

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	March 17, 2021/11:15 am/3825 W. Chicago Ave
Date/Time of COPA Notification:	March 18, 2021/9:54 am.
Involved Officer #1:	Constantino Martinez, star #2428, employee ID # [REDACTED], Date of Appointment: April 6, 2015, Police Officer, Unit of Assignment: 193 (detailed), 29 YOA, Male, Hispanic.
Involved Officer #2:	Tyrell Slater, star #17238, employee ID # [REDACTED], Date of Appointment: December 12, 2016, Police Officer, Unit 189, 30 YOA, Male, Black.
Involved Individual #1:	[REDACTED] DOB: [REDACTED] [REDACTED], 1987, Male, Black
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegations	Finding
Officer Constantino Martinez	1. It is alleged that on March 17, 2021, at or about 11:15 a.m., at the vicinity of 3825 W. Chicago Avenue, Officer Martinez grabbed [REDACTED] by his coat and pushed and/or slammed him to the ground without justification.	Sustained
	2. It is alleged that on the same date, time, and location of the incident, Officer Martinez dragged [REDACTED] on the street without justification.	Sustained
Officer Tyrell Slater¹	1. It is alleged that on March 17, 2021, at or about 11:15 a.m., at the vicinity of 3825 W. Chicago Avenue, Officer Slater dragged [REDACTED] on the street without justification.	Close Hold

II. SUMMARY OF EVIDENCE²

On March 17, 2021, Sergeant Mendoza, star #1362, initiated the complaint with COPA³ after viewing in-car camera footage from police vehicle, #9627, Beat11D11, and observing Officer

¹ Officer Slater resigned from the Chicago Police Department on December 5, 2021. Refer to the Personal Action Request (PAR) Report, att. 30.

² COPA conducted a full and complete investigation of this matter, including obtaining the interviews of the pertinent civilians and officer witnesses, and the collection and review of digital, documentary, and forensic evidence.

³ Att. 1-Initiation report.

Constantine Martinez use excessive force against ██████████ at 3825 W. Chicago Avenue, at approximately 11:15 am.

In a statement to COPA on June 16, 2021,⁴ **Sgt. Mendoza** alleged that Officer Martinez used excessive force by grabbing ██████████ by the jacket, lifting his upper body, and pushing him back down to the ground.⁵

Department Reports⁶ document the arrests of ██████████ and ██████████ by narcotic Unit 189 team members (6226). While conducting a narcotics undercover surveillance operation near the vicinity of 3825 W. Chicago Avenue, undercover Officer Constantine Martinez and his partner, Carolina Salcedo, star #11580, attempted to purchase narcotics from ██████████. The operation quickly became dangerous when ██████████ threatened to shoot Officer Martinez and demanded Officer Martinez's money and cell phone. ██████████ co-offender, was armed with a screwdriver and she put it to Officer Salcedo's abdomen and demanded her property. ██████████ attempted to get Officer Martinez to a nearby alley, but Officer Martinez refused. After Officer Martinez provided ██████████ with his personal property, fearing for his and Officer Salcedo's safety, Officer Martinez gave his team members a non-audible distress signal to alert them of the robbery.⁷ The surveillance officers quickly arrived and conducted a tactical takedown on ██████████ and ██████████. The screwdrivers belonging to ██████████ and ██████████ were recovered and inventoried.⁸ ██████████ received minor injuries to her lips from the incident, which were photographed by an Evidence Technician (ET).⁹

In an electronic recorded interview (ERI),¹⁰ ██████████ stated that he followed Officers Martinez and Salcedo westbound on Chicago Avenue from the Amstar gas station. According to ██████████ he did not know ██████████ before the incident.¹¹ ██████████ approached ██████████ near the location of the incident and threatened to kill him if he did not rob Officers Martinez and Salcedo. ██████████ admitted that when he approached Officer Martinez, he was holding his hand to the side implicating that he had a firearm. However, ██████████ did not have a firearm, but had a screwdriver in his sleeve. ██████████ demanded Officer Martinez' cell phone and money. After Officer Martinez gave ██████████ his personal property, the police arrived, and ██████████ dropped the cell phone and screwdriver on the ground. ██████████ recognized Officer Slater as one of the arresting officers.

