



Log # 2023-5822

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On December 12, 2023, the Civilian Office of Police Accountability (COPA) received a notification from the Crime Prevention and Information Center reporting the death of a person during an attempt by Chicago Police Department (CPD) members to apprehend that person.<sup>2</sup> [REDACTED] was fatally injured after he fled on foot from Officer Ryan Young and Officer Brian Bernier, subsequently colliding with a semi-trailer truck. The incident was captured in body-worn camera (BWC) footage and third-party surveillance video footage and witnessed by multiple individuals. Following its investigation, COPA determined that Officer Young and Officer Bernier acted within CPD policy while attempting to apprehend [REDACTED] and no allegations related to this incident were served on them.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

On December 12, 2023, at approximately 5:48 am, the theft of a silver 2015 Dodge Charger sedan was reported by its owner in the vicinity of 5500 W Walton St.<sup>4</sup> The Charger's location was tracked periodically during the day by CPD using automatic license plate recognition technology until Beat 5443B (Officer Young and Officer Bernier, assigned to the Area 4 vehicle hijacking task force) found it parked at the Buddy Bear Car Wash located at 818 S Cicero Ave.<sup>5</sup> The Charger had been backed into a parking space next to a vacuum, and the license plate was visible on the front bumper.<sup>6</sup> Parked just outside the car wash parking lot on Arthington Street at approximately 2:32 pm, Officer Young used his patrol vehicle's Portable Data Terminal (PDT) to run the Charger's license plate number.<sup>7</sup>

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<sup>1</sup> Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

<sup>2</sup> Att. 30. Pursuant to § 2-78-120 of the Municipal Code of Chicago, COPA has a duty to investigate all incidents in which a person dies as a result of police actions, such as during attempts to apprehend a suspect. Therefore, COPA determined that it would be the primary administrative investigative agency in this matter.

<sup>3</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, third-party video recordings, police reports, police radio transmissions, medical records, and CPD member interviews.

<sup>4</sup> Atts. 4, 9 and 31.

<sup>5</sup> Atts. 19, 20, 21, 23, and 25; Att. 41 at 10:18 to 11:44; Att. 51 at 2:26:45 to 2:27:09.

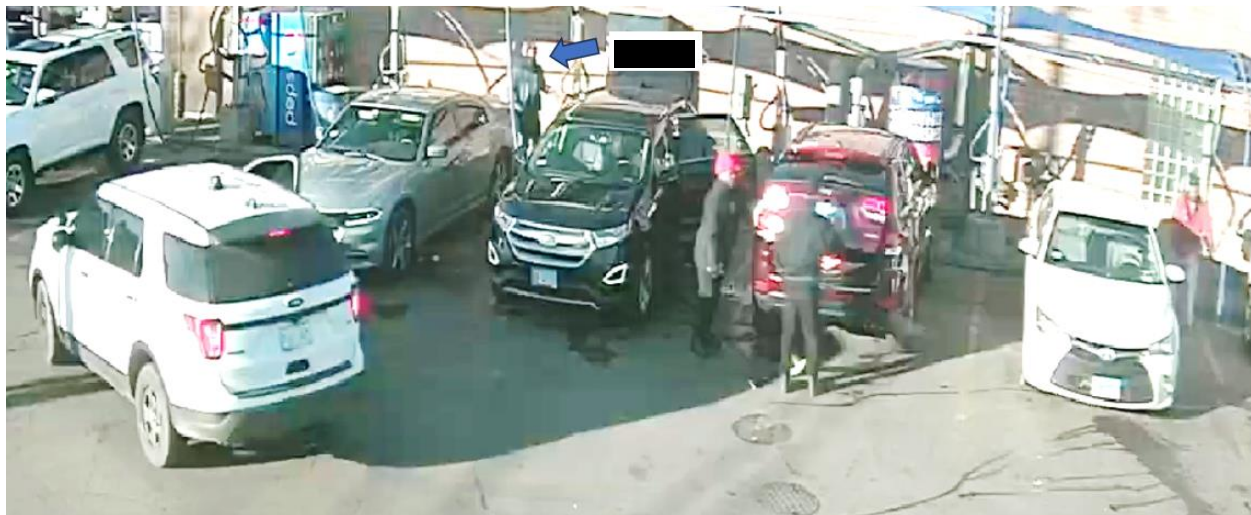
<sup>6</sup> Att. 69, pg. 7, lns. 17 to 18.

