

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 1, 2019
Time of Incident:	1:56 p.m.
Location of Incident:	██████████ (outside)
Date of COPA Notification:	October 1, 2019
Time of COPA Notification:	3:28 p.m.

On October 1, 2019, at approximately 1:56 p.m., Officer William Murphy, #6066, of Unit 189 was at his home address, loading his equipment into a Police Department unmarked SUV prior to driving to the 7th District station. He was on-duty and dressed in casual clothes, including cargo shorts. He had an auxiliary weapon, a Glock Model 42 .380-cal. pistol, clipped on the inside of his cargo shorts on his right side. In a pocket on the right side of the cargo shorts, he had a key ring and a closed folding knife. While he was leaning into the rear seat area of the SUV, something apparently caught the pistol’s trigger, causing it to fire. The bullet struck Officer Murphy’s upper right thigh area. He notified the Office of Emergency Management and Communications and requested a supervisor. He went inside his house and placed his gun on a table. He spoke with responding paramedics and CPD supervisors before he was transported by ambulance to Christ Hospital, where he was treated and released. The bullet was not found in his leg or at the incident scene.

II. INVOLVED PARTIES

Involved Officer #1:	William Murphy; star #6066; Employee ID#38691; Date of Appointment: August 5, 1996, Police Officer, Unit of Assignment: 189; DOB: January 1, 1970; male; white.
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III. ALLEGATIONS

Officer	Allegation	Finding
Officer William Murphy	1. That on October 1, 2019, at approximately 1:56 p.m., at [REDACTED]. [REDACTED] [REDACTED], Officer Murphy was inattentive to duty in that his weapon discharged accidentally, wounding him.	Sustained
	2. That during the same incident, Officer Murphy was in violation of General order U04-02-01, Department Approved Handguns and Ammunition, Section VII, Part C, in that he failed to annually requalify with his auxiliary subcompact semiautomatic pistol	Sustained
	3. That during the same incident, Officer Murphy was in violation of General Order U04-02-01, Department Approved Handguns and Ammunition, Section VII, Part D, in that he did not carry his weapon in a Department-approved holster consistent with the uniform specification titled "Holster –Auxiliary Subcompact Semiautomatic Pistols," described in Specification No. 8-1515.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules¹

1. Rule 2: Any action or conduct which impedes the Police Department's efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 10: Inattention to duty.

General, Special, or Uniform Orders²

¹ Police Board of Chicago, *Rules and Regulations of the Chicago Police Department, Article V. Rules of Conduct* (April 1, 2010) <https://www.chicago.gov/dam/city/depts/cpb/PoliceDiscipline/RulesofConduct.pdf>

² Department general, special, and uniform orders, also known as directives, "are official documents establishing, defining, and communicating Department-wide policy, procedures, or programs issued in the name of the Superintendent of Police." Department Directives System, General Order G01-03; *see also* Chicago Police Department Directives System, *available at* <http://directives.chicagopolice.org/directives/> (last accessed September 28, 2021).

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1. Uniform Order U04-02: Department Approved Weapons and Ammunition (effective June 2, 2017 to February 28, 2020)
 2. Uniform Order U04-02-01 Department Approved Semiautomatic Pistols and Ammunition (effective August 10, 2018 to August 18, 2020)
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V. INVESTIGATION

a. Interviews

In his COPA interview³, Officer Murphy said he was on-duty at the time of the incident and did not have a body-worn camera because he was not issued one for his work in Unit 189, the Narcotics Division. He was at his home address, having already been to court at the Criminal Courts building at 26th Street and California Boulevard. He came home and changed into civilian dress, including cargo shorts. His police vehicle was parked in his driveway, and he was loading it in preparation to go to the 7th District where his team was going to perform its mission for the day. His vehicle was not equipped with an in-car camera. He wore his auxiliary weapon, a Glock Model 42, a .380-cal. semi-automatic pistol, on his right side, with the gun clipped to either the right side of his cargo shorts waistband or to his belt, on his right side. The gun was on the inside of the shorts, at the front pocket-waistband area, not in a pocket of the shorts and not in a holster. While he was leaning into the back seat of the vehicle, on the driver's side, with his right foot on the door sill, hanging his protective vest on the back of the front passenger seat, something apparently caught on his pistol, and it discharged, firing the round into his right leg/hip area. He said he had a set of keys, which included an elongated cuff key, and a folding knife in his top right front shorts pocket at the time of the incident. Nothing was in his cargo pockets.

