



Log # 2023-4685

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 5, 2023, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Chicago Police Department (CPD) Sergeant (Sgt.) Enrique Martinez documenting [REDACTED] allegations of misconduct against Police Officers Joel Salmeron and Jeffrey Gomez.² [REDACTED] alleged that on October 4, 2023, the officers stopped her vehicle without justification and drew their firearms.³ When interviewed by COPA, [REDACTED] clarified that the officers pointed firearms at her and detained her in handcuffs for approximately thirty minutes.⁴ Upon review of the evidence, COPA served allegations against Officer Salmeron for pointing his firearm at [REDACTED] without justification, failing to notify the Office of Emergency Management and Communications (OEMC) of a firearm pointing incident, and failing to complete an Investigatory Stop Report (ISR).⁵ Following its investigation, COPA reached Sustained findings against Officer Salmeron for pointing his firearm at [REDACTED] and for failing to notify OEMC of the pointing incident.

II. SUMMARY OF EVIDENCE⁶

On October 4, 2023, at 11:57 am, a CPD member assigned to Beat 124 reported that they had been flagged down by a woman who said she had just seen her car, a grey Maserati which she had reported stolen previously, driving in the 1600 block of S Wabash Ave.⁷ CPD members in the Strategic Decision Support Center (Beat 102S) tracked the Maserati as it drove eastbound on Roosevelt Rd. from Michigan Ave. and onto northbound DuSable Lake Shore Dr. with its hazard lights flashing, but relayed that the Maserati had different license plates than the car that had been reported stolen.⁸ At approximately 12:04 pm, Beat 161D (Officer Frank Gierut and Officers

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 Att. 3.

³ 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.

⁴ Att. 2, pg. 5, lns. 1 to 12, and pg. 6, lns. 15 to 20.

⁵ Because COPA determined that the traffic stop was justified and that Officer Gomez did not point his firearm at [REDACTED] no allegations were served against Officer Gomez.

⁶ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including body-worn camera (BWC) footage, recordings of police radio transmissions, CPD reports, and the interviews of the complainant and the accused CPD member.

⁷ Att. 10, pg. 1; Att. 11 at 00:45 to 01:40.

⁸ Att. 10, pg. 1; Att. 11 at 01:40 to 07:00.

Gomez and Salmeron) reported that they had the Maserati stopped, with one person detained, near E Erie St. and DuSable Lake Shore Dr.⁹

Officer Salmeron unholstered his firearm as he exited the patrol vehicle and approached the passenger side of the Maserati while pointing the firearm towards the Maserati, and he holstered the firearm when the driver, ██████ complied with police commands to exit the vehicle.¹⁰ Officers Gierut and Gomez approached from the driver side of the Maserati; Officer Gomez unholstered his firearm but held the firearm at his side, pointed towards the ground, while Officer Gierut did not unholster.¹¹ Officer Gierut handcuffed ██████ and Officer Salmeron asked ██████ if she owned the Maserati.¹² ██████ told Officer Salmeron that it was not her car and that the car belonged to her friend, but she did not know her friend's last name.¹³ The officers checked ██████ identification along with another person's identification that they found inside the Maserati, and they also checked the Maserati's vehicle identification number (VIN).¹⁴ Officer Salmeron attempted to communicate directly with the officers who were in contact with the theft victim and arranged for the victim to be brought to where ██████ was stopped. At approximately 12:31 pm, Officer Julita Grabowski arrived with the original victim who had reported the theft.¹⁵ After examining the Maserati more closely, the victim agreed that it was not her vehicle, and Officer Gomez removed the handcuffs from ██████ and apologized.¹⁶ Officer Salmeron also apologized, and Officer Gomez asked ██████ if she wanted a receipt for the stop; he then provided a receipt with his name and star number, along with Officer Salmeron's name and star number.¹⁷ The encounter ended at approximately 12:37 pm.

