



Log # 2021-2917

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On July 27, 2021, the Chicago Police Department's (CPD) Crime Prevention and Information Center notified the Civilian Office of Police Accountability (COPA) of an officer-involved shooting that occurred at ██████████ in ██████████.² COPA investigators responded to the scene, and once there learned that members of the Great Lakes Regional Fugitive Task Force (the Task Force) consisting of CPD members and United States Marshalls entered the Roc & Ro BBQ restaurant to locate and arrest ██████████. CPD Officer Michael Boccassini and United States Marshalls Service (USMS) Senior Inspector Michael Cundiff encountered ██████████ in the rear of the restaurant. ██████████ drew a firearm from his waistband and pointed it at Officer Boccassini and Inspector Cundiff. Officer Boccassini and Inspector Cundiff both fired their weapons, fatally striking ██████████. Following its investigation, COPA determined that Officer Boccassini's use of deadly force complied with CPD policy, and no allegations related to this incident were served on him. COPA made no determination regarding Inspector Cundiff's use of deadly force.³

II. SUMMARY OF EVIDENCE⁴

On July 27, 2021, members of the Task Force, including CPD Sergeant (Sgt.) Brian Forberg, CPD Officers Brian Healy and Kevin McCann, and U.S. Marshall Inspector Paul Zitsch, were conducting surveillance at ██████████, for the purpose of identifying and arresting ██████████ who was the suspect in a homicide being investigated by CPD as well as a suspect in a shooting that had recently occurred in Calumet City.⁵ While conducting that surveillance, Inspector Zitsch saw two individuals drive up to the address in a white Nissan Rouge,

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 Pursuant to § 2-78-120 of the Municipal Code of Chicago (MCC), COPA has a duty to investigate all incidents in which a Chicago Police Department member discharges their firearm and incidents of an officer-involved death as defined in 50 ILCS 727/1-5. Because this incident occurred outside the City of Chicago, the criminal investigation of an officer-involved death required by the Illinois Police and Community Relations Improvement Act (50 ILCS 727/1-10) was conducted by the Illinois State Police (ISP) Public Integrity Task Force at the request of the local agency having jurisdiction, the Calumet City Police Department. COPA conducted only the administrative investigation of this incident. COPA obtained the complete investigative file of the ISP investigation. *See* Att. 88.

³ MCC § 2-78-120(c) limits COPA's jurisdiction to firearm discharges by CPD members.

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 officer and civilian interviews, Medical Examiner reports, and police reports.

⁵ Att. 42, pg. 27, ln. 16 to pg. 28, ln. 3; Att. 41, pg. 22, ln. 21, to pg. 24, ln. 21.

exit the car, and visit the address. Inspector Zitsch observed that one of the men matched [REDACTED] description. The men left, and the Task Force members took down the description and license plate of their car and continued their surveillance of [REDACTED]. The Task Force members later learned that the white Nissan was registered to an address in the ABLA homes, a location the Task Force members associated with [REDACTED].⁶ Inspector Zitsch decided to terminate the surveillance of [REDACTED], and the Task Force members relocated to an area near Sibley Blvd. and Oglesby Ave. in Calumet City, IL. The Task Force members found the white Nissan unoccupied and parked on Oglesby Ave. They requested additional Task Force members to respond to the location and surveilled the white Nissan until the additional members arrived.⁷

When the additional Task Force members arrived, they determined that [REDACTED] was at a business located in a strip mall in the 1600 block of Sibley Blvd.⁸ The additional responding members included CPD members Boccassini, Robert Caulfield, Marcus McGrone, Sean McDermott, Philip Strazzante, Bradley Scaduto, and Thomas Johnson, along with Department of Homeland Security agent Javaka Thompson, Illinois Attorney General Investigator Eric Sledge, and USMS Inspector Cundiff. The Task Force members began taking up positions in the strip mall parking lot and in the alley behind the strip mall.⁹ Inspector Zitsch and Officers Healy and McCann entered the eastern-most business in the strip mall, the Hive, to interview the staff. A worker there positively identified [REDACTED] from a photo and indicated that he frequented the business next door, Roc & Ro BBQ.¹⁰

