



Log # 2024-0005287

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On May 27, 2024, the Civilian Office of Police Accountability (COPA) received an initiation report from Sergeant (Sgt.) Joseph Linzemann². The initiation report alleged that a CPD sergeant pushed ██████ to the ground causing pain and bruises.³ Upon review of the evidence, COPA served allegations that Sgt. Jorge Martinez Jr. pushed ██████ without justification, failed to complete a TRR and failed to timely activate his body-worn camera (BWC). Following its investigation, COPA reached sustained findings regarding the allegations.

II. SUMMARY OF EVIDENCE⁴

COPA attempted to contact ██████ via mail,⁵ phone⁶ and in person,⁷ but had no success. However, COPA was able to obtain an affidavit override which allowed COPA to continue to investigate this case.⁸ COPA interviewed Sgt. Martinez on December 12, 2024.⁹ According to Sgt. Martinez, on the date of the incident, he was working overtime detailed to the Suenos Music Festival.¹⁰ The festival was canceled due to the weather and Sgt Martinez along with other members of his team were assigned to clear the park; there were several patrons who refused to leave.¹¹ Sgt. Martinez had several encounters with ██████ on the date of the incident.¹²

During the first encounter, when Sgt. Martinez asked ██████ to leave, he went around to all the officers with his cell phone and asked for their names and star numbers.¹³ According to Sgt.

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. 1

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 and department member interviews.

⁵ Note: CO-1396641.

⁶ Note: CO-1396528.

⁷ Note: CO-1399432.

⁸ Att. 12.

⁹ Att. 14.

¹⁰ Att. 15, pg. 9, lns. 18 – 19.

¹¹ Att. 15, pg. 10, lns. 2 – 8.

¹² Att. 15, pg. 13, lns. 4 – 5.

¹³ Att. 15, pg. 13, lns. 15 – 19.

Martinez, █████ looked intoxicated and was slurring his words.¹⁴ Sgt. Martinez did not have a problem with █████ asking for their names and star numbers because he was complying and exiting the park initially.¹⁵ The second encounter with █████ occurred when █████ walked back into the park after being told to exit.¹⁶ According to Sgt. Martinez, █████ failed to leave and kept getting in his face with his camera; Sgt. Martinez warned █████ that if he comes back he was going to get arrested.¹⁷ The third encounter occurred when Sgt. Martinez noticed █████ still attempting to get other officers' names and star numbers; Sgt. Martinez approached █████ with his handcuffs in his hand.¹⁸ Sgt. Martinez told █████ to leave or he was going to get arrested.¹⁹ █████ placed his hand on Sgt. Martinez's chest and Sgt. Martinez told █████ do not touch him.²⁰ █████ attempted to place his hand on Sgt. Martinez's chest again and Sgt. Martinez extended his arm out to prevent █████ from touching him; █████ tripped and fell backwards.²¹

The third interaction between Sgt. Martinez and █████ was captured on Sgt. Martinez's BWC as well as several other officers' BWC. Sgt. Darwish Arekat's BWC captured a large group of people exiting the park and █████ stopped to speak with the sergeant. Sgt. Arekat asked █████ to leave the park, while █████ told Sgt. Arekat that he was harassed by some other officers and that he wanted to sue, Sgt. Arekat told █████ that he had that right as he continued to try to get █████ to leave the park.²² Sgt. Martinez approached █████ from behind with his handcuffs in his right hand, utilizing his left hand, Sgt. Martinez grabbed █████ on the right arm below the elbow, but above the wrist, and told █████ that he is giving him one last chance otherwise he is putting cuffs on him.²³ █████ started walking backwards and told Sgt. Martinez that he was going home, Sgt. Martinez followed him toward the exit.²⁴ As █████ walked backwards toward the exit, Sgt. Martinez followed him, █████ placed his hands on Sgt. Martinez and Sgt. Martinez pushed █████ fell backwards and landed on the ground.²⁵ As █████ was on the ground, other people gathered around him and stood in between him and Sgt. Martinez.²⁶ Sgt. Martinez stated he did not consider the push a use of force, but rather, an action to create space.²⁷ Sgt. Martinez stated he used the action to create distance between himself and █████ because █████ kept putting his hands on him.²⁸ A review of Police Officer (PO) Kevin Bitinas' BWC challenges Sgt. Martinez' statement that Sgt. Martinez pushed █████ to create space between █████ and himself. PO Bitinas' BWC showed Sgt. Martinez intervening, and physically touching █████ while █████ is talking to Sgt. Arekat. █████ hand touches

¹⁴ Att. 15, pg. 18, lns. 1 – 2.

