



Log # 2022-3663

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On September 14, 2022, the Civilian Office of Police Accountability (COPA) received a telephone complaint from ██████████ reporting alleged misconduct by members of the Chicago Police Department (CPD). In her interview with COPA on September 22, 2022, ██████████ alleged that on August 27, 2022, she witnessed Officer George Spacek and Detective (Det.) Kris Pejoski commit misconduct when they approached a man on a CTA platform (later identified as ██████████) and detained him without justification before then using excessive force in conducting a takedown.² ██████████ told COPA that the officers approached and grabbed ██████████ without justification, and the detainment and takedown happened so fast that there was not enough time for the officers to have made a proper evaluation that ██████████ was a threat.³

██████████ also alleged profanity and unprofessional conduct against a CPD supervisor, later identified by COPA as Sergeant (Sgt.) Martin Chatys who ██████████ spoke with at the scene following the arrest. She alleged that Sgt. Chatys said words to the effect of, “I don’t give a shit,” after she said that she was going to call COPA. She also alleged that Sgt. Chatys stated words to the effect of, “Which [school]? Which one? Tell me which one, so I make sure not to send my kids there,” after she told Sgt. Chatys that she had just graduated from law school. COPA brought an additional allegation against Sgt. Chatys for his failure to activate his body-worn camera (BWC) upon his arrival at the scene of this incident.

Following its investigation, COPA reached Exonerated and Not Sustained findings regarding allegations against Officer Spacek and Det. Pejoski, and COPA reached Sustained findings regarding all allegations brought against Sgt. Chatys.

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 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. At the time of this incident, Det. Pejoski was a police officer assigned to Unit 701, Star #19126. He has since been promoted to detective and assigned a new star number, Star #20574. He will be referred to by his current rank in this report.

³ COPA attempted to interview ██████████ but his attorney would not consent to an interview. *See* Atts. 41 and 42. As of October 10, 2023, ██████████ criminal case has not been resolved, and he is facing three felony firearm-related charges. *See* Att. 44.

II. SUMMARY OF EVIDENCE⁴

On August 27, 2022, at approximately 6:33 pm, while at the CTA Red Line platform located at 22 Est Roosevelt Road, Officer Spacek and Det. Pejoski were on patrol when they observed a man, later identified as ██████ exit a train wearing a black ski mask and wearing a cross-body bag around his chest.⁵ The officers then observed the imprint of an L-shaped object inside the bag, and they observed that the bag appeared to be heavy. Based on the officers' training and experience, they believed that both the shape of the object and the apparent weight of the bag were consistent with the presence of a firearm.⁶ The officers observed ██████ go up to the Orange and Green Line CTA platform, where they conducted an investigatory stop. Officer Spacek approached ██████ first and asked him if he had anything in his bag.⁷ ██████ then took the cross-body bag off of his body and handed it to Officer Spacek.⁸ Officer Spacek handed the bag to Det. Pejoski and attempted to hold ██████ by his jacketed arm, but ██████ had begun to take his jacket off at the same time, and he then attempted to flee.⁹ At the time of the hand-off of the bag, both officers later documented that they could confirm the feel of the L-shaped object that was consistent with a firearm.¹⁰

The officers were able to detain and secure ██████ through the use of holding and control techniques, and later an emergency takedown. Specifically, the officers described that after ██████ attempted to slip out of his jacket and flee, Det. Pejoski and Officer Spacek conducted an emergency takedown after first attempting to gain a tactical advantage by using a wall to control ██████ movements.¹¹ The officers also noted in their Tactical Response Reports (TRRs) that even while on the ground, ██████ continued to ignore verbal commands and to resist control holds by kicking, stiffening his body, and by elbowing, striking, and pushing the officers.¹² ██████ also grabbed and tossed Officer Spacek's handcuffs off the platform.¹³ During the takedown, Officer Spacek continued to secure ██████ cross-body bag by keeping the bag behind or under him, away from ██████ reach. After Det. Pejoski and Officer Spacek were able to handcuff ██████ they took him outside of the station to an awaiting transport unit. ██████ was then brought to the 1st District for processing.¹⁴ Additional back-up units also arrived later for assistance.

