did not recall a spotlight on the squad car being flashed, possibly by Officer Johnson, when he made the U-turn.

After Officer Johnson drove north and then east onto Maypole Avenue, Officer Alequin could not see the subject vehicle, which he estimated had been traveling at 50 or 55 mph. Officer Alequin said he looked east down Maypole and was responsible for looking forward and to the passenger side of his vehicle, while Officer Johnson was responsible for looking forward and to the driver's side of their vehicle. After not seeing the subject vehicle, Officer Alequin believed it had driven north in the alley east of Homan Boulevard because Maypole Avenue is an unusually long street, and the subject vehicle would have had to either continued driving east or turned north into the alley. Officer Johnson turned north into the alley. Officer Johnson did not turn on emergency equipment because the officers did not see the subject vehicle at this point. Officer Alequin said he did not see the subject vehicle in the alley and said Officer Johnson drove through the alley to Lake Street and turned east onto Lake Street.

Officer Johnson pulled over to the right in order to stop to notify OEMC. Officer Johnson told Officer Alequin to notify OEMC about the subject vehicle driving at a high speed. At that point, the subject vehicle passed the stoplight.<sup>14</sup> Officer Alequin looked up and saw the subject vehicle crash as his vehicle slowed to approximately 5 to 10 mph. Until then, Officer Alequin had not seen the subject vehicle on Lake Street, partly because of the obstructions on that street, including the support pillars for the CTA 'L' tracks and other vehicles. At that point, the officers' vehicle was still near the east alley of Homan Boulevard. The subject vehicle caught fire, and Officer Alequin radioed information about the crash, using Lake Street and Sacramento Avenue as the location, and requesting an ambulance and fire equipment. He said he believed that someone else on the radio corrected the location to Lake Street near Kedzie Avenue. Officer Johnson sped up to approximately 35 mph before stopping close to the burning car. Neither officer activated emergency equipment on their vehicle as far as Officer Alequin could recall. Both officers exited their vehicle and rendered assistance to the accident victims.

Officer Alequin said that just before he saw the accident and radioed OEMC, he attempted to call his sergeant using a cell phone about a family issue. He was not calling the sergeant about wanting to stop the subject vehicle.

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<sup>13</sup> Officer (David) Taylor, who was on the same tactical team. Officer Alequin said Officer Taylor and his partner, Officer (Edward) Zeman, were in an unmarked vehicle behind him and Officer Johnson when Officer Johnson made the U-turn on Homan Boulevard. Officer Alequin did not see where Officers Taylor and Zeman drove after Officer Johnson made the U-turn.

<sup>14</sup> At Kedzie Avenue, 3200 West.



Regarding the first two allegations against him, that he engaged in a motor vehicle pursuit while in an unmarked vehicle and failed to timely notify OEMC of a pursuit in progress, Officer Alequin did not consider the incident a “pursuit.” He believed it was not a pursuit because it did not match the definition of a pursuit, as Officer Alequin understood it. To him, a pursuit refers to a situation where he and Officer Johnson would have attempted to curb the subject vehicle, but the subject vehicle continued to drive away while the officers’ emergency equipment was activated.

Regarding the third allegation against him, that he failed to timely activate his BWC, Officer Alequin said he activated his BWC when he exited his vehicle at the accident scene. He said the officers never had the opportunity to pull over the subject vehicle, which would have been when he normally would have activated his BWC. He did not think he should have turned on his BWC when Officer Johnson made the U-turn on Homan Boulevard

after observing the traffic violation because he did not have the opportunity to make the traffic stop.

Officer Alequin said that, at the beginning of the incident on Homan Boulevard, another unmarked tactical team SUV was behind his squad car, but he did not notice where that SUV went after Officer Johnson made the U-turn. The next time Officer Alequin saw that unmarked SUV was on the accident scene.

**Before his second COPA interview<sup>15</sup> on November 20, 2020, COPA allowed Officer Alequin** to view the two POD videos and those from D&W Manufacturing and the Sham store referenced above that were also played for Officer Johnson’s second interview. Officer Alequin said he had seen his BWC video. Based on viewing the videos, Officer Alequin said he was now not sure whether Officer Johnson slowed down after turning onto Lake Street from the alley, but he still believed he was starting to pull to the side to come to a stop.

Also, in his second interview, Officer Alequin addressed his fourth allegation, that he improperly engaged in an emergency vehicle operation in an unmarked vehicle in violation of G03-03-02 III, Department Emergency Vehicle Operation Procedures. It is the same allegation that was placed against Officer Johnson, and Officer Alequin was asked about the Order’s provisions III, A, 2-7, just as Officer Johnson was, as discussed above. In answering questions about his compliance with the provisions, Officer Alequin said no one activated the siren on his police vehicle during the incident. After the accident, he said the siren and emergency lights should have been activated. He said he and Officer Johnson complied with the Order’s provisions, such as adhering to basic traffic safety practices, operating the vehicle to ensure control, proceeding through intersections or traffic signals safely and yielding to pedestrian traffic. He said there was no pedestrian traffic. As to use of emergency “roof” lights, which unmarked vehicles do not have, Officer Alequin said his vehicle’s emergency lights were not activated during the incident. The high beam flashing lights also were not activated.

Regarding the fourth allegation, Officer Alequin did not believe he was in violation of the applicable order as to the time before the accident occurred. He did not believe an emergency existed before the subject vehicle crashed. He said he and his partner did not have any emergency

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<sup>15</sup> Attachments #112, #121

equipment activated before the accident. After the U-turn, the subject vehicle was out of the officers' line of sight, so there was nothing to activate their lights for. However, after the crash, he said he and Officer Johnson should have had their emergency lights and siren activated.

