



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On November 18, 2022, the Civilian Office of Police Accountability (COPA) received an email regarding an in-person complaint made by ██████████ alleged that on November 17, 2022, department members illegally stopped her son, ██████████ searched him and seized \$40 USC without justification.²

Upon review of the evidence, COPA served additional allegations that PO Zachary Richardson and PO Antonio Godinez failed to complete an ISR, failed to give ██████████ an Investigatory Stop Receipt, and turned off body-worn cameras (BWC) before the completion of the stop. PO Frank Bogatitus failed to complete an ISR, give ██████████ an Investigatory Stop Receipt, and did not turn on his BWC. Following its investigation, COPA reached sustained findings regarding the allegations of stopping and searching ██████████ without justification, failing to complete an ISR, failing to give ██████████ an Investigatory Stop Receipt, turning off BWC before the completion of the stop and not turning on BWC.

II. SUMMARY OF EVIDENCE³

On November 18, 2022, at approximately 6:40 pm, CPD officers conducted an investigatory stop of a male subject (█████████ walking near 3352 W. Douglas Blvd. Upon review of the BWC footage, officers stepped out of a patrol vehicle and approached ██████████ When officers approached ██████████ they asked him if he had any weapons on him. Officers Richardson and Godinez immediately searched ██████████⁴ then turned and faced away from ██████████ deactivating their BWCs. The search lasted about 15 seconds. There was no BWC footage for PO Bogatitus because he did not activate his Body-Worn Camera during the stop.

During the interviews of PO Richardson, PO Godinez, and PO Bogatitus stated they were notified by PO Gomez by phone of a hand-to-hand transaction. PO Gomez observed the transaction via POD Camera, which he monitored from the 010th District Police Station. A

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including *[identify the most material and outcome-determinative evidence relied upon, such as BWC footage, police reports, civilian interviews, officer interviews, etc.]*.

⁴ Att. 12 & Att. 13 at 2:02 Physical search of ██████████

review of the available POD Camera footage near the location and time of the stop did not reveal video footage of the alleged hand-to-hand transaction or the stop.⁵ The available POD Camera footage depicted a blurry image of a person, matching the dress and appearance of ██████████ walking through a crosswalk at an intersection.⁶ During PO Gomez's interview, he stated that he could not remember which camera he observed the hand-to-hand transaction from, nor was it logged or recorded anywhere.

The Investigatory Stop Report⁷ related to the stop on November 17, 2022, at about 6:40 pm, listed an unnamed subject listed as "Doe, J," age 18-21, whose physical description and dress appearance matched that of the subject in the BWC footage.⁸ PO Richardson authored the Investigatory Stop Report as the first responding officer, and PO Godinez as the second responding officer. During the interviews of PO Richardson, PO Godinez, and PO Bogatitus, each officer stated that they did not ask ██████████ to identify himself at any point during the stop or obtain any identifying information. The officers further indicated they did not give ██████████ an Investigatory Stop Receipt.

During the recorded statement of ██████████ he stated that after being stopped and searched by police, he noticed he was missing \$40 USC from his pocket. After a review of the body-worn camera footage, there is no evidence that the officers took any money from ██████████ during the search. PO Richardson and PO Godinez were identified as the officers that physically searched ██████████ and they denied seeing or obtaining any money from ██████████ during the search.

III. ALLEGATIONS

PO Zachary Richardson:

1. Stopping and searching ██████████ without justification.
 - Sustained. Violation of Rules 2 and 3.
2. Failing to obtain the complainant's name and/or identifying information necessary to complete Department reports.
 - Sustained. Violation of Rules 2, 3, and 5.
3. Failing to give ██████████ an Investigatory Stop Receipt.
 - Sustained. Violation of Rules 2, 3, and 5.
4. Taking \$40 USC and not returning currency after search.
 - Not Sustained.
5. Turning off Body-Worn Camera before the completion of the stop and or police encounter.
 - Sustained. Violation of Rules 2, 3, and 10.

