



Log # 2024-0006310

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On July 26, 2024, the Civilian Office of Police Accountability (COPA) received an initiation report from Complainant [REDACTED] ([REDACTED] who reported alleged misconduct to the Chicago Police Department (CPD).² [REDACTED] alleged that on July 25, 2024, CPD Officers Fernando Marquez and Jabir Redd performed an unlawful pat down of his person.³ Upon review of the evidence, COPA served allegations that Officers Marquez and Redd stopped and searched [REDACTED] person and his bag without justification, and that Officer Marquez engaged in unprofessional verbal communication with [REDACTED]. Following its investigation, COPA reached sustained findings regarding all the allegations against Officer Marquez, and the detention allegation against Officer Redd.

II. SUMMARY OF EVIDENCE⁴

On July 25, 2024, Officers Marquez and Redd were parked outside New Sunny Fish & Sub, located near 7058 S. Dr. Martin Luther King Jr. Drive.⁵ After entering and exiting the establishment, both officers engaged [REDACTED] and [REDACTED] ([REDACTED].⁶ Officer Marquez stated to [REDACTED] "Come over here."⁷ [REDACTED] said to Officer Marquez, "For what?"⁸ Officer Marquez asked [REDACTED] "Let me see your... what's in your waistband?"⁹ Officer Redd then turned on a flashlight and pointed it in [REDACTED] direction.¹⁰ [REDACTED] responded to Officer Marquez, "my draws, what the fuck!"¹¹ Officer Marquez grabbed the bag that [REDACTED] carried out of the restaurant and

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. 6 – Initiation Report

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 The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, civilian interviews, and officer interviews.

⁵ Att. 9 at 0:00.

⁶ Att. 9 at 10:47.

⁷ Att. 9 at 10:50.

⁸ Att. 9 at 10:51.

⁹ Att. 9 at 10:53.

¹⁰ Att. 9 at 10:56.

¹¹ Att. 9 at 10:56.

pulled it away from [REDACTED] grip.¹² [REDACTED] told Officer Marquez, “Man, don’t touch me, bro.”¹³ [REDACTED] then bent his body forward, resisting Officer Marquez as the officer used his right hand to grab [REDACTED] food bag, while simultaneously using his left hand to grip [REDACTED] clothing near [REDACTED] waistband.¹⁴ There was a brief skirmish between Officer Marquez and [REDACTED]¹⁵ Officer Marquez groped the bag with both hands before releasing the bag to [REDACTED]¹⁶

Additional CPD officers then arrived on the scene.¹⁷ [REDACTED] yelled to Officer Marquez, “Tell them it was a false alarm...tell them what you did.”¹⁸ Officer Marquez responded, “Okay, that’s called an investigatory stop.”¹⁹ [REDACTED] replied, “That wasn’t a fucking stop, I’m in a fucking restaurant.”²⁰ Officer Marquez told [REDACTED] “Look it up.”²¹ [REDACTED] yelled at Officer Marquez, “fuck you.” Officer Marquez replied, “fuck you harder.”²² After releasing [REDACTED] Officer Marquez completed an Investigatory Stop Report (ISR) to document the stop.²³

On August 20, 2024, [REDACTED] provided COPA with a telephonic audio-recorded statement.²⁴ [REDACTED] disclosed that she and [REDACTED] were inside the restaurant approximately three to five minutes before Officers Marquez and Redd arrived.²⁵ On September 20, 2024, Officer Redd told COPA that he and Officer Marquez observed [REDACTED] enter the restaurant while [REDACTED] hand was tucked into his front waistband area, appearing as if he was clenching a weapon.²⁶ Officer Redd also told COPA that he did not recall patting down [REDACTED] or searching [REDACTED] bag; however, he confirmed the bag was taken away briefly.²⁷

Officer Marquez’s first statement to COPA was on September 20, 2024.²⁸ Officer Marquez relayed that neither he nor his partner conducted a pat down of [REDACTED] waistband, or [REDACTED] bag.²⁹ Later, however, Officer Marquez confirmed that he felt the bag.³⁰ In Officer Marquez’s statement taken on October 17, 2024, Officer Marquez was asked about his verbal altercation with [REDACTED] Officer Marquez admitted that he should not have said “fuck you harder”

¹² Att. 9 at 10:58.

