

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

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| Date of Incident: | May 25, 2019 |
| Time of Incident: | 9:56 p.m. |
| Location of Incident: | The intersection of 1200 N. Laramie Avenue and Division Street, Chicago, IL |
| Date of COPA Notification: | May 26, 2019 |
| Time of COPA Notification: | 5:10 p.m. |

At approximately 9:56 p.m. Saturday, May 25, 2019, **Police Officer Patrick Brown** (“**Officer Brown**”), **Star# 14709, 25th District**, the driver of a white, 2005 CPD GMC van occupied with five additional 25th District officers, responded to a 10-1 call for officer assistance in the area of Crystal Street and Lockwood Avenue. **Police Officer Noel Reina** (“**Officer Reina**”), **Star# 7440, 15th District**, the driver of a black, 2015 unmarked CPD Ford Explorer occupied with three additional 15th District officers, was also responding to the 10-1. Officer Brown was driving westbound on Division Street towards Laramie Avenue, with emergency lights and sirens activated. Officer Reina was driving northbound on Laramie Avenue towards Division Street, and his vehicle’s lights and sirens activated. As Officer Brown approached Division Street and Laramie Avenue intersection, the traffic signal was red for traffic on Division Street and green for Laramie Avenue traffic.

Officer Brown entered the intersection of Division Street and Laramie as Officer Reina’s vehicle also entered the intersection. The vehicle driven by Officer Reina was struck on its right passenger side by the left front driver’s side of the van driven by Officer Brown. After the impact, Officer Reina's front end began turning westbound, with the passenger side of the vehicle striking a 2012 blue Nissan Versa containing four occupants, driven by [REDACTED]. Officer Reina’s vehicle struck the front of [REDACTED] Versa, rolled over the hood, and finally came to a rest at the intersection's northwestern corner. The rear driver seat passenger of Ms. [REDACTED] vehicle, [REDACTED] sustained blunt force trauma injuries resulting in her death.

Ultimately, two other civilian vehicles were damaged in the crash, and many injured police officers and civilians were taken to area hospitals by Chicago Fire Department personnel.

II. INVOLVED PARTIES

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|-------------------|--|
| Involved Officer: | Patrick Brown, Star# 14709, Employee# [REDACTED], Date of Appointment: 10/31/2016, Police Officer, UOA: 25th District, DOB: [REDACTED]/1986, Male, White |
|-------------------|--|

Involved Individual #1: [REDACTED]/1934, Female, Black

III. ALLEGATIONS

| Officer | Allegation | Finding / Recommendation |
|-----------------------|--|---|
| Officer Patrick Brown | <p>It is alleged at approximately 9:56 p.m., at or near 1200 N. Laramie Avenue, May 25, 2019, that:</p> <ol style="list-style-type: none"> <li data-bbox="527 667 1128 741">1. P.O. Brown failed to adhere to basic safety practices while operating a CPD vehicle. <li data-bbox="527 810 1128 1020">2. P.O. Brown drove a CPD vehicle without due regard for the safety of all persons when he failed to slow down as required, disobeyed a red traffic signal, and proceeded into the intersection of W Division Street. and N Laramie Avenue. <li data-bbox="527 1094 1128 1377">3. P.O. Patrick Brown endangered life and property when he drove a CPD vehicle without due regard for the safety of all persons when he exceeded the legally permitted speed limit and proceeded westbound on Division Street through the intersection of Division Street and N. Laramie Avenue. <li data-bbox="527 1451 1128 1556">4. P.O. Brown failed to operate a CPD vehicle in a manner to maintain safe speeds and ensure control of the vehicle at all times. <li data-bbox="527 1629 1128 1766">5. P.O. Brown failed to ensure it was reasonable and safe to enter the intersection of Division Street and N. Laramie Avenue before entering the said intersection. | <p>Sustained/Separation</p> <p>Sustained/Separation</p> <p>Sustained/Separation</p> <p>Sustained/Separation</p> <p>Sustained/Separation</p> |

IV. APPLICABLE RULES AND LAWS

Rules

Rule 1: Violation of any law or ordinance.

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

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

General Orders

1. **General Order GO 03-03-** Emergency Use of Department Vehicles (effective April 24, 2003)

2. **General Order GO 03-03-02-** Emergency Vehicle Operations- Non-Pursuits (effective April 24, 2003)

State Laws

1. 625 ILCS 5/11-205 Public Officers and Employees to Obey Act- Exceptions.

V. INVESTIGATION¹

a. Interviews

On August 21, 2019, witness [REDACTED] ([REDACTED]) gave COPA an audio-recorded interview.² On Saturday evening, May 25, 2019, [REDACTED] and three family members left a family gathering in [REDACTED] car, a 2012 blue four-door Nissan Versa. [REDACTED] was the driver, [REDACTED] [REDACTED] the front seat passenger, [REDACTED] mother, seated behind her, and a nine-year-old female in the seat behind [REDACTED]. At approximately 9:56 p.m., [REDACTED] and three passengers in her vehicle, traveled southbound on Laramie Avenue approaching Division Street. [REDACTED] stopped her vehicle for a red traffic signal at the intersection of southbound Laramie Avenue and Division Street. She was the first vehicle stopped at the intersection with several other vehicles behind her. While stopped for the red traffic signal, she heard and then saw approximately seven to ten Chicago Police Department (CPD) vehicles with lights and sirens driving north on Laramie Avenue and east and west on Division Street. After the CPD vehicles drove past and the traffic signal turned green for southbound Laramie Avenue,

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Attachment 2

she slightly moved her vehicle forward, but not into the intersection, and stopped from going any further because the CPD vehicles “were going crazy, just driving crazy.”³

She observed an unmarked CPD SUV with emergency lights proceeding northbound on Laramie Avenue at high speed while stopped. ██████ saw a marked CPD van approaching the intersection of westbound to Division Street and Laramie Avenue at a high rate of speed. The driver of the CPD van, “without taking any precautions, he just hit his gas and keep on going.”⁴ She saw the CPD van, traveling westbound on Division Street, disregard the red traffic signal at Laramie Avenue, and hit the unmarked CPD SUV, which had the green signal, in the intersection of northbound Laramie Avenue and Division Street. After the unmarked CPD vehicle was hit on the front passenger door side, it hit the front of ██████ vehicle, flipped over it, and landed on the other side of her vehicle. Immediately after, the CPD marked van also hit her vehicle, causing her vehicle’s front driver and passenger airbags to deploy.⁵ Additional CPD vehicles arrived on the scene and came to her vehicle to see if anyone was injured. ██████ and the vehicle occupants were transported by Chicago Fire Department (CFD) EMS to several area hospitals. ██████ suffering from neck and back injuries, was transported to Norwegian Hospital. Stevenson stated her mother, ██████ was initially taken to Community First Hospital, then subsequently transferred to Illinois Masonic Hospital, where she “passed away.”⁶

