



Log # 2022-0005275

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

### I. EXECUTIVE SUMMARY

On December 13, 2022, the Civilian Office of Police Accountability (COPA) received an initiation report from Lieutenant (Lt.) John Piechocki #775 reporting that Field Training Officer (FTO) John Du Boise Jr. #17986 discharged his firearm at a large mastiff canine in the vicinity of 8046 S. Sangamon Street.<sup>2</sup> Upon review of the evidence, COPA served allegations that FTO Du Boise failed to activate his Body Worn Camera and failed to timely and/or accurately notify OEMC of all relevant information related to his firearm discharge. Following its investigation, COPA reached sustained findings regarding both allegations.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

██████████ called 911 to report that a neighbor's dog was outside the gate, and he could not leave his residence to go to the doctor.<sup>4</sup> The dispatcher assigned the task to Beat 611, now known to be FTO Du Boise, who acknowledged the call.<sup>5</sup> FTO Du Boise arrived at the scene and touched his BWC with his left hand before exiting his police vehicle, but the BWC did not activate.<sup>6</sup> The officer walked toward a single-family home with a red iron fence when a brown dog ran through the front yard and exited through an open gate.<sup>7</sup> FTO Du Boise walked backwards as the dog ran toward him and the officer appeared to discharge his firearm at the canine.<sup>8</sup> The dog ran back inside the front yard and FTO Du Boise closed the gate securely.<sup>9</sup> The officer contacted OEMC and the dispatcher acknowledged the call.<sup>10</sup> FTO Du Boise then activated his BWC and requested a supervisor to 8046 S. Sangamon.<sup>11</sup> Beat 630, now known to be Sergeant (Sgt.) Sandra

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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> Pursuant to § 2-78-120 of the Chicago Municipal Code, 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 administrative investigative agency in this matter.

<sup>3</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 Body Worn Camera (BWC) footage, 911 calls and OEMC radio transmissions, officer statement, and Chicago Police Department (CPD) reports.

<sup>4</sup> Att. 9.

<sup>5</sup> Att. 11, at 28:34 to 28:59 minutes into recording.

<sup>6</sup> Att. 2, at 9:31:22 to 9:31:31 am.

<sup>7</sup> Att. 2, at 9:31:34 to 9:31:38 am.

<sup>8</sup> Att. 2, at 9:31:39 to 9:31:42 am.

<sup>9</sup> Att. 2, at 9:31:43 to 9:31:53 am.

<sup>10</sup> Att. 11, at 32:16 minutes into recording.

<sup>11</sup> Att. 2, at 9:31:19 to 9:32:27 am.

Bryant #2489, accepted the call for a supervisor.<sup>12</sup> Sgt. Bryant arrived on the scene and FTO Du Boise told her what occurred.<sup>13</sup> The sergeant asked the officer if he let the “zone” know and he replied that he “just” called for a supervisor.<sup>14</sup> Sgt. Bryant and FTO Du Boise circled the property to ensure that the dog was secured inside the yard, attempted to find the owner of the dog, and spoke to ██████<sup>15</sup> FTO Du Boise asked the sergeant if he should notify OEMC that he discharged his weapon and Sgt. Bryant replied in the affirmative.<sup>16</sup> The officer then called OEMC and reported that he discharged his weapon at a “pitbull” at the above location; a dispatcher responded, “10-4.”<sup>17</sup> An ANOV was issued to the dog’s owner for “failure to keep animal restrained.”<sup>18</sup> Evidence Technician Eric Losieczka #6410 recovered a fired bullet on the parkway in front of the above location.<sup>19</sup> In response to the first allegation against him, FTO Du Boise stated that he attempted to activate his BWC but did not realize that it had not turned on.<sup>20</sup> Regarding the second allegation, the officer responded that he thought he said, “I shot my gun” and then called for a supervisor.<sup>21</sup> FTO Du Boise added that he contacted OEMC after he composed himself because, in his own words, “you don’t go shooting .. every day and get on the radio.”<sup>22</sup>

### III. ALLEGATIONS

#### **FTO John Du Boise Jr.:**

1. Failed to activate his Body Worn Camera (BWC) in violation of Department policy.
  - Sustained, Violation of Rules 2, 3, 5, 6, and 10.
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, Violation of Rules 2, 3, 5, 6, and 10.

### 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.

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<sup>12</sup> Att. 11, at 32:38 to 32:45 minutes into recording.

<sup>13</sup> Att. 2, at 9:37:40 to 9:38:19 am.

<sup>14</sup> Att. 2, at 9:38:20 to 9:38:26 am.

<sup>15</sup> Att. 2, at 9:38:40 to 9:44:25 am.

<sup>16</sup> Att. 2, at 9:46:36 to 9:46:42 am.

<sup>17</sup> Att. 2, at 9:46:45 to 9:47:05 am; Att. 11, at 46:48 to 47:04 into recording.

<sup>18</sup> Att. 3, pg. 2.

<sup>19</sup> Att. 7, pg. 2.

<sup>20</sup> Att. 17, pg. 21, Ins. 5 to 20.

