



Log # 2023-0004147

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On September 5, 2023, the Civilian Office of Police Accountability (COPA) initiated an investigation after receiving a telephone complaint from ██████████ (██████████ and ██████████ ██████████) who reported alleged misconduct by members of the Chicago Police Department (CPD). Both complainants alleged that on September 5, 2023, a team of CPD members and US Marshalls entered multiple apartments in their building without justification and that one CPD member confiscated ██████████ cell phone without justification. COPA identified the involved CPD members as former Sergeant (Sgt.) Brian Forberg (now retired from CPD),² Officer Bradley Scaduto, Officer Thomas Fennell, Officer Jonathan Morlock, Officer Michael Boccassini, Officer Jack McLeod, Officer Patrick Wilkinson, Officer Thomas Johnson, and Officer Rogelio Borjas.

██████████ and ██████████ ultimately did not provide statements to COPA.³ Upon review of the evidence, COPA served allegations that Officers Scaduto, Fennell, Morlock, Boccassini, McLeod, Wilkinson, and Johnson entered and searched apartments without justification. Additionally, COPA served allegations that Officers Scaduto, Fennell, Boccassini, McLeod, Wilkinson, and Johnson collectively failed to activate their Body Worn Cameras (BWC) in a timely manner. Furthermore, Officers Scaduto, Boccassini, and Johnson were served allegations for engaging in unnecessary verbal altercations, and Johnson also received directing profanity at a member of the public. Finally, Officer Scaduto was given allegations for taking ██████████ cell phone without justification and failing to use de-escalation tactics when interacting with her.⁴

Following its investigation, COPA reached sustained findings regarding the allegations of Officers Scaduto, Johnson, and Boccassini engaging in unnecessary verbal altercations. Additionally, the allegation that Officer Johnson directed profanity at ██████████ was Sustained.

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 Att. 30. (Sgt. Forberg resigned from CPD effective October 10, 2023, and consequently is no longer subject to the authority of this administrative investigation.)

³ COPA attempted to interview ██████████ and ██████████ on several occasions, but all attempts were unsuccessful.

⁴ One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

II. SUMMARY OF EVIDENCE⁵

On September 5, 2023, at approximately 2:03 p.m., Sgt. Brian Froberg⁶ and his team⁷ from Unit 606 Great Lakes Regional Task Force was conducting surveillance outside an apartment building at ██████████ Street in Chicago, Illinois. The officers were surveilling a second (2nd) floor apartment of that building to apprehend ██████████ (██████████ a convicted felon who had two active felony arrest warrants with full extradition for burglary, escaping home confinement, and violating electronic monitoring.⁸ According to the arrest warrant, ██████████ was considered to be armed and dangerous.⁹ Through surveillance, Sgt. Forberg and his team learned that ██████████ was residing in a 2nd-floor apartment, as Officer Fennell had positively identified him through a window.¹⁰ The officers observed ██████████ exiting the apartment building and walking eastbound.

The officers initiated a pursuit by activating their emergency lights and attempting to approach him while announcing their office.¹¹ ██████████ turned around and began to run towards the apartment building in an attempt to flee the officers by reentering the building. Sgt. Forberg and his officers exited their vehicles and activated their BWCs as they entered the apartment building.¹² The officers ran up the stairs in hot pursuit and were met by an unknown black male who attempted to stop them from entering his second-floor apartment.¹³ The officers announced their office and attempted to push their way inside the apartment to search for ██████████. The unknown black male became resistant and combative, telling the officers that they were not allowed to enter his apartment because they did not have a warrant and there were children present.¹⁴

During the hot pursuit, Sgt. Forberg and his officers entered the 3rd-floor apartments, with the consent of the residents, and did a quick walk-thru to see if ██████████ was inside the apartment.¹⁵ As they exited the apartments, Officers were then approached by an unknown black female, now identified as ██████████¹⁶ ██████████ exited the 1st-floor apartment, walked up to the 2nd-floor staircase landing, and then approached the officers in an aggressive, combative, and confrontational demeanor, demanding that the officers exit the apartment. ██████████ began to yell, use profanity, push and shove the officers, and verbally insult them as they were conducting their

⁵ 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, Arrest Report, Tactical Response Report (TRR), Case Reports, Event Query, Officer Interviews, Medical Records, and Evidence Technician photographs.