On August 21, 2019, ██████ ██████ gave COPA an audio-recorded interview⁷. ██████ interview was materially similar to that of ██████ described as the SUV entered Laramie Avenue and Division Street's intersection, it collided with a CPD marked van heading eastbound into the intersection. ██████ saw the CPD marked van hit the CPD unmarked vehicle, and “they both collided and hit us.”⁸ He recalls the unmarked CPD vehicle hitting the front driver side of ██████ vehicle. The airbags were deployed in the vehicle, and he remembers nothing that happened after that. He did recall “my shoulder and my back was hurting real bad after the accident.”⁹ He also recalls ██████ the rear driver seat passenger, “couldn’t really say anything, but she was in a lot of pain. You can tell, she was in a lot of pain.”¹⁰ ██████ believed both CPD vehicles were driving at least 50 MPH before the accident.

On October 3, 2019, **Police Officer Noel Reina (“Officer Reina”), Star# 7440, 15th District**, gave COPA an audio-recorded interview.¹¹ On May 25, 2019, Officer Reina drove a 2015 unmarked CPD black Ford Explorer. While at a traffic stop, a 10-1 broadcast came over the radio.

³ Attachment 2 at 7:32

⁴ Id. at 9:23

⁵ During her interview, ██████ stated all vehicle occupants were wearing seatbelts.

⁶ Attachment 21, page 15, lines 9-12

⁷ Attachment 4

⁸ Attachment 4 at 7:58

⁹ Attachment 22, page 14, lines 19-20

¹⁰ Id., page 19, lines 8-10

¹¹ Attachment 34

Officer Reina said a 10-1 call “is a police emergency; a police officer needs assistance.”¹² He activated his emergency lights and siren and proceeded to the 10-1 call driving eastbound on Fulton Street and then northbound on Laramie Avenue towards Division Street.

Approaching Laramie Avenue and Division Street's intersection, Officer Reina observed he had a green traffic signal and was driving “safely and a reasonable speed to respond to the 10-1.”¹³ He estimated his speed at that time at approximately 45 MPH. He looked to the right and left to see if traffic had stopped at the intersection. He has no recollection of whether the occupants on the vehicle's passenger side said whether the intersection was clear before entering it. As he was almost through the intersection, his vehicle was struck on the passenger side by an unknown vehicle.¹⁴ At that point, he believes he lost consciousness, but recalls getting out and assisting officers inside his vehicle. He also recalled responding CPD officers at the accident scene requesting emergency medical assistance. Officer Reina “suffered [a] concussion, two labral tears on the hips, and then a minor back injury.”¹⁵

On April 27, 2020, **Officer Reina** gave COPA a second audio-recorded interview.¹⁶ On May 25, 2019, while responding to the 10-1 at Crystal Street and Lockwood Avenue, Officer Reina heard a slowdown” being given over the radio. He heard it only once, reduced his speed, but continued to the 10-1 call. He did not recall hearing whether the offender was taken into custody, but he remembered he continued to the location because of additional units' request. Officer Reina stated that he was slower when he approached Laramie Avenue and Division Street's intersection than when he initially heard the 10-1 call. Officer Reina believes with a” slowdown,” an officer is still responding with emergency lights if the call is for a 10-1.

On October 30, 2019, **Sergeant Nicholas Lipa (“Sgt. Lipa”), Star# 1686, 15th District**, gave COPA an audio-recorded interview.¹⁷ On May 25, 2019, Sergeant Lipa was working with three CPD officers¹⁸ in the 15th District. At approximately 10:00 p.m., Sergeant Lipa and the officers received a radio communication of a 10-1. According to Sergeant Lipa, a 10-1 is the ultimate distress call for an officer needing help.¹⁹ Sergeant Lipa remembers the officer making the 10-1 call was very distressed, screaming into the radio, yelling the 10-1, something about not dropping a gun.²⁰ He believed the location for the 10-1 was Crystal Street and Lockwood Avenue. The officers quickly returned to their vehicle, with Officer Reina driving the unmarked CPD vehicle with emergency lights and sirens to the 10-1 location. Monitoring radio communications from the rear passenger seat for Officer Reina, Sgt. Lipa recalls proceeding north on Latrobe

¹² Attachment 34 at 12:51

¹³ Id. at 15:37

¹⁴ Now known to be Officer Brown driving the 2005 marked CPD white GMC van

¹⁵ Attachment 29, page 26, lines 23-24.

¹⁶ Attachment 43

¹⁷ Attachment 37

¹⁸ Officers Reina, Maldonado and Pronek, 15th District.

¹⁹ Attachment 37 at 6:48

²⁰ Id. at 6:55

Avenue to Lake Street, eastbound on Lake Street Lipa observed that all vehicular traffic was stopped before Officer Reina entering the intersection of Laramie Avenue and Division Street from his rear passenger seat position. He does not recall whether Officer Reina slowed the vehicle's speed before entering the intersection. He does remember being the only police vehicle entering it.

After entering Laramie Avenue and Division Street's intersection, he observed a marked CPD white GMC van with operating emergency equipment approaching their vehicle westbound on Division Street. Sergeant Lipa observed "headlights and a grill"²¹ before impacting their vehicle's passenger side doors. He temporarily lost consciousness, with his next memory of being dragged by his vest out of the rear driver's side door. At that time, he did not recall their vehicle flipping over. Sgt. Lipa was transported to Mount Sinai Hospital, where after a CAT scan, he was diagnosed "with a fractured elbow, thumb, and rib."²²

Sgt. Lipa indicated he is not aware of any general or special order applying specifically to passenger vans responding to emergencies. However, he notes CPD vehicles responding to an emergency "are required to ensure the intersection is clear and yield the right of way"²³ and "if you have a red light, you yield to everyone else that has the green."²⁴ Sgt. Lipa said he saw a civilian vehicle stopped at the red traffic signal at the intersection of westbound Division Street and Laramie Avenue. He does not know whether Officer Brown went around that vehicle and entered the intersection.

Sgt. Lipa believes that the officers in his vehicle made sure the intersection was clear of vehicles and pedestrians before entering it. Based upon his training and experience, Sgt. Lipa stated if a "vehicle's driver has a red traffic signal, they should stop, because not everyone hears sirens." He does not believe Officer Brown stopped his vehicle at the red traffic signal before entering the intersection at westbound Division Street and Laramie Avenue. However, he further believes that if Officer Brown did stop at the red traffic signal, "he accelerated pretty quickly if that were the case."²⁵ Sgt. Lipa believes CPD should pursue a policy change prohibiting passenger vans, along with vehicles currently forbidden by policy, from certain types of emergency response.

