

SUMMARY REPORT OF INVESTIGATION EXECUTIVE SUMMARY

Date of Incident:	July 21, 2020
Time of Incident:	10:49 a.m.
Location of Incident:	1130 South Central Park Avenue, Chicago, Illinois
Date of COPA Notification:	August 3, 2020
Time of COPA Notification:	5:00 p.m.

The alleged incident occurred on July 21, 2020, when the Complainant, [REDACTED] was stopped for a traffic violation at approximately 10:49 a.m., near 1130 South Central Park Avenue, Chicago, Illinois, involving a non-functioning brake light on his vehicle. [REDACTED] alleged that it was legal for him to drive with only one functioning brake light; hence, the stop was unjustified.

I. INVOLVED PARTIES

Involved Officer #1:	Zachary Richardson, Star #9523, Employee ID# [REDACTED], Date of Appointment: August 28, 2017, Rank: Police Officer, Unit of Assignment: 010, DOB: [REDACTED], 1989, Gender: Male, Race: White
Involved Officer #2:	Alexander David, Star #16271, Employee ID# [REDACTED], Date of Appointment: August 16, 2019, Rank: Police Officer, Unit of Assignment: 010, DOB: [REDACTED], 1995, Gender: Male, Race: White
Involved Individual #1	[REDACTED] DOB: [REDACTED], 1976, Gender: Male, Race: Hispanic

II. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Zachary Richardson	1. It is alleged by [REDACTED] that on or about July 21, 2020, at approximately 10:49 a.m., in the vicinity of 1130 South Central Park Avenue, Chicago, Illinois, Officer Zachary Richardson, Star #952163, detained [REDACTED] without justification.	Exonerated
	2. It is alleged that on or about July 21, 2020, at approximately 10:49 a.m., at or near 1130 South Central Park Avenue, Chicago, Illinois,	Not Sustained

City of Chicago Municipal Laws

1. City of Chicago, Code of Ordinances, Traffic and Rail Transportation, Section 9-76-050 (c)³

IV. INVESTIGATION**a. Interviews**

In his interview with COPA on August 3, 2020,⁴ ██████████ **Complainant**, stated that relative to the incident which occurred on July 21, 2020, when was stopped for a traffic violation at approximately 10:49 a.m., near 1130 South Central Park Avenue, Chicago, Illinois, he felt that he had been stopped as a result of racial profiling, and not for having one of his taillights not functioning. ██████████ was traveling northbound on Central Park Avenue. The cross-street was either 11th or 12th Street. He observed a marked CPD vehicle pass him going southbound. The police vehicle subsequently turned around, activated its lights, and 2-3 minutes later pulled him over, ostensibly for having one of his rear taillights not functioning. ██████████ admitted that one of his taillights was not functioning but insisted to the officer who had approached him that Illinois law only requires a motorist to have one functioning brake light. He described this officer as a white male, having brown hair, 5'7", and having tattoos on his arms. He was uniformed and was the driver of the police vehicle. The second officer was described as Hispanic male, who stood near the rear of his vehicle. The first officer then asked for his driver's license, which ██████████ provided to him, and told him that he was stopped for having one of his brake lights not functioning. He believed the officer ran a search of his driver's license on his computer. According to ██████████ when ██████████ contested the officer's interpretation of the law, the officer appeared to be confused about the law; and, as a result, did not issue a citation to ██████████. During their conversation, the officer told ██████████ that he had reasonable suspicion to pull him over anyway because ██████████ was leaning back in his seat, did not appear to be from the neighborhood, and appeared young. ██████████ disagreed with the officer's interpretation of reasonable suspicion, and believed he was racially profiled, and not actually stopped for a brake light infraction.

██████████ was not told to exit his vehicle. He was not searched, nor was his vehicle searched. He was not issued a traffic citation but was only given a verbal warning by the first officer. He was not given any documentation, or receipt of any kind, relative to the traffic stop. His interaction with the second officer was only minimal. ██████████ estimated that the traffic stop lasted between 4-5 minutes, after which he was allowed to leave.

