

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	April 13, 2019
Time of Incident:	7:46 a.m.
Location of Incident:	3538 S. Martin Luther King Drive
Date of COPA Notification:	April 15, 2019
Time of COPA Notification:	9:18 a.m.

On April 15, 2019, ██████████ contacted COPA and alleged that on April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. King Drive, Officers Adrian Martinez Garcia #8649 and Shanna Cora #18819 stopped ██████████ vehicle and detained her without justification. ██████████ further alleged that Officer Martinez Garcia grabbed one of her arms and handcuffed her too tightly, and pulled her other arm behind her back, causing pain. The investigation revealed that the officers observed ██████████ talking on her cellular telephone while she was driving and conducted a traffic stop. The officers’ body- worn cameras (BWC) and in-car camera (ICC) document the officers’ encounter with ██████████. The officers ran ██████████ driver’s license and the PDT indicated that her license had been suspended. After ██████████ was placed inside the police vehicle, the officers ran her driver’s license a second time and discovered that her driver’s license was valid. The officers then released ██████████ and gave her an investigatory stop receipt (ISR). Further investigation by the officers revealed that a co-owner of ██████████ vehicle, ██████████ had had his license suspended.

II. INVOLVED PARTIES

Involved Officer #1:	MARTINEZ GARCIA, Adrian; Star #8649; Employee ID #█████████; Date of Appointment: July 17, 2017; Police Officer; Unit of Assignment: 002; DOB: ██████████, 1992; Male; Hispanic.
Involved Officer #2:	CORA, Shanna; Star #18819; Employee ID #█████████; Date of Appointment: February 20, 2018; Police Officer ¹ ; Unit of Assignment: 002; DOB: ██████████, 1983; Female; White.
Involved Individual #1:	██████████, 1971; Female; Black.

¹ Officer Cora was a Probationary Police Officer at the time of the incident; hereinafter, she will be referred to as “Officer Cora.”

III. ALLEGATIONS

Officer	Allegation	Finding
<p>Officer Martinez Garcia</p>	<p>1. It is alleged that on or about April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. Martin Luther King Drive, Officer Martinez Garcia stopped [REDACTED] without justification.</p>	<p>Unfounded</p>
	<p>2. It is alleged that on or about April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. Martin Luther King Drive, Officer Martinez Garcia detained [REDACTED] without justification.</p>	<p>Unfounded</p>
	<p>3. It is alleged that on or about April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. Martin Luther King Drive, Officer Martinez Garcia grabbed [REDACTED] arm.</p>	<p>Unfounded</p>
	<p>4. It is alleged that on or about April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. Martin Luther King Drive, Officer Martinez Garcia twisted [REDACTED] arm behind her back.</p>	<p>Unfounded</p>
	<p>5. It is alleged that on or about April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. Martin Luther King Drive, Officer Martinez Garcia handcuffed [REDACTED] too tightly.</p>	<p>Unfounded</p>
<p>Officer Cora</p>	<p>1. It is alleged that on or about April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. Martin Luther King Drive, Officer Cora stopped [REDACTED] without justification.</p>	<p>Unfounded</p>
	<p>2. It is alleged that on or about April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. Martin Luther King Drive, Officer Cora detained [REDACTED] without justification.</p>	<p>Unfounded</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
 2. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
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General Orders

1. General Order 03-02-01, Force Options
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Special Orders

1. Special Order S04-13-09, Investigatory Stop System
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Federal Laws

1. 4th Amendment to the United States Constitution
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State Laws

1. Constitution of the State of Illinois, Article I, Section 6
2. Electronic Communication Devices (625 ILCS 5/12-610.2)

V. INVESTIGATION²

a. Interviews³

In her **statement to COPA** on April 16, 2019, the **complainant**, ██████████ stated that on April 13, 2019, at approximately 7:46 a.m., she was driving her vehicle westbound on 35th Street when she stopped for a red light at the intersection of 35th and Martin Luther King Drive. ██████████ was in the left-turn lane to turn southbound on King Drive. She observed a vehicle behind her and one to her right, and then observed a police vehicle pull up behind the vehicle to her right. ██████████ stated that she had been talking on her cell phone, but had finished the call when the police pulled up. When the light turned green, ██████████ turned left and observed the police vehicle turn on its emergency lights and cut in front of the vehicle that was directly behind her. ██████████ pulled over and a male officer, now known to be Officer Adrian Martinez Garcia, informed ██████████ that he had stopped her because she was using her cell phone. ██████████ stated to COPA that she was holding her phone in her hand and was on speaker phone but was not holding it to her ear. ██████████ provided her license and insurance information to the officer.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ COPA did not interview the accused officers.

