

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date / Time of Incident:	September 18, 2019, approximately 10:35 a.m.
Location of Incident:	Near 650 North Lamon Avenue, Chicago, Illinois
Date / Time of COPA Notification:	September 18, 2019, approximately 1:35 p.m. <sup>1</sup>

Sgt. Jack Barron, a uniformed, on-duty CPD sergeant came upon [REDACTED], who was near his car in an alley near 650 N. Lamon Avenue. Sgt. Barron then realized that a City-owned vehicle immobilization device (commonly referred to as a “boot”) had been unlawfully removed from the car. Sgt. Barron then ordered [REDACTED] to leave the scene, refusing to permit him to remove items of personal property from the car, and using a vulgar and disrespectful term toward [REDACTED] as he did so. When [REDACTED], the mother of [REDACTED]’s child, arrived and also requested permission to remove personal property from the car, Sgt. Barron removed a long-barreled firearm from the trunk of his own vehicle, and he displayed that gun with its muzzle pointed toward the ground as he addressed her. [REDACTED] and [REDACTED] then called 911, complaining about Sgt. Barron’s weapon display and requesting the presence of a CPD supervisor. In response, OEMC dispatched the same sergeant to the scene. Sgt. Barron did not subsequently notify a superior officer or COPA that a complaint of misconduct had been made against him.

COPA finds that Sgt. Barron committed misconduct in addressing [REDACTED] disrespectfully, and in displaying a long-barreled firearm gun without justification. However, COPA has concluded that it cannot reliably determine whether Sgt. Barron did or did not commit misconduct in refusing to permit [REDACTED] to remove personal property his car, and by failing to notify a superior officer or COPA after having been dispatched to the scene in response to the civilians’ complaints, because the evidence does not establish that OEMC or anyone else informed the sergeant that a complaint had been made against him.

**II. INVOLVED PARTIES**

Involved Officer #1:	Jack J. Barron Star #806, Employee ID # [REDACTED]; Date of Appointment: April 8, 1985; Rank: Sergeant; Unit of Assignment: 015; Date of Birth: [REDACTED], 1959; M/WHI
Involved Individual #1:	[REDACTED]; Date of Birth: [REDACTED], 1983; M/B
Involved Individual #2:	[REDACTED]; Date of Birth: [REDACTED], 1985; F/B

<sup>1</sup> COPA was first notified of the incident via telephone complaint made by [REDACTED].

**III. ALLEGATIONS**

Officer	Allegation	Finding
Sergeant Barron	<p>On or about September 18, 2019, at approximately 10:35 a.m., in an alley near 650 North Lamon Avenue, Chicago, Illinois, Sgt. Jack J. Barron committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> <li>1. Sgt. Barron displayed a long gun without justification; and/or</li> <li>2. Sgt. Barron unreasonably seized a motor vehicle by refusing to allow its registered owner, ██████████, to enter that motor vehicle to retrieve items of personal property.</li> <li>3. Sgt. Barron failed to notify a superior officer and/or COPA that an allegation of misconduct had been made against him; and/or</li> <li>4. Sgt. Barron stated words to the effect of calling ██████████ "asshole."</li> </ol>	<p>SUSTAINED</p> <p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>SUSTAINED</p>

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 2, CPD Rules of Conduct (prohibiting any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department)
2. Rule 6, CPD Rules of Conduct (prohibiting disobedience of an order or directive, whether written or oral)
3. Rule 8, CPD Rules of Conduct (prohibiting disrespect to or maltreatment of any person, while on or off duty)
4. Rule 9, CPD Rules of Conduct (prohibiting engaging in any unjustified verbal or physical altercation with any person, while on or off duty)
5. Rule 38, CPD Rules of Conduct (prohibiting the unlawful or unnecessary use or display of a weapon)

CPD Directives

1. U04-02-05 *Police Carbine Program* (eff. February 2, 2015)
2. G08-01-02 *Specific Responsibilities Regarding Allegations of Misconduct* (eff. May 4, 2018)
3. G02-01 *Human Rights and Human Resources* (eff. October 5, 2017)

