

SUMMARY REPORT OF INVESTIGATION<sup>1</sup>

I. EXECUTIVE SUMMARY

Date of Incident:	July 17, 2016
Time of Incident:	11:42 pm
Location of Incident:	1913 S. St. Louis Avenue
Date of IPRA Notification:	July 18, 2016
Time of IPRA Notification:	11:15 am

On July 17, 2016, Officers Matthew Tegtmeier, #6704, and Steven Velazquez, #9454, were assigned to Beat 1095R. The officers observed a red 2002 Dodge Grand Caravan at 1200 S. St. Louis Avenue fail to stop at a stop sign. The officers ran the Caravan’s plate number and learned that it was reported stolen and matched the description of a vehicle wanted for Unlawful Use of a Weapon (“UUW”) earlier that day. Officer Tegtmeier notified OEMC<sup>2</sup> of the traffic stop and activated his emergency equipment to curb the Caravan.<sup>3</sup> The driver of the Caravan initially complied by pulling over.<sup>4</sup> As Officers Tegtmeier and Velazquez exited their vehicle and were approaching the Caravan, Sergeant Oscar Lopez<sup>5</sup> and Officer Thomas Van Prooyen<sup>6</sup> arrived and approached the front of the Caravan. Before Sergeant Lopez came to a complete stop, the driver of the Caravan drove away at a high rate of speed southbound on St. Louis Avenue. Sergeant Lopez informed OEMC that the Caravan had taken off from the location of the traffic stop and pursued the Caravan southbound on St. Louis Avenue. Officers Tegtmeier and Velazquez followed behind Sergeant Lopez and Officer Van Prooyen’s vehicle. Sergeant Lopez attempted to provide OEMC with the details of the pursuit and the Caravan’s route, but the radio traffic was too busy. The driver of the Caravan drove at a high rate of speed (approximately 70 mph), failing to stop at numerous stop signs and traffic lights before it crashed at 1913 S. St. Louis Avenue. The Caravan crashed into two parked vehicles and a fire hydrant. A thirteen-year-old boy, [REDACTED] was ejected from the Caravan, transported to Mt. Sinai Hospital, and later pronounced dead. Sergeant Lopez followed the Caravan to the crash site, followed by Officer Tegtmeier. It was reported that one or two people fled the crashed Caravan and were never identified or apprehended.

<sup>1</sup> 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.

<sup>2</sup> Office of Emergency Management & Communications.

<sup>3</sup> Officer Tegtmeier provided OEMC with the plate number to confirm if the vehicle was reported stolen. OEMC confirmed the stolen vehicle.

<sup>4</sup> The driver was never identified.

<sup>5</sup> Sgt. Lopez was a Police Officer at the time of the incident, but this report will refer to him by his current rank.

<sup>6</sup> Sergeant Lopez and Officer Van Prooyen were assigned to Beat 1021R. Sergeant. Lopez was the driver of their vehicle.

**II. INVOLVED PARTIES**

Involved Officer #1:	Oscar Lopez, Star # 1251, Employee # [REDACTED], Date of Appointment: March 9, 2009, Chicago Police Sergeant, Unit of Assignment: 022, Date of Birth: [REDACTED] 1984, Male Hispanic.
Involved Officer #2:	Thomas Van Prooyen, Star #12873, Employee # [REDACTED], Date of Appointment: August 31, 2015, Chicago Police Officer, Unit of Assignment 004, Date of Birth: [REDACTED] 1989, Male White.
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 2003, Male Black (Deceased).

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Sergeant Oscar Lopez	1. It is alleged that Sergeant Lopez initiated a vehicle pursuit, in violation of Rule 6.	<b>Exonerated</b>
	2. It is alleged that Sergeant Lopez continued a pursuit without supervisor approval, in violation of Rule 6.	<b>Exonerated</b>
	3. It is alleged that Sergeant Lopez failed to notify OEMC of the details of a vehicle pursuit in violation of violation of Rule 6.	<b>Exonerated</b>
Officer Thomas Van Prooyen	1. It is alleged that Officer Van Prooyen initiated a vehicle pursuit, in violation of Rule 6.	<b>Exonerated</b>
	2. It is alleged that Officer Van Prooyen continued a pursuit without supervisor approval, in violation of Rule 6.	<b>Exonerated</b>
	3. It is alleged that Officer Van Prooyen failed to notify OEMC of the details of a vehicle pursuit in violation of violation of Rule 6.	<b>Exonerated</b>

**IV. APPLICABLE RULES AND LAWS**

Rules
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1. Rule 6: Disobedience of an order or directive, whether written or oral.

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General Orders

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1. G03-03-01: Emergency Vehicle Operations-Pursuits (Eff. March 28, 2016-April 8, 2019)

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## V. INVESTIGATION<sup>7</sup>

### a. Interviews

In a **statement to COPA on January 25, 2018, Officer Matthew Tegtmeier #6704**,<sup>8</sup> stated that on July 17, 2016, he was on duty, in uniform, and assigned to Beat 1095R.<sup>9</sup> He was operating a marked police SUV and was partnered with Officer Steven Velazquez.<sup>10</sup> The officers were on routine patrol in the 10<sup>th</sup> District when they observed a 2002 Red Dodge Caravan traveling westbound on Roosevelt Road, near Troy Street, fail to stop at a stop sign. Officer Tegtmeier got behind the Caravan, ran its plate number, and learned that the Caravan was stolen. Officer Tegtmeier reported the information via the radio, activated his emergency lights,<sup>11</sup> and attempted to curb the Caravan at approximately 1200 S. St. Louis Avenue, which is the intersection of Roosevelt Road and S. St. Louis Avenue. As Officers Tegtmeier and Velazquez were exiting their vehicle, they heard Officer Warren Olszewski over the police radio say something to the effect of, “Be careful, man. There’s a report that there was a gun in the car.”<sup>12</sup> Officers Tegtmeier and Velazquez began to approach the Caravan on foot when the driver took off rapidly southbound down St. Louis Avenue. The officers got back into their car and reported that the stolen Caravan had taken off during the traffic stop. Officer Tegtmeier reported to the OEMC dispatcher the route of the Caravan.

