

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 12, 2019
Time of Incident:	7:20 p.m.
Location of Incident:	10220 S. Wentworth Avenue
Date of COPA Notification:	December 12, 2019
Time of COPA Notification:	8:44 p.m.

Officers Gregory Smith and Betty Whitfield were parked facing south on State Street, at approximately 107th Street, when their license plate reader alerted them to a stolen Jeep Grand Cherokee traveling northbound on State Street. The officers made a U-turn, followed the Jeep, entered the Jeep’s license plate number into their Portable Data Terminal (PDT) and confirmed the vehicle was reported stolen. The officers activated their vehicle’s emergency lights and attempted to stop the vehicle. The vehicle fled at a high rate of speed, and ultimately crashed into a single-family home located at 10220 S. Wentworth Avenue. The Jeep’s driver, [REDACTED] was pronounced dead on scene. Two passengers in the vehicle, [REDACTED] and [REDACTED] were transported to University of Chicago Hospital in stable condition.

II. INVOLVED PARTIES

Involved Officer #1:	Gregory Smith, star# 8823, employee ID# [REDACTED]; Date of Appointment: August 29, 2016; Police Officer; Unit of Assignment: 5 th District; DOB: [REDACTED], 1979; male; black
Involved Officer #2:	Betty Whitfield, star# 7235, employee ID# [REDACTED]; Date of Appointment: March 16, 2018; Police Officer; Unit of Assignment: 5 th District; Detailed to Unit 716; DOB: [REDACTED], 1995; female; black
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 2002; male; black
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 2002; male; black
Involved Individual #3:	[REDACTED] DOB: [REDACTED], 2002; female; black

III. ALLEGATIONS

Pursuant to section 2-78-120(d) of the Municipal Code of Chicago, the Civilian Office of Police Accountability (COPA) has the duty to investigate incidents where a person dies as a result of police actions, such as during attempts to apprehend a suspect. COPA is also required to conduct investigations for all “officer-involved” deaths under the Police and Community Relations Improvement Act.¹ “Officer-involved death,” as defined in that statute, “includes any death resulting from a motor vehicle accident, if the law enforcement officer was engaged in law enforcement activity involving the individual or the individual’s vehicle in the process of apprehension or attempt to apprehend.”² As a result of its investigation, COPA made the following allegations and findings:

Officer	Allegation	Finding / Recommendation
Officer Gregory Smith	1. It is alleged that on or about December 12, 2019, at approximately 7:20 p.m., at or near 10220 S. Wentworth Avenue, Officer Smith failed to comply with Chicago Police Department Special Order S03-14 by failing to activate his Body Worn Camera in a timely manner, in violation of Rule 6.	Sustained
	2. It is alleged that on or about December 12, 2019, at approximately 7:20 p.m., at or near 10220 S. Wentworth Avenue, Officer Smith failed to comply with Chicago Police Department Notice D19-01 by failing to notify OEMC that he pointed a firearm at or in the direction of the occupants of a Jeep Grand Cherokee, in violation of Rule 6.	Sustained
	3. It is alleged that on or about December 12, 2019, at approximately 7:20 p.m., at or near 10220 S. Wentworth Avenue, Officer Smith pointed a firearm at or in the direction of the occupants of a Jeep Grand Cherokee without justification, in violation of Rule 38.	Sustained
	4. It is alleged that on or about December 12, 2019, at approximately 7:20 p.m., at or near 10220 S. Wentworth Avenue, Officer Smith failed to comply with Chicago Police	Sustained

¹ 50 Illinois Compiled Statutes 727/.

² 50 ILCS 727/1-5.

	<p>Department General Order G03-03-02, III, A, in that he failed to activate the emergency-roof lights and/or siren when engaged in non-pursuit emergency vehicle operation, in violation of Rule 6.</p> <p>5. It is alleged that on or about December 12, 2019, at approximately 7:20 p.m., at or near 10220 S. Wentworth Avenue, Officer Smith failed to comply with Chicago Police Department General Order G03-03 in that he failed to drive with due regard for the safety of all persons, in violation of Rule 6.</p> <p>6. It is alleged that on or about December 12, 2019, at approximately 7:20 p.m., at or near 10220 S. Wentworth Avenue, Officer Smith failed to comply with Chicago Police Department General Order G03-03-01, III, C, 2 by continuing pursuit of a reportedly stolen vehicle that disregarded traffic control devices, in violation of Rule 6.</p>	<p>Sustained</p> <p>Sustained</p>
<p>Officer Betty Whitfield</p>	<p>1. It is alleged that on or about December 12, 2019, at approximately 7:20 p.m., at or near 10220 S. Wentworth Avenue, Officer Whitfield failed to comply with Chicago Police Department Special Order S03-14 by failing to activate her Body Worn Camera in a timely manner, in violation of Rule 6.</p> <p>2. It is alleged that on or about December 12, 2019, at approximately 7:20 p.m., at or near 10220 S. Wentworth Avenue, Officer Whitfield failed to comply with Chicago Police Department General Order G03-03-01, III, C, 2 by continuing pursuit of a reportedly stolen vehicle that disregarded traffic control devices, in violation of Rule 6.</p> <p>3. It is alleged that on or about December 12, 2019, at approximately 7:20 p.m., at or near 10220 S. Wentworth Avenue, Officer Whitfield failed to comply with Chicago Police Department General Order G03-03-02, III, A, in that she failed to activate the emergency-roof lights and/or siren when engaged in non-pursuit</p>	<p>Sustained</p> <p>Sustained</p> <p>Sustained</p>

emergency vehicle operation, in violation of Rule 6.
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IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals.
 2. Rule 3: Any failure to promote the Department's efforts to implements its policy or accomplish its goals.
 3. Rule 6: Disobedience of an order or directive, whether written or oral.
 4. Rule 38: Unlawful or unnecessary use or display of a weapon.
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General Orders