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, POD footage, police reports, civilian interviews, and officer interviews.

⁵ Att. 2, pg. 2. *See also* Att. 18 at 15:24; Att. 19 at 11:20.

⁶ Att. 2, pg. 2. *See also* Att. 18 at 15:24; Att. 19 at 11:20; Att. 10 at 1:58; Att. 13 at 2:05.

⁷ Att. 2, pg. 2.

⁸ Att. 2, pg. 2. *See also* Att. 10 at 2:00; Att. 13 at 2:07.

⁹ Att. 10 at 2:10. *See also* Att. 13 at 2:05.

¹⁰ Att. 2, pg. 2. *See also* Att. 3, pg. 3; Att. 5, pg. 2.

¹¹ Att. 4 at 00:45. *See also* Att. 6, pg. 2; Att. 5, pg. 2; Att. 13 at 2:20.

¹² Att. 6, pg. 2. *See also* Att. 5 pg. 2.

¹³ Att. 4 at 02:15. *See also* Att. 6, pg. 2.

¹⁴ Att. 1, pg. 3.

A custodial search of █████ cross-body bag revealed a Taurus G2S 9mm semi-automatic pistol.¹⁵ It was also reported that the firearm had been stolen in January 2020.¹⁶ █████ admitted ownership of the gun while at the 1st District. Further, the officers discovered that █████ had a serviceable warrant from the Cook County Sheriff and that █████ did not possess a Firearm Owner's Identification card or a firearm concealed carry license.¹⁷ █████ arrest report lists several offenses, including unlawful use of a weapon due to his status as a felon, possession of a stolen firearm, and battery to both Det. Pejoski and Officer Spacek.¹⁸

III. ALLEGATIONS

Detective Kris Pejoski and Officer George Spacek:

1. Detaining █████ without justification.
 - Exonerated.
2. Using excessive force while conducting a takedown of █████
 - Exonerated.

Sergeant Martin Chatvs, Star #1478:

1. Stating words to the effect of "I don't give a shit," to █████ after she related that she was going to call COPA.
 - Sustained.
 - Violation of Rules 2, 3, 6, 8, and 9.
2. Stating words to the effect of "Which [school]? Which one? Tell me which one, so I make sure I don't send my kids there," to █████ after she related that she had just graduated from law school.
 - Sustained.
 - Violation of Rules 2, 3, 6, 8, and 9.
3. Failing to timely activate his body-worn camera in violation of Special Order S03-14.
 - Sustained.
 - Violation of Rules 2, 3, 5, 6, and 10.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question any of the individuals (sworn or unsworn) who provided statements.

¹⁵ Att. 1, pg. 3.

¹⁶ Att. 1, pg. 3.

¹⁷ Att. 1, pg. 3.

¹⁸ Att. 1, pg. 1.

V. ANALYSIS¹⁹

a. Detained Without Justification Allegations Against Det. Pejoski and Officer Spacek

It has first been alleged that Det. Pejoski and Officer Spacek detained ██████████ without justification. In his interview with COPA on July 25, 2023, Det. Pejoski explained that ██████████ was initially detained because the officers observing his cross-body bag with an L-shaped object inside as he was exiting a Red Line train.²⁰ Similarly, in his own interview on July 26, 2023, Officer Spacek corroborated this, reiterating that the officers observed an L-shaped object in ██████████ bag and that the bag looked to be weighted, heavy, and sagging, all consistent with the potential presence of a firearm.²¹ Both officers related that it was after the observance of ██████████ bag and the L-shaped, weighted object inside that they decided to conduct an investigatory stop of ██████████ on the Green Line platform based on a potential firearms investigation. This is also noted in reports authored by the officers following the incident.²²

