

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	April 29, 2022
Time of Incident:	5:38 pm
Location of Incident:	4055 W Madison St., Chicago, IL 60624
Date of COPA Notification:	May 2, 2022
Time of COPA Notification:	2:30 pm

On April 29, 2022, at approximately 5:42 pm, Officer Abraham Cortez, driving a marked Chicago Police Department (CPD) patrol vehicle, stopped [REDACTED] while [REDACTED] was riding his horse down the street near 4055 W Madison St. The basis for the stop was a traffic violation; specifically, that [REDACTED] was obstructing traffic while riding his horse on the street. The stop occurred following several calls to emergency services reporting a man riding and standing atop a sick-looking horse.

After stopping [REDACTED] Officer Cortez asked [REDACTED] to dismount his horse, but [REDACTED] refused. [REDACTED] requested that Officer Cortez get a police supervisor. Several more officers then arrived at the scene: Officer Victor Pacheco, Sergeant (Sgt.) Joseph Rizzi, Officer Diomir Tomaszewski, Officer William Walter, and Officer Jose Villanueva. [REDACTED] was later instructed by Sgt. Rizzi to ride his horse in the bicycle lane before being told he was free to go. No other law-enforcement action was taken against [REDACTED]

On May 2, 2022, [REDACTED] made an in-person complaint at the Civilian Office of Police Accountability (COPA). He alleged that Officer Cortez stopped him while he was riding his horse without justification. He further alleged that Sgt. Rizzi ordered him to ride his horse in the bicycle lane, when it is otherwise stated by Illinois law that horseback riders are granted the same rights as drivers of vehicles. Lastly, [REDACTED] alleged that following the stop, while he was interacting with bystanders and giving them rides on his horse, Sgt. Rizzi drove by in his patrol vehicle and shouted words to the effect of “watch your fucking horse” at him.

COPA’s investigation found that Officer Cortez was justified in his stop of [REDACTED] as the way [REDACTED] was standing on and directing his horse was obstructing and hindering the flow of traffic on Madison Street, causing other motorists to stop and move around him. However, Sgt. Rizzi’s order for [REDACTED] to ride his horse in the bicycle lane denied [REDACTED] the rights guaranteed to him by 625 ILCS 5/11-206, which establishes that persons riding animals are guaranteed the same rights on the road as a motorist operating a vehicle. Lastly, COPA found that Sgt. Rizzi said “watch your fucking horse” to [REDACTED] violating General Order G01-09, which delineates the overall professionalism and courtesy required by CPD supervisors, and Rules 2, 3, 6, 8, and 9.

II. INVOLVED PARTIES

Involved Member #1:	Police Officer Abraham Cortez; Star #3849; Employee ID # [REDACTED] Date of Appointment: August 19, 2016; Unit: 011; Male; White Hispanic
Involved Member #2:	Sgt. Joseph Rizzi; Star #1104; Employee ID # [REDACTED] Date of Appointment: June 5, 1995; Unit: 011; Male; White
Subject #1:	[REDACTED] Male; Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Abraham Cortez	1. It is alleged by [REDACTED] that on April 29, 2022, at approximately 5:38 p.m., at 4055 West Madison Street, Chicago, IL 60624, that Officer Abraham Cortez committed misconduct through the following acts or omissions, by: Stopping Mr. [REDACTED] without justification while he was riding his horse on the public way.	Exonerated
Sgt. Joseph Rizzi	<p>1. It is alleged by [REDACTED] that on April 29, 2022, at approximately 5:38 p.m., at or near 4055 West Madison Street, Chicago, IL 60624, Sgt. Joseph Rizzi committed misconduct through the following acts or omissions, by ordering Mr. [REDACTED] to ride his horse in a bicycle lane, thereby denying Mr. [REDACTED] the rights granted by 625 ILCS 5/11-206.</p> <p>2. It is alleged by [REDACTED] that on April 29, 2022, at approximately 6:15 p.m., at or near the intersection of Madison Street and Kildare Avenue, Chicago, IL 60624, Sgt. Joseph Rizzi committed misconduct through the following acts or omissions, by directing words to the effect of “Watch your fucking horse” towards Mr. [REDACTED]</p>	<p>Sustained / 5-Day Suspension</p> <p>Sustained / 5-Day Suspension</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. **Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
 3. **Rule 6:** Disobedience of an order or directive, whether written or oral.
 4. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
 5. **Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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General Orders

1. **G01-09:** Supervisory Responsibilities (effective May 10, 2021, to present).¹
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Laws

1. **Municipal Code of Chicago 9-80-180:** Obstruction of or Interference with Traffic.²
2. **625 ILCS 5/11-206:** Traffic Laws Applying to Persons Riding Animals or Driving Animal-Drawn Vehicles.³

V. INVESTIGATION⁴

a. Interviews

Complainant [REDACTED] was interviewed by COPA on May 2, 2022.⁵ [REDACTED] recounted that on April 29, 2022, at around 5:30 pm, he was riding his horse, Prince, east down Madison Street near the intersection of Madison and Kedzie when he was stopped by a CPD officer in a marked patrol vehicle. [REDACTED] described the officer as short and Hispanic, and he remembered that the officer's last name was Cortez. [REDACTED] said that Officer Cortez activated his siren to get his attention to pull over. Officer Cortez asked [REDACTED] to dismount

¹ Att. 20.

