



**Brandon Johnson**  
Mayor

**Department of Police · City of Chicago**  
3510 S. Michigan Avenue · Chicago, Illinois 60653

**Larry Snelling**  
Superintendent of Police

February 27, 2024

Andrea Kersten  
Chief Administrator  
Civilian Office of Police Accountability  
1615 West Chicago Avenue, 4th Floor  
Chicago, IL 60622

**RE: Superintendent's Concurrence with COPA's proposed findings and penalties  
Complaint Register Number #2021-0004161  
Police Officer Sean K. Borisy#11207**

Dear Chief Administrator,

After careful review of the recommendations made by the Investigator in this matter, the Superintendent concurs with the findings of COPA related to all five (5) allegations against Police Officer Sean Borisy.

#### **STATEMENT OF FACTS AND SUMMARY OF FINDINGS**

COPA sustained four (4) allegations against Police Officer Sean Borisy, a Chicago Police Department (CPD) member, seeking a significant (90-day minimum) suspension up to separation stemming from an on duty firearm discharge incident wherein Borisy's negligent firearm practices led to an unintentional discharge, thus striking two other on duty Chicago Police Officers; all occurring on 20 October 2021 at approximately 2144 hours in Lyons Illinois.

The facts detailed in COPA's investigation are not in dispute. There was independent video of this incident and the incident was recorded on the Officers' body worn cameras.<sup>1</sup> All of the known witnesses to this incident were interviewed and their accounts were consistent.

On or about 20 October 2021 at or near 9:27 PM, information was broadcast to Police Units regarding an automated license plate reader that had detected a vehicle wanted in a homicide that was traveling south on Lake Shore Drive.<sup>2</sup> A CPD Sergeant assigned to the 001st District, located the vehicle and began to follow, along with the CPD Police Helicopter. At approximately 9:40 PM the wanted vehicle exited interstate 55 onto HARLEM Avenue, eventually stopping at a Gas and Convenience station located at 8050 Ogden Avenue in Lyons Illinois; the "CITGO gas station."<sup>3</sup> The CITGO gas station is where the entirety of the events that gave rise to this Log investigation occurred. Immediately upon arrival, CPD Officers remove and then began to physically struggle with at least one of the two offenders in the vehicle - [REDACTED] m/4/28. At about 9:43 PM CPD units begin pulling into the CITGO. Officer BORISY, arriving with two other CPD Officers, left his Department vehicle, while holding his duty weapon and during the aforementioned struggle

<sup>1</sup> COPA s.r att. 2 and 3

<sup>2</sup> COPA s.r att. 113 and 120

<sup>3</sup> COPA s.r att. 2 and 23

with [REDACTED] negligently caused his weapon to be discharged striking Police Officers CARMEN #10643 and JULAMOKE #13038. At 9:44 an Officer broadcast over the radio that an Officer had been shot. Based upon the available video evidence, it is presumably the moment when BORISY discharged his weapon, striking the two Chicago Police Officers.

COPA made the following determinations on the allegations:

**Allegation #1** –It is alleged that on or about 20 October 2021, at approximately 9:44 P.M., at or near 8050 Ogden Avenue in Lyons Illinois, Officer Sean Borisy, Star# 11207, Employee No. [REDACTED] while in the rear seat of a moving CPD vehicle, that was occupied by other CPD Officers, pointed a loaded firearm in the direction of a CPD Officer(s) in violation of Department Rules 2,3,10, and 11 – SUSTAINED

**Allegation #2** – It is alleged that on or about 20 October 2021, at approximately 9:44 P.M., at or near 8050 Ogden Avenue in Lyons Illinois, Officer Sean Borisy, Star# 11207, Employee No. [REDACTED] while attempting to assist other CPD Officers in effecting an arrest, pointed a loaded firearm in the direction of other CPD Officers in violation of Department Rules 2,3,10, and 11 –SUSTAINED

**Allegation #3** – It is alleged that on or about 20 October 2021, at approximately 9:44 P.M., at or near 8050 Ogden Avenue in Lyons Illinois, Officer Sean Borisy, Star# 11207, Employee No. [REDACTED] while attempting to assist other CPD Officers in effecting an arrest, discharged his firearm in the direction of other CPD Officers in violation of Department Rules 2,3,10, and 11 – SUSTAINED

**Allegation #4** – It is alleged that on or about 20 October 2021, at approximately 9:44 P.M., at or near 8050 Ogden Avenue in Lyons Illinois, Officer Sean Borisy, Star# 11207, Employee No. [REDACTED] while attempting to assist other CPD Officers in effecting an arrest, failed to properly secure his firearm in violation of Department Rules 2,3,10, and 11 – SUSTAINED

#### **Timely Notification to OEMC - Allegation #5**

COPA correctly EXONERATED an allegation against Officer BORISY for failure to immediately notify OEMC after he discharged his weapon. Officer BORISY notified his Sergeant who was on scene and reasonably expected his Sergeant to notify OEMC and make all the required notifications; which his Sergeant did.

### **ANALYSIS**

#### **COPA's Analysis of Officer Borisy's Unintentional Use of Deadly Force**

COPA's analysis hinged the allegation of an unintentional discharge as evaluated under Department Rule 10 (inattention to duty). Further, COPA evaluated the event as negligence as defined under the legal standard of the " failure to do something which a reasonably careful person would not do, under similar circumstances similar to those shown by evidence";<sup>4</sup>

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<sup>4</sup> Copa defines negligence as defined in Illinois Patter Jury Instructions - Civil (2006) No, 10.01.

1. BORISY'S testimony and BWC evidence indicated it was unsafe for him to point his firearm in the direction of Officer ISLAS while in the patrol vehicle.
2. BORISY'S testimony and BWC evidence indicated that when exiting his patrol vehicle, it was unsafe for him to have his weapon pointed at [REDACTED] and the Officers attempting to arrest him. The Department's own use of force policy's, evidence and BORISY'S testimony, indicated that, having his weapon pointed at the " low ready" would have been the preferable tactical option.
3. BORISY'S testimony and BWC evidence indicated that while attempting to effect the arrest of offender [REDACTED] his finger entered the trigger area of his duty weapon, he accidentally pulled the trigger, striking Police Officers CARMEN and JULAMOKE. The record indicates CPD members were already subduing [REDACTED] and tactically it would have been preferable for BORISY to remain at a short distance providing cover or to holster his firearm prior to going hands on with [REDACTED]
4. BORISY'S testimony and BWC evidence indicated that after discharging his weapon, while it was still loaded, and while Officers were still attempting to subdue [REDACTED] he placed that same weapon on the ground within reach of [REDACTED] His partner ISLAS had to yell at him to pick it up. Placing his firearm on the ground and not in his holster, placed himself and others in danger.

### CONCLUSION

Officer BORISY'S failure to handle his firearm safely, leading to the accidental discharge and striking of two on duty Chicago Police Officers, as stated by COPA, was not a momentary lapse in judgement, but a culmination of a series of unsafe acts by BORISY. Due to this, COPA'S recommendation of a minimum ninety (90) day suspension is not only reasonable but comports with previous cases of accidental discharges by Department members.

The Superintendent concurs with the finding of COPA related to Allegation one (1), two (2), three (3) four (4) and five (5) and recommends a suspension of Ninety (90) days with retraining on firearm safety/use of force.

Sincerely

[REDACTED]  
Larry Stening  
Superintendent of Police