

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 31, 2018.
Time of Incident:	7:00 pm.
Location of Incident:	7942 S. Ingleside Avenue, Chicago, IL 60619.
Date of COPA Notification:	October 31, 2018.
Time of COPA Notification:	7:37 pm.

On October 31, 2018, at approximately 7:00 pm, Tactical Officers from the 006th District approached a group of males standing on the corner of 79th Street and Drexel Avenue to attempt a field interview and possibly disperse the crowd.¹ One of the subjects, ██████████ turned away from the Officers while holding his hands at his waistband. Officer Constantino Martinez, believing ██████████ to be armed, ordered him to stop; however, ██████████ fled southbound. Officer Martinez chased ██████████ on foot to the rear of 7942 S. Ingleside Avenue.

██████████ climbed the rear staircase and entered the third-floor apartment. At that time, Officer Martinez observed the handle and extended magazine of a handgun protruding from ██████████ waistband. ██████████ locked the door behind him, prompting Officer Martinez to use force to enter the rear of the apartment. Officer Martinez chased ██████████ down the front stairwell. At this time, ██████████ turned his weapon towards Officer Martinez, to which Officer Martinez discharged his firearm, striking ██████████ once in the right upper back. ██████████ weapon was recovered, and he was transported to the hospital.

II. INVOLVED PARTIES

Involved Officer #1:	MARTINEZ, Constantino, star #12428, employee ID# ██████████ Date of Appointment: April 6, 2015, Police Officer, Unit 189, Male, White Hispanic. ²
Involved Individual #1:	██████████ Male, Black.

III. ALLEGATIONS

¹ See S10-02-03, Gang and Narcotics-Related Enforcement (effective January 1, 2016 to August 25, 2021), which permitted officers to approach and identify persons engaged in gang or narcotics loitering within a geographical area as designated by the Bureau of Patrol, and in accordance with the relative Municipal Codes of Chicago prohibiting such loitering.

² Officer Martinez was assigned to the 006th District Station when this incident occurred

Pursuant to section 2-78-120 of the Municipal Code of Chicago, the Civilian Office of Police Accountability ("COPA") has a duty to investigate all incidents in which a Department member discharges their firearm in a person's direction or where a person sustains serious bodily injury as a result of police actions. During its investigation of this incident, COPA did not find evidence to support allegations of excessive force related to Officer Brownridge's firearm discharge.

IV. APPLICABLE RULES AND LAWS

General Orders

1. G03-02, Use of Force (effective October 16, 2017 – February 29, 2020)
2. G03-02-01: Force Options (effective October 16, 2017 – February 29, 2020)

V. INVESTIGATION³

a. Interviews

In a statement to COPA on November 6, 2018, **Sergeant Robert Woods**⁴ stated that he, Officers Constantino Martinez, and Matthew Coffey were working when he and the officers approached a group of males standing at 7901 S. Drexel Avenue to conduct a field interview. The area was designated a Hotspot because of the amount of drug activity and a recent homicide⁵. As Sergeant Woods and the officers approached, one of the males, ██████ quickly turned away from the crowd and appeared to be clutching his waistband.⁶

Officer Martinez walked toward ██████ and verbally commanded him to stop. ██████ ran southbound, and Officer Martinez ran after him. Officer Coffey handed Sergeant Woods the keys to the Department vehicle and joined Officer Martinez in the foot pursuit of ██████. Sergeant Woods stated he heard the direction of flight over the radio and drove south on Drexel Avenue to 80th Street, turned east, then north on Ingleside Avenue to 7942 S. Ingleside Avenue. Sergeant Woods entered the courtyard but was unsure which door to enter, and around this time, more officers had responded and joined him. Sergeant Woods forced entry to the vestibule of 7942 S. Ingleside Avenue and proceeded up the stairs. Sergeant Woods encountered Officer Martinez standing over ██████ lying in the hallway.

In a statement to COPA on November 6, 2018, **Officer Matthew Coffey**⁷ stated that he, Officer Martinez and Sergeant Woods stopped the police SUV on the corner of 79th Street and

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Atts. 37 (audio) and 40 (transcript).

⁵ Att. 40, Pages 7 and 8.

⁶ *Id.*, Page 11.

