

**INTRODUCTION:**

On 20 October 2015, at approximately 0010 hours, off-duty Officer A #3157 was inside his residence located at XXXX N. Oakley Avenue when he accidentally discharged his weapon. At approximately 1515 hours, off-duty Officer A walked into the 024<sup>th</sup> District and reported that he accidentally discharged his weapon at his residence.

**ALLEGATIONS:**

On 20 October 2015, at approximately 1545 hours, Lieutenant A #732 contacted the Independent Police Review Authority via telephone to obtain a complaint registry number for an accidental discharge of an off-duty Chicago Police Officer's weapon. It is alleged that on 20 October 2015, at 0010 hours, at the location of XXXX N. Oakley Avenue, Apartment #XXX, off-duty **Officer A #3157**;

- 1) Was inattentive to duty in that he accidental discharged his weapon, and
- 2) Failed to 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.

**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

**INVESTIGATION:**

In an **Initiation Report** dated 20 October 2015, Lieutenant A #732 reported that on 20 October 2015 at approximately 1515 hours, off-duty Officer A #3157 walked into the 024<sup>th</sup> District and reported that he accidentally discharged his weapon at his residence located at XXXX N. Oakley Avenue, Apartment 210 at 0010 hours. Officer A added that he "dry fired" his weapon and was startled when it discharged. Officer A inspected the cement floor of his apartment and found and recovered the spent round. (Att. 4)

The **Department Reports** (Original Case Incident Report RD# HYXXXXXX) documented that Officer A #3157 notified the 024<sup>th</sup> District that while attempting to "dry fire" his auxiliary weapon (Glock 26, Serial #XPWXXX, Registration #RXXXXXXS, FOID Card #XXXXXXX) the weapon unintentionally discharged into the floor of his apartment. There was only damage to the floor. An Evidence Technician was dispatched to the scene to process and

recovered one spent shell casing. (Att. 5)

According to the **Tactical Response Reports (TRR's)**, completed by Officer A documented that he accidentally discharged his Glock, Model 26, 9 millimeter weapon one (1) time. (Att. 6)

The **OEMC Event Queries** (Event #XXXXXXXXXX) Beats 2430 and 2413 were assigned to XXXX N. Oakley Avenue, Apartment XXX. (Att. 8)

In an audio recorded statement to IPRA on 07 October 2016, **Accused Officer A #3157** related that on 20 October 2015 he was inside his living room in his apartment located at XXX N. Oakley Avenue practicing dry firing his secondary weapon, a Glock 26. Officer A related that he ejected the magazine, placed it on the table and began dry firing the weapon as he was taught in the academy. Officer A related that he was holding the weapon with both hands, point it at the floor. When Officer A finished practicing dry firing the weapon, he inserted the magazine and racked the slide. Officer A stated that "muscle memory" kicked in and that after he racked the slide he inadvertently fired the weapon, discharging one round into the concrete floor. Officer A inspected the area where the bullet entered the floor and removed the slug from the floor. Officer A was shocked and embarrassed by what occurred. Officer A did not sustain any injuries.

Later in the morning, Officer A took his wife to a medical appointment in the northwest suburbs. According to Officer A, at approximately 1200 hours on 20 October 2016, he traveled to the 024<sup>th</sup> District Station and notified the Desk Sergeant that he accidentally discharged his weapon earlier that morning. Several officers traveled to his residence and inspected the area where Officer A accidentally discharged his weapon. Officer A returned to the 024<sup>th</sup> District where he completed his Tactical Response Report. (Att. 16)

#### **CONCLUSION:**

The Reporting Investigator recommends a finding of **Sustained** to **Allegation #1** against **Officer A**, in that, on 20 October 2015 he was inattentive to duty in that he accidentally discharged his weapon. 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." Officer A admitted that he inserted the magazine, racked the weapon and inadvertently fired the weapon one (1) time striking the concrete floor. Based on the totality of the circumstances, the evidence provided and Officer A admitted that he was inattentive to duty in that he accidentally discharged his weapon, Allegation #1 must be Sustained.

The Reporting Investigator recommends a finding of **Sustained** to **Allegation #2** against **Officer A**, in that, on 20 October 2015 he failed to notify the Department

immediately 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." Officer A admitted to waiting to notify the Department because he was embarrassed and shocked by accidentally discharging his weapon. It was documented that Officer A notified the 024<sup>th</sup> District of the accidental discharge at 1515 hours. Based on the totality of the circumstances, the evidence provided and Officer A admitted that he failed to immediately notify the Department, **Allegation #2** must be **Sustained**.