⁵ POD Camera Locations: 1359 S. Central Park Ave., 1401 S. Homan Ave. SB, and 3201 W. Douglas Blvd.

⁶ Att. 16 at 6:50:17 PM

⁷ Att. 2 ISR No. ██████████

⁸ Att. 12 & Att. 13 at 2:02

PO Antonio Godinez:

1. Stopping and searching [REDACTED] without justification.
 - Sustained. Violation of Rules 2 and 3.
2. Failing to obtain the complainant's name and/or identifying information necessary to complete Department reports.
 - Sustained. Violation of Rules 2, 3, and 5.
3. Failing to give [REDACTED] an Investigatory Stop Receipt.
 - Sustained. Violation of Rules 2, 3, and 5.
4. Taking \$40 USC and not returning currency after search.
 - Not Sustained.
5. Turning off Body Worn Camera before the completion of the stop and or police encounter.
 - Sustained. Violation of Rules 2, 3, and 10.

PO Frank Bogatitus:

1. Stopping and searching [REDACTED] without justification.
 - Sustained. Violation of Rules 2 and 3.
2. Failing to obtain the complainant's name and/or identifying information necessary to complete Department reports.
 - b. Sustained. Violation of Rules 2, 3, and 5.
3. Failing to give [REDACTED] an Investigatory Stop Receipt.
 - a. Sustained. Violation of Rules 2, 3, and 5.
4. Not turning on Body Worn Camera.
 - a. Sustained. Violation of Rules 2, 3, and 10.

5. CREDIBILITY ASSESSMENT

During the interviews and statements of PO Zachary Richardson, PO Antonio Godinez, and PO Frank Bogatitus, each officer independently stated that they did not obtain identifying information from [REDACTED] or ask him to identify himself. Furthermore, each officer independently stated that they did not give [REDACTED] an Investigatory Stop Receipt. The consistency in the independent statements given by the accused officers coincides with the available video evidence and supports their statements regarding the stop. The consistency in the statement, compared to the evidence, increases the credibility of the accused officers.

6. ANALYSIS⁹**a. PO's Richardson, Godinez, & Bogatitus:****1. Stopping and searching [REDACTED] without justification.**

⁹ For a definition of COPA's findings and standards of proof, see Appendix B.

COPA finds that the stop was executed based on information received by PO Richardson, PO Godinez, and PO Bogatitus while patrolling, which was not communicated through official channels in accordance with CPD General Order: G03-01.¹⁰ The information that led to the stop was sent via a personal cellphone call from PO Gomez, who stated that he witnessed a hand-to-hand transaction between [REDACTED] and an unidentified subject via a POD Camera. During his interview, PO Gomez could not recall which camera he observed the hand-to-hand transaction. PO Gomez stated that he did not record or annotate what he observed on the POD Camera system. COPA was unable to locate any video footage capturing the hand-to-hand transaction. During the stop of [REDACTED] he was cooperative, did not give any resistance, and was compliant. When approached by the officers, [REDACTED] stopped and raised both hands. The officers searched [REDACTED] and did not find any contraband on his person. For this reason, COPA recommends a finding of, **Sustained**.

2. Failing to obtain the complainant's name and/or identifying information necessary to complete Department Reports.

PO Richardson, PO Godinez, and PO Bogatitus failed to obtain the complainant's name and/or identifying information necessary to complete Department reports. The BWC clearly shows the officers stopped and searched [REDACTED] and immediately entered the police vehicle without asking [REDACTED] his name or date of birth. The officers eventually completed an investigatory stop report with the name "Doe, J." The officers' afterthought of doing a report appears to align with [REDACTED] mother, [REDACTED] registering a complaint against the officers. The stop occurred around 6:40 pm, and the Investigatory Stop Report was not completed and submitted until 11:05 pm by PO Zachary Richardson.¹¹ PO Richardson, PO Godinez, and PO Bogatitus admitted to not asking [REDACTED] to identify himself during the stop, which prohibited them from accurately completing the ISR in accordance with CPD Special Order: S04-13-09.¹² The officers' actions seem to indicate that they intended to ignore their contact with [REDACTED]. For these reasons, COPA recommends a finding of, **Sustained**.