On January 13, 2020, **Police Officer Jon-Michael Pronek ("Officer Pronek")**, **Star# 19246, 15th District**, gave COPA an audio-recorded interview.²⁶ On May 25, 2019, Officer Pronek was the rear driver seat passenger working with three CPD officers patrolling the 15th District. At approximately 10:00 p.m., after hearing a radio broadcast of a CPD officer's 10-1 call, the officers returned to their unmarked CPD black Ford Explorer. With emergency lights and siren, Officer

²¹ Id. at 13:01

²² Attachment 48, page 21, lines 18-20

²³ Id. at 18:21

²⁴ Id. at 18:32

²⁵ Id. at 20:31

²⁶ Attachment 36

Reina drove northbound on Laramie Avenue towards the assistance call location. He drove and cleared approximately three to four traffic signaled intersections before approaching Laramie Avenue and Division Street. Before entering Laramie Avenue and Division Street's intersection, Officer Pronek recalls Officer Reina slowing down and that vehicular traffic was clear. Once their vehicle was in the intersection, he heard a crash, and “that’s all. I blacked out.”²⁷ Before impact, he did not see any vehicles approaching their location westbound on Division Street. Pronek stated he regained consciousness after the vehicle he was in finally rested on Laramie Avenue's southbound sidewalk. While inside the vehicle, he observed Sergeant Lipa unresponsive in the rear passenger seat.

Officer Pronek recalled using a passenger van while assigned to foot patrol in the 11th District. He recalled supervision being “really strict on what calls [the van] to go to and how to drive the vehicle.”²⁸ It includes the permissible speed in operating the van and the prohibited usage of emergency equipment. He also stated the van transported officers, not used for responding to police calls. That information “stuck out after learning [after the accident] of being hit by a van.”²⁹ While at the 11th District, Officer Pronek did not receive training in operating the van, nor was he aware of any CPD directives governing the use of passenger vans.

On April 27, 2020, **Officer Pronek** gave COPA a second audio-recorded interview.³⁰ On May 25, 2019, while responding to the 10-1 at Crystal Street and Lockwood Avenue, Officer Pronek, the rear driver side passenger, heard a slowdown given over the radio. Officer Pronek described a slowdown as officers responded to the call with emergency lights but reduced speed. A slowdown does not mean a cessation of the emergency. However, if a disregard is given via radio, additional help is not needed because the situation is under control. Officer Pronek heard the slowdown given only once, but he immediately remembered a radio request for the police units to continue to the 10-1 location. Officer Pronek said the 10-1 involved a person with a gun. He did not recall hearing a firearm recovered while the officers were proceeding to the 10-1 location.

On January 13, 2020, **Police Officer Carmen Maldonado (“Officer Maldonado”)**, Star# **17403, 15th District**, gave COPA an audio-recorded interview.³¹ On May 25, 2019, Officer Maldonado was the front seat passenger working with three CPD officers patrolling the 15th District. Officer Maldonado’s statement was factually similar to the statements of the other officers in the unmarked CPD vehicle. While not recalling the speed Officer Reina was driving, Officer Maldonado believed “it was reasonable.”³² Upon entering the intersection, she recalled their unmarked CPD vehicle was hit and that she lost consciousness. She does not recall seeing another vehicle before the impact. Officer Maldonado was informed she suffered “a blunt force

²⁷ Attachment 36 at 11:58

²⁸ Id. at 19:50

²⁹ Id. at 20:12

³⁰ Attachment 44

³¹ Attachment 35

³² Attachment 35 at 16:11

trauma to the head”³³ and “suffered a seizure, which is why they [the hospital] kept me overnight.”³⁴

On March 26, 2020, **Police Officer Patrick Brown, (“Patrick Brown”) Star# 14709, 26th District**, gave COPA an audio-recorded interview.³⁵ On May 25, 2019, Officer Brown and five additional CPD officers worked foot patrol in the 25th District. The officers rode in a 2005 marked CPD white GMC van. Officer Brown, the van driver, inspected the van. He drove the vehicle at a slow pace in the 25th District lot, and said he noticed “the steering is a little loose there, and I had to really make a turn to get it to operate the way it needs to. Nothing otherwise out of the ordinary. I tried the brakes, they would stop the vehicle, but I had to really press down because it was an older model.”³⁶ After performing the routine vehicle inspection, Officer Brown concluded the van was in operational condition. They drove to North Grand High School at 4338 Wabansia Avenue. After hearing the 10-1 radio call, the officers ran to the van. Officer Brown activated the emergency lights and siren, proceeded southbound on Kostner Avenue to Division Street, and then westbound on Division Street towards Laramie Avenue. As he came to an intersection, Officer Brown did a” very slow roll” to check for vehicular and pedestrian traffic to his right and left. The officers in the van would assist him in this activity. Officer Brown believed the speed of the van did not exceed 40 MPH.

As he approached Laramie Avenue, he saw a red traffic signal. Officer Brown slowed the marked CPD van to an approximate speed between 25-30 MPH. He saw traffic stopped for northbound Laramie Avenue and, for southbound Laramie Avenue, he saw a vehicle slightly extended beyond the crosswalk, but vehicular traffic was stopped. Officer Brown “applied the brakes, slowed down, and I went to coast through” the intersection.³⁷ As he entered the intersection, he saw “the front end of a vehicle coming as I’m looking straight ahead, but it was within, probably, a half a second to impact.”³⁸ He slammed on the van’s brakes, turning the steering to the right to avoid impact. He remembers “there was a collision.”³⁹ According to Officer Brown, “The van came to a final rest to the right of the van’s position prior to impact, on the corner of the street.”⁴⁰ After the accident, Officer Brown looked around inside the van and observed an injured Officer Serrano. He also checked on the condition of the other officers in the van. He exited the marked CPD van and attempted to contact OEMC dispatch to report the accident and observed the unmarked CPD vehicle he hit. He recalled CPD and EMS on scene rendering aid to

³³ Attachment 78, page 22, lines 16-18

³⁴ Id., page 22, lines 16-18

³⁵ Attachment 62

³⁶ Attachment 47, page 15, lines 9-15

³⁷ Id., page 37, lines 20-22

³⁸ Id. page 41, lines 22-24, page 42, line 1

³⁹ Id., , page 42, line 10

⁴⁰ Id., page 42, lines 13-15

the injured. Officer Brown “had some redness on his left forearm.”⁴¹ He asked to go to the hospital “to make sure that nothing is wrong that I don't know.”⁴²

