

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

**I. EXECUTIVE SUMMARY**

Date of Incident:	June 27, 2017
Time of Incident:	01:13 am
Location of Incident:	[REDACTED]
Date of COPA Notification:	June 27, 2017
Time of COPA Notification:	05:01 am

On June 27, 2017, Chicago Police Officer [REDACTED] ended his tour of duty and was driving his personal vehicle, a black 2014 Jeep Cherokee, on [REDACTED] Road at approximately 1:00 a.m. On-duty Chicago Police Officers [REDACTED] # [REDACTED] and [REDACTED] # [REDACTED] observed Officer [REDACTED] abruptly switching lanes and began to follow Officer [REDACTED] in a silver, unmarked Ford Explorer. As Officer [REDACTED] accelerated, Officer [REDACTED] also accelerated, both vehicles reaching speeds of 103 miles per hour. Eventually, Officer [REDACTED] crossed the intersection of [REDACTED] Road and [REDACTED] Avenue, disregarding a red light. As he did so, Officer [REDACTED] struck the passenger side of civilian [REDACTED] vehicle. Both [REDACTED] and Officer [REDACTED] suffered fatal injuries as a result of the crash.

COPA initiated its investigation on July 6, 2017. COPA’s investigation consisted of interviewing both CPD officers and civilian witnesses, as well as reviewing video, documentary, and other evidence. This investigation has resulted in Sustained findings for Allegations 1 and 2 against Officer [REDACTED] and Unfounded findings for Allegations 3, 4, and 5 against Officer [REDACTED] and Allegations 1, 2, and 3 against Officer [REDACTED]

**II. INVOLVED PARTIES**

Involved Officer #1:	[REDACTED] Star # [REDACTED] employee ID# [REDACTED] Date of Appointment [REDACTED], 2006, rank Police Officer, Unit of Assignment [REDACTED], DOB [REDACTED], 1978, Female, White
Involved Officer #2:	[REDACTED] Star # [REDACTED] employee ID# [REDACTED] Date of Appointment [REDACTED], 2001, rank Police Officer, Unit of Assignment [REDACTED], DOB [REDACTED], 1975, Male, White

<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.

Involved Individual #1: ██████████ DOB ██████████, 1984, Male, Black<sup>2</sup>  
 Involved Individual #2: ██████████ DOB ██████████, 1990, Female, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding/ Recommendation
Officer ██████████	1. Failed to drive with due regard for the safety of all persons  2. Drove in excess of the speed limit  3. Failed to notify OEMC of a pursuit in progress  4. Initiated a pursuit in violation of CPD policy  5. Continued a pursuit in violation of CPD policy	Sustained/Separation  Sustained/30-Day Suspension  Unfounded  Unfounded  Unfounded
Officer ██████████	1. Failed to notify OEMC of a pursuit in progress  2. Initiated a pursuit in violation of CPD policy  3. Continued a pursuit in violation of CPD policy	Unfounded  Unfounded  Unfounded

**IV. APPLICABLE RULES AND LAWS**

Rules

1. **Rule 1** Violation of any law or ordinance
2. **Rule 6** Disobedience of an order or directive, whether written or oral
3. **Rule 10** Inattention to duty

General Orders

1. **G03-03** Emergency Use of Department Vehicles
2. **G03-03-01** Emergency Vehicle Operations - Pursuits
3. **G03-03-02** Emergency Vehicle Operations – Non- Pursuits

<sup>2</sup> CPD Star # ██████████ Employee # ██████████ Date of Appointment ██████████ 2013, rank Police Officer, Unit of Assignment 010<sup>th</sup> District, DOB ██████████, 1984



techniques. Officer ██████ was “real quiet,”<sup>12</sup> kept to himself, and never smoked or drank any alcohol. On the occasions Officer ██████ drove, Officer ██████ never felt concerned about Officer ██████ driving or believed he drove fast. When Officer ██████ drove the patrol car, he often drove slowly to see the areas they patrolled. Officer ██████ Jeep Cherokee was a luxury vehicle and while it was fast, Officer ██████ never spoke about racing cars. Officer ██████ “was not mechanically inclined”<sup>13</sup> and therefore, Officer ██████ helped him with the vehicle’s maintenance.

On June 26, 2017, Officer ██████ started his shift at 6:00 pm. He and Officer ██████ were assigned to Beat ██████. Their tour of duty normally ended at 3:00 am, but they were released early on June 27, 2017, at approximately 1:00 am. Officer ██████ demeanor on their last tour of duty was “nothing whatsoever out of the ordinary.”<sup>14</sup> At the end of their shift, Officer ██████ and Officer ██████ briefly spoke about the time they would meet at the gym the following morning. Officer ██████ could not offer any explanation as to why Officer ██████ sped through the intersection of ██████ Road and ██████ Avenue. Officer ██████ stated perhaps Officer ██████ may have been speeding to get home after his shift; however, even if he sped, Officer ██████ always followed traffic signals. Officer ██████ in the past, observed Officer ██████ driving his personal car home and Officer ██████ always stopped at traffic lights.

In a **statement to IPRA investigators on July 28, 2017, Officer ██████** #█████ stated at approximately 1:05 am on June 27, 2017, he received a notification from the Office of Emergency Management and Communications (OEMC) regarding a car crash at the intersection of ██████ Road and ██████ Avenue. Officer ██████ arrived on the scene at approximately 1:07 am. Officer ██████ became aware one of the crash victims was a CPD officer approximately one hour after he arrived on the scene because a responding firefighter recognized some items belonging to Officer ██████. When Officer ██████ arrived on the scene he spoke to an unknown sergeant and was informed he would be the paper car for the incident. Officer ██████ walked around the area of the crash and spoke to Officers ██████ and ██████

Officer ██████ stated the two officers reported that Officer ██████ vehicle<sup>16</sup> drove westbound on ██████ Road at a high rate of speed. The officers looked down for a second and then looked up and the crash happened. The officers were not sure where the second vehicle<sup>17</sup> involved in the crash came from. Officer ██████ observed the “wreckage of the crash on the northwest corner”<sup>18</sup> of ██████ Road and ██████ Avenue. He also observed debris from the crash throughout the gas station. Officer ██████ did not collect any evidence from the scene.

