ILLINOIS PROSECUTOR SERVICES, LLC

19650 S. Standard City Road, Carlinville, IL 62626
Phone: (217) 854-8041
Website: www.ipsllconline.com
E-mail: don@ipsllconline.com

LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of April – 2026

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Angjell Hinton-Goodwin v. The City of Harvey, et al., 2026 IL App (1st) 241320, March 20, 2026.

THE CASE: Officers conducted a "slow-speed chase" of a suspect vehicle based on a traffic violation. At the conclusion of that chase, the suspect car crashed into Goodwin's car, causing horrific damages. *Should the Officers be held liable for the injuries suffered by Goodwin*? [It should be noted that this is a majority decision; i.e., One Justice Dissented from the Judgment of the two majority Justices. We will call that Justice "the Dissent."]

FACTS: Officer One was on routine patrol when he spotted a blue Chrysler 200 parked at a gas station. Believing that the car matched the description of a vehicle involved in an aggravated battery or shooting, the Officer ran the car's license plate through LEADS, which indicated the vehicle had been reported stolen. When the Officer approached, he noticed the driver (Robert Birdette) was asleep with the car's engine running. Officer One requested backup. When Officer Two responded, Officer One used his knife to disable the vehicle by puncturing three of its tires. (Both Officers had their body worn cameras activated.) A Police Sergeant and another Officer also responded. Officer One told the Sergeant he believed the vehicle was stolen. The Sergeant noted that although the license plate came back to a stolen vehicle, it did not correspond to the suspect vehicle. Officer One tried to obtain the vehicle identification number (VIN) to verify through LEADS, but the VIN was obstructed. An Officer informed the officers he heard a dispatch call stating that a blue Chrysler 200 might be involved in an attempted vehicular hijacking at the gas station.

Officer One repeatedly hit the driver's side window of the Chrysler with a baton. Although the glass did not break, the noise woke Birdette. Officer One noticed Birdette was lethargic and appeared intoxicated. After identifying himself, the Officer told Birdette to open the car door. Birdette refused, put the car in gear, and sped off. The Officers all followed in their vehicles.. Most of the officers activated their lights and sirens. Officer One said he used his lights but intermittently activated his siren. Traffic was light, the weather was clear, and pedestrians were not present. Birdette disregarded a red light, drove through a store parking lot, and veered into incoming traffic. He lost one of his tires and was driving with only one working tire. His speed during the pursuit never exceeded 40 miles per hour. Officers drove ahead of Birdette to warn oncoming traffic. They also contacted a neighboring Police Department to block traffic as the pursuit headed in their direction. The pursuit lasted about seven minutes and covered 4.5 miles. At an intersection, Birdette ran a red light and collided with Hinton-Goodwin's car. Hinton-Goodwin suffered extensive injuries. Birdette died from his injuries.

Hinton-Goodwin and her husband sued the City of Harvey and the individual police officers for willful and wanton conduct (count I), negligent retention and hiring (count II), negligent supervision, (count III), and loss of consortium (counts IV and V). The Officers and the City moved for summary judgment. The trial court granted the motion, finding the officers' conduct was not willful and wanton or the proximate cause of Hinton-Goodwin's injuries. The court also found Hinton-Goodwin failed to present evidence supporting her negligent hiring, retention, and training theories. Because the underlying claims failed as a matter of law, the court also granted summary judgment on the loss of consortium counts.

ARGUMENT: On appeal, Hinton-Goodwin argued the trial court erred in (i) finding that the Officers' conduct was not willful and wanton or the proximate cause of her injuries, and (ii) granting summary judgment on the loss of consortium claims. Hinton-Goodwin contended the Officers' pursuit of Birdette's vehicle was willful and wanton conduct because (i) Officer One had disabled the vehicle (by puncturing three tires), making it more dangerous to the public; (ii) the Officer failed to follow police department policy by not keeping his siren activated throughout the pursuit; and (iii) the officers pursued Birdette for having the wrong license plate, a minor traffic violation.

THE LAW: Standard of Review - Summary judgment applies where "the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." The court construes the pleadings, depositions, admissions, and affidavits strictly against the movant and liberally in the opponent's favor. Triable issues precluding summary judgment exist where material facts are disputed, or undisputed but reasonable persons might draw different inferences from them. Courts grant summary judgment when the movant's right is clear and free from doubt. **Willful and Wanton Conduct:** Section 2-202 of the Tort Immunity Act provides that "[a] public employee is not liable for his act or omission in the execution or enforcement of any law unless such act or omission constitutes willful and wanton conduct." "A local public entity is not liable for an injury resulting from an act or omission of its employee where the employee is not liable." § 2-109. "Willful and wanton conduct"

is defined as "a course of action which shows an actual or deliberate intention to cause harm or which, if not intentional, shows an utter indifference to or conscious disregard for the safety of others or their property." § 1-210. Whether a police officer's actions amount to willful and wanton conduct is typically a question reserved for the trier of fact. But it may be resolved on a motion for summary judgment "when all the evidence viewed in the light most favorable to the nonmovant so overwhelmingly favors the movant that no contrary determination based on that evidence could ever stand."

