

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	June 21, 2016
Time of Incident:	4:49 pm
Location of Incident:	20 E. 42 nd Street
Date of COPA Notification:	June 21, 2016
Time of COPA Notification:	5:31 pm

On June 21, 2016, Chicago Police Sergeant Tyrone Pendarvis was off duty and driving with two friends, when he observed a maroon Chevrolet Equinox driving near 48th Street and Vincennes Avenue. The Equinox appeared to be chasing a man running on the street, and the passenger reached what appeared to be a firearm out the front window. Sergeant Pendarvis telephoned 911 from his cell phone and reported what he observed and the Equinox's direction of travel. The Office of Emergency Management and Communication (OEMC) then broadcast that information to on-duty officers.

A short while later Beat 231, a marked Police SUV, driven by Officer Jesus Gonzalez with his partner Jason Giesel,² observed an Equinox matching the description, at the intersection of 43rd Street and State Street. The officers determined the Equinox was stolen and attempted to stop it, but the Equinox fled north on State Street. Beat 231 pursued the Equinox north on State Street, east on 42nd Street, and south on Wabash Avenue. The Equinox turned west onto 44th Street then turned north in the alley between Wabash Avenue and State Street. Beat 231 followed the Equinox north in the alley for two blocks, and when the Equinox exited the alley at 42nd Street, it struck a vehicle traveling west, driven by [REDACTED] with her minor child in the rear seat.

As the Equinox had approached 44th Street, it encountered Beat 225 (Detective David Koch and Officer Megan Ryan), who were traveling north on Wabash Avenue from 44th Street. Beat 225 continued north on Wabash Avenue as Beat 231 pursued the Equinox north in the alley and eventually met up with the Equinox as it crashed on 42nd Street.

The Chicago Fire Department extracted [REDACTED] from the rear of the Chevrolet Equinox. He was killed as result of the crash. [REDACTED] and [REDACTED], the other two occupants of the Chevrolet Equinox, were transported by ambulance from the scene to Stroger Hospital. A handgun was recovered from the passenger floor of Chevrolet Equinox.

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

² None of the officers involved in this incident were equipped with body-worn cameras.

II. INVOLVED PARTIES

Involved Officer #1:	Jason Giesel; Star #19481; Employee ID # [REDACTED]; Date of Appointment: December 2, 2013; DOB: [REDACTED] 1984; Male; Hispanic.
Involved Officer #2:	Jesus Gonzalez; Star #16633; Employee ID # [REDACTED]; Date of Appointment: July 15, 2013; DOB: [REDACTED] 1977; Male; Hispanic.
Involved Individual #1:	[REDACTED]; DOB: [REDACTED] 1997; Male; Black.
Involved Individual #2:	[REDACTED]; DOB: [REDACTED] 1997; Male; Black.
Involved Individual #3:	[REDACTED]; DOB: [REDACTED] 1998; Male; Black.

III. ALLEGATIONS

IPRA was notified of this incident and responded to the scene. IPRA initiated this investigation pursuant to such notification and its jurisdiction to investigate officer-involved deaths under the Police and Community Relations Improvement Act (PCRIA), 50 ILCS 727, et. seq. However, IPRA, and later COPA, determined evidence did not exist which would require allegations against any of the involved officers.

IV. APPLICABLE RULES AND LAWS

General Orders

1. G03-03-01: Emergency Vehicle Operations – Pursuits (Effective March 28, 2016-April 9, 2019)
2. G03-03: Emergency Use of Department Vehicles (Effective June 1, 2003-Present).

V. INVESTIGATION³

a. Interviews

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

During a statement with IPRA on June 21, 2016, **Sergeant Jerome Pendarvis**⁴ stated that at the time of this incident he was off duty. He was driving his Chevrolet Silverado with off-duty Cook County Sheriff's Lieutenant [REDACTED] and retired Cook County Sheriff's Sergeant [REDACTED] as passengers. [REDACTED] was the front passenger, and [REDACTED] sat in the backseat on the passenger side. They travelled south on Vincennes Avenue and stopped at the four-way stop at 48th and Vincennes. After stopping at the stop sign Sergeant Pendarvis began to drive forward through the intersection when he saw a "reddish maroon Chevy type vehicle"⁵ traveling westbound enter the intersection without stopping at their stop sign. Sergeant Pendarvis stopped as the red Equinox screeched to a halt about five feet from the front of his vehicle. At the same time Sergeant Pendarvis saw an individual running south on Vincennes Avenue from the intersection. Sergeant Pendarvis looked at the Equinox again and saw the front seat passenger⁶ holding a shiny object on the lip of the door. The Equinox's front passenger appeared to be looking around, and Sergeant Pendarvis assumed that the object he held was a firearm, and that they were looking for the person he had seen running south on Vincennes Avenue.

The Equinox then drove around the front of Sergeant Pendarvis' vehicle and travelled west on 48th Street. Sergeant Pendarvis added that he lost sight of where the person running went. Sergeant Pendarvis used his cell phone to call 911 to report the Equinox and turned west on 48th Street to follow it. Sergeant Pendarvis stated he wanted to obtain the Equinox's license plate number, but he was unable to because he never got close enough to read it; they remained several car lengths behind it. The Equinox was not driving very fast, leading him to believe that they were still looking for the individual who ran away. The Equinox traveled west on 48th Street and then north in alley west of Indiana Avenue. Sergeant Pendarvis stated that he did not follow the Equinox into the alley, and instead drove north on a street parallel to the alley. Sergeant Pendarvis explained that he was not attempting to engage the Equinox.

Sergeant Pendarvis saw a similar-looking red SUV parked at the intersection of 51st and State Street. Sergeant Pendarvis drove over to that vehicle and discovered that it was not the Equinox they had been following. Realizing that he had lost the Equinox, Sergeant Pendarvis drove around attempting to locate it again. Sergeant Pendarvis saw his co-worker, on-duty CPD Lieutenant Clifford,⁷ in a marked police vehicle. Sergeant Pendarvis terminated the call with 911 and explained, "So then I said we lost 'em. (chuckles) So we kept ridin' around that area, kept ridin' around that area, kept ridin' around in that area. I saw Sergeant Clifford, I saw 'em on the street. I said Clifford, cuz I said there's a car, he just tried to shoot this individual. And uh because I, I'm familiar with Clifford, I've known 'em most of my career. I said and he's a sergeant too. I told 'em the car, I told 'em the description, it's missin' a plate. The driver's got dreads, he's light skinned, male black. Uh he has a gun. And he said yes comin' over the air right now. I said okay cool. So, we continue to look in the area, look in the area, look in the area. Then Clifford calls me on my cell phone says Ty we found the car. I need you to come and identify it. I was like and he say yeah, they told me that there's a gun in there and he just hit three people. I was like oh,

⁴ Attachments 74 & 75.

⁵ Statement of Sergeant Tyrone Pendarvis; P. 8, L. 1.

⁶ A black male with long dread-locks (NKA [REDACTED]).

⁷ Since the incident, Sgt. Clifford was promoted to Lieutenant. Lieutenant

okay. So I rode over there and like that was the car, it's missin' a plate, Chevy Equinox everything matched—"⁸

About 5-10 minutes later Sergeant Clifford telephoned Sergeant Pendarvis and told him they found the vehicle and asked him to come to 48th and Prairie Avenue. When they got there, Sergeant Pendarvis saw that the Equinox had been involved in collision with another vehicle. Sergeant Pendarvis did not see any on-duty police vehicle pursue the Equinox, and he did not witness the collision involving the Equinox and the other vehicle. Sergeant Pendarvis stated that he saw one of the occupants of the Chevy Equinox being placed into an ambulance and recognized him as the person he saw pointing a gun.

During an interview with IPRA on June 23, 2016, **Cook County Sheriff's Lieutenant** ██████████⁹ stated that on the day of this incident he was riding with his friends, Chicago Police Sergeant Tyrone Pendarvis, and retired Cook County Sherriff's Sergeant ██████████. Lieutenant ██████████ stated that they were in Sergeant Pendarvis' pick-up truck. Sergeant Pendarvis drove, Lieutenant ██████████ sat in the backseat on the passenger side, and ██████████ sat in the front passenger seat. They were stopped at the red light at 4700 S. Vincennes, facing south. He saw an unknown male black sprinting south on Vincennes Avenue as if someone was chasing him. The traffic light turned green and they proceeded south on Vincennes Avenue. Sergeant Pendarvis stopped at the four-way stop at 4800 S. Vincennes, and as he began to drive south through the intersection a red SUV traveling west on 48th Street failed stop at the stop sign. The red SUV drove into the intersection and stopped in front of Sergeant Pendarvis' vehicle. Lieutenant ██████████ stated that Sergeant Pendarvis stopped his vehicle before it collided with the red SUV. Lieutenant ██████████ saw the red SUV's driver and front seat passenger looking frantically around and saw the front seat passenger holding what appeared to be a shiny handgun. The red SUV sped through the intersection and drove erratically west on 48th Street at a high rate of speed. Sergeant Pendarvis called 911 on his cell phone and reported to the incident, including a description of the SUV. Sergeant Pendarvis turned onto 48th Street and drove west to follow the SUV. They attempted to read the red SUV's license plate number, but it traveled north through the alley west of Martin Luther King Drive before they could obtain it. Lieutenant ██████████ stated that they did not follow the red SUV through the alley.

A few minutes later Sergeant Pendarvis received a telephone call from another Chicago Police sergeant asking him to come to 4200 S. State Street. Upon their arrival, he saw that the red SUV had collided with another vehicle and saw the occupants of the red SUV being removed from the vehicle. He also saw a shiny silver automatic weapon on the floor of the front passenger side of the red SUV. Lt. ██████████ did not see any Chicago police members pursue the red SUV, nor did he see the collision.