<sup>7</sup> Att. 18, pg. 10.



**Figure 1:** A screenshot from Att. 79, third-party surveillance video footage from 900 S Cicero Ave. at 2:14, showing Beat 5443B's unmarked patrol vehicle stopped on Arthington Street and the stolen Dodge Charger parked in the lot of the Buddy Bear Car Wash.

The license plate matched the Charger that had been reported stolen, and after approximately one minute, Officers Young and Bernier entered the parking lot of the busy car wash.<sup>8</sup>



**Figure 2:** A screenshot from Att. 83, third-party surveillance video footage from 818 S Cicero Ave. at 18:23, showing [REDACTED] standing behind the Dodge Charger as Beat 5443B's unmarked patrol vehicle pulled into the parking lot.

Officer Bernier, who was driving, positioned the unmarked CPD Ford Explorer in front of the Charger and a man (later identified as [REDACTED] who was standing at the rear of the Charger.<sup>8</sup> The officers exited the Explorer and approached [REDACTED] who was cleaning the Charger, but [REDACTED] immediately ran away from the officers through the carwash lot, heading east towards

<sup>8</sup> Att. 81, pg. 1.

Cicero Ave.<sup>9</sup> [REDACTED] ran along the side of the car wash building before approaching a fence. Officer Young ordered [REDACTED] to “show me your hands” and ran behind [REDACTED] followed by Officer Bernier.<sup>10</sup> [REDACTED] leapt over the fence while in stride and cleared it, landing on the west sidewalk of Cicero Ave.<sup>11</sup>



**Figure 3:** A screenshot from Att. 1, BWC footage from Officer Bernier at 2:12, showing [REDACTED] leaping over the fence with Officer Young in pursuit.

After jumping the fence, [REDACTED] stumbled forward, lost his footing, and collided with the rear underrun-protection device attached to the end of a passing semi-trailer.<sup>12</sup> Immediately after contacting the underrun-protection device, [REDACTED] spun around and fell to the ground in a prone (face down) position facing east, and he lay on the ground motionless.<sup>13</sup> Officer Young and Officer Bernier climbed over the fence after witnessing [REDACTED] collide with the truck. Within seconds of the collision, Officer Young radioed OEMC to request medical assistance for [REDACTED].<sup>14</sup> [REDACTED] remained unresponsive and did not move after colliding with the truck. [REDACTED] was declared deceased at 2:55 pm at Mt. Sinai Medical Center.<sup>15</sup> The cause of death was later determined to be multiple injuries due to pedestrian struck by semi-trailer.<sup>16</sup>

<sup>9</sup> Att. 1 at 2:06 to 2:11; Att. 2 at 2:01 to 2:09; Att. 82 at 9:39 to 9:48; Att. 83 at 18:23 to 18:29.

<sup>10</sup> Att. 2 at 2:02 to 2:10.

<sup>11</sup> Att. 1 at 2:11.

<sup>12</sup> Att. 1 at 2:13.

<sup>13</sup> Att. 1 at 2:17.

<sup>14</sup> Att. 1 at 2:19.

<sup>15</sup> Att. 76, pg. 2.

<sup>16</sup> Att. 75, pg. 6.

### III. ALLEGATIONS

Pursuant to section 2-78-120 of the Municipal Code of Chicago, COPA has a duty to investigate all incidents in which a person dies as a result of police actions, such as during attempts to apprehend a suspect. During its investigation of this incident, COPA did not find evidence to support allegations of misconduct against either Officer Young or Officer Bernier.

### IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. The events in this case were largely captured by BWC recordings, police observation device (POD) video recordings, and third-party video recordings, and there is little dispute as to what occurred. The statements provided by Officer Young and Officer Bernier are corroborated both by the available recordings and by each other, and COPA finds them to be credible.

### V. ANALYSIS<sup>17</sup>

COPA finds, by a preponderance of the evidence, that the actions of Officer Bernier and Officer Young complied with CPD policy.

Both officers were lawfully present and in position to observe the stolen Charger based on specific and accurate information regarding the vehicle. Of most relevance, this information included the vehicle's plate number, which ██████ made no attempt to obscure or conceal. Prior to engaging ██████ the officers took one minute to verify the Charger's information using their PDT and did so in plain view while parked in front of the car wash.<sup>18</sup> Officer Bernier explained to COPA that after determining that probable cause existed to arrest the then-unknown possessor of the suspected stolen Charger,<sup>19</sup> he and Officer Young decided to approach ██████

Officer Bernier maneuvered the officers' unmarked vehicle into the car wash parking lot in front of the Charger, and Officer Young exited the vehicle and instructed ██████ to "show me your hands."<sup>20</sup> While not having instantly declared his office as a CPD member, Officer Young and his partner were both clad in CPD uniforms and readily recognizable as CPD members.<sup>21</sup>

CPD policy states that members may only engage in or continue a foot pursuit if there is a valid law enforcement need to detain the person that members reasonably believe outweighs the

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<sup>17</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>18</sup> Att. 81, pg. 1; Att. 85 at 2:00.

<sup>19</sup> Att. 68, pg. 12, lns. 5 to 7.

<sup>20</sup> Att. 2 at 2:02.

<sup>21</sup> Att. 83 at 18:27.



threat to safety posed by pursuit.<sup>22</sup> A valid law enforcement need to detain a person exists when the members establish reasonable articulable suspicion or probable cause to believe that (1) the person being pursued has committed, is committing, or is about to commit a felony, a Class A misdemeanor, a traffic offense that endangers the physical safety of others, or (2) the person being pursued is committing or is about to commit an arrestable offense that poses an obvious physical threat to any person.<sup>23</sup>

CPD policy further provides that a decision to initiate or continue a foot pursuit “must be continuously re-evaluated in light of the circumstances presented at the time.”<sup>24</sup> Specifically, the policy indicates that officer should consider alternatives to engaging in or continuing a foot pursuit in certain situation that pose a “particularly high risk” to officers, bystanders, or the person being pursued.<sup>25</sup> For example, CPD policy warns of circumstances where the pursued person is visibly armed with a firearm; where the person enters a confined space or isolated area and there are insufficient CPD members to provide backup and containment; or where the officer becomes aware of unanticipated circumstances that unreasonably increase the risk to the officers or civilians.<sup>26</sup>

Here, both officers activated their BWCs at the beginning of the incident,<sup>27</sup> pursued ██████ while maintaining visual contact with each other,<sup>28</sup> initiated the pursuit within an environment that appeared to pose only ordinary risks to ██████ and to the public,<sup>29</sup> and maintained weapon discipline and weapon retention throughout the foot pursuit.<sup>30</sup> The officers reasonably believed that probable cause existed to arrest ██████ for a felony offense for possession of a stolen vehicle.<sup>31</sup> The officers did not know ██████ identity when they initiated the pursuit, and they had no reason to believe it would be possible to apprehend him later if he escaped. The foot pursuit lasted for less than ten seconds, leaving little time for the officers to re-evaluate their decision to begin the pursuit.

