



**Brandon Johnson**  
Mayor

**Department of Police · City of Chicago**  
3510 S. Michigan Avenue · Chicago, Illinois 60653

**Fred L. Waller**  
Interim Superintendent

May 25, 2023

Andrea Kersten  
Chief Administrator  
Civilian Office of Police Accountability  
1615 West Chicago Avenue, 4th Floor  
Chicago, Illinois 60622

Re: Superintendent's Non-Concurrence with both Finding and Penalty Recommendation  
Complaint Log No. 2020-0000671

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) does not concur with the recommended finding nor with the recommended penalty as they pertain to Officer Angel Escobedo # 6208. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

The COPA investigation recommended a penalty of a 20-day suspension for Officer Escobedo after concluding that he:

1. Failed to notify OEMC when initiating a traffic pursuit, in violation of General Order 03-03-01, V, A, 3 (Emergency Vehicle Operations - Pursuits).

### Factual Summary

Officer Escobedo, as the passenger, and his partner, Officer Elizondo as the driver, observed a vehicle driving erratically eastbound on Jackson Blvd at Kildare Avenue and, without activating their emergency equipment, increased speed to try to catch up to this vehicle in order to obtain further information on the vehicle. When the vehicle increased its speed, the officers activated their emergency equipment to conduct a traffic stop. The vehicle then accelerated and the officers also accelerated. At Jackson Blvd. and Kedzie Avenue, the subject vehicle ran a solid red light and caused a three-car vehicle accident. The driver of one of the other civilian vehicles subsequently died from injuries from this vehicle crash. The driver and passenger of the subject vehicle being pursued were taken into custody. The field sergeant from District 11 initiated a log number naming the partner, Officer Elizondo, as the accused member for failing to notify OEMC because Officer Elizondo was the driver of the police vehicle. (Officer Elizondo has resigned from CPD effective 2 May 2021). COPA added Officer Escobedo as an accused member with the same allegation of failure to Notify OEMC of the motor vehicle pursuit.

COPA's basis for its determination is that the preponderance of the evidence shows Officer Elizondo and Officer Escobedo engaged in a motor vehicle pursuit and failed to immediately notify OEMC of the facts concerning the pursuit. COPA further states "Officer Elizondo and Officer Escobedo had a duty to "Immediately notify" OEMC of a pursuit in progress."

The Department does not agree with this interpretation of the Department directive that the duty extends to the passenger officer in vehicle pursuit cases. The Directive defines a Motor Vehicle Pursuit as:

"An active attempt by a sworn member operating an authorized emergency vehicle to apprehend any driver or operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such driver or operator to bring his or her vehicle to a stop, fails or refuses to obey such direction, increases or maintains his or her speed, extinguishes his or her lights, or otherwise flees or attempts to elude the officer." General Order G03-03-01, effective 9 April 2019 and rescinded 14 August 2020. (It should be noted that the successor directive, G03-03-01 Emergency Vehicle Operations - Eluding and Pursuing, has the same definition of Motor Vehicle Pursuits).

Because the definition specifically states that a motor vehicle pursuit is an action by the operator of the authorized emergency vehicle, then all duties related to this are applied to that operator. This is supported by the directive in the paragraph regarding the initiation of a Motor Vehicle Pursuit. This paragraph states:

"The decision to initiate a pursuit rests with the individual officer when encountering a motor-vehicle operator who refuses to voluntarily stop after having been lawfully directed or signaled to do so. **The Department member will only engage in a motor vehicle pursuit when:**

3. Notification has been made to the OEMC dispatcher regarding the facts concerning the pursuit." Id. At page 3. (bold in original).

The verbage "individual officer" and "member" in this portion of the directive as well as "operator" in the definition section is a clear indication that the duties related to a motor vehicle pursuit apply to the driver of the authorized police vehicle. Because the Department directive does not clearly establish duties on passenger officers, the evidence cannot justify a sustained finding by a preponderance of the evidence.

For the above reasons, the Department recommends a finding of Not Sustained with no penalty. The Department looks forward to discussing this matter with you pursuant to MCC 2-78-130(a)(iii).

Sincerely,



Fred L. Waller  
Interim Superintendent  
Chicago Police Department