

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	April 12, 2019
Time of Incident:	08:40 hours
Location of Incident:	7900 S. Halsted Street
Date of COPA Notification:	April 15, 2019
Time of COPA Notification:	14:40 hours

Mr. [REDACTED] ([REDACTED]) was stopped by Officer Constantino J. Martinez (“Officer Martinez”) and Officer Mohammad W. Mohammad (“Officer Mohammad”) for Using a Cell Phone While Driving. Officer Martinez claimed to have seen [REDACTED] holding a phone to his right ear. At the time of the stop, [REDACTED] was wearing a hands-free device and denied that he had a phone to his ear.

Prior to exiting his vehicle, [REDACTED] pulled into a parking lot of a CVS drug store and locked his car. When [REDACTED] exited his car, Officer Martinez handcuffed [REDACTED] remained handcuffed over his protestations for the duration of the stop. [REDACTED] asked for a supervisor to be called multiple times and both officers declined to do so. Officer Martinez also searched [REDACTED] glove compartment for proof-of-insurance but did not find current proof-of-insurance. [REDACTED] was given citations for Use of Mobile Telephone and an Uninsured Motor Car. Both citations were later dismissed in court. COPA finds the allegations against both officers are Sustained.

**II. INVOLVED PARTIES**

Involved Officer #1:	Constantino J. Martinez, Star No. 12428, Employee ID No. [REDACTED], Date of Appointment April 6, 2015, Police Officer, Unit of Assignment 311, DOB: [REDACTED], 1992, Male, Hispanic
Involved Officer #2:	Mohammad W. Mohammad, Star No. 5623, Employee ID No. [REDACTED], Date of Appointment April 16, 2018, Police Officer, Unit of Assignment Dist. 006, DOB: [REDACTED], 1996, Male, White
Involved Individual #1:	[REDACTED], 1985, Male, Black

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer Constantino J. Martinez	1. It is alleged that at or about April 12, 2019, at approximately 08:40 hrs., at or near 7900 S. Halsted Street, Chicago, Illinois, Officer Constantino J. Martinez, Star No. 12428, committed misconduct through the following actions: Handcuffing [REDACTED] without justification.	Sustained
	2. It is alleged that at or about April 12, 2019, at approximately 08:40 hrs., at or near 7900 S. Halsted Street, Chicago, Illinois, Officer Constantino J. Martinez, Star No. 12428, committed misconduct through the following actions: Detaining [REDACTED] for a traffic stop without justification.	Sustained
	3. It is alleged that on or about April 12, 2019, at approximately 08:40 hrs., at or near 7900 S. Halsted Street, Chicago Illinois, Officer Constantino J. Martinez, Star No. 12428, committed misconduct through the following actions: Being inattentive to duty by failing to call a supervisor after a supervisor was requested by [REDACTED]	Sustained
Officer Mohammad W. Mohammad	1. It is alleged that on or about April 12, 2019 at approximately 08:40 hrs., at or near 7900 S. Halsted Street, Chicago Illinois, Officer Mohammad W. Mohammad, Star No. 5623, committed misconduct through the following actions: Being inattentive to duty by failing to call a supervisor after a supervisor was requested by [REDACTED]	Sustained

**IV. APPLICABLE RULES AND LAWS**


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Rules

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Rule 1: Violation of any law or ordinance.

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

Rule 5: Failure to perform any duty.

Rule 6: Disobedience of an order or directive, whether written or oral.

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#### General Orders

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GO-01-01 Mission Statement and Core Values (effective March 1, 2011, through May 20, 2019)

G08-01-02 Specific Responsibilities Regarding Allegations of Misconduct (effective May 4, 2018)

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#### Federal Laws

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1. United States Constitution, Amendment IV.

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#### State Laws

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625 ILCS 5/12-610.2(b). Electronic communication devices.

## V. INVESTIGATION<sup>1</sup>

### a. Interviews

COPA interviewed ██████████ on April 12, 2019.<sup>2</sup> The following is a summary his statement.

█████████ noticed a police car while driving northbound on Halsted Street at 80<sup>th</sup> Street and waiting to make a left turn onto 79<sup>th</sup> Street. The police car pulled behind him with solid, non-flashing, blue lights while he was waiting at a stop light. ██████████ mentioned that the blue lights could have been break lights. ██████████ realized he was being followed when he passed the police car and it pulled out. ██████████ pulled into a CVS parking lot, walked out of his car, and noticed the police car behind him. As ██████████ exited his car, the officers turned on their siren, causing ██████████ to realize he was being pulled over.