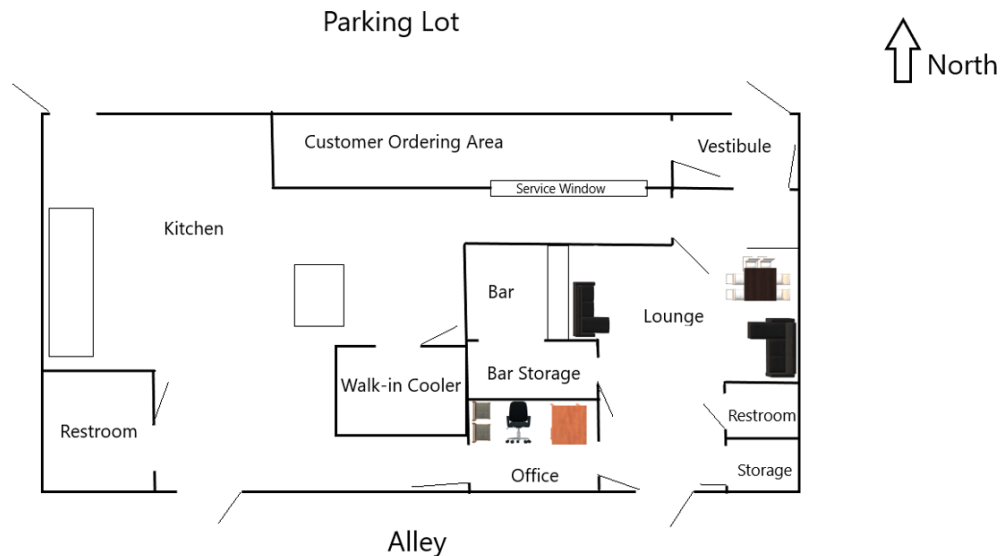


Figure 1: Derived from Att. 29, illustration (not to scale) of the floor plan of Roc & Ro BBQ.

⁶ Att. 42, pg. 28, ln. 8, to pg. 30, ln. 17; Att. 41, pg. 24, ln. 23, to pg. 25, ln. 4.

⁷ Att. 42, pg. 31, ln. 8, to pg. 33, ln. 6; Att. 41, pg. 25, ln. 6, to pg. 29, ln. 24.

⁸ Att. 42, pg. 33, lns. 10 to 17; Att. 41, pg. 30, ln. 6, to pg. 31, ln. 3.

⁹ Att. 42, pg. 33, ln. 21, to pg. 35, ln. 23.

¹⁰ Att. 42, pg. 35, ln. 2, to pg. 38, ln. 7; Att. 41, pg. 32, ln. 10, to pg. 33, ln. 6; Att. 137, pgs. 2 to 3; Att. 15, pg. 1.

Inspector Zitsch and Officers Healy and McCann exited the Hive and entered Roc & Ro BBQ with Sgt. Forberg, Inspector Cundiff, and Officers Boccassini and Caulfield.¹¹ Inspector Zitsch approached the service window and spoke with restaurant staff member [REDACTED]. Inspector Zitsch asked [REDACTED] if [REDACTED] was in the restaurant. [REDACTED] said that [REDACTED] was not there, but he opened a door to the east of the service window allowing the Task Force members to enter the areas of the restaurant reserved to staff to search for [REDACTED].¹²

The Task Force members entered into a lounge area where they encountered [REDACTED] asleep on a couch.¹³ Inspector Zitsch and Officers McCann and Caulfield remained in the lounge to secure the room while Officers Boccassini and Healy, Inspector Cundiff, and Sgt. Forberg entered the kitchen area with their weapons drawn.¹⁴ Officer Boccassini and Inspector Cundiff walked to the left towards the rear of the kitchen while Sgt. Forberg and Officer Healy walked straight ahead towards the front of the kitchen.¹⁵ Officer Boccassini walked towards a walk-in cooler at the rear of the kitchen, which partially obscured a doorway into an office. Inspector Cundiff was following behind Officer Boccassini.¹⁶ The Task Force members identified themselves and called out [REDACTED] name as they searched the kitchen.¹⁷

