

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	January 26, 2021
Time of Incident:	2:30 am
Location of Incident:	██
Date of COPA Notification:	January 26, 2021
Time of COPA Notification:	2:52 am

On January 26, 2021, Officer Nikki Spires’ intermittent ██████████ knocked at her front door, surprising the officer because she had ended their relationship the previous evening. After letting ██████████ into her home, Officer Spires stated they engaged in a conversation about infidelity, which led to a physical altercation. According to Officer Spires, ██████████ threatened to kill her and punched her multiple times, causing injuries to her face, neck, and arm area. At some point during the confrontation, Officer Spires reached for her firearm that was in a nearby bag. Officer Spires and ██████████ engaged in a tug-of-war struggle over the bag, but, eventually, Officer Spires retrieved her firearm and the weapon discharged one time. ██████████ was struck in the right leg. Officer Spires called 911 to report the incident while she attempted to render aid to ██████████ left the residence before paramedics or responding officers arrived. He drove himself to the hospital, where he was treated for injuries and placed into police custody for the charge of aggravated domestic battery.

**II. INVOLVED PARTIES**

Involved Officer #1:	Nikki Spires, Star #8659, Employee ID #██████████, DOA: October 29, 2018, PO, Unit 007, Female, Black.
Involved Individual #1:	██████████ Male, Black.

**III. ALLEGATIONS**

Pursuant to section 2-78-120 of the Municipal Code of Chicago, the Civilian Office of Police Accountability (COPA) has a duty to investigate all incidents in which a Chicago Police Department (CPD) member discharges their firearm. During its investigation of this incident, COPA determined that Officer Spires committed the following violations of Department rules and policy:

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer Nikki Spires	1. Were inattentive to duty in that your weapon discharged unintentionally.	Sustained

2. Failed to timely and/or accurately notify OEMC that you discharged your firearm, in violation of G03-06.	Unfounded
3. Failed to secure your firearm, in violation of U04-02.	Sustained

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
  2. Rule 5: Failure to perform any duty.
  3. Rule 6: Disobedience of an order or directive, whether written or oral.
  4. Rule 10: Inattention to duty.

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##### General Orders

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1. G03-06 Firearm Discharge and Officer-Involved Death Incident Response and Investigation (effective February 29, 2020 – April 15, 2021)<sup>1</sup>

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##### Uniform and Property Orders

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1. U04-02, Department Approved Weapons and Ammunition (effective February 29, 2020 – May 6, 2021)<sup>2</sup>

#### V. INVESTIGATION<sup>3</sup>

##### a. Interviews

In a statement to COPA on February 4, 2021,<sup>4</sup> **Officer Nikki Spires** stated she began an intermittent relationship with ██████ around May 2020, and the two were not involved in a relationship at the time of this incident. According to Officer Spires, ██████ was controlling, angry, and aggressive.<sup>5</sup>

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<sup>1</sup> Att. 95.

<sup>2</sup> Att. 96.

<sup>3</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>4</sup> Atts. 61 and 62.

<sup>5</sup> Officer Spires described that on at least two occasions in 2020, ██████ punched her about the face and body. Officer Spires indicated the incidents occurred in October and November 2020 when ██████ was intoxicated. Officer Spires did not tell anyone or call the police out of shame over the incidents. Atts. 61 and 62. However, she provided COPA with photographs of her face, with the date November 15, 2020 added to the photographs. *See* Att. 64. She called the police in December 2020, after an altercation with ██████ but she was asleep when officers responded a couple hours after her 911 call. Atts. 61, 62, 66, and 67.

On January 25, 2021, at approximately 8:00 pm, Officer Spires spoke to ██████ on the telephone, when she denied ██████ accusations that she was dating someone else. ██████ hung up on her, and she called him back. After multiple callbacks, Officer Spires told ██████ they should end the relationship. Later that evening, Officer Spires sent ██████ a text with a photograph of herself with flowers to show him how she was accustomed to being treated.<sup>6</sup> ██████ never responded.