1. G03-03-02: Emergency Vehicle Operations—Non-pursuits
 2. G03-03: Emergency Use of Department Vehicles
 3. G03-03-01: Emergency Vehicle Operations—Pursuits
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Special Orders

1. S03-14: Body Worn Cameras
2. D19-01: Firearm Pointing Incidents

V. INVESTIGATION³

a. Interviews

In a statement to COPA on January 3, 2020, ██████ stated that he was at his cousin, ██████ house, when their friend, ██████ stopped by. After a brief visit, ██████ and ██████ rode with ██████ to pick up something to eat. ██████ was driving a gray-colored Jeep. ██████ did not know who the Jeep belonged to, or that it was stolen. ██████ sat in the front passenger seat and ██████ sat in the rear passenger seat of the Jeep. As ██████ drove down State Street and approached a stop sign at 107th Street, a marked police SUV that was parked on the opposite side of State Street, facing the opposite direction, made a U-turn and followed the Jeep. The squad car's emergency lights came on as the squad car approached. The squad car sped up to the passenger side of the Jeep. ██████ stated there were two male officers in the squad car. The driver was a dark-skinned black male, and the passenger was light-skinned (race unknown). The driver officer pointed a black gun at ██████ with one hand and held the steering wheel with the other hand.⁵ The officer's arm was extended out of the squad car window with the gun. ██████ and ██████ feared they would be shot, and ██████ drove off at a high speed.⁶ The officers pursued the Jeep in their squad car.

██████ tried to get away from the officers and made multiple turns; however, ██████ was driving too fast, lost control of the vehicle and crashed into a house. ██████ said he jumped into the rear driver's side seat just before the crash. Officers removed ██████ and ██████ from the vehicle and handcuffed them. ██████ sustained injuries to his back due to the incident.

In a statement to COPA on January 8, 2020, ██████ provided an account of the incident consistent with ██████ account. ██████ stated that once the police made the U-turn, the police turned on their vehicle's lights and sirens and chased the Jeep. ██████ sped up as the police sped up. ██████ said the squad car pulled up next to the passenger side of the Jeep, and the driver officer pointed a black gun at her, ██████ and ██████. The officer was driving with one hand and holding the gun with the other.⁸ Upon seeing the gun, ██████ jumped in the back seat next to ██████ and told ██████ to put her head down. ██████ immediately ducked and told ██████ to stop the car or the officers would kill them.

According to ██████ seeing the gun pointed at them made ██████ continue fleeing. A short time later, the Jeep likely struck a pothole or something else, because the vehicle jerked, and ██████ lost control and crashed. ██████ sustained cuts to her hands, leg, and head due to the incident. She sought medical treatment at the University of Chicago Hospital.

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

⁴ Attachments 33, 73

⁵ The Jeep's windows were up. The squad car's windows were down. ██████ did not hear the officers say anything.

⁶ ██████ said they were at approximately 107th Street when the officer pointed the gun.

⁷ Attachments 34, 72

⁸ ██████ did not remember if the officer's window was up or down, or whether the officer extended the gun outside of his window.

In a statement to COPA on February 18, 2020, **Officer Gregory Smith**⁹ stated that on the date of the incident he was in full uniform and the driver of a marked police SUV. Officer Smith continued to explain that he and his partner, Officer Betty Whitfield, were parked with their squad car facing south on State Street at approximately 109th Street. Officer Smith, the driver, had parked to take a phone call. Moments later, the squad car's license plate reader alerted Officers Smith and Whitfield to a stolen, gray Jeep Cherokee that had just passed their squad traveling northbound on State Street. Officer Whitfield entered the plate number from the plate reader into the PDT/ LEADS system and verified that the vehicle was reported stolen. Officer Smith ended his phone call and made a U-turn to follow the Jeep. Officer Smith briefly lost sight of the Jeep. There were no vehicles in front of him. Officer Smith turned west onto 107th Street. Officer Whitfield spotted the Jeep ahead and told Officer Smith that the Jeep's lights were turned off. The Jeep turned north onto Wentworth and Officer Smith followed. He turned onto Wentworth and saw that there were no vehicles, and the street was empty.¹⁰ Officer Smith turned left onto 106th Place, still searching for the Jeep. Officer Smith did not see the vehicle initially, but then observed brake lights approximately two blocks ahead. The Jeep turned left and drove southbound along a dirt road near the train tracks. Officer Smith caught up to the Jeep and the Jeep jumped the curb heading east onto 107th Street. Upon confirming it was the Jeep in question via the license plate, Officer Whitfield notified the Office of Emergency Management and Communications (OEMC) that she and Officer Smith were conducting a traffic stop.

Officer Smith activated the squad car's emergency lights and sirens once he was behind the Jeep.¹¹ The Jeep started to pull over and almost came to a complete stop at approximately 256 – 258 W. 107th Street. As Officers Smith and Whitfield prepared to exit the squad car, the driver, [REDACTED] accelerated and drove off. [REDACTED] drove approximately four houses down and came to an abrupt stop. Officer Smith pulled behind the Jeep on the driver side and stopped. Officer Whitfield told Officer Smith that she observed two people moving around in the front seat. As Officers Smith and Whitfield prepared to exit their squad car, [REDACTED] drove off again. [REDACTED] turned north onto Wentworth and stopped the Jeep in the middle of the street between 107th and 106th Place. Officer Smith then pulled up to the rear passenger side of the Jeep and observed two occupants in the front seat reaching and moving around in the car.¹² Fearing the occupants might be reaching for a weapon given that the vehicle was stolen and Officer Smith's previous encounters as a police officer, Officer Smith unholstered his firearm for safety. [REDACTED] drove off again and abruptly stopped between 106th Street and 105th Place. Officer Smith pulled up to the Jeep's passenger side and yelled, "Freeze!"¹³¹⁴ Officer Smith said he held his gun against his chest with his right hand, with the gun pointed downward in the low-ready position. As Officer Smith grabbed his door to exit the vehicle, [REDACTED] sped off traveling north on Wentworth. Officer Smith stated he did not recall whether he pointed his firearm at or in the direction of the Jeep's occupants. Officer Smith

⁹ Attachments 57-58, 61

¹⁰ Officer Smith said there was little to no vehicular traffic during this incident. Officer Smith observed two vehicles at 107th and Wentworth, and two cars at 105th and Wentworth. Officer Smith stated the first time he observed any pedestrians during this incident was at 103rd and Wentworth.