² Att. 23.

³ Att. 2.

⁴ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁵ Att. 1.

his horse. ██████████ recalled that he asked Officer Cortez why he had been stopped and whether it was illegal for him to be riding his horse in the street. Officer Cortez stated that he did not know, but they were going to find out. ██████████ then asked Officer Cortez if he was being detained, and Officer Cortez responded affirmatively. Following this, ██████████ requested a police supervisor.

Several more officers and a sergeant arrived at the scene about five minutes later. ██████████ recounted that he was told by the sergeant to get off his horse due to a safety issue and because he was in the middle of the street blocking traffic. ██████████ described the sergeant as an older White male. ██████████ also took down the sergeant's name and star number, and ██████████ noted that all of the officers were depicted in a Facebook Live video recording that he created during the encounter.

██████████ recounted that the sergeant asked him for his identification, and ██████████ asked if he was suspected of a crime. He then gave the sergeant his identification, another officer took his identification and ran his name. After they ran his name, ██████████ said that the officers found that it was not illegal for him to have his horse on the street. ██████████ further recalled that when the officer returned with his identification, he was told by the sergeant that he needed to ride his horse in the bicycle lane. ██████████ then explained to the officers that a horse should not be in a bike lane, but in the street like a vehicle, and further that a horse has road rights, but the officers continued to insist that ██████████ ride in the bike lane. ██████████ asked the officers if he was free to leave, and when he was told that he was, he and his horse continued down Madison.

Following the stop, while ██████████ was letting people ride his horse in a grassy area off Madison, the same sergeant from the earlier traffic stop drove past the area where they were gathered. ██████████ recalled that the sergeant rolled down his window and yelled, "Watch your fucking horse," as he was letting a woman ride the horse. ██████████ stated that he was on Facebook Live when this occurred, and he had video-recorded the incident.

██████████ explained that he did not need a permit to ride a horse in the City of Chicago, and the Illinois Rules of the Road govern procedures regarding horses on roadways. He elaborated that horses on the streets have rights over pedestrians and cars, and horseback riders must follow all traffic laws, including stopping at stoplights and stop signs, and further use hand signals to signal making a turn. ██████████ explained that as long as he follows traffic laws and proper lane usage, horses are allowed to be in either lane – but preferably the slow lane, which is all the way to the right. Further, if a police officer is going to pull over someone that is riding a horse, the Rules of the Road require that the officer must not activate sirens or flashing lights so as not to scare the horse.

Sgt. Joseph Rizzi was interviewed by COPA on August 17, 2022.⁶ Sgt. Rizzi recalled that on April 29, 2022, he was working full duty in a marked squad car when a call for service from a concerned citizen came in regarding a man riding a horse down Madison, after which officers responded to the scene and then requested a supervisor. Sgt. Rizzi said that upon his arrival to the scene, he spoke with ██████████ and asked for his identification. Sgt. Rizzi described

⁶ Att. 22.

██████████ as argumentative and repeatedly referring to his horse as a vehicle. Sgt. Rizzi explained that he ordered ██████████ to stay in the bicycle lane. Sgt. Rizzi recalled that the reason for the stop was because “there was a concerned citizen, which happened to be a veterinarian, that called in regards to the safety of the horse.”⁷

Sgt. Rizzi also confirmed that he ordered ██████████ remain in the bicycle lane while riding his horse, and he also warned ██████████ that if he did otherwise, he would be given a citation.⁸ Sgt. Rizzi explained that “from starting on this job . . . a horse is only allowed to ride in a bridle path,” explaining that a bridle path is “a path that just horses can go into.”⁹ Sgt. Rizzi said that his justification for telling ██████████ to ride his horse in the bicycle lane was “since the bike lane is used for slow moving vehicles, and considering ██████████ being on a horse that does not move . . . at the same speed as a car, so keep him in the bike path for safety, for his safety and the horse’s safety.”¹⁰ Sgt. Rizzi told COPA that he was not familiar with Section 11-206 of the Illinois Vehicle Code regarding traffic laws applying to people riding animals, but after reviewing the statute, he affirmed that he still believed that ██████████ had been committing a traffic infraction.¹¹ He explained, “If he’s going to consider it a vehicle, then it’s a slow-moving vehicle, and vehicles, slow-moving, are supposed to stay to the right as much as possible. . . . Since there are parked cars all the way to the right that would make the next lane be the bike lane, so I would assume that he would like to stay in the bike lane for safety reasons.”¹²

