

Log # 2021-2152

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 3, 2021, the Civilian Office of Police Accountability (COPA) received a telephone complaint from reporting alleged misconduct by members of the Chicago Police Department (CPD). alleged that on June 2, 2021, Officers Clifford Martin Jr., Gerald Jones, and Christopher Parker improperly searched the vehicle in which was a passenger. also alleged that Officer Martin used excessive force when removing from the vehicle and deleted a video recording of the incident from cell phone. further alleged that Officer Jones improperly detained him while displaying a firearm. Finally, alleged that Officers Martin and Parker shut a vehicle door on his hand. Upon review of the evidence, COPA served additional allegations that Officers Martin and Jones failed to complete an Investigatory Stop Report (ISR), that Officers Martin and Parker improperly de-activated their Body Worn Cameras (BWC), and that Officer Jones improperly detained and used racial slurs and profanity. Following its investigation, COPA reached sustained findings regarding the allegations related to the racial slurs, deletion of video, failure to complete an ISR, and early deactivation of BWC; all other allegations were either exonerated or not sustained.

II. SUMMARY OF EVIDENCE³

On June 2, 2021, Officer Jones and his partner, Officer Kameisha Burns, observed driving a vehicle with the rear driver's side door open. The officers attempted to stop the vehicle; however, did did not stop. The officers followed the vehicle and were eventually able to conduct a traffic stop. Once the officers stopped the vehicle, they issued orders for and the front seat passenger, did not comply and remained in the vehicle. Additional officers then responded to assist.

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 Body Worn Camera (BWC) footage, and civilian and officer interviews.

⁴ On this stop, the vehicles ended facing each other head on.

⁵ As this occurred, preferred to Officer Jones as a "bitch," and Officer Jones repeated the insult. During his statement, Officer Jones admitted to the verbal abuse; however, he explained that he used the language in the guise of mentoring because Officer Jones is an older black male. Att. 27 from 11:45 to 12:20; see Att. 21 at 02:50.

Upon the arrival of backup, Officers Jones, Martin, and Parker approached who was still seated in the passenger seat and recording the interaction with his phone. Officer Jones ordered to put his phone down and exit the vehicle. The refused while asserting that he did not have to exit the vehicle and telling the officers they could forcefully remove him from the vehicle. After several orders for to exit the vehicle went unheeded, Officers Parker and Martin grabbed right arm, pulled him from the vehicle, and secured him in handcuffs. 8
Once was out of the vehicle, Officers Jones, Martin, Parker, and others searched the vehicle, but did not locate any contraband or weapons. During the search of the vehicle, Officer Martin picked up cell phone and deleted the recording had created of the interaction. After the vehicle was searched, the officers released informed he would be transported to the station for citations to be issued, and impounded the vehicle. The officers then left the location for the station.
It is at this point, after all the BWCs were deactivated, that alleged his finger was closed in the vehicle door as the officers were securing it for relocation.
Upon arrival at the station, the officers issued citations and released him and his vehicle, but they did not complete any other paperwork.
III. ALLEGATIONS
Officer Clifford Martin Jr. 1. Forcefully removing from his passenger seat without justification. - Exonerated. 2. Searching the vehicle of without justification. - Exonerated. 3. Deleting a video from without justification. - Sustained in violation of Rules 1, 2, 3, and 6. 4. Shutting the vehicle door on hand causing injury. - Not sustained. 5. Failing to comply with S03-14 by prematurely deactivating your body worn camera. - Sustained in violation of Rules 2, 3, 5, and 6. 6. Failing to complete an Investigatory Stop Report for fafter a traffic violation. - Sustained in violation of Rule 2, 3, 5, and 6.
⁶ Att. 21 at 06:20. ⁷ Att. 21 at 06:53. ⁸ phone was left in the vehicle. Att. 21 at 07:51. ⁹ Att. 21 at 08:05. ¹⁰ During his statement, Officer Martin acknowledged that the deleted the video recording. He explained that he acted in the heat of the moment, and it was not something he would typically do. Att. 30, 10:12 to 10:25; Att. 22 at 01:40. ¹¹ During the transport of Officer Jones again used racially biased language and profanity while speaking to Att. 25 at 02:16. ¹² COPA notes that was the passenger in the vehicle that was being driven by

