Log # 2023-0000466

FINAL SUMMARY REPORT[1]

I. EXECUTIVE SUMMARY

On February 2, 2023, the Civilian Office of Police Accountability (COPA) received a telephone complaint from [redacted] reporting alleged misconduct by members of the Chicago Police Department (CPD). [redacted] alleged that on January 23, 2023, Officer Sergio Martinez, Officer Anastasia Papineau, Officer Deja Pickett, Officer Shahrukh Ali, and Officer Antonio Ramirez illegally searched her and her vehicle.[2] Upon review of the evidence, COPA served additional allegations in regards to the search of her passengers, as well as verbal abuse allegations against Officers Shahrukh Ali and Antonio Ramirez. Following its investigation, COPA reached sustained findings regarding the allegations of engaging in an unjustified verbal altercation with [redacted]

II. SUMMARY OF EVIDENCE[3]

On January 23, 2023, at approximately 9:00 pm, Officers Martinez and Papineau were on patrol when they observed a vehicle with dark tints in violation of MCC 9-76-220A.[4] The officers curbed the vehicle and Officer Martinez approached the driver's side, while Officer Papineau approached the front passenger's side. Officer Martinez asked [redacted] the driver, to roll down the back passenger window, and then [redacted] asked the reason for the stop.[5] Officer Martinez stated that her tints were too dark, and [redacted] asked for a "tint tester."[6] Officer Martinez said they were only used in the suburbs and asked for [redacted] driver's license and whether [redacted] had a FOID or CCL. [redacted] twice did not answer, stating she gave him her license, and then finally responded, "no."[7] Officer Martinez asked if anyone in the car had a FOID or CCL – there was a front passenger and a backseat passenger – whereupon [redacted] told Officer Martinez that he was "asking the wrong

[1] Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.
[2] One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.
[3] The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including *[identify the most material and outcome-determinative evidence relied upon, such as BWC footage, ICC footage, third-party video, police reports, civilian interviews, officer interviews, etc.]*.
[4] Att. 18.
[5] Att. 5 at 20:58:14
[6] Att. 5 at 20:58:28
[7] Att. 5 starting at 20:58:32

questions."[8] After some argument, she stated that nobody in the car had them.[9] Meanwhile, Officer Papineau had been knocking on the front passenger window to have the passenger roll it down, but the passenger ignored her.[10]

The officers returned to the CPD vehicle and conducted a name check on [redacted] which revealed that she had had a FOID card, but that it had been revoked due to a prior Unlawful Use of weapons (UUW) conviction.[11] Noting [redacted] attitude, the number of people in the car, and the fact that they could not see in due to the dark tints and the front passenger's failure to lower the window, Officer Martinez radioed for assistance.[12] Officers Pickett, Burch, Ali, and Ramirez responded to the scene. When the other officers arrived, Officer Martinez went back to [redacted] vehicle and asked [redacted] to step out.[13] She argued that she did not have to step out, but after ordering her to do so several times, she stepped out. Officer Martinez directed Officer Pickett (a female) to pat down [redacted][14] [redacted] continued to argue and indicated that they were not allowed to search her vehicle.

Officer Papineau then directed the front seat passenger, and adult male black, to step out, and the passenger argued as well. As the passenger stepped out, he was moving his hands around and stated, "I got something for all you all."[15] Officer Martinez patted down the front passenger and handcuffed him to [redacted] The back seat passenger, a 13-year-old male black, was then asked to step out of the car and was handcuffed to [redacted][16] Officers Martinez and Papineau searched [redacted] vehicle, including bags within the vehicle, the center console, and the compartment in the backseat that opened to the trunk. [redacted] was then released, along with the two other occupants, who never gave their names. Investigatory Stop Reports (ISRs) were done for all three, and [redacted] was given an ISR receipt and citation for her dark tints.[17]

As [redacted] pulled her car back to leave the scene, she almost drove into Officer Papineau.[18] Words were exchanged between Officers Ali and Ramirez and [redacted] before she ultimately drove off.[19]

In her interview with COPA, [redacted] acknowledged that she had had the windows on her car tinted darker which she had been stopped for before, but was unsure how to remove them.[20]

[8] Att. 5 starting at 20:58:46.
[9] Att. 5 at 20:59:10.
[10] Att. 3 at 20:58:32.
[11] Att. 5 starting at 20:59:45.
[12] Att. 5 at 21:04:15.
[13] Att. 21:06:02.
[14] Att. 10 at 21:06:50.
[15] Att. 5 at 21:07:00.
[16] John Doe and John Doe Juvenile.
[17] Att. 5 at 21:14:32.
[18] Att. 4 at 21:18:54.
[19] Att. 4 starting at 21:19:25.
[20] Att. 55, pg. 23, lns. 2 to 12.