Officer Murphy said he did not know why the gun discharged but believed that an item on the key chain or the folded-up knife could have caused his weapon to fire. Officer Murphy said the Synoptic report from the Bureau of Internal Affairs was not accurate when it said, "PO Murphy was removing his weapon from his rear waist area when it discharged ..." Officer Murphy, in his COPA interview, said neither of his hands was on the weapon. His left hand held his vest, and his right hand was closer to his chest, holding his lunch bag. Officer Murphy agreed that when he stepped into his vehicle, that action decreased the distance between the objects in his pocket and the trigger mechanism of his weapon. He did not know where the fired bullet landed, and it was not recovered.

Following the incident, Officer Murphy grabbed his weapon, went into his house, and placed the weapon on a table. He observed that the slide of the weapon had not cycled. The slide was in a forward position. He did not pull the slide back. Later, when Sgt. Martin Murphy arrived at the scene, Officer Murphy gave the weapon to him. Officer Murphy said he did not have another weapon on him when the incident occurred.

Regarding the allegations against him, Officer Murphy acknowledged that his weapon discharged accidentally, although he did not believe he was inattentive to duty and he did not

³ Att. 81

intend to use the firearm in the performance of police-related duties. He acknowledged he did not have the gun in a holster.

As to qualifying with the weapon, Officer Murphy said he did not know when he had last qualified with it but said the Police Department's record showing he qualified on it on August 25, 2016, was accurate. He said he was off work for a total of three years after that date, with a combination of being injured on duty and subsequent surgeries. During that three-year period, he went to the Area 2 (South) range and he qualified on a weapon so he could be placed on "on-duty" status before again going on medical for another surgery.

Officer Murphy said when he went to qualify on a weapon to again go back to duty, which he thought occurred approximately August 1, 2019, he attempted to qualify on his auxiliary .380 pistol. However, he was told by an unidentified officer at the Area One (Central) range that he could not qualify with the auxiliary weapon then, but he could qualify with it starting sometime in October 2019, when the qualification period for auxiliary weapons was held. Officer Murphy said he intended to requalify on that auxiliary weapon. He did not set up a date to requalify because he did not see which gun ranges were open on October 1, according to the "teletype" or computer-generated message that he said CPD put out, telling officers about auxiliary qualification periods.⁴

Regarding the allegation about not qualifying on the weapon annually, he asserted that he was not afforded the opportunity to requalify on his auxiliary weapon.

Officer Murphy stated that, since he last qualified on the weapon on August 25, 2016, he had not equipped himself with the weapon on duty. He said he did not use the weapon as a "duty" weapon because he is now an "enforcement" officer in his unit. Officer Murphy said the reason he had the auxiliary weapon with him is because he owns three weapons and removes them each day from his house because he has three children who come home when neither he nor his wife are at home. On the incident date, he had loaded his duty bag containing his two service weapons into his Department vehicle.

In his defense, Officer Murphy cited General Order Uniform and Property U04-02 Department Approved Weapons and Ammunition, Section IV⁵, "Authorizations and Restrictions for Firearms and Equipment," which says, "The following provisions apply only to firearms intended to be used in performance of police-related duties:..." Part B under Section IV requires, "When in citizen's dress, members will carry their firearms and extra ammunition in Department-approved holsters and ammunition carriers."

Officer Murphy went on to say that it was not his intention to use the .380-cal. Weapon for a duty weapon. His intention was just to remove it from his house and secure it in his vehicle.

Officer Murphy added that his .380 pistol, which does not have a safety, had not discharged accidentally before the October 1 incident. He said the weapon fires when the double trigger is

⁴ Officer Murphy said he would forward a copy of the "teletype" to COPA when he found it on his PDT. He had not done so as of the writing of this report.

⁵ Att. 76, p. 3

pulled. He added that his understanding is that the only “safety” on the weapon is to not touch the trigger.

