



Log # 2022-0003994

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

### I. EXECUTIVE SUMMARY

On September 16, 2022, the Chicago Police Department's Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of a traffic pursuit with fatality that occurred at approximately 7:43 pm that evening in the vicinity of 4131 S. Oakenwald Avenue.<sup>2</sup> COPA learned that Officers Christopher Gonzalez #18195 and his partner, Officer Kevin Hartwig #18726, responded to a dispatch regarding a person with a gun in a silver SUV. Upon arrival at the scene, the officers attempted to stop the silver SUV, but the driver, now known to be ██████████ drove in reverse with the rear passenger door open while the rear passenger, ██████████ was partially outside the door frame. Officer Gonzalez activated his emergency equipment and drove behind the fleeing vehicle, as the rear passenger door struck a tree on the curb and the silver SUV fell into an embankment. ██████████ was ejected from the silver SUV and died of blunt force injuries. ██████████ fled on foot and has not been arrested.

Upon review of the evidence, COPA served allegations that Officer Gonzalez failed to activate his body-worn camera in a timely manner and initiated a motor vehicle pursuit in violation of CPD policy. Following its investigation, COPA reached Sustained and Not Sustained findings regarding the two allegations.

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

A white Jeep stopped at a park area on the 4100 block of Oakenwald and dropped off an individual now known as ██████████<sup>4</sup> ██████████ joined his nephews ██████████ ██████████

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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> Pursuant to § 2-78-120(d) of the Chicago Municipal Code, COPA has the duty to investigate incidents where a person dies as a result of police actions, such as during attempts to apprehend a suspect. COPA is also required to conduct investigations for all "officer-involved" deaths under the Police and Community Relations Improvement Act (50 Illinois Compiled Statutes 727). "Officer-involved death," as defined in that statute, "includes any death resulting from a motor vehicle accident, if the law enforcement officer was engaged in a law enforcement activity involving the individual or the individual's vehicle in the process of apprehension or attempt to apprehend." (50 ILCS 727/1-5). Therefore, COPA determined 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 OEMC transmissions, POD (police observation device) and BWC (body worn camera) videos, OEMC radio transmissions, Chicago Police Department (CPD) reports, and postmortem examination report.

<sup>4</sup> Att. 25, at 7:29:20 to 7:29:30 pm.

<sup>5</sup> As identified in an Investigatory Stop Report following the incident (Att. 12, pg. 1).

and [REDACTED] and unknown male individuals who were sitting at a park bench and going back and forth between the bench and two SUVs parked on the east side of the street.<sup>7</sup> One of the SUVs, a gray vehicle, departed.<sup>8</sup> [REDACTED] sat on the park bench with an unknown male.<sup>9</sup> The unknown male stood up and [REDACTED] walked off the curb to the street.<sup>10</sup> [REDACTED] handed what appeared to be a set of keys to the unknown male.<sup>11</sup> The unknown male then pulled what appeared to be a black handgun from his right pants pocket and handed it, offscreen, presumably to [REDACTED].<sup>12</sup> [REDACTED] reappeared onscreen, placed the handgun inside the front pouch of his black hooded sweatshirt, and returned to the bench with [REDACTED] and [REDACTED].<sup>13</sup> [REDACTED] then walked back to the silver SUV, took out the black handgun, and photographed it with his cell phone.<sup>14</sup> Beat 202S<sup>15</sup> reported to OEMC a person with a gun at 41<sup>st</sup> and Oakenwald, gave the description as “black hoodie, gray shorts, laying up against a silver SUV” and said that there may be more than one firearm on the scene.<sup>16</sup> [REDACTED] then placed the handgun back inside the front pouch.<sup>17</sup> [REDACTED] entered the driver’s seat of the silver SUV and [REDACTED] sat in the front passenger seat.<sup>18</sup> Beat 202S added that the suspect placed the firearm in the front pocket of his hooded jacket and was entering the “Nissan SUV.”<sup>19</sup> Beats 223, 231, and 221 acknowledged the call.<sup>20</sup> Beat 202S further added that the firearm is small, but it had a high-capacity magazine.<sup>21</sup> [REDACTED] opened the rear passenger door and sat inside, leaving the door open.<sup>22</sup>