Officer Alequin estimated the speed of the subject vehicle on Homan Boulevard at 40, 50 or, at one point in the interview, up to 70 mph before Officer Johnson made his U-turn. Officer Alequin said he was not good at estimating speeds. At first, he acknowledged that the subject vehicle was committing reckless driving because of its speed of up to 70 mph but added he did not think it was reckless in considering whether the subject vehicle could have hit other people. Traffic was not heavy, and he believed it was not an emergency on Homan Boulevard, just a traffic stop. Officer Alequin did say he had concerns for the public's safety if the vehicle was not stopped. After viewing the COPA-provided videos, Officer Alequin raised his estimate of how fast Officer Johnson was driving on Lake Street to over 20 mph. Officer Alequin also repeated that he did not see the subject vehicle in front of his vehicle as the officers traveled north in the east alley of Homan Boulevard. He said he looked to the right, rather than forward, as was his responsibility, as he and Officer Johnson drove north in the alley, even though there was a building immediately to his right.

██████████ the surviving passenger, declined to be interviewed but agreed to providing information through her mother, ██████████<sup>16</sup> ██████████ told COPA on September 4, 2020, that her daughter had said she did not recall anything about the accident, other than that it did not involve a high-speed chase. ██████████ said that on the night of the accident, ██████████ and the other persons in the subject vehicle had left ██████████ residence and were going to go to a restaurant to get tacos. ██████████ said her daughter told her ██████████ was driving fast before the accident occurred, and ██████████ did not see the "pole" on Lake Street (the CTA pillar) before the subject vehicle struck it. ██████████ said ██████████ told her she did not have time to brace herself before the accident. ██████████ said ██████████ was engaged to ██████████ who was ██████████ grandson.

**Before his COPA interview on July 23, 2021,**<sup>17</sup> Officer Jeffrey Kriv watched the first several minutes of his body-worn camera video, which contain the audio referenced in the allegations against him. Officer Kriv said he had seen that video once before.

Officer Kriv said he and his 1<sup>st</sup> Watch partner, Officer Rebecca Strocchio, responded to the accident scene directly from the 12<sup>th</sup> District station. He recalled that it was possible that an unidentified supervisor told him and his partner to get to the scene because it was "bad"<sup>18</sup> and involved injuries. Officer Kriv's Beat, 1245, was the paper car for the incident, meaning he would gather information and write the crash report. At the scene, which Officer Kriv described as "awful,"<sup>19</sup> he parked his marked police vehicle near 3131 W. Lake Street, not far from the burned vehicle. Officer Kriv said he exited his vehicle and spoke to some of the officers on the scene to learn what happened. He did not know the officers on the scene.<sup>20</sup>

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<sup>16</sup> Att. #107

<sup>17</sup> Att. #156

<sup>18</sup> Att. #160, p. 16, lines 5-8

<sup>19</sup> Ibid., p. 28, line 1

<sup>20</sup> The accident occurred close to the border of two police districts, 11 and 12.

Officer Kriv went to the two women, [REDACTED] and [REDACTED] who were on the sidewalk. He said they were both in “excruciating”<sup>21</sup> pain. Officer Kriv had learned on the scene the driver of the burned vehicle was still in the vehicle. Officer Kriv was surprised the two women were still on the scene because he thought he and his partner had arrived as much as 45 minutes after the crash. Officer Kriv said he wanted to find out who the driver was and who the two women were. He figured the women had been in the vehicle and would know who the driver was. He wanted to speak to them.

When asked about the first allegation, which stemmed from Officer Kriv asking [REDACTED] “Get in the car with strangers a lot?”<sup>22</sup> Officer Kriv said [REDACTED] had not said or done anything that angered him before he attempted to talk with her. No other civilian on the scene had angered Officer Kriv before he talked with [REDACTED]. He said he learned [REDACTED] later died, which he said was “terrible.”<sup>23</sup>

When asked about the second allegation, which was linked to Officer Kriv telling the second female, [REDACTED] “Well, he’s dead then. Okay. Since you don’t know him, it won’t bother you,”<sup>24</sup> Officer Kriv said [REDACTED] had not said or done anything that angered him beforehand, and no other civilian on the scene had angered him. The women had not cooperated in providing information to him. He did not recall how he obtained the two women’s names, but he might have obtained that information from officers on the scene.

Officer Kriv disagreed with the allegations and with interpreting his comments to the women as being harsh. Regarding his question to [REDACTED] about whether she gets in cars with strangers, he did not agree he was being “over the top” or “sarcastic.”<sup>25</sup> Officer Kriv said, “You’re taught not to get in a car with strangers.”<sup>26</sup> He said the driver of the burned vehicle had been doing 100 miles per hour on Lake Street with two people in the car, and they supposedly did not know him. He thought that was “kind of odd.”<sup>27</sup> Officer Kriv said he was not disrespectful of the women. He said, “Look what happened.”<sup>28</sup>

When asked by COPA if he thought his comment to [REDACTED] about the driver being dead was harsh, Officer Kriv replied, “I don’t think it was harsh... Might have been a little over the top. Looking back. It wasn’t meant to like insult her or anything. I don’t think it was maltreatment.”<sup>29</sup> He said he did not understand how the women got into the car with someone doing that (speeding) they did not know. He denied that he disrespected or maltreated the women. “They didn’t complain,”<sup>30</sup> he said, adding that his saying was not meant to disrespect the women. He said the “poor women were in pain”<sup>31</sup> and almost dead. He noted that one woman ([REDACTED] and her baby did die. He said the whole incident was “terrible.”<sup>32</sup> He said Mr. [REDACTED] sitting in the driver’s seat

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<sup>21</sup> Att. #160, p. 32, line 15

<sup>22</sup> Att.#22, 5:29 into Officer Kriv’s Body Worn Camera video.