According to Officer Tegtmeier, Beat 1021R (Sergeant Lopez and Van Prooyen), was driving eastbound on Roosevelt Road at about the time the Caravan drove away. Beat 1021R followed behind the Caravan, and Officer Tegtmeier proceeded behind Beat 1021R southbound on St. Louis Avenue. Officer Tegtmeier believed he was traveling approximately 40 mph for almost a mile before he learned that the Caravan had crashed at 1913 S. St. Louis Avenue. Officer Tegtmeier last saw the Caravan at the location of the traffic stop and not again until after the crash site. Officer Tegtmeier learned that the Caravan had crashed into a fire hydrant. Officer Tegtmeier does not recall if he continued communication with OEMC while he was behind Beat 1021R but does recall that the communication via the police radio was very busy during that time.

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<sup>7</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>8</sup> Atts. 81, 92.

<sup>9</sup> This was the traffic car, which means that they responded to traffic crashes and/or incidents. This was Officer Tegtmeier’s usual assignment at the time.

<sup>10</sup> Officer Velazquez was a Probationary Police Officer at the time of this incident, and this was the only time he and Officer Tegtmeier worked together. Due to Officer Velazquez’s relative inexperience, Officer Tegtmeier took more time to explain to him what they were doing at each step of the day.

<sup>11</sup> Officer Tegtmeier did not recall if the siren was also activated.

<sup>12</sup> Pg. 17, lines 13-15.

At the crash site, Officer Tegtmeier observed a young male (later identified as [REDACTED] underneath an SUV. He assumed that [REDACTED] was ejected from the Caravan and came to rest under the SUV. Officer Tegtmeier approached [REDACTED] but he does not recall if [REDACTED] said anything. Officer Tegtmeier does not know how many occupants were inside the Caravan because no one was apprehended.<sup>13</sup>

In a statement to COPA on October 10, 2019, Officer Steven Velazquez, #9454,<sup>14</sup> stated that on the date of the incident, he was on-duty working Beat 1095R with Officer Tegtmeier. On the date of the incident, Officer Velazquez was a Probationary Police Officer. Officers Velazquez and Tegtmeier were on routine patrol in the vicinity of 1200 S. St. Louis Avenue when they observed a Dodge Caravan fail to stop at a stop sign. The Caravan was driving westbound on Roosevelt Road.<sup>15</sup> Officer Tegtmeier drove behind the Caravan, and he or Officer Velazquez ran the plate number on their in-car computer. At that time, they learned that the Caravan was reported stolen. Officer Tegtmeier reported the plate number over the radio to verify if it was stolen, and the dispatcher confirmed that it was. Officer Tegtmeier informed the dispatcher that he was going to conduct a traffic stop. He then activated the emergency lights and sirens to curb the Caravan. The Caravan pulled to the side and stopped. As Officers Velazquez and Tegtmeier exited their car, someone cautioned them over the radio to be careful because someone in the van was wanted for shootings and/or someone in the van had a gun.<sup>16</sup> At the same time, Officer Velazquez observed the passenger side door of the Caravan open, but then the door closed, and the Caravan rapidly drove away. Officers Velazquez and Tegtmeier re-entered their car, and Officer Tegtmeier notified OEMC that the Caravan had taken off southbound on St. Louis Avenue. Beat 1021R (Sergeant Lopez and Officer Van Prooyen) arrived in the area and followed behind the Caravan. Officers Velazquez and Tegtmeier were a couple blocks behind Beat 1021R. Officer Velazquez did not recall what, if any, communication Beat 1021R had with OEMC during the pursuit. He recalled that Beat 1021R had their lights and sirens on during the pursuit.<sup>17</sup>

According to Officer Velazquez, the next time he saw the Caravan was at the crash site at 1913 S. St. Louis Avenue. There were no occupants inside the Caravan. Officer Velazquez observed a young black male, later identified as [REDACTED] underneath a black Escalade SUV. Officer Velazquez approached [REDACTED] told him that medical assistance was on the way, and told him to breathe. Shortly thereafter, EMS arrived at the scene and transported [REDACTED] to the hospital. Officer Velazquez stated that [REDACTED] brother (identified in the Traffic Pursuit Report as [REDACTED]<sup>18</sup> arrived at the location of the crash site. [REDACTED] told the officers that earlier in the day, he was in the Caravan with [REDACTED] and some other boys. He identified [REDACTED] as the possible driver of the Caravan and [REDACTED] as a passenger (no further information was provided). The boys dropped [REDACTED] off at a

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<sup>13</sup> According to a Supplemental Report of the Traffic Crash Repot (Att. 69, Pg. 10), Officer Tegtmeier wrote in the report that [REDACTED] (brother of [REDACTED] said that the driver of the Caravan was a male with the first name of [REDACTED] and at least one other passenger was [REDACTED].”

<sup>14</sup> Atts. 109, 110.

<sup>15</sup> Officer Velazquez does not recall the speed of the Caravan at the time it failed to stop at the stop sign.

<sup>16</sup> Officer Velazquez said that it was a male’s voice, but he cannot identify the person. COPA learned that it was Officer Olszewski.

<sup>17</sup> Officer Velazquez stated that the pursuit was just under a mile.

<sup>18</sup> Atts 69, Pg 9.

friend's house, and ██████████ stayed in the Caravan with the boys. Officers Velazquez and Tegtmeier then drove ██████████ home.

