



Log # 2023-2474

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 8, 2023, the Civilian Office of Police Accountability (COPA) received a telephone complaint from Ashley Vargas reporting alleged misconduct by members of the Chicago Police Department (CPD). Vargas alleged that on May 13, 2023, Sgt. Mary Martin used language intended to taunt or denigrate individuals.² Additionally, Vargas alleged that on May 24, 2023, Sgt. Michael Edens and Commander Elizabeth Collazo both failed to submit a complaint to the Civilian Office of Police Accountability. Following its investigation, COPA reached a sustained finding regarding the allegation that Sgt. Mary Martin used language intended to taunt or denigrate individuals.

II. SUMMARY OF EVIDENCE³

In her statement, Ashley Vargas, a Community Commission for Public Safety and Accountability (CCPSA) member for the 14th District, said that on May 13, 2023, she was at the 14th District station, where migrants were being temporarily housed.⁴ She stated that she spoke with Sgt. Mary Martin, who was unfriendly and unprofessional.⁵ Vargas said that Martin indicated that the migrants should have “done this [immigrate to the United States] the legal way.”⁶ Vargas also said that Martin would not let the migrants sleep in the lobby because she said that they have diseases and illnesses.⁷ After this conversation, Vargas said that Martin kicked her out of the station.⁸

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 civilian interviews and officer interviews. No security camera footage was found. CO-1078098: A search was conducted in CLEAR and Caboodle to determine if there were any POD security cameras in the 014th District Station. No cameras were found. R/I called the secretary for the District Commander, officer Gabriela Puente, Star #14828, Employee #116471. Officer Puente confirmed that there were no security cameras in the 14th District Station. CO-1284944: No BWC footage found for Martin, Edens and Collazo - searched Mary Martin's BWC on evidence.com for May 13, 2023, footage--no footage found; CO-1389743 R/I searched evidence.com and found no BWC for Edens and Collazo for May 24, 2023

⁴ Att. 9, Ashley Vargas statement transcript, Pg. 4, Lns. 23 to 24; Pg. 5, Lns. 1 to 8

⁵ Att. 9, Pg. 5, Lns. 13 to 17

⁶ Att. 9, Pg. 5, Ln. 23

⁷ Att. 9, Pg. 5, Lns. 23 to 24; Page 6, Line 1

⁸ Att. 9, Pg. 6, Lines 22 to 23

According to Vargas, Vargas and her CCPSA co-councilor, David Orlikoff, met with Commander Elizabeth Collazo and Sgt. Michael Edens for a district council meeting on May 24, 2023.⁹ Vargas said during that meeting she told them about Sgt. Martin's behavior and asked how they would deal with the situation.¹⁰ Collazo allegedly told Vargas she would speak with Martin.¹¹ Vargas asked whether Collazo would make a COPA complaint and Vargas alleged Collazo said she would not.¹² Vargas said that Sgt. Edens also said in this meeting that he could not make a complaint but suggested that Vargas make a COPA complaint.¹³ Vargas said that an assistant was taking down notes during this meeting.¹⁴

In his statement, David Orlikoff, stated that he and Vargas had a meeting with Collazo and Edens on May 24, 2023.¹⁵ Orlikoff said that Collazo told Vargas that Collazo did not want to file a COPA complaint and suggested that Vargas file the complaint herself.¹⁶ Orlikoff indicated that Edens was not asked to file a complaint and that Vargas was more focused on Collazo.¹⁷ However, he also said that Vargas may have directed the request for the complaint to both Collazo and Edens.¹⁸

In her statement, ██████████ a female migrant who was staying at the 14th district station described an individual who was more than likely Sgt. Martin.¹⁹ ██████████ described the person as a female "commander" who she said sat behind the desk.²⁰ Based on this description, this individual was likely a desk sergeant and not the commander of the 14th district. ██████████ said that this individual told her that Americans had privileges because they were born here.²¹

In her statement, ██████████ a female migrant who was staying at the 14th district, described an individual who was more than likely Martin.²² ██████████ stated that a male officer translated for an individual who was more than likely Martin.²³ ██████████ said that this male officer translated Martin as saying that the Americans had more privileges than the migrants.²⁴