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<sup>12</sup> Attachment #111, Page 23 line 9

<sup>13</sup> Attachment #111, Page 35 line 3-4

<sup>14</sup> Attachment #111, Page 40 line 7

<sup>15</sup> Attachment #141

<sup>16</sup> The vehicle now known to be Officer ██████ black Jeep.

<sup>17</sup> Now known to be ██████ vehicle.

<sup>18</sup> Attachment #141, Minute 3:46 of 4:27

In a statement to IPRA investigators on July 11, 2017, Major Accidents Investigations Unit (MAIU) Investigator ██████████ #█████████ stated he was on duty on June 27, 2017 when he received a call from Sergeant ██████████ who notified him of the crash. Upon arriving at the scene, Investigator ██████████ observed members of the Chicago Fire Department (CFD) extricating the female victim, now known to be ██████████ from her vehicle and placing her in the ambulance for transportation to the hospital. Investigator ██████████ spoke to the supervisors from the local district but could not recall their names. The supervisors on the scene reported to Investigator ██████████ that the officers involved, now known to be Officers ██████████ and ██████████ were on routine patrol, when they observed a dark colored Jeep matching the description of a vehicle involved in a previous incident. The unknown supervisors further reported to Investigator ██████████ that when Officers ██████████ and ██████████ attempted to get behind the Jeep to retrieve the plate number, the Jeep took off. Investigator ██████████ stated he did not speak to Officers ██████████ or ██████████ but Officer ██████████ did. Investigator ██████████ stated Officer ██████████ prepared a summary report of the statement provided by the two officers.

In a statement to IPRA investigators on September 1, 2017, MAIU Investigator ██████████ #█████████ stated when she arrived on the scene, she observed a “horrific crash.”<sup>22</sup> Investigator ██████████ stated her duty on the scene was to assist Investigator ██████████ who was the lead investigator of the incident. Investigator ██████████ interviewed Officer ██████████ and Officer ██████████ separately, as instructed by Investigator ██████████. Investigator ██████████ stated Officer ██████████ told her she saw the black Jeep Cherokee near the intersection of ██████████ Boulevard and ██████████ Road, driving north on ██████████ Boulevard. Officer ██████████ further explained to Investigator ██████████ she observed the Jeep Cherokee drive west onto ██████████ Road. Officer ██████████ told Investigator ██████████ the Jeep Cherokee fit the description of a vehicle involved in a robbery. Officer ██████████ said that Officer ██████████ stated after the Jeep Cherokee turned onto ██████████ Road, it “took off at a high rate of speed.”<sup>23</sup>

In a statement to IPRA investigators on August 30, 2017, MAIU Investigator ██████████ #█████████ stated that he was an Illinois State Certified Traffic Crash Reconstructionist. Investigator ██████████ confirmed he was certified in retrieving the vehicle data recorder (black box) from vehicles and certified in understanding the information the data recorder translates onto a spreadsheet. Investigator ██████████ stated he did not respond to the scene of the incident and his only involvement related to this traffic accident was downloading the information from the data recorder in ██████████ vehicle as instructed by Sergeant ██████████. The results of the download showed Officer ██████████ vehicle traveled 103 miles per hour (mph) approximately five seconds before the crash.

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<sup>19</sup> Attachment #220

<sup>20</sup> Officer ██████████ #█████████ Major Accidents Investigations Unit.

<sup>21</sup> Attachment #180

<sup>22</sup> Attachment #181, Page 5 line 18

<sup>23</sup> Attachment #181, Page 8 line 17

<sup>24</sup> Attachments #182, #183, #184

In a statement to COPA investigators on October 11, 2017, Commander ██████ #█████ stated on the date of the incident, he was at home when he received a telephone call from Commander ██████ regarding the incident. Commander ██████ responded to the scene. Commander ██████ did not recall any information regarding an alert involving a stolen black Jeep Cherokee with ██████ plates. Commander ██████ explained officers receive alerts through a variety of sources, such as hearing them during roll call, hearing them directly from sergeants or lieutenants, reading them on the CLEAR application, and hearing them during conversations with other officers. Commander ██████ did not recall if any formal announcement regarding a stolen black Jeep Cherokee was made.

Commander ██████ “may have”<sup>26</sup> read the case report regarding the stolen Jeep Cherokee, although he could not state definitively. Commander ██████ explained roll call is conducted by the sergeants, and it is at that point that attendance and alerts are announced. Commander ██████ further explained that the updates on all alerts are provided differently, depending on how the update is received. Commander ██████ did not know when the alert regarding the stolen black Jeep Cherokee was released in relation to when the vehicular accident involving ██████ occurred. Commander ██████ stated he had no knowledge of when or how Officers ██████ and ██████ were alerted of the stolen black Jeep Cherokee. Commander ██████ was never informed a black Jeep Cherokee had been recovered.

Commander ██████ spoke to Officers ██████ and ██████ at the District, after the crash, and they told him when they saw Officer ██████ vehicle, which matched the description of a previously reported stolen vehicle. The officers informed Commander ██████ they tried to stop the vehicle, but it took off and crashed. Commander ██████ was not sure which officer provided what information regarding the crash. Commander ██████ did not recall if either officer mentioned how he or she learned about the stolen Jeep Cherokee alert. Commander ██████ was not on duty the night of the crash but went to the scene to offer support to the officers. Commander ██████ did not generate any paperwork related to the incident and had no knowledge of a previously stolen black Jeep Cherokee prior to this incident.

