

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	February 23, 2022
Time of Incident:	3:00 p.m.
Location of Incident:	1900 W. Monterey Ave.
Date of COPA Notification:	February 23, 2022
Time of COPA Notification:	3:50 p.m.

On February 23, 2022, at approximately 3:00 PM, Officer Hurdylyn Woods, Jr. was in the 22nd District men’s locker room preparing for his tour of duty when he accidentally discharged his firearm. Officer Woods immediately informed Sergeant Oscar Lopez that he inadvertently discharged his firearm. No injuries were sustained as a result of this incident.

II. INVOLVED PARTIES

Involved Member #1	Hurdylyn Woods, Jr. / Star # 18355 /Employee ID# [REDACTED] Date of Appointment: July 16, 2019 / Rank: Officer Unit of Assignment: 22 District / DOB: [REDACTED], 1979 Gender: Male / Race: Black
Witness Officer #1	Oscar Lopez / Star#1251 / Employee# [REDACTED] Date of Appointment: March 9, 2009 / Rank: Sergeant Unit of Assignment: 14 th District / DOB: [REDACTED] 1984 Gender: Male / Race: Hispanic

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Hurdylyn Woods, Jr.	1. It is alleged by Sgt. Oscar Lopez that on February 23, 2022, at approximately 3:00 pm, at 1900 W. Monterey Ave., Officer Hurdylyn Woods, Jr. committed misconduct through the following acts or omissions, by: negligently discharged his firearm, in violation of Rule 13.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

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1. Rule 10: Inattention to Duty
 2. Rule 13: Failure to secure and care for Department property.
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General Orders

1. General Order G03-02-06: Firearms Discharge Incidents Involving Sworn Members

V. INVESTIGATION

a. Interviews

Officer Hurdylyn Woods¹

In a statement to COPA on April 1, 2022, Officer Hurdylyn Woods, Jr. (Officer Woods) stated he was dressed in civilian clothing and rushing² when he arrived at the 22nd District for the start of his shift. While changing his into uniform, Officer Woods placed his holstered Sig Sauer P320 firearm on the shelf of his locker. As he prepared to place his firearm into his duty belt, he realized that he had firearms qualifications later in the day. At that moment, he removed his left hand from the holster to document the firearm's serial number, leaving his right hand on the holster and firearm (right thumb on the ejector, three fingers on the handle, and the index finger on the slide). When he released the firearm from the holster, he heard what he described as a "boom".³ Officer Woods described the trigger of the firearm being inside of the hard, plastic holster. Officer Woods could not recall either finger pulling the trigger.

When the discharge occurred, there were two, possibly three other officers in the locker room. Officer Woods explained that he apologized to those officers, then he reported the discharge to Sergeant Lopez.

Officer Woods explained that the Sig Sauer firearm has been his primary duty weapon for the last three years, and it has not malfunctioned or otherwise had issues. However, after this incident, he learned that his particular firearm model has been the subject of malfunctions and accidental discharges in the past.

Later that day, at the conclusion of his superior officer's investigation, Officer Woods qualified with the same weapon. He then completed his tour of duty.

Officer Woods acknowledged that his firearm discharged in his locker. However, he denied that the discharge was the result of his negligence.

b. Documentary Evidence

Initiation Report⁴

¹ Attachment 16

² *Id.* at 6:50

³ *Id.* at 8:25

⁴ Attachment 2

Sergeant Oscar Lopez's **Initiation Report** stated that Officer Hurdylyn Woods informed him that he (Officer Woods) had an unintentional discharge while in the 22nd District men's locker room. The report further stated that Officers Raymond Zhu and David Dimoff were witnesses to this incident, and there were no injuries.

Office of Emergency Management & Communication Event Query⁵

The Event Query documented that Beat 2234, Officer Hurdylyn Woods #18355, accidentally discharged a firearm inside the station. No injuries were reported.

Original Case Incident Report (OCIR)⁶

A review of the OCIR indicates that Officer Woods explained to responding officers that he was removing his firearm from his holster that was sitting on top of a locker when the firearm discharged one round. The report further indicates that there were no injuries.

Case Supplementary Report⁷

Officers responded to the 22nd District headquarters in response to a non-fatal, unintentional discharge. Officers recovered a 9 MM semi-automatic Swiss Industrial Gesellschaft (SIG). The magazine had an 18 round capacity. There were 17 live rounds and one used (expended) round of the firearm. The status of the firearm was reported as clear.