In an interview with COPA, Officer Salmeron denied pointing his firearm at ██████¹⁸ Officer Salmeron explained that when he approached the Maserati, his firearm was pointed to the front, by his chest with the muzzle up, pointed at the vehicle.¹⁹ Officer Salmeron also explained that he moved his firearm to the Sul position after assessing that ██████ was not likely a threat.²⁰ Officer Salmeron also told COPA that he was not required to notify OEMC of a firearm pointing incident because he did not point his firearm at anyone.²¹ Officer Salmeron admitted that CPD members are required to complete an ISR when they perform an investigatory stop.²² Officer Salmeron explained that he saw one of his partners giving an investigatory stop receipt to ██████

⁹ Att. 10, pgs. 1 and 2; Att. 11 at 07:00 to 07:30.

¹⁰ Att. 23 at 01:58 to 2:20.

¹¹ Att. 21 at 1:55 to 2:20; Att. 22 at 1:56 to 2:10.

¹² Att. 21 at 2:20 to 2:40; Att. 22 at 2:21 to 2:30.

¹³ Att. 23 at 2:33 to 3:00.

¹⁴ Att. 16.

¹⁵ Att. 23 at 29:26 to 30:45.

¹⁶ Att. 23 at 30:45 to 34:11.

¹⁷ Att. 23 at 34:11 to 35:35.

¹⁸ Att. 32, pg. 10, lns. 10 to 12.

¹⁹ Att. 32, pg. 10, lns. 16 to 18; pg. 13, ln. 18, to pg. 14, ln. 10; pg. 15, lns. 15 to 18.

²⁰ Att. 32, pg. 15, lns. 20 to 21.

²¹ Att. 32, pg. 16, ln. 15, to pg. 17, ln. 12.

²² Att. 32, pg. 19, lns. 11 to 13.

and he believed the partner who handed ██████ the receipt would complete the accompanying report.²³

III. ALLEGATIONS

Officer Joel Salmeron:

- Displaying a firearm at or in the direction of ██████ without justification.
-**Sustained** – Violation of Rules 2, 3, 6, 8, and 38
- Failing to notify the Office of Emergency Management and Communication (OEMC) that he pointed his firearm.
-**Sustained** – Violation of Rules 2, 3, 5, 6, and 10.
- Failed to complete an Investigatory Stop Report (ISR).
-**Not Sustained**

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies 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 to accurately recall the event from memory.

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. Officer Salmeron's contact with ██████ was captured on BWC footage, and there is little dispute as to what occurred. Officer Salmeron has denied the allegations against him because he believes his actions complied with CPD policy.

V. ANALYSIS²⁴

After reviewing the available evidence, COPA did not serve allegations against Officer Salmeron, Officer Gomez, or Officer Gierut for detaining ██████ CPD members may stop a person for a reasonable period of time based on specific and articulable facts which, combined with rational inferences from those facts, give rise to reasonable articulable suspicion that criminal activity is afoot; the sole purpose of the temporary detention is to prove or disprove those suspicions.²⁵ Here, the officers received notification over the police radio that a car-theft victim had just seen her stolen car drive by, and the officers received a description of the car and contemporaneous information regarding its path of travel. After stopping the car, the driver (█████

²³ Att. 32, pg. 18, lns. 11 to 22.

²⁴ For a definition of COPA's findings and standards of proof, see Appendix B.

²⁵ Att. 38, S04-13-09(IV)(A) and (V)(A), Investigatory Stop System (effective July 10, 2017, to present).

██████ told the officers that it was not her car and that she did not know the full name of the owner, further raising their suspicions. The officers found identification belonging to a third party inside the car, and they took approximately thirty-three minutes to verify the license plate and VIN of the vehicle, check ██████ identification and the identification of the third party, and to allow the original car-theft victim to be driven to the scene of the stop to identify the car. Being detained during the officer's investigation was undoubtedly distressing to ██████ who turned out to be driving a car that was not stolen, but COPA did not find objective, verifiable evidence to support allegations of misconduct based on any unjustified or unreasonably prolonged detention.

a. Officer Salmeron displayed a firearm at or in the direction of ██████ without justification.