Officer Gerald Jones:

- 1. Displaying your firearm at or near Rodgers without justification.
 - Exonerated.
- 2. Conducting a traffic stop of without justification.
 - Exonerated.
- 3. Searching the vehicle of without justification.
 - Exonerated.
- 4. Using racial slurs and profanity while speaking to (arrestee).
 - Sustained in violation of Rules 2, 3, 6, 8, and 9.
- 5. Failing to complete an Investigatory Stop Report for after a traffic investigation.
 - Sustained in violation of Rules 2, 3, 5, and 6.
- 6. Detaining without justification.
 - Exonerated.

Officer Christopher Parker:

- 1. Searching the vehicle of without justification.
 - Exonerated.
- 2. Shutting the vehicle door on hand causing injury.
 - Not sustained.
- 3. Failing to comply with S03-14 by prematurely deactivating your body worn camera.
 - Sustained in violation of Rule 2, 3, 5, and 6.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or non-sworn) who provided statements.

V. ANALYSIS¹³

a. Detention Allegations

COPA finds Allegations 2 and 6 against Officer Jones, that he improperly detained and are exonerated. CPD members are permitted to conduct a traffic stop when there is "at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law." CPD policy explains that "Reasonable Articulable Suspicion is an objective legal standard that is less than probable cause but more substantial than a hunch or general suspicion. Reasonable Articulable Suspicion depends on the totality of the circumstances which the sworn member

¹³ For a definition of COPA's findings and standards of proof, see Appendix B.

¹⁴ United States v. Rodriguez-Escalera, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing Delaware v. Prouse, 440 U.S. 648, 663 (1979)).

observed and the reasonable inferences that are drawn based on the sworn member's training and experience." ¹⁵

Here, officers observed poperating a vehicle with the rear driver's door open and attempted to stop the vehicle. However, did not comply and continued to drive. Once did stop, he was ordered to exit the vehicle, handcuffed, and secured in the rear of the CPD vehicle. was the passenger in vehicle, and after the vehicle stopped, he refused multiple orders to exit. Officers eventually removed from the vehicle and secured him in handcuffs. Based on the officers' observations of the vehicle door being open while the vehicle was being driven, combined with delay in stopping the vehicle and refusal to exit the vehicle, COPA finds there is clear and convincing evidence that the officers' decision to detain both and was reasonable and proper.

b. Force Allegations

COPA finds Allegation 1 against Officer Jones, that he improperly displayed his firearm near and Allegation 1 against Officer Martin, that he used excessive force when removing from the vehicle, are both exonerated by clear and convincing evidence. CPD members are prohibited from unlawfully or unjustifiably displaying a weapon. Additionally, CPD members are permitted to use force to overcome resistance. When members encounter a citizen who fails to comply with verbal or other direction, that citizen is a considered passive resister. Members are permitted to respond to passive resistance with police presence; verbal directions; holding and compliance techniques; control instruments; and deployment of oleoresin capsicum.

Here, as discussed above, initially failed to stop his vehicle when the officers tried to conduct a traffic stop. This action, combined with the open rear door of the vehicle and refusal to exit, would cause a reasonable officer to believe there may be a weapon in the vehicle. Thus, Officer Jones' decision to unholster his weapon and keep it at the low ready position was reasonable and proper. Additionally, once refused to exit the vehicle, he became a passive resister. resistance permitted Officer Martin to use holding and compliance techniques to overcome resistance. Thus, Officer Martin's decision to grab right arm to escort him from the vehicle was reasonable and proper.

However, COPA finds Allegation 2 against Officer Parker and Allegation 4 against Officer Martin, that they shut a vehicle door on finger, are not sustained. COPA was unable to locate any evidence, beyond the statements of and the officers, that corroborates or refutes the allegation. COPA acknowledges that requested the response of the Chicago Fire

¹⁵ Att. 53, S04-13-09 II(C), Investigatory Stop System (effective July 10, 2017, to current).