It was not reasonably foreseeable that ██████ would flee eastbound towards Cicero Ave., a busy four-lane commercial street, hurdle a fence to elude the pursuing officers, and then stumble across the sidewalk and into traffic. On the contrary, it was reasonable for the officers to believe that they could contain and capture ██████ in the parking lot because of the perimeter fence. ██████ may have gone to such lengths to avoid capture because he was concealing a loaded pistol in his front waistband,<sup>32</sup> which was discovered only after CFD personnel turned him over to examine his

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<sup>22</sup> Att. 52, G03-07(IV)(B), Foot Pursuits (effective August 29, 2022, to present).

<sup>23</sup> Att. 52, G03-07(IV)(B)(1).

<sup>24</sup> Att. 52, G03-07(IV)(B)(2).

<sup>25</sup> Att. 52, G03-07(VI).

<sup>26</sup> Att. 52, G03-07(VI)(B), (D), (E).

<sup>27</sup> Att. 52, G03-07(VII)(A).

<sup>28</sup> Att. 52, G03-07(VIII)(B).

<sup>29</sup> Att. 52, G03-07(VII)(F).

<sup>30</sup> Att. 52, G03-07(VII)(G).

<sup>31</sup> See 625 ILCS 5/4-103, Offenses relating to motor vehicles and other vehicles – Felonies.

<sup>32</sup> Att. 64, pg. 1.

injuries.<sup>33</sup> After [REDACTED] was struck by the truck, Officer Young and Officer Bernier quickly saw that [REDACTED] injuries were catastrophic;<sup>34</sup> the officers elected not to touch [REDACTED] because of the massive injuries they observed to his head,<sup>35</sup> and Officer Young immediately radioed OEMC to request medical assistance.<sup>36</sup>

CPD policy also requires that once a scene is safe and as soon as practical, CPD members must immediately request appropriate medical aid for an injured person.<sup>37</sup> Additionally, CPD members “must provide medical aid as soon as reasonably practical, consistent with their Department training, including Law Enforcement Medical and Rescue Training (LEMART), to injured persons until medical professionals arrive on scene.”<sup>38</sup>

The injuries to [REDACTED] were beyond the depth of Officer Young’s and Officer Bernier’s training, and the first aid measures they were equipped to employ were not suitable for the severity of [REDACTED] injuries. Among the serious injuries [REDACTED] suffered to the head were multiple comminuted and radiating calvarial and basilar skull fractures,<sup>39</sup> causing critical damage to his brain. The officers were equipped with tourniquets, chest seals, and quick-clotting gauze,<sup>40</sup> but they were not trained to use these items to treat a traumatic penetrative brain injury such as the one that [REDACTED] had suffered. Tourniquets and chest seals are obviously not effective for this type of injury. Hemostatic agents such as quick-clotting gauze should never be allowed to enter head injuries with exposed brain tissue or meninges.<sup>41</sup> According to Officer Young, exposed brain tissue was present in one of [REDACTED] lacerations to his head.<sup>42</sup> Officer Bernier also explained that because of [REDACTED] massive head injury, he did not “want to move him or touch him and make something worse.”<sup>43</sup> Likewise, Officer Young explained, “I’m not trained into moving people after they’ve had catastrophic neck injuries. I didn’t want to make it worse . . . if he was still alive, by flipping him over. I’m not trained in that.”<sup>44</sup>

For these reasons, COPA finds the preponderance of the evidence shows that Officer Young’s and Officer Bernier’s actions after encountering [REDACTED] were objectively reasonable based on the totality of the circumstances, and their actions complied with CPD policy.

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<sup>33</sup> Att. 2 at 9:45.

<sup>34</sup> Att. 68, pg. 13, lns. 22 to 23; Att. 69, pg. 17, lns. 17 to 18.

<sup>35</sup> Att. 68, pg. 13, ln. 24, to pg. 14, ln. 4; Att. 69, pg. 17, lns. 18 to 24.

<sup>36</sup> Att. 68, pg. 13, lns. 17 to 19; Att. 69, pg. 17, lns. 8 to 10.