⁶ Att. 30. Sgt. Brian Forberg retired on October 10, 2023.

⁷ Unit 606 CPD Great Lakes Regional Task Force Members: Sgt. Brian Forberg, Officer Bradley Scaduto, Officer Thomas Fennell, Jonathan Morlock, Officer Michael Boccassini, Officer Thomas Johnson, Officer Jack McLeod, and Patrick Wilkinson, and Officer Rogelio Borjas.

⁸ Att. 63, Att. 64, Att.65, Att. 66.

⁹ Att. 63, Att. 65.

¹⁰ Att. 16, Att. 95 at 4:48.

¹¹ Att. 16.

¹² Att. 7, Att. 10, Att.13, Att.16, Att.19, Att.21.

¹³ Att. 16 at 2:10. Att. 7 at 2:29.

¹⁴ Att. 7, Att. 16, Att. 21.

¹⁵ Att.7, Att. 13, Att. 21.

¹⁶ Att. 16 at 2:34; also Att. 7 at 2:43. (See also Att. 1.)

investigation.¹⁷ As officers were trying to gain entry into the 2nd-floor apartment, where they believed ██████ had fled, Officer Scaduto approached ██████ in an attempt to remove her from the staircase landing, concerned about her safety and interference with their investigation. He then got into a verbal altercation with ██████¹⁸ Officer Scaduto then walked up the staircase and entered the 3rd-floor apartment to meet with his team and then proceeded to walk back downstairs as Officer Michael Boccassini and ██████ were engaging in an unnecessary verbal altercation.¹⁹ Officers Scaduto and Johnson tried to intervene by instructing ██████ to go back downstairs but were unsuccessful in their attempts, which led to them engaging in a verbal altercation with ██████²⁰

As ██████ refused to leave the staircase, Officer Scaduto verbally warned her by stating, “If you touch me, you are going to jail.”²¹ Officers continued to yell back and forth, engaging in a verbal disagreement with ██████ Officer Johnson was then heard on BWC shouting at ██████ telling her to get the “Fuck” back downstairs.²² ██████ refused to leave the staircase despite verbal commands and continued to yell at the officers, using profanity and verbal insults and threatening to take legal action against the officers by threatening lawsuits.²³ ██████ was trying to inform the officers that there were children inside the 2nd-floor apartment before they entered the apartment or potentially broke the door down.

Officer Scaduto then received a radio transmission stating that someone was fleeing out the backdoor with guns,²⁴ Officer Scaduto and his partners then proceeded to the alley while Sgt. Forberg stayed behind on the staircase. Sgt. Forberg can be heard on BWC telling ██████ to “Shut the fuck up,”²⁵ and engaging in a verbal altercation. As officers proceeded to the back alley staircase,²⁶ they were met by Officer Jack McLeod, detaining ██████

Officer Scaduto then returned to his covert vehicle to grab the ram and reentered the front entrance of the building. ██████ can be heard in the background continuing to yell at officers. Officer Scaduto walked up two flights of stairs to the 2nd-floor landing with the ram and shield in his hands. As he approached the landing, an unknown black male (now identified as ██████) started to inform the officers that he lived in the 2nd-floor apartment and that he had keys.²⁷ ██████ continued to speak over the officers, stating that there were children inside the apartment that she was babysitting. ██████ indicated that she lived downstairs and came upstairs to find out what happened. ██████ continued to deny anyone being inside of his apartment despite him being outside the apartment at the time the incident occurred. ██████ continued to argue with the officers, pulled out her cell phone, and announced that she was going live on Facebook while they were conducting their investigation.

¹⁷ Att. 7 at 2:43 to 3:07.

¹⁸ Att. 7 at 2:43 to 3:34.

¹⁹ Att. 7 at 3:34 to 4:20; also Att. 19.

²⁰ Att. 7 at 4:20 to 5:25.

²¹ Att. 7 at 4:30.