¹¹ Officer Smith said he did not activate the emergency roof lights and/or siren sooner because he wanted to get close enough to the Jeep to verify that the Jeep's license plate matched the details on the license plate reader, to avoid pulling over the wrong person.

¹² Officer Smith said the Jeep's windows were tinted and he did not see anyone in the rear seat of the vehicle.

¹³ Attachment 61; Page 32, Line 7

¹⁴ Both Officer Smith's window and the Jeep's windows were up at this point.

added that his gun was in the low-ready position as he prepared to exit the vehicle and the barrel could have been pointed at the Jeep. Officer Smith stated that he never intentionally pointed his gun at the occupants of the Jeep, and therefore never notified OEMC or documented that he pointed his firearm.¹⁵

██████████ ran a stop sign at approximately 105th Street as he continued north on Wentworth. Officer Smith also ran the stop sign. ██████████ veered around a vehicle that was in the turning lane and ran another stop sign at 104th Street. ██████████ gained a substantial lead on Officer Smith and was nearly a block and a half ahead. Officer Smith said he mentally performed the balancing test and decided to terminate the chase, given that ██████████ refused to stop and disregarded other vehicles on the street. Officer Smith said he reduced his speed and made a radio transmission to OEMC that he was terminating the pursuit as well as giving the Jeep's last known direction of travel. As Officer Smith turned off his emergency lights, slowed, and attempted to come to a stop, the Jeep drove through a traffic light at 103rd and Wentworth, struck a dip in the road, went airborne, struck a tree, and crashed into a house.¹⁶ Officer Smith approached the Jeep with his firearm unholstered and gave verbal commands for the occupants to show their hands. Officer Smith said he could not clearly see anyone in the vehicle because the Jeep was covered in debris and partially inside the house. Officer Smith saw people inside the house and asked if everyone was okay. He then heard people inside the Jeep yelling for help, at which time he requested Emergency Medical Services (EMS), multiple Chicago Fire Department (CFD) engines, and a tow truck to pull the Jeep out of the house so they could help the Jeep's occupants.

Officer Smith stated he activated his Body Worn Camera (BWC) after the crash occurred. He added that he did not activate his BWC sooner because he was focused on what was transpiring and he typically activates his BWC as he exits the squad car. Officer Smith later said that he believed he activated his BWC the first time he attempted to stop the Jeep; however, he realized once the crash occurred that his BWC was not activated.

In a statement to COPA on March 4, 2020, **Officer Betty Whitfield**¹⁷ provided an account consistent with Officer Smith's account of the incident. Officer Whitfield stated that she and Officer Smith did not see the gray truck when Officer Smith made the U-turn, so Officer Smith made a series of turns to locate the Jeep.¹⁸ At one point, Officer Whitfield saw taillights one or two blocks down, but she could not determine if that was the correct vehicle or license plate depicted on the plate reader. Once the officers reached the train tracks, at roughly Princeton Avenue, and were closer to the vehicle, Officer Whitfield saw the license plate and confirmed it was the stolen, gray Jeep. Officer Whitfield informed OEMC that she and Officer Smith were conducting a traffic stop.¹⁹ Officer Smith also notified OEMC when the Jeep drove away from the officers. Officer

¹⁵ Officer Smith said the squad car and Jeep's windows were up, and the Jeep fled before Officer Smith opened the squad car door.

¹⁶ The crash occurred approximately ten to fifteen seconds after Officer Smith announced he had terminated the pursuit.

¹⁷ Attachments 59-60

¹⁸ Officer Whitfield could not describe the exact route they took.

¹⁹ Officer Whitfield stated there was no communication between the officers and OEMC prior to this because the officers had not positively located the vehicle.

Whitfield stated that Officer Smith announced to OEMC that he was terminating the pursuit once the Jeep started veering around other vehicles.²⁰

Officer Whitfield stated that the officers drove up to the crash site and Officer Whitfield activated her BWC as she exited the squad car. Officer Whitfield said she did not think to activate her camera sooner because there were multiple things transpiring. Officer Whitfield checked on the people in the house while Officer Smith checked on the occupants in the vehicle.

Officer Whitfield stated that there was a low volume of pedestrian and vehicular traffic throughout the incident. Officer Whitfield believes Officer Smith drew his weapon the third time they attempted to stop the Jeep. Officer Whitfield did not observe Officer Smith remove his gun from the holster, or observe Officer Smith point his weapon at or in the direction of the Jeep; however, Officer Whitfield heard Officer Smith's holster click.