Municipal Ordinance

1. Municipal Code of Chicago, §9-100-120 (the City’s vehicle immobilization program)

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## V. INVESTIGATION<sup>2</sup>

### A. Interviews

██████████ gave an audio-recorded interview on January 12, 2021.<sup>3</sup> In material summary, and not verbatim, ██████████ gave the following account:

██████████ was near his vehicle when he encountered a police officer in an alley near his then-residence at ██████████. The officer directed ██████████ to get away from his car there. ██████████ needed to get his house keys from inside the car and asked the officer if he could remove some things from his car, but the officer refused. ██████████ left and returned toward the scene with ██████████, who was carrying a baby with her. ██████████ stopped at the end of the alley, with the officer about forty feet away in the middle of the alley. When ██████████ got closer to the officer, he told her to stop. ██████████ told the officer that she wanted to talk to him. The officer responded by pulling out a shotgun from his trunk, “cocked” it and pointed it at ██████████.<sup>4</sup> Neither ██████████ nor ██████████ were armed at the time.

██████████ and ██████████ called 911 and requested a supervisor because the officer had pulled a weapon on ██████████ and a baby. ██████████ was told that no other officers would be coming because the officer on scene was the one who decided which police officers would respond.

**Sgt. Jack J. Barron** gave an audio-recorded statement on January 28, 2021.<sup>5</sup> Prior to commencing that statement, COPA permitted Sgt. Barron to view video footage depicting parts of the incident under review.<sup>6</sup> In material summary, and not verbatim except where otherwise indicated, Sgt. Barron gave the following account:

Sgt. Barron arrived at the incident scene after being made aware that there was a pending job assignment of a suspicious auto at that location.<sup>7</sup> When he arrived, he saw the car in the alley. He then approached and noticed a man at the car and boot nearby. While there, Sgt. Barron refused to permit ██████████ to access the interior of that car because Sgt. Barron was securing it so that it could be towed by the Department of Revenue (“DOR”), and Sgt. Barron kept the car secure until the car was eventually towed away.<sup>8</sup> There was nothing about removing house keys from the car’s

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> Attachment #16 is an audio recording of that interview.

<sup>4</sup> *Id.*, at 3:30.

<sup>5</sup> Attachments ## 24 - 26 comprise an audio recording of that statement; Attachment #27 is its transcription.

<sup>6</sup> *See* Attachment #27, p. 7, lines 14 - 20. That footage was recorded by Sgt. Barron and two other CPD officers who were present during parts of the incident, using body-worn cameras. Attachments ## 6 - 10 comprise that footage, and is described in Section V.B of this report.

<sup>7</sup> Attachment #27, p. 13, lines 5 - 16.

<sup>8</sup> *Id.*, p. 14, line 20, through p. 18, line 1; p. 24, line 20, through p. 25, line 2. From Sgt. Barron’s statements at the scene, it is apparent that Sgt. Barron had observed that a City-owned vehicle immobilization device had been unlawfully removed from the car. *See* Attachment #6 (described more fully in Section V.B of this report) at T15:35:46z - T15:37:28z. (Because video footage recorded by CPD body-worn cameras is time-marked using Greenwich Mean Time (or “Zulu Time”) styled designations, COPA here uses those same designations throughout.) Presumably, the immobilization device that had been removed from the car had been placed there pursuant to the