During his training at the police academy, he received emergency response vehicle training utilizing CPD Ford Crown Victoria's and Explorers. He did not receive any specific training for responding to a 10-1, beyond just “using due caution and making sure when you approach an intersection, red or green light, make sure that you are cautious about it and be sure that it's clear.”⁴³ Officer Brown was also aware CPD officers have “privilege response to a call for police service or an emergency call, such as an officer in distress.”⁴⁴ He was also aware of the existence of a CPD general order stating an officer will use due care when progressing towards an emergency.⁴⁵ Similarly, he knew of Illinois state law regarding exempting police officers operating emergency vehicles as long as it is safe to do so without harming anybody.⁴⁶ Officer Brown defines a slowdown, “means if you're responding and someone says, ‘We need help, we need more cars,’ and you started going to that -- to where that location is, and they say, ‘slow down,’ it means you can still go to that location, but now deactivate emergency equipment and obey all traffic laws.”⁴⁷ However, while driving to the 10-1 location, Officer Brown says inside the CPD van, “The sirens activated. The guys in the back are talking, and so they're trying to hear what's going on with the radio, so we have all six radios on, and the majority of them were on, but to a loud call, so you -- it's really hard to hear anything audible.”⁴⁸

On November 26, 2019, **Police Officer Dustin Dela Cruz (“Officer Dela Cruz”), Star# 2723, 25th District**, gave COPA an audio-recorded interview.⁴⁹ On May 25, 2019, Officer Dela Cruz and five additional CPD officers, while assigned foot patrol in the 25th District, heard a 10-1 radio call. A 10-1 radio call, according to Officer Dela Cruz, is the highest priority an officer can get, “he’s fighting for his life.”⁵⁰ After hearing the call, the officers ran to the CPD van, driven by **Officer Brown**. Officer Brown activated the emergency lights and siren, taking a route from Kostner Avenue and Division Street. Officer Dela Cruz, seated in the third-row passenger side seat,⁵¹ believed Officer Brown was driving in a safe manner. As the van approached main intersections, Officer Dela Cruz assisted Officer Brown by telling him to slow down before going through. Although Officer Dela Cruz believes “as officers when we’re going lights and sirens, we have to be attentive,”⁵² his vision was limited from his seating position in the van. Officer Dela

⁴¹ Id., page 42, line 11

⁴² Id., page 46, lines 16-17.

⁴³ Id., page 23

⁴⁴ Id., page 24

⁴⁵ Id., page 25

⁴⁶ Id., page 25

⁴⁷ Attachment 47, page 29, line 24, page 30, lines 1-6

⁴⁸ Id., page 33, line 24, page 34, lines 1-5

⁴⁹ Attachment 38

⁵⁰ Attachment 38 at 9:27

⁵¹ Attachment 18, page 16, lines 6-8

⁵² Attachment 38 at 11:23

Cruz described the van's atmosphere as too chaotic, with multiple radios broadcasting and the officers yelling information as they heard it. Officer Brown approached Division Street and Laramie Avenue's intersection. Officer Dela Cruz felt the van slow down. At that point, the van struck a vehicle. Officer Dela Cruz "blacked out and lost consciousness for a couple of seconds"⁵³ and afterward was assisted in exiting the vehicle. He surveyed the van, helped the officers inside, and sat down to await medical conveyance because of dizziness. Officer Dela Cruz's injuries included a "concussion, lacerations to my lips, neck pain, a tooth loose that was chipped, and ankle pain."⁵⁴

On May 4, 2020, **Officer Dela Cruz** gave COPA a second audio-recorded interview.⁵⁵ On May 25, 2019, while responding to the 10-1 at Crystal Street and Lockwood Avenue, Officer Dela Cruz heard a "slowdown" given once over the radio. He stated a "slowdown" meant different things, depending upon the situation. He believed it is lower than a 10-1 call, but officers can still use lights and sirens to get to a location in a safe and efficient manner. He was not aware if other officers in the van heard the slowdown broadcast by either the OEMC dispatcher or an officer at the 10-1 location. After the slowdown was given, he heard command broadcast police cars were still needed at the 10-1 location. He did not recall the time between when the slowdown was broadcast and the accident. Officer Dela Cruz said Officer Brown did slow down after the slowdown was announced. While proceeding to the 10-1, he could not recall where the marked CPD van was located when he heard the "slowdown" broadcast.

On December 12, 2019, **Police Officer Victor Alvarado ("Officer Alvarado"), Star# 7118, 25th District**, gave COPA an audio-recorded interview.⁵⁶ On May 25, 2019, Officer Serrano, working with five additional CPD officers, was assigned to foot patrol in the 25th District. At approximately 10:00 p.m., Officer Alvarado heard a 10-1 radio call, with an officer stating, "He has a gun, he has a gun, and he's not dropping it."⁵⁷ After hearing the call, the officers ran to the marked CPD van, driven by Officer Brown, who activated the emergency lights and siren, proceeded southbound on Kostner Avenue to Division Street, and then westbound on Division Street to Laramie Avenue. Officer Alvarado was seated directly behind Officer Brown as they drove towards the 10-1 location. Officer Brown was driving at a reasonable speed."⁵⁸ Asked to define reasonable speed, Officer Alvarado stated that, "given the type of vehicle they were in, I assume if a van like that were going fast or reckless, people would be flying around. But the van was going at a reasonable speed."⁵⁹ He felt the van slowing down as it approached Laramie Avenue and that vehicular traffic was stopped north and south. He did not recall the color of the traffic light for the van before entering the intersection. As the van was about to clear the

⁵³ Id., at 17:37

⁵⁴ Attachment 18, page 21, lines 17-19

⁵⁵ Attachment 46

⁵⁶ Attachment 39

⁵⁷ Attachment 39 at 11:13

⁵⁸ Id. at 15:20

⁵⁹ Id. at 15:25

intersection, he saw a glimpse of blue out of the corner of my eye,”⁶⁰ and the two CPD vehicles collided. Officer Alvarado immediately notified OEMC dispatch of the vehicle accident. Officer Brown exited the van to assist officers hit in the unmarked CPD vehicle. He looked around the interior of the van, observing injuries to Officers Serrano and Dela Cruz. The five officers exited the van and assisted at the scene. Officer Alvarado hit his head on a window in the van as a result of the accident. He was transported to the hospital for medical attention and was released.

