

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	August 12, 2020 / 10:00 PM / 1717 W. Pershing Rd., 60609
Date/Time of COPA Notification:	August 13, 2020 / 4:59 PM
Involved Officer #1:	James Hunt, Star # 11442, Employee ID# [REDACTED] Date of Appointment June 03, 2013, rank Police Officer, Unit of Assignment 006, DOB [REDACTED], 1984, Gender Male, Race White
Involved Officer #2:	Jose Lopez, Star # 11943, Employee ID# [REDACTED] Date of Appointment May 01, 2006, rank Police Officer, Unit of Assignment 008, DOB [REDACTED], 1981, Gender Male, Race Spanish
Involved Individual #1:	[REDACTED] 1980, Male, African American
Case Type:	4 th Amendment violations: improper stop and profiling. CPD rules and regulations violation: conduct unbecoming an officer.

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Hunt	<p>It is alleged that on or about August 12, 2020, at approximately 10:00 p.m., at or near 1717 W. Pershing Rd., Chicago, IL. accused Officer Hunt:</p> <ol style="list-style-type: none"> 1. improperly stopping a vehicle, without justification 2. using racial profiling, without justification 3. presenting conduct unbecoming a member of CPD, without justification; and 4. failure to activate worn camera. 	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>UNFOUNDED</p>

Officer Lopez	<p>It is alleged that on or about August 12, 2020, at approximately 10:00 p.m., at or near 1717 W. Pershing Rd., Chicago, IL. accused Officer Lopez:</p> <ol style="list-style-type: none"> 1. improper stop of vehicle without justification, 2. using racial profiling, without justification 3. presenting conduct unbecoming a member of CPD, without justification and 4. failure to activate body worn camera, during related traffic stop. 	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>UNFOUNDED</p>
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II. SUMMARY OF EVIDENCE¹

On August 13, 2020, ██████████ (██████████) filed a complaint with COPA, alleging that on August 12, 2020, at 10:00 p.m., at 1717 W. Pershing Rd., members of the Chicago Police Department (CPD), committed misconduct.

In summary, ██████████ alleged that members of the Chicago Police Department, subjected him to an unjustified traffic stop. ██████████ further complains that he was unlawfully profiled because he was driving a luxury car while wearing a hooded sweatshirt and facial covering. ██████████ alleged the officers were rude and unprofessional when they made comments related to “fuck up [his] commercial driving license (“CDL”) ...write him a fucking ticket... and you stopped to get some Popeyes Chicken”. ██████████ was issued a moving violation citation to which he disputes.

COPA’s preliminary investigation revealed that on August 12, 2020, at approximately 10:00 p.m., accused police officers James Hunt and Jose Lopez encountered ██████████ in the vicinity of 1717 W. Pershing Rd., Chicago IL.² The CPD members conducted a traffic stop and issued a citation for improper lane usage.

¹COPA 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, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

² CPD LEADS: License plate search results on August 12, 2020, reveals Officer James Hunt’s Personal ID was entered into the workstation ██████████ and requested a search of the related license plate.

There is no in car camera (ICC) nor body worn camera (BWC) video of the encounter between CPD members and ██████████ COPA confirmed that neither officer was issued BWC at the time of this incident.³ There is no Office of Emergency Management Communications (OEMC) record of the encounter or events leading up to or after the encounter between CPD members and ██████████⁴ A search of CPD Leads database revealed that a search of a license plate and ██████████ driver's license in the related area was conducted by Officer Hunt.⁵

COPA personnel requested a copy of the citation from CPD and ██████████ but were unsuccessful in obtaining a copy.⁶

COPA investigators interviewed ██████████⁷ In summary, ██████████ reiterated the allegations adding further descriptions of the incident and the accused officers. ██████████ was driving a Range Rover SUV, southbound on Ashland and made a right turn on Pershing Rd. Shortly thereafter he saw a CPD vehicle with activated emergency lights located behind his vehicle. He responded by pulling into and stopping in the center lane near his job. ██████████ told officers, that the traffic stop would cause him to be late for his shift as a truck driver at the Department of Streets and Sanitation facility located at 1717 W. Pershing Rd. ██████████ described the accused officers as rude Hispanic-looking males. ██████████ further complained that the officers did not wear a face mask during the traffic stop.

