

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	December 1, 2017
Time of Incident:	7:00pm
Location of Incident:	[REDACTED]
Date of COPA Notification:	December 1, 2017
Time of COPA Notification:	9:32pm

On December 1, 2017, at approximately 7:00pm, off-duty Sergeant John Pellegrini (Pellegrini), was at his residence located at [REDACTED]. Pellegrini went to his garage to put his vehicle away for the evening and shortly thereafter was held at gunpoint by an individual now known as [REDACTED] ([REDACTED]) who demanded he hand over his property. During this attempted armed robbery, Pellegrini drew his own .38 caliber revolver and fired three shots at [REDACTED]

While investigating the discharge of Pellegrini’s weapon, it was discovered that, as of December 1, 2017, he had not qualified with his Smith and Wesson Model 36, .38 caliber revolver contrary to Chicago Police Department policy.

II. INVOLVED PARTIES

Involved Officer #1:	John Pellegrini, Star #1932 Employee ID# [REDACTED] Date of Appointment: 27 Aug 1990 Rank: Sergeant of Police Unit of Assignment: Detective Area South Date of Birth: [REDACTED] 1964 Gender: Male Race: White
Subject #1:	[REDACTED] Date of Birth: [REDACTED] 2001 Gender: Male Race: Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Sergeant John Pellegrini	1. Failed to qualify with his auxiliary weapon as prescribed by Chicago Police Department Rules.	1. Sustained

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 12: Failure to wear the uniform as prescribed.

Uniform and Property Order

1. Uniform Order: U04-02: Department Approved Weapons and Ammunition

**V. INVESTIGATION <sup>1</sup>**

**a. Interviews**

**COPA interviewed Sergeant John Pellegrini on June 5, 2018** at the COPA offices located at 1615 W. Chicago Ave., Chicago, Illinois.<sup>2</sup> In relevant part, Pellegrini affirmed he previously provided a statement regarding an attempted armed robbery which occurred December 1, 2017.<sup>3</sup> Pellegrini stated on that date, he was in possession of a Smith and Wesson Model 36, five-shot revolver, which he discharged 3 times. He stated the Smith and Wesson Model 36 revolver is registered to him and confirmed he uses it as his auxiliary weapon.

Upon being asked to explain his understanding of Chicago Police Department Policy regarding the qualification of firearms, Pellegrini discussed the requirements of registration and approval of firearms for Chicago Police Department personnel. Pellegrini stated an individual must qualify every year with their weapons, further explaining this to be the case whether a particular weapon is carried on or off duty. On the evening of December 1, 2017, Pellegrini stated he was not qualified with his Smith and Wesson Model 36, .38 caliber revolver. He explained he believed he had previously qualified with that weapon, but discovered after the incident he was not qualified with that particular weapon. On December 1, 2017, Pellegrini

<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>2</sup> Pellegrini's June 5, 2018 interview is incorporated as Attachment #11.

<sup>3</sup> Sergeant Pellegrini's weapon discharge was investigated and not converted under LOG#1087703. His statement on February 2, 2018 relative to that incident is incorporated as Attachment #9

stated he was qualified to use his duty weapon, which is a Smith and Wesson Model 66. Pellegrini was unable to recall when he last qualified with his Model 36 weapon. Pellegrini stated after the incident of December 1, 2017, he did go and qualify with his Smith and Wesson Model 36 revolver.

In closing, Pellegrini stated he was off duty and on his property at the time of the incident, though he understands he had a responsibility to qualify with his Model 36 revolver and he failed to do so. Pellegrini stated had it come to his head that he was not qualified, he would have qualified with his auxiliary weapon. Pellegrini, again, reiterated that since the incident of December 1, 2017 he has requalified with his Smith and Wesson Model 36 revolver.

**b. Digital Evidence<sup>4</sup>**

**Scene photographs<sup>5</sup>:** Taken by Evidence Technician Doskucz # 6573 taken 1 December 2017. The relevant photographs depict Pellegrini's Smith and Wesson revolver, along with 3 spent shell casings and two live rounds.

**c. Physical Evidence**

**Recovered relevant physical evidence includes:** Smith and Wesson Model 36 Revolver – recovered from Pellegrini on scene, two live Winchester 38 SPL cartridges, three expended Winchester 38 SPL shells recovered from the weapon

**Crime Scene Processing Report – Firearms Examination-Evaluation<sup>6</sup>:** The report indicates that the Smith and Wesson Model 36-2 revolver, Inventory #10454435<sup>17</sup>, was test fired. It was determined that the firearm was capable of firing .38 caliber Special ammunition.

**d. Documentary Evidence**

**Case Supplementary Report – Investigation Progress Report-Violent (Scene) Report<sup>7</sup>:** The report documents the investigative steps taken by reporting Detective Patrick Loftus relative to the attempted armed robbery of Sergeant Pellegrini. In relevant part, the case supplementary report contained the following information:

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<sup>4</sup> The in-car camera and body-worn camera evidence generated as a result of the weapon discharge was received and reviewed under LOG# 1087703. Additionally, all radio transmissions and emergency calls relative to the incident were also reviewed. As this allegation is narrowly concerned with Pellegrini's weapon qualification, they offer little probative value, and therefore are not summarized in this report. See the Summary Report of Investigation for LOG #1087703 for summaries of the same.