In a statement to COPA investigators on November 6, 2017, Officer ██████ #█████ stated he believed he was aware of an alert for a stolen black Jeep Cherokee with ██████ plates. Officer ██████ stated the alert went out days prior to the incident, for a black Jeep SRT that was wanted for a shooting or some type of robbery. Officer ██████ thought he saw a paper alert with a black Jeep SRT. Officer ██████ thought he spoke to Officer ██████ after the accident. Officer ██████ said Officer ██████ told him the car “took off”<sup>28</sup> and crashed. He was not sure if he ever spoke to Officer ██████ about this incident.

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<sup>25</sup> Attachment #222

<sup>26</sup> Attachment #222, minute 5:30 of 14:41

<sup>27</sup> Attachment #195

<sup>28</sup> Attachment #195, Minute 10:09 of 12:35

In a statement to COPA investigators on November 9, 2017, Sergeant ██████ #█████ stated on the night of the incident he was the supervising officer on duty for the Gang Enforcement Unit Area Central and was at Homan Square monitoring the radio. Sergeant ██████ explained Officer ██████ reported on the radio he and Officer ██████ were behind a black Jeep. Sergeant ██████ stated before he could authorize or terminate the chase, Officer ██████ “keyed in”<sup>30</sup> that the Jeep Cherokee had crashed. Sergeant ██████ stated immediately upon hearing there was a crash he headed to the scene. When he arrived on the scene, Sergeant ██████ spoke to Officer ██████ and Officer ██████ who explained they believed the black Jeep Cherokee matched the description of the vehicle involved in a recent vehicular hijacking. As they followed the vehicle to run the license plate, the driver of the Jeep Cherokee “accelerated.”<sup>31</sup>

Sergeant ██████ stated approximately two days prior to the crash, he overheard a group of officers from the 010th District, as well as officers from his gang unit, discussing a black Jeep Cherokee with ██████ license plates involved in a carjacking. Sergeant ██████ could not recall the names of all the officers from the 010th District who were present during the conversation, but he did recall that Officers ██████ and ██████ were present. Sergeant ██████ never independently looked into any status updates regarding the carjacking of the black Jeep Cherokee. Sergeant ██████ never personally provided any information to anyone on his team regarding a stolen black Jeep Cherokee, but he was certain his officers had been informed of the carjacking through fellow officers.

In his first statement to IPRA investigators on June 27, 2017, Officer ██████ #█████ stated on the date of the incident, he and his partner, ██████ worked in civilian dress and were assigned an unmarked silver Ford Explorer. Officer ██████ first pointed out Officer ██████ black Jeep to Officer ██████ when she said, “this Jeep Cherokee keeps going in and out of lanes,”<sup>33</sup> as the Jeep headed north on ██████ Boulevard. Officer ██████ and Officer ██████ followed Officer ██████ vehicle as it turned westbound onto ██████ Road from ██████ Boulevard. Officer ██████ then responded to Officer ██████ and stated words to the effect of, “it fits the description of the vehicle that might have been taken in a vehicular hijacking,”<sup>34</sup> to which Officer ██████ replied, “Yeah, I remember.”<sup>35</sup>

Approximately two weeks prior to the date of the incident, Officers ██████ and ██████ had been informed by other officers in their unit that a black Jeep Cherokee with ██████ license plates had been stolen. Officer ██████ was also informed the stolen Jeep Cherokee had been seen in the 011 District. Officers ██████ and ██████ intended to follow the Jeep to get its license plate information. Officer ██████ stated the Jeep continued to increase speed westbound on ██████ Road.

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<sup>29</sup> Attachment #201

<sup>30</sup> Attachment #201, Minute 6:37 of 9:12

<sup>31</sup> Attachment #201, Minute 7:18 of 9:12

<sup>32</sup> Attachment #185, #186

<sup>33</sup> Attachment #185, Page 10 lines 18-19

<sup>34</sup> Attachment #185, Page 10 lines 22-23

<sup>35</sup> Attachment #185, Page 10 line 24

Officer ██████ did not know how fast the Jeep traveled or how fast Officer ██████ drove. At ██████ Road and ██████ Avenue, the Jeep “accelerated super-fast”<sup>36</sup> and further distanced itself to approximately a block and a half ahead of their vehicle. Officer ██████ then activated the emergency lights. Officer ██████ attempted to go over the radio, but only managed to say his beat number and “black Jeep”<sup>37</sup> before he saw the Jeep had crashed. Once they approached the crash scene, Officer ██████ observed the Jeep on its side but could not recall which side. Officer ██████ observed car parts throughout the area; he did not observe any passengers, or the second vehicle involved. Officer ██████ reported the crash to OEMC over the radio.

Officer ██████ gave a second **statement to IPRA investigators on August 31, 2017.**<sup>38</sup> Officer ██████ statement was materially consistent with his first statement. Officer ██████ said that when Officer ██████ pulled behind ██████ Jeep, Officer ██████ noticed it had ██████ license plates. Officer ██████ explained approximately one to two days prior to the incident, during roll call, in an informal conversation with other officers, he was told about a black Jeep Cherokee with ██████ plates involved in a hijacking in the 011 District.

Officer ██████ stated he did not recall who told him about the hijacking and he could not recall if Officer ██████ was present. Officer ██████ stated while he and Officer ██████ were driving westbound on ██████ Road behind the Jeep, he could not read the license plates, he could only see they were ██████ plates. Officer ██████ stated he observed the Jeep began to increase speed while continuing westbound on ██████ Road from ██████ Boulevard. Officer ██████ stated he and Officer ██████ did not increase speed along with the Jeep but continued to follow it on ██████ Road. Officer ██████ stated, at approximately ██████ Road and ██████ Avenue, the Jeep further increased its speed by an undetermined amount.