interior that would have interfered with the DOR's ability to remove the car, though Sgt. Barron did not recall ██████ saying anything at the scene about house keys, and Sgt. Barron "was somewhat concerned with the amount of material that could have been picked up and used as a weapon and [he had] no idea what was in the car."<sup>9</sup> Sgt. Barron called ██████ "asshole" because "[s]ometimes addressing people in language that they're more familiar with is more effective."<sup>10</sup> Sgt. Barron displayed the long-barreled gun because he "was nervous at that point. The way [█████] was hollering and, you know, exaggerated movement of his arms and hands, number of times he had approached, I was just -- after our first encounter and his repeated returns, I was getting nervous. I was afraid."<sup>11</sup> Sgt. Barron continued that "he had an irate and exaggerated behavior pattern, waving his arms when he was in the alley away from us and it really made me concerned about the potential for the use of force at that point, that he was being aggressive."<sup>12</sup> ██████ was "near the mouth of the alley," at the time, a fraction of a block away.<sup>13</sup> Sgt. Barron didn't think that the sidearm that he was carrying would have been sufficient to protect him, so much so that he thought it was necessary to display a long-barreled firearm, because his sidearm was a revolver, which is "passe" and "a lot of people don't recognize it."<sup>14</sup> Sgt. Barron did not recall that a civilian at the scene had stated anything about a complaint against him, and he did not know why a supervisor had been requested to come to the scene.<sup>15</sup>

## B. Digital Evidence

COPA reviewed **body-worn camera recorded video** footage depicting parts of the incident under review.<sup>16</sup> In material summary, that footage shows that the following occurred:

At about 10:35 a.m. on September 18, 2019, Sgt. Barron exits a CPD vehicle in an alley and encounters a person now known to be ██████, who is standing next to a passenger car parked there.<sup>17</sup> A City-owned vehicle immobilization device is seen attached to a wheel that is laying on

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City's vehicle immobilization program, which is set out in Section 9-100-120 of the Municipal Code. In general, that program authorizes the immobilization of a motor vehicle if its registered owner has accumulated a specified number of unpaid parking tickets, as well as for other reasons. *See* MCC, §9-100-120(b). The program permits a registered owner to obtain the release of the immobilization device by paying the offending indebtedness. *See id.*, §9-100-120(d). Under the program, a registered owner is notified that if the device has not been released within twenty-four hours of its placement, then the vehicle is to be towed and impounded. *See id.*, §9-100-120(b). Unauthorized removal of an immobilization device from a passenger car is unlawful and punishable by a penalty of \$750.00. *Id.*, 9-100-120(h).

<sup>9</sup> Attachment #27, p. 18, lines 2 - 11. Body-worn camera footage shows that ██████ asked Sgt. Barron for permission to remove house keys from the car. *See* Attachment #6 (described more fully in Section V.B of this report) at T15:41:03z - T15:41:09z.

<sup>10</sup> Attachment #27, p. 21, lines 1 - 6. Body-worn camera footage shows that Sgt. Barron called ██████ "asshole." *See* Attachment #6 (described more fully in Section V.B of this report) T15:41:10z - T15:41:22z.

<sup>11</sup> Attachment #27, p. 21, line 21 - p. 22, line 1.

<sup>12</sup> Attachment #27, p. 37, lines 10 - 14.

<sup>13</sup> *Id.*, p. 29, lines 1 - 24.

<sup>14</sup> *Id.*, p. 22, lines 13 - 23.

<sup>15</sup> OEMC documentation shows that ██████ and ██████ called 911 after the incident, that they then complained to an OEMC dispatcher Sgt. Barron's display of a firearm, and that they then asked for a supervisor to be sent to the scene. *See* pp. a and b of Attachment #x, which is described more fully in Section V.C of this report.

<sup>16</sup> Attachments ## 6 - 10 comprise that footage.

<sup>17</sup> *See* Attachment #6, at 2019-09-18 T15:35:00z.

the ground near the front driver's side of the car.<sup>18</sup> From the video, as well as Sgt. Barron's statements and an OEMC broadcast that can be heard, it is apparent that Sgt. Barron observes that the immobilization device had been unlawfully removed from the car, that the car was registered to ██████, and that Sgt. Barron was expecting the arrival of one or more other CPD officers who had been dispatched to the scene.<sup>19</sup>

Sgt. Barron and ██████ then engage in conversation, during which ██████ identifies himself and asks for permission to remove the car. Sgt. Barron informed ██████ that he is not under arrest, but that he may not remove car, and that "it's the City's car now."<sup>20</sup> Sgt. Barron then says words to the effect that "everything that's in the car stays with the car."<sup>21</sup> ██████ then opens the car's driver-side front door and enters it, and Sgt. Barron steps back.<sup>22</sup> ██████ emerges from the car a few seconds later, and Sgt. Barron tells him to "Move along. Have a nice day. You're making me uncomfortable by dawdling about."<sup>23</sup> ██████ then says something inaudible to Sgt. Barron, and Sgt. Barron responds by stating "Proceed with your life. Proceed with the rest of your existence on Earth. Move along."<sup>24</sup> ██████ tells Sgt. Barron, "I'm just trying to get my I.D.," to which Sgt. Barron responds by saying, "Whatever's in the car stays in the car, unless you want to make this personal. Leave the f\*cking car be. Don't make yourself part of a crime. Does that make sense?"<sup>25</sup> Howard apparently re-enters the car nevertheless, then re-emerges a few seconds later, shows Sgt. Barron a wrinkled document.<sup>26</sup> Sgt. Barron responds by saying, "Whatever, move along."<sup>27</sup> ██████ then starts to walk away, but he stops seconds later, turns around, begins to walk back toward Sgt. Barron, and he asks Sgt. Barron if he could "get his house keys."<sup>28</sup> Sgt. Barron says words to the effect of, "No. Whatever's in the car, what did I just say, asshole? Whatever's in the car, stays in the car. Whatever's attached to the car stays with the car. Whatever's not detached from the car stays with the car."<sup>29</sup> ██████ walks away again, and Sgt. Barron turns to speak to Officers Eugene Franzel and Niko Lopez, who are now at the scene, and he explains some of the circumstances to them.<sup>30</sup>

██████ reappears at the scene approximately thirty seconds after departing.<sup>31</sup> Sgt. Barron addresses ██████ again, telling him words to the effect of, "Whatever's in the car stays in the car. If you want to get yourself locked up, proceed. Because we own the car now. And if you trespass

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<sup>18</sup> See *id.*, at T15:35:06z. The removed immobilization device is more clearly seen in Attachment #8, at T15:41:59z.

<sup>19</sup> See *id.*, at T15:35:46z - T15:37:28z.

<sup>20</sup> See *id.*, at T15:37:29z - T15:39:41z.

<sup>21</sup> See *id.*, at T15:39:41z.

<sup>22</sup> See *id.*, at T15:40:00z - T15:40:10z.

<sup>23</sup> See *id.*, at T15:40:17z - T15:40:29z.

<sup>24</sup> See *id.*, at T15:40:30z - T15:40:38z.

<sup>25</sup> See *id.*, at T15:40:39z - T15:40:52z.

<sup>26</sup> See *id.*, at T15:40:53z - T15:41:01z.

<sup>27</sup> See *id.*, at T15:41:02z.

<sup>28</sup> See *id.*, at T15:41:03z - T15:41:09z.

<sup>29</sup> See *id.*, at T15:41:10z - T15:41:22z.

<sup>30</sup> See *id.*, at T15:41:23z - T15:41:55z.

<sup>31</sup> See *id.*, at T15:42:22z.

on the car, you're trespassing. ... Pay your bills. Have a nice day. This is your last warning before you get a baloney sandwich."<sup>32</sup> [REDACTED] then walks away again.<sup>33</sup>

About eight minutes later, [REDACTED] appears near the scene again, with a person now known to be [REDACTED] and at a distance of several houses from where Sgt. Barron stands with the other two officers.<sup>34</sup> Sgt. Barron leans into the front passenger door of his vehicle for several moments and starts his car. Officer Lopez comments that [REDACTED] and [REDACTED] are trying to get sympathy by bringing a child.<sup>35</sup> Sgt. Barron removes a long-barreled firearm from the rear hatch of his vehicle. Sgt. Barron points it downward and not at any person, and he shouts toward [REDACTED] and [REDACTED], stating words to the effect of, "I feel threatened. Did you not take my advice and counsel? I now feel threatened. Stand back."<sup>36</sup> From a distance, [REDACTED] is heard saying, "I want to ask you a question."<sup>37</sup> Sgt. Barron responds by shouting, "Take my advice and counsel and stand back. ... I've answered all the questions that are reasonable and necessary. Stand back."<sup>38</sup> [REDACTED] and [REDACTED] then turn and walked away.<sup>39</sup> Sgt. Barron then replaces the weapon in the CPD vehicle.<sup>40</sup> One of the other officers then laughs lightly as Sgt. Barron appears to smile at him and says, "No means no."<sup>41</sup>

