



Log # 2019-3634

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On September 18, 2019, the Civilian Office of Police Accountability (COPA) received a reference letter from the Office of the Inspector General (OIG) referring a complaint from ██████ alleging misconduct by a member of the Chicago Police Department (CPD). On August 8, 2019, ██████ contacted the OIG and alleged that a friend of hers who was a member of a Facebook² group sent her a screenshot from a post allegedly made by Officer Andres Barrezueta. Officer Barrezueta posted a racially offensive image to a group known as “City Workers Present and Past,” where Officer Barrezueta allegedly posted a self-produced meme³ depicting Lori Lightfoot in a blackface portrayal. The meme drew immediate offense to several members of the group. Three other members of the group posted in support of Officer Barrezueta’s meme, and Officer Barrezueta posted two replies defending his meme.

While reviewing the allegation from ██████ COPA discovered additional postings to by Officer Barrezueta. The posting depicted Rahm Emmanuel in a ballet leotard with a rainbow-colored sex toy affixed to his forehead. COPA served allegations for both postings. Following its investigation, COPA reached sustained findings regarding the allegations of Officer Barrezueta.

II. SUMMARY OF EVIDENCE⁴

The evidence consists of two preserved Facebook postings made by Andy Barrezueta⁵ and a photograph of a uniformed male Chicago Police Officer posing in front of a CPD vehicle.⁶ The Lightfoot post depicts Lightfoot’s head with a red clown nose, white eyebrows, a white mouth and bright red lips super-imposed on her face, with the head is placed atop a man’s torso that is clad in a tuxedo, standing outside the entrance of the Mayor’s Office in Chicago’s City Hall.⁷ The posts

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 Facebook changed its name to Meta on Oct. 29, 2021

³ A meme is defined as an image, video, piece of text, etc., typically humorous in nature, that is copied and spread rapidly by internet users, often with slight variations.

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 social media posts, and officer interviews.

⁵ During his statement, Officer Barrezueta admitted that the Andy Barrezueta Facebook page was his. Att. 5 pg. 8, Ins. 8 to 11.

⁶ Att. 23.

⁷ During his statement, Officer Barrezueta admitted to authoring the post. Att. 5, pg. 9, Ins. 8 to 11. Additionally, Officer Barrezueta explained that his post was made in response to Lightfoot calling members of the police union clowns. Att. 5, pg. 9, Ins. 20 to 23, pg.12, Ins. 10 and 11, pg. 20, Ins. 3 to 10; see Att. 9.

include the comments that were made in response to the post in the order in which they were made, and subsequent replies made by Officer Barrezueta to some of the comments.

The second posting is an image of Rahm Emmanuel clad in a purple, ballet-style leotard with a fake 'TIME' magazine cover superimposed over the image.⁸ This image was altered by Officer Barrezueta who removed the TIME magazine imagery, isolated the picture of Emmanuel clad in the leotard, added a rainbow-colored sex toy that resembles male genitalia to Emmanuel's head, and added the caption, "Fear me, I am a unicorn."⁹ Unlike the previous posting, there were no contemporaneous critical responses to Officer Barrezueta's Emmanuel meme, but there were affirmative responses that were homophobic in nature.¹⁰

The last piece of evidence is the photograph¹¹ of a male police officer in CPD uniform standing next to a CPD vehicle. This image was on the Facebook Andy Barrezueta that was freely accessible on Officer Barrezueta's public Facebook page.

III. ALLEGATIONS

Officer Andres Barrezueta:

1. Posted a racially offensive image depicting the mayor of Chicago on the internet to a Facebook community known as 'City Workers Present and Past,' where it was viewed by the Complainant.
 - Sustained in violation of Rules 2, 3, 6, and 8.
2. Posted a homophobic and disparaging image depicting the former mayor of Chicago on the internet to a Facebook community known as 'City Workers Present and Past.'
 - Sustained in violation of Rules 2, 3, 6, and 8.

IV. CREDIBILITY ASSESSMENT

Officer Barrezueta provided two statements to COPA, during which, he presented himself as credible and did not attempt to deny that he had made the postings.

V. ANALYSIS¹²

COPA finds that both allegations against Officer Barrezueta, that he posted a racially offensive image of Lightfoot and a gender biased image of Emmauel to Facebook are sustained. Government employer limits on employees' public comments are permitted to ensure "[t]he effectiveness of a city's police department [which] depends importantly on the respect and trust of

⁸ During his statement, Officer Barrezueta admitted to authoring the post. Att. 20, pg. 25, lns. 9 to 24, pg. 26, lns. 1 to 3; Att. 17, pg. 3

⁹ Att. 16 pg. 3

¹⁰ Att. 16 pg. 3

¹¹ Att. 23

¹² For a definition of COPA's findings and standards of proof, *see* Appendix B.

the community and on the perception in the community that it enforces the law fairly, even-handedly, and without bias.”¹³ Additionally, “if the police department treats a segment of the population of any race, religion, gender, national origin, or sexual preference, etc., with contempt, so that the particular minority comes to regard the police as oppressor rather than protector, respect for law enforcement is eroded and the ability of the police to do its work in that community is impaired.”¹⁴ Further, a key responsibility of a CPD Member is to “foster a relationship of trust and respect with the public.”¹⁵ Accordingly, CPD enacted a policy that prohibits members “from posting, displaying, or transmitting: any communications that discredit or reflect poorly on the Department, its missions or goal [or] content that is disparaging to a person or group based on race, religion, sexual orientation, or any other protected class.”