<sup>37</sup> Att. 53, G03-02(V)(A)(1), De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).

<sup>38</sup> Att. 53, G03-02(V)(A)(2).

<sup>39</sup> Att. 75, pg. 3.

<sup>40</sup> Att. 91, U06-02-15(I)(F) and (II)(F), Individual First Aid Kit (IFAK) and Mini First Aid Kit (MFAK) (effective May 11, 2023, to present).

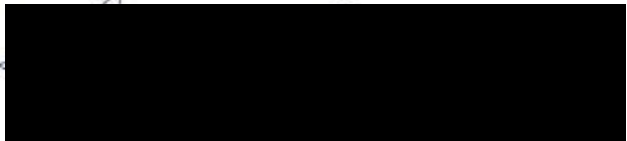
<sup>41</sup> Att. 84, pg. 2.

<sup>42</sup> Att. 69, pg. 22, lns. 22 to 23.

<sup>43</sup> Att. 68, pg. 17, lns. 16 to 20.

<sup>44</sup> Att. 69, pg. 23, lns. 7 to 10.

Approved:



6-12-2025

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Angela Hearts-Glass  
*Deputy Chief Administrator – Chief Investigator*

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Date

**Appendix A****Case Details**

Date/Time/Location of Incident:	December 12, 2023 / 2:30 pm / 818 S Cicero Ave., Chicago, IL 60644
Date/Time of COPA Notification:	December 12, 2023 / 3:34 pm
Involved Member #1:	Police Officer Ryan Young, Star #8883, Emp. # [REDACTED] DOA: October 29, 2018, Male, White
Involved Member #2:	Police Officer Brian Bernier, Star #2713, Emp. # [REDACTED] DOA: January 16, 2018, Male, White
Involved Individual #1:	[REDACTED] Male, Black

**Applicable Rules**

- ☐ **Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- ☐ **Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- ☐ **Rule 5:** Failure to perform any duty.
- ☐ **Rule 6:** Disobedience of an order or directive, whether written or oral.
- ☐ **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- ☐ **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- ☐ **Rule 10:** Inattention to duty.
- ☐ **Rule 14:** Making a false report, written or oral.
- ☐ **Rule 38:** Unlawful or unnecessary use or display of a weapon.

**Applicable Policies and Laws**

- G03-02, De-escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present)
- G03-07, Foot Pursuits (effective August 29, 2022, to present)
- U06-02-15, Individual First Aid Kit (IFAK) and Mini First Aid Kit (MFAK) (effective May 11, 2023, to present)
- 625 ILCS 5/4-103, Offenses relating to motor vehicles and other vehicles – Felonies



## **Appendix B**

### **Definition of COPA's Findings and Standards 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.<sup>45</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”<sup>46</sup>

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<sup>45</sup> See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

<sup>46</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C**

**Transparency and Publication Categories**

Check all that apply:

- ☐ Abuse of Authority
- ☐ Body Worn Camera Violation
- ☐ Coercion
- ☒ Death or Serious Bodily Injury in Custody
- ☐ Domestic Violence
- ☐ Excessive Force
- ☐ Failure to Report Misconduct
- ☐ False Statement
- ☐ Firearm Discharge
- ☐ Firearm Discharge – Animal
- ☐ Firearm Discharge – Suicide
- ☐ Firearm Discharge – Unintentional
- ☐ First Amendment
- ☐ Improper Search and Seizure – Fourth Amendment Violation
- ☐ Incidents in Lockup
- ☐ Motor Vehicle Incidents
- ☐ OC Spray Discharge
- ☐ Search Warrants
- ☐ Sexual Misconduct
- ☐ Taser Discharge
- ☐ Unlawful Denial of Access to Counsel
- ☐ Unnecessary Display of a Weapon
- ☐ Use of Deadly Force – other
- ☐ Verbal Abuse
- ☐ Other Investigation