

SUMMARY OF INCIDENT:

On February 18, 2017, at approximately 10:00 pm, in the vicinity of XXXX W. West End, while sitting inside his vehicle, Probationary Officer A discharged his firearm striking himself in his right hand.

ALLEGATIONS:

On February 18, 2017, Captain Officer B telephoned the office of the Independent Police Review Authority (IPRA)¹ and initiated a complaint log number on behalf of the Department. It is alleged that on 18 February 2017, at approximately 10:00 pm, in the vicinity of XXXX W. West End, **Probationary Officer A, Star XXXXX;**

- 1) Was negligent in that he discharged his firearm striking himself in his right hand, in violation of Rule 10.
- 2) Violated Department Policy (U04-02-01) in that his firearm was not fully loaded, in violation of Rule 6.
- 3) Violated Department Policy (U06-03-02) in that his firearm was not inside a Department prescribed holster, in violation of Rule 6.

APPLICABLE RULES AND LAWS:

Rule 6: Disobedience of an order or directive, whether written or oral.

Rule 10: Inattention to Duty.

Chicago Police Department Uniform and Property, U04-02; Department Approved Weapons and Ammunition

Chicago Police Department Uniform and Property, U06-03-02; Uniform — Probationary Police Officer

INVESTIGATION

According to the **Initiation Report** submitted by Captain Officer B, on February 18, 2017, at approximately 10:00 pm, in the vicinity of XXXX W. West End, Probationary Officer A was off-duty and inside his personal vehicle with his two children, now known as Civilian 1 and Civilian 2, when he felt his firearm pressing into his back.

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. Thus, 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.

Probationary Officer A was seated in the driver's seat and his children were seated in the rear seat of his vehicle. Probationary Officer A attempted to adjust the position of the holster, then attempted to remove his holster from his pants. Probationary Officer A's holster and weapon became caught in his clothing. While attempting to remove the holster his firearm discharged once causing an injury to his right hand. Probationary Officer A immediately called 911 to report the incident.

Probationary Officer A was treated by Doctor 1 at Hospital. Preliminary information from the results of the triage blood draw indicated that no alcohol or drugs were found. Sergeant Officer C from BIA administered the breath test and the results were .000 BAC.

Probationary Officer A's firearm, a Smith & Wesson M&P, 9mm, was initially recovered and cleared by Officer D. The firearm was subsequently inspected by Sergeant Officer E and found to contain six live rounds. One shell casing and one expended round were recovered from the vehicle interior. The firearm is designed to carry eight rounds plus one in the chamber. The information obtained indicated that Probationary Officer A was not in compliance with Department directives requiring the firearm to be fully loaded. The firearm and holster were photographed by the evidence technician and turned over to Lieutenant Officer F, Star XXX. (Att. 4)

According to the **Synoptic Report** submitted by Sergeant Officer G, #XXX, on February 18, 2017, at approximately 10:00 p.m., in the vicinity of XXXX W. West **End, Probationary Officer A** accidentally discharged his firearm, striking himself in his right hand. According to the Chicago Police Department Alcohol and Drug Testing, Probationary Officer A's blood alcohol concentration (BAC) level was .000. According to the drug test administered, Probationary Officer A test positive for morphine. It was noted that the medical staff at Hospital had given Probationary Officer A morphine for his injury prior to Probationary Officer A giving a specimen for the drug test. (Att. 26)

According to the **IPRA Preliminary Report** COPA Investigator A responded to the location of incident and obtained the following information from Chicago Police Department personnel. Probationary Officer A had picked up his two daughters, Civilian 1 and Civilian 2 from the residence of his mother, Civilian 3, located at XXXX W. West End. At the time of the incident Civilian 1 and Civilian 2 were seated on the back seat of Probationary Officer A's Jeep Grand Cherokee. The Jeep was parked at the curb on the south side of West End pointing east.