█████████ was driving a 2014 Chevy Impala with dark tinted windows. He explained that someone could view inside the car, but they would not be able to clearly see specific items inside the car. He also stated that his phone was mounted inside his car, and prior to being stopped, he was pulling an air pod out of his ear. When ██████████ exited his car and asked the officers why he was being pulled over, Officer Martinez told him that he was visibly on his phone. ██████████ told

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

<sup>2</sup>Att. 13 (Audio) and Att. 15 (Video).

the officers that he was not talking on his phone and that he had a hands-free, air-pod device. Officer Martinez handcuffed [REDACTED] when he exited his car.

Officer Martinez told [REDACTED] that he looked suspicious because while the police car was behind him, [REDACTED] turned into the CVS parking lot, exited his car, and locked it. Officer Martinez called [REDACTED] a liar and accused [REDACTED] of putting a phone to his right ear while [REDACTED] was driving. [REDACTED] surmised Officer Martinez became agitated because Officer Martinez felt [REDACTED] might be a dangerous individual. He tried to convey to Officer Martinez that he was not dangerous and that he was just trying to get to the store to get medicine for his daughter.

Officer Martinez then said he was going to write [REDACTED] citations and after that, [REDACTED] could be on his way. [REDACTED] told Officer Martinez he did not believe he should be receiving citations and pleaded with Officer Martinez. [REDACTED] asked for a supervisor multiple times and Officer Martinez refused to call for one. [REDACTED] said he requested a supervisor to monitor the situation so it would not result in citations, because he did nothing wrong. Officer Martinez asked [REDACTED] for identification and reached into [REDACTED] back pocket to get [REDACTED] wallet. Officer Martinez then went to the police car to run [REDACTED] license.

While Officer Martinez went to his police car, [REDACTED] spoke to Officer Martinez's partner, Officer Mohammad. [REDACTED] told Officer Mohammad that he was not on his phone and asked Officer Mohammad if he would speak to Officer Martinez. Officer Mohammad told [REDACTED] that he was not paying attention to whether [REDACTED] was holding a phone.

Officer Martinez returned and asked [REDACTED] for proof-of-insurance. [REDACTED] told Officer Martinez that the insurance was in the glove compartment and offered to look for it because the glove compartment was cluttered. Officer Martinez said no, and searched [REDACTED] car with [REDACTED] permission. Officer Martinez went into the glove compartment, took everything out, and found an expired insurance card. [REDACTED] then informed Officer Martinez he had proof-of-insurance on his phone and if he was handed the phone, he could show the officers. Officer Martinez told [REDACTED] that he was going to write [REDACTED] a citation for not having insurance. Officer Martinez then put the items from the glove compartment back into the car and went to his police car to write citations.

Officer Martinez returned from his police car and took the handcuffs off [REDACTED] after [REDACTED] told Officer Martinez that the handcuffs hurt him. Officer Martinez went to give [REDACTED] the citations, but [REDACTED] refused them because he believed that he did nothing wrong and should not be getting citations. Officer Martinez opened [REDACTED] car door and threw the citations inside. The officers then left.

[REDACTED] impression was that Officer Martinez seemed nonchalant and elitist. [REDACTED] felt discriminated against because it seemed to him that Officer Martinez was out to get him. [REDACTED] was upset and went to the police station near 78<sup>th</sup> Street and Halsted Street to speak to a supervisor. [REDACTED] spoke to a Commander at the front desk, who viewed the citations. The Commander told [REDACTED] that both citations were for Uninsured Motorists and [REDACTED] would have to go to court to get it resolved.

COPA interviewed **Officer Mohammad W. Mohammad** on October 17, 2019.<sup>3</sup> Prior to the statement, Officer Mohammed reviewed footage from his body-worn camera. The following is a summary of Officer Mohammad's statement.

Officer Mohammad stated that on the day of the incident, he was the passenger in a marked police car driven by Officer Martinez. Officer Mohammad did not observe [REDACTED] car before it was pulled over. However, before [REDACTED] car was stopped, Officer Martinez told him that [REDACTED] was talking on the phone while driving. Officer Mohammad did not recall seeing [REDACTED] with his cellphone to his ear. Officer Martinez activated the emergency lights and sirens, but Officer Mohammad did not recall hearing any sirens. Officer Martinez attempted to curb [REDACTED] car and [REDACTED] pulled into the CVS parking lot next to the police station. [REDACTED] then exited his car, closed his door, locked it, and started to walk away. Officer Mohammed and his partner then exited their car, with Officer Martinez exiting first. Officer Mohammad did not recall the exchange between Officer Martinez and [REDACTED] before [REDACTED] was handcuffed. Officer Mohammad said that [REDACTED] was placed into handcuffs because he knew he was being pulled over but ignored the officers and walked away from the traffic stop, creating reasonable suspicion.