¹³ Att. 9 at 10:58.

¹⁴ Att. 13 at 10:46 to 10:51.

¹⁵ Att. 9 at 11:00.

¹⁶ Att. 9 at 11:06.

¹⁷ Att. 9 at 11:26.

¹⁸ Att. 9 at 11:49.

¹⁹ Att. 9 at 11:53.

²⁰ Att. 9 at 11:54.

²¹ Att. 9 at 11:57.

²² Att. 9 at 11:57 to 11:59.

²³ Att. 7.

²⁴ Att. 11.

²⁵ Att. 42, pg. 7, lns. 7 to 8.

²⁶ Att. 32, pg. 10, lns. 14 to 18.

²⁷ Att. 32, pgs. 13 to 14.

²⁸ Att. 33.

²⁹ Att.33, pg. 12, lns. 5 to 8.

³⁰ Att. 33, pg. 12, lns. 10 to 22.

in response to ██████ comment, but he was attempting to use humor to de-escalate and diffuse the situation.³¹

On August 20, 2024, COPA learned of surveillance cameras at New Sunny Fish & Sub, but the footage was not available after 20 days.³² On September 24, 2024, COPA investigators verified that the restaurant had 16 surveillance cameras. The manager stated that no footage could be retrieved, as the cameras record over themselves every 30 days.³³

III. ALLEGATIONS

Officer Jabir Redd

1. Improper stop and detention of ██████
 - Sustained, Violation of Rules 1, 2, 3, 6
2. Improperly searching ██████ without justification.
 - Unfounded
3. Searched and/or frisked the bag of ██████ without justification.
 - Unfounded

Officer Fernando Marquez

1. Improper stop and detention of ██████
 - Sustained, Violation of Rules 1, 2, 3, 6
2. Improperly searching ██████ without justification.
 - Sustained, Violation of Rules 1, 2, 3, 6
3. Searched and/or frisked the bag of ██████ without justification.
 - Sustained, Violation of Rules 1, 2, 3, 6
4. Engaging in unprofessional conduct by stating words to the effect of “fuck you harder” to ██████
 - Sustained, Violation of Rules 2, 3, 6, 8, and 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 events from memory.

In making its findings, COPA reviewed the statements of Officers Marquez and Redd and evaluated their credibility. Officer Redd stated repeatedly that ██████ lifted his own shirt; however,

³¹ Att. 40, pgs. 7 to 10.

³² Note: CO-1404733.

³³ Note: CO-1409509.

when asked directly, he stated he did not recall.³⁴ Officer Marquez stated that he tried to grab ██████ bag, but he and Officer Redd never conducted a pat down of ██████ or his bag. Later, however, Officer Marquez revealed that he did feel the bag.³⁵ Overall, COPA determined Officer Marquez's and Officer Redd's statements contained some discrepancies, but none that were outcome determinative or material to the investigative process.

V. ANALYSIS³⁶

A. Improper Stop and Detention of ██████

COPA finds the allegation that Officers Marquez and Redd improperly stopped and detained ██████ is sustained. CPD members are permitted to detain a person when conducting an investigative stop.³⁷ CPD defines an Investigatory Stop as: “[t]he temporary detention and questioning of a person in the vicinity where the person was stopped based on Reasonable Articulate Suspicion that the person is committing, is about to commit, or has committed a criminal offense.”³⁸ Reasonable articulable suspicion has been described as less than probable cause but more than a hunch or general suspicion. It “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.”³⁹

In their interviews with COPA, Officers Marquez and Redd stated their reason for performing the investigatory stop on ██████ was that ██████ was reaching and holding his waistband while walking into the restaurant, and ██████ continued reaching for his waistband area while inside the restaurant, appearing as if he was clenching a firearm or other weapon.⁴⁰ COPA’s investigation into the investigatory stop of ██████ did not reveal that ██████ was carrying a firearm. Furthermore, the officers never indicated they saw ██████ involved in any criminal activity. Instead, they merely saw him walking into a restaurant holding his waistband.⁴¹ The officers may have had a hunch that ██████ was armed, but their observations of his behavior did not constitute reasonable articulable suspicion to justify an investigatory stop. Consequently, COPA finds this allegation is **sustained** by a preponderance of the evidence.