As Officer Boccassini and Inspector Cundiff approached the cooler, [REDACTED] walked out from the office into the kitchen.¹⁸ [REDACTED] had a handgun tucked into the front of his waistband outside of his shirt.¹⁹ Officer Boccassini and Inspector Cundiff began giving [REDACTED] verbal commands to show his hands.²⁰ In response, [REDACTED] said words to the effect of, "What did I do?"²¹ Then, he stepped back behind the cooler and out of view of Officer Boccassini and Inspector Cundiff.²² Officer Boccassini and Inspector Cundiff followed around the corner to look down the hallway behind the cooler until [REDACTED] came back into their view, and they continued to issue verbal commands.²³ When Officer Boccassini and Inspector Cundiff could see [REDACTED] again, he was holding the handgun that was previously in his waistband and was raising the gun up.²⁴ Both Officer Boccassini and Inspector Cundiff began firing at [REDACTED] stopping when [REDACTED] fell backwards.²⁵ On the ground, [REDACTED] transferred his gun from his right hand to his left hand, propped himself up

¹¹ Att. 42, pg. 38, ln. 7, to pg. 39, ln. 9; Att. 50, pg. 32, ln. 16, to pg. 34, ln. 10; Att. 46, pg. 2; Att. 41, pg. 36, ln. 11, to pg. 37, ln. 9; Att. 19 at 0:04 to 1:21.

¹² Att. 42, pg. 39, ln. 12, to pg. 42, ln. 21; Att. 50, pg. 34, ln. 13, to pg. 35, ln. 21; Att. 46, pg. 2; Att. 40, pg. 4, lns. 2 to 10; Att. 41, pg. 37, ln. 14, to pg. 38, ln. 24; Att. 137, pg. 3.

¹³ Att. 42, pg. 43, ln. 9, to pg. 44, ln. 4; Att. 46, pg. 2.

¹⁴ Att. 42, pg. 39, ln. 23, to pg. 40, ln. 7 and pg. 43, ln. 17, to pg. 45, ln. 13; Att. 50, pg. 38, ln. 14, to pg. 40, ln. 3; Att. 46, pg. 2; Att. 41, pg. 39, lns. 1 to 23.

¹⁵ Att. 42, pg. 45, lns. 16 to 22; Att. 50, pg. 39, lns. 2 to 14; Att. 41, pg. 39, ln. 24, to pg. 40, ln. 18.

¹⁶ Att. 50, pg. 39, lns. 2 to 14; Att. 46, pg. 2.

¹⁷ Att. 42, pg. 46, lns. 2 to 6; Att. 50, pg. 39, ln. 10, to pg. 40, ln. 6; Att. 41, pg. 40, lns. 3 to 5.

¹⁸ Att. 50, pg. 40, lns. 7 to 15; Att. 46, pg. 2.

¹⁹ Att. 50, pg. 42, lns. 16 to 22; Att. 46, pg. 2.

²⁰ Att. 50, pg. 43, lns. 3 to 8; Att. 46, pg. 2.

²¹ Att. 40, pg. 13, ln. 24, to pg. 14, ln. 13; Att. 156, pg. 2.

²² Att. 50, pg. 43, lns. 6 to 8.

²³ Att. 50, pg. 43, ln. 22, to pg. 44, ln. 2.

²⁴ Att. 50, pg. 43, ln. 9, to pg. 46, ln. 22; Att. 46, pg. 2.

²⁵ Att. 50, pg. 48, ln. 10, to pg. 49, ln. 22; Att. 46, pg. 2.

on his elbow, and pointed his gun at Inspector Cundiff and Officer Boccassini.²⁶ Inspector Cundiff had moved to the right of Officer Boccassini and began firing his gun at ██████²⁷ Officer Cundiff fired until he saw ██████ go limp and ██████ left hand fell to the ground.²⁸



Figure 2: Att. 193, IMG_4007.JPG, photograph showing the view from the kitchen into the office and through to the lounge area of the Roc & Ro BBQ restaurant.