On November 4, 2019, **Police Officer Matej Jurisic (“Officer Jurisic”), Star# 6998, 25th District**, gave COPA an audio-recorded interview.⁶¹ On May 25, 2019, Officer Jurisic and five additional CPD officers were assigned to foot patrol in the 25th District. At approximately 10:00 p.m., Officer Jurisic heard a 10-1 radio call of an officer needing assistance. After hearing the call, the officers ran to the marked CPD van, driven by Officer Brown, who activated the emergency lights and siren, proceeded southbound on Kostner Avenue to Division Street, and then westbound on Division Street towards Laramie Avenue. Officer Jurisic, seated in the second-row passenger seat behind Officer Serrano, described the activity inside the van as chaotic, “it being super loud everybody’s radio was transmitting because everyone had them on full blast.”⁶² As Officer Brown was proceeding to the 10-1 location, Officer Jurisic made sure vehicular traffic was cleared for Officer Brown before entering the intersections. Before arriving at Laramie Avenue and Division Street, Officer Jurisic stated, “We all kind of heard a slowdown, but right after the slowdown was given, the commander came right over the air and said we need more cars.”⁶³

As Officer Brown approached Division Street and Laramie Avenue, Officer Jurisic was looking right towards northbound Laramie Avenue, sweeping it,” and as I made my way to the south side of the street, I just seen blue lights, and I yelled out ‘stop,’ but it was too late, we were right on top of each other.”⁶⁴ Officer Jurisic believed Officer Brown was driving in a safe and reasonable manner. He believed Officer Brown’s driving speed was approximately 30 MPH.

After the accident, Officer Brown exited the vehicle to assist the officers in the unmarked CPD vehicle. Officer Jurisic observed, “Officer Serrano was stuck between the PDT (portable data terminal) and the seat, and Officer Dela Cruz was bleeding from the mouth.”⁶⁵ He assisted and gave aid to the van’s officers, with CFD and medical assistance arriving on the scene. Officer Jurisic suffered injuries to his right thumb and knee and was transported to Community First Hospital for medical attention.

On December 27, 2019, **Police Officer John Planica (“Officer Planica”), Star# 15139, 25th District**, gave COPA an audio-recorded interview.⁶⁶ On May 25, 2019, Officer Planica and

⁶⁰ Id., at 16:18

⁶¹ Attachment 41

⁶² Attachment 41 at 12:00

⁶³ Id., at 12:42

⁶⁴ Id., at 12:57

⁶⁵ Id., at 17:35

⁶⁶ Attachment 42

five additional CPD officers were assigned to foot patrol in the 25th District. At approximately 10:00 p.m., Officer Planica heard a 10-1 radio call. After hearing the call, the officers ran to the marked CPD van. Officer Brown proceeded southbound on Kostner Avenue to Division Street and then westbound on Division Street towards Laramie Avenue. Officer Planica was a passenger in the third-row driver's side passenger seat.⁶⁷ While he did not know the vehicle's speed, Officer Planica believed Officer Brown was driving in a safe and reasonable manner. Officer Planica described the scene inside of the van as chaotic, with loud radios and people yelling. As the van approached Division Street and Laramie Avenue, it slowed down, and he observed an unmarked CPD vehicle he believed was stopping. As the van entered the intersection, Officer Planica felt an impact. Afterward, he was assisted from the van and taken to the hospital with injuries to his head.⁶⁸

When Officer Planica saw the marked CPD van the officers were assigned to, he “was not happy with (us) being in this van.”⁶⁹ He believed the officers should not have been given the van because it was old. However, he admitted the driver, Officer Brown, inspected the van “for damage, made sure there was air in the tires, started the van, and was supposed to identify any other problems.”⁷⁰ However, he was not aware of Officer Brown reporting to the watch commander or desk sergeant that the van was inoperable.

On December 27, 2019, **Police Officer John Serrano (“Officer Serrano”), Star# 7696, 25th District**, gave COPA an audio-recorded interview.⁷¹ On May 25, 2019, Officer Serrano and five additional CPD officers were assigned to foot patrol in the 25th District. At approximately 10:00 p.m., Officer Serrano heard a 10-1 radio call, with an officer stating, “This guy got a gun, he won’t drop it.”⁷² He remembers the OEMC dispatcher saying, “10-1, 10-1, we need officers over there, we need cars over there.”⁷³ Serrano stated a 10-1 call is an emergency. “Any available officer you need to go over there now, an officer’s fighting for his life.”⁷⁴ After hearing the call, the officers ran to the van, driven by Officer Brown, who activated the emergency lights and siren, proceeded southbound on Kostner Avenue to Division Street and then westbound on Division Street Laramie Avenue. Officer Serrano, seated in the front passenger seat, believed Officer Brown drove the van in a reasonable manner. From his seated position in the van, Officer Serrano’s field of observation was to the right side of the van, ensuring intersections were clear of vehicular traffic before entering by the marked CPD van, yelling out to Officer Brown, “You’re good on the right.”⁷⁵ Officer Serrano described the conditions inside the van as chaotic, with multiple portable radios on, their vehicle’s siren, and multiple CPD vehicles behind them as they proceeded to 10-1

⁶⁷ Attachment 42 at 9:25

⁶⁸ Id., at 22:37

⁶⁹ Attachment 42 at 15:15

⁷⁰ Id., at 16:10

⁷¹ Attachment 40

⁷² Attachment 40 at 10:31

⁷³ Id., at 10:45

⁷⁴ Id., at 10:55

⁷⁵ Id. at 12:55

call. As the van approached Division Street and Laramie Avenue, Officer Serrano told Officer Brown that traffic was stopped on the intersection's right side. As he turned to face forward, "at the last second, I saw the TAC [unmarked 2015 CPD black Ford Explorer] car, but at that point, it would've been impossible to stop."⁷⁶ He remembers the van decelerating and then felt its impact with the unmarked CPD vehicle. He recalls his knees hit the van's dash and then being shaken by another officer to regain consciousness. Officer Serrano was transported to Community First Hospital for medical treatment.⁷⁷

On April 28, 2020, **Officer Serrano** gave COPA a second audio-recorded interview.⁷⁸ Officer Serrano stated, inside the van, it was chaotic, "everyone's radio on full blast, everyone is yelling, you know, whoever is calling the 10-1, you know, everyone was yelling into the radio."⁷⁹ When the officers approached Division Street and Laramie Avenue's intersection, Officer Serrano does not recall hearing a slowdown because his focus was ensuring traffic was clear on the right side before Officer Brown drove into the intersection. Officer Serrano did hear someone broadcast over the radio that more cars were needed at the 10-1 location. A slowdown, according to Officer Serrano, is different from a disregard. If he had heard the slowdown while proceeding to the 10-1 location, "I'm still going to go, but I'm not going as urgently."⁸⁰ He said a disregard, however, means "don't come anymore."⁸¹