In a **statement to COPA on February 28, 2019, Sergeant Oscar Lopez,<sup>19</sup> #1251,<sup>20</sup>** stated that on the date of the incident, he was in uniform, assigned to Beat 1021R (marked vehicle), and partnered with Officer Thomas Van Prooyen.<sup>21</sup> While on routine patrol, Sergeant Lopez heard Officer Tegtmeier come over the radio and request assistance at the vicinity of 1200 S. St. Louis Avenue for a traffic stop of a stolen vehicle (now known to be the Caravan). Sergeant Lopez was a few blocks away and he went to the location of the traffic stop. While en route, someone came over the radio and reported that someone in the Caravan had a gun or was involved in a shooting.<sup>22</sup> Just as Sergeant Lopez arrived at the location of the traffic stop and was about to stop in front of the Caravan, it took off southbound on St. Louis Avenue. Sergeant Lopez followed the Caravan and reported to OEMC that the Caravan had taken off southbound on St. Louis, but no additional detail about him pursuing the vehicle was given to OEMC.<sup>23</sup> When Sergeant Lopez was asked if he or his partner requested permission to pursue the fleeing minivan, he stated that they had not. He attempted to give the dispatcher the direction of the Caravan, but too many people were talking over the air, which prevented him from clearly relaying his message. His lights and sirens were activated when he was behind the Caravan. Sergeant Lopez lost sight of the Caravan at approximately the 1600 block of south St. Louis Avenue.

Sergeant Lopez heard Sergeant Hitesh Patel come on the radio ask the dispatcher why the Caravan was being pursued. Seconds later, before Sergeant Patel's question was answered, Sergeant Lopez arrived at the vicinity of 1900 S. St. Louis Avenue and saw that the Caravan had crashed. Sergeant Lopez saw ██████████ pinned underneath a parked vehicle and called for EMS. The other occupants of the Caravan had fled the scene.

Sergeant Lopez denied the allegations against him and explained that he pursued the Caravan because it was reported stolen and someone inside the Caravan allegedly had a gun. He stated that, just as the pursuit was beginning or was about to take place, he applied the balancing test in that he took into consideration the weather (rainy, wet roads), volume of pedestrians (low), and volume of traffic (low). Sergeant Lopez stated that he did not specifically tell OEMC that he was in pursuit of the Caravan, but he did inform OEMC that the Caravan had taken off from the location of the traffic stop. Sergeant Lopez attempted to provide OEMC with the direction of the Caravan but too many people were on the radio, which caused interference. Sergeant Lopez went on to explain that, in his experience, when an officer informs OEMC that they are following behind a vehicle that had taken off from a traffic stop, that is considered a notification of a pursuit and the radio traffic should be cleared for the officer(s) following the vehicle. However, in this incident, the radio traffic was not cleared.

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<sup>19</sup> Sgt. Lopez was promoted to the rank of sergeant in July 2018.

<sup>20</sup> Atts. 97-98, 103.

<sup>21</sup> Officer Van Prooyen was a Probationary Police Officer on the date of the incident. This was the first time he and Sgt. Lopez worked together.

<sup>22</sup> Sgt. Lopez could not identify the person who made this report. COPA identified him as Officer Olszewski.

<sup>23</sup> Att. 103, P. 31 Lns. 20-22.

In a statement to COPA on March 8, 2019, Officer Thomas Van Prooyen, 12873,<sup>24</sup> provided an account of the incident that was materially consistent with Sergeant Lopez's statement to COPA. Officer Van Prooyen added that he was a Probationary Police Officer at the time of the incident and dressed in uniform. It was his first day working at the 10<sup>th</sup> District and first time working with Sergeant Lopez. Officer Van Prooyen stated that Beat 1095R (Officers Tegtmeier and Velazquez) reported over the radio that they were behind a stolen vehicle (the Caravan) that was driving around pointing guns at people, and the officers requested assistance.<sup>25</sup> Sergeant Lopez and Officer Van Prooyen responded to the location of the traffic stop. As they approached the Caravan, it took off southbound on St. Louis Avenue.<sup>26</sup> Sergeant Lopez followed the Caravan. Officer Van Prooyen stated that Sergeant Lopez was driving approximately 40 to 50 miles per hour and that the Caravan was driving approximately 60 miles per hour. He looked for hazards as they drove, because they went through stop signs. Sergeant Lopez communicated with OEMC via the police radio, because Officer Van Prooyen was not familiar with the area. He did not have any communication with OEMC during the pursuit. Officer Van Prooyen stated that he believed Sergeant Lopez communicated with OEMC that he was in pursuit of the Caravan, but is not entirely certain, because the radio traffic was very heavy, and everyone was talking over each other. Officer Van Prooyen could not recall specific details of communications over the radio.<sup>27</sup>

According to Officer Van Prooyen, the Caravan crashed at the vicinity of St. Louis Avenue and Ogden Avenue. He did not see the crash occur, because the Caravan was a distance in front of them. The passenger door of the Caravan was open, and a young male (██████████) was underneath a nearby vehicle. Officer Van Prooyen stated that there were no occupants inside the Caravan and no guns were recovered from it.

In a statement to COPA on May 17, 2018, Officer Warren Olszewski #18549,<sup>28</sup> stated that on the date and time of the incident, he was working Beat 1024A, which is "station security."<sup>29</sup> Officer Olszewski stated that he was aware of the traffic accident at 1913 S. St. Louis Avenue, but he was not involved in the incident. During his statement, Officer Olszewski heard an audio file of CPD radio transmissions from the date of the incident. Officer Olszewski verified that it was his voice and words in the radio transmissions. Officer Olszewski confirmed that he reported in the transmissions that earlier on the day of the incident, someone in a van matching the description of the Caravan involved in this incident was pointing a gun out the window at an unknown person(s). Officer Olszewski explained that part of his duties includes monitoring the police radio. He does not recall how he obtained the information about the Caravan, but assumed he heard it via a "flash message" that came in over the police radio earlier in the day on July 17, 2016. Officer Olszewski said that he reported the message over the radio for the officers' safety when he learned that officers were stopping a Caravan that matched the description of the one reported earlier in the day.