<sup>5</sup> All scene photographs incorporated as Attachment # 18.

<sup>6</sup> Crime Scene Processing Reports – Firearms Examination-Evaluation incorporated as Attachments #15 and #16.

<sup>7</sup> Case Supplementary Report ID# 11165625 – Field Investigation Progress-Violent (Scene) Report incorporated as Attachment #4.

- Detective Loftus interviewed **Sergeant Pellegrini** on scene who related the following in relevant part: During an attempted armed robbery in which he was the victim and in fear for his life, Pellegrini drew his .38 caliber revolver and fired three shots at the offender.

**Tactical Response Report**<sup>8</sup>: In relevant part, the report indicates Pellegrini did not qualify with his auxiliary weapon.

**COPA – Investigative Report**<sup>9</sup>: In relevant part, the report indicates the Reporting Investigator spoke with Sergeant Pardell of the Firearms Range – Education and Training Division on May 3, 2018 regarding requirements for firearms certification. Sergeant Pardell confirmed that officers must qualify each for every firearm carried by that officer, regardless if the firearm is used as a duty weapon, auxiliary weapon, or for personal use. The Reporting Investigator explained to Sergeant Pardell that Sergeant Pellegrini #1932 was using a Smith and Wesson Model 36 revolver on December 1, 2017. Sergeant Pardell informed the Reporting Investigator, Sergeant Pellegrini last qualified with that revolver in March 2014, but is required to re-qualify each year.

**Memo from Police Officer Rodrigo D. Garay #17175, Instructional Design & Quality Control, Education & Training Division**<sup>10</sup>: The memo, dated 5 December 2017, states in relevant part, “According to firearms certification records effective 01-Dec-2017, Sgt. Pellegrini, John F. #1932 (Empl# [REDACTED]) has qualified to use his prescribed weapon: (pistol) Smith & Wesson model 66, serial # [REDACTED]”

### c. ANALYSIS

The evidence compiled and analyzed in this case conclusively establishes on December 1, 2017, Sergeant Pellegrini was not qualified with his auxiliary weapon in violation of applicable Chicago Police Department Rules and General Orders.

The applicable Chicago Police Department Rule is **Chicago Police Department Rule 12**, which states Chicago Police Department members are prohibited from failing to wear the uniform as prescribed. Further, **Uniform and Property General Order U04-02**,<sup>11</sup> provides specifications relative to semiautomatic pistols, **revolvers**, Subcompacts semiautomatic pistols, carbines, shotguns, ammunition, pistol mounted lights, OC devices, Taser Devices, and impact weapons for sworn members. Specifically, subsection II (F) states:

“Department members must qualify annually with all prescribed, alternate prescribed, or **auxiliary firearms**, Taser devices, and short barreled revolvers prior to carrying the firearm **on or off duty**. The Education and Training Division will document and maintain a record of records of all weapons a Department member is trained and qualified and approved to carry in accordance to the Department directive entitled, “Department Training Records Maintenance Program.”

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<sup>8</sup> Tactical Response Report incorporated as Attachment # 9.

<sup>9</sup> COPA – Investigative Report incorporated as Attachment #7.

<sup>10</sup> Memo from Officer Rodrigo D. Garay #17175 is incorporated as Attachment #6.


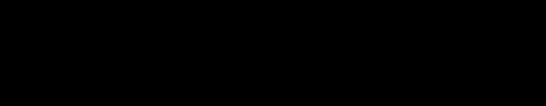
<sup>11</sup> This report cites the version of General Order U04-02 in effect on December 1, 2017.

On December 1, 2017 Sergeant John Pellegrini was in possession of his auxiliary weapon, a Smith and Wesson Model 36, .38 caliber revolver<sup>12</sup> which he discharged three times. These facts have been proven, both by the testimonial evidence offered by Sergeant Pellegrini’s interviews, but also by the fact his weapon was recovered and inventoried. On that date, according to the Memo COPA received from the Education and Training Division dated December 5, 2017, Sergeant Pellegrini was not qualified with that Smith and Wesson Model 36 revolver. His possession of that revolver was in violation of Chicago Police Department Rule 12 and General Order U04-02.<sup>13</sup> Pellegrini confirmed during his own interview with COPA on June 5, 2018, that he was not qualified with his Smith and Wesson Model 36, .38 caliber revolver on December 1, 2017<sup>14</sup>. Additionally, he confirmed he used the Smith and Wesson Model 36 revolver as his auxiliary weapon. Pellegrini explained he was under the belief he had previously qualified with that weapon, but discovered after the incident he had not. During his June 5, 2018 interview Pellegrini stated after the incident of December 1, 2017, he did go and qualify with his Smith and Wesson Model 36 revolver once it was returned to him.

**d. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Sergeant John Pellegrini	1. Failed to qualify with his auxiliary weapon as prescribed by Chicago Police Department Rules.	Sustained

Approved:   
  
 Erica Sangster  
 Acting Deputy Chief Administrator – Chief Investigator

Date 7/31/2018

<sup>12</sup> See Attachment # 4, p.2.  
<sup>13</sup> See Attachments #6 and #7.  
<sup>14</sup> See Attachment #11.