<sup>23</sup> Ibid., p. 35, line 20

<sup>24</sup> Att.#122, 7:30 into Officer Kriv’s Body Worn Camera video.

<sup>25</sup> Att.#160, p. 33, line 14

<sup>26</sup> Ibid., p. 33, lines 15-16

<sup>27</sup> Ibid., p. 33, lines 23-24

<sup>28</sup> Ibid., p. 34, line 6

<sup>29</sup> Ibid., p. 34, lines 11, 13-15

<sup>30</sup> Ibid., p. 35, line 1

<sup>31</sup> Ibid., p. 35, line 14

<sup>32</sup> Ibid., p. 35, line 21

was the “most disgusting thing you think you’d ever seen in the world.”<sup>33</sup> Officer Kriv commented that ██████ was burned alive.

COPA noted there were instances in Officer Kriv’s body-worn video in which he expresses surprise or shock at the scene. Officer Kriv said the comments that were attributed to him in the allegations against him were accurate, based on his body-worn video. He said when he saw the allegations, he did not remember making the comments, but thought that the comments were something he would say. He said he probably made similar comments in the past at other accident scenes. He did not mean to be flippant or disrespectful. Officer Kriv said he had been to more than 100 accident scenes, possibly as many as 200, including some bad ones.

Officer Kriv said to his knowledge, he had not met ██████ or ██████ before the accident. He did not recognize ██████ or ██████ when he saw them.

### **b. Digital Evidence**

**The audio files**<sup>34</sup> from the Office of Emergency Management and Communications indicate that at 9:56 p.m., a female called 911 and reported that a car hit a beam at Lake Street and Kedzie Avenue and was on fire.<sup>35</sup> The Fire Department was connected with the caller. At 9:59 p.m., a male called 911 and asked for a fire truck because police were “just standing there.”<sup>36</sup> A person was in the car, which was burning. The caller then said the Fire Department was arriving.

The Zone 10 transmissions begin at approximately 9:54 p.m., and at approximately 1 minute and 44 seconds into the recording, Beat 1163-Charlie announces an emergency, with an ambulance needed at Lake and Sacramento with a car on fire after it crashed into a pole. The same Beat reports, “He’s stuck in the vehicle.”<sup>37</sup> The location is clarified to be Lake, east of Kedzie.

The Zone 3 transmissions begin at approximately 9:30 p.m., and at approximately 36 minutes, 50 seconds into the recording, Beat 1245 says he had a DOA with the accident and that the Major Accident Investigation Unit should be notified. Beat 4413, on Zone 10, requested MAIU at approximately 10:06:38 p.m. for the same reason.

### **No relevant In-Car Camera video was available.**

**Video from the Body-Worn Camera (BWC) of Officer Johnson**<sup>38</sup> depicts what appears to be his left hand possibly operating the spotlight on the driver’s side of his vehicle before making the U-turn on Homan Boulevard at approximately 9:54:47 p.m. (12 seconds into the recording). He then drives on an unidentified street, apparently Homan Boulevard, passing lights of a gas station. Based on his turning of the steering wheel, Officer Johnson makes the turn east onto Maypole Avenue at approximately 23 seconds into the recording, and into the alley at approximately 30 seconds into the recording. His vehicle drives next to a light-colored building,

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<sup>33</sup> Ibid., p. 35, lines 23-24.

<sup>34</sup> Atts. #43-53

<sup>35</sup> Att. #44, 9:56:03 p.m.

<sup>36</sup> Att.# 47. 9:59:03 p.m.

<sup>37</sup> Att. #43

<sup>38</sup> Att. #59 (time code is five hours ahead of central time)

apparently in the alley. Officer Johnson turns east onto Lake Street at approximately 38 seconds into the recording, traveling east under the CTA 'L' tracks on Lake Street. His speed on Lake Street seems consistent. He arrives at the accident scene east of Kedzie Avenue, exits his vehicle at approximately 9:55:37 p.m. (1:02 into the recording) and assists officers trying to help the accident victims, who can be seen in the video. The amount of time between when Officer Johnson made his U-turn and when he exited his vehicle at the accident scene was approximately 50 seconds.

**Video from the BWC of Officer Alequin,**<sup>39</sup> depicts the interior of his vehicle in front of his front passenger seat, including when, at approximately 1:07 minutes into the video, he appears to be holding a cell phone in his right hand. The police vehicle stops at the accident scene, and Officer Alequin exits at approximately 1:29 minutes into the video. He helps remove two of the victims from the burning vehicle. At approximately 5:50 into the recording, a voice that is apparently Officer Alequin says the car sped past him and Officer Johnson before the accident.

**Video from the BWC of Officer Jeffrey Kriv,**<sup>40</sup> Beat 1245, depicts the aftermath of the accident scene. In addition, the video includes comments from Sergeant White, the sergeant of the involved officers. At approximately 28:49 into the recording, Sergeant White says based on information he was gathering, the subject vehicle went past Officers Johnson and Alequin "going like 80,"<sup>41</sup> and that, "They never got an opportunity to get behind them to even attempt a traffic stop."<sup>42</sup>

The portion of Officer Kriv's BWC video that contains his comments that are quoted in his allegations begins at approximately 5:10 into the video and runs until approximately 7:35 into the video. He approaches ██████ first, and, after she seems to say she did not know the driver, Officer Kriv says, "You don't know him. Get in the car with strangers a lot?"<sup>43</sup> Officer Kriv then approaches ██████ and, after she seems to say she does not know the driver, Officer Kriv says, "Well, he's dead then. Okay. Since you don't know him, it won't bother you."<sup>44</sup>

**Other BWC videos**<sup>45</sup> depict officers arriving at the accident scene and assisting the victims.

**POD videos and various 3<sup>rd</sup> party videos,** gathered during canvassing,<sup>46</sup> indicate the route traveled by the subject vehicle and Officers Johnson's and Alequin's vehicle based on the recorded times and locations of the vehicles:

**1 - Falcon Gas Station,**<sup>47</sup> 43 N. Homan Blvd. The time code is approximately 25 minutes behind real time. The video labeled "Falcon Gas Two Ch 5" has a view looking southwest toward

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<sup>39</sup> Att. #58

<sup>40</sup> Att. #122

<sup>41</sup> At 29:52 into the recording

<sup>42</sup> At 30:02 into the recording

<sup>43</sup> Att. #122, approximately 5:29 into the video

<sup>44</sup> Ibid., approximately 7:30 into the video

<sup>45</sup> Att. #57

<sup>46</sup> Atts. #8, 9; video from the Ike Sims Apartments, 3333 W. Maypole Ave., was reviewed but was not relevant.