¹⁵ Att. 15, pg. 15, lns. 7 – 10.

¹⁶ Att. 15, pg. 15, lns. 15 – 19.

¹⁷ Att. 15, pg. 15, lns. 21 – 24.

¹⁸ Att. 15, pg. 17, lns. 6 – 18.

¹⁹ Att. 15, pg. 17, lns. 19 – 22.

²⁰ Att. 15, pg. 18, lns. 6 – 8.

²¹ Att. 15, pg. 18, lns. 9 – 14.

²² Att. 8 at 2:20 to 2:28.

²³ Att. 8 at 2:28 to 2:30.

²⁴ Att. 8 at 2:30 to 2:33.

²⁵ Att. 6 at 1:23 to 1:26.

²⁶ Att. 3 at 1:29 to 1:40.

²⁷ Att. 15, pg. 24, lns. 14 – 19.

²⁸ Att. 15, pg. 25, lns. 3 – 6.

Sgt. Martinez as [REDACTED] began walking backwards. Sgt. Martinez follows [REDACTED] as [REDACTED] is retreating. Sgt. Martinez catches up to [REDACTED] and pushes [REDACTED] who falls to the ground backwards.²⁹

Sgt. Martinez activated his BWC shortly after the pushing incident. According to Sgt. Martinez, he activated his BWC at that point because he thought there was possibly going to be an arrest, and he felt that it was safe and feasible to do so at that point.³⁰ Sgt. Martinez did not feel that there was police action before that point, they were just kind of standing around and having people exit the park.³¹ Another sergeant on scene gave an order for all the officers to turn on their BWCs after the incident.³² Sgt. Martinez admitted that he should have completed a TRR for the incident.³³

III. ALLEGATIONS

Jorge Martinez Jr.:

1. Failed to timely activate his body-worn camera in violation of S03-14.
 - Sustained, violation of Rules 2, 3, 5, 6, 10 and 11.
2. Pushed [REDACTED] without justification.
 - Sustained, violation of Rules 2, 3 and 9.
3. Failed to complete a TRR documenting the force used when dealing with [REDACTED]
 - Sustained, violation of Rules 2, 3, 5, 6, 10 and 11.

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 recall the event from memory. COPA questions both the honesty and reliability of statements provided to COPA by Sgt. Martinez. Sgt. Martinez stated he did not consider the push a use of force, but rather, an action to create space. Sgt. Martinez further stated he used the action to create distance between himself and [REDACTED] because [REDACTED] kept putting his hands on him. However, both Sgt. Martinez and PO Bitinas' BWC showed Sgt. Martinez to be the aggressor in that Sgt. Martinez intervened physically, while [REDACTED] was talking to Sgt. Arekat. Sgt. Martinez then pursued [REDACTED] while [REDACTED] was retreating backwards, caught up to [REDACTED] then pushed [REDACTED] who fell backwards.

²⁹ Att. 4 at 2:00 – 2:11

³⁰ Att. 15, pg. 19, lns. 11 – 15.

³¹ Att. 15, pg. 27, lns. 17 – 23.

³² Att. 3 at 2:01.

³³ Att. 15, pg. 25, lns. 21 – 22.

V. ANALYSIS³⁴

COPA finds the allegation that Sgt. Martinez activated his body worn camera late, **Sustained**. Special Order S03-14 requires the department member to activate the BWC to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities.³⁵ Sgt. Martinez activated his BWC shortly after the pushing incident. According to Sgt. Martinez, he activated his BWC at that point because he thought there was possibly going to be an arrest, and he felt that it was safe and feasible to do so at that point. While Sgt. Martinez did not feel that there was police action before that point, COPA disagrees with this assessment. COPA finds that Sgt. Martinez was engaged in police activity when he was initially ordering people to exit the park. Also, before the push, Sgt. Martinez told █████ that he was going to be arrested if he did not leave, and he even placed his hand on █████ with handcuffs in his hand, but he still did not have his BWC activated. COPA finds that Sgt. Martinez activated his BWC late, and as such, COPA finds this allegation sustained.