Officer Mohammad described Officer Martinez's demeanor as cautious. He further stated that Officer Martinez was trying to explain the situation to [REDACTED] in the best way possible. Officer Mohammad described [REDACTED] as aggressive because he was speaking loudly. Officer Mohammed also stated that [REDACTED] was moving around a lot.

He and Officer Martinez asked [REDACTED] for proof-of-insurance and Officer Martinez looked for the insurance in an area [REDACTED] indicated in his car. Officer Martinez found an expired proof-of-insurance. Officer Mohammad did not recall if [REDACTED] asked to show proof-of-insurance on his phone.

[REDACTED] asked for a supervisor during the stop because he was upset that he was getting citations. Officer Mohammad recalled [REDACTED] stating he felt he was being harassed. Officer Mohammad said that harassment is a form of misconduct. Officer Mohammad did not contact a supervisor. Instead, he and Officer Martinez advised [REDACTED] to go to the police station, which he stated was about 30 to 35 feet away from the CVS parking lot, to speak with a supervisor. He did this because the district was very busy, and he did not want to waste resources on a traffic stop when a supervisor cannot contest or cancel citations. Also, it was easier for [REDACTED] to go the police station where he would see a desk sergeant.

Officer Mohammad said he could have done better by walking [REDACTED] to the station and acknowledged that in the future, if someone asked for a supervisor, he would call the supervisor.

COPA interviewed **Officer Constantino J. Martinez** on October 21, 2019.<sup>4</sup> Prior to the statement, Officer Martinez reviewed footage from his body-worn camera. The following is a summary of his statement.

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<sup>3</sup> Att. 29 (Part 1) and Att. 30 (Part 2).

<sup>4</sup> Att. 33.

On the day of the incident, Officer Martinez was driving a marked police car and his partner, Officer Mohammad, was the passenger. Officer Martinez observed [REDACTED] car, a black sedan, before pulling it over but could not recall for how long he observed the car. He could not recall what exactly occurred prior to stopping [REDACTED] but knew [REDACTED] committed traffic violations. [REDACTED] windows were tinted, but Officer Martinez could see inside [REDACTED] car because it was sunny. Officer Martinez saw [REDACTED] phone next to his ear which he identified as Using a Cell Phone While Driving, a traffic violation.

Officer Martinez indicated his presence to [REDACTED] by activating his lights and believed he also turned on his siren. [REDACTED] did not pull over immediately when [REDACTED] heard lights and sirens, but rather pulled over between 20 and 30 seconds after the lights and sirens were activated. Officer Martinez believed that [REDACTED] had ample time to pull over right away, because traffic was light, and it was unusual that [REDACTED] pulled all the way into the CVS parking lot. Officer Martinez did not know what [REDACTED] demeanor was when he approached him. When Officer Martinez tried to conduct the traffic stop, [REDACTED] walked away and made sure his doors were locked. Officer Martinez described this behavior as unusual and said it appeared that [REDACTED] was trying to separate himself from the car and was in, what Officer Martinez described as, "flight mode."

After Officer Martinez approached [REDACTED] he instructed [REDACTED] to come over and put [REDACTED] in handcuffs. Officer Martinez stated he put [REDACTED] in handcuffs for [REDACTED] safety, and for officer safety. Officer Martinez stated the safety issue arose because, based on his experience and knowledge, it was unusual for someone to get out of the car quickly and to make sure the door was locked. Before handcuffing [REDACTED] Officer Martinez told [REDACTED] to stay still, but [REDACTED] did not cooperate.

After handcuffing [REDACTED] Officer Martinez asked for [REDACTED] identification. Officer Martinez did not recall what [REDACTED] said while he was handcuffed but did recall that [REDACTED] apologized. After Officer Martinez ran [REDACTED] license and [REDACTED] apologized, Officer Martinez still perceived [REDACTED] as a threat because he was being uncooperative and seemed very tense.