Officer Martinez Garcia returned to [REDACTED] vehicle, accompanied by his female partner, now known to be Officer Shanna Cora, and told her that she was under arrest because her driver's license was revoked. [REDACTED] told the officer her license was recently renewed at the Illinois Secretary of State office. [REDACTED] became scared, because she knew her license was not suspended, and called her grandmother. She complied with the officers' order to exit the vehicle and Officer Martinez Garcia ordered her to put her arms behind her back. The officer took [REDACTED] keys out of her hands and told her to put the cell phone down. [REDACTED] placed the cell phone in her pocket. Officer Martinez Garcia grabbed her arm and placed one handcuff on her wrist. The officer then twisted her other arm behind her back and handcuffed her. [REDACTED] complained that the handcuffs were too tight and were causing her pain. Officer Martinez Garcia instructed [REDACTED] that resisting would not make it any better. In her statement to COPA, [REDACTED] denied that she pulled away from the officers or stiffened up. Officer Cora said something inaudible to her partner and [REDACTED] stated that she thought the officers adjusted the handcuffs. [REDACTED] asked the officers if her son could come and take her car, but the officers said no.

After placing [REDACTED] in the back of the police vehicle, Officer Martinez Garcia invited [REDACTED] to look at the screen that indicated that her license was suspended. She looked at the screen and saw her name, but did not see anywhere that her license was suspended. The officers ran [REDACTED] information again and did not find any indication that her license was revoked. [REDACTED] told the officers she had renewed her license approximately two weeks earlier. Officer Cora came around to the back seat and removed the handcuffs. The officers did not issue a citation, but gave [REDACTED] a card.⁴ [REDACTED] stated that she had pain in her wrist and arm and sought medical treatment at Mercy Hospital. She received an X-ray on her left arm and was told it was a bruise. [REDACTED] presented COPA with a copy of her emergency room discharge papers and the investigatory stop card.⁵

b. Digital Evidence

The **In-Car Camera** of the police vehicle begins recording at approximately 7:42:47 a.m. and depicts the police vehicle heading westbound on 35th Street and approaching a red light at King Drive. The police vehicle pulls up on the right side of a white sedan, now known to be [REDACTED] vehicle, and remains there while the light is still red. When the light turns green, the police vehicle pulls directly behind [REDACTED] vehicle as [REDACTED] turns left on King Drive. The police vehicle turns on its emergency equipment and pulls over [REDACTED] vehicle. A female officer, now known to be Officer Cora, is heard reporting over the radio that Beat 211 is conducting a traffic stop in the vicinity of 3532 S. King. The two officers then exit their vehicle and approach [REDACTED] vehicle. The male officer, now known to be Officer Martinez Garcia, approaches on the driver's side, while Officer Cora approaches on the passenger's side. Officer Martinez Garcia then tells his partner that [REDACTED] wants him to open her door. Officer Martinez Garcia opens [REDACTED] driver's side and informs her that she is being audio and video recorded. The officer then informs [REDACTED] that the reason he stopped her was because she was on her cell phone and then asks for license and insurance. [REDACTED] responds that she has not received her insurance yet but has a copy on her email. Officer Martinez Garcia tells her that form is acceptable. The officers return to the vehicle and Officer Martinez Garcia can be heard stating that the insurance is good. The vehicle's

⁴ Attachment #1

⁵ Attachment #'s 10-11

PDT can be heard in the background and Officer Martinez Garcia states that [REDACTED] license has been revoked. The two officers exit their vehicle and approach the driver's side. Officer Martinez Garcia opens the door and orders [REDACTED] to turn off the engine. When [REDACTED] asks what was wrong, one of the officers replies that her license has been revoked. [REDACTED] explains that she just renewed her license and asks for what reason her license has been revoked. Officer Martinez Garcia replies that [REDACTED] will have to go to the police station to find out and that he can show her his computer screen which indicates that her license has been revoked. [REDACTED] asks if her son can come to the scene and retrieve her car and Officer Martinez Garcia answers that the officers would have to take it to the police station. [REDACTED] states that her driver's license has not been revoked since 2005. Officer Martinez Garcia asks [REDACTED] if this vehicle is hers and if it is under her name and [REDACTED] replies in the affirmative. [REDACTED] steps out of the vehicle and putting her purse on the seat and the cell phone in her pocket. Officer Martinez Garcia places a handcuff on [REDACTED] right hand and [REDACTED] protests why the officer must put her in handcuffs. Officer Cora informs [REDACTED] that the officers have to follow policy and asks her not to make the situation more difficult. [REDACTED] calls somebody using her left hand and tells the individual that the police are taking her to the station for a revoked license. Officer Martinez Garcia asks her to put the phone down and [REDACTED] replies that she is putting it in her pocket. The officer handcuffs [REDACTED] left hand and [REDACTED] shouts, "Why are they so tight?" Officer Cora advises [REDACTED] to relax and her partner tells her that if [REDACTED] continues to pull, the handcuffs will continue to cause her pain. [REDACTED] is then escorted to the police vehicle and the three individuals go out of view of the dashboard camera. [REDACTED] protests that her license has not been revoked since 2005 and Officer Martinez Garcia tells her that he will double check to see if the system has been updated. Officer Cora then asks [REDACTED] to exit the vehicle. [REDACTED] tells the individual on the phone that the police are letting her go and that her license has not been revoked. [REDACTED] asks the officers for her license and Officer Cora responds that she was going to issue her a ticket for talking on her cell phone, but decided not to. Officer Cora adds that when the officers ran her license the first time, it came up as revoked; however, when they ran it a second time, the license came up as valid. [REDACTED] then appears on camera and enters her vehicle. Officer Cora walks up to the vehicle, hands [REDACTED] her driver's license, and [REDACTED] drives away. The recording ends at approximately 7:57:54.⁶