Sgt. Rizzi confirmed that he encountered ██████████ later the same day, also on Madison Street. Sgt. Rizzi denied yelling words to the effect of “watch your fucking horse” at ██████████ as he drove by.¹³ Sgt. Rizzi said, “No, did not say that,” and emphasized again, “No, I didn’t say that at all to him.”¹⁴ Following his denials, Sgt. Rizzi was shown ██████████ Facebook Live video footage from April 29, 2022.¹⁵ After viewing the video footage three times,¹⁶ Sgt. Rizzi amended his previous answer, stating, “I don’t recall saying that, and if I did say that . . . then it was more out of probably frustration, since he was not on the horse, and he was having somebody else ride his horse on Madison, and the way he was treating his horse, that it was the only thing that he was able to do it, ride on it, so he was, uh, unfortunately got the best of me, because he was not watching the horse like he should have.”¹⁷

Officer Abraham Cortez was interviewed by COPA on August 18, 2022.¹⁸ Officer Cortez explained that on April 29, 2022, he was working full duty and alone in a marked CPD vehicle as a District Intelligence Officer when he encountered ██████████ riding his horse down Madison St. Officer Cortez explained that he turned onto Madison and noticed a man standing on a horse.

⁷ Att. 22 at 9:25.

⁸ Att. 22 at 9:50.

⁹ Att. 22 at 10:08.

¹⁰ Att. 22 at 10:45.

¹¹ Att. 22 at 11:35.

¹² Att. 22 at 12:00.

¹³ Att. 22 at 12:55.

¹⁴ Att. 22 at 13:05.

¹⁵ Att. 8.

¹⁶ Att. 22 at 13:21.

¹⁷ Att. 22 at 15:55.

¹⁸ Att. 21.

He further recounted that “there were cars slowing down, there were cars going around, there were cars beeping, calls are coming in that there’s a guy with a horse, and I could tell, like I said, he was obstructing the flow of traffic, something real simple, he’s in the lane, and people are stopping. . . . Some people are even stopping to take pictures, its causing . . . a whole commotion.”¹⁹ Officer Cortez said that after see [REDACTED] after hearing the calls coming in, and after being made aware that a sergeant was coming out to the scene, he decided to stop [REDACTED]. He explained that he turned his emergency lights on quickly to get [REDACTED] attention, stepped out of the patrol vehicle, and asked [REDACTED] to move to the side, stating, “If you give me a second, a sergeant’s coming out, we’ll go through everything.”²⁰ Officer Cortez recalled that a crowd gathered as the sergeant and other officers arrived, and [REDACTED] handed over his identification for the officers to run his name. After [REDACTED] name came back clear, Officer Cortez was told by Sgt. Rizzi that [REDACTED] had to ride his horse in the bicycle lane. Officer Cortez also explained that [REDACTED] was video recording the entire incident.

Officer Cortez explained that the basis for the stop of [REDACTED] was a traffic infraction.²¹ He further agreed that it was his understanding that [REDACTED] was committing a traffic violation, hence the violation listed on the Traffic Stop Statistical Study: Section 9-80-180 of the Chicago Municipal Code regarding obstructing traffic.²² Officer Cortez also explained that the calls that were coming in also factored into his decision to stop [REDACTED] as well as “people pulling up next to me and pointing, saying ‘you’re not gonna do anything?’”²³ Officer Cortez recounted that he did not recall hearing anything specifically about animal cruelty or animal abuse.²⁴

When asked by COPA what his understanding is of a horseback rider’s traffic rights and right-of-way on a public street, Officer Cortez answered, “I don’t have much knowledge of . . . if a horse is legal in the city, if they can ride one, or any of that. . . . I knew for a fact that something was wrong . . . because of the traffic jam that was building, . . . and I know that there is obstruction of traffic with a vehicle and one without.”²⁵ Officer Cortez said that he was not familiar with Section 11-206 of the Illinois Vehicle Code regarding traffic laws applying to persons riding animals. After reading the statute, Officer Cortez explained that he still felt that [REDACTED] was committing a traffic infraction because “people were stopping to take pictures, people were going around, people were switching lanes, people are calling, and . . . I knew what obstruction by a non-motorist is, is anybody who is either completely just straight up blocking traffic or causing it to slow down or shift, . . . where people have to go around, and that’s what I saw.”²⁶ Officer Cortez continued by emphasizing that he never told [REDACTED] that it was illegal to ride a horse, but he “brought in a supervisor because I had a feeling, . . . he’s recording, he’s on a horse, he has an outfit on, like, oh this is gonna be someone who is purposely trying to, like mess with the police for whatever reason.”²⁷

¹⁹ Att. 21 at 9:50.

²⁰ Att. 21 at 10:30.

²¹ Att. 21 at 13:50.

²² Att. 21 at 15:24.

²³ Att. 21 at 14:20.

²⁴ Att. 21 at 14:38; 15:00.

²⁵ Att. 21 at 16:45.

²⁶ Att. 21 at 17:50.

