

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	December 21, 2019 / 6:35 pm / [REDACTED] [REDACTED] [REDACTED]
Date/Time of COPA Notification:	December 21, 2019 / 9:53 pm.
Involved Officer #1:	Officer Tomas Almazan, ¹ Star#14092, Employee ID#[REDACTED], Date of Appointment: February 2, 2015, Rank: Police Officer, Gender: Male, Race: White, Unit of Assignment: 005, DOB: [REDACTED], 1992
Involved Officer #2:	Officer Martin Boyle, Star #14500, Employee ID # [REDACTED], Date of Appointment: February 2, 2015, Rank: Police Officer, Gender: Male, Race: White, Unit of Assignment: 025, DOB: [REDACTED] 1991
Involved Officer #3:	Officer Alfredo Martinez, ² Star #10404, Employee ID#[REDACTED], Date of Appointment: April 25, 2016, Rank: Police Officer, Gender: Male, Race: White, Unit of Assignment: 005, DOB: [REDACTED] 26, 1990
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 2002, Gender: Male, Race: Black
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Martin Boyle	It is alleged by the complainant, [REDACTED] that on or about December 21, 2019, at approximately 6:35pm, at or near [REDACTED] [REDACTED], that Officer Martin Boyle (“PO Boyle”) committed misconduct through the following acts or omissions: 1. Kicked [REDACTED] in the head without justification.	Not Sustained

¹ Attachment 17& 35 -Officer Almazan resigned on December 14, 2021. COPA attempted to interview Almazan. Almazan initially agreed to be interviewed, but later refused.

² Formal allegations were not brought against Officer Martinez.

II. SUMMARY OF EVIDENCE ³

The Complainant, ██████████ (██████████) alleges that Officer Martin Boyle (“Officer Boyle”) kicked him in the head without justification. Specifically, on December 21, 2019, ██████████ sustained a kick to the head when he was arrested at ██████████ ██████████ for a domestic battery incident involving his girlfriend.⁴ At the residence, ██████████ contends that the officers asked him to get on the ground, and he was kicked in the head by one of the officers attempting to step over him.⁵ During his interview with COPA, ██████████ told investigators that he believed the officer dragged his foot.⁶ ██████████ also informed COPA investigators that a painful knot⁷ had formed on his head during his transport to the police station. Photos taken by ██████████ ██████████, ██████████ depict a small knot on ██████████ forehead.⁸

Furthermore, officer body-worn camera (“BWC”) footage captured the incident and shows that the officers entered the residence at ██████████ ██████████. Officer Boyle’s BWC captures ██████████ ██████████, ██████████ (██████████⁹ informing the officers that she was involved in an altercation with ██████████¹⁰ The footage also captures ██████████ informing Officer Boyle that she wants ██████████ arrested, and she points to one of the bedrooms where he is located.¹¹ ██████████ quickly opens his bedroom door, and Officer Boyle tells ██████████ to lie on the ground. Officers Boyle and Almazan point their Tasers at ██████████ as he gets on the floor. Officer Boyle’s BWC depicts ██████████ complying with officers’ demands and lying on the floor while officers pointed their tasers at him. The footage then captures Officer Boyle stepping over ██████████ to assist another officer in placing handcuffs on ██████████¹²

Additionally, in an attempt to arrest ██████████ the BWC footage captures ██████████ saying, “He just... he just kicked me in my face.”¹³ Officer Boyle then says, “I did not kick you,” in response to the statement made by ██████████¹⁴ The footage also captures Officer Boyle stating words to the effect of, “No one kicked you in the face,” after ██████████ repeatedly tells others that he was kicked in the face.¹⁵ The footage then captures ██████████ stating, “One of ya’ll just kicked me dead in my face.”¹⁶ After several minutes, officers escort ██████████ to the living room to grab his shoes while Officer Boyle searches his bedroom.¹⁷ Shortly after, the footage shows officers exiting the apartment with ██████████ and Officer Boyle remaining to speak with ██████████ family and former

³ This section contains a summary of the material evidence gather during the investigation.

⁴ Attachment 4 at Mark 2:40.

⁵ *Id* at Mark 3:59.