¹⁶ Article V, Rule 38 of the Rules and Regulation of Chicago Police CPD.

¹⁷ Att. 57, G03-02-01, Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023).

¹⁸ Att. 57, G03-02-01 IV(B)(1).

¹⁹ Att. 57, G03-02-01 IV(B)(1) (a-d).

Department (CFD) after the incident; however, there is a lack of evidence, beyond his assertions, as to how any injury to his hand occurred. Thus, these allegations must be not sustained.

c. Search Allegations

COPA finds that Allegation 1 against Officer Parker, Allegation 2 against Officer Martin, and Allegation 3 against Officer Jones, that they improperly searched vehicle, are exonerated by clear and convincing evidence. CPD members are permitted to search a vehicle when: (1) there is probable cause to believe evidence of a crime in present;²⁰ (2) there is reasonable suspicion the vehicle contains a weapon and/or that the occupants are armed and dangerous;²¹ (3) an arrest is made, provided there is reasonable suspicion that the vehicle contains evidence of the crime for which the arrest is made;²² (4) a vehicle is being impounded by the CPD;²³ or (5) consent is obtained.

As discussed above, initial refusal to stop his vehicle, combined with refusal to exit the vehicle, would cause a reasonable officer to believe that the vehicle may contain a weapon. Thus, the decision to search the vehicle, to include the trunk, was reasonable and proper. Additionally, once the officers determined the vehicle would be seized and transported to the district station, the officers were required to complete an inventory search, thereby providing an independent basis to search the vehicle.

d. Verbal Abuse/Profanity Allegations

COPA finds that Allegation 4 against Officer Jones, that he used a racial slur and profanity when speaking to is sustained. CPD Rules 8 and 9 prohibit members from engaging in unjustified verbal altercations and/or maltreating or disrespecting any person. Additionally, CPD policy mandates that "members treat all persons with courtesy and dignity which is inherently due every person as a human being. Department members will act, speak, and conduct themselves in a professional manner ... and maintain a courteous attitude in all contacts with the public." The policy also states that members "will not exhibit a condescending attitude or direct any derogatory terms toward any person in any manner."

Here, it is undisputed that Officer Jones used bias-based language and profanities when speaking to This included Officer Jones sarcastically referring to himself as a "little bitch," ²⁷

²⁰ Maryland v. Dyson, 527 U.S. 465 (1999).

²¹ Michigan v. Long, 463 U.S. 1032 (1983).

²² Arizona v. Grant, 556 U.S. 332 (2009).

²³ South Dakota v. Opperman, 428 U.S. 364 (1976).

²⁴ Section V., Rules 8 and 9 of the Rules and Regulations of the Chicago Police Department.

²⁵ Att. 55, G02-01 III (B), Human Rights and Resources (effective October 15, 2017, to June 30, 2022); Att. 56, G02-04 II (C), Racial Profiling (effective December 1, 2017, to June 30, 2022).

²⁶ Att. 55, G02-01 III(D).

²⁷ Att. 21 at 02:52.

and telling "You keep on with that ho ass shit, you won't get that joint back." While Officer Jones explained his use of the words were out of a desire to mentor COPA finds that the use of the language was unprofessional, disrespectful, and a violation of CPD policy. Thus, COPA finds this allegation is sustained in violation of Rules 2, 3, 6, 8, and 9.

e. Deletion of Footage Allegations²⁹

COPA finds that Allegation 3 against Officer Martin, that he deleted a video recorded by is sustained. In Illinois it is a criminal offense when a person knowingly "destroys, alters, conceals or disguises physical evidence...." Here, it is undisputed that Officer Matin deleted the footage that had recorded of his interaction with the officers. The BWC footage shows that, after was escorted from the vehicle, his cell phone was unlocked and sitting on the driver's seat of the vehicle. Officer Parker picked up the phone and showed it to Officer Martin, who immediately brushed past Officer Parker and took the phone. Officer Martin then leaned over into the vehicle, as if to conceal his actions, and deleted video. Under Martin acknowledged that he deleted the footage, albeit only after watching his BWC video. He could not recall if his intention was to stop the recording or delete it, but based on his BWC, he admitted that he deleted it. Officer Martin explained that he acted in the heat of the moment, and it was not something he would normally do. Given Officer Martin's own admissions, COPA finds that his actions violated Rules 1, 2, 3, and 6, and this allegation is sustained.