Crime Scene Processing Report⁸

Evidence Technician (ET), Officer Tonia Morin was assigned to process the scene of this incident. Crime Scene Processing Report # [REDACTED] documented that the ET inventoried one fired bullet from the interior top shelf of locker #123, and one expended shell stamped Win 9MM Luger, from the floor near locker 123, the locker assigned to Officer Woods.

Tactical Response Report⁹

A Tactical Response Report (TRR) was completed by Sergeant Oscar Lopez and Deputy Chief Larry Snelling. Sergeant Lopez documented the incident as an officer involved shooting with no injuries. Deputy Chief Snelling reported obtaining a Log number for the incident at 1550 hours. Additionally, Deputy Chief Snelling reported that BIA Sergeant Fiedler administered urinalysis at 1715 hours and a breathalyzer at 1732 hours. Officer Woods was provided with Traumatic Incident Stress management information.

BIA Synoptic Report¹⁰

On February 23, 2022, at 3:40 p.m., the Bureau of Internal Affairs (BIA) was informed of the accidental discharge. BIA Sergeant James Fiedler documented that Officer Woods was presented with a Notice of Alcohol and Drug Testing Following a Firearms Discharge Incident form. A urinalysis test was administered at 5:15 p.m. and breathalyzer testing was conducted at

⁵ Attachments 6 -8

⁶ Attachment 3

⁷ Attachment 4

⁸ Attachment 12

⁹ Attachment 5

¹⁰ Attachments 13 and 35

5:32 p.m. Both tests were performed on the day of the incident. The results of the breathalyzer and drug panel were both negative.

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 the conduct occurred and violated Department policy.¹¹ If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, 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.¹² 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."¹³

VII. ANALYSIS

An allegation of an unintentional firearm discharge is evaluated under Chicago Police Department Rules 10 and 13. Rule 10 prohibits inattention to duty, while Rule 13 prohibits the failure to adequately secure or care for Department property. Both rules are evaluated under the legal standard of negligence, which is, "the failure to do something which a reasonably careful person would do, or the doing of something which a reasonably careful person would not, under circumstances similar to those shown by the evidence."¹⁴

COPA finds the preponderance of the evidence establishes Officer Woods was inattentive to duty when he negligently discharged his firearm in the CPD locker room. While Officer Woods'

¹¹ *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).

¹² *People v. Coan*, 2016 IL App (2d) 151036 (2016).

¹³ *Id.* at ¶ 28.

¹⁴ Illinois Pattern Jury Instructions-Civil (2006), No. 10.01.

firearm was secure inside the holster, he demonstrated a lack of care for the firearm and any potential harm it could cause when he attempted to remove a firearm from a hard plastic holster, using one hand, while it was placed on a shelf inside of a locker.

In this case, there is no audio or video evidence that captured the incident, only testimonial evidence provided by Officer Woods. In his statement to COPA, Officer Wood stated that he did not recall having a finger on the trigger when the firearm discharged. Although he admitted that the firearm discharged in his locker, Officer Woods denied that the discharge was due to his negligence.

Officer Woods was unable to provide an explanation as to why he believed the firearm discharged. However, it is unlikely Officer Woods' firearm would have unintentionally discharged if his finger had not been on the trigger. Because of his actions and inattentiveness, COPA finds Officer Woods committed misconduct when he discharged his firearm negligently. Therefore, Allegation #1 is **SUSTAINED**.

RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Hurdylyn Woods, Jr.

i. Complimentary and Disciplinary History

Officer Woods complimentary history includes one (1) 2019 Crime Reduction Award, one (1) Emblem of Recognition – Physical Fitness, and five (5) Honorable Mentions. He has one (1) SPAR from 2021 for Absent/Leaving Duty Assignment, resulting in a Reprimand. He also has (1) SPAR from 2022 for Preventable Accident, which also resulted in a Reprimand.

ii. Recommended Penalty

COPA has found that Officer Woods violated Rules 10 and 13 when he unintentionally discharged his firearm in a CPD locker room. Officer Woods' negligence was significant and could have resulted in physical injury or death. COPA notes that Officer Woods offered apologies to his fellow officers for discharging his weapon while they were nearby. However, COPA also notes that Officer Woods denied that he was negligent and instead implied that his firearm somehow malfunctioned. Despite this alleged malfunction, Officer Woods went on to qualify with that firearm and then go back out on the street later the same day. Given Officer Woods' reticence to accept responsibility for his negligence, as well as his inexperience as a police officer, COPA recommends he receive a **10-day suspension and retraining** on firearm safety.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

5-26-2022

Date