

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 19, 2019
Time of Incident:	2:12 p.m.
Location of Incident:	10601 W. Higgins Avenue (O’HARE Building 850)
Date of COPA Notification:	November 19, 2019
Time of COPA Notification:	3:24 p.m.

On November 19, 2019, at approximately 2:12 p.m., after the Law Enforcement Medical and Rescue training (LEMART) training at O’Hare Airport, building 850, Officer Tramell Henderson, #5956, went to the weapon room to retrieve his firearm¹ from a gun locker. Officer Arturo Becerra, #15790, a Safety Officer, provided Officer Henderson instructions on how to safely retrieve his firearm from the gun locker. As Officer Henderson retrieved his firearm from the gun locker and began to place it into his holster, the firearm snagged briefly and discharged a round into his right thigh. Officer Becerra and other officers who attended the training, assisted Officer Henderson with medical aid and called for an ambulance. Chicago Fire Department (CFD) paramedics arrived and transported Officer Henderson to Lutheran General Hospital where medical personnel extracted the bullet from Officer Henderson’s leg.

An Evidence Technician (ET) recovered and inventoried the spent shell casing and fired bullet.²

II. INVOLVED PARTIES

Involved Officer #1:	Tramell Henderson, Star #5956, Employee # [REDACTED], Date of Appointment: February 24, 2003, Police Officer, Unit of Assignment (Detailed): 121, DOB: [REDACTED], 1971, Male, Black.
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III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Tramell Henderson	1. It is alleged that on or about November 19, 2019, at approximately 2:12 p.m., at the vicinity of 10601 W. Higgins Avenue (Building 850), Officer Henderson unintentionally discharged his firearm, in violation of Rule 10.	Sustained/ violation noted

¹ Glock 22, .40 Caliber, semi-automatic, Blue steel finish, Serial # [REDACTED], Registration # [REDACTED]. Inventory # [REDACTED] (see att. #20.)

² Att. #21, Win 40 S&W spent shell casing (Inventory #21) and fired bullet (Inventory #25).

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 10-Inattentio to duty.
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V. INVESTIGATION³⁴

a. Interviews

In a statement to COPA, on January 17, 2020, witness **Officer Arturo Becerra, #15790**,⁵ stated that on November 19, 2019, he was one of ten police officers teaching a LEMART class at O'Hare, 10601 W. Higgins Avenue, building 850.⁶ On November 19, 2019, Officer Becerra was the Safety Officer.⁷ The class ended at 3:00 p.m. Officer Becerra instructed the attendees (CPD officers and CFD personnel) to stand in line and wait to be called to retrieve their firearms from the weapons storage room. Officer Henderson was waiting at the red line in front the storage room and Officer Becerra called him to enter the storage room. Officer Becerra asked Officer Henderson what his gun locker number was, and Officer Henderson replied #22. Officer Becerra instructed Officer Henderson to stand with his toes on a red line on the floor. Before opening the gun locker, Officer Becerra instructed Officer Henderson to remove the firearm from the locker with his finger off the trigger and place it in his holster and secure. Officer Becerra opened the gun locker, Officer Henderson reached for his firearm with his fingers off the trigger and began to place the firearm into the holster. Officer Becerra heard a "click" of the weapon in the holster, he slightly turns toward the door to guide Officer Henderson out of the room and the firearm discharged.

According to Officer Becerra, he looked at Officer Henderson and they were both in shock. Officer Becerra asked Officer Henderson if he was shot and Officer Henderson looked in disbelief, began to move, and Officer Becerra knew that Officer Henderson had been shot in his right leg. Officer Becerra placed Officer Henderson on the floor and began to console him. Officer Becerra stated that he does not know how the firearm discharged and he didn't ask Officer Henderson. Officers standing nearby called for an ambulance. Some of the CFD personnel that attended the class, entered the storage and assisted. Shortly thereafter, an ambulance arrived and transported Officer Henderson to the hospital.

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ At the request of Deputy Chief Gloria Hanna, #290, twenty-four of the LEMART class attendees completed To/From/Subject Reports indicating that they did not see the incident. Officer Patrick Ohlinger's, #6104/6034, To/From/Subject Report indicates that he cleared Officer Henderson's firearm and placed it on a desk after the incident. See attachment #1.