⁹ Att. 9, Pg. 25, Lns. 5 to 6

¹⁰ Att. 9, Pg. 27, Lns. 17 to 24, Pg. 28, Lns. 1 to 2

¹¹ Att. 9, Pg. 28, Lns. 14 to 15

¹² Att. 9, Pg. 28, Lns. 18 to 19

¹³ Att. 9, Pg. 30, Lns. 2 to 3

¹⁴ Att. 9, Pg. 30, Lns. 16 to 24

¹⁵ Att. 13, Lns. 13 to 18

¹⁶ Att. 13, Pg. 15, Lns. 16 to 24, Pg. 16, Lns. 1 to 4

¹⁷ Att. 13, Pg. 16, Lns. 5 to 8

¹⁸ Att. 13, Pg. 16, Lns. 15 to 18

¹⁹ Att. 7, ██████████ transcript, Pgs. 2 to 3

²⁰ Att. 7, Pg. 7; in Martin's statement (Att. 22, Page 8, Lines 18 to 24), she stated she was the desk sergeant at the 14th district.

²¹ Att. 7, Pg. 3

²² Att. 6, ██████████ statement, Pgs. 8 to 9, ██████████ described a female, wearing a white uniform, who sat behind a desk at the 14th district.

²³ Att. 6, Pg. 4

²⁴ Att. 6, Pg. 4

In her statement, Sgt. Martin denied saying that the migrants should have entered the U.S. in a legal way.²⁵ Martin also denied saying that the migrants bring in disease and/or illness.²⁶ Martin denied that she said U.S. citizens have privileges over migrants.²⁷

In Sgt. Michael Edens' statement, he said that the district council meetings are done approximately every month.²⁸ He said that he did not remember whether one of these meetings took place on May 24, 2023, but that Martin has been brought up during several of these meetings.²⁹ Additionally, Edens stated that he recalled the meeting where the issue of a COPA complaint in connection with Martin was raised by Vargas to him and Collazo.³⁰ Vargas told them Martin was hostile towards the migrants at the station.³¹ And that Vargas asked Collazo and Edens to file a COPA complaint in connection with Martin's dog and a migrant; however, he said that Vargas said that she had already filed a COPA complaint in connection with the dog.³²

Edens said that he did not recall whether Vargas requested that they file a complaint in connection with Martin other than in connection with the dog issue.³³ Edens stated that they would not file a complaint in connection with the dog because Vargas had already done so.³⁴

In her statement, Commander Collazo said that she had meetings with district council members every month.³⁵ Collazo said that in these meetings they would discuss community-related matters.³⁶ She stated that she did not recall receiving a complaint about Martin from Vargas or any other individual.³⁷ She said that a sworn member would have taken minutes during their district council meetings.³⁸ COPA attempted to obtain those notes but ultimately could not find them.³⁹

²⁵ Att. 22, Martin statement transcription, Page 17, Lines 5 to 18

²⁶ Att. 22 page 17, Lines 18 to 24

²⁷ Att. 22, page 18, Lines 18 to 21

²⁸ Att. 18, Edens' statement transcript, Page 9, Lines 14 to 19

²⁹ Att. 18, Page 9, Line 20 to 24, Page 10, Lines 1 to 5, Page 10, Lines 8 to 13

³⁰ Att. 18, Page 13, Lines 5 to 12

³¹ Att. 18, Page 12, Lines 4 to 6

³² Att. 18, Pg. 13, Lns. 18 to 19; Att. 18, Pg. 13, Lns. 18 to 24, Pg. 14, Lns. 1 to 3; see also: Log 2023-2443, opened to investigate allegations of Martin using her dog in a way to intimidate migrants. The case is currently under investigation at the Department's Bureau of Internal Affairs (BIA).

³³ Att. 18, Pg. 14, Lns. 7 to 13

³⁴ Att. 18, Pg. 14, Lns. 18 to 24, Pg. 15, Lns. 1 to 2

³⁵ Att. 26, Collazo Transcript, Pg. 8, Lns. 1 to 15

³⁶ Att. 26, Pg. 8, Lns. 18 to 22

³⁷ Att. 26, Pg. 12, Lns. 12 to 16

³⁸ Att. 26, Pg. 12, Lns. 23 to 24, Pg. 13, Lns. 1 to 14; See also In Edens' statement (Att. 18, Pg. 19, Ln. 5), he said that these district council notes would have gone to CAPS headquarters.

³⁹ See CMS Case Note, CO-1384262: COPA contacted the Chief of Patrol office and spoke to their representative who said that they did not have these May 24, 2023, district council meeting notes. CO-1365556 On December 19, 2023, COPA contacted the CAPS Implementation Office and was told by one of their representatives that they do not have notes/records for the May 24, 2023, meeting. CO-1384214 COPA spoke with a deputy director of the Community Commission for Public Safety and Accountability, who said that none of their staff members attended a May 24, 2023 meeting.