During an interview with IPRA on July 7, 2016, retired **Cook County Sheriff's Sergeant** ██████████¹⁰ stated that on the day of this incident he was a passenger in a vehicle driven by his friend Sergeant Pendarvis. ██████████ sat in the front passenger seat and Cook County Sheriff's Lieutenant ██████████, was seated in the backseat on the passenger's side. They were

⁸ Statement of Sgt. Pendarvis; P. 17, L.27 – P. 18, L. 15.

⁹ Attachments 33 & 34.

¹⁰ Attachments 78 & 79.

traveling south on Vincennes Avenue, approaching 48th Street, when Lieutenant ██████ said, "They're chasing that guy, you know."¹¹ ██████ then saw a man with dreadlocks and a white T-shirt chasing another man through an empty lot. ██████ was unable to describe the second man. ██████ stated that the man in the white T-shirt got into a red SUV that drove west across Vincennes Avenue on 48th Street. ██████ stated that after the red SUV crossed in front of them, Sergeant Pendarvis indicated that he saw one of the red SUV's occupants with a gun. Sergeant Pendarvis then turned onto 48th Street and drove west. Sergeant Pendarvis also used his cell phone to call 911 and report the red SUV. ██████ stated that they attempted to obtain the red SUV's license plate number but never got close enough to read it, but he did notice that the SUV was missing its rear bumper. They lost the red SUV after it drove north into an alley east of Martin Luther King Drive. ██████ stated that they did not follow the red SUV into the alley. A short time later they saw a male white Chicago Police Sergeant in a marked police vehicle and Sergeant Pendarvis stopped and spoke to him about the red SUV. The male white sergeant stated that he had already heard the call regarding the red SUV. Sergeant Pendarvis then received a telephone call telling him that the red SUV had been involved in an accident. They went to the location of the accident where he saw that the red SUV collided with another vehicle. There was a deceased person in the backseat of the red SUV. ██████ did not see any other occupants inside the red SUV.

In a statement to COPA on December 17, 2019, **Officer Jesus Gonzalez**¹² stated that on the day and time of this incident he was working with his partner, Officer Jason Giesel, and they were assigned a marked police SUV.¹³ Officer Gonzalez drove and Officer Giesel was the passenger. They were on routine patrol when he heard a flash message on the police radio. The message relayed that an off-duty police sergeant witnessed a person with a gun. The off-duty sergeant saw an occupant of a maroon vehicle, missing its rear bumper, pointing a gun at people on the street. Officer Gonzalez believed the location given out was 43rd or 47th Street.

Officer Gonzalez drove north on State Street and was stopped at the red traffic light at 43rd Street when he saw the maroon vehicle traveling west on 43rd Street. Officer Gonzalez stated that the maroon vehicle entered the intersection and then went south on State Street. According to Officer Gonzalez, he was able to see two occupants in the front seats of the maroon vehicle. Officer Gonzalez performed a U-turn and followed the maroon vehicle as it drove onto the gas station lot on the southwest corner of the intersection of 43rd and State Street.

They followed the maroon vehicle as it drove in a circle around the lot. Officer Giesel radioed dispatch the maroon vehicle's license plate, which came back reported stolen.¹⁴ After circling the gas station's lot, the maroon vehicle drove out of the lot and onto State Street. He followed the maroon vehicle north on State Street and activated his vehicle's emergency lights and sirens after the maroon vehicle began increasing its speed. Officer Giesel radioed dispatch that the maroon vehicle drove away. Officer Gonzalez estimated that the maroon vehicle was traveling

¹¹ Transcription of ██████; P. 5, L. 6-7. IPRA initially decided that because of the ample video evidence, that it was not necessary to interview the involved officers. COPA later determined that the nature of the incident necessitated interviewing Officers Gonzalez, Giesel, and Ryan and Lieutenant Clifford.

¹² Attachments 106 & 109.

¹³ In 2016 none of the involved officers were issued Body-Worn Cameras.

¹⁴ Review of OEMC records establishes that the results of the license plate search became available after the crash of the Chevrolet was reported. See Attachments 15, 116.

at about 40 to 50 miles per hour. Due to traffic he did not go as fast as the maroon vehicle, and estimated the maroon vehicle was about a half a block ahead of them.

The maroon vehicle then traveled east on 41st or 42nd Street. By the time they reached that street and turned to go east, the maroon vehicle was already traveling south on Wabash Avenue. Officer Gonzalez continued to follow it and turned south on Wabash Avenue. Officer Gonzalez saw the maroon vehicle almost strike another police SUV that was traveling north on Wabash Avenue. Officer Gonzalez explained that he and Officer Giesel were about a block behind the maroon vehicle. The maroon vehicle drove past the second police SUV and then travelled west. Officer Gonzalez could not recall which street the maroon vehicle turned onto and traveled west. Officer Gonzalez stated that the maroon vehicle then traveled north in the alley between State Street and Wabash Avenue. Officer Gonzalez stated that he lost sight of the vehicle for a moment when it turned west from Wabash Avenue and again when it turned north into the alley because of the buildings in the immediate area.

Officers Gonzalez and Giesel followed the maroon vehicle north in the alley, adding that the maroon vehicle was still about half a block ahead of them. The maroon vehicle traveled north across 43rd Street and continued north through the alley. As the maroon vehicle exited the alley onto 42nd Street it was “t-boned”¹⁵ by another civilian vehicle traveling west on the street.

Officer Gonzalez stated that it appeared that the maroon vehicle did not slow down before exiting the alley onto 42nd Street,¹⁶ adding that he never saw the maroon vehicle’s brake lights illuminate.

Officers Gonzalez and Giesel exited their vehicle and placed the driver and the passenger of the maroon vehicle into custody and an ambulance was called. Officer Gonzalez added that he saw a third occupant in the back of the maroon vehicle who was unconscious. Additional officers arrived on the scene to assist and a handgun was found inside the maroon vehicle. Officer Gonzalez stated that he did not find the gun, and he did not know who found it.

Officer Gonzalez stated that throughout the entire incident Officer Giesel radioed dispatch updates that included their location and direction of travel. Officer Gonzalez never heard any police supervisor terminate the pursuit, nor give any other direction during the incident. Officer Gonzalez stated that there were no other police units involved in the pursuit, which he estimated lasted approximately a minute. Officer Gonzalez described the roads as mostly empty of other vehicles or pedestrians, and the conditions clear, sunny and daylight. The surrounding area near the eventual collision, Officer Gonzalez described as residential mixed with industrial.

In a June 5, 2017 deposition, **Officer Jesus Gonzalez**¹⁷ provided more detailed information about his application of the balancing test. Officer Gonzalez reported that the man with the gun in the pursued vehicle posed an imminent threat to the public, explaining, “I felt that the safety of the public outweighed the dangers of the pursuit because it was believed that these were the guys

¹⁵ Attachment 109, P. 30, L 16.

¹⁶ The transcript isn’t perfectly clear on this point, but the conversation context implies that it is 42nd street.

¹⁷ Deposition of Jesus Gonzalez, Attachment 119.

that were driving around with a gun pointing it at the citizens.”¹⁸ He further reported conditions Officer Gonzalez considered when applying the balancing test in this incident which justified the speed he drove his vehicle included, “The road condition, the flow of traffic, the amount of citizens in the public way. It was daylight, sunny.”¹⁹ Officer Gonzalez did not report that he and Officer Geisel discussed the application of the balancing test during or before the pursuit.²⁰

In a statement to COPA on December 23, 2019, **Officer Jason Giesel**²¹ stated that on the day of the incident he and his partner were on routine patrol in their marked police SUV driven by Officer Gonzalez. While on patrol he heard an alert broadcast over the police radio. Officer Giesel stated, “An off-duty Sergeant called in -- called 911, just like anyone else would, that he saw someone hanging out of a vehicle with a gun chasing somebody on foot.”²² The offending vehicle was described as a red Chevy SUV that was missing its bumper. Officer Giesel could not recall where he and Officer Gonzalez were when he heard the broadcast. Nor did he recall where the offenders and the off-duty sergeant were at the time, adding that he was aware that the location was outside their assigned beat. Officer Giesel stated that he and Officer Gonzalez continued routine patrol, and encountered Lieutenant Clifford, who told them that it was Sergeant Pendarvis who called 911 regarding seeing a person with a gun. Lieutenant Clifford told them he spoke to Sergeant Pendarvis in person. Lieutenant Clifford reported that the man with the gun had dreadlocks.

Officer Giesel stated that he and Officer Gonzalez left their assigned beat to patrol for the vehicle. They drove north on State Street and were stopped at the red traffic light at 43rd Street when he saw the red Chevy SUV, first traveling west on 43rd Street and then turned left and traveled south on State Street. Officer Gonzalez acknowledged seeing the red Chevy and Officer Giesel pointed out that it was also missing its bumper. Officer Giesel added that he also saw one of the red Chevy’s occupants had dreadlocks.

Officer Gonzalez then turned and followed the red Chevy as it drove onto a gas station lot located on the southwest corner of 43rd and State Street. Officer Giesel radioed dispatch their location and that they may have located the wanted red Chevy SUV. Officer Giesel also provided the red Chevy’s license plate number to the dispatcher. The red Chevy SUV then made a U-turn in the parking lot and drove back around to State Street. Officers Giesel and Gonzalez followed the red SUV as it drove back towards State Street. The red SUV then exited the gas station lot, accelerated and traveled north on State Street. Officer Giesel stated that they activated their vehicle’s emergency lights and sirens and followed the red Chevy SUV north on State Street.

Officer Giesel stated that he continuously notified dispatch of their location and direction of travel throughout the entire incident. Officer Giesel stated that one or two blocks past 43rd Street the red Chevy SUV went east. When Officers Gonzalez and Giesel reached the same street

¹⁸ *Id.* at P. 55, L. 21-24.