On November 5, 2019, **Traffic Specialist Denise Freitag ("TS Freitag"), Star# 18520, Major Accident Investigation Unit ("MAIU")**, gave COPA an audio-recorded interview⁸². TS Freitag stated at approximately 11:00 p.m. on Saturday, May 25, 2019,⁸³ she was notified at the MAIU office of a serious accident at Division Street and Laramie Avenue. Upon arrival at the accident scene, TS Freitag and her partner, **Traffic Specialist Enrique Mallado ("TS Mallado"), Star# 12929, MAIU**, observed that CPD personnel from the 25th and 15th Districts had secured the scene.⁸⁴ TS Freitag and TS Mellado began documenting the accident scene's inner perimeter and the various assigned duties of 15th and 25th District CPD personnel at that location. TS Freitag and TS Mellado then separated. TS Freitag completed photo and video documentation of the make, model, color, and location of the involved vehicles and the extent of contact damage and induced damage of said vehicles at the accident scene. TS Mellado canvassed the area for available

⁷⁶ Id. at 15:38

⁷⁷ Attachment 23, page 21, lines 10-12

⁷⁸ Attachment 79

⁷⁹ Attachment 45, page 11, lines 11-14

⁸⁰ Id., page 9, lines 23-24

⁸¹ Id., page 10, lines 10-11

⁸² Attachment 32

⁸³ Attachment 13, page 6. On scene notification to MAIU by Police Officer Brian Pinz, Star# 15111, 25th District.

⁸⁴ Division Street is the dividing line for the boundaries of the 15th and 25th Districts.

CCTV video depicting the accident.⁸⁵ TS Freitag later received a Facebook video post of the accident from her interview with a witness at Illinois Masonic Hospital.⁸⁶

After completing her accident investigation, TS Freitag concluded the 2005 white GMC marked CPD van⁸⁷ driven by **Officer Patrick Brown** was proceeding westbound on Division Street. **Officer Noel Reina**, the driver of a 2015 black unmarked CPD Ford Explorer, was driving northbound on Laramie Avenue.⁸⁸ As both vehicles enter the intersection of Division Street and Laramie Avenue, Officer Brown's driver's side front portion of the van struck the "b pillar"⁸⁹ middle passenger side of the unmarked CPD vehicle driven by Officer Reina, consistent with Officer Brown turning right to avoid impact with the vehicle. After being struck by the CPD marked van, the front end of Officer Reina's vehicle began turning westbound, with the passenger side of his vehicle striking the front end of a 2012 blue Nissan Versa⁹⁰ driven by [REDACTED] rolled up onto the hood and off the vehicle and subsequently came to rest facing southbound on the sidewalk of Laramie Avenue.⁹¹ Also, because the force of the impact pushed [REDACTED] vehicle backward, there was contact with her vehicle's rear and a 2003 blue Honda Civic, driven by [REDACTED]⁹² The back of [REDACTED] vehicle had contact with the front of the 2013 silver Jeep Wrangler driven by [REDACTED] [REDACTED]⁹³ the last involved vehicle in the accident. TS Freitag concluded the white CPD van, driven by Officer Brown, had no contact with [REDACTED] 2012 blue Nissan Versa. All involved civilian vehicles were stopped in traffic and yielded to the emergency vehicles.⁹⁴ The airbag control modules for the CPD vehicles driven by Officers Brown and Reina were recovered and analyzed by Traffic Specialist Lester Fligelman.

On November 18, 2019, **Traffic Specialist Lester Fligelman ("TS Fligelman")**, Star# **7607**, assigned to MAIU, gave COPA an audio-recorded statement.⁹⁵ TS Fligelman stated on May 29, 2019, he received a notification to retrieve event data from the airbag control modules (ACM) for the 2005 marked CPD white GMC van driven by Officer Brown and the 2015 unmarked CPD black Ford Explorer driven by Officer Reina on May 25, 2019, the date of the accident. From the retrieved information, TS Fligelman concluded Officer Brown's operating speed was 28 miles per hour (MPH) one second before the crash. Five seconds before that, Officer Brown's vehicle speed was at or near 43 MPH. Officer Brown was on the brake for four of those five seconds, decreasing

⁸⁵ Attachment 32 at 11:52

⁸⁶ Id., at 12:25

⁸⁷ For MAIU accident investigation and compiled reports, the white 2005 GMC marked CPD van is designated Unit #1.

⁸⁸ For MAIU accident investigation and compiled reports, the 2015 black unmarked CPD Ford Explorer is designated Unit #2.

⁸⁹ The "b pillar" is the small frame part in the middle of a vehicle, between the front and rear doors.

⁹⁰ For the MAIU accident investigation and compiled reports, the blue 2012 Nissan Versa is designated Unit #3.

⁹¹ Attachment 32 at 19:13

⁹² For the MAIU accident investigation and compiled reports, the blue 2003 Honda Civic is designated Unit #4

⁹³ For MAIU accident investigation and compiled reports, the silver 2013 Jeep Wrangler is designated Unit #5.

⁹⁴ Attachment 13, page 23.

⁹⁵ Attachment 33

vehicle speed from 43 MPH to 28 MPH before impact. There was also zero throttle of the marked CPD van for five seconds before the crash, indicating no vehicle acceleration. Additionally, the marked CPD van decreased speed by 10 MPH upon frontal impact to Officer Reina's vehicle's passenger side.⁹⁶ Officer Reina's driving speed of the unmarked CPD vehicle was 47 MPH five seconds before the crash, decreasing to 36 MPH before the marked CPD van struck.

b. Digital Evidence

COPA obtained closed-circuit television (CCTV) video from an exterior camera at **Joey's Liquor Store, 1203 North Laramie Avenue**, located on Laramie Avenue's northeast corner Division Street.⁹⁷ The camera angle shows traffic for the east and westbound lanes of Division Street at Laramie Avenue. Additionally, it shows the traffic control signal for the north and southbound lanes of that intersection.

At the 1:48 mark of the video, [REDACTED] blue Nissan Versa can be seen facing southbound at the intersection, move slightly forward, but stop in the pedestrian crosswalk. At the 1:58 mark of the video, the white CPD van driven by Officer Brown appears in the lower-left corner of the video, proceeding westbound on Division Street at Laramie Avenue. Without stopping for the red traffic signal, the van enters the intersection, striking the black Ford Explorer's passenger side, driven by Officer Reina. Officer Reina's vehicle rotates with the front driver's side, hitting and rolling up the front end and falling off [REDACTED] vehicle. The front end finally rests on the sidewalk at Laramie Avenue's northwest corner Laramie Avenue and Division Street's northwest corner.