⁶ *Id* at Mark 4:08.

⁷ Attachments 18 – 23.

⁸ *Id* at Mark 4:35.

⁹ COPA attempted to contact ██████████ but she did not responded to any of the corespondances. (Att. 32)

¹⁰ Attachment 8 at Mark at 4:36.

¹¹ *Id* at Mark 5:02.

¹² *Id* at Mark 5:28.

¹³ *Id* at Mark 5:29.

¹⁴ *Id* at Mark 5:33.

¹⁵ *Id* at Mark 6:11.

¹⁶ *Id* at Mark 6:22.

¹⁷ *Id* at Mark 7:34-10:22.

██████████.¹⁸ Officer Boyle then deactivates his BWC, and the footage concludes at 15 minutes and 14 seconds.

COPA interviewed ██████████, ██████████ and his ██████████, ██████████¹⁹ ██████████ indicated that the police were called by ██████████, ██████████. When the officers arrived at their home, they separated ██████████ and ██████████ and concluded they needed to work out their differences. According to ██████████ the officers left without anyone being arrested. At the 8:22 mark, ██████████ was asked if she remembered another incident when ██████████ was arrested, and she could not recall another incident. Then ██████████ was asked if the officers had any physical contact with ██████████. Jamea stated, “They kicked his ass in his face.”²⁰ The family members got angry, and the officers removed ██████████ from the house and placed him in their squad car.

██████████ told COPA that her ██████████, ██████████ and his ██████████, ██████████ got into an altercation, and the police were called. ██████████ stated that six officers entered the home, and two of the officers had their guns out, but they did not point their weapons at anyone. ██████████ was hiding in his bedroom when the officers arrived. ██████████ exited the room, and the officers threw him to the floor. As the officers held him down, one of the officers kicked ██████████ on the forehead. ██████████ later admitted that she never saw the officer kick ██████████ on the forehead but heard him say, “You kicked me in my face.” ██████████ indicated that she had a video of the event but failed to send COPA a copy of the video.

Moreover, the **Original Case Incident Report**²¹ indicates that ██████████ was arrested for domestic battery involving his girlfriend, ██████████ on December 21, 2019. Additionally, the **Arrest Report**²² indicated that Officer Martinez responded to an OEMC call of a battery in progress involving ██████████ and ██████████ in the alley between South Michigan Avenue and State Street.

III. ANALYSIS AND CONCLUSION

a. Officer Martin Boyle

COPA recommends a finding of **NOT SUSTAINED** against Officer Boyle, in that he kicked ██████████ in the head without justification. In his interview with COPA, Officer Boyle stated that he did not kick ██████████ in the head and was unsure why ██████████ would make such an accusation.²³ A photograph provided by ██████████ depicts a small knot on ██████████ forehead. ██████████ said one of the officers kicked ██████████ in the face, but she gave conflicting accounts of the incident. ██████████ did not witness ██████████ being kicked by Officer Boyle, and she also added inconsistent details of the incident. For instance, the officers never threw ██████████ to the floor, and he went to the floor on his own. Officer Boyle stated, “If any contact was made towards him or near his body or head... it was not intentional,” which differs from the account given by

¹⁸ *Id* at Mark 12:34.

¹⁹ Attachment 33, 34.

²⁰ Attachment 33, Mark 9:10.

²¹ Attachment 7.

²² Attachment 6.

²³ Attachment 16 at Mark 19:32.

██████████²⁴ Although the video does not show the kick, Officer Boyle’s actions did not appear aggressive and intentional. Officer Boyle remained calm and level-headed the entire encounter. While ██████████ did have an injury, there is insufficient evidence to prove that he was in fact kicked by Officer Boyle. Even if Officer Boyle did kick him, there is insufficient evidence to show that this was intentional, as he was stepping over ██████████. Thus, there is insufficient evidence to prove or disprove misconduct allegations. For these reasons, COPA finds that this allegation against Officer Boyle is **NOT SUSTAINED**.

Approved:

██
Sharday Jackson
Deputy Chief Investigator-Chief Investigator

May 31, 2023
Date

²⁴ *Id* at Mark 19:23.