²⁷ Att. 21 at 18:35.

b. Digital Evidence²⁸

COPA obtained and reviewed the **Body-Worn Camera (BWC) Footage of Officer Abraham Cortez**.²⁹ The footage began at 5:39 pm and showed ██████████ on his horse recording the interaction. ██████████ was initially sitting in the horse's saddle, but he moved to stand atop the horse's back during the stop. More officers and a sergeant arrived at the scene. Officer Cortez stood near ██████████ and the horse while ██████████ and Sgt. Rizzi interacted. ██████████ asked Sgt. Rizzi if what he was doing was illegal, and Sgt. Rizzi responded that it was illegal. Sgt. Rizzi told ██████████ that he needed to get his horse off the street. Sgt. Rizzi then asked ██████████ for his identification, and he handed the identification to Officer Villanueva to run ██████████ name. ██████████ asked each officer for their name and badge number. After speaking with pedestrians who had gathered on the sidewalk, Officer Cortez asked Sgt. Rizzi for further instruction. Sgt. Rizzi responded, "We're going to have him stay in the bike line, that's it, as long as he doesn't block traffic."³⁰ Officer Cortez returned to where ██████████ was standing on his horse and told ██████████ that he needed to stay in the bicycle lane. ██████████ argued that he treats his horse like a vehicle, and he cannot ride in the bicycle lane. Sgt. Rizzi then ordered ██████████ to remain in the bicycle lane while on the horse. ██████████ asked Sgt. Rizzi several times where his ticket is, and ██████████ then asked Sgt. Rizzi if he was free to go. Sgt. Rizzi responded that he was free to go, and ██████████ rode off, continuing down Madison St. The recording ended at 5:46 pm.

COPA obtained and reviewed the **BWC Footage of Sgt. Joseph Rizzi**.³¹ The footage began at 5:39 pm and depicted Sgt. Rizzi driving to the scene. After arriving, Sgt. Rizzi exited his vehicle and approached ██████████ who was on his horse. Sgt. Rizzi told ██████████ that he was being recorded before asking him what he was doing. ██████████ asked Sgt. Rizzi if what he was doing was illegal, and Sgt. Rizzi responded, "Actually, it is."³² ██████████ then asked Sgt. Rizzi if he was going to be written up, given a ticket, or locked up. Sgt. Rizzi told ██████████ that he would not talk over him, but that he must get the horse off the street. ██████████ said no, and Sgt. Rizzi asked if he wanted the horse to be taken away. Sgt. Rizzi then asked for ██████████ identification, and ██████████ handed it over. Sgt. Rizzi then gave the identification to Officer Villanueva.

Officer Walter and Officer Tomaszewski walked over to Sgt. Rizzi, and they discussed an incident where ██████████ previously rode one of his horses down the expressway and was arrested for that offense.³³ Officer Walter then asked Sgt. Rizzi what they were going to do about this incident, and the sergeant responded that they would tell ██████████ to stay in the bicycle lane. Officer Walter further asked Sgt. Rizzi, "Who is the vet that called? Some vet called?"³⁴ Sgt.

²⁸ In addition to the BWC video recordings summarized below, COPA also obtained and reviewed BWC recordings of ██████████ stop from Police Officers Victor Pacheco, Diomir Tomaszewski, Jose Villanueva, and William Walter. Atts. 11, 15, 17, and 18. These recordings capture portions of the same events described in the summaries provided for the BWC video recordings of Officer Cortez and Sgt. Rizzi.

²⁹ Att. 4

³⁰ Att. 4 at 6:30.

³¹ Att. 12.

³² Att. 12 at 2:10.

³³ Att. 12 at 4:10.

³⁴ Att. 12 at 4:29.

Rizzi walked back to where the patrol vehicles were parked. He told Officer Pacheco and Officer Tomaszewski, “As long as he doesn’t obstruct traffic, then it is what it is. We’ll just tell him to stay in the bike lane, I’m just running his name to see if there were any warrants or anything.”³⁵ Sgt. Rizzi then stated, “You know, animal cruelty and everything else, I’m not . . . ,” but did not finish his sentence.³⁶ Officer Walter then walked over to the sergeant, and Sgt. Rizzi instructed him to tell [REDACTED] to stay in the bicycle lane, but to warn [REDACTED] that if he blocked traffic, then he would be written up for that. He further reiterated this to Officer Cortez. [REDACTED] was standing on top of his horse and insisting that his horse was a vehicle. Sgt. Rizzi told [REDACTED] “It’s not, it’s not motorized, you have to stay in the bike lane.”³⁷ He then told [REDACTED] that he was free to go, but that he had to stay in the bicycle lane. The recording ended at 5:47 pm.

The **Facebook Live video recording** from [REDACTED] Facebook page, [REDACTED] [REDACTED]” posted on April 29, 2022, is one hour and nine minutes long.³⁸ The recording began during the traffic stop, depicting [REDACTED] atop his horse riding down Madison St., asking an unseen Officer Cortez if he was being detained, and if so, for what. [REDACTED] then flipped the camera to show Officer Cortez exiting his patrol vehicle. Officer Cortez asked [REDACTED] to dismount his horse, but [REDACTED] refused and instead asked again if he was being detained and if he was suspected of a crime. [REDACTED] then requested a lieutenant, and Officer Cortez stated that one was on the way. Officer Cortez identified himself and gave his star number when asked by [REDACTED]. At that time, [REDACTED] was seated on his horse, but he then stood on top of the horse’s saddle. Officer Cortez pointed this out and asked if it was safe.