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<sup>24</sup> Atts. 99-101, 104

<sup>25</sup> As is noted in the summary of the OEMC transmissions below, the report was that someone in a van matching the description of the van involved in this incident had pointed a gun at someone. COPA notes that the person making this transmission (identified as Officer Olszewski) did not see this happen.

<sup>26</sup> Officer Van Prooyen was not familiar with the area of the 10<sup>th</sup> District and therefore could not give specific locations or directions of the events that took place during the incident.

<sup>27</sup> Officer Van Prooyen stated that only Sgt. Lopez used the radio to communicate with OEMC during the pursuit.

<sup>28</sup> Atts. 90, 105.

<sup>29</sup> Officer Olszewski stated that station security is securing the police station and the parking lot.

**b. Digital Evidence**<sup>30</sup>

COPA reviewed the **videos from Plaza Food & Liquor**<sup>31</sup> located at 3459 W. Ogden Avenue.<sup>32</sup> The liquor store is located at the southeast corner of Ogden Avenue and St. Louis Avenue. There are three cameras located on the exterior of the building. Camera 19 faces Ogden Avenue and Cameras 20 and 21 face South on St. Louis Avenue. At timestamp 10:33:50 p.m.,<sup>33</sup> the cameras captured a Caravan proceeding southbound on St. Louis Avenue across Ogden Avenue, at what appeared to be a high rate of speed. The Caravan immediately crashes into a fire hydrant and two vehicles parked on the east side of south on St. Louis Avenue. At timestamp 10:33:58 p.m., an individual is observed running from the crash site southbound on St. Louis Avenue. At timestamp 10:34:02 p.m., an unmarked police vehicle (unidentified unit) arrives with its emergency lights activated and immediately drives on the east sidewalk in the direction of the person who ran. At timestamp 10:34:08 p.m. a marked police vehicle (Sergeant Lopez and Officer Van Prooyen) arrives with its emergency lights activated. At timestamp 10:34:24 p.m., another marked police vehicle (Officers Tegtmeier and Velazquez) arrive to the crash site, followed by other police vehicles.

At timestamp 10:40:35 p.m., a Chicago Fire Department (CFD) truck arrives. At timestamp 10:42:39 p.m., a CFD ambulance arrives. At timestamp 10:44:52 p.m. paramedics appear to put ██████████ into the ambulance on a stretcher. At timestamp 10:46:28 p.m., a male (later identified as ██████████ brother of deceased<sup>34</sup>) crosses the yellow crime scene tape, approaches the ambulance, and looks in one of the rear windows. He stands on the bumper of the ambulance, and an officer runs up and pulls the male away, causing one of the back doors to open. After a conversation with the male, officers escort the male away from the ambulance.

**COPA obtained and reviewed the video footage from PODS #746, #749, #887.**<sup>35</sup> POD #746 is located at or near Ferragut High School, 2345 S. Christiana Avenue. POD #749 is located at 3414 W. Cermak Road, and POD #887 is located at 2143 S. Homan Avenue. The PODS were dated July 17, 2016 and began at approximately 11:15:00 p.m. The videos did not capture the incident.

COPA obtained and reviewed the **In-Car Camera (ICC) Video**<sup>36</sup> for **Beat 1095R**, assigned to Officers Tegtmeier and Velazquez.<sup>37</sup> The video begins with Officers Tegtmeier and Velazquez following a red Dodge Caravan westbound on Roosevelt Road. The officers run the

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<sup>30</sup> In addition to the videos described in this section, COPA obtained and reviewed In-Car Camera Videos for Beats 1012R and 1024R, none of which showed the pursuit or crash.

<sup>31</sup> Att. 40

<sup>32</sup> There are nine total clips from three cameras. The first video clip from each camera captured the incident. The other videos were post occurrence.

<sup>33</sup> The time stamp in the videos do not coincide with the time of events in the OEMC event queries and radio transmissions (see Atts. 10-13, 34-35, 39, 59-60). All timestamps referenced in this report are approximate.

<sup>34</sup> Reference attachments 69, Pgs. 9-10.

<sup>35</sup> Att. 41.

<sup>36</sup> Att. 42.

<sup>37</sup> The timestamp on this video is approximately 20 mins behind the time of events in the OEMC event queries and/or radio transmission (Atts. 10-13, 34-35, 39, 59-60). All timestamps referenced in this report are approximate. The video is not clear because it was raining at the time of the incident.

license plate of the Caravan and activate the emergency lights. At timestamp 12:01:02 a.m., Officer Tegtmeier reports to OEMC that they are conducting a traffic stop. At timestamp 12:01:10 a.m., Officer Tegtmeier reports that the Caravan pulled over at St. Louis and Roosevelt Road. The OEMC dispatcher asks if there is another unit with them. At timestamp 12:01:25 a.m., Beat 1021R arrives with its emergency lights activated and approaches the front of the Caravan. The Caravan moves back, makes a left turn crossing four traffic lanes, and heads southbound on St. Louis Avenue. Beat 1021R makes a right turn and follows the Caravan with Beat 1095R behind them.

At timestamp 12:01:37 a.m., Officer Tegtmeier yells, “Southbound on St. Louis! He’s fleeing!”<sup>38</sup> At timestamp 12:01:53 a.m., Officer Tegtmeier activates his sirens. At timestamp 12:02:23 a.m., an unidentified male voice states over the radio, “We have an accident right here...” At timestamp 12:02:45 a.m., Officer Tegtmeier arrives at the crash site. Other CPD vehicles arrive and begin to set up a perimeter.

