



Log # 2020-0002886

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 25, 2020, the Civilian Office of Police Accountability (COPA) received a telephone complaint from [REDACTED] alleging misconduct concerning a member of the Chicago Police Department (CPD). It was alleged that on June 11, 2020, Officer Manuel Martinez threatened and verbally abused [REDACTED]. Upon review of the evidence, COPA served an additional allegation of verbal abuse to Officer Martinez. Following its investigation, COPA reached a finding of not sustained regarding the allegations.

II. SUMMARY OF EVIDENCE²

Officer Martinez and [REDACTED] were [REDACTED] in 2012 and have [REDACTED] and [REDACTED] moved out of the [REDACTED] in August 2018, and the [REDACTED] reside with her.³ There was no [REDACTED] Agreement or [REDACTED] Order in place at the time of the [REDACTED]. [REDACTED] and Officer Martinez communicated via the [REDACTED] app.⁴

On June 11, 2020, both [REDACTED] wanted to spend [REDACTED] time with [REDACTED] as it was [REDACTED] 10th birthday. The agreement was that Officer Martinez would have both [REDACTED] on June 11, 2020, from 3:00 pm to 5:00 pm. Officer Martinez preferred 3:00 pm to 9:00 pm, but eventually agreed to 3:00 pm to 5:00 pm.⁵ When Officer Martinez arrived at [REDACTED] home to pick up the [REDACTED] he did not see [REDACTED] vehicle parked in front of the home and he knew that they were not there. Officer Martinez rang the doorbell and there was no answer.⁶ Officer Martinez reached out to [REDACTED] on the [REDACTED] app inquiring of the whereabouts of the [REDACTED].⁷ [REDACTED] stated that she was in the immediate area and refused to turn over the minor [REDACTED] to Officer Martinez because he refused to agree to the 3pm to 5pm visitation. [REDACTED] stated that she observed Officer Martinez in front of her home waiting for the [REDACTED]. Officer Martinez rang the

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 The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, Event Query, RING videos, police reports, and statements to COPA by [REDACTED] and Officer Martinez.

³ [REDACTED] contacted COPA throughout the course of the investigation and made several additional allegations.

However, there was not enough objective verifiable evidence to serve the additional allegations to Officer Martinez.

⁴ [REDACTED] is a [REDACTED] communication application made to help [REDACTED] coordinate [REDACTED] matters through a shared calendar and messages.

⁵ Atts. 42-43.

⁶ Att. 14

⁷ Atts. 44-46.

RING doorbell and returned to his vehicle.⁸ [REDACTED] stated that Officer Martinez eventually called her on her cellphone.⁹ During this phone conversation, [REDACTED] stated that she reiterated to Officer Martinez that she needs him to agree to a parenting time of 3:00 pm to 5:00 pm in writing. [REDACTED] stated that Officer Martinez stated to her words to the effect of, “You fucking bitch. I knew it. This is you. You fucking cunt. I’m going to fucking kill you.”¹⁰ During his statement to COPA, Officer Martinez denied making the statement to [REDACTED] during any of their communication that day.¹¹

[REDACTED] then contacted the Evergreen Park Police Department to document the verbal threat.¹² Evergreen Park Police Officers located Officer Martinez in the area and pulled him over. Officer Martinez denied making any threats to [REDACTED] and advised the officers that he was frustrated because [REDACTED] never allows him to see the [REDACTED]. Officer Martinez was advised by the officers that [REDACTED] did not want him on her property in the future.

