

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 9, 2018
Time of Incident:	11:39 pm
Location of Incident:	4658 S. Washtenaw Avenue Avenue Ave, Chicago, IL
Date of COPA Notification:	October 10, 2018
Time of COPA Notification:	1:35 am

On October 9, 2018, at approximately 11:38 pm, Detective Eric Duron¹ (Detective Duron), #21809, and Officer Janaan Zulevic (Officer Zulevic), were traveling southbound on Talman Avenue when they observed two Hispanic male subjects, identified as [REDACTED] and [REDACTED] walking westbound in an alley at or near 47th Street. [REDACTED] turned around and walked eastbound in the direction of the officers' unmarked police vehicle. As he approached the officer's vehicle, the officers observed [REDACTED] with both of his hands in his front pocket of his hooded sweatshirt, and a bulge inside of his pocket. The officers rolled down the window and ordered [REDACTED] to take his hands out of his pocket and asked him, "Do you have something in your pocket that you shouldn't have?" [REDACTED] and [REDACTED] fled from the officers.

Officer Zulevic exited the vehicle and gave chase on foot. As Officer Zulevic turned out of an alley, she observed [REDACTED] partially bent over with his hands extended. Officer Zulevic heard the sound of something hitting the parkway, which she believed was a weapon. As she slowed down to recover it, Detective Duron drove out of the alley and pursued [REDACTED] and [REDACTED] in the unmarked vehicle. Officer Zulevic observed Detective Duron's actions and decided to continue the foot pursuit. When [REDACTED] and [REDACTED] reached Washtenaw Avenue, [REDACTED] turned northbound with Detective Duron following him in the vehicle. As Detective Duron turned his vehicle onto Washtenaw Avenue, the vehicle drove over a construction metal plate covering the pavement causing Detective Duron to take his eyes off of [REDACTED]. At that moment, Detective Duron heard a thud. The thud was the sounded of [REDACTED] colliding with Detective Duron's unmarked vehicle. [REDACTED] fell onto the ground and the rear of Detective Duron's unmarked vehicle drove over [REDACTED] face.

Detective Duron stopped the vehicle, placed [REDACTED] in custody, and called for an ambulance. Officer Zulevic walked back to Talman Avenue and recovered a Beretta, Model 8000D, 9mm, semi-automatic pistol, from the parkway. [REDACTED] was transported to Mt. Sinai Hospital in critical condition. [REDACTED] fled the scene and was not arrested.

¹ At the time of the incident, Detective Duron was a Police Officer.

² In a Deposition, [REDACTED] identified the second subject as [REDACTED] Att. 67.

II. INVOLVED PARTIES

Involved Officer #1:	Eric Duron, Star # 21809, Employee ID # [REDACTED], Date of Appointment: May 01 st 2013, Rank: Detective, Unit of Assignment: 610, DOB: [REDACTED] 1980, Male, Hispanic.
Involved Individual #1:	[REDACTED] Male, DOB: [REDACTED] 1998, White, Hispanic.

III. ALLEGATIONS

Officer	Allegation	Finding/ Recommendation
Eric Duron	It is alleged that on October 9, 2018, at approximately 2339 hours, at 4658 S. Washtenaw Avenue, you:	
	<ol style="list-style-type: none"> 1. Failed to activate your body worn camera. 2. Was careless in operating a Chicago Police Department vehicle in that you ran over the victim, [REDACTED] 	<p>Sustained</p> <p>Sustained</p>

IV. APPLICABLE RULES AND LAWS

<p>Rules</p> <ol style="list-style-type: none"> 1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brigs discredit upon the Department. 2. Rule 6: Disobedience of an order or directive, whether written or oral. 3. Rule 10: Inattention to duty.
<p>Special Orders</p> <ol style="list-style-type: none"> 1. S03-14, Body Worn Cameras (effective April 30, 2018, to currently).
<p>Uniform and Property</p> <ol style="list-style-type: none"> 1. U02-01-01, Vehicle Assignment, Allocation and Operation (effective May 27, 1997, to June 26, 2019).