¹⁹ *Id.* at P. 58, L. 3-5.

²⁰ In his deposition, Officer Giesel similarly did not report a conversation with Officer Gonzalez about the balancing test before or during the pursuit. See Attachments 122, 124.

²¹ Attachments 107, 111.

²² Transcript of PO Giesel, Attachment 111, P. 9, L. 13-16.

Officer Giesel saw the red Chevy SUV turning south on Wabash Avenue.²³ Officers Gonzalez and Giesel then traveled east and then followed the red Chevy SUV south on Wabash Avenue.

Officer Giesel stated that the red Chevy SUV turned onto an unknown street and traveled west to the first alley. The red Chevy SUV turned into the alley between Wabash Avenue and State Street and traveled north with Officers Giesel and Gonzalez following behind them. The red Chevy SUV drove north in the alley to the next block, and when it exited the second block it collided with another civilian vehicle that was traveling west on the cross-street. Officer Giesel stated that he and Officer Gonzalez were approximately a half a block from the alley's exit when the collision occurred. Officers Giesel and Gonzalez notified dispatch of the collision, requested ambulances, and then proceeded to take the offenders into custody. A handgun was recovered from the floor on the passenger's side of the red Chevy SUV. Officer Giesel added that a third occupant was discovered in the rear of the red Chevy SUV who was subsequently pronounced dead on the scene.

Officer Giesel stated that the entire pursuit lasted approximately a minute, and that at no time did any police supervisor direct them to cease the pursuit. He did not recall seeing any pedestrians and explained that the traffic conditions were not so congested as to prevent them from pursuing the Chevy SUV. Officer Giesel described the weather conditions as sunny, dry and clear.

In a statement to COPA on November 19, 2019, **Officer Megan Ryan**²⁴ was working with Officer David Koch.²⁵ They were in a marked police SUV, and Officer Ryan was driving. Regarding this incident, Officer Ryan stated that she and Officer Koch were getting coffee at the Dunkin Donuts located at 55th and State Street when she heard OEMC dispatchers broadcast an alert over the police radio of an off-duty sergeant witnessing someone in a maroon Chevrolet Equinox "with a gun waving out of the car."²⁶ They were also informed that there were two occupants inside the Equinox. The Equinox was reported as north of their location, at approximately 40th Street and Indiana Avenue. Officers Ryan and Koch then traveled north on Federal Avenue from 55th Street. Officer Ryan stated she also heard Lieutenant Clifford on the radio say that the Equinox was missing a bumper. As they traveled north, Officer Ryan heard Beat 231²⁷ radio that they located the Equinox at approximately 43rd and State Street. Officer Ryan stated that she and Officer Koch were at 46th and Wabash Avenue when she heard Beat 231 radio that they located the Equinox.

Officer Ryan drove west to State Street and then north while monitoring the radio notifications by Beat 231. They traveled east on 44th Street, and when they reached Wabash Avenue, Officer Ryan saw the Equinox driving south on Wabash Avenue toward them with Beat 231 in pursuit. Officers Ryan maneuvered their vehicle out of the way and the Equinox passed them. From Wabash Avenue the Equinox and Beat 231 then drove west on 44th Street. Officer

²³ Officer Giesel was not certain of the name of the street. *Id.* at P. 27, L. 3-18.

²⁴ Attachments 100 & 108. Officer Koch's name is misspelled as "Cook" throughout the transcript of Officer Ryan's statement.

²⁵ Det. Koch held the rank of Police Officer on the day of this incident; he has since been promoted to detective.

²⁶ Transcript of PO Ryan, Attachment 108, P. 8, L. 19-20.

²⁷ Officers Giesel and Gonzalez.

Ryan stated that it did not appear that either vehicle was traveling very fast, adding that Beat 231 was approximately 30 to 50 feet behind the Equinox, and that Beat 231's emergency equipment was activated. Beat 231 followed the Equinox as it traveled north in the first alley west of Wabash Avenue, while she and Officer Koch traveled north on Wabash Avenue and continued to monitor the police radio. Officer Ryan's view of the Equinox and Beat 231 as they drove north in the alley was obstructed by buildings, houses, and trees. As they traveled north on Wabash Avenue, she heard Beat 231 report that the Equinox was involved in a collision; she did not witness the collision. Officer Ryan drove to the location of the crash, which was near the mouth of an alley. An ambulance was called for the occupants of both vehicles involved in the collision. The rear passenger of the Equinox was deceased.

Officer Ryan stated that the incident was very brief. She did not recall seeing any other civilian vehicles, pedestrians, or police vehicles when she encountered the Equinox at 44th and Wabash Avenue. Officer Ryan did not recall hearing any police supervisor on the radio directing Beat 231, or any police unit, to terminate the pursuit.

In a statement to IPRA on October 5, 2016, **Officer David Koch**²⁸ stated that on the day of this incident he was working with Officer Megan Ryan.²⁹ He and Officer Ryan were on routine patrol, in the marked police SUV, with Officer Ryan driving, when they heard OEMC dispatcher broadcast an alert over the police radio and flash message regarding a man with a gun/suspicious vehicle. They were also notified by dispatch that an off-duty police sergeant saw the suspicious vehicle and identified it as a maroon Chevrolet Equinox missing its rear bumper.

They toured the area for between five and ten minutes when he heard Beat 231 notify dispatch over the radio that they located the Equinox in the vicinity of 43rd and State Street. Officer Ryan drove to that area while they continued monitoring the radio. As they traveled north on Wabash Avenue, Officer Koch saw the Equinox traveling south toward them with Beat 231 about 20 feet behind it. Neither vehicle appeared to be traveling at a high rate of speed.

The Equinox and Beat 231 drove past them and then drove north in the alley between State Street and Wabash Avenue. Officer Ryan turned them north on Wabash Avenue in an attempt to drive parallel with the other officers and the Equinox, who were driving north in the parallel alley between State Street and Wabash Avenue. A few seconds later Officer Koch heard Beat 231 radio dispatch that the Equinox was involved in a collision. He and Officer Ryan then proceeded to the location of the accident, which was near the mouth of the alley, and assisted the other officers in securing the passengers in the Equinox. A semi-automatic handgun was found on the front passenger side floor of the Equinox as they removed the passenger. Det. Koch and Officer Ryan were not present and did not witness the vehicle collision.

In a statement with COPA on December 2, 2019, **Lieutenant John Clifford**³⁰ stated that on the day of this incident he was on patrol when he heard dispatchers broadcast an alert, about off-duty CPD Sergeant Tyrone Pendarvis seeing a man with a gun. A description of the offender,

²⁸ Attachments 102, 112.

²⁹ Det. Koch held the rank of Police Officer at the time this incident occurred.

³⁰ Attachments 101, 110.

the vehicle, and direction of travel was also provided. Lieutenant Clifford then heard several 002nd District police units acknowledge the alert.

Lieutenant Clifford heard Officers Jason Giesel and Jesus Gonzalez³¹ radio dispatch that they were following the suspected offending vehicle. Officers Giesel and Gonzalez then radioed dispatchers that the offending vehicle fled from them and that they were in pursuit. Lieutenant Clifford continued to monitor the pursuit via the radio. Lieutenant Clifford was familiar with the area the pursuit occurred and described it as an area with numerous vacant lots and some residential buildings. Lieutenant Clifford explained that the amount of vehicular traffic in the area depended on the time of day and usually there is minimal pedestrian traffic. From his recollection, the weather conditions on the day of this incident were clear and dry.

Lieutenant Clifford stated that based on radio communication, Officer Giesel and Gonzalez pursued the offending vehicle for two or three blocks. Lieutenant Clifford stated that as the offending vehicle exited an alley it collided with a civilian vehicle. Lieutenant Clifford arrived at the scene of the collision a few moments later and assisting the other officers.

Lieutenant Clifford monitored the entire pursuit and applied the balancing test, and before he could ask Officers Giesel and Gonzalez any questions, the offending vehicle was involved in the collision. Lieutenant Clifford never directed Officers Giesel and Gonzalez to terminate the pursuit. Lieutenant Clifford added the pursuit was never terminated by any other police supervisor monitoring the pursuit. Lieutenant Clifford estimated that from the first time Officers Giesel and Gonzalez radioed dispatch that they spotted the offending vehicle to the time they radioed that the offending vehicle was involved in a collision was “maybe a couple of minutes, tops.”³² Lieutenant Clifford was not involved in the vehicle pursuit and did not recall witnessing the collision.

During ██████████’s **Electronically-Recorded Interview**³³ on June 22, 2016, at Stroger Hospital with Investigators Brownridge and Niezabitowski of the Major Accident Investigation Unit (MAUI), he stated that on June 21, 2016, he bought a red Dodge truck from an unknown person for \$25.00. ██████████ stated that he knew the red truck was stolen when he purchased it. ██████████ intended to use the red truck to drive people around for money. ██████████ admitted to smoking \$5 worth of marijuana, but denied consuming any alcohol, prior to this incident.

██████████ stated that he picked up his two friends, ██████████ and ██████████, with ██████████ sitting in the front passenger seat and ██████████ seated in the back. ██████████ stated that they drove around for 10-15 minutes, but he could not recall where he was taking them. ██████████ offered that maybe he was taking them to a gas station or a store, but he could not recall any details. ██████████ stated that he believed another vehicle collided with his vehicle as he exited an alley. ██████████ did not know the location of that alley, the direction he was travelling, or the speed his

³¹ Lieutenant Clifford did not independently recall the names of the officers, but upon hearing their names, he confirmed that they were the pursuing officers. Attachment 110, P. 17. Contrary to the statements/depositions of Officers Gonzalez and Giesel, Lieutenant Clifford did not report speaking with those officers on the street prior to the traffic crash. See also Attachment 121, P. 23-24.

³² Transcript of Lieutenant Clifford; Attachment 110, P. 23, L. 10.

