

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	March 25, 2019 / 6:20 pm / 1237 E. 71 <sup>st</sup> Street
Date/Time of COPA Notification:	March 26, 2019 / 1:14 pm
Involved Officer #1:	██████████ star # ██████████ employee ID# ██████████ Date of Appointment ██████████ 2017, Police Officer, Unit of Assignment ██████████, DOB ██████████ 1991, Female, unknown race
Involved Individual #1:	██████████ DOB ██████████ 1981, Male, Black
Case Type:	Civil Rights Violation, Racial Profiling

I. ALLEGATIONS

Officer	Allegation	Finding
Officer ██████████ ██████████	It is alleged by ██████████ that on or about March 25, 2019, at approximately 6:20 pm, at or near 1237 East 71 <sup>st</sup> Street, Officer ██████████ #██████████ committed misconduct through the following acts or omissions, by:	
	1. Detaining ██████████ without justification; and	Exonerated
	2. Detaining ██████████ for an unreasonable amount of time; and	Exonerated
	3. Using race or color in making the decision to detain ██████████	Unfounded

II. SUMMARY OF EVIDENCE

Complainant ██████████ (██████████) was interviewed by COPA investigators on March 28, 2019.<sup>1</sup> ██████████ told investigators that on March 25, 2019, at about 6:20 pm, he was driving for Uber with passengers in the rear of his car, a 2018 Toyota Camry, near 71<sup>st</sup> Street and South Chicago Avenue. ██████████ noticed a marked Chicago Police Department (CPD) patrol vehicle following him, and ██████████ was certain that he was obeying all traffic laws. The CPD vehicle pulled next to ██████████ while he continued to drive, and ██████████ noticed the officers (a female Hispanic officer and her male partner) glaring at him in what he described as a menacing manner. After half a block, the police vehicle pulled in front of ██████████ but then maneuvered to his side, and finally maneuvered

<sup>1</sup> Attachment 15.

behind him. The officers then activated their emergency lights and [REDACTED] pulled to the side of the road. The female officer asked [REDACTED] in a menacing tone if he knew why he had been stopped; [REDACTED] described feeling racist energy from the female officer that he recognized from prior incidents when he experienced racism. When [REDACTED] said he did not know, the officer told [REDACTED] that she stopped him because his windshield and front driver- and passenger-side windows were tinted. She then checked his license and issued him a citation for tinted windows. [REDACTED] asserted that the officers only stopped him because he was Black and because he was driving a nice car, and he would not have been stopped if he was white or on the north side of the city. [REDACTED] asserted that everyone in Chicago has tinted windows and that tinted windows are legal. [REDACTED] also asserted that the stop lasted approximately 20 minutes, and he believed the officers unnecessarily prolonged the stop.

The traffic stop was recorded on both the **body-worn cameras (BWC)**<sup>2</sup> of Officer [REDACTED] and her partner, Officer [REDACTED] along with the **in-car-camera (ICC)**<sup>3</sup> from their patrol vehicle. These recordings depict the patrol vehicle driving behind [REDACTED] car for approximately 20 seconds before pulling even with [REDACTED] at a stop sign. Both vehicles proceed, with the patrol vehicle pulling ahead of [REDACTED] momentarily before stopping briefly on the right side of the road, allowing [REDACTED] to pass. Immediately after [REDACTED] passes the patrol vehicle, the officers initiate a traffic stop and curb [REDACTED] car. Officer [REDACTED] approaches [REDACTED] who remains in the driver's seat of his car, and tells him that she stopped him because his front windshield is tinted. She then requests [REDACTED] license and insurance. [REDACTED] admits that all of his windows are tinted, but claims the tint is legal. Officer [REDACTED] tells him that no tint is allowed on the windshield. Officer [REDACTED] standing on the passenger side, asks [REDACTED] to provide his license and insurance to Officer [REDACTED] and tells [REDACTED] that he will be allowed to proceed if everything checks out. Both officers examine the front windshield and confirm that it has been tinted,<sup>4</sup> and Officer [REDACTED] also notes that the car lacks a City of Chicago sticker. [REDACTED] provides several expired insurance cards to Officer [REDACTED] and explains that his insurance is current, but he only has the information on his phone. Officer [REDACTED] notes that [REDACTED] is driving for Uber and has passengers in the rear seat and notes that as an Uber driver, [REDACTED] should have current insurance information available.

