



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

**FINAL SUMMARY REPORT****I. EXECUTIVE SUMMARY**

On November 1, 2022, the Chicago Police Department's (CPD) Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an officer-involved shooting that occurred that morning at approximately 7:07 am, outside a repurposed Streets and Sanitation facility at 1827 N. Monticello Avenue, Chicago, Illinois.<sup>1</sup> COPA learned that on-duty police Officers Anne Belluomini (star #10021) and Mark Heinzl (star 17399), assigned to the mayor's detail,<sup>2</sup> were working at the location of the incident when they heard a civilian yelling for help outside. The officers exited the city facility and observed a suspected armed robbery across the street. Two males were standing over a civilian that was on the ground. Both male subjects ran to a stolen SUV that was stationary in the middle of the street. Before entering the SUV, the front passenger fired at the officers and both officers returned fire. The same subject fired again from inside the SUV and then the subjects drove away and were never captured or identified. The incident was captured on surveillance video from the city facility.<sup>3</sup>

**II. SUMMARY OF EVIDENCE<sup>4</sup>**

On November 1, 2022, at approximately 6:55 am, [REDACTED] was seated in his vehicle in front of 1824 N. Monticello Avenue, when a dark colored SUV stopped in the middle of Monticello Avenue just past [REDACTED] vehicle. Three Black males exited the SUV and ran to [REDACTED] vehicle. One male had a firearm in his hand (Subject #1), and he opened the front passenger door of [REDACTED] vehicle, pointed the weapon at his head, and demanded money. Another male opened [REDACTED] driver's side door (Subject #2) and he too, demanded money. Subject #1 also ran to the driver's side and he and Subject #2 pulled [REDACTED] out of the vehicle and removed his wallet from his pants pocket. Having knowledge that police officers worked at the

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<sup>1</sup> Pursuant to Chicago Municipal Code § 2-78-120, COPA has a duty to investigate all incidents in which a Chicago Police Department member discharges their firearm. Therefore, COPA determined it would be the primary investigative agency in this matter.

<sup>2</sup> Mayor Lori Lightfoot. The city facility was being used for the mayor's detail personnel and command center.

<sup>3</sup> Upon review of the evidence, COPA found that the involved officers did not violate department rules and regulations. Thus, no allegations were served.

<sup>4</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 surveillance video footage from the city building, CPD reports, Illinois State Police reports (ISP), electronically recorded interviews (ERI) from civilians and statements of the involved officers.

city facility across the street, ██████ began yelling for help. At which point, Subject #1 pushed ██████ to the ground.<sup>5</sup>

Officers Belluomini and Heinzl were inside the city facility when they heard ██████ yelling for help outside. Officer Belluomini looked out the window and observed the SUV in the middle of the street. She and Officer Heinzl then proceeded out the front door and Officer Belluomini walked towards the south end of the building and Officer Heinzl walked towards the north end but remained near the front entrance. The officers observed Subjects #1 and #2 across the street with ██████ on the ground. The officers suspected a carjacking or robbery was in progress, so they both removed their firearms from their holsters. Subject #2 ran to the driver's side of the SUV and Subject #1 ran around the SUV, and before entering the front passenger side, he shot in the direction of Officers Belluomini and Heinzl. Officers Belluomini and Heinzl then returned fire. Subject #1 then entered the SUV and discharged his weapon again from inside the vehicle through the closed window, causing the front passenger window to shatter. Officer Belluomini attempted to take cover but lost her balance and fell to the ground.<sup>6</sup> The SUV and its occupants then fled the scene northbound on Monticello Avenue. Officer Belluomini stood up and she and Officer Heinzl ran across the street to check on ██████ told the officers that the subjects took his wallet and money. Officer Heinzl ran back across the street to the city facility and notified Sergeant Jermaine Young of what happened. OEMC was notified of the incident and minutes later, assisting officers arrived at the scene.<sup>7</sup>

A civilian, ██████ ██████ approached officers and stated that he had been robbed that morning by three black males driving an SUV, purportedly by the same subjects.<sup>8</sup> During the walkthrough at the location of the incident, CPD members informed COPA personnel that there were approximately five to six robberies in the area that morning prior to the police shooting, and additional robberies and/or a home invasion purportedly by the same individuals post incident.<sup>9</sup> Also, while at the location of the incident, CPD members informed COPA personnel

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<sup>5</sup> Att. 27 (ERI of ██████ and Atts. 8 and 10 (north and south surveillance cameras-beginning at 09:41 from the start of the videos). The videos are offset by approximately one hour and ten minutes ahead of real time. As observed on the surveillance videos, the male that approached Zaya's vehicle with a firearm was dressed in all black clothing, face covering, and he exited the front passenger side of the SUV. He will be referred to as subject #1 in this report. The male that approached ██████ driver's side was wearing a light grey hooded sweatshirt and had a face covering. He was the driver of the SUV and will be referred to as subject #2. As observed on the videos, a third male subject (subject #3) also dressed in all black clothing, initially approached Zaya's vehicle when they arrived, but then remained standing at the back of the SUV and quickly entered the rear passenger side of the SUV before the shooting.

<sup>6</sup> Att. 5, PO Belluomini sustained lacerations and scrapes to her right hand and knee. She was transported to Resurrection Hospital for medical care.

<sup>7</sup> Atts. 7 (ShotShoter report), 8 and 10 (beginning at 11:09 from the start of the videos), Att. 12 (OEMC Zone 12, at 7:06:19 am, shots fired by the police was reported), Att. 14 (event query), Att. 29 (ET photos), Att. 43 (PO Belluomini's statement) and Att. 45 (PO Heinzl's statement).

<sup>8</sup> Atts. 26. (ERI of ██████ and Atts.54 and55 (OEMC call/report). See also Att. 43, pg.36, lns. 18 to 24 to pg. 37, lns. 1 to 12; Att. 45, pg. 35, lns. 14 to 19. Officer Belluomini and Officer Heinzl told COPA they believed these same individuals had committed armed robberies and other crimes both before and after the current incident.

<sup>9</sup> Atts. 48 to 53 and Att. 56 (OEMC calls/reports).

that the involved SUV was located abandoned at 1602 N. Spaulding Avenue.<sup>10</sup> The passenger side of the SUV had damage consistent from fired bullets and the steering column was peeled. Evidence Technician's (ETs) recovered four shell casings inside the SUV.<sup>11</sup>

ETs also inventoried Officer Belluomini's Glock 17, Generation 4, 9 mm, pistol, serial number [REDACTED]. The weapon had eight live rounds in the magazine and one in the chamber. Officer Heinzl had a Glock 19, Generation 4, 9 mm, pistol, serial number [REDACTED]. His weapon had ten live rounds in the magazine and one in the chamber.<sup>12</sup> Illinois State Police (ISP) determined that Officer Belluomini fired her weapon nine times during the incident and Officer Heinzl fired his weapon five times.<sup>13</sup>

### CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

### III. ANALYSIS<sup>14</sup>

#### a. Officers Belluomini and Heinzl were justified when they used deadly force.

COPA finds by a preponderance of the evidence that the use of deadly force by Officers Belluomini and Heinzl was objectively reasonable, necessary, and proportional to the circumstances they faced. COPA further finds that the circumstances did not allow for the officers to engage in de-escalation tactics due to the totality of the circumstances. COPA further finds that Officers Belluomini and Heinzl used deadly force as an option of last resort. COPA thus concludes by a preponderance of the evidence that Officers Belluomini and Heinzl'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

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<sup>10</sup> The SUV was located shortly after the police shooting. It was a Blue 2016 KIA Sorrento, license plate # [REDACTED] registered to [REDACTED]. It was reported stolen on October 31, 2022, from 1726 N. Kedzie Avenue (Att. 59).

<sup>11</sup> Atts. 29 (ET photographs), 31, and 40, pg. 1, inventory #15196013. ETs also recovered three facial masks, a wire cutter, and stolen wallets/personal items.

