

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	January 29, 2022
Time of Incident:	1:25 pm
Location of Incident:	11801 S Indiana Ave., Chicago, IL 60628
Date of COPA Notification:	January 31, 2022
Time of COPA Notification:	10:32 am

Police Officers Benjamin Wilson, Zaul Quiroz, and Alain Dillon stopped a white Pontiac Grand Prix occupied by complainant [REDACTED]. The original basis for the stop, as articulated by the officers, was [REDACTED] broken taillight and his disregard of several stop signs. Officer Dillon informed [REDACTED] of the reason for the stop and instructed [REDACTED] to exit the car. When [REDACTED] refused to exit, the officers removed him from the car and handcuffed him. Officer Quiroz and Officer Wilson searched [REDACTED] car while Officer Dillon patted down [REDACTED]. No contraband was discovered as the result of either search. After the searches were complete, [REDACTED] was released without any citations and without an Investigatory Stop Receipt.

[REDACTED] filed a complaint with the Civilian Office of Police Accountability (COPA) on January 31, 2022, alleging that he was stopped, detained, and searched without justification. COPA further alleged that the officers failed to provide [REDACTED] with an Investigatory Stop Receipt.

COPA’s investigation determined that the officers were justified in stopping [REDACTED] car because its required front license plate was missing and because a taillight was not functioning. Further, the officers developed reasonable articulable suspicion that justified detaining [REDACTED] performing a protective pat down of [REDACTED] person, and performing a protective search of the immediately accessible areas of his car. The officers’ reasonable articulable suspicion was based on [REDACTED] being visibly nervous and looking directly at his backpack, without answering, when asked if he had any weapons in his car. COPA found, however, that the officers violated a CPD directive when they failed to offer or provide [REDACTED] with an Investigatory Stop Receipt.

**II. INVOLVED PARTIES**

Involved Member #1:	Police Officer Alain Dillon, Star #16145, Employee ID [REDACTED], DOA: August 27, 2018, Unit: 005, Male, Black
Involved Member #2:	Police Officer Benjamin Wilson. Star #3595, Employee ID [REDACTED], DOA: January 16, 2018, Unit: 005, Male, White
Involved Member #3:	

Involved Member #4:	Police Officer Zaul Quiroz, Star #6331, Employee ID [REDACTED], DOA: November 16, 2017, Unit: 005, Male, White/Hispanic  Lieutenant Ernest Spradley, Star #444; Employee ID [REDACTED] DOA: October 29, 2001, Unit: 005, Male, Black
Subject #1:	[REDACTED] Male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Alain Dillon	<p>It is alleged by [REDACTED] that on or about January 29, 2022, at approximately 1:25 p.m., at or near 11801 S. Indiana Ave, Chicago, IL 60628, that Officer Alain Dillon committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>1. Stopping [REDACTED] vehicle without justification;</li> <li>2. Detaining [REDACTED] with handcuffs without justification;</li> <li>3. Searching [REDACTED] person without justification.</li> </ol> <p>It has been alleged by the Civilian Office of Police Accountability that on or about January 29, 2022, at approximately 1:25 p.m., at or near 11801 S. Indiana Ave, Chicago, IL 60628, that Officer Alain Dillon committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>4. Failing to offer and/or provide an Investigatory Stop Receipt to [REDACTED]</li> </ol>	<p><b>Exonerated</b></p> <p><b>Exonerated</b></p> <p><b>Exonerated</b></p> <p><b>Sustained / 1-Day Suspension</b></p>
Officer Benjamin Wilson	<p>It is alleged by [REDACTED] that on or about January 29, 2022, at approximately 1:25 p.m., at or near 11801 S. Indiana Ave, Chicago, IL 60628, that Officer Benjamin Wilson committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>1. Stopping [REDACTED] vehicle without justification; and</li> </ol>	<p><b>Exonerated</b></p>

	<p>2. Searching [REDACTED] vehicle without justification.</p> <p>It has been alleged by the Civilian Office of Police Accountability that on or about January 29, 2022, at approximately 1:25 p.m., at or near 11801 S. Indiana Ave, Chicago, IL 60628, that Officer Benjamin Wilson committed misconduct through the following acts or omissions, by:</p> <p>3. Failing to offer and/or provide an Investigatory Stop Receipt to [REDACTED]</p>	<p><b>Exonerated</b></p> <p><b>Sustained / Reprimand</b></p>
<p>Officer Zaul Quiroz</p>	<p>It is alleged by [REDACTED] that on or about January 29, 2022, at approximately 1:25 p.m., at or near 11801 S. Indiana Ave, Chicago, IL 60628, that Officer Zaul Quiroz committed misconduct through the following acts or omissions, by:</p> <p>1. Stopping [REDACTED] vehicle without justification; and</p> <p>2. Searching [REDACTED] vehicle without justification.</p> <p>It has been alleged by the Civilian Office of Police Accountability that on or about January 29, 2022, at approximately 1:25 p.m., at or near 11801 S. Indiana Ave, Chicago, IL 60628, that Officer Zaul Quiroz committed misconduct through the following acts or omissions, by:</p> <p>3. Failing to offer and/or provide an Investigatory Stop Receipt to [REDACTED]</p>	<p><b>Exonerated</b></p> <p><b>Exonerated</b></p> <p><b>Sustained / Reprimand</b></p>
<p>Lieutenant Ernest Spradley</p>	<p>It has been alleged by the Civilian Office of Police Accountability that on or about January 29, 2022, at approximately 1:25 p.m., at or near 11801 S. Indiana Ave, Chicago, IL 60628, that Lieutenant Ernest Spradley committed misconduct through the following acts or omissions, by:</p> <p>1. Failing to properly direct subordinates through a failure to direct the officers to</p>	<p><b>Sustained / Reprimand</b></p>

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provide an Investigatory Stop Receipt to [REDACTED]

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#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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The Chicago Police Department Rules of Conduct set forth expressly prohibited acts:

1. **Rule 1:** Violation of any law or ordinance.
2. **Rule 2:** Any action which impedes the Department's efforts to achieve its policy and goals or brings credit upon the Department.
3. **Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
4. **Rule 5:** Failure to perform any duty.
5. **Rule 6:** Disobedience of an order or directive, whether written or oral.
6. **Rule 10:** Inattention to duty.

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##### Special Orders

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1. **Special Order S04-13-09:** Investigatory Stop System (effective date July 10, 2017).<sup>1</sup>

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##### General Orders

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1. **General Order G01-09:** Supervisory Responsibilities (effective date May 10, 2021).<sup>2</sup>

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##### State Laws

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1. **725 ILCS 5/107-14:** Temporary Questioning without Arrest.<sup>3</sup>
2. **725 ILCS 5/108-1.01:** Search During Temporary Questioning.<sup>4</sup>

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<sup>1</sup> Att. 14.

<sup>2</sup> Att. 13.

<sup>3</sup> Att. 12.

<sup>4</sup> Att. 15.

## V. INVESTIGATION<sup>5</sup>

### a. Interviews

**Complainant** [REDACTED] was interviewed by COPA investigators on February 3, 2022.<sup>6</sup> [REDACTED] recounted that on January 29, 2022, at approximately 1:20 p.m., he was driving down Michigan Avenue on the way to get his hair braided when he noticed an unmarked CPD vehicle pass him and perform a U-Turn. After completing the U-Turn, the CPD vehicle was about three car-lengths behind [REDACTED] car and began to follow him. [REDACTED] then stopped his car on Indiana Avenue, and the CPD vehicle parked directly in front of [REDACTED] car.

Once stopped, three plain-clothed officers exited the vehicle and approached [REDACTED] car. One officer approached the driver's window, and [REDACTED] recalled that the first things the officer asked him were, "Do you have any guns in the car?" and, "Do you have a FOID card?" The officer did not ask for [REDACTED] driver's license, vehicle insurance, or any other documentation. [REDACTED] asked the officer why he had been stopped, but the officer ignored him and instead responded that [REDACTED] looked nervous and asked why he was sweating. The officer then instructed [REDACTED] to step out of the car. [REDACTED] refused because this was only a traffic stop. He asked the officer again for the reason for the stop, but he was not given an answer. [REDACTED] recalled that the officer then instructed him to exit the car again, before reaching into the window and opening the driver's side door himself. The officer again repeated this instruction and said he would pull [REDACTED] out of the car. In total, [REDACTED] recalled that the officer instructed him to get out of the car three times, and on the third time, the officer reached inside his window to open the door himself. [REDACTED] recounted that he then stepped out of the car and was immediately handcuffed by the officer.

[REDACTED] stated that once he was handcuffed, he was told that the reason he was stopped was because he had a broken taillight. [REDACTED] did not recall his taillight being broken on that date and stated several times throughout his interview that he did not believe his taillight was out. After [REDACTED] was handcuffed, he stated that the other two officers began to search his car. The officer that handcuffed [REDACTED] then began to search his person. [REDACTED] specified that this was not a mere pat-down, but a full search that included reaching into his pockets. He also specified that his car was thoroughly searched. He recounted that the officers searched the car's glove compartment, around and under the passenger and back seat, the middle console, and glove compartment, along with a backpack that was in the front passenger seat. [REDACTED] recalled that he could hear the officers saying, "Grab the backpack" and, "Look in the backpack," as they began their search of the car. No contraband was discovered as a result of the search of [REDACTED] car.

During the search of his person, [REDACTED] wallet was retrieved from his breast pocket, and the officer took out his Illinois State ID. The officer asked whether [REDACTED] had a driver's license, and [REDACTED] explained that it was in his car's driver's side door compartment. The officer handed the ID card to another officer, who took it back to the CPD vehicle. [REDACTED] said

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<sup>5</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>6</sup> Att. 2.

he assumed that the officer ran his information, but he was never told. The officers never retrieved his driver's license from the vehicle, nor did they ask about it again. No contraband was discovered as a result of the search of ██████████ person. ██████████ reiterated several times that he never consented to the car search nor the search of his person.