COPA obtained a closed-circuit television video (CCTV) from an exterior camera at **Marathon Gas, 5201 Division Street**, located on the southeast corner of Division Street and Laramie Avenue⁹⁸. The camera angle shows vehicular traffic on Laramie Avenue at the intersection of Division Street. Additionally, the video displays the traffic signal designation for north and southbound Laramie Avenue and east and westbound Division Street. At the 21:57:25 mark,⁹⁹ five CPD vehicles, with emergency lights flashing, are seen driving northbound on Laramie Avenue at Division Street. At the 21:58:24 mark, an unmarked CPD black vehicle is seen entering the intersection, with a green traffic signal northbound on Laramie Avenue at Division Street. The squad car is struck by a marked CPD white van, disregarding a red traffic signal, traveling westbound on Division Street. The video clearly shows a green traffic signal for the unmarked CPD black vehicle proceeding northbound on Laramie Avenue.

COPA obtained a Facebook video¹⁰⁰ taken by an unknown driver sitting in the southbound lane of Laramie Avenue. The nine-second video clearly shows a green traffic signal for southbound

⁹⁶ Attachment 33 at 16:30

⁹⁷ Attachment 54

⁹⁸ Attachment 49

⁹⁹ For Attachment 49, the date of May 25, 2019 is correct. However, the time stamp shown is an hour ahead of time.

¹⁰⁰ Attachment 52

Laramie traffic. At the video's four-second mark, the marked CPD white van is seen striking the unmarked CPD black Ford Explorer on its passenger side.

On scene video¹⁰¹ taken by TS Freitag on May 25, 2019, at the intersection of Division Street and Laramie Avenue, depicts the crash scene, identifies the white CPD van and black unmarked CPD vehicle and three other civilian vehicles involved in the incident, and documents the extent of damage and placement of the vehicles for completing the accident investigation.

Various officer body-worn camera (BWC) video¹⁰² capture the 10-1 call and request for a slowdown, request for ambulances at Division and Laramie, speaking to citizens at the scene, and the location and damage to the white CPD van, and the unmarked CPD vehicle. None of the BWC's capture the accident from outside the involved two vehicles.

The May 25, 2019, Zone 12 **OEMC radio transmission** documents the initial 10-1 radio call by CPD Officers at Crystal Street and Lockwood Avenue, the notice to responding to CPD officers to slow down their response to the 10-1 location, and CPD officers requesting multiple CPD and EMS units at Division Street and Laramie Avenue for a vehicle accident.¹⁰³ There were a total of nine instances that the OEMC dispatcher (or unknown officers) broadcast radio transmissions alerting responding police units to slow down. The terms used were "slow it down", or "slowdown".¹⁰⁴ CPD officers at the scene were still requesting officers to the location because of issues with crowd control.

c. Documentary Evidence

The **Report of Postmortem Examination**¹⁰⁵ indicates that the autopsy of ██████████ was performed in the morgue of the Cook County Medical Examiner's Office on May 27, 2019, beginning at 8:30 a.m. Assistant Medical Examiner, Dr. Kristin Alvarenga performed the autopsy. Dr. Alvarenga observed a fracture to Ms. ██████████ skull, hemorrhaging on her brain, lacerations to her heart and aorta, as well as a possible fracture and hemorrhaging to her lower vertebra. Dr. Alvarenga determined that the cause of death of ██████████ was due to blunt force injuries sustained in a motor vehicle accident.¹⁰⁶

Case supplementary reports completed by TS Fligelman and TS Freitag were reviewed and are materially consistent with their interviews.¹⁰⁷

¹⁰¹ Attachments 67,68,and 69

¹⁰² Attachments 85,86,87, and 88

¹⁰³ Attachments 51 and 72

¹⁰⁴ Attachments 51 and 72. The "10-1" is called at 5:24 minutes into the audio transmission and the first slowdown is called at 7:03 minutes into the audio transmission. The accident is called into Dispatch at 8:32 minutes into the audio transmission.

¹⁰⁵ Attachment 50, page 7

¹⁰⁶ Attachment 50

¹⁰⁷ Attachments 12, 13

A CPD Arrest Report¹⁰⁸ shows Beat# 2531 on a traffic stop at Division and Latrobe when a citizen waved the officers down, pointing out a black male waving and pointing a handgun at citizens on Lockwood and Crystal. The officers immediately went to the location, observing a black male walking on foot, eastbound on Crystal, brandishing a handgun. The offender refused multiple commands from the officers to drop the handgun and kept walking away. One officer deployed their Taser to affect the arrest. The suspect was placed into custody, treated, and released at a local hospital,

VI. LEGAL STANDARD

a. Emergency Vehicle Operations

General Order G03-03, *Emergency Use of Department Vehicles*, defines the policy and procedures for CPD officers in the operation of department vehicles in emergency situations. Broadly, G03-03 sets out to “ensure the safety of the public as well as Department members at all times,” specifically “concerning motor vehicle pursuits and non-pursuit emergency vehicle operations.”¹⁰⁹ The general order further states that “any Department vehicle operator who is involved in a traffic crash while responding to an emergency situation will be required to justify his or her actions.”¹¹⁰

General Order G03-03 also instructs Department members to follow the pertinent sections of 625 ILCS 5/11-205, the Public Officers and employees to obey Act-Exceptions.¹¹¹ In the relevant part, the statute describes exceptions to traffic laws that may apply to police officers, indicating that the driver of an authorized emergency vehicle may proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation; and exceed the maximum speed limits so long as he does not endanger life or property.¹¹² However, it is important to note that these privileges and exemptions “do NOT relieve Department members from the responsibility of driving with due regard for the safety of all persons, nor do such provisions protect Department members from the consequences of any conscious disregard for safety.”¹¹³

b. Standard or Proof

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;

¹⁰⁸ Attachment 59

¹⁰⁹ General Order G03-03 (II)

¹¹⁰ *Id* at (III)(B)

¹¹¹ *Id* at (III)(C)

¹¹² 625 ILCS 5/11-205 (c)

¹¹³ General Order G03-03(III)(A) (emphasis included in original text).

2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

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

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

VII. ANALYSIS

As a preliminary matter, it should be noted that the investigation concluded two main factors contributed to the crash. First and foremost was Officer Brown’s lack of due care when operating the CPD passenger van. Secondly was the confusion in the OEMC radio communications requesting officer assistance and later advising of a slowdown. Regardless of the latter, Officer Brown failed to adhere to the emergency vehicle operation requirements laid out in General Order G03-03. By a preponderance of the evidence, COPA finds that Officer Brown violated Department policy and, therefore, makes Sustained findings as to each of his allegations of misconduct.

As described above, General Order G03-03 required Officer Brown to safely operate the Department passenger van to ensure the public and other officers' safety. This requirement is controlling regardless of what was communicated over the radio.