More officers then arrived. [REDACTED] continued to ask if he was being detained, and when he was again asked to dismount his horse, [REDACTED] stated that he did not have to because the horse was his property. Sgt. Rizzi approached [REDACTED] and the horse and told [REDACTED] that he had to get the horse off the street. [REDACTED] replied that he did not, and Sgt. Rizzi asked if he would like the horse to be taken away. Sgt. Rizzi then asked for [REDACTED] identification, which he initially refused to produce, before then handing it over. [REDACTED] asked for Sgt. Rizzi’s name and badge number, and then began to zoom in on the other officers’ names and badge numbers on their vests.

Officer Walter brought [REDACTED] identification back to him, telling him not to block traffic. [REDACTED] responded that he has to be in traffic, and that “this” [referring to his horse] is a car. Officer Cortez instructed [REDACTED] to ride his horse in the bicycle lane, and [REDACTED] refused, stating that he would ride like a car and further that he should be treated like a vehicle. After asking Sgt. Rizzi if he was free to go, [REDACTED] galloped away on his horse.

³⁵ Att. 12 at 5:38.

³⁶ Att. 12 at 5:52

³⁷ Att. 12 at 6:39.

³⁸ Att. 8. Facebook Live is a video livestream service that allows users to directly broadcast any event directly to their Facebook page. Viewers can watch the video in real time on their own devices, such as a phone, connected TV, or computer. The creator and their audience can interact through reacting, commenting, liking, and using other interactive features to engage with the livestreamed video. *See About Facebook Live*, META PLATFORMS, INC., <https://www.facebook.com/business/help/216491699144904?id=1123223941353904> (last visited Aug. 14, 2023).

██████████ continued to speak to his viewers on his Facebook Live broadcast, stating that he did not do anything illegal and that his horse should be treated like a vehicle. ██████████ greeted pedestrians and bystanders on the street before again standing on top of the horse. He also stated that he was going to the police station to make a complaint. The remainder of the recording showed ██████████ interacting with bystanders on the streets of Chicago, allowing several women and children to ride the horse in a grassy area near the intersection of Madison and Kildeer.

Fifty-one minutes and twenty seconds after beginning the recording, ██████████ and his horse were still interacting with other citizens in the grassy area when a CPD patrol vehicle drove by. The driver of the vehicle rolled down the window and yelled, “Watch your fucking horse,” while driving down Kildeer. ██████████ identified the driver as “the lieutenant” that had been at the scene of his traffic stop. ██████████ continued to interact with bystanders, again stating that he would make a complaint against the officers. ██████████ got back on the horse and trotted away from the grassy area, stating that he was going home. He arrived at his trailer and put the horse inside, ending the broadcast.

OEMC Zone 10 police radio recordings between 5:37 pm and 6:37 pm on April 29, 2022, were obtained and reviewed.³⁹ The dispatcher advises officers of an animal abuse call at Karlov and Madison, beginning, “There is a male Black standing on a horse, with an all-black and green bullet-proof vest. The horse looks sick.”⁴⁰ The dispatcher identifies the caller as “Mr. ██████████ the veterinarian.”⁴¹ Sgt. Rizzi (Beat 1110) announces that he will respond to the call. Approximately fourteen minutes later, Sgt. Rizzi announces that he is complete with this call for service.⁴²

c. Documentary Evidence

The **Traffic Stop Statistical Study (TSSS)**,⁴³ authored by Officer Abraham Cortez, documents a traffic stop that took place on April 29, 2022, from 5:36 pm to 5:42 pm. The violation listed is Section 9-80-180 of the Municipal Code of Chicago: Obstruction of Traffic by Non-Motorist.⁴⁴ The address of the stop is 4055 W Madison St., Chicago, IL 60624, Beat #1115. The driver is listed is ██████████

The first of three Office of Emergency Management and Communications (OEMC) **Event Query Reports**,⁴⁵ Event #2211912244, documents a cellular call from “Mr. ██████████ – Veterinarian,” on April 29, 2022, at approximately 5:36 pm. The initial Event Type is listed as Animal Abuse. The remarks state that a Black male is standing on a horse wearing a bulletproof vest, that the horse looks sick, and that the caller would like a unit sent out. The location is listed as 4100 W Madison St.

³⁹ Att. 47.

⁴⁰ Att. 47 at 0:35 to 0:50.

⁴¹ Att. 47 at 0:55 to 1:00.

⁴² Att. 47 at 15:04 to 15:16.

⁴³ Att. 16.

⁴⁴ Att. 23.

⁴⁵ Att. 5. The audio recording of this call is available as Att. 31.

The second **OEMC Event Query Report**,⁴⁶ Event #2211912266, documents a call from an anonymous caller on April 29, 2022, at approximately 5:37 pm. The initial Event Type is listed as Municipal. The remarks state that a Black male with dreadlocks is riding a horse traveling eastbound down Madison St., and the location is listed as 4100 W Madison St.