In his COPA interview⁶, Sgt. Martin Murphy said he was working Beat 2220, in uniform, when he responded as the first officer at the scene on October 1, 2019. Sgt. Murphy said he responded after Officer Murphy requested a supervisor be sent to his location. When he arrived there, Sgt. Murphy observed Officer Murphy standing outside, and Officer Murphy said he had shot himself. When Sgt. Murphy exited his vehicle, he saw that Officer Murphy was bleeding. There was blood on his tan shorts. They talked with each other while in Officer Murphy’s driveway, where Officer Murphy said the incident occurred. Officer Murphy told Sgt. Murphy he moved his police vehicle after the shooting so that his wife had access to the driveway.

Sgt. Murphy stated that Officer Murphy, in explaining what had happened, told him his gun was in his right shorts pocket, along with his car keys and a knife. As Officer Murphy stepped into his vehicle with his right leg, one of the items in his pocket might have hit the gun’s trigger and accidentally discharged the weapon. Officer Murphy went inside his house and returned to Sgt. Murphy, turning over the weapon that had discharged. Sgt. Murphy said the gun’s magazine was still in it, and its slide position indicated to Sgt. Murphy that a round was still in the chamber. Sgt. Murphy and others looked for the spent shell casing, but no one found it. Sgt. Murphy took the weapon into his car and racked the slide to make the weapon safe. He said the fired shell casing was still in the chamber. He eventually turned over the gun to Evidence Technicians, who photographed it while it was on the passenger seat of Sgt. Murphy’s vehicle. The gun was never in a holster, and Officer Murphy was not wearing a duty belt, according to Sgt. Murphy. He added that Officer Murphy did not indicate that the gun was in any kind of holster while it was in his pocket.

Sgt. Murphy said he spoke to Officer Murphy’s wife after Officer Murphy had been transported from the scene by ambulance. Officer Murphy’s wife said she did not witness the incident, but she heard the gunshot. She told Sgt. Murphy her husband came into the house and had her look at his wound because he wanted to know if she might be able to just clean it and maybe bandage it. She recommended he go to the hospital, which Officer Murphy did not want to do. Apart from saying Officer Murphy told her he shot himself accidentally, she did not provide the circumstances of the incident to Sgt. Murphy.

Sgt. Murphy said while he was on the scene, one of Officer Murphy’s teammates, a Caucasian male with a beard, arrived, and Sgt. Murphy told him to notify his supervisor about Officer Murphy being shot. Sgt. Murphy said he knew Officer Murphy for approximately 10 years because they both worked in Area 2 (South) and their children saw each other at football games.

⁶ Att. 74

b. Digital Evidence

The audio files⁷ from the Office of Emergency Management and Communications indicate that on October 1, 2019, Beat 6241-George asks for a 22nd District supervisor to come to 3900 West 102nd Street as quickly as possible. Beat 2220 takes the job and eventually asks for a car out of roll-call to follow the ambulance to the hospital. Beat 2220 also asks for a car to be assigned to the job, which involves an accidental discharge by an officer. Beat 2220 says Ambulance 17 is on the scene. He also asks for a tactical car to return to the scene so they can accompany the ambulance. Beat 262-Eddie (2262-E) tells the dispatcher he will go to the scene, and the dispatcher later assigns Beat 2211 to the incident.

In-car cameras recorded five videos, and body-worn cameras recorded two videos related to the incident.⁸ Three of the in-car videos recorded by Beat 2211 have no relevant images. A fourth video recorded by Beat 2211 indicates that car arrived on the scene at approximately 2:35 p.m. Supervisory police officers discuss the incident, and the discussion is consistent with Sgt. Murphy's account in his COPA interview. The fifth in-car video was recorded by Beat 2270, but it has no relevant images.

Beat 2270, Sgt. Richard Steinbrenner, recorded one of the body-worn videos, but it has no relevant images.

Sgt. Murphy's body-worn camera video includes relevant images. Less than two minutes into the video, Officer Murphy is visible through the open front passenger-side door window of Sgt. Murphy's vehicle. Officer Murphy appears to be talking with Sgt. Murphy (there is no audio of that conversation). After Sgt. Murphy parks his vehicle and exits, he walks east to where Ambulance 17 is parked. Sgt. Murphy speaks with Officer Murphy, who is wearing tan shorts that appear to have blood on the right side. Sgt. Murphy asks Officer Murphy where he was hit, and Officer Murphy points to his right hip and says what sounds like "it" was in his pocket. Officer Murphy possibly adds, "I think." Officer Murphy enters the ambulance.