COPA obtained an additional police report from Evergreen Park Police Department that documented an incident the following day, June 12, 2020.¹³ The report documents that [REDACTED] called police to have an officer present for the exchanging of their [REDACTED]. It further states that Officer Martinez received the [REDACTED] at 2:37 pm and was to return them at 4:00 pm in the south police parking lot. It is noted that the exchange took place prior to police arrival. Officer Martinez pulled in the alley south of the lot and let the [REDACTED] out of the vehicle. It is documented that he then yelled to [REDACTED] “Go fuck yourself” and gave [REDACTED] the “middle finger” as he drove away. During his statement to COPA, Officer Martinez denied stating that to [REDACTED] during any of their exchanges of the [REDACTED] at the police station.¹⁴

III. ALLEGATIONS

Officer Martinez:

1. On or about June 11, 2020 at approximately 3:13 pm, at or near [REDACTED], [REDACTED], Officer Manuel Martinez stated words to the effect of, “You fucking bitch, I knew it, this is you, you fucking cunt, I’m going to fucking kill you” to [REDACTED] without justification.

-- **Not Sustained**

2. On or about June 12, 2020 at approximately 4:00 pm, at or near 9420 S. Kedzie Ave., Evergreen Park, IL, Officer Manuel Martinez stated words to the effect of, “Go fuck yourself” to [REDACTED] without justification.

⁸ Att. 14

⁹ Att. 21 COPA obtained phone records for [REDACTED] phone number from Verizon. The phone records document an incoming call to her from Officer Martinez’s phone number on June 11, 2020 at 3:04 pm. The duration of the call is documented as one minute.

¹⁰ Att. 5, pgs. 12-13.

¹¹ Att. 40, pg. 45.

¹² Att. 1, pgs. 1-4.

¹³ Att. 1, pgs. 5-7.

¹⁴ Att. 40, pgs. 22-23.

-- Not Sustained

IV. CREDIBILITY ASSESSMENT

COPA’s investigation did not reveal evidence calling into question the credibility of any individuals (sworn or non-sworn) who provided statements regarding the incident.

V. ANALYSIS¹⁵

COPA finds Allegation #1 that Officer Martinez stated words to the effect of, “You fucking bitch, I knew it, this is you, you fucking cunt, I’m going to fucking kill you” to [REDACTED] without justification is **not sustained**. The phone records document that Officer Martinez called [REDACTED] at 3:04 pm. However, there is insufficient evidence to support that he threatened her during the phone call. Additionally, he denied making inappropriate statements to her that day, during any of their communications through the parenting app or on a phone call. There is insufficient evidence to prove or disprove the allegation by a preponderance of the evidence, and the allegation is not sustained.

COPA finds Allegation #2 that Officer Martinez stated words to the effect of, “Go fuck yourself” to [REDACTED] without justification is **not sustained**. Although [REDACTED] contacted Evergreen Park Police Department to document this incident, she did not mention it during her statement to COPA. Additionally, the report stated that the exchange took place prior to an officer arriving, so there were no witnesses. Officer Martinez related that they did exchange the [REDACTED] at the Evergreen Park Police Station sometimes, but he could not recall if he saw the [REDACTED] the day after their [REDACTED] birthday or not. He denied ever stating words to the effect of “Go fuck yourself” to her during any of the exchanges at the police station. Therefore, there is insufficient evidence to prove or disprove the allegation by a preponderance of the evidence, and the allegation is not sustained.

Approved:

[REDACTED]

July 5, 2024

Shannon Hayes
Director of Investigations

Date

¹⁵ For a definition of COPA’s findings and standards of proof, see Appendix B.

Appendix ACase Details

Date/Time/Location of Incident:	June 11, 2020 / 3:13 pm / [REDACTED] [REDACTED] / June 12, 2020 / 4:00 pm / 9420 S. Kedzie Ave., Evergreen Park, IL
Date/Time of COPA Notification:	June 25, 2020 / 11:44 am
Involved Member #1:	Officer Manuel Martinez / Star #4380 / Employee ID #[REDACTED] / DOA: March 26, 2001 / Unit: 124 / Male / White
Involved Individual #1:	[REDACTED] Female, White

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

- *[Directive #]: [Directive Name] (effective [date] to [date (or 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.¹⁶ 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.”¹⁷

¹⁶ 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).

¹⁷ *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