An investigatory stop is the temporary detention and questioning of a person in the vicinity where the person was stopped based on reasonable articulable suspicion that the person is committing, is about to commit, or has committed a criminal offense.²³ For an investigatory stop, an officer must possess specific articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing a crime.²⁴ The suspect may then be temporarily detained, only for the length of time necessary to either confirm or dispel the suspicion of criminal activity.²⁵ Further, use of handcuffs during an investigative stop must be reasonable in light of the circumstances that prompted the stop or that developed during its course.²⁶ The determination of reasonable articulable suspicion must be based on common sense judgments and inferences about human behavior, and due weight must be given to the reasonable inferences that the officer is entitled to draw from the facts in light of his or her experience.²⁷ In making this determination, the totality of the circumstances known to the officer at that time are considered, and then those facts are viewed from the perspective of a reasonable officer at the time of the stop.²⁸

Here, the factors of reasonable articulable suspicion presented by the officers included the L-shaped weighted object in ██████████ bag, which based on the officers' training and experience, was

¹⁹ For a definition of COPA's findings and standards of proof, *see* Appendix B.

²⁰ Att. 18 at 15:24.

²¹ Att. 19 at 11:20.

²² Atts. 1, 2, 3, 5, and 6.

²³ Att. 15, S04-13-09(II)(A), Investigatory Stop System (effective July 10, 2017, to present); *see also* Att. 32, 725 ILCS 5/107-14, Temporary Questioning Without Arrest.

²⁴ Att. 15, S04-13-09(II)(C).

²⁵ Att. 15, S04-13-09(II)(C).

²⁶ *See* *People v. Daniel*, 2013 IL App (1st) 111876.

²⁷ *See* *People v. McMichaels*, 2019 IL App (1st) 163053.

²⁸ *See* *People v. McMichaels*, 2019 IL App (1st) 163053.

consistent with the physical characteristics of a firearm, and that riders are prohibited from carrying weapons on the CTA.²⁹ The combination of these factors gave rise to the officers' reasonable suspicion that ██████ was in possession of a firearm on CTA property and committing a criminal offense. These factors make it highly probable that the accused officers were justified in detaining ██████

Therefore, the detention of ██████ was appropriate under the totality of the circumstances and given the factors of reasonable suspicion listed by the officers and corroborated by the available video evidence. Because it is highly probable that Det. Pejoski and Officer Spacek had the authority to temporarily detain ██████ based on reasonable articulable suspicion that he was in possession of a firearm while riding the CTA, which is prohibited, **COPA finds that Allegation #1 against Det. Kris Pejoski and Allegation #1 against Officer George Spacek are Exonerated.**

b. Excessive Force Allegations Against Det. Pejoski and Officer Spacek

It has next been alleged that Det. Pejoski and Officer Spacek committed misconduct when they used excessive force while conducting a takedown of ██████

Under CPD policy, the main issues in evaluating every use of force are whether the amount of force used by the officer was (1) objectively reasonable in light of the totality of the circumstance faced by the officer; (2) necessary; and (3) proportional to the threat, actions, and level of resistance offered.³⁰ The analysis of the reasonableness of an officer's actions must be grounded in the perspective of a reasonable officer on the scene, in the same or similar circumstances, and not with benefit of the 20/20 hindsight.³¹ The factors to be considered in assessing the reasonableness of force include, but are not limited to, (1) whether the person is posing an imminent threat to the officer or others; (2) the risk of harm, level of threat, or resistance presented by the person; (3) the person's proximity or access to weapons; (4) whether de-escalation techniques can be employed or would be effective; and (5) the availability of other resources.³² In all uses of force, the goal of an officer's response is to act with the "foremost regard for the preservation of human life and the safety of all persons involved."³³

In their interviews with COPA, both Det. Pejoski and Officer Spacek recalled that after they approached ██████ Officer Spacek asked ██████ whether he had something in his bag and reached for his arm to secure him.³⁴ At that time, ██████ removed the cross-body bag off his chest and handed it to Officer Spacek, while simultaneously beginning to remove his jacket in what

²⁹ Att. 23, pg. 4.

³⁰ Att. 16, G03-02(III)(B), De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to June 28, 2023).

³¹ See *Plumhoff v. Rickard*, 572 U.S. 765, 775 (2014).

³² Att. 16, G03-02(III)(B)(1).

³³ Att. 16, G03-02(II)(A).