At approximately 12:17 am, on January 26, 2021, ██████ rang the doorbell to Officer Spires' home. Officer Spires was afraid to open the door because she did not know why he was at her home.<sup>7</sup> Approximately four minutes later, she opened the door and let him inside to avoid drawing the attention of her neighbors.<sup>8</sup> Once inside, Officer Spires and ██████ consumed one alcoholic drink<sup>9</sup> while discussing infidelity in general terms. However, during the discussion, ██████ became aggressive and accused Officer Spires of infidelity. Officer Spires denied the accusations and attempted to console ██████ to avoid further escalation.

At approximately 2:20 am, ██████ decided to leave. Officer Spires followed him to the front door as he put on his coat. Without any warning, ██████ struck her with an open hand about her face and neck, causing her to fall onto the couch. When she attempted to stand up, ██████ punched her with a closed fist about her face and body. Officer Spires attempted to defend herself, using her arms to block further strikes. Eventually, Officer Spires managed to move from the couch toward the stairs leading to the second floor, but ██████ grabbed her hair and forcefully turned her around while threatening to kill her.<sup>10</sup> Officer Spires decided to retrieve her firearm, which was located inside her bag<sup>11</sup> that was sitting nearby on the ottoman.<sup>12</sup> As Officer Spires grabbed the bag, ██████ reached toward her and the two struggled in a tug-of-war over the bag.<sup>13</sup> During the struggle, Officer Spires reached inside the bag and retrieved her unholstered firearm.<sup>14</sup> As Officer Spires pulled the firearm toward herself, ██████ lunged at her, and the firearm discharged.<sup>15</sup>

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<sup>6</sup> Officer Spires explained the text was to show ██████ that she was accustomed to men taking care of her, to “wine and dine” her, rather than being abused, battered, and disrespected. Att. 62, pg. 24, ln. 22 to pg. 25, ln. 5.

<sup>7</sup> Officer Spires explained this confusion was based on ██████ failure to respond to her text message. Att. 62, pg. 26, ln. 10 to pg. 27 ln. 10.

<sup>8</sup> On January 26, 2021, in an interview with CPD, Officer Spires reported she let ██████ inside because she did not want him to break her door and window. Att. 91, pg. 98.

<sup>9</sup> Officer Spires did not know whether ██████ had other alcoholic drinks prior to coming to her home, but this was the only drink she consumed that evening. Officer Spires was administered a breathalyzer test approximately four hours after the incident, with negative results. *See* Atts. 5 and 81.

<sup>10</sup> Att. 62, pg. 38, ln. 22 to pg. 39, ln. 12.

<sup>11</sup> Att. 62 pg. 43, lns. 6 to 10; Att. 87, pg. 14 to 17.

<sup>12</sup> Officer Spires stated ██████ noticed the firearm was in the bag during the struggle, but he was also aware that she kept her firearm in her bag for protection. Officer Spires indicated her firearm was in her bag that evening because she was downstairs, and she lives in a violent neighborhood. Otherwise, she secures her firearm in a lock box inside the closet upstairs. Atts. 61 and 62.

<sup>13</sup> During her interview with CPD, Officer Spires stated she was going to secure her weapon and potentially defend herself. Officer Spires indicated that, during the struggle, she believed ██████ was either attempting to disarm her or hit her. Att. 91, pgs. 99 and 122.

<sup>14</sup> Att. 62, pg. 51, lns. 17 to 20.

<sup>15</sup> Att. 62, pg. 68, lns. 20 to pg. 69, ln. 1. Officer Spires told COPA that ██████ did not touch the firearm. Att. 62, pg. 69, lns. 16 to 19. Officer Spires denied pulling the trigger, indicating the firearm discharged on its own.

