



Log # 2023-5316

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On November 10, 2023, the Civilian Office of Police Accountability (COPA) received a website complaint from [REDACTED] reporting alleged misconduct by a member of the Chicago Police Department (CPD). [REDACTED] alleged that on an unknown date, time and location, Officer Alejandro Vargas sent an electronic message that disparaged a protected class.<sup>2</sup> Following its investigation, COPA reached a sustained finding regarding the allegation.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

[REDACTED] related that on November 7, 2023, at approximately 6:35 pm, she received a text message from [REDACTED] regarding a text message that he received from Officer Vargas. In the text message, Officer Vargas stated words to the effect of, “I think the Muslims should wipe out the Jews then we should drop thousands of neutron bombs on the Middle East and be done with both of them once and for all.”<sup>5</sup> [REDACTED] stated that [REDACTED] related that he was disappointed in Officer Vargas and the statement he made. [REDACTED] expressed concern to COPA that Officer Vargas would fail to provide adequate service to a person in need if they happened to be Jewish.

[REDACTED] explained that she is a therapist who works with members of the law enforcement community. [REDACTED] added that she has never met [REDACTED] in person and is friends with [REDACTED] via Facebook through mutual police groups. [REDACTED] added that she does not know Officer Vargas. [REDACTED] informed [REDACTED] that he and Officer Vargas worked together in the past. [REDACTED] related that [REDACTED] identified Officer Vargas as an associate.<sup>6</sup>

During his statement to COPA Officer Vargas admitted to sending the text message to [REDACTED]. Officer Vargas did not recall when the message was sent. Officer Vargas added that he

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including five civilian witness interviews, both accused CPD member interviews, third party surveillance and cell phone footage, BWC footage, CPD reports, and photographs.

<sup>4</sup> [REDACTED] real name is [REDACTED]. He is a retired CPD Officer. [REDACTED] declined to provide a statement to COPA regarding this incident. See CMS notes CO-1368743 and CO-1377990.

<sup>5</sup> Att. #4

<sup>6</sup> Att. #1 – Statement of [REDACTED]

and ██████ expressed their personal feelings to each other via text message regarding an incident where Hamas invaded Israel and took captives. Officer Vargas told COPA he believed both parties in the conflict “were messing up” and “we shouldn’t get involved because their problems are never going to get resolved.”<sup>7</sup> Upon inquiry, Officer Vargas stated that he chose to make that statement out of frustration.

Officer Vargas stated that he was commenting on the political current events in a private conversation, not intended for wider dissemination. Officer Vargas believed that his comments were only between himself and ██████. Officer Vargas contended that he is not anti-Semitic or anti-Muslim. Officer Vargas added that he served in the military for twenty-five years and in the police department for twenty-five years with all races and religions.<sup>8</sup>

### III. ALLEGATION

#### Officer Alejandro Vargas

1. Sending an electronic message stating words to the effect of, “I think the Muslims should wipe out the Jews then we should drop thousands of neutron bombs on the Middle East and be done with both of them once and for all.”
  - Sustained, Violation of Rules 2, 3, 8.

### IV. CREDIBILITY ASSESSMENT

In the interviews of both ██████ and Officer Vargas there were no inconsistencies that questioned the credibility of either party. COPA notes Officer Vargas admitted he sent the text messages. His assertion that he made the statement based on his frustration over a conflict in another part of the world that he believed “we” (apparently meaning the United States) should not be involved in is bolstered by additional messages he exchanged with ██████.

### V. ANALYSIS<sup>9</sup>

COPA finds **Allegation #1** against Officer Vargas, that he sent an electronic message stating words to the effect of, “I think the Muslims should wipe out the Jews then we should drop thousands of neutron bombs on the Middle East and be done with both of the once and for all,” is **Sustained**. Department members are responsible for treating every person with respect, regardless of their racial, ethnic, or religious background.<sup>10</sup> Although Officer Vargas stated that he sent the

<sup>7</sup> Att. 13, page 17, lines 14 to 16. COPA notes another message from Officer Vargas asked how ██████ would feel if he were drafted into a war. (See Att. 5)

<sup>8</sup> Atts. #10 – 13, Statement of Officer Alejandro Vargas

<sup>9</sup> For a definition of COPA’s findings and standards of proof, see Appendix B.

<sup>10</sup> Chicago Police Department General Order G02-01, *Protection of Human Rights*, Effective June 30, 2022 (“All persons have the right to dignified treatment under the law”; see also id, Glossary, “In making law enforcement decisions . . . officers will not use race, ethnicity, age, color, national origin, ancestry, religion, disability, gender, financial status, or lawful source of income to any degree. . .”).

message to ██████ without the intent of dissemination, ██████ disseminated the message to ██████ worried how Officer Vargas would react if called upon to provide service to a Jewish member of the public, causing her to register a complaint with COPA. Whatever his intent, Officer Vargas' actions brought discredit upon the Department.