COPA finds the allegation that Sgt. Martinez pushed █████ without justification, **Sustained**. Rule 9 prohibits department members from engaging in any unjustified verbal or physical altercation with any person, while on or off duty. Sgt. Martinez admitted that he had several encounters with █████ and one of those encounters resulted in Sgt. Martinez touching █████. Sgt. Martinez did not consider pushing █████ a use of force but rather a tool to create distance. According to Sgt. Martinez, █████ was touching him, and he pushed █████ to create space so █████ could not touch him again. COPA finds Sgt. Martinez's push of █████ a use of force and finds that use of force unjustified. █████ was exiting the park walking backwards when Sgt. Martinez continued to walk toward him even though he was complying and exiting the park. Sgt. Martinez pushed █████ COPA finds that Sgt. Martinez's initial actions caused his subsequent use of force and COPA finds that use of force unjustified and as such, COPA finds this allegation sustained.

COPA finds the allegation that Sgt. Martinez failed to complete a TRR, **Sustained**. General Order G03-02-02 identifies incidents that require the completion of a Tactical Response Report (TRR).³⁶ A TRR is required to be completed for the following reportable use of force incidents involving a sworn department member in the performance of his or her duties, all use of force incidents involving a person who is injured or alleges injury resulting from the member's use of force; physical attacks against a Department member, including a murder, aggravated battery, or battery, regardless of whether or not the person made actual physical contact with the member or the member has sustained a physical injury.³⁷ Sgt. Martinez admitted that he should have completed a TRR regarding his encounter with █████ and as such, this allegation is sustained.

³⁴ For a definition of COPA's findings and standards of proof, see Appendix B.

³⁵ Att. 16 Special Order S03-14(V)(A)(2).

³⁶ Att. 17 G03-02-02 (I)(B).

³⁷ Att. 17 G03-02-02 (III)(A)(1)(a) & (e).

VI. DISCIPLINARY RECOMMENDATION

a. Sgt. Jorge Martinez

i. Complimentary and Disciplinary History³⁸

As of January 29, 2025, Sgt. Martinez has received a total of 171 awards, including three Superintendent’s Award of Valor, three Special Commendation, two Life Saving Award, three Police Officer of the Month Award, 12 Department Commendation, one Joint Operations Award, one Unit Meritorious Performance Award, five Attendance Recognition Award, and 126 Honorable Mention. In the last five years, Sgt. Martinez has no Sustained Complaints History and no SPAR History Report (Sustained Findings).

ii. Recommended Discipline

COPA has found that Sgt. Martinez violated Rules 2, 3, 5, 6, 9, 10, and 11 when he failed to timely activate his body worn camera, pushed [REDACTED] without justification, and failed to complete a TRR documenting force used when dealing with [REDACTED]. Sgt. Martinez denied he pushed [REDACTED] without justification, but rather create space and, he had timely activated his BWC. A review of BWC offered a rebuke to these denial claims. Sgt. Martinez admitted to his failure to prepare a requisite TRR. COPA has considered Sgt. Martinez’ decorated Award history. Based on the above information, COPA recommends **Written Reprimand**.

Approved:

[REDACTED]

7-17-2025

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

³⁸ Att. 18.

Appendix A

Case Details

Date/Time/Location of Incident:	May 26, 2024/ 8:30 pm/ 500 S. Columbus Drive
Date/Time of COPA Notification:	May 27, 2024/ 9:27 am
Involved Member #1:	Jorge Martinez Jr., star# 2575, employee# [REDACTED] Date of Appointment: May 1, 2006, 003/195, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, Hispanic

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 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 11:** Incompetency or inefficiency in the performance of duty.

Applicable Policies and Laws

- S03-14 Body Worn Cameras (effective December 29, 2023 to August 8, 2024)
- G03-02-02 Incidents Requiring the Completion of a Tactical Response Report (effective June 28, 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.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 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).

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