³⁴ Att. 18 at 16:53 and Att. 19 at 12:20.

appeared to the officers as an attempt to defeat the detainment.³⁵ Nearly simultaneously, Officer Spacek had handed the bag to Officer Pejoski. Both officers also confirmed that upon touching the cross-body bag, it was confirmed to both of them that the heavy, L-shaped object they had previously observed was indeed a firearm.³⁶ Both officers recalled ██████ resisting as they attempted to detain him, while ██████ also tried to keep control of the bag. Det. Pejoski explained that he and his partner tried to de-escalate the situation by attempting to get ██████ up against the wall, but ██████ continued to resist the officers, so they “got him to the ground” to further control the situation by conducting an emergency takedown.³⁷ Det. Pejoski emphasized throughout his statement the safety concerns of engaging with a resisting offender on a train platform with tracks on both sides and the various safety issues that come with that, and that the situation was further escalated by gathering bystanders.³⁸

Det. Pejoski recounted that he was finally able to handcuff ██████ while they were on the ground, even after ██████ threw Officer Spacek’s handcuffs onto the tracks, and that overall, ██████ continued to resist, push, and stiffen throughout the struggle.³⁹ Det. Pejoski also categorized ██████ as an active resistor, describing that ██████ resistance manifested through pushing, grabbing, kicking, striking, and throwing Officer Spacek’s handcuffs.⁴⁰ Similarly, Officer Spacek corroborated Det. Pejoski’s account of the incident, recounting that after ██████ attempted to flee, the officers tried to hold ██████ up against the wall, but ██████ continued to resist to the point that they were required to conduct an emergency takedown, with Officer Spacek controlling his legs and Det. Pejoski behind ██████ in “a backpack position,” or rear control hold.⁴¹ Similar to Det. Pejoski, Officer Spacek also highlighted that the gathering crowd caused tensions to grow higher. He described ██████ as going from initially cooperative to almost immediately an active resistor and an assailant when he pushed the officers and threw his handcuffs and additionally kept reaching for his cross-body bag, describing, “He was... kind of like attacking us. He was elbowing Officer Pejoski, he was pushing on me, so he was definitely kind of like, uh, an active resistor, at this point, assailant, by elbowing Officer Pejoski, by pushing off on me, by trying to grab the bag, kind of really escalating everything.”⁴²

The officers’ statements are further corroborated in their Tactical Response Reports, both of which include a description of ██████ actions and levels of resistance. Det. Pejoski described ██████ pushing Officer Spacek, stiffening, and ignoring verbal commands, and overall continuing to resist even after officers conducted an emergency takedown.⁴³ Officer Spacek similarly described ██████ as refusing to follow verbal commands, kicking, pushing, and resisting in attempts

³⁵ Att. 18 at 16:53 and Att. 19 at 12:20.

³⁶ Att. 18 at 24:45 and Att. 19 at 18:00.

³⁷ Att. 18 at 18:00.

³⁸ Att. 18 at 18:00.

³⁹ Att. 18 at 18:00.

⁴⁰ Att. 18 at 31:43.

⁴¹ Att. 19 at 12:20 and 15:15.

⁴² Att. 19 at 18:50.

⁴³ Att. 5, pg. 2.

to break out of control holds and wrist locks throughout the interaction.⁴⁴ The interaction between the officers and ██████ is also captured on both BWC and POD camera footage.⁴⁵

Based on the accused officers' interviews, reports, and video footage, it is highly probable that ██████ was a combative subject whose actions escalated almost immediately to active resistance and later assault. ██████ actions rose to active resistance when he almost immediately began to create a distance between himself and the officers and attempted to evade detainment by pulling away from the officers, stiffening, and failing to comply with verbal directions. ██████ then escalated to an assailant once on the ground when he pushed, elbowed, and kicked the officers, as well as by throwing Officer Spacek's handcuffs, all while continuing to attempt to pull away and stiffen his body. It is additionally important to note that throughout the incident the officers and ██████ were on a train platform with tracks on either side and surrounded by a crowd of bystanders, calling in to play a variety of safety issues, which were also highlighted by Det. Pejoski in his statement to COPA.⁴⁶