Officers Gonzalez and Hartwig arrived on the scene in an unmarked police vehicle, with its emergency lights on and facing the silver SUV.<sup>23</sup> Officer Hartwig activated his BWC before the police vehicle came to a stop.<sup>24</sup> The officers, wearing their CPD uniforms, exited the police vehicle and Officer Gonzalez pointed his firearm at the silver SUV, as [REDACTED] appeared to step out of the rear passenger seat and turned his head toward the officers.<sup>25</sup> Officer Gonzalez yelled, “Hands up! Hands up!”<sup>26</sup> [REDACTED] began driving in reverse, while [REDACTED] had his head, shoulders and one foot outside the silver SUV.<sup>27</sup> Officer Hartwig began running after the

<sup>6</sup> Identified by [REDACTED] in a Case Supplementary Report (Att. 56, pg. 7).

<sup>7</sup> Att. 26, at 7:29:31 to 7:29:55 pm.

<sup>8</sup> Att. 26, at 7:36:33 to 7:36:50 pm.

<sup>9</sup> Att. 26, at 7:33:45 to 7:33:50 pm.

<sup>10</sup> Att. 26, at 7:38:33 to 7:38:41 pm.

<sup>11</sup> Att. 26, at 7:38:45 to 7:38:47 pm.

<sup>12</sup> Att. 26, at 7:38:51 to 7:38:53 pm.

<sup>13</sup> Att. 26, at 7:38:55 to 7:39:06 pm.

<sup>14</sup> Att. 25, at 7:39:11 to 7:39:30 pm.

<sup>15</sup> Beat 202S is assigned to the 002<sup>nd</sup> District Strategic Decision Support Center (SDSC) (Att. 12, pg. 2).

<sup>16</sup> Att. 20, at 39:52 to 40:14 minutes.

<sup>17</sup> Att. 25, at 7:39:31 to 7:39:34 pm.

<sup>18</sup> Att. 25, at 7:40:25 to 7:40:45 pm.

<sup>19</sup> Att. 20, at 40:41 to 40:52 minutes.

<sup>20</sup> Att. 20, at 41:03 to 41:30 minutes.

<sup>21</sup> Att. 20, at 41:48 to 42:04 minutes.

<sup>22</sup> Att. 26, at 7:42:17 to 7:42:27 pm.

<sup>23</sup> Att. 25, at 7:43:31 to 7:43:33 pm.

<sup>24</sup> Att. 27, at 7:43:29 to 7:43:31 pm.

<sup>25</sup> Att. 25, at 7:43:34 to 7:43:36 pm.

<sup>26</sup> Att. 27, at 7:43:33 to 7:43:34 pm.

<sup>27</sup> Att. 25, at 7:43:37 to 7:43:39 pm; Att. 26, at 7:43:29 to 7:43:39 pm.

silver SUV, identifying himself over the radio as Beat 262A and reporting that the silver SUV is going southbound in reverse.<sup>28</sup> Officer Gonzalez entered the police vehicle, activated the emergency siren, and drove forward.<sup>29</sup> [REDACTED] head, arm, and a leg appeared outside the door frame.<sup>30</sup> The rear passenger door of the silver SUV struck a tree on a parkway and the silver SUV went down an embankment.<sup>31</sup> [REDACTED] body landed on the grass and the sidewalk.<sup>32</sup>

Officer Gonzalez drove to pick up his partner when he observed the crash.<sup>33</sup> Officer Gonzalez then drove past his partner with the emergency lights and siren activated.<sup>34</sup> Officer Hartwig repeated "He crashed!" three times over the radio.<sup>35</sup> Officer Gonzalez drove the police vehicle to the scene of the crash, exited and ran down the embankment, as his partner arrived on foot and followed behind him.<sup>36</sup> Officer Gonzalez handcuffed [REDACTED] and activated his BWC.<sup>37</sup> Officer Hartwig asked [REDACTED] "Where they run?" and [REDACTED] responded that he did not know.<sup>38</sup> Officer Hartwig then informed dispatch, "Two are MIA."<sup>39</sup> Beat 262E requested an ambulance for a possible "DOA."<sup>40</sup> [REDACTED] cause of death was determined to be blunt force injuries due to a motor vehicle crash and the manner of death was ruled an accident.<sup>41</sup> A firearm was recovered on the grass near the crash.<sup>42</sup> In response to the allegation that he failed to activate his BWC in a timely manner, Officer Gonzalez stated that he thought he had turned it on but when he reached the embankment, he looked down and realized that it was not on and activated it immediately.<sup>43</sup> The officer did not recall when he might have turned on his BWC.<sup>44</sup> Officer Gonzalez denied initiating a motor vehicle pursuit.<sup>45</sup> The officer admitted that before he could have applied the balancing test for a motor vehicle pursuit, [REDACTED] had already crashed.<sup>46</sup>

### III. ALLEGATIONS

#### Officer Christopher Gonzalez:

<sup>28</sup> Att. 27, at 7:43:37 to 7:43:41 pm.