██████████ recalled that a police supervisor arrived on scene as the searches were being conducted. He described the supervisor as looking confused with a furrowed brow. ██████████ told the supervisor that he had not consented to either of the searches that were taking place and further that he had not been told why he was stopped, but the supervisor did not respond. After the searches were complete, ██████████ was told he was free to go, and the officers drove off. ██████████ estimated that the entire interaction was about five minutes long.

██████████ recalled the three officers that conducted the traffic stop were wearing plain clothes with their bulletproof vests on. He described one officer as Black and the other two as Hispanic. ██████████ further recounted that after his handcuffs were removed, he asked the officers for their badge numbers. Each officer and the supervisor verbally gave him their badge number.

**Officer Alain Dillon** was interviewed by COPA investigators on June 24, 2022.<sup>7</sup> Officer Dillon stated that on January 29, 2022, he was in plain clothes and working with Officers Wilson and Quiroz in an unmarked police vehicle. They encountered a white Pontiac traveling at a high rate of speed that failed to stop at several stop signs.<sup>8</sup> The Pontiac pulled over on Indiana Avenue, and Officer Dillon approached, asking the driver [later identified as ██████████] for a driver's license and insurance. Officer Dillon told ██████████ that the reasons for the stop were a broken taillight and failure to stop at several stop signs.<sup>9</sup> Officer Dillon asked ██████████ if there were any weapons in the car and described ██████████ as "acting real [*sic*] nervous, like he was trying to hide something, he wouldn't answer my immediate questions about weapons or contraband in the car."<sup>10</sup> When asked if there was anything in the car that the officers needed to know about, Officer Dillon recalled that ██████████ did not respond, but instead glanced over at his backpack in the passenger seat several times. Officer Dillon stated that he told ██████████ "Don't reach for anything."<sup>11</sup> It was at this point that Officer Dillon asked ██████████ to exit the car several times, but ██████████ refused. Officer Dillon explained that he then gave ██████████ a lawful order to exit the car; when ██████████ did not comply, Officer Dillon removed him from the car and handcuffed him.

After ██████████ was removed from the car and handcuffed, Officer Dillon again asked ██████████ if there was anything in the car that the officers needed to know about, and ██████████ replied that there was not. Officer Dillon recalled that he then repeated his request for ██████████ driver's license. ██████████ responded that his license was in his pocket. ██████████ then directed Officer Dillon to his pocket to retrieve his driver's license. Officer Dillon recalled that ██████████ showed him where the pocket was and "walked him through how to get to it," referencing the

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<sup>7</sup> Att. 9.

<sup>8</sup> Att. 9 at 8:15.

<sup>9</sup> Att. 9 at 9:16.

<sup>10</sup> Att. 9 at 11:43.

<sup>11</sup> Att. 9 at 12:29.

license.<sup>12</sup> However, Officer Dillon only retrieved an Illinois State ID, not a driver's license, from [REDACTED] pocket. When asked where his driver's license was, [REDACTED] replied that it was in the passenger-side door of his car.

Officer Dillon stated that while he was standing with [REDACTED] and retrieving his identification, Officer Wilson and Officer Quiroz were searching the passenger compartment of the car. Officer Dillon recalled that the basis for this search was "to figure out what was going on in the vehicle, if he [REDACTED] had any contraband or weapons in the car, because he was acting so nervous."<sup>13</sup> Officer Dillon continued by stating, "That's the reason why we handcuffed him, for officer safety."<sup>14</sup> The stop concluded with [REDACTED] not receiving any tickets, but Officer Dillon named the traffic violations that [REDACTED] could have been cited for: a missing front license plate, a broken passenger taillight, and a failure to produce a driver's license.<sup>15</sup>

Officer Dillon did not recall what street the police vehicle was driving down or what direction it was going when the white Pontiac was first spotted, stating that he was sitting in the back seat of the vehicle at the time of the stop. Officer Dillon explained that the factors that led to the removal of [REDACTED] from his car included that "he [REDACTED] was shaking, he was shaking real nervous [*sic*], and when we asked him if there were weapons in the vehicle, he immediately looked at the driver's seat, at the book bag that was in the car."<sup>16</sup> Officer Dillon continued by stating, "That's why we pulled him out of the vehicle, because he kept on looking at it [the backpack], but he wouldn't say what was in the car."<sup>17</sup> Officer Dillon explained that [REDACTED] was handcuffed due to "the totality of the circumstances."<sup>18</sup> He went on to say that "he [REDACTED] didn't want to get out at first, then when we were asking him about weapons, he immediately looked at the bag ... he was nervous and he was shaking, and it was just for officer safety at that point."<sup>19</sup>

Officer Dillon explained that the reason for the protective pat down of [REDACTED] was due to his demeanor and the reasonable suspicion that there may potentially be a weapon present.<sup>20</sup> He described the protective pat down of [REDACTED] as "crush and feel ... just patting the outer layer of his clothing."<sup>21</sup> When asked what the parameters of a protective pat down are, Officer Dillon responded, "no searches basically,"<sup>22</sup> describing that the difference between a protective pat down and a search included going inside pockets. Officer Dillon explained that the reason that the Investigatory Stop Report documents that a search beyond a protective pat down was conducted of [REDACTED] and his effects was because Officer Dillon did go into [REDACTED] pocket to retrieve his ID, as directed by [REDACTED]. Officer Dillon further stated that while he was conducting the pat down, Officer Wilson and Officer Quiroz searched [REDACTED] vehicle for the purposes of

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<sup>12</sup> Att. 9 at 10:13.

<sup>13</sup> Att. 9 at 10:30.

<sup>14</sup> Att. 9 at 10:35.

<sup>15</sup> Att. 9 at 10:45.

<sup>16</sup> Att. 9 at 12:15.

<sup>17</sup> Att. 9 at 12:35.

<sup>18</sup> Att. 9 at 12:35.

<sup>19</sup> Att. 9 at 13:00.

<sup>20</sup> Att. 9 at 15:07.

<sup>21</sup> Att. 9 at 14:07.

<sup>22</sup> Att. 9 at 14:25.

locating potential contraband. Officer Dillon agreed that given the totality of the circumstances in this situation, a protective search of the vehicle in an investigatory stop was general procedure.<sup>23</sup> He explained that the scope of a search of this kind would be “just whatever is in the immediate area, anything you can immediately access, anything that’s in plain view.”<sup>24</sup> When asked if compartments of a car may be opened during this kind of search, Officer Dillon explained that it depends on what is being searched for. He emphasized that just the “immediate area”<sup>25</sup> of the car was searched, but he did not recall what specific areas of the car were searched by his partners, because he was behind the car and did not observe the search.

Officer Dillon described an Investigatory Stop Receipt as a receipt that is given to document a stop. He did affirm that [REDACTED] was not provided an Investigatory Stop Receipt on January 29, 2022.<sup>26</sup> Officer Dillon explained that the reason [REDACTED] was not give a receipt was because the officers did not have any to give. Specifically, Officer Dillon stated that CPD was out of receipts and the 5<sup>th</sup> District had not provided any to the officers.<sup>27</sup> He explained that they had not had Investigatory Stop Receipts “in a while,”<sup>28</sup> at the time of [REDACTED] stop, and further, they still have not been provided with receipts at the time of the COPA interview. Officer Dillon stated there are currently no CPD protocols or directives in place for how officers should deal with the lack of receipts, explaining, “It’s not on us to order it [receipts] because they come from Headquarters.”<sup>29</sup>

**Officer Zaul Quiroz** was interviewed by COPA investigators on June 30, 2022.<sup>30</sup> Officer Quiroz recalled that on January 29, 2022, he was in plain clothes and working with Officers Dillon and Wilson in an unmarked police vehicle when they stopped [REDACTED]. The basis for the stop was that [REDACTED] “had a brake light out and ran a couple of stop signs.”<sup>31</sup> Officer Quiroz described [REDACTED] driving south while the officers were driving north. After seeing [REDACTED] fail to stop at several stop signs, the officers completed a U-turn and got behind [REDACTED] car to pull him over.<sup>32</sup> Officer Quiroz explained that after the car was stopped, he stood on the passenger side while Officer Dillon approached the driver’s side. Officer Quiroz explained that [REDACTED] was removed from the car and then detained due to “reasonable suspicion that he might have a firearm in the vehicle, due to his shakiness,” because he failed to produce a driver’s license, and because the stop occurred in an area known for high violence.<sup>33</sup> Officer Quiroz explained that Officer Dillon gave him a “signal” above the car to notify him that [REDACTED] was shaking and nervous.<sup>34</sup> Officer Quiroz later learned that “when Officer Dillon was asking questions, he asked him if there was any firearms in the vehicle and he looked right into the book bag.”<sup>35</sup>

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<sup>23</sup> Att. 9 at 15:40.

<sup>24</sup> Att. 9 at 16:02.

<sup>25</sup> Att. 9 at 15:52.

<sup>26</sup> Att. 9 at 5:21.

<sup>27</sup> Att. 9 at 18:32.

<sup>28</sup> Att. 9 at 18:41.

<sup>29</sup> Att. 9 at 19:00.

<sup>30</sup> Att. 10.

<sup>31</sup> Att. 10 at 8:07.

<sup>32</sup> Att. 10 at 8:52.

<sup>33</sup> Att. 10 at 9:37, 10:27.

<sup>34</sup> Att. 10 at 9:50.

<sup>35</sup> Att. 10 at 11:29.