3. Failed to give [REDACTED] an Investigatory Stop Receipt.

COPA finds that because PO Richardson, PO Godinez, and PO Bogatitus failed to complete the ISR by not obtaining any personal identifying information or asking [REDACTED] to identify himself, they were unable to complete the Investigatory Stop Report, thus making it impossible to issue an Investigatory Stop Receipt to [REDACTED] as mandated in Special Order: S04-13-09.¹³ The Investigatory Stop Report was completed with the name "Doe, J." not identifying [REDACTED] as the subject that was stopped during the incident. [REDACTED] was not identified as the subject stopped by PO Richardson, PO Godinez, and PO Bogatitus until after the complaint was filed over an hour later at the 10th District Office. The Investigatory Stop

¹⁰ See Att. 21 General Order: G03-01 Communications Systems and Devices.

¹¹ See Att. 22 ISR Report Activity

¹² See Att. 19 Special Order: SO 04-13-09 Investigatory Stop System

¹³ See Att. 19 Special Order: SO 04-13-09 Investigatory Stop System

Report was not completed and submitted until 11:05 pm by PO Zachary Richardson.¹⁴ During their audio-recorded statements, PO Richardson, PO Godinez, and PO Bogatits stated that they did not issue an Investigatory Stop Receipt. For this reason, COPA recommends a finding of, **Sustained**.

b. PO's Richardson & Godinez

1. Taking \$40 USC and not returning currency after search.

Upon review of the available evidence, there is no evidence to support the claim of theft or taking of any U.S. Currency. The available BWC footage shows no evidence of any currency being removed from [REDACTED] pockets during the search. The officers turned off their BWC before the stop ended. None of the involved officers recalled seeing or confiscating any money. For this reason, COPA recommends a finding of, **Not Sustained**.

2. Turning off Body Worn Camera before the completion of the stop and or police encounter.

Upon review of the Body-Worn Camera footage, COPA determined that PO Richardson and PO Godinez deactivated their Body-Worn Cameras too soon. Upon exiting the patrol vehicle, PO Richardson and PO Godinez activated their Body Worn Cameras. The BWC footage shows them both approach [REDACTED] and ask him if he has anything on him, to which you cannot clearly hear a response. [REDACTED] raises both hands as officers Ricardson and Godinez quickly search him. They do not retrieve any contraband from [REDACTED]. The search lasted approximately 15 seconds before PO Richardson and PO Godinez turned around, facing the patrol vehicle, and deactivated their Body Worn Cameras. The available footage does not show that officers terminated contact with [REDACTED] issued an investigatory stop receipt, or left the scene ending the police encounter. For this reason, COPA recommends a finding of, **Sustained**.

c. PO Frank Bogatitus:

1. Not turning on Body Worn Camera.

COPA finds that PO Frank Bogatitus did not turn on his Body Worn Camera during the stop as required by CPD Special Order: S03-14.¹⁵ After a thorough search for available Body Worn Camera footage of the stop, it was determined that PO Frank Bogatitus had no available footage. However, there is Body Worn Camera footage of the stops before and after the stop related to the complaint. During his audio-recorded statement, PO Frank Bogatitus stated that his Body Worn Camera was not functional, which is why he was not able to activate it. For this reason, COPA recommends a finding of, **Sustained**.

¹⁴ See Att. 22 ISR Report Activity

¹⁵ See Att. Special order: SO 03-14 Body Worn Cameras

7. DISCIPLINARY RECOMMENDATION

a. Officers Richardson & Godinez

i. Complimentary and Disciplinary History¹⁶

Officer Richardson has received 172 awards, one complaint registered number (SPARs), and a SPAR that resulted in a reprimand.

