

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 9, 2018
Time of Incident:	Approximately 9:00a.m.
Location of Incident:	██████████ Chicago, IL. 60638
Date of COPA Notification:	October 9, 2018
Time of COPA Notification:	12:56p.m.

On October 18, 2018, at approximately 9:00a.m. ██████████ requested police assistance at his residence surrounding a dispute with his next-door neighbor, ██████████ who is a Chicago Firefighter. The garden hose ██████████ used to drain his pool broke and water seeped into ██████████ garage. It is alleged that Sergeant Steven Martin (“Sgt. Martin”) responded and used racially biased language stating, “You two need to build a wall between you.” Subsequently, ██████████ considered the statement he overheard to be racially biased and filed a complaint with COPA.

II. INVOLVED PARTIES

Involved Officer #1:	Sergeant Steven Martin, Star #1871, Employee ID# ██████████, Date of Appointment: January 2, 1991, Rank: Sergeant, Unit of Assignment: 008, Date of Birth: ██████████, 1967, Gender: Male, Race: White
Involved Individual #1:	██████████ Date of Birth: ██████████ 1971, Gender: Male, Race: Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding
Sergeant Steven Martin	It is alleged that on or about October 9, 2018, at approximately 9:00a.m., at or near ██████████	

	<p>Street, Chicago, IL., Sergeant Steven Martin made a comment to ██████ regarding placing fence between ██████ and ██████ he then laughed when ██████ stated, “A 30’ wall?” ██████ perceived the comment and gesture as racially bias because he is Mexican, and Sgt. Martin and ██████ are white.</p> <p>1. Used racially biased language stating, “You two need a fence between you,” and laughed when ██████ mentioned building a 30’ wall.</p>	<p>Unfounded</p>
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IV. APPLICABLE RULES AND LAWS

Rules

2. Rule 2. Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

V. INVESTIGATION¹

a. Interviews

██████████

COPA investigators interviewed ██████ on October 24, 2018. During the interview, ██████ stated that he called the police to report that ██████ was verbally taunting him at the rear of their respective residence after water that ██████ drained from his pool caused flooding and damage to ██████ garage.⁴ Sgt. Martin responded and told ██████ that his pool was illegal. Sgt. Martin and ██████ exchanged pleasantries and talked about how good the neighborhood used to be. Sgt. Martin gave ██████ a dirty look each time ██████ attempted to contradict what ██████ was telling him regarding the situation. Sgt. Martin and ██████ walked away, and ██████ overheard Sgt. Martin tell ██████ that he and ██████ needed a big fence between the two of them. ██████ asked Sgt. Martin if he was referring to a 30’ fence and the two began laughing. ██████ became upset and presumed the conversation regarding the fence was racially biased because Sgt. Martin and ██████ are white and his is Mexican.⁵ Sgt. Martin told a younger officer who arrived (Officer Mathew Carlson, “Officer Carlson”) after the fact that the situation between ██████ and ██████

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. #6.

³ ██████ is a Chicago Public School Teacher.

⁴ ██████ and ██████ have often had conflicts surrounding various issues over the last approximately five years that they have been next door neighbors.

⁵ ██████ presumed the conversation was regarding the border wall being built to prevent Mexicans from entering the United States and was insinuating that ██████ and ██████ needed the same kind of separation between them. ██████ did not say anything to Sgt. Martin or ██████ about their comments regarding building a fence.

was a misunderstanding. ██████ observed that Sgt. Martin was wearing a body worn camera and knew that Sgt. Martin's body worn camera was on though Sgt. Martin did not tell him that it was on. ██████ did not recall if Officer Carlson was wearing a body worn camera.

b. Digital Evidence⁶

COPA reviewed footage from Officer Carlson's Body Worn Camera (BWC), which was activated before Officer Carlson exited his squad car and entered the rear yard/garage area of ██████ residence. The BWC depicts Sgt. Martin and ██████ talking, two sanitation workers, a black female and black male, rolling garbage cans to the garbage truck. A white female is also seen standing at the rear of ██████ residence next to ██████. She was standing directly in front of Sgt. Martin and ██████. Sgt. Martin told ██████ that he was under the impression that his garage was flooded and noted that he did not observe damage to the garage. ██████ responded that if his wife had not contacted ██████ the garage would have flooded causing damage. Sgt. Martin advised ██████ that ██████ pool was illegal, but it was in place before he moved in. ██████ responded that he was not going to make him take it down. ██████ said further that he does not complain when ██████ has company, and they get "shitted up." Sgt. Martin did not respond.

