

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	May 4, 2019
Time of Incident:	11:00 pm
Location of Incident:	100 E. 95 th Street
Date of COPA Notification:	May 10, 2019
Time of COPA Notification:	5:13 pm

Complainant [REDACTED] alleges that on May 4, 2019, at approximately 11:00 pm, in the vicinity of 100 E. 95th Street, he was stopped without justification and cited for having expired temporary license plates. The Complainant disputes that his plates were expired and further alleges that the Accused officers unlawfully ran his plates without probable cause and did so under a racially based pretext.

II. INVOLVED PARTIES

Involved Officer #1:	Ruben Ramos #18255; Emp# [REDACTED]; Date of Appt.: 4/1/2013; Rank: PO; Unit of Assignment: 006, M/WHITE
Involved Officer #2:	Kevin Corcoran #10353; Emp.# [REDACTED]; Date of Appt. 10/31/16; Rank: PO; Unit of Assignment: 006, M/WHITE
Involved Individual #1:	[REDACTED] DOB [REDACTED] 1984 M/B

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Ruben Ramos	1. It is alleged that on May 4, 2019 at 11:00 pm in the vicinity of 100 E. 95 th Street, Officer Ramos stopped and detained Complainant, without justification, for having an expired temporary license plate on his vehicle.	Exonerated
	2. It is alleged that on May 4, 2019 at 11:00 pm in the vicinity of 100 E. 95 th	Exonerated

	<p>Street, Officer Ramos unlawfully cited the Complainant for having expired temporary license plates and no city sticker.</p> <p>3. It is alleged that on May 4, 2019 at 11:00 pm in the vicinity of 100 E. 95th Street, Officer Ramos engaged in racial profiling of the Complainant when he stopped and detained the Complainant without cause.</p>	<p>Unfounded</p>
<p>Officer Kevin Corcoran</p>	<p>1. It is alleged that on May 4, 2019 at 11:00 pm in the vicinity of 100 E. 95th Street, Officer Ramos stopped and detained Complainant, without justification, for having an expired temporary license plate on his vehicle.</p> <p>2. It is alleged that on May 4, 2019 at 11:00 pm in the vicinity of 100 E. 95th Street, Officer Ramos unlawfully cited the Complainant for having expired temporary license plates and no city sticker.</p> <p>3. It is alleged that on May 4, 2019 at 11:00 pm in the vicinity of 100 E. 95th Street, Officer Ramos engaged in racial profiling of the Complainant when he stopped and detained the Complainant without cause.</p>	<p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p>

IV. APPLICABLE RULES AND LAWS

Rules

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1. Rule No. 2—Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

2. Rule No. 3—Any failure to promote the Department’s efforts to implement its policy or accomplish its goals.

General Orders

- 1. G02-04—Prohibition Regarding Racial Profiling and Other Bias-Based Policing

- 2. G02-01—Human Rights and Human Resources

Special Orders

None applicable

Federal Laws

- 1. The Fourth Amendment to the US Constitution

State Laws

- 1. 625 ILCS 5/3-401 (a)
- 2. 625 ILCS 5/3-407 (a)
- 3. 625 ILCS 5/3-414 (a)1

Municipal Laws

- 1. MCC 9-64-125
- 2. MCC 9-40-030
- 3. MCC 9-76-160 (f)

V. INVESTIGATION

a. Interviews

Interview of Complainant [REDACTED]¹

¹ Att. #6

The Complainant, ██████████ (██████████) was interviewed by COPA on May 21, 2019. In his statement, ██████████ stated that on May 5, 2019², he was driving his recently purchased 2009 Jaguar sedan eastbound in the vicinity of 95th Street and Michigan Avenue, not too far from the 95th Street Red Line terminal, when he was curbed by the Accused officers. ██████████ stated that he was traveling uneventfully when he suddenly saw blue lights flashing just after the intersection of 95th and Michigan. ██████████ stated he pulled over immediately, and that upon approaching the ██████████ Jaguar, the Accused officer—Officer Ramos—asked ██████████ if he knew why he stopped him. ██████████ responded he did not, to which Officer Ramos allegedly said that he had run the Complainant’s plates and that the plates had expired in January 2019³. ██████████ disputed that his plates had expired, stating that they were in fact good until June and that the Accused’s database was incorrect. ██████████ stated he knew for a fact that the temporary plates were valid⁴ because he had just got the car six months ago in January. ██████████ said that the “cover” of the plate says May 2019, so that his understanding is that the plate is good until June 1st.⁵ When asked if he had the temporary plate or a picture of it, he stated he did not but could furnish COPA with a picture.