²² Att. 7 at 4:20 to 4:37. Att. 13 at 4:34. Att. 13 at 4:30-5:00.

²³ Att. 7 at 5:22.

²⁴ Att. 7 at 5:23.

²⁵ Att. 13 at 5:28. Att. 21. Att. 21, at 3:31.

²⁶ Att. 7 at 5:30 to 6:00. Att. 7 at 6:00

²⁷ Att. 7 at 8:10 to 8:15.

As ██████ went live on Facebook, she began to record the officers while continuing to use profanity and verbal insults towards them.²⁸ Officers continued to request that ██████ backup, but she continued to walk towards them aggressively and record them. Officer Scaduto then walked up a couple of stairs, communicated with ██████ and grabbed ██████ cell phone out of her hand while telling her to shut up.²⁹ A physical altercation ensued, with ██████ punching Officer Scaduto in the face and assaulting him.³⁰ As the physical altercation ensued between Officer Scaduto and ██████, ██████ proceeded to open his door with his keys. During this time, officers pushed their way inside the apartment to conduct a search of the apartment to see if ██████ was inside the apartment.³¹ Officers entered the apartment, briefly searched for ██████ and exited it.³²

██████ was handcuffed, but she continued to resist the officers' verbal commands by knocking off Officer Scaduto BWC, taking her hand out of the handcuff, and stiffening her body to resist the arrest. As ██████ resisted, she claimed that she was pregnant, continued to yell and shout at officers, and requested a sergeant and female officer.

Eventually, she was placed into custody³³ and escorted out of the apartment building. ██████ then requested a Sergeant, a female officer, and an ambulance, alleging that officers had physically assaulted her in the hallway of the apartment building. As ██████ was waiting outside for the ambulance, Sgt. Forberg³⁴ approached ██████ stating words to the effect, "They have mental institution places for people like you. You may need to be institutionalized for a bit."³⁵

Officers Boccassini and Scaduto tried to explain the reasons for the arrest. Sgt. Forberg then approached ██████ again, identified himself as the sergeant on scene by displaying his badge, and stated, "White Shirt, you've been interviewed, this is not McDonalds."³⁶

Once officers cleared the apartment and staircase, they proceeded to the alley to search ██████ apartment with her consent.³⁷ Officers opened ██████ backdoor, entered the apartment, conducted a brief search of the apartment, and located a Romania Arm Mini Draco 7.62 Caliber Pistol³⁸ underneath the bed,³⁹ which was cleared, processed, and entered into inventory. ██████ was able to flee the apartment. ██████ was later apprehended, arrested,⁴⁰ and placed in custody on September 13, 2023, at 7538 South Maryland, in Chicago, Illinois.⁴¹

²⁸ Att. 19 at 8:29.

²⁹ Att.7 at 9:10 to 9:18. Att. 19 at 8:50.

³⁰ Att.7 at 9:10 to 9:35. Att. 7 at 9:15. Att. 19 at 8:50. Att. 19 at 8:50 to 9:05.

³¹ Att. 7 at 9:15. Att. 19 at 8:50 to 9:07. Att. 19 at 9:07 . Att. 16 at 9:09 to 9:22.

³² Att. 16 at 9:20 to 10:00. Att. 21 at 7:43 to 13:55. Att.19 at 9:05 to 11:05.

³³ Att. 1, Arrest Report of ██████ was charged with Aggravated Battery of Police Officer

³⁴ Att. 30. Sgt. Brian Forberg Retired on October 10, 2023. Due to his resignation and retirement, COPA did not draft allegations for Sgt. Forberg.

³⁵ Att. 7, at 18:30 to 18:36.

³⁶ Att.7, at 20:30 to 20:55. Att. 7, at 20:49. Att.21

³⁷ Att. 9. Att.12. Att. 15. Att. 20. Att.23. Att.26.

³⁸ Att. 100

³⁹ Att. 9, at 6:30. Att. 9 6:30 to 7:15.

⁴⁰ Att. 66.

