

**INTRODUCTION:**

On 04 April 2015, at approximately 0237 hours, Reporting Third Party, Sergeant A, #XXXX, was contacted by Beat XXXXR and asked to respond to their location at the XXXX block of North Lakewood Street. Upon arrival, Sergeant A met with Officer A, #XXXX, who related that he accidentally discharged his partner's, Officer B's, firearm while they were sitting inside of their marked squad car. This resulted in damage to the front windshield of their squad car. A canvass was done in the area and no injuries or damage to other property was found at the scene.

**ALLEGATIONS**

On 04 April 2015, at 0352 hours, Sergeant A #XXXX, Unit XXXX, contacted the Crime Prevention Information Center and registered a complaint with Officer C, #XXXX. The complaint alleged that on 04 April 2015, at approximately 0237 hours, at the location of XXX N. Lakewood Avenue, **Officer A, #XXXX, Unit XXXX:**

- 1) Was inattentive to duty when he accidentally discharged Officer B's firearm, resulting in damage to city property, in violation of Rule 10.

It is further alleged that on the same date and time, **Officer B, #XXXX, Unit XXXX;**

- 1) Failed to adequately secure and care for his firearm when he handed it over to Officer A, #XXXX, who accidentally discharged the firearm and caused damage to city property, in violation of Rule 13.

**APPLICABLE RULES AND LAWS:**

**Rule 10:** Inattention to duty.

**Rule 13:** Failure to adequately secure and care for Departmental property.

**INVESTIGATION:**

In her **Initiation Report**, dated 04 April 2015, Sergeant A, #XXXX, Unit XXXX, documented that on 04 April 2015, at 0237 hours, she was contacted by Beat XXXXR to respond to the XXXX block of North Lakewood Avenue. Upon arrival, Sergeant A met with Officer A, #XXXX, who related that he accidentally discharged the weapon belonging to his partner, Officer B, #XXXX, from inside of their squad car, a marked Ford Explorer. An extensive canvass was conducted in the area. There were no injuries or damage to other property found. (Att. #4)

The **General Offense Case Report** and **Detective Supplementary Report** (RD #HYXXXXXX, Event #1509401562) documented that on 04 April 2015, Officer A, #XXXX, was in possession of Officer B's firearm while they were sitting inside of their squad car. Officer

A accidentally discharged the firearm, causing damage to the front windshield of vehicle #9123. The responding officers did an extensive canvass of the area and found no further property damage or injuries. (Atts. #6-7)

In his **Tactical Response Report**, Officer A reported that he discharged Officer B's firearm one (1) time from a sitting position. (Att. #8)

The **Department Vehicle Crash or Damage Report** documents damage to the driver's side window of marked police vehicle #9123. (Att. #9)

The **Chicago Police Department Property Inventory, No. XXXXXX**, documented one firearm recovered with fifteen bullets and one expended shell. (Att. #10)

The **Chicago Police Department Crime Scene Processing Report** documented that one officer's firearm, fifteen bullets, and one expended shell was collected and inventoried. Furthermore, it documented damage to the windshield of CPD vehicle #9123. (Att. #11)

The **Bureau of Internal Affairs Synoptic Report** documented that Officer A, #XXXX, had a Blood Alcohol Content of .000 at the time of the incident. The reporting Sergeant, B, #XXXX, conducted a breath test and took a urine sample from the involved Officer A. With the urine sample, a substance abuse panel was taken and a **Drug Detail Report** was completed. The report documented all negative results, meaning that no drugs were found in Officer A's system at the time of the incident. (Att. #13-21)

The **PCAD reports** were collected and made part of this case file. An analysis of said documents showed no information that was inconsistent with the facts as related by the reporting officers and department reports. (Att. #5)

**Evidence Technician (ET) Photographs** document damage to the front windshield of vehicle #9123. (Att. #22)

A search for **PODS (Police Observation Devices)** revealed that there were no PODS near where the incident took place. (Att. #42)

In a statement with IPRA<sup>1</sup> on 09 June 2015, **Accused Officer A, #XXXX**, stated he and his partner, Officer B, were parked at XXXX N. Lakewood Avenue, facing northbound, conducting surveillance on a known gang member's vehicle. Officer A was seated in the driver's seat and Officer B was seated in the front passenger's seat. Officer A and Officer B began having a conversation about a Glock 19 firearm. Officer A stated he was interested in purchasing a Glock 19, and Officer B's duty weapon was a Glock 19.

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<sup>1</sup> As of September 15th 2017, the Independent Police Review Authority (IPRA) closed and the Civilian Office of Police Accountability (COPA) inherited its cases.

Officer A asked Officer B if he could handle his weapon so he could get a feel for it. Officer B removed his weapon from his holster, ejected the magazine, and placed the magazine on the Police Data Terminal (PDT). Officer B then cycled the slide, took the round out of the chamber, and set the round and gun down on the PDT. Officer A picked the weapon up to get a feel for it. Officer A then inserted the magazine into the weapon, so he could feel the weight of a fully loaded Glock 19 in his hands. Officer A then pointed the weapon at the windshield. Officer A stated he believed at that point there was no bullet in the chamber. Officer A wanted to feel the weight of the trigger pull, so he pulled back on the trigger, and the weapon discharged. Officer A believed that after years of training and repetition, after he inserted the magazine into the weapon, a round was loaded into the chamber when he automatically cycled the slide of the weapon. Officer A stated he was holding the weapon with both hands, not aiming at anything and discharged the weapon using his right hand, which is his strong hand.