Officer Martinez Garcia's Body-Worn Camera begins recording at approximately 7:45:33 a.m. and captures the officer as he is driving a police vehicle. The officer activates his camera and exits his vehicle. The remaining video from the BWC is substantially the same as the ICC video. However, the BWC video shows, after receiving [REDACTED] driver's license and insurance information, the officers returning to the police vehicle and Officer Martinez Garcia entering [REDACTED] information into the PDT. The officer then states, "We gotta take that car. She's revoked. She's done." The officers return to [REDACTED] vehicle.

After handcuffing [REDACTED] the officers escort her to the police vehicle and Officer Cora conducts a pat down. Officer Martinez Garcia re-enters the vehicle and punches the keys to the PDT, telling [REDACTED] that he will double check to see if her status is updated. The officer then states, "She's fine" to his partner, who responds, "I'll take her out." Officer Martinez Garcia walks around to the passenger side of his vehicle as Officer Cora is seen removing the handcuffs from [REDACTED] asks to see the officers' names and takes photos of their name tags. Officer Cora

⁶ Attachment #15

tells her partner that they will issue ██████ an ISR receipt. The recording ends at approximately 7:59:34 a.m.⁷

Officer Cora's Body-Worn Camera begins recording at approximately 7:45:38 a.m. and is substantially the same as the BWC from Officer Martinez Garcia.⁸

c. Physical Evidence

Medical Records from Mercy Hospital and Medical Center indicate that ██████ sought medical care in the Emergency Department on April 13, 2019 at 1:23 p.m. ██████ received an X-ray of her left elbow and left wrist. A bump on the top of her right hand was diagnosed as a small contusion. She was advised to RICE (rest, ice, compression and elevate). She received a prescription medication of acetaminophen and ibuprofen for pain. The report does not indicate the cause of the injury to her arm or hand. There is no notation regarding any incident with the police.⁹

d. Documentary Evidence

An **Investigative Stop Report ("ISR")** indicates that Officers Adrian Martinez Garcia #8649 and Shanna Cora #18819, who were assigned to Beat 211, were conducting routine patrol when they observed ██████ using a mobile phone while her vehicle was not in park. The officers curbed the vehicle at 3538 S. King Drive and requested ██████ driver's license and insurance. The officers then ran the license plate and the driver's license via PDT and observed that a license owned by ██████ was revoked. The officers asked ██████ if she was the owner of the car and she confirmed ownership. The officers detained ██████ at approximately 7:50 a.m., patted her down and placed her inside the police vehicle. The officers ran the driver's license via PDT again and observed that the license was valid. Officers removed ██████ from their vehicle and released her at approximately 7:55 a.m. ██████ was issued a receipt for an investigative stop report. Further investigation revealed that the listed vehicle was owned by ██████ and ██████ and ██████ driver's license was suspended.¹⁰

VI. LEGAL STANDARD

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

⁷ Attachment #13

⁸ Attachment #14

⁹ Attachment #6

¹⁰ Attachment #9

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 the conduct occurred and violated Department policy. *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 has found to be more probably true than not). If the evidence gathered in an investigation 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.

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. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). 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." *Id.* at ¶ 28.

VII. ANALYSIS

COPA makes a finding of **Unfounded** for Allegation #1, that the officers stopped ██████ without justification, against Officers Martinez Garcia and Cora. Illinois law prohibits the use of handheld cellphones while operating a motor vehicle; however, a driver can use a cellphone while driving when using a hands-free or voice-operated function on a cellphone, like a speaker phone. Using a cellphone while holding the device and utilizing the speaker phone is not considered hands-free and is a violation of Illinois law.¹¹ In her statement to COPA, ██████ stated that she was holding her cell phone in her hand and was on speaker phone but was not holding it to her ear. Neither the police vehicle's in-car camera nor the two officers' body-worn cameras captured ██████ talking on her cell phone; however, Officer Martinez Garcia's body-worn camera recorded his justification for the traffic stop when he informed ██████ that he had stopped her because he had observed her talking on her cell phone. The officers further documented their justification for the stop in an Investigatory Stop Report. Finally, ██████ admission that she was holding the cell phone in her hand, while on speaker phone, indicates that ██████ was in violation of the relevant Illinois law. Based on the totality of the circumstances, Officers Martinez Garcia and Cora were within CPD policy to stop ██████ for violating traffic laws. Therefore, this allegation must be Unfounded.

