



Log # 2023-5110

FINAL SUMMARY REPORT

I. EXECUTIVE SUMMARY

On October 29, 2023, COPA received an initiation report from Lt. McHugh of the 25th District, on behalf of [REDACTED] ([REDACTED]) alleged that Officer Gary Sanabria struck him with his patrol vehicle without justification. COPA attempted to contact [REDACTED] and his attorney to obtain a statement but did not receive a response. COPA served Officer Sanabria with three allegations: excessive force; timely activation of his BWC; and operating a Department vehicle without due regard. Following a review of the available evidence, COPA **Exonerated** Officer Sanabria's use of force and operation of a Department vehicle. COPA **Sustained** the allegation regarding Sanabria's failure to timely activate his BWC.

II. SUMMARY OF EVIDENCE¹

On October 29, 2023, Officer Sanabria started his shift by receiving a briefing from officers inside the SDSC room at XX DISTRICT – watching POD footage – which informed him of a series of robberies overnight involving a black Ford Edge.² Officer Sanabria received more information about the burglaries during roll call, including one incident that recently occurred. Following roll call, Officer Sanabria went to his vehicle where he heard a shots fired call via ShotsSpotter at Kedvale and Belden.³ While on scene of the alleged shooting, Officer Sanabria heard the dispatcher call out that a carjacking just occurred on Karlov, approximately one block from Officer Sanabria, involving a black Jeep Cherokee.⁴

Later in the day, Officer Sanabria was at the scene of a vehicle collision that involved one of the vehicles previously identified in the string of carjackings, when he observed the black Jeep Cherokee also involved in earlier carjackings.⁵ Officer Sanabria attempted to initiate a traffic stop on the black Jeep by utilizing his emergency lights, but the Jeep began to flee, and a vehicle pursuit

¹ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including CPD department reports, BWC videos, third-party surveillance video, 911 calls and radio transmissions, Evidence Technician photographs and reports, Illinois State Police reports, and the statements of the involved officers. During the investigation, COPA made numerous attempts to contact Attorney [REDACTED], legal representative of [REDACTED] regarding obtaining [REDACTED] statement. The attempts were unsuccessful. For more detailed information regarding the attempts, refer to Colum notes; CO-0138146, CO-0139123, and CO-0142861.

² Att. 34, PO [REDACTED] Transcript, Pg. 9, Lns. 4 to 7

³ Att. 34, at Pg. 9, Lns. 17 to 21

⁴ Att. 34, at Pgs. 9 to 10, Lns. 21 to 24, and 1 to 4

⁵ Att. 34, at Pg. 19, Lns. 11 to 20

ensued.⁶ Officer Sanabria gave numerous updates to OEMC and supervision regarding the pursuit including direction, speed, and overall safety conditions as the pursuit continued. Ultimately, the Jeep was broadsided while entering the intersection of Lavergne and Division rendering the vehicle disabled.⁷ Officer Sanabria observed [REDACTED] fleeing the Jeep on foot when he attempted to pull his patrol vehicle in front of [REDACTED] to cut his path off but struck [REDACTED] causing him to fall to the ground and get his clothing stuck under the front passenger tire.⁸ [REDACTED] was placed in custody and taken to Community First Hospital for treatment for possible injuries.⁹

III. ALLEGATIONS

Officer Gary Sanabria

1. Striking [REDACTED] with a police vehicle without justification.
 - Not Sustained
2. Untimely activating his BWC without justification.
 - Sustained
3. Operating a police vehicle without due regard for weather and safety conditions.
 - Not Sustained

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. In this case, COPA was unable to interview [REDACTED] But Officer Sanabria's account of the incident was detailed and largely accurate based on the independent evidence. While Officer Sanabria inaccurately stated he was issued a SPAR for his BWC violation, he later admitted to confusion based on Department G03-03-01.

Officer Sanabria's confusion regarding his SPAR aside, COPA has no reason to question his description of the incident – which is largely confirmed by ICC, Department reports, and BWC.