The third and final **OEMC Event Query Report**,⁴⁷ Event #2211912365, documents a call from an unnamed caller on April 29, 2022, at approximately 5:43 pm. The initial Event Type is listed as Animal Abuse. The remarks state that the caller requested police, but that the caller was not speaking clearly, and the operator was unable to fully understand the caller due to a speech impediment. After the caller hung up, the operator attempted to call back three times, none of which were answered. The location was traced from the initial call about someone riding a horse on Madison St, and the location is listed as 3800-3862 W Madison (Walgreens).

VI. LEGAL STANDARD

For each Allegation, COPA must make one of the following findings:

1. Sustained – where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained – where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded – where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated – where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that a proposition is proved.⁴⁸ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, 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. 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.”⁴⁹

⁴⁶ Att. 6. The audio recording of this call is available as Att. 32.

⁴⁷ Att. 7. The audio recording of this call is available as Att. 33.

⁴⁸ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

⁴⁹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

VII. ANALYSIS

a. Allegations Against Officer Abraham Cortez

It has been alleged that Officer Abraham Cortez stopped [REDACTED] without justification while he was riding his horse on the public way. The Traffic Stop Statistical Study completed by Officer Cortez documents that the traffic stop was based on obstruction of traffic by a non-motorist in violation of Section 9-80-180 of the Municipal Code of Chicago: Obstruction of or Interference with Traffic.⁵⁰ Section 9-80-180 states, “Any person who shall willfully and unnecessarily hinder, obstruct or delay or who shall willfully and unnecessarily attempt to hinder, obstruct or delay any other person in lawfully driving or travelling along or upon any street or who shall offer to barter or sell any merchandise or service on the street so as to interfere with the effective movement of traffic or who shall repeatedly cause motor vehicles travelling on public thoroughfares to stop or impede the flow of traffic shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$200.00 or imprisoned for not more than ten days, or both, for the first offense, fined not more than \$500.00 or imprisoned for not more than 20 days, or both, for the second offense, and fined not more than 30 days, or both, for each such subsequent offense.”⁵¹ The section does not specifically mention horses or other animals. [REDACTED] was not cited or ticketed for this violation.

In his interview with COPA, Officer Cortez explained that the basis for his stop of [REDACTED] was a traffic infraction: namely that it was his understanding that [REDACTED] was committing a violation of Section 9-80-180 because he was obstructing traffic on Madison St.⁵² He also recalled that at that time he first saw [REDACTED] he had been standing on top of his horse, further referencing the OEMC calls that were coming in regarding a rider standing on his horse in the street as influencing his decision to stop [REDACTED].⁵³ Officer Cortez recounted that upon viewing [REDACTED] riding his horse down Madison, “There were cars slowing down, there were cars going around, there were cars beeping, calls are coming in that there’s a guy with a horse, and I could tell, like I said, he was obstructing the flow of traffic, something real simple, he’s in the lane, and people are stopping. . . . Some people are even stopping to take pictures, its causing . . . a whole commotion.”⁵⁴ Even after reading Section 11-206 of the Illinois Vehicle Code granting people riding animals the same rights and duties as motor vehicles, Officer Cortez explained that [REDACTED] violated Section 9-80-180 of the Municipal Code because he was obstructing the flow of traffic. He went on to describe the traffic obstruction, stating, “People were stopping to take pictures, people were going around, people were switching lanes, people are calling, and . . . I knew what obstruction by a non-motorist is, is anybody who is either completely just straight up blocking traffic or causing it to slow down or shift, . . . where people have to go around, and that’s what I saw.”⁵⁵

⁵⁰ Att. 16.

⁵¹ Att. 23.

⁵² Att. 21 at 13:50, 15:24.

⁵³ Att. 21 at 14:20.

⁵⁴ Att. 21 at 9:50.

⁵⁵ Att. 21 at 17:50.

As previously mentioned, Section 11-206 of the Illinois Vehicle Code states that “Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.”⁵⁶ Similarly, the Illinois Rules of the Road (the Rules) explain that horseback riders may in fact use public roadways.⁵⁷ Horseback riders must ride in the same direction as other traffic and as far to the right as possible.⁵⁸ The Rules also dictates that when meeting or passing a horseback rider, motorists should do so with caution and be prepared to stop.⁵⁹ Thus, ██████████ in riding his horse down Madison Street on April 29, 2022, was in compliance with the Illinois Vehicle Code. However, the presence of ██████████ standing atop his horse was inviting people to stop and take pictures, and further forcing other motorists to switch lanes and attempt to maneuver around ██████████ obstructing the flow of traffic and causing both a spectacle and traffic jam. Thus, it was not ██████████ mere presence riding his horse that was the basis for the traffic stop, but rather, the traffic jam and disorder that resulted due to the manner in which ██████████ was conducting himself, impeding the flow of traffic on Madison St. Additionally, several calls were made to OEMC from concerned citizens, citing a man in a bulletproof vest standing on a horse on Madison St., further demonstrating the hinderance of the flow of traffic on Madison by the actions of ██████████ and the way he was directing his horse.

Therefore, because Officer Cortez justifiably stopped ██████████ based on his hinderance of the regular flow of traffic, COPA finds that **Allegation #1** against Officer Cortez is **Exonerated**.

b. Allegations Against Sgt. Joseph Rizzi

It has first been alleged that Sgt. Rizzi ordered ██████████ to ride his horse in a bicycle lane, thereby denying ██████████ the rights granted by 625 ILCS 5/11-206. As mentioned above, Section 11-206 of the Illinois Vehicle Code states, “Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.”⁶⁰ Moreover, the Rules state that horseback riders may in fact use public roadways.⁶¹ While the Rules instruct that riders must ride in the same direction as other traffic and as far to the right as possible, they do not direct horseback riders to remain in the bicycle lane while utilizing a public roadway.⁶² In fact, the Municipal Code of Chicago prohibits any vehicle, other than a bicycle, from being driven or

⁵⁶ Att. 2.

⁵⁷ Att. 10, pg. 47.

⁵⁸ Att. 10, pg. 47.

⁵⁹ Att. 10, pg. 47.

⁶⁰ Att. 2.

⁶¹ Att. 10, pg. 47.

⁶² Att. 10, pg. 47.

otherwise being placed in a bicycle lane, and [REDACTED] likely could have been cited under the Code had he ridden his horse in a bicycle lane.⁶³

At the conclusion of the stop, Sgt. Rizzi ordered [REDACTED] to stay in the bicycle lane while riding his horse, rather than on the street.⁶⁴ Sgt. Rizzi further informed [REDACTED] that if he did not remain in the bicycle lane, he would be written up. Additionally, at the beginning of their interaction, when [REDACTED] asked Sgt. Rizzi if what he was doing was illegal, Sgt. Rizzi replied, “Actually, it is.”⁶⁵

In his interview with COPA, Sgt. Rizzi explained why he ordered [REDACTED] to ride his horse in the bicycle lane, stating, “The bike lane is used for slow moving vehicles, and considering [REDACTED] being on a horse that does not move . . . at the same speed as a car, so keep him in the bike path for safety, for his safety and the horse’s safety.”⁶⁶ Sgt. Rizzi further affirmed that it was his understanding that [REDACTED] was committing a traffic violation while riding his horse down Madison Street. Sgt. Rizzi explained, “If he’s going to consider it a vehicle, then it’s a slow-moving vehicle, and vehicles, slow-moving, are supposed to stay to the right as much as possible. . . . Since there are parked cars all the way to the right that would make the next lane be the bike lane, so I would assume that he would like to stay in the bike lane for safety reasons.”⁶⁷ While the Rules do state that horseback riders should ride as far to the right as possible, they do not direct horseback riders to use the bicycle lane while riding on a public roadway.⁶⁸ Thus, while Sgt. Rizzi’s statement to investigators that slow-moving vehicles – which [REDACTED] considered himself to be – are required to stay as far to the right as possible was in fact accurate, his order to [REDACTED] requiring him to ride his horse in the bicycle lane, “or he will be written up for that,”⁶⁹ was both misplaced and incorrect. Sgt. Rizzi’s ordering of a horseback rider to ride his horse in the bicycle lane denied [REDACTED] his rights guaranteed by Section 11-206 of the Illinois Vehicle Code, which states that persons riding animals upon a roadway shall be subject to all of the rights applicable to the driver of a vehicle, as well as the Illinois Rules of the Road, which dictates that horseback riders may use public roadways and should ride in the right lane. Again, while the Rules indicate that riders must ride as far to the right as possible, they do not specify the bicycle lane as the appropriate location for a horseback rider. In fact, the Municipal Code of Chicago prohibits any vehicle, other than a bicycle, from being

⁶³ See MCC 9-40-060. The Municipal Code defines a bicycle narrowly as “a two or three-wheeled riding conveyance propelled solely by human power, and equipped with fully operable pedals, or their mechanical equivalent, which transfer the operator’s effort to the rotation of the wheels, creating the movement of the conveyance.” MCC 9-4-010. A horse clearly does not fit within the Code’s definition of a bicycle. In contrast, the Municipal Code broadly defines a vehicle as “every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except motorized wheelchairs, low-speed electric bicycles, low-speed electric delivery bicycle, low-speed electric mobility devices, devices moved solely by human power, devices used exclusively upon stationary rails or tracks, and snowmobiles, as defined in the Snowmobile Registration and Safety Act of Illinois.” MCC 9-4-010.

⁶⁴ Att. 12 at 5:38, 6:39.

⁶⁵ Att. 12 at 2:10.

⁶⁶ Att. 22 at 10:45.

⁶⁷ Att. 22 at 12:00.

⁶⁸ Att. 10, pg. 47.

⁶⁹ Att. 12 at 6:00.

driven or otherwise being placed in a bicycle lane, and [REDACTED] likely could have been cited under the Code had he ridden his horse in a bicycle lane.⁷⁰

Because [REDACTED] was not required to ride his horse in the bicycle lane of Madison Street, as guaranteed by Section 11-206 of the Vehicle Code and as explained by the Illinois Rules of the Road, COPA finds that **Allegation #1** against Sgt. Rizzi is **Sustained**, and that Sgt. Rizzi violated Rules 2, 3, 8, and 9.