Per the analysis of Traffic Specialist Fligelman, Officer Brown was driving the van at a speed of 28 miles per hour (mph) one second before the crash. Five seconds before that, Officer Brown’s vehicle was traveling at approximately 43 mph. Only in the final four seconds before the collision, Officer Brown applied the brake, reducing his speed to 28 mph. This strongly suggests that Officer Brown did not diminish his speed upon approaching the intersection. Additionally, Officer Brown admitted that, as he entered the intersection of Division Street and Laramie Avenue, he saw the front end of the unmarked Department SUV coming “a half a second [prior] to impact,”

causing him to slam on the van's brakes and turn to the right to avoid impact.¹¹⁴ The ACM data, the officers' interviews in Officer Reina's vehicle, and [REDACTED] and [REDACTED] interviews support the finding that Officer Brown only activated his brakes upon seeing the imminent collision between Officer Reina and the van. The speed at which Officer Brown was traveling, especially through an intersection with a red light, clearly demonstrates a failure to adhere to basic safety principles while operating the Department passenger van.

While Officer Brown may have attempted to slow down, it was not enough to decrease his forward momentum to proceed safely and avoid the crash. Officer Brown's failure to adhere to the safety requirements of General Order G03-03 was compounded by the fact that he was operating a larger and heavier passenger van, as opposed to a smaller and lighter squad car. In his interview, Officer Brown indicated that he was less familiar with operating Department passenger vans than squad cars, which may have made it more difficult for him to avoid the crash. However, this does not excuse Officer Brown from his requirement to exercise due care and caution while operating any CPD vehicle under General Order G03-03. If Officer Brown had safety concerns regarding the passenger van he was assigned, he should have reported it to a supervisor to resolve the issue. In fact, Officer Brown stated that he performed an inspection of the passenger van, and though he noted a loose steering wheel and brakes that needed additional force to engage, he made the conscious decision to drive it, nonetheless. As the driver of this Department vehicle, he accepted the responsibility to drive "with due regard for the safety of all persons,"¹¹⁵ including the five-passenger officers.

Furthermore, the crash videos clearly show that Officer Reina, driving the unmarked CPD SUV, had a green traffic signal heading northbound on Laramie Avenue. Officer Brown admitted he had a red traffic signal in his direction of travel. He saw other civilian vehicles at the intersection, which should have further heightened his caution while proceeding into the intersection. While G03-03 allows an authorized emergency vehicle to proceed through a red traffic signal, this is "only after slowing down as may be required and necessary for safe operation."¹¹⁶ Additionally, the same Department policy allows exceeding the speed limit "so long as he does not endanger life or property."¹¹⁷ An objectively reasonable officer is required to incorporate the surrounding circumstances into this calculation. An officer cannot avail himself of these privileges, as if the surrounding circumstances are always the same. For example, traffic congestion and weather may be the most frequent evolving factors. However, the condition of your vehicle's functionality, observations that other CPD vehicles were responding, and the presence of five other officers inside your vehicle must also be considered. Officer Brown was aware of the existence of each of these factors yet did not articulate his risk assessment of any of these factors. Their presence, especially their combination, weighed against how he chose to drive

¹¹⁴ Id. 41

¹¹⁵ General Order G03-03(III)(A),

¹¹⁶ Id. at (III)(C)(c).

¹¹⁷ Id.

and respond to this call. As if those factors were not sufficient, Officer Brown, as well as the passenger officers, consistently described the volume level inside the van as “chaotic.” Therefore, it was unrealistic for Officer Brown to depend on the passenger officers’ shouted communications about intersections being clear of safety hazards. All five-passenger officers claimed that they made these communications to Officer Brown, which, in application, means that he could not hear all of them. The shouting of everyone appears to have also diminished Officer Brown's ability to hear the repeated “slowdown” communications broadcast on the radio. The significance of a “slowdown” broadcast is to directly reduce the priority response level and communicate to responding units to maintain due caution. Officer Brown’s awareness of these surrounding circumstances means it was far too unsafe for him to have exceeded the speed limit and to have proceeded through a red traffic signal. The videos show the force of impact with which Officer Brown’s van struck the unmarked CPD SUV, which resulted in a multi-vehicle accident, multiple injured officers and civilians, and the death of Ms. [REDACTED]

Officer Brown failed to adhere to the Department’s required safety principles when operating the passenger van by driving at speeds over the speed limit and traveling into an intersection through a red traffic signal, when it was not safe to do so. Consequently, the allegations against Officer Brown are **sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Patrick Brown

i. Complimentary and Disciplinary History

Officer Brown’s complimentary history includes a 2019 Crime Reduction Award, a Department Commendation, and five Honorable Mentions. Officer Brown has no disciplinary history.

ii. Recommended Penalty – Separation

COPA has determined Officer Brown’s failed to adhere to the department’s rules and general order concerning *Emergency Use of Department Vehicles*. As defined the policy provides appropriate caution to be used in emergency situations. Officer Brown did not operate the police van with caution especially considering that he did not feel the van met all the safety requirements. Officer Brown’s decision to continue driving the police van in such a manner that endangered numerous lives, caused multiple injuries and a fatality is unjustified and he should not remain a member of the Chicago Police Department.

IX. CONCLUSION

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

| Officer | Allegation | Finding / Recommendation |
|-----------------------|---|---|
| Officer Patrick Brown | <p>It is alleged at approximately 9:56 p.m., at or near 1200 N. Laramie Avenue, on May 25, 2019, that:</p> <ol style="list-style-type: none"> 1. P.O. Brown failed to adhere to basic safety practices while operating a CPD vehicle. 2. P.O. Brown drove a CPD vehicle without due regard for the safety of all persons when he failed to slow down as required, disobeyed a red traffic signal, and proceeded into the intersection of Division Street and Laramie Avenue 3. P.O. Brown endangered life and property when he drove a CPD vehicle without due regard for the safety of all persons when he exceeded the legally permitted speed limit and proceeded westbound on Division Street through the intersection of Division Street and Laramie Avenue. 4. P.O. Brown failed to operate a CPD vehicle in a manner to maintain safe speeds and ensure control of the vehicle at all times. 5. P.O. Brown failed to ensure it was reasonable and safe to enter the intersection of Division Street and Laramie Avenue before entering the said intersection. | <p>Sustained/Separation</p> <p>Sustained/Separation</p> <p>Sustained/Separation</p> <p>Sustained/Separation</p> <p>Sustained/Separation</p> |

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Approved:



Angela Hearts-Glass
Deputy Chief Investigator

6-28-2021

Date



Andrea Kersten
Interim Chief Administrator

6-28-2021

Date

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Appendix A

Assigned Investigative Staff

| | |
|------------------------------------|---------------------|
| Squad#: | 12 |
| Investigator: | Mark A. Glenn |
| Supervising Investigator: | Andrew Dalkin |
| Deputy Chief Administrator: | Angela Hearts-Glass |