Officer Boccassini approached ██████ and kicked ██████ gun out of reach.²⁹ Inspector Cundiff called to Inspector Zitsch so that Inspector Zitsch, a tactical medic, could begin providing treatment to ██████³⁰ Also, a Task Force member requested EMS assistance for ██████ and notified the Office of Emergency Management and Communications that shots had been fired by police.³¹ Calumet City Fire Department EMS arrived at the scene at 3:28 pm, began treating ██████ and

²⁶ Att. 46, pgs. 2 to 3.

²⁷ Att. 50, pg. 48, lns. 18 to 21, pg. 50, lns. 13 to 16; Att. 46, pg. 3.

²⁸ Att. 46, pg. 3.

²⁹ Att. 50, pg. 56, lns. 2 to 9; Att. 46, pg. 3; Att. 41, pg. 53, ln. 23, to pg. 54, ln. 6.

³⁰ Att. 50, pg. 56, lns. 9 to 10; Att. 46, pg. 3; Att. 137, pg. 3.

³¹ Att. 4; Att. 38, CW1_1524-1624.mp3 (CPD radio transmissions) at 00:07 to 00:52; Att. 32, 17_911_3_2021_07_27_15_24_52_by Start_Time_asc.wav (Calumet City 911 audio recording).

transported him to Advocate Christ Hospital in Oak Lawn, IL.³² [REDACTED] ultimately died of his injuries at 4:19 pm while being treated at Advocate Christ Hospital.³³

Following the incident, ISP recovered two firearms from inside the office at Roc & Ro BBQ. The first firearm recovered was a Glock 19 9mm handgun loaded with a 31-round capacity magazine. The grip of the firearm was struck by a bullet, and the magazine could not be removed or cleared. Indicator numbers on the magazine indicated the magazine was fully loaded with one round in the chamber.³⁴ The second firearm recovered was a silver AMT Backup .380 handgun. At the time of recovery, the chamber was cleared and the magazine, containing one live round, was released. One live round was next to the handgun, and two boxes containing 38 unfired rounds of .380 ammunition were recovered from inside the office.³⁵ Eight fired 9mm Luger Hornady cartridge cases and four fired .45 Auto Winchester cartridge cases were recovered outside of the office in the kitchen.³⁶

At the Calumet City Police Department Training Center, ISP crime scene investigator (CSI) Matthew Myers recovered Officer Boccassini's and Inspector Cundiff's firearms. CSI Myers recovered a Glock 21 GEN4 .45 caliber pistol loaded with a thirteen round-capacity magazine containing nine live rounds and one live round in the chamber from Officer Boccassini. CSI Myers recovered a Glock 17 GEN4 9mm pistol belonging to Inspector Cundiff. Inspector Cundiff's weapon was loaded with a magazine holding 9 live rounds. Inspector Cundiff's weapon was in the possession of ISP Special Agent Chanto Iverson at the time it was recovered by CSI Myers. CSI Myers also collected one loose round that was previously removed from the chamber of Inspector Cundiff's weapon.³⁷

[REDACTED] of the Office of the Medical Examiner for Cook County conducted a postmortem examination of [REDACTED] on July 28, 2021. During the examination, [REDACTED] identified six gunshot entrance wounds, three gunshot exit wounds, two re-entrance gunshot wounds, and five graze wounds; [REDACTED] recovered four fired bullets from [REDACTED] body. [REDACTED] gunshot wounds included an entrance wound to the left side of the face, an entrance and exit wound to the left arm, a re-entrance wound to the left side of the back, an entrance wound to the left side of the abdomen, an entrance wound to the left thigh, an exit wound to the left buttock, an entrance wound to the right thigh, a graze wound to the right side of the face and ear, a graze wound to the penis, a graze wound to the left forearm, an entrance and exit wound to the right middle finger, a re-entrance and exit wound to the right index finger, a graze wound to the right thumb, and a graze wound to the palm side of the right middle finger.³⁸ The Medical Examiner concluded that [REDACTED] cause of death was multiple gunshot wounds.³⁹

³² Att. 110, pg. 3.