When asked about the search of the car, Officer Quiroz responded that he searched “the immediate area” of the car, which included the book bag, front passenger seat, underneath the front passenger seat, and the back passenger seat.<sup>36</sup> He described the immediate area as anywhere the driver could reach or hide something. Officer Quiroz further explained that a book bag in the immediate area is included in a protective search of a car.<sup>37</sup>

Officer Quiroz affirmed that [REDACTED] was not offered or provided an Investigatory Stop Receipt on January 29, 2022.<sup>38</sup> He explained that a receipt is given after a stop when a protective pat down is conducted.<sup>39</sup> Officer Wilson stated that the reason [REDACTED] did not receive a receipt was because none of the officers on scene had any, nor does the District have any.<sup>40</sup> He further stated that CPD currently does not have any procedure in place to remedy the shortage of receipts, nor are any protocols or directives in place to direct officers on how to conduct investigatory stops without receipts.<sup>41</sup> Officer Quiroz explained that they have not had Investigatory Stop Receipts in a while, and they currently do not have any receipts.

**Officer Benjamin Wilson** was interviewed by COPA investigators on July 1, 2022.<sup>42</sup> Officer Wilson stated that on January 29, 2022, he was in plain clothes and working with Officers Dillon and Quiroz in an unmarked police vehicle when they saw a car fail to stop at a stop sign.<sup>43</sup> He estimated that the stop sign was at 119<sup>th</sup> and Indiana.<sup>44</sup> Officer Wilson explained that they “made a 180” and got behind the car, after which they noticed that the car’s passenger side taillight was out.<sup>45</sup> The officers then activated their emergency equipment, and the car immediately pulled over. He further mentioned that the stop occurred in an area known for high violence, gangs, and guns.<sup>46</sup> Officer Wilson stated that the basis for the traffic stop of [REDACTED] was that he “failed to stop at a stop sign, and he had a brake light out on his passenger side.”<sup>47</sup>

Officer Wilson continued by stating that following the stop of the car, the driver was asked if he had a driver’s license and further if he had any weapons in the vehicle. Officer Wilson described [REDACTED] as visibly nervous and visibly shaking.<sup>48</sup> He further stated that when asked if he had any weapons in the car, [REDACTED] did not respond, but instead looked directly at his backpack in the front passenger seat.<sup>49</sup> Officer Wilson explained that it was then that the officers asked [REDACTED] to exit the car, which was “due to officer safety, believing there might be a weapon in the vehicle.”<sup>50</sup> When asked to step out of the car, “He [REDACTED] immediately refused

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<sup>36</sup> Att. 10 at 13:08.

<sup>37</sup> Att. 10 at 14:22.

<sup>38</sup> Att. 10 at 5:41.

<sup>39</sup> Att. 10 at 15:34.

<sup>40</sup> Att. 10 at 16:05.

<sup>41</sup> Att. 10 at 6:40.

<sup>42</sup> Att. 11.

<sup>43</sup> Att. 11 at 6:40.

<sup>44</sup> Att. 11 at 13:48.

<sup>45</sup> Att. 11 at 6:45.

<sup>46</sup> Att. 11 at 6:50.

<sup>47</sup> Att. 11 at 7:58.

<sup>48</sup> Att. 11 at 7:07.

<sup>49</sup> Att. 11 at 7:11.

<sup>50</sup> Att. 11 at 7:16.

... knowing the area to be high in gang violence and guns, we were going to ask him to step out of the vehicle.”<sup>51</sup>

Officer Wilson recalled that Officer Dillon retrieved [REDACTED] State ID, not his driver’s license, and gave it to him to run [REDACTED] information.<sup>52</sup> After [REDACTED] was handcuffed by Officer Dillon, Officer Wilson explained that he and Officer Quiroz searched “the immediate accessible area to the driver” of the car.<sup>53</sup> Specifically, he described searching “the area that was immediately accessible to him [the driver], so anywhere he could reach or have access to, or where he could possibly stash any weapon or contraband.”<sup>54</sup> Officer Wilson explained that he conducted the search by approaching the car from the driver’s side and searching underneath the driver’s seat, the gap between the seat and the center console, the center console, and underneath the rear seat.<sup>55</sup>

Officer Wilson agreed that it would be fair to say that officers may conduct a protective search of the passenger compartment of a car, limited to those areas where a weapon may reasonably be hidden, when they have reasonable suspicion that a stopped motorist is dangerous and may gain immediate control of weapons.<sup>56</sup> Officer Wilson also remembered a backpack in the passenger seat of [REDACTED] car, recalling that the bag was searched by Officer Quiroz.<sup>57</sup> He stated that he believed Officer Quiroz “unzipped the backpack, looked inside, and closed it back up.”<sup>58</sup> Officer Wilson agreed that bags in a driver’s immediate area would be within the proper parameters of a protective search of the car.<sup>59</sup> Officer Wilson further explained that the reason that the Investigatory Stop Report dictated that a search beyond a protective pat down was conducted of the driver’s effects was because his car and backpack were searched.<sup>60</sup>

Officer Wilson affirmed that an Investigatory Stop Receipt was not given to [REDACTED] because the officers did not have any receipts on that date.<sup>61</sup> He explained that “whenever we conduct an Investigatory Stop or a search of a vehicle, we would issue an ISR receipt, but the District hasn’t had any in months.”<sup>62</sup> Officer Wilson further stated that there are currently no CPD directives or protocols in place for how officers should handle a situation where a receipt is needed but none are available.<sup>63</sup> He explained that he has told his supervisor that they do not have receipts, but all she can do is tell her immediate supervisor, and then “they would go up the chain and would order more, but that would be District-wide, not just for our office.”<sup>64</sup>

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<sup>51</sup> Att. 11 at 8:53.

<sup>52</sup> Att. 11 at 10:15.

<sup>53</sup> Att. 11 at 7:34.

<sup>54</sup> Att. 11 at 10:45.

<sup>55</sup> Att. 11 at 10:57.

<sup>56</sup> Att. 11 at 11:15.

<sup>57</sup> Att. 11 at 11:28.

<sup>58</sup> Att. 11 at 11:43.

<sup>59</sup> Att. 11 at 11:52.

<sup>60</sup> Att. 11 at 11:52.

<sup>61</sup> Att. 11 at 5:11.

<sup>62</sup> Att. 11 at 12:33.

<sup>63</sup> Att. 11 at 12:52.

<sup>64</sup> Att. 11 at 13:25.

Officer Wilson stated that at the conclusion of the stop, the driver was not cited; instead, the officers gave him verbal instructions to get his brake light fixed, to stop at stop signs, and to carry his driver's license on him.

**Lieutenant (Lt.) Ernest Spradley** was interviewed by COPA investigators on June 28, 2022.<sup>65</sup> Lt. Spradley recalled that on January 29, 2022, he heard officers assigned to his tactical team call out a traffic stop that was nearby. He went to the scene to provide assistance if any was needed.<sup>66</sup> When he arrived, he saw the officers and [REDACTED] standing outside of [REDACTED] car, and he stood nearby. Lt. Spradley remembered that Officer Wilson approached him and informed him of the probable cause for the stop.<sup>67</sup>

Lt. Spradley stated he was not previously aware that [REDACTED] was not provided an Investigatory Stop Receipt on January 29, 2022, but he was now aware of that fact.<sup>68</sup> He further pointed out the lack of Investigatory Stop Receipts within CPD.<sup>69</sup> Lt. Spradley explained that "if there is a shortage of receipts and there [are] none on hand, and no one is readily available to provide one within a reasonable time, without prolonging the traffic stop, then you just let the individual proceed on with their doings without the ISR receipt."<sup>70</sup> When asked if he directed the officers to provide an Investigatory Stop Receipt, Lt. Spradley responded that he did not.<sup>71</sup> He further affirmed that none of the officers on scene asked him any questions about how to proceed due to the fact that they had no receipts.<sup>72</sup> When asked if an officer would have any responsibilities after the stop to provide a receipt and potentially mail it to the individual, Lt. Spradley stated that he has not heard of that practice.<sup>73</sup> Lt. Spradley clarified that he was not saying there are no protocols in place for how officers should proceed when dealing with the lack of receipts following an investigatory stop, but that there were just none that he was aware of.<sup>74</sup>

#### b. Digital Evidence

COPA obtained and viewed the **Body-Worn Camera (BWC) video recordings of Officer Dillon, Officer Quiroz, Officer Wilson, and Lieutenant Spradley** relative to this incident.<sup>75</sup> The recordings depict the officers in a patrol vehicle arriving at 11801 S. Indiana Ave. The officers all exit the vehicle and Officer Quiroz approaches the passenger door of [REDACTED] car. Officer Dillon and Officer Wilson approach the front driver's side door of [REDACTED] car. The absence of a front license plate on [REDACTED] vehicle is visible on BWC footage.<sup>76</sup> Officer Dillon asks [REDACTED] to roll the window down and immediately tells him that the reason he was pulled over is because he has a taillight out. Officer Dillon next asks [REDACTED] if he has anything in the car

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<sup>65</sup> Att. 8.

<sup>66</sup> Att. 8 at 8:00.

<sup>67</sup> Att. 8 at 8:37.

<sup>68</sup> Att. 8 at 9:13.

<sup>69</sup> Att. 8 at 11:15.

<sup>70</sup> Att. 8 at 11:30

<sup>71</sup> Att. 8 at 11:54.

<sup>72</sup> Att. 8 at 12:00

<sup>73</sup> Att. 8 at 13:45.

<sup>74</sup> Att. 8 at 14:20.

<sup>75</sup> Atts 4 to 7.