The same video depicts Officer Murphy apparently describing the incident, saying he was putting gear into his car, and he had "shit" (items) in his pockets. The video also depicts Officer Murphy exiting his house and walking toward Sgt. Murphy. Officer Murphy hands Sgt. Murphy his gun, which is not in a holster. Sgt. Murphy goes to his vehicle and places the gun on the front passenger seat. He types information into his computer, leaves his vehicle and then walks back to the ambulance before the video ends.

The Evidence Technician photographs⁹ depict the incident scene, including Officer Murphy's CPD vehicle, a blue Ford SUV, license plate [REDACTED], and its back-seat area. Also depicted are Sgt. Murphy's marked SUV and Officer Murphy's pistol (marker #1), the pistol magazine (marker #2), and the fired casing (marker #3), all on the front passenger seat of Sgt. Murphy's SUV. Other photographs depict Officer Murphy being treated at Christ Hospital, his

⁷ Atts. 30-32, 52

⁸ Atts. 39-45, 75

⁹ Att. 60

keyring and the items attached to it, his wallet, his knife, and his clothing, including his bloody shorts.

c. Physical Evidence

Officer Murphy's medical records¹⁰ reflect that he arrived at Christ Hospital at 2:29 p.m. on October 1, 2019. He was treated for the "self-inflicted"¹¹ accidental gunshot wound to the right hip. Officer Murphy was upset that he was causing so much extra work and stress for everyone. He was feeling well, did not need pain medication and was anxious to go home. The records further indicate no acute fracture or dislocation was observed. X-rays did not show a bullet retained in Officer Murphy. His wound was irrigated and dressed. He was released at 6:01 p.m. on the same day.

The Firearms Receipt and Worksheet¹² from the Crime Laboratory Division of CPD indicates Officer Murphy's pistol had a seven-round magazine and seven live cartridges. The fired cartridge case was included in the evidence. The Worksheet referenced that the weapon's bore exhibited firing residue. The safety device for the weapon was the trigger mechanism. The Firearms Technician performed the functions test and fired two test shots. A black belt clip was attached to the rear of the weapon's slide along its right side.

d. Documentary Evidence

Officer Murphy's Tactical Response Report¹³ reflects that he was on-duty at the time of the incident. His Beat was 6241G.

Officer Murphy's Injury On Duty Report¹⁴ contains an account of the incident that is consistent with his COPA statement.

A Crime Scene Processing Report¹⁵ indicates the fired bullet was not found at the incident scene.

Another Crime Scene Processing Report¹⁶ notes that a preliminary evaluation determined that the inventoried cartridge casing had been fired from Officer Murphy's weapon.

The Attendance and Assignment Record¹⁷ for Unit 189 for October 1, 2019, indicates that Officer Murphy was assigned to Beat 6241H and was working from 9 a.m. to 5:30 pm.

¹⁰ Att. 28

¹¹ Att. 28, p. 34

¹² Att. 11

¹³ Att. 6

¹⁴ Att. 7

¹⁵ Att. 8

¹⁶ Att. 9

¹⁷ Att. 19

The **Synoptic Report**¹⁸ from the Bureau of Internal Affairs reflects that Officer Murphy's breathalyzer test showed a breath alcohol concentration of .000.

The **Weapon Qualification information**¹⁹ from the CPD Education and Training Division indicates Officer Murphy had not qualified on his Glock Model 42, the subject weapon, since August 25, 2016.

CPD Administrative Messages²⁰ indicate that periods of weapon qualification for alternate/auxiliary weapons were from June 25, 2019, through July 8, 2019, and from July 8, 2019, through July 12, 2019. Another period for such qualification was from August 26, 2019, through August 30, 2019. The Message regarding the June 25-July 8 period includes: "Officers are also reminded that they must be qualified on an alternate or auxiliary weapon in order to carry them."

e. Additional Evidence

Sgt. John Pardell, #1356, of the Firearms Training Unit of the Education and Training Division, responded to a COPA inquiry regarding whether the black belt clip attached to Officer Murphy's Glock 42 would be considered an approved Department holster.²¹ Sgt. Pardell said it was not authorized, that a holster must cover the trigger and trigger guard.

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 a proposition is proved.²² For example, 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.

¹⁸ Att. 25

¹⁹ Att. 55

²⁰ Att. 82

²¹ Atts. 61, 62

²² 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.").