██████████ disagreed with the Accused officer, who refused to look at the temporary plate which would have contradicted the information in the officer’s database. ██████████ said he “was referring the officer visually to take a look at the temporary plate,”⁶ and the officer “acted oblivious to; he had never seen the temporary plate.”⁷ ██████████ further stated he believed that the running of his plate was unlawful and created a pretext to pull him over for no reason.⁸ ██████████ mentions his permanent plate’s registration date, stating that it expires in January 2020, as more proof that the Accused were inventing the premise to pull him over.⁹ ██████████ stated he has the permanent registration card in his car, and he offers to retrieve it later. ██████████ then stated that he was ticketed for expired plates and expired registration.

██████████ told COPA he obtained the Accused officer’s name and star number from the traffic citation. He then described the officers, stating that the most involved officer was 5’6 Hispanic with a stocky build, and that he did not get a good look at the partner officer. ██████████ thought he was pulled over because he matched a racial profile of someone suspected of having committed a shooting that night.¹⁰ ██████████ was taken aback when asked by the Accused if there was someone in the back seat of his sedan, taking the inquiry to mean “are you hiding someone in the backseat?”¹¹ in furtherance of his suspicions that he was being racially profiled.

b. Digital Evidence

² For the record, the incident took place on May 4, 2019 and the Complainant gave the incorrect date during his initial phone interview with COPA intake.

³ Att. #6 at the 1:00:33 mark

⁴ Att. #6 at 1:00:49 mark

⁵ Att. #6 at the 1:01:40 mark

⁶ Att. #6 at the 1:02:17 mark

⁷ Att. #6 at the 1:02:31 mark

⁸ Att. #6 at the 1:03:24 mark

⁹ Att. #6 at the 1:03:38 mark

¹⁰ Att. #6 at the 1:10:07 mark

¹¹ Att. #6 at the 1:09:35 mark

Dashcam footage from Beat 602X¹²

The dashcam from the Accused officers' Beat 602X shows the Accused's Department vehicle traveling eastbound on 95th street and eventually coming to a stop at a red light behind a red sedan at the intersection of 95th and Michigan. A yellow temporary license plate is clearly visible as the Accused's vehicle remains behind the red sedan which appears to be a Jaguar with dark tinted windows. The light changes and the Accused follow the Jaguar through the intersection for a few seconds before activating its emergency lights and curbing the vehicle next to a Checker's restaurant. The Jaguar pulls over, and the Accused or his partner are heard requesting an event number for the traffic stop. The dialogue then becomes inaudible as the Accused officers, both dressed in plainclothes, approach the Jaguar. A brief discussion appears to be had and then the Accused officers return to their vehicle. The Accused discuss the tickets they are issuing and the numerical location of the stop. Upon completing the citations, they return to the Jaguar and the audio becomes inaudible again. Another brief discussion appears to be had between the Accused and the driver of the Jaguar, the Accused hands the driver the citations, and then the Accused walk back to their vehicle. The Accused officers depart before the Jaguar, and the recording terminates.

Video footage from Officer Ruben Ramos Body Worn Camera ('BWC')¹³

Officer Ramos' BWC footage begins as he approaches the curbed red Jaguar sedan on the driver's side. The windows of the Jaguar are rolled up and the windows appear to be heavily tinted. Officer Ramos greets the driver of Jaguar—the Complainant ██████████—by saying “How's it going”¹⁴ and asking if there's anyone in the backseat, which ██████████ answers no. Officer Ramos begins to explain why he stopped ██████████ and then states that the interaction is being recorded on BWC. Officer Ramos tells ██████████ the reason he was pulled over is that the temporary plate on the vehicle has expired, and then Officer Ramos asks if ██████████ was aware of that. ██████████ said he was not, and that he has permanent plates but not with him in the car.¹⁵ Officer Ramos next asks for driver's license and insurance, and ██████████ replies that the license is “at the house too,”¹⁶ but he does have the insurance in his phone. Having no identification, he gives Officer Ramos his name, date of birth, address, height and weight which Officer Ramos writes down on a notepad. Officer Ramos and his partner return to their vehicle to check ██████████ information in their portable data terminal. The same discussion heard on the dashcam is repeated here on the BWC.

