

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	June 30, 2019
Time of Incident:	12:00 pm
Location of Incident:	9859 S. Van Vlissingen Road
Date of COPA Notification:	June 30, 2019
Time of COPA Notification:	1:00 pm

Officer Christopher Moore was investigating a motor vehicle theft with the owner when they spotted the stolen vehicle. As Officer Moore conducted a traffic stop of the stolen vehicle, the driver fled and lost control of the vehicle—striking a bus shelter and fatally injuring ██████ who was sitting at the bus shelter and injuring a passenger. The driver of the stolen vehicle then fled on foot but was apprehended by assisting officers.

II. INVOLVED PARTIES

Involved Officer #1:	Christopher Moore; star #14830; employee ID# ██████; Date of Appointment: February 5, 2001; Police Officer; Unit of Assignment: 4 th District; DOB: ██████, 1977; Male; Black.
Involved Officer #2:	Mark D’Amato; star #6150; employee ID# ██████; Date of Appointment: March 26, 2001; Police Officer; Unit of Assignment: 4 th District; DOB: ██████, 1977; Male; White.
Involved Officer #3:	Samuel Brienzo; star #17883; employee ID# ██████; Date of Appointment: August 31, 2012; Police Officer; Unit of Assignment: 4 th District; DOB: ██████, 1986; Male; White.
Involved Officer #4:	Daniel Castillo; star #12726; employee ID# ██████; Date of Appointment: October 31, 2005; Police Officer; Unit of Assignment: 4 th District; DOB: ██████, 1970; Male; Hispanic.
Involved Individual #1:	██████████, 1988; Male; Black.

III. ALLEGATIONS

Any motor vehicle pursuit by Chicago Police Department (CPD or Department) resulting in death or great bodily harm requires a mandatory notification to the Civilian Office of Police Accountability (COPA) by CPD. This investigation was initiated pursuant to such notification.¹ COPA evaluated Officer Moore’s actions and determined there was insufficient evidence to support allegations against Officer Moore regarding Mr. ██████ death. In connection with its investigation, COPA made the following allegation and makes the following finding and recommendation:

Officer	Allegation	Finding / Recommendation
Officer Mark D’Amato	1. It is alleged that on June 30, 2019, at approximately 12:00 pm, at or about 9859 S. Van Vlissingen Road, Officer Mark D’Amato failed to comply with Chicago Police Department Special Order S03-14 by failing to activate his body worn camera, in violation of Rule 6.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules²

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1. Rule 6: Disobedience of an order or directive, whether written or oral.
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General Orders³

Special Orders

-
1. Special Order S03-14 Body Worn Cameras (effective April 30, 2018 to present)
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V. INVESTIGATION⁴

a. Interviews

¹ COPA also has a duty to conduct investigations into all incidents of an “officer-involved death” per the Police and Community Relations Improvement Act. *See* Municipal Code of Chicago 2-78-120(d) & 50 ILCS 727/1-5 (“Officer-involved death” 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.”). The death of Mr. ██████ who was a by-stander, does not fall under PICRA.

² Police Board of Chicago, *Rules and Regulations of the Chicago Police Department, Article V. Rules of Conduct* (April 1, 2010) <https://www.chicago.gov/dam/city/depts/cpb/PoliceDiscipline/RulesofConduct.pdf>

³ Department general, special, and uniform orders, also known as directives, “are official documents establishing, defining, and communicating Department-wide policy, procedures, or programs issued in the name of the Superintendent of Police.” Department Directives System, General Order G01-03; *see also* Chicago Police Department Directives System, *available at* <https://directives.chicagopolice.org/> last accessed March 9, 2022).

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

In a **statement to COPA** on August 29, 2019,⁵ **Officer Christopher Moore** stated that on the date of incident, he was assigned to assist [REDACTED] locate his stolen vehicle, a white Jeep Cherokee. [REDACTED] reportedly woke up to find his vehicle missing, and believed he dropped the key the night before. [REDACTED] had an “app” on his phone which told him his vehicle was at 10128 South Crandon. Officer Moore drove to 101st and Crandon and met [REDACTED] who was in a car with a female companion, [REDACTED]. As Officer Moore, [REDACTED] and [REDACTED] searched for [REDACTED] vehicle, [REDACTED] spotted his vehicle traveling eastbound on 101st Street, west of Crandon.

Officer Moore drove his squad car west on 101st Street, toward the Jeep. The Jeep turned southbound down an alley. Officer Moore followed the Jeep, turned on his vehicle’s emergency lights and alerted the dispatcher that he was going to pull over the Jeep. The Jeep turned westbound onto 102nd Street and stopped within half a block at 102nd Street and Van Vlissingen Road. Officer Moore repeatedly told the driver, who he could see, to turn off the Jeep.

After about 20 seconds when Officer Moore was halfway out of his squad car waiting for assisting units, the Jeep fled northbound on Van Vlissingen. Officer Moore followed the Jeep and notified the dispatcher. Officer Moore kept the Jeep in sight and could hear the assisting units coming. The driver of the Jeep attempted to pass a vehicle in front of him north of 100th Street and veered into oncoming traffic. The Jeep then swerved to avoid the oncoming vehicle in the southbound lane and slammed into a bus shelter, striking a pedestrian waiting at the bus stop, [REDACTED].⁶ The Jeep came to rest on the street. Officer Moore stopped his squad car on the driver’s side of the Jeep, and a responding tactical unit⁷ pulled up immediately behind Officer Moore, stopping on the passenger’s side of the Jeep.

