

INTRODUCTION

The accused, Officer A, was off-duty and inside her residence when she reportedly unintentionally discharged a live round from her service weapon. There were no injuries.

ALLEGATIONS

On 18 April 2016, at approximately 7:47 a.m., Lieutenant A, #XXX, contacted the Independent Police Review Authority (IPRA) and initiated this complaint with IPRA Investigator A. It is alleged that on 18 April 2016, at approximately 6:30 a.m., at XXXX S. King Drive, X floor, **Officer A, #XXXXX:**

- 1) was inattentive to duty in that she carelessly handled her firearm and discharged a live round, in violation of Rule 10: "Inattention to duty."

APPLICABLE RULES AND LAW

Rule 10: Inattention to Duty

INVESTIGATION

The **Initiation Report** documents that Officer A contacted the Office of Emergency Management and Communications (OEMC) and stated that she accidentally discharged her service weapon. Sergeant A, #XXXX, responded to the scene and observed a shell casing in the bathtub and a hole in the bathroom wall that appeared to be from a gunshot. Officer A informed Sergeant A that she was dry-firing her weapon prior to qualification and accidentally discharged her weapon. There were no injuries reported. (Att. #4)

The **Case Report** documents that Sergeant A and Officer B responded to an OEMC assignment regarding a weapon discharge by an off-duty police officer. Sergeant A and Officer B met with Officer A, who related that she was dry-firing her service weapon in the bathroom using "snap caps."¹ Officer A stated that once she was done dry-firing, she loaded her weapon with a magazine with live rounds. A short time later, Officer A returned to the bathroom to continue dry-fire practice, forgetting that she had loaded her weapon with live rounds. Officer A pulled the trigger and discharged one live round. The projectile struck a picture and lodged in the north wall of her apartment. One spent casing was found in the bathtub. Sergeant A interviewed the upstairs neighbor, Civilian 1, who related that she heard what sounded like a bump and thought something in her son's room had fallen. Officer A's firearm had a magazine capacity of twelve. There were eleven live rounds present in the firearm, and one spent cartridge. An Evidence Technician processed the scene and recovered the spent casing. (Att. #5)

¹Snap caps are an inert ammunition-shaped object used during dry-fire practice to cushion the firing pin as it strikes.
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Officer A's **Tactical Response Report** documents that she unintentionally discharged her weapon, a 9mm Smith & Wesson Bodyguard, model XXXX. In the supervisor's review section of the Tactical Response Report, Lieutenant B wrote that Officer A was practicing for her upcoming qualification and accidentally discharged her weapon. The discharged round was accounted for and found in Officer A's bathroom wall. The report further indicates that Beat XXX, Sergeant A, conducted a canvass to ensure there were no other circumstances or injuries to neighbors. There was no other property damage or injury. Lieutenant B authorized Officer A to retain her weapon as it had no further evidentiary value. (Att. #6)

The **Inventory Report** documents that one fired cartridge case was recovered from the bathtub in the master bathroom. (Att. #7)

The **Chicago Police Department (CPD) Event Query and OEMC transmissions** document that on 18 April 2016, at approximately 06:34 a.m., Officer A dialed 911 and requested a supervisor. She reported that she forgot her weapon was loaded and discharged it while practicing shooting. (Atts. #9, 29-30)

Evidence Technician photographs depict a picture frame hanging on the bathroom wall with cracked glass and a hole in the middle, a shell casing in the bathtub, and various angles of the scene. (Att. #11)

The **Bureau of Internal Affairs Synoptic Report** documents that on 18 April 2016, at approximately 10:00 a.m., Sergeant B, #XXXX, arrived at the XXX District station to administer a Breath Alcohol Concentration (BrAC) test and collect a urine sample from Officer A. The urine test sample was negative and the breath test sample resulted in a BrAC of .000. (Att. #12)

General Order G03-02-06 outlines Department investigative and reporting procedures in firearm discharge incidents. Any sworn Department member involved in a firearms discharge incident, whether on or off duty, is required to immediately notify OEMC, complete a Tactical Response Report, and any other appropriate report. Additionally, the Department member is required to submit to the mandatory alcohol and drug testing. (Att. #16)

Special Order S11-03-01 requires that all sworn members are required to participate in the Annual Prescribed Weapon Qualification Program. CPD mandates that all sworn Department members must qualify with their prescribed duty weapons prior to the end of the fourth police period of the current year. (Att. #17)

In a statement to IPRA on 17 November 2016, **Officer A** stated that for the past two to three years, she has been assigned as a XXX District Desk Officer. Officer A stated that at the time of this incident, she was off-duty and woke up at approximately 6:00 a.m. and decided to dry-fire her duty weapon. The day prior, Officer A's Lieutenant told her to go to the gun range for her annual weapon qualification. Officer A woke up anxious to practice shooting. Officer A stated that she was nervous because she had difficulty qualifying in past years. Officer A stated that she unloaded the bullets from her firearm and inserted snap caps so she could dry-fire. Officer A went into her master bathroom and dry-fired for approximately fifteen to twenty minutes, using a picture on the bathroom

wall as her target. Officer A stated that once she was finished, she reloaded her weapon with bullets, holstered it, and returned the snap caps to the bag where she stores them.

Officer A stated that approximately five to ten minutes later, she became anxious again at the thought of not qualifying. According to Officer A, she believed she was still in dry-fire mode and hence returned to her target in the bathroom to practice shooting, forgetting that she loaded her weapon with live rounds. Officer A pulled the trigger and inadvertently fired a live round at her target. Officer A immediately dialed 911 to report the incident and requested a supervisor. Officer A stated that her mother and son were asleep in the home when the weapon discharged and did not witness the incident. (Atts. #27-28)

Firearms Training and Certification records document that Officer A failed to qualify on 09 March 2007 after two attempts. Officer A was scheduled for seven hour intensive training on 10 March 2007, after which she qualified on her first attempt. Officer A qualified annually from 2008 – 2014. However, it should be noted that in 2008 and 2012, Officer A qualified on her second attempts. Officer A failed to qualify on 13 April 2015. Officer A was subsequently scheduled for seven hour intensive training on 14 April 2015, where she qualified on her first attempt. Most recently, Officer A qualified on 01 July 2016 on her second attempt. (Att. #18)

CONCLUSION

IPRA recommends a finding of **Sustained** for **Allegation #1** against **Officer A**, in that she was inattentive to duty when she carelessly handled her firearm and discharged a live round. According to Officer A, she was dry-firing her weapon with snap caps in preparation for her upcoming qualification. Officer A then loaded her weapon with live rounds and later resumed what she believed to be dry-firing, forgetting that she reloaded her weapon with live rounds. Officer A was in fact inattentive to duty when she unintentionally discharged a live round inside her residence. The projectile struck a picture and lodged in the north wall of the bathroom.

Officer A exhibited poor judgment which is supported by the investigation. Officer A accepted responsibility for her actions and acknowledged that she made a mistake. Immediately following the incident, Officer A notified 911 of the weapon's discharge and requested a supervisor, as is required per Department directives. Officer A also submitted to mandatory alcohol and drug testing, where she tested negative for any illegal substances or alcohol in her system. No one was injured as a result of the weapon's discharge.

FINDINGS

Accused **Officer A, #XXXXXX, Unit XXX**

Allegation #1 **Sustained** – Violation of Rule 10, “Inattention to duty,” in that on 18 April 2016, at 6:30 a.m., at XXXX S. King Drive, X Floor, the accused, Officer A, was inattentive to duty when she carelessly handled her firearm and discharged a live round.