COPA finds that the allegation against Officer Salmeron for displaying a firearm at or in the direction of ██████ without justification is **Sustained**. CPD members may only point a firearm at a person when it is objectively reasonable to do so under the totality of the circumstances. The member may consider factors that include, but are not limited to, the nature of the incident, the risk of harm to the member or others, and the level of threat or resistance presented or maintained by the person, such as possession or access to weapons.²⁶ This is in keeping with CPD's policy for any use of force, which requires that members may only use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances, in order to provide for the safety of any person or CPD member, stop an attack, make an arrest, bring a person or situation safely under control, or prevent escape.²⁷ Here, Officer Salmeron was approaching what he reasonably believed could be a stolen vehicle. However, Officer Salmeron had no information indicating that the vehicle had been stolen by means of violence and no information indicating that the driver was armed or dangerous.

Officer Salmeron told COPA that it was his standard practice to unholster his firearm when approaching a stolen vehicle,²⁸ and he described pointing his firearm towards "directly where the passenger sits."²⁹ It is reasonable for a police officer to suspect that the occupant of a purportedly stolen vehicle may be involved in other crimes and may be armed, and it is reasonable for a police officer to unholster their firearm and hold it at their side or in a low-ready position when approaching the vehicle. In fact, this is exactly what Officer Salmeron's partner, Officer Gomez, did when approaching the Maserati. But it was not reasonable, absent any information indicating the presence of a weapon, for Officer Salmeron to point his firearm directly at ██████ vehicle.

COPA does not credit Officer Salmeron's explanation that he was pointing his firearm at the vehicle but not at its driver. Officer Salmeron explained that when he approached the Maserati, his firearm was pointed to the front, by his chest with the muzzle up, pointed at the vehicle.³⁰

²⁶ Att. 29, D19-01(II)(E), Firearm Pointing Incidents (effective November 1, 2019, to present).

²⁷ Att. 37, G03-02(III)(B), De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).

²⁸ Att. 32, pg. 23, lns. 4 to 11.

²⁹ Att. 32, pg. 24, lns. 2 to 3.

³⁰ Att. 32, pg. 10, lns. 16 to 18; pg. 13, ln. 18, to pg. 14, ln. 10; pg. 15, lns. 15 to 18.

Officer Salmeron also explained that he moved his firearm to the Sul position after assessing that [REDACTED] was not likely a threat.³¹ By pointing his firearm directly at an occupied vehicle, Officer Salmeron was pointing at the occupant, and this is corroborated by Officer Salmeron's BWC recording.³² COPA therefore finds, by a preponderance of evidence, that Officer Salmeron displayed a firearm at or in the direction of [REDACTED] without justification, in violation of Rules 2, 3, 6, 8, and 38, and this allegation is **Sustained**.

b. Officer Salmeron failed to notify OEMC that he pointed his firearm.

COPA finds that the allegation against Officer Salmeron for failing to notify OEMC that he pointed his firearm is **Sustained**. CPD members are required to notify OEMC promptly after an incident has concluded whenever they point a firearm at a person while in the performance of their duties.³³ Officer Salmeron admitted that he did not make a pointing notification based on his belief that he had not pointed his firearm at [REDACTED]. For the reasons explained above, COPA has found that Officer Salmeron did point his firearm at [REDACTED]. COPA therefore finds, by a preponderance of evidence, that Officer Salmeron failed to notify OEMC that he pointed his firearm, in violation of Rules 2, 3, 5, 6, and 10, and this allegation is **Sustained**.

c. Officer Salmeron failed to complete an ISR, but it was reasonable for him to believe that Officer Gomez would complete the report.