Three people exited the Jeep and the driver, [REDACTED] fled eastbound on foot. Officers Brienzo and D’Amato pursued [REDACTED]. Officer Moore believed that the female passenger, [REDACTED] was not going to flee, so he ran to Mr. [REDACTED] to give medical attention. Officer Castillo detained the male passenger, [REDACTED]. Officer Moore notified the dispatcher of the traffic crash and requested multiple ambulances.

In a **statement to COPA** on October 15, 2019,⁸ **Officer Daniel Castillo** stated he was driving with his partners, Officers D’Amato and Brienzo, when a patrol officer requested assistance on a traffic stop of a vehicle with multiple occupants. Officer Castillo drove westbound on 100th Street from Commercial toward the location. As Officer Castillo approached a stop sign just east of Van Vlissingen, he observed a white Jeep traveling northbound on Van Vlissingen at

⁵ Attachments 37, 41

⁶ Officer Moore said “even though I could hear the cars coming, I was just trying to keep observation of this vehicle...” Att. 41 at p. 35. Prior to 100th Street, there was no vehicular traffic or pedestrians; however, as the Jeep approached 100th Street, ran a stop sign and vehicular traffic became apparent, Officer Moore considered the risk and determined he was not going to pursue or keep a visual on the Jeep. But within ten seconds, the accident occurred. Prior to that, Officer Moore wanted to ensure the driver did not think officers were pursuing him because he was concerned as they were approaching an area with several businesses that would have more pedestrian and vehicular traffic. Att. 41 at p. 35-40

⁷ Officers D’Amato, Brienzo and Castillo.

⁸ Attachments 49, 60

a high rate of speed, followed by a patrol car a few seconds later.⁹ Once the intersection cleared, Officer Castillo turned north onto Van Vlissingen, saw debris flying, and realized the Jeep was involved in an accident. The Jeep had stopped and was facing north, at a slight angle, on the east side of the street. Officer Moore pulled behind the Jeep on the driver's side, and Officer Castillo pulled up on the passenger side. Officer Castillo ordered a male in the rear passenger seat, [REDACTED] to exit the vehicle. Officer Moore placed the front passenger, [REDACTED] into custody. The driver, [REDACTED] fled on foot and Officers Brienzo and D'Amato pursued him on foot. [REDACTED] pointed to [REDACTED] and asked if he was okay. At that point, Officer Castillo noticed [REDACTED] laying in the grass and realized [REDACTED] had been struck. Officer Castillo requested multiple ambulances.

In a **statement to COPA** on September 25, 2019, **Officer Mark D'Amato**¹⁰ provided an account consistent with Officer Castillo's account. Officer D'Amato estimated that the Jeep was travelling in excess of 60 mph when he first saw it traveling north on Van Vlissingen. Almost immediately after Officer Castillo made the right-hand turn onto Van Vlissingen, Officer D'Amato saw debris flying half a block away. Once the Jeep stopped, [REDACTED] exited the front driver side of the Jeep and fled. Officer D'Amato exited the front passenger seat of the unmarked patrol vehicle and he and Officer Brienzo chased [REDACTED]. Officer D'Amato and Brienzo split up. A short time later Officer Brienzo announced over the radio that he had [REDACTED] in custody in a residential backyard at 2120 E. 98th Street.¹¹ Officer D'Amato activated his body worn camera and went to the yard where Officer Brienzo was holding [REDACTED]. Officer D'Amato's sergeant, Sgt. Piechocki, was in the yard assisting Officer Brienzo. During a search, officers located a Jeep key fob in [REDACTED] pocket. The officers brought [REDACTED] to the street and waited for the transport vehicle. Officer D'Amato then retraced the pursuit route looking for weapons and returned to the scene on Van Vlissingen.¹²

Officer D'Amato added that he thought he activated his body worn camera when they were en route to assist Officer Moore and that the BWC was on when he exited the squad car. He believed he activated it when he was in route at the same time as his partners and thought he heard a beep. He explained that they had radios on and he could have heard beeps from the other officers while simultaneously activating their BWCs. He did not have time to look down because he was looking out as a passenger for safety. On this day, he was assigned to the tactical "TAC" team in patrol in the 4th District. He was in plain clothes. He was wearing a protective vest with "Police" his star and nametag displayed. He had been trained to use a BWC, had been using a BWC for about three years and thinks they are a good tool.

In a **statement to COPA** on September 25, 2019, **Officer Samuel Brienzo**¹³ provided an account of the incident consistent with Officers Castillo and Brienzo. Officer Brienzo stated he exited the squad car from the rear passenger side and observed [REDACTED] exiting the driver side of the Jeep. [REDACTED] fled on foot and Officer Brienzo pursued him. [REDACTED] ran to the rear yard of 2120 E. 98th Street, where Officer Brienzo wrapped his arms around [REDACTED] and they fell to the ground. Officer D'Amato and Sgt. Piechocki arrived, and Sgt. Piechocki helped Officer Brienzo handcuff

⁹ This was Officer Moore's patrol car. There was also a gray vehicle driving behind Officer Moore.