ISSUE #1: Was the conduct of the Officers in pursuing Birdette willful and wanton because they suspected Birdette for the minor traffic violation of having the wrong license plate? FINDINGS: In this case, the appellate court declared that initiating a pursuit in an attempt to apprehend a fleeing offender *even for minor traffic violations* does not constitute willful and wanton conduct. Further. contrary to Hinton-Goodwin's contention that Birdette's vehicle only had the wrong license plate, the Court noted that the Officers believed the car may have been stolen and/or involved in a shooting or an aggravated battery, not minor traffic violations.

ISSUE #2: Was Officer One's conduct willful and wanton because the Officer violate Department Policy by failing to activate his siren during the entire pursuit? FINDINGS: The Court declared that failing to activate emergency equipment, such as a siren, does not constitute willful and wanton conduct. Specifically, the Court noted that a "(v)iolation of self-imposed rules or internal guidelines *** 'does not normally impose a legal duty, let alone constitute evidence of negligence, or beyond that, willful and wanton conduct.' *** [A] police officer cannot be found to have acted willfully and wantonly when he pursues a vehicle driven recklessly *as long as the officer does not pursue the vehicle in a reckless fashion*." The Appellate Court concluded that the trial record in this case did not present a genuine issue of material fact as to whether the officers pursued Birdette in a reckless fashion. The weather was clear; the roads were dry. At 11 p.m., traffic was light. And the critical events were captured on video.

ISSUE #3: Was Officer One's conduct willful and wanton because the Officer deflated three of Birdette's tires prior to the chase? [Hinton-Goodwin and the Dissent suggest Officer One made the vehicle more dangerous by deflating three of its tires.] **FINDINGS:** The Majority of this appellate court noted that Goodwin cited no authority holding that puncturing tires to stop or slow down potential flight constitutes willful and wanton conduct and no evidence that doing so caused the crash in this case. According to the Majority, the dissent noted that Birdette was driving on rims and missing one tire, which could "reasonably contribute" to his losing control of the vehicle, making it more dangerous. However, the Majority responded by concluding that nothing in the record suggested Birdette lost control or that the punctured tires, as opposed to his running a red light, led to the accident.

ISSUE #4: The Dissent argued that perhaps the Officers could have chosen a less dangerous alternative to chasing Birdette such as blocking him in. Did this argument show that the conduct of the Officers was willful and wanton? FINDINGS: The Majority in this case declared that "neither hindsight alternatives nor the resulting accident, which was catastrophic, rendered the officers' conduct in the moment willful and wanton. The Court concluded that it must evaluate willful and wanton "in light of the circumstances in which the Officers found themselves and not under 'the unassailable illumination of hindsight' ". Thus, the willful and wanton inquiry is objective, focusing on the Officers' conduct at the time, not on possibilities conceived after the fact.

ISSUE #5: Should this Court follow prior cases and find the conduct of these Officers to be willful and wanton? Goodwin and the Dissent cited two cases in support of their argument that the conduct of these Officers was willful and wanton: *Suwanski v. Village of Lombard*, 342 Ill. App. 3d 248 (2003), and *Winston v. City of Chicago*, 2019 IL App (1st) 181419. In Suwanski, an officer attempted to stop a vehicle traveling below the speed limit with a partially obstructed windshield. The vehicle drove through a stop sign and weaved. The pursuit lasted over eight minutes, covered 6½ miles, and reached speeds of 100 miles per hour. The police continued the pursuit after the fleeing vehicle collided with another vehicle. Ultimately, the suspect crashed again, killing the drivers of both vehicles. In *Winston*, officers pursued a vehicle with a missing front license plate. The chase reached speeds of 70 to 80 miles per hour down a two-lane residential street with a 30-miles-per-hour speed limit. The suspect ran two stop signs and a red light before crashing into and injuring the plaintiff. **FINDINGS:** The Majority noted that Birdette was not traveling at a high rate of speed and never exceeded 40 miles per hour. Although he drove into an oncoming traffic, no vehicles were present. Further, unlike in *Winston*, this pursuit was not initiated for merely a missing license plate, but due to the plates not matching the vehicle, leading the officers to believe it might be stolen. More telling, they believed the vehicle might have been involved in a shooting or attempted carjacking. Finally, the Majority declared that not only are the facts in this case far removed from those in *Suwanski*, they are wholly consistent with common police practice, as the many cases granting summary judgment under circumstances similar to those found in this case clearly demonstrated. What rendered the circumstances in *Suwanski* "unique" was not the severity of the outcome, i.e., the crash, but rather the extraordinary nature of the police conduct. The Court concluded that the conduct of the Officers in this case was clearly not "extraordinary."