Officer ██████ stated he and Officer ██████ continued to follow the Jeep. Officer ██████ stated the rate of speed the Jeep traveled was just about to reach a point where a traffic stop would have been justified. After crossing the intersection of ██████ Road and ██████ Avenue, the Jeep increased its speed at a higher rate. Officer ██████ and Officer ██████ increased speed as well, continuing to follow it. Officer ██████ stated he did not know how fast they were travelling at any given point while driving behind the Jeep.

In a follow-up **statement to COPA investigators on August 10, 2018** Officer ██████ #█████ stated although he and Officer ██████ were following the black Jeep, he did not consider themselves to be involved in a pursuit because the emergency lights were not activated, and they did not make a call to OEMC. Officer ██████ stated the responsibility of activating the emergency lights and making a call to OEMC is a shared responsibility between the driver and passenger of a CPD vehicle.

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<sup>36</sup> Attachment #185, Page 15 line 7

<sup>37</sup> Attachment #185, Page 17 line 4

<sup>38</sup> Attachment #187, #217-218

<sup>39</sup> Attachment #241

In her first **statement to IPRA investigators on June 27, 2017** Officer ██████ #█████ stated that she first observed the black Jeep Cherokee near the intersection of ██████ Road and ██████ Boulevard. Officer ██████ stated the black Jeep Cherokee headed northbound on ██████ Boulevard toward ██████ Road when she observed it making quick lane changes. Officer ██████ explained the Jeep switched from the right lane to the left lane on ██████ Boulevard before it turned left onto ██████ Road. Officer ██████ had “prior knowledge”<sup>41</sup> about a black Jeep with ██████ plates involved in a vehicular hijacking. Officer ██████ stated she did not recall the time or area in which the vehicular hijacking took place.

Officer ██████ continued to state once the Jeep Cherokee made a left turn onto ██████ Road she also turned left, following behind the Jeep at a “regular pace.”<sup>42</sup> Officer ██████ stated after she and the Jeep Cherokee completed the turn and began heading westbound on ██████ Road, the Jeep Cherokee increased its speed and Officer ██████ began to increase speed as well. Officer ██████ explained she was not sure how fast the Jeep Cherokee increased in speed, but it was traveling faster than she was. Officer ██████ stated she wanted to get closer to the Jeep Cherokee to read the plate and verify if it was the vehicle involved in the hijacking. Officer ██████ stated once the Jeep Cherokee reached the vicinity of West ██████ Road and ██████ Avenue, it sped up again, and then Officer ██████ activated her emergency lights. Officer ██████ said that she activated only the lights, not the siren. Officer ██████ stated her partner, Officer ██████ #█████ handled the radio communication simultaneously as she drove their vehicle and activated the lights. Officer ██████ stated she was “a couple of blocks”<sup>43</sup> away from the Jeep Cherokee when it continued to travel faster at an unknown speed.

Officer ██████ stated her partner, Officer ██████ was on the air reporting the description of the Jeep Cherokee when the crash occurred. Officer ██████ stated she was approximately a block and a half from the crash when it occurred. Officer ██████ further stated she observed the Jeep Cherokee crash into a pole on the northwest corner of ██████ Road and ██████ Avenue. Officer ██████ stated she immediately called for emergency assistance and, once she came upon the scene on foot, she realized there was a second vehicle involved in the crash. Officer ██████ stated she was unaware the driver of the Jeep Cherokee was an off-duty police officer. Approximately an hour after the crash, Officer ██████ learned from Sergeant ██████ #█████ the driver of the Jeep Cherokee was an officer. Officer ██████ did not have an opportunity to use the balancing test<sup>44</sup> prior to the crash.

In a follow-up **statement to COPA investigators on August 10, 2018**, Officer ██████ #█████ provided a description of events that was materially consistent with her first statement. Officer ██████ stated she was approximately a half block away from the black Jeep

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<sup>40</sup> Attachment #244

<sup>41</sup> Attachment #243, Page 13 line 3

<sup>42</sup> Attachment #243, Page 15 line 5

<sup>43</sup> Attachment #243, Page 18 line 22

<sup>44</sup> The CPD General Order G03-03-01, Emergency Vehicle Operations Pursuits defines the “balancing test” as: The necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit.

<sup>45</sup> Attachment #242. This interview was delayed because Officer ██████ work status was noted as “inactive” from March 2018 to July 2018. During this time, COPA was prohibited from obtaining her appearance for an interview attempting to scheduling such an interview.

when she observed it abruptly changing lanes between other vehicles on the road. Officer ██████ stated she then told Officer ██████ her observation of the black Jeep. Officer ██████ stated the black Jeep eventually reached the intersection of ██████ Boulevard and ██████ Road, but she did not recall how close she was behind the Jeep or if the stop light at that intersection was red or green.<sup>46</sup> Officer ██████ stated the black Jeep turned westbound onto ██████ Road at an unknown rate of speed and continued driving approximately a few car lengths ahead of her. Officer ██████ was able to see the Jeep had ██████ license plates; she was unable to make out any numbers or letters on the plate. Officer ██████ explained that either she or Officer ██████ pointed out that the Jeep fit the description of a Jeep involved in a recent vehicular hijacking.

Officer ██████ explained approximately a week before the incident, during a conversation with fellow officers in her unit, an unknown officer stated they were still looking for a black Jeep Cherokee with ██████ license plates, which had been involved in a vehicular hijacking. The unknown officer also relayed the black Jeep in question would “take off”<sup>47</sup> from other officers in the 010th and 011th Districts. Officer ██████ did not attempt to immediately curb the black Jeep because she was still trying to gather license plate information. Officer ██████ proceeded to drive westbound behind the black Jeep. The distance between them started at approximately three car lengths and began increasing as the Jeep accelerated at a high rate of speed, which made her unable to obtain the plate number.