Although public employees do not sign away their free speech rights completely, public employees' rights to free speech are not absolute.<sup>11</sup> The government has greater leeway than a private individual to control the speech of its employees to ensure discipline and harmony in government operation.<sup>12</sup> If an employee speaks as a citizen upon matters of public concern, the government organization must use a balancing test to weigh an employee's interest in commenting upon matters of public concern against the competing interest of the employer to promote the efficiency of public services it performs through its employees.<sup>13</sup>

COPA finds that Officer Vargas made the comment as a citizen upon a matter of public concern.<sup>14</sup> Namely, he commented on an ongoing war between Israel and Hamas, a matter pertaining to political and social issues of international relevance. His comment advocated for the annihilation of two protected racial and ethnic groups – the Jewish and Muslim people. As a member of the Chicago Police Department, Officer Vargas serves alongside individuals of all backgrounds, including Jews and Muslims. Likewise, Officer Vargas is charged with serving and protecting the people of Chicago, many of whom are Jewish or Muslim. COPA finds that Officer Vargas' statement has the potential to interfere with CPD's operations, discipline, and relationships with the community it serves. His statement unquestionably affects the perceived integrity of CPD. His statement threatens CPD's ability to maintain discipline and harmony among officers and affects the public's perception of CPD officers' ability to perform their job with impartiality. COPA thus finds by a preponderance of the evidence that Officer Vargas's right to speak on this matter of public concern is outweighed by CPD's interest in an efficient and disruption-free workplace. Allegation #1 is therefore Sustained.

## **VI. DISCIPLINARY RECOMMENDATION**

### **A. Officer Alejandro Vargas**

#### **i. Complimentary and Disciplinary History<sup>15</sup>**

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<sup>11</sup> *Hicks v. Illinois Department of Corrections*, 109 F.4th 895, 900 (7th Cir. 2024)

<sup>12</sup> *Hicks*, 109 F.4th at 900

<sup>13</sup> *Hicks*, 109 F.4th at 900

<sup>14</sup> COPA recognizes that Officer Vargas' statement was made to a single person with the expectation that it would not be disseminated further. However, COPA finds it reasonably foreseeable that ██████ might disseminate the comment further. In fact, that is what happened. ██████ knew that Officer Vargas was an officer who worked for the Chicago Police Department; ██████ further disseminated the comment to ██████ who then filed a complaint with COPA.

<sup>15</sup> Att. 15

Officer Vargas has been with the Chicago Police Department since June 19, 2000. In that time, he received 37 various awards, including nine complimentary letters and eight honorable mentions. Officer Vargas has no sustained disciplinary or SPAR history in the past five years.

**ii. Recommended Discipline**

COPA has found that Officer Vargas violated Rules 2, 3, and 8 when he sent an electronic message stating words to the effect of, “I think the Muslims should wipe out the Jews then we should drop thousands of neutron bombs on the Middle East and be done with both of the once and for all,” albeit not disseminated to any social media or for public view. Although Officer Vargas provided his justification regarding the allegation, his conduct was unprofessional and disrespectful as his comment demeaned a protected group. Moreover, his conduct brought discredit to CPD and was damaging to the relationship between an officer and members of the public. COPA notes Officer Vargas’s complimentary history and lack of recent disciplinary history and recommends a suspension of 3-5 days and retraining on CPD’s Rules and Regulations and standards of professionalism.

Approved:



January 27, 2025

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Shannon Hayes  
*Director of Investigations*

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Date

**Appendix A**

**Case Details**

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Date/Time/Location of Incident:	Unknown Date/ Unknown Time/ Unknown Location
Date/Time of COPA Notification:	November 10, 2023/ 10:55 pm
Involved Member #1:	Officer Alejandro Vargas/ Star #14981/ Employee ID # [REDACTED] DOA: June 19, 2000/ Unit: 018/ DTL: 376/ Male/ Hispanic
Involved Individual #1:	[REDACTED] Female/ White

**Applicable Rules**

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- 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.
- Rule 1:** Violation of any law or ordinance.
- Rule 4:** Any conduct or action taken to use the official position for personal gain or influence.
- Rule 15:** Intoxication on or off duty.

**Applicable Policies and Laws**

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General Order G02-01: Protection of Human Rights (effective June 30, 2022 to present)  
 U.S. Const. Amend. I

## 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 allegation 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.<sup>16</sup> 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.”<sup>17</sup>

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<sup>16</sup> 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).

<sup>17</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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