Officer [REDACTED] returns to the patrol vehicle and checks [REDACTED] information through the police data terminal (PDT) and fills out a citation while [REDACTED] pulls up his current insurance card on his phone and shows it to Officer [REDACTED]. After approximately 6 minutes, Officer [REDACTED] returns to [REDACTED] window, hands him a citation for the tinted windshield, and explains how to challenge the citation in court. Officer [REDACTED] also tells [REDACTED] that she noticed his vehicle is missing the required City of Chicago sticker, but she is not issuing a citation for the sticker violation. [REDACTED] questions if the tint on his windshield is illegal, and Officer [REDACTED] explains that no tint is allowed on the windshield, even if the tint meets the light transmissions percentage allowed for side windows. [REDACTED] tells Officer [REDACTED] that he believes Illinois allows 35% tint on the windshield, and she tells him he is incorrect. [REDACTED] thanks the officers for their time, and Officer [REDACTED] replies, "All right, no problem," and both officers walk back to their patrol vehicle. [REDACTED] pulls away and the stop ends. The total duration of the stop is approximately 10 minutes.

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<sup>2</sup> Attachments 30, 31.

<sup>3</sup> Attachment 21.

<sup>4</sup> The tint is visible in both officers' BWC video recordings and appears to cover the entire windshield.

The **Administrative Notice of Violation (ANOV)**<sup>5</sup> issued to [REDACTED] by Officer [REDACTED] lists the violation “9-76-220(a), tinted material prohibited.”<sup>6</sup> **Records from the Department of Administrative Hearings**<sup>7</sup> document that the citation was non-suited on May 15, 2019, because “non-matching violation received from external system.”<sup>8</sup>

### III. ANALYSIS AND CONCLUSION

COPA has no reason to doubt [REDACTED] account of being the victim of racism in the past and no reason to doubt that [REDACTED] prior experience informed his perspective on the traffic stop conducted by Officers [REDACTED] and [REDACTED] on March 25, 2019. However, based on the evidence available to COPA, including three video and audio recordings capturing the stop from three different perspectives, there is no objective evidence to support [REDACTED] assertion that Officer [REDACTED] stopped him based on his race or prolonged the stop based on his race.

The video recordings demonstrate that Officer [REDACTED] drove next to and in front of [REDACTED] vehicle for approximately 20 seconds prior to the stop. During that time, [REDACTED] and her partner could see that [REDACTED] windshield was tinted, in violation of Illinois law and an analogous city ordinance. The tinted windshield provided the officers with justification for the stop. The stop lasted about 10 minutes; during that time, the officers explained why [REDACTED] had been stopped, listened to [REDACTED] attempt to explain why he believed the tint was legal, checked [REDACTED] driver’s license through the PDT, filled out a citation, issued the citation to [REDACTED] and explained how [REDACTED] could challenge the citation in court. Ten minutes is an imminently reasonable amount of time to perform these tasks and there is no evidence indicating the stop was prolonged for any time beyond what was necessary. Officer [REDACTED] as well as Officer [REDACTED] maintained a courteous and professional demeanor throughout their interaction with [REDACTED] used a conversational tone of voice, and did not use insulting, mocking, or belittling language.

Because the initial stop was justified based on Illinois law and the Municipal Code of Chicago, COPA finds by clear and convincing evidence that **Allegation 1 against Officer [REDACTED] is Exonerated**. Because the stop lasted only long enough to issue [REDACTED] a citation, COPA finds by clear and convincing evidence that **Allegation 2 against Officer [REDACTED] is Exonerated**. Because the initial stop was justified and because there is no evidence indicating that Officer [REDACTED] decision to conduct the stop was motivated by [REDACTED] race, COPA finds by clear and convincing evidence that **Allegation 3 against Officer [REDACTED] is Unfounded**.

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<sup>5</sup> Attachment 27, p. 3.

<sup>6</sup> CHI., IL, CODE § 9-76-220(a) (2019) (prohibiting tinted film on the front windshield of any motor vehicle). The Illinois Vehicle Code also prohibits tinted film on the front windshield of any motor vehicle, with an exception allowing nonreflective tinted film on the uppermost six inches of the windshield. 625 ILCS 5/12-503(a) (2018).

<sup>7</sup> Attachment 27, p. 4.

<sup>8</sup> CPD records contained in the **Traffic Stop Statistical Study, Traffic Stop Details database** (attachment 7) list the violation associated with [REDACTED] traffic stop as “9-76-050(D): Light, License Plate.” The mismatch between the violation noted in the computerized record and the violation noted on the paper citation is likely the reason the citation was non-suited.

Approved:



March 30, 2020

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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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**Squad#:**

**Investigator:**

**Supervising Investigator:**

**Deputy Chief Administrator:**



Andrea Kersten