⁷ Atts. 38 (audio) and 41 (transcript).

Drexel Avenue to conduct a field interview on a group of males.⁸ As they approached, one of the males, [REDACTED] abruptly turned away and while holding and reaching into his waistband.⁹ Officer Martinez approached [REDACTED] while giving verbal directions. However, [REDACTED] ignored the verbal directions and fled southbound on foot. Officer Martinez pursued [REDACTED]. Officer Coffey tossed the keys to Sergeant Woods and joined Officer Martinez the foot pursuit. Officer Coffey was approximately one hundred fifty to two hundred feet behind Officer Martinez. Officer Coffey followed the path of Officer Martinez and went eastbound in a gangway at 7943 S Drexel Avenue.

Officer Coffey lost sight of Officer Martinez and paused in the yard. Still, upon hearing commotion in the alley, Officer Coffey entered the alley, turned southbound, and saw Officer Martinez and [REDACTED] climbing the rear staircase of 7942 S Ingleside Avenue. Officer Coffey entered the rear gate, climbed the staircase, and saw Officer Martinez attempting to open the door at the top of the landing. Officer Coffey then proceeded down the staircase to cut off [REDACTED] from fleeing out of the front door of the building; however, the path was blocked causing him to return to the rear stairs. Officer Coffey heard Officer Martinez force the door open and gave verbal direction to [REDACTED] and a single gunshot as he reached the first or second landing.¹⁰ Officer Coffey proceeded down the front stairwell and saw [REDACTED] gun lying in the hallway; and saw Officer Martinez standing over [REDACTED].

Officer Coffey said he collected [REDACTED] gun because it was located directly outside an apartment door.¹¹ Officer Coffey took [REDACTED] gun from the hallway and brought it down to the first-floor vestibule, where he was met by other officers that had gained entry. Officer Coffey related to the assist officers that [REDACTED] was in custody and left [REDACTED] gun in the vestibule until it was recovered. Officer Coffey proceeded down the front foyer and just outside the door to get the address so he could relay over the radio to OEMC where to send the ambulance.

In a statement to COPA on November 13, 2018, **Officer Costantino Martinez**¹² stated that he, Officer Coffey, and Sergeant Woods were focused on the corner of 79th Street and Drexel Avenue due to ongoing drug and gang activity.¹³ Officer Martinez observed a group of individuals and approached the group to conduct a field interview. As the Department SUV approached, he observed a black male, [REDACTED] in dark clothing that turn, walk away and grabbing his waistband.¹⁴ Officer Martinez exited the vehicle, walked towards [REDACTED] and ordered him to stop. However, [REDACTED] fled southbound on foot and Officer Martinez pursued him.

During the foot pursuit, Officer Martinez never lost sight of [REDACTED] and pursued him southeast through a gangway and into the alley between Drexel and Ingleside Avenues. Officer Martinez related that as [REDACTED] was running away, he turned in a manner that allowed Officer Martinez to see an extended magazine protruding from his waistband.¹⁵ [REDACTED] entered a gate

⁸ Officer Coffey explained that this intersection was an identified Hotspot. Att. 41, Page 7.

⁹ Officer Coffey explained that this was in indication [REDACTED] was possibly armed. *Id.*, Page 12.

¹⁰ *Id.*, Page 17.

¹¹ Officer Coffey explained he donned gloves prior to recovering the firearm, and that he recovered it because he was concerned that the evidence's location could increase the risk of it being taken by a third-party. *Id.*, Pages 18 to 20.

¹² Atts. 39 (audio) and 42 (transcript).

¹³ Officer Martinez explained that the area was designated a Hotspot. Att. 42, Page 6.

¹⁴ [REDACTED] grabbing of his waistband caused Officer Martinez to believe [REDACTED] was armed. *Id.*, Pages 8 and 9.

¹⁵ *Id.*, Pages 11 and 12.

and climbed the staircase behind a three-story building with Officer Martinez in pursuit. As Officer Martinez reached the top landing, he saw a door close. Officer Martinez forced entry into the rear door of the apartment.