████████ fell backward onto the couch, saying, “you shot me.”<sup>16</sup> Officer Spires gained control of her firearm and bag, placed the firearm inside its holster in the bag, and said, “I got to call 911.”<sup>17</sup>

████████ followed Officer Spires into the kitchen, asking her not to call 911. At some point, █████████ pushed Officer Spires’ head into the kitchen wall while attempting to grab her phone.<sup>18</sup> Officer Spires was already on the phone with 911 and maintained control of her phone. Officer Spires walked upstairs as she reported the incident, stating that she was an officer, and she discharged her firearm. Officer Spires returned to the kitchen with a towel and applied pressure to █████████ wound, intending to continue to render aid until the police and an ambulance arrived at the scene. However, █████████ walked out of the house and drove away before police arrived.<sup>19</sup>

████████ through his attorney on May 7, 2021, declined to provide a statement to COPA.<sup>20</sup> On January 26, 2021, CPD detectives attempted to interview █████████ said he felt he was being set up and refused to acknowledge his constitutional rights. Detectives then ended the recording.<sup>21</sup>

In a statement to COPA on January 26, 2021,<sup>22</sup> █████████ stated she was with █████████ on January 25, 2021, as he ignored several calls from Officer Spires. Eventually, at Officer Spires’ request, █████████ left his residence to retrieve personal items from Officer Spires’ residence.<sup>24</sup> █████████ did not accompany █████████ and did not witness the incident between █████████ and Officer Spires.

At approximately 2:55 am on January 26, 2021, █████████ received video text messages from █████████ relating that Officer Spires shot him and he was seeking medical treatment on his own. █████████ stated that, on multiple occasions, █████████ had told her Officer Spires threatened to kill him if he left her, and she was “quick to go and get her gun.”<sup>25</sup> █████████ provided further information about her own interactions with Officer Spires,<sup>26</sup> including one incident when █████████ alleged that Officer Spires displayed her firearm in a potentially threatening manner to █████████ and █████████ while off duty.<sup>27</sup> █████████ denied that █████████ got physical with her or Officer Spires.<sup>28</sup>

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<sup>16</sup> Att. 62, pg. 52, ln. 12.

<sup>17</sup> Att. 62, pg. 52, lns. 12 to 13.

<sup>18</sup> Att. 62, pg. 55, lns. 18 to 22. In her interview with CPD, Officer Spires reported that █████████ pushed her into the wall when she attempted to render aid. Then, she went to get a towel and call 911. Att. 91, pg. 100.

<sup>19</sup> Officer Spires’ injuries are documented in photographs, which show multiple abrasions and markings on her face, neck, and arms. *See* Att. 87, pgs. 88 to 121.

<sup>20</sup> Att. 84.

<sup>21</sup> Att. 83.

<sup>22</sup> Atts. 53 and 55.

<sup>23</sup> █████████ was █████████ roommate, and she stated that she previously had a romantic relationship with him.

<sup>24</sup> █████████ believed the items were stored in the garage, but she surmised that █████████ likely needed to go inside the residence to use the restroom. Atts. 53 and 55.

<sup>25</sup> Att. 55, pg. 65, lns. 1 to 2. █████████ told █████████ that Officer Spires kept her firearm in a kitchen drawer. Att. 55, pg. 67, lns. 6 to 14.

<sup>26</sup> In her interview, █████████ alleged that Officer Spires committed acts of misconduct unrelated to this investigation, which were referred to BIA under Log 2021-0747.

<sup>27</sup> Att. 55, pg. 19.

<sup>28</sup> In a statement to COPA, █████████ provided information that Officer Spires and █████████ had a volatile relationship, and he alleged that Officer Spires committed acts of misconduct that are not under COPA’s jurisdiction. His statement was included in the referral to BIA. Atts. 56 and 58.

## b. Digital Evidence

This incident occurred inside a residence while Officer Spires was off duty. There is no video footage that captured the firearm discharge. COPA obtained and reviewed Officer Spires' **Ring doorbell camera**,<sup>29</sup> **in-car camera (ICC)**<sup>30</sup> and **body worn camera (BWC)**<sup>31</sup> from responding CPD members, **911 calls**,<sup>32</sup> and **radio transmissions**.<sup>33</sup> Below is a summary of the relevant video and audio.