Officer Martinez recalled that [REDACTED] requested a supervisor. Officer Martinez did not provide a supervisor because it was a traffic violation and [REDACTED] wanted to dispute the stop. Also, Officer Martinez did not call a supervisor because the station was nearby, and [REDACTED] would be able to see a sergeant more quickly by walking to the station.

Officer Martinez asked [REDACTED] for proof-of-insurance and [REDACTED] indicated that his proof-of-insurance was in his car. Officer Martinez then searched for proof-of-insurance in the glove box. Officer Martinez was trying to do [REDACTED] a favor by looking for it, because [REDACTED] kept saying he had insurance. Officer Martinez found an expired insurance card. Officer Martinez did not recall whether [REDACTED] asked him to be allowed to be show proof-of-insurance on his phone, but Officer Martinez was aware that motorist in Illinois can show proof-of-insurance on their phone.

**b. Digital Evidence**

Officers Martinez's body-worn camera ("BWC")<sup>5</sup> captured the traffic stop of [REDACTED] beginning with [REDACTED] handcuffed and standing near his car. [REDACTED] can be heard telling the officers that they can search his car. Officer Martinez asks [REDACTED] why he locked his car and why he did not follow once the police lights were on. Officer Martinez walks to his police car and checks [REDACTED] license plate number. He returns and tells [REDACTED] that he pulled him over because he was on his cell phone and that it was abnormal for [REDACTED] to immediately exit his car and lock it when seeing police emergency lights. [REDACTED] said he had his air pods on, and he was not on his cell phone. [REDACTED] is seen with an air pod in his left ear. [REDACTED] explains that he was taking his air pod out, that he has a hand-free device, and that Officer Martinez saw [REDACTED] taking his right air pod out. Martinez replied, "Did I say that I saw anything?"<sup>6</sup> [REDACTED] also says that you could not see inside his car because of the tinted windows. Officer Martinez tells [REDACTED] that he can say whatever he wants and that he is going to write [REDACTED] a citation.

[REDACTED] asks for a manager or a "white shirt" multiple times. Officer Martinez tells [REDACTED] that is not how it works, and Officer Martinez asks for [REDACTED] insurance. [REDACTED] asks to get his insurance, and states that it is in the glove compartment of his car. Officer Martinez says [REDACTED] behavior seems suspicious because it appeared that he was trying to conceal an item. [REDACTED] apologizes for exiting his car and for seeming as if he was doing something and that there was nothing in his car to conceal. [REDACTED] explains that he was going to the CVS to get medicine for his daughter. Officer Martinez looks inside the glove compartment of [REDACTED] car, to find [REDACTED] proof-of-insurance. Officer Martinez goes through a bag full of paper, finds an expired insurance card, and checks the papers for a valid insurance card. [REDACTED] tells the officers that he drives Uber and that if the officers allow [REDACTED] to see his phone, [REDACTED] could show them proof-of-insurance on his phone. Officer Martinez replies by telling [REDACTED] that he is getting citations. Officer Martinez writes [REDACTED] traffic citations in his police car and when he returns, takes the handcuffs off [REDACTED] then says he will show Officer Martinez his insurance, while simultaneously, Officer Martinez tries to give [REDACTED] the citations, ultimately putting them on [REDACTED] car. The officers walk to their car, [REDACTED] follows and says Officer Martinez never gave him the opportunity to show his insurance.

In Officer Mohammad's BWC,<sup>7</sup> Officer Martinez can be seen placing handcuffs on [REDACTED] is heard saying he does not understand why he was stopped. The BWC does not capture the interaction between [REDACTED] and Officer Martinez before the handcuffs were placed on [REDACTED] While Officer Martinez is in the police car, Officer Mohammad and [REDACTED] talk. Officer Mohammad tells [REDACTED] that [REDACTED] was on his phone and was not supposed to be, and that the officers are not searching his car. Officer Mohammad tells [REDACTED] that it is a violation to not stop when officers activate their emergency lights. [REDACTED] can be heard stating to Officer Mohammad that he is being harassed.<sup>8</sup>

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<sup>5</sup>Att. 17.

<sup>6</sup>Att. 17 at T13:43:05Z.

<sup>7</sup> Att. 18.

<sup>8</sup> There was no In Car Camera Footage. See Att. 16

████████ provided **cell phone video footage**<sup>9</sup> to COPA which captures the last twelve seconds of his traffic stop. The video contained no additional relevant details.

