



Log # 2019-0000583

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On March 29, 2019, the Civilian Office of Police Accountability (COPA) received a Case Initiation Report from Sergeant Thomas Cotter of the Chicago Police Department's (CPD) 25th District alleging misconduct by a CPD member. The Case Initiation Report² alleged that on March 27, 2019, an unknown officer, subsequently identified as Sergeant (Sgt.) Thomas Barnett, told a group of teens to “get back in their fucking cage”.³

Upon review of further evidence, COPA served additional allegations that Sgt. Barnett failed to timely activate his body worn camera (BWC) during this encounter and also stated words to the effect of “fuck you too” and “fuck you motherfucker” toward a group of unidentified Black males.⁴

Following its investigation, COPA reached sustained findings regarding the allegations of profanity use and failing to timely activate his BWC.

II. SUMMARY OF EVIDENCE⁵

A Department Report⁶ indicates that on March 27, 2019, at approximately 6:39 pm, CPD officers on patrol in the 3200 block of West Maypole Avenue observed a large crowd drinking on the sidewalk, smoking cannabis, and filming⁷ what appeared to be a music video. Officers then exited their vehicle while members of the crowd went inside a gated yard. At the same time, officers also observed two individuals exit a white vehicle and after approaching the vehicle observed a firearm in plain view. The officers then detained and arrested the driver⁸ of the vehicle who threw the keys to the vehicle inside the gated yard. The officers recovered the keys after a brief struggle with individuals inside the yard who attempted to conceal the keys.

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 Att. 5.

³ 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.

⁴ Ibid.

⁵ 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, third-party digital footage, Police Observational Device (POD) footage, police reports and Sergeant Barnett's statement to COPA.

⁶ Att. 12.

⁷ Att. 15 at 6:23:01 to 6:36:38.

⁸ Att. 15 at 6:37:34 to 6:41:59.

Additional officers, including Sgt. Barnett, responded to the scene due to the large crowd and ensuing hostile environment with a number of individuals arguing with the officers. While at the scene, Sgt. Barnett engaged in a verbal altercation with a group of unidentified individuals standing along the sidewalk and fenced area.

Sgt. Barnett is captured on responding officers' BWC⁹ and third-party footage¹⁰ speaking with an unidentified Black male, wearing a red baseball hat, navy blue jersey, and red pants.¹¹ During this encounter, Sgt. Barnett can be heard saying "get the fuck back in the cage."¹² Another unidentified individual then confronted Sgt. Barnett and questioned what he just said. Sgt. Barnett also verbally engaged this unidentified individual before walking away and saying to someone else "fuck you too" and "fuck you motherfucker."¹³

After the verbal altercation ended, officers then detained and arrested the passenger of the white vehicle.¹⁴

III. ALLEGATIONS

Sgt. Thomas Barnett:

1. Stating words to the effect of "get back in the fucking cage" towards a group of unidentified Black males.
 - Sustained, Violation of Rules 2, 6, 8 and 9.
2. Stating words to the effect of "fuck you too" and "fuck you motherfucker" towards a group of unidentified Black males.
 - Sustained, Violation of Rules 2, 6, 8 and 9.
3. Failing to comply with S03-14 by failing to timely activate his body worn camera during his encounter with a group of unidentified Black males.
 - Sustained, Violation of Rules 6, 10 and S03-14.

IV. CREDIBILITY ASSESSMENT

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

V. ANALYSIS¹⁵

COPA finds by a preponderance of the evidence that Allegations #1 and #2 against Sgt. Barnett are **Sustained**. Department members are required to "treat all persons with courtesy and dignity which is inherently due every person as a human being" and do so while "speak[ing] ... in a professional manner and maintain[ing] a courteous attitude in all contacts with the public."¹⁶

⁹ Atts. 13 and 14.

¹⁰ Atts. 2 and 3.

¹¹ Att. 14 at 5:05.

¹² Att.14 at 5:08.

¹³ Att. 2 at 0:12 to 0:18.

¹⁴ Att. 15 at 6:49:40 to 6:50:05.