██████████ provided his commercial motor vehicle operator's license. He recalled the officers were rude and one of the officers stated, "write him a fucking ticket" and "I should fuck up your CDL license" Prior to being stopped by officers, ██████████ purchased food from Popeyes Louisiana Kitchen restaurant, located 3204 S Ashland Ave. He recalled one of the officers referred to ██████████ claim of being late for work and stated, "It's not our fault you stopped and got some motherfucking Popeyes." ██████████ believed the officers comment was racially motivated. ██████████ further accused the officers of unlawful racial profiling because he was driving a "luxury SUV and was wearing a hoodie and a facial covering" during the time of the public protests and COVID19 pandemic.

COPA investigators interviewed accused Officers Hunt and Lopez.⁸ Officer Hunt acknowledged he had been riding in the same vehicle with a partner when the encounter occurred. Officer Hunt acknowledged that he could not recall the name of his partner nor the specifics of the interaction with ██████████ However, he denied being disrespectful or threatening to disqualify ██████████ CDL. Furthermore, Officer Hunt denied using unlawful profiling techniques during the investigatory stop. He denied making any comment that was disrespectful or using profanity toward ██████████ Officer Hunt stated he was not issued a body worn camera on the date in question.

³ Attachments 23 and 22.

⁴ Attachment 25 - 2020-3802 OEMC – MIS Query.pdf.

⁵ Attachments 4 and 24 - Number Plate Report.xls and Cook County Search Results.pdf

⁶ Attachments 21 and 9 - 2022-3802 Traffic Citation Request.pdf. ██████████ MP3 Investigator request for Copy of Citation.

⁷ Attachment 9 - ██████████ MP3.

⁸ Attachment 17 and 20 - PO Lopez.m4a and PO Hunt.m4a.

Officer Lopez acknowledged he had been riding in the same vehicle with Officer Hunt when the encounter with ██████ occurred. He acknowledged that Officer Hunt was the primary member handling the investigation. He could not recall having said anything specific to ██████ He did not recall if he heard Officer Hunt make any comment related to profiling, profanity or rude behavior. Officer Lopez stated he was not issued a body worn camera on the date in question.

III. ANALYSIS AND CONCLUSION

█████ alleged that officers did not have a justification for conducting a traffic stop. After examining the available evidence, the complainant's interview and the officers' interviews, COPA has determined that the officers acted with justification.

The relevant, underlying facts of this case are straightforward – ██████ was detained during a traffic stop for improper use of lane of which ██████ refutes. Additionally, ICC and BWC video footage were not available to further allow review of any digital or visual evidence. Members are authorized to conduct a traffic stop where there is reasonable articulable suspicion or probable cause that a crime has occurred and that the subject has committed it.⁹ Illinois traffic enforcement laws state that a vehicle shall be driven as nearly as practicable entirely within a single lane and a turn signal should be used.¹⁰ Members based the traffic stop and the issuance of the citation on their observations, experience and training.

After careful consideration of the available facts, COPA that the traffic stop occurred, but there is insufficient evidence to determine if the stop was lawful and proper. Accordingly, COPA finds that this allegation is NOT SUSTAINED.

█████ also alleged that officers violated CPD policy during the traffic stop when they used racial profiling. After examining the available evidence, the complainant's interview and the officers' interviews, COPA is unable to determine if the officers unlawfully used racial profiling as it relates to the traffic stop.

Based on the investigation of the complaint, COPA has determined there is insufficient evidence to prove the allegation by a preponderance of the evidence. ██████ asserts that his wearing of a facial covering and hood sweatshirt, coupled with the fact that he was driving a luxury car and had food stereotypically associated with people of the same race, led officers to racially profile him. ██████ race is African American; he assumes that officers observed him while driving and decided to stop him based solely on racial profiling. He admitted that he wore a facial covering. ██████ alleges the comments regarding the food had negative connotations. However, ██████ admitted that he had the food in his vehicle and had just picked it up nearby on his way to work. Apparently, the food was visible in the vehicle and one of the officers may have commented it. But the comment appears to be related to the immediately preceding statement regarding ██████ being late for work.

⁹ CPD Special Order S04-13-09 Investigatory Stop System, effective date 10 July 2017.

¹⁰ 625 ILCS 5/11-709 Driving on roadways laned for traffic.