COPA finds that the allegation against Officer Salmeron for failing to complete an ISR is **Not Sustained**. Sworn CPD members who conduct an investigatory stop are required to submit an ISR.³⁴ Officer Salmeron acknowledged that he and his partners conducted an investigatory stop in this case and that an ISR should have been completed. Officer Salmeron fully recorded [REDACTED] stop with his BWC and notified OEMC of the stop, and Officer Salmeron witnessed Officer Gomez handing an ISR receipt to [REDACTED]. The receipt documented Officer Gomez's and Officer Salmeron's names and star numbers, along with the reason for the stop. Under these circumstances, it was reasonable for Officer Salmeron to believe that Officer Gomez would complete the ISR, although all three of the officers who initiated the stop should have worked together to ensure that the required ISR was completed. This responsibility did not fall to Officer Salmeron alone. Given the need to conclude this investigation in a timely manner, COPA makes a non-disciplinary recommendation for all three officers (Officer Salmeron, Officer Gomez, and Officer Gierut) to receive additional training in the investigatory stop system, and the allegation against Officer Salmeron for failing to complete an ISR is **Not Sustained**.

³¹ Att. 32, pg. 15, lns. 20 to 21.

³² Att. 23 at 01:58 to 2:20.

³³ Att. 29, D19-01(III)(A).

³⁴ Att. 38, S04-13-09(VIII)(A)(1).

VI. DISCIPLINARY RECOMMENDATION

a. Police Officer Joel Salmeron

i. Complimentary and Disciplinary History³⁵

Officer Salmeron has received three Department Commendations, the Police Officer of the Month Award, thirty-six Honorable Mentions, two complimentary letters, and at least seven other awards and commendations. Officer Salmeron has no sustained complaint registers in his disciplinary history, but he has been reprimanded through the summary punishment process for a July 2024 incident involving early deactivation of his BWC and for a March 2024 preventable accident.

ii. Recommended Discipline

COPA has found that Officer Salmeron violated Rules 2, 3, 6, 8, and 38 by displaying a firearm at or in the direction of [REDACTED] without justification and Rules 2, 3, 5, 6, and 10 by failing to notify OEMC of the firearm pointing incident. Officer Salmeron had more than six years' experience as a police officer at the time of this incident. By pointing his firearm at [REDACTED] without justification, Officer Salmeron's actions caused unnecessary fear on the part of [REDACTED] and tended to undermine confidence in CPD's ability to treat members of the public fairly and to enforce the law while respecting human rights. By failing to properly document the pointing incident by notifying OEMC, Officer Salmeron thwarted CPD's efforts to review all firearm pointing incidents for the purpose of identifying tactical, equipment, or training concerns and for the purpose of identifying violations of CPD policy. Considering these facts, and considering Officer Salmeron's complimentary and disciplinary history, COPA recommends that **Officer Salmeron be suspended for one day and undergo additional training in firearm use and handling.**

Approved:

[REDACTED]

4-4-2025

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

³⁵ Atts. 39 and 40.

Appendix ACase Details

Date/Time/Location of Incident:	October 4, 2023 / 12:05 pm / 800 N Lake Shore Dr., Chicago, IL 60611
Date/Time of COPA Notification:	October 4, 2023 / 2:15 pm
Involved Member #1:	Police Officer Joel Salmeron, Star #9459, Employee ID #██████, DOA: June 16, 2017, Unit: 001, Male, White Hispanic
Involved Individual #1:	██████████ 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 10:** Inattention to duty.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- S04-13-09, Investigatory Stop System (effective July 10, 2017, to present).³⁶
- D19-01, Firearm Pointing Incidents (effective November 1, 2019, to present).³⁷
- G03-02, De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present).³⁸

³⁶ Att. 38.

³⁷ Att. 29.

³⁸ Att. 37.

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.³⁹ 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.”⁴⁰

³⁹ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

⁴⁰ *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