

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	January 27, 2022
Time of Incident:	09:17 a.m.
Location of Incident:	1300 W. Jackson Street, Chicago, IL 60607
Date of COPA Notification:	January 27, 2022
Time of COPA Notification:	9:50 a.m.

On the morning of January 27, 2022, Officer Eithan Ferman went to the Chicago Police Department Academy firearms range to requalify with his firearm. Once he was finished on the range, he went into the adjacent cleaning room to clean his firearm. At approximately 9:17 a.m., Officer Ferman accidentally discharged his firearm and sustained an injury to his lefthand ring finger. He received medical treatment for his injury at Rush University Medical Center and was released later that day. COPA’s investigation determined that Officer Ferman was inattentive to duty when he entered the cleaning room with live ammunition and when handling his firearm.

**II. INVOLVED PARTIES**

Involved Officer #1:	Eithan Ferman, Star #18529, Employee ID # [REDACTED], Date of Appointment 05/18/2018, Rank: Officer, Unit of Assignment 001, DOB [REDACTED]/1982, Male, White Hispanic
Witness Officer #1	James Buchanan, Star #1870, Employee # [REDACTED], Date of Appointment 05/05/1997, Rank: Sergeant, Unit of Assignment 124, DOB [REDACTED]/1970

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Eithan Ferman	It is alleged by Sgt. James Buchanan that on or about January 27th, 2022, at approximately 9:17 a.m., at or near 1300 W. Jackson Street Chicago, IL 60607, that you, Officer Eithan Ferman, committed misconduct through the following acts or omissions, by:  1. negligently discharging your firearm,	<b>Sustained</b>

2. being inattentive to duty by bringing live ammunition into the cleaning room adjacent to the CPD firearms range, in violation of Rule 10.	<b>Sustained</b>
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#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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

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1. G03-06 Firearm Discharge and Officer-Involved Death Incident Response and Investigation
  2. S11-03-01 Annual Prescribed Weapon Qualification Program and Taser Recertification
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#### V. INVESTIGATION

##### a. Interviews

##### Sergeant James Buchanan<sup>1</sup>

On February 10, 2022, COPA interviewed witness Sergeant James Buchanan (Sgt. Buchanan). Sgt. Buchanan was working as the Range Master of the Training and Support Group, which includes overseeing the Firearms Division of the Chicago Police Department Academy. Sgt. Buchanan was in his office when he heard a loud bang coming from the hallway adjacent to the firearms range. Sgt. Buchanan moved towards the area, yelled out to ask if anyone was hurt, and Officer Ferman replied he shot himself in the hand.<sup>2</sup> Sgt. Buchanan took Officer Ferman to a hallway outside of the cleaning room to wrap his hand and told staff to call Emergency Medical Services (EMS). When Sgt. Buchanan entered the cleaning room, he noticed the firearm on the floor and a magazine that was on a tabletop in the middle of the room. Both the firearm and magazine were secured by other CPD personnel and placed on a table outside of the cleaning room.

Sgt. Buchanan explained that Officer Ferman was at the range to qualify with his firearm and did qualify prior to the discharge.<sup>3</sup> Sgt. Buchanan confirmed that there are signs posted outside the cleaning room door which state no live ammunition is allowed in the cleaning room. Additionally, the signage states that the slide of the firearm needs to be removed prior to entering the room. Sgt. Buchanan was asked about firearms range rules and safety. Although the language of the CPD Range Rules and Procedures are principally worded towards recruits, Sgt. Buchanan stated range rules apply to *anyone* who uses the range. According to Sgt. Buchanan, once officers have completed their range duties, they are supposed to unload all of their ammunition in one of the safety centers (clearing barrels) in the hallway prior to entering the cleaning room. When asked why Officer Ferman brought ammunition into the cleaning room, Sgt. Buchanan related that

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<sup>1</sup> Attachments 5 and 20.

<sup>2</sup> Attachment 20, p. 5, lines 23-24, and p. 6, lines 1-7

<sup>3</sup> Special Order S11-03-01(II) states Chicago Police Department mandates that all sworn Department members must qualify with their prescribed duty weapons prior to the end of the fourth police period of the current year.

Officer Ferman told him his intention was to clean his weapon, but he changed his mind and accidentally shot himself.



Figure 1: The signage outside of the cleaning room at the Chicago Police Department Academy firearms range. (Attachment 21)

**Officer Eithan Ferman<sup>4</sup>**

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<sup>4</sup> Attachments 4 and 19

On February 16, 2022, COPA interviewed Officer Eithan Ferman (Officer Ferman). Officer Ferman stated that, because of an on-the-job injury, he had been detailed to the academy and placed on injury on duty status since approximately May 2021. Officer Ferman had recently been medically cleared to return to normal duty but had to qualify with his firearm before doing so. Besides qualification, Officer Ferman stated he had several things going on that day. He mentioned that he was scheduled to go on vacation the following day which he believed could have been a contributing factor in the negligent discharge.<sup>5</sup>

Officer Ferman had just qualified with his firearm and was given new ammunition to load into his magazines.<sup>6</sup> Officer Ferman stated he went to the clearing station and removed the magazine which was in the firearm so he could enter the cleaning room. After entering the cleaning room, Officer Ferman stated he changed his mind because he had a lot going on that day and decided not to clean his weapon. Officer Ferman re-holstered his firearm and inserted a magazine. He stated he realized the cleaning room was the safest place to clean his firearm and changed his mind again and decided to clean his weapon. Officer Ferman took the weapon out of the holster and began to manipulate the slide to take it off when the firearm discharged.<sup>7</sup> Officer Ferman was asked if he had his finger on the trigger at any point in the cleaning room, but he could not recall.