In a subsequent statement to COPA on October 5, 2021, **Officer Betty Whitfield**²¹ addressed allegations that she violated Department policy by continuing pursuit of a reportedly stolen vehicle that disregarded traffic control devices and failed to activate the emergency-roof lights and/or siren when engaged in non-pursuit emergency vehicle operation. Officer Whitfield said that once [REDACTED] committed a hazardous traffic offense, which she described as making an evasive movement and running a stop sign, she and Officer Smith conducted the balancing test and terminated the pursuit within a few seconds after they deemed that [REDACTED] was driving in an unsafe manner. Officer Whitfield added that she and Officer Smith determined that safety outweighed the need to stop the vehicle. Regarding the allegation of failure to activate the emergency-roof lights and/or siren, Officer Whitfield said she and Officer Smith did not initially see the Jeep, they were not driving in an unsafe manner, and had not confirmed that the vehicle they were searching for matched the plate number on the plate reader. Officer Whitfield added that the street was well-lit, there was low vehicular traffic, and there were no pedestrians on the street. Officer Whitfield believed it would have been unreasonable to activate their vehicle's lights before they positively identified the vehicle, as other motorists would have pulled over.

b. Digital Evidence

Evidence Technician photographs depict the Jeep and the scene from various angles.

GPS Records²² document that in the moments before the crash, the involved officers' squad car went from 0 miles per hour at 19:18:03 to 55 miles per hour at 19:18:38.²³ The next three readings indicate that the squad car's speed reduced to 42 miles per hour,²⁴ and decreased to 0 miles per hour at 19:21:00.

²⁰ Simultaneously, OEMC informed the officers that the Jeep was a "straight steal," which Officer Whitfield explained as the vehicle was not taken by way of vehicular hijacking.

²¹ Attachment 79

²² Attachment 16

²³ The GPS report clocks speed roughly every 35 – 36 seconds.

²⁴ 19:19:14, 19:19:49 and 19:20:24.

In-Car Video²⁵ depicts the involved officers driving. At minute 00:05, Officer Smith runs a stop sign. At minute 00:50, the Jeep comes into view. At minute 01:00, the squad car's emergency lights are activated. The Jeep slows at minute 01:07; accelerates; slows at minute 01:14; accelerates; slows at minute 01:27; accelerates; and slows at minute 01:39. In this instance, Officer Smith says, "Freeze!" The Jeep then flees at a high rate of speed. The Jeep and squad car run a stop sign at minute 01:50, and again at minute 01:57. At minute 01:59, Officer Smith announces that he is terminating the pursuit. At minute 02:01, the Jeep runs a red light at 103rd and Wentworth. At minute 02:04, the Jeep crashes into the residence. Officer Smith announced the crash to OEMC.

Officer Smith's **Body Worn Camera**²⁶ begins in the buffer period and depicts him driving. At minute 01:24, Officer Smith raises a firearm in his right hand and points it toward his driver side window. There is a vehicle on the driver side of the squad car. At minute 02:00, Officer Smith activates his Body Worn Camera as he arrives at the scene of the crash. Officer Smith announces that the Jeep hit a bump on 103rd and Wentworth and "went flying." Officer Smith asks if anyone in the home is injured. Officer Smith directs the occupants in the Jeep to be still and show their hands.

Officer Whitfield's **Body Worn Camera**²⁷ recording is substantially the same as Officer Smith's but has a better view of the positioning/ pointing of Officer Smith's firearm. Officer Smith is seen with his weapon in his right hand, raised and pointed in the direction of the Jeep.

The **OEMC transmissions**²⁸, which begin on December 12, 2019 at 19:19:47 hours, document that Officer Whitfield notified OEMC that a car "took off" on them. At minute 00:56 of the recording, Officer Smith announces that they are terminating the pursuit and at minute 01:01, Officer Smith announces that the vehicle crashed. At minute 02:56, Officer Smith comes back on when OEMC loops in a Sergeant and states, "When we ended, he went through a red light at 103rd and Wentworth and hit a bump and lost control."

Police Observation Device (POD) 7328²⁹ depicts the Jeep traveling from 103rd and Wentworth and into the house.

COPA obtained additional **POD video**,³⁰ **3rd party video**, and **Body Worn Camera video** from responding officers.³¹

c. Physical Evidence

The **Postmortem Examination Report**³² documents that [REDACTED] was examined on December 13, 2019 at 7:45 a.m. The Medical Examiner determined that [REDACTED] died of multiple injuries due to a Sports Utility Vehicle striking a fixed object. The manner of death was ruled an

²⁵ Attachment 29

²⁶ Attachment 30

²⁷ Attachments 31, 75

²⁸ Attachment 26. Zone transmissions, labeled Z9 1919-2019.mp3.

²⁹ Attachment 27

³⁰ One additional POD was obtained. POD 7780 shows flashing blue lights but does not depict the incident.

³¹ Attachments 28, 35-36, 64-65

³² Attachment 38

accident. The Toxicology Report revealed that there was caffeine in [REDACTED] blood. The Toxicology Report did not reveal any other positive findings of toxicological significance.

Medical Records³³ from University of Chicago Medicine document that [REDACTED] was a restrained back-seat passenger in a vehicle that struck a building. [REDACTED] complained of knee pain, and sustained abrasions to her forehead, cheek, hand, and knee.

EMS Records³⁴ document that [REDACTED] was a restrained back seat passenger on the passenger side of the vehicle. [REDACTED] had abrasions to her forehead and knee, left hand pain, right knee pain, head pain, and rib pain.

A request for [REDACTED] **medical records**³⁵ met with negative results, as University of Chicago Medicine reported that they had no responsive records.