Officer A then called over the radio for a sergeant to come to his location. Officer A placed the weapon onto the PDT. Officers A and B then made sure that no one was hurt and no property was damaged from the weapon being discharged. Several minutes later, Sergeant A arrived on the scene and Officer A explained to Sergeant A what occurred. Sergeant A then made the proper notifications to the Crime Prevention and Information Center (CPIC). After attempting to search for the expelled round and failing to locate it, Officers A and B relocated to the XX<sup>th</sup> District Station. Officer A admitted in his statement that he was inattentive to duty when he accidentally discharged Officer B's firearm, resulting in damage to city property. Officer A was not able to answer if Officer B failed to adequately secure and care for his firearm when he handed it over and Officer A took possession of the firearm. Officer A was unaware if there were any written rules or Department Orders regarding the handling of another officer's weapon. (Atts. #38-39)

In a statement with IPRA on 09 June 2015, **Accused Officer B, #XXXX** gave an account like that of Officer A's regarding the events of 04 April 2015. Officer B stated that he was in the passenger seat of their marked squad car. Officer B and his partner, Officer A, were parked under a street light that was illuminating the interior of their squad car while they conducted surveillance of a vehicle. Officers B and A engaged in a conversation for several minutes about their duty weapons. Officer B stated that Officer A was interested in purchasing a similar weapon as his, a Glock 19. Officer B removed his weapon from his holster, removed the magazine, and then removed the round from the chamber. Officer B then locked the slide to the rear and put the weapon, magazine, and live round on the PDT. Officer A picked the weapon up and began examining it. Officer B then focused his attention to the vehicle on which they were conducting surveillance. Officer B then observed Officer A grab the magazine off the PDT. Officer B did not observe Officer A insert the magazine into the weapon, but saw Officer A point the weapon at the windshield of the squad car. Officer A then saw a flash and heard a loud noise, causing him to temporarily lose hearing in his left ear.

Officer A immediately placed the weapon on the PDT and then radioed for a supervisor to come to their location. Officers B and A then exited the squad car to check on each other. Several minutes later, Officer B took the weapon and placed it in his holster. Sergeant A arrived on scene and Officer A explained what had occurred. Officer B admitted that he failed to adequately secure and care for his firearm when Officer A took possession of it, resulting in an accidental discharge of his firearm and causing damage to city property. Officer B stated that Officer A was inattentive to duty when he accidentally discharged his firearm, resulting in damage to city property. (Atts. #30-31)

### Signatures

### Submitted:

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IPRA Inv. A #XXXX<sup>2</sup>

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COPA Inv. B, #XXXX Reviewer

### APPROVED:

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COPA Supervisor

### CONCLUSION:

The Civilian Office of Police Accountability recommends a finding of **Sustained** for **Allegation #1** against **Officer A, #XXXX**, which alleged that on 04 April 2015, he accidentally discharged Officer B's firearm, resulting in damage to city property. Pursuant to Rules and Regulations of the Chicago Police Department, Rule 10 prohibits an officer from being "inattentive to duty." Officer A admitted to handling Officer B's weapon. While handling the weapon, Officer A inserted the magazine into the weapon, inadvertently cycled a round into the

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<sup>2</sup> Investigator A is no longer an employee at IPRA/COPA.

chamber, pointed the weapon at the windshield of his squad car, and then accidentally fired one (1) round which caused damage to the squad car's windshield. Evidence technician photographs documented the damage to the squad car. Based on the totality of the circumstances that it was dark outside, the officers were supposed to be conducting surveillance of a known gang member, they're in a neighborhood dense with residences, both officers failed to exercise a level of reasonable care and they're inattentive to duty could have very easily led to harm that they would have been directly responsible for.

The Civilian Office of Police Accountability recommends a finding of **Sustained** for **Allegation #1** against **Officer B, #XXXX**, which alleged that on 04 April 2015, he failed to adequately secure and care for his firearm when he handed it over to Officer A, resulting in an accidental discharge of his firearm and causing damage to city property. Pursuant to Rules and Regulations of the Chicago Police Department, Rule 13 prohibits an officer from failing to adequately secure and care for Department property. Officer B admitted to taking his firearm out of his holster, ejecting the magazine and round from the chamber and placing all the items on to the PDT. Officer A then handled the weapon, at which time he accidentally discharged the weapon, causing damage to the squad car's windshield. Evidence technician photographs documented the damage to the squad car. Based on the totality of the circumstances, the evidence provided, and Officer B admitting that he failed to adequately secure and care for his firearm, Allegation #1 must be Sustained.

### **FINDINGS:**

**Accused #1**

**Officer A, #XXXXX, Unit XXXX**

**Allegations #1**

**Sustained – Violation of Rule 10**, “Inattention to duty,” in that on 04 April 2015, at the location of XXXX N. Lakewood Avenue, Chicago, IL 60660, Officer A was inattentive to duty when he accidentally discharged Officer B's firearm resulting in damage to city property.

**Accused #2**

**Officer B, #XXXX, Unit XXXX**

**Allegation #1**

**Sustained – Violation of Rule 13**, “Failure to adequately secure and care for Department property,” in that on 04 April 2015, at the location of XXXX N. Lakewood Avenue, Chicago, IL 60660, Officer B failed to adequately secure and care for his firearm when he handed it over to Officer A, resulting in an accidental discharge of his firearm and causing damage to city property.

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Deputy Chief Administrator A  
Deputy Chief Administrator, COPA