

Charges Filed with the Police Board

The following charges have been filed with the Police Board by the Superintendent of Police. The public is reminded that the filing of charges is not evidence of guilt. The accused officer is presumed innocent and is entitled to a fair hearing at which the Superintendent has the burden of proving guilt by a preponderance of the evidence.

CHARGES AGAINST POLICE OFFICER DANIEL BARNAK

Police Officer Daniel Barnak, Star No. 5189, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations.

- Rule 2: Any 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 6: Disobedience of an order or directive, whether written or oral.
- Rule 7: Insubordination or disrespect toward a supervisory member on or off duty.

SPECIFICATIONS

1. On or about October 8, 2021, the Department disseminated General Message No. 271579 which, in part and in summary, notified Department members that the City of Chicago emailed every member of the Department information concerning the City of Chicago's COVID-19 Vaccination Policy ("COVID-19 Vaccination Policy"), or words to that effect. The email stated that the COVID-19 Vaccination Policy requires employees to be fully vaccinated against COVID-19 by October 15, 2021, unless they have a religious or medical accommodation, or words to that effect. The email further stated that employees must report their vaccination status in the City's Vaccination Portal ("Vaccination Portal") by October 15, 2021, or words to that effect.

On or about October 15, 2021, the Department disseminated General Message No. 271698 which, in part and in summary, notified Department members of the procedures that would address failure by Department members to enter the required information concerning their vaccination status in the Vaccination Portal, including, for example, the following or words to the effect of the following: a supervisor would notify the member of their failure to enter the required information in the Vaccination Portal and provide an opportunity to immediately comply; then, if the member refused to comply, a supervisor would give the member a direct order to immediately comply and inform the member that a refusal to comply with the direct order may result in disciplinary action up to and including discharge; then, if the member refused to comply with the direct order, the supervisor would initiate a complaint-register investigation for failing to follow a direct order, or words to that effect.

On or about October 15, 2021, the Department disseminated General Message No. 271701 which stated, in part and in summary, that accommodation requests relating to the COVID-19 Vaccination Policy did not relieve Department members of the mandatory obligation to

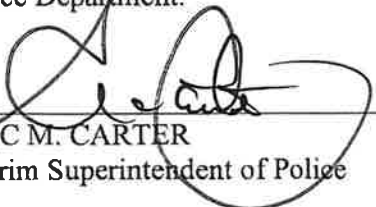
submit their vaccination status information in the Vaccination Portal, or words to that effect.

On or about October 17, 2021, the Department disseminated General Message No. 271738 which, in part and in summary, informed Department members that Department members who disobey a direct order to comply with the COVID-19 Vaccination Policy would become the subject of a disciplinary investigation that could result in a penalty up to and including separation, or words to that effect.

On or about October 19, 2021, at or near 3510 South Michigan Avenue, Chicago, Illinois, Officer Barnak received a direct order from Deputy Chief Frederick Melean to comply with the COVID-19 Vaccination Policy by entering the Vaccination Portal and completely and truthfully submitting the required information concerning his vaccination status, or words to that effect. Officer Barnak did not submit the required information concerning his vaccination status in the Vaccination Portal before and/or in response to the October 19, 2021, direct order. Officer Barnak thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 6, which prohibits disobedience of an order or directive, whether written or oral; and/or
- d. Rule 7, which prohibits insubordination or disrespect toward a supervisory member on or off duty.

Based on the foregoing charges and specifications, the Interim Superintendent recommends that Police Officer Daniel Barnak, Star No. 5189, be discharged from the Chicago Police Department.


ERIC M. CARTER
Interim Superintendent of Police

FILED: April 10, 2023
POLICE BOARD
Case No. 23 PB 3022

APPROVED AS TO FORM:

/s/ Maria C. Vuolo-Milan
MARIA C. VUOLO-MILAN
Assistant Corporation Counsel Supervisor