B. Improper Search and/or Pat Down of ██████ and His Bag

COPA finds the allegations that Officer Marquez improperly searched ██████ and improperly searched and/or frisked ██████ bag, are both sustained. A police officer may perform a protective pat down search where, after making a lawful stop, the officer has a reasonable

³⁴ Att. 32, pg. 13, lns. 17 to 18; pg. 15, lns. 9, 15 to 17.

³⁵ Att. 33, pg. 8, lns. 19 to 21; pg. 9, lns. 2 to 4; pg. 11, lns. 18 to 19; pg. 12, lns. 3 to 8, lns. 21 to 22.

³⁶ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

³⁷ Att. 44, S04-13-09 II (A), Investigatory Stop System (effective July 10, 2017, to present).

³⁸ Att. 44, S04-13-09 II (A), Investigatory Stop System (effective July 10, 2017, to present).

³⁹ Att. 44, S04-13-09 (II)(C), Investigatory Stop System (effective July 10, 2017, to present).

⁴⁰ Att. 33, pg. 7, lns. 16 to 18; Att. 32, pg. 10, lns. 14 to 18.

⁴¹ Att. 33, pg. 7, lns. 18; Att. 32, pg. 10, lns.16.

articulable suspicion that he or another is in danger of attack because the defendant is armed and dangerous.⁴² 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 protection of the sworn member or others in the area.”⁴³ “For 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.”⁴⁴ Further, if an officer touches an object they reasonably believes is a weapon during the pat down, they may reach into that area of clothing and retrieve the object.⁴⁵

As discussed above, the evidence did not support Officer Marquez’s reasons for conducting a pat down of [REDACTED] waistband or his bag of food. In order to justify a pat down of [REDACTED] the officers had to have a reasonable articulable suspicion that [REDACTED] was not only armed but *dangerous*. In this case, the BWC footage shows no such justification. Accordingly, COPA finds these allegations are **sustained** against Officer Marquez by a preponderance of the evidence.

However, COPA finds the allegations are **unfounded** with respect to Officer Redd. The BWC footage shows that Officer Redd did not make physical contact with [REDACTED] or his bag during the incident, and that only Officer Marquez conducted the pat downs.

C. Officer Marquez’s use of unprofessional language

COPA finds the allegation that Officer Marquez engaged in unprofessional conduct by stating words to the effect of, “fuck you harder!” to [REDACTED] is **sustained**. An allegation of unprofessional conduct is evaluated under CPD’s General Orders G02-01 and G02-04.⁴⁶ The policy requires CPD members to “act, speak, and conduct themselves in a courteous, respectful, and professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude.”⁴⁷ Additionally, CPD members may not use language or take action intended to taunt or denigrate an individual, including using racist or derogatory language.⁴⁸

Here, the BWC footage depicted Officer Marquez saying to [REDACTED] “Fuck you harder,” after [REDACTED] said “fuck you” to Officer Marquez. In his interview with COPA, Officer Marquez admitted that he directed profanity at [REDACTED] Officer Marquez explained that he reacted “in the heat of the moment,” and he should not have used that language.⁴⁹ Therefore, COPA finds this allegation is **sustained** by a preponderance of the evidence.

⁴² *People v. Sorenson*, 196 Ill. 2d 425, 432 (2001).

⁴³ Att. 44, S04-13-09(II)(C) Investigatory Stop System (Effective July 10, 2017, to present).

⁴⁴ Att. 44, S04-13-09(II)(C) Investigatory Stop System (Effective July 10, 2017, to present).

⁴⁵ Att. 44, S04-13-09(II)(B) Investigatory Stop System (Effective July 10, 2017, to present).

⁴⁶ Att. 49, G02-01, Protection of Human Rights (Effective June 30, 2022 to August 8, 2024); Att. 38, G02-04, Prohibitions Regarding Racial Profiling and Other Bias-Based Policing (Effective February 1, 2023).