³³ Att. 112, pg. 13.

³⁴ Att. 69, pgs. 3, 5 to 6, and 25 to 27.

³⁵ Att. 69, pgs. 6 to 7, and pgs. 25 to 27.

³⁶ Att. 69, pgs. 5 and 25 to 27.

³⁷ Att. 84, pgs. 3 to 4.

³⁸ Att. 65, pgs. 3 to 8.

³⁹ Att. 65, pg. 11; Att. 102.

CPD records show that Officer Boccassini completed a CPD firearm qualification on April 27, 2021, for his prescribed weapon and on October 12, 2020, for two auxiliary weapons.⁴⁰ Officer Boccassini underwent breath and urine analysis following this incident: his breath alcohol concentration level result was .000, and his urine sample came back negative for all tested substances on the Urine Substance Abuse Panel.⁴¹

III. ALLEGATIONS

Pursuant to section 2-78-120 of the Municipal Code of Chicago, COPA has a duty to investigate all incidents in which a CPD member discharges their firearm. During its investigation of this incident, COPA did not find evidence to support allegations related to Officer Boccassini's firearm discharge.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals (sworn or unsworn) who provided statements. COPA found Officer Boccassini to be credible in his statement: His account was internally consistent, and he did not have difficulty remembering details of the incident. Although there is no objective evidence, such as a video recording,⁴² of ██████ raising or pointing his weapon in Officer Boccassini's or Inspector Cundiff's direction, there is also no evidence to contradict the core details of Officer Boccassini's account. Moreover, the physical evidence appears to support Officer Boccassini's account that ██████ pointed the firearm in his direction.

Although the accounts of the civilian witnesses in Roc & Ro BBQ undermine Officer Boccassini's statement regarding the verbal directives he issued to ██████ prior to discharging his weapon, COPA finds by a preponderance of the evidence that any differences in these accounts may be attributed to differences in perceiving the events of an extremely sudden, stressful, and surprising event. There were three civilian witnesses present inside the restaurant during this incident: COPA interviewed ██████ on August 3, 2021,⁴³ and COPA obtained and reviewed summaries of interviews of ██████ and ██████ conducted by ISP immediately following the incident.⁴⁴ ██████ indicated that he was asleep in the lounge during the shooting incident and awoke after the shooting.⁴⁵ ██████ recalled that Officer Boccassini and Inspector Cundiff encountered ██████ while ██████ was standing near the door separating the vestibule from the employee area of the restaurant,⁴⁶ and ██████ explained that she was in a

⁴⁰ Att. 57, pg. 3.

⁴¹ Att. 25; Att. 58, pg. 6.

⁴² Members of the Task Force are not assigned body-worn cameras. Att. 42, pg. 24, ln. 18 to ln. 23.

⁴³ Att. 40.

⁴⁴ Atts. 156 and 163. COPA's attempts to contact ██████ and ██████ were unsuccessful. See Atts. 43 and 44.

⁴⁵ Att. 163.

⁴⁶ Att. 40, pg. 12, ln. 16, to pg. 13, ln. 7.

restroom in the southwest corner of the kitchen.⁴⁷ Both ██████ and ██████ were not able to see the Task Force members or ██████ in the kitchen, but they both described hearing ██████ say words to the effect of “What did I do?” followed by gunshots without hearing any other words exchanged between ██████ and the officers.⁴⁸ Officer Boccassini’s assertion that he issued verbal directives is supported by the other Task Force members in the kitchen,⁴⁹ the Task Force members securing the lounge area,⁵⁰ and the Task Force members positioned in the alleyway.⁵¹ The differences between these accounts may be attributed to differences in perception resulting from how quickly the events unfolded.