⁵⁵ Att. #29

⁶⁶ Officer Becerra is assigned to Unit 124, Education and Training Division. He is an instructor for the LEMART training program for approximately two years.

⁷ The Safety Officer ensures that officers store their firearms in a locker box before and after class. The Safety Officer instructs the class attendees to wait in line until they are called by the Safety Officer into the storage room, which is adjacent to the classroom.

In a statement to COPA on February 3, 2020, **Accused Officer Tramell Henderson, #5956**,⁸ stated that on November 19, 2019, he was assigned to Unit 121, Bureau of Internal Affairs.⁹ On November 19, 2019, Officer Henderson attended a LEMART training class at O'Hare in building 850.¹⁰ At the end of training, Officer Henderson went to the weapon's storage room that was adjacent to the classroom and stood at a red line as instructed by Safety Officer Arturo Becerra. Officer Becerra called Officer Henderson to enter the storage room. Officer Henderson entered and approached his assigned locker, #22. Officer Henderson retrieved his firearm¹¹ from the locker and as he was placing it into his holster, the firearm discharged. He shot himself once in the right thigh. The holster was on Officer Henderson's duty belt on his right side. Officer Henderson stated that he does not know how the firearm discharged because his finger was not on the trigger, it was along the slide of the weapon. He did not have any problems with his holster prior to the incident and has never accidentally discharged a firearm. Officer Henderson was immediately in shock and disbelieve. Officers assisted him to the floor and applied a tourniquet to the wound. Shortly thereafter, CFD paramedics arrived and transported Officer Henderson to Luther General Hospital, where he had surgery to extract the bullet from his leg.

Officer Henderson explained that he is highly trained with firearms and has always used safely measures when handing firearms. He was in the United States Marine Corps, a Chicago Police Officer (CPD) for approximately seventeen years and is a CPD Carbine instructor at the Chicago Police Academy. Officer Henderson explained that it may be possible that his clothing got caught in the trigger of the firearm or because the Glock firearms do not have an external safety, it may have made contact with the hood of his holster when he was putting the into it.^{12 13}

Digital Evidence¹⁴

Evidence Technician photographs¹⁵ depict the scene at building 850 and the recovered evidence.

Video footage from building 850¹⁶, at 10601 W. Higgins Avenue, include five clips.¹⁷ At 2:19:22 p.m., in video clips, east entrance and east exit,¹⁸ CFD personnel arrive with a stretcher. At 2:21:10 p.m., CFD exits the building with Officer Henderson on the stretcher. At 2:19:32 p.m.,

⁸ Atts. #11, 15

⁹ Officer Henderson has been assigned to Unit 121 as of August 2018, where he works in a capacity of an investigator.

¹⁰ Training was from 7:00 am. to 3:30 p.m., and approximately twenty people attended.

¹¹ Blue Steel, Glock 22, .40 Caliber, semi-automatic, Serial # [REDACTED]. Officer Henderson was fully loaded before the discharge and the capacity of his firearm is seventeen rounds. He has owned this firearm since 2007. Officer Henderson's last annual prescribed weapon qualification date was April 19, 2019. See attachment #10.

¹²Atts. #15. Pg. 15, Lns 1-10.

¹³ Plastic Blackhawk Level 3 holster. This holster has a Thumb-Activated Pivot Guard. level 1 and 2 holsters do not have this pivot guard.

¹⁴ Video footage from the location of the incident only depicts the exterior of the building a hallway. The incident was not captured.

¹⁵ Att. #30

¹⁶Atts. #3-7.

¹⁷ Center hallway, driver testing hallway, east entrance, east exit, and south hallway (does not depict relevant footage).

¹⁸ The timestamp in the east entrance and exit videos clips, differ only by a couple of seconds.

in video clip, driver testing hallway, CFD personnel arrive with a stretcher. At 2:20:52 p.m., in video clip, center hallway, PO Henderson being removed out of a room in a stretcher.

b. Physical Evidence

The **Bureau of Internal Affairs Synoptic Report**¹⁹ indicates that on November 19, 2019, at approximately 5:46 p.m., Sergeant James Fielder, #1989, conducted a breath test in accordance with Department policy and took a urine sample from Officer Henderson. His Blood Alcohol Content was .000 and not drugs were found in Officer Henderson's system at the time of the incident.

