



Log # 2024-8537

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

### I. EXECUTIVE SUMMARY

On November 24, 2024, the Civilian Office of Police Accountability (COPA) received an initiation report from Sgt. ██████ Mirus documenting alleged misconduct by a member of the Chicago Police Department (CPD). The complainant, ██████ (██████ related to Sgt. Mirus that on November 23, 2024, Sgt. Jason Barney detained and handcuffed him without justification, causing injuries.<sup>2</sup> Upon review of the evidence, COPA served an additional allegation that Sgt. Barney failed to timely activate his Body Worn Camera (BWC) without justification. Following its investigation, COPA reached a **Sustained** finding regarding Sgt. Barney’s BWC activation.

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

On November 23, 2024, at approximately 8:00 pm, on the corner of Monroe Street and Michigan Avenue, ██████ and ██████ were working in their official capacity as investigators for the City of Chicago’s Department of Business Affairs and Consumer Protection (BACP).<sup>4</sup> At the same time, Sgt. Barney, Officer Miguel Esquivel, and Officer Diana Delabra-Avila were on patrol in the area. Sgt. Barney noticed ██████ telling a vendor to move to a designed area, after officers had unsuccessfully attempted to get the vendor to move earlier.<sup>5</sup> Sgt. Barney said he originally approached ██████ with the intent of complimenting him for the assistance with the vendor.<sup>6</sup>

██████ told COPA that Sgt. Barney asked if he was a security guard – to which ██████ said no, and pointed to his badge that said “City of Chicago.”<sup>7</sup> Sgt. Barney asked who he worked for, but ██████ did not immediately answer other than to say that he was an investigator.<sup>8</sup> ██████ stated that he did not need to tell Sgt. Barney who he worked for, though he eventually said the City of

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<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 BWC footage, police reports, civilian interviews, officer interviews.

<sup>4</sup> Att. 12, ██████ COPA Statement, at Pg.4, Lns. 2 to 6.

<sup>5</sup> Att. 28, Sgt. Barney COPA Statement, at Pg. 11, Lns. 16 to 24, and Pg.12, Lns. 1 to 16; Att. 3, BWC of Sgt. Barney at 45:48.

<sup>6</sup> Att. 28, at Pg. 12, Lns. 11 to 14; Att. 3, at 45:48.

<sup>7</sup> Att. 10, ██████ COPA Statement, at Pg. 4, Lns. 14 to 18

<sup>8</sup> Att. 12, at Pgs. 4 to 5; Att. 10, at Pg. 10; Att. 28, at Pgs. 12 to 13.

Chicago.<sup>9</sup> Sgt. Barney asked ██████ to call his supervisor, and ██████ asked for Sgt. Barney's supervisor.<sup>10</sup>

Sgt. Barney then removed ██████ badge and placed him into handcuffs.<sup>11</sup> Officer Esquivel subsequently removed the handcuffs and readjusted them, as they appeared to be tight.<sup>12</sup> At this time, ██████ called their BACP supervisor, later identified as ██████<sup>13</sup> Sgt. Barney retrieved ██████ driver's license from his wallet, located in his pocket, and ran ██████ information in the Portable Data Transmitter, which revealed no warrants.<sup>14</sup>

██████ was then released and provided an Investigatory Stop Receipt.<sup>15</sup> Sgt. Barney waited for ██████ who arrived at the scene and verified ██████ employment.<sup>16</sup> Sgt. Barney told ██████ he stopped ██████ because he did not know who he worked for, and ██████ was not forthcoming with information.<sup>17</sup> Sgt. Barney later told COPA that he was not sure if ██████ was operating as a security guard, a CPD officer, or impersonating an officer.<sup>18</sup> During Sgt. Barney's conversation with ██████ he explained that he took ██████ badge because he failed to identify himself.<sup>19</sup> ██████ took notes during his conversation with Sgt. Barney, and he eventually retrieved ██████ badge.<sup>20</sup>

### III. ALLEGATIONS

#### Sergeant Jason Barney:

1. Detaining ██████ without justification.
  - **Not Sustained.**
2. Failing to timely activate Body Worn Camera (BWC) without justification.
  - **Sustained**, in violation of Rules 2, 3, 5, 6, and 10.

### IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses honesty of the individual making the statement, while the second factor speaks to the individual's ability to

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<sup>9</sup> Att. 12, at Pg. 9, Lns. 3 to 9.

<sup>10</sup> Att. 2, Investigatory Stop Report (ISR) narrative; Att. 28, at Pg. 13, Lns. 11 to 20; Att. 12, at Pg. 5, Lns. 9 to 11; Att. 3 at 45:36.

<sup>11</sup> Att. 3, at 1:05 to 2:00.

<sup>12</sup> Att. 5, Officer Esquivel's BWC at 1:50.

<sup>13</sup> Att. 3, at 3:00 to 3:15

<sup>14</sup> Att. 2.

<sup>15</sup> Att. 2.

<sup>16</sup> Att. 3, at 43:20.

<sup>17</sup> Att. 3, at 43:45 to 45:15

<sup>18</sup> Att. 28, at Pg. 23, Lns. 1 to 9

<sup>19</sup> Att. 3, at 47:00 to 47:30

<sup>20</sup> Att. 2; and Att. 3, at 44:00 to 49:55.

accurately perceive the event at the time of the incident and then accurately recall the event from memory.

Because most of this incident was not recorded by BWC, COPA's investigation relied on the statements and credibility of Sgt. Barney, [REDACTED] and [REDACTED]. All three individuals appeared to recount the incident accurately, from their point of view. Although they interpreted the tone and context of the encounter differently, their statements are materially consistent with respect to the basic facts of what occurred. Overall, COPA did not find that any of the parties demonstrated any issues that negatively impacted their credibility.

## V. ANALYSIS<sup>21</sup>

### a. Detaining [REDACTED]

COPA finds Allegation 1, that Sgt. Barney detained [REDACTED] without justification is **Not Sustained**. A police officer may temporarily detain an individual for an investigatory stop when "the officer's decision is based on specific, articulable facts which warrant the investigative stop intrusion."<sup>22</sup> Officers must possess specific and articulable facts which, combined with rational inferences from those facts, reasonably warrant a belief that an individual is committing, is about to commit, or has committed a criminal offense.<sup>23</sup> Reasonable suspicion is an objective legal standard that is less than probable cause, but more than a hunch or general suspicion.<sup>24</sup>

The Illinois Supreme Court has further explained the level of suspicion needed to justify a stop:

Viewed as a whole, the situation confronting the police officer must be so far from the ordinary that any competent officer would be expected to act quickly. The facts supporting the officer's suspicions need not meet probable cause requirements, but they must justify more than a mere hunch. The facts should not be viewed with analytical hindsight, but instead should be considered from the perspective of a reasonable officer at the time that the situation confronted him or her.<sup>25</sup>

Officers who perform investigatory stops must be able to explain their reasonable articulable suspicion and justify why they believed a person was committing criminal activity. The purpose of an investigatory stop is for officers to confirm or dispel their reasonable articulable suspicion that a

<sup>21</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

<sup>22</sup> *People v. Moore*, 286 Ill. App. 3d 649, 653 (3d Dist. 1997) (citing *Terry v. Ohio*, 392 U.S. 1, 21, (1968)); *People v. Stewart*, 242 Ill. App. 3d 599, 605 (1993)).

<sup>23</sup> Att. 24, S04-13-09 (II)(C)(1), Investigatory Stop System (effective July 10, 2017 to February 2, 2026); see also *People v. Hackett*, 2012 IL 111781, ¶ 20 (citing *People v. Close*, 238 Ill. 2d 497, 505 (2010)).

<sup>24</sup> Att. 24, S04-13-09 (II)(C); see also *United States v. Jones*, No. 22-3218, 2023 U.S. App. LEXIS 27841, at \*3 (7th Cir. Oct. 19, 2023) (citing *United States v. Richmond*, 924 F.3d 404, 411 (7th Cir. 2019)).