¹⁰ Attachments 51, 62

¹¹ Officer D'Amato said this was roughly two or three blocks from the initial scene.

¹² Officer D'Amato believed [REDACTED] was armed by the way [REDACTED] held his pants as he fled.

¹³ Attachments 50, 61

Once [REDACTED] was in custody, Officer Brienzo walked along the foot pursuit route back to the crash site looking for weapons or contraband. Officer Brienzo believed [REDACTED] was armed because [REDACTED] was holding his right side as he fled.¹⁴ When Officer Brienzo returned to the crash site, he learned that a pedestrian was struck.

In an **Electronically Recorded Interview**,¹⁵ [REDACTED] stated that on the morning of the incident, he gave a friend, [REDACTED] \$600 in exchange for a month-long rental of the involved Jeep. [REDACTED] said he and [REDACTED] did not discuss the vehicle's ownership and [REDACTED] knew he was taking a risk by renting the car. A few hours later, [REDACTED] was driving with [REDACTED] and [REDACTED] from the liquor store to White Castle when he was pulled over by Chicago Police. [REDACTED] stated there was open liquor in the car, and [REDACTED] knew there was an outstanding warrant for his arrest, so he fled from the police, traveling 60 to 70 miles per hour. [REDACTED] went around the car that was in front of him, but then swerved to avoid a collision with an SUV driving toward him. [REDACTED] struck a curb and then a bus stop. [REDACTED] exited the vehicle and ran several blocks from the police. [REDACTED] said he did not intend for anyone to get hurt.

In an **Electronically Recorded Interview**,¹⁶ [REDACTED] stated [REDACTED] picked him up and drove to [REDACTED] house. [REDACTED] later drove with [REDACTED] and [REDACTED] to the liquor store. As [REDACTED] drove through an alley, [REDACTED] noticed the police driving behind him. The police initiated a traffic stop of the vehicle. [REDACTED] told [REDACTED] and [REDACTED] he was on the run and was not going back to jail. [REDACTED] pulled over briefly, and then fled from the police officer. At one point there was a car in front of [REDACTED] so [REDACTED] went into the opposite lane but had to swerve, causing an accident. [REDACTED] said he did not see anyone on the street or sidewalk when the crash occurred. [REDACTED] added that he found out from police after the accident that the vehicle was stolen.

In an **Electronically Recorded Interview**,¹⁷ [REDACTED] stated that between 10:00 and 10:40 a.m., [REDACTED] arrived at her residence at [REDACTED] with a friend whom she did not know, [REDACTED] was in a white Jeep that he said belonged to his girlfriend. After a trip to the liquor store, the group was returning to [REDACTED] residence when they saw a squad car at the corner of [REDACTED] block. [REDACTED] sped through the alley, blasting loud music. The police car followed and pulled them over. [REDACTED] pulled over at 101st and Luella and the officer ordered [REDACTED] to turn off the car. [REDACTED] instead turned northbound on Van Vlissingen and sped away. [REDACTED] drove into oncoming traffic in the southbound lane to pass up cars in front of him. [REDACTED] then cut back into the northbound lane to avoid a collision with the southbound traffic, lost control of the vehicle and crashed into a bus stop. [REDACTED] did not see anyone at the bus stop and believed [REDACTED] had struck other vehicles. Once the Jeep stopped, [REDACTED] fled on foot. [REDACTED] learned that a pedestrian at the bus stop was killed. [REDACTED] said she did not know the car was stolen.

In an **Electronically Recorded Interview**,¹⁸ [REDACTED] stated that on the evening of June 29, 2019, her boyfriend, [REDACTED] parked his Jeep outside of her home at [REDACTED]. The following morning, [REDACTED] noticed that [REDACTED] vehicle was no longer

¹⁴ There were no weapons or contraband recovered.

¹⁵ Attachment 66. The interview occurs between 00:32 and 01:00 hours.

¹⁶ Attachment 33. The interview occurs between 23:45 and 00:05 hours.

¹⁷ Attachment 34. The interview occurs between 21:40 and 22:21 hours.

¹⁸ Attachment 65

parked where he left it. ██████ alerted ██████ and then left for work as ██████ searched for his key fob. A short time later, ██████ called ██████ and told her he located his Jeep on the Uconnect App. ██████ returned to the residence and drove ██████ to the vehicle's purported location at 10128 S. Crandon as ██████ called the police. ██████ and ██████ did not see ██████ Jeep in the area, so they went to the police station. An officer in the station told ██████ and ██████ to return to the area and an officer would meet them there.

██████ and ██████ met Officer Moore at 101st and Crandon and looked for the vehicle in the surrounding area but could not locate it. As ██████ and Officer Moore convened, they saw someone driving ██████ Jeep. Officer Moore followed the Jeep, and ██████ and ██████ drove behind Officer Moore. Officer Moore activated his emergency lights and the Jeep eventually pulled over. Officer Moore yelled twice for the driver to turn off the car. Instead, the Jeep drove off. Officer Moore pursued the Jeep and ██████ followed. ██████ estimated that the fleeing Jeep was traveling 75 miles per hour. ██████ saw two squad cars in her rear-view mirror and pulled over. ██████ did not see the crash but saw dust from the crash. ██████ saw one man run from the Jeep. A woman exited the front passenger seat, and a second man exited the rear driver seat.

