



Log # 2022-1285

## **FINAL SUMMARY REPORT<sup>1</sup>**

### **I. EXECUTIVE SUMMARY**

On March 27, 2022, at 10:02 p.m., Sergeant Gino Pacetti (Sgt. Pacetti) telephoned the Civilian Office of Police Accountability (COPA) regarding allegations of misconduct on the part of Officer Brandon Troupe (Officer Troupe). Sgt. Pacetti reported that Officer Troupe and Officer Aaron Hoffman (Officer Hoffman) requested he respond to 8536 S. Manistee Avenue. Upon arrival, the officers informed Sgt. Pacetti that Officer Troupe unintentionally discharged his firearm in the rear yard of the aforementioned address.

Upon review of the evidence, COPA served an additional allegation that Officer Troupe failed to timely and/or accurately notify the Office of Emergency Management and Communications (OEMC) of all relevant information related to his firearm discharge, as required by General Order G03-06.

COPA also alleged that Officer Hoffman was inattentive to duty in that he failed to provide complete information to the Office of Emergency Management and Communications (OEMC) following Officer Troupe's unintentional firearm discharge, in violation of Rule 10.

Following its investigation, COPA reached sustained findings for all allegations against Officer Troupe and Officer Hoffman.

### **II. SUMMARY OF EVIDENCE<sup>2</sup>**

On March 27, 2022, at 8:13 p.m., a concerned citizen telephoned OEMC and reported that the rear door of an unoccupied two-flat had been kicked open.<sup>3</sup>

At 9:12 p.m., Beat 423 (Officers Troupe and Hoffman) arrived at the address to investigate and found that the rear door appeared to have been kicked open. Officers Troupe and Hoffman announced their presence, and as they entered the building they heard what sounded like a radio or audio being played from a device. The officers retreated out of the building through the same rear door and radioed for an additional police unit.<sup>4</sup> Officer Troupe used his left hand to operate his police radio while holding his firearm in his right hand. Officer Troupe heard what sounded

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<sup>1</sup> 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.

<sup>2</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 BWC footage, police reports, and statements from the involved officers.

<sup>3</sup> Att. 5, pg. 3.

<sup>4</sup> Att. 13 at 4:14.

like fast moving steps, at which time a black cat ran out of the building through the rear door.<sup>5</sup> The cat startled Officer Troupe, causing him to unintentionally pull the trigger and discharge his firearm once, with the fired bullet striking the ground. In his statement to COPA, Officer Troupe explained, “My partner flinches, I flinch too also with the handgun still in my hand. I accidentally shoot the ground. Basically, instead of my finger being on the frame, my finger was on the trigger and I shot directly at the ground. The gun was off. It was always in low ready, so never pointing at anybody, always in low ready.”<sup>6</sup>

After ensuring that neither of them was injured, Officer Hoffman requested a police supervisor come to their location.<sup>7</sup> Officer Troupe admitted that he did not notify OEMC that he discharged his firearm because he was flustered.<sup>8</sup> Beat 402S then radioed that they detected a single gunshot in the rear of 8356 S. Manistee Avenue. The OEMC dispatcher radioed Beat 423 and asked Officers Troupe and Hoffman if they had anything going on. Officer Hoffman responded that he and Officer Troupe were fine, then Officer Hoffman repeated his request to have a sergeant sent to their location.<sup>9</sup> The dispatcher asked Officer Hoffman did someone shoot at him, to which Officer Hoffman replied, “Negative, just send a sergeant.”<sup>10</sup> Additional units, including police supervisors, subsequently arrived at their location.

Police personnel were unable to locate the expended cartridge casing or the fired bullet. There were no independent witnesses, and no one was injured as a result of this incident.<sup>11</sup> ShotSpotter gunshot technology detected a single gunshot in the rear of 8536 S. Manistee.<sup>12</sup>

On the night of this incident, based on the preliminary information available to him, Deputy Chief Matthew Cline determined that Officer Troupe’s use of force appeared to be not in compliance with Department policy and directives.<sup>13</sup>

### **III. ALLEGATIONS**

#### **Officer Brandon Troupe:**

1. Inattentive to duty in that he unintentionally discharged his firearm.
  - Sustained, in violation of Rules 10, 13 and 38.
  
2. Failed to timely and/or accurately notify the Office of Emergency Management and Communications (OEMC) of all relevant information related to his firearm discharge as required by General Order G03-06.
  - Sustained, in violation of Rules 2, 3, 5, 6, 10.

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<sup>5</sup> Att. 11 at 4:09 and Att. 13 at 4:20.

<sup>6</sup> Att. 30; pg. 9, lns. 4 to 10.

<sup>7</sup> Att. 11 at 4:59.

<sup>8</sup> Att. 30, pg. 19, lns. 1-9.

<sup>9</sup> Att. 11 at 5:38.

<sup>10</sup> Att. 11 at 5:54.

<sup>11</sup> Atts. 1, 3 to 9, 28.

<sup>12</sup> Att. 10.

<sup>13</sup> Att. 9, pg. 3.

