



Brandon Johnson  
Mayor

Department of Police · City of Chicago  
3510 S. Michigan Avenue · Chicago, Illinois 60653

Larry B. Snelling  
Superintendent

October 5, 2023

Andrea Kersten  
Chief Administrator  
Civilian Office of Police Accountability  
1615 West Chicago Avenue, 4th Floor  
Chicago, Illinois 60622

Re: Superintendent's Non-Concurrence with Penalty Recommendation  
Complaint Log No. 2021-0000333

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) concurs with the recommended sustained finding but does not concur with the recommended penalty for Officer Nikki Spires, Star No. 8659

The COPA investigation recommended a penalty of a 7-day suspension for Officer Spires after concluding that she:

1. Was inattentive to duty in that her weapon discharged accidentally;
2. Failed to secure her firearm in violation of U04-02.

The Department agrees that these allegations should be sustained. But the Department believes that a 7-day suspension is excessive considering the entire circumstances of the discharge and recommends a penalty of a Violation Noted. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

In the COPA Analysis and Conclusion, it states that "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 the firearm. As Officer Spires pulled the firearm toward herself, [REDACTED] lunged at her and the firearm discharged." Summary Report at page 9.

The "altercation" that is referred to was a physical fight/struggle in which Officer Spires was the victim of a domestic battery. Officer Spires stated that the boyfriend threatened to kill her and punched her multiple times. Officer Spires sustained 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.

Officer Spires explained that the unholstered firearm was in her bag because she was downstairs and lives in a violent neighborhood. While this may not be the most prudent action to take, it was reasonable considering at the time she was in her own residence and she was home alone. Officer Spires stated that ██████ noticed the firearm in the bag during the struggle but regardless, he also was aware that she kept her firearm in her bag for protection. Because of his previous knowledge, Officer Spires reasonably believed that ██████ was attempting to disarm her or hit her. As such, she was justified in attempting to keep control of the firearm.

This altercation not only ended with the accidental discharge and ██████ being hit but also with ██████ being criminally charged with the felony of Aggravated Domestic Battery. This case is currently pending in Criminal Court.

If the purpose of discipline is to correct errant behavior and modify future conduct, then the Department believes that this can be accomplished without the imposition of a suspension. An accidental discharge should be treated as an action that shows that an officer is not as adept as they should be in handling a firearm. It is not a matter of disregarding an order or failure to follow a policy. In this case, firearm handling and retention may need to be improved but any analysis must factor in the physical struggle that could have resulted in the accused member being seriously hurt or possibly killed. COPA states 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 ██████ Summary Report at page 11. It is the Department's position that a suspension would simply be punitive and would serve no purpose to improve the officer's firearms handling skills and therefore is not in this officer's nor the Department's best interest.

The Department looks forward to discussing this matter with you pursuant to MCC 2-78-130(a)(iii).

Sincerely,

████████████████████  
Larry B. Shelling  
Superintendent  
Chicago Police Department