When the incident occurred, Probationary Officer A was inside his vehicle in the driver's seat and attempting to adjust his 9mm pistol, which was in a holster and positioned at the back of his waist on his right side. When Probationary Officer A moved the pistol and holster, the weapon apparently became caught on something and discharged once. The bullet passed through Probationary Officer A's right hand, entering the driver's seat cushion and landing beneath the driver's seat on a metal support. The cartridge casing was recovered on the floor in front of the driver's seat. Sergeant Officer E emptied the weapon's magazine finding six live WIN9mm +P cartridges. Sergeant Officer E reported that the magazine's capacity was eight rounds (8 + 1 total weapon capacity).

COPA Investigator A responded to Hospital and spoke with Captain Officer B. Captain Officer B stated that he was informed that Probationary Officer A's pistol was in its holster when

it discharged. Captain Officer B continued that medical personnel indicated that the wound to Probationary Officer A's right hand was near the large knuckle of the index finger, to the right of the hand's webbing between the thumb and index finger. Captain Officer B said the wound was bandaged before he observed Probationary Officer A. Captain Officer B added that when he observed Probationary Officer A, he appeared to be sober. (Att. 24)

According to **Department Reports (JAXXXXXX)** Officer D reported that on February 18, 2017, at approximately 10:00 p.m. he and his partner, Officer H responded to a call of a person shot in the vicinity of XXXX W. West End. Officer D reported that when he arrived at the scene, he observed Probationary Officer A standing on the street outside of his vehicle with a bleeding right hand.

Probationary Officer A identified himself as an off-duty Chicago Police Officer. Probationary Officer A explained that while he was sitting in his vehicle he attempted to remove his Galco off-duty holster containing his Smith & Wesson M&P Shield 9mm from the small of his back when it caught on his clothing causing his firearm to unintentionally discharge firing one round into Probationary Officer A's right hand.

It is reported that Chicago Fire Department ambulance 23 arrived on scene and transported Probationary Officer A to Hospital. Under the direction Sergeant Officer I, Officer D recovered Probationary Officer A's firearm and made the weapon safe. **It** is also reported that one spent 9mm casing was one 9mm bullet fragment was recovered by Evidence Technician Officer J. Probationary Officer A's magazine was inspected by Sergeant Officer E in the presence of Lieutenant Officer F and COPA Investigator A at the direction of Captain Officer B. Probationary Officer A's magazine contained six live 9mm rounds. **Probationary Officer A's** firearm, holster and ammunition were turned over to Lieutenant Officer F to be secured in the watch commander's office at the XXth District Station. Evidence Technician Officer J photographed the evidence, the scene and Probationary Officer A.

It is reported that Detective Officer K met with Civilian 2 and Civilian 1 in the presence of their grandmother, now known as, Civilian 3. [Contents redacted due to provisions of the Juvenile Court Act.]

Detective Officer K reported that Evidence Technician Officer J informed him that he found a hole in the driver's seat and recovered a round lying on a metal rail under the driver's seat. Detective Officer K relocated to Hospital and spoke with Probationary Officer A.

It is reported that **Probationary Officer A** stated that he picked up his two children, Civilian 2 and Civilian 1, and placed them in the rear seat of his Jeep. **Probationary Officer A** entered his Jeep and sat on the driver's seat. Probationary Officer A realized that the holster of his firearm was causing discomfort to his lower back. Probationary Officer A attempted to adjust the holstered firearm and the firearm discharged striking him on his right hand. Probationary Officer A was unsure as to how the firearm discharged. (Att. 6 — 10)

According to the **Tactical Response Report (TRR)** completed by Sergeant Officer E, on behalf of Probationary Officer A, on February 18, 2017, at approximately 10:00 p.m., in the vicinity of XXXX W. West End, Probationary Officer A unintentionally discharged his weapon striking himself and causing an injury. (Att. 5)

According to the **OEMC Transmissions** off-duty Probationary Officer A telephoned 911 and reported that his weapon accidentally discharged and struck him in his hand. Numerous Department members responded to the location of the incident. Probationary Officer A was transported to Hospital by CFD ambulance 23 for medical treatment. (Att. 11 — 13, 19 — 21)

According to the **Chicago Police Department Crime Scene Processing Report** one expended shell was recovered from the driver's side floor board and one fired bullet was recovered from underneath the driver's seat. Photographs were taken of the scene and Probationary Officer A. (Att. 15)