<sup>76</sup> Att. 4 at 2:05; Att. 5 at 2:03.

the officers need to know about before asking for his driver's license and insurance. Officer Dillon instructs ██████ not to reach for anything, asks him why he is nervous and shaking, and lastly asks if ██████ has a FOID or concealed-carry license. ██████ initial responses are unintelligible, but he then states that he does not have a weapon in the vehicle and does not have his FOID card with him. Officer Dillon again asks ██████ why he is nervous and then orders ██████ to exit the car.<sup>77</sup> ██████ continues to ask why the officers pulled him over, and Officer Dillon repeats his instruction for ██████ to exit the car. Officer Dillon then opens the car door and grabs ██████ left hand. Officer Quiroz opens the passenger door of the car and asks ██████ if he has anything in the car they should know about. Officer Dillon handcuffs ██████ left hand as he is still seated in the car. ██████ raises his hands and begins to comply with the officer's orders, stepping out of the car. ██████ continues to ask why he was stopped, and the officers repeat the basis for the stop, further explaining that he did not make complete stops at several stop signs.

After ██████ is handcuffed and out of the car, Officer Quiroz and Officer Wilson begin to search the car. Officer Wilson uses his flashlight to illuminate the front driver's seat. He also opens the middle console compartment and reaches inside. Officer Wilson further opens the passenger door and shines his flashlight into the backseat area. Officer Quiroz opens ██████ backpack on the front passenger seat and opens all the backpack's pockets. Officer Quiroz then uses his flashlight to illuminate the rest of the front passenger seat area and then opens the rear door of the car and briefly shines his flashlight over the backseat. Officer Wilson returns to where Officer Dillon is standing with ██████ and informs him again that it was his brake light that was not functioning. Officer Wilson then returns to the car, opens the front passenger door, and looks inside ██████ backpack and the area in front of the passenger seat.

Officer Dillon says that he will show ██████ that his brake light is not functioning while he and ██████ are standing at the rear of the car. Officer Wilson overhears their conversation while he is searching, and he volunteers to hit the brake pedal, but the officers and ██████ continue with the interaction and the functionality of the brake light is never demonstrated.

Lt. Spradley arrives on scene as Officer Wilson and Officer Quiroz complete their search. Officer Wilson informs Lt. Spradley of the basis for the stop. The lieutenant then stands back and observes the remainder of the officers' interaction with ██████. The officers ask ██████ for his driver's license, and he directs them to his breast pocket. Officer Dillon then pats down ██████ person and takes out a wallet out from his breast pocket, at ██████ direction, retrieving a card. He goes back into the pocket, takes out a pack of cigarettes, looks inside the pack, and puts it back. Officer Dillon then hands the card he retrieved to Officer Wilson, who takes it into the CPD vehicle to run ██████ information. Officer Quiroz follows. Officer Dillon goes into ██████ pocket a third time, taking out a stack of cards secured with a rubber band. Officer Dillon then asks for ██████ license again. ██████ appears confused and states that his license was in his pocket. Officer Dillon responds that he only found ██████ Illinois state

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<sup>77</sup> Because of the positions of the officers and the angles of their cameras, not all of ██████ actions while seated inside his car are visible. However, at timestamp 13:21:48 through 13:21:51 on Officer Quiroz's BWC recording, ██████ distinctly looks down and to his right, apparently looking at an object on the front passenger seat of his car. Att. 5.

ID, not his driver's license. [REDACTED] appears to understand, apologizes, and says that his license is actually in the side compartment of the driver's seat.

Officer Quiroz walks back to where Officer Dillon is standing with [REDACTED]. He explains that the officers handcuff anyone they instruct to step out of a car. [REDACTED] responds that he should not have to exit his car for a brake light. Officer Quiroz further informs [REDACTED] that he needs both a front and a back license plate. [REDACTED] continues to ask why he was stopped and then asks if any of the officers have their cameras on. [REDACTED] further repeats that he believes that the stop and the handcuffing were unlawful before stating that the supervisor on scene [referencing Lt. Spradley] looks confused and that his brow is furrowed. Officer Quiroz returns [REDACTED] ID to his coat pocket.

Officer Wilson exits the police vehicle and returns to [REDACTED] car. Officer Quiroz tells [REDACTED] that he is required to have two license plates on his car. Officer Wilson then removes [REDACTED] handcuffs, and he gets back into his car. The recordings all terminate around 1:27 p.m.

### c. Documentary Evidence

An **Investigative Stop Report**<sup>78</sup> (ISR) completed by Officer Wilson and Officer Quiroz documents that the officers stopped a car occupied by [REDACTED] at 1:20 p.m. on January 29, 2022, at 11801 S Indiana Ave. The stop was based on probable cause of traffic violations. The report documents that the officers asked a visibly nervous [REDACTED] if there were any weapons in his car, at which time [REDACTED] stayed silent and glanced towards the backpack located on his front passenger seat. The report further documents that the area of the stop is "a known gang/ violence area." Based on these factors, the officers believed a weapon was inside the car and removed [REDACTED] detaining him with the use of handcuffs. The report documents that a search beyond a protective pat down of [REDACTED] person and effects was conducted. The search did not result in the recovery of any contraband, and [REDACTED] was given a verbal warning for minor traffic violations. He was released without being given an ISR Receipt.

A **Traffic Stop Statistical Study**<sup>79</sup> (TSSS) traffic-stop summary documents Beat 562D's stop of [REDACTED] on January 29, 2022. The summary details that Officer Wilson and Officer Quiroz stopped a 2004 Pontiac Grand Am at 1:20 p.m. at 11801 S Indiana Ave. It further lists the violation that was the basis for the stop as Chicago Municipal Code 9-76-210: Broken or Inoperable Lamps/Broken or Cracked Glass.

## 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;

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<sup>78</sup> Att. 3.

<sup>79</sup> Att. 1.

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.<sup>80</sup> 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.<sup>81</sup> 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."<sup>82</sup>

## VII. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. ██████ account of the traffic stop, when compared to the available BWC recordings, demonstrates that he is either being untruthful about some aspects of the stop or that he does not accurately remember at least some of the material facts surrounding the stop. For example, ██████ asserted that the officers did not tell him the reason for the stop before removing him from his car, while the BWC recordings show that Officer Dillon informed ██████ that his taillight was out immediately upon ██████ lowering his window. It is apparent that ██████ was frightened of the police, and his fear may have impaired his ability to accurately remember the details of the stop.

All three of the officers involved in the stop provided accounts that are consistent with their BWC recordings. Also, the officers documented the reasons for the stop, the handcuffing of ██████ and the search of ██████ and his car almost immediately after completing the stop, allowing them to refresh their memories later. For reasons discussed below, COPA does not credit the officers' explanations for their failure to provide ██████ with an Investigatory Stop Receipt, as those reasons are contradicted by the officers' own written reports documenting other near-contemporaneous stops.<sup>83</sup>

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<sup>80</sup> See *Avery v. State Farm Mut. Auto. Ins. 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.").

<sup>81</sup> See, e.g., *People v. Coan*, 2016 IL App (2d) 151036.

<sup>82</sup> *Id.* ¶ 28.

<sup>83</sup> COPA considered bringing Rule 14 allegations against all of the accused CPD members based on their apparently false assertions during their interviews with COPA that no Investigatory Stop Receipts were available in the Fifth

## VIII. ANALYSIS

- a. **The accused officers were justified in stopping [REDACTED] car because they had probable cause to believe the car was missing its required front license plate and because the car had an inoperable brake light.**

It is first alleged that Officers Dillon, Wilson, and Quiroz stopped [REDACTED] without justification. The officers all contend that the stop was based on probable cause, noting several traffic violations: a broken taillight, a failure to stop at stop signs, and a lack of a front license plate. The Investigatory Stop Report signed by Officer Wilson and Officer Quiroz documents that the initial stop of [REDACTED] car was based on probable cause, stating that while on routine patrol in a known gang and violence area, the officers observed [REDACTED] car traveling at a high rate of speed with a broken brake light on the passenger side.<sup>84</sup> Similarly, the TSSS summary also lists the violation that formed the basis for the traffic stop as Chicago Municipal Code 9-76-210: Broken or Inoperable Lamps/Broken or Cracked Glass.<sup>85</sup> In his interview with COPA investigators, Officer Dillon said that the basis for the traffic stop was “a broken taillight, and failure to stop at the stop signs.”<sup>86</sup> He further specified that it was the passenger side taillight that was broken. Officer Wilson and Officer Quiroz corroborated the existence of the broken taillight in their interviews with COPA, also naming the broken passenger side taillight, failure to stop at several stop signs, and lack of a front license plate as the basis for the traffic stop of [REDACTED].<sup>87</sup> The absence of a front license plate on [REDACTED] vehicle is further visible on BWC footage.<sup>88</sup>

In his interview with COPA investigators on February 3, 2022, [REDACTED] told COPA investigators that he did not recall having a broken taillight on January 29, 2022.<sup>89</sup> In fact, [REDACTED] stated several times throughout his interview that he did not believe his taillight was broken, and further, that he had not sought repairs for a broken light following the incident.<sup>90</sup> The

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District at the time of [REDACTED] stop. To sustain an allegation of a violation of Rule 14, COPA would be required to prove by a preponderance of evidence that the accused member’s statement was false, that the statement was made willfully, and that the statement was regarding a material issue. Here, the statements regarding the availability of Investigatory Stop Receipts are undoubtedly material because they provide a potential justification for the officers’ failure to provide [REDACTED] with a receipt, directly addressing one of the allegations against each accused member. The statements have also been shown to be false, at least by a preponderance of evidence, because the accused officers documented either providing receipts or offering receipts to other subjects who were stopped both before and after [REDACTED]. If the officers either provided or offered receipts to other people both before and after stopping [REDACTED] their assertions that no receipts were available when [REDACTED] was stopped are likely false. However, the accused officers were interviewed by COPA in June of 2023, approximately five months after [REDACTED] stop, and they asserted that the shortage of receipts had persisted for some time. Under these circumstances, the accused officers could have simply been mistaken about when the Fifth District ran out of receipts, and they could have mistakenly attributed their failure to provide a receipt to [REDACTED] to a shortage that developed later, rather than attributing it to their own inattention to duty on the day of [REDACTED] stop.