III. ALLEGATIONS

Sgt. Mary Martin:

1. Using language intended to taunt or denigrate individuals.
 - Sustained, Violations of Rules 2, 3, 6, 8, and 9.

Sgt. Michael Edens:

1. Failing to submit a complaint to the Civilian Office of Police Accountability.
 - Not Sustained

Commander Elizabeth Collazo:

1. Failing to submit a complaint to the Civilian Office of Police Accountability.
 - Not Sustained

IV. 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.

COPA believes all involved parties provided accounts of the taunting and denigrating incident that were true and accurate to the best of their knowledge. However, since the statements of the two migrants appear to support the idea that Martin had biases against migrants, COPA finds it likely that Vargas' allegation against Martin is an accurate recollection of the conversation that took place between Vargas and Martin.

Regarding the statements in connection with the allegations of not submitting a complaint to COPA, COPA believes all involved parties provided accounts of the incident that were true and accurate to the best of their knowledge. Given the extended time between the date of the meeting (May 2023) and the interviews with Edens (November 2023) and Collazo (March 2024), it is understandable that their accounts of what was discussed are different from the statements of Vargas (June 2023) and Orlikoff (June 2023).

Since COPA was unable to obtain any third-party evidence of what was discussed in this meeting, COPA cannot determine whose accounts were more accurate.

V. ANALYSIS⁴⁰

⁴⁰ For a definition of COPA's findings and standards of proof, *see* Appendix B.

a. Using Language Intended to Taunt or Denigrate Individuals

COPA finds the allegation that Sgt. Martin used language intended to taunt or denigrate individuals is **Sustained**. According to General Order G02-04 Prohibitions Regarding Racial Profiling and Other Bias-Based Policing, Department members will not use language or take action intended to taunt or denigrate an individual, including racist or derogatory language.⁴¹ In her statement, Vargas said that Martin indicated that the migrants should have “done this the legal way.”⁴² Vargas also said that Martin would not let them sleep in the lobby because she said that they have diseases and illnesses.⁴³ Martin denied Vargas’ claims.⁴⁴ COPA found no evidence or received other statements supporting Vargas’ claims.

However, two migrants in their statements to COPA claimed that Martin said (or was translated as saying) that Americans had privileges over migrants.⁴⁵ While those two migrants did not report hearing the specific words in this case, they did hear Martin make anti-migrant comments. Indeed, both migrants independently reported hearing Martin say words to the effect of Americans have more privileges over migrants. Therefore, COPA finds by a preponderance of the evidence that Martin is capable of and likely made the anti-migrant comments Vargas alleged in this case. Because Martin’s language violated G02-04, COPA finds this allegation is **Sustained**.

b. Failing to Submit a Complaint to the Civilian Office of Police Accountability

COPA finds the allegation that Sgt. Edens and Cmdr. Collazo failed to submit a complaint to the Civilian Office of Police Accountability is **Not Sustained**. According to General Order G08-01-02, Department members will submit complaints to the Civilian Office of Police Accountability (COPA) within 24 hours of receiving a complaint.⁴⁶ A search of COPA’s complaints database show no records of a complaint filed by CPD members on behalf of Vargas and her complaint against Martin.⁴⁷

Vargas said during a May 24, 2023, meeting she asked whether Collazo would make a COPA complaint and that Collazo said that she would not.⁴⁸ Orlikoff said during that meeting Collazo told Ashley that Collazo did not want to file a COPA complaint and suggested that Vargas file the complaint herself.⁴⁹ Edens told COPA they did not submit the complaint because they were told that Vargas had already submitted a COPA complaint regarding Martin’s dog. Edens could

⁴¹ Att. 39, (II) (B) (2) Prohibitions Regarding Racial Profiling and Other Bias-Based Policing (effective February 1, 2023, to present)

⁴² Att. 9, Pg. 5, Ln. 23

⁴³ Att. 9, Pg. 5, Lns. 23 to 24, Pg. 6, Ln. 1

⁴⁴ Att. 22, Martin Transcription, Pg. 17, Lns. 5 to 18, Pg. 17, Lns. 18 to 24

⁴⁵ Att. 7, Pg. 3; Att. 6, Pg. 4; See also Martin denied these claims (Att. 22, Pg. 18, Lns. 18 to 21)