Officer Godinez has received 161 awards and one SPAR. The SPAR resulted in a written reprimand.

ii. Recommended Discipline

Here, COPA has found that Officers Richardson and Godinez violated Rules 2, 3, 5, and 10 by unjustly stopping and searching ██████████ and failing to document their contact with ██████████ properly. The officers admitted to never asking ██████████ for his name and not providing him with an ISR receipt. During the investigation, it was revealed that the officers completed an investigative stop report (Doe, J as the name) after ██████████ mother registered a complaint against them. The officers also said they stopped ██████████ because he was seen on a POD camera conducting a hand-to-hand transaction. The POD video was not located during the investigation. Also, the officers turned off the BWC before the completion of the stop, which could have hindered COPA from conducting a full investigation of what occurred during the officers' encounter with ██████████. For these reasons, COPA recommends a suspension of 20 days for Officer Richardson and Godinez.

b. Officer Bogatitus

i. Complimentary and Disciplinary History

Officer Bogatitus has received 231 awards and has no disciplinary history.

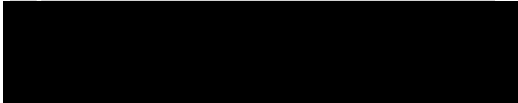
ii. Recommended Discipline

Here, COPA has found that Officer Bogatitus violated Rules 2, 3, 5, and 10 by unjustly stopping and failing to document his contact with ██████████ properly. Officer Bogatitus and his partners admitted to never asking ██████████ for his name and not providing him with an ISR receipt. During the investigation, it was revealed that an investigative stop report (Doe, J as the name) was completed after ██████████ mother registered a complaint against the officers. The officers also said they stopped ██████████ because he was seen on a POD camera conducting a hand-to-hand transaction. The POD video was not located during the investigation. Also, Officer Bogatitus never turned on his BWC during the encounter with ██████████ which could have

¹⁶ Attachment 23.

hindered COPA from conducting a full investigation. For these reasons, COPA recommends a suspension of 20 days for Officer Bogatitus.

Approved:

A solid black rectangular box redacting the signature of the Deputy Chief Administrator.

Deputy Chief Administrator – Chief Investigator

July 31, 2023

Date

Appendix ACase Details

Date/Time/Location of Incident:	November 17, 2022/18:40H/3352 W. Douglas Blvd, Chicago, IL 60623
Date/Time of COPA Notification:	November 17, 2022/1945H
Involved Officer #1:	Zachary Richardson, Star #: 9523, Employee #: [REDACTED] Date of Appointment: 8/28/2017, Unit of Assignment: 010, Male, White
Involved Officer #2:	Antonio Godinez, Star #: 19613, Employee #: [REDACTED] Date of Appointment: 2/20/2018, Unit of Assignment: 010, Male, Hispanic
Involved Officer #3:	Frank Bogatitus, Star #: 17956, Employee #: [REDACTED] Date of Appointment: 1/17/2017, Unit of Assignment: 010, Male, White
Involved Officer #4:	Jose Gomez, Star #: 14332, Employee #: [REDACTED] Date of Appointment: 12/12/2016, Unit of Assignment: 010, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, Black
Involved Individual #2:	[REDACTED] Female, Black

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- Special Order S04-13-09: Investigatory Stop System (July 10 2017 to present)
- Special Order S03-14: Body Worn Cameras (April 30 2018 to present)
- Special Order S07-01-02: Inventorying Money (April 14 2015 to present)
- General Order G03-01: Communications Systems and Devices (May 30 2014 to present)

Appendix B

Definition of COPA’s Findings and Standards of Proof

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.¹⁷ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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.”¹⁸

¹⁷ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) (a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

¹⁸ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C**Transparency and Publication Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation