

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	March 25, 2018
Time of Incident:	11:26 p.m.
Location of Incident:	██████████ Ave.
Date of COPA Notification:	March 26, 2018
Time of COPA Notification:	8:26 a.m.

On March 25, 2018, at approximately 11:26 p.m., Officer ██████████ had just completed her tour of duty in the ██████ District. She entered her personal car, which was parked in the District parking garage at ██████████ Ave. Officer ██████ apparently attempted to put her seat belt on and while doing so, her pistol discharged, the bullet causing a through-and-through wound in her right thigh. Officer ██████ exited her car and entered the District station, telling supervisors about the gunshot wound. An ambulance was requested, and she was transported to Illinois Masonic Hospital, where she was admitted for treatment. She was discharged at approximately 5 p.m. on March 26, 2018.

**II. INVOLVED PARTIES**

Involved Officer:	██████████ star ██████ employee ID# ██████ Date of Appointment: ██████ 2017, Police Officer, ██████ District (at time of incident), DOB: ██████ 1980, female, white
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**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer ██████████	1. It is alleged on March 25, 2018, at approximately 11:26 p.m., inside her vehicle at ██████████ Ave., she was inattentive to duty in that her weapon discharged unintentionally, in violation of Rule 10, Inattention to duty.	Not Sustained

<sup>1</sup> At the time of the incident under investigation, Officer ██████ was a Probationary Police Officer.

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 10, Inattention to duty.

#### V. INVESTIGATION<sup>2</sup>

##### a. Documentary Evidence

The Initiation Report from Lieutenant ██████████ # ██████ of the ██████ District indicated that Officer ██████ entered the District station and related that her weapon had discharged accidentally while she was in her personal vehicle. Lt. ██████ requested an ambulance and notified the Crime Prevention and Information Center (CPIC).<sup>3</sup>

In an email to CPA, Lieutenant ██████████ of the Bureau of Internal Affairs related that Officer ██████ weapon was caught in the seatbelt when it discharged. He added that Officer ██████ was tested for breath alcohol by Sergeant ██████████ # ██████ and the result was “.000” at 2:06 a.m. on March 26, 2018. Deputy Chief ██████ waived the urine test because Officer ██████ had been given pain medication. The BIA Synoptic Report contained information consistent with Lt. ██████████ email.<sup>4</sup>

The report from Ambulance # ██████ indicated that paramedics arrived at the District station at approximately 11:37 p.m. and found Officer ██████ walking inside the District station. The report noted that Officer ██████ pistol had discharged accidentally. Bleeding from the wound was minimal. Officer ██████ was described as “alert” and “anxious,” but without a sign of confusion or having difficulty speaking.<sup>5</sup>

Officer ██████ medical records from Illinois Masonic Hospital included “Discharge Information,” which said Officer ██████ “states she accidentally discharged her firearm while she was putting it in the holster(sic).”<sup>6</sup>

Another part of Officer ██████ medical records indicated she accidentally “discharged her own firearm while getting into vehicle.”<sup>7</sup>

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<sup>2</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>3</sup> Att. #7

<sup>4</sup> Atts. #8, #20

<sup>5</sup> Att. #15

<sup>6</sup> Atts. #69, page 53 of 203

<sup>7</sup> Att. #70, page 165 of 203

Officer [REDACTED] Tactical Response Report reflected that her weapon, a Glock Model 43, discharged once.<sup>8</sup>

The Original Case Incident Report, RD#JB-[REDACTED] indicated Officer [REDACTED] car was a 2008 Honda Civic 2-door hardtop.<sup>9</sup>

The Attendance and Assignment Record for the [REDACTED] District, 3<sup>rd</sup> Watch, on March 25, 2018, reflected that Officer [REDACTED] began her tour of duty at 3:30 p.m.<sup>10</sup>

Information from the Education and Training Division indicated Officer [REDACTED] was qualified with the Glock pistol as an auxiliary weapon.<sup>11</sup>

In a Case Supplementary Report, JB-[REDACTED] Detective [REDACTED] # [REDACTED] related that on the night of the incident, at the hospital, Captain [REDACTED] # [REDACTED] informed him that when Officer [REDACTED] was in her car, she attempted to put her seatbelt on, but the seatbelt was blocked by her weapon. Officer [REDACTED] removed her handgun from the holster to fasten her seatbelt. When she attempted to re-holster the weapon, it discharged, the bullet striking her in the thigh. Officer [REDACTED] provided the detectives an account that was consistent with what Capt. [REDACTED] had related. In addition, Officer [REDACTED] said that after the shot was fired, she believed she had been shot in the leg and drove to the front of the District station. She entered the station and told Sgt. [REDACTED] # [REDACTED] and Lt. [REDACTED] about the discharge. Sgt. [REDACTED] examined Officer [REDACTED] for a wound and afterwards, an ambulance was requested. Officer [REDACTED] said she was not sure how her weapon discharged, but she believed her uniform sweater might have been caught within the trigger guard. Det. [REDACTED] did not observe any form of video or electronic surveillance that would have captured the incident. He requested the case be classified as Closed, Non-Criminal.<sup>12</sup>