After preparing two citations, Officer Ramos and his partner approach ██████████ car for the second time. The Accused officers decide to issue citations for the expired registration and for the missing city sticker, but not for driving without a license and allow ██████████ to keep his car. ██████████ begins to argue that the registration expired in April, as opposed to January, as Officer Ramos had stated, and that he had a month's grace period from the end of April. Officer Ramos tells ██████████ that is not correct and explains to him that applies with the permanent plates but not the temporary plates. Officer Ramos tells ██████████ to bring the permanent plates to court to contest the tickets

¹² Att. #5

¹³ Att. #3

¹⁴ Att. #3 at the 10:54:17 mark

¹⁵ Att. #3 at the 10:54:23 mark

¹⁶ Att. #3 at the 10:54:35 mark

and to prove he was registered with the State on the date of this stop. [REDACTED] agrees to contest it and Officer Ramos and his partner return to their vehicle. The BWC recording lasts 10:30 minutes.

Video footage from Officer Kevin Corcoran's BWC¹⁷

Officer Corcoran's BWC footage begins in the stand-by mode with no sound audible. Officer Corcoran's footage shows his partner, Officer Ramos, interacting with the Complainant [REDACTED] and Officer Corcoran's audio mirrors the audio contained Officer Ramos' BWC footage described above.

c. Physical Evidence

N/A

d. Documentary Evidence

OEMC Event Query #1912418463¹⁸

OEMC Event Query #1912418463 documents a traffic stop by Beat X602 called in at 10:55 pm on May 4, 2019.

Driver Information Card¹⁹

Driver Information Card documenting the traffic stop of [REDACTED] prepared by Officer Ramos for violating 9-76-160(f) of the MCC.

e. Additional Evidence

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;
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.

¹⁷ Att. #4

¹⁸ Att. #1

¹⁹ Att. #2

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.

VII. ANALYSIS

The Complainant alleges that the Accused ran his vehicle's temporary plates without justification and that the Accused was mistaken as to the expiration of his temporary plates. The Complainant also alleges he was the victim of racial profiling because there was no legitimate reason to stop him given that his plates were valid at the time of the stop. For the sake of clarity, COPA will examine Complainant [REDACTED] allegations in separate sections below.

The Accused officers erroneously concluded [REDACTED] plates were expired

Available digital evidence from Officer Ramos' and Officer Corcoran's BWCs, and the Beat 602X dashcam, largely contradicts the statement the Complainant gave to COPA during his interview on May 21, 2019. In his COPA interview, the Complainant alleges his plates were valid through the month of May and that he disagreed with the officer who allegedly refused to look at the temporary plate.²⁰ However, in Officer Ramos' BWC footage, when told his temporary plates were expired, [REDACTED] stated he has permanent plates, but did not have them in the car at the time.²¹ There was no refusal by Officer Ramos to examine the temporary plate a second time as [REDACTED] asserted in his COPA statement. [REDACTED] did not insist or debate the fact that the temporary plates had expired; he believed that the permanent plates he had at home were current and thus superseded the status of the temporary plates.

[REDACTED] attempts to conflate the expiration date of his permanent plates with the expiration date of the temporary plates, as if they are one in the same. This argument is moot in that [REDACTED] answered "No, they're at home,"²² when the officer asked him if he had the permanent plates in the car with him. The officers stopped him based on the information they had at the time, which was that the [REDACTED] car had displayed expired temporary plates. For whatever reason, [REDACTED]

²⁰ Att. #6 at the 1:02:31 mark

²¹ Att. #3 at the 10:54:23 mark

²² Att. #3 at the 10:54:23 mark

had chosen to operate his vehicle with expired temporary plates instead of the permanent plates he claimed to have at his home. Therefore, COPA has determined that the Accused officers were operating under existing Department policy and are exonerated from this allegation.

The Accused officers lacked probable cause to run ██████ plates

Department members do not require probable cause to run license plates in the US and can run them at any time. The ruling in *United States vs. Walraven*²³ held that because license plates are in plain view, no privacy interest exists in the license plates. The Accused's temporary plate was valid for 90 days, according to the Illinois Secretary of State, and the Accused's plate was valid from Jan. 26, 2019 to April 26, 2019. The driver's information card and OEMC Event Query #1912418463 show Complainant was pulled over and cited on May 4, 2019.

The Accused properly documented the stop by completing a Driver's Information Card in addition to the citation for expired registration and no city sticker. Given that it is settled law that the Accused officers are lawfully permitted to run license plates without requisite probable cause, COPA rules that the Accused officers' conduct is exonerated by existing Department policy.