Here, it is undisputed that the posts were made by an account named Andy Barrezueta which belong to Officer Barrezueta; the Andy Barrezueta account contained images and other information that connected CPD to Officer Barrezueta; and Officer Barrezueta admitted to COPA that he was the author of both posts.

Further, COPA finds the post related to Lightfoot, was racially insensitive and disparaging, despite Officer Barrezueta’s assertion that he did not intend the post to be offensive but rather humorous.¹⁶ COPA based this finding on the historic racial implication of such an image, known as blackface.¹⁷

Additionally, COPA finds the post related to Emmanuel, was insensitive and disparaging to various sexual orientations, despite Officer Barrezueta’s assertion that his post was about unicorns and not an attempt to insult Emmanuel by employing homophobic imagery.¹⁸ COPA based this finding on the fact that choice to use the phallic imagery was more likely than not intentional and making it rainbow colored was to double down on Officer Barrezueta’s insult of Emmanuel through an intentional homophobic lens. Based on the above, COPA finds that both of Officer Barrezueta’s posts violated CPD policy and Rule 2, 3, 6 and 8.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Andres Barrezueta

i. Complimentary and Disciplinary History¹⁹

¹³ *Pappas v. Giuliani*, 290 F.3d 143, 146 (2d Cir. 2002) (internal citations omitted).

¹⁴ *Pappas*, at 146-47.

¹⁵ *Lalowski v. City of Des Plaines*, 789 F.3d 784, 792 (7th Cir. 2015).

¹⁶ Officer Barrezueta admitted to COPA that he is aware of the historically derogatory nature of blackface. Att. 5, pg. 12, lns. 12 to 19.

¹⁷ Blackface is defined as “dark makeup worn to mimic the appearance of a Black person and *especially to mock or ridicule Black people*.” See <https://www.merriam-webster.com/dictionary/blackface>.

¹⁸ Att. 20, pg. 28, lns. 18 to 24, pg. 29, lns. 1 to 2.

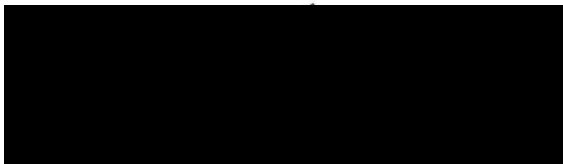
¹⁹ Att. 24.

Officer Barrezueta has received 44 various awards and has no disciplinary history for the last five years.

ii. Recommended Discipline

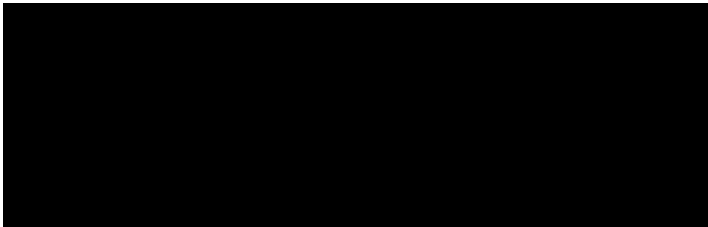
Here, COPA has found that Officer Barrezueta posted two images that discredit or reflect poorly on CPD, and the law enforcement profession, while disparaging persons based on race or sexual orientation. Given that effective enforcement of the law requires trust from the community that law enforcement officials, like Officer Barrezueta, act without bias or animosity towards any person, especially the historically marginalized persons, combined with Officer Barrezueta's posts and admission, COPA has grave concerns with Officer Barrezueta's ability to carry out his duties in a non-bias manner. Therefore, COPA recommends that Officer Barrezueta is separated from CPD.

Approved:



Matthew Haynam
Deputy Chief Administrator

Date: 1/22/2024



Andrea Kersten
Chief Administrator

Date: 1/22/2024

Appendix A**Case Details**

Date/Time/Location of Incident:	May 21, 2018, and July 28, 2019 / Facebook
Date/Time of COPA Notification:	September 9, 2019 / 11:23 am
Involved Member #1:	Officer Andres Barrezueta, Star#17671, Emp.# [REDACTED] Unit 019/163, DOA: June 28, 1998, Male, Hispanic.
Involved Individual #1:	[REDACTED] Female.

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.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- G09-01-06: Use of Social Media Outlets (effective August 7, 2014 to February 29, 2020)²⁰

²⁰ Att. 24.

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.²¹ 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.”²²

²¹ 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).

²² *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