In an **Electronically Recorded Interview**,¹⁹ ██████ provided an account consistent with ██████ account, Officer Moore's account, body worn camera footage, in-car video, and the OEMC transmissions. ██████ said he does not know any of the people who were in his vehicle, and never gave permission for them or anyone else to drive or occupy his vehicle.

b. Digital Evidence

In-car video²⁰ from **Officer Christopher Moore's vehicle** depicts Officer Moore parked behind a dark-colored Chevy SUV. ██████ emerges from the front passenger seat of the Chevy and points to a white Jeep, which is turning in their direction.²¹ Officer Moore drives toward the Jeep.²² The Jeep turns into an alley and Officer Moore follows.²³ The Jeep turns out of the alley onto the street.²⁴ Officer Moore's audio turns on after a minute and he relays information to the dispatcher about tracking the stolen vehicle and that it is being driven.²⁵ The Jeep pulls to the right side of the road and stops at 102nd and Van Vlissingen.²⁶ Officer Moore reports there are multiple occupants. Officer Moore tells the driver multiple times to turn the car off.²⁷

The Jeep drives away and makes a right turn.²⁸ Officer Moore informs the dispatcher that the Jeep pulled off and Officer Moore follows the path of the Jeep.²⁹ The distance between the

¹⁹ Attachment 34. The interview begins at 22:32

²⁰ Attachment 20. The video begins on June 30, 2019 at 11:57:00 am.

²¹ Attachment 20 11:57:18

²² Attachment 20 11:57:24

²³ Attachment 20 11:57:29

²⁴ Attachment 20 11:57:58

²⁵ Attachment 20 11:58:01

²⁶ Attachment 20 11:58:14

²⁷ Attachment 20 11:58:25

²⁸ Attachment 20 11:58:46

²⁹ Attachment 20 11:58:48

Jeep and Officer Moore's vehicle increases.³⁰ After Officer Moore relays the direction of travel northbound,³¹ the Jeep runs a stop sign.³² The Jeep is even farther ahead of Officer Moore when it runs another stop sign.³³ Moments later the Jeep and another vehicle swerve, apparently to avoid colliding.³⁴ The other vehicle, a truck, drives over the sidewalk and through a yard avoiding a person standing at the curb.³⁵ The Jeep crashes into the bus shelter, which Officer Moore announces.³⁶ The Jeep rolls forward and stops.³⁷ Officer Moore notifies the dispatcher of the crash location, pulls up on the driver's side of the Jeep and exits his vehicle.³⁸

Officer Christopher Moore's Body Worn Camera (BWC)³⁹ depicts Officer Moore exit his squad car in an alley, where he meets ██████████⁴⁰ Officer Moore activates his camera and points out the 1-0-1-2-8 address.⁴¹ ██████████ paces around with a cell phone and key fob in hand, apparently trying to locate his vehicle. The video ends as Officer Moore opens his squad car door.⁴² Officer Moore's BWC⁴³ is reactivated at 12:02:47 p.m. and depicts post-crash activity.

Officer Samuel Brienzo's BWC⁴⁴ depicts Officer Brienzo and his partners arriving on scene following the crash. As the officers exit their squad car, an individual believed to be ██████████ runs from the Jeep.⁴⁵ Officer Brienzo pursues ██████████ through a residential area while giving ██████████ verbal commands to get down. Officer Brienzo apprehends ██████████ in a backyard at 12:01:32 p.m. Another officer, presumably Sgt. Piechocki, assists Officer Brienzo in handcuffing ██████████. The officers bring ██████████ to an unmarked squad car and Officers Brienzo and D'Amato search the area.

Officer Daniel Castillo's BWC⁴⁶ depicts Officer Castillo and his partners arriving on scene following the crash. Officer Castillo places ██████████ in custody and requests an ambulance.

Officer Mark D'Amato's BWC⁴⁷ depicts Officer D'Amato in a yard with Officer Brienzo, Sgt. Piechocki, and ██████████ who is in handcuffs. Sgt. Piechocki asks Officer D'Amato if

³⁰ Attachment 20 11:58:52

³¹ Attachment 20 11:58:56

³² Attachment 20 11:58:59. There is also a stop sign posted on the left side of the street. Officer Moore drives through the same intersection three seconds later. 11:59:02

³³ Attachment 20 11:59:04. When Officer Moore drives through the same intersection four seconds later, sirens can be heard. 11:59:08.

³⁴ Attachment 20 11:59:12. Screeching can be heard.