<sup>21</sup> Att. 17, pg. 23, Ins. 4 to 8.

<sup>22</sup> Att. 17, pg. 22, Ins. 7 to 11.

## V. ANALYSIS<sup>23</sup>

COPA finds Allegation #1 that FTO Du Boise failed to activate his BWC in violation of Department policy is **Sustained**. The officer stated to COPA that he attempted to activate his BWC but did not realize that it had not turned on. BWC footage corroborated his statement by depicting the officer bringing his left hand to the camera, but the camera was not activated at that time. When FTO Du Boise finally activated his BWC, the firearm discharge had already occurred. Per Special Order S03-14, CPD members are required to activate their BWCs to event mode at the beginning of an incident and record the entire incident for all law-enforcement activities.<sup>24</sup> Although the evidence shows that the officer attempted to activate the camera before exiting his vehicle, it does not appear there was a technical issue with the camera since the officer was able to activate it after the incident. Based on the above evidence, FTO Du Boise's failure to activate his BWC constitutes a violation of CPD policy and Rules 2, 3, 5, 6, and 10.

COPA finds that Allegation #2 against FTO Du Boise that he failed to timely and/or accurately notify OEMC of all relevant information related to his firearm discharge as required by General Order G03-06 is **Sustained**. According to 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 requesting additional resources."<sup>25</sup> This investigation revealed that the officer contacted OEMC immediately after he discharged his firearm, but he only requested a supervisor, without providing any information about his firearm discharge. When Sgt. Bryant arrived on the scene, she asked FTO Du Boise if he had notified OEMC, and he responded that he only requested a supervisor. After the officer and the sergeant walked around the premises looking for the dog, FTO Du Boise asked his supervisor if he should notify OEMC and Sgt. Bryant replied in the affirmative. Consequently, FTO Du Boise reported his firearm discharge over the radio, more than fifteen minutes after the incident. When asked during his interview with COPA, FTO Du Boise responded that he thought he had reported the firearm discharge and then requested a supervisor; however, the evidence indicates that the officer only requested a supervisor immediately after the incident and then notified OEMC after being reminded by his sergeant. Based on the above information, there is sufficient evidence to prove that the accused officer failed to timely and/or accurately notify OEMC of all relevant information regarding his firearm discharge, in violation of General Order G03-06.

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<sup>23</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

<sup>24</sup> Att. 13, S03-14 (III)(A)(2)

<sup>25</sup> Att. 14, G03-06 (V)(A)

## VI. DISCIPLINARY RECOMMENDATION

### a. FTO John Du Boise Jr.

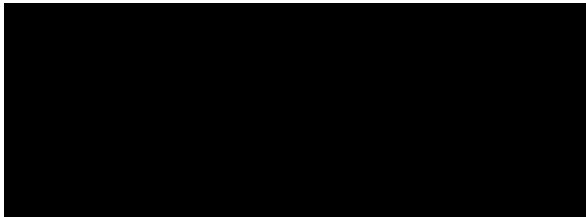
#### i. Complimentary and Disciplinary History<sup>26</sup>

FTO Du Boise has one complimentary letter, thirteen Emblems of Recognition, thirty-one honorable mentions, for a total of fifty-three awards.<sup>27</sup> The officer has zero sustained complaints and zero sustained SPARs in the last five years.<sup>28</sup>

#### ii. Recommended Discipline

COPA recommends a **Reprimand** for each of the sustained allegations against FTO Du Boise. Based on the above evidence, the dog charged at the officer and, in response, FTO Du Boise discharged his firearm. Although the evidence demonstrates that the officer properly discharged his firearm, COPA served him with allegations for his actions following the discharge. CPD policy requires Department members to activate their BWCs when responding to an incident and to notify OEMC of any firearm discharges. In this case, the officer attempted, but failed, to activate his BWC on time; then, following the incident, FTO Du Boise contacted OEMC but provided incomplete information. The evidence reviewed indicates that the officer intended to comply with CPD policy but fell short of achieving those goals.

Approved:



*Matthew Haynam*  
*Deputy Chief Administrator – Chief Investigator*

3/19/2024

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Date

<sup>26</sup> Att. 29.

<sup>27</sup> Att. 29, pg. 2.

<sup>28</sup> Att. 29, pgs. 1, 3.

**Appendix A****Case Details**

Date/Time/Location of Incident:	December 13, 2022 / 9:31 am / 8046 S. Sangamon Street
Date/Time of COPA Notification:	December 13, 2022 / 10:20 am
Involved Member #1:	FTO John Du Boise Jr. / star #17986 / employee ID# [REDACTED] / December 5, 1994 / Unit 006 / 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 10:** Inattention to duty.

**Applicable Policies and Laws**

- General Order G03-06: Firearm Discharge and Officer-Involved Death Incident Response and Investigation (effective April 15, 2021, to present)
- Special Order S03-14: Body Worn Cameras (effective April 30, 2018, to December 28, 2023)

## 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>29</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>30</sup>

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<sup>29</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>30</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 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