

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 16, 2018
Time of Incident:	3:20 p.m.
Location of Incident:	[REDACTED]
Date of COPA Notification:	October 16, 2018
Time of COPA Notification:	4:45 p.m.

On October 16, 2018, while off-duty, Officer [REDACTED] (“Officer [REDACTED]”) dog jumped on top of him causing him to lose control of his firearm while he was attempting to remove his holster. When Officer [REDACTED] attempted to regain control of his firearm, he unintentionally pulled the trigger, firing one round. He related to the responding Sergeant that he had not registered his firearm. It was further alleged that Officer [REDACTED] did not qualify with his firearm.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] star # [REDACTED] employee ID# [REDACTED] Date of Appointment: [REDACTED] 2009, Police Officer, Unit [REDACTED] DOB: [REDACTED] 1978, Male, White
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III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	It is alleged that on October 16, 2018, at approximately 3:20 p.m., in the vicinity of [REDACTED] you: 1. unintentionally discharged your firearm; 2. failed to register your firearm; and 3. failed to qualify with your firearm.	Sustained Exonerated Exonerated

IV. APPLICABLE RULES AND LAWS

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

2. Rule 10: Inattention to Duty

General Orders

1. U04-02 Department Approved Weapons and Ammunition

Special Orders

1. S11-03-01 Annual Prescribed Weapon Qualification Program and Taser Recertification

V. INVESTIGATION¹

a. Interviews

In an interview with COPA, on December 17, 2018, Officer ██████████ (“Officer ██████████”) stated he purchased the Glock 43 (the “firearm”) on October 13, 2018.² After arriving home the same day he purchased a holster online because he could not qualify with the firearm without a holster.³ Officer ██████████ explained he has a molded holster specific for each firearm he owns. On October 16, 2018, Officer ██████████ worked his shift, using his Glock 30 as his on-duty weapon. He arrived home to see his holster for the Glock 43 had arrived.

Per his normal routine, Officer ██████████ placed his Glock 30 into his safe in his bedroom immediately after arriving home. He intended to register and qualify with the Glock 43 the next day. While in his bedroom with the door open, he retrieved the unloaded Glock 43 firearm. He placed the firearm in the new holster, inside his waistband, and for about five or ten minutes adjusted the retention screw. Once he set the holster to the desired tension, Officer ██████████ loaded the firearm. Officer ██████████ felt the firearm did not fit quite right inside the holster and realized there were screws on the holster to adjust the canter.⁴ When Officer ██████████ went to remove the holster and firearm, as one unit, his dog⁵ jumped on him from behind. Officer ██████████ stated that his dog is playful but trained, and that he believed she thought he was going to play fight, as they often do⁶, with his hands. He felt her paw hit his left hand, which is the hand he was using to reach for the firearm. He lost grip of the holster and the firearm came out of the holster moving away from him. Officer ██████████ stated he was trained to secure weapons, and knowing that it was loaded and loose, he subconsciously grabbed for the firearm and it went off.⁷ While he doesn’t remember pulling the trigger, he believes, due to the weapon’s safety mechanism, he had to have pulled the trigger.

Officer ██████████ searched for the round, and observed the round exited the house through the front picture window. Officer ██████████ ran outside to confirm no one had been struck by

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

² See Attachment 32.

³ See Attachments 33.

⁴ The canter can make it more comfortable to draw the weapon from the holster.

⁵ Officer ██████████ described his dog as a female, 5-year-old, 95-pound Rottweiler, playful. When she is standing, on all four legs, next to Officer ██████████ who is approximately 5’8”, her head is at his thigh and her body is at his knee. When she is standing on her hind legs, her front paws are at his chest height.

⁶ Officer ██████████ stated that he never play fights with his dog when he is carrying a firearm.

⁷ Attachment 31 at 16:06-16:23.

bullet. He checked the neighbor's houses across the street and called the district to report the incident to the Desk Sergeant. Since this incident, Officer [REDACTED] removes his weapon in his bedroom with the door shut and his dog outside of the room.