When dealing with active and passive resistors, CPD members are permitted to utilize holding techniques (such as firm grips, arm grabs, and come-along holds),⁴⁷ as well as compliance techniques (designed to amplify non-impact pressure through the use of joint manipulation and pressure point techniques to sensitive areas of the body)⁴⁸ in order to gain the compliance of a subject. Verbal control techniques, such as instructions, directions, and warnings, are also appropriate.⁴⁹ The use of an emergency takedown is also an appropriate technique when dealing with an active resistor in order to limit physical resistance, prevent escape, and increase the potential for controlling the offender.⁵⁰ Further, when dealing with an assailant, officers may utilize any of the previously mentioned techniques, along with direct mechanical techniques in the form of forceful striking movements and impact weapons.⁵¹ Here, COPA finds that Det. Pejoski and Officer Spacek's handling of ██████ through their use of verbal direction and holding and control techniques was both appropriate and within the techniques permissible when dealing with such a resistor. As soon as ██████ began to pull away from the officers in an attempt to create distance and potentially flee, Det. Pejoski and Officer Spacek utilized both verbal direction and control techniques of ██████ arms and upper body in order to attempt to gain his compliance, and they attempted to use a nearby wall as a tactical advantage to secure ██████⁵² As stated above, these are all appropriate techniques for officers to utilize in engaging with an active resistors. As ██████ continued to resist and failed to comply with verbal directions, the subsequent takedown – conducted by the officers in order to increase control of ██████ and further limit his continuing

⁴⁴ Att. 6, pg. 2.

⁴⁵ Atts. 10 to 13; Att. 4 at 00:45.

⁴⁶ Att. 18 at 18:00.

⁴⁷ Att. 17, G03-02-01(IV)(B)(1)(a), Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023).

⁴⁸ Att. 17, G03-02-01(IV)(B)(1)(b).

⁴⁹ Att. 17, G03-02-01(IV)(A)(2).

⁵⁰ Att. 17, G03-02-01(IV)(B)(2)(c)(3).

⁵¹ Att. 17, G03-02-01(IV)(C)(1)(a).

⁵² Att. 10 at 2:09. *See also* Atts. 5 and 6, pg. 2.

physical resistance – was also both appropriate and within policy under the totality of the circumstances.

The takedown was also appropriate given ██████ status as an active resistor and later an assailant once he began to kick and strike the officers while on the ground. As stated above, evaluations of uses of force take into account the force’s objective reasonableness in light of the totality of the circumstances, its proportionality to the threat or level of resistance presented, and whether it was necessary based on the circumstances.⁵³ In this instance, it is highly likely that such a use of force was reasonable based on the level of threat and resistance – as well as the risk of harm due to being on a train platform with a weapon nearby in ██████ bag. Thus, Det. Pejoski and Officer Spacek’s actions were both within policy and objectively reasonable, necessary, and proportional based on the circumstances.

Therefore, based on the officers’ statements to COPA, video footage, reports authored following the incident, and CPD General Orders regarding appropriate uses of force, COPA finds it to be highly probable that Det. Pejoski and Officer Spacek were justified in their actions when they conducted a takedown of ██████ and further, that such a use of force was objectively reasonable, necessary, and proportional under the totality of the circumstances. Therefore, COPA **finds that Allegation #2 against Det. Kris Pejoski and Allegation #2 against Officer George Spacek are Exonerated.**

c. Verbal Abuse Allegations Against Sgt. Chatys

It has next been alleged that Sgt. Chatys stated words to the effect of, “I don’t give a shit,” to ██████ after she told him that she was going to call COPA. It has also been alleged that Sgt. Chatys also stated words to the effect of, “Which [school]? Which one? Tell me which one, so I make sure not to send my kids there,” to ██████ after she related that she had just graduated law school.

