

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	December 4, 2016
Time of Incident:	Approximately 4:28 pm
Location of Incident:	405 East 64 <sup>th</sup> Street, Chicago, IL 60637
Date of COPA Notification:	December 4, 2016
Time of COPA Notification:	6:41 pm

On December 4, 2016, Officer Shafer and Officer Guebara were investigating an On-Star report of a stolen vehicle in the area of 64<sup>th</sup> Street and Calumet. The officers did not locate the vehicle in that area and conducted a search of the surrounding area. The officers located the vehicle parked on 64<sup>th</sup> Street, east of Dr. Martin Luther King Drive. The officers approached the vehicle on foot, announced their office, and ordered the occupants out of the vehicle. The occupants refused to comply; the driver started the vehicle. As Officer Shafer attempted to open the driver’s door, the vehicle started to pull away. Officer Shafer slipped on the snow/ice and inadvertently discharged his firearm. Officer Shafer did not maintain control of his weapon and unintentionally discharged a round.

**II. INVOLVED PARTIES**

Involved Officer #1:	Shafer, Jeffery; # 17177; Employee # [REDACTED]; Unit: 003; White male; On-duty; CPD Start Date: February 18, 2014.
Witness Officer #2:	Guebara, Victor; #17147; Employee # [REDACTED]; Unit, 003; White, male; On-duty; CPD Start Date February 18, 2014.

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Jeffery Shafer # 17177	1. Violated Rule 10 of the Chicago Police Department’s Rules and Regulations Policy	Sustained

	when he unintentionally discharged his weapon.	
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**IV. APPLICABLE RULES AND LAWS**

Rules

1. **Rule 10** Inattention to duty.

**V. INVESTIGATION**

As part of this investigation the Independent Police Review Authority (IPRA)<sup>2</sup> obtained documentary and video evidence associated with this incident. COPA interviewed the officer involved in the incident. The following is a summary of the information gathered.

**a. Interviews**

On January 8, 2018, **Officer Victor Guebara #17147** was interviewed at COPA<sup>3</sup>. Officer Guebara said that on December 4, 2016, he was working Beat 314 in uniform with his partner, Officer Shafer. Officer Guebara and Officer Shafer were dispatched to the area of 63<sup>rd</sup> Street and Calumet in reference to a stolen vehicle that was being tracked by On-Star. The vehicle was described as a late model Cadillac sedan.

According to Officer Guebara, Beat 314 checked the area for the stolen vehicle and went through an apartment complex west of Dr. Martin Luther King Drive. Beat 314 exited the complex near 64<sup>th</sup> Street and Dr. Martin Luther King Drive. Officer Guebara said that Beat 314 observed a vehicle matching the description of the stolen vehicle parallel parking on 64<sup>th</sup> Street, east of Dr. Martin Luther King Drive.

Officer Guebara stated Beat 314 verified the vehicle as the stolen vehicle by the plate. Officer Guebara stated that they pulled up to the rear and left of the vehicle (cars were parked in front and behind the stolen vehicle). Officer Guebara exited the squad car, drew his weapon,

<sup>2</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>3</sup> Att. 34

announced “Chicago Police” and ordered the occupants to “open the door.” Officer Guebara said he did a “chest press”<sup>4</sup> with his weapon as he approached the vehicle.

Officer Guebara said the windows were tinted dark and it was difficult to see inside the vehicle. Officer Guebara attempted to open the driver’s door and it was locked. Officer Guebara continued to give verbal commands to open the door. Officer Guebara said the Cadillac was still running and he saw his partner exit the squad car, then move to the driver’s side of the Cadillac. Officer Guebara moved to the rear of the Cadillac. He started to move toward the passenger side when he heard the tires spinning on the Cadillac and heard a gunshot. Officer Guebara could not tell exactly where the shot came from other than “close.”

Officer Guebara said that the Cadillac jumped the curb and drove east on the sidewalk to approximately the alley, then turned back east on 64<sup>th</sup> Street. At the next street, the Cadillac turned south. Officer Guebara said he holstered his weapon and put out a flash message about the fleeing Cadillac. Beat 314 remained on scene for several hours until they went to the 3<sup>rd</sup> District station.