f. BWC and ISR Allegations

COPA finds that Allegation 3 against Officer Parker and Allegation 5 against Officer Martin, that they improperly deactivated their BWCs, are sustained. CPD policy prohibits members from deactivating their BWCs until "law-enforcement-related activity" has concluded; or upon the request of a victim or witness to a crime or a member of the community wishing to report a crime; or when interacting with a confidential informant. When a CPD member

²⁸ Att. 25 at 02:15.

²⁹ COPA referred this matter to the Cook County State Attorney's Office, who declined to prosecute Officer Martin for his action. Att. 52.

³⁰ 720 ILCS 5/31-4(a)(1).

³¹ Att. 39 at 01:33.

³² Att. 39 at 01:37.

³³ In this instance, the act of deletion required several affirmative steps by Officer Martin. Att. 22 at 01:40; Att. 39 at 01:42.

³⁴ Att. 30 at 09:20 to 10:45.

³⁵ Att. 30 at 09:20 to 09:50.

³⁶ "Law-enforcement-related activity" concludes when "the member has cleared the assignment; the member leaves the scene of the incident;" an arrested subject is "is secured in the processing room and the member is only conducting administrative functions;" "custody has been transferred to another CPD member;" or deactivation is ordered by the "highest-ranking on-scene Bureau of Patrol supervisor." Att. 54, S03-14 III(B)(10), Body Worn Cameras (effective April 30, 2018, to December 29, 2023).

³⁷ Att. 54, S03-14 III(B)(1) (a-d).

deactivates a BWC while still engaged in law-enforcement-related activity, they "will verbally justify [the deactivation] on the BWC." Here, both officers deactivated their respective BWCs while they were still on scene and actively engaged in law-enforcement-related activities. Thus, their actions violated CPD policy and Rules 2, 3, 5, and 6.

COPA finds that Allegation 5 against Officer Jones and Allegation 6 against Officer Martin, that they failed to document their interaction with in an ISR, are also sustained. CPD members who complete an investigatory stop are required to complete an ISR that details "all of the factors that support" the detention of the subject. However, if the member completes a detention based on probable cause and there is any other CPD report that details the probable cause for the stop, the member is not required to complete an ISR. Here, as discussed above, was detained by officers when he was removed from the vehicle. This investigatory detention created an obligation of the officers to document the facts and circumstances of Roger's detention in an ISR. The officers' failure to complete an ISR or any other report that documented the detention violated CPD policy and Rules 2, 3, 5, and 6.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Gerald Jones

i. Complimentary and Disciplinary History⁴¹

Officer Jones has received 50 various awards and has no sustained disciplinary history in the last five years.

ii. Recommended Discipline

COPA has found that Officer Jones failed to complete an ISR documenting the detention of and that he used bias-based language and profanities when speaking with While COPA accepts Officer Jones' explanation for using language including "little bitch" and "ho ass shit," the fact that he was an on-duty officer engaged in enforcement action when it occurred is unacceptable. Additionally, his failure to complete an ISR impacted COPA's full understanding of the incident. It is for these reasons, combined with Officer Jones' complimentary history and lack of disciplinary history, that COPA recommends he receive a **3-day suspension and retraining** regarding CPD's standards of professionalism and ISR policy.

³⁸ Att. 54, S03-14 III(B)(4).

³⁹ Att. 53, S04-13-09 VIII (A)(1).

⁴⁰ Att. 53, S04-13-09 VII (B)(1)(a).