COPA obtained and reviewed the **In-Car Camera Video**<sup>39</sup> for **Beat 1021R**,<sup>40</sup> assigned to Sergeant Lopez and Officer Van Prooyen. The video begins at 11:40:25 p.m. At 11:41:20 p.m., Beat 1021R activates its emergency lights as it makes a right turn on to Roosevelt Road. The audio is activated at 11:41:28 p.m. At 11:41:31 p.m., Beat 1021R is traveling eastbound in the westbound lane, crosses St. Louis Avenue, and approaches the red Caravan from the front. The Caravan reverses and makes a left turn (cutting across lanes of traffic) and begins to flee southbound on St. Louis Avenue. The passenger door appears to be partially open as the Caravan turned. An OEMC dispatcher is heard asking Beat 1095R if they have a car with them. At 11:41:34 p.m., Beat 1021R is behind the Caravan, traveling southbound on St. Louis Avenue. A male voice (presumably Sergeant Lopez<sup>41</sup>) inside Beat 1021R says, “takin off sound bound on uh...” and “squad slow it down, there’s plenty of cars on scene. Slow it down.”

At 11:41:40 p.m., Beat 1021R activates its siren. The red Caravan runs a stop sign. An unidentified male voice (possibly Officer Tegtmeier) said via the radio, “Southbound on St. Louis Avenue. He’s fleeing.” The Caravan runs numerous stop signs and is approximately a half block in front of Beat 1021R. A male voice (Sergeant Lopez) inside Beat 1021R says, “He’s flying across Douglass.” At 11:41:56 p.m., the dispatcher can be heard saying, “on St. Louis, going southbound. Supervisor in 10.” The Caravan passes another stop sign, and a male voice (Sergeant Lopez) inside 1021R says, “approaching 16<sup>th</sup> Street.” Another male voice (Officer Van Prooyen) inside Beat 1021R says, “Clear.” The dispatcher asks a supervisor in the 10<sup>th</sup> District if 1095R had permission to continue after the Caravan. At 11:42:24 p.m., a supervisor asks, “10 Robert, why you chasing?” At 11:42:27 p.m., Beat 1021R is nearing the stop sign at Ogden Avenue, and the site of the crash is visible, just south of Ogden Avenue. An unidentified male voice is heard over the radio say, “Wipeout! I just saw an accident right here!” Beat 1021R crosses Ogden Avenue and stops approximately ten feet from the crash site. There are numerous male voices heard talking via the police radio and outside the car. Several officers come into frame with their guns drawn, approaching the wreck. An officer is heard saying that someone was wedged under a parked car,

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<sup>38</sup> The OEMC dispatcher reported they were having difficulty hearing Officer Tegtmeier’s notifications of the Caravan’s route.

<sup>39</sup> Atts. 62-63.

<sup>40</sup> Throughout the video, numerous male voices are heard speaking over each other on the police radio.

<sup>41</sup> According to Officer Velazquez, he did not communicate with OEMC during the pursuit.

but it is not visible in the in-car camera. At 11:46:49 p.m., the police vehicle (1021R) is moved to the sidewalk. An ambulance is heard at 11:49:18 p.m. at the location of the crash site. The video ends at 11:56:00 p.m.

COPA obtained and reviewed the **In-Car Camera Video<sup>42</sup> for Beat 1014R,<sup>43</sup>** relative to this incident. The video begins at 11:40:00 p.m. At approximately 11:41:00 p.m., the officers activate their emergency lights. An unidentified male voice can be heard over the police radio saying, “there’s supposed to be a gun in that van. Be careful.” A female voice inside the car asks, “what did he say?” to which, a male voice inside the car responds, “gun.” A female dispatcher is heard over the radio asking Beat 1095R if they have a car with them. She expresses that they should not be alone (presumably during the traffic stop). Beat 1014R is driving eastbound on Roosevelt Road, several blocks east of St. Louis Avenue. An unidentified male voice is heard over the radio saying that the Caravan took off southbound on St. Louis Avenue. At approximately 11:41:44 p.m., Beat 1014R is approaching the vicinity of 1200 S. St. Louis Avenue, and a marked squad car is observed going southbound on St. Louis with its emergency lights activated. The video ends at 11:42:52 p.m.<sup>44</sup>

**The OEMC event query and radio transmissions<sup>45</sup>** indicate that on July 10, 2016, at approximately 9:32 a.m., ██████████ called “311” and reported that on July 9, 2016, his red 2002 Dodge Caravan was stolen from in front of his home at ██████████. ██████████ reported that there was another Caravan parked next to the stolen Caravan that appeared to be broken into. ██████████ requested that he be notified when the Caravan was recovered. The call taker provided ██████████ with RD #HZ-343136.

**The OEMC event queries and radio transmissions<sup>46</sup>** indicate that on July 17, 2016, at approximately 11:40:32 p.m., Officer Tegtmeier informed OEMC that he is going to stop a stolen vehicle (red minivan) at Roosevelt Road and Homan Avenue, on the west side of Homan. A female dispatcher informed Officer Tegtmeier that there was supposed to be a gun in the Caravan, and she asked if there were any other units with him. At approximately 11:41:36 p.m., an unidentified male voice (identified later as Sergeant Lopez) requested a “slow down” because there were plenty of cars on the scene. Another unidentified male voice related that the Caravan was “flying down St. Louis.” At approximately 11:41:41 p.m., Officer Tegtmeier reported that the Caravan was crossing “16<sup>th</sup> Street.” He then reported that the Caravan was headed eastbound on Ogden Avenue. The dispatcher asked Beat 1010R (Sergeant Hitesh Patel) if Officer Tegtmeier had permission to continue after the Caravan. Sergeant Patel asked if Officer Tegtmeier was chasing the Caravan. The crash occurred before Officer Tegtmeier could respond.

At approximately 11:42:31 p.m., an unidentified male voice reported the crash at 1900 S. Ogden Avenue. Beat 1021R (Sergeant Lopez and Van Prooyen) requested EMS for ██████████ who was ejected from the Caravan. At approximately 11:42:53 p.m., an unidentified male voice

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<sup>42</sup> Att. 65. There are two files on the disc. File 1 is summarized above. File 2 showed the aftermath of the crash.