⁴⁶ Att. 27, G02 to 04 (II) (B)(2) Prohibitions Regarding Racial Profiling and Other Bias-Based Policing

⁴⁷ See also CMS Case Note, CO-1362428: R/I searched COPA’s database and found no records indicating that Collazo or Edens filed a complaint in connection w/Sgt Martin

⁴⁸ Att. 9, Pg. 28, Lns. 18 to 19

⁴⁹ Att. 13, Pg. 15, Lns. 16 to 24, and Pg. 16, Lns. 1 to 4

not recall whether Vargas requested that they file a complaint in connection with Martin's handling of migrants. However, Vargas did not become aware of the alleged dog incident until June 6, 2023, which was approximately two weeks after the May 24, 2023, meeting.⁵⁰ Therefore, it appears that Edens was likely recalling the meeting that took place in June 2023, or later. Given that there was approximately a half year between this meeting and Edens' statement, it is within reason that his memory would be imperfect. Moreover, in Collazo's statement, she did not recall receiving a complaint about Martin from Vargas or any other individual.⁵¹

In sum, Vargas and Orlikoff stated that Edens and Collazo failed to file a COPA complaint in connection with Martin while Edens and Collazo have different recollections likely impacted by the time between events and repetitive nature of monthly meetings that can impact memory.⁵² As there is no third-party evidence, and neither party presented credibility concerns, it is not possible for COPA to say by a preponderance of the evidence that Vargas and Orlikoff's recollections are more accurate than Edens' and Collazo's recollections. Therefore, COPA finds the allegation that Sgt. Edens and Commander Collazo failed to file a COPA complaint is **Not Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Sgt. Mary Martin⁵³

i. Complimentary and Disciplinary History⁵⁴

Sgt. Mary Martin has received 81 complimentary awards, including 56 honorable mentions, seven Department commendations, and six complimentary letters. Sgt. Martin has not been disciplined.

ii. Recommended Discipline

Sgt. Martin retired during this investigation, effective December 31, 2023. While COPA finds the allegation against Sgt. Martin is Sustained, COPA withholds rendering a disciplinary recommendation. However, if Sgt. Martin were to return to the Department, COPA will issue a disciplinary recommendation. This log will be placed in a Close Hold.

⁵⁰ Att. 9, Pg 38, Lns. 13 to 23

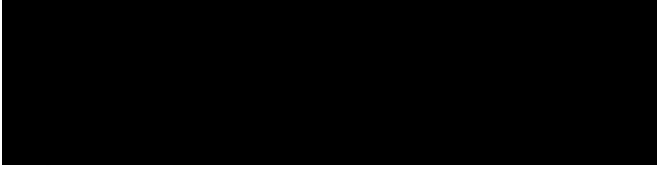
⁵¹ Att. 26 Collazo statement transcript, Page 12, Lines 12 to 16

⁵² Edens statement was that Vargas said that she already filed a COPA complaint; whereas Collazo stated that she did not recall receiving a complaint from Vargas

⁵³ Att. 19 Martin PAR Form. This form indicates that Sgt Mary Martin's effective date of retirement from CPD is December 31, 2023.

⁵⁴ Att. 99.

Approved:



6-11-2024

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix ACase Details

Date/Time/Location of Incident:	05/13/2023 / between 1pm and 6pm / 2150 N California Ave, Chicago, IL 60647
Date/Time/Location of Incident:	05/24/2023 / 2150 N California Ave, Chicago, IL 60647
Involved Member #1:	Mary Martin / Star#1257 / Employee# [REDACTED] / Date of Appointment: 11/30/1998 / Female / White
Involved Member #2:	Michael Edens / Star#1423 / Employee# [REDACTED] / Date of Appointment: 12/02/2002 / Male / White
Involved Member #3:	Elizabeth Collazo / Star#476 / Employee# [REDACTED] / Date of Appointment: 09/13/1999 / Female / Hispanic
Involved Individual #1:	Ashley Vargas / Female
Involved Individual #2:	David Orlikoff / Male

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

- General Order G02-04 Prohibitions Regarding Racial Profiling and Other Bias-Based Policing [Directive Name] (effective February 1, 2023, to Present)
- General Order G08-01-02 Complaint Initiation and Log Number Investigation Assignment (effective December 31, 2022, 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.⁵⁵ 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.”⁵⁶

⁵⁵ 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).

⁵⁶ *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