³⁵ Attachment 20 11:59:13

³⁶ Attachment 20 11:59:14

³⁷ Attachment 20 11:59:17

³⁸ Attachment 20 11:59:23. Sirens can be heard for seven seconds. Emergency lights can be seen in the reflection. There is no GPS data for Officer Moore's vehicle. Attachments 2, 14

³⁹ The video begins on June 30, 2019 at 11:38:11 a.m. The BWC time stamp is on Zulu time format, which is five hours ahead of Central Standard Time. Attachment 23

⁴⁰ Attachment 20 11:40:09

⁴¹ Attachment 20 11:40:12

⁴² Attachment 20 11:41:26. The video starts with Officer Moore outside of his vehicle talking with ██████████

⁴³ Attachment 24. The video depicts Officer Moore's vehicle's emergency lights on.

⁴⁴ The video begins on June 30, 2019 at 12:00:14 p.m., converted from Zulu time. Attachment 21

⁴⁵ Attachment 21 12:00:24

⁴⁶ The video begins on June 30, 2019 at 12:00:12 p.m. Attachment 22

⁴⁷ The video begins on June 30, 2019 at 12:03:00 p.m. Attachment 67

he is “on.” Officer D’Amato replies that he is on now and states he did not have a chance to turn on the camera in the squad [car]. The officers and sergeant bring ██████ to a squad car. Officer D’Amato mentions that ██████ was holding his side earlier. Officers D’Amato and Brienzo walk the area.

Sgt. John Piechocki’s BWC⁴⁸ depicts him driving to the scene. Audio starts after 2 minutes, when he arrives in a yard where Officer Brienzo has ██████ on the ground. Sgt. Piechocki handcuffs ██████ and escorts him to a squad car, where they wait for a transport vehicle.

Evidence Technician photographs⁴⁹ depict ██████ and various angles of the scene.

Medical Examiner photographs⁵⁰ depict ██████ and various angles of the scene.

The **Office of Emergency Management and Communications (OEMC) transmissions**⁵¹ document that on June 30, 2019, at 11:20:45, ██████ dialed 911 and reported his vehicle stolen.⁵² ██████ stated that, per a vehicle locator app on his phone, his vehicle is at 10128 S. Crandon. The dispatcher advised ██████ go to the police station since he was nearby.

The OEMC transmissions⁵³ document that the dispatcher told Beat 431, Officer Moore, to call the District desk.⁵⁴ The dispatcher later asked Beat 431 to go to 10128 Crandon to help a citizen recover his stolen vehicle.⁵⁵ Beat 431 stated that he and the reporting party were currently on scene searching for the vehicle.

About fifteen minutes later, Beat 431 related that he is on 10128 Crandon and sees the stolen vehicle. He indicates someone is driving it, relays the plate number and says “he is pulling off on me right now.”⁵⁶ The dispatcher clarifies that there are occupants.⁵⁷ Beat 431 said the vehicle was currently stopped at 102nd and Van Vlissingen and contained multiple occupants.⁵⁸ The dispatcher says, “Let me get an assist, how about a TAC unit” and requested a tactical unit to assist with multiple occupants in a “hot car” at 102nd and Van Vlissingen.⁵⁹ There are multiple responses that overlap on the radio. Beat 464E, Officer Castillo and his partners, acknowledged the call; the dispatcher asks the first unit that arrives on the scene to advise dispatch.⁶⁰

⁴⁸ Attachment 68. The video begins on June 30, 2019 at 11:59:27.

⁴⁹ Attachment 38

⁵⁰ Attachment 52

⁵¹ Attachment 53

⁵² A dispatcher transferred ██████ to the non-emergency line.

⁵³ Attachment 53 “Z8 1100-1200” Zone 8 transmissions. There is no audible time stamp.

⁵⁴ Attachment 53 “Z8 1100-1200” Zone 8 transmissions. Minute 34:18

⁵⁵ Zone 8 transmissions. Minute 43:33

⁵⁶ Zone 8 transmissions. Minute 58:34.

⁵⁷ Zone 8 transmissions. Minute 58:55. He further describes that they tracked it with the app.

⁵⁸ Zone 8 transmissions. Minute 59:06

⁵⁹ Zone 8 transmissions. Minute 59:20. The dispatcher refers to a stolen car as a “hot car.”

⁶⁰ Zone 8 transmissions. Minute 59:30

Beat 431 announced that the Jeep “just pulled off.”⁶¹ The dispatcher asks, “direction of flight?”⁶² Beat 431 answers it is traveling northbound on Van Vlissingen from 102nd Street.⁶³ The dispatcher announces the direction and plate. Shortly thereafter, Beat 431 reported that the Jeep ran into a bus (shelter) and requested an ambulance immediately at 99th and Van Vlissingen.⁶⁴ A subject was reported running, jumping through yards and holding his right side.⁶⁵ An unknown unit later reported that the subject was in custody.⁶⁶ Unknown units made repeated requests for an ambulance. Beat 460 notified the dispatcher that this was a Major Accident Investigation Unit (MAIU) case.⁶⁷

c. Physical Evidence

██████████ medical records⁶⁸ document that she arrived at the Emergency Department in police custody and complained of right forearm pain. Hospital personnel learned that ██████████ was a front passenger in a high-speed motor vehicle collision resulting in the death of a bystander. ██████████ was diagnosed with an ulnar fracture, open arm fracture, arm laceration, abrasion, and motor vehicle collision.

██████████ medical records⁶⁹ document that he arrived at the Emergency Department in police custody and complained of a right finger injury and stomach pain.⁷⁰ Hospital personnel learned that ██████████ was a backseat passenger in a motor vehicle accident where the driver struck a bus stop and a pedestrian. ██████████ was diagnosed with a hand laceration, finger abrasion, and motor vehicle collision.

The **Report of Postmortem Examination**⁷¹ documents that ██████████ cause of death was multiple blunt force injuries due to a motor vehicle striking a pedestrian. The manner of death was accident.

d. Documentary Evidence

The **OEMC Event Query**⁷² documents that on June 30, 2019 at 11:43:41, Beat 431, Officer Moore, was dispatched to 10128 S. Crandon Avenue. Officer Moore was on scene at 11:43:56.

⁶¹ Zone 8 transmissions. Minute 59:42

⁶² Zone 8 transmissions. Minute 59:46

⁶³ Zone 8 transmissions. Minute 59:49 An engine can be heard when Beat 431 is giving the directions, but no sirens.

⁶⁴ Attachment 53 “Z8 1200-1300” (Zone 8 transmissions 2). Minute 00:02. Just before, Beat 431 starts to explain about the crash, an officer called in something inaudible with siren in the background. The dispatch appears to say 464Charlie.

⁶⁵ Zone 8 transmissions 2. Minute 00:29

⁶⁶ Zone 8 transmissions 2. Minute 01:46

⁶⁷ Zone 8 transmissions 2. Minute 24:57

⁶⁸ Attachment 17

⁶⁹ Attachment 18

⁷⁰ ██████████ was wearing a colostomy bag.

⁷¹ Attachment 58

⁷² Attachment 12

An **Arrest Report**⁷³ documents that ██████████ was charged with Reckless Homicide/ Motor Vehicle, Obstructing Identification, Issuance of Warrant, Driving on a Suspended License, Illinois Vehicle Code (IVC)- Reckless Driving, and Unlawful Possession/ Driver/ of a Stolen Vehicle. It is reported that ██████████ was placed into custody after being identified as the driver of a stolen Jeep Grand Cherokee. ██████████ initially pulled over during a traffic stop by Officer Moore, but then fled at a high rate of speed. ██████████ disregarded several stop signs, drove into the opposite lane of traffic, and struck a bus shelter at 9859 S. Van Vliissingen fatally injuring ██████████ who was waiting at the bus stop. ██████████ exited the Jeep and fled on foot but was subsequently taken into custody in the rear yard of 2120 E. 98th Street.

Arrest Reports⁷⁴ document that ██████████ and ██████████ were both charged with Criminal Trespass to Vehicles after being identified as passengers in the stolen Jeep Grand Cherokee. ██████████ and ██████████ were transported to Trinity Hospital following the crash and were both treated and released.

Case Report #JC328946⁷⁵ documents that ██████████ reported that on June 30, 2019 at 3:00 am, he parked his vehicle at ██████████. ██████████ discovered his vehicle missing later that morning. ██████████ went to the 4th District Police Station and stated that he located his vehicle using an app on his cellphone, Uconnect. An officer at the station told ██████████ to go to the location where his vehicle pinged, and an officer would meet him there. Officer Moore met ██████████ at 10128 S. Crandon. They could not locate the vehicle there and subsequently relocated to 10051 S. Crandon. ██████████ then observed his vehicle traveling east on 101st Street and notified Officer Moore. Officer Moore followed the vehicle and attempted a traffic stop. The vehicle stopped briefly, but then fled at a high rate of speed, crashing at 9859 S. Van Vliissingen.

Traffic Crash Report #JC328580⁷⁶ documents that responding officers observed the Jeep Cherokee stopped, the CTA bus shelter destroyed, and ██████████ on the ground, having sustained grave injuries. Officer Moore reported that the Jeep drove northbound on Van Vliissingen at a high rate of speed, disregarded traffic signs, and veered into the southbound lane into oncoming traffic nearly striking another vehicle. The Jeep then crashed into the bus shelter, striking ██████████ was pronounced dead at the scene.

The **Major Accident Investigation Unit Summary Report**⁷⁷ documents that in an Electronically Recorded Interview (ERI), ██████████ confessed to paying \$600 to rent the Jeep, driving the Jeep, committing traffic violations while fleeing from the police, and attempting to brake prior to the crash.

A **Case Supplementary Report**⁷⁸ documents that witnesses ██████████, ██████████ and ██████████ reported seeing the aftermath of crash. Witness ██████████ reported that she was at the patio window on the second floor of her residence when she heard a loud noise. ██████████

⁷³ Attachment 5

⁷⁴ Attachments 6 and 7

⁷⁵ Attachment 10

⁷⁶ Attachment 11

⁷⁷ Attachment 59, page 84

⁷⁸ Attachment 59, pages 104-109

looked out and saw the Jeep strike a bus shelter and observed debris and possibly a person in the air. ██████ said following the crash, a man exited the driver seat of the Jeep and ran.

A **Case Supplementary Report**⁷⁹ documents that CPD Traffic Specialists received the Jeep's Restraint Control Module. The passenger side airbag (seat) and side curtain airbag (head rail) deployed. The recorded data is consistent with the Jeep traveling at a high rate of speed northbound on Van Vlissingen, and a passenger side impact with the fixed bus shelter. The pre-crash data recorded that the Jeep's speed remained at or near 88 miles per hour five seconds prior to impact, and 77 miles per hour at impact.

The **Detective's Supplementary Report**⁸⁰ documents that ██████ was seated at the bus shelter when he was struck by a stolen Jeep Cherokee driven by ██████ Officer Moore provided Traffic Specialists with an account consistent with his statement to COPA. Officer Moore said when ██████ fled from the traffic stop, he followed ██████ traveling approximately 30 miles per hour. ██████ accelerated and reached a speed of approximately 65 to 70 miles per hour just before 100th Street. Officer Moore said his squad car was approximately 50 yards back when the Jeep swerved and struck the bus shelter.

Officer Castillo provided Traffic Specialists with an account consistent with his statement to COPA. The gray vehicle Officer Castillo observed traveling behind Officer Moore's squad car prior to the crash was a Chevrolet occupied by ██████ and ██████ Officer Castillo turned onto Van Vlissingen behind the Chevrolet and the Chevrolet pulled over. Officer Castillo said he was approximately one block back when he observed the Jeep swerve from the northbound lane into the southbound lane and back.

Officer Brienzo provided Traffic Specialists with an account consistent with his statement to COPA. Officer Brienzo reported that when the squad car he and his partners were traveling in turned onto Van Vlissingen, Officer Brienzo observed the Jeep swerve and crash into a bus shelter approximately one block from his location.

Officer D'Amato provided Traffic Specialists with an account consistent with his statement to COPA. Additionally, Officer D'Amato related that he attempted to turn on his BWC during this event, but later realized the camera was not on when he met Officer Brienzo in the backyard.

Sgt. John Piechocki, #1349, told Traffic Specialists that as he was responding to a call regarding a vehicle that fled from Officer Moore, the call updated to a crash and subsequent foot pursuit. Sgt. Piechocki arrived in the area and observed officers chasing ██████ on foot. ██████ attempted to enter a residence at 2144 E. 98th Street, and ultimately fled to the rear of 2120 E. 98th Street where Sgt. Piechocki assisted in handcuffing ██████ Sgt. Piechocki added that he and the arresting officers located a Jeep key fob on ██████

████████████████████, ████████████████████ and ████████████████████ accounts as memorialized in the Detective's Supplementary Report are consistent with their Electronically Recorded Interviews.

⁷⁹ Attachment 59, pages 110-115

⁸⁰ Attachment 59, pages 116-133

The **Case Supplementary Report**⁸¹ documents that the crash occurred approximately 27 seconds after the Jeep first fled from the traffic stop and the Jeep traveled approximately .2 miles. Sprint records from the Jeep's Uconnect system document that the Jeep moved from its parked location at [REDACTED] at 6:00 a.m. on the morning of the incident.

A **Search Warrant Complaint**⁸² describes the exact location of the traffic stop as 2230 E. 102nd Street.

A **Traffic Pursuit Report**⁸³ notes the Jeep's highest speed as 65 and the police vehicle's highest speed at 51 mph. Officer Moore was attempting to maintain visual contact and attempted to apply the balancing test right before crash, including that two stop signs were disobeyed. A supervisor noted OEMC was immediately notified. The assigned supervisor was notified after termination.

V. LEGAL STANDARD

a. STANDARD OF 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;
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.⁸⁴ 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.⁸⁵ Clear and convincing evidence can be defined as a "degree of proof, which, considering

⁸¹ Attachment 59, pages 134-143

⁸² Attachment 59, page 289

⁸³ Attachment 63, pages 1-5

⁸⁴ 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).

⁸⁵ See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.”⁸⁶

b. Body Worn Camera

Department BWC policy was developed with a commitment “to protecting the safety and welfare of the public as well as its members.”⁸⁷ To “increase transparency” and “improve the quality and reliability of investigations” Department BWC policy mandates all law enforcement-related encounters to be audio and visually recorded.⁸⁸ All sworn members and immediate supervisors assigned to Bureau of Patrol and any other member designated by the district commander must use a BWC.⁸⁹ If an officer assigned a BWC is in a vehicle equipped with an in-car video system, the officer must follow both the BWC policy and the In-Car Video Systems policy.⁹⁰

Law-enforcement-related encounters include, but are not limited to, foot and vehicle pursuits, traffic stops, investigatory stops, arrests, use of force incidents, high risk situations, calls for service, emergency driving situations and “emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene[.]”⁹¹ The “decision to electronically record a law-enforcement-related encounter is mandatory, not discretionary....”⁹² Officers must activate their BWCs at the beginning of an incident and record the entire incident for all law enforcement-related activities.⁹³ Upon initiating a recording, officers must inform people they are being recorded.⁹⁴

If there are circumstances preventing the activation of the BWC at the beginning of an incident, the officer “will activate the BWC as soon as practical.”⁹⁵ Generally an officer may deactivate the BWC when the “law-enforcement-related activity” has ended or other enumerated exceptions.⁹⁶

⁸⁶ *Id.* at ¶ 28.

⁸⁷ Body Worn Cameras Special Order S03-14 II.A. (effective April 30, 2018 to present)

⁸⁸ BWC S03-14 II.A. & III.A.1.