On January 8, 2018, **Ofc. Jeffery Shafer # 17177** was interviewed at COPA<sup>5</sup> as an accused officer. Officer Shafer objected to the delay in the investigation by stating that the incident occurred over a year ago which could impact Officer Shafer’s ability to recall the incident. Officer Shafer said on December 4, 2016, he was on-duty and in uniform. Officer Shafer was working Beat 314 and partnered with Officer Guebara. Officer Shafer said they were dispatched to the area of 63<sup>rd</sup> and Calumet in reference to a stolen auto that was being tracked by On-Star. Officers Shafer and Guebara toured the area looking for the stolen auto. When they arrived at the intersection of 64<sup>th</sup> Street and Dr. Martin Luther King Drive they observed a Cadillac matching the description of the stolen vehicle parallel parking on 64<sup>th</sup> Street east of Dr. Martin Luther King Drive. Officer Shafer described the vehicle as a newer model Cadillac sedan with tints.

Officer Shafer drove east on 64<sup>th</sup> Street across Dr. Martin Luther King Drive and activated his lights in an attempt to curb the vehicle, while Officer Guebara ran the plate to verify that the vehicle was the stolen vehicle. Officer Shafer said he parked the squad car behind and to the left of the Cadillac because there was a parked car in front and to the rear of the Cadillac. Officer

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<sup>4</sup> A chest press is an operational function where officers are trained to draw the butt of their weapon in toward their chest to maintain control of the weapon and have the weapon readily available for use if necessary.

<sup>5</sup> Att. 35

Shafer saw his partner exit the vehicle as he was placing the vehicle in park. Officer Shafer heard his partner identifying himself as "Chicago Police" and ordering the occupants out of the vehicle. Officer Shafer said he turned to open his door, and as he exited the squad car he drew his weapon and placed it in a "chest press." Officer Shafer went around the front of the squad car and saw Officer Guebara move to the rear of the Cadillac. As Officer Shafer approached the driver's door he could see the vehicle was occupied by a person in the driver's seat and one in the front passenger seat. Officer Shafer was saying "Chicago Police, get out of the vehicle." When Officer Shafer reached the driver's door, he attempted to open the door with his left hand. Officer Shafer said the vehicle started to move, veering toward him. Officer Shafer stepped back and slipped on the ice, at which time he accidentally discharged his weapon. The Cadillac jumped the curb and headed east on the sidewalk. Officer Shafer said he drew his weapon when he exited the squad car because in his experience people in stolen vehicles tend to have firearms, and he did not know if the vehicle had been simply stolen, or taken in a carjacking.

Officer Shafer explained that when the Cadillac started veering toward him, he pushed his right arm forward and to his right to push away from the vehicle. Officer Shafer believed when he did this the barrel or other portion of the weapon struck the window of the Cadillac. As Officer Shafer attempted to regain his balance after he slipped backwards, his hand moved in an upward direction when the weapon discharged. Officer Shafer said his weapon hit the window and discharged almost instantaneously. Officer Shafer said that he was practicing good trigger discipline, he always keeps his finger outside the trigger guard, with his trigger finger on the frame. Officer Shafer said he does not know how the weapon discharged, he does not remember placing his finger in the trigger guard. Officer Shafer said he does not believe he depressed the trigger of his weapon; if he did it was unintentional. He said his finger may have entered the trigger guard as he fell backwards and attempted to evade the Cadillac.

After Officer Shafer discharged his weapon, he put out a flash message giving the description of the vehicle and direction of travel and holstered his weapon. A Sergeant arrived within a minute and Officer Shafer made the notification of his discharge to him. Officer Shafer described the area as mostly a mix of residences with businesses. Officer Shafer said it was snowing, and about dusk with streetlights in the area. A crime scene was established and Officer Shafer said he spoke with the Sergeant, Lieutenant, Commander, Deputy Chief and the Evidence

Technician. Officer Shafer does not remember speaking with the detectives. While at the scene, Officer Shafer was placed in the Lieutenant's vehicle.

After a few hours, Officer Shafer went to the district where he was placed in the Sergeant's office. There Officer Shafer completed his Tactical Response Report (TRR) and another Beat was assigned the case report. Officer Shafer said he was tested for alcohol and drugs. While at the station, the OCIC spoke with Officer Shafer and asked him if the Evidence Technician could process his weapon, as the Department directives did not require it for an unintentional discharge. Officer Shafer said he relinquished his Glock model 17 and the Evidence Technician recovered a spent shell casing from within the firing chamber.

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

##### **911 Call<sup>6</sup>**

At 4:07 pm on December 4, 2016, Chicago Police Dispatch received a call from On-Star operator [REDACTED] that a stolen white, 2016 Cadillac ATS license plate [REDACTED] was located at 6311 Calumet, Chicago. The vehicle was stolen out of Richton Park, IL with a report number 16RP 11595. Chicago Police Dispatch stated they would send the police.