At approximately 12:16 am, ██████ began ringing the doorbell at Officer Spires' residence.<sup>34</sup> At approximately 12:21 am, ██████ said, "okay ... open the door."<sup>35</sup> Officer Spires replied, "No you gonna try to fight me."<sup>36</sup> ██████ appeared to click his tongue and roll his eyes, and the door to the residence opened without further conversation.<sup>37</sup>

At approximately 2:31 am, Officer Spires called 911 asking for police to respond to her address because a person was shot. Officer Spires reported she was an off-duty police officer that discharged her firearm after her ██████ jumped on her.<sup>38</sup> Officer Spires was transferred to the Fire Department and repeated the same information, indicating that ██████ was shot in the leg and walking. ██████ voice was captured in the background, denying he jumped on Officer Spires.<sup>39</sup>

At approximately 2:34 am, ██████ exited the front door of Officer Spires' residence with a blood stain on the back of his right pant leg.<sup>40</sup> Immediately thereafter, Officer Spires opened the door with a cell phone in her hand, and she watched ██████ as he walked to his vehicle.<sup>41</sup> No words were exchanged between Officer Spires and ██████ as he left the scene.<sup>42</sup>

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<sup>29</sup> Atts. 31 to 40. The Ring doorbell camera records only when motion is detected by the device, the doorbell button is pressed, or the device's live video stream is initiated. Officer Spires also had a camera in her kitchen; however, she reported it only records when her security alarm is triggered. Area Technology Center (ATC) Officer Alvarez noted that Officer Spires provided him full access to her cell phone to search for recorded video clips inside her home, but the results were negative. Att. 91, pg. 120.

<sup>30</sup> Atts. 28 to 30.

<sup>31</sup> Atts. 20 to 27.

<sup>32</sup> Atts. 42 to 47. *See* Atts. 11 and 13.

<sup>33</sup> Atts. 48 to 50 and 52. *See* Atts. 12 and 14 to 16.

<sup>34</sup> Atts. 31 to 36.

<sup>35</sup> Att. 37 at 00:00 to 00:06.

<sup>36</sup> Att. 37 at 00:07 to 00:08.

<sup>37</sup> Att. 37 at 00:09 to 00:12.

<sup>38</sup> Att. 42; Att. 48; Att. 73, pg. 53; and Att. 74.

<sup>39</sup> Att. 44. Dispatch did not relate over the air that the incident involved an off-duty officer, but the information was conveyed to responding Sergeant Timmerman via his portable data terminal (PDT). *See* Atts. 48 and 71.

<sup>40</sup> Att. 38.

<sup>41</sup> Att. 38.

<sup>42</sup> Att. 38.



Figure 1: A screenshot from Att. 38, Ring camera footage, showing [REDACTED] exiting the residence.

At approximately 2:37 am, responding Officers Cardell Gore and Darnell Thomas arrived and asked Officer Spires what happened.<sup>43</sup> Officer Spires explained there was a verbal altercation, followed by [REDACTED] fighting her, and she discharged her firearm, shooting [REDACTED] in the leg.<sup>44</sup> Officer Spires answered the responding officers' questions. Officer Thomas related over the radio that [REDACTED] left in a blue Chevy Malibu, traveling northbound on Harding. Officer Thomas further reported [REDACTED] was likely shot because Officer Spires said she shot him and there was blood on the ground.<sup>45</sup>

Officer Gore moved inside, looked in the kitchen, and indicated he believed the incident occurred in the kitchen. Officer Thomas spoke to Officer Spires and encouraged her to have the paramedics check her out, noting she had scratches on her face and issues with her hair.<sup>46</sup> Officer Thomas asked whether Officer Spires had a concealed carry license. Officer Spires said she was an off-duty CPD officer who worked in the 7th district.<sup>47</sup> Officer Thomas then promptly confirmed that she was a CPD officer and had not told Officer Gore.