It has next been alleged that Sgt. Rizzi stated words to the effect of, “Watch your fucking horse,” at [REDACTED] alleged that while he was at the intersection of Madison St. and Kildare Ave. with his horse and other civilian bystanders, Sgt. Rizzi drove by in his patrol vehicle and shouted, “Watch your fucking horse,” which [REDACTED] captured on his Facebook Live video livestream.⁷¹ While the Facebook Live’s video quality makes it difficult to identify the vehicle number and occupant of the vehicle, CPD attendance and assignment records document that Sgt. Rizzi was driving vehicle #7490 on April 29, 2022,⁷² and Global Positioning System (GPS) records confirm that on April 29, 2022, vehicle #7490 was at 4339 W Madison St. at approximately 6:29:25 pm, and then at 4229 W Madison St. at approximately 6:29:55 pm.⁷³ Sgt. Rizzi therefore crossed the intersection of Madison and Kildare at or around 6:29 pm. Moreover, as the vehicle drove by, [REDACTED] recognized the sergeant and identified him on camera.⁷⁴ Sgt. Rizzi admitted to encountering [REDACTED] a second time on April 29, 2022, following their initial encounter at 4055 W Madison St. While initially denying the allegation, after viewing [REDACTED] Facebook Live video footage, Sgt. Rizzi explained, “I don’t recall saying that, and if I did say that . . . then it was more out of probably frustration, since he was not on the horse, and he was having somebody else ride his horse on Madison, and the way he was treating his horse, that it was the only thing that he was able to do it, ride on it, so he was, uh, unfortunately got the best of me, because he was not watching the horse like he should have.”⁷⁵ Based on Sgt. Rizzi’s own statements to COPA and based on [REDACTED] video-recorded and contemporaneous identification of Sgt. Rizzi, which is corroborated by GPS data and CPD attendance and assignment records, COPA finds by a preponderance of the evidence that Sgt. Rizzi did yell, “Watch your fucking horse,” at [REDACTED]

CPD supervisors are expected to model appropriate and professional conduct, which includes abiding by the law, CPD policy, and high standards of ethical behavior and integrity.⁷⁶ Supervisors must also consistently demonstrate professionalism, courtesy, and respect towards all people with whom they interact.⁷⁷ Additionally, supervisors are required to act, speak, and overall conduct themselves in a professional manner, which includes maintaining a respectful and courteous attitude in all contacts with members of the community.⁷⁸

⁷⁰ See *supra* note 63.

⁷¹ Att. 8 at 51:20.

⁷² Att. 19.

⁷³ Att. 3; *see also* Att. 14.

⁷⁴ Att. 8 at 51:20.

⁷⁵ Att. 8 at 15:55.

⁷⁶ Att. 20, G01-09(II)(C)(2), Supervisory Responsibilities (effective May 10, 2021, to present).

⁷⁷ Att. 20, G01-09(II)(C)(2).

⁷⁸ Att. 20, G01-09(III)(A)(3).

COPA finds that **Allegation #2** against Sgt. Rizzi is **Sustained**. By directing the words “Watch your fucking horse” at ██████████ Sgt. Rizzi violated CPD policy and Rules 2, 3, 6, 8, and 9.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Sgt. Joseph Rizzi

i. Complimentary and Disciplinary History⁷⁹

Sgt. Rizzi has received one Superintendent’s Honorable Mention, one Special Commendation, nine Department Commendations, 143 Honorable Mentions, two complimentary letters, two Police Officer of the Month Awards, and forty other awards and commendations. Sgt. Rizzi has no sustained complaints within the past five years on his disciplinary history.

ii. Recommended Penalty

COPA has found that Sgt. Rizzi violated Rules 2, 3, 6, 8, and 9 by improperly ordering ██████████ to ride his horse in a bicycle lane and by directing profanity towards ██████████. Sgt. Rizzi’s use of profanity is not in line with CPD expectations for the professional manner, respect, and overall appropriate conduct required by supervisors when interacting with members of the community. It was profoundly unprofessional for Sgt. Rizzi to shout profanity at a citizen while driving by in a marked CPD vehicle, particularly with other citizens potentially listening. Further, Sgt. Rizzi denied engaging in this conduct until confronted with a video recording. Even then, he said that he did not remember making the remark, but he defended himself by speculating that he may have made the remark out of frustration. Based on this information, combined with Sgt. Rizzi’s history, COPA recommends a **5-day suspension**.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Abraham Cortez	1. It is alleged by ██████████ that on April 29, 2022, at approximately 5:38 p.m., at 4055 West Madison Street, Chicago, IL 60624, that Officer Abraham Cortez committed misconduct through the following acts or omissions, by: Stopping Mr. ██████████ without justification while he was riding his horse on the public way.	Exonerated

⁷⁹ Att. 48.

