



Log # 2020-1490

FINAL SUMMARY REPORT

I. EXECUTIVE SUMMARY

On April 6, 2020, the Civilian Office of Police Accountability (COPA) received an Initiation Report¹ authored by Sgt. Tracy Adler reported alleged misconduct by a member of the Chicago Police Department (CPD). The Initiation Report alleged that on April 6, 2020, CPD Officer Alfredo Martinez made a social media post disparaging of a protected class by filming a group of African Americans and posting words to the effect of, “This is why African Americans are victims of COVID-19 at a higher rate,” which two other CPD officers found insulting. COPA reviewed the Snapchat video and interviewed the accused, Officer Martinez, and reached a sustained finding.

II. SUMMARY OF EVIDENCE

COPA obtained the Snapchat video recorded by Officer Martinez.² The video shows a group of African Americans in close proximity to each other on the front porch of an unknown residence. The video also has a text caption authored by Officer Martinez stating, “This is why African Americans are victims of COVID-19 at a higher rate.” COPA also obtained the initiation report from Sgt. Tracy Adler.³ The initiation report details complaints from two CPD officers, [REDACTED] and [REDACTED]. Both officers stated they were offended by the post. Officer [REDACTED] provided Sgt. Adler with a copy of the video. COPA obtained the Inventory Report⁴ for inventory No 14690095, which detailed the inventoried item as a photocopy of a photograph displaying the Snapchat post.

In a statement to COPA⁵ on November 15, 2023, Officer Alfredo Martinez relayed he was on-duty at the time of the Snapchat posting. Officer Martinez was on Patrol and admitted he did make the Snapchat post. Officer Martinez stated he was on-duty with a partner, Officer Cirello. On April 6, 2020, Officer Martinez relayed he was at approximately 120th and Wallace at the time the video was taken but does not recall the time he recorded. The video was recorded from his personal cell phone and was then posted to Snapchat. The post allowed viewing by Officer Martinez’ friends and followers on Snapchat. Officer Martinez was made aware of the CR number

¹ Att. 2, Initiation Report Authored by Sgt. Tracy Adler #1972,

² Att. 13, Snapchat Video

³ Att. 6, Initiation Report.

⁴ Att. 9, Inventory Report

⁵ Att. 16, Officer Martinez’s statement to Copa.

created in relation to the Snapchat post by Sgt. Tracy Adler. Sgt. Adler relayed to Officer Martinez that she had to pull a CR number for this case and that she felt bad that she had to create the CR number.

When asked if he was familiar with G0-06-06, Officer Martinez relayed that he was. Officer Martinez was then asked to detail what the post was about and why he posted it. Officer Martinez relayed that the date he made the post, April 6, 2020, was during the peak of the Covid-19 pandemic. Officer Martinez explained, "I am aware I should not have posted it."⁶ Since the post, Officer Martinez explained he deleted his social media accounts. Officer Martinez also explained that during the time when he made the Snapchat post, he was scared of Covid-19, due to the uncertainty surrounding it. Officer Martinez explained he had contracted Covid-19 on two occasions. Officer Martinez elaborated that he was scared and paranoid during that time and uncertain of the future, especially due to the fact he was required to go to work every day. Officer Martinez explained that in the year 2020, he had a one-year-old child at home.

On April 6, 2020, there was a call due to a large gathering at the block of 120 and Wallace. The call was upgraded to a physical altercation that had occurred on the street from the large gathering, which is why he and his partner were dispatched to the scene. When they arrived at the scene, Officer Martinez recorded the video, which was posted to Snapchat. Officer Martinez relayed that after observing the large gathering, in his opinion, they were not following the recommended Covid-19 guidelines, which delineated no large social gatherings and to practice social distancing to ensure safety. Officer Martinez said during the time surrounding his post to Snapchat, he would watch City Officials give live updates, or briefings, on the status of the Covid-19 pandemic, and they explained how the black and brown communities were more susceptible to contracting the virus and not surviving it. Officer Martinez explained he was part of the black and brown communities and that his weight was not the healthiest at the time, which was another factor that increased his chances of not surviving Covid-19. Martinez explained further, "All of that put together, I made a mistake, I understand the mistake, I understand the consequences of the mistake, but I did post that."⁷ Officer Martinez was not trying to cause any harm to anyone, and he did not make the post viewable to the public, just to his social media friends.