<sup>84</sup> Att. 3.

<sup>85</sup> Att. 1.

<sup>86</sup> Att. 9 at 11:01.

<sup>87</sup> Att. 10 at 8:07; Att. 11 at 6:40.

<sup>88</sup> Att. 4 at 2:05; Att. 5 at 2:03.

<sup>89</sup> Att. 2 at 5:53.

<sup>90</sup> Att. 2 at 5:53.

back of ██████ car is not clearly visible on any of the officers' BWC recordings throughout the incident, and there is no other direct evidence to indicate whether ██████ taillight was functioning properly. However, the officers volunteered to show ██████ the broken taillight during the course of the stop. Even though the officers appeared to become distracted and never showed the taillight to ██████ it is highly unlikely that they would have volunteered to show him a broken taillight if it was not, in fact, broken.

Although there is no evidence visually depicting the function of the taillights or brake lights of ██████ car, the reports documenting the stop both indicate that ██████ car had a broken taillight.<sup>91</sup> Also, in their statements to COPA, the officers all named the broken passenger taillight as part of their original basis for the stop, as well as the absence of a front license plate and the failure to stop at several stop signs. BWC recordings show Officer Dillon informing ██████ of the basis of the stop – which was the existence of the broken taillight – at the beginning of their interaction.<sup>92</sup> It is also undisputed, and clearly depicted on BWC footage, that this stop occurred during daylight hours, and by ██████ own admission, the police vehicle made a U-turn and then drove behind his car before he pulled over and stopped. Under these circumstances, the officers would have had a clear view of the back of ██████ vehicle and its rear lights.

Based on the officers' statements to COPA, their Investigatory Stop Report and TSSS documentation, and the available BWC recordings, while giving equal consideration to ██████ statement, and noting the lack of other evidence to corroborate or contradict the existence of the broken taillight, COPA finds it highly probable that Officer Dillon, Officer Wilson, and Officer Quiroz were justified in their stop of ██████ vehicle. COPA also notes that the available BWC recordings demonstrate conclusively that ██████ car was missing its front license plate, and the officers had a clear view of the front of ██████ car prior to the stop. Thus, the officers had probable cause to stop the car regardless of the functionality of the taillight or brake light. **As such, COPA finds that Allegation # 1 against Officer Alain Dillon is Exonerated, Allegation # 1 against Officer Benjamin Wilson is Exonerated, and Allegation #1 against Officer Zaul Quiroz is Exonerated.**

- b. Officer Dillon was justified in detaining ██████ with handcuffs because Officer Dillon had reason to believe that ██████ might be armed with a weapon.**

It is next alleged that Officer Dillon detained ██████ with handcuffs without justification. In his interview with COPA investigators, Officer Dillon explained that ██████ was detained and handcuffed because “he didn't want to get out [of the car] at first, then when we were asking him about weapons, he immediately looked at the book bag ... he was nervous and he was shaking, and it was just for officer safety at that point.”<sup>93</sup> Officer Dillon emphasized ██████ nervous, shaking demeanor and his several glances at the backpack, along with his lack of obedience to lawful orders. These factors are reiterated in the Investigatory Stop Report, which documents that when the officers asked ██████ whether he had any weapons in the

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<sup>91</sup> Att. 3; *see also* Att. 1.

<sup>92</sup> Att. 4.

<sup>93</sup> Att. 9 at 13:00.



vehicle, he stayed silent and instead glanced towards his backpack. The report also documents that [REDACTED] was visibly nervous, and that the stop also took place in an area known for gang activity and violence.<sup>94</sup>

An investigatory stop is the temporary detention and questioning of a person in the vicinity where the person was stopped based on reasonable articulable suspicion that the person is committing, is about to commit, or has committed a criminal offense.<sup>95</sup> To perform an investigatory stop, an officer must possess specific articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing a crime.<sup>96</sup> The suspect may then be temporarily detained, only for the length of time necessary to either confirm or dispel the suspicion of criminal activity.<sup>97</sup> Further, use of handcuffs must be reasonable in light of the circumstances that prompted the stop or that developed during its course.<sup>98</sup> This determination of reasonable articulable suspicion must be based on common sense judgments and inferences about human behavior, and due weight must be given to the reasonable inferences that the officer is entitled to draw from the facts in light of his or her experience.<sup>99</sup> In making this determination, the totality of the circumstances known to the officer at that time are considered, and then those facts are viewed from the perspective of a reasonable officer at the time of the stop.<sup>100</sup>

Here, these factors were Officer Dillon's observations of [REDACTED] nervous demeanor, his evasiveness when asked questions, the location of the stop being a known area for gang violence, [REDACTED] initial refusal to exit the car, and his glances towards his backpack when asked about weapons. While nervous, evasive behavior can be a relevant factor in determining whether there is a reasonable basis for suspicion, mere nervousness by itself does not justify a belief that someone is armed.<sup>101</sup> However, nervousness is a pertinent factor in determining reasonable suspicion when coupled with other factors.<sup>102</sup> Similarly, presence in a high crime area, by itself, does not create a reasonable, particularized suspicion that criminal activity is afoot; however, under *Illinois v. Wardlow*, presence in a high crime neighborhood may create reasonable articulable suspicion when combined with other activity.<sup>103</sup> Here, it was reasonable for the officers to believe that a combination of all the above-named factors gave rise to reasonable articulable suspicion that there may have been be a weapon in [REDACTED] car. It was only after these factors presented themselves during the traffic stop that Officer Dillon removed [REDACTED] from his car and detained him with handcuffs.<sup>104</sup>

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<sup>94</sup> Att. 3.

<sup>95</sup> Att. 14, S04-13-09(II)(A), Investigatory Stop System at (II)(A) (effective July 10, 2017, to present); *see also* Att. 12, 725 ILCS 5/107-14.

<sup>96</sup> Att. 14, S04-13-09(II)(C).

<sup>97</sup> Att. 14, S04-13-09(II)(C).

<sup>98</sup> *See* *People v. Daniel*, 2013 IL App (1st) 111876, ¶ 40.

<sup>99</sup> *See* *People v. McMichaels*, 2019 IL App (1st) 163053, ¶ 22.

<sup>100</sup> *See* *People v. McMichaels*, 2019 IL App (1st) 163053, ¶ 22.

<sup>101</sup> *See* *People v. Davis*, 352 Ill. App. 3d 576, 581 (2nd Dist. 2004).

<sup>102</sup> *See* *United States v. Brignoni-Ponce*, 422 U.S. 873, 885 (1975); *see also* *Florida v. Rodriguez*, 469 U.S. 1, 6 (1984).

<sup>103</sup> 528 U.S. 119, 124-5 (2000).

<sup>104</sup> Notably, the above-named factors that gave rise to reasonable articulable suspicion that a weapon may have been present in the vehicle, and that later led to a temporary detainment of the complainant, were separate from the basis

Even though [REDACTED] was ultimately found to be unarmed, it is highly probable that [REDACTED] temporary detention was appropriate under the totality of the circumstances based on the factors of reasonable suspicion articulated by the officers, documented in the available reports, and recorded by BWC. Officer Dillon's use of handcuffs was also appropriate in light of the factors that gave rise to his reasonable articulable suspicion that there may have been a weapon in [REDACTED] car or on his person. **Therefore, COPA finds that Allegation #2 against Officer Alain Dillon, Star #16145, is Exonerated.**

- c. **The officers had reason to believe that [REDACTED] might be armed with a weapon or might have access to a weapon; therefore, they were justified in searching [REDACTED] and the immediately accessible areas of his car.**

It is next alleged that Officer Alain Dillon searched [REDACTED] person without justification and that Officer Wilson and Officer Quiroz searched [REDACTED] car without justification. When an officer has detained a subject based upon reasonable articulable suspicion that criminal activity is afoot and, during that detention, develops additional reasonable articulable suspicion that the subject is armed and dangerous or reasonably suspects that the person presents a danger to the officer or others, the officer may conduct a protective pat down of that individual.<sup>105</sup> Similarly, where a car is lawfully stopped for a traffic violation, an officer may perform a pat down of the driver upon a reasonable suspicion that they may be armed and dangerous.<sup>106</sup> The officer need not be certain that the suspect is armed to conduct a search for weapons; the issue is whether a reasonably prudent person in the same circumstances would be warranted in the belief that his or her safety and the safety of others was in danger.<sup>107</sup> A protective pat down is a limited search in which an officer conducts a pat down of the outer clothing for weapons.<sup>108</sup> During a protective pat down, an officer may not go into the pockets or reach underneath the outer surface of clothing.<sup>109</sup> If, during the pat down, the officer touches an object which the officer reasonably believes is a weapon, the officer may reach into that area of the clothing and retrieve the object.<sup>110</sup> However, a protective pat down is not a general exploratory search for evidence of criminal activity; it is strictly limited to a search for weapons.<sup>111</sup>

Officer Dillon told COPA investigators that he performed a protective pat down of [REDACTED] because of the above-listed factors of reasonable articulable suspicion which, when taken together, led him to believe that a weapon could be present.<sup>112</sup> [REDACTED] nervous

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of the initial traffic stop – which was based on probable cause of traffic violations. Officer Dillon confirmed this distinction in his interview with COPA investigators on June 24, 2022. *See* Att. 9 at 13:22.