Officer [REDACTED] responded to the allegations as follows: admitted he unintentionally discharged his firearm, he did not have time to register his firearm, and he did not have time to qualify his firearm. Officer [REDACTED] stated that prior to the incident he believed he had to register his firearm within 3 to 5 days of purchase. After reading the directives, subsequent to this incident, Officer [REDACTED] did not see a required timeframe for registration. Officer [REDACTED] confirmed that he could not qualify his firearm until he had a holster, and he needed to qualify with his firearm before he carried the firearm on or off duty. Officer [REDACTED] denied carrying his Glock on or off duty. Officer [REDACTED] stated that he understands the severity of the consequences that could have occurred due to this incident and is grateful no one was harmed. He has learned from this incident and it will not be repeated.

b. Physical Evidence

Firearms Report documented the Glock 43, semi-automatic pistol, Serial No. [REDACTED] Inventory No. [REDACTED] was in will fire operating condition. A function test was performed.⁸

The Chicago Police Department Bureau of Internal Affairs conducted **alcohol and drug testing** on Officer [REDACTED] Officer [REDACTED] alcohol test was performed on October 16, 2018 at 6:37 p.m. His drug test was performed on October 16, 2018 at 6:14 p.m. Both tests returned negative results.⁹

c. Documentary Evidence

The **Original Case Incident Report**, under RD# [REDACTED] documented that officers were dispatched because an off-duty officer accidentally discharged his firearm. Responding officers spoke with Officer [REDACTED] on scene, who related that while un-holstering a newly purchased firearm his dog jumped on him causing his firearm to "split" from his hand. When he attempted to regain control of the firearm, the firearm fired. The bullet exiting through the front picture window. Officer [REDACTED] exited his residence, directly, after the discharge to confirm no one was struck. Responding officers, unsuccessfully, searched the surrounding area for the spent round.¹⁰

The **Initiation Report** completed, on October 17, 2018, by Sergeant [REDACTED] (Sgt. [REDACTED]) provided the same details as documented in the Original Case Incident Report. Sgt. [REDACTED] added that Officer [REDACTED] related he purchased the firearm on October 13, 2018 and had not yet registered the firearm.¹¹

The **To/From Report** completed, on October 16, 2018, by Sergeant [REDACTED] ("St. [REDACTED] from the Bureau of Internal Affairs Investigation Division, documented the incident as described in the above reports with the addition that when Officer [REDACTED] attempted

⁸ Attachment 35.

⁹ Attachments 11-15.

¹⁰ Attachment 6.

¹¹ Attachment 4.

to catch the firearm, he accidentally pulled the trigger. Sgt. [REDACTED] documented the details related to conducting the drug and alcohol testing on Officer [REDACTED]¹²

According to the **Tactical Response Report (“TRR”)** completed by Officer [REDACTED] he was, off-duty, alone inside a bedroom at [REDACTED] when he unintentionally discharged a semi-auto pistol one time. During this incident, a window was struck, but no injuries were reported. According to the responding Sergeant’s comments, no civilian witnesses were found, and a search of the scene resulted in negative results for the discharged round.¹³

Chicago Police Department Property Inventory Reports for RD [REDACTED] documented Officer [REDACTED] firearm, Glock, Model 43, 9MM semiautomatic, Inventory No. [REDACTED] was collected and inventoried. The firearm magazine in the Glock had a six (6) round capacity. There were five (5) 9MM unfired rounds of ammunition recovered, and one (1) one expended shell, 9MM Luger casing, Inventory No. [REDACTED]. One black Tulster.com gun holster was recovered and inventoried under Inventory No. [REDACTED]¹⁴

According to an **invoice** from Midwest Sporting Goods, on October 13, 2018, Officer [REDACTED] purchased a Glock (Police Only) 43 9MM with Serial # [REDACTED]

According to Amazon **order details**, a Tulster Glock 43 w/TLR-6 Holster IWB Profile Holster was ordered on October 13, 2018. The holster was shipped, on October 14, 2018, to Officer [REDACTED] address.¹⁶

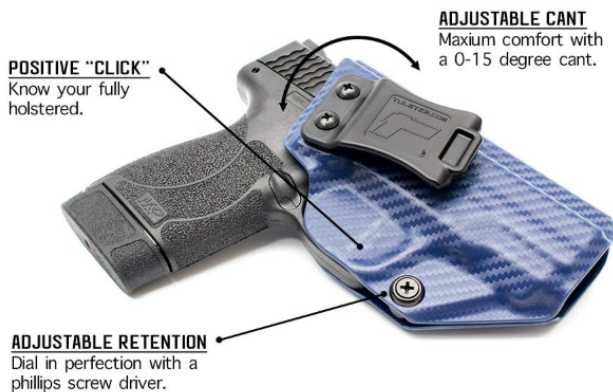


Figure 1. Image of the Tulster Holster¹⁷

[REDACTED] registered a Glock 43, Serial No. [REDACTED] on October 17, 2018.¹⁸

Officer [REDACTED] has not **qualified** with a Glock 43, Serial No. [REDACTED]¹⁹

¹² Attachment 5.