⁴¹ Att 49

⁴² Officer Jones' assertion that he was attempting to mentor supported by the entirety of the conversation between the officers and during the transport to the district station.

b. Officer Clifford Martin Jr.

i. Complimentary and Disciplinary History⁴³

Officer Martin has received 107 various awards. Additionally, in 2023, Officer Martin received a SPAR for a preventable traffic accident.

ii. Recommended Discipline

phone, failed to complete an ISR, and improperly deactivated his BWC. Officer Martin's failure to complete an ISR and early BWC deactivation negatively impacted COPA's ability to fully investigate this incident, especially allegation that Officer Martin shut a vehicle door on his hand. Additionally, COPA believes Officer Martin's evidence destruction is highly problematic. The video shows that Officer Martin took phone from Officer Parker, leaned over into the vehicle to shield his actions, and deleted the video from the phone. Although Officer Martin admitted to his misconduct, his blatant destruction of evidence calls into question his integrity and trustworthiness as a police officer. Officer Martin's actions also brought substantial discredit to CPD, and they may have constituted a criminal offense.

It is for these reasons, combined with Officer Martin's complimentary and disciplinary history, that COPA recommends Officer Martin receive a significant disciplinary penalty, up to and including separation from CPD.

c. Officer Christopher Parker

i. Complimentary and Disciplinary History⁴⁴

Officer Parker has received 118 various awards and has no discipline in the last five years.

ii. Recommended Discipline

COPA has found that Officer Parker improperly deactivated his BWC during this incident. His actions prevented COPA from fully investigating allegations, specifically, whether a vehicle door was closed on finger. It is for these reasons, combined with Officer Parker's complimentary history and lack of disciplinary history, that COPA recommends he receive a 1-day suspension and retraining regarding CPD's BWC policy.

⁴⁴ Att. 50.

⁴³ Att. 51.

Approved:		
<i>‡1</i> 3	1/26/2024	
Steffany Hreno Director of Investigations	Date	

Andrea Kersten Date

Chief Administrator

Appendix A

Case Details	
Date/Time/Location of Incident:	June 2, 2021 / 3:30 pm / 13300 S Prairie Ave., Chicago, IL
	L 60827

Date/Time of COPA Notification: June 3, 2021 / 4:23 pm

Involved Member #1: Officer Gerald Jones / Star #15189 / Employee ID#

/ DOA: July 7, 1997 / Unit: 005 / Male / Black.

Involved Member #2: Officer Clifford Martin Jr / Star #18859 / Employee

ID# / DOA: January 16, 2018 / Unit: 005 / Male /

Black.

Involved Member #3: Officer Christopher Parker / Star #6035 / Employee

ID# / DOA: September 17, 2018 / Unit: 005 / Male

/ Black.

Involved Individual #1: / Male / Black.

Involved Individual #2: Male / Black,

Applicable Rules

\boxtimes	Rule 1:	Violation of	of any	law o	r ordinance.
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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.

Applicable Policies and Laws

- G02-01, Human Rights and Human Resources (effective October 5, 2017, to June 30, 2022). 45
- G02-04, Racial Profiling (effective December 1, 2017, to June 30, 2022). 46

⁴⁶ Att. 56.

⁴⁵ Att. 55.

- G03-02-01, Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023).⁴⁷
- S03-14, Body Worn Cameras (effective April 30, 2018, to December 29, 2023). 48
- S04-13-09, Investigator Stop System (effective July 10, 2017, to current).⁴⁹
- 720 ILCS 5/31-4.⁵⁰

⁴⁷ Att. 57.

⁴⁸ Att. 54.

⁴⁹ Att. 53.

⁵⁰ Att. 58.

Appendix B

Definition of COPA's Findings and Standards of Proof

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

- 1. <u>Sustained</u> where it is determined the allegation is supported by a preponderance of the evidence;
- 2. <u>Not Sustained</u> where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
- 3. <u>Unfounded</u> where it is determined by clear and convincing evidence that an allegation is false or not factual; or
- 4. <u>Exonerated</u> 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.⁵¹ 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."⁵²

⁵¹ 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).

⁵² 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
\boxtimes	Body Worn Camera Violation
	Coercion
	Death or Serious Bodily Injury in Custody
	Domestic Violence
\boxtimes	Excessive Force
	Failure to Report Misconduct
	False Statement
	Firearm Discharge
	Firearm Discharge – Animal
	Firearm Discharge – Suicide
	Firearm Discharge – Unintentional
	First Amendment
\boxtimes	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
\boxtimes	Verbal Abuse
\boxtimes	Other Investigation