In an ERI,¹² ██████████ stated that she knew ██████████ as "█████████." According to ██████████ she and ██████████ were outside the Amstar gas station at 3759 W. Chicago Avenue, when ██████████ began arguing with a male, identified later as Officer Martinez. ██████████ threatened to hit Officer Salcedo if Officer Martinez did not leave the area.¹³ Officers Martinez and Salcedo walked away westbound on Chicago Avenue. ██████████ told ██████████ that Officers Martinez and Salcedo had

⁴ Att. 29.

⁵ COPA added allegation #2 against Officer Martinez and allegation #1 against Officer Slater.

⁶ Atts. 2-6, 31.

⁷ Officer Martinez raised his arms in the air.

⁸ Att. 11-eTrack Inventory Inquiry.

⁹ Att. 28.

¹⁰ Att. 7.

¹¹ The Amstar gas station videos, contradict ██████████ denial of knowing ██████████ before the incident.

¹² Att. 8.

¹³ Amstar gas station video (att #20), Ch 15 at 11:13:58 am, ██████████ is observed hitting Officer Salcedo in the facial area.

money and that they should rob them. ██████ led the way and the two began to follow the officers. ██████ confronted Officer Martinez, and ██████ went to Officer Salcedo. ██████ stated that she had a screwdriver in her hand but does not recall putting it at Officer Salcedo's side (abdomen). ██████ stated that she did not take anything from the officers.

Videos from the Amstar Gas Station at 3759 W. Chicago Avenue,¹⁴ beginning at approximately 11:13:31 am, show Officer Martinez and Salcedo approach a group of people standing near the bus stop. Officer Martinez walks up to a male, now known as ██████ and they appear to have a brief conversation. At 11:14:00 am, ██████ appears to hit and or swat Officer Salcedo's face with his right hand, and she steps back and attempts to block the physical contact. Shortly thereafter, ██████ joins the group, and the officers walk away westbound on Chicago Avenue and they cross Hamlin Avenue. ██████ follows the officers and ██████ joins him seconds later. The two begin walking rapidly westbound on Chicago Avenue in the same direction as the officers.¹⁵

In-car camera of Beat 11D11, police vehicle #9627,¹⁶ depicts ██████ lying on his chest on the ground (street) on Chicago Avenue. Officer Uriel Padilla, star #19099, has his left knee on ██████ back and Officer Martinez is bent over and on the left of ██████. The officers handcuff ██████ and Officer Padilla walks away. While on his chest in the street, Officer Martinez grabs ██████ by the front of his jacket and turns him on his back. He then lifts ██████ upper chest by his jacket off the ground and pushes him towards the ground. Officer Martinez and Officer Tyrell Slater lift ██████ up off the ground, grab his upper chest area, and appear to drag his legs on the ground westbound on Chicago Avenue past the police vehicle.

In a statement to COPA on February 10, 2022,¹⁷ **Officer Martinez** essentially stated that he and Officer Salcedo attempted to buy narcotics from ██████ at the Amstar gas station. ██████ requested that Officer Martinez pay up front but appeared to not have the drugs. After Officer Martinez refused to give up his money, ██████ threatened the officers and slapped Officer Salcedo on the head a couple of times. The officers realized the situation was dangerous and they walked away. Officer Martinez called his team members on his cell, alerted them of the situation, and requested to be picked up. As Officers Martinez and Salcedo were walking westbound on Chicago Avenue towards Avers Street, ██████ and ██████ came behind them and ██████ demanded that they walk to the alley, but Officer Martinez refused. ██████ then placed his hand near his waistband and threatened to shoot him if he did not go. ██████ demanded Officer Martinez' money and cell phone and Officer Martinez complied. Officer Martinez took a step back, raised his arms up, which was a signal for help from his team members.