CONCLUSION: The Appellate Court found that because no reasonable jury could find the officers' conduct in this case willful and wanton, it would therefore affirm the Circuit Court's Order granting summary judgment to the Officers.

QUIZ QUESTIONS FOR THE MONTH OF APRIL – 2026

Angjell Hinton-Goodwin v. The City of Harvey, et al., 2026 IL App (1st) 241320, March 20, 2026.

1. In Illinois, police officers are not held liable for their acts or omissions in the execution or enforcement of any law unless such acts or omissions constitute willful and wanton conduct.

   a. True. Section 2-202 of the *Tort Immunity Act* provides that "[a] public employee is not liable for his act or omission in the execution or enforcement of any law unless such act or omission constitutes willful and wanton conduct." 745 ILCS 10/2-202 (West 2024).

   b. False.

2. In order for an Officer's conduct to be considered to be "willful and wanton," must the Officer intend to cause harm or damage?

   a. Yes.

   b. No. While the conduct of an Officer that causes harm or damage may be committed intentionally, conduct that is not intentionally committed may still be considered to be "willful and wanton." Consider the statutory definition: ""*Willful and wanton conduct*" as used in this Act means a course of action which shows an actual or deliberate intention to cause harm or which, if not intentional, shows *an utter indifference to or conscious disregard for the safety of others or their property*. [This would be the definition of "Reckless Conduct."]

3. Hinton-Goodwin argued that the Officers acts of pursuing Birdette based only on a minor traffic violation constituted willful and wanton conduct. Did the appellate court agree with this argument?

   a. Yes.

   b. No. The majority of the appellate court concluded that initiating a pursuit in an attempt to apprehend a fleeing offender even for minor traffic violations does not constitute willful and wanton conduct. See *Laco v. City of Chicago*, 154 Ill. App. 3d 498, 506 (1987) (pursuing vehicle driving wrong way down one-way street was not willful and wanton conduct). Further, the Court noted that contrary to Hinton-Goodwin's contention that Birdette's vehicle only had the wrong license plate, the officers believed it may have been stolen and involved in a shooting or an aggravated battery, not a minor traffic violation.

4. The Arresting Officer admitted failing to follow Department Policy by failing to activate his siren during the entire chase. The appellate court concluded that this failure to follow Department policy constituted willful and wanton conduct.

a. True.

b. False. The appellate court declared that failing to activate emergency equipment, such as a siren, does not constitute willful and wanton conduct. Specifically, the Court noted that the "(v)iolation of self-imposed rules or internal guidelines *** 'does not normally impose a legal duty, let alone constitute evidence of negligence, or beyond that, willful and wanton conduct.' *** [A] police officer cannot be found to have acted willfully and wantonly when he pursues a vehicle driven recklessly as long as the officer does not pursue the vehicle in a reckless fashion." *Wade v. City of Chicago*, 364 Ill. App. 3d 773, 781-82 (2006).

QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF QUIZ QUESTIONS FOR THE MONTH OF MARCH – 2026

Oneal Johnson v. Ryan Edwards, 164 F.4th 1074, January 27, 2026.

1. Oneal Johnson sued the arresting Officers for false arrest. In order for a plaintiff to win on a false-arrest claim, the plaintiff must prove that the Officers arrested him without probable cause.

a. True. This court held: "To prevail on a Fourth Amendment false-arrest claim, a plaintiff must show that there was no probable cause for his arrest." *Braun v. Village of Palatine*, 56 F.4th 542, 548 (7th Cir. 2022).

2. Oneal Johnson argued that the Officers in this case lacked probable cause to place him under arrest. Did the appellate court agree with this argument?

b. No. The Court held that the Officers had arguable probable cause to arrest Johnson for Disorderly Conduct.

3. If an Officer places a particular individual in a position of danger the individual would not otherwise have faced, can the Officer be held liable if that individual suffers an injury as a result of the conduct of the Officer.

a. ***Yes.*** This is the "State-Created Danger" rule. "[W]hen a public official affirmatively places a particular individual in a position of danger the individual would not otherwise have faced, the official may be liable for a due-process violation if injury results." Est. of Her v. Hoeppner, 939 F.3d 872, 876 (7th Cir. 2019).

4. Johnson argued that the Officers in this case used excessive force against him where they subjected him to a "rough ride" by "intentionally" coming "to a sudden stop," causing him "to lurch forward" and hit his head. The appellate court agreed with Johnson's argument.

b. ***False.*** The appellate court rejected this argument by finding that Johnson failed to prove that he had a clearly established right to be free from the specific conduct at issue—here, braking too hard at a red light while he was not wearing a seatbelt.