<sup>105</sup> Att. 14, S04-13-09(VI).

<sup>106</sup> *See generally* Arizona v. Johnson, 555 U.S. 323 (2009); *see also* Pennsylvania v. Mimms, 434 U.S. 106, 111–12 (1977) (holding that a frisk is justified during a traffic stop if there is reason to believe that the person is armed and poses a danger to the officer).

<sup>107</sup> *See* People v. Colyar, 2013 IL 111835, ¶ 39.

<sup>108</sup> Att. 14, S04-13-09(II)(B).

<sup>109</sup> Att. 14, S04-13-09(II)(B); *see also* Att. 15, 725 ILCS 5/108-1.01; Terry v. Ohio, 392 U.S. 1 (1968); People v. Galvin, 127 Ill. 2d 153 (1989).

<sup>110</sup> *See* cases cited *supra* note 109.

<sup>111</sup> *See* People v. Sorenson, 196 Ill. 2d 425, 432-33, 439-40 (2001); *see also* People v. Blake, 268 Ill. App. 3d 737, 739 (1995); People v. Davis, 352 Ill. App. 3d 576, 580 (2004).

<sup>112</sup> Att. 9 at 15:07.

demeanor, his initial failure to respond to questions or to exit his car when ordered to do so, the location of the stop being in a known area for gang violence, and his glances towards his backpack when asked about weapons, when all factored together, gave rise to reasonable articulable suspicion that there could be a weapon present in [REDACTED] car. As for the pat down itself, Officer Dillon described his actions as “crush and feel,” and “just patting the outer layer of his clothing.”<sup>113</sup> This is corroborated by Officer Dillon’s BWC recording, which shows Officer Dillon patting down [REDACTED] person, only touching the outer surface of his clothing.<sup>114</sup> Officer Dillon admitted that he did reach into [REDACTED] front coat pocket during the pat down; however, this was at [REDACTED] direction and for the sole purpose of locating [REDACTED] identification.<sup>115</sup> Specifically, Officer Dillon explained that [REDACTED] showed him where the pocket was and “walked him through how to get to it,” referencing his identification.<sup>116</sup> This is also visible on Officer Dillon’s BWC recording,<sup>117</sup> as well as on Officer Quiroz’s recording.<sup>118</sup> Given the totality of the circumstances and reasonable suspicion present, it is highly probable that the ensuing temporary detention and subsequent pat down by Officer Dillon was appropriate. Ultimately, an officer need not be absolutely certain that a subject is armed;<sup>119</sup> the issue is whether a reasonably prudent officer in the same circumstances would be warranted in the belief that his or her safety (or that of others) was in danger.<sup>120</sup> This is an objective test, and it considers “whether the facts available to the officer at the time of the incident would lead an individual of reasonable caution to believe that the action was appropriate.”<sup>121</sup>

Thus, Officer Dillon’s reasonable belief that [REDACTED] may have been in possession of a weapon justified the protective pat down. It is highly probable that Officer Dillon had the authority to conduct a pat down of [REDACTED] based on reasonable articulable suspicion of possible criminal activity, and **COPA finds that Allegation #3 against Officer Alain Dillon is Exonerated.**

Regarding the search of [REDACTED] car by Officer Wilson and Officer Quiroz, officers who have stopped a car to issue a routine traffic citation may conduct a *Terry*-type search, including a pat-down of the driver and passengers, if there is reasonable suspicion that they are armed and dangerous. Officers may perform a “protective search” of the passenger compartment of a vehicle, limited to those areas in which a weapon may be placed or hidden, where they have reasonable suspicion that the stopped motorist may be dangerous and may gain immediate control of weapons.<sup>122</sup> Notably, a protective search is authorized even if a subject is under police restraint at the time the search is conducted because the subject may be able to escape such restraint, or may later regain access to the vehicle.<sup>123</sup> This includes the reasonable belief that the subject will return to the vehicle following the conclusion of the stop.<sup>124</sup> “[T]he balancing required by *Terry* clearly

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<sup>113</sup> Att. 9 at 14:07.

<sup>114</sup> Att. 4.

<sup>115</sup> Att. 9 at 10:13.

<sup>116</sup> Att. 9 at 10:13.

<sup>117</sup> Att. 4 at 5:03.

<sup>118</sup> Att. 5 at 5:37.

<sup>119</sup> *See, e.g.,* *People v. Poole*, 2022 IL App (1st) 192204, ¶ 30 (citing *Arizona v. Johnson*, 555 U.S. 323, 327 (2009) and *Terry v. Ohio*, 392 U.S. 1, 27 (1968)).

<sup>120</sup> *See* cases cited *supra* note 119.

<sup>121</sup> *People v. Colyar*, 2013 IL 111835, ¶ 40 (citing *People v. Close*, 238 Ill. 2d 497, 505 (2010)).

<sup>122</sup> *Michigan v. Long*, 463 U.S. 1032, 1049–50 (1983).

<sup>123</sup> *Long*, 463 U.S. at 1051–52.

<sup>124</sup> *Long*, 463 U.S. at 1051–52.

weighs in favor of allowing the police to conduct an area search of the passenger compartment to uncover weapons, as long as they possess an articulable and objectively reasonable belief that the suspect is potentially dangerous.”<sup>125</sup> However, in order to conduct a lawful protective search of a stopped vehicle courts have heavily emphasized that an officer must possess a reasonable belief of both the suspect's dangerousness and the possibility that the suspect might gain immediate control of any weapons inside the vehicle.<sup>126</sup> The totality of the circumstances must be considered in determining whether the requisite reasonable suspicion exists to conduct such a frisk of a vehicle.<sup>127</sup>

In his interview with COPA investigators on July 1, 2022, Officer Wilson stated that he and Officer Quiroz “searched the area that was immediately accessible to him [the driver], so anywhere he could reach or have access to, or where he could possibly stash any weapons or contraband.”<sup>128</sup> He further specified that he looked underneath the driver’s seat and backseat, as well as the gap between the seat and the center console, and the center console itself. Officer Wilson further emphasized that [REDACTED] detainment and subsequent searches were “due to officer safety, believing there might be a weapon in the vehicle.”<sup>129</sup> Likewise, in his interview with COPA investigators on June 30, 2022, Officer Quiroz stated that he searched “the immediate area” of the vehicle, which he explained included [REDACTED] book bag, the passenger seat, underneath the passenger seat, and the rear passenger seat.<sup>130</sup>

Here, as to the first prong of the test laid out in *Colyar*, the overall circumstances of the stop and the factors named by the officers in both their interviews and the Investigatory Stop Report gave the officers reasonable suspicion to believe that [REDACTED] may be in possession of a weapon. Specifically, these factors included [REDACTED] nervousness, initial evasiveness, and lack of responsiveness to questions asked by the officers, glances towards the backpack when asked if there was anything in the car that the officers needed to know about, lack of cooperation when he was asked to exit the vehicle, and the location of the stop being in an area known for gang violence. As discussed above, and as documented in the officers’ Investigatory Stop Report, these factors, when taken together, led the officers to believe that this stopped motorist may potentially be in possession of a weapon.

Next, the second prong of the *Colyar* test discusses the possibility of the subject gaining immediate control of any weapon inside the car at any time (including following the conclusion of the stop). Here, although [REDACTED] was handcuffed and standing at the back of the vehicle at the time of the search, he was being detained at that time solely pursuant to the stop. When [REDACTED] was released after this brief detention, he would have regained access to his car and anything potentially inside. As stated in a previous section, an officer does not need to be absolutely certain that a subject is in possession of a weapon; rather, the consideration is whether a reasonably prudent officer in the same circumstances would be warranted in the belief that his or her safety

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<sup>125</sup> *Long*, 463 U.S. at 1051–52.

<sup>126</sup> *See* *People v. Colyar*, 2013 IL 111835, ¶¶ 38–39 (holding that in order to conduct a lawful protective search of a stopped vehicle under *Long*, an officer must possess a reasonable belief of both the suspect's dangerousness and the possibility that the suspect might gain control of any weapons inside the vehicle).

<sup>127</sup> *See* *People v. Norris*, 2022 IL App (1st) 200375, ¶¶ 22, 24.

<sup>128</sup> Att. 11 at 10:45.

<sup>129</sup> Att. 11 at 7:16.

<sup>130</sup> Att. 10 at 13:08.

was in danger.<sup>131</sup> It is highly probable that the above factors of reasonable articulable suspicion and the totality of the circumstances surrounding the stop, when taken together, were enough to make a reasonably prudent officer (here, both Officers Wilson and Quiroz) believe that [REDACTED] may have been in possession of a weapon, thereby justifying the protective search of [REDACTED] car before he was released.