¹³ Attachment 8.

¹⁴ Attachments 16-18.

¹⁵ Attachment 32.

¹⁶ Attachment 33.

¹⁷ See Amazon Product Description section.

¹⁸ Attachments 25, 34.

¹⁹ Attachment 24.

VI. ANALYSIS

COPA finds Allegation #1 that Officer [REDACTED] unintentionally discharged his firearm is **SUSTAINED**. The Department prohibits inattention to duty.²⁰ Officer [REDACTED] admitted he unintentionally discharged his firearm. Officer [REDACTED] stated he was removing his holster with the firearm inside, when his dog jumped on him from behind causing the firearm to come loose from the holster, and as he attempted to gain control of the firearm he inadvertently pulled the trigger. Following the incident, Officer [REDACTED] did not attempt to conceal his actions and promptly reported the incident to his superiors. Additionally, Officer [REDACTED] indicated that he has taken steps to safeguard against a future incident by shutting his dog out of the room when he secures his firearm.

Based on the foregoing, a preponderance of the evidence establishes Officer [REDACTED] unintentionally discharged his weapon when he inadvertently fired his Glock 43, in his bedroom on October 16, 2018. Therefore, this allegation is **Sustained**.

COPA finds Allegation #2 that Officer [REDACTED] failed to register his firearm is **Exonerated**. All firearms owned by a sworn member must be registered.²¹ Officer [REDACTED] admitted that his firearm was not registered on October 16, 2018, because he was waiting for the holster, which he stated arrived the day of the incident. Evidence shows that Officer [REDACTED] registered his firearm on October 17, 2018.

It is reasonable for a person to want to register and qualify their firearm at one time, and four days to register a firearm is a reasonable amount of time. Additionally, the Chicago Police Department (“CPD”) directives do not provide a specific timeframe of when an officer must register his firearm. Therefore, at time of this incident, Officer [REDACTED] was not in violation of CPD policy as alleged. Thus, this allegation is **Exonerated**.

COPA finds Allegation #3 that Officer [REDACTED] failed to qualify with his firearm is **Exonerated**. “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.”²² “Firearms will be carried in Department-authorized holsters.”²³ Officer [REDACTED] denied carrying his firearm on-duty or off-duty prior to this incident. Officer [REDACTED] stated he could not qualify his firearm until he had a holster. The holster did not arrive until the day of the incident, which was three days after he purchased the firearm. CPD records indicate Officer [REDACTED] firearm is currently inventoried with CPD and has been since October 16, 2018. Officer [REDACTED] has not qualified with his firearm.

Based on the foregoing, a preponderance of the evidence establishes that Officer [REDACTED] did not carry his weapon on or off duty prior to this incident, therefore Officer [REDACTED] was not required to qualify with the firearm. Thus, Officer [REDACTED] was not in violation of CPD policy as alleged, and this allegation is **Exonerated**.

²⁰ Rule 10 of the Rules and Regulations of the Chicago Police Department.

²¹ V.I.G.1.

²² Uniform and Property U04-02 II.F.

²³ Special Order S11-03-01 V.C.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer [REDACTED]

i. Complimentary & Disciplinary History

1. Allegation No. 1

a. Officer [REDACTED] Complimentary history was taken into consideration when deciding the recommended discipline in this case.

b. Officer [REDACTED] does not have a history of discipline.

ii. Recommended Penalty, by Allegation

The incident that gave rise to the allegations in this case occurred October 16, 2018. Here, COPA has sustained one allegation related to Officer [REDACTED] inattention to duty and exonerated two other allegations. Officer [REDACTED] was forth coming in his COPA interview. He admitted to the facts alleged, acknowledged the severity of the situation and has taken steps to ensure that a similar incident does not occur. Therefore, COPA recommends a discipline of Reprimand.

VIII. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer [REDACTED]	It is alleged that on October 16, 2018, at approximately 3:20 p.m., in the vicinity of [REDACTED] you: 1. unintentionally discharged your firearm; 2. failed to register your firearm; and 3. failed to qualify with your firearm.	Sustained Exonerated Exonerated

Approved:



January 29, 2019

Andrea Kersten
Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	[REDACTED]
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	Andrea Kersten