### C. Documentary Evidence

COPA obtained and reviewed OEMC Event Query Reports, which, in material summary, show that persons identifying themselves as [REDACTED] and [REDACTED] called 911 on multiple occasions from approximately 11:01 a.m. to approximately 11:47 a.m. on September 18, 2019, asking for the presence of a CPD supervisor and complaining that a CPD sergeant had "pulled a shotgun" on them.<sup>42</sup> Those documents also show that OEMC dispatched Sgt. Barron (Beat 1550) to those calls, and that Sgt. Barron disposed of the calls by providing OEMC with an miscellaneous incident code.<sup>43</sup>

## VI. LEGAL STANDARD

For each Allegation, COPA must make one of the following findings:

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<sup>32</sup> See *id.*, at T15:42:22z - T15:42:50z. Sgt. Barron's statements to the effect that the car and its contents had become the City's property by virtue of its immobilization or the removal of an immobilization device are not compatible with the ordinance governing the City's vehicle immobilization program, which is set out in Section 9-100-120 of the Chicago Municipal Code and is described in general terms at footnote 8 above. Under that program, ownership of an immobilized car does not transfer to the City by virtue of its immobilization; nor does the fact that a vehicle has been immobilized prohibit its owner from entering it and removing items of personal property.

<sup>33</sup> See *id.*, at T15:42:50z and immediately following.

<sup>34</sup> See Attachment #9, at T15:51:28z and immediately following.

<sup>35</sup> See Attachment #10, at T15:51:39z.

<sup>36</sup> See Attachment #9, at T15:51:45z -T15:51:57z.

<sup>37</sup> See *id.*, at T15:51:58z.

<sup>38</sup> See *id.*, at T15:51:59z - T15:52:12z.

<sup>39</sup> See *id.*, at T15:52:12z and immediately following.

<sup>40</sup> See *id.*, at T15:52:13z - T15:52:42z.

<sup>41</sup> See *id.*, at T15:52:47z.

<sup>42</sup> See Attachment #13.

<sup>43</sup> See *id.*, at pp. 10 - 12.

- 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 reviewed complied with Department policy. *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 has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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. *See e.g. People v. Coan*, 2016 IL App (2d) 151036 (2016). 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.” *Id.* at ¶ 28.

## VII. ANALYSIS

### **Allegation #1 – Sgt. Barron displayed a long-barreled gun without justification**

This allegation is supported by the preponderance of the evidence, which shows that Sgt. Barron’s display of a long-barreled gun was not compliant with Uniform and Property Order U04-02-05, the Department’s directive authorizing and governing the use of such weapons.<sup>44</sup>

The CPD’s policy statement, set out in that directive, is that authorizing qualified CPD members to arm themselves with certain long-barreled firearms “enhances officer safety in high-threat confrontations involving heavily armed or multiple offenders, active shooting incidents, and violent offenders who are utilizing body armor, shielding, or distances beyond reasonable pistol range.”<sup>45</sup> The directive accordingly provides that qualified CPD members may arm themselves with an authorized long-barreled firearm if they “reasonably believe that [they are] confronting or may soon confront a threat that may require the use of deadly force,” and if, consistent with their training, such a gun “is the appropriate firearm for the situation.”<sup>46</sup>

Sgt. Barron’s display of a long-barreled firearm during the incident was not compliant with the directive because (1) Sgt. Barron could not have, in fact, reasonably believed that he was confronting (or that he might soon confront) a threat that might have required the use of deadly

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<sup>44</sup> Attachment # 28 is a copy of that directive, U04-02-05 *Police Carbine Program* (effective February 2, 2015).

<sup>45</sup> *See* Attachment #28, Section II.A.