EMS Records³⁶ document that [REDACTED] was sitting in the passenger seat of the vehicle, realized the vehicle was going to crash into the house, and jumped into the back seat. [REDACTED] complained of right leg pain.

d. Documentary Evidence

The **Original Case Report for RD #** [REDACTED]³⁷ documents officers responded to an auto accident and observed a vehicle crashed into a single-family dwelling at 10220 S. Wentworth Avenue. Officers Gregory Smith and Betty Whitfield told responding officers that the involved vehicle, a Jeep Grand Cherokee bearing Illinois license plate [REDACTED], confirmed stolen by a license plate reader, was traveling northbound on Wentworth Avenue from 103rd Street at an unknown high rate of speed when the vehicle drove over a dip in the road at approximately 10238 S. Wentworth Avenue. The driver subsequently lost control of the vehicle. The vehicle jumped the west curb at approximately 10236 S. Wentworth Avenue, traveled across multiple front lawns and crashed into the residence at 10220 S. Wentworth Avenue causing severe damage to the structure and vehicle. The Jeep's driver, [REDACTED] was pronounced dead on scene. The passengers, [REDACTED] and [REDACTED] were transported to University of Chicago Hospital in stable condition.

The **Illinois Traffic Crash Report**³⁸ documents that responding officers observed the Jeep crashed into the southeast corner of a home. Based on the tire marks, officers determined that the Jeep likely traveled in a northwesterly direction across the front lawns before striking the residence.

³³ Attachment 74

³⁴ Attachment 62, pages 151-153

³⁵ Attachment 63

³⁶ Attachment 62, pages 147-150

³⁷ Attachment 2

³⁸ Attachment 62, pages 11-12

Arrest Reports³⁹ document that [REDACTED] and [REDACTED] were placed into custody for Criminal Trespass to Vehicles. [REDACTED] and [REDACTED] were released without charges as the vehicle's owner refused to prosecute.

The **Original Case Report for RD #**[REDACTED]⁴⁰ documents that on December 10, 2019, [REDACTED] reported that he left his keys inside his Jeep Grand Cherokee as he paid his bill at T-Mobile. Moments later, an unknown male entered [REDACTED] vehicle and drove away.

A **Chicago Police Department Event Query**⁴¹ documents that the Jeep was reported stolen under LEADS number [REDACTED].

The **Case Supplementary Report**⁴² documents that [REDACTED] told Detectives that her cousin, [REDACTED] picked her up at home in a gray Jeep Grand Cherokee. They then picked up [REDACTED] from an unknown location in Dolton, Illinois. [REDACTED] then drove. At a later point, the police got behind them and a chase ensued. [REDACTED] drove at a high rate of speed, lost control of the vehicle and struck a residence.

[REDACTED] told Detectives that [REDACTED] picked up him and his cousin, [REDACTED] at 93rd and Greenwood and they went to get food from somewhere on 100th Street. The police made a U-turn and chased their vehicle. [REDACTED] made a sharp turn, lost control of the vehicle and struck a house. [REDACTED] related that he jumped from the front to the rear passenger seat just before the crash. [REDACTED] related that he lost consciousness but later exited the vehicle through the front passenger window.

The Case Supplementary Report documents that **Officer Smith** provided Detectives an account consistent with his COPA interview. Officer Smith said he and Officer Whitfield were initially parked south of 107th Street on State. Officer Smith related that 106th Place ends at the train tracks on the west end of the 300 W. block of 106th Place. The Jeep made a left turn and traveled southbound along those tracks. Smith told Detectives the second stop was at approximately 210 W. 107th Street. Smith told Detectives that as the Jeep drove eastbound, after the second stop, the traffic signal at the intersection of 107th and Wentworth displayed a green light. The Jeep drove left of center, passing vehicles which were stopped at the traffic signal facing the eastbound direction, and made a left onto northbound Wentworth Avenue. Smith said as he pulled to the right and deactivated his lights, he observed the crash. Smith told detectives he was initially unaware of what the Jeep made impact with because he was approximately two blocks south of the crash location.

Officer Whitfield provided Detectives an account consistent with her COPA statement and Officer Smith's account. Additionally, Officer Whitfield said she observed the Jeep veering to the left as Officer Smith simultaneously made a radio transmission to terminate the pursuit.

Witness [REDACTED] [REDACTED] told Detectives he was inside his vehicle traveling eastbound on 103rd, approaching Wentworth Avenue, when a Jeep traveling northbound on Wentworth ran a solid red

³⁹ Attachments 3, 4

⁴⁰ Attachment 5

⁴¹ Attachment 12

⁴² Attachment 76

light at 103rd Street. As ██████████ continued traveling east toward Wentworth, he observed a large plume of smoke and saw police officers on scene. ██████████ did not observe the crash.⁴³

Witness ██████████ told Detectives he was standing on the porch waiting to enter the residence to visit his pregnant girlfriend. ██████████ heard sirens but did not see any police vehicles. ██████████ then observed a vehicle's headlights approaching at a high rate of speed. A Jeep jumped the curb, struck the front porch, and crashed into the house. ██████████ braced himself against the wall and entered the residence. The police arrived shortly after. ██████████ said the police were far behind the Jeep.⁴⁴

Per the Case Supplementary Report, the investigation did not reveal the actual speeds of the squad car or the Jeep during this incident; however, dash cam video showed that the Jeep traveled at a high rate of speed. This information was corroborated by witnesses ██████████ and ██████████.

The **Major Accident Investigations Unit (MAIU) Supplementary Report**⁴⁵ notes that at the crash location, vehicular traffic on Wentworth moves in the north and south directions. It is reported that Beat 513R, Officers Smith and Whitfield, were parked on the west side of State Street, south of the intersection of 107th and State Streets. At the same time, the Jeep Grand Cherokee (Unit 1) traveled northbound on the 10700 – 10800 South block of State Street. Beat 513R followed the Jeep northbound on State Street, westbound on 106th Place, southbound through the T-alley on 106th Place, and eastbound on 107th Street. Beat 513R activated their emergency equipment while traveling eastbound on 107th Street. The Jeep made a right turn and traveled northbound on Wentworth, drove left of center and disobeyed stop signs. Beat 513R pulled to the right and terminated the pursuit on the 10300 South block of Wentworth Avenue. The Jeep continued northbound on Wentworth Avenue, veered to the left and struck the front porch of the residence located at 10220 South Wentworth Avenue. The Jeep was pinned in underneath the structure of the residence. Passengers ██████████ and ██████████ were rescued from inside the Jeep. ██████████ was pinned underneath the structure of the residence and sustained fatal injuries. ██████████ was pronounced dead at the scene.