As Officer Martinez entered the apartment, he observed ██████ holding a two-tone gun with an extended magazine in his right hand, walking towards the front door, and enter the front hallway.¹⁶ Officer Martinez commanded ██████ to show his hands as he continued to flee down the front stairs, at which point ██████ turned towards Officer Martinez and raised his gun towards him.¹⁷ Officer Martinez discharged his weapon once toward ██████. The gun fell from ██████ hand, and he continued to flee down the stairs and attempted to enter another apartment. However, ██████ fell down the next flight of stairs and received an injury to his mouth. Officer Martinez stated that he was approximately ten to fifteen feet away from ██████ when he fired his weapon. Officer Martinez placed ██████ into custody.

b. Digital Evidence

Police Observation Device (POD) #7254¹⁸ located at 7858 S. Drexel Avenue, depicted an unmarked Department SUV approaching the southeast corner of 79th Street and Drexel Avenue. Three plain-clothed officers, Sergeant Woods and Officers Martinez and Coffey, exited the vehicle and approached several individuals standing near the door of Drexel Food Mart. One of the individuals, ██████ turned and ran southbound, and two officers, Officers Martinez and Coffey, gave chase. The third officer, Sergeant Woods, returned to the Department SUV and drove in the same direction as ██████ and Officers Martinez and Coffey.

Third-Party Surveillance footage¹⁹ located at 7935 S. Drexel Avenue depicts ██████ and Office Martinez running southbound on Drexel Avenue at approximately.²⁰ Seconds later, a dark unmarked Department SUV is observed traveling southbound on Drexel Avenue at a high rate of speed.

Evidence Technician Photographs²¹ of the crime scene depict the interior and exterior of the apartment building at 7942 S. Ingleside Avenue. The inside stairwell has ██████ clothing and shoes scattered throughout the stairwell area. ██████ blood is observed on the wall and floor.

The photographs further show a damaged apartment door, the inside of an apartment, the involved Officers and ██████ inside a hospital room, shell casings, and the recovered weapon.

¹⁶ *Id.*, Page 13.

¹⁷ Officer Martinez explained that ██████ actions caused him to fear ██████ was going to shoot at him or other members. *Id.* Pages 14 to 16.

¹⁸ Att. 28.

¹⁹ Att. 27.

²⁰ Att. 27 at 08:09.

²¹ Att. 45.



Figure 1.²²

Body-worn camera video²³ obtained from Officer Martinez depicts Officer Martinez entering the rear door of the third-floor apartment. ██████ was standing at the apartment's front door and appeared to be holding an object in his right hand.²⁴ Officer Martinez gave ██████ commands and described ██████ firearm. ██████ fled into the hallway and down a flight of stairs. Officer Martinez moved into the hallway with his firearm pointed down to the flight of stairs ahead of his direction while ordering ██████ to show his hands.²⁵ A bang is heard, then Officer Martinez discharged his firearm once.²⁶ Officer Martinez then continues down the stairs and encounters ██████ trying to enter another apartment.²⁷ Officer Martinez orders ██████ to get on the ground, and ██████ complies.²⁸

Officer Martinez assessed ██████ injuries and requested an ambulance.²⁹ At this time, Officer Coffey arrived, and Officer Martinez directed him to recover ██████ handgun. Other officers arrived to assist, and the video ended shortly after that.

²² Att. 45, Photograph #164 of ██████ weapon.

²³ Att. 24

²⁴ *Id.*, at 00:28.

²⁵ *Id.*, at 00:33.

²⁶ *Id.*, at 00:34.

²⁷ *Id.*, at 00:48.

²⁸ While ██████ is being taken into custody blood is visible around his mouth and on his back. *Id.*, at 00:50.

²⁹ *Id.*, at 01:21.

Body-worn camera video³⁰ obtained from Officer Coffey depicts Officer Coffey running through a gangway and entering the rear exterior staircase of 7942 S Ingleside Avenue. AS Officer Coffey is trying to figure out how to enter the building, Officer Martinez is heard yelling commands for ██████ to drop his weapon followed by a single gunshot.³¹ Officer Coffey is able to enter the building and makes his way down the front stairwell to Officer Martinez and ██████ location. As Officer Coffey is descending the stairs handgun with an extended magazine was lying in the hallway.³²



Figure 2.³³

Officer Coffey removed the handgun from the hallway and brought it to the first-floor vestibule. Officer Coffey made the weapon safe by removing the magazine and ejecting the chambered round. Officer Coffey placed the handgun on the floor, which was later photographed and inventoried.

