

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

Date of Incident:	September 14, 2015
Time of Incident:	9:38 P.M.
Location of Incident:	1011 N. Laramie Avenue, Chicago, IL 60651
Date of IPRA Notification:	September 14, 2015
Time of IPRA Notification:	10:15 P.M.

On September 14, 2015, Officer Nicholaus Lesch discharged his weapon twelve times during an encounter with an armed subject.² CPD forensic investigators recovered ten “Winchester 45 Auto” and two “Win 45 Auto +P” fired cartridge cases from the shooting scene, and ISP subsequently determined that all twelve rounds were fired from Officer Lesch’s Glock Model 21, .45 caliber semi-automatic pistol. When COPA investigators interviewed Officer Lesch, he acknowledged that his firearm may have been loaded with both standard and +P styles of ammunition at the time of the shooting. Based on this evidence, COPA has determined that Officer Lesch’s weapon was not loaded in accordance with Department Policy.

II. INVOLVED PARTIES

Involved Officer:	LESCH, Nicholaus; Star #13061; Employee [REDACTED] Date of Appointment: November 29, 2004; Police Officer; Unit 193; Date of Birth: [REDACTED] 1977; Male; White.
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III. ALLEGATIONS

Officer	Allegation	Finding
Officer Nicholaus Lesch	1. On or about September 14, 2015, Officer Lesch loaded his duty firearm with more than one style of ammunition, in violation of Uniform and Property Order U04-02-01 and Rule 6.	Sustained

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

² The actual officer-involved shooting was investigated under Log #1077146.

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 6:** Disobedience of an order or directive, whether written or oral.
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Uniform and Property Orders

1. **U04-02-01:** Department Approved Semiautomatic Pistols and Ammunition (Effective Date: July 21, 2015; Rescinded June 2, 2017)

V. INVESTIGATION³**a. Interviews**

In a **statement to COPA on May 14, 2018, Officer Nicholas Lesch #13061⁴** stated that on the date and time of the incident, he discharged his firearm a total of twelve times. The weapon he fired was a Glock Model 21, .45 caliber semi-automatic pistol with a 13-round capacity magazine. Officer Lesch initially stated that he could not remember what type of ammunition his weapon was loaded with at the time of the shooting. However, upon reviewing the Crime Scene Processing Report, he acknowledged that he had fired ten “Winchester 45 Auto” and two “Win 45 Auto +P” rounds. Officer Lesch explained that September 14, 2015, was the first day that he carried the Glock Model 21 pistol as his duty weapon. Officer Lesch stated that the weapon has a higher capacity magazine than his normal duty weapon, a Sig Sauer Model P220 pistol, which holds an 8-round capacity magazine. According to Officer Lesch, he may have inadvertently placed both standard and +P rounds in the Glock’s magazine while he was cross-loading the magazines. He stated that he was familiar with Uniform and Property Order U04-02-01 and was aware that it was a violation of that order to load his weapon with two different styles of ammunition.

b. Digital Evidence

Evidence Technician (ET) Photographs⁵ depict the shooting scene from various angles. They include images of twelve expended shells, one live round, and an empty magazine recovered

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Att. #30-34. Officer Lesch also provided two statements to IPRA regarding the shooting, but neither addressed the type of ammunition that his firearm was loaded with on the date of the incident. (Att. #10-19.)

⁵ Att. #18-19. For the complete set of ET photographs taken following the shooting, see Log #1077146, Att. #39-41.

from the south gangway of 1011 N. Laramie, as well as one live round recovered from the alley behind 953 N. Laramie. The photographs also include images of Officer Lesch.⁶

c. Physical Evidence

According to the **Inventory Sheets**,⁷ items recovered from the shooting scene include ten “Winchester 45 Auto” fired cartridge cases, two “Win 45 Auto +P” fired cartridge cases, one live “Winchester 45 Auto” cartridge, and an empty Glock .45 caliber, 13-round capacity magazine. A second live “Winchester 45 Auto” cartridge was recovered from the alley pavement behind 953 N. Laramie.

The Inventory Sheets (and related Firearms Worksheet) also document the processing of Officer Lesch’s Glock Model 21, .45 caliber semi-automatic pistol. The pistol, which had a 13-round capacity magazine, was found to have twelve live “Winchester 45 Auto” cartridges in the magazine and one live “Win 45 Auto +P” cartridge in the chamber.

Illinois State Police Forensic Science Laboratory Report #C15-030119 (ISP)⁸ documents the examination of recovered firearms evidence in this investigation. An analysis of the report resulted in the following relevant facts:

The examination of Officer Lesch’s weapon determined it to be operable as received and it was test fired using a magazine and ammunition submitted with the weapon.

Ten “Winchester 45 Auto” fired cartridge cases and two “Winchester 45 Auto +P” fired cartridge cases recovered from the south gangway of 1011 N. Laramie were determined to have been fired from Officer Lesch’s weapon.

An unfired “Winchester 45 Auto” cartridge recovered from the south gangway of 1011 N. Laramie and an unfired “Winchester 45 Auto” cartridge recovered from the alley pavement at 953 N. Laramie were examined for caliber and type.

d. Documentary Evidence

The **Tactical Response Report (TRR)**⁹ completed by Officer Lesch contains essentially the same information as he provide in his statement to COPA regarding his firearm.

⁶ The ET photographs also include images of [REDACTED], the armed subject who was shot by Officer Lesch.

⁷ Att. #5-6.

⁸ Att. #9.

⁹ Att. #4.

Crime Scene Processing Report #283543¹⁰ documents the recovery of the same firearms evidence documented in the inventory sheets.

VI. ANALYSIS


The Chicago Police Department Uniform and Property Order U04-02-01, Department Approved Semiautomatic Pistols and Ammunition: II(B)(3), requires Department approved semi-automatic pistols to be “fully loaded with only one manufacturer and style of prescribed ammunition (same bullet type and grain weight).”¹¹ Following the officer-involved shooting on September 14, 2015, forensic investigators recovered ten “Winchester 45 Auto” fired cartridge cases and two “Win 45 Auto +P” fired cartridge cases from the shooting scene, which ISP forensic analysis determined to have been fired from Officer Lesch’s firearm. Officer Lesch acknowledged that he fired all twelve rounds from the same magazine. +P ammunition is loaded to a higher internal pressure than standard rounds of its caliber, resulting in higher muzzle velocity.¹² Therefore, standard and +P rounds constitute two different styles of ammunition. Based on the totality of the circumstances, COPA finds that Officer Lesch violated Uniform and Property Order U04-02-01 by loading his firearm with more than one style of ammunition.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer Nicholas Lesch	1. On or about September 14, 2015, Officer Lesch loaded his duty firearm with more than one style of ammunition, in violation of Uniform and Property Order U04-02-01 and Rule 6.	Sustained

Approved:


 Shannon Hayes ✓
 Acting Deputy Chief Administrator – Chief Investigator

5/24/18

 Date

¹⁰ Att. #7-8.

¹¹ This report cites the version of U04-02-01 in effect on September 14, 2015.

¹² See ANSI/SAAMI Z299.3 – 2015, American National Standard Voluntary Industry Performance Standards for Pressure and Velocity of Centerfire Pistol and Revolver Ammunition for the use of Commercial Manufacturers, at http://www.saami.org/specifications_and_information/publications/download/205.pdf, pg. 1.

Appendix A

Assigned Investigative Staff

Squad#:	Seven
Major Case Specialist:	Steffany Hreno
Supervising Investigator:	Mark Javier
Acting Deputy Chief Administrator:	Shannon Hayes