<sup>29</sup> Att. 34, at 7:43:42 to 7:43:43 pm.

<sup>30</sup> Att. 66, at 7:43:43 to 7:43:44 pm.

<sup>31</sup> Att. 65, at 7:43:46 pm to 7:43:47 pm.

<sup>32</sup> Att. 67, at 7:43:49 pm.

<sup>33</sup> Att. 50, pg. 15, lns. 1 to 13.

<sup>34</sup> Att. 27, at 7:43:45 pm.

<sup>35</sup> Att. 27, at 7:43:47 to 7:43:48 pm.

<sup>36</sup> Att. 65, at 7:43:52 to 7:44:00 pm.

<sup>37</sup> Att. 28, at 7:44:17 to 7:44:24 pm.

<sup>38</sup> Att. 27, at 7:44:18 to 7:44:24 pm.

<sup>39</sup> Att. 27, at 7:44:24 to 7:44:28 pm.

<sup>40</sup> Att. 20, at 45:06 to 45:10 minutes.

<sup>41</sup> Att. 53, pg. 7.

<sup>42</sup> Att. 63, pg. 2.

<sup>43</sup> Att. 50, pg. 34, lns. 4 to 23.

<sup>44</sup> Att. 50, pg. 34, ln. 20 to pg. 35, ln. 4.

<sup>45</sup> Att. 50, pg. 35, lns. 5 to 19.

<sup>46</sup> Att. 50, pg. 16, lns. 18 to 24.

1. Failed to activate his body-worn camera in a timely manner, in violation of Special Order S03-14.
  - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
2. Initiated a motor vehicle pursuit in violation of General Order G03-03-01.
  - Not Sustained

#### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements.

#### V. ANALYSIS<sup>47</sup>

##### a. Allegation #1.

COPA finds Allegation #1 that Officer Gonzalez failed to activate his BWC in a timely manner is **Sustained**. The officer stated to COPA that he thought he had activated his BWC but later realized that he had not and activated it immediately. Officer Gonzalez could not recall when he had tried, but had failed, to activate his BWC. Per Special Order S03-14, CPD members are required to activate their BWCs to event mode at the beginning of an incident and record the entire incident for all law-enforcement activities.<sup>48</sup> BWC footage documented that, unlike Officer Hartwig who properly activated his BWC before he exited their police vehicle, Officer Gonzalez did not activate until after [REDACTED] SUV had crashed and Officer Gonzalez had run down the embankment to the SUV and detained [REDACTED]. Consequently, Officer Gonzalez's BWC failed to pick up audio that could have added investigative value to the COPA investigation of this matter. Based on the above evidence, Officer Gonzalez's failure to activate his BWC in a timely manner constitutes a violation of CPD policy and Rules 2, 3, 5, 6, and 10.

##### b. Allegation #2.

General Order G03-03-01 defines fleeing or attempting to elude a peace officer when "any driver or operator of a motor vehicle who, having been given a visual or audible signal by a peace officer directing such driver or operator to bring his vehicle to a stop, willfully fails or refuses to obey such direction, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude the officer."<sup>49</sup> The General Order also requires that "the signal given by the peace officer may be by hand, voice, siren, red or blue light. The officer giving such signal shall be in police uniform, and, if driving a vehicle, such vehicle shall display illuminated oscillating, rotating or flashing red or blue lights which when used in conjunction with an audible horn or siren would indicate the vehicle to be an official police vehicle."<sup>50</sup> Finally, General Order G03-03-01 mandates that "the Department member will only engage in a motor vehicle pursuit when: 1. Applying the

<sup>47</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>48</sup> Att. 36, S03-14 (III)(A)(2)

<sup>49</sup> Att. 24, G03-03-01 (II)(F)(1).