### c. Documentary Evidence

████████ provided COPA a copy of citation ██████████<sup>10</sup> for Use of Mobile Telephone and a copy of citation ██████████<sup>11</sup> for Operating an Uninsured Motor Car that were issued to ██████████ by Officer Martinez.

**Cook County Circuit Court records**<sup>12</sup> indicate that both citations issued to ██████████ were dismissed on June 3, 2019.

████████ provided to COPA a copy of an **UEI insurance card**<sup>13</sup> that was valid on the date of the incident. It states that the named insured is ██████████ and it insures a 2014 Chevrolet Impala Limited.

## 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 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

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<sup>9</sup> Att. 28.

<sup>10</sup> Att. 10

<sup>11</sup> Att. 10.

<sup>12</sup> Att. 26.

<sup>13</sup> Att. 14.



“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

### a. Officer Martinez detained ██████████ without justification.

COPA finds this allegation is Sustained. Officer Martinez stated that he stopped ██████████ because he saw ██████████ commit a finable violation, Using A Cell Phone While Driving. “When a police officer believes that a driver has committed a minor traffic offense, probable cause supports the stop.”<sup>14</sup> Here, probable cause exists if the facts known to Officer Martinez at the time would lead a reasonable, cautious, person to believe ██████████ had committed the offense.

Officer Martinez claimed he saw ██████████ with a phone up to his right ear while he was driving. ██████████ denied this claim. Officer Mohammad stated he did not see whether there was a phone to ██████████ ear. There is no objectively verifiable evidence that is determinative of the issue.

A comparison of the credibility of ██████████ and Officer Martinez favors ██████████. ██████████ asserted that he did not have the phone to his ear because he used a hands-free device and his phone remained mounted on his dashboard. He is shown in the video wearing a hands-free device, an air pod in his left ear. Although the existence of a hands-free device does not preclude ██████████ from opting to hold a phone to his ear, it is evidence that, more likely than not, ██████████ was using a hands-free device. In addition, the dark tint in ██████████ window supports the idea that Officer Martinez’s view into ██████████ car was obscured. Furthermore, Officer Mohammad did not recall seeing ██████████ with his cellphone to his ear. The preponderance of the evidence indicates that Officer Martinez improperly detained ██████████ in violation of Rules 1 and Rule 2. COPA finds this allegation to be **Sustained**.

### b. Officer Martinez handcuffed ██████████ without justification.

Traffic stops supported by probable cause that an offense occurred, even an offense usually only punishable by a fine, constitute justification for officers to make an arrest.<sup>15</sup> Based upon this justification, officers are also permitted to handcuff the subject.<sup>16</sup> Because COPA finds that Officer Martinez detained ██████████ without justification, we conclude that no probable cause existed for the subsequent handcuffing of ██████████

The evidence also indicates that ██████████ handcuffing was not justified as a matter of safety. Handcuffing may be proper during a traffic stop in the absence of probable cause in rare situations based on the totality of circumstances.<sup>17</sup> Those circumstances do not appear to exist here. There is no basis provided in the evidence to believe that ██████████ was armed and presently

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<sup>14</sup> *Jones v. Exkhart*, 737 F.3d 1107, 1114 (7<sup>th</sup> Cir. 2013) quoting, *United States v. Garcia-Garcia*, 633 F.3d 608, 612 (7<sup>th</sup> Cir. 2011).

<sup>15</sup> See *Id.* at 1115.

<sup>16</sup> See *People v. Flores*, 371 Ill. App. 3d 212, 222 (2007).

<sup>17</sup> See *United States v. Glenna*, 878 F.2d 967, 972 (7<sup>th</sup> Cir. 1989).

dangerous. This was not a stop relating to the investigation of a high-risk offense such as armed robbery or drug trafficking. Also, the incident occurred during daytime and [REDACTED] was alone. Officer Martinez and Officer Mohammad were not outnumbered. BWC footage recorded Officer Martinez exiting the police car in a slow, relaxed manner. Officer Mohammed exited the car a full 10 seconds after, at which point Officer Martinez was already handcuffing [REDACTED] who appeared still and cooperative. Officer Martinez also stated that he thought [REDACTED] was in “flight mode,” but the circumstances do not support that [REDACTED] was attempting to flee the officers. [REDACTED] parked in the CVS parking lot, locked his door, and exited; actions consistent with preparing to shop. [REDACTED] said in his sworn statement that it was only after he parked and exited his car, when the sirens came on, that he realized he was being pulled over. Based on the totality of circumstances, Officer Martinez’s actions violated Rule 1 and Rule 2 of Department directives. COPA finds this allegation is **Sustained**.