<sup>47</sup> Att. #61

Homan Boulevard. At approximately 21:27:14 (real time approximately 9:52:14 p.m.), a dark vehicle drives north (left to right) at what appears to be a high speed in what appears to be the curb lane. It appears that both headlights are lit.

**2- Falcon Gas Station<sup>48</sup>** – The video labeled “Falcon Gas Four Ch 4” has a view looking northwest toward Homan Boulevard. Just prior to the dark vehicle arriving, the northbound traffic on Homan Boulevard has a red light at the intersection with Washington Street. A silver sedan is waiting to turn left while a white sedan waits immediately to its right in a left lane of traffic. A silver SUV arrives at the light just as it turns green and it passes the two sedans to the right of the white sedan. At the same approximate time (9:52:14 p.m.), Officers Johnson’s and Alequin’s southbound vehicle appears to flash its spotlight. At the same time, a dark vehicle drives north (left to right) at what appears to be a high speed through the intersection at Washington Street. It passes the white sedan in the same lane that the silver SUV was using. It appears that the taillights of the dark vehicle are not lit. The officers’ vehicle makes a U-turn and drives north on Homan Boulevard. What appears to be a second police SUV, which was behind Officers Johnson’s and Alequin’s vehicle, also makes a U-turn and drives east on Washington Street. That second police SUV seemed to flash its spotlight also.

**3-POD #7114,<sup>49</sup>** 234 N. Homan Ave. – The view is looking southeast toward Lake Street, which is in the background. The east alley of Homan Boulevard is below the two lighted areas along Lake Street. At approximately 9:55:07 p.m., the headlights of the apparent subject vehicle are visible as it travels north in the alley (toward the viewer). What appears to be the vehicle of Officers Johnson and Alequin is observed approximately four seconds behind the subject vehicle, also traveling north in the alley.

**4-Sham store,<sup>50</sup>** 3400 W. Lake St. – video labeled “Closer” – This video’s timecode is approximately one hour ahead of real time. The view is looking east along Lake Street, with Homan Avenue being the street running to the left (north) and right (south). The east alley of Homan Boulevard is in the background, in front of a large building (the alley is above the Homan Street sign). At approximately 22:55:07 (real time approximately 9:55:07 p.m.), the apparent subject vehicle, followed approximately three seconds later by the apparent vehicle of Officers Johnson and Alequin, drives north out of the alley. Both turn east onto Lake Street. There is not a second police vehicle behind Officers Johnson and Alequin. After turning east onto Lake Street, the apparent subject vehicle appears to stay in the center lane, between the CTA pillars. The apparent police vehicle initially turns into the center lane, but almost immediately merges into the far outer (righthand) lane, between the CTA pillars and the curb. Approximately 45 seconds after these two cars exited the alley, a silver SUV, also appearing to be a police SUV exits the alley, turns east, and travels down the center lane of Lake St.

**5-D&W Manufacturing,<sup>51</sup>** 3237 W. Lake St. Video labeled “West”- (looking west along Lake Street). This video’s timecode is approximately 43 minutes behind real time. Starting at 9:12:41 p.m. on the video’s timestamp (real time approximately 9:55:46 p.m.), a vehicle appearing to be the subject SUV, exits an alley on the north side of the street, west of the camera’s position,

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<sup>48</sup> Att. #63

<sup>49</sup> Att. #123

<sup>50</sup> Att. #73

<sup>51</sup> Att. #125

and turns east onto Lake Street. Three seconds later, another vehicle believed to be Officers Johnson and Alequin, also exits the alley and drives east. At the same time, a non-involved sedan drives east on Lake Street (toward the viewer), followed by the apparent subject vehicle, followed by the apparent vehicle of Officers Johnson and Alequin. The apparent subject vehicle is in a center lane, between the CTA pillars. Its headlights appear to be on. The officers' vehicle is in the outer eastbound lane, closest to the bike lane that is along the south curb. Both vehicles appear to be traveling fast, and the apparent officers' vehicle is approximately four seconds behind the apparent subject vehicle as it passes the camera.

**6-D&W Manufacturing**<sup>52</sup> – Video labeled “East” – (looking east along Lake Street). Timecode is approximately 43 minutes behind real time. Starting at 9:12:50 p.m. (real time approximately 9:55:50 p.m.), the non-involved sedan drives east, followed by the apparent subject vehicle and then the apparent officers' vehicle. It appears that at least one of the subject vehicle's taillights is off.

**7-POD #7113**,<sup>53</sup> 132 N. Kedzie Ave. – The view is looking north along Kedzie Avenue. Lake Street is in the background, running left and right. At approximately 9:55:24 p.m., the apparent subject vehicle travels from left to right through the intersection at a high speed, followed by a non-involved car. What appears to be the vehicle of Officers Johnson and Alequin follows eastbound. A white SUV travels west (right to left) in the intersection. The white SUV travels slowly into the intersection and makes a U-turn back east on Lake Street.