³³ Attachment 98. IPRA did not obtain independent statements from the civilians involved in the crash due to the ample video and audio recordings of the pursuit and subsequent vehicle crash.

vehicle was travelling at the time of the collision. [REDACTED] also could not provide any information regarding the other vehicle involved in the collision. The collision caused [REDACTED] to lose consciousness. [REDACTED] stated that he regained consciousness in an ambulance. Gipson was later informed that the police found a gun in his red truck. [REDACTED] stated that he never saw a gun, and he did not know who might have had it.

During [REDACTED]'s **Electronically-Recorded Interview**³⁴ at Stroger Hospital on June 22, 2016, with Assistant States Attorney [REDACTED] and Traffic Investigator John Brownridge, she stated she was in her black Infinity SUV with her 6-year-old son, [REDACTED], travelling west on 42nd Street when a red truck travelling at a high rate of speed exited an alley and struck the passenger side of her vehicle. [REDACTED] stated that the force of the collision caused her front and side airbags to deploy. Several moments after the collision [REDACTED] heard her son call out for her. After checking on her son [REDACTED] observed two male black subjects sitting on the ground in front of her vehicle in handcuffs. [REDACTED] did not know either of the men. [REDACTED] and her son were subsequently transported to Stroger Hospital.

Depositions were obtained in corresponding civil suit³⁵ from plaintiff [REDACTED] (the mother of [REDACTED]), defendants Officers Jason Giesel and Jesus Gonzalez, and witnesses Lieutenant John Clifford and Sergeant Pendarvis.³⁶ The depositions of Chicago Police Department members were fundamentally consistent with their statements to COPA and their written department reports. Ms. [REDACTED] did not witness the crash or pursuit but was on-scene afterward; she identified [REDACTED] as a potential witness.³⁷ This civil suit settled for \$25,000 on April 9, 2018.³⁸

b. Digital Evidence

The **Office of Emergency Management and Communications (OEMC) transmissions**³⁹ recorded that on June 21, 2016, 4:12 pm an unidentified person telephoned 911 and reported that occupants in a burgundy van pointed guns through the vehicle's windows. The caller stated that there were three or four occupants in the burgundy vehicle and that it was traveling east on 47th Street from Vincennes Avenue. The caller was unable to obtain the burgundy vehicle's license plate number.

At 4:13 pm another person, who eventually identified himself as an off-duty police officer, telephoned 911. This caller, now known as Sergeant Pendarvis, stated that he was stopped at the light at 49th and Michigan Avenue and witnessed a maroon Equinox chasing an unidentified person, and that the two occupants of the Equinox had pistols. The caller described the Equinox' passenger as having dreadlocks. The caller advised he was attempting to follow the Equinox without being noticed. The caller stated that the Equinox was traveling in the alley south from 49th Street, east on 50th Street, and then north in the alley between Michigan Avenue and Wabash

³⁴ Attachment 99.

³⁵ [REDACTED], [REDACTED] v. *City of Chicago*, see Attachment 125.

³⁶ Attachments 118-122, 124.

³⁷ Ms. [REDACTED] declined to provide an audio-recorded statement to COPA. She explained that she heard the crash, but did not see either the crash or the police pursuit. See Attachment 123.

³⁸ Attachment 125.

³⁹ Attachments 47, 115-116.

Avenue where the caller lost sight of the Equinox. A few moments later the caller told the call-taker that he flagged down an on-duty police officer. The caller was heard presumably speaking to the on-duty police officer and giving him a description of the Equinox, its direction of travel, and identified that the Equinox was missing a bumper. After speaking with the on-duty officer, the caller remained on the line with OEMC and he and the other occupants of the vehicle discussed that they had seen a man apparently running from the red car, and commenting that, “they was on his ass.”⁴⁰

OEMC Police Dispatcher notified 002nd District police units that a female 911 caller reported a person with a gun traveling east on 47th Street from Vincennes Avenue. The caller stated that there were four occupants in a burgundy van flashing handguns.

Shortly after that the OEMC Police Dispatcher then broadcast that they had received a call at 5000 S. Wabash about the person with a gun. An off-duty police officer telephoned 911 and reported two male blacks with pistols in a maroon Chevy Equinox were armed with guns and seen chasing another male. The vehicle is traveling northbound.

A few moments later Beat 230 radioed dispatch that he just spoke with the off-duty police officer that added that the Equinox was missing a bumper. And one of the two occupants has dreads, or braids. He also stated that about a minute earlier he saw a vehicle matching the Equinox’ description traveling northbound on Indiana Avenue from 49th Street. The dispatcher reiterated all of this information over the air.

Beat 231 then radioed dispatch and asked if a license plate for the Equinox was provided. The Police Dispatcher replied that a license plate was not provided. A few minutes later Beat 231 radioed dispatch a license plate number and made notification that they were at 43rd and State Street in the parking lot with the Equinox. Beat 231 further clarified that the Equinox had no back bumper.

Beat 231 then radioed dispatch, that they were pursuing the Equinox north on State Street with their emergency equipment activated.⁴¹ At this point it was approximately 11 minutes after OEMC dispatcher had reported the initial 911 call. Beat 231 continuously provided dispatch their location and direction of travel: north on State Street, then east on 42nd Street, and then south on Wabash Avenue, crossing 43rd Street. The OEMC Dispatcher radioed Beat 230 and requested he acknowledge the pursuit, which he did.

Beat 231 then notified dispatch that they were traveling north in the alley from 44th Street. Beat 231 stated that they were approaching 42nd Street. The OEMC Dispatcher related the information that Beat 231 was chasing a vehicle with a gun. This was followed by Beat 231 notifying dispatch that the Equinox was involved in a traffic accident when it exited the alley at 41st and State Street. Ambulances were requested and the occupants of the Equinox were in custody. A few moments later dispatch was notified that the location of the traffic accident was on 42nd Street, between Wabash Avenue and State Street.

⁴⁰ Attachments 47, 115-116 (5:40)

⁴¹ Beat 231’s siren could be heard each time it called out its direction of travel over OEMC.

The recording from **Beat 225 (Officers Ryan and Koch)'s in-car camera**⁴² showed that from 4:18:14 pm the vehicle's emergency equipment was activated. An OEMC Dispatcher is heard stating, "Maroon Chevy Equinox with a missing bumper, two occupants with braids or dreads." At 4:18:44 pm the emergency equipment is deactivated.

From 4:18:40 pm to 4:26:24 pm Beat 225 drove down various streets with the officers discussing searching for the maroon Chevrolet Equinox. Beat 231 could be heard announcing that they spotted the Chevrolet Equinox at 47th and State.

At 4:26:24 pm Beat 225 reactivated its emergency equipment and the officers called out their location and direction of travel, "North on State from 43rd;" "Eastbound on 42nd;" "Southbound on Wabash;" "Headed towards 44th Street."

At 4:27:09 pm Beat 225 travelled east on 44th Street and then made a left turn onto Wabash Avenue and began to travel north when the Chevrolet Equinox⁴³ drove south past them followed by Beat 231. Both the Chevrolet Equinox and Beat 231 passed Beat 225 on its driver's side. Beat 231 had its emergency lights activated.

At 4:27:11 pm The Chevrolet Equinox drove north in the alley from 44th Street followed by beat 231. Beat 225 travelled north on Wabash Avenue and turned left onto 42nd Street. At 4:27:48 pm Beat 225 arrived at the scene of a traffic accident. A black SUV with frontend damage was facing northeast. The maroon Chevrolet Equinox was in the alley and out of view of the camera. The marked Chicago Police Ford Explorer exited the alley and faced northbound.⁴⁴

The remainder of the recording showed police activity, ambulances arriving on-scene, and the occupants of the black SUV exit the vehicle and walk to an ambulance.

The recording from **Beat 231 (Officers Gonzalez and Giesel's) in-car camera**⁴⁵ showed⁴⁶ at 4:25:31 pm, Beat 231 traveling north on State Street. Beat 231 stopped at the intersection at 43rd Street. The maroon Chevrolet Equinox entered the frame, driving west into the intersection and then made a left and continued to travel south on State Street.

At 4:25:57 pm Beat 231 made a U-Turn and followed the Chevrolet Equinox into a BP Gas Station located on the southwest corner of the intersection located at 4300 S. State Street. Beat 231 followed the Chevrolet Equinox as it drove around the gas station's cashier's station.

At 4:26:29 pm the Chevrolet Equinox exited the gas station onto State Street and drove north. The Chevrolet Equinox drove north past 43rd Street, at which point Beat 231 activated its emergency lights and sirens. One of the officers reported, "Northbound on State and 43rd". Lights

⁴² Attachments 52, 53. Beat 225 is vehicle #9300.

⁴³ The offending vehicle is described by various parties/reports as "red SUV" "maroon SUV" "Chevrolet Equinox" "Chevy SUV."

⁴⁴ The direction and path of travel was determined using a combination of Office of Emergency Management and Communication information, GPS, the addresses of 3rd party video, and officers' statements. See Attachments 15, 22, 106, 107, 109, 111, 116, 124.

⁴⁵ Attachment 51.

are on.” The Chevrolet Equinox turned right onto 42nd Street and traveled east, out of the in-car camera’s view. Beat 231 also turned right on 42nd Street and traveled east towards Wabash Avenue. The Chevrolet Equinox was still not in the camera’s view. One of the officers reported, “Southbound on Wabash.” Beat 231 turned right and travelled south on Wabash Avenue, with the Chevrolet Equinox seen several hundred feet ahead of Beat 231. One of the officers was heard saying, “Crossing 43rd.” The Chevrolet Equinox then drove past a marked Chicago Police Ford Explorer⁴⁷ travelling north on Wabash Avenue. The Chevrolet Equinox turned right onto 44th Street and then made another right into the alley between Wabash Avenue and State Street. The Chevrolet Equinox continued north in the alley followed by Beat 231 and continued north across 43rd Street at a high rate of speed. Beat 231 followed, but it was difficult to see the Chevrolet Equinox due to its high rate of speed and the dust in its wake.