The Accused officers engaged in racial profiling when they decided to stop ██████ car without justification

█████ lastly alleges that he was subjected to racial profiling by the Accused, mainly because the Accused asked if there was anyone in the rear passenger seat of ██████ sedan.²⁴ ██████ believes this question, along with a heightened police presence due to a fatal shooting, prompted the Accused to stop any black persons driving around the area. However, the BWC footage shows that the ██████ car had extremely dark tint that made it difficult to see inside the car in a manner to maintain officer safety. Officer Ramos' question was phrased, "is anyone in the backseat?", to which ██████ answered "no", in Officer Ramos' footage. In his COPA interview, ██████ stated he took this to mean is "anyone *hiding* in your backseat?"²⁵ as an inquiry suggesting a threat to the officers existed. Given the context of the conversation, COPA is unpersuaded that Officer Ramos was communicating any racial bias by simply asking ██████ if anyone was in the rear passenger seat of ██████ heavily tinted sedan. ██████ recollection of the dialogue is distorted as proven by Officer Ramos' BWC footage and the question was about the presence, not the intentions, of someone in ██████ backseat due to the opaqueness of the windows. It is quite a leap for ██████ to claim that this question in and of itself is proof of a racially based pretext to stop and cite him for the traffic violations.

Furthermore, prior to the stop, the Accused officers were always behind the ██████ heavily tinted car and from such a vantage point, could not make out the race, much less the gender,

²³ US v. Walraven 892 F.2d 972 (10th Cir. 1989)

²⁴ Att. #3 at the 10:54:17 mark

²⁵ Att. #6 at the 1:09:35 mark

of the driver if they were indeed targeting black males. It was only upon seeing [REDACTED] when he rolled his windows down, that they learned the driver was an African-American male.

Lastly, a search of the OEMC Event Queries for May 4, 2019, at the address of the Complainant’s traffic stop, does not show a fatal shooting or a shooting of any kind taking place within 1,000 ft. of the stop location for the entire day. There were no incidents demonstrating heightened police activity in that area or time, which contradicts the Complainant’s assertion that a fatal shooting had taken place and the police were pulling over random black males.

COPA finds the Complainant’s assertions of racial profiling not credible, given that [REDACTED] had expired temporary, plates which provided probable cause to stop and issue a citation to [REDACTED]. Subsequent investigation during the stop led officers to discover that the driver had no driver’s license or registration in the car, and the car was registered to a Chicago address which requires the display of a city sticker. There is no evidence of heightened police activity in the area on the date and time of the traffic stop, and the Accused had no way of knowing a black male was driving the Complainant’s car until they approached the Jaguar subsequent to conducting the traffic stop. Accordingly, COPA finds the allegation of racial profiling against the Accused officers to be unfounded.

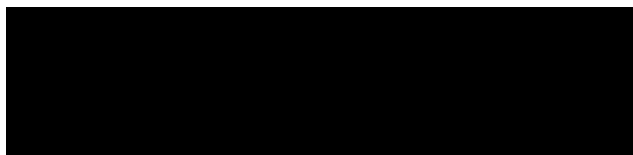
VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Ruben Ramos	1. It is alleged that on May 4, 2019 at 11:00 pm in the vicinity of 100 E. 95 th Street, Officer Ramos stopped and detained Complainant, without justification, for having an expired temporary license plate on his vehicle.	Exonerated
	2. It is alleged that on May 4, 2019 at 11:00 pm in the vicinity of 100 E. 95 th Street, Officer Ramos unlawfully cited the Complainant for having expired temporary license plates and no city sticker.	Exonerated
	3. It is alleged that on May 4, 2019 at 11:00 pm in the vicinity of 100 E. 95 th	Unfounded

	<p>Street, Officer Ramos engaged in racial profiling of the Complainant when he stopped and detained the Complainant without cause.</p>	
<p>Officer Kevin Corcoran</p>	<ol style="list-style-type: none"> 1. It is alleged that on May 4, 2019 at 11:00 pm in the vicinity of 100 E. 95th Street, Officer Ramos stopped and detained Complainant, without justification, for having an expired temporary license plate on his vehicle. 2. It is alleged that on May 4, 2019 at 11:00 pm in the vicinity of 100 E. 95th Street, Officer Ramos unlawfully cited the Complainant for having expired temporary license plates and no city sticker. 3. It is alleged that on May 4, 2019 at 11:00 pm in the vicinity of 100 E. 95th Street, Officer Ramos engaged in racial profiling of the Complainant when he stopped and detained the Complainant without cause. 	<p>Exonerated</p> <p>Exonerated</p> <p>Unfounded</p>

Approved:



10-26-2020

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Angela Hearts-Glass
Attorney:	██████████