Officer ██████ did not recall how fast she traveled but believed the black Jeep began travelling faster than the speed limit of 35 mph<sup>48</sup> at ██████ Road and ██████ Avenue. At that point, Officer ██████ activated her emergency lights due to the accelerated rate of speed of the black Jeep. Officer ██████ did not consider herself to have been involved in a pursuit with the black Jeep, because she did not activate her emergency equipment until she reached ██████ Avenue. Officer ██████ understanding of the pursuit policy was a pursuit begins when an officer activates his or her emergency lights to curb a vehicle, and a pursuit continues when the pursued vehicle does not stop within a reasonable amount of time. Officer ██████ explained since the crash happened immediately after she activated her emergency lights, there was not enough time for the incident to be considered a pursuit. Officer ██████ added the entire distance she traveled behind the black Jeep prior to activating her lights was not a pursuit because she did not have her emergency equipment activated. Officer ██████ finally activated her lights when she determined it was warranted and reasonable to curb the vehicle, due to the high rate of speed of the Jeep.

Officer ██████ stated it is a shared responsibility between the driver and passenger of a police vehicle to activate emergency equipment and report incidents to OEMC via the radio. On the date of the incident, Officer ██████ activated the emergency lights and Officer ██████ reported the black Jeep via the radio, but within seconds, the black Jeep crashed. Officer ██████ later learned from an unknown officer on the scene the driver of the black Jeep was Chicago Police Officer ██████. Officer ██████ did not know Officer ██████ prior to this incident.

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<sup>46</sup> Attachment #121, video obtained from the BP Gas Station at ██████ (at the Southwest corner of ██████ Road and ██████ Boulevard) shows a black Jeep approach a red light at intersection of ██████ and ██████ Road, at 1:02:04 and at 1:02:22, the traffic light turns green. The black Jeep proceeds through the intersection, followed by a silver SUV.

<sup>47</sup> Attachment #242, Page 12 line 24

<sup>48</sup> Attachment #169, photograph of the 30 mph speed limit signs on ██████ Road.

In a **second amended complaint** in case No. 17 L [REDACTED] [REDACTED] as Special Administrator of the Estate of [REDACTED] filed wrongful death allegations against the City, Officer [REDACTED] and the Estate of [REDACTED].<sup>49</sup>

**Officer [REDACTED] gave a deposition on October 30, 2018**, that was materially consistent with her IPRA/COPA statements.<sup>50</sup> Officer [REDACTED] said the car she was driving on the night of the incident was equipped with a siren and lights. She did not activate the siren when she activated her lights because Officer [REDACTED] was calling the dispatcher, and it is generally difficult to hear over the sirens. Officer [REDACTED] believed it was likely that she attained speeds of 70 miles per hour before she activated her lights. Officer [REDACTED] was questioned about the portion of the traffic pursuit report<sup>51</sup> (TPR) that she signed, which stated the highest speed Officer [REDACTED] reached during the pursuit was 60 to 80 miles per hour. Officer [REDACTED] said this was only an approximation that she gave to Sergeant [REDACTED] as she did not know at the time the TPR was completed how fast she had driven.

**Officer [REDACTED] gave a deposition on November 6, 2018**, that was materially consistent with his statements to IPRA/COPA.<sup>52</sup> Officer [REDACTED] could not recall why, immediately after he spoke to Officer [REDACTED] about the Jeep possibly matching the suspected hijacking vehicle, he did not obtain the Jeep's license plates. He speculated he and Officer [REDACTED] may have been looking at each other when they were speaking, or he may have been unable to see the plate properly. He acknowledged that he and Officer [REDACTED] were stopped behind [REDACTED] Jeep at a stoplight on [REDACTED] Road west of [REDACTED] Avenue for some time, possibly ten seconds. He agreed it would not have taken many seconds for him to see and remember a license plate if the license plate was within his field of vision. Officer [REDACTED] said that at no point did he or Officer [REDACTED] get on the radio and try to obtain the license plate of the vehicle that was involved in the hijacking.

#### **b. Digital Evidence**

COPA investigators collected **video footage from various locations**<sup>53</sup> that captured Officer [REDACTED] and Officers [REDACTED] and [REDACTED] in the moments leading up to the crash. Among the video collected was footage from a red-light camera located at [REDACTED] Rd, Chicago, IL.<sup>54</sup> At minute 1:02:50 into the video recording, a black Jeep collides with a silver Nissan.<sup>55</sup> A video timeline of the additional video footage collected, which captures Officer [REDACTED] and Officers [REDACTED] and [REDACTED] travelling from [REDACTED] Road and [REDACTED] Boulevard to [REDACTED] Road and [REDACTED] Avenue, was also completed by COPA investigators.<sup>56</sup>

**Evidence Technician (ET) photographs**<sup>57</sup> taken of the scene depict debris scattered around the [REDACTED] gas station at the intersection of [REDACTED] Road and [REDACTED] Avenue. The photographs also show the scene after [REDACTED] Davis' and [REDACTED] vehicles crashed.

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<sup>49</sup> Attachment #261

<sup>50</sup> Attachment #259

<sup>51</sup> Attachment #263, Traffic Pursuit number 17-[REDACTED]

<sup>52</sup> Attachment #260

<sup>53</sup> Attachments #82, #121 - #130 and #163

<sup>54</sup> This red-light camera was camera [REDACTED] [REDACTED]

<sup>55</sup> Attachment #129

<sup>56</sup> Attachment #167

<sup>57</sup> Attachment #118

Various health and fitness items can be seen in the photographs. The photographs also show the Toyota 4 Runner owned by witness [REDACTED] parked at the [REDACTED] gas station.

### c. Physical Evidence

The **Report of Postmortem Examination**<sup>58</sup> from the Office of the Medical Examiner (ME) documents Officer [REDACTED] was examined on June 27, 2017 at 7:45 am. The examination identified 25 external and 22 internal injuries. The medical examiner determined the cause of [REDACTED] death was multiple injuries due to a motor vehicle collision.