At 4:27:35 pm the Chevrolet Equinox exited the alley onto 42nd Street and collided with a black SUV traveling west. After the impact the Chevrolet Equinox spun around and came to a stop in the alley facing southwest on the north side of 42nd Street. The black SUV also spun around and came to a stop on the parkway on the north side of 42nd Street, west of the alley. One of the officers yelled words to the effect, “Oh! Accident! Bad accident! Fuck...accident.”

Beat 231 arrived on the scene and four uniformed police officers enter the camera’s view. The officers approached the Chevrolet Equinox with their weapons drawn. A person could be seen moving on the ground near the driver’s door of the Chevrolet Equinox. Additional officers arrive on the scene and attended to the occupants of the Chevrolet Equinox and the black SUV.

From the time Beat 231 activated its lightbar until the collision between the red Chevrolet Equinox and the black SUV was 1 minute and 6 seconds. Throughout this entire time, Beat 231’s siren was activated and could be heard on the audio of the ICC recording.

Beat 222’s in-car camera recording⁴⁸ did not provide any information relative to this investigation.

The recording from **POD #7086⁴⁹** which was located at 4659 S. Indiana Avenue, did not provide any information relative to this incident. The recording did not depict this incident.

The recording from **POD #7305⁵⁰** which was located at 4659 S. Vincennes Avenue, showed that at 4:07:49, the Chevrolet Equinox stopped at the traffic light at 4600 S. Vincennes. The Chevrolet Equinox then made a left turn onto 46th Street from Vincennes and out of the camera’s view. At 4:11:15 the Chevrolet Equinox reappeared and turned right onto 46th Street from Vincennes Avenue and drove out of the camera’s view. The recording did not provide any other information relative to this investigation.

⁴⁷ Beat 225.

⁴⁸ Attachment 55.

⁴⁹ Attachments 36 & 37.

⁵⁰ Attachment 36 & 38.

The recording from the **BP Gas Station**⁵¹ located at 4300 S. State Street showed the Chevrolet Equinox drive into the gas station and stop near the cashier's station at 4:26 pm. A marked Chicago Police Ford Explorer⁵² entered the gas station and stopped behind the Chevrolet Equinox. The Chevrolet Equinox, followed by the CPD Ford Explorer, then drove around the cashier's station and exited the lot and out of view of gas station's camera.

The recording from **Loeb Equipment's Security Camera**,⁵³ located at 4131 S. State Street, had a stationary view of the alley facing north towards, and showing, 42nd Street. The recording showed the maroon Chevrolet Equinox travel east on 42nd Street. Several seconds later a marked Chicago Police SUV⁵⁴ with its emergency equipment activated also travelled east on 42nd Street behind the Chevrolet Equinox. Approximately 41 seconds later the Chevrolet Equinox travelled north in the alley towards 42nd Street. The Chevrolet Equinox exited the alley and onto 42nd Street without stopping or slowing down, where it collided with a black SUV traveling west on 42nd Street. The black SUV struck the rear quarter panel on the passenger side of the Chevrolet Equinox. After the two vehicles collided the Chevrolet Equinox spun to the left and its driver side struck a concrete wall. The black SUV then spun around and came to a stop near the mouth of the alley. Beat 231 also drove north down the alley and arrived on the scene after exiting the mouth of the alley. Beat 231's emergency lights were activated both times it was visible on camera.

During a visit to **4236 S. Wabash Avenue**⁵⁵ on June 23, 2016, COPA personnel viewed the security cameras' recordings. The front security camera had a view of the intersection of 4200 S. Wabash Avenue. The recording showed the maroon Chevrolet Equinox travel south on Wabash Avenue and then out of the camera's view. Several seconds later a marked Chicago Police vehicle with its emergency equipment activated also drove south on Wabash Avenue and out of the camera's view.

The rear security camera had a view of the alley behind 4236 S. Wabash Avenue. The Chevrolet Equinox was observed travelling north in the alley followed by a marked squad car with its emergency equipment activated. COPA personnel were unable to download the recordings to a thumb drive or a disc.

Evidence Technician Photographs⁵⁶ depicted the location of this incident. The photographs showed the vehicles involved in the collision, the damage to those vehicles as a result of the collision, and the debris from the collision scattered about the street. Photographs of the occupants and their injuries were also documented in the photos.

c. Physical Evidence

The **Office of Emergency Management and Communication PCAD Event Query**⁵⁷ documented that on June 21, 2016, at 4:13 pm, an off-duty police officer telephoned 911 and

⁵¹ Attachment 60, 62.

⁵² Beat 231.

⁵³ Attachment 61.

⁵⁴ Beat 231

⁵⁵ Attachment 42.

⁵⁶ Attachments 64 – 68.

⁵⁷ Attachment 15.

reported that two black males in a maroon Chevy Equinox are armed with guns. The two males were seen chasing another male. The vehicles were going northbound in Indiana Avenue from 49th Street or 48th Street. The Equinox was missing a bumper and that one of the black males possibly had braids or dreads.

At 4:19 pm Beat 230 notified OEMC dispatchers that the wanted vehicle was missing a bumper and that one of the two occupants had braids. Beat 230 then notified the dispatchers that the maroon Chevy was heading north on Indiana from 49th Street or 48th Street.

Beat 231 then notified OEMC Dispatchers that the wanted vehicle was in a parking lot at 43rd and State Street, followed by notification that it was headed south.

The Major Accident Investigation Unit was requested because Beat 231 was on a person with a gun call which turned into a traffic pursuit and resulted in an auto accident that occurred at 4:28 pm.

The **Chicago Fire Department's Ambulance Report Ambulance Report**⁵⁸ documented that on June 21, 2016, at 4:30 pm, Ambulance #35 was dispatched to 4200 S. State Street regarding a motor-vehicle accident. At 4:33 pm Ambulance #35 arrived on the scene and found the unidentified male patient⁵⁹ in the back compartment of an SUV with his arm hanging out of the shattered back window. The unidentified male patient had no pulse and was not breathing. The unidentified male patient was DOA.

The **Chicago Fire Department's Ambulance Report**⁶⁰ documented that on June 21, 2016, at 4:35 pm, Ambulance #57 was dispatched to 4200 S. State Street regarding a motor vehicle accident. Ambulance #57 arrived on scene at 4:42 pm and learned from CPD personnel that the unidentified male patient⁶¹ was the driver of a car being chased by CPD. The car was travelling through an alley at a high rate of speed and struck another car on 42nd Street. The unidentified patient was found face-down and alert. The unidentified male patient was transported to Stroger Hospital.

The **Chicago Fire Department's Ambulance Report**⁶² recorded that on June 21, 2016, at 4:37 pm, Ambulance #1 was dispatched to 4200 S. State Street regarding a motor-vehicle collision. At 4:43 pm, Ambulance #1 arrived on scene and found the patient, [REDACTED], had been backboarded and collared. [REDACTED] was involved in a motor-vehicle accident with one deceased patient in the car. [REDACTED] was placed on a stretcher, assessed and transported to Stroger Hospital. [REDACTED]'s only complaint was left hip pain. [REDACTED] informed paramedics that he was a restrained passenger in the vehicle.

⁵⁸ Attachment 48.

⁵⁹ NKA [REDACTED].

⁶⁰ Attachment 48.

⁶¹ NKA [REDACTED].

⁶² Attachment 48.

The **Chicago Fire Department's Ambulance Report**⁶³ documented that on June 21, 2016, at 4:39 pm, Ambulance #66 was dispatched to 4200 S. State Street regarding a motor-vehicle collision. At 4:44 pm, Ambulance #66 arrived on the scene and found [REDACTED] sitting with her son. [REDACTED] complained of a headache and pain to the left side of her face. Ms. [REDACTED] denied experiencing chest pain. [REDACTED] and her son were involved in a motor-vehicle accident with another vehicle. [REDACTED] told paramedics that she was the restrained driver and that her vehicle's air bag deployed, striking the left side of her face. Ambulance #66 transported [REDACTED] and her son to Stroger Hospital. Her son complained of chest pains and informed paramedics he was a restrained passenger in the backseat of the vehicle at the time of the collision.

Medical Records⁶⁴ obtained from Stroger Hospital recorded that [REDACTED] was the unrestrained driver of a vehicle involved in a high-speed motor-vehicle collision. [REDACTED] suffered fractures to his ribs, lung contusions, and loss of consciousness as a result of the collision. [REDACTED] complained of moderate back pain to hospital personnel. [REDACTED] was admitted for observation.

The **Postmortem Examination Report**⁶⁵ documented that [REDACTED] had multiple injuries due to a vehicle collision in which he was a passenger in a vehicle being pursued by the police. The manner of death was classified as an accident.

The **Crash Data Retrieval Report**⁶⁶ recorded that one second before the collision, the Chevrolet Equinox was traveling at 53mph and that the brake switch was not activated. The report also stated that the driver's seatbelt was buckled, but the front passenger seatbelt was unbuckled.

d. Documentary Evidence

The **Original Case Incident Report (RD# [REDACTED])**⁶⁷ documented that on June 20, 2016 at 08:01 am, [REDACTED] telephoned 311 and reported that between 11:00 pm on June 19, 2016 and 8:00 am on June 20, 2016 his 2005 red Chevrolet Equinox was parked at 6016 S. Prairie Avenue. [REDACTED] discovered that an unknown person had taken his vehicle. Investigation revealed no related tows, relocations, or repossessions. No broken glass was found at the scene, and [REDACTED] was still in possession of the vehicle's keys.

