

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 20, 2018
Time of Incident:	12:45p.m.
Location of Incident:	6300 S. Paulina
Date of COPA Notification:	December 20, 2018
Time of COPA Notification:	4:29p.m.

On December 20, 2018, at approximately 12:45p.m., [REDACTED] ([REDACTED]) was stopped by Officer John Craig (“Officer Craig”) for a traffic violation. During the stop, Officer Craig falsely claimed that [REDACTED] Indiana Vehicle Registration was expired. [REDACTED] alleged that Officer Craig’s conduct was a form of harassment, profiling and intimidation. COPA determined that [REDACTED] allegations were false or not factual.

II. INVOLVED PARTIES

Involved Officer #1:	Officer John Craig, Star #7027, Employee ID# [REDACTED], Date of Appointment October 29, 2007, Police Officer, Unit of Assignment 011 th District Station, Date of Birth [REDACTED] 1969, Male, Black.
Involved Individual #1:	[REDACTED] Date of Birth [REDACTED], 1990, Male, Black.

III. ALLEGATIONS

Officer	Allegation	Finding
Officer John Craig	It is alleged that on December 20, 2018, at approximately 12:00p.m., at or near 6300 S. Paulina Street, on the street, Officer John Craig committed misconduct through the following acts or omissions:	
	<ol style="list-style-type: none"> 1. Unlawfully stopped [REDACTED] for a traffic violation, falsely claiming that his Indiana vehicle registration was expired. 2. Harassed, profiled and intimidated [REDACTED] [REDACTED] during a traffic stop. 	<p>Unfounded</p> <p>Unfounded</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2, Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

V. INVESTIGATION¹

a. Interviews

██████████

COPA investigators interviewed ██████████ on December 20, 2018. During the interview, ██████████ stated that he was driving in the area of 63rd & Ashland with his 27 year old nephew, ██████████ (██████████ as a passenger, when he was stopped by Officer Craig.² Officer Craig, who was working alone, approached the vehicle and asked ██████████ for his driver's license and registration. ██████████ asked why he was being stopped. Officer Craig told ██████████ that he had no obligation to ██████████ and did not have to give ██████████ a reason for the stop. ██████████ described Officer Craig's response as intimidating and confrontational and placing ██████████ in fear of his life. ██████████ gave Officer Craig his driver's license and his cell phone that contained his insurance information. ██████████ again asked Officer Craig the reason he was being stopped. Officer Craig continued to be confrontational³ and eventually told ██████████ that he was stopped because his license plates were expired.⁴ ██████████ recorded the stop on his cell phone⁵ and drove to the 007th District Station to complain about Officer Craig's conduct. Officer Craig followed ██████████ to the station and looked on as ██████████ spoke with an unknown male white supervisor wearing a white shirt who gave ██████████ the telephone number to COPA.^{6 7}

b. Digital Evidence

Body worn camera footage depicts Officer Craig curb the vehicle occupied by ██████████ and ██████████⁸ Officer Craig approached the driver's side of the vehicle and asked ██████████ for his

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Approximately 12 minutes prior to the stop by Officer Craig, ██████████ was stopped at a different location by different officers.

³ According to ██████████ Officer Craig was confrontational in his tone of voice.

⁴ According to ██████████ this occurred approximately nine minutes after the stop. ██████████ told COPA investigators that he knew his Indiana license plates had expired approximately two months prior to coming in contact with Officer Craig. ██████████ also told COPA investigators that he had recently switched over from having an Indiana driver's license to an Illinois driver's license.

⁵ ██████████ refused to allow COPA to extract the footage from his cell phone. ██████████ stated that he would email the footage to COPA but he never did.

⁶ ██████████ called COPA shortly thereafter and obtained a LOG number. During his statement with COPA investigators, ██████████ did not express any complaint regarding the conduct of the unknown male white supervisor.

⁷ Att. #13.

⁸ ██████████ was the driver. ██████████ was the passenger.

driver's license and insurance. ██████ asked Officer Craig the reason he was curbed. Officer Craig repeatedly asked ██████ for his driver's license and insurance, stating that his request was not up for negotiation. Officer Craig told ██████ that he would tell him the reason for the stop after ██████ did what Officer Craig asked him to do. ██████ retrieved his insurance information from his cell phone and presented his cell phone to Officer Craig. Officer Craig told ██████ that his vehicle smelled like marijuana and asked ██████ if he had any marijuana inside the vehicle. ██████ told Officer Craig no, stating that he smoked marijuana earlier inside the vehicle. ██████ told Officer Craig that moments earlier, he and ██████ were curbed by the police and asked Officer Craig if he wanted them to exit the vehicle so that Officer Craig could search the interior. Officer Craig told ██████ that he was only talking to ██████ and asked ██████ to show his identification. ██████ showed Officer Craig his identification and continued to ask Officer Craig the reason they were pulled over. Officer Craig told ██████ and ██████ that he was going to radio for assisting units if ██████ did not stop talking.

Officer Craig told ██████ that when he ran his license plates, they came back as being expired. Officer Craig asked ██████ to show him paperwork documenting that his license plates were not expired and ██████ presented Officer Craig with paperwork from Indiana. Officer Craig told ██████ that his license plates should have been registered in Illinois because he had an Illinois driver's license. Officer Craig told ██████ that his license plates had been unregistered for nearly one year, advised ██████ that he could not drive an unregistered vehicle,⁹ and told ██████ that he would not write him a ticket if he found his proof of registration. ██████ failed to present Officer Craig with proof of his registration. Officer Craig issued ██████ a ticket and advised him that he could contest the ticket in court.¹⁰

c. Documentary Evidence

Department reports document that on December 20, 2018, at 12:49p.m. at 1300 S. Paulina, ██████ was cited for Expired Plates or Temporary Registration on a Mercedes Benz passenger vehicle. The vehicle had Indiana license plates that expired in February 2018.¹¹

d. Additional Evidence

██████ provided an Indiana Certificate of Vehicle Registration for a "Passenger – New Plate Type" vehicle. The certificate documented a vehicle purchase date of June 14, 2017, with an issuance date of March 9, 2018, and an expiration date of February 28, 2019. The vehicle described on the certificate was a 2010 Mercedes Benz E55, brown in color.¹²

VI. 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;

⁹ Officer Craig had run a namecheck on ██████ license plates.

¹⁰ Att. #13.

¹¹ Att. #8.

¹² Att. #8.

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 reviewed complied with 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 conduct complied with Department 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. 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.

VII. ANALYSIS

COPA determined that the allegations made by ██████████ that Officer Craig falsely claimed that ██████████ Indiana Vehicle Registration was expired, and that Officer Craig's conduct was a form of harassment, profiling and intimidation were not factual. ██████████ was stopped and ticketed for the expired license plates on December 20, 2018. The vehicle documentation that ██████████ provided indicated that ██████████ purchased the vehicle on June 14, 2017, with an issuance date of March 9, 2018. When Officer Craig ran ██████████ information, Officer Craig retrieved information from Department records that ██████████ license plates were expired. ██████████ had an Illinois driver's license but failed to produce proper/current registration when asked by Officer Craig to do so. ██████████ alleged that Officer Craig harassed, profiled and intimidated him. Body worn camera footage refutes ██████████ allegations. The body worn camera footage depicts Officer Craig's demeanor as being stern in his tone of voice. It is for these reasons that ██████████ allegations are unfounded.