A **Case Supplementary Report**⁴⁶ documents that there were no posted speed limit signs on Wentworth Avenue near the crash location, but the regulated speed limit is 30 miles per hour. On Wentworth there is one undivided lane which permits travel in the northbound and southbound directions. The width of Wentworth was measured as 29 feet and 6 inches. Parking is permitted on the east and west sides of Wentworth Avenue.

VI. LEGAL STANDARD

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

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

⁴³ Attachment 76, page 10

⁴⁴ Attachment 76, page 11

⁴⁵ Attachment 62, pages 50-53

⁴⁶ Attachment 62, page 80

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 a proposition is proved.⁴⁷ If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense.⁴⁸ 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."⁴⁹

VII. ANALYSIS

I. Both officers violated Department policy by failing to activate their Body Worn Cameras at the beginning of a law enforcement activity.

To increase transparency and improve the quality and reliability of investigations, Department policy requires law-enforcement-related encounters to be electronically recorded. Law-enforcement encounters include, but are not limited to, vehicle pursuits, traffic stops, investigatory stops, high risk situations, and emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene.⁵⁰ The decision to record is mandatory, not discretionary. Members must activate at the beginning of an incident and record the entire incident. If there are circumstances preventing the member from activating of the Body Worn Camera at the beginning of the incident, Department policy provides that it shall be activated as soon as practical.

In the instant case, the officers were alerted of a stolen vehicle being driven past their squad car. The officers confirmed the status of the vehicle, searched for the vehicle, pursued the vehicle, made multiple attempts to curb the vehicle, and Officer Smith drew his weapon to stop the vehicle. However, neither officer activated their Body Worn Cameras until exiting the squad car at the crash scene. Both recordings begin approximately two minutes before reaching the crash site. Despite the many instances listed above in which the cameras should have been activated, neither

⁴⁷ 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).

⁴⁸ See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

⁴⁹ *Id.* at ¶ 28.

⁵⁰ Special Order S03-14 (III)(A) effective April 30, 2018

Officer Smith nor Officer Whitfield activated their Body Worn Cameras until approaching the scene of the crash and not until after the vehicle pursuit was terminated.

In a statement to COPA, Officer Whitfield stated that she activated her camera when she exited the squad car, explaining that she did not activate it sooner because there were multiple things going on all at once and she was trying to pay attention to the road and communicate with OEMC. During his statement with COPA, Officer Smith expressed that he did not activate his camera sooner because he was focused on what was transpiring and he typically activates his camera as he exits the squad car. Officer Smith later said that he believed he activated his camera the first time he attempted to stop the Jeep; however, he realized once the crash occurred that it was not activated. When Officer Smith ended his phone call and proceeded in the direction of the Jeep, he and Officer Whitfield were embarking upon a law-enforcement encounter. It would have been practical to activate the body worn camera in that moment, as well as, in each instance that the officers attempted to conduct a traffic stop of the Jeep.

For the reasons stated above, COPA finds that a preponderance of the evidence establishes that Officer Smith and Officer Whitfield failed to comply with Chicago Police Department Special Order S03-14 by failing to activate their Body Worn Cameras at the inception of a law enforcement encounter, in violation of Rule 6. COPA finds that **Allegation #1** against **Officer Gregory Smith** and **Allegation #1** against **Officer Betty Whitfield** is **Sustained**.

II. The officers violated Department policy by continuing a pursuit of the stolen vehicle's driver.

Pursuant to Department policy, the initiation, continuation, and supervisory authorization of each motor vehicle pursuit must conform to a balancing test in which the member decides whether the necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by the motor vehicle pursuit.⁵¹ In doing so, the member is to determine whether the speeds involved and/or the maneuvering practices engaged in permit the Department vehicle operator complete control of the vehicle and do not create unwarranted danger to him/herself or others. He/she is also to consider whether the volume of pedestrian/vehicular traffic, weather, and road conditions reasonably permits initiating or continuing the pursuit.⁵²

In the instant matter, Officer Smith informed COPA that he conducted the balancing test in his head. In doing so, he took into account that the Jeep had run a stop sign, was picking up speed, and disregarding everything around him.⁵³ Officer Smith also took into account that there were three vehicles at 104th Street, one of which was turning. The Jeep drove around the turning vehicle, almost hitting a curb. After conducting the balancing test, Officer Smith decided to terminate the pursuit. Officer Whitfield notified OEMC of the attempt to perform a traffic stop. However, OEMC was not notified of the initiation of the vehicle pursuit. The information provided to OEMC included the Jeep's license plate number, known occupants, and direction of travel, but lacked the reason for pursuit, the speed of the vehicle, and the laws violated.

⁵¹ General Order G03-03-01 (II)(A), effective April 9, 2019

⁵² General Order G03-03-01 (II)(B) effective April 9, 2019.

⁵³ Officer Whitfield provided essentially the same rationale.