<sup>50</sup> Att. 24, G03-03-01 (II)(F)(2).

balancing test and other restrictions of this directive; 2. ..., if in an unmarked vehicle, the high-beam flashing headlights, siren and light bars (if equipped) are activated throughout the duration; and 3. Notification has been made to the OEMC dispatcher regarding the facts concerning the pursuit.”<sup>51</sup>

When the officers encountered the silver SUV on their way to investigate a dispatch for a person with a gun, they exited their vehicle and ordered the three occupants to show their hands. ██████████ placed the SUV in reverse and accelerated away from the officers, evincing his intention to elude the officers. Officer Gonzalez then re-entered his police vehicle and drove forward with its siren activated. Officer Gonzalez’s use of the siren and the flashing blue lights indicated that the officer was signaling ██████████ to bring the SUV to a stop. Instead of stopping and complying with the officers’ directions, ██████████ crashed the SUV. Officer Gonzalez was required to employ the balancing test (the necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit).<sup>52</sup> Officer Gonzalez denied that he initiated a motor vehicle pursuit and stated to COPA that he drove to pick up his partner, but continued driving after he observed the SUV crash. Officer Gonzalez added that ██████████ had already crashed the SUV by the time the officer could have applied the balancing test. Similarly, the SUV crashed almost simultaneously to Officer Hartwig first reporting the SUV’s fleeing. In fact, OEMC had not acknowledged Officer Hartwig’s signal when the crash occurred.

Based on the above evidence, it appears more likely than not that ██████████ intended to elude the officers; however, the investigation revealed insufficient evidence to conclude that Officer Gonzalez initiated a motor vehicle pursuit of ██████████ vehicle. Consequently, COPA finds that Allegation #2 is **Not Sustained**.

## VI. DISCIPLINARY RECOMMENDATION

### a. Officer Christopher Gonzalez

#### i. Complimentary and Disciplinary History<sup>53</sup>

Officer Gonzalez has received a total of ninety-seven awards, including two Department commendations, one Honorable Mention Ribbon Award, one Superintendent’s Honorable Mention, and ninety Honorable Mentions.<sup>54</sup> In the last five years, Officer Gonzalez has had no sustained complaints;<sup>55</sup> however, the officer has had two reprimands for SPAR’s: one for failure to timely activate BWC and a second for a preventable accident.<sup>56</sup>

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<sup>51</sup> Ibid. (VII)(A)

<sup>52</sup> Ibid. (IV) (A)

<sup>53</sup> Att. 68.

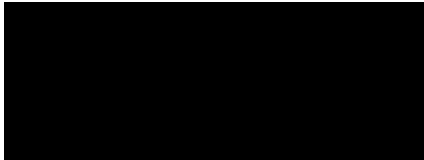
<sup>54</sup> Att. 68, pg. 3.

<sup>55</sup> Att. 68, pg. 1.

<sup>56</sup> Att. 68, pg. 2

**ii. Recommended Discipline**

COPA recommends a penalty of a 5-day suspension for Officer Gonzalez’s failure to activate his BWC in a timely manner, for violation of Rules 2, 3, 5, 6, and 10. The officer has previously been reprimanded for a similar offense.



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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date 3/15/2024

Appendix ACase Details

Date/Time/Location of Incident:	September 16, 2022 / 7:43 pm / 4131 S. Oakenwald Avenue
Date/Time of COPA Notification:	September 16, 2022 / 9:38 pm
Involved Police Officer #1:	Christopher Gonzalez / Star #18195 / Employee ID # [REDACTED] / Date of Appointment: July 16, 2019 / Unit 002 <sup>57</sup> / Male / White Hispanic.
Involved Individual #1:	[REDACTED] / 21 YOA / Male / Black / Deceased.

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 10:** Inattention to duty.

Applicable Policies and Laws

- Special Order S03-14, Body Worn Cameras (effective April 30, 2018 to December 28, 2023).
- General Order G03-03-01, Emergency Vehicle Operations – Eluding and Pursuing (effective August 15, 2020 to present).

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<sup>57</sup> Officer Gonzalez is currently assigned to Unit 015 and detailed to Unit 214.

## 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 allegation 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>58</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>59</sup>

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<sup>58</sup> 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).

<sup>59</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 Information**

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