⁴¹ Att. 66

In this case, all Chicago Police Officers detailed to Unit 606,⁴² which is the Great Lakes Regional Fugitive Apprehension Task Force provided statements to COPA. All of the officers provided similar accounts of this incident. Sgt. Forberg retired on October 10, 2023, and did not provide a statement to COPA. Scaduto and his partners, all stated in their interviews that they were assigned to Unit 606,⁴³ and were tasked with apprehending ██████████ who was considered armed and dangerous, had two active felony arrest warrants with full extradition, had escaped, and violated electronic monitoring pre-trial release orders, and wanted for burglary in Will County. Officers were conducting surveillance at the said location in a covert capacity when they identified ██████████ as he walked outside the apartment building. The officers approached ██████████ announced their office, and attempted to apprehend and arrest ██████████ fled back into the apartment, which initiated a hot pursuit. In hot pursuit, Officers were met by ██████████ once they entered the building, where she interfered and impeded their investigation, which allowed ██████████ to flee the building. ██████████ assaulted and battered Officer Scaduto; she was arrested and charged with Aggravated Battery to Police Officer.

III. ALLEGATIONS

Officer Bradley Scaduto

1. Stopped ██████████ without justification.
-Exonerated
2. Detained ██████████ without justification.
-Exonerated
3. Entered apartments without justification.
-Exonerated
4. Searched apartments without justification.
-Exonerated
5. Engaging in unnecessary verbal altercation with ██████████
-Sustained Violation of Rules 2, 3, 6, 8, 9
6. Took ██████████ cellphone without justification.
-Exonerated
7. Failed to use de-escalation tactics when interacting with ██████████
-Sustained Violation of Rules 2, 3, 6, 8
8. Failure to activate Body Worn Camera in a timely manner.
-Not Sustained

Officer Thomas Fennell

1. Entered apartments without justification.
-Exonerated
2. Searched apartments without justification.
-Exonerated

⁴² US Marshall Northern District of Illinois: Great Lakes Regional Fugitive Task Force (GLRFTF) is a central investigative based for a multitude of federal, state, and local agencies attempting to identify, locate, and apprehend dangerous wanted offenders in the greater Chicagoland area, Illinois, Indiana, Michigan, and Wisconsin. The Task Force focuses primarily on combating violent crime such as murder, sexual assault, rape, child pornography, robbery, and aggravated assault.

⁴³ Chicago Police Great Lakes Regional Fugitive Apprehension Task Force, Unit 606.

3. Failure to activate Body-Worn Camera in a timely manner.
-Not Sustained

Officer Jonathan Morlock

1. Entered apartments without justification.
-Exonerated
2. Searched apartments without justification.
-Exonerated

Officer Michael Boccassini

1. Entered apartments without justification.
-Exonerated
2. Searched apartments without justification.
-Exonerated
3. Engaging in unnecessary verbal altercation with [REDACTED]
-Sustained Violation of Rules 2, 3, 6, 8, 9
4. Failure to activate Body Worn Camera in a timely manner.
-Not Sustained

Officer Thomas Johnson

1. Entered apartments without justification.
-Exonerated
2. Searched apartments without justification.
-Exonerated
3. Engaging in unnecessary verbal altercation with [REDACTED]
-Sustained Violation of Rules 2, 3, 6, 8, 9
4. Directed profanity at [REDACTED]
-Sustained Violation of Rules 2, 3, 6, 8, 9
5. Failure to activate Body-Worn Camera in a timely manner.
-Not Sustained

Officer Jack Mcleod

1. Entered apartments without justification.
-Exonerated
2. Searched apartments without justification.
-Exonerated
3. Failure to activate Body Worn Camera in a timely manner.
-Not Sustained

Officer Patrick Wilkinson

1. Entered apartments without justification.
-Exonerated
2. Searched apartments without justification.
-Exonerated
3. Failure to activate Body Worn Camera in a timely manner.

-Not Sustained

IV. CREDIBILITY ASSESSMENT

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

V. ANALYSIS⁴⁴

a. Justification of Stop, Detention, and other related events.

COPA finds that the allegation against Officer Bradley Scaduto, that he stopped and detained ██████ without justification, is **Exonerated**. Chicago Police Department Members are authorized to conduct an Investigatory Stop “based on Reasonable Articulate Suspicion that a person is committing, is about to commit, or has committed a criminal offense.”⁴⁵ The person of interest may be detained for the length of time necessary to confirm and dispel the suspicion of criminal activity.

