

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 3, 2019
Time of Incident:	12:45 PM
Location of Incident:	9235 S. Commercial Ave.
Date of COPA Notification:	January 3, 2019
Time of COPA Notification:	4:17 PM

On January 3, 2019, the complainant, [REDACTED] was the subject of a traffic stop by Officer Louis Del Coiro. [REDACTED] alleged that Officer Del Coiro stopped him without justification. After reviewing available evidence and conducting an interview with [REDACTED] COPA recommends the allegation be Exonerated.

II. INVOLVED PARTIES

Involved Officer #1:	Louis Del Coiro, Star #11738, Employee ID # [REDACTED] Date of Appointment: March 9, 2009, Police Officer, Date of Birth: [REDACTED], 1977, Male, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED], 1974, Male, Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Del Coiro	1. Performed a traffic stop on Eric [REDACTED] without justification, in violation of Rule 2 and Rule 6.	Exonerated

IV. APPLICABLE RULES AND LAWS

Rules
<ol style="list-style-type: none"> Rule 2: Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department. Rule 6: Prohibits disobedience of an order or directive, whether written or oral.
General Orders

1. G02-01: Human Rights and Human Resources.

State Laws

1. 625 ILCS 5/3-413-G: A person may not operate any motor vehicle that is equipped with registration plate covers.

Federal Laws

1. Fourth Amendment to the United States Constitution: Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

INVESTIGATION¹**a. Interviews**

COPA interviewed the complainant, ██████████ on January 4, 2019.² On January 3, 2019, ██████████ stopped by Officer Del Coiro, who had followed ██████████ for about two blocks in a marked SUV. ██████████ believed that the officer was initially going to pass him but instead he followed ██████████ when the officer saw ██████████ was Hispanic. The officer told ██████████ he was stopped for his plastic license plate cover, which is illegal in Chicago. ██████████ asserted that the cover is clear and the entire plate is visible. ██████████ believed he was racially profiled and the officer said it was about the license plate cover as an excuse. ██████████ was with his wife and child when he was stopped. ██████████ denied that the officer referred to ██████████ race during the stop.

██████████ went to the 4th District, spoke to a female at the front desk, and explained the situation. ██████████ related he wanted to speak to a sergeant but was told no one was available and was given the phone number of ██████████ to make a complaint. ██████████ described the woman as African American, overweight, about 5'5" with long hair, and in-uniform.

b. Digital Evidence

COPA obtained **Body Worn Camera (BWC)** and **In Car Camera (ICC)** from ██████████ January 3, 2019 traffic stop.³

Officer Del Coiro BWC

Officer Del Coiro's BWC initiated at approximately 12:43 PM. Officer Del Coiro approached and related that he stopped ██████████ for a rear license plate cover, which is illegal in Illinois. ██████████ told Officer Del Coiro that he had been pulled over the other day but was not told anything about his license plate. Officer Del Coiro went to his squad car at about 12:45 PM. Officer Del Coiro returned to ██████████ at roughly 12:51 PM and gave ██████████ a citation. ██████████ tried to argue

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 Att. 4

³ Att. 16

with Officer Del Coiro, who responded by telling ██████ to have a nice day. Officer Del Coiro left the scene at about 12:53 PM.

Beat 495 ICC

ICC was obtained from the vehicle operated by Officer Del Coiro at the time of ██████ traffic stop. No additional, relevant details were captured by ICC.

██████ provided COPA with **photos of his license plate cover**.⁴ COPA notes that “Land of Lincoln” on the bottom of the rear plate is covered by the metal frame (see Photo 1) and there appears to be a clear cover over the plate (see Photo 2). The front plate was not covered.



Photo 1



Photo 2

c. Physical Evidence

No relevant physical evidence was obtained pertaining to the present investigation.

d. Documentary Evidence

⁴ Att. 11

█████ provided a copy of the **citation** he received on January 3, 2019.⁵ █████ was cited for having a prohibited plate cover. His court date is February 6, 2019.

A **Traffic Stop Summary** was obtained from █████ January 3, 2019 traffic stop.⁶ █████ was stopped at about 12:45 PM near 9235 S. Commercial Ave because of his license plate attachment. █████ received a citation and the stop concluded at roughly 12:50 PM.

An **Office of Emergency Management and Communications (OEMC) Event Query Report** was obtained pertaining to █████ January 3, 2019 incident.⁷ Beat 495 (Officer Del Coiro) performed a traffic stop at approximately 12:43 PM. █████ driver's license was searched at about 12:45 PM. The event was cleared and closed at roughly 1:20 PM.

OEMC **license plate searches** indicated Officer Del Coiro first searched █████ license plate at 12:42 PM and for the last time at 12:57 PM.⁸

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 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.

⁵ Att. 10

⁶ Att. 12

⁷ Att. 13

⁸ Atts. 14, 15

VI. ANALYSIS

Allegation 1 against Officer Del Coiro, that he performed a traffic stop on Eric [REDACTED] without justification, is **Exonerated**. [REDACTED] believed Officer Del Coiro racially profiled him and he did not believe he was breaking the law. However, Illinois state law prohibits registration plate covers, which it defines as, “any tinted, colored, painted, marked, clear, or illuminated object that is designed to (i) cover any of the characters of a motor vehicle’s registration plate [...].” As seen in the photos of [REDACTED] license plate, the cover did obscure part of the plate and it was in violation of state law. By [REDACTED] own admission, Officer Del Coiro did not make any racial comments and BWC confirms Officer Del Coiro was professional during the encounter. Since [REDACTED] was breaking the law, Officer Del Coiro’s traffic stop was legal and justified, and this allegation is Exonerated.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer Del Coiro	1. Performed a traffic stop on Eric [REDACTED] without justification, in violation of Rule 2 and Rule 6.	Exonerated

Approved:

[REDACTED]

March 18, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	Four
Investigator:	Kelsey Fitzpatrick, #61
Supervising Investigator:	James Murphy-Aguilu, #19
Deputy Chief Administrator:	Andrea Kersten, #7