

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	September 28, 2018
Time of Incident:	7:30p.m.
Location of Incident:	7300 S. Racine Street, Chicago, IL.
Date of COPA Notification:	October 1, 2018
Time of COPA Notification:	12:03p.m.

On September 28, 2018, at approximately 7:30p.m., at 7300 S. Racine Street, [REDACTED] [REDACTED] ( [REDACTED] and his passenger, [REDACTED] ( [REDACTED] <sup>1</sup>, were stopped for a traffic stop and detained without justification by the police, namely Officer Christopher Paschal, (“Officer Paschal”), and Officer Lawrence Kerr, (“Officer Kerr”). The officers conducted a pat down search of [REDACTED] and [REDACTED] and a search of the vehicle<sup>2</sup> that [REDACTED] was driving without justification. [REDACTED] was issued two citations without justification. Officer Paschal and Officer Kerr failed to complete an Investigatory Stop Report and failed to provide [REDACTED] with an Investigatory Stop Receipt.

INVOLVED PARTIES

Involved Officer #1:	Police Officer Christopher Paschal, Star #11996, Employee # [REDACTED], Date of Appointment: December 14, 2012, Rank: Police Officer, Unit of Assignment: 004/Detailed to 620, Date of Birth: [REDACTED], 1979, Gender: Male, Race: Black
Involved Officer #2:	Police Officer Lawrence Kerr, Star #4871, Employee # [REDACTED], Date of Appointment: March 25, 2002, Rank: Police Officer, Unit of Assignment:025/Detailed to 716, Date of Birth: [REDACTED], 1978, Gender: Male, Race: White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 2000, Gender: Male, Race: Black

<sup>1</sup> [REDACTED] is [REDACTED] cousin.

<sup>2</sup> The vehicle that [REDACTED] was driving belonged to his mother, [REDACTED] According to [REDACTED] [REDACTED] recently purchased the vehicle and the vehicle had yellow temporary license plates.

## II. ALLEGATIONS

Officer	Allegation	Finding
Officer Christopher Paschal	On or about September 28, 2018, at approximately 7:30p.m., at or near 7300 S. Racine Street, Officer Christopher Paschal committed misconduct through the following acts or omissions:	
	1. Detained [REDACTED] without justification.	Exonerated
	2. Detained [REDACTED] without justification.	Exonerated
	3. Conducted a Protective Pat Down search of [REDACTED] without justification.	Not Sustained
	4. Conducted a Protective Pat Down search of [REDACTED] without justification.	Not Sustained
	5. Conducted a search of [REDACTED] vehicle without justification.	Not Sustained
	6. Issued [REDACTED] two citations without justification.	Exonerated
	7. Failed to complete an Investigatory Stop Report, and	Not Sustained
8. Failed to provide [REDACTED] with a completed Investigatory Stop Receipt.	Not Sustained	
Officer Lawrence Kerr	On or about September 28, 2018, at approximately 7:30p.m., at or near 7300 S. Racine Street, Officer Lawrence Kerr committed misconduct through the following acts or omissions:	
	1. Detained [REDACTED] without justification.	Exonerated
	2. Detained [REDACTED] without justification.	Exonerated
	3. Conducted a Protective Pat down search of [REDACTED] without justification.	Not Sustained
4. Conducted a Protective Pat Down search of [REDACTED] without justification.	Not Sustained	

5. Conducted a search of [REDACTED] vehicle without justification.	Not Sustained
6. Issued [REDACTED] two citations without justification.	Exonerated
7. Failed to complete an Investigatory Stop Report, and	Not Sustained
8. Failed to provide [REDACTED] with a completed Investigatory Stop Receipt.	Not Sustained

**III. APPLICABLE RULES AND LAWS**

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Rules

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- 1. Rule 1: Prohibits violation of any law or ordinance.
  - 2. Rule 6: Disobedience of an order or directive, whether written or oral.
  - 3. Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
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General Orders

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- 1. General Order G02-01, Human Rights and Human Resources, IV., A.
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Federal Laws