#### b. Physical Evidence

The Crime Scene Processing Report indicated that Officer [REDACTED] 9mm pistol had a live round in its chamber when it was inventoried. The weapon was in slide lock. Five live rounds were recovered from the six-shot magazine. Officer [REDACTED] holster was a black, hard plastic, right-handed Safariland model. A fired bullet was recovered from under the driver's seat of Officer [REDACTED] personal car, a Honda Civic. A fired 9mm casing was recovered from under the front passenger seat, near the door. Black plastic fragments were recovered from the driver's seat and driver's floor. Officer [REDACTED] dark navy-blue cargo pants had two suspect bullet holes near the right pockets. Officer [REDACTED] light blue uniform shirt had apparent blood on the right shirt tail.<sup>13</sup>

Supervisor [REDACTED] of COPA requested that Sergeant [REDACTED] # [REDACTED] of the Firearms Training Unit of the Education and Training Division examine Officer [REDACTED] weapon

<sup>8</sup> Att. #6

<sup>9</sup> Att. #9

<sup>10</sup> Att. #22

<sup>11</sup> Att. #28

<sup>12</sup> Att. #72

<sup>13</sup> Att. #12

and holster. The results of the examination were inconclusive because there were no readily identifiable defects with the weapon or holster.

Sgt. ██████ said the pistol appeared to be in good working order, and all three safeties worked as designed. The holster was unable to be examined for safety because the front of the holster had been destroyed, including the ALS locking block. Sgt. ██████ continued that the destruction “provides insight into what may have occurred.” There were powder burns inside the holster, and an obvious bullet path was present that showed the weapon was not fully seated in the holster when it fired. The bullet path went through the ALS block, “obliterating same exiting the inside of the holster just below the shank.” Sgt. ██████ said the weapon appeared to have been approximately three inches outside of being seated in the holster when it fired. Sgt. ██████ said that position for the weapon “is important because if one were to have their finger on the trigger when reholstering, the weapon would typically fire as the finger came to a stop on the edge of the holster and the pistol proceeded forward. That could not have happened in this case.” He said based on the photographs of the vehicle, “the object that would have been at the approximate location of the trigger at that height above the holster would be the female end of the seatbelt.” With the information available, there was no obvious way to determine the cause of the discharge. Sgt. ██████ report included a photo of the damaged holster.<sup>14</sup>

### c. Digital Evidence

Evidence photographs were taken of Officer ██████ injuries at Illinois Masonic Hospital. The photographs also depict her uniform clothing, her car, a bullet hole in the driver’s seat and the fired bullet and casing.<sup>15</sup>

### d. Interviews

In her statement to COPA on June 21, 2018, Officer ██████ said that after she completed her tour of duty, she went to the District locker room. Before leaving, she holstered her pistol and then went to her car, which was on the second floor of the parking garage. She started her car and was putting on her seatbelt when the seatbelt became stuck. She was trying to put the seatbelt into its receptacle. She moved her holster front to back, slightly, to free up the seatbelt. She seated her weapon, and it discharged. Officer ██████ drove from the garage to the front of the District station, parked and went inside. She said she was in a “panic” and told police personnel her gun accidentally discharged. She did not recall if she had her gun on her when she entered the station. Officer ██████ continued that Sgt. ██████ observed the wounds on her leg. An ambulance transported Officer ██████ to Illinois Masonic Hospital, where she was treated and released on March 26, 2018. The wounds left scars, but she said she fully recovered.

Officer ██████ said she did not recall if she told anyone in the station that the seat belt mechanism could have caused the discharge. Regarding her holster, Officer ██████ said it was a Safariland Level 2 Retention model that required a latch to be pressed (to release the weapon). ~~She bought the holster inside the Education and Training Division from a company whose name she could not recall, and she guessed she had it for a “couple of months.”~~ The range personnel at

<sup>14</sup> Att. #37

<sup>15</sup> Atts. #31, #59, #60

the Education and Training Division said it was the proper holster. The gun was not examined by anyone at the Education and Training Division range. Prior to the incident, she felt the holster was “always tight” when she would re-holster a weapon. When asked if she could explain why her weapon discharged, she said, “I have no idea. Maybe the holster was bad. I don’t know.” Officer ██████ said she did not know and could not say if some part of the seat belt “tongue” hit the holster. Since the incident, she underwent additional training at the Education and Training Division “to recap everything” about weapon handling.<sup>16</sup>

## VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.” *Id.* at ¶ 28.

## VII. ANALYSIS

It could not be determined if Officer ██████ weapon discharge was caused by her alone, by the interaction of her holster, weapon and seatbelt assembly or by a combination of her actions and those physical elements. Officer ██████ told COPA she seated her weapon, and it discharged. Similarly, she told the detectives the weapon discharged when she attempted to re-holster it. Sgt. ██████ suggested that, rather than Officer ██████ finger possibly being the cause of the discharge, the female end of the seatbelt was more likely the reason the weapon fired. Sgt.

<sup>16</sup> Atts. #51, #76



Appendix A

Assigned Investigative Staff

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**Squad#: Eight**

**Major Case Specialist:** [REDACTED]

**Supervising Investigator:** [REDACTED]

**Deputy Chief Administrator:** [REDACTED]

[REDACTED]