Officer Ferman was asked about his understanding of CPD Range Rules regarding firearms safety. Officer Ferman stated he did not know he could not bring live ammunition into the cleaning room.<sup>8</sup> Officer Ferman was shown a photo of the entrance to the cleaning room.<sup>9</sup> Officer Ferman acknowledged entering through the cleaning room door but does not recall seeing the signs posted at the entrance. At the conclusion of his interview, Officer Ferman expressed relief that no one was hurt and remorse for his actions by calling it a mistake on his part. Officer Ferman affirmed both of COPA's allegations.<sup>10</sup>

#### **b. Digital Evidence**

COPA obtained and reviewed CCTV video from the Chicago Police Department Academy related to this incident. The discharge occurred inside the cleaning room adjacent to the CPD Academy firearms range. There is no video coverage of the discharge inside the cleaning room. At 9:15:00 a.m., Officer Ferman is at the safety center in the hallway outside the cleaning room. Officer Ferman removes the magazine from his firearm and makes it safe to enter the cleaning room. Officer Ferman enters the cleaning room at 9:15:54 a.m. At approximately 9:17:52 a.m., unidentified CPD personnel walking by the door can be seen reacting to something happening in the cleaning room, by turning towards the cleaning room, acting startled, and then immediately entering. Sgt. Buchanan enters the cleaning room at 9:18:07 a.m. and shortly thereafter exits with

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<sup>5</sup> Attachment 19, p. 10, lines 6-10

<sup>6</sup> CPD Patrol Officers are issued three magazines. One magazine for the firearm and two magazines carried on the duty holster. Ferman's firearm, A Glock 17 Gen 5, is designed to hold 17 rounds of ammunition in each magazine plus one in the chamber.

<sup>7</sup> The slide of a Glock 17 is the top portion of the weapon. The slide holds the barrel of the firearm through which ammunition is discharged. Attachment 18

<sup>8</sup> Attachment 19, p. 24, lines 5-8

<sup>9</sup> Attachment 15

<sup>10</sup> Attachment 19, p. 30, lines 16-20 and p. 31, lines 10-16

Officer Ferman, who is seen holding his left hand. The firearm is placed on a table in the hallway outside of the cleaning room.

### c. Documentary Evidence

The **CPD Initiation Report**<sup>11</sup> states that on January 27<sup>th</sup>, 2022, at approximately 9:20 a.m., a loud bang emitted from the cleaning room adjacent to the firearms range. Sgt. Buchanan entered the cleaning room to find Officer Ferman with a minor wound to his lefthand ring finger. Officer Ferman informed Sgt. Buchanan, ““Sorry Sgt., I was about to clean my firearm, but I changed my mind and accidentally shot myself.”” Sgt. Buchanan noted that there are visibly posted signs at the entrance of the cleaning room stating, “No live ammunition in the cleaning room” and “the slide must be removed at a safety center before entering”.

A **Synoptic Report**<sup>12</sup> indicates that after discharging his firearm, Officer Ferman was taken to Rush Hospital. The Bureau of Internal Affairs administered an alcohol breathalyzer test and collected a urine sample to test for the presence of illegal drugs. The results showed that all tests for drugs and alcohol were 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 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

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<sup>11</sup> Attachment 7

<sup>12</sup> Attachment 13

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

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.”<sup>13</sup>

COPA finds the preponderance of the evidence establishes Officer Ferman was inattentive to duty when he brought live ammunition into the cleaning room adjacent to the CPD academy firearms range and by negligently discharging his firearm therein. Evidence gathered during this investigation shows that a loud bang was heard coming from the cleaning room. Upon entering the room, Sgt. Buchanan noticed Officer Ferman had discharged his firearm once, striking himself in the left hand. The CPD Recruit Firearms Manual states, “No live ammunition or loaded weapons are allowed in the **cleaning room**...”<sup>14</sup> Additionally, posted outside the cleaning room are signs that state the relevant rules. Officer Ferman ignored the clearly posted signs and subsequently discharged his firearm. In his interview with COPA, Officer Ferman expressed remorse for his actions by calling it a mistake on his part and affirming both allegations. Despite Officer Ferman’s admission, his actions were inconsistent with CPD training and violated Rules 10 and 13. COPA finds Officer Ferman committed misconduct by ignoring signs posted at the cleaning room entrance and bringing live ammunition into the cleaning room, as well as discharging his firearm negligently inside, and both allegations are **sustained**.

## VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

### a. Officer Eithan Ferman

#### i. Complimentary and Disciplinary History

Officer Ferman’s complimentary history includes two (2) Complimentary Letters, three (3) Department Commendations, one (1) Emblem of Recognition-Physical Fitness, one (1) Life Saving Award, and three (3) Honorable Mentions. Officer Ferman has no sustained disciplinary history.

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<sup>13</sup> Illinois Pattern Jury Instructions-Civil (2006), No. 10.01.

<sup>14</sup> Attachment 12, page 26.

**ii. Recommended Penalty**

COPA has found that Officer Ferman violated Rules 10 and 13 when he negligently brought live ammunition into the firearms range cleaning room and unintentionally discharged his firearm therein. Officer Ferman’s negligence was significant and could have resulted in death or an injury more serious than the one Officer Ferman sustained. COPA notes, however, that Officer Ferman was contrite and accepted responsibility for his actions. Given Officer Ferman’s inexperience as a police officer, COPA recommends he receive **7 Days of Suspension and Training** on Firearm Safety.

Approved:



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Angela Hearts-Glass  
*Deputy Chief Investigator*

3-31-2022

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Date