In his interview with COPA on November 10, 2020,⁵ **Officer Zachary Richardson, Star #9523**, stated that he was on duty with his partner, Officer Alexander David, Star #16271, on July 21, 2020, at approximately 10:49 a.m., when they conducted a vehicle stop of ██████████ near 1130 South Central Park Avenue, Chicago, Illinois. ██████████ vehicle was travelling northbound on Central Park Avenue. Its driver's side brake light was completely out. Officer Richardson was driving. He curbed ██████████ vehicle, spoke with ██████████ and obtained his driver's license. He conducted a registration check on the driver's license. It came back valid. ██████████ was given a verbal

³ Required Lighting: Each motor vehicle, trailer, or semitrailer, shall also exhibit at least one lighted lamp which shall be so situated to throw a red light visible at least 500 feet in the reverse direction.

⁴ Attachment #1

⁵ Attachment #19

warning. No ticket was issued to [REDACTED] and he was allowed to leave. The basis for the traffic stop of [REDACTED] was that he was driving with an inoperable brake light on the rear driver's side of his vehicle.

During the traffic stop, Officer Richardson had said that he thought [REDACTED] had looked younger. He considered this small talk and in no way related to the reason for stopping [REDACTED]. At the time, his partner, Officer David was standing near the passenger's side of [REDACTED] vehicle. [REDACTED] had asked Officer Richardson what the probable cause was to stop him, and Officer Richardson told him that one of brake lights was not functioning.⁶ [REDACTED] told him that it was legal, in Illinois, to drive with only one functioning brake light. Officer Richardson told him that in the state of Illinois he was required to have two working brake lights. [REDACTED] was lawfully detained for approximately four minutes for the traffic stop. Because [REDACTED] was not issued a citation, Officer Richardson completed a Traffic Statistical Study (TSS) report.⁷ During a traffic stop when a TSS report is required, a TSS card is filled out by one of the officers involved in the stop, and then submitted at the end of the day to a supervisor. Someone else loads the data into the computer. Why the TSS report lacked certain information in this case was not the fault of Officer Richardson as he had accurately completed the TSS card and had submitted it to his supervisor.

In his interview with COPA on November 12, 2020,⁸ **Officer Alexander David, Star #16271**, stated that he was on duty with his partner, Officer Zachary Richardson, Star #9523, on July 21, 2020, at approximately 10:49 a.m., when they conducted a vehicle stop of [REDACTED] near 1130 South Central Park Avenue, Chicago, Illinois. Officer David was a Probationary Police Officer (PPO) at the time. During the incident, Officer Richardson was driving and had decided to curb [REDACTED] vehicle for having only one functioning brake light. [REDACTED] vehicle was curbed, and Officer David approached [REDACTED] vehicle on the passenger side for officer safety. Officer Richardson approached [REDACTED] vehicle from the driver's side and spoke with [REDACTED] was told by Officer Richardson that one of his rear brake lights was malfunctioning. Officer David did not speak with [REDACTED] about the traffic violation. He may have been asked a question by [REDACTED] but he could not recall the substance of the matter. [REDACTED] eventually was given a verbal warning by Officer Richardson. No traffic tickets were issued, and [REDACTED] remained in his vehicle during the incident. [REDACTED] was then free to leave. Because Officer Richardson had primarily dealt with [REDACTED] Officer David believes that Officer Richardson had completed the blue contact card related to a TSSS. This card would then have been turned in at the end of their shift to their supervisor. After that, Officer David did not know what was done with the card or where it was retained. The information from the card was eventually entered into the TSSS CLEAR system, but Officer David did not know who entered the information and had no part in the data entry. When he was shown a TSSS with his name on it related to the stop, he could not explain why the TSSS was incomplete as he had not entered the information and did not know who did. Several fields on the TSSS report were not populated. He could not recall if he had completed a blue card for the stop, or if Officer Richardson had. Typically, only one officer fills out a blue card and since Officer Richardson had primarily dealt with [REDACTED] he would ordinarily have completed the blue card. Further, tracking the blue card would be difficult because the card contains a generic number, not a specific number for the stop.