The **Case Supplemental Report (RD# [REDACTED])**⁶⁸ documented in summary that [REDACTED] was arrested and charged regarding this incident. The red Chevrolet Equinox was returned to its owner, [REDACTED].

The **Original Case Incident Report (RD# [REDACTED])**⁶⁹ documented that officers responded to a man with a gun call at 50th and Wabash Avenue. OEMC Dispatchers related that off-duty Chicago Police Sergeant Pendarvis witnessed a maroon/red Chevy missing a bumper.

⁶³ Attachment 48.

⁶⁴ Attachment 80.

⁶⁵ Attachment 81.

⁶⁶ Attachment 49.

⁶⁷ Attachments 43.

⁶⁸ Attachment 69 & 70.

⁶⁹ Attachment 11.

The Chevy was occupied with male blacks with dreads. Sergeant Pendarvis observed the passenger with dreads pointing a handgun out of the passenger side window. Officers toured the area and observed a maroon Chevrolet Equinox missing a bumper with at least two occupants and the male passenger having dreads at approximately 43rd and State Street. Officers Gonzalez and Giesel pulled up behind the vehicle in the BP Gas Station's lot. The Chevrolet Equinox accelerated at a high rate of speed north on State Street. A brief pursuit ensued, and at approximately 20 E. 42nd Street the Chevrolet Equinox struck a black Infinity. Officers Gonzalez and Giesel immediately were on scene and requested multiple ambulances.

The occupants of the black Infinity were taken by ambulance to Stroger Hospital. There were three occupants⁷⁰ in the maroon Chevrolet Equinox, and one of the occupants⁷¹ was pronounced dead on the scene. The driver of the Chevrolet Equinox, [REDACTED], was attempting to exit the driver's side door of the vehicle when the officers arrived. Subsequently, a chrome handgun⁷² was found on the passenger side floor of the Chevrolet Equinox.

Off-duty CPD Sergeant Pendarvis responded to the scene and identified [REDACTED] as the person he witnessed to be in possession of the chrome handgun, pointing it out the window of the Chevrolet Equinox prior to the crash. Sergeant Pendarvis also identified the crashed vehicle as the one used in the aggravated assault.

The Original Case Incident Report (RD# [REDACTED])⁷³ documented that Officer Giesel told detectives that he was working Beat 231 with his partner, Officer Gonzalez, when they monitored an OEMC call of a vehicle wanted for an aggravated assault with a handgun. Officer Giesel related that they observed a 2005 Chevrolet Equinox that matched the description of the wanted vehicle. Officer Giesel stated that they attempted to curb the Chevrolet Equinox by activating their vehicle's emergency equipment, but the Chevrolet Equinox fled. After a brief vehicle pursuit, the Chevrolet Equinox was involved a collision with a black Infinity EX35 at 20 E. 42nd Street. Officer Giesel related that [REDACTED], who was seated in the front passenger seat of the Chevrolet Equinox, was removed from the vehicle through the driver's side door. After [REDACTED] was removed from the vehicle Officer Giesel observed a silver handgun on the floor in front of the front passenger seat. Off-duty CPD Sergeant Pendarvis arrived on scene and identified [REDACTED] as the offender he observed pointing a handgun at two unknown male black subjects at approximately 4800 S. Vincennes.

The Case Supplemental Report (RD# [REDACTED])⁷⁴ documented that on the day of this incident Traffic Specialist Cacciatore interviewed with [REDACTED], the driver of the black SUV. [REDACTED] stated that she was driving west on 42nd Street at about 15-20 mile per hour when, out of nowhere, she was hit on what she believed was the passenger side of her vehicle. [REDACTED] stated that she did not remember anything else.

⁷⁰ [REDACTED], [REDACTED] and [REDACTED].

⁷¹ [REDACTED].

⁷² A colt, Model Super 38, semi-automatic pistol, Serial #85567, loaded with seven unfired cartridges in the magazine and one unfired cartridge in its chamber. Reference Attachment 18; P. 39.

⁷³ Attachments 11 & 91.

⁷⁴ Attachment 90, 91.

Off-duty CPD Sergeant Tyrone Pendarvis told Detectives that he was driving south on Vincennes Avenue, near 47th Street, with his two friends, [REDACTED] and [REDACTED]. Sergeant Pendarvis related he saw two male black subjects, one wearing a grey t-shirt, running on the sidewalk. Sergeant Pendarvis related that, as he approached 48th Street, he saw a 2005 Chevrolet Equinox with the front passenger pointing a silver handgun out of the window at the two running male black subjects. Sergeant Pendarvis called 911 and gave a description of the vehicle as he followed it. Sergeant Pendarvis related that he received a phone call from Beat 230, Lieutenant Clifford, who told him that the Chevrolet Equinox crashed at 20 E. 42nd Street. Sergeant Pendarvis related that he identified the vehicle as the one he observed with the passenger pointing the handgun at the two unknown male black subjects.

[REDACTED] related essentially the same information as Sergeant Pendarvis.

[REDACTED] told Detectives that he did not see the silver handgun, and only knew that either the driver or passenger had braids.

On June 21, 2016, Sergeant Pendarvis viewed a photo array containing the offender, [REDACTED]. Sergeant Pendarvis identified [REDACTED] as the offender he observed pointing the handgun at two unknown male black subjects.

Traffic Specialist Lee Davis interviewed Officer Jesus Gonzalez who stated that he was working with Officer James Giesel when they responded to a call of a person with a gun in the area of 40th and Indiana Avenue. Officer Gonzalez explained that he was the driver and Officer Giesel was the passenger in their vehicle. OEMC provided a description of a red Chevrolet with a missing bumper. It was also stated that one of the Chevrolet's occupants was wearing dreads. Officers Gonzalez and Giesel were stopped at the red light at 43rd and State Street when they observed a vehicle fitting the description, traveling east on 43rd Street and then travel south on State Street. Officer Gonzalez alerted Officer Giesel as he followed the Chevrolet in the BP gas station lot on the southwest corner of 43rd and State Street.

The Chevrolet then drove in a circle around the gas station and exited, traveling north on State Street. Officer Gonzalez stated that he then activated his vehicle's emergency equipment to pull the Chevrolet over. The Chevrolet accelerated and continued north on State Street. The Chevrolet then travelled east on 42nd Street and then south on Wabash Avenue. Officer Gonzalez stated that Officer Giesel radioed OEMC of the vehicle fitting the description and the vehicle's refusal to pull over. Officer Gonzalez continued that as they reached 42nd and State Street the Chevrolet was turning south onto Wabash Avenue. When Officers Gonzalez and Giesel reached Wabash Avenue, the Chevrolet was about three quarters of a block ahead of them. The Chevrolet turned to go west onto 44th Street. When Officer Gonzalez made the same turn onto 44th Street he saw the Chevrolet turn right and travel north at a high rate of speed in the west alley of Wabash Avenue. The officers followed the Chevrolet, which was still about three quarters of a block ahead of them, north in the alley. Officer Gonzalez stated that he observed the Chevrolet exit the alley and cross 43rd Street, continuing north in the alley. Officer Gonzalez stated that he then saw the Chevrolet exit the alley at 42nd Street, colliding with a black vehicle that was traveling west on 42nd Street. Both vehicles spun around before coming to a stop. Officer Gonzalez stated that there were three people in the Chevrolet and two people in the black vehicle.

Traffic Specialist Lee Davis also interviewed Officer Giesel, who stated that he was a passenger in a vehicle driven by his partner, Officer Jesus Gonzalez. Officer Giesel stated that they were at approximately 5120 S. Prairie Avenue when he heard a radio call of a person with a gun called in by an off-duty police officer. The OEMC dispatcher gave a description of the vehicle as a red Chevrolet with a missing bumper with occupants wearing dreadlocks. Officer Giesel stated that he and Officer Gonzalez proceeded to the area where the wanted vehicle was last seen. Officer Giesel suggested to Officer Gonzalez that they drive north on State Street, which they did. They were stopped at a red light 43rd and State Street, facing north, when Officer Giesel alerted Officer Gonzalez of the red Chevrolet missing a bumper and the occupants wearing dreadlocks. The red Chevrolet, which was traveling west on 43rd Street, made a left turn and traveled south on State Street and pulled in the BP Gas Station lot located on the southwest corner of the intersection. Officers Giesel and Gonzalez followed the red Chevrolet into the gas station and pulled up behind them. The red Chevrolet immediately circled the gas station and exited onto State Street and sped away. Officers Giesel and Gonzalez activated their vehicle's emergency equipment and followed the red Chevrolet north on State Street. The red Chevrolet made a right turn and traveled east on 42nd Street. By the time the officers made the same turn onto 42nd Street, Officer Giesel saw the red Chevrolet make a right turn and travel south on Wabash Avenue. When the officers made the turn to go south on Wabash Avenue Officer Giesel saw that the red Chevrolet was between one half and three quarters of a block ahead of them. They followed the red Chevrolet and radioed OEMC the red Chevrolet's direction of flight. The red Chevrolet turned right, nearly colliding with another marked Chicago Police vehicle, and traveled west on 44th Street. When Officers Gonzalez and Giesel made the turn onto 44th Street Officer Giesel saw the red Chevrolet traveling north in the alley west of Wabash Avenue. Officers Gonzalez and Giesel followed the red Chevrolet north in the alley. Officer Giesel stated that the red Chevrolet crossed 43rd Street and continued north in the alley at a high rate of speed. When the red Chevrolet exited the alley onto 42nd Street it was struck by a black vehicle traveling west on 42nd Street.

Upon arriving at the crash scene Officer Giesel checked the occupants of the black SUV. Officer Giesel stated that they appeared to be in shock, but uninjured. Officer Giesel stated that he also observed the driver of the red Chevrolet on the ground next to the vehicle and the front passenger slumped over in his seat. Officer Giesel stated that he initially did not see a third occupant in the red Chevrolet.