At approximately 2:40 am, Sergeant Samuel Timmerman arrived at the scene, confirmed with Officer Spires that she was okay and had spoken to the officers, and then verified the location of Officer Spires' firearm. After walking through the residence, Sergeant Timmerman asked Officer Spires what happened. Officer Spires was placed in a police vehicle and given her phone to call her mother. While seated in the police vehicle, Officer Spires expressed confusion over what was happening because she was "protecting [herself], I didn't do nothing wrong," and that [REDACTED] had hit her.<sup>48</sup>

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<sup>43</sup> Atts. 21, 24 and 27.

<sup>44</sup> Att. 27. Officer Spires related the firearm was in her purse. Att. 27 at 2:33 to 2:38.

<sup>45</sup> Att. 21 at 2:51 to 3:38; Att. 48.

<sup>46</sup> Att. 21 at 3:58 to 4:08; Att. 27 at 4:06 to 4:15.

<sup>47</sup> Att. 21 at 4:15 to 4:22.

<sup>48</sup> Att. 26 at 11:00 to 11:34.

At approximately 4:18 am, Beat 234 was dispatched to the University of Chicago Emergency Room in response to reports of a person shot. The description provided was a black male who self-transported to the hospital but refused to say where he had been shot.<sup>49</sup>

### c. Physical Evidence

**Medical Records from the University of Chicago Medical Center**<sup>50</sup> indicate that ██████ had a gunshot wound to his right leg, and he drove himself to the Emergency Department, arriving at approximately 3:49 am. ██████ denied having any other injuries or pain. A toxicology screening showed positive results for alcohol and amphetamines.<sup>51</sup> ██████ did not report how he received his gunshot wound. At approximately 4:16 am, hospital personnel called 911 to report the gunshot wound and obtain a report.

The **Crime Scene Processing Report**<sup>52</sup> and **Inventory Reports**<sup>53</sup> document the recovery of a firearm from Officer Spires' black backpack purse. The firearm was a Glock 19 Gen 5, 9MM semi-automatic pistol, with one live cartridge in the chamber and fourteen live cartridges in the fifteen-round capacity magazine. Evidence Technicians (ETs) also recovered one fired cartridge case from underneath a sofa in the living room and one fired bullet from the living room floor.<sup>54</sup>

According to the **Illinois State Police (ISP) Division of Forensic Service Laboratory Reports**,<sup>55</sup> Officer Spires' firearm was received in operable condition and was test-fired. ISP determined the recovered fired cartridge case was fired from Officer Spires' firearm. However, the test results related to the recovered fired bullet were inconclusive.

### d. Documentary Evidence

**CPD Reports**<sup>56</sup> document ██████ was arrested for aggravated domestic battery after a domestic-related verbal altercation between ██████ and Officer Spires. Reports indicate ██████ struck Officer Spires about the face with a closed fist, and that Officer Spires sustained the following injuries: a laceration below her left eye, a bruised lower lip, a lump on her forehead, scratches to her neck and left inner arm, and bruises to the back of her right arm.<sup>57</sup> On ██████ arrest report, Sergeant Andrew Onesto noted that ██████ reported he sustained an injury to the right rear side of his head during the incident. Sergeant Onesto inspected ██████ head and observed minor redness to the area.<sup>58</sup>

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<sup>49</sup> Att. 50 at 1:23.

<sup>50</sup> Att. 88.

<sup>51</sup> It is unclear when the urine sample was collected for the toxicology screening, and ██████ was given pain medications. Att. 88, pgs. 40 and 41.

<sup>52</sup> Att. 86.

<sup>53</sup> Att. 51.

<sup>54</sup> Att. 86, pgs. 2 to 3.

<sup>55</sup> Att. 92.

<sup>56</sup> Atts. 6, 8, 9, 90 and 91.

<sup>57</sup> Att. 6. Officer Spires refused medical treatment. Officer Spires and ETs took photographs of Officer Spires' injuries. See Atts. 63 and 87.