⁶ Attachment #20 at 10:52

⁷ Attachment #16

⁸ Attachment #20

b. Digital Evidence:

BWC of Officer Zachary Richardson,⁹ on July 21, 2020, at approximately 10:49 a.m., relative to a vehicle stop of ██████████ near 1130 South Central Park Avenue, Chicago, Illinois: Officer Richardson is observed speaking with ██████████ whose vehicle has been stopped at the driver's side window. Officer David is observed standing at the passenger's side window. ██████████ is seated behind the steering wheel of his vehicle, a 4-door, Mercury automobile, bearing Illinois license plates ██████████, silver in color. Officer Richardson's vehicle, #7209, is observed parked behind ██████████ vehicle. Officer Richardson tells ██████████ to check out his brake lights and that only the right rear brake light is operable.¹⁰ Officer Richardson walks to the rear of ██████████ vehicle. ██████████ then activates his brake lights, and the left brake light is not functioning.¹¹ ██████████ then provides his driver's license to Officer Richardson, who then proceeds to his vehicle to conduct a name check. He mentions that ██████████ appeared younger than he originally thought. He appears to be talking to Officer David. Officer Richardson enters his vehicle and conducts a name check for ██████████ on his in-car computer. He returns to ██████████ vehicle, returns his driver's license to him, and tells him that he thought ██████████ was younger because he had his seat tilted back. Officer Richardson tells ██████████ that the probable cause to curb his vehicle was that one of ██████████ brake lights was malfunctioning. Officer Richardson tells ██████████ that the stop had nothing to do with ██████████ being Hispanic. Again, Officer Richardson tells ██████████ that he was pulled over because one of his brake lights was not working. ██████████ tells Officer Richardson that Illinois law only requires one working brake light. Officer Richardson tells ██████████ that he will check it out, and no traffic citation is issued to ██████████ continues to complain about being pulled over. Officer David continues to stand near the passenger's side of ██████████ vehicle. The officers then return to their vehicle without further incident.

BWC of Officer Alexander David,¹² on July 21, 2020, at approximately 10:49 a.m., relative to a vehicle stop of ██████████ near 1130 South Central Park Avenue, Chicago, Illinois: The officers' vehicle is observed arriving on the scene. Officer Richardson, the driver, exits his vehicle, and is observed speaking with ██████████ whose vehicle has been stopped at the driver's side window. Officer David exits his vehicle from the passenger side and approaches ██████████ vehicle, a 4-door, Mercury automobile, bearing Illinois license plates ██████████, silver in color. Officer Richardson states, "You have a brake light out. Did you know that?"¹³ ██████████ responds but his answer is inaudible. Officer David positions himself at the passenger's side of ██████████ vehicle. Officer Richardson asks ██████████ for his driver's license. ██████████ hands his driver's license to Officer Richardson. ██████████ says something to Officer Richardson concerning the brake light and Officer Richardson tells him to check it out. ██████████ remains seated in his vehicle while Officer Richardson returns to his vehicle. Officer David remains standing by ██████████ vehicle. Officer Richardson, addressing Officer David, says something to the effect of it not being what he thought. ██████████ rolls down the passenger rear window and asks Officer David what Officer Richardson had said. Officer David said he didn't hear what was said. ██████████ asks again what

⁹ Attachment #22

¹⁰ Attachment #22 at 00:15

¹¹ Attachment #22 at 00:17

¹² Attachment #23

¹³ Attachment #23 at 2:22

Officer Richardson was thinking. Officer Richardson then returns to [REDACTED] vehicle and returns his driver's license to him. [REDACTED] and Officer Richardson engage in a conversation concerning the probable cause to pull him over, which was a malfunctioning brake light. [REDACTED] complains that he was pulled over because he was Hispanic, and Officer Richardson explains that he was pulled over for a brake light infraction. [REDACTED] continues to argue that he only needs one brake light functioning. Officer Richardson is polite and says that he will check it out. No traffic citation is issued to [REDACTED]. Officer Richardson and Officer David return to their vehicle, #7209, as [REDACTED] pulls away from the curb in his vehicle.

c. **Physical Evidence:** None

d. **Documentary Evidence:**

TSSS Search Results for the traffic stop of [REDACTED] on July 21, 2020, Preparing Officer Zachary Richardson¹⁴

TSSS Search Results for the traffic stop of [REDACTED] on July 21, 2020, Preparing Officer Alexander David¹⁵

V. ANALYSIS

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

¹⁴ Attachment #16

¹⁵ Attachment #17

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.