The remaining available evidence supports Officer Boccassini’s account. Inspector Cundiff was the only other direct witness to the shooting, and he provided an account that was consistent with Officer Boccassini’s description of where they initially encountered ██████⁵² of ██████ having a gun tucked into his waistband,⁵³ and ██████ drawing and pointing his gun.⁵⁴ Sgt. Forberg’s and Officer Healy’s accounts of the incident up until the firearm discharge are consistent with Officer Boccassini’s. The only other Task Force members in the kitchen during the shooting, Sgt. Forberg and Officer Healy, were not in a position to see ██████ draw his weapon,⁵⁵ but both of them recounted hearing orders issued to ██████ prior to hearing gunshots,⁵⁶ and both recalled seeing a gun next to ██████ body immediately after the weapons discharge.⁵⁷ While neither officer saw ██████ draw and point a gun at Officer Boccassini or Inspector Cundiff, both Task Force members recalled details consistent with Officer Boccassini’s own account.⁵⁸ Additionally, ██████ handgun was shot in the front grip,⁵⁹ suggesting that it pointed at or in the direction of either Officer Boccassini or Inspector Cundiff when they fired their weapons. The gunshot wounds that were present on ██████ right hand further support the conclusion that ██████ was holding and pointing

⁴⁷ Att. 156, pg. 2.

⁴⁸ Att. 40, pg. 13, ln. 24 to pg. 15, ln. 5; Att. 156, pg. 2.

⁴⁹ Att. 42, pg. 46, lns. 10 to 15; Att. 41, pg. 40, lns. 18 to 22.

⁵⁰ Att. 129, pg. 2; Att. 132, pg. 3; Att. 135, pgs. 1 to 2.

⁵¹ Att. 138, pg. 1; Att. 139, pg. 3.

⁵² Att. 46, pg. 2; Att. 50, pg. 39, ln. 7, to pg. 40, ln. 15.

⁵³ Att. 46, pg. 2; Att. 50, pg. 42, lns. 16 to 22.

⁵⁴ Att. 46, pg. 2; Att. 50, pg. 45, lns. 5 to 20.

⁵⁵ Att. 41, pg. 46, lns. 2 to 16; Att. 42, pg. 59, lns. 13 to 23.

⁵⁶ Att. 41, pg. 40, lns. 18 to 22 (Officer Healy recalled hearing Officer Boccassini shout, “Show me your hands,” prior to hearing gunshots); Att. 42, pg. 46, lns. 12 to 15 (Sgt. Forberg recalled hearing orders to “drop the gun” prior to hearing gunshots, but he was unsure if the orders were issued by Officer Boccassini or Inspector Cundiff.).

⁵⁷ Att. 41, pg. 53, ln. 21, to pg. 54, ln. 6 (When Officer Healy first saw ██████ following the shooting, “He had a gun in his left hand at this point . . . he didn’t look like he had life in him, at this point, well maybe we should get the gun out of his hands, so Boccassini just kind of, with his foot, just moved the gun . . . away from his body”); Att. 42, pg. 59, lns. 13 to 17 (Following the shooting, Sgt. Forberg saw “████████ on the – on the floor with a semi-automatic pistol with an extended magazine to his left.”).

⁵⁸ Att. 50, pg. 43, lns. 5 to 8 and pg. 43, ln. 23, to pg. 44, ln. 2 (Officer Boccassini recalled giving ██████ repeated orders to show his hands) and Att. 50, pg. 56, lns. 3 to 9 (Officer Boccassini recalled continuing to give commands for ██████ to show his hands after he had fallen to the ground. ██████ was unresponsive with his left hand on his gun. Officer Boccassini approached ██████ and kicked the gun out of ██████ reach.).

⁵⁹ Att. 69, pg. 3.

his gun when the front grip was shot.⁶⁰ Based on a totality of the circumstances, COPA finds by a preponderance of the evidence Officer Boccassini credible.