INVESTIGATION³

a. Interviews

In a **Deposition**⁴ taken December 14, 2020, ██████████ stated that he was with an acquaintance, ██████████ near 46th and Rockwell. They decided to walk down the street because ██████████ had just bought some weed. When ██████████ made it to 46th and Rockwell, we made a left going down, he observed two police in an unmarked police vehicle. ██████████ and ██████████ walked past the police vehicle and then they took off running into the alleyway. ██████████ stated he ran because he had weed on him. He then woke up in the hospital not knowing what happened to him. ██████████ had no further account of the incident. ██████████ stated he sustained multiple face fractures, brain injuries, a broken leg and arm, loss of hearing on the right side of his ear, his teeth were knocked out, and a broken eye socket.⁵

In a statement with COPA on October 22, 2018, **Accused Detective Eric Duron**⁶ stated on the date of the incident he was working with Officer Zulevic. Detective Duron observed two gentlemen, ██████████ and ██████████ in the alley. Detective Duron told Officer Zulevic what he observed and that he was going to stop them. ██████████ walked away but had his hands down in the front of his pants. Detective Duron rolled his window down and tried to grab ██████████ attention with his flashlight and by telling him to show his hands. ██████████ turned around and ran and Officer Zulevic exited the vehicle and gave chase. Detective Duron observed ██████████ and ██████████ running westbound on 47th Street. ██████████ was running ahead of ██████████ Detective Duron stated that the last time he saw ██████████ he was on the edge where the parkway meets the sidewalk on the east wide of Washtenaw Avenue. ██████████ was running northbound and was parallel to Detective Duron's vehicle, approximately seven to nine inches away. Detective Duron stated that ██████████ was closer to the front of his vehicle at that time.

Detective Duron turned onto Washtenaw Avenue with ██████████ he hit a construction metal plate that took his attention away from ██████████ Detective Duron stated there was a barricade before turning onto Washtenaw Avenue, so he assumed there was construction going on in that area. Detective Duron returned his attention back to ██████████ and heard the sound of an impact to his vehicle. Detective Duron believed that ██████████ had struck his car on the passenger side. Detective Duron stated that he felt his entire vehicle go up.⁷

Detective Duron slowed down, immediately got out of the car, and observed ██████████ on the ground. ██████████ was in a prone position, with his arm extended over his head, and his hood over his head. Detective Duron started to handcuff ██████████ and observed that he was injured. Detective Duron called for an ambulance. Officer Zulevic and other officers then arrived on the scene. Detective Duron stated that his lights and sirens were not activated during the incident due

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 Att. 67.

⁵ COPA was unable to obtain a statement from ██████████

⁶ Att. 38 – Audio Interview of Detective Duron; Att. 40 – Audio Transcripts of Detective Duron's Interview.

⁷ Detective Duron later learned that he had drove over ██████████

to how quickly everything escalated. Detective Duron could not recall his speed but stated it was a safe speed, between 10 – 12mph.

In a second statement with COPA on March 28, 2019, **Accused Detectives Duron**⁸ stated that he had did not activate his body worn camera during the incident. Detective Duron explained that when he observed [REDACTED] was injured, he attempted to provide aid to [REDACTED] as well as restrain him from getting up. Regarding the allegation that he was careless in operating a Chicago Police Department vehicle in that he ran over [REDACTED] Detective Duron stated that he felt like he was driving at a safe speed and operating the vehicle safely because he was riding the brake when he made the turn. Detective Duron stated that contrary to what the allegation is [REDACTED] ran into his vehicle and he did not strike him. Detective Duron further stated that he did not think he could have done anything more textbook than what he had done.

In a **Deposition**⁹ taken December 10, 2020, Accused Detective Duron provided a similar account in his statement with COPA. Detective Duron denied seeing [REDACTED] in the street and stated he did not know [REDACTED] was going to run into the street. Detective Duron stated that during a pursuit, the emergency equipment is supposed to be activated when feasible or if you are able to. He further explained that typically it is just to let other vehicles or pedestrians know that you are trying to enforce the law.

In a statement with COPA on October 22, 2018, **Witness Officer Janaan Zulevic**¹⁰ stated that she did not observe the incident between Detective Duron and [REDACTED] Officer Zulevic stated that she was not wearing a BWC on the date of the incident because she had changed her star number and was waiting to be reissued another BWC.

b. Digital Evidence

Video Footage from Kevin's Grocery Store,¹¹ located at 2700 W. 47th Street, depicts a [REDACTED] running¹² west on 47th Street. [REDACTED] continues to run west on 47th Street and then north onto Washtenaw Avenue. At 11:45:53PM, [REDACTED] appears and runs north onto Washtenaw Avenue in the street. At 11:45:55PM, Detective Duron's unmarked police vehicle turns north onto Washtenaw Avenue¹³ as [REDACTED] runs in the street. There is a construction metal covering on the ground on Washtenaw Avenue. [REDACTED] appears to start running more towards the center of Washtenaw Avenue as Detective Duron starts to drive closely by him. At 11:45:57PM, [REDACTED] appears to fall on the passenger side of Detective Duron's unmarked vehicle. Detective Duron's unmarked vehicle appears to drive over [REDACTED] before coming to a stop. At 11:46:01PM, Detective Duron exits his unmarked vehicle as a marked police vehicle arrives on the scene. At 11:46:09PM, Officer Zulevic arrives on the scene.

⁸ Att. 57 – Audio Interview of Detective Duron's second interview; Att. 61 – Audio Transcript of Detective Duron's second interview.

⁹ Att. 65.

¹⁰ Att. 37 – Audio Interview of Officer Zulevic; Att. 39 – Audio Transcripts of Officer Zulevic's Interview.

¹¹ Att. 15.

¹² Timestamped at 11:45:49PM.

¹³ Detective Duron did not have his lights activated on his police vehicle. There was no GPS data available (Att. 24 - 25) to document the speed of Detective Duron's police vehicle.



c. Physical Evidence

A **CFD Ambulance Report**¹⁴ documented paramedics found [REDACTED] lying in the street with many CPD units on scene. CPD officer stated that [REDACTED] had a gun and were chasing him when he was struck by a CPD car, and his face was briefly under the front tire of the squad car. [REDACTED] suffered some facial trauma to his tongue and was missing many of his front teeth. [REDACTED] was transported to Mt. Sinai Hospital.

On October 10, 2019, COPA personnel responded to **Mt. Sinai Hospital**¹⁵ and spoke with Attending Physician, [REDACTED]. [REDACTED] stated that [REDACTED] suffered from extensive facial injuries which would likely require surgery, and that [REDACTED] sustained a broken left arm and a fractured left leg.

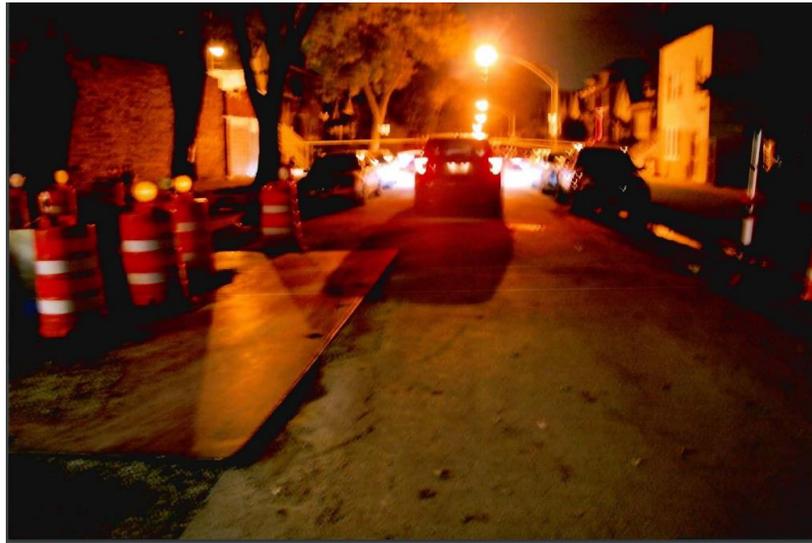
Evidence Technician (ET) Photographs¹⁶ depict the scene, [REDACTED] Detective Duron's police vehicle, and the recovered gun.