The **Crime Scene Processing Report**²⁰ indicates that an evaluation of the cartridge case ejected from Officer Henderson's firearm was performed. The casing was determined to be a "WIN 40 S&W" consistent with having been fired from Officer Henderson's firearm.

The **Chicago Fire Department Report**²¹ documents that CFD Ambulance #16 arrived at the scene at 2:17 p.m. The narrative section of the report documents that upon arrival, CFD personnel found Officer Henderson conscious/alert with a gunshot wound to his right thigh (not exit). A tourniquet was applied prior to their arrival. Officer Henderson was transported to Luther General Hospital for medical care.

c. Documentary Evidence²²

The **Initiation Report, Original Case Incident Report, Case Supplemental Report,** and General Progress Reports²³ contain essentially the same account of the incident as Officer Henderson and Officer Becerra provided in their statements to COPA.

d. Additional Evidence

Chicago Police Training Records²⁴ of Officer Henderson indicate that Officer Henderson has an extensive training record to include, but not limited to; a forty-hour Carbine instructor course completed on April 25, 2014, a forty hour patrol Carbine Operator course completed on September 14, 2009, and firearms Safety-Gun locks course completed on June 15, 2004 and September 28, 2004.

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;

¹⁹ Att. #2, WD-19-8019.

²⁰ Att. #16

²¹ Att. #8, CFD Incident # [REDACTED].

²² There was no Tactical Response Report (TRR) associated with the incident.

²³ Atts. #1, 18, 27-28

²⁴ Att. #9

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.

VII. ANALYSIS

Rule 10 of the Rules and Regulations of the Chicago Police Department prohibits an officer from being "inattentive to duty." The interviews indicate that Officer Henderson followed Officer Becerra's instructions when he retrieved his firearm from the gun locker and placed it in his holster. Officer Henderson explained that he did not have his finger(s) on the trigger when the firearm discharged, and he does not know how the firearm discharged. Officer Henderson opined that it may have been possible that his clothing was caught in the trigger of the firearm or because the Glock firearms do not have an external safety, it may have contacted the hood of his holster. Officer Becerra corroborated that Officer Henderson appeared to follow the safety protocols when he retrieved his firearm from the locker and put it into the holster. Officer Becerra also stated that he did not know how the firearm discharged.

However, despite these credible statements from two well trained officers, the gun discharged and there is no indication the gun itself malfunctioned. Whether the officer was doing something inherently dangerous, like placing his finger on the trigger, or inadvertently catching the trigger on an article of clothing, the onus is his to ensure his firearm is not discharged without justification. In the instant case, the evidence is that the gun discharged which implicitly establishes to some degree inattention in holstering the weapon. Therefore, the allegation is sustained.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS¹⁹

a. Officer Halbert

i. Complimentary and Disciplinary History

Officer Henderson has no publishable disciplinary history. Officer Henderson’s complimentary history, service to the department and extensive training history has been considered.

ii. Recommended Penalty

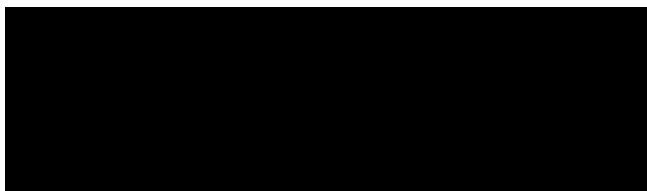
As articulated above, despite evidence that appears to establish Officer Henderson did take precaution, the gun discharged and led directly to Officer Henderson’s injury. Based on the accidental nature of the incident, Officer Henderson’s lack of disciplinary history, complimentary history, and extensive training record, COPA recommends the minimal penalty of a violation noted.

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Tramell Henderson	1. It is alleged that on or about November 19, 2019, at approximately 2:12 p.m., at the vicinity of 10601 W. Higgins Avenue (Building 850), Officer Henderson unintentionally discharged his firearm.	Sustained/ violation noted

Approved:



Angela Hearts Glass
Deputy Chief of Investigations

11-25-2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	6
Major Case Specialist:	Jessica Sanchez
Supervising Investigator:	James Murphy-Aguilu
Deputy Chief Administrator:	Angela Hearts Glass