██████ then asked Sgt. Martin if he wanted him to make a report, Sgt. Martin told him not if he did not want one and that the incident was petty. ██████ told him he was trying to be a good neighbor; at which time he points toward a grassy field on the other side of the alley. He told Martin about his efforts to keep the area clean by cutting the grass, but he gave up. He explained that he observed young people engaged in sexual activity and people riding four wheelers in the same area. When Sgt. Martin then mentioned putting railroad ties to block the area, ██████ told him they were trying to get something worked out with the city. ██████ pointed to the chain linked fencing that paralleled the alley. Sgt. Martin stated, "What you almost need for them to put up (pause)...you ever see those," ██████ interrupted and said, "30-foot-high wall" and started laughing. Sgt. Martin shook his head from side to side and responded, "No, I am not talking about that." ██████ walked away from him laughing. Sgt. Martin then pointed to where ██████ was standing and said, "You guys should to, everybody in here should get a petition." ██████ waved him off and said "Ahh, whatever." Sgt. Martin explained that they should have the same type of gates as the parks. ██████ responded, "But there is an easement," as he pointed to his garage. Sgt. Martin pointed to the grassy area off the alley and said, "No, I am talking about out there." Sgt. Martin walked towards ██████ and ██████ and told them to take a couple of days to cool off so they could get along better as neighbors. ██████ mentioned to give him a week to take care of some bushes and ██████ responded in the affirmative. ██████ then asked ██████ if that was fair, ██████ responded, "Yes." Sgt. Martin then walked over to Officer Carlson and explained that ██████ hose broke while he was draining the pool and water seeped into ██████ garage, no damage reported Officer Carlson stated the situation was all a big misunderstanding. End of BWC.

c. Documentary Evidence⁷

On October 29, 2019, COPA requested from CPD the In-Car Camera ("In-Car Camera") and BWC footage of Sgt. Martin and Officer Carlson. COPA received the results on November

⁶ Att. #17.

⁷ Att. #11 & #12.

1, 2018. The results documented that BWC for Officer Carlson was shared with COPA. No results were found for Sgt. Martin.

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
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 reviewed complied with 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 conduct complied with Department 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. 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 finds by clear and convincing evidence that the conduct described in the allegation is false or not factual. ██████ alleged that Sgt. Martin made a racially biased statement, stating that ██████ and ██████ should build a wall between them. A wall ██████ perceived to be like the wall being built to keep Mexicans out of the United States. The evidence documents that Sgt. Martin did not make the statement to ██████. The evidence also does not show that Sgt. Martin made a comment about building a wall between them. The BWC evidence showed that ██████ made the statement about building a 30' high wall and laughing, not Sgt. Martin. ██████ also made a statement to Sgt. Martin about "how the neighborhood used to be" Sgt. Martin did not respond to him. Sgt. Martin specifically told ██████ that he and others should petition the city to place a long fence on the opposite side of the alley to block the view of the negative activity that was occurring. Finally, there is no evidence to support Sgt. Martin giving ██████ dirty looks. The BWC does show Sgt. Martin turning slightly towards the grassy area while he talked about the fencing in that

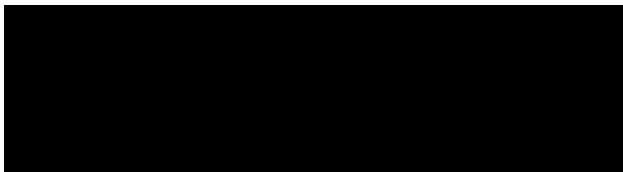
area, however, he was in view the entire duration when the statements were made. Based upon these factors, the allegations against Sgt. Steven Martin, Star #1871, should be deemed **Unfounded**.

VIII. CONCLUSION

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

Officer	Allegation	Finding
Sergeant Steven Martin	<p>On or about October 9, 2018, at approximately 9:00a.m., at or near ██████████ ██████████, Chicago, IL., Sergeant Steven Martin allegedly made a comment to ██████████ regarding placing fence between he and ██████████. He then laughed when ██████████ stated, "A 30' wall?" ██████████ perceived the comment and gesture as racially bias because he is Mexican, and Sgt. Martin and ██████████ are white.</p> <p>1. Used racially biased language stating, "You two need a fence between you" and, laughed when ██████████ mentioned building 30' wall.</p>	Unfounded

Approved:



 Angela Hearts-Glass
 Deputy Chief Investigator

11-27-2020

 Date

Appendix A

Assigned Investigative Staff

Squad#:	11
Investigator:	Erica D. Sanders
Supervising Investigator:	Valiza Ann Nash
Deputy Chief Administrator:	Angela Hearts-Glass