⁸⁹ BWC S03-14 ILC. In addition, the Department is subject to the Law Enforcement Officer-Worn Body Camera Act since it uses BWCs. Law Enforcement Officer-Worn Body Camera Act 50 ILCS 706/10-15.

⁹⁰ *See* Body Worn Cameras S03-14 II.A.; but see 50 ILCS 706/10-20 (a)(3)(B) “Officer-worn body cameras may be turned off when the officer is inside of a patrol car which is equipped with a functioning in-car camera...”

⁹¹ BWC S03-14 III.A.2

⁹² BWC S03-14.III A. *See also Id.* II.B. noting “The Department does not intend to utilize the BWC to discipline members for isolated minor Departmental rule infractions consistent with the Illinois Officer-Worn Body Camera Act (50 ILCS 706/10) and the Department directive titled Complaint and Disciplinary Procedures.”

⁹³ Body Worn Cameras S03-14.III A. *See also* 50 ILCS 706/10-20(a)(3) Cameras must be turned on at all times when the officer is in uniform and is responding to calls for service or engaged in any law enforcement-related encounter or activity, that occurs while the officer is on duty-

⁹⁴ Body Worn Cameras S03-14 III A.4.

⁹⁵ Body Worn Cameras S03-14 III A. noting “members will not unreasonably endanger themselves or another person to conform to the provisions of this directive.” *See also* 50 ILCS 706/10-20 (a)(3)(A) If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as practicable.

⁹⁶ Body Worn Cameras S03-14 III.B. Policy also lists activities that are prohibited from being recorded on a BWC. BWC Order at IV. Policy also addresses operational procedures, supervisory responsibilities, certain division responsibilities, retention policy and policy in shootings or incidents with great bodily harm. It also creates the BWC evaluation committee.

VI. LEGAL ANALYSIS AND FINDINGS

a. Body Worn Camera

COPA finds **Allegation #1 sustained** against **Officer Mark D'Amato**, since he failed to comply with Department Special Order S03-14 by failing to activate his BWC, in violation of Rule 6. Officer D'Amato's BWC was activated after [REDACTED] was placed in custody. Here this was a law-enforcement related activity since it was a foot pursuit, therefore the recording should have been initiated prior to the foot pursuit. Although Officer D'Amato was in plain-clothes, he was required to have a BWC under policy and the Body Camera Act. Footage from Officer D'Amato's BWC reflects that he told Sgt. Piechocki he did not have an opportunity to activate his BWC earlier. In Officer D'Amato's statement to COPA, Officer D'Amato said he thought he activated his BWC when he was headed to the scene, and believed the camera was on when he exited the squad car.

Whether Officer D'Amato thought he had activated his BWC earlier or asserts that he did not have the opportunity to activate it sooner, COPA finds that a preponderance of the evidence does not support that a reasonable officer would be prevented from activating the BWC under these circumstances. In fact, the two other officers who were also riding in the vehicle with Officer D'Amato activated their BWCs prior to exiting the vehicle to engage in a foot pursuit and/or arrest.⁹⁷ Therefore, COPA finds Officer D'Amato failed in his mandatory obligation to activate his BWC at the onset of this event, in violation of CPD Special Order S03-14.

As a result, COPA finds that **Officer D'Amato** failed to activate his BWC per policy and **Allegation #1 is sustained**.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Mark D'Amato

i. Complimentary and Disciplinary History

Officer D'Amato has received 259 Honorable Mentions, 17 Department Commendations, 10 Complimentary Letters, 5 Deployment operations center awards, Emblem of Recognition-Physical Fitness, 6 Problem Solving Awards, 3 Police Officer of the Month Awards, 2 Attendance Recognition Awards, Honorable Mention Ribbon Awards, Life Saving Awards, Superintendent's award of tactical excellence, Traffic Stop of the Month, 1- 2004 Crime Reduction Ribbon, 1- 2009, 2019 Crime Reduction Award, Joint Operations Award, NATO Summit Service Award, Presidential Election Deployment Award 2008, Recognition/Outside Governmental Agency Award, Special Commendation, Superintendent's Award of Valor.

ii. Recommended Penalty, by Allegation

⁹⁷ In addition, Officer D'Amato did not announce to Mr. Driver that he was recording him on his BWC per BWC Order III.A.4.

1. Allegation No. 1

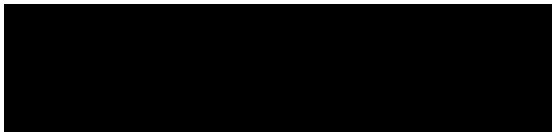
COPA recommends a penalty of 3 Days Suspension for failing to activate his Body Worn Camera.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Mark D’Amato	1. It is alleged that on June 30, 2019, at approximately 12:00 pm, at or about 9859 S. Van Vlissingen Road, Officer Mark D’Amato failed to comply with Chicago Police Department Special Order S03-14 by failing to activate his body worn camera, in violation of Rule 6.	Sustained

Approved:



9-29-2023

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Major Case Specialist:	Theresa Merritt, #34
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass
*Attorney⁹⁸:	

⁹⁸ Remove the attorney position from the list if the attorney was not involved in the investigation.