

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 7, 2019
Time of Incident:	2 am
Location of Incident:	5958 W. Superior Street
Date of COPA Notification:	January 16, 2019
Time of COPA Notification:	9:15 am

Complainant alleged that CPD officers falsely arrested her husband and threatened her with arrest if she did not lie about him and say that he hit her. During preliminary investigation, COPA reviewed Body-Worn Camera footage that showed the officers responding to the scene. At the scene, Complainant stated multiple times that her husband hit her (saying more than once that he hit her “three times in one week”) and took her bank card. She is seen signing a complaint and sharing information with the officers. Due to the irrefutable evidence that the Complainant’s allegations to COPA are frivolous, COPA did not serve the officers with allegations related to the Complainant’s claims of a false arrest. However, it was immediately apparent to COPA that the officers involved turned off their body-worn cameras (BWC) prematurely. Accordingly, COPA served those allegations to the officers, who took full responsibility and stated that they had misunderstood the rules regarding deactivation of the BWC. COPA recommends a finding of Sustained – Violation Noted, No Disciplinary Action because a sustained finding is warranted, but the misconduct was a result of an unintentional violation of CPD directives and did not result in any injury to any person.

II. INVOLVED PARTIES

Involved Officer #1:	Chris Warjas Star #17195 / Employee # [REDACTED] Date of Appointment: April 1, 2013 PO / District 015 DOB: [REDACTED], 1987 Male / White
Involved Officer #2:	Adrian Delgado Star #7148 / Employee # [REDACTED] Date of Appointment: September 18, 2017 PO / District 015 DOB: [REDACTED], 1994 Male / White Hispanic

Involved Individual #1: [REDACTED]
 Female / Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Warjas	It is alleged that on January 8, 2019, at approximately 2:10 am, at or near [REDACTED]. [REDACTED] Officer Warjas deactivated his Body-Worn Camera while still engaged in a law-enforcement-related activity, in violation of Special Order S-03-14.	Sustained – Violation Noted, No Disciplinary Action
Officer Delgado	It is alleged that on January 8, 2019, at approximately 2:10 am, at or near [REDACTED]. [REDACTED] Officer Delgado deactivated his Body-Worn Camera while still engaged in a law-enforcement-related activity, in violation of Special Order S-03-14.	Sustained – Violation Noted, No Disciplinary Action

IV. APPLICABLE RULES AND LAWS

Rules – The following acts are prohibited:

1. Rule 6 – Disobedience of an order or directive, whether written or oral.
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Special Orders

1. S03-14: Body-Worn Cameras

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V. INVESTIGATION¹

a. Interviews

COPA interviewed Ms. [REDACTED] on January 17, 2019. Ms. [REDACTED] stated that she called CPD that night and informed them that her husband was leaving and that he was taking his credit card with him, which he normally does not do. She informed CPD that she wanted someone to come to make sure that he was doing okay emotionally. CPD arrived approximately 15-20 minutes later and by that time everything was okay.

Ms. [REDACTED] stated that when the officers arrived, Officer Warjas informed her that if this case is not a domestic disturbance, they could arrest her for providing false information. Ms. [REDACTED] informed the officers that her husband had never struck her. Officers informed her that they can arrest her for obstruction. Officers informed Ms. [REDACTED] that she just needed to let them know if her husband had ever hit her—with that information, they could simply write a report and everything would be okay, and the case would be thrown out if she did not come to court.

COPA interviewed **Officer Adrian Delgado**³ on May 31, 2019. Officer Delgado was forthcoming and immediately admitted to the allegation against him. Officer Delgado explained that he had only had the BWC for a couple of months and was not totally comfortable with using it yet.⁴ He stated that he had made a mistake by deactivating his BWC early but that he knows now not turn it off until transport is complete, and they are taking an arrestee to processing.

COPA interviewed **Officer Chris Warjas**⁵ on June 17, 2019. Officer Warjas was forthcoming and immediately admitted to the allegation against him. Officer Warjas explained that he had not been entirely familiar with the rules governing BWC use. He stated that he was under the impression that he was supposed to turn the camera off after he dealt with the public-facing portion of his mission. He thought that recording “transports” referred to transport-specific missions, such as transporting an inmate to court or a hospital or being dispatched on a specific transport job. Officer Warjas explained that he now understands that he should have left the camera activated and he does so now.

b. Digital Evidence

COPA reviewed Body-Worn Camera (“BWC”) footage⁶ that captured the incident starting with the arrival of the officers and ending with the officers beginning to transport the arrestee, Mr. [REDACTED]. The videos show the arrival of officers, including Officers Warjas and Delgado.

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 3,

³ Att. 23. The officers were only interviewed about the BWC allegations, as the Complainant’s other allegations were deemed entirely without merit based on the contradictory BWC video evidence.

⁴ Officer Delgado started Police Academy on September 18, 2017, meaning he was still a Probationary Police Officer when the incident in question occurred.

⁵ Att. 28. The officers were only interviewed about the BWC allegations, as the Complainant’s other allegations were deemed entirely without merit based on the contradictory BWC video evidence.