The **Evidence Technician Photographs** depict Probationary Officer A's right hand covered with bandages. The photographs also depict images of the expended shell case on the floor board and the fired bullet under the driver's seat. There are also images of the bullet hole in the driver's seat and blood inside the vehicle and on the ground next to the vehicle. (Att. 22)

According to the **Medical Report from Hospital** Probationary Officer A was admitted to the emergency room on February 18, 2017, at approximately 10:26 p.m. with a through and through gunshot wound to his right hand. It is reported that Probationary Officer A related that he reached to move his firearm from his holster on his right hip when he accidentally fired the gun, shooting himself in the hand. Probationary Officer A was treated by Doctor 1 and released. Probationary Officer A was diagnosed with a gunshot wound and fracture to his right hand. (Att. 23)

According to the **City of Chicago Fire Department** run sheets, Engine 95 was dispatched to the location of incident at 2200 hours and Ambulance 23 was dispatched to the location of incident at 2201 hours regarding a gunshot victim. Upon arrival, Engine 95 provided first aid and checked Probationary Officer A for injuries. Ambulance 23 reported that upon arrival Probationary Officer A was standing in care of Engine 95. It is reported that Probationary Officer A was off-duty and was removing his weapon from his holster when it got stuck and he accidentally shot himself in his right hand. Per Engine 95, who hand placed dressing on the wound, it appeared to be a through and through gunshot wound between the index and thumb. Probationary Officer A refused pain medication and was transported to Hospital for medical treatment by Ambulance 23. (Att. 25)

Interview of witness Firefighter Engineer 1

In his interview with COPA on September 19, 2017 Firefighter Engineer 1 stated that he had no independent recollection of the incident involving Probationary Officer A. After reviewing the Chicago Police Department Run Sheets and evidence technician photographs of Probationary Officer A, Firefighter Engineer 1 stated that he did not recall what occurred when he arrived at the scene. Firefighter Engineer 1 also stated that he was positive that he did not exit the engine on the date and time of the incident. (Att. 28)

Interview of witness Firefighter EMT 2

In his interview with COPA on September 19, 2017 Firefighter EMT 2 stated that he did not recall the incident in its totality. Firefighter EMT 2 stated that when he arrived at the location of incident, Probationary Officer A informed him along with other fire department personnel that he had accidentally shot himself in his hand. Firefighter EMT 2 added that he bandaged Probationary Officer A's hand prior to Ambulance 23's arrival at the scene. After reviewing the Chicago Police Department Run Sheets and evidence technician photographs, Firefighter EMT 2 stated that he could not recall any additional details related to the incident. (Att. 31)

Interview of witness Firefighter Marshall 3

In his interview with COPA on September 19, 2017 Firefighter Marshall 3 stated that when he arrived at the location of incident he observed several unidentified Chicago Police Department personnel on the scene standing next to Probationary Officer A. Firefighter Marshall 3 continued that he observed Probationary Officer A bleeding from his hand. Firefighter Marshall 3 related that Probationary Officer A informed him that his gun went off and he sustained a gunshot wound to his hand. Firefighter Marshall 3 described Probationary Officer A as being calm and cooperative. Firefighter Marshall 3 could not recall any additional information regarding the incident. (Att. 34)

Interview of witness Firefighter Captain 4

In his interview with COPA on September 22, 2017 Firefighter Captain 4 stated that he was at the scene of the incident but did not have any patient contact. Firefighter Captain 4 added that he conducted scene control, which would have included speaking with first responding officers on the scene. Mr. Firefighter Captain 4 did not recall whom he spoke with when he arrived at the scene. Firefighter Captain 4 stated that he was informed by unknown individuals that Probationary Officer A sustained a self-inflicted gunshot wound to his hand. Firefighter Captain 4 could not provide any additional information regarding the incident. (Atts. 37 — 38)

