

**SUMMARY REPORT OF INVESTIGATION**

Date/Time/Location of Incident:	March 23, 2020, 2:05 p.m., [REDACTED]
Date/Time of COPA Notification:	March 23, 2020, 2:50 p.m.
Involved Officer #1:	Cedric Bailey, star# 17907, employee ID# [REDACTED], Date of Appointment December 5, 1994, Police Officer, Unit of Assignment 050, DOB [REDACTED], 1964, Male, Black.
Involved Individual #1:	N/A
Case Type:	Unintentional Discharge.

**I. ALLEGATION**

Officer	Allegation	Finding
Officer Cedric Bailey	1. It is alleged that on March 23, 2020, at approximately 2:06 pm at [REDACTED], Officer Bailey was inattentive to duty in that his weapon, a Ruger, Strum, 9MM, semi-automatic pistol, unintentionally discharged.	Sustained / <b>3-Day Suspension</b>

**II. SUMMARY OF EVIDENCE**

In a statement to with COPA investigators on August 19, 2020, Officer Cedric Bailey<sup>1</sup> stated that he is assigned to Airport Operations North-Unit 050. Officer Bailey stated his work hours are from 10:30 pm to 7:30 am. Officer Bailey stated on the day of the incident, he woke up around 12:30 pm and decided to clean his weapon before heading to the Chicago Police Academy to qualify with his weapon for the year. He explained that he was alone in his bedroom and began cleaning his weapon. During the cleaning and prior to removing the weapon’s magazine, Officer Bailey attempted to clear the firearm’s chamber by pulling back on the slide and then releasing it. This sequence was a mistake and resulted in an additional bullet being loaded into the firearm’s chamber prior to Officer Bailey removing the weapon’s magazine. Not realizing that a bullet remained in the weapon’s chamber, Officer Bailey then pulled the trigger to remove the weapon’s slide, which is when the weapon discharged, shooting Officer Bailey in the hand.

Officer Bailey further explained that after clearing the gun from any bullets, you have to pull the trigger to remove the slide for a visual inspection of the weapon, and that was why he pulled the trigger.

<sup>1</sup> Atts. 11, 18

Officer Bailey sustained a gunshot wound to his left hand. His wife immediately asked him what happened, and he instructed her to call 911. At the conclusion of his interview with COPA investigators, Officer Bailey admitted to being inattentive while handling his weapon.

### III. APPLICABLE RULES AND LAWS

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#### Rules

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1. Rule 10: Inattention to duty

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#### General Orders

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1. General Order 03-02-03, Section III, B

### IV. 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 reviewed complied with 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 conduct complied with Department 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. *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.

**V. ANALYSIS AND CONCLUSION**

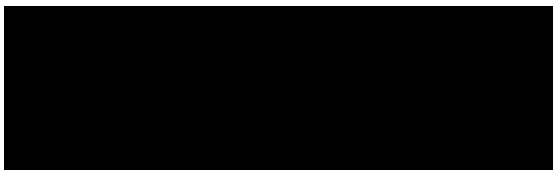
Officer Bailey was inattentive in that he attempted to clear his weapon’s chamber prior to removing the magazine, which resulted in Officer Bailey unknowingly loading a bullet into the weapon’s chamber. Officer Bailey then shot himself by pulling the trigger as he attempted to remove the weapon’s slide. Finally, by his own admission, Officer Bailey related that he was inattentive to duty.

For these reasons, COPA finds a finding of **SUSTAINED** for Allegation #1 against Officer Cedric Bailey.

**VI. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

COPA has reviewed the complimentary and any applicable disciplinary history of Officer Bailey. COPA recommends a three-day suspension.

Approved:



2/27/2021

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b> 2	2
<b>Investigator:</b>	Ramona Hendricks
<b>Supervising Investigator:</b>	Robert Coleman
<b>Deputy Chief Administrator:</b>	Matthew Haynam