V. ANALYSIS⁶¹

COPA finds by a preponderance of the evidence that the use of deadly force by Officer Boccassini was objectively reasonable, necessary, and proportional to the circumstances he faced. COPA further finds that Officer Boccassini engaged in de-escalation tactics as required by CPD policy prior to using deadly force by announcing his office while searching the kitchen at Roc & Ro BBQ,⁶² conducting the search of the kitchen with additional Task Force members,⁶³ and issuing verbal directives when first encountering ██████⁶⁴ Officer Boccassini did not have the opportunity to attempt further de-escalation tactics due to ██████ response.⁶⁵ COPA thus concludes by a preponderance of the evidence that Officer Boccassini's use of deadly force complied with CPD policy.

CPD's stated highest priority is the sanctity of human life. In all aspects of their conduct, CPD expects that its members act with the foremost regard for the preservation of human life and the safety of all persons involved.⁶⁶ CPD members are only authorized to use force that is objectively reasonable, necessary, and proportional, under the totality of the circumstances to ensure the safety of a member or a third person, stop an attack, make an arrest, control a subject, or prevent escape.⁶⁷ This means that CPD members may use only the amount of force necessary to serve a lawful purpose. The amount and type of force used must be proportional to the threat, actions, and level of resistance a person offers.⁶⁸

The use of deadly force is permitted only as a "last resort" when "necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person."⁶⁹ A CPD member may use deadly force in only two situations: (1) to prevent "death or great bodily harm from an imminent threat posed to the sworn member or to another person;" or (2) to prevent "an arrest from being defeated by resistance or escape, where the person to be arrested poses an imminent threat of death or great bodily harm to a sworn member or another person unless arrested without delay."⁷⁰

⁶⁰ Att. 65, pgs. 7 to 8.

⁶¹ For a definition of COPA's standard of proof, *see* Appendix B.

⁶² Att. 50, pg. 40, lns. 4 to 6; Att. 42, pg. 46, lns. 2 to 9; Att. 41, pg. 40, lns. 2 to 8.

⁶³ Att. 50, pg. 38, ln. 14, to pg. 39, ln. 8; Att. 42, pg. 45, lns. 7 to 13; Att. 41, pg. 39, lns. 10 to 13.

⁶⁴ Att. 50, pg. 43, lns. 6 to 8; Att. 42, pg. 46, lns. 10 to 15; Att. 41, pg. 40, lns. 19 to 22.

⁶⁵ Att. 50, pg. 45, lns. 4 to 20.

⁶⁶ Att. 194, G03-02(II)(A), De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 27, 2023).

⁶⁷ Att. 194, G03-02(III)(B)

⁶⁸ Att. 194, G03-02(III)(B)(3).

⁶⁹ Att. 194, G03-02(IV)(C).

⁷⁰ Att. 194, G03-02(IV)(C)(1-2).

A threat is considered imminent “when it is objectively reasonable to believe that: (a) the person’s actions are immediately likely to cause death or great bodily harm to the member or others unless action is taken; **and** (b) the person has the means or instruments to cause death or great bodily harm; **and** (c) the person has the opportunity and ability to cause death or great bodily harm.”⁷¹ Officers are expected to modify the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary.⁷²

Based on the review of the evidence, COPA finds that it is more likely than not that Officer Boccassini’s use of deadly force was objectively reasonable considering the imminent threat he faced. Officer Boccassini reported that he had fired his weapon only after ██████ pointed a firearm towards him in a manner that Officer Boccassini believed was threatening to his life and the life of others.⁷³ Specifically, Officer Boccassini saw ██████ draw and begin to raise his gun before Officer Boccassini fired his own weapon.⁷⁴ It was thus objectively reasonable for Officer Boccassini to believe that ██████ actions were immediately likely to cause death or great bodily harm.⁷⁵ Additionally, COPA finds by a preponderance of the evidence that ██████ had the means or instruments and the opportunity and ability to cause death or great bodily harm.