Traffic Specialist Davis also interviewed off-duty CPD Sergeant Pendarvis, who stated that he was traveling south on Vincennes Avenue, at 47th Street, when a red SUV also collided with his vehicle. At that time, Sergeant Pendarvis noticed the front passenger of the red SUV had what appeared to be a handgun on the ledge of the door, in his hand, and that they appeared to be looking for someone. Sergeant Pendarvis followed the red SUV and called 911. Sergeant Pendarvis related that he followed the red SUV around the neighborhood, relaying their multiple locations to the 911 operator. Sergeant Pendarvis believed that at some point the red SUV's occupants noticed him because they accelerated, losing Sergeant Pendarvis in the vicinity of 50th and Michigan Avenue. Sergeant Pendarvis then saw on-duty CPD Sergeant Clifford near 49th and Prairie Avenue and told him about the red SUV. Sergeant Clifford told Sergeant Pendarvis of the call coming out over the radio. Sergeant Pendarvis then left.

A short time later Sergeant Pendarvis received a telephone call from Sergeant Clifford telling him that the red SUV was involved in a crash at 42nd and Wabash Avenue. Sergeant Clifford asked Sergeant Pendarvis if he could identify the vehicle and its occupants. Sergeant Pendarvis went to the scene of the crash where he identified the red Chevy Equinox and its occupants as the vehicle and persons with the gun that he had been following.

Traffic Specialist Davis concluded that based on evidence found, photographs taken at the scene, and statements taken from witnesses and officers, that the driver of the red SUV, while in the commission of a criminal offense, drove a stolen 2005 Chevrolet Equinox in a reckless manner and with total disregard for the safety of others. In his attempt to elude the police, driving at speeds in excess of the posted speed limit, disregarding all posted traffic signs, exited the west alley of Wabash Avenue at 42nd Street and was struck by the black SUV that was traveling west on 42nd Street. Traffic Specialist Davis found that the crash was not the fault of the driver of the black SUV, stating the black SUV had the right of way.

██████████ **Arrest Report**⁷⁵ documented that Officers Giesel and Gonzalez responded to a call of a person with a gun at approximately 50th and Wabash Avenue. The call was originally made by off-duty Chicago Police Sergeant Pendarvis. The flash message given by OEMC describe the offender's vehicle as being a maroon Chevrolet Equinox with a missing bumper. There were two occupants inside the Chevrolet Equinox, with one of them possibly having dreadlocks. Officers toured the area and Beat 231⁷⁶ observed the wanted vehicle at 4300 S. State Street. The suspect's vehicle then fled, and after a brief pursuit the offender's vehicle crashed at 20 E. 42nd Street.⁷⁷ When the officers arrived at the scene of the crash the found ██████████ trapped in the passenger seat of the Chevrolet Equinox. Officer Koch helped ██████████ exit the vehicle. Officers on the scene also found a chrome Colt Super .38 caliber, semi-automatic handgun on the floor of the Chevrolet Equinox in front of ██████████.⁷⁸

Off-duty CPD Sergeant Pendarvis arrived on the scene and positively identified ██████████ as the person who pointed the aforementioned handgun out the window of the Chevy Equinox. Mattison was taken into custody and transported by CFD Ambulance #1 to Stroger Hospital. It was discovered that ██████████ had a juvenile warrant for UUW (██████████).

██████████ was subsequently charged with Aggravated Use of an Unlawful Weapon/Vehicle; Issuance of a Warrant; and Criminal Trespass to Vehicles.

██████████'s **Arrest Report**⁷⁹ stated that officers responded to a call of a person with a gun at approximately 50th and Wabash Avenue that was reported by off-duty Sergeant Pendarvis. The flash messages given by OEMC were a maroon Chevrolet Equinox with a missing bumper, occupied by two people, and one off them possibly with dreadlocks. Officers toured the area and observed the aforementioned vehicle at approximately 4300 S. Wabash Avenue, at which

⁷⁵ Attachment 13.

⁷⁶ Officers James Giesel and Jesus Gonzalez.

⁷⁷ This crash was investigated by the Major Accident Investigative Unit under RD# ██████████.

⁷⁸ The firearm was processed at the scene and found one unfired cartridge in its chamber and 7 unfired cartridges in the firearm's magazine. Attachment 39.

⁷⁹ Attachment 14.

time the Chevy Equinox fled. After a brief pursuit the Chevy Equinox crashed at 20 E. 42nd Street. Officers arrived on the scene and found [REDACTED] hanging out of the driver's-side door of the crashed vehicle, which was later identified as being reported stolen.⁸⁰

While in CPD custody, [REDACTED] was subsequently transported to Stroger Hospital by CFD Ambulance #57. [REDACTED] was charged with Speeding; Driving/Never Issued a License; IVC – Aggravated Fleeing/Bodily Injury; Aggravated Possession of a Stolen Motor Vehicle; and Reckless Homicide.

The **Criminal Case Summary** ([REDACTED])⁸¹ stated that on September 13, 2017, [REDACTED] plead guilty to Reckless Homicide and Aggravated Fleeing the Police. The charges of Aggravated Unlawful Use of a Weapon, Aggravated Fleeing/causing Bodily Injury and aggravated Fleeing causing Property Damage were dismissed, Nolle Prosequi. [REDACTED] was sentenced to seven years in the Illinois Department of Corrections.

The **Traffic Pursuit Report**⁸², which was signed by both Officers Gonzalez and Giesel, documented in the narrative section that Officer Gonzalez, the driving officer, observed a red Chevrolet Equinox that had just been reported to have committed an Aggravated Assault with a Handgun. The subject fled and Officer Gonzalez began pursuit after assessing the volume of pedestrian and vehicular traffic and determined that initiating the pursuit conformed with the department's balancing test. After initiation, Officer Gonzalez determined that road conditions and speeds involved allowed for continuation of pursuit. Approximately one minute after initiation, the subject was involved in a traffic crash with another civilian vehicle bringing the pursuit to an end.

In the "Balancing Test Information" section of the report, under the "Violation Known at Beginning of Pursuit" heading, Officer Gonzalez selected the "felony" box, and wrote U.U.W. for the specified offense. The subject's actions during the pursuit Officer Gonzalez selected the speeding box and added Reckless Driving. He further selected that the pursuit took place on two-way streets and alleys. The outside conditions were that it was daylight, the weather was clear, traffic conditions were classified as "light," and no pedestrian traffic was present. The road conditions were described as dry.

In the "Reporting Supervisor" section, Lieutenant John Clifford, stated that OEMC was immediately notified; that the speeds involved permitted initiating the pursuit and that after the pursuit was initiated the speeds involved did not require the pursuit to be terminated. Lieutenant Clifford also stated that the volume of pedestrian and vehicular traffic did not require the pursuit to be terminated. Also, the weather and road conditions permitted the continuation of the pursuit. Lieutenant Clifford further stated that continuation of the pursuit was not initially authorized because the duration was too short. Additionally, the pursuing unit was never ordered to terminate the pursuit. The pursued vehicle was subsequently involved in a crash with another occupied vehicle.

⁸⁰ RD# [REDACTED].

⁸¹ Attachment 117.

⁸² Attachment 95.

VI. LEGAL STANDARD

a. Pursuits and Emergency Driving.

CPD has established policies for use of Department vehicles “to ensure the safety of the public as well as Department members at all times.”⁸³ The policy dictates that these provisions “do NOT relieve Department members from the responsibility of driving with due regard for the safety of all persons...”⁸⁴

Department policy further establishes procedure, responsibilities, and restrictions for officers who become involved in motor vehicle pursuits.⁸⁵ The policy states that the initiation, continuation, and supervisory authorization of each motor vehicle pursuit must conform to the following “**BALANCING TEST: The necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit.**”⁸⁶ Moreover, the policy places certain prohibitions on initiating pursuits, including that: (1) officers may not engage in a motor vehicle pursuit whenever the most serious offense for which the motor vehicle is wanted is a non-hazardous traffic offense;⁸⁷ and (2) officers are prohibited from continuing a pursuit whenever the most serious offense for which the pursued vehicle is wanted is either a theft or hazardous traffic violation (other than driving under the influence) AND after the initial observed violation, the pursued vehicle disregards the traffic signals or signs when entering an intersection controlled by traffic signals or stop signs.⁸⁸ Policy dictates that an active pursuit will involve no more than a primary and one secondary pursuit unit, and other units may not engage in “pursuit paralleling” unless specifically authorized to do so.⁸⁹

The officer initiating a pursuit will, in all instances, immediately notify OEMC that a pursuit is in progress; provide (a) radio-call identification number; (b) the **specific reason for the pursuit**, including known laws violated; (c) location, speed, and direction of travel; (d) vehicle description, including license plate number if known; (e) number of occupants; and (f) any other relevant information; and will ensure verbal approval from the assigned supervisor has been granted to continue with the pursuit.⁹⁰ A pursuit will be immediately

⁸³ G03-03.II (effective 6/1/2003-present).

⁸⁴ G03-03.III.A.

⁸⁵ G03-03-01 (effective Mar. 28, 2016 to Apr. 8, 2019). “Motor Vehicle Pursuit” is defined as: “an active attempt by a sworn member operating an authorized emergency vehicle to apprehend any driver or operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such driver or operator to bring his or her vehicle to a stop, fails or refuses to obey such direction, increases or maintains his or her speed, extinguishes his or her lights, or otherwise flees or attempts to elude the officer.”

⁸⁶ G03-03-01.II.A (bold and capitalization in original).

⁸⁷ A “non-hazardous traffic offense” is defined as a traffic violation involving equipment, licensing, or regulatory violations. A “hazardous traffic offense” is a violation involving the improper maneuvering or control of the vehicle that may create a hazard to other persons or property and does not meet the criteria for a non-hazardous moving violation as defined in this directive.” G03-03-01, p. 11.