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.²³ 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.”²⁴

VII. LEGAL ANALYSIS

Department policy approves auxiliary²⁵ subcompact semiautomatic pistols, including a Glock 42, provided certain conditions are met. The firearms must be registered with the Department.²⁶ “Sworn members are required to successfully complete a familiarization, testing, and qualification course as specified by the Deputy Chief, Education and Training Division. In addition, members will be required to annually requalify with the auxiliary subcompact semiautomatic pistol.”²⁷ They must be “carried in Department-approved holsters consistent with the uniform specification titled `Holster-Auxiliary Subcompact Semiautomatic Pistols.’”²⁸ The Holster-Auxiliary Subcompact Semiautomatic Pistols specifications allow pocket holsters, ankle holsters and exposed pistol holsters that meet certain material, construction, and color specifications.²⁹ The policy applies to members even when off-duty or assigned to nonfield duties.³⁰

The Rules and Regulations of the Chicago Police Department require members to “devote themselves fully to the attainment of the letter and spirit of the Department policy and goals and

²³ See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016).

²⁴ *Id.* at ¶ 28.

²⁵ A firearm which may be used or carried by a sworn officer in addition to a prescribed or alternate prescribed firearm. Department Approved Handguns and Ammunition, Uniform and Property U04-02-01 Glossary Terms & VII.I.2. (effective August 10, 2018)

²⁶ Department Approved Handguns and Ammunition, Uniform and Property U04-02-01 VII.A. & VII.I.3. (effective August 10, 2018)

²⁷ Department Approved Handguns and Ammunition, Uniform and Property U04-02-01 VII.C. (effective August 10, 2018); Department Approved Weapons and Ammunition Uniform and Property U04-02 II.F. (effective June 2, 2017) “Department members must qualify annually with all prescribed, alternate prescribed or auxiliary firearms.... prior to carrying the firearm on or off duty. “

²⁸ Department Approved Handguns and Ammunition, Uniform and Property U04-02-01 VII.D. (effective August 10, 2018). Similarly, a member who is off duty is approved to carry an auxiliary semiautomatic pistol as long as it is registered, the member has qualified and annually requalified and it is carried in a Department-approved holster. U04-02-01 II.O.1. (a)-(c). See also Department Approved Weapons and Ammunition Uniform and Property U04-02 IV.B (effective June 2, 2017) (“When in citizen’s dress, members will carry their firearms...in Department-approved holsters.... “applying only to firearms intended to be used in the performance of police-related duties)

²⁹ Uniform and Equipment Specifications Research and Development Division, Specification No. 8.1515 (effective April 16, 2010)

³⁰ See, *e.g.* U04-02-01 VII. F.&G. (Noting that “[w]hen assigned to nonfield duties, auxiliary subcompact semiautomatic pistols may only be worn in addition to a Department member’s prescribed, alternative prescribed weapon, or auxiliary weapon” and “[w]hen off duty, the auxiliary subcompact semiautomatic pistol may be worn alone”).

will conduct themselves at all times in such a manner as will reflect credit upon the Department....”³¹ Prohibited acts include” Rule 10 Inattention to duty.”³²

1. Officer Murphy was inattentive to duty when his unholstered gun accidentally discharged

The preponderance of evidence supports Officer Murphy was inattentive to duty when he carried his semiautomatic pistol without a holster. Although Officer Murphy disputes that he was inattentive to duty, the letter and the spirit of Department policy is for firearms to be holstered. Sergeant Pardell of Education and Training said in his email that the belt clip attached to the gun was not authorized as a holster. A proper holster would have covered the trigger and trigger guard, which were the areas that seemingly came in contact with the objects in Officer Murphy’s pocket, causing the weapon to fire. Additionally, while Officer Murphy was technically not in the field, as he had just returned home from court, and he did not intend for his firearm to be used in a police-related duty, Department firearm policy applies when off-duty or assigned to nonfield duties.