Following the arrest of ██████ as Det. Pejoski and Officer Spacek were leading him to a squadrol for transport, several other assisting units arrived and were standing in and around the street-level area of the Roosevelt CTA station. This included Sgt. Chatys. Also, several civilian bystanders had gathered near the entrance of the station, one of which was ██████ who had witnessed ██████ arrest and seemed visibly upset as a result of the incident. Although Sgt. Chatys did not activate his BWC upon his arrival to the station and therefore did not record his own video footage of this incident, an interaction between Sgt. Chatys and ██████ was captured on the BWC footage of Officer Horacio Aguilera, who also arrived following ██████ arrest.⁵⁴ Specifically, during the video’s buffering period, ██████ began interacting with Sgt. Chatys and appeared to be yelling and upset.⁵⁵ Once the video’s sound began, ██████ stated, “Once again, I’m

⁵³ Att. 16, G03-02(III)(B).

⁵⁴ Att. 21.

⁵⁵ Att. 21 at 1:00.

complaining, I'm complaining," to which Sgt. Chatys replied, "Once again, I don't give a shit."⁵⁶ [REDACTED] then began to walk away, but she continued to engage with Sgt. Chatys, stating, "Once again, you have to do it ethically," seemingly referring to the arrest of [REDACTED]⁵⁷ [REDACTED] also stated, "I do know what the fuck I'm talking about; I just graduated law school baby."⁵⁸ Sgt. Chatys then replied, "Which [school]? Which one? Tell me which one, so I make sure not to send my kids there."⁵⁹ In his statement to COPA on September 20, 2023, Sgt. Chatys stated repeatedly that he had no recollection of this incident whatsoever.⁶⁰

CPD supervisors are expected to model appropriate and professional conduct, which includes abiding by the law, CPD policy, and high standards of ethical behavior and integrity.⁶¹ Supervisors must also consistently demonstrate professionalism, courtesy, and respect towards "all people with whom they interact."⁶² Also, supervisors are required to act, speak, and conduct themselves in a professional manner, which includes maintaining a respectful and courteous attitude in all contacts with members of the community.⁶³ Sgt. Chatys's statements of "I don't give a shit," to [REDACTED] after she related that she was going to call COPA, and "Which [school]? Which one? Tell me which one, so I make sure not to send my kids there," after she told him that she had just graduated law school, were overtly insulting and disrespectful. These statements also violated Rules 2, 3, 8, and 9. Further, the usage of such language by Sgt. Chatys is not in line with CPD directives outlining the professional manner, respect, and overall appropriate conduct required by CPD supervisors when interacting with members of the community, thereby violating Rule 6.

Based on [REDACTED] statement to COPA, as corroborated by Officer Aguilera's BWC footage, COPA finds that it is more likely than not that Sgt. Chatys directed words to the effect of, "I don't give a shit," and, "Which [school]? Which one? Tell me which one, so I make sure not to send my kids there," to [REDACTED] and further, that the use of such language is in violation of CPD Rules. **COPA therefore finds that Allegations #1 and #2 against Sgt. Martin Chatys are Sustained.**

d. Body-Worn Camera Allegation against Sgt. Chatys

It has lastly been alleged that Sgt. Chatys failed to timely activate his BWC for this incident, in violation of Special Order S03-14.

In his interview with COPA on September 20, 2023, when asked if he recalled whether he was equipped with a BWC on the date of this incident, Sgt. Chatys stated, "If I was in uniform, I

⁵⁶ Att. 21 at 1:12.

⁵⁷ Att. 21 at 1:33.

⁵⁸ Att. 21 at 1:35.

⁵⁹ Att. 21 at 1:39.

⁶⁰ Att. 20 at 6:48. Sgt. Chatys was on a military leave of absence from CPD between September 6, 2022 (less than two weeks after this incident occurred), and August 24, 2023, and COPA was not able to interview him during that time. *See* CMS Notes CO-1344898, CO-1345388, CO-1346807.

⁶¹ Att. 31, G01-09(II)(C)(2), Supervisory Responsibilities (effective May 10, 2021, to present).

⁶² Att. 31, G01-09(II)(C)(2).