Officer Wilson's and Officer Quiroz's reasonable belief that [REDACTED] was potentially in possession of a weapon justified the protective search of his car. Because it is highly probable that Officer Wilson and Officer Quiroz had the authority conduct a protective search of [REDACTED] car based on several factors that gave rise to reasonable articulable suspicion of possible criminal activity, **COPA finds that Allegation #2 against Officer Benjamin Wilson is Exonerated, and Allegation #2 against Officer Zaul Quiroz is Exonerated.**

- d. The officers failed to provide [REDACTED] with an Investigatory Stop Receipt, and their actions both before and after this stop demonstrate that receipts were available.**

Sworn CPD members who conduct an investigatory stop are required to complete an Investigatory Stop Report.<sup>132</sup> Upon the completion of an investigatory stop that involves a protective pat down or any other search, officers are further required to provide the subject of the stop with a completed Investigatory Stop Receipt.<sup>133</sup> The receipt must include the event number, the reason for the stop, and the sworn member's name and star number.<sup>134</sup> There is one exception to this rule: an Investigatory Stop Receipt will not be provided if the subject of the stop is arrested.<sup>135</sup> Similarly, subsection (b) of 725 ILCS 5/107-14 requires that upon the completion of any stop under subsection (a) that involves "a frisk or search, and unless impractical, impossible, or under exigent circumstances, the officer shall provide the person with a stop receipt which provides the reason for the stop and contains the officer's name and badge number."<sup>136</sup>

Here, although an Investigatory Stop Report was completed, [REDACTED] was not provided with an Investigatory Stop Receipt, which is required by both Special Order S04-13-09 and 725 ILCS 5/107-14.<sup>137</sup> When asked to affirm or deny the allegation of [REDACTED] not being offered and/or provided an Investigatory Stop Receipt in his interview with COPA investigators on June 24, 2022, Officer Dillon affirmed that [REDACTED] was not provided a receipt.<sup>138</sup> However, Officer Dillon stated that the reason that [REDACTED] was not given an Investigatory Stop Receipt was because none of the officers on scene were in possession of any receipts.<sup>139</sup> Further, he explained that CPD, and the 5<sup>th</sup> District specifically, is out of receipts and has been for some time.<sup>140</sup> Officer Dillon explained that at the time of this incident in January 2022, officers had not had Investigatory

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<sup>131</sup> See *Norris*, 2022 IL App (1st), ¶¶ 22, 24.

<sup>132</sup> Att. 14, S04-13-09(III)(C).

<sup>133</sup> Att. 14, S04-13-09(V)(III)(3).

<sup>134</sup> Att. 14, S04-13-09(V)(III)(3).

<sup>135</sup> Att. 14, S04-13-09(V)(III)(3).

<sup>136</sup> Att. 12.

<sup>137</sup> Att. 14; see also Att. 12.

<sup>138</sup> Att. 9 at 5:21.

<sup>139</sup> Att. 9 at 18:33.

<sup>140</sup> Att. 9 at 18:32.

Stop Receipts in a while, and further, that they still have not been provided with receipts at the time of his interview in June 2022.<sup>141</sup>

However, it is apparent from other Investigatory Stop Reports authored by Officer Dillon between January 1, 2022, and February 1, 2022, that he had both offered and given Investigatory Stop Receipts on several different dates within this time frame.<sup>142</sup> Specifically, an Investigatory Stop Report authored by Officer Dillon and Officer Quiroz on January 29, 2022 details that the officers offered a receipt to a stopped subject at 1:46 pm, only 26 minutes after the stop of ██████████<sup>143</sup> Although the subject of that stop declined the offered receipt, the officers must have been in possession of receipts on January 29 at 1:20 pm when ██████████ was stopped if they were able to offer a receipt to another stopped subject at 1:46 pm. Officer Dillon also documented giving a receipt to an individual stopped on January 30, one day after this incident.<sup>144</sup> Because an Investigatory Stop Receipt must be offered or provided to the subject of an investigatory stop, and because it is clear from other Investigatory Stop Reports authored by Officer Dillon on both the day of and the day after the stop of ██████████ that he was in possession of receipts on January 29, 2022, **COPA finds that Allegation #4 against Officer Alain Dillon is Sustained** and that Officer Dillon violated CPD policy and Rules 1, 2, 3, 5, 6, and 10.

It is also alleged that Officer Benjamin Wilson failed to offer and/or provide an Investigatory Stop Receipt to ██████████. When asked to affirm or deny the allegation of ██████████ not being offered or provided an Investigatory Stop Receipt, Officer Wilson affirmed that a receipt was not given to ██████████ on January 29, 2022.<sup>145</sup> Further, Officer Wilson acknowledged throughout his statement that ██████████ was not offered or provided a receipt after he was stopped. He corroborated the other officers in explaining that there was a lack of Investigatory Stop Receipts within CPD and the 5<sup>th</sup> District, stating that neither he nor any of the other officers on scene have been in possession of receipts for months.

However, as explained above, it is apparent from other Investigatory Stop Reports authored by Officer Dillon between January 1, 2022, and February 1, 2022, that he had both offered and given Investigatory Stop Receipts on several different dates within this time frame.<sup>146</sup> Specifically, an Investigatory Stop Report authored by Officer Dillon and Officer Quiroz on January 29, 2022 documents that the officers offered a receipt to a stopped subject at 1:46 pm, only 26 minutes after the stop of ██████████<sup>147</sup>

Because an Investigatory Stop Receipt must be provided to the subject of an investigatory stop, and further, because it is clear from Investigatory Stop Reports authored by Officer Wilson's partners that the officers were in possession of receipts on January 29, 2022, **COPA finds that Allegation #3 against Officer Benjamin Wilson is Sustained** and that Officer Wilson violated CPD policy and Rules 1, 2, 3, 5, 6, and 10.

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<sup>141</sup> Att. 9 at 18:41.

<sup>142</sup> Att. 17.

<sup>143</sup> Att. 17, pgs. 1 and 2.

<sup>144</sup> Att. 17, pgs. 3 and 4.

<sup>145</sup> Att. 11 at 5:11.

<sup>146</sup> Att. 17.

<sup>147</sup> Att. 17, pgs. 1 and 2.

It is also alleged that Officer Zaul Quiroz failed to offer or provide an Investigatory Stop Receipt to ██████████. When asked to affirm or deny the allegation of ██████████ not being offered and/or provided an Investigatory Stop Receipt, Officer Quiroz affirmed that a receipt was not given to ██████████ on January 29, 2022.<sup>148</sup> Further, Officer Quiroz acknowledged throughout his statement that ██████████ was not offered or provided a receipt after he was stopped. He corroborated the other officers in explaining that there was a lack of Investigatory Stop Receipts within CPD and the 5<sup>th</sup> District, stating that neither he nor any of the other officers on scene had been in possession of receipts for months.

However, as explained above, it is apparent from other Investigatory Stop Reports authored by Officer Quiroz<sup>149</sup> and Officer Dillon<sup>150</sup> between January 1, 2022, and February 1, 2022, that Investigatory Stop Receipts had both offered and given by these officers on several different dates within that time frame. Further, on January 28, one day before ██████████ was stopped, Officer Quiroz offered receipts to two stopped subjects.<sup>151</sup>

Because an Investigatory Stop Receipt must be provided to the subject of an investigatory stop, and further, because it is clear from Investigatory Stop Reports authored by Officer Quiroz on both the day of and the day after the stop of ██████████ that he was in possession of receipts on January 29, 2022, **COPA finds that Allegation #3 against Officer Zaul Quiroz is Sustained** and that Officer Quiroz violated CPD policy and Rules 1, 2, 3, 5, 6, and 10.

**e. Lt. Ernest Spradley did not properly direct Officer Dillon, Officer Quiroz, and Officer Wilson to provide ██████████ with an Investigatory Stop Receipt.**

It is alleged that Lt. Ernest Spradley failed to properly direct subordinates through a failure to direct Officers Dillon, Wilson, and Quiroz to provide an Investigatory Stop Receipt to ██████████. Supervisors of all ranks are accountable for the performance of subordinate members directly observed or under their direct command.<sup>152</sup> CPD supervisors must apply all CPD policies, procedures, directives, and orders consistently among other CPD members, watches, geographic areas of the city, and all units of CPD.<sup>153</sup> Supervisors should further be knowledgeable about the law, CPD policies, and unit-level directives which apply to their positions, duties, and responsibilities in order to be a resource to other CPD members.<sup>154</sup> While in the field, supervisors must provide command and supervisory responses to incidents and, when necessary, review and investigate incidents and member conduct.<sup>155</sup>

Lt. Spradley stated that he did not direct the officers to provide ██████████ with an Investigatory Stop Receipt following his arrival to the scene on January 29, 2022.<sup>156</sup> Lt. Spradley explained that, at the time of the stop, he did not know that ██████████ was not given the receipt.

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<sup>148</sup> Att. 10 at 5:41.

<sup>149</sup> Att. 16.

<sup>150</sup> Att. 17.

<sup>151</sup> Att. 16, pgs. 1 and 2.

<sup>152</sup> Att. 13, G01-09(III)(B), Supervisory Responsibilities (effective May 10, 2021, to present).

<sup>153</sup> Att. 13, G01-09(III)(A).

<sup>154</sup> Att. 13, G01-09(III)(A).

<sup>155</sup> Att. 13, G01-09 (IV)(A)(1).

<sup>156</sup> Att. 8 at 11:54.

Lt. Spradley further corroborated the statements of the accused officers regarding the lack of Investigatory Stop Receipts in the Fifth District.<sup>157</sup>

As a supervisor, Lt. Spradley is expected to be familiar with the law and with CPD policies and directives,<sup>158</sup> and further, he is accountable for the performance of subordinate members directly observed or under his command.<sup>159</sup> Thus, Lt. Spradley is accountable for knowing Special Order S04-13-09 and its requirements that an Investigatory Stop Receipt be given to a subject following his stop and subsequent protective pat down and vehicle search. Regardless of whether there was a shortage of receipts at that time, as a supervisor, Lt. Spradley had a duty to direct his subordinates at the scene to provide an Investigatory Stop Receipt to [REDACTED] upon the completion of an investigatory stop that involved a protective pat down. If all of the officers had told Lt. Spradley that they were out of receipts, he could have directed one of them to write down the pertinent information (the reason for the stop and the officers' names and star numbers) on a piece of paper and hand it to [REDACTED]. Lt. Spradley was present through the end of the stop and was in position to see that the accused officers had not given [REDACTED] a receipt. **Therefore, COPA finds that Allegation #1 against Lt. Ernest Spradley is Sustained** and that Lt. Spradley violated CPD policy and Rules 2, 3, 5, 6, and 10.