<sup>46</sup> *See id.*, Section II.B.

force during the incident, and (2) regardless of whether Sgt. Barron could, did, or did not have such a belief, a long-barreled gun was nevertheless not the appropriate firearm for the situation presented during the incident.

Nothing in the video evidence suggests that Sgt. Barron could have reasonably believed that ██████ presented Sgt. Barron with a violent threat, much less a threat that might have required the use of deadly force. The video does not support Sgt. Barron's claim that ██████ had been "aggressive," that ██████ had been "hollering," or that ██████ had displayed "exaggerated moment of his arms and hands." Instead, what the video evidence does show raises serious doubt concerning the sincerity of Sgt. Barron's claim that he was fearful during the incident. This is even more apparent by his making light of the situation with Officers Frenzel and Lopez after he puts the long-barreled gun away.

Nevertheless, even if Sgt. Barron could have reasonably believed from the circumstances that he might soon confront a threat that might have required the use of deadly force, nothing in the video suggests that Sgt. Barron could have also reasonably believed that a long-barreled firearm was the appropriate firearm for the situation. The incident did not present any of the specific circumstances described in the directive as calling for the use of a long-barreled firearm - it did not involve an armed offender (much less a heavily-armed offender), an offender believed to be using body armor, or multiple offenders. Furthermore, neither Officer Frenzel or Officer Lopez is seen or heard on any of the body-worn camera videos unholstering their weapons or expressing any concern for their safety.

COPA accordingly finds that Sgt. Barron's display of a long gun was unjustified and violative of Rules 8 and 38 of the CPD Rules of Conduct, which respectively prohibit maltreatment and the unnecessary display of a weapon. Allegation #1 is against Sgt. Barron is therefore SUSTAINED.

#### **Allegation #2 – Sgt. Barron seized and denied ██████ access to his vehicle**

There is insufficient evidence to prove this allegation by the preponderance of the evidence. The evidence establishes that at the time Sgt. Barron came upon ██████ and his vehicle, Sgt. Barron was reasonable in concluding that the immobilization device had been unlawfully removed from ██████'s car. ██████'s vehicle had already been seized by the Department of Revenue and was now additionally the subject of the unlawful activity by the unauthorized removal of the immobilization device. It is evident from the body-worn video and Sgt. Barron's statement, that he acted to secure the vehicle in its current condition until it could be towed. In his statement, Sgt. Barron essentially acknowledged that law enforcement activity would not have been compromised if ██████ had been allowed such access. Sgt. Barron also stated that he was concerned that giving ██████ access to the car's interior might have jeopardized his own safety by not knowing what was inside the vehicle. COPA notes that when ██████ went into the car and retrieved a document, Sgt. Barron stepped back and to the other side of the alley. That evidence does show that Sgt. Barron could have inspected the car's interior prior to permitting ██████ to enter it, or even retrieved the requested items himself. However, he was under no such obligation to do so. While Sgt. Barron looked into the open driver's door, there is no indication that he entered it at any point for any reason. The facts do not show by a preponderance of the evidence that Sgt. Barron acted

in violation of Department rules and policies. Therefore, COPA accordingly finds that Allegation #2 against Sgt. Barron is NOT SUSTAINED.

### **Allegation #3 – Sgt. Barron failed to report an allegation of misconduct**

There is insufficient evidence to prove this allegation by a preponderance of the evidence. COPA is unable to establish that OEMC or anyone at the scene made Sgt. Barron aware that an allegation of misconduct had been made against him, which awareness would have triggered an obligation on Sgt. Barron's part to make an appropriate notification.<sup>47</sup> Though OEMC records show that [REDACTED] and [REDACTED] made complaints about Sgt. Barron to OEMC, those records do not show that OEMC then, in turn, notified anyone. Instead, those records simply show that OEMC dispatched Sgt. Barron to the scene because a caller had requested the presence of a supervisor. Allegation #4 against Sgt. Barron is therefore NOT SUSTAINED.