⁸⁸ G03-03-01.III.C.2.

⁸⁹ G03-03-01.V.B. “Pursuit Paralleling” is defined as “the deliberate tactic of a vehicle operator to mirror on adjacent streets the direction and speed of vehicles actively involved in an authorized pursuit.”

⁹⁰ G03-03-01.VI.A (bold in original).

terminated whenever an involved member determines that the pursuit does not conform to the balancing test or other restrictions of the directive.⁹¹

b. Standard of Review

The applicable standard of proof is preponderance of the evidence. A **preponderance of evidence** is evidence indicating that it is more likely than not that the conduct occurred and violated Department policy.⁹² 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.

VII. LEGAL ANALYSIS

A preponderance of the evidence demonstrates that all involved officers reasonably complied with the Department's pursuit policy. They reasonably believed that the Equinox driven by ██████ had recently been involved in pointing a firearm at individuals, as described by the anonymous 911 caller and Sergeant Pendarvis. Moreover, the need to apprehend the vehicle for this violent crime outweighed the risk inherent in a pursuit, as well as the particularized risks of this pursuit. Additionally, no prohibitions prevented their conduct.

In making the determinations discussed herein, COPA evaluated all available statements and evidence discussed above to weigh the credibility of all involved parties.⁹³ As part of this review, COPA found the officers, both on-duty and off-duty, to be credible. Their statements were materially consistent with each other, and are mostly corroborated by video, audio, and physical evidence.⁹⁴

a. The Preponderance of the Evidence Establishes that the Equinox Driven by ██████ was Involved in a Crime.

COPA's investigation revealed that Sergeant Pendarvis, his two friends, as well as the anonymous 911 caller, witnessed and described to OEMC and police a crime in progress that presented an imminent threat of great bodily harm. Sergeant Pendarvis described in his contemporaneous statements to OEMC and Sergeant Clifford that he had seen a maroon Chevy Equinox with a gun pointed out the passenger window and chasing a male running on the street. This statement was corroborated by both Lieutenant ██████ and ██████ in multiple interviews. Sergeant Pendarvis was consistent in his interview with IPRA. They also indicated to one another, apparently without realizing their conversation was being recorded over the 911 call, that the red

⁹¹ G03-03-01.VIII.

⁹² See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has been found to be more probably true than not).

⁹³ COPA reviewed the statement that ██████ provided to detectives after the crash. While he did not admit to fleeing, and his version of the story would not be consistent with Sergeant Pendarvis' observations, COPA finds that his story was not consistent with video evidence that shows the full pursuit, and does not find his story credible. Moreover, he pled guilty to reckless homicide and aggravated fleeing, which also contradicts his story.

⁹⁴ COPA identified statements made by Officers Gonzalez and Giesel that were not supported by OEMC and Lieutenant Clifford. See Footnotes 14, 31. Despite these discrepancies, considered in the context of the timing of the statements, COPA still finds Officers Gonzalez and Giesel fundamentally credible.

car was chasing the man. Moreover, the unidentified 911 caller said that she had seen a burgundy van in the same vicinity at the same time with guns pointed out the window. Based on these descriptions, COPA finds that the red vehicle was driving with a gun pointed out the window, which is *at least* an unlawful use of a weapon,⁹⁵ and based upon the discussion of observations amongst Sergeant Pendarvis and his friends, rose also appeared to be an aggravated assault.⁹⁶

Moreover, the preponderance of the evidence establishes that the pursued Equinox driven by [REDACTED] was the same vehicle reported by Sergeant Pendarvis. He conveyed via OEMC that the suspect vehicle was an Equinox and missing a rear bumper. He had trailed the vehicle for a few blocks, therefore, was able to observe the vehicle long enough to make such an identification. The Equinox that was the subject of the pursuit was then located within a mile from where it had been last reported minutes later. The flight of the Equinox from the gas station parking lot further raised the officers' suspicions that this vehicle was the same one described in the flash message and by Lieutenant Clifford. Moreover, the recovery of a chrome firearm in the Equinox front passenger area is consistent with Sergeant Pendarvis' statement that he saw the front passenger with a "shiny" firearm.

Therefore, when Officers Gonzalez and Giesel encountered the Equinox driven by [REDACTED], they reasonably believed that its passengers had committed an aggravated assault and were fleeing with the gun used in that offense.

b. The preponderance of the evidence demonstrates that Officer Gonzalez reasonably complied with the balancing test and pursuit requirements.

Once Officers Gonzalez and Giesel identified the vehicle, their initiation and continuation of the pursuit reasonably complied with the balancing test and other policy requirements.

The need to immediately apprehend the occupants of the Equinox was present and outweighed the risks inherent to the pursuit. Two calls came approximately a minute apart and five blocks apart, so it would be reasonable for the officers to believe this vehicle would continue to present a threat of harm if not immediately apprehended.

The danger posed by this pursuit did not outweigh the need to immediately apprehend the occupants of the Equinox. Officer Gonzalez reported the speeds, weather, lighting, road conditions, and volume of pedestrian and vehicle traffic at the time of incident; these conditions were favorable for retaining control of his vehicle and did not create unwarranted danger to himself or others. The video from his in-car camera supports his descriptions of these conditions. While they did pass other vehicles after turning south onto Wabash Avenue, those vehicles had pulled over to the side, and the street was wide enough to allow for the officers and the Equinox to pass safely. Even once the pursuit moved to the alley, the particular alley they were in was wide and flat and allowed for the officers and Equinox to drive safely. The Equinox was going 53 miles per hour at the time of impact. The GPS

⁹⁵ Under 720 ILCS 5/24-1(a)(4), an unlawful use of a weapon offense occurs when a person possesses a firearm in a vehicle, and the firearm is immediately accessible, or it is not enclosed in a case.

⁹⁶ Under 720 ILCS 5/12-2(c) a person commits aggravated assault with a firearm when they use a deadly weapon to put someone in reasonable apprehension of receiving a battery.

on Beat 231 indicated they were going 42 miles per hour in the alley at approximately the time of the crash—however, Officer Gonzalez appeared to be in control of the vehicle.

COPA acknowledges that the route the vehicles took through the alley did create added danger to passing vehicles, however, the particular alley was surrounded by a large number of vacant lots which allowed greater visibility than a typical city alley.⁹⁷

Therefore, in light of the nature of the crime committed by the Equinox, the fact that the Equinox was stolen and its occupants not identified, COPA finds that it was reasonable for Officers Gonzalez and Geisel to believe that the need to immediately apprehend the Equinox outweighed the danger of pursuing the Equinox, and thus conformed with the balancing test.

Moreover, the evidence establishes that the officers properly followed the other provisions of the pursuit directive, throughout the pursuit that lasted approximately 1 minute and 8 seconds. The vehicle had its sirens and lights activated as soon as it pulled out from the BP gas station, and maintained throughout the pursuit.⁹⁸ Moreover, Officer Giesel reasonably ensured that all required information was broadcast at the initiation of the pursuit. He called out the direction of travel, the high rate of speed, and the officers had just called in the vehicle's plate number. Even though Officer Giesel did not personally state why they were initiating the pursuit, the context of the full conversation surrounding the initial 911 calls and the subsequent search for the Equinox made this clear. The number of occupants was also specified, thus fulfilling the broadcast of the required information under the policy. In fact, their supervisor, Sergeant Clifford was already monitoring the radio discussion and had not identified any reason to terminate the pursuit.

Therefore, the preponderance of the evidence establishes that Officers Gonzalez and Geisel, as the primary pursuit unit, reasonably conformed with the balancing test and all other requirements of the pursuit directive.

c. The preponderance of the evidence demonstrates that no officers engaged in prohibited acts during the pursuit.

The actions of Beat 231 and any other involved unit were not prohibited by the pursuit directive. Since Beat 231 was a marked vehicle, the applicable prohibitions include initiating a pursuit if the offense was a non-hazardous traffic offense or continuing the pursuit if the offense was a theft or hazardous traffic offense. The aggravated assault with a firearm clearly was above this threshold.

Moreover, the preponderance of the evidence does not establish that Beat 225 (Detective David Koch and Officer Megan Ryan) engaged in “pursuit paralleling” as prohibited by the order. Their in-car camera shows that they did travel parallel to Beat 231's pursuit of the Equinox for a block from 43rd Street to 42nd Street. However, Officer Ryan did not indicate, and the evidence

⁹⁷ Lieutenant Clifford described that the area had a large number of vacant lots. This information was corroborated by Beat 225's in-car camera, which was able to capture the Equinox in the alley even though Beat 225 was on Wabash Avenue at the time.

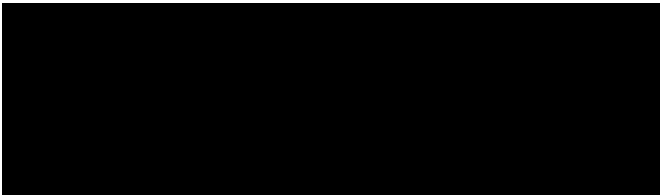
⁹⁸ The sirens could be heard on their ICC recording and over the OEMC zone, and their lights were activated at all times the vehicle was captured on video.

does not establish that she was deliberately intending to mirror the active pursuit. Instead, it appears that her intent was to join the pursuit as the secondary pursuit vehicle and was driving parallel in order to be able to do so.

VIII. CONCLUSION

Based on the analysis set forth above, COPA finds that the preponderance of the evidence establishes that the vehicle pursuit was in accordance with General Order 03-03-01 and, therefore, within CPD Policy.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

3-30-21

Date

Appendix A

Assigned Investigative Staff

Squad#:	8
Major Case Specialist:	Brian Killen
Supervising Investigator:	Sherry Daun
Deputy Chief Administrator:	Angela Hearts-Glass