She complained that her car was searched, the "deep part" of the center console was broken, she was denied a supervisor when she asked for one, and the officers did not give her their names.

III. ALLEGATIONS

Officer Sergio Martinez:
It is alleged that on or around January 23, 2023, at approximately 9:00 pm, at or near 7500 S. Exchange Ave., Chicago, IL, Officer Sergio Martinez:

1. Searched the vehicle of [redacted] without justification.
   - Exonerated
2. Searched John Doe Juvenile without Justification.
   - Unfounded

Officer Anastasia Papineau:
It is alleged that on or around January 23, 2023, at approximately 9:00 pm, at or near 7500 S. Exchange Ave., Chicago, IL, Officer Anastasia Papineau:

1. Searched the vehicle of [redacted] without justification.
   - Exonerated
2. Searched John Doe without Justification.
   - Unfounded

Officer Deja Pickett:
It is alleged that on or around January 23, 2023, at approximately 9:00 pm, at or near 7500 S. Exchange Ave., Chicago, IL, Officer Deja Pickett:

1. Searched [redacted] without justification.
   - Exonerated

Officer Shahrukh Ali:
It is alleged that on or around January 23, 2023, at approximately 9:00 pm, at or near 7500 S. Exchange Ave., Chicago, IL, Officer Ali Shahrukh:

1. Stated to [redacted] words to the effect of, "Shut the fuck up and go, shut the fuck up and go. Fuck you, fucking woofer."
   - Sustained, Violation of Rules 2, 3, 6, 8, 9
2. Engaging in unjustified verbal altercation with [redacted]
   - Sustained, Violation of Rules 2, 3, 6, 8, 9

Officer Antonio Ramirez:
It is alleged that on or around January 23, 2023, at approximately 9:00 pm, at or near 7500 S. Exchange Ave., Chicago, IL, Officer Antonio Ramirez:

1. Searched the vehicle of [redacted] without justification.
   - Exonerated
2. Stated to [redacted] words to the effect of, "You get in the car dumb ass"
   - Sustained, Violation of Rules 2, 3, 6, 8, 9
3. Engaging in unjustified verbal altercation with [redacted]
   - Sustained, Violation of Rules 2, 3, 6, 8, 9

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

V. ANALYSIS[21]

a. Allegations #1 against Officers Martinez, Papineau, Ramirez and allegation #1 against Officer Deja Pickett – Searching [redacted] and searching [redacted] vehicle without justification.

COPA finds allegations #1 against Officer Martinez, Papineau, Ramirez, and Pickett – searching [redacted] and searching the vehicle of [redacted] without justification – to be **Exonerated.**

Warrantless searches of citizens and their property have been strictly limited by the Fourth Amendment of the United States Constitution and the Illinois Constitution, which established "the right of individuals to be free from unreasonable searches and seizures."[22] However, a police officer may perform a protective pat-down search where, after making a lawful stop, the officer has a reasonable articulable suspicion that he or another is in danger of attack because the defendant is armed and dangerous.[23]

CPD defines a protective pat down as: "A limited search during an investigatory stop in which a sworn member conducts a pat down of the outer clothing of a person for weapons for the

[21] For a definition of COPA's findings and standards of proof, *see* Appendix B.
[22] *People v. Colyar*, 2013 IL 111835, ¶ 31 (citing U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6).
[23] *People v. Sorenson*, 196 Ill. 2d 425, 432 (2001).

protection of the sworn member or others in the area."[24] CPD defines reasonable articulable suspicion as "an objective legal standard that is less than probable cause, but more than a hunch or general suspicion." Reasonable Articulable Suspicion depends on the totality of the circumstances which the sworn member observes and the reasonable inferences that are drawn based on the sworn member's training and experience."[25] Therefore, "[f]or a protective pat down, a sworn member must possess specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area."[26]

Additionally, after conducting a traffic stop, if the police have a reasonable suspicion based on specific and articulable facts to believe that a vehicle occupant may be armed and dangerous, they may not only conduct a protective search for weapon of the person, but also of the passenger compartment of the automobile.[27] "[T]he search of the passenger compartment of an automobile, [is] limited to those areas in which a weapon may be placed or hidden," and includes containers such as bags within the automobile,[28] a locked glove compartment,[29] and the trunk if it is accessible from the passenger compartment.[30]