<sup>43</sup> The A & A sheets (att. #67) for the date and time of the incident, indicate that Officers Katherine Howard, #5051 and Colin Shiels, #19205 were assigned to Beat 1014R.

<sup>44</sup> The second file of the video shows a CFD truck and an ambulance at the scene. It also shows CPD vehicles and officers on scene.

<sup>45</sup> Att. 33, 60, File #1 “10jul16 Ev 02033-arp,” file 3 “10jul16 Ev 04997.”

<sup>46</sup> Atts. queries- 10-13, 34-35, discs-39, 59, and 60 (file 4 “ev18029-a-234016-003952 hrs.”)

reported that one or two black males, wearing white t-shirts, ran southbound on St. Louis from Ogden Avenue. At approximately 11:45:30 p.m., Beat 1024A, (identified later as Officer Oleszewski) reported that approximately an hour prior to the incident, there was a description of the same vehicle supposedly pointing guns at someone. At approximately 11:46:37 p.m., an unidentified male voice requested a K-9 unit to the crash site.

### c. Physical Evidence

The **Evidence Technician (ET) photographs**<sup>47</sup> depict the traffic crash scene at 1913 S. St. Louis Avenue, including the damage to the Red Dodge Caravan (license plate [REDACTED] its resting position, and the damage to the parked vehicles that were struck by the Caravan.<sup>48</sup> The three vehicles were on St. Louis Avenue.

The **City of Chicago Fire Department (CFD) Report** for [REDACTED] indicates that paramedics from Ambulance [REDACTED] arrived at the crash scene at approximately 11:51 pm. The report notes that EMS extracted [REDACTED] from underneath a vehicle. [REDACTED] was unresponsive. [REDACTED] had multiple abrasions to his torso and extremities. Paramedics attempted to intubate [REDACTED] but he had blood in his airway. Paramedics transported [REDACTED] to Mt. Sinai Hospital.

**Medical Reports from Mt. Sinai Hospital**<sup>50</sup> indicates that on July 18, 2016, [REDACTED] (DOB: [REDACTED] 2003) arrived at the hospital with a head injury from a traffic accident. [REDACTED] had a major laceration to his liver, contusions to his intraabdominal organs, and was brain dead.

The **Autopsy Report** for [REDACTED] indicates that Dr. Lauren Woertz of the Cook County Medical Examiner's Office performed the postmortem examination of [REDACTED] on July 23, 2016. The report indicates that [REDACTED] had a subarachnoid and intracerebral hemorrhage, cerebral edema, fracture to the right clavicle, laceration to his liver, pulmonary contusion, and abrasions/lacerations to his body. The report indicates that [REDACTED] died on July 22, 2016, from multiple injuries sustained in a motor vehicle accident.

### d. Documentary Evidence

**[REDACTED] Arrest Report**<sup>52</sup> indicates that on July 17, 2016 at approximately 11:42 pm, at approximately 1813 S. St. Louis Avenue, he was ejected from a stolen 2002 Dodge Caravan. [REDACTED] was incapacitated and transported to Mt. Sinai Hospital for medical care. Other occupants of the Caravan fled the crash site on foot.

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<sup>47</sup> Att. 43.

<sup>48</sup> One of the vehicles was white Cadillac Deville with Illinois plate number # [REDACTED]. The other vehicle was a light grey Escalade SUV with Illinois plate number # [REDACTED].

<sup>49</sup> Att. 15.

<sup>50</sup> Att. 51.

<sup>51</sup> Att. 53.

<sup>52</sup> Att. 7.

The **Original Incident Case Reports and Supplementary Reports for HZ 343136/Motor Vehicle Theft/Automobile**,<sup>53</sup> indicate that on July 9, 2016, at approximately 11:00 pm, [REDACTED] discovered that his 2002 Dodge Caravan, license plate # [REDACTED] was stolen from in front of his residence at [REDACTED]. A flash message was sent out regarding the stolen vehicle. The case was suspended pending recovery.

**The Illinois Traffic Crash Report (HZ353320)**<sup>54</sup> indicates that on July 17, 2016, at approximately 2342 hours, a stolen 2002 Dodge Caravan fled from Beat 1095R (Officers Tegtmeier and Velazquez) on St. Louis and struck two vehicles and a fire hydrant at 1913 S. St. Louis.<sup>55</sup> The occupants of the Caravan fled on foot. [REDACTED] was ejected from the Caravan and transported by EMS to Mt. Sinai Hospital for medical care. MAIU was notified and requested to the crash site.

**The Traffic Pursuit Report #16-0223**<sup>56</sup> indicates that Sergeant Lopez assisted Officers Tegtmeier and Velazquez on a traffic stop at approximately 1200 S. St. Louis Avenue of an active stolen vehicle (HZ343136)<sup>57</sup> that matched the description of a vehicle wanted for U UW and Aggravated Assault from earlier in the evening.<sup>58</sup> The identity of the driver of the Caravan remains unknown. At the time of the pursuit, it was raining, there was no traffic or pedestrians, and there was artificial lighting. Sergeant Lopez applied the balancing test and pursued the Caravan. The Caravan's highest speed was 70 mph while Sergeant Lopez' highest speed was 50 mph. The summary section of the report indicates that Sergeant Lopez monitored radio traffic, vehicular traffic, pedestrian traffic, and maintained a reasonable speed to stop the stolen Caravan, which officers believed had a gun in it. The supervisor's summary of the application of the balancing test section indicates that Sergeant Hitesh Patel was notified during the pursuit and, as he monitored the pursuit, he determined that based on the limited time frame of the pursuit, the one-way street (St. Louis Ave) the pursuit was on, amount of radio traffic, and the totality of circumstances, the balancing test was applied properly. The remainder of the report is materially consistent with the COPA interviews of the police officers.