Sgt. Forberg and his team were actively conducting an investigation to apprehend ██████ a wanted fugitive who had fled police, which resulted in a hot pursuit; as officers entered the apartment building in pursuit of ██████ they were met by ██████ who was extremely irate, aggressive, hostile, and combative during the entire incident. ██████ interfered and impeded the officers’ investigation. BWC confirms that officers repeatedly requested that ██████ exit the staircase through verbal commands, which ██████ refused to leave despite their requests and she continued to yell, push, shove, stand between officers, and engage in verbal threats and assaults.

CPD members are permitted to detain a person where there is reasonable articulable suspicion that an individual is about to commit, is committing, or has committed a criminal offense.⁴⁶ This detention is an investigative stop. Reasonable articulable suspicion is defined as “an objective legal standard that is less than probable cause but more substantial than hunch or general suspicion.”⁴⁷

Here, officers believed that ██████ had fled into the 2nd-floor apartment. Therefore, they needed to create a safety perimeter to dispel or confirm whether or not ██████ was inside the apartment before gaining entry. Therefore, ██████ was stopped and detained for safety reasons. This allegation is **Exonerated**.

b. Entering and Searching Apartments without justification.

COPA finds Allegations against Officers Scaduto, Fennell, Morlock, Bocassini, Johnson, McLeod and Wilkinson, in that they entered and searched apartments without justification, are **Exonerated**. Sgt. Forberg and his team were given verbal consent to conduct a search of their

⁴⁴ For a definition of COPA’s findings and standards of proof, see Appendix B.

⁴⁵ Att. 111, S04-13-09 II (A), Investigatory Stop System (effective July 10, 2017, to Present).

⁴⁶ Att. 111, S04-13-09 II (A), Investigatory Stop System (effective July 10, 2017, to Present).

⁴⁷ Att. 111, S04-13-09 II (C), Investigatory Stop System (effective July 10, 2017, to Present).

apartments to confirm whether or not [REDACTED] was inside of the apartment. Officers entered the apartments, conducted a brief search of their apartments, and then exited.

Warrantless searches of citizens and unauthorized entries to their residences have been strictly limited by the Fourth Amendment of the United States Constitution and Illinois Constitution, which established “the rights of individuals to be free from unreasonable searches and seizures.”⁴⁸ The protection of the Fourth Amendment against warrantless entries or searches is activated whenever 1) a situation arises in which a person has a subjective expectation of privacy and 2) that person’s expectation is one that society is prepared to recognize as “reasonable.”⁴⁹ Consequently, law enforcement officers are generally prohibited from entering or searching within a citizen’s residence, whether it be to search for specific items of evidence or to make an arrest, without first obtaining a lawful warrant based upon probable cause.⁵⁰

However, some exceptions to the rule against warrantless entries and searches have been recognized by the United States Supreme Court. For example, exigent circumstances, such as the hot pursuit of a fleeing felon, preventing the destruction of evidence, or preventing a suspect’s escape, may justify entering or searching inside of residence without a warrant.⁵¹ In order for this exception to be allowed, the particular details of the situation must indicate that “immediate and serious consequences” would result if police activities were to postpone for the length of time it would take to first obtain a warrant as the justification for the exigent circumstances exceptions depends “upon the gravity of the offense thought to be in progress.”⁵² Another warrantless residential search exception permits law enforcement officers who are performing an in-house arrest to conduct a limited protective sweep over an area of the premises as long as the searching officer possesses a reasonable belief (based on articulable facts) that the area harbors an individual who poses a danger to those present.⁵³ Additionally, a law enforcement is permitted the limited authority to seize evidence of a crime discovered in plain view as long as the officer is lawfully present at the place where the evidence can be plainly viewed, the officer has a lawful right to access the object and⁵⁴ the incriminating character of the object is immediately apparent.⁵⁵

BWC recordings confirm that Sgt. Forberg and his team were given verbal consent to enter and search their apartments by the resident. Therefore, COPA finds these allegations are **Exonerated**.