Interview of witness Paramedic 1

In her interview with COPA on September 26, 2017 Paramedic 1 stated that after reviewing the Fire Department Reports and evidence technician photographs she vaguely recalled the incident. Paramedic 1 described Probationary Officer A as being nice, calm and cooperative. Paramedic 1 stated that when she arrived at the location of incident, she observed Probationary Officer A standing in the vicinity of Engine 95 with a bandage on his right hand. Paramedic 1 related that she rode in the back of the ambulance with Probationary Officer A and asked him basic questions. Paramedic 1 stated that Probationary Officer A informed her that he was attempting to remove his weapon from his holster when his weapon got caught up and he shot himself in the hand. Paramedic 1 could not provide any additional information regarding the incident. (Att. 41)

Interview of witness Paramedic 2

In her interview with COPA on September 26, 2017 Paramedic 2 stated that she had no independent recollection of the incident involving Probationary Officer A. Paramedic 2 reviewed the Fire

Department Reports and acknowledged that she was at the location of incident, but she did not recall any specifics related to Probationary Officer A. Paramedic 2 stated that she observed Engine 95 and several police officers on the scene. Paramedic 2 related that she did not have a conversation with Probationary Officer A. Paramedic 2 added that she does not recall the conversation between Probationary Officer A and Paramedic 1 as she was focused on placing more bandages on Probationary Officer A bleeding injury. Paramedic 2 stated that she was the driver of the ambulance on the date and time of the incident. Paramedic 2 could not provide any additional information regarding the incident. (Att. 44)

Interview of witness Officer D

In his interview with COPA on October 02, 2017 Officer D stated that he was assigned to Beat XXXX along with Officer H on the date and time of the incident. Officer D stated that he received an assignment via the radio of the person shot at the location of the incident. Officer D related that when he arrived he observed Probationary Officer A standing outside of his vehicle, bleeding from his hand, while talking with Officer L and Officer M. Officer D stated that he does not know the details of their conversation. Officer D described Probationary Officer A as being calm.

Officer D stated that he observed a gunshot wound to Probationary Officer A's right hand. Officer D continued that he also observed blood inside Probationary Officer A's vehicle and a Smith and Wesson MP Shield 9mm on the floor board of Probationary Officer A's vehicle. Officer D related that per the direction of Sergeant Officer I, he recovered Probationary Officer A's firearm, ejected the magazine, racked the slide back, observed that there was nothing in the chamber and placed the firearm in his pants pocket. Officer D stated that he turned Probationary Officer A's firearm over to Sergeant Officer E when he arrived at the scene.

Officer D stated that Probationary Officer A's weapon was inside a "Galco" holster. Officer D could not describe the material of the holster. Officer D related that he authored the case report based off the information that he obtained from Sergeant Officer N who responded to the hospital with Probationary Officer A.

Officer D stated that he was present when Probationary Officer A's firearm was inspected. Officer D related that Probationary Officer A's firearm was not fully loaded. Officer D contended that there was no loose ammunition that fell to the ground when he secured Probationary Officer A's firearm. Officer D stated that he could not independently recall how many bullets were inside Probationary Officer A's firearm. Officer D stated that he never observed Probationary Officer A demonstrate what he was doing prior to his firearm discharging. Officer D added that he never heard Probationary Officer A state that his finger was on the trigger at the time of the incident. (Att. 49)

Interview of witness Officer H

In his interview with COPA on October 3, 2017 Officer O stated that he was assigned to Beat XXXX along with Officer D. Officer O essentially related the same information as Officer D. Officer O related that Probationary Officer A appeared to be nervous, shocked and calm.

Officer O described Probationary Officer A's injury as a through and through gunshot wound to his right hand between the pointer finger and thumb.

Officer O related that he observed Probationary Officer A's firearm on the driver's side floor board of Probationary Officer A's vehicle. Officer O contended that he did not have any contact with Probationary Officer A's firearm. Officer O stated that Officer D recovered Probationary Officer A's firearm, cleared the firearm and turned the firearm over to Sergeant Officer E. Officer O stated that he never observed any loose ammunition fall to the ground. Officer O related that Probationary Officer A's firearm was not fully loaded.

