

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	June 13, 2019 / 10:07 pm / 3835 W. Madison St., Chicago, IL 60624.
Date/Time of COPA Notification:	June 14, 2019 / 4:49 pm.
Involved Officer #1:	Officer Francis Johnson / Star#11858 / Employee ID# [REDACTED] / Unit: 011 / DOA: June 29, 2015 / Male / White.
Involved Individual #1:	[REDACTED] / Male / Black.
Case Type:	03Q – Improper Detention.

I. ALLEGATIONS

Officer	Allegation	Finding / Recommendations
Officer Francis Johnson	1. Stopping Mr. [REDACTED] without justification, in violation of Rule 6.	Exonerated.
	2. Threatening to tow Mr. [REDACTED] vehicle, without justification, in violation of Rule 6.	Unfounded.

II. SUMMARY OF EVIDENCE<sup>1</sup>

Mr. [REDACTED] was driving his grey Chevrolet Impala when he was stopped by Officer Francis Johnson. Once stopped, Officer Johnson explained to [REDACTED] that he was stopped for an out license-plate-light and having an object obscuring the windshield.<sup>2</sup> [REDACTED] asked to see the license-plate-light, and Officer Johnson allowed [REDACTED] to view the light. As [REDACTED] viewed the light, [REDACTED] insisted the light was working<sup>3</sup> and asked why he is being stopped. Officer Johnson explained that even if the license-plate-light is functioning, [REDACTED] still had an obstructed view and failed to signal within 100 feet of making turn.<sup>4</sup> Officer Johnson asked the rear seat passenger to exit the vehicle, while at the same time it is learned that [REDACTED] is operating his vehicle as an Uber and that he had failed to display the required signage on his vehicle. Officer Johnson informs [REDACTED] that since the

<sup>1</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 are summarized more succinctly in a Modified Summary Report of Investigation.

<sup>2</sup> Att. 12 from 00:50 to 01:03.

<sup>3</sup> During his stop, [REDACTED] has a conversation with members about the license plate light being dim. Att. 7 at 02:20. Additionally during his statement [REDACTED] indicated that it was dim. Att. 3 at 06:50 and 25:05.

<sup>4</sup> Att. 12 at 01:34

signage is not displayed his vehicle could be impounded.<sup>5</sup> [REDACTED] and his passenger are then released.

During a statement to COPA, [REDACTED] alleged that in addition to the above allegations, Officers Johnson threatened to tow his vehicle.

### 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

COPA finds Allegation #1 is **exonerated**. A lawful traffic stop requires "articulable and reasonable suspicion that the particular person stopped is breaking the law."<sup>6</sup> "Reasonable Articulable Suspicion depends on the totality of the circumstances which the sworn member observed and the reasonable inferences that are drawn based on the sworn member's training and experience."<sup>7</sup> The City of Chicago prohibits vehicles from having any objects that can obscure,

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<sup>5</sup> Att. 12 at 03:13

<sup>6</sup> *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

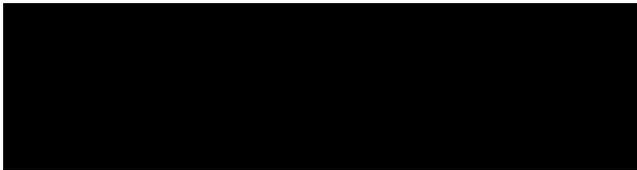
<sup>7</sup> S04-13-09 II(C).

obstruct or impair the view of the driver.<sup>8</sup> Additionally, vehicles are required to have lights sufficient to allow for all the numbers of a license plate visible from 50 feet.<sup>9</sup> Here, Officer Johnson is clear, from the beginning of the stop, that [REDACTED] was stopped for both having an improperly lit license plate and an object obscuring his view from the vehicle. Additionally, [REDACTED] acknowledged while his license plate light was functioning it was also dim. Therefore, the stopping of [REDACTED] was reasonable and proper.

COPA finds that Allegation #2 is **unfounded**. During his statement, [REDACTED] alleged that members threatened to tow his vehicle; however, BWC footage shows no threat was made but rather members were informing [REDACTED] that his failure to properly display the required signage while operating his vehicle as an Uber could result in his vehicle being towed.<sup>10</sup> At no time was a threat made to tow [REDACTED] vehicle.

Since the allegations are clearly exonerated or unfounded, there was no need for the member to address the allegation.

Approved:



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Angela Hearts-Glass  
*Deputy Chief Investigator*

2-17-2022

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Date

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<sup>8</sup> Municipal Code of Chicago 9-40-250(a), (b).

<sup>9</sup> MCC 9-76-050(c).

<sup>10</sup> See MCC 9-115-120.