Here COPA finds that the officers had reasonable, articulable suspicion to perform a pat down of [redacted] and so, also a protective search of the passenger compartment of the automobile. The specific and articulable facts here are that: the windows of the vehicle were covered with dark tints making it very hard to see inside; [redacted] was argumentative and uncooperative in answering questions and when being asked to step out; she ignored the question about whether she had a FOID or CCL twice before she was willing to answer it; and the officers discovered that she had had an FOID which had been revoked due to a UUW felony conviction. During the officers' interviews to COPA, they explained that these facts led them to believe that [redacted] might be armed and dangerous.[31] As such, COPA finds that the officers were justified in patting [redacted] down and in performing a protective search of the passenger compartment of her vehicle. Thus, Allegations 1 against each officer is **Exonerated**.

b. Allegations #2 against Officers Martinez and Papineau – Searching John Doe and John Doe Juvenile without justification.

COPA finds allegation #2 against Officer Martinez – searching John Doe Juvenile – is **Not Sustained**. As stated above, a police officer may perform a protective pat-down search where,

[24] Att. 26, S04-13-09(II)(C) Investigatory Stop System (Effective July 10, 2017 to present).
[25] Att. 26, S04-13-09(II)(C) Investigatory Stop System (Effective July 10, 2017 to present).
[26] Att. 26, S04-13-09(II)(C) Investigatory Stop System (Effective July 10, 2017 to present).
[27] *Michigan v. Long*, 463 U.S. 1032, 1048-49 (1983).
[28] *Michigan v. Long*, 463 U.S. at 1049, 105--51.
[29] *United States v. Holifield*, 956 F. 2d 665, 668-69 (7th Cir. 1992)
[30] *United States v. Arnold*¸ 388 F. 3d 237, 240 (7th Cir. 2004)
[31] Att. 17.

after making a lawful stop, the officer has a reasonable articulable suspicion that he or another is in danger of attack because the defendant is armed and dangerous.

During [redacted] and Officer Martinez's interview to COPA, both stated that the juvenile was not searched.[32] Although BWC shows that Officer Martinez touched the juvenile's sweatshirt after he asked him to step out of the car,[33] it is not clear from the BWC that he conducted a pat down or any type of search. Therefore, there is insufficient evidence to prove the allegations based on a preponderance of the evidence or disprove the allegations by clear and convincing evidence. Consequently, COPA finds Allegation #2 against Officer Martinez to be **Not Sustained**.

COPA finds allegation #2 against Officer Papineau – searching John Doe without justification – is **Unfounded**. During Officer Papineau's interview with COPA, she stated that she did not search or pat down the John Doe,[34] which BWC confirms. Thus, COPA finds, by clear and convincing evidence, that Officer Papineau did not search John Doe, so allegation #2 against Officer Papineau is **Unfounded**. It is true that Officer Martinez did pat down John Doe, but such pat down would have been justified in that as he exited the vehicle John Doe's hands were moving rapidly all over as he made the comment: "I got something for you all."[35] Thus, Officer Martinez would have had reasonable and articulable suspicion to pat down John Doe.

c. Allegations #1 and #2 against Officers Ali and Ramirez –in an unjustified verbal altercation with [redacted]

COPA finds allegations #1 and #2 against Officer Ali and Ramirez – engaging in an unjustified verbal altercation with [redacted] – to be **Sustained**. Department members are required to "treat all persons with the courtesy and dignity which is inherently due every person as a human being," to "act, speak, and conduct themselves in a courteous, respectful, and professional manner", and to "not exhibit a condescending attitude or direct any derogatory terms toward any person in any manner.