<sup>25</sup> *People v. Thomas*, 198 Ill. 2d 103, 110 (2001).

person is engaged in criminal activity.<sup>26</sup> If officers do not develop probable cause to support an arrest, they must release the person.

In this case, Sgt. Barney stated that what began as a consensual encounter elevated to an investigatory stop when ██████ who was dressed like a “tact officer” wearing a “bulletproof vest and displaying a badge,” refused to identify himself.<sup>27</sup> According to Sgt. Barney, he was not sure if ██████ was operating as a security guard, a CPD officer, or impersonating an officer and potentially “robbing people.”<sup>28</sup> Furthermore, Sgt. Barney claimed ██████ became confrontational when asked to identify himself and his employer.<sup>29</sup> However, due to Sgt. Barney’s late activation of his BWC, COPA was unable to independently confirm these important facts. Therefore, COPA is left balancing the statements of Sgt. Barney, John ██████ (██████ co-worker), and ██████. For his part, ██████ stated that Sgt. Barney stepped into ██████ personal space after ██████ told him he did not work for a security company.<sup>30</sup> Sgt. Barney then related to ██████ that he must identify himself when asked.<sup>31</sup> According to ██████ Sgt. Barney told ██████ “if he wanted to escalate the situation, he would escalate it.”<sup>32</sup> ██████ continued to stare at Sgt. Barney and did not respond. It was at this point, according to ██████ statement, that Sgt. Barney handcuffed ██████<sup>33</sup>

Following a review of the evidence, it is unclear whether Sgt. Barney genuinely believed there was enough reasonable articulable suspicion to detain ██████ or if he was overreacting to ██████ refusal to fully cooperate. While ██████ was under no legal obligation to identify himself as a private citizen, it is plausible that Sgt. Barney believed he needed to detain ██████ who was operating in his official capacity, to further investigate whether he was impersonating an officer – a felony in the state of Illinois. However, without BWC footage or other independent evidence, COPA lacks sufficient context to meet its burden. Therefore, COPA finds Allegation 2 is **Not Sustained**.

#### **b. Failure to Timely Activate BWC**

COPA finds Allegation 2, that Sgt. Barney failed to timely activate his BWC, is **Sustained**. CPD policy requires all law-enforcement-related activities to be electronically recorded.<sup>34</sup> Law-enforcement-related activities include, but are not limited to, responding to and engaging in calls for service, investigatory stops, traffic stops, arrests, high risk situations, and any other instances when enforcing the law.<sup>35</sup> The decision to record is mandatory, not discretionary.<sup>36</sup>

<sup>26</sup> *Terry v. Ohio*, 392 U.S., 1, 28 (1968); see also *People v. Cummings*, 2016 IL 115769, ¶ 18; Att. 24, S04-13-09 (II)(A)(1).

<sup>27</sup> Att. 2.

<sup>28</sup> Att. 28, at Pg. 23, Lns. 1 to 9

<sup>29</sup> Att. 12, at Pg. 4, Ln. 24; at Pg. 5, Ln. 1; and Att. 28, Pg. 12, Lns. 17 and 18.; and Att. 1.

<sup>30</sup> Att. 12, at Pg. 4, Lns. 11 to 21

<sup>31</sup> Att. 12, at Pg. 5, Lns. 6 to 8.

<sup>32</sup> Att. 12, at Pg. 5, Lns. 19 to 24

<sup>33</sup> Att. 12, at Pg. 6, Ln. 1

<sup>34</sup> Att. 29, S03-14 (V)(A), Body Worn Cameras (effective August 8, 2024, to February 26, 2026).

<sup>35</sup> Att. 29, S03-14 (II)(I).

<sup>36</sup> Att. 29, S03-14 (V)(A)(1).