¹⁵ For a definition of COPA's findings and standards of proof, *see* Appendix B.

¹⁶ G02-01 III (B), Human Rights and Resources (effective October 5, 2017 to June 30, 2022).

During his statement, Sgt. Barnett stated the matter was already investigated and adjudicated under SPAR #556236.¹⁷ That Sgt. Barnett engaged in this conduct is established by a preponderance of evidence including video from BWC footage and third-party cellular recordings. When confronted with the evidence, Sgt. Barnett acknowledged the language used and did not dispute it. Sgt. Barnett stated he did not know why he chose to use that kind of language and that is not something he normally does. However, Sgt. Barnett's use of language was disrespectful and unacceptable. It was also detrimental to the goals of the Department. Therefore, COPA finds allegations #1 and #2 against Sgt. Barnett to be Sustained.

Additionally, COPA finds by a preponderance of the evidence that Allegation #3 against Sgt. Barnett is **Sustained**. Special Order 03-14 regarding the use of Body Worn Cameras mandates officers to record all law-enforcement related encounters: a Department member will activate the system at the beginning of an incident and will record the entire incident.¹⁸ These law-enforcement related activities include but are not limited to calls for service, use of force incidents, statements made by individuals during an investigation, and any other instance when enforcing the law.¹⁹

In his statement, Sgt. Barnett indicated²⁰ he had a body worn camera the day of the incident but could not recall if he activated it. COPA did not find Sgt. Barnett's body worn camera footage of his encounter during this incident. Intentional or not, Sgt. Barnett's failure is a violation of CPD policy and rules, therefore COPA finds Allegation 3 against Sgt. Barnett Sustained.

VI. DISCIPLINARY RECOMMENDATION

a. Sgt. Thomas Barnett

i. Complimentary and Disciplinary History²¹

Sgt. Barnett has received 172 various awards, including three crime reduction awards, four special commendations, and 116 honorable mentions. There has been no sustained complaint history in the last five years. There is no SPAR History as of October 18, 2023.

ii. Recommended Discipline

COPA has found that Sgt. Barnett violated Rules 2, 6, 8, and 9 by stating words to the effect of "get back in the fucking cage"; "fuck you too"; and "fuck you motherfucker" towards a group of unidentified Black males. COPA has further found that Sgt. Barnett violated Rules 6, 10, and Special

¹⁷ Att. 9 at 2:58 to 3:10.

¹⁸ S03-14(III)(A)(2), Body Worn Cameras (effective April 30, 2018 to present).

¹⁹ S03-14(III)(A)(2)(a-r).

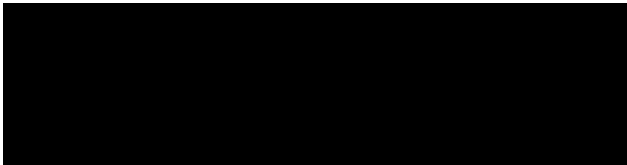
²⁰ Att. 11 at 0:58 to 1:27.

²¹ Att. 17.

Order 03-14 by failing to timely activate his body worn camera during his encounter with a group of unidentified Black males.

Based on this information, COPA recommends a penalty of **Violation Noted.**

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

10-31-2023

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	March 27, 2019 / 6:39 pm / 3237 W. Maypole Ave., Chicago, IL 60624.
Date/Time of COPA Notification:	March 29, 2019 / 9:15 am.
Involved Officer #1:	Sergeant Thomas Barnett / Star #2102 / Employee ID # [REDACTED] / DOA: January 24, 2000 / Unit: 124 / Male / White.
Involved Individual #1:	Unidentified / Male / 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 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.

Applicable Policies and Laws

- S03-14: Body Worn Cameras (effective April 30, 2018 to current).
- 50 ILCS 706: Law Enforcement Officer-Worn Body Camera Act.
- G02-01 III (B): Human Rights and Resources (effective October 5, 2017 to June 30, 2022)

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.²² 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.”²³

²² 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).

²³ *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 Information

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