**8-Hatchery**,<sup>54</sup> 135 N. Kedzie Ave. – The view is looking west along Lake Street. The white SUV is visible as it drives west toward Kedzie Avenue. At approximately 21:53:45 (9:53:45 p.m.), the subject vehicle, its headlights on, drives east on Lake Street (coming toward the viewer) veers slightly and then strikes the CTA support pillar. The vehicle of Officers Johnson and Alequin pulls up eastbound and stops in the far south eastbound lane. The officers' vehicle's headlights are not flashing.

**The Evidence photographs**<sup>55</sup> taken by the Major Accident Investigations Unit depict the accident scene.

### c. Physical Evidence

**The autopsy report for** [REDACTED] [REDACTED] indicates that he sustained fractures to his skull and bruising to his brain, in addition to being burned on 80 per cent of his body. The cause of death was multiple injuries, both blunt force and thermal, because of the collision with another vehicle and the striking of the fixed object. The manner of death was an accident.

**The autopsy report for** [REDACTED] [REDACTED] reflects that she was the front seat

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<sup>52</sup> Att. #126

<sup>53</sup> Att. #124

<sup>54</sup> Att. #82

<sup>55</sup> Att.#55

<sup>56</sup> Att. #87

<sup>57</sup> Att. #86

passenger in the subject vehicle and died of multiple injuries sustained in the collision, with the manner of death being an accident. Her baby, of 20 to 24 weeks gestation, was delivered by the hospital staff but was pronounced dead at 12:30 a.m. on July 4.

**The medical records for the passenger, [REDACTED] [REDACTED]** described her injuries as including multiple fractures of her extremities and a subdural hematoma. One medical note indicates that [REDACTED] remembered the vehicle she was in being hit at high speed and her being ejected. The next thing she recalled was waking up in the hospital. Another note reflected that [REDACTED] did not recall what happened during the accident. She was released from Stroger Hospital on July 20 and was to undergo physical therapy.

**The medical records for [REDACTED] [REDACTED]** state that she was injured in an accident in which she was a passenger in a car going 50 mph. or more. The fetus she carried had no heart tones during a bedside ultrasound. A diagnosis for [REDACTED] noted: multiple blunt trauma, uterine laceration, intrauterine fetal demise, hemorrhagic shock, left posterior rib fractures, traumatic arrest. Time of death was 4:29 a.m. on July 4.

**The ambulance report for [REDACTED] [REDACTED]** noted that she had lost consciousness and could not remember the crash or that she was even riding in a car.

**The ambulance report for [REDACTED] [REDACTED]** indicates that she was unable to recall the events of the accident, and she denied any drug or alcohol use.

#### **d. Documentary Evidence**

**The Illinois Traffic Crash Report<sup>62</sup>** indicates that the subject vehicle, a 2001 Jeep Cherokee, driven by [REDACTED] was traveling at a high rate of speed east on Lake Street in the middle of the road. Just east of Kedzie Avenue, the subject vehicle struck the left front fender of a westbound 2018 Ford Explorer driven by [REDACTED]. The Ford Explorer barely got out of the way or it would have been struck head-on. After striking the Ford Explorer, the subject vehicle lost control and struck a CTA pillar on the north side of Lake Street. The force of the impact swung the subject vehicle to face west, and it was engulfed in flames. Beat 1163C (Officers Johnson and Alequin) observed the accident and they, along with two other Beats, #1163A and 1163E, helped both passengers out of the vehicle. [REDACTED] was still in the driver's seat, deceased. The subject vehicle's license plates came back to a 2003 Jaguar. Both passengers, [REDACTED] and [REDACTED] were transported to Stroger Hospital. A CTA official determined that no structural damage occurred to the CTA pillar. A doctor from Stroger Hospital pronounced [REDACTED] dead at 10:40 p.m. on July 3, 2020. The occupants of the Ford Explorer were not injured.

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<sup>58</sup> Attachments #104-106

<sup>59</sup> Attachments #101-103

<sup>60</sup> Att. #17

<sup>61</sup> Att. #18

<sup>62</sup> Att. #14



GPS<sup>63</sup> indicates Officer Johnson's vehicle was traveling 2 mph when his BWC indicates he made the U-turn on Homan Boulevard at 9:54:47 p.m. At 9:55:17 p.m., Officer Johnson's vehicle was traveling at 24 mph east on Maypole Avenue from Homan Boulevard. Officer Johnson's highest speed on Lake Street was 41 mph at 9:55:47 p.m. when his vehicle was between Homan Boulevard and Kedzie Avenue. His speed dropped to 0 at 9:56:17 pm when he stopped at the accident scene.

The complete report about the accident from the Major Accident Investigation Unit (MAIU)<sup>64</sup> is summarized in the Case Supplementary Report<sup>65</sup> from the same unit. The Case Supplementary Report includes accounts of the incident from Officers Johnson and Alequin that were provided at the scene.

Officer Johnson told MAIU that on Homan Boulevard, he saw the subject vehicle traveling north at a high speed. Officer Johnson made the U-turn, and the subject vehicle turned east onto Maypole Avenue and then north in the east alley of Homan Boulevard. The subject vehicle turned east onto Lake Street at high speed. Officer Johnson slowed down. He observed the subject vehicle swerve and then strike the CTA pillar. The officers radioed OEMC about the emergency and attempted to render aid. The officers removed the two females from the burning vehicle and attempted to remove the driver, but the flames were extensive. The emergency lights on the officers' vehicle were not activated.

Officer Alequin told MAIU he saw the subject vehicle on Homan Boulevard with no lights on. He saw the subject vehicle go east on Maypole Avenue and north into the east alley of Homan Boulevard. When the subject vehicle reached Lake Street, Officer Alequin lost sight of it. Officer Alequin clicked his radio to notify OEMC, and the subject vehicle crashed. Officer Johnson drove to the accident scene, and the two officers got the two female passengers out of the burning vehicle. Officer Alequin said he attempted to get the driver out of the vehicle, but flames surrounded the driver's compartment. The driver appeared unconscious. Officer Alequin also said his vehicle's emergency lights were not activated.