⁴⁸ *People v. Colyar*, 2013 IL 111835, ¶ 31 (citing U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6): “The Fourth Amendment to the Constitution of the United States guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.”

⁴⁹ *Katz v. United States*, 389 U.S. 347 (1967).

⁵⁰ *Payton v. New York*, 445 U.S. 573, 586 (1980).

⁵¹ *Minnesota v. Olson*, 493 U.S. 955, 1000 (1990).

⁵² *Welsh v. Wisconsin*, 466 U.S. 740, 753 (1984).

⁵³ *Maryland v. Buie*, 494 U.S. 325 (1990).

⁵⁴ Rules and Regulations of the Chicago Police Department. Rules of Conduct, Rules 8 to 9, pg., pg. 7 (effective April 16, 2015 to present)

⁵⁵ *Coolidge v. New Hampshire*, 403 U.S. 443 (1971).

c. Engaging in Verbal Altercation with ██████████ with the use of profanity.

COPA finds that the allegation against Scaduto, Boccassini, and Johnson, in that they engaged in an unnecessary verbal altercation with ██████████ and directed profanity toward her, is **Sustained**. COPA also finds that the allegation against Johnson, in that he directed profanity at ██████████ is **Sustained**.

CPD members are required to maintain a commitment to “observing, upholding, and enforcing all laws relating to individual rights.”⁵⁶ and must ensure that they “treat all persons with courtesy and dignity, which is inherently due to every person as a human being. Department members will act, speak, and conduct themselves in a professional manner, recognizing their obligation to safeguard life and property, and maintain a courteous, professional attitude in all contacts with the public.” CPD Rules of Conduct established a list of acts which are expressly prohibited for all members, including Rule 8, which states that officers may not disrespect or maltreat any person, and Rule 9, which prohibits officers from engaging in any unjustified verbal or physical altercation with any person. Additionally, CPD policy requires officers to act, speak, and conduct themselves in a professional manner and maintain a courteous, professional attitude in all contact with the public.⁵⁷

BWC footage captured Sgt. Forberg, Officer Scaduto, Officer Boccassini, and Officer Johnson engaged in a verbal altercation with ██████████ Sgt. Forberg retired before this investigation was launched, therefore, he was not given any allegations of misconduct. Officers Scaduto, Boccassini, and Thomas can be seen on BWC engaging in a verbal altercation with ██████████ Officer Thomas can be seen on BWC directing profanity at ██████████ when she refused to exit the staircase by stating words to the effect of, “Get the fuck back down the stairs.” In this case, it is undisputed that Officer Thomas used profanity towards ██████████ during the incident. During the interview with Officer Thomas, he admitted using profanity towards ██████████ by stating he believed that he did. By their own admission, Officer Scaduto, Boccassini, and Johnson engaged in a verbal altercation with ██████████ By his own admission, Officer Thomas violated the CPD policy by directing profanity at ██████████ Therefore, this allegation is Sustained.

d. Officer Scaduto seizing ██████████ cell phone

COPA finds that the allegation against Scaduto, in that he seized ██████████ cellphone, is **Exonerated**. In ██████████ phone call to COPA, she explained that as she tried to record the incident via cellphone, Officer Scaduto snatched her cell phone out of her hand, held it high into the air, confiscating it, and then accused her of battering him as she tried to get her phone back. Officer Scaduto admitted in his interview with COPA that he took her cell phone because she was putting the cell phone in his and his partner’s face, obstructing, and impeding their investigation, therefore he grabbed the cell phone out of her hand and gave it to the unknown black male, possibly her boyfriend that was standing in the stairwell.⁵⁸ Therefore, this allegation is Exonerated.

⁵⁶ Att.110, G02-01(III) (A). Protection of Human Rights

⁵⁷ Att. 109, CPD Rules and Regulations policy requires officers to “act, speak, and conduct themselves in a professional manner and maintain a courteous, professional attitude in all contacts with the public.”