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- 1.1. United States Constitution, Amendment IV: Prohibits search and seizure without probable cause.<sup>3</sup>

**IV. INVESTIGATION<sup>4</sup>**

**a. Interviews**

[REDACTED]

During an interview with COPA on October 3, 2018, [REDACTED] stated that he and his cousin, [REDACTED] were curbed by an unmarked Department vehicle occupied by three unknown uniformed male officers, while he was driving a vehicle that belonged to his mother,

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<sup>3</sup> “The right of people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

<sup>4</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

██████████ described the officers as two male/Whites and one/male/Black.<sup>5</sup> One of the male/Whites was the driver who instructed ██████████ to roll down all the windows and for ██████████ and ██████████ to exit the vehicle. The same officer handcuffed ██████████ and ██████████ conducted a pat down search of ██████████ and then conducted a search of the vehicle. The other male/white officer conducted a protective pat down search of ██████████. The male/white driver officer told ██████████ that he was stopped because his rear license plate light was out and for No City Sticker. ██████████ thought the officers were stopping him because the windows of the vehicle he was driving were tinted. ██████████ verbally protested the validity of the traffic stop by telling the officers that his mother purchased the vehicle within the last 30 days and that the vehicle had a yellow temporary paper license plate affixed to it. ██████████ and ██████████ were unhandcuffed and ██████████ was issued two citations.

██████████ stated that immediately prior to the stop, he was talking on his handsfree speaker to his aunt, ██████████ (██████████ who was driving ahead of him. ██████████ circled the block and then exited her vehicle to ascertain what was going on with ██████████. The officers initially told ██████████ that the issue was none of her business. The officers later showed ██████████ the citations.<sup>6</sup>

██████████

During an interview with COPA on February 24, 2020, witness ██████████ identified ██████████ as her nephew. ██████████ stated that while she was walking down the street alone, looking for ██████████ who was to pick her up from her grandfather's house, ██████████ called her on her cell phone and told her that he was delayed because he got stopped by the police for unknown reasons. ██████████ walked upon ██████████ and ██████████ while they were being patted down and their identification was being checked by two unknown male uniformed officers outside ██████████ vehicle. Two different unknown male casually dressed officers were searching the interior of ██████████ vehicle and the trunk. ██████████ described three of the officers as male/White and one as male/Black. She could not identify, by race, what each officer was doing.

██████████ stated that she asked the officers why they stopped ██████████ and why they were conducting a search of the vehicle. The officers told ██████████ that ██████████ was an adult and was old enough to ask his own questions. ██████████ called her sister, ██████████ who is ██████████ mother, and told her what was happening.<sup>7</sup>

Thereafter, ██████████ called a friend to pick her up and while waiting for her ride, she heard ██████████ state words to the officers to the effect of, "I'm tired of this," "Fuck Y'all," and "Y'all are only doing this because we're black." ██████████ also heard ██████████ ask the officers why they were searching the vehicle. ██████████ left with her ride while ██████████ and the officers were still at the scene.<sup>8</sup>

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<sup>5</sup> ██████████ could not see the officers' nameplates or star numbers or whether they were wearing body worn cameras.

<sup>6</sup> Att. #7.

<sup>7</sup> ██████████ stated that ██████████ used the information to file a complaint with COPA. She did not witness the alleged incident.

<sup>8</sup> Att. #17.

Attempts were made, via phone, to obtain the date of vehicle purchase and City Sticker purchase receipts from ██████████ repeatedly agreed to mail the evidence to COPA but never did.<sup>9</sup>

Attempts to contact and interview ██████████ were made but were met with negative results.<sup>10</sup>

During separate statements with COPA on March 15, 2021, the accused, **Officer Christopher Paschal<sup>11</sup> and Officer Lawrence Kerr<sup>12</sup>**, each stated that he had no independent recollection of the events surrounding the stop of the vehicle that ██████████ was driving. Officers Paschal and Kerr stated that based upon their own independent knowledge of Department policy regarding Investigatory Street Stops, it was a requirement to submit an Investigatory Stop Report<sup>13</sup> to the Department and an Investigatory Stop Receipt if a protective pat down was conducted of ██████████ and/or ██████████. Both officers were allowed to view copies of the citations that were issued to ██████████ and they both confirmed that Officer Paschal cited ██████████ for having a Rear Plate that was not Lit and No City Sticker. Officers Paschal and Kerr both stated that there was no Body Worn Camera (BWC) footage of the incident because the officers did not have a BWC assigned to them while assigned to Unit 312<sup>14</sup>. Officers Paschal and Kerr stated that they could not recall if any other officers responded to the scene to assist.

