

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	January 28, 2019, 1900 Hours, 207 E. 79 th St./7900 S. Indiana
Date/Time of COPA Notification:	January 28, 2019, 19:24 Hours
Involved Officer #1:	Officer ██████████ Star # ██████████ Employee ID # ██████████, Date of Appointment: ██████████, 2017, Rank: Police Officer, Race: White, Gender: Male, Unit of Assignment: ██████████ DOB: ██████████, 1993
Involved Officer #1:	Officer ██████████ Star # ██████████, Employee ID # ██████████, Date of Appointment: ██████████ 2016, Rank: Police Officer, Race: White, Gender: Male, Unit of Assignment: ██████████ DOB: ██████████, 1992
Case Type:	Allegation of Racial Profiling

I. ALLEGATIONS²

Officer	Allegation	Finding
Officer ██████████	It is alleged that Officer ██████████ was racially profiling the complainant when he pulled complainant over for a missing brake light	Exonerated
Officer ██████████ ██████████	It is alleged that Officer ██████████ was racially profiling the complainant when he pulled complainant over for a missing brake light	Exonerated

¹ COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA’s ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

² Formal allegations were not served.

II. SUMMARY OF EVIDENCE

The Complainant, [REDACTED] ([REDACTED]) maintains that he was a victim of racial profiling when police officers stopped him because one of his brake lights was not working in violation of 625 ILCS 5/12-208. [REDACTED] believes that the officers were racially profiling him, because he is an African American driving a luxury vehicle. [REDACTED] also claimed that the police should not be pulling people over for such minor things as having a non-functional brake light and should instead be arresting drug dealers and gang-bangers.

On January 28, 2019, Officers [REDACTED] (“Officer [REDACTED] and [REDACTED]”) (“Officer [REDACTED]”) pulled [REDACTED] over for having a non-working brake light in violation of 625 ILCS 5/12-208. The Body Worn Camera (“BWC”) footage from Officer [REDACTED] Officer [REDACTED] and Sergeant [REDACTED] (“Sergeant [REDACTED]”) captured the interaction and belies [REDACTED] claim of racial profiling.

The BWC footage shows that after the officers pulled [REDACTED] over, they were very professional and respectful, and [REDACTED] admitted that the officers treated him very well. The officers never made any racial remarks. The footage indicated that the officers only wanted to give [REDACTED] a warning, provided his name check was clean, and in fact it was. The BWC also shows [REDACTED] non-functioning brake/park lights as the officers initially approach [REDACTED] vehicle from behind. At [REDACTED] request, the officers also show [REDACTED] the non-functional brake/park lights. [REDACTED] acknowledged that the brake/park lights were not functioning but disputed the lawfulness of the stop.

Significantly, the officers stated that they did not see [REDACTED] and where unaware of his race until after they had stopped his vehicle, because they were following him, and thus, were behind him the entire time prior to the stop. [REDACTED] claimed that the officers saw him prior to the stop because he maintained that they had to see who he was prior to pulling him over. [REDACTED] did not explain how the officers had seen him prior to the stop.

Sergeant [REDACTED] was called to the scene, because of [REDACTED] claim of racial profiling. Sergeant [REDACTED] tried to talk to [REDACTED] and get him to see that he had not been racially profiled. After it was pointed out that the officers had not seen him prior to the stop, Sergeant [REDACTED] asked [REDACTED] if the officers pulled up beside him to look at him. Although [REDACTED] had not mentioned it before, when asked, he said that he believed so. Sergeant [REDACTED] tried to ask follow up questions, but [REDACTED] stood by his original statement, refusing to answer.

The interaction ended with Sergeant [REDACTED] taking information from [REDACTED] to make a complaint.

III. Legal Standard

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 the conduct occurred and violated Department policy. *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). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). 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." *Id.* at ¶ 28.

IV. ANALYSIS AND CONCLUSION

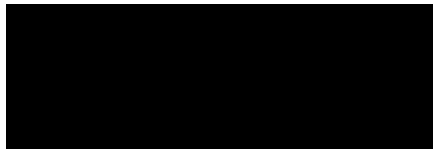
We find that the BWC footage nor [REDACTED] interview provide adequate basis to support a claim of racial profiling, and the fact that police officers made a stop of an individual who was African-American and driving a "luxury vehicle" does not alone support [REDACTED] allegation. Significantly, 625 ILCS 5/12-208 requires operational brake/park lights. Not only did the officers have a valid reason for stopping [REDACTED] vehicle, but [REDACTED] agreed that one of his brake lights was not functioning and the BWC captured the non-functional lights. In fact, during his interview with COPA, [REDACTED] said that his brake light had not been functional for years.

Equally important, [REDACTED] also agreed that the officers were respectful and professional, and that can be seen from the BWC footage. [REDACTED] also acknowledged that the officers made no racial remarks. Additionally, prior to stopping [REDACTED] the officers had not seen [REDACTED] and thus, had no way of knowing that [REDACTED] was African-American. The officers stated that they had been following [REDACTED] and were unable to see his face until they stopped his vehicle. [REDACTED] claimed that they saw that he was an African-American, because they followed him for some distance. However, as the officers stated, they could not determine [REDACTED] race while following him since they were always behind the vehicle and could not see him. [REDACTED] claimed that the officers saw him, because they had to see who they were pulling over. There is no such requirement, and [REDACTED] did not explain why that would be the case. Furthermore, while [REDACTED] had not mentioned this, when Sergeant [REDACTED] asked [REDACTED] if the officers pulled up beside his car in order to see [REDACTED] face, [REDACTED] said he believed so. Because that possibility was first mentioned by Sergeant [REDACTED] Sergeant [REDACTED] asked [REDACTED] what he meant by that. [REDACTED] refused to answer and said that he

was standing by his original statement. Sergeant [REDACTED] asked [REDACTED] to tell him what his original statement was, and [REDACTED] refused to repeat it, because it was on camera. This discussion appears to indicate that [REDACTED] did not know whether the officers saw him prior to stopping his vehicle, but that Sergeant [REDACTED] suggestion sounded plausible.

In sum, [REDACTED] claim is based on the fact that he was an African-American driving a luxury vehicle. While [REDACTED] may have felt strongly that this was the case, COPA's investigation revealed no other facts that support [REDACTED] claim. Conversely, we found there was clear and convincing evidence that a lawful basis existed for the stop. Therefore, we find that [REDACTED] claim that he was racially profiled because he an African-American driving a luxury vehicle to be unsupported by video evidence. Accordingly, COPA reached a finding of exonerated for all allegations.

Approved:



December 11, 2019

Andrea Kersten
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	
Investigator:	
Supervising Investigator:	
Deputy Chief Administrator:	
	Kersten