

INTRODUCTION:

On 17 November 2015, at approximately 1000 hours, Officer A #XXXX was alone inside his residence at XXX W. Van Buren Avenue, Apartment #XXXX. Officer A had his semi-automatic pistol in his hand and was putting it away when his dog, a large German Shepherd “mix” jumped up on his side. This caused Officer A to accidentally discharge one round that went through his bedroom window on the west side of the apartment.

ALLEGATIONS:

On 17 November 2015, at approximately 1332 hours, Commander A #XX, contacted the Independent Police Review Authority via telephone to obtain a complaint number for an accidental discharge of an off-duty Chicago Police Officer’s weapon. It is alleged that on 17 November 2015, at 1000 hours, at the location of XXX W. Van Buren Avenue, Apartment #XXXX, off-duty **Officer A #XXXX;**

- 1) Failed to secure his weapon resulting in an accidental discharge.
- 2) Failed to notify the Department in a timely manner after discharging his firearm.

APPLICABLE RULES AND LAWS:

- Rule 10: Inattention to duty
- Rule 13: Failure to secure and care for Department property
- Rule 39: Failure to immediately make an oral report to the desk sergeant at the District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member
- General Order G03-02-06: Firearms Discharge Incidents Involving Sworn Members

INVESTIGATION:

In an **Initiation Report** dated 17 November 2015, Sergeant A #XXXX reported that on 17 November 2015, at approximately 1000 hours, Officer A #XXXX was alone at his residence at XXX W. Van Buren Avenue, Apartment #XXXX. Officer A had his semi-automatic pistol in his hand and was putting it away when his dog, a large German Shepherd “mix” jumped up on his side. This caused Officer A to accidentally discharge one round that went through his bedroom window on the west side of the apartment. Zone X was notified at 1241 hours. (Att. 4)

The **OEMC Event Queries** (Event XXXXXXXXXXXX) document that on 17 November 2015, at approximately 1240 hours, the XXX District was notified of Officer A’s accidental discharge. (Att. 19)

The **Department Reports** (Original Case Incident Report RD# HYXXXXXXXX) document that Officer B #XXXX, responded with a Sergeant to assist off-duty Officer A #XXXX

regarding an accidental discharge. Upon arrival, beats XXX, XXXX, XXXX, XXXX, XXXX and Evidence Technician beats XXXX and XXXX were on scene. (Att. 5)

The **Tactical Response Reports (TRR's)**, completed by Officer A document that he accidentally discharged his Glock Model 19, 9 millimeter semi-automatic pistol one (1) time. (Att. 6)

In an audio recorded statement to IPRA on 06 October 2016, **Accused Officer A #XXXX** stated that, on 17 November 2016, he returned to his residence located at XXX W. Van Buren Avenue, Unit #XXXX at approximately 0800 hours after working 1st Watch in the XXX District. Officer A related that he had his duty weapon, a Glock 19, in the right pocket of his cargo pants. From 0800 to 1000 hours, Officer A had two vodka drinks, which, according to Officer A, was not enough to get him intoxicated. Officer A stated that, during this time frame, he was on the phone with his banker and realtor as he was planning to purchase a new residence and list his current residence for sale. At 1000 hours, Officer A entered his bedroom, into which his dog, "Cooper" followed him. Officer A attempted to retrieve his weapon from his right cargo pocket, but was having difficulty removing it. Eventually, Officer A removed his weapon from his cargo pocket with his right hand. Officer A raised his right arm and crossed his weapon in front of his body. At the same time, Officer A told his dog that he was going to "take him from a walk." Officer A stated the dog got excited and jumped up onto his right arm and side causing him to accidentally discharge his weapon. The bullet struck a curtain and a window. Officer A was in a "state of shock" and began "freaking out" about what just occurred. Officer A inspected and found a bullet hole in both the curtain and window.

Officer A stated that after the incident occurred, he telephoned his step-mother who had knowledge of repairing and replacing windows. Officer A then telephoned his wife and explained to her what happened. Officer A then left his apartment, walked across the street and bought a pack of cigarettes from a 7-Eleven. Officer A stated that at that time, he was still trying to "comprehend what just happened." Officer A related that he notified the Department about an hour to an hour and half after the incident occurred.

Officer A related that he contacted his supervisor, Sergeant B, first. Sergeant B advised Officer A to contact the XXX District (assigned district). Officer A called the XXX District to report an accidental discharge. Officer A did not recall who he spoke to at the XXX District. Officer A was instructed to call the district of occurrence, which was the XXX District. Officer A then contacted the XXX District and several officers and detectives responded to his residence.

Officer A did not recall where he placed his weapon after he discharged it. Officer A was not injured during this incident. Officer A recovered the shell casing from the floor and provided it to the Evidence Technicians when they arrived on scene. Officer A admitted that he failed to

secure his weapon. (Att. 16)

In a supplemental audio recorded statement to IPRA on 06 October 2016, **Accused Officer A #XXXX** admitted that he failed to notify the Department in a timely manner after accidentally discharging his weapon. Officer A related that there was no reason for the delay in notifying the Department, but at the time of the incident, he panicked and was concerned how much a replacement window was going to cost him. Officer A was concerned about the window as he was about to place his condo on the market for sale. (Att. 17)

CONCLUSION:

The Reporting Investigator recommends a finding of **Sustained** to **Allegation #1** against **Officer A #XXXX**, in that, on 17 November 2015, he failed to secure his weapon resulting in an accidental discharge. Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 10 prohibits an officer from being “inattentive to duty;” and Rule 13 prohibits an officer from “failing to secure and care for Department property.” By his own admission, Officer A stored, transported, and handled his weapon in a manner that was less than careful. Officer A’s actions resulted in the accidental discharge of his weapon.

The Reporting Investigator recommends a finding of **Sustained** to **Allegation #2** against **Officer A #XXXX**, in that, on 17 November 2015, he failed to notify the Department in a timely manner after discharging his firearm. Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 39 prohibits an officer from failing “to immediately make an oral report to the desk sergeant at the District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member.” By his own admission, Officer A failed to notify the Department in a timely manner.