When [REDACTED] was interviewed by MAIU on July 6 at Stroger Hospital, she said she did not remember anything about the crash. She was with her nephew, [REDACTED] and his child's mother, [REDACTED] and they were going to get tacos. She said [REDACTED] had just bought two cars that he was going to sell to family members.

The driver of the Ford Explorer, [REDACTED] told MAIU on July 6 that at the time of the accident, he was driving his family home and was westbound on Lake Street in the curb lane. As he approached Kedzie Avenue, he needed to get into the center through lane. As he maneuvered toward the left, a "Dodge Nitro" (the subject vehicle, a Jeep Cherokee) with no headlights on and traveling at a high speed clipped the left front fender and mirror of his vehicle.

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<sup>63</sup> Att. #37

<sup>64</sup> Att. #113

<sup>65</sup> Att. #119

The crash then occurred. ██████ made a U-turn and exited his vehicle to help. He said the “Dodge Nitro” was followed by two dark-colored unmarked police cars.<sup>66</sup>

The **Case Supplementary Report** contains other relevant information. A doctor from Stroger Hospital, in communication with Ambulance 64, pronounced ██████ dead at 10:40 p.m. on July 3, 2020. ██████ body remained in the subject vehicle when it was towed to the Medical Examiner’s Office. The report indicates that the license plate on the subject vehicle was registered to a Jaguar.<sup>67</sup> The subject vehicle had damage to the entire front of the vehicle, including extensive damage to its left side and roof, extending over the vehicle from the impact and the fire.

The subject vehicle was not equipped with the Crash Data Retrieval tool. MAIU Investigator Tegtmeier conducted a speed analysis of the subject vehicle as it sped across Kedzie Avenue east on Lake Street. The analysis indicates the subject vehicle was traveling 63 mph. through the intersection.

The speed limit on Lake Street was 30 m.p.h. The subject vehicle, when it sideswiped the Ford Explorer, caused minor damage to that vehicle’s left front fender, the front bumper and left side rear-view mirror housing. No airbags were deployed in the Ford Explorer.

The Case Supplementary Report includes descriptions of what relevant POD videos depicted, including what was described from PODs 7113 and 7114 earlier in this report.<sup>68</sup> No CTA cameras recorded the crash.

The Case Supplementary Report continued that ██████ driver’s license was revoked at the time of the accident.

Sgt. White, the involved officers’ tactical sergeant, related to MAIU that no Pursuit Number would be obtained for the incident. COPA did not respond to the scene following notification.

The **complete MAIU report**<sup>69</sup> includes evidence photos from the scene and of ██████’s Ford Explorer. The scene photos depict ██████ burned body inside the subject vehicle.

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<sup>66</sup> Page 18 of the complete MAIU report, Att. #113, indicates the “2<sup>nd</sup> tact car” on-scene was assigned to Officer Edward Zeman. The Supervisor’s Management Log for Officer Zeman’s supervisor, Sgt. White (Att. #143), indicates Officer Zeman’s partner was Officer David Taylor, and they were referenced in Officer Alequin’s first statement. The “2<sup>nd</sup> tact car” was the car behind that of Officers Alequin and Johnson on Homan Boulevard. As depicted in the Falcon Gas Station video, Att. #63, after Officer Johnson made his U-Turn on Homan Boulevard, Officers Zeman and Taylor drove east on Washington Street. Officer Johnson’s BWC video indicates that Officers Zeman and Taylor arrived at the accident scene approximately 1:47 into that video, approximately 44 seconds after Officers Johnson and Alequin arrived on the scene.

<sup>67</sup> On July 9, 2020, MAIU Investigator Dan `Postelnick informed the R/I that ██████ owned the Jeep, and its title had been signed over, but the transaction apparently had not been registered or cleared yet by the Secretary of State. There was no evidence the Jeep was stolen.

<sup>68</sup> Although the Case Supplementary Report did not include a description from POD 7114 of a second vehicle traveling north in the east alley of Homan Boulevard, a General Progress Report, which is part of the complete COPA report, did.

<sup>69</sup> Att. #113

## VI. LEGAL STANDARD

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** a proposition is true. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

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

## VII. ANALYSIS

### Officer Francis Johnson

#### Allegation 1

Officer Johnson was accused of engaging in a motor vehicle pursuit while in an unmarked vehicle in violation of General Order G03-03-01, "Emergency Vehicle Operations – Pursuit." Within that order, the section, "Glossary Terms," listed at the end of the order, defines a motor vehicle pursuit: "4. Motor Vehicle Pursuit – A. An active attempt by a sworn member operating an authorized emergency vehicle to apprehend any driver or operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such driver or operator to bring his or her vehicle to a stop, fails or refuses to obey such direction, increases, or maintains his or her speed, extinguishes his or her lights, or otherwise flees or attempts to elude the officer." Officer Johnson told COPA he did not engage in a pursuit, in part because he did not activate his vehicle's emergency equipment. His answer suggests he did not use that equipment because he

knew he could then be considered to have engaged in a pursuit. And he knew that a pursuit would have been prohibited in the circumstances he faced. Officer Johnson also maintained he was not in a pursuit because he was too far from [REDACTED] vehicle, although he admitted his initial intention was to stop the vehicle. COPA maintains an officer cannot avoid responsibility for improperly engaging in a pursuit simply by refusing to activate some or all of their vehicle's emergency equipment.