Department policy prohibits the continuation of a motor vehicle pursuit during the following circumstances: whenever a pursued vehicle or pursuing Department vehicle is involved in any traffic crash in which there is a probability of personal injury; when the most serious offense for which the pursued vehicle is wanted is a theft (including Possession of Stolen Motor Vehicle) or a hazardous traffic violation (other than driving under the influence of alcohol and/or drugs); and after the initial observed violation, the pursued vehicle disregards the traffic signals or signs when entering an intersection controlled by traffic signals or stop/yield signs.⁵⁴

In this instance, the basis for the vehicle pursuit was that the vehicle had been reported stolen. As stated above, the continuation of the pursuit is explicitly prohibited by Department policy. Moreover, In-Car video depicts that once Officer Smith pointed his firearm at or in the direction of the occupants of the Jeep, the Jeep fled at a high rate of speed with Officer Smith in pursuit. Within the next fifteen seconds, the Jeep ran two stop signs.⁵⁵ Approximately eight seconds later, Officer Smith pulled over and announced that he was terminating the pursuit. The pursuit was terminated approximately two seconds before the Jeep ran a red light and crashed. Per Department policy, the pursuit was prohibited as the most serious offense was theft/possession of a stolen vehicle. Furthermore, Officer Smith should have immediately discontinued pursuit of the Jeep once the Jeep ran the first stop sign as mandated by Department policy.

For the foregoing reasons, the preponderance of the evidence establishes that Officer Smith failed to comply with General Order G03-03-01 (III)(2) by continuing pursuit of a reportedly stolen vehicle that disregarded traffic control devices, in violation of Rule 6. COPA finds that **Allegation #6** against **Officer Gregory Smith** is **Sustained**.

COPA finds that Officer Whitfield actively participated in a vehicle pursuit in violation of Department Rules. Although Officer Whitfield was the passenger, Department policy did not permit her to passively sit by. Rule 2 prohibits conduct which impedes the Department's efforts to achieve its policy and goals. Rule 3 prohibits failures to promote Department policy. Moreover, the pursuit directive expressly states that "all members involved in or supervising a motor vehicle pursuit must be prepared to justify their actions."⁵⁶ Working in concert, these three rules create a duty whereby all officers playing a role in a pursuit must justify their actions and cannot passively sit by. As such, based on a preponderance of the evidence, COPA finds that both officers actively attempted to apprehend the driver of the Jeep. For these reasons, the preponderance of the evidence establishes that Officer Whitfield failed to comply with General Order G03-03-01 (III)(2) by continuing pursuit of a reportedly stolen vehicle that disregarded traffic control devices, in violation of Rule 6. COPA finds that **Allegation #2** against **Officer Betty Whitfield** is **Sustained**.

III. Officer Smith pointed his firearm without justification and violated Department policy by failing to notify OEMC of the pointing of his firearm.

Whenever a Department member points a firearm at a person while in the performance of his or her duties, the member is to notify OEMC promptly after the incident has concluded of his/her

⁵⁴ General Order G03-03-01 (III)(C) effective April 9, 2019

⁵⁵ Attachment 29

⁵⁶ G03-03-01.IV.A

Radio Identification/Beat Number.⁵⁷ Department members are not required to make a notification for any unholstering or display of a firearm or having the firearm in a “ready” position or any other position during the course of an incident, unless the firearm is pointed at a person.⁵⁸ Department members may only point a firearm at a person when it is objectively reasonable to do so under the totality of the circumstances faced by the member on the scene. Some factors to consider are the nature of the incident, the risk of harm to the member or others, and the level of threat or resistance presented or maintained by the person.

In separate interviews with COPA, [REDACTED] and [REDACTED] both alleged that Officer Smith pointed a firearm at them and were consistent in describing the way Officer Smith pointed the firearm stating that Officer Smith was holding the firearm in one hand with his other hand on the steering wheel. In the buffer period, Officer Smith’s Body Worn Camera depicts him raising his firearm in his right hand and pointing it toward his driver side window, which is adjacent to where the Jeep was being driven. During an interview with COPA, Officer Smith stated that his firearm was unholstered and held in the low-ready position with the barrel of the gun pointed downward. Officer Smith stated that he never intentionally pointed his gun at the occupants of the Jeep and therefore, never notified OEMC or documented that he pointed his firearm.

The available evidence suggests that Officer Smith pointed his firearm at or in the direction of the occupants of the Jeep. Officer Smith’s Body Worn Camera depicts Officer Smith pointing his firearm toward his driver side window, in the direction of the Jeep. During this time, Officer Smith is heard on In-Car video saying, “Freeze!” Officer Smith stated that as he pulled up to the passenger side of the Jeep, he observed two occupants in the front seat reaching and moving around, explaining that he unholstered his firearm because he feared the subjects might be reaching for a weapon. However, Officer Smith never documented that he pointed his firearm, nor did he provide notification of such. Officer Smith also did not acknowledge that he pointed his firearm at or in the direction of the occupants of the Jeep during his statement with COPA. Instead, he stated that he held his firearm in a low-ready position, and if he pointed the firearm, it was inadvertent. Without reasonable articulable basis for why Officer Smith pointed his firearm at the occupants of the Jeep, COPA finds that the allegation is sustained.

COPA finds that the preponderance of the evidence establishes that Officer Smith failed to comply with Chicago Police Department Notice D19-01 by failing to notify OEMC that he pointed a firearm at or in the direction of the occupants of a Jeep Grand Cherokee, in violation of Rule 6. Moreover, Officer Smith pointed the firearm at or in the direction of the occupants of the Jeep Grand Cherokee without justification, in violation of Rule 38. COPA finds that **Allegation #2** and **Allegation #3** against **Officer Gregory Smith** are **Sustained**.

IV. Both officers violated Department policy by failing to activate the emergency roof lights while engaged in non-pursuit vehicle operation.