Investigation in this matter has determined that ██████████ was detained on July 21, 2020, at approximately 10:49 a.m., in the vicinity of 1130 South Central Park Avenue, Chicago, Illinois, by CPD Officers Alexander David, Star #16271 and Zachary Richardson, Star #121458. The detention was the result of a traffic stop for having a nonfunctioning taillight.¹⁶ This was an involuntary detention, also known as a *Terry* stop, and must be analyzed under *Terry* principles.¹⁷ When evaluating the validity of a *Terry* Stop, the totality of the circumstances must be considered.¹⁸ Further, the officers’ basis for the stop must be objectively reasonable and not based upon inarticulable hunches or unparticularized suspicions.¹⁹ To justify a brief investigatory stop of a person in a public place, a police officer must be able to articulate specific facts which, considered with rational inferences from those facts, would lead a reasonable person to believe the action taken was proper.²⁰ If the officers reasonably believed that ██████████ had committed, or was about to commit, a crime, and in this particular case a traffic violation, their investigatory detention of ██████████ would be justified.²¹ With respect to the issue of whether ██████████ was detained by the officers without justification, one must determine the totality of the circumstances of the event,²² the need for officer safety, and the safety of others, and whether the officers had specific and articulable facts for the detention.²³ Thus, the question must be answered as to what information the officers knew about ██████████ and ██████████ actions before they detained him for a traffic violation; and whether that knowledge justified a reason for detaining ██████████

Officers may stop a vehicle under two circumstances: (1) where they have probable cause to believe a traffic violation has occurred; and (2) where they have reasonable suspicion the motorist may be breaking the law.²⁴ In this case, the officers’ reason for detaining ██████████ was based upon an Illinois state law, which requires a motor vehicle to have two functioning brake lights.²⁵ It is clear from the BWC evidence that the rear driver’s side brake light of ██████████ vehicle was not functioning properly.²⁶ Hence, the stop was lawful. ██████████ however, when stopped, complained to the officers that he was only required to have one functioning taillight. If one considers the City

¹⁶ See Attachment #22

¹⁷ See *Terry v. Ohio*, 392 U.S. 1 (1968): “A police officer may conduct a brief investigatory stop of a person when the officer reasonably believes that the person has committed, or is about to commit, a crime.”

¹⁸ *United States v. Sokolow*, 490 U.S. 1, 8 (1989); *United States v. Cortez*, 449 U.S. 411, 417 (1981).

¹⁹ *People v. Ray*, 116 Ill.App.2d 269, 252 N.E.2d 772 (Ill.App. 1969).

²⁰ *People v. Rivera*, 272 Ill.App.3d 502, 504-05, 209 Ill.Dec. 111, 650 N.E.2d 1084 (1995); See also *People v. Starks*, 190 Ill.App.3d 503, 506, 137 Ill.Dec. 447, 546 N.E.2d 71 (1989).

²¹ See *Terry v. Ohio*, 392 U.S. 1 (1968): “A police officer may conduct a brief investigatory stop of a person when the officer reasonably believes that the person has committed, or is about to commit, a crime.”

²² See *People v. Lake*, 2015 IL App. (4th) 130072, ¶ 28, 28 N.E.3d 1036.

²³ See *People v. Timmsen*, 2016 IL 118181, 9, ¶ 50 N.E.3d 1092: “ . . .the police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.”