COPA makes a finding of **Unfounded** for Allegation #2, that the officers detained ██████ without justification, against Officers Martinez Garcia and Cora. ██████ alleged that there was no justified reason to detain her after her vehicle was stopped. However, pursuant to Illinois statutory law and U.S. Supreme Court rulings, officers may detain an individual based on reasonable articulable suspicion that criminal activity is occurring. In this matter, the two accused officers entered the information for ██████ driver's license and the PDT alerted them that the license had been revoked. Consequently, the officers could not permit ██████ to drive with a revoked license and were required to detain her and her vehicle. ██████ vehemently denied that her license had been revoked; consequently, the officers ran her driver's license a second time,

¹¹ 625 ILCS 5/12-610.2

determined that her license was valid and released her. Further investigation by the officers revealed that a co-owner of [REDACTED] vehicle had had his license suspended. Based on the above information, the two officers appeared to have reasonable articulable suspicion that [REDACTED] was driving on a revoked license and, as a result, were justified in temporarily detaining her. Therefore, this allegation must be Unfounded.

COPA makes a finding of **Unfounded** for Allegations #3-5, that the officer grabbed one of her arms, twisted the other arm behind her back and handcuffed her too tightly, against Officer Martinez Garcia. In her statement to COPA, [REDACTED] related that after Officer Martinez Garcia told her that she was under arrest, the officer ordered her to place her arms behind her back and she complied. According to the video recordings of the incident, however, Officer Martinez Garcia ordered [REDACTED] to place her purse inside her vehicle and the cell phone in her pocket. In response, [REDACTED] did not place the cell phone in her pocket, but switched it to her left hand and made a call to her grandmother. Officer Martinez Garcia then handcuffed [REDACTED] right hand and pulled her left arm behind her back, as she continued to talk on the phone. Contrary to [REDACTED] allegation, the officer did not twist her arm behind her back. [REDACTED] complained that the handcuff was too tight and Officer Martinez Garcia removed the handcuff from the right hand. After [REDACTED] placed the cell phone inside her pocket, Officer Martinez Garcia was able to handcuff her left hand and then proceeded to handcuff her right hand. [REDACTED] asked why the handcuffs were tight and Officer Martinez Garcia advised her to stop pulling her arms away. [REDACTED] did not ask to loosen the handcuffs again. Based on the totality of the circumstances, there is clear and convincing evidence that [REDACTED] allegations that Officer Martinez Garcia grabbed her arm, twisted her arm behind her back and handcuffed her too tightly are not based in fact and COPA finds that Allegations #3-5 be Unfounded.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer Martinez Garcia	1. It is alleged that on or about April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. Martin Luther King Drive, Officer Martinez Garcia stopped [REDACTED] without justification.	Unfounded
	2. It is alleged that on or about April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. Martin Luther King Drive, Officer Martinez Garcia detained [REDACTED] without justification.	Unfounded
	3. It is alleged that on or about April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. Martin Luther King Drive,	Unfounded

	<p>Officer Martinez Garcia grabbed [REDACTED] arm.</p> <p>4. It is alleged that on or about April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. Martin Luther King Drive, Officer Martinez Garcia twisted [REDACTED] arm behind her back.</p> <p>5. It is alleged that on or about April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. Martin Luther King Drive, Officer Martinez Garcia handcuffed [REDACTED] too tightly.</p>	<p>Unfounded</p> <p>Unfounded</p>
<p>Officer Cora</p>	<p>1. It is alleged that on or about April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. Martin Luther King Drive, Officer Cora stopped [REDACTED] without justification.</p> <p>2. It is alleged that on or about April 13, 2019, at approximately 7:46 a.m., in the vicinity of 3538 S. Martin Luther King Drive, Officer Cora detained [REDACTED] without justification.</p>	<p>Unfounded</p> <p>Unfounded</p>

Approved:

[REDACTED]

3-8-2021

 Angela Hearts-Glass
 Deputy Chief Administrator

 Date

Appendix A

Assigned Investigative Staff

Squad#:	12
Investigator:	Tom Kalantzis #36
Supervising Investigator:	Andrew Dalkin
Deputy Chief Administrator:	Angela Hearts-Glass