⁵⁸ Att. 76, at 12:24 to 12:50. Att. 101, pg. 12, lns. 13 to 24.

e. Failing to use de-escalation tactics

COPA finds that the allegation against Officer Scaduto, in that he failed to use de-escalation tactics when interacting with ██████ is **Sustained**. CPD's Rules of Conduct establish a list of acts which are expressly prohibited for all members, including Rule 8, which states that officers may not disrespect or maltreat any person, and Rule 9, which prohibits officers from engaging in any unjustified verbal or physical altercation with any person.⁵⁹ Additionally, CPD policy specifies that all use of force by officers must be "objectively reasonable, necessary, and propositional" depending on the circumstances of the situation.⁶⁰ Ideally, officers will employ their training and experience to resolve problematic situations and obtain compliance in such a way to make the use of force unnecessary.⁶¹ Officers Scaduto, Boccassini, and Thomas all admitted engaging in a verbal altercation with ██████ neither of the officers used de-escalation tactics. Officers Scaduto, Bocassini, and Johnson stated in their statements to COPA, that they tried to intervene by initiating de-escalation tactics by instructing ██████ through verbal commands to leave the staircase and to go back downstairs but were unsuccessful in their attempts.⁶² The BWCs captured the officers yelling and verbally abusing ██████ which does not align with CPD Policy. Therefore, this allegation is Sustained.

f. Failing to activate Body-Worn Camera in a timely manner

COPA finds allegations against Officers Scaduto, Fennell, Boccassini, Johnson, McLeod, and Wilkinson, in that they failed to activate their BWC(s) in a timely manner is **Not Sustained**. CPD Body-Worn Camera policy requires all law-enforcement activities to be electronically recorded to increase transparency and to improve the quality and reliability of investigations. Law-Enforcement related activities include, but are not limited to, calls for service, investigatory stops, traffic stops, foot and vehicle pursuits, arrests, use of force incidents, emergency vehicle responses were fleeing suspects or vehicles may be captured on video leaving the scene, high-risk situations, and any other instances when enforcing the law.⁶³ The decision to record is mandatory, not discretionary. CPD members are required to activate their BWCs at the beginning of an incident and record the entire incident. If circumstances prevent activation of a BWC at the beginning of an incident, the member will activate their cameras as soon as practical.

In this case, all the officers admitted to activating their cameras as soon as it was practical because they were actively conducting surveillance to apprehend a dangerous fugitive in a covert capacity that initiated a hot pursuit that involved a fleeing suspect and did not want to jeopardize their investigation. However, the video evidence confirms that all the officers involved activated their cameras as soon as it was practical. Therefore, this allegation is Not Sustained.

⁵⁹ Att. 109, Rules and Regulations of the Chicago Police Department, Rules of Conduct, Rules 8 to 9, pg. 7 (effective April 16, 2015, to present).

⁶⁰ Att. 114, G03-02(II) (D), De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present)

⁶¹ Att. 114, G03-02 (II) (C), De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present)

⁶² Att. 76, Att. 82, and Att. 84.

⁶³ Att. 113, S03-14, II (A), Body Worn Cameras (effective December 29, 2023, to present)

VI. DISCIPLINARY RECOMMENDATION

a. Officer Bradley Scaduto

i. Complimentary and Disciplinary History⁶⁴

Officer Scaduto has a total of 153 awards, including one (1) 2019 Crime Reduction Award, two (2) Complimentary Letters, 19 Department Commendations, 110 Honorable Mentions, and one (1) Superintendent's Award of Merit. Officer Scaduto did not have any complaint registered numbers with sustained findings in the last five (5) years.

ii. Recommended Discipline

COPA has found that Officer Scaduto engaged in an unnecessary verbal interaction with [REDACTED] and failed to use de-escalation tactics. Although [REDACTED] behavior was unruly and she was interfering in a police investigation, Officer Scaduto should have used alternative techniques to remove her from the situation. Instead, Officer Scaduto allowed his emotions to get the best of him, which caused him to be unprofessional and made the situation worse. COPA recommends a suspension of up to 30 days.

b. Officer Michael Boccassini

i. Complimentary and Disciplinary History⁶⁵

Officer Boccassini has a total of 98 awards, including one (1) 2019 Crime Reduction Award, two (2) Complimentary Letters, six (6) Department Commendations, 76 Honorable Mentions, and one (1) Special Mention. Officer Boccassini did not have any complaint registered numbers with sustained findings in the last five (5) years.

ii. Recommended Discipline

COPA has found that Officer Boccassini engaged in an unnecessary verbal interaction with [REDACTED]. As stated previously, [REDACTED] actions were out of hand but Officer Boccassini and the other officers on the scene did not use the necessary tactics to control the situation. Officer Boccassini's reaction to [REDACTED] behavior became excessive and unprofessional. COPA recommends a suspension of up to 30 days.