Officer O stated that he did not speak with Probationary Officer A directly. Officer O stated that he spoke with Civilian 1 and Civilian 2, [Contents of statements redacted due to provisions of the Juvenile Court Act]. (Att. 50)

Interview of witness Sergeant Officer E

In his interview with COPA on October 4, 2017 Sergeant Officer E stated that on the date and time of the incident he was assigned to Beat XXXXR. Sergeant Officer E stated that as he monitored the Department radio he heard the call of a person shot at XXXX W. West End and responded to the location of incident. Sergeant Officer E stated that when he arrived at the location of incident there were several members from the Chicago Fire Department present along with several members of the Chicago Police Department.

Sergeant Officer E stated that when he arrived at the scene, he spoke with Officer D who informed him that an off-duty probationary officer, now known as Probationary Officer A, accidentally discharged his weapon striking himself in the right hand. Sergeant Officer E stated that he took possession of Probationary Officer A's firearm from Officer D and placed it inside his vehicle.

Sergeant Officer E related that he did not speak with Probationary Officer A as Probationary Officer A was inside the ambulance when he arrived, preparing to go to Hospital. Sergeant Officer E stated that he did not speak with Probationary Officer A's family as other officers and supervisors at the scene were speaking with them inside their residence. Sergeant Officer E related that he counted the ammunition inside Probationary Officer A's firearm in the presence of Lieutenant Officer F and an IPRA investigator. Sergeant Officer E added that Probationary Officer A's firearm was not fully loaded. Sergeant Officer E stated that according to Department reports Probationary Officer A's firearm contained six live rounds. Sergeant Officer E related that Probationary Officer A's firearm had a capacity of eight live rounds with one in the chamber. Sergeant Officer E stated that no one at the scene could demonstrate how Probationary Officer A's weapon discharged.

Interview of accused Probationary Officer A

In his interview with COPA on October 11, 2017 Probationary Officer A stated that on the date and time of the incident he was off-duty. Probationary Officer A related that on the date of the incident he began his tour of duty at 7:00 am and ended at approximately 7:00 pm. Probationary Officer A stated that at the end of his tour he placed his on-duty firearm inside his locker and placed his off-duty

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holstered firearm on the front of his waist inside his pants. When Probationary Officer A left the XXth District Station he drove to his parents' residence located at XXXX W. West End to pick up his daughters, Civilian 2 and Civilian 1.

Probationary Officer A stated that when he arrived at his parents' residence he sat on the couch and decided to take a nap. Probationary Officer A related that while he was seated on the couch his holstered firearm caused discomfort to his front waist area. Probationary Officer A removed his holstered firearm and placed it on his right back side waist area. Probationary Officer A stated approximately an hour later he and his daughters entered his vehicle to pick up dinner and go home. Probationary Officer A related that his daughters were seated on the rear seats and he was seated on the driver's seat of his vehicle.

Probationary Officer A stated that while he was seated on the driver's seat of his vehicle his firearm caused discomfort to his back. Probationary Officer A related that he made several attempts to remove his holstered firearm from his waist area but it appeared to be stuck. Probationary Officer A lifted his right side from the driver's seat while placing his right hand under the muzzle area of his firearm in an attempt to push the holster up from the waist area. As Probationary Officer A sat back down on his seat the firearm discharged striking him on his right hand.

Probationary Officer A stated that his daughters began crying and asking what had occurred. Probationary Officer A informed his daughters that his firearm accidentally discharged striking him in his hand. Probationary Officer A called 911, informed the operator of the incident and requested an ambulance. Probationary Officer A then called his mother, Civilian 4, informed her what had occurred and requested that she come to his vehicle to take his daughters' inside.

Probationary Officer A related that several members from the Chicago Fire Department and several members from the Chicago Police Department arrived at the scene quickly. Probationary Officer A stated that he explained that his weapon had accidentally discharged, striking him in his right hand. Probationary Officer A stated that he was transported to Hospital via the ambulance. Probationary Officer A related that he was diagnosed with a gunshot wound and a fracture to his right hand.