## 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;

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<sup>53</sup> Atts. 8-9, 24-27.

<sup>54</sup> Att. 5.

<sup>55</sup> Unit #2 in the diagram of the Illinois Traffic Crash Report, is described as a 2003 Cadillac Deville and Unit #3 was not described in this report. Att. 43 (ET photos) depicts unit #3 as a light grey Escalade SUV with Illinois plate number # [REDACTED].

<sup>56</sup> Att. 69.

<sup>57</sup> The Caravan was reported stolen on July 10, 2016 by the owner, [REDACTED]

<sup>58</sup> Red, 2002 Dodge Caravan, Illinois license plate [REDACTED]

3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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

The allegations in this case are governed by General Order 03-03-01, which sets forth several requirements for officers when engaging in a motor vehicle pursuit, including conducting a balancing test and notifying OEMC of the facts regarding the pursuit. General Order 03-03-01 defines a "motor vehicle pursuit" as "[a]n active attempt by a sworn member operating an authorized emergency vehicle to apprehend any driver or operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such driver or operator to bring his or her vehicle to a stop, fails or refuses to obey such direction, increases or maintains his or her speed, extinguishes his or her lights, or otherwise flees or attempts to elude the officer."<sup>59</sup>

Per General Order 03-03-01, the balancing test generally requires that "(t)he necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit." More specifically, members are to consider the following: (1) the speeds and maneuvering of the involved vehicles, (2) the volume of pedestrian and vehicle traffic, and (3) the weather and road conditions.<sup>60</sup> Additionally, the primary pursuing unit must "ensure verbal approval from the assigned supervisor has been granted to continue with the pursuit."<sup>61</sup>

### a. Allegations Against Sergeant Oscar Lopez

Sergeant Lopez is alleged to have committed misconduct by initiating a pursuit of the Caravan, continuing the pursuit without supervisor approval, and failing to adequately communicate

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<sup>59</sup> G03-03-01 Glossary Terms #4.

<sup>60</sup> G03-03-01 (II)

<sup>61</sup> G03-03-01 (VI)(A)(1)(b)

the pursuit with OEMC. COPA finds that the allegations against Sergeant Lopez are **Exonerated** by clear and convincing evidence.

Much of the relevant factual analysis for the allegations against Sergeant Lopez relate to the initiation of the pursuit. Originally, Sergeant Lopez explained that he responded to a call for assistance from Beat 1095R regarding a traffic stop on a stolen motor vehicle (the Caravan) in the area of 1200 S St. Louis Avenue. While en route, Sergeant Lopez received information over the radio that someone in the Caravan had a gun and/or was involved in a shooting. After the Caravan fled southbound on St. Louis Avenue, Sergeant Lopez indicated that he conducted the balancing test by taking into account the low traffic, rainy weather, and small volume of pedestrians in the area.

Generally, G03-03-01 prohibits the initiation of pursuits when the most serious offense for which the motor vehicle is wanted is a non-hazardous traffic offense.<sup>62</sup> However, as stated above, Sergeant Lopez was informed that someone in the Caravan had a gun and/or was involved in a shooting. Additionally, Sergeant Lopez articulated how he considered the requisite balancing test at the inception of the pursuit. Finally, Sergeant Lopez stated that he told OEMC the Caravan fled from the traffic stop, but as he attempted to provide additional details, excessive radio traffic prevented him from clearly communicating.

As to Allegation 1 relating to the initiation of the pursuit, COPA finds that Sergeant Lopez is **Exonerated**. As previously mentioned, Sergeant Lopez articulated a valid reason to pursue the Caravan due to information of a gun in the car, which had been pointed at people. Additionally, he conducted a balancing test, and attempted communication with OEMC. Sergeant Lopez's account of the events is credible, as it is corroborated by In-Car Camera Video, OEMC transmissions, and the statements of other involved officers.<sup>63</sup>

COPA similarly finds that Sergeant Lopez is **Exonerated** with respect to Allegation 2 regarding the continuation of the pursuit without supervisor approval. As explained above, the pursuit was proper at its inception. However, under G03-03-01, the continuation of a pursuit requires approval from the assigned supervisor, as well as additional communication with OEMC, and repeated reassessment of the balancing test. In this instance, it is important to note how short the pursuit was. According to the In-Car Camera Video, the pursuit began at approximately 11:41:40 pm, and concluded by 11:42:27 pm with the Caravan's crash visible on screen. Nothing in the relatively brief period of time (about 47 seconds) prior to the crash reveals that the circumstances changed such that Sergeant Lopez should have terminated the pursuit. Additionally, Sergeant Lopez indicated that he was on the radio with Sergeant Patel and OEMC for the approval process when the crash occurred. Sgt. Lopez's attempt to comply with the supervisor approval process was cut short due to the quick duration of the pursuit and the crowded radio activity. Sergeant Lopez's efforts are corroborated by the interviews of the other involved officers, In Car Camera, and OEMC recordings. Sergeant Patel was in the process of gathering information to determine his approval when Sergeant Lopez announced the crash had occurred. COPA finds that Sergeant Lopez made the equivalent of the required communications, but that the crowded and

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<sup>62</sup> G03-03-01 (III)(A)

<sup>63</sup> Additionally, Sergeant Lopez's version of events was not impeached by any evidence discovered by COPA during this investigation.

somewhat chaotic radio traffic impeded his efforts, through no fault of his own.

Given the brevity of this pursuit, it is unlikely that any officer with similar training and experience as Sergeant Lopez would have had adequate opportunity to terminate this pursuit prior to the crash occurring. COPA finds that the Caravan's driver was operating the vehicle in an inherently dangerous manner, by crossing lanes of traffic and accelerating at a high rate of speed from the attempted traffic stop, prior to any officers actually initiating a pursuit. Combined with the fact that Sergeant Lopez actually lost sight of the Caravan, due to his speed being much lower than the Caravan's, it is likely that the Caravan's driver did not see the pursuing police vehicle when it crashed. Additionally, Sergeant Lopez was so far behind the Caravan that neither he nor Officer Van Prooyen saw the surviving occupants of the Caravan flee. Consequently, COPA finds the continuation of this pursuit by Sergeant Lopez without supervisor approval was lawful and proper, considering the totality of the circumstances specific to this incident.