### **Allegation #4 – Sgt. Barron called [REDACTED] “asshole”**

This allegation is supported by the preponderance of the evidence. COPA does not here dispute that circumstances may at times call for CPD members to use coarse language in order to gain civilian compliance. Here, however, COPA is aware of nothing that could have justified Sgt. Barron's word choice. In his statement, Sgt. Barron explained his use of epithet by claiming that he was attempting to employ familiar language, and, to be sure, all are familiar with the disparaging language he used. His use of disparaging language violated CPD policy governing the human rights of all individuals, which includes a direction to CPD members requiring them to “treat all persons with the courtesy and dignity which is inherently due every person as a human being.”<sup>48</sup> The directive setting out that policy statement specifically provides that CPD members “will act, speak and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude in all contacts with the public.”<sup>49</sup> Sgt. Barron therefore violated Rule 2 of the CPD's Rules of Conduct, which prohibits any action or conduct which impedes the CPD's efforts to achieve its policy and goals or brings discredit upon the CPD, as well as Rules 8 and 9 of the CPD's Rules of Conduct. Allegation #4 against Sgt. Barron is therefore SUSTAINED.

## **VIII. RECOMMENDED DISCIPLINE**

### **A. Complimentary and Disciplinary History**

Sergeant Barron has been a member of the Chicago Police Department since April 8, 1085. Since that time, he has received one Department Commendation; one Military Service Award; one Honorable Mention Ribbon Award; 70 Honorable Mentions; five Complimentary Letters ; one Attendance Recognition Award; three Crime Reduction Ribbons and Awards (2004, 2009, 2019); one NATO Summit Service Award; one Presidential Election Deployment Award (2008); and one Democratic National Convention Award. Sergeant Barron does not have any history of sustained

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<sup>47</sup> See, generally, CPD General Order G08-01-02 *Specific Responsibilities Regarding Allegations of Misconduct* (effective May 4, 2018).

<sup>48</sup> See CPD General Order G02-01 *Human Rights and Human Resources* (effective October 5, 2017), Section III.B.

<sup>49</sup> See *id.*

complaints. Sergeant Barron received a SPAR on March 23, 2020, for a preventable accident occurring on March 11, 2020, resulting in a reprimand.

**B. Recommended Penalty, by Allegation**

COPA recommends that Sergeant Barron receive a 30-day Suspension and that he receives training in appropriate use of firearms; carbine operations, familiarization and requalification; verbal judo; and de-escalation. COPA has considered his complimentary and disciplinary histories, rank, length of time with the Department, and training history. As noted by the finding, Sgt. Barron’s display of his carbine firearm was improper. His derogatory name calling was unprovoked. It is even more troubling considering his supervisory rank, that he committed this conduct in front of two subordinate officers and that he had undergone the “40 Hour Patrol Carbine Operator” training just one year prior to this incident. His actions set a poor example to those subordinates as well as reflected negatively on the Department. For the foregoing reasons, COPA recommends a 30-day Suspension and training.

**IX. CONCLUSION**

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

Officer	Allegation	Finding
Sergeant Barron	On or about September 18, 2019, at approximately 10:35 a.m., in an alley near 650 North Lamon Avenue, Chicago, Illinois, Sgt. Jack J. Barron committed misconduct through the following acts or omissions: 1. Sgt. Barron displayed a long gun without justification; and/or 2. Sgt. Barron unreasonably seized a motor vehicle by refusing to allow its registered owner, [REDACTED], to enter that motor vehicle to retrieve items of personal property. 3. Sgt. Barron failed to notify a superior officer and/or COPA that an allegation of misconduct had been made against him; and/or 4. Sgt. Barron stated words to the effect of calling [REDACTED] “asshole.”	SUSTAINED  NOT SUSTAINED  NOT SUSTAINED  SUSTAINED

Approved:

[REDACTED Signature]

2-26-21

Angela Hearts-Glass  
 Deputy Chief Investigator

Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	5
<b>Investigator:</b>	Francis Tighe
<b>Supervising Investigator:</b>	Loren Seidner
<b>Deputy Chief Investigator:</b>	Angela Hearts-Glass