2. Officer Murphy violated policy when he failed to annually requalify with his auxiliary subcompact semiautomatic pistol

The preponderance of the evidence supports that Officer Murphy failed to annually requalify with his auxiliary subcompact semiautomatic pistol in violation of policy. The record from the Education and Training Division shows that Officer Murphy last qualified on the weapon on August 25, 2016. He said he attempted to qualify on his gun in approximately August of 2019 but was told to come back in October of 2019 when auxiliary weapons would be qualified. He did not know the name of the officer who told him to come back. Because there is no log kept of when officers go to a range to qualify, it was not possible to check the accuracy of Officer Murphy’s assertion. In addition, the Administrative Messages apparently relied upon by Officer Murphy indicate that there were qualification periods from June 25, 2019, through July 8, 2019, and from July 8, 2019, through July 12, 2019. Another period for such qualification was from August 26, 2019, through August 30, 2019. Officer Murphy seemed to have had an adequate opportunity to qualify on the weapon, including in the month of August.

3. Officer Murphy violated policy by not carrying his weapon in a Department-approved holster

The preponderance of the evidence supports that Officer Murphy violated policy when he carried his auxiliary subcompact semiautomatic pistol outside of a holster. While Officer Murphy did not consider the subject weapon one that he would use while performing police-related duties, he was carrying it on-duty while his two other service weapons were in a bag in his vehicle, presumably out of his immediate reach. Even if off-duty, auxiliary firearms must be carried in a

³¹ Police Board of Chicago, *Rules and Regulations of the Chicago Police Department, Article IV.C. Regulations Establishing the Duties of Members - Sworn Members* (April 16, 2015)

<https://www.chicago.gov/content/dam/city/depts/cpb/PoliceDiscipline/RulesandRegulationsCPD20150416.pdf>

³² Police Board of Chicago, *Rules and Regulations of the Chicago Police Department, Article V. Rules of Conduct* (April 16, 2015)

<https://www.chicago.gov/content/dam/city/depts/cpb/PoliceDiscipline/RulesandRegulationsCPD20150416.pdf>

Department-approved holster.³³ Furthermore, the General Order Officer Murphy cited in his defense requires that when in citizen’s dress, which he was, officers are to carry their firearms in Department-approved holsters. The Order does not make an exception for weapons carried on-duty but not intended by the officer for use later while performing police-related duties. The belt clip attached to the pistol was not a holster, according to Sgt. Pardell.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer William Murphy, #6066

i. Complimentary and Disciplinary History – Officer Murphy has been awarded 239 total awards, including 210 Honorable Mentions, 7 Complementary Letters, 7 Department Commendations, and 2 Police Officer of the Month Awards. Officer Murphy has received 2 Spars, both resulted in a reprimand for a preventable accident.

ii. Recommended Penalty – 5-Day Suspension

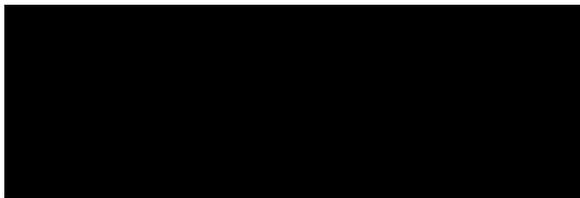
IX. CONCLUSION

Officer	Allegation	Finding / Recommendation
Officer William Murphy	1. That on October 1, 2019, at approximately 1:56 p.m., at [REDACTED], [REDACTED], Officer Murphy was inattentive to duty in that his weapon discharged accidentally, wounding him.	Sustained / 5-Day Suspension

³³ It is acknowledged that the Order cited by Officer Murphy is vague about which weapons an officer can possess that would be considered intended for use while performing police-related duties, but this is not relevant to this analysis because Officer Murphy considered the weapon an “auxiliary” weapon, which is subject to the holster requirement as well.

<p>2. That during the same incident, Officer Murphy was in violation of General order U04-02-01, Department Approved Handguns and Ammunition, Section VII, Part C, in that he failed to annually requalify with his auxiliary subcompact semiautomatic pistol</p>	<p>Sustained / 5-Day Suspension</p>
<p>3. That during the same incident, Officer Murphy was in violation of General Order U04-02-01, Department Approved Handguns and Ammunition, Section VII, Part D, in that he did not carry his weapon in a Department-approved holster consistent with the uniform specification titled “Holster –Auxiliary Subcompact Semiautomatic Pistols,” described in Specification No. 8-1515.</p>	<p>Sustained / 5-Day Suspension</p>

Approved



3/8/2022

Matthew Haynam
 Deputy Chief Administrator – Chief Investigator

Date