

**BEFORE A MEMBER OF THE POLICE BOARD
OF THE CITY OF CHICAGO**

IN THE MATTER OF THE)	
RECOMMENDATION FOR DISCIPLINE OF)	No. 19 RR 04
POLICE OFFICER MARTA ZAMOJSKA,)	
STAR No. 8309, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO)	(CR No. 1085406)

REQUEST FOR REVIEW

On February 14, 2019, the Office of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability (“COPA”) a request for review of the Chief Administrator’s recommendation for discipline of Police Officer Marta Zamojska, Star No. 8309, arising out of the investigation of Complaint Register No. 1085406 (“Request for Review”).

The Chief Administrator recommended that the following allegation against Officer Zamojska be *Sustained*:

Allegation No. 3: On May 24, 2017, at approximately 1830 hours, in the vicinity of 7528 South LaFayette Avenue, Chicago, Officer Zamojska searched [xxxx] without justification in violation of the Fourth Amendment, in violation Rule 2, Rule 3, Rule 8, and Rule 10.

The Chief Administrator recommended that Officer Zamojska be suspended for a period of two days and receive additional training.

The Superintendent objected to the Chief Administrator’s recommendation. The Superintendent recommended that the above allegation be classified as *Exonerated*.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on November 26, 2018; (2) the Chief Administrator received the Superintendent’s written response on January 24, 2019; (3) the Chief Administrator’s designees met with the Superintendent’s designees via telephone and discussed

No. 19 RR 04
Police Officer Marta Zamojska
Request for Review and Opinion

this matter on February 7, 2019; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on February 13, 2019.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to John H. Simpson, the member of the Police Board who was selected on a random basis, pursuant to Article VI of the Police Board's Rules of Procedure ("Reviewing Member"). The Reviewing Member considered the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board's Rules of Procedure.

OPINION

In this case, COPA proposes to suspend Police Officer Marta Zamojska for a period of two days because it believes her pat-down search of a 12-year-old girl, [xxxx], was objectively unreasonable and violated the Fourth Amendment.

It is my opinion that the Superintendent has met his burden of overcoming the Chief Administrator's recommendation for discipline, having considered whether the Superintendent's proposed disposition is more reasonable and appropriate than the Chief Administrator's recommendation based on the nature of the misconduct alleged and the information contained in the Request for Review file

Officer Zamojska was called to a scene where one suspect was in custody. She was instructed by her Supervisor to "go check on" a young girl in the suspect's vehicle. I find that instruction to be irrelevant in this case, inasmuch as there is not clarity as to what Sergeant Schulz meant by his instruction, and Officer Zamojska does not claim she understood this to clearly mean that she had been instructed by her supervisor to pat down [xxxx].

No. 19 RR 04
Police Officer Marta Zamojska
Request for Review and Opinion

However, upon encountering [xxxx], there is no argument that Officer Zamojska found her to be “very nervous” and to be “moving around as if she wanted to get out of the car.” While that is certainly not dispositive evidence that [xxxx] was armed (and in fact she was not), I find that taking the overall circumstances into account, viz., that (i) Officer Zamojska arrived at the scene of a crime where one person was obviously in custody, (ii) encountered someone who was clearly nervous and moving about the vehicle, (iii) that person was related in some way to those accused of the crime, and (iv) that person was in a vehicle where contraband was found, it was not objectively unreasonable for her to conduct a brief pat down search to ensure the safety of all involved. Officer Zamojska stated that she has encountered minors with weapons in the past, and no one has suggested she is not being truthful in that statement. The fact that [xxxx] stated she needed to use the bathroom may well be true, but it does not obviate the fact that Officer Zamojska had no way of knowing whether [xxxx] was being truthful at that moment and whether that was the only reason for [xxxx]’s obvious anxiety.

I am uncomfortable, as COPA appears to be as well, with the age of [xxxx]. However, it is not unreasonable for Officer Zamojska to want to confirm that [xxxx] had not given his daughter a weapon (having given her his drugs), there is no evidence that Officer Zamojska was discourteous toward [xxxx] (indeed she appears to have made efforts to calm her), and the pat-down search appears to have been brief and professionally conducted. I do not intend to minimize the fright [xxxx] must have felt, but the responsibility for her experience rests with her parents, not with Officer Zamojska.

Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Superintendent’s response—that Allegation No. 3 be classified as *Exonerated*—shall be implemented.

No. 19 RR 04
Police Officer Marta Zamojska
Request for Review and Opinion

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19th DAY
OF FEBRUARY, 2019.

/s/ JOHN H. SIMPSON

Attested by:

/s/ MAX A. CAPRONI
Executive Director
Police Board