As part of the Postmortem Examination report, a **Toxicology Report**<sup>59</sup> was issued on July 12, 2017 from NMS Labs regarding Officer [REDACTED]. NMS Labs received samples for testing on July 6, 2017 from Cook County Medical Examiner Dr. [REDACTED]. The detailed findings in the toxicology report concluded the examination of the specimens submitted did not reveal any positive findings of toxicological significance.

The **Report of Postmortem Examination**<sup>60</sup> from the Office of the Medical Examiner indicates [REDACTED] was examined on June 28, 2017 at 10:15 am. The medical examination identified nine different injuries to her head and neck, 19 torso injuries, and 10 injuries to her extremities. The medical examiner determined [REDACTED] cause of death was multiple injuries due to a motor vehicle collision.

As part of the Postmortem Examination Report, a **Toxicology Report**<sup>61</sup> was issued on July 13, 2017 from NMS Labs regarding [REDACTED]. NMS Labs received samples for testing on July 6, 2017 from Cook County Medical Examiner Dr. [REDACTED]. The detailed findings in the toxicology report found that [REDACTED] tested positive for Delta-9 THC in the amount of 0.63 ng/mL.

### d. Documentary Evidence

The **Original Case Incident Report for RD #** [REDACTED] documents on June 9, 2017, at 2:00 pm, a black, Jeep Cherokee with [REDACTED] plates was stolen from 1 [REDACTED] Avenue in Chicago, IL. The Jeep was later recovered on June 10, 2017 and processed for evidence.

The **Original Case Incident Report for RD #** [REDACTED] documents on June 9, 2017, at 11:28 pm, [REDACTED] drove her grey Chrysler 300 near [REDACTED] Boulevard, when she pulled over to allow an emergency vehicle to drive past. While stopped, a black Jeep Cherokee with [REDACTED] license plates struck the back of her vehicle. Mendez exited her vehicle to check for damage; the driver of the Jeep also exited. As [REDACTED] looked at her vehicle, a female pushed her, got in the driver seat of the Chrysler 300, and drove off.

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<sup>58</sup> Attachments #145, #146

<sup>59</sup> Attachment #144

<sup>60</sup> Attachments #147, #166

<sup>61</sup> Attachment #166 pg. 10-12

<sup>62</sup> Attachment #47

<sup>63</sup> Attachment #45

The **Original Case Incident Report for RD # [REDACTED]** documents on June 27, 2017, at 1:01 am, a fatal traffic accident occurred near [REDACTED] Road in Chicago, IL. The report, submitted by Officer [REDACTED] summarizes that the incident involved two vehicles labeled Unit 1 and Unit 2. Unit 1 is identified as the black Jeep driven by [REDACTED] and Unit 2 is identified as the Nissan driven by [REDACTED]

The **Case Supplementary Report for RD # [REDACTED]** documents on June 27, 2017, at 1:17 am, the Major Accidents Investigation Unit (MAIU) was notified by Beat [REDACTED] Officer [REDACTED] # [REDACTED] of a car crash involving two vehicles. At 1:25 am, Investigator [REDACTED] # [REDACTED] and Investigator [REDACTED] # [REDACTED] were assigned by Sergeant [REDACTED] # [REDACTED] to investigate the incident. It was relayed to Investigator [REDACTED] a black Jeep traveled westbound on [REDACTED] Road, at a high rate of speed, when it struck a gold-colored vehicle traveling north or southbound on [REDACTED] Avenue. It was also reported Beat [REDACTED] drove behind the black Jeep, prior to the traffic accident. At approximately 1:50 am, CFD was in the process of extricating the individuals from inside the two vehicles. Investigator [REDACTED] interviewed witness [REDACTED], and conducted separate interviews with Officer [REDACTED] # [REDACTED] and Officer [REDACTED] # [REDACTED]

In a **To-From Report**,<sup>66</sup> an execution of a search warrant on [REDACTED] Jeep Cherokee took place with Major Accidents Investigation Unit (MAIU) Investigators [REDACTED], # [REDACTED] and [REDACTED], # [REDACTED]. A search of the vehicle resulted in the seizure of two clear plastic water bottles from the front passenger area, the vehicle's data recorder (black box), and the vehicle's GPS unit.

According to **Inventory Sheet # [REDACTED]** on July 6, 2017, MAIU Investigator [REDACTED] logged into evidence one clear plastic bottle containing a reddish liquid and one clear plastic bottle containing clear liquid. The lab test results for each bottle found that no volatiles were detected.<sup>68</sup>

According to **Inventory Sheets**<sup>69</sup> # [REDACTED] and # [REDACTED] on July 24, 2017, MAIU Investigator [REDACTED], # [REDACTED] logged into evidence a vehicle data recorder (black box) and a GPS unit, describing each item in the inventory sheet as "vehicle parts."

In a **To-From Report**,<sup>70</sup> an examination of CPD SUV # [REDACTED] occupied by Officer [REDACTED] and Officer [REDACTED] on the date of the crash, was examined on October 23, 2017 at the Joliet Speedway in Joliet, IL. COPA Supervising Investigator [REDACTED] operated the SUV while [REDACTED] a traffic crash expert from Cooper Barrette Consulting, sat in the passenger seat with a radar gun and a video camera. Mr. [REDACTED] recorded the speed on the speedometer and the speed displayed on the radar gun. Those speeds were recorded and used to compare speeds recorded by the OEMC GPS system, to ensure the system was accurate.

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<sup>64</sup> Attachment #37-38

<sup>65</sup> Attachment #228

<sup>66</sup> Attachment #91, 92

<sup>67</sup> Attachment #11

<sup>68</sup> Lab results can be found in attachment #254

<sup>69</sup> Attachments #229, #230

<sup>70</sup> Attachment #225

In a **GPS Analysis Summary Report**,<sup>71</sup> [REDACTED] summarized his analysis of CPD SUV # [REDACTED] which was conducted on October 23, 2017 at the Joliet Speedway in Joliet, IL. The report states a total of four speed tests were conducted at speeds up to 80 mph. The speed from the speedometer, GPS, and radar were consistent with one another during the testing. The report concluded the GPS data collected on CPD SUV # [REDACTED] on the date of the crash was reliable based on the accuracy of the analysis and independent testing.