#### **b. Documentary Evidence**

**Department records** document that ██████████ was issued two traffic citations by an officer with Star #11996, assigned to Unit 312. The vehicle that ██████████ was driving was described as a Kia with a Temporary License Plate that expired in November 2018. ██████████ was cited for “Rear Plate Not Lit” and “No Displayed City Sticker”.<sup>15</sup>

#### **c. Additional Evidence**

**Attendance and Assignment records** for Unit 312, for the date and time of the incident, document that Star #11966 belongs to Officer Christopher Paschal, who is a male/Black, and that his partner was Officer Lawrence Kerr, who is a male/White. Officer Paschal and Officer Kerr were working together in an unmarked Department vehicle. There was no record of a third or fourth officer being assigned to the same vehicle as Officers Paschal and Kerr.<sup>16</sup>

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<sup>9</sup> Att. #21.

<sup>10</sup> Att. #6.

<sup>11</sup> Att. #37 & #38.

<sup>12</sup> Att. #34

<sup>13</sup> A search for an Investigatory Stop Report completed for ██████████ and ██████████ revealed negative results.

<sup>14</sup> Unit 312 was the Gang Enforcement Unit which no longer exists. Officers assigned to Unit 312 did not have BWCs assigned to them at the time of the incident.

<sup>15</sup> Att. #9.

<sup>16</sup> Att. #14.

## V. 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 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.

## VI. ANALYSIS

COPA finds that the actions of Officers Paschal and Kerr, in that they detained ██████ and ██████ without justification and issued ██████ two citations without justification, were lawful and proper. Officers Paschal and Kerr stopped ██████ vehicle because ██████ was driving a vehicle that had a non-working rear license plate light. Consequently, ██████ and ██████ were detained for a traffic stop. ██████ was ultimately cited for "Rear Plate Not Lit" and for "No Displayed City Sticker" by Officer Paschal. ██████ failed to provide any documentary evidence that her vehicle had proper lights and stickers to refute the citations that ██████ was issued. COPA determined by clear and convincing evidence that the conduct described in the aforementioned allegations were lawful and proper. Therefore, COPA finds that Allegations #1, #2, and #6 against Officers Paschal and Kerr be **Exonerated**.

COPA finds that the allegations against Officers Paschal and Kerr, in that they conducted a protective pat down search of ██████ and ██████ without justification, searched ██████ vehicle without justification, failed to complete an Investigatory Stop Report, and failed to provide ██████ with a completed Investigatory Stop Receipt, is Not Sustained. Officers Paschal and Kerr could not recall conducting a protective pat down of ██████ or ██████ or searching the vehicle

██████████ was driving. Both officers stated that if they had searched ██████████ or the vehicle ██████████ was driving that an Investigatory Stop Report and Receipt would have been required for them to complete had they performed a protective pat down or search. Attempts to obtain ██████████ account of the incident was unsuccessful and there are no independent witnesses to the incident. In addition, there was no audio/video evidence of the incident and the officers were not equipped or required to have BWCs at the time of the incident. Based on the available evidence, there is insufficient evidence to prove/disprove the allegations. Therefore, COPA finds that Allegations #3, #4, #5, #7, and #8 against Officers Paschal and Kerr be **Not Sustained**.

Approved:



3-31-2022

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Angela Hearts-Glass  
*Deputy Chief Investigator*

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	4
<b>Investigator:</b>	Erica D. Sanders
<b>Supervising Investigator:</b>	LaKenya White
<b>Deputy Chief Administrator:</b>	Angela Hearts-Glass