**c. Officer Martinez failed to notify a supervisor after receiving [REDACTED] allegation of misconduct.**

General Order G08-01-02 requires that when an officer receives an allegation of misconduct, that member must immediately notify a supervisor and prepare a written report to his or her unit commanding officer.<sup>18</sup> Here, [REDACTED] communicated that he wished to see a supervisor multiple times, and Officers Martinez and Mohammad understood his request. Officer Martinez stated he did not call a supervisor because [REDACTED] was just contesting the justness of the citations that Officer Martinez was entitled to issue. However, [REDACTED] statements to Officer Martinez captured on BWC show that [REDACTED] expressed his belief to Officer Martinez that the officers were engaged in misconduct by unjustly handcuffing him. In addition, the proximity of the station to the stop did not relieve Officer Martinez of his responsibility to obey G08-01-02 when he received [REDACTED] allegation of misconduct. Thus, Officer Martinez failed to follow a Department directive in violation of Rule 6. COPA finds that this allegation is Sustained.

**d. Officer Mohammad failed to notify a supervisor after receiving [REDACTED] allegation of misconduct.**

Likewise, [REDACTED] told Officer Mohammad several times that he wished to speak with a supervisor. In addition, [REDACTED] specifically stated to Officer Mohammed that he was being harassed. Officer Mohammad recognized that harassment is a type of misconduct. However, like Officer Martinez, Officer Mohammad decided that because the station was nearby, he was not required to follow G08-01-02, in violation of Rule 6. COPA finds this allegation to be **Sustained**.

## **VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

**a. Officer Constantino J. Martinez**

**i. Complimentary and Disciplinary History**

- 1. Complimentary:** One Crime Reduction Award; one Annual Bureau Award of Recognition; one Attendance Recognition Award; two

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<sup>18</sup> G08-01-02 (II)(B)(1).

Department Commendations; four Emblems of Recognition for Physical Fitness; one hundred-three Honorable Mentions; two Honorable Mention Ribbon Awards; one Joint Operations Award; one Police Officer of the Month award; one Problem Solving Award; one Special Commendation; one Superintendent's Award of Tactical Excellence; one Superintendent's Honorable Mention; one Top Gun Arrest Award' and one Traffic Stop of the Month Award.

2. **Disciplinary:** Officer Martinez was disciplined on January 20, 2021, for failure to perform assigned tasks relating to an incident that occurred on December 29, 2020, for which he received a Reprimand. He was also disciplined on February 7, 2020, for a preventable accident relating to an incident that occurred on January 9, 2020, for which he received a Reprimand.

**ii. Recommended Penalty:**

1. **Allegation 1:** 20-day Suspension
2. **Allegation 2:** 20-day Suspension
3. **Allegation 3:** 20-day Suspension

COPA has considered Officer Martinez's complimentary history in mitigation. In aggravation, Officer Martinez has previously received discipline for failing to perform an assigned task. Here, Officer Martinez again failed to perform a required task when he did not call a supervisor after ██████ requested one because of what ██████ perceived to be harassment by the officers. Officer Martinez also violated ██████ Fourth Amendment rights when he detained and then handcuffed him without justification. Fourth Amendment violations are the sort of misconduct that could undermine the public's confidence in the Department and must be addressed accordingly. For the foregoing reasons, COPA recommends a 20-day Suspension.

**b. Officer Mohammad W. Mohammad**

**i. Complimentary and Disciplinary History**

1. **Complimentary:** One Crime Reduction Award; one Annual Bureau Award of Recognition; one Attendance Recognition Award; one Department Commendation; one Emblem of Recognition for Physical Fitness; ten Honorable Mentions; and two Life Saving Award.
2. **Disciplinary:** None

**ii. Recommended Penalty**

1. **Allegation 1:** 5-day suspension

COPA recommends that Officer Mohammad W. Mohammad receive a 5-day suspension. COPA has considered Officer Mohammad’s complimentary history, as well as his lack of disciplinary history, in mitigation. However, although Officer Mohammad recognized harassment as misconduct, he failed to notify a supervisor as Officer Mohammad was required to do upon receipt of a misconduct allegation from [REDACTED]. For this reason, COPA recommends a 5-day suspension.

Approved:

[REDACTED]  
\_\_\_\_\_  
Sharday Jackson  
*Deputy Chief Administrator*

2/25/22  
\_\_\_\_\_  
Date