<sup>12</sup> Atts. 30 and 36 to 40. Both officers had the same ammunition; Winchester 9 mm, Luger + P. The capacity of Officer Belluomini's weapon was seventeen rounds in the magazine and one round in the chamber. The capacity of Officer Heinzl's weapon was fifteen rounds in the magazine and one in the chamber. Prior to the incident, Officer Belluomini last qualified with her weapon on June 13, 2022, and Officer Heinzl on June 9, 2022. Both officers had valid FOID cards.

<sup>13</sup> Atts. 5 and 6 (TRRs) and Att. 47 (ISP report).

<sup>14</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

the safety of all persons involved.<sup>15</sup> 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.<sup>16</sup> 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.<sup>17</sup>

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.”<sup>18</sup> 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.”<sup>19</sup>

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.”<sup>20</sup> 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.<sup>21</sup>

Following a review of the evidence, COPA finds that it is more likely than not that Officers Belluomini and Heinzl’s use of deadly force was objectively reasonable considering the imminent threat they faced. An unknown individual shot at the officers before entering an SUV, and Officers Belluomini and Heinzl in fear for their lives returned fire. The subject continued the imminent threat and fired his weapon again from inside the vehicle through the closed window. It was thus objectively reasonable for Officers Belluomini and Heinzl to believe that the unknown individual’s actions were immediately likely to cause death or great bodily harm.<sup>22</sup> Additionally, COPA finds by a preponderance of the evidence that the unknown individual had the means or instruments and the opportunity and ability to cause death or great bodily harm.

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<sup>15</sup> Att. 61, G03-02(II)(A), De-escalation, Response to Resistance, and Uses of Force (effective April 15, 2021 to June 28, 2023).

<sup>16</sup> Att. 61, G03-02 (III)(B)

<sup>17</sup> Att. 61, G03-02 (III)(B)(3).

<sup>18</sup> Att. 61, G03-02(IV)(C).

<sup>19</sup> Att. 61, G03-02(IV)(C)(1 and 2).

<sup>20</sup> Att. 61, G03-02(IV)(B) (emphasis added).

<sup>21</sup> Att. 61, G03-02(III)(C)(2).

<sup>22</sup> By his actions, [the person] met the definition of an “assailant” under CPD policy. *See* Att. 62, G03-02-01(IV)(C), Response to Resistance and Force Options (effective April 15, 2021 to June 28, 2023).

Based on a totality of the circumstances, COPA finds by a preponderance of the evidence that Officers Belluomini and Heinzl's use of deadly force complied with CPD policy.

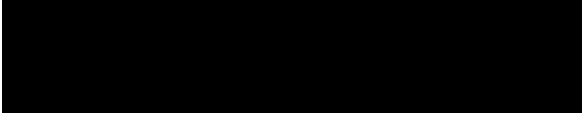
Approved:



Sharday Jackson  
*Deputy Chief Administrator – Chief Investigator*

February 5, 2024

\_\_\_\_\_  
Date



Andrea Kersten  
*Chief Administrator*

February 5, 2024

\_\_\_\_\_  
Date

**Appendix A**

**Case Details**

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Date/Time/Location of Incident:	November 01, 2022/7:07 am/1827 N. Monticello Avenue
Date/Time of COPA Notification:	November 01, 2022/7:29 am
Involved Member #1:	Anne Belluomini, Star #10021, Employee ID # [REDACTED] Date of Appointment: March 25, 2002, Unit of Assignment: 542, Female, White
Involved Member #2:	Mark Heinzl, Star #17399, Employee ID # [REDACTED] Date of Appointment: June 26, 2006, Unit of Assignment: 542, Male, White
Involved Individuals #1-3:	Unknown, 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.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

**Applicable Policies and Laws**

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- G03-02, De-Escalation, Response to Resistance, and Use of Force, Effective April 15, 2021 to June 28, 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.<sup>23</sup> A **preponderance of evidence** is evidence indicating that it is more likely than not that a proposition is proved.<sup>24</sup> 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.

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<sup>23</sup> See Municipal Code of Chicago, Ch. 2-78-110.

<sup>24</sup> *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 has been found to be more probably true than not.”).

**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