According to Officer Martinez, ██████ began to flee when he saw the police vehicles. Officer Martinez "snapped" into police mode and performed an emergency take down of

¹⁴ There are nine video clips from the gas station and are identified as Atts. 13-22. Channels 11, 15-16,19-20, and 30 capture the contact between ██████ and Officers Martinez and Salcedo.

¹⁵ In the videos, Officer Martinez has a grey/black colored backpack, dark clothing, and brown boots. Officer Salcedo has what appears to be a blue colored backpack, dark clothing, and light-colored boots. ██████ is wearing a black coat, light blue jeans, brown boots, and has a mask covering his mouth. ██████ is wearing a blue and black colored coat and is wearing a hat.

¹⁶ Att. 9.

¹⁷ Atts. 33 (audio)-34 (transcription).

██████████¹⁸ ██████████ began failing his arms and kicking his legs. Officer Martinez gave ██████████ an open hand strike to his back and placed him in handcuffs.¹⁹ Officer Padilla assisted in detaining ██████████. Officer Martinez admitted that he was amped and frustrated when he grabbed ██████████ by his jacket and dropped him on the ground. The incident was a scary moment for Officer Martinez, He was not thinking clearly, and made a mistake.²⁰ Officer Martinez released ██████████ when it dawned on him that he was still undercover and had to leave the area to not jeopardize the operation. Officer Martinez went on to explain that he should not have been involved in detaining ██████████ and should left the area immediately after the surveillance officers arrived.

When asked if he used excessive force on ██████████ Officer Martinez stated, “yeah, I dropped him, I guess. It looks like I did.”²¹ Officer Martinez went on to explain that he was not trying to hurt ██████████. Regarding allegation #2, Officer Martinez thought he picked up ██████████ legs from the ground and carried him to the squad car. However, after viewing the in-car video and asked specific questions about identifying the point in the video when he lifted ██████████ legs off the ground, Officer Martinez essentially agreed that he did not lift his legs off the ground. He explained that the incident was scary and high stressed. Following the traumatic incident, Officer Martinez sought counseling from the Employee Assistance Program (EAP).²²

III. ANALYSIS AND CONCLUSION

COPA finds that **allegations #1-#2** against Officer Martinez be **Sustained**. By this own admission, Officer Martinez stated that he made a mistake in his conduct with ██████████. In Car Camera video clearly shows ██████████ was handcuffed, detained, and not resisting or posing a threat to the safety of Officer Martinez or others when Officer Martinez slammed him to the ground and dragged him down the street. Officer Martinez admitted that he should have walked away and allowed his team members to effect the arrest. Thus, the allegations are Sustained.

IV. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Constantino Martinez

i. Complimentary and Disciplinary History

Officer Martinez has received a total of 123 awards and has no disciplinary history.

ii. Recommended Penalty, by Allegation

COPA has considered Officer Martinez’s complimentary history and lack of disciplinary history, as well as the lack of injuries to ██████████. It is evident, that the incident was dangerous. Officer Martinez expressed throughout his statement that the incident was very scary, and he was not thinking clearly. Because of the traumatic incident, Officer Martinez sought counseling and

¹⁸ Att. 34, Pg. 40, Lns. 17-22.

¹⁹ Officer Martinez used the handcuff Officer Aurelio Cabrales, star #11119, assigned to Beat 11D11.

²⁰ Att. 34, Pg. 57, Lns. 8-12.

²¹ Att. 34, Pg. 64, Lns. 18-21.

²² Att. 34, Pg. 36, Lns. 8-11.

was detailed to Unit 193, Gang Investigations. Considering all the factors, COPA recommends a 15-day Suspension.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

July 29, 2022

Date