## IX. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer Alain Dillon

#### i. Complimentary and Disciplinary History<sup>160</sup>

Officer Dillon has received 82 honorable mentions, the 2019 Crime Reduction Award, two Department Commendations, and two emblems of recognition for physical fitness. He has twice been reprimanded, once in July of 2022 for a court appearance violation, and once in November of 2022 for failing to perform assigned tasks. He has not otherwise been disciplined within the time period contemplated by the applicable collective bargaining agreement.

#### ii. Recommended Penalty

COPA has found that Officer Dillon violated Rules 1, 2, 3, 5, 6, and 10 by failing to provide an Investigatory Stop Receipt to [REDACTED]. Providing the required receipt is an important method of assuring members of the public who are stopped by police that the officer(s) involved in the stop acted for a legitimate purpose and did not single out the target of the stop based solely on impermissible criteria, such as perceived race or other factors. By providing the required receipt, officers also show that they are accountable for their actions, as the receipt contains their name and star number. By failing to provide the required receipt, Officer Dillon's actions tended to create mistrust of the police by the person who was stopped, contrary to CPD's goal of building community trust. However, Officer Dillon's partners did document the stop by completing the required Investigatory Stop Report, and Officer Dillon documented the stop by recording it with

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<sup>157</sup> Att. 8 at 11:15.

<sup>158</sup> Att. 13, G01-09(III)(A)(5).

<sup>159</sup> Att. 13, G01-09(III)(B).

<sup>160</sup> Att. 39, pgs. 10 to 13.



his BWC. Considering the nature of this misconduct, combined with Officer Dillon's complimentary and disciplinary history, COPA recommends that Officer Dillon receive a **1-day suspension**.

**b. Officer Benjamin Wilson**

**i. Complimentary and Disciplinary History<sup>161</sup>**

Officer Wilson has received 106 honorable mentions, the 2019 Crime Reduction Award, the Joint Operations Award, and two emblems of recognition for physical fitness. Officer Wilson has not been disciplined within the time period contemplated by the applicable collective bargaining agreement.

**ii. Recommended Penalty**

COPA has found that Officer Wilson violated Rules 1, 2, 3, 5, 6, and 10 by failing to provide an Investigatory Stop Receipt to [REDACTED]. Providing the required receipt is an important method of assuring members of the public who are stopped by police that the officer(s) involved in the stop acted for a legitimate purpose and did not single out the target of the stop based solely on impermissible criteria, such as perceived race or other factors. By providing the required receipt, officers also show that they are accountable for their actions, as the receipt contains their name and star number. By failing to provide the required receipt, Officer Wilson's actions tended to create mistrust of the police by the person who was stopped, contrary to CPD's goal of building community trust. However, Officer Wilson did document the stop by completing the required Investigatory Stop Report, as well as by recording the stop with his BWC. Considering the nature of this misconduct, combined with Officer Wilson's complimentary and disciplinary history, COPA recommends that Officer Wilson receive a **reprimand**.

**c. Officer Zaul Quiroz**

**i. Complimentary and Disciplinary History<sup>162</sup>**

Officer Quiroz has received 107 honorable mentions, the 2019 Crime Reduction Award, the Police Officer of the Month Award, three Department Commendations, and two emblems of recognition for physical fitness. He has not been disciplined within the time period contemplated by the applicable collective bargaining agreement.

**ii. Recommended Penalty**

COPA has found that Officer Quiroz violated Rules 1, 2, 3, 5, 6, and 10 by failing to provide an Investigatory Stop Receipt to [REDACTED]. Providing the required receipt is an important method of assuring members of the public who are stopped by police that the officer(s) involved in the stop acted for a legitimate purpose and did not single out the target of the stop

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<sup>161</sup> Att. 39, pgs. 2 to 5.

<sup>162</sup> Att. 39, pgs. 6 to 9.

based solely on impermissible criteria, such as perceived race or other factors. By providing the required receipt, officers also show that they are accountable for their actions, as the receipt contains their name and star number. By failing to provide the required receipt, Officer Quiroz’s actions tended to create mistrust of the police by the person who was stopped, contrary to CPD’s goal of building community trust. However, Officer Quiroz did document the stop by completing the required Investigatory Stop Report, as well as by recording the stop with his BWC. Considering the nature of this misconduct, combined with Officer Quiroz’s complimentary and disciplinary history, COPA recommends that Officer Quiroz receive a **reprimand**.

**d. Lieutenant Ernest Spradley**

**i. Complimentary and Disciplinary History<sup>163</sup>**

Lieutenant Spradley has received the Police Blue Star Award, the Superintendent’s Award of Valor, one Special Commendation, ten Department Commendations, six complimentary letters, 123 honorable mentions, and eleven other awards. He has been reprimanded twice for preventable traffic accidents, once in April of 2022 and once in August of 2022. He has not otherwise been disciplined within the time period contemplated by the applicable collective bargaining agreement.

**ii. Recommended Penalty**

COPA has found that Lt. Spradley violated Rules 2, 3, 5, 6, and 10 by failing to direct subordinates under his direct supervision to provide an Investigatory Stop Receipt to [REDACTED]. Providing the required receipt is an important method of assuring members of the public who are stopped by police that the officer(s) involved in the stop acted for a legitimate purpose and did not single out the target of the stop based solely on impermissible criteria, such as perceived race or other factors. By providing the required receipt, officers also show that they are accountable for their actions, as the receipt contains their name and star number. By failing to direct his subordinates to provide the required receipt, Lt. Spradley’s actions tended to create mistrust of the police by the person who was stopped, contrary to CPD’s goal of building community trust. Considering the nature of this misconduct, combined with Lt. Spradley’s disciplinary history and his exceptional complimentary history, COPA recommends that Lt. Spradley receive a **reprimand**.

**X. CONCLUSION**

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

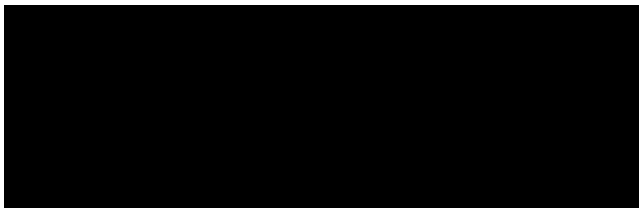
Officer	Allegation	Finding
Officer Alain Dillon	It is alleged by [REDACTED] that on or about January 29, 2022, at approximately 1:25 p.m., at or near 11801 S. Indiana Ave, Chicago, IL 60628, that Officer Alain Dillon committed misconduct through the following acts or omissions, by:	

<sup>163</sup> Att. 39, pgs. 14 to 17.

	<ol style="list-style-type: none"> <li>1. Stopping [REDACTED] vehicle without justification;</li> <li>2. Detaining [REDACTED] with handcuffs without justification;</li> <li>3. Searching [REDACTED] person without justification.</li> </ol> <p>It has been alleged by the Civilian Office of Police Accountability that on or about January 29, 2022, at approximately 1:25 p.m., at or near 11801 S. Indiana Ave, Chicago, IL 60628, that Officer Alain Dillon committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>4. Failing to offer and/or provide an Investigatory Stop Receipt to [REDACTED]</li> </ol>	<p><b>Exonerated</b></p> <p><b>Exonerated</b></p> <p><b>Exonerated</b></p> <p><b>Sustained / 1-Day Suspension</b></p>
<p>Officer Benjamin Wilson</p>	<p>It is alleged by [REDACTED] that on or about January 29, 2022, at approximately 1:25 p.m., at or near 11801 S. Indiana Ave, Chicago, IL 60628, that Officer Benjamin Wilson committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>1. Stopping [REDACTED] vehicle without justification; and</li> <li>2. Searching [REDACTED] vehicle without justification.</li> </ol> <p>It has been alleged by the Civilian Office of Police Accountability that on or about January 29, 2022, at approximately 1:25 p.m., at or near 11801 S. Indiana Ave, Chicago, IL 60628, that Officer Benjamin Wilson committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>3. Failing to offer and/or provide an Investigatory Stop Receipt to [REDACTED]</li> </ol>	<p><b>Exonerated</b></p> <p><b>Exonerated</b></p> <p><b>Sustained / Reprimand</b></p>
<p>Officer Zaul Quiroz</p>	<p>It is alleged by [REDACTED] that on or about January 29, 2022, at approximately 1:25 p.m., at or near 11801 S. Indiana Ave, Chicago, IL 60628, that</p>	

	<p>Officer Zaul Quiroz committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>1. Stopping [REDACTED] vehicle without justification; and</li> <li>2. Searching [REDACTED] vehicle without justification.</li> </ol> <p>It has been alleged by the Civilian Office of Police Accountability that on or about January 29, 2022, at approximately 1:25 p.m., at or near 11801 S. Indiana Ave, Chicago, IL 60628, that Officer Zaul Quiroz committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>3. Failing to offer and/or provide an Investigatory Stop Receipt to [REDACTED]</li> </ol>	<p><b>Exonerated</b></p> <p><b>Exonerated</b></p> <p><b>Sustained / Reprimand</b></p>
<p>Lieutenant Ernest Spradley</p>	<p>It has been alleged by the Civilian Office of Police Accountability that on or about January 29, 2022, at approximately 1:25 p.m., at or near 11801 S. Indiana Ave, Chicago, IL 60628, that Lieutenant Ernest Spradley committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> <li>1. Failing to properly direct subordinates through a failure to direct the officers to provide an Investigatory Stop Receipt to [REDACTED]</li> </ol>	<p><b>Sustained / Reprimand</b></p>

Approved:



Angela Hearts-Glass  
 Deputy Chief Administrator – Chief Investigator

6-28-2023

Date