Finally, Allegation 3 accusing Sergeant Lopez of failing to notify OEMC of the details of the pursuit, is determined to be **Exonerated**. This analysis relies upon many of the same facts and factors as discussed for Allegation 2. In his interview, Sergeant Lopez stated that he informed OEMC of the Caravan fleeing the traffic stop, and as he tried to relay further information, excessive radio traffic prevented him from clearly communicating. In-Car Camera Video, OEMC logs, and other officer interviews also indicate that Sergeant Lopez attempted to inform OEMC of the pursuit details and depict him on the air cautioning responding vehicles to slow down due to the traffic on scene. Beat 1095R officers can also be heard communicating specifics of the pursuit *after* sergeant Lopez tried to do the same. While Sergeant Lopez did not directly communicate to OEMC that he was engaged in a pursuit, it appears that Sergeant Lopez equated his frequent communications regarding the flight of the Caravan to accomplish the same purpose. He was clear that he was following the Caravan and the direction of their respective paths. Additionally, it bears noting that Sergeant Lopez was making these communications, while driving, and trying to ensure the safety of himself and his partner, as well as other nearby officers. Because Officer Van Prooyen was a Probationary Police Officer who had never before worked in the 10<sup>th</sup> District, he was unable to provide any meaningful assistance in calling out the details of this pursuit. Therefore, it is understandable that Sergeant Lopez may not have been able to communicate as clearly as is contemplated under G03-03-01. Given that Sergeant Lopez communicated the initial flight information and continued to update this information, COPA finds that his communications served essentially the same purpose. Importantly, COPA finds that Sergeant Lopez was not intentionally attempting to mislead or hide his activity from OEMC or his supervisors, a guiding principle for the reason that this communication requirement exists within G03-03-01. Considering the totality of the circumstances with which Sergeant Lopez was faced, his actions were reasonable and justified, therefore Allegation 3 is Exonerated.

#### **b. Allegations Against Officer Thomas Van Prooyen**

Officer Van Prooyen faces identical allegations as Sergeant Lopez. COPA finds that Officer Van Prooyen is similarly **Exonerated** of those allegations, by clear and convincing evidence. As noted above, Officer Van Prooyen was a Probationary Police Officer on his first day with the 10<sup>th</sup> District and working with Sergeant Lopez for the first time. Most importantly, he was the passenger of a vehicle being driven by his superior. COPA also finds Officer Van Prooyen's version of events to be credible, as it is corroborated by the evidence in this case, including, but

not limited to, interviews of other officers, OEMC recordings, and In Car Camera footage.

Regarding Allegations 1 and 2, COPA first relies upon the many of the same factors as above applied to Sergeant Lopez. COPA further finds that Officer Van Prooyen, as the passenger, lacked physical control of the vehicle to directly control the initiation and continuation of the pursuit. Additionally, Officer Van Prooyen lacked the authority to order the driver, Sergeant Lopez, to either take or discontinue any particular action. Had Officer Van Prooyen attempted to do so, he would have been in violation of separate CPD policies, most directly Rule 7, which prohibits insubordination toward a supervisory member. Therefore, Officer Van Prooyen was justified and lawful in his actions while a passenger in this vehicle.

Regarding Allegation 3, COPA finds that Officer Van Prooyen's failure to notify OEMC of the pursuit is also **Exonerated**. In his interview with COPA, Officer Van Prooyen stated that Sergeant Lopez communicated or attempted to communicate details of the pursuit, because Officer Van Prooyen was not familiar with the area. Given that Sergeant Lopez has the authority to do so as the superior Department member in Beat 1021R's vehicle, and given the aforementioned challenging radio traffic, COPA finds that Officer Van Prooyen reasonably believed that not only was the OEMC obligation fulfilled by Sergeant Lopez's communications, but that he was deferring to his superior officer who was doing so.

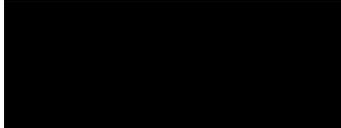
### VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Sergeant Oscar Lopez	1. It is alleged that Sergeant Lopez initiated a vehicle pursuit, in violation of Rule 6.	Exonerated
	2. It is alleged that Sergeant Lopez continued a pursuit without supervisor approval, in violation of Rule 6.	Exonerated
	3. It is alleged that Sergeant Lopez failed to notify OEMC of the details of a vehicle pursuit in violation of violation of Rule 6.	Exonerated
Officer Thomas Van Prooyen	1. It is alleged that Officer Van Prooyen initiated a vehicle pursuit, in violation of Rule 6.	Exonerated
	2. It is alleged that Officer Van Prooyen continued a pursuit without supervisor approval, in violation of Rule 6.	Exonerated

3. It is alleged that Officer Van Prooyen failed to notify OEMC of the details of a vehicle pursuit in violation of violation of Rule 6. Exonerated

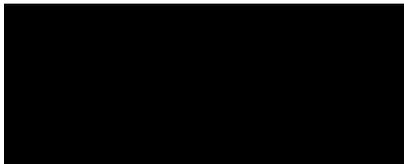
Approved:



August 28, 2020

\_\_\_\_\_  
Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date



August 28, 2020

\_\_\_\_\_  
Sydney Roberts  
*Chief Administrator*

\_\_\_\_\_  
Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	One
<b>Major Case Specialist:</b>	Jessica Sanchez
<b>Supervising Investigator:</b>	Shannon Hayes
<b>Deputy Chief Administrator:</b>	Andrea Kersten