

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

Date/Time/Location of Incident:	August 31, 2019, 12:05pm
Date/Time of COPA Notification:	September 5, 2019, 11:00am
Involved Officer #1:	██████████ Star # ██████, Employee ID# ██████, Police Officer, Unit of Assignment: ██████, Male, Asian
Involved Individual #1:	██████████ DOB: ██████ 1975, Male, Black
Case Type:	Racial Profiling

**I. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer ██████████	<p>It is alleged that on August 31, 2019 at approximately 12:05pm, at or near ██████████ ██████████, Officer ██████</p> <ol style="list-style-type: none"> <li>1. Racially profiled ██████████ in that he issued him a citation and neglected to issue a citation to a white individual who had committed the same parking violation; and</li> <li>2. Failed to activate his body-worn camera prior to engaging in law-enforcement activity.</li> </ol>	<p>Exonerated</p> <p>Exonerated</p>

**II. SUMMARY OF EVIDENCE<sup>2</sup>**

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>2</sup>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.

On September 6, 2019, ██████████ provided a recorded statement to COPA<sup>3</sup> in which he alleged that Officer ██████ issued him a parking citation because of his race. During its investigation, COPA viewed **body worn camera footage**<sup>4</sup> of the incident and **interviewed Officer ██████**.

COPA found that on August 31, 2019, ██████████ drove to the Apple store located at ██████████. At approximately 12:00pm, ██████████ parked his vehicle along the side of the road where a “No Parking – Tow Zone” sign was visibly posted. At approximately the same time, an unknown white male (hereinafter referred to as “Civilian X”) parked his vehicle directly behind ██████████. Both ██████████ and Civilian X exited their vehicles and went into the Apple store. While both cars were vacant and parked in a tow zone, Officer ██████ began writing a parking citation for ██████████ vehicle. As Officer ██████ was still writing the ticket for ██████████ vehicle, Civilian X returned to his vehicle, asked Officer ██████ not to write him a ticket, and stated he would leave right away. Officer ██████ placed a ticket on ██████████ windshield and began walking back to his squad car. At that time, ██████████ returned to his vehicle, saw the ticket, and approached Officer ██████████. ██████████ was upset about receiving the parking citation and asked Officer ██████ why he had not ticketed Civilian X as well. As the situation became confrontational between ██████████ and Officer ██████, Officer ██████ activated his body worn camera. ██████████ asked for Officer ██████ name and star. Officer ██████ wrote down his information and ██████████ grabbed it from Officer ██████ hand and walked away.

### III. ANALYSIS AND CONCLUSION

██████████ alleges that Officer ██████ ticketed him and not Civilian X because ██████████ was black and Civilian X was white. However, after reviewing body worn camera footage and interviewing Officer ██████, COPA found that Officer ██████ decision to ticket ██████████ and not Civilian X was not racially influenced. Officer ██████ body worn camera footage depicts Officer ██████ writing a ticket for ██████████ vehicle while the vehicle is parked, vacant, in a tow zone. Before Officer ██████ moves on to the next illegally parked vehicle – Civilian X’s vehicle - Civilian X returns and appears to have a conversation with Officer ██████. This supports Officer ██████ statement during his interview that Civilian X approached as Officer ██████ was finishing writing ██████████ citation and told Officer ██████ he was leaving right away. Officer ██████ explained that, as a matter of practice, if somebody approaches him and says they are moving their vehicle prior to him initiating a citation, Officer ██████ will let them move their vehicle without issuing a ticket. According to Officer ██████ that is why he did not issue Civilian X a ticket – Civilian X returned to his vehicle before Officer ██████ had initiated writing him a citation. ██████████ on the other hand, did not return until Officer ██████ had finished writing his ticket and left it on the windshield of ██████████ vehicle. When asked whether Officer ██████ chose to issue ██████████ a parking citation because of his race, Officer ██████ pointed out that the car was vacant at the time he wrote the ticket, and he did not know the race of the owner until afterwards when ██████████ returned.

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<sup>3</sup> Att. 3.

<sup>4</sup> Att. 12.

<sup>5</sup> Att. 11.

<sup>6</sup> This part of the video is buffer and therefore there is no audio.

Officer [REDACTED] credibly articulated his reasoning for ticketing [REDACTED] and not Citizen X. COPA finds by clear and convincing of evidence that Officer [REDACTED] decision not to issue a citation to Civilian X was not based on racial bias; the first allegation is Exonerated.

COPA brought a second allegation against Officer [REDACTED] for failing to activate his body worn camera before engaging in law enforcement activity. In this case, Officer [REDACTED] activated his body worn camera while in the middle of a conversation with [REDACTED] after Officer [REDACTED] had left a parking citation on [REDACTED] vehicle. At the point the camera is activated, [REDACTED] can be heard asking Officer [REDACTED] for his name and badge number and accusing Officer [REDACTED] of issuing an illegal ticket.

During his interview, Officer [REDACTED] stated that he activated his body worn camera when [REDACTED] became belligerent. Officer [REDACTED] explained that he did not activate his body worn camera earlier because, although issuing a parking citation is a law enforcement activity, it does not involve an encounter with a citizen so activating the camera is not required. When [REDACTED] first approached Officer [REDACTED] he was asking questions about the ticket and Officer [REDACTED] was providing answers. When [REDACTED] began acting belligerent, Officer [REDACTED] activated his body worn camera.

Special Order S03-14 states, “The decision to electronically record a law-enforcement-related **encounter** is mandatory, not discretionary.” (Emphasis added). The order goes on to list law-enforcement-related activities that must be recorded on body worn camera. Although the list is expressly non-exhaustive, it should be noted that issuing parking citations is not specifically included. The list does include, however, “any encounter with the public that becomes adversarial after the initial contact.”

Accordingly, COPA finds that Officer [REDACTED] was not required to activate his body worn camera until the encounter with [REDACTED] became adversarial. Officer [REDACTED] explained that he turned his camera on when [REDACTED] became belligerent and confrontational. This statement is supported by the available body worn camera footage. Therefore, COPA finds this allegation to be Exonerated.

Approved:

[REDACTED]

4/29/20

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Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	█
<b>Investigator:</b>	██████████
<b>Supervising Investigator:</b>	████████████████████
<b>Deputy Chief Administrator:</b>	Andrea Kersten