Nevertheless, COPA cannot find sufficient evidence to prove that Officer Johnson improperly engaged in a pursuit in this case. First, it is not clear whether [REDACTED] understood that officers were following him or that they initially intended to stop him. Second, evidence shows Officer Johnson's vehicle did not appear to accelerate to catch [REDACTED] vehicle during the incident.

Accordingly, Allegation 1 against Officer Johnson be Not Sustained.

### **Allegation 2**

Officer Johnson was accused of failing to activate his vehicle's high beam flashing headlights. Although Officer Johnson did not activate his high beam flashing headlights, siren and light bars, as concluded above, COPA found insufficient evidence to establish Officer Johnson engaged in a pursuit. Accordingly, Allegation 2 against Officer Johnson is Not Sustained.

### **Allegation 3**

Officer Johnson was accused of failing to timely notify the OEMC of a pursuit in progress, in violation of the same General Order. In that Order, under V, "Initiation of a motor vehicle pursuit," the same definition of a "pursuit" is applied. The Order reads, "The decision to initiate a pursuit rests with the individual officer when encountering a motor-vehicle operator who refuses to voluntarily stop after having been lawfully directed or signaled to do so. The Department member will only engage in a motor vehicle pursuit when: "...3. Notification has been made to the OEMC dispatcher regarding the facts concerning the pursuit." Again, based on the analysis above, COPA cannot determine Officer Johnson engaged in a pursuit.

It is recommended that Allegation 3 against Officer Johnson be Not Sustained.

### **Allegation 4**

Officer Johnson was accused of failing to activate his high-beam flashing headlights after encountering an on-view emergency situation in violation of G03-03-02. That Order, "Emergency Vehicle Operations – Nonpursuits," includes III, B, Unmarked Vehicles, and requires, "When engaged in nonpursuit emergency vehicle operation, the operator of an unmarked vehicle will: 1. activate the high-beam flashing headlights..."

Although the term "emergency situation" is a subjective term, and Officer Johnson rejected that description for the incident on Homan Boulevard, his actions could be interpreted as reaction to an "emergency situation." Officer Johnson, after seeing [REDACTED] driving at high speed at night, possibly with no lit headlights, made a U-turn in an intersection, which is a traffic violation at least

for non-law-enforcement personnel.<sup>70</sup> Also, a second police vehicle that was behind the involved officers' vehicle made a U-turn and drove on Washington Street. Other evidence that an "emergency situation" existed is that, following the U-turn, Officer Johnson drove the same route as did [REDACTED]. If [REDACTED] high-speed driving was not considered an emergency, Officer Johnson or Officer Alequin could have just notified OEMC of the danger posed by [REDACTED] and the officers could have remained on Homan Boulevard. The videos from the Sham store and from POD #7114 show two vehicles that, based on the recorded times and locations of the vehicles, are the subject vehicle and the officers' vehicle traveling north in the alley only a few seconds apart. Officer Johnson could have activated his emergency lights then to attempt to conduct a traffic stop. It is impossible to know if [REDACTED] would have stopped his vehicle then or would have sped east on Lake Street. Other evidence that Officer Johnson believed the situation was at minimum a potential emergency was that, before the accident and while the subject vehicle and the officers were on Lake Street, he told Officer Alequin to notify OEMC about the subject vehicle, which had been speeding.

The Hatchery video showing the accident and Officers Johnson and Alequin arriving on the scene indicates that the officers' vehicle's headlights were not flashing, even at the scene of the serious accident, an on-view emergency situation, which was a violation of the Order. Although Officer Johnson did not consider the high-speed movement of the subject vehicle on Homan Boulevard, possibly without headlights lit, to be an emergency, he acknowledged that, at the accident scene, which was an emergency, he should have activated his flashing headlights.

It is recommended that Allegation 4 against Officer Johnson be **Sustained**.

### **Allegation 5**

Officer Johnson was accused of failing to timely activate his body-worn camera in violation of Special Order S03-14. That Order, in Part III, "Initiating, Concluding, and Justifying Recordings," under A. "Initiation of a Recording," requires an officer to activate the BWC system to event mode at the beginning of an incident "for all law-enforcement-related activities," including "traffic stops" and "emergency driving situations" and "any other instance when enforcing the law." Officer Johnson considered the Homan Boulevard high-speed incident a traffic violation, and he made a U-turn and drove in the same direction as the subject vehicle intending to conduct a traffic stop. Although he activated his BWC at the accident scene, he was involved in a "law-enforcement-related" activity when he made the U-turn on Homan Boulevard and should have activated his BWC then.

It is recommended that Allegation 5 against Officer Johnson be **Sustained**.

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<sup>70</sup>Section 9-16-040 of the City of Chicago Municipal Code states: The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction at any point closer than 100 feet to any intersection unless official signs are erected to permit such turns.

## Allegation 6

Officer Johnson was accused of improperly engaging in an emergency vehicle operation in an unmarked vehicle in violation of G03-03-02. That Order, Part III, B, “Unmarked Vehicles,” says, “When engaged in nonpursuit emergency vehicle operation, the operator of an unmarked vehicle will: ... 2. Comply with the provisions of Items II-A-2 through 7 of this directive.”<sup>71</sup> The provisions of Items III-A-2 through 7 are also intended for marked vehicles. They are: “2. Activate the siren in advance of encountering any traffic obstruction or to alert others of the approach of his or her vehicle; 3. Adhere to basic traffic-safety practices; 4. Operate the vehicle at a speed and in a manner compatible with weather and local conditions to ensure that control of the vehicle is maintained at all times; 5. Proceed through intersections or traffic signals only after determining it is reasonable and safe to proceed; 6. Yield the right-of-way to all pedestrian traffic; 7. Ensure that the emergency-roof lights remain illuminated on limited-access highways until the police vehicle and the overtaken or disabled vehicle are safely positioned off the main portion of the roadway.”