Zone 8 Radio Transmissions³⁴ and **Event Queries**³⁵ detail reports of the incident. They recorded Beat 664A reporting that a male was running and holding his side and the subsequent report of the subject being shot by the police. EMS was requested for a male possibly shot in the back and a weapon recovered and in custody.

³⁰ Att. 23

³¹ *Id.* at 00:47.

³² *Id.* at 01:36.

³³ Screenshot from *Id.* at 01:36.

³⁴ Att. 29.

³⁵ Att. 9.

a. Documentary Evidence

Medical Records³⁶ for ██████████ document that ██████████ was treated for a gunshot wound to the upper back.³⁷ ██████████ sustained soft tissue damage to the right lower neck, fracture of the clavicle, fractures of the posterior second and third ribs, and a pulmonary contusion laceration.

An **Arrest Report** of ██████████³⁸ **Detective Supplementary Reports**,³⁹ **Crime Scene Processing Reports**,⁴⁰ and **Inventory Sheets**,⁴¹ detail essentially the same information as the Zone 8 transmissions, Event Queries, Sgt. Woods, and Officers Martinez and Coffey statements. Additionally, all evidence was documented and inventoried. Additionally, a witness, Jessica Burch, informed the Department that she was asleep in her third-floor apartment when she was woken by someone running through her apartment. Burch relayed that as she went to investigate, she heard voices yell “police police” and one gunshot.⁴²

██████████ was arrested for Home Invasion, Unlawful Use of a Weapon – felon in possession of a firearm, and Aggravated Assault on a peace officer.

The **Synoptic Report**⁴³ details that Officer Martinez tested negative for alcohol and drugs at the time of the incident.

Officer Martinez' Tactical Response Report⁴⁴ (TRR) details ██████████ actions as not following verbal direction, fleeing, imminent threat of a battery with a semi-automatic pistol, and using force likely to cause death or great bodily harm. Officer Martinez details his response as member presence, verbal direction and control techniques, movement to avoid an attack, tactical positioning, additional unit members, and emergency handcuffing.

Finally, the TRR details that all the required notifications were made. ██████████ was not interviewed because he was at the hospital pending surgery. Lieutenant James O'Donnell submitted the TRR to the Force Review Panel for Review.

VI. LEGAL STANDARD

The applicable standard of proof is preponderance of the evidence. A **preponderance of evidence** has been satisfied when the evidence indicates that it is more likely than not that the conduct occurred and violated Department policy. If the evidence gathered in an investigation

³⁶ Att. 48.

³⁷ Id, Pages 6 and 7.

³⁸ Att. 4

³⁹ Atts. 43, 50, and 51.

⁴⁰ Att. 46

⁴¹ Att. 19

⁴² Burch relayed that she is the only adult on the lease and did not give any person permission to enter her apartment. Att. 43, Pages 13 and 14.

⁴³ Att. 30.

⁴⁴ Att. 5.

establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

VII. ANALYSIS AND CONCLUSION

i. Applicable Department Policies

1. G03-02: Use of Force⁴⁵

The Department's highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved. The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.⁴⁶

Factors to be considered by the officer include but are not limited to whether the subject is posing an imminent threat to the officer or others; the risk of harm, level of threat or resistance presented by the subject; and the subject's proximity or access to weapons.

Department members will use only the force that is proportional to the threat, actions, and level of resistance offered by a subject. This may include using greater force or a different type of force than that used by the subject. The greater the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that maybe necessary to overcome it. When or if the subject offers less resistance, however, the member will decrease the amount or type of force accordingly.

Deadly force is force by any means that is likely to cause death or great bodily harm. It includes but is not limited to: firing of a firearm in the direction of the person to be arrested; firing of a firearm at a vehicle in which the person to be arrested is riding; intentional striking of a subject's head with an impact weapon; and application of a chokehold, defined as applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the intention of reducing the intake of air.