Pursuant to Illinois Law, police vehicles are afforded special privileges and exemptions when engaging in emergency response calls and motor vehicle pursuits.⁵⁹ These special privileges apply

⁵⁷ Department Notice D19-01 (III)(A), effective November 1, 2019

⁵⁸ Department Notice D-19-01 (II)(B), effective November 1, 2019

⁵⁹ 625 ILCS 5/11-205

to all Department members and only when the vehicle driven is readily identifiable as an emergency vehicle. During pursuit, the exemptions allow Department members to exceed the speed limit, disregard regulations governing direction of movement, and to proceed past a red stop signal/stop as may be required so long as to not endanger life or property.⁶⁰ These provisions 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.⁶¹

When engaged in non-pursuit emergency vehicle operation, the operator of a marked vehicle is directed to activate the emergency-roof lights and siren in advance of encountering any traffic obstruction or to alert others of the approach of his or her vehicle.⁶² Department policy mandates that the operator is to adhere to basic traffic-safety practices and operate the vehicle at a speed and in a manner compatible with weather and local conditions to ensure that control of the vehicle is maintained at all times. In doing so, operators are to proceed through intersections or traffic signals only after determining it is reasonable and safe to proceed, yielding the right-of-way to all pedestrian traffic. They are also to ensure that the emergency-roof lights remain illuminated on limited-access highways until the police vehicle and the overtaken or disabled vehicle are safely positioned off the main portion of the roadway.⁶³

In the instant matter, In-Car Video depicts Officer Smith driving around searching for the Jeep for at least one minute before he activates the squad car's emergency lights. During that time, Officer Smith ran a stop sign and GPS records document that the squad car reached a speed of 55 miles per hour at 19:18:03 (7:18 p.m.).⁶⁴ The Case Supplemental Report documents that the regulated speed in the area is 30 miles per hour.⁶⁵ During his COPA interview, Officer Smith stated that he did not activate his emergency roof lights sooner because he wanted to verify the vehicle information prior to activating the lights to prevent pulling over an innocent individual. The Department policy is in place to protect the safety and welfare of both the public, as well as, involved officers. Given that Officer Smith was actively searching for a stolen vehicle, ran a stop sign, and traveling in excess the speed limit in a residential area, Officer Smith should have activated the emergency-roof lights and/or siren to alert others of the approach of his vehicle.

The preponderance of the evidence shows that he failed to comply with Chicago Police Department General Order G03-03-02(III)(A) by failing to activate the emergency-roof lights and/or siren when engaged in non-pursuit emergency vehicle operation, in violation of Rule 6. COPA finds that **Allegation #4** against **Officer Gregory Smith** is **Sustained**.

Similarly, the preponderance of the evidence shows that Officer Whitfield failed to comply with Chicago Police Department General Order G03-03-02(III)(A) by failing to activate the emergency-roof lights and/or siren when engaged in non-pursuit emergency vehicle operation, in violation of Rule 6. COPA finds that **Allegation #3** against **Officer Betty Whitfield** is **Sustained**

⁶⁰ 625 ILCS 5/11-205 (C)

⁶¹ General Order G03-03(III)(A), effective June 1, 2003

⁶² General Order G03-03-02(III)(A), effective June 1, 2003

⁶³ General Order G03-03-02(III)(A), effective June 1, 2003

⁶⁴ Attachment 16

⁶⁵ Attachment 62, Page 80

The facts described above also support a finding that the preponderance of the evidence shows that Officer Smith failed to comply with Chicago Police Department General Order G03-03 by failing to drive with due regard for the safety of all persons, in violation of Rule 6. COPA therefore finds that **Allegation #5** against **Officer Gregory Smith** is **Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Gregory Smith

i. Complimentary and Disciplinary History

Officer Smith has been a member of the Chicago Police Department since August 29, 2016. In that time, he has received 1 Crime Reduction Award, 1 Complimentary Letter, 1 Department Commendation, 1 Emblem of Recognition – Physical Fitness, 43 Honorable Mentions, and 2 Unit Meritorious Performance Awards. Officer Smith received 1 Summary Punishment Action Request (SPAR).

ii. Recommended Penalty, by Allegation

For the allegations that Officer Smith failed to activate his Body Worn Camera in a timely manner, failed to notify OEMC that he pointed a firearm at or in the direction of the occupants of a Jeep Grand Cherokee, pointed a firearm at or in the direction of the occupants of a Jeep Grand Cherokee without justification, failed to activate the emergency-roof lights and/or siren when engaged in non-pursuit emergency vehicle operation, failed to drive with due regard for the safety of all persons, and continued pursuit of a reportedly stolen vehicle that disregarded traffic control devices, **COPA recommends a suspension of 180 days up to and including separation from the Department.**

b. Officer Betty Whitfield

i. Complimentary and Disciplinary History

Officer Whitfield has been a member of the Chicago Police Department since March 16, 2018. In that time, she has received 1 Crime Reduction Award, 1 Department Commendation, 3 Emblems of Recognition – Physical Fitness, and 26 Honorable Mentions. Officer Whitfield received 1 Summary Punishment Action Request (SPAR).

ii. Recommended Penalty, by Allegation

For the allegations that Officer Whitfield failed to activate her Body Worn Camera in a timely manner, continued pursuit of a reportedly stolen vehicle that disregarded traffic control devices and failed to activate the emergency-roof lights and/or siren when engaged in non-pursuit emergency vehicle operation **COPA recommends a suspension of 180 days up to and including separation from the Department.**

In this instance even though the only suspected crime was of Possession of a Stolen Motor Vehicle, and therefore the necessity for immediate apprehension was low, the involved officers, acting in concert, exercised poor judgement and decision-making by initiating and continuing a vehicle pursuit. The decision arguably influenced subsequent events that resulted in the death of [REDACTED]. Accordingly, COPA finds the above recommended discipline appropriate.

IX. CONCLUSION

Based on the analysis set forth above, COPA makes the above findings and recommendations regarding the allegations against Officers Smith and Whitfield.

Approved:

[REDACTED]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

3/31/22

Date

[REDACTED]

Andrea Kersten
Interim Chief Administrator

3/31/22

Date