The evidence further indicates that Officer Boccassini used only the amount of force necessary based on the circumstances he faced. Specifically, the evidence shows that he continually assessed the necessity for the use of force and employed de-escalation techniques prior to using deadly force.⁷⁶ When Officer Boccassini entered the kitchen, the officer immediately engaged in verbal communications announcing his office and calling out ██████ name,⁷⁷ and after encountering ██████ Officer Boccassini continued to engage in verbal communication by ordering ██████ to show his hands and, by implication, to not reach for the gun in his waistband.⁷⁸ It was only when ██████ raised his weapon and pointed it towards Officer Boccassini that the officer resorted to the use of deadly force.⁷⁹ In addition, Officer Boccassini’s use of deadly force was proportional to the threat he faced. Officer Boccassini fired his weapon only after ██████ threatened him with his firearm,⁸⁰ he fired four times in quick succession,⁸¹ and he stopped firing when ██████ fell and was no longer in his view.⁸² Based on a totality of the circumstances, COPA finds by a

⁷¹ Att. 194, G03-02(IV)(B) (emphasis added).

⁷² Att. 194, G03-02(III)(C)(2).

⁷³ Att. 50, pg. 48, lns. 10 to 12.

⁷⁴ Att. 50, pg. 45, lns. 4 to 20.

⁷⁵ By his actions, ██████ met the definition of an “assailant” under CPD policy. *See* Att. 195, G03-02-01(IV)(C), Response to Resistance and Force Options (effective April 15, 2021 to June 27, 2023).

⁷⁶ Namely, Officer Boccassini attempted to use continual communication up until the point it became unsafe to do so. *See* Att. 195, G03-02-01(III).

⁷⁷ Att. 50, pg. 40, lns. 4 to 6; Att. 42, pg. 46, lns. 2 to 9; Att. 41, pg. 40, lns. 2 to 8.

⁷⁸ Att. 50, pg. 43, lns. 6 to 8; Att. 42, pg. 46, lns. 10 to 15; Att. 41, pg. 40, lns. 19 to 22.

⁷⁹ Att. 50, pg. 48, lns. 10 to 12.

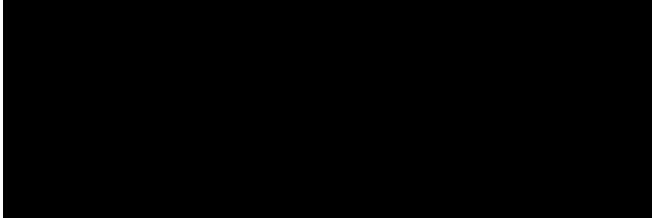
⁸⁰ Att. 50, pg. 48, lns. 10 to 12.

⁸¹ Att. 50, pg. 49, lns. 3 to 14.

⁸² Att. 50, pg. 48, lns. 12 to 14.

preponderance of the evidence that Officer Boccassini's use of deadly force complied with CPD policy.

Approved:



Angela Hearts-Glass
Deputy Chief Administrator-Investigator

1-25-2024

Date



Andrea Kersten
Chief Administrator

1-25-2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	July 27, 2021 / 3:15 pm / [REDACTED], [REDACTED]
Date/Time of COPA Notification:	July 27, 2021 / 4:40 pm
Involved Member #1:	Michael Boccassini, Star #19552, Employee ID# [REDACTED], DOA: February 19, 2013, Unit: 004/606, Male, White
Involved Individual #1:	[REDACTED] 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 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

- G03-02: De-escalation, Response to Resistance, and Use of Force (effective April 15, 2021 to June 27, 2023).
- G03-02-01: Response to Resistance and Force Options (Effective April 15, 2021 to June 28, 2023).

Appendix B

Definition of COPA's Standard of Proof

COPA applies a preponderance of the evidence standard to determine whether allegations of excessive force are warranted or well-founded.⁸³ A **preponderance of evidence** is evidence indicating that it is more likely than not that a proposition is proved.⁸⁴ For example, if the evidence COPA gathers in an investigation establishes that it is more likely than not that misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

⁸³ See Municipal Code of Chicago, Ch. 2-78-110.

⁸⁴ *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

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