Upon inquiry, Probationary Officer A denied placing his finger on the trigger of his firearm. Probationary Officer A contended that his firearm inadvertently became stuck on his clothing. PPO related that his weapon accidentally discharged as he was attempting to remove his holstered firearm from his back-waist area striking him in his right hand. Probationary Officer A stated that he did not have knowledge that he was in violation of Department Policy when his off-duty firearm was not fully loaded. Probationary Officer A related that he did not have knowledge that he was in violation of Department Policy when he carried his off-duty firearm in a concealed firearm holster, referring to a holster that can be worn inside the pants as opposed to outside. After reviewing the Department Policies, Probationary Officer A acknowledged that the holster was not rigid, as prescribed for an off-duty probationary police officer to wear.

COPA Investigator B

COPA Supervising Investigator C

CONCLUSION:

Accused#1: Probationary Officer A, #XXXXX
Allegations #1 — 3: Sustained

As to **Allegation #1** that Probationary Officer A was negligent when he discharged his firearm striking himself in his right hand, in violation of Rule 10 of the Chicago Police Department Rules and Regulations, COPA recommends a finding of **Sustained**. In his statement to COPA Probationary Officer A stated that he made several attempts to remove his holstered firearm from his waist after he discovered that his holstered firearm was stuck on an unknown object. Probationary Officer A failed to obtain an un-obstructed view of his holstered firearm to properly remove his firearm from his waist causing his firearm to discharge striking him in his right hand. Upon inquiry, Probationary Officer A stated that the discharging of his firearm was not intentional. Based on the available evidence, Probationary Officer A was negligent in handling his holstered firearm resulting in his firearm discharging and striking him in his right hand.

As to **Allegation #2** that Probationary Officer A was in violation of Uniform and Property U 0402-01 in that his firearm was not fully loaded, in violation of Rule 6 of the Chicago Police Department Rules and Regulations, COPA recommends a finding of **Sustained**. According to Department reports, there was one expended round and one shell casing recovered inside Probationary Officer A's vehicle. It was also reported that Probationary Officer A's firearm contained six live rounds. It is further reported that the capacity of **Probationary Officer A's** firearm was eight live rounds with one in the chamber. In his interview with COPA, Probationary Officer A admitted that his off-duty firearm was not fully loaded. Probationary Officer A denied having knowledge that he was in violation of U 0402-01 section II, B, 3, which states that for on and off duty use by Department members "semiautomatic pistols will be: fully loaded with only one manufacturer and style of prescribed ammunition (same bullet type and grain weight.). Based on the available evidence, Probationary Officer A was in violation of U 04-02-01, section II, B, 3, when his firearm was not fully loaded.

As to **Allegation #3** that Probationary Officer A was in violation of Uniform and Property U 0603-02 in that his firearm was not inside a Department prescribed holster, in violation of Rule 6 of the Chicago Police Department Rules and Regulations, COPA recommends a finding of **Sustained**. In his interview with COPA, Probationary Officer A admitted that his off-duty firearm was not inside a rigid holster. Probationary Officer A denied having knowledge that he was in violation of U 06-03-R 2, which explained **that** probationary police officer off-duty holster must be a rigid holster design. Based on the available evidence, Probationary Officer A was in violation of U 06-03-02, Section III, 2, when his firearm was not inside a Department prescribed holster.

FINDINGS:

Accused #1: **Probationary Officer A, #XXXXXX**

Allegation #1: **Sustained — Violation of Rule 10**, "Prohibits inattention to duty," in that on 18 February 2017, at approximately 2200 hours, in the vicinity of XXXX W. West End, while off-duty, **Probationary Officer A, #XXXXXX**, was negligent when he discharged his firearm striking himself in his right hand.

Allegation #2: **Sustained — Violation of Rule 6**, "Prohibits disobedience of an order or directive, whether written or oral." **Uniform and Property U 04-02-01, Section II, B, 3**, in that on 18 February 2017, at approximately 2200 hours, in the vicinity of XXXX W. West End, while off-duty, **Probationary Officer A, #XXXXXX**, failed to have a fully loaded firearm.

Allegation #3: **Sustained — Violation of Rule 6**, "Prohibits disobedience of an order or directive, whether written or oral." **Uniform and Property U 06-03-02, Section III, P, 2**, in that on 18 February 2017, at approximately 2200 hours, in the vicinity of XXXX W. West End, while off-duty, **Probationary Officer A, #XXXXXX**, failed to place his firearm inside the prescribed rigid holster design.