Regarding Item 2 in the above paragraph, Officer Johnson said he was not certain if his siren was working. Regarding Items 3 through 6, there was no evidence he violated any of those guidelines. Regarding Item 7, Officer Johnson said he did not activate the emergency lights in his vehicle at the accident scene because he was more concerned about providing aid to the accident victims.

The differences between what Officer Johnson told MAIU about the incident and what he told COPA in his interviews do not affect the finding regarding this allegation. Regardless of Officer Johnson’s accounts of what occurred, he did not take the actions required by the General Order.

It is recommended that Allegation 6 against Officer Johnson be **Sustained**.

## Officer Curtis Alequin

### Allegation 1

Officer Alequin was accused of engaging in a motor vehicle pursuit while in an unmarked vehicle in violation of General Order G03-03-01, “Emergency Vehicle Operations – Pursuit,” the same allegation placed against Officer Johnson.

It is recommended that Allegation 1 against Officer Alequin be Not Sustained, based on the same reasoning for the same finding for the same allegation against Officer Johnson.

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<sup>71</sup> In an email on October 14, 2020, Lieutenant Daniel Kranz, Commanding Officer of CPD’s Research and Development Division, said the order should read “...Items III-A-2 through 7.”

**Allegation 2**

Officer Alequin was accused of failing to timely notify the OEMC of a pursuit in progress, in violation of the same General Order, G03-03-01, the same allegation placed against Officer Johnson.

It is recommended that Allegation 2 against Officer Alequin be Not Sustained, based on the same reasoning for the same finding for the same allegation against Officer Johnson.

**Allegation 3**

Officer Alequin was accused of failing to timely activate his body-worn camera in violation of Special Order S03-14, the same allegation placed against Officer Johnson. Officer Alequin told COPA he and Officer Johnson never had the opportunity to pull over the subject vehicle, which would have been when he normally would have activated his BWC. He did not think he should have activated his BWC when Officer Johnson made the U-turn on Homan Boulevard because he did not have the opportunity to make the traffic stop.

It is recommended that Allegation 3 against Officer Alequin be **Sustained**, based on the same reasoning for the same finding for the same allegation against Officer Johnson. These two officers, via the U-turn by Officer Johnson, were therefore involved in a law-enforcement activity, and both should have activated their BWCs on Homan Boulevard.

**Allegation 4**

Officer Alequin was accused of improperly engaging in an emergency vehicle operation in an unmarked vehicle, the same allegation placed against Officer Johnson. Officer Alequin, in responding to this allegation, said he did not believe an emergency existed before the subject vehicle crashed. However, he estimated the speed of the subject vehicle on Homan Boulevard as anywhere from 40 to 70 mph and at first acknowledged that the subject vehicle was committing reckless driving. Even though he qualified his opinion and said it was not reckless in the sense of considering whether the vehicle could have hit other people, because of light traffic, the situation on Homan Boulevard was an emergency, and the actions of both officers underscore that conclusion, as described above in the discussion of Allegation 4 against Officer Johnson. Officer Alequin did not activate his vehicle's flashing headlights at any time and did not ensure the emergency lights were illuminated on either Homan Boulevard or at the accident scene, thereby violating G03-03-02. Officer Alequin acknowledged that he and his partner should have had their emergency lights and siren activated at least at the accident scene.

As with Officer Johnson, the differences between what Officer Alequin told MAIU about the incident and what he told COPA in his interviews do not affect the finding regarding this allegation. Regardless of Officer Alequin's accounts of what occurred, he did not take the actions required by the General Order.

It is recommended that Allegation 4 against Officer Alequin be **Sustained**.

**Officer Jeffrey Kriv**

In two Allegations, Officer Kriv was accused of disrespecting or maltreating both female car crash casualties in his comments that were recorded by his body-worn camera. Officer Kriv admitted to making the comments. Although he might not have intended the comments as disrespectful or a form of maltreatment, the comments sound harsh and sarcastic, directed at two women who had just been injured in a high-speed crash. Although Officer Kriv was doing his job to attempt to gather important information for the Traffic Crash Report, the condition of the two women made it almost impossible for them to provide that information, and as soon as that was obvious, Officer Kriv could have waited to attempt to obtain the information after the women were treated for their injuries. Officer Kriv acknowledged in his COPA statement that the women were in pain when he encountered them.

COPA finds that Allegation 1 and Allegation 2 against Officer Kriv be **Sustained**.

**VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS<sup>72</sup>****a. Officer Francis Johnson**

Complimentary and Disciplinary History – 173 total awards, no applicable CRs with Sustained findings for Officer Johnson.

Recommended Discipline: Violation Noted

**b. Officer Curtis Alequin**

Complimentary and Disciplinary History – 45 Honorable Mentions and 1 Crime Reduction Award, No Applicable CRs with Sustained findings for Officer Alequin.

Recommended Discipline: Violation Noted

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<sup>72</sup> Officer Jeffery Kriv resigned from the CPD January 2023.



Approved:



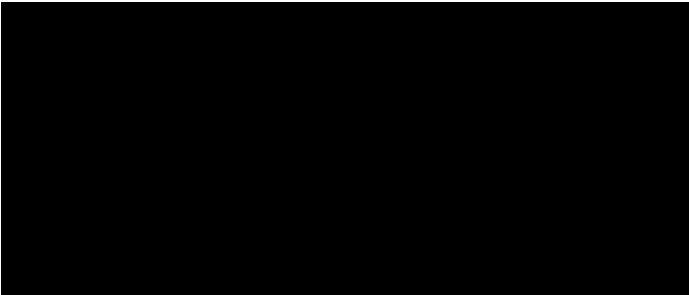
1/31/2023

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date



1/31/2023

Andrea Kersten  
*Deputy Chief Administrator*

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Date