<sup>58</sup> Att. 6, pg. 9.

In her **Tactical Response Report (TRR)**,<sup>59</sup> Officer Spires reported that ██████ assaulted or battered her, did not follow verbal direction, made verbal threats, posed an imminent threat of battery without a weapon, and physically attacked her using hand/arm/elbow strikes, pushing/shoving/pulling, grabbing/holding/restraining, and wrestling/grappling her. In defense of herself, Officer Spires responded with verbal directions, movement to avoid attack, pushing/physically redirecting ██████ and using both open and closed hand strikes. In the section labeled “Reason for Response,” Officer Spires listed both defense of self and unintentional discharge.<sup>60</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 a proposition is proved.<sup>61</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD policy than that it did not, 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. 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.”<sup>62</sup>

## VII. ANALYSIS AND CONCLUSION

### a. Credibility Assessment

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<sup>59</sup> Att. 7.

<sup>60</sup> Officer Spires explained that in the section under “Weapon Use,” when the form asked if it was an unintentional discharge during a non-criminal incident, Officer Spires said she checked “no” because the incident was criminal due to ██████ having committed a domestic battery. Att. 62, pg. 67, lns. 1 to 2, 5.

<sup>61</sup> 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).

<sup>62</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).



The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

There is no video or audio of this incident; therefore, COPA relied primarily on the statements provided to COPA and CPD. Officer Spires' statement to COPA about the incident was materially consistent with her statements to responding officers. Further, Officer Spires' statement was not clearly contradicted by [REDACTED] or other evidence.

[REDACTED] did not provide a statement but indicated to CPD detectives on the day of the incident that he felt he was being set up. [REDACTED] called [REDACTED] shortly after the incident and told her that Officer Spires shot him.<sup>63</sup> It is not clear, however, whether or not [REDACTED] was alleging that Officer Spires intentionally shot him.<sup>64</sup> COPA believes the statements from [REDACTED] do not clearly undermine Officer Spires' account of the incident.

## **b. Allegations**

### **i. Officer Spires was inattentive to duty in that her weapon discharged unintentionally.**

Based on the evidence obtained and analyzed in this investigation, COPA finds it more likely than not that Officer Spires discharged her weapon unintentionally during the altercation with [REDACTED] thereby being inattentive to her duties as a police officer.

Here, Officer Spires stated she decided to retrieve her firearm during an altercation with [REDACTED] inside her residence. During the altercation, Officer Spires' unholstered firearm was located inside her bag that was sitting on a nearby ottoman. As Officer Spires grabbed her bag, [REDACTED] reached toward her and the two struggled in a tug-of-war over the bag. Officer Spires reached inside the bag and retrieved her firearm. As Officer Spires pulled the firearm toward herself, [REDACTED] lunged at her, and the firearm discharged. [REDACTED] did not provide COPA with a statement; however, [REDACTED] was heard denying that he jumped on Officer Spires during Officer Spires' 911 call.

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<sup>63</sup> For the sake of analysis, COPA considered [REDACTED] account of [REDACTED] statements regarding the incident as an excited utterance exception to the hearsay rule. *See* Ill. R. Evid. 803; *People v. Sutton*, 233 Ill. 2d 89, 107 (2009) ("For a hearsay statement to be admissible under the spontaneous declaration exception, there must be an occurrence sufficiently startling to produce a spontaneous and unreflecting statement, there must be an absence of time for the declarant to fabricate the statement, and the statement must relate to the circumstances of the occurrence.") (citing *People v. Williams*, 193 Ill. 2d 306, 352 (2000)).

<sup>64</sup> [REDACTED] seemed to suggest that Officer Spires had a pattern of threatening [REDACTED] and inappropriately displaying her firearm. COPA believes these are serious allegations and referred some of these matters to BIA for further investigation. However, although Officer Spires' firearm discharge demonstrated an inattention to duty, there is no evidence it was intentional.