¹⁴ Att. 20.

¹⁵ Att. 5.

¹⁶ Att. 14, 53 -54.

Corner of 47th And Washtenaw Avenue, Night View.¹⁷



Corner of 47th And Washtenaw Avenue, Morning View.¹⁸



BWC footage¹⁹ from officers who arrived on the scene only captured the aftermath.

d. Physical Evidence

¹⁷ Att. 54.

¹⁸ Att. 14.

¹⁹ Att. 36 & 63.

A **CFD Ambulance Report**²⁰ documented paramedics found ██████ lying in the street with many CPD units on scene. CPD officer stated that ██████ had a gun and were chasing him when he was struck by a CPD car and his face was briefly under the front tire of the squad car. ██████ suffered some facial trauma to his tongue and was missing many of his front teeth. ██████ was transported to Mt. Sinai Hospital.

On October 10, 2019, COPA personnel responded to **Mt. Sinai Hospital**²¹ and spoke with Attending Physician, ██████. ██████ stated that ██████ suffered from extensive facial injuries which would likely require surgery, and that ██████ sustained a broken left arm and a fractured left leg.

Evidence Technician (ET) Photographs²² depict the scene, ██████ Detective Duron's police vehicle, and the recovered gun.

e. Documentary Evidence

The **Original Case Incident Report**,²³ an **Arrest Report**,²⁴ a **Illinois Traffic Crash Report**,²⁵ and a **Investigatory Stop Report**²⁶ documented the incident. While Detective Duron and Officer Zulevic were on patrol in a high gang and violence area, the officers observed ██████ in a blue sweatshirt and a cub's jersey, quickly walk into the alley by the address of 4642 S. Talman Avenue along with another unknown male Hispanic, ██████ in a gray sweatshirt. Officers turned into the alley and observed ██████ walking quickly and pulled alongside of him. Officers observed ██████ with both hands tucked inside the front of his sweatshirt pocket. ██████ then changed direction and as he passed the officer's vehicle. Officers ordered ██████ to take his hands out of his pocket and observed a large bulge in the front of his sweatshirt. ██████ immediately took off running and believed he was in possession of a weapon.

Officer Zulevic gave chase on foot traveling south and then east in the alley. ██████ then turned south onto Talman Avenue, at which time Officer Zulevic heard a loud "klink" on the cement believing it to be a metal object hitting the street. Officer Zulevic exited the alley and observed ██████ in a partially bent position with his arms extended towards the curb near a blue Honda parked on the west side of the street. ██████ then continued to run south towards 47th Street on Talman Avenue. ██████ in the gray sweatshirt, was also running ahead of ██████ Officer Zulevic then slowed down to recover what she believed to be a weapon. Officer Zulevic observed that Detective Duron continue to follow both subjects in the police vehicle, and unknown if ██████ or ██████ had any additional weapons, Officer Zulevic continued to follow ██████ on foot west on 47th Street. Detective Duron followed ██████ in the police vehicle with headlights on west onto 47th Street when ██████ sharply turned north on Washtenaw Avenue, at which time Detective Duron also turned northbound on Washtenaw Avenue.

²⁰ Att. 20.

²¹ Att. 5.

²² Att. 14, 53 -54.

²³ Att. 6.

²⁴ Att. 22.

²⁵ Att. 23.

²⁶ Att. 30.

As Detective Duron turned, he heard a loud thump as his vehicle drove over a large construction metal plate on the pavement briefly drawing his attention away from [REDACTED] then ran from the east to the west side of the street on Washtenaw Avenue when Detective Duron heard the sound of impact against the side of the police vehicle. Detective Duron immediately stopped and exited his vehicle to assess the situation and observed [REDACTED] on the ground with his hood up over his head in need of medical attention. Detective Duron immediately called for an ambulance for [REDACTED] and attempted to place him in custody. Detective Duron observed [REDACTED] repeatedly attempting to stand up and ordered the offender to stay down as the ambulance was enroute. Officers on scene tried to render aid with medical gauze prior to Ambulance [REDACTED] arrival. After seeing [REDACTED] was secured on Washtenaw Avenue, Officer Zulevic then ran back to Talman Avenue to the same blue Honda where she observed [REDACTED] had thrown a gun and recovered a black 9mm Beretta loaded with a black magazine containing numerous live rounds. Chicago Fire Department (CFD) Ambulance [REDACTED] transported [REDACTED] to Mt. Sinai Hospital. [REDACTED] was charged with Resisting/Obstructing, Unlawful Use of Weapon (UW), and Firearm without Valid FOID.

V. Legal Standard

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

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
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

VI. Legal Analysis

Detective Duron failed to activate his BWC.

Detective Duron admitted to failing to activate his body worn camera. Body worn cameras are to be activated at the beginning of police activity and to record the entirety of the police activity

until the incident is completed. Based on the preponderance of evidence, Allegation #1 is **Sustained**.

Detective Duron was carless in operating his CPD vehicle in that he ran over ██████████

Detective Duron felt that he was driving at a safe speed, operated his CPD vehicle safely, and described his actions as textbook. Detective Duron stated that his lights and sirens were not activated during the incident due to how quickly everything escalated. Detective Duron further stated that during a pursuit, the emergency equipment is supposed to be activated when feasible, or if you are able to, just to let other vehicles or pedestrians know that you are trying to enforce the law. If Detective Duron activated his emergency equipment, his explanation would be better described as textbook. The video footage showed that Aguilar was running in the street when Detective Duron turned onto Washtenaw Avenue. ██████████ appeared to be unaware that Detective Duron was behind him. Detective Duron's failure to activate his emergency equipment could have likely prevented this incident.

Further, Detective Duron could not recall his speed but stated it was a safe speed, between 10 – 12mph. Detective Duron's estimation of his speed does not appear to reasonable. When Detective Duron exited the alley, ██████████ and ██████████ had obtained a head start running south on 47th Street. Detective Duron would have had to catch up, and it is highly doubtful that he was doing 10-12 mph to catch up to ██████████ and ██████████. Additionally, if Detective Duron was going the speed he claimed, he would have had better control of how his vehicle went over the construction metal plate before coming into contact with ██████████ CPD Vehicle Assignment, Allocation, and Operation, U02-01-01, III, A, 1, b, reads, "Drive Department vehicles with due regard for the safety of all persons, under all circumstances. The vehicle operator may be held responsible for the consequences of his conduct when operating a Department vehicle." Detective Duron stated he was aware construction was taking place in the area because there were barricades around indicating construction was taking place in the area.

██████████ was already in the street when Detective Duron started to turn onto Washtenaw Avenue. It was Detective Duron's responsibility to be attentive while operating the CPD vehicle, especially because ██████████ was on foot, and he was driving. Detective Duron admitted that he took his attention off of ██████████ while operating the CPD vehicle. ██████████ was seriously injured as the result of Detective Duron's inattention. Based on the preponderance of evidence, Allegation #2 is **Sustained**.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Detective Eric Duron

i. Complimentary and Disciplinary History

52 Honorable Mentions. 1 Honorable Mention Ribbon Award. 5 Department Commendations. 1 Superintendent's Award of Tactical Excellence. No disciplinary history.

ii. Recommended Penalty, by Allegation

Officer Duron failed to activate his BWC and was careless operating a Chicago Police Department vehicle in that he ran over [REDACTED] Detective Duron was responsible for the safety of all persons and operating the CPD vehicle in a safe manner. Detective Duron admitted to taking his attention off of [REDACTED] during the incident which caused this unfortunate accident. COPA recommends a penalty of **10-day suspension**.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

11-25-2022

Date