A threat is imminent when it is objectively reasonable to believe that: the subject's actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; the subject has the means or instruments to cause death or great bodily harm; and the subject has the opportunity and ability to cause death or great bodily harm.

2. G03-02-01: Force Options⁴⁷

Per Department policy, all uses of force must be objectively reasonable, necessary under the circumstances, and proportional to the threat, actions, and level of resistance offered by a subject.

⁴⁵ Chicago Police Department, General Order G03-02, effective October 16, 2017 to February 29, 2020.

⁴⁶ *Id.* at (III)(B)(1).

⁴⁷ Chicago Police Department, General Order G03-02-01, effective October 16, 2017 to February 29, 2020.

An assailant is a subject who is using or threatening the use of force against another person or themselves which is likely to cause physical injury. Assailants are divided into two categories: (1) a subject whose actions are aggressively offensive with or without weapons; and (2) a subject whose actions constitute an imminent threat of death or great bodily harm to a Department member or to another person. When dealing with an assailant whose actions constitute an imminent threat of death or bodily harm, Department policy authorizes the use of firearms and other deadly force responses.

b. Legal Analysis

A preponderance of the evidence demonstrates that Officer Martinez's use of deadly force was objectively reasonable in light of the totality of circumstances he faced in this incident. Officer Martinez' use of deadly force was a last resort and was necessary to prevent the imminent threat of death or great bodily harm presented by ██████████. Based upon the below factors, COPA finds that ██████████ posed an imminent threat of death or great bodily harm.

First, it was objectively reasonable for Officer Martinez to believe that ██████████ actions were immediately likely to cause death or great bodily harm unless action was taken. Here, officers observed numerous persons, to include ██████████ congregating at an identified Hotspot and elected to stop the individuals to investigate further.⁴⁸ Upon exiting the Department SUV, the officers observed the individuals, to include ██████████ disperse. As ██████████ was receding from the group, he was observed holding is waistband causing the officers to believe he was armed. Officer Martinez issued a command for ██████████ to stop; however, ██████████ fled on foot and Officers Martinez and Coffey pursued him. As ██████████ fled, Officer Martinez was able to observe an extended magazine, which reasonable confirmed the belief ██████████ was armed. ██████████ fled into a third story apartment while Officer Martinez was still in pursuit. As Officer Martinez pursued ██████████ he ordered ██████████ to show his hands; however, ██████████ did not comply and continued to flee. ██████████ made his way to an internal stairwell and began to descend. As ██████████ was descending the stairwell, he turned toward Officer Martinez, and pointed a firearm at Officer Martinez. Officer Martinez then discharged his weapons striking ██████████

Second, it was objectively reasonable for Officer Martinez to believe that ██████████ had the means or instruments to cause death or great bodily harm. When the officers initially observed ██████████ receding from the group, he was clutching his waistband, which reasonably caused the officers to believe he was possibly armed. As ██████████ fled, Officer Martinez observed the extended magazine protruding from ██████████ waistband, increasing the reasonability of Officer Martinez' belief ██████████ was armed. As ██████████ fled down the stairwell, he turned and pointed a firearm at Officer Martinez, demonstrating he had the means to cause death or great bodily harm. Once ██████████ was in custody a serviceable firearm was recovered from the ground near his person. All the evidence collected supports the conclusion that ██████████ possessed a firearm that he pointed in the direction of Officer Martinez.

⁴⁸ COPA Notes that at the time of this incident the Gang Loitering Ordinance prohibited persons for loitering in areas identified by the Department as Hotspots.

Third, it was objectively reasonable for Officer Martinez to believe that [REDACTED] had the opportunity and ability to cause death or great bodily harm. Officer Martinez saw an extended magazine protruding from [REDACTED] waistband. Officer Martinez order [REDACTED] to discard the firearm; but [REDACTED] failed to comply and instead turned towards Officer Martinez and pointed a firearm at Officer Martinez. This action would cause any reasonable officer to believe the [REDACTED] had the opportunity and ability to cause death or great bodily harm.

Based on the analysis set forth above, COPA finds that Officer Martinez' use of deadly force in this incident was authorized under Department policy.

Approved:

[REDACTED]

9/28/2022

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

[REDACTED]

9/28/2022

Andrea Kersten
Chief Administrator

Date