⁶ Att. 29.

Immediately, Ms. [REDACTED] confirms that Mr. [REDACTED] hit her and that he took her credit card. She states that she wants him taken to jail. Ms. [REDACTED] states that Mr. [REDACTED] and she argued about the woman who is the mother of her his daughter, and that Mr. [REDACTED] punched her.

Officer Warjas: How did he hit you?

What did he do to you?

Ms. [REDACTED]: He punched me...

Officer Warjas: Where did he punch you?

Ms. [REDACTED]: Here.

Figure 1. Ms. [REDACTED] describing where Mr. [REDACTED] punched her.



Officer Warjas asks Ms. [REDACTED] to sign a complaint and before doing so, Ms. [REDACTED] looks in the direction of her husband and asks, “You’re not giving me the card, right? I’m letting them know that you hit me.” She proceeds to write down her information and sign the complaint. Ms. [REDACTED] continues yelling at her husband, “You chose her over me. You hit me and chose her. ... You hit me three times in one week. ... You hit me three times in one week. ... You promised you would not hit me; you keep on hitting me.” The officers arrest Mr. [REDACTED] while he pleads that he did not do anything. The officers place Mr. [REDACTED] in the car, speak with fellow officers, then enter the car and deactivate the BWC.

c. Documentary Evidence

COPA obtained multiple pieces of documentary evidence. An **Event Query Report**⁷ shows that a domestic battery was reported by a woman complaining that her husband hit her and took her car keys and wallet. It also described the alleged offender and stated that the caller wanted officers to meet her in the rear since her husband was trying to escape from the back. When the dispatcher called the woman back, there was no answer. The report also shows that Beat 1511R was dispatched on this mission. COPA reviewed the **Attendance and Assignment Record**⁸ for the day of the incident that showed that Officer Warjas was assigned to Beat 1511R, while Officer Delgado was assigned as a Relief Officer.

COPA also reviewed an **Original Case Incident Report**⁹ (OCIR) and an **Arrest Report**¹⁰. The OCIR, reported by Officer Warjas, states that the officers were dispatched to a domestic battery and that they spoke with the alleged victim who stated that her husband punched her. The OCIR further states that the offender was arrested based on complaints signed by the alleged victim. After the alleged offender was placed into custody, the alleged victim became uncooperative and left the scene, only to return later to the 005th District. At that time, the officers explained to her the process to get an Order of Protection and gave her a Domestic Incident Notice. The alleged victim did not want to proceed with a felony upgrade.

⁷ Att. 7.

⁸ Att. 11.

⁹ Att. 8.

¹⁰ Att. 9.

VI. LEGAL STANDARD

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 the conduct occurred and violated Department policy.¹¹ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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.¹² 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."¹³

VII. ANALYSIS

Ms. █████ made multiple allegations against the officers. A simple review of the evidence shows that these allegations are without merit; the evidence is irrefutable that the allegations are frivolous. Accordingly, COPA only brought allegations against the officers for deactivating their Body-Worn Cameras (BWCs) while still engaged in a law-enforcement-related activity.

Officers Warjas and Delgado admit that they prematurely deactivated their BWCs in violation of Department directives. Special Order S-03-14 instructs officers to record "the entire incident for all law-enforcement-related activities," which includes "arrestee transports."

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

¹¹ See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (explaining that a proposition is proved by a preponderance of the evidence when it is found to be more probably true than not).

¹² See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016).

¹³ *Id.* at ¶ 28.

a. Officer Warjas

i. Complimentary and Disciplinary History

Officer Warjas has one department commendation, fourteen honorable mentions, and one life saving award. Officer Warjas has no publishable disciplinary history.

ii. Recommended Penalty

Based on the violation, Officer Warjas’s history and the officer’s willingness to take responsibility; COPA recommends a violation noted.

b. Officer Delgado

i. Complimentary and Disciplinary History

Officer Delgado two honorable mentions. Officer Delgado has no publishable disciplinary history.

i. Recommended Penalty

Based on the violation, Officer Delgado’s lack of disciplinary history and the officer’s willingness to take responsibility; COPA recommends a violation noted.

IX. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer Warjas	It is alleged that on January 8, 2019, at approximately 2:10 am, at or near [REDACTED]. [REDACTED], Officer Warjas deactivated his Body-Worn Camera while still engaged in a law-enforcement-related activity, in violation of Special Order S-03-14.	Sustained – Violation Noted, No Disciplinary Action
Officer Delgado	It is alleged that on January 8, 2019, at approximately 2:10 am, at or near [REDACTED] Officer Delgado deactivated his Body-Worn Camera while still engaged in a law-enforcement-related activity, in violation of Special Order S-03-14.	Sustained – Violation Noted, No Disciplinary Action

Approved:



October 27, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	IV
Investigator:	Tamer Y. Abouzeid
Supervising Investigator:	James Murphy-Aguilu
Deputy Chief Administrator:	Andrea Kersten