Officer Spires asserted the firearm discharge was unintentional and denied intentionally pulling the trigger.<sup>65</sup> She admitted that she possessed the firearm when it discharged, and that ██████ did not touch the firearm. Despite the fact there are no video or audio recordings of the shooting, there is sufficient evidence that the firearm discharged while in Officer Spires' possession; specifically, her statements to COPA and to responding CPD members. Additionally, there is no evidence indicating the firearm malfunctioned, causing a discharge on its own. Based on the available evidence, COPA finds it is more likely than not that Officer Spires unintentionally discharged her firearm during this incident; therefore, this allegation is **sustained** as a violation of Rules 2, 6, and 10.

**ii. Officer Spires notified the Office of Emergency Communications (OEMC) that she discharged her firearm.**

Based on the evidence obtained and analyzed in this investigation, COPA finds that Officer Spires timely and/or accurately notified OEMC that she discharged her firearm. Pursuant to General Order G03-06, officers involved in the discharge of a firearm "will immediately notify the Office of Emergency Communications providing all relevant information and requesting additional resources" related to any firearm discharge.<sup>66</sup>

According to Officer Spires, she notified OEMC that she was an off-duty officer, and that she discharged her firearm. Officer Spires' 911 call confirms that Officer Spires reported the firearm discharge and provided dispatch with her name, star number, and her status as an off-duty officer. Officer Spires made the required notification to OEMC; therefore, the allegation that she failed to timely and/or accurately notified OEMC that she discharged her firearm is **unfounded**.

**iii. Officer Spires failed to secure her firearm.**

Based on the evidence obtained and analyzed in this investigation, COPA finds that Officer Spires failed to secure her firearm in violation of Uniform and Property U04-02. This policy requires sworn members to secure all firearms in a manner that a reasonable person would believe will prohibit access by unapproved individuals.<sup>67</sup>

In this incident, Officer Spires kept her firearm unholstered in an unsecure bag left on the ottoman in her living room. Even though Officer Spires expressed concern that ██████ would become physically violent, there is no evidence that she secured her unholstered firearm prior to permitting ██████ to enter her residence. Officer Spires admitted that ██████ was aware she kept the firearm in her bag, and that during the altercation she wished to secure her firearm from him. However, it was only after the firearm discharge that Officer Spires placed the firearm in its holster. Officer Spires failed to properly secure her firearm prior to this incident; therefore, this allegation is **sustained** as a violation of Rules 2, 5, and 6.

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<sup>65</sup> It is unclear whether the firearm went off during the struggle Officer Spires described. But Officer Spires never indicated she used the firearm in self-defense during that struggle.

<sup>66</sup> Att. 95, G03-06(V)(A), Firearm Discharge and Officer-Involved Death Incident Response and Investigation (effective February 29, 2020 to April 15, 2021).

<sup>67</sup> Att. 96, U04-02(II)(G), Department Approved Weapons and Ammunition (effective February 29, 2020 to May 6, 2021)

**VIII. DISCIPLINARY RECOMMENDATION**

**a. Officer Nikki Spires**

**i. Complimentary and Disciplinary History**

Officer Spires has received five various awards and has no sustained disciplinary history in the last five years.

**ii. Recommended Discipline**

COPA has found that Officer Spires failed to properly secure her firearm, which contributed to the discharge of the weapon. Further, the unintentional discharge struck ██████ in the leg and caused injury that required medical attention. However, COPA finds that Officer Spires’ misconduct is significantly mitigated by the context of the incident. Officer Spires’ firearm discharge occurred in the midst of a struggle, when she was attempting to defend herself from being battered by ██████. It is for these reasons, combined with Officer Spires’ complimentary and disciplinary history, that COPA recommend she receive a suspension of **seven days**.

Approved:

██████████ 13  
\_\_\_\_\_  
Steffany Hreno  
*Director of Investigations*

8/24/2023  
\_\_\_\_\_  
Date

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Andrea Kersten  
*Chief Administrator*

8/24/2023  
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Date