V. ANALYSIS¹⁰

a. Driving without Due Regard and Striking [REDACTED] with a police vehicle

COPA finds the allegation that Officer Sanabria struck [REDACTED] with a police vehicle without justification, is **Not Sustained**. COPA similarly finds the allegation that Officer Sanabria failed to drive his Department vehicle with due regard for weather and safety conditions,

⁶ Att. 13, PO Sanabria ICC Footage at 9:30

⁷ Att. 13, at 11:45

⁸ Att. 13, at 12:00

⁹ Att. 31, at 8:10 to 15:00

¹⁰ For a definition of COPA's findings and standards of proof, see Appendix B.

is **Not Sustained**. CPD policy regarding vehicle emergency operating procedures allow for police vehicles to, for instance, exceed speed limits or disregard regulations governing direction of movement.¹¹ To use these special privileges, the CPD member must be operating an authorized emergency vehicle, which is defined as “[a] marked police vehicle that has in operation emergency-roof lights and siren . . . that are used to respond to an emergency situation or to pursue an actual or suspected law violator.”¹² CPD policy does “not relieve Department members from the responsibility of driving with due regard for the safety of all persons”, even when they are operating authorized emergency vehicles.¹³ Furthermore, CPD policy defines a motor vehicle pursuit as “[a]n 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 [to] 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.”¹⁴ CPD policy restricts an officer’s ability to engage in a motor vehicle pursuit. Specifically, it provides that an officer will only engage in a motor vehicle pursuit when (1) the pursuit complies with the balancing test; (2) the pursuing vehicle has its emergency-roof lights and siren activated; and (3) OEMC has been notified regarding the facts concerning the pursuit.¹⁵ Members are required to terminate any pursuit that does not conform to CPD pursuit policy.¹⁶ To ensure compliance of the motor vehicle pursuit with the balancing test, officers must determine that “[t]he necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit.”¹⁷ The balancing test applies to the initiation, continuation, and supervisory authorization of the motor vehicle pursuit.¹⁸

In this case, Officer Sanabria was engaged in a vehicle pursuit of ██████████ and therefore in an “emergency situation,” pursuant to Department General Order G03-03. Here, Officer Sanabria met all three requirements for initiating a vehicle pursuit. Officer Sanabria had prior knowledge that the individuals in the black Jeep were involved in several armed carjackings over a 24-hour period.¹⁹ Officer Sanabria also activated his lights, and radioed OEMC of the facts regarding the pursuit.²⁰

However, COPA did take issue with part of Officer Sanabria’s vehicle use, specifically striking ██████████. While Officer Sanabria was executing a vehicle pursuit, he opted to continue the chase in his vehicle after ██████████ vehicle crashed and he fled on foot. Eventually, Officer Sanabria drove onto the curb and while trying to cut off a fleeing ██████████ struck him instead. Officer Sanabria claimed he had no intent to strike ██████████ and was merely attempting to get ahead

¹¹ G03-03 (III)(C)(3)(c and d) (citing 625 ILCS 5/11-205).

¹² G03-03 (III)(C)(2).

¹³ G03-03 (III)(A) (emphasis omitted).

¹⁴ General Order G03-03 (II), (III)(A), Emergency Use of Department Vehicles (effective March 18, 2022, to present).

¹⁵ G03-03-01 (VII)(A). Emergency Vehicle Operations – Eluding and Pursuing (effective August 15, 2020, to present).

¹⁶ G03-03-01 (VI)(I).

¹⁷ G03-03-01 (IV)(A) (emphasis omitted).

¹⁸ G03-03-01 (IV)(A).

¹⁹ Att. 34, at Pg. 20, Lns. 12 to 18; and Pg. 33, Lns. 15 to 22

²⁰ Att. 34, at Pg. 33, Lns. 23 to 24; and Pg. 34, Lns. 1 to 3; and Att. 22, OEMC Event Query

of him.²¹ Officer Sanabria further claimed that the car failed to respond to him after he jumped the curb and therefore could not avoid striking ██████████²²

COPA reviewed Officer Sanabria's ICC footage, relevant Department reports, and Officer Sanabria's BWC footage and could not identify any evidence that contradicts Officer Sanabria's statement beyond the preponderance standard. Furthermore, Officer Sanabria did not present any relevant credibility issues that discounted the value of his statement. Given Officer Sanabria was otherwise engaged in a within policy vehicle pursuit, COPA is unable to prove the allegations by a preponderance of the evidence. Therefore, COPA finds Allegations 1 and 3 are **Not Sustained**.

b. Untimely activating his BWC without justification.