After the traffic stop concluded, both officers got into a verbal altercation with [redacted] Officer Ali stated words to the effect of, "Shut the fuck up and go, shut the fuck up and go. Fuck you, fucking woofer."[36] Officer Ramirez stated words to the effect of, "You get in the car dumb ass."[37] During both officers interview with COPA, they admitted to using offensive language towards [redacted][38] As such, COPA finds by a preponderance of the evidence that they did not

[32] Att. 55 and Att. 57.
[33] Att. 10 at 21:08:04.
[34] Att. 53, pg. 16, lns. 8 to 10.
[35] Att. 3 at 21:07:08 and Att. 5 at 21:07:00.
[36] Att. 9 at 21:19:24.
[37] Att. 7 at 21:15:48.
[38] Att. 50 starting at 20:00 and Att. 54, pg. 14 to 15.

engage with [redacted] in a professional and courteous manner, and instead used a condescending tone, and disrespected [redacted][39] Accordingly, COPA finds allegations #1 and #2 to be **Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Shahrukh Ali

i. Complimentary and Disciplinary History[40]

Officer Ali has a total of 183 awards, including: a 2019 crime reduction award, an attendance recognition award, a complimentary letter, a department commendation, three emblems of recognition, 167 honorable mentions, a honorable mention ribbon, a top gun arrest, a traffic stop of the month award, and a unit meritorious performance. Officer Ali also has a sustained finding for operation personnel violation- conduct unbecoming stemming from a 2019 traffic stop for which he received a reprimand.

ii. Recommended Discipline

In mitigation, COPA will consider Officer Ali's numerous awards and that he admitted to and exhibited remorse on his conduct. During his interview with COPA, he acknowledged that he should have been more professional and use better de-escalation techniques.[41] He recognized that the remarks he made were "not okay," hoped that the incident did not "define him as an officer, as it was out of character for him because he had been an officer for eight years, had been a very proactive officer, and had never had an allegation that he spoke to someone like that before.[42] He explained that he had been working non-stop because his days off had been cancelled, and he was assigned to an unfamiliar district.[43] He stated that although he was "human," he recognized that he should not have let the front passenger's threats about his job provoke him, and that he should have been more professional because as a police officer, he is "held to a higher standard."[44]

In aggravation, COPA will consider that Officer Ali had a previous sustained finding.

COPA recommends a 5-day suspension.

b. Officer Antonio Ramirez

i. Complimentary and Disciplinary History

[39] Att. 9 at 21:19:24 to 21:19:33 and Att. 7 at 21:15:50.
[40] Att. 60.
[41] Att. 54, pg. 15 to 16, lns. 19 to 24 and lns. 1 to 3.
[42] Att. 54, pgs. 14-20.
[43] Att. 54, pg. 21.
[44] Att. 54, pgs. 14-15, 20.

Officer Ramirez has a total of 180 awards, which include: a 2019 crime reduction award, two department commendations, an emblem of recognition, 170 honorable mentions, two honorable mention ribbons, and four top gun arrests. Officer Ramirez also has a SPAR for preventable accident for which he received a reprimand.

ii. Recommended Discipline

In mitigation, COPA will consider Officer Ramirez's numerous awards. But, while Officer Ramirez admitted that he lost his cool when his job was being threatened, he stated that the reason he regretted it was because now he was "sitting here, unfortunately, paying the price."[45] He did not seem to internalize the reasoning for why his behavior was unacceptable as a police officer, but rather seemed to regret getting caught. COPA will consider that all officers receive training regarding the policy, Protection of Human Rights, and should have a fundamental understanding of professionalism and how to conduct themselves when interacting with the public. COPA will also consider Officer Ramirez's SPAR.

COPA recommends a 10-day suspension.

Approved:

[redacted]

November 13, 2023

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date

[45] Att. 54 at 20:19.

Appendix A

Case Details

Date/Time/Location of Incident:	January 23, 2023 / 8:57 pm
Date/Time of COPA Notification:	February 2, 2023 / 11:07 am
Involved Member #1:	Sergio Martinez, Star# 19512, Employee ID# [redacted], DOA: Unit of Assignment: Male, Hispanic
Involved Member #2:	Anastasia Papineau, Star# 7977, Employee ID# [redacted], DOA: September 27, 2018, Unit: 007, Female, White
Involved Member #3:	Deja Pickett, Star# 18103, Employee ID# [redacted], DOA: January 31, 2022, Unit: 044 Female, Black
Involved Member #4:	Shahrukh Ali, Star# 14112, Employee ID# [redacted], DOA: October 26, 2015, Unit: 007, Male, API
Involved Member #5:	Antonio Ramirez, Star# 19116, Employee ID# [redacted], DOA: February 20, 2018, Unit: 007, Male, Hispanic
Involved Individual #1:	[redacted]Female, 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

- G02-01, Protection of Human Rights (effective June 30, 2022, to present).
- S04-13-09 IV(B), Investigatory Stop System (effective July 10, 2017, to present).

- 4th Amendment to the United States Constitution

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.[46] 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."[47]

[46] *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).
[47] *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