The **OEMC GPS Report**<sup>72</sup> documents speed data collected from CPD SUV # [REDACTED] between 12:00 am and 1:30 am on June 27, 2017. The SUV traveled westbound on [REDACTED] Road, when it accelerated speed from 58 mph at 1:02:32 am to 103 mph at 1:02:52 am. The SUV slowed to 21 mph before stopping at the crash site and coming to rest at the intersection of [REDACTED] Road and [REDACTED] Avenue.

In the **Crash Summary completed by The Major Accidents Investigations Unit**,<sup>73</sup> Investigator [REDACTED] summarized the driver of the black Jeep Cherokee, for unknown reasons, began to increase its speed as Beat [REDACTED] traveled behind it. Having knowledge of a black Jeep Cherokee, with [REDACTED] license plates, involved in another incident, Beat [REDACTED] began to follow the vehicle and activated its emergency blue lights in an effort to conduct a traffic stop. A camera at the intersection of [REDACTED] Road and [REDACTED] Avenue showed the driver of the black Jeep Cherokee had a steady red light when it entered the intersection and struck [REDACTED] vehicle. The data evidence collected from the Jeep Cherokee indicates it traveled at 85 mph, .1 seconds before impact. The massive crush damage sustained by both vehicles was indicative of the high rate of speed. It was unknown why the driver of the Jeep Cherokee chose to drive his vehicle at a high rate of speed and why he chose not to stop or if he saw the emergency blue lights from Beat [REDACTED]

The **Traffic Pursuit Report**<sup>74</sup> number 17-[REDACTED] signed by Officer [REDACTED] details the highest speed of the unmarked CPD vehicle (operated by Officer [REDACTED] as 60 – 80 miles per hour. The report also summarized that no termination order had been given because the pursuit had briefly lasted less than fifteen (15) seconds.

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<sup>71</sup> Attachment #226

<sup>72</sup> Attachment #52

<sup>73</sup> Attachment #219, Page 37-38

<sup>74</sup> Attachment #263

## VI. ANALYSIS

### 1. Legal Standard

The allegations in this case are governed by the following general orders and portions of the Illinois Vehicle Code.

General Order 03-01-01 sets forth several actions that officers are required to take when engaging in a motor vehicle pursuit, including conducting a balancing test and notifying OEMC of certain information. General Order 03-01-01 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.”

General Order 03-03 governs situations in which an officer is engaged in a “nonpursuit emergency vehicle operation.” Officers who are engaged in nonpursuit emergency vehicle operations are required to adhere to the provisions of section 5/11-205 of the Illinois Vehicle Code.<sup>75</sup> Section 5/11-205 of the Illinois Vehicle Code states that, when the driver of an authorized emergency vehicle is “in the pursuit of an actual or suspected violator of the law,” the driver may “[e]xceed the maximum speed limits so long as he does not endanger life or property.”<sup>76</sup> An authorized emergency vehicle, other than a police vehicle, may only undertake the aforementioned action “when the vehicle is making use of either an audible signal ... or visual signals.”<sup>77</sup>

The standard of proof in administrative cases investigated by COPA is a preponderance of the evidence. A preponderance of evidence can be described as evidence that makes it more likely than not that the alleged misconduct took place. *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 than that it did not occur, even if by a narrow margin, then the standard of proof has been met.<sup>78</sup>

### 2. Allegations Against Officers [REDACTED] and [REDACTED]

#### a. Allegations 1 and 2 Against Officer [REDACTED]

COPA Sustains Allegations 1 and 2 against Officer [REDACTED] that she failed to drive with due regard for the safety of all persons and that she drove in excess of the speed limit.

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<sup>75</sup> General Order G03-03(III)(A).

<sup>76</sup> 625 ILCS 5/11-205(b)-(c).

<sup>77</sup> 625 ILCS 5/11-205(d).

<sup>78</sup> In criminal cases the standard of proof is beyond a reasonable doubt, which is a significantly higher evidentiary standard than the preponderance of the evidence standard that applies to COPA’s administrative findings.

As previously stated, General Order G03-03 requires officers who are engaged in emergency vehicle operations to adhere to the provisions of section 5/11-205 of the Illinois Vehicle Code, and that section of the Illinois Vehicle Code allows the driver of an authorized emergency vehicle to drive in excess of maximum speed limits when the driver is “in the pursuit of an actual or suspected violator of the law.” While generally the special allowances set forth in section 5/11-205 of the Illinois Vehicle Code apply only where the driver of an authorized emergency vehicle is “making use of either an audible signal...or visual signals,” the statute makes an exception for police vehicles.<sup>79</sup> Thus, police vehicles need not be using an audible or visual signal for the exceptions set forth in section 5/11-205 to apply.<sup>80</sup> In other words, even though she did not have her lights or sirens activated for much of the chase, Officer ██████ was entitled to exceed the speed limit under section 5/11-205 of the Illinois Vehicle Code.

However, section 5/11-205 states that an officer is only entitled to exceed the speed limit if she does not “endanger life or property” in doing so.<sup>81</sup> Here, Officer ██████ chase of ██████ ██████ transpired on roads with a speed limit of 30 miles per hour. Officer ██████ sustained a speed of at least 58 miles per hour for 20 seconds, driving several blocks and accelerating throughout this time to reach an eventual speed of 103 miles per hour. Though the chase transpired at night, the video footage shows pedestrians on some of the sidewalks and other vehicles parked or being driven on the road. During most of the time that she was driving this fast, Officer ██████ did not even have her emergency lights on, and at no point did she have her sirens on.