²⁴ *People v. Hackett*, 2012 IL 111781

²⁵ 625 ILCS 5/12-201

²⁶ Attachment # 22 at 00:16

of Chicago Municipal Ordinance with respect to brake lights, [REDACTED] is correct.²⁷ Nonetheless, the officers effectuated the stop of [REDACTED] based on a valid Illinois law; hence, the stop was lawful.

The test, however, for determining the validity of a traffic stop is an objective one; the question is whether reasonable suspicion actually existed, not whether the officer correctly articulated the basis for the stop.²⁸ Reasonable suspicion in this case did exist, as driving with one functioning taillight constitutes a traffic violation in Illinois. As a result, the officers were acting in good faith when they stopped [REDACTED]. Thus, **Allegation #1**, with respect to **Officer Alexander David, Star #16271**, and **Officer Zachary Richardson, Star #121458**, respectively, should be **EXONERATED**.

Further, per CPD Special Order SO4-13-09,²⁹ which concerns investigatory stops, the involved officers are required to document the event. In this case, [REDACTED] was not issued a citation, but was given an oral reprimand. As such, the officers were required to complete an Illinois Traffic Stop Statistical Study (TSSS) – Driver Information Card. An Investigatory Stop Report was not required. At the end of their shift, any TSSS cards are routinely provided to their supervisor. The officers do not enter the information into the TSSS CLEAR System. As such, the incomplete TSSS report in this case is arguably the result of information being inaccurately entered into, or omitted from, the system by a clerical employee. The fact that some information on the TSSS report exists for both officers, indicates that a TSSS card was completed; and the information was simply not properly entered or was omitted.

As such, relative to **Allegation #2**, a **NOT SUSTAINED** finding should be entered for both **Officer Alexander David, Star #16271**, and **Officer Zachary Richardson, Star #121458**, respectively.

VI. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Zachary Richardson	1. It is alleged by [REDACTED] that on or about July 21, 2020, at approximately 10:49 a.m., in the vicinity of 1130 South Central Park Avenue, Chicago, Illinois, Officer Zachary Richardson, Star #9253, detained [REDACTED] without justification.	Exonerated

²⁷ City of Chicago, Code of Ordinances, Traffic and Rail Transportation, Section 9-76-050 (c). From Ch. 95 ½, par. 12-201; Subsection (b): Every motor vehicle, trailer, or semi-trailer shall also exhibit at least 2 lighted lamps, commonly known as tail lamps, which shall be mounted on the left rear and right rear of the vehicle so as to throw a red light visible for at least 500 feet in the reverse direction, except that a truck tractor or road tractor manufactured before January 1, 1968 and all motorcycles need be equipped with only one such tail lamp.

²⁸ *People v. Wolff*, 182 Ill.App.3d 583 (1989)

²⁹ Section II (A) defines an Investigatory Stop as a non-voluntary encounter. Section VIII(A)4(d) states that if an officer performs a traffic stop on a vehicle, and issues a verbal warning, the officer must complete an Illinois Traffic Stop Statistical Study – Driver Information Card. An Investigatory Stop Report will not be completed.

	<p>2. It is alleged that on or about July 21, 2020, at approximately 10:49 a.m., at or near 1130 South Central Park Avenue, Chicago, Illinois, Officer Zachary Richardson, Star #9523, failed to properly document a traffic stop of [REDACTED] without justification.</p>	<p>Not Sustained</p>
<p>Officer Alexander David</p>	<p>1. It is alleged by [REDACTED] that on or about July 21, 2020, at approximately 10:49 a.m., in the vicinity of 1130 South Central Park Avenue, Chicago, Illinois, Officer Alexander David, Star #16271, detained [REDACTED] without justification.</p> <p>2. It is alleged that on or about July 21, 2020, at approximately 10:49 a.m., at or near 1130 South Central Park Avenue, Chicago, Illinois, Officer, Alexander David, Star #16271, failed to properly document a traffic stop of [REDACTED] without justification.</p>	<p>Exonerated</p> <p>Not Sustained</p>

Approved:

[REDACTED]

2-16-2022

 Angela Heats-Glass
 Deputy Chief Investigator

 Date