CPD policy requires that members activate their BWCs at the beginning of an incident and record the entire incident.<sup>37</sup> The policy identifies the beginning of a law enforcement-related activity for multiple circumstances.<sup>38</sup> Officers conducting investigatory stops must activate their BWCs “when approaching the member of the public to initiate the stop.”<sup>39</sup> Officers conducting traffic stops must activate BWC “when activating the Department vehicle’s emergency equipment to initiate the traffic stop.”<sup>40</sup> For other law-enforcement-related activities, officers must activate their BWCs “when the member initiates and engages in the activity.”<sup>41</sup> If exigent circumstances prevent the activation of a BWC at the beginning of an incident, members must activate their camera “as soon as practicable.”<sup>42</sup>

In this case, Sgt. Barney failed to activate his BWC until after he placed ██████ into handcuffs. As a result, most of the interaction that led up to ██████ handcuffing was not captured on video. Although CPD policy does not require members to record consensual encounters, this incident had clearly escalated to an investigatory stop at least a minute before Sgt. Barney activated his camera. Sgt. Barney physically removed ██████ badge, grabbed ██████ arm, and placed ██████ in handcuffs—all before activating his BWC.<sup>43</sup>

When CPD members fail to timely activate their cameras, they fail to capture evidence that improves the quality and reliability of investigations.<sup>44</sup> Therefore, COPA finds Allegation 2 against Sgt. Barney is **Sustained** as a violation of S03-14 and Rules 2, 3, 5, 6, and 10.

## VI. DISCIPLINARY RECOMMENDATION

### a. Sgt. Jason Barney

#### i. Complimentary and Disciplinary History<sup>45</sup>

Sgt. Barney has been employed by CPD since August 14, 2000. He has received 160 awards, including one Chicago Police Leadership Award, 12 Complimentary Letters, 11 Department Commendations, two Life Saving Awards, one Police Officer of the Month Award, one Superintendent’s Award of Valor, one Superintendent’s Honorable Mention Certificate, and 109 Honorable Mention Certificates. Sgt. Barney has no prior sustained complaints within the last five years. However, he has received two recent SPARs, for failing to perform any duty in 2025 (reprimand), and a BWC violation in 2025 (no disciplinary action).

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<sup>37</sup> Att. 29, S03-14 (V)(A)(2).

<sup>38</sup> Att. 29, S03-14 (V)(A)(2).

<sup>39</sup> Att. 29, S03-14 (V)(A)(2)(b).

<sup>40</sup> Att. 29, S03-14 (V)(A)(2)(c).

<sup>41</sup> Att. 29, S03-14 (V)(A)(2)(d).

<sup>42</sup> Att. 29, S03-14 (V)(A)(3) (citing 50 ILCS 706/10-20(a)(3)(A)).

<sup>43</sup> Att. 3, at 1:05 to 2:00.

<sup>44</sup> Att. 29, S03-14 (III)(B)(1-3).

<sup>45</sup> Att. 31.

**ii. Recommended Discipline**

COPA has found that Sgt. Barney violated Rules 2, 3, 5, 6, and 10 when he failed to timely activate his BWC. In mitigation, COPA has considered Sgt. Barney’s numerous awards, honors, and limited disciplinary history. However, Sgt. Barney’s untimely BWC activation constituted a clear violation of CPD policy, and it resulted in a significant portion of the incident not being recorded. This hindered COPA’s investigation and limited its ability to fully assess Sgt. Barney’s initial interaction with ██████████. Therefore, COPA recommends that Sgt. Barney receive a **Reprimand** and **Retraining** on the Department’s BWC policy.

Approved:

██████████

Steffany Hreno  
*Acting Deputy Chief Administrator*

5/5/2026

Date

**Appendix A**

**Case Details**

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Date/Time/Location of Incident:	November 23, 2024   7:00pm   99 S. Michigan Ave.
Date/Time of COPA Notification:	November 24, 2024   12:51pm
Involved Member #1:	Sgt. Jason Barney, Star# 1195, Employee # [REDACTED] DOA: 8/14/2000, Unit: 024, Male, White.
Involved Individual #1:	[REDACTED] Male, Black.
Involved Individual #2:	[REDACTED] Male, Black.

**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.

**Applicable Policies and Laws**

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- S03-14: Body Worn Cameras (effective August 8, 2024 to February 26, 2026)
- S04-13-09: Investigatory Stop System (effective July 10, 2017 to February 2, 2026)

## 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.<sup>46</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>47</sup>

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<sup>46</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>47</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