By driving at such a high rate of speed without activating the car’s lights or sirens, Officer ██████ failed to exercise due regard for the safety of others and drove in excess of the speed limit while endangering life or property. The lights and sirens on an officer’s car are not only a means by which to signal to a suspect that he should stop, but also a mechanism by which to warn other pedestrians or drivers that a high-speed chase is taking place such that those pedestrians or drivers can take evasive action to protect themselves. Using the lights and sirens was particularly important in this case because Officer ██████ was pursuing ██████ at 1 a.m., when pedestrians and other drivers would not have been able to see Officer ██████ or ██████ vehicles as readily. For these reasons, by driving at such a high rate of speed without activating the car’s lights and sirens, Officer ██████ failed to exercise due regard for the safety of others. Accordingly, COPA concludes that Allegations 1 and 2 are Sustained. COPA found the actions of Officer ██████ to be unreasonably dangerous not only because it was dark out due to the time of day, but also because there was other vehicular traffic that not only could have, but was, a casualty of this lack of warning. The lights and sirens are not just to alert a suspect to stop but to allow others to take evasive action to protect themselves. Without those signals to alarm a driver, they cannot protect themselves.

**b. Allegations 3, 4, and 5 Against Officer ██████ and Allegations 1, 2, and 3 Against Officer ██████**

COPA recommends that Allegations 3, 4, and 5 against Officer ██████ and Allegations 1, 2, and 3 against Officer ██████ be Unfounded.

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<sup>79</sup> 625 ILCS 5/11-205(d).

<sup>80</sup> *Id.*

<sup>81</sup> 625 ILCS 5/11-205(c)(3).

Allegations 3, 4, and 5 against Officer [REDACTED] and Allegations 1, 2, and 3 against Officer [REDACTED] are all premised on the officers purportedly partaking in a pursuit. COPA has concluded that that these allegations all be Unfounded because the officers were not in a “motor vehicle pursuit” as that term is defined by General Order G03-03-01. This is because General Order G03-03-01 defines a “motor vehicle pursuit” as an attempt by an officer operating an authorized emergency vehicle to apprehend a driver who, “having been given a *visual and audible signal* by the officer directing such driver...to bring his or her vehicle to a stop,” fails or refuses to obey the officer’s direction.<sup>82</sup> According to Officer [REDACTED] she did not activate her siren, nor is there any evidence that she otherwise provided an “audible signal” directing [REDACTED] to stop his vehicle. Accordingly, the officers were not in a “motor vehicle pursuit” as that term is defined by General Order 03-03-01. Therefore, COPA recommends that Allegations 3, 4, and 5 against Officer [REDACTED] and Allegations 1, 2, and 3 against Officer [REDACTED] be Unfounded.

## VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer [REDACTED]

#### i. Complimentary and Disciplinary History

Officer [REDACTED] has been a CPD member since November 27, 2006. In that time, she has received 67 Honorable Mentions, 4 Complimentary Letters, and 1 Traffic Stop of the Month Award. In the last seven years, Officer [REDACTED] received a 5-day suspension for miscellaneous conduct unbecoming related to an off-duty investigation and a 15-day discipline for misuse of department equipment.

#### ii. Recommended Penalty, by Allegation

For Allegation #1, COPA recommends **Separation**. Officer [REDACTED] did not have probable cause to believe that Officer [REDACTED] had committed any crime other than a traffic offense. Officer [REDACTED] did not have a sufficiently reasonable basis to believe Officer [REDACTED] Jeep was stolen or that driver had any involvement with any alleged vehicular theft particularly considering how little Officers [REDACTED] and [REDACTED] knew about the initial report. Officer [REDACTED] engaged in speeds in excess of 100 mph on a major thoroughfare with full knowledge that pedestrians and numerous other vehicles were present. Officer [REDACTED] failed to provide proper notice to Officer [REDACTED] and other drivers by activating her sirens. Activating siren would have provided notice to Officer [REDACTED] that Officer [REDACTED] was a police officer and to [REDACTED] and other drivers to pull over due to police activity. Officer [REDACTED] demonstrated a lack of due regard for the safety of the other vehicles and persons present on and near [REDACTED] Road during this incident.

For Allegation #2, COPA recommends **Suspension of 30 days**. The excess speeds, while a violation of policy, do not warrant separation on their own.

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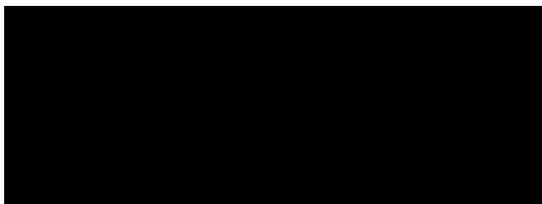
<sup>82</sup> General Order G03-03-01 (emphasis added).

**VIII. CONCLUSION**

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

<b>Officer</b>	<b>Allegation</b>	<b>Finding/ Recommendation</b>
Officer [REDACTED]	1. Failed to drive with due regard for the safety of all persons  2. Drove in excess of the speed limit  3. Failed to notify OEMC of a pursuit in progress  4. Initiated a pursuit in violation of CPD policy  5. Continued a pursuit in violation of CPD policy	Sustained/Separation  Sustained/30-Day Suspension Unfounded  Unfounded  Unfounded
Officer [REDACTED]	1. Failed to notify OEMC of a pursuit in progress  2. Initiated a pursuit in violation of CPD policy  3. Continued a pursuit in violation of CPD policy	Unfounded  Unfounded  Unfounded

Approved:



*Chief Administrator*

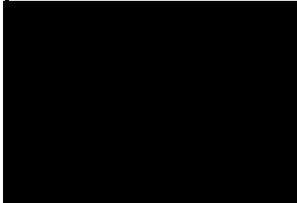
February 15, 2019

\_\_\_\_\_  
Date

Appendix A

Assigned Investigative Staff

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<b>Squad #:</b>	1
<b>Major Case Specialist:</b>	
<b>Supervising Investigator:</b>	
<b>Deputy Chief Administrator:</b>	