⁶⁴ Attachment 115.

⁶⁵ Attachment 115.

c. Officer Thomas Johnson

i. Complimentary and Disciplinary History⁶⁶

Officer Johnson has a total of 58 awards, including one (1) 2019 Crime Reduction Award, one (1) Complimentary Letter, 10 Department Commendations, 36 Honorable Mentions, and one (1) Special Mention. Officer Johnson did not have any complaint registered numbers with sustained findings in the last five (5) years.

ii. Recommended Discipline

COPA has found that Officer Johnson directed profanity at [REDACTED] The BWC captured the incident, and Officer Johnson admitted to using profanity toward [REDACTED] The BWC also captured [REDACTED] interfering in a police investigation and behaving irrationally. [REDACTED] behavior does not excuse Officer Thomas and the other officers on the scene from acting professionally COPA recommends a suspension of up to 30 days.

Approved:

[REDACTED]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

September 30, 2024

Date

⁶⁶ Attachment 115.

Appendix A**Case Details**

| | |
|---------------------------------|---|
| Date/Time/Location of Incident: | September 5, 2023 / ██████████ Street, Chicago, Illinois / 2:03 p.m. |
| Date/Time of COPA Notification: | September 8, 2023 / 1:18 p.m. |
| Involved Sergeant #1: | Sgt. Brian Forberg / Retired / July 10, 1995 / Male / White |
| Involved Officer #1: | Officer Bradley Scaduto / Star # 14620 / Employee # ██████████ / Date of Appointment: August 1, 2012 / Unit of Assignment: 606 / Male / White [Name, star #, employee |
| Involved Officer #2: | Officer Thomas Fennell / Star# 15220 / Employee # ██████████ / Date of Appointment: October 31, 2012 / Unit of Assignment: 606 / Male / White |
| Involved Officer #3: | Officer Thomas Johnson / Star#19729 / Employee # ██████████ / Date of Appointment: August 25, 2014 / Unit of Assignment : 606 / Male / White |
| Involved Officer #4: | Officer Michael Boccassini / Star #19552 / Employee# ██████████ / Date of Appointment: February 19, 2013 / Male / White |
| Involved Officer #5 | Officer Jonathan Morlock / Star#15358 / Employee # ██████████ / Date of Appointment: September 1, 2010 / Male/ White |
| Involved Officer #6 | Officer Jack McLeod / Star# 13351 / Employee # ██████████ / Date of Appointment: February 23, 2015 / Male/ White |
| Involved Officer #7 | Officer Patrick Wilkinson / Star # 14514 / Employee# ██████████ / Date of Appointment: April 25, 2016 / Male/ White |
| Involved Officer #8 | Officer Rogelio Borjas / Star#7430 / Employee # ██████████ / Date of Appointment: March 5, 2013 / Male / White Hispanic |
| Involved Individual # 1 | ██████████ / DOB: ██████████ 1992 / Female / Black |
| Involved Individual #2 | ██████████ / 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.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- S04-13-09 II (A) Investigatory Stop System (effective July 10, 2017, to present)
- S03-14 III (A), Body Worn Cameras (effective December 29, 2023, to present)
- S04-19-01, Consent to Search Incidents (effective August 10, 2015, to present)
- G03-02, De-Escalation, Response to Resistance, and Use of Force (effective June 28, 2023, to present)
- G02-01, Protection of Human Rights (effective June 30, 2022, to present)
- CPD Rules and Regulations (effective April 16, 2015, to present)

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.⁶⁷ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department 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.”⁶⁸

⁶⁷ 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).

⁶⁸ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th 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