⁴⁷ Att. 49, G02-01 (III)(B)(3).

⁴⁸ Att. 38, G02-04 (II)(B)(2).

⁴⁹ Att. 40, pg. 10, Ins. 10 to 16.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Fernando Marquez

i. Complimentary and Disciplinary History⁵⁰

Officer Marquez has received a total of 47 awards, including 42 Honorable Mentions and one Life-Saving Award. Officer Marquez has no sustained complaint history; however, he has received SPARs for an equipment violation and conduct unbecoming, both of which resulted in reprimands. COPA notes that the SPAR for conduct unbecoming resulted from a May 2024 incident in which Officer Marquez “used unprofessional language, profanity, numerous times, during a traffic stop...”⁵¹

ii. Recommended Discipline

COPA has found that Officer Marquez violated Rules 1, 2, 3, 6, 8, and 9 when he improperly detained, searched and directed profanity at ██████. By using his authority as a police officer to detain ██████ without justification, Officer Marquez violated ██████ rights, and his actions tended to undermine confidence in CPD’s ability to treat members of the public fairly and to adhere to the requirements of the Fourth Amendment. In mitigation, COPA recognizes that Officer Marquez had only two years of experience as a CPD member when this incident occurred. In aggravation, COPA notes that this is not the first time that Officer Marquez has been disciplined for using unprofessional language during an encounter with a citizen. Thus, COPA recommends that Officer Marquez receive a **1 to 30 day suspension** and **retraining** on the Fourth Amendment and professionalism.

b. Officer Jabir Redd

i. Complimentary and Disciplinary History⁵²

Officer Redd has received a total of 47 awards, including 42 Honorable Mention and one Life-Saving Award. Officer Redd has no sustained complaint history. He has received one SPAR for conduct unbecoming (reprimand) and three SPARs for court appearance violations (reprimand, 1-day suspension, and 1-day suspension).

ii. Recommended Discipline

COPA has found that Officer Redd violated Rules 1, 2, 3, and 6 when he improperly stopped and detained ██████. By using his authority as a police officer to detain ██████ without justification, Officer Redd violated ██████ rights, and his actions tended to undermine confidence in CPD’s ability to treat members of the public fairly and to adhere to the requirements of the Fourth Amendment. In mitigation, COPA recognizes that Officer Redd had only two years of experience

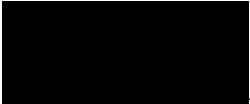
⁵⁰ Atts. 47 and 50, Officer Marquez’s Complimentary and Disciplinary History

⁵¹ Att. 50.

⁵² Att. 48, Officer Redd’s Complimentary and Disciplinary History

as a CPD member when this incident occurred. Thus, COPA recommends that Officer Redd receive a **reprimand** and **retraining** on the Fourth Amendment.

Approved:



Steffany Hreno
Director of Investigations

4/9/2025

Date

Appendix ACase Details

Date/Time/Location of Incident:	July 25, 2024/ 23:58 hrs. / 7058 S. Martin Luther King Jr. Dr. Chicago, IL 60637
Date/Time of COPA Notification:	July 26, 2024 / 12:00 hrs.
Involved Member #1:	Fernando Marquez, Star # 14366 Employee ID# [REDACTED] February 28, 2022, District 003, Male, White Hispanic
Involved Member #2:	Jabir Redd, Star # 15030, Employee ID # [REDACTED] February 28, 2022, District 003, Male, Black
Involved Individual #1:	[REDACTED] Male, Black
Involved Individual #2:	[REDACTED] Female, Black

Applicable Rules

- Rule 1:** Violation of any law or ordinance.
- 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.

Applicable Policies and Laws

- S04-13-09 Investigatory Stop System (Effective July 10, 2017, to present).
- G02-01, Protection of Human Rights (Effective June 30, 2022 to August 8, 2024)
- G02-04, Prohibitions Regarding Racial Profiling and Other Bias-Based Policing (Effective February 1, 2023 to 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.⁵³ 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.”⁵⁴

⁵³ 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).

⁵⁴ *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