COPA finds the allegation that Officer Sanabria failed to timely activate his BWC is **Sustained**. To increase transparency and improve the quality and reliability of investigations, CPD policy requires law-enforcement-related activities to be electronically recorded.²³ Law-enforcement-related activities include, but are not limited to, responding to and engaging in calls for service, investigatory stops, traffic stops, foot and vehicle pursuits, arrests, use of force incidents, emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene, high risk situations, and any other instances when enforcing the law.²⁴ The decision to record is mandatory, not discretionary.²⁵ CPD members are required to activate their BWCs at the beginning of an incident and record the entire incident.²⁶

In this case, Officer Sanabria did not address whether he failed to timely activate his BWC because his counsel claimed the Officer already received a SPAR for the BWC violation.²⁷ However, COPA was unable to independently verify this claim by searching SPAR records and contacting the Bureau of Internal Affairs (BIA).²⁸ As a result, COPA contacted Officer Sanabria's attorney and requested any evidence the Officer may have to prove he received a SPAR for the BWC incident.²⁹ In response, COPA received a signed memo from Officer Sanabria admitting to some confusion – specifically – that he later learned the reviewing Watch Commander had intended to issue a SPAR but did not due to a provision in G03-03-01.³⁰ Given the above, in addition to the clear evidence that Officer Sanabria failed to timely activate his BWC³¹ – COPA finds the allegation is **Sustained**.

²¹ Att. 34, Pg. 39, Lns. 12 to 24; and Pg. 40, Lns. 1 to 14

²² Att. 34, Pg. 40, Lns. 9 to 14

²³ S03-14 (V)(A), Body Worn Cameras (effective August 8, 2024, to present).

²⁴ S03-14 (II)(I).

²⁵ S03-14 (V)(A)(1).

²⁶ S03-14 (V)(A)(2).

²⁷ Att. 34, at Pg. 3, Lns. 13 to 20

²⁸ Att. 36, PO Sanabria SPAR Record

²⁹ Att. 37, COPA request for additional SPAR information

³⁰ Att. 35, Officer Sanabria To/From Memo re BWC SPAR

³¹ Att. 14, 0:00 to 2:00

VI. DISCIPLINARY RECOMMENDATION

a. Officer Gary Sanabria

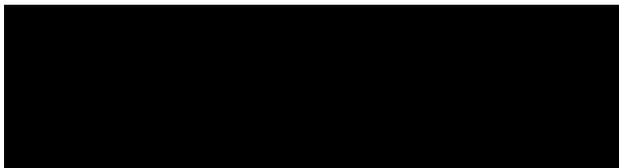
i. Complimentary and Disciplinary History³²

Officer Gary Sanabria has received 145 total awards, including 101 honorable mentions, 15 Department commendations, and 13 complimentary letters. Officer Sanabria has no record of any discipline nor SPARs over the last five years.

ii. Recommended Discipline

COPA has found that Officer Sanabria has violated Rules 2, 3, 5, 6, and 10 when he failed to timely activate his BWC. In mitigation, COPA has considered Officer Sanabria’s numerous awards and honors – as well as his lack of recent disciplinary history. However, the Department GO in this case is very clear. CPD Special Order S-03-14 states Department members will “activate” their BWC at “the beginning of an incident.” Therefore, COPA recommends Officer Ramirez receive a **Reprimand** and **Retraining** on the Department’s BWC policy.

Approved:



Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

8-29-2025

Date

³² Att. 56

Appendix A

Case Details

Date/Time/Location of Incident:	October 29, 2023/09:18 am/1151 N. Lavergne
Date/Time of COPA Notification:	October 29, 2023/8:28 pm
Involved Member #1:	Gary Sanabria, star #12640, employee ID # [REDACTED] Date of Appointment: April 13, 1998, Unit of Assignment: 025, Male/S
Involved Individual #1:	[REDACTED] Male, Hispanic, DOB: August 4, 2003

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.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- General Order G03-03 (II), (III)(A), Emergency Use of Department Vehicles (effective March 18, 2022, to present).
- G03-03-01 (VII)(A). Emergency Vehicle Operations – Eluding and Pursuing (effective August 15, 2020, to present).
- Special Order S03-14, Body Worn Cameras (effective April 30, 2018 to present).

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.³³ 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.”³⁴

³³ 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 is found to be more probably true than not).

³⁴ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th 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