**Officer Aaron Hoffman:**<sup>14</sup>

1. Was inattentive to duty in that he failed to provide complete information to the Office of Emergency Management and Communications (OEMC) following Officer Troupe's unintentional firearm discharge, in violation of Rule 10.
  - Close Hold.

**IV. CREDIBILITY ASSESSMENT**

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals (sworn or unsworn) who provided statements.

**V. ANALYSIS**<sup>15</sup>**a. Officer Troupe's Firearm Discharge**

COPA finds that Allegation #1 against Officer Troupe, that he was inattentive to duty in that he unintentionally discharged his firearm, is sustained. An allegation of an unintentional firearm discharge is evaluated under Chicago Police Department Rules 10 and 13. Rule 10 prohibits inattention to duty, while Rule 13 prohibits the failure to adequately secure or care for Department property.<sup>16</sup> Both rules are evaluated under the legal standard of negligence, which is, "the failure to do something which a reasonably careful person would do, or the doing of something which a reasonably careful person would not, under circumstances similar to those shown by the evidence."<sup>17</sup>

Here, it is undisputed that Officer Troupe discharged his firearm. In addition to the available body-worn camera footage that captures the incident, Officer Troupe also admitted that he unintentionally discharged his firearm. In explanation, he offered that he was startled when a cat ran through the residence's back door, which caused him to unintentionally pull the trigger on his firearm and discharge it once into the ground. Officer Troupe added that he did not have his trigger finger on the frame of the firearm, but instead his finger was on the firearm's trigger when he was startled. As such, COPA finds that Allegation #1 is **sustained**.

**b. Officer Troupe's Failure to Notify OEMC**

COPA finds that Allegation #2 against Officer Troupe, that he failed to timely and/or accurately notify the Office of Emergency Management and Communications (OEMC) of all relevant information related to his firearm discharge as required by General Order G03-06, is **sustained**. According to CPD General Order G03-06, regarding all firearm discharge and officer-involved death incidents, "the involved member(s) will immediately notify the Office of Emergency Management and Communications (OEMC) providing all relevant information and

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<sup>14</sup> Officer Hoffman resigned from CPD, effective July 19, 2022. See Att. 33.

<sup>15</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

<sup>16</sup> Att. 35.

<sup>17</sup> Illinois Pattern Jury Instructions-Civil (2006), No. 10.01.

requesting additional resources.”<sup>18</sup> This investigation revealed no evidence that Officer Troupe ever notified OEMC that he had discharged his firearm. When asked during his interview with COPA, Officer Troupe admitted that he never made any notification to OEMC regarding his weapon’s discharge incident, and he explained that he failed to do so because he was flustered. In light of this, Allegation #2 is **sustained**.

**VI. DISCIPLINARY RECOMMENDATION**

**a. Officer Brandon Troupe**

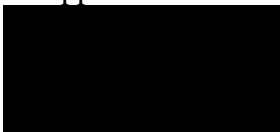
**i. Complimentary and Disciplinary History<sup>20</sup>**

Officer Troupe’s complimentary history is comprised of seven awards, including four Honorable Mentions. He has no recent disciplinary history.

**ii. Recommended Discipline**

COPA has found that Officer Troupe violated Rules 2, 3, 5, 6, 10, 13 and 38 when he unintentionally discharged his firearm and when he failed to timely and/or accurately notify OEMC of all relevant information related to his firearm discharge. Officer Troupe’s inattention to duty was significant and could have resulted in death or injury. Additionally, he had ample time and opportunity to notify OEMC of his firearm discharge, but chose not to, citing his emotional state. This caused confusion amongst his fellow first responders, as evidenced by the radio traffic, and a possible delay in response time and scene processing. In mitigation, COPA notes that Officer Troupe provided an honest assessment of the incident and his lack of disciplinary history is taken into account; however, due to the seriousness of a firearm discharge, and his failure to notify OEMC, COPA recommends a **7-day suspension and retraining** on safe firearms handling.

Approved:



Steffany Hreno  
*Director of Investigations*

December 20, 2023

Date

<sup>18</sup> Att. 17, G03-06-V-A.

<sup>20</sup> Att. 34.

Appendix ACase Details

Date/Time/Location of Incident:	March 27, 2022 / 9:12 p.m. / ██████████ / Chicago, Illinois 60617.
Date/Time of COPA Notification:	March 27, 2022 / 10:02 p.m.
Involved Officer #1:	Officer Brandon Troupe / Star #7460 / Employee ID #████████ / DOA: August 16, 2017 / Unit: 124 / Male / Black.
Involved Officer #2:	Officer Aaron Hoffman / Star #18463 / Employee ID #████████ / DOA: June 25, 2018 / Unit: 004 / Male / White.

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 13:** Failure adequately to secure and care for Department property.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- G03-06: Firearm Discharge and Officer-Involved Death Incident Response and Investigation (effective 15 April 2021).

## 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.<sup>24</sup> 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.”<sup>25</sup>

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<sup>24</sup> 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).

<sup>25</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C**

**Transparency and Publication Information**

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