##### **In-car camera<sup>7</sup>**

The following is a summary of the contents depicted in video recordings:

- Beat 314:** At approximately 6:14 Beat 314 searched the area of 63<sup>rd</sup> and Calumet.
- At approximately 15:01 crossed Dr. Martin Luther King Dr. at 64<sup>th</sup> Street
- At approximately 15:04 a White Cadillac was parking as Beat 314 approached.
- At approximately 15:08 Beat 314 pulled adjacent to Cadillac.<sup>8</sup>
- At approximately 15:10 Beat 314 came to a complete stop.
- At approximately 15:20 Cadillac appeared to start moving.

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<sup>6</sup> Att. 29

<sup>7</sup> Att. 27

<sup>8</sup> Due to the position of the squad car, the in-car camera does not capture the officers next to the Cadillac.

At approximately 15:22 the Cadillac jumped the curb, onto the sidewalk and drove east to alley-south from alley to 64<sup>th</sup> -east on 64<sup>th</sup> to Vernon Ave and north on Vernon Ave.

At approximately 24:15 Beat 314 repositioned slightly east of its original stopping place.

At approximately 39:66 crime scene tape was deployed.

### **Crime scene photographs<sup>9</sup>**

The crime scene photographs depicted the area around 405 East 64<sup>th</sup> Street where the discharge took place. The photographs showed the two vehicles that were in front and behind the Cadillac when it was parked. The photographs also showed tire tracks in the snow where the Cadillac jumped the curb and fled. The photographs also depicted the Cadillac when it was recovered at 6510 South Vernon. The photographs showed a scratch in a slight arc in the driver's side front window and a bullet hole in the top of the driver's door frame. The bullet hole appeared perpendicular to the ground. The photographs showed the condition of the interior of the Cadillac.

#### **c. Documentary Evidence**

### **General Offense Case Reports<sup>10</sup>**

Report HZ540044 described the discovery of the white Cadillac at 405 E. 64<sup>th</sup> Street. The report also described the officers approach toward the vehicle. The report documented Officer Shafer slipping on the snow/ice and discharging his weapon and the vehicle's flight.

Report HZ539915 documented the recovery of the white Cadillac in the alley behind 6510 S. Vernon.

### **Tactical Response Report (TRR)<sup>11</sup>**

The TRR submitted by Officer Shafer indicated the incident was an accidental discharge.

### **Crime Scene Processing Report<sup>14</sup>**

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<sup>9</sup> Att. 25

<sup>10</sup> Att. 8, 9

<sup>11</sup> Att. 7

<sup>14</sup> Att. 24

Report 322164 under RD HZ540044 details the photographs taken at 405 E. 64th Street; photographs taken in the alley at 6510 S. Vernon; photographs taken at the 3<sup>rd</sup> District station located at 7040 S. Cottage Grove, biological swabs taken, and the recovered spent shell casing recovered from Officer Shafer's weapon.

**Bureau of Internal Affairs (BIA) Synoptic Report<sup>15</sup>**

The To-From report detailed the process where a breath sample and urine sample were taken from Officer Shafer. Also included are the requisite paperwork for the samples, the documented printout for the breath analysis which showed a .000 blood alcohol concentration (BAC).

**VI. ANALYSIS**

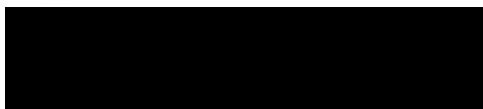
Based on the evidence obtained, the scratch on the window of the Cadillac is consistent with Officer Shafer's statement that the front portion of his weapon (potentially the front sight) struck the window as he was falling backward. The slight arc in the scratch is consistent with an arm moving upward and slightly back. Based upon the information, Officer Shafer failed to maintain proper control of his weapon, albeit under extraordinary circumstance, and unintentionally discharged one round.

**VII. CONCLUSION**

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

<b>Allegation</b>	<b>Finding</b>
<b>Officer Jeffery Shafer #17177</b>	
1. Violated Rule 10 of the Chicago Police Department's Rules and Regulations Policy when he unintentionally discharged his weapon.	Sustained

Approved:



Joshua Hunt  
Deputy Chief Administrator – Chief Investigator

*22 MARCH 2018*

Date

<sup>15</sup> Att. 13, 14, 15, 16, 17, 18, 19

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	7
<b>Major Case Specialist:</b>	Mark Mitchell #40
<b>Supervising Investigator:</b>	Mark A. Javir #17
<b>Deputy Chief Administrator:</b>	Joshua Hunt