⁶³ Att. 31, G01-09(III)(A)(3).

should have had one on, but I don't remember what my status was."⁶⁴ When asked by COPA if he recalled activating his BWC during this incident, Sgt. Chatys stated, "I don't recall. I am in the habit of activating my camera . . . so depending on the circumstances . . . but I just don't remember."⁶⁵ Sgt. Chatys told COPA that it is his understanding that a BWC should be activated "for any police-involved activities, so arrests, calls of [*sic*] service."⁶⁶ When asked if responding to the scene of an arrest as a supervisor would constitute a law enforcement-related activity, Sgt. Chatys explained, "It depends on when it happened. If the officers deactivated by the point I got there, and I just arrived because I was close by, I don't feel the need to activate my body camera at that point because the incident's over, so I guess it just depends on when it all occurred."⁶⁷

CPD Special Order S03-14 dictates that a CPD member will activate their BWC system to event mode at the beginning of an incident and will record the entirety of that incident for all law-enforcement related activities.⁶⁸ Law enforcement-related activities include but are not limited to calls for service, investigatory and traffic stops, foot and vehicle pursuits, arrests, use of force incidents, arrestee transports, any encounter with the public that becomes adversarial after the initial contact, and more.⁶⁹

On the date of this incident, Sgt. Chatys failed to activate his BWC. However, he did activate and record BWC footage from the day prior and the day following the incident, which tends to show that he was equipped with a camera during the timeframe of this incident.⁷⁰ Although he did not participate in the arrest of ██████ Sgt. Chatys was still participating in a law-enforcement activity when he arrived at the Roosevelt CTA Station with other assisting units to potentially aid Det. Pejoski and Officer Spacek, and thus he should have activated his body-worn camera upon his arrival, per S03-14. Further, Sgt. Chatys should have activated his BWC once he came into contact with ██████ as it is apparent from the BWC footage of Officer Aguilera that their encounter became adversarial and contentious almost immediately.

Because it is more likely than not that Sgt. Chatys was equipped with a BWC on August 27, 2022, and that he failed to activate that camera, and further, that his failure to activate his BWC during a law enforcement-related activity violated Special Order S03-14, **COPA finds that Allegation #3 against Sgt. Martin Chatys is Sustained**, and that Sgt. Chatys violated Rules 2, 3, 5, 6, and 10.

⁶⁴ Att. 20 at 8:45.

⁶⁵ Att. 20 at 8:54.

⁶⁶ Att. 20 at 9:20.

⁶⁷ Att. 20 at 9:24.

⁶⁸ Att. 22, S03-14(III)(A)(2), Body Worn Cameras (effective April 30, 2018, to present).

⁶⁹ Att. 22, S03-14(III)(A)(2)(a to f).

⁷⁰ Att. 33.

Appendix ACase Details

Date/Time/Location of Incident:	August 27, 2022 / 6:33 p.m. / 22 East Roosevelt Road, Chicago IL 60605
Date/Time of COPA Notification:	September 14, 2022
Involved Member #1:	Det. Kris Pejoski / Star #20574 / Employee ID # [REDACTED] / DOA: October 31, 2016 / Unit: 630 / Male / White
Involved Member #2:	Officer George Spacek / Star #3913 / Employee ID # [REDACTED] / DOA: August 27, 2001 / Unit: 007/189 / Male / White
Involved Member #3:	Sgt. Martin Chatys / Star #1478 / Employee ID # [REDACTED] / DOA: August 27, 2004 / Unit: 001 / Male / White
Involved Individual #1:	[REDACTED] / Male / Black
Involved Individual #2:	[REDACTED] / 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 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

- **General Order G01-09:** Supervisory Responsibilities (effective May 10, 2021, to present).
- **General Order G03-02:** De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to June 28, 2023).

- **General Order G03-02-01:** Response to Resistance and Force Options (effective April 15, 2021, to June 28, 2023).
- **Special Order S04-13-09:** Investigatory Stop System (effective July 10, 2017, to present).
- **Special Order S04-14:** Body Worn Cameras (effective April 30, 2018, to present).
- **725 ILCS 5/107-14:** Temporary Questioning without Arrest.

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.⁷² 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.”⁷³

⁷² 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).

⁷³ *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