Officer Martinez added that he knew he should not have made the post and was sorry he posted it. Officer Martinez explained he was not trying to disparage anyone, especially a fellow minority or community.

⁶ Att. 16, Officer Martinez' statement to Copa, timestamp 12:30.

⁷ Att. 16, Officer Martinez' statement to COPA, timestamp 15:26- 15:35.

III. ALLEGATIONS

Police Officer Alfredo Martinez:

1. Making a social media post disparaging of a protected class, by filming a group of African Americans and posting words to the effect of, "This is why African Americans are victims of Covid-19 at a higher rate."

- Sustained, Violation of Rules 2, 6, and 8.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements.

V. ANALYSIS⁸

COPA finds that Allegation #1 against Officer Martinez for making a social media post disparaging of a protected class by filming a group of African Americans and posting words to the effect of, "This is why African Americans are victims of Covid-19 at a higher rate," **sustained**. Under CPD policy, "When using social media, whether on or off duty, Department members are prohibited from posting, displaying, transmitting, or otherwise disseminating: content that is disparaging to a person or group based on race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history, criminal record, criminal history, or any other protected class consistent with the Department directives titled "Human Rights and Human Resources" and "Prohibition Regarding Racial Profiling and Other Bias-Based Policing."⁹

The context and wordage used by Officer Martinez were discriminatory and disparaging of African Americans. CPD Officers [REDACTED] and [REDACTED] made a complaint to Sgt. Tracy Adler, about the Snapchat post, and explained they were deeply offended by it. Officers [REDACTED] and [REDACTED] provided Sgt. Adler with a copy of the Snapchat video taken by Officer Martinez. Using one event to conclude that an entire group of people are affected by Covid-19 at higher rates serves no purpose but to denigrate a protected class. For these reasons, COPA finds Officer Alfredo Martinez violated CPD policy, and the allegation is **Sustained**.

⁸ For a definition of COPA's findings and standards of proof, *see* Appendix B.

⁹ Att. 18, GO9-01-06 Use of Social Media Outlets (II)-(C) -(3).

VI. DISCIPLINARY RECOMMENDATION

a. Officer Alfredo Martinez #10404

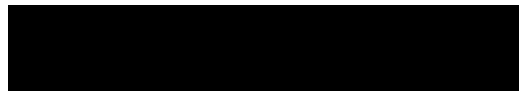
i. Complimentary and Disciplinary History

Officer Martinez has received ninety-eight awards, including ninety-one Honorable Mentions, and three Department commendations. He also had one Spar in 2023 that resulted in no disciplinary action.

ii. Recommended Discipline

Officer Martinez's actions were unacceptable in any situation. Officer Martinez's behavior brought discredit upon the Chicago Police Department and his explanation of his actions shows a clear lack of accountability. COPA has also considered strongly in aggravation that Officer Martinez was on duty and responding to a call for service during this incident. Rather than attending to his duties as an officer, he took time to record and post a video disparaging a protected class. Such conduct severely undermines public trust in the Department. In mitigation, COPA has considered that Officer Martinez did take accountability for his actions and express remorse. Considering all these factors, COPA recommends a suspension of 15-days up to 60-days and training for Officer Martinez in the area of social sensitivity.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

January 23, 2024

Date

Appendix A

Case Details

Date/Time/Location of Incident:	April 6, 2020/17:00- 21:30/ Approx 120 th St. & Wallace St.
Date/Time of COPA Notification:	April 6, 2020/ 23:34
Involved Member #1:	Alfredo Martinez, star #10404, employee ID # [REDACTED], Date of Appointment: 04/25/2016, Unit of Assignment 005, male, Hispanic.
Involved Member #2	[REDACTED] star # [REDACTED] employee ID # [REDACTED], Date of Appointment: [REDACTED]/2016, Unit of Assignment 005, female, black.
Involved Member # 3	[REDACTED] star # [REDACTED] employee ID # [REDACTED]. Date of Appointment: [REDACTED]/2013, male, Black.

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- *G09-01-06 Use of Social Media Outlets (effective [date] to [date (or present)])*

Appendix B

Definition of COPA’s Findings and Standards of Proof

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 a proposition is proved.¹⁰ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”¹¹

¹⁰ 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 is found to be more probably true than not).

¹¹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation