



Log # 2023-0001283

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On March 26, 2023, the Civilian Office of Police Accountability (COPA) received an initiation report² from Chicago Police Department (CPD) member Sgt. Thomas Francis regarding the accidental discharge of a firearm by Police Officer Nicholas Patti that occurred on March 26, 2023, at 5555 W. Grand Avenue, inside of the men's locker room located in the basement of the 25th district police station. Upon review of the evidence, COPA reached a sustained finding for the allegation.

II. SUMMARY OF EVIDENCE³

COPA conducted the interview of Officer Patti⁴ on April 18, 2023. In his statement, Officer Patti mentioned that he could not recall certain events, such as what beat he was assigned or who his partner was during his shift, in the day leading up to the accidental discharge.⁵ However, he did state that his shifts were normally eight and one-half hours with breaks, which was the case on this particular day.⁶

When asked for his account of the accidental discharge, Officer Patti stated he was at his locker in the basement of the 25th district while he was changing from his uniform to his civilian clothes.⁷ He then took out his firearm from his duty holster to place it into his off-duty holster, but he missed, and the firearm slipped out of his hands.⁸ “Went down to the locker room to go change because I was done with my tour of duty. Was taking my gun out from its duty belt to its off-duty holster. In doing so, I thought it was going in the holster. I guess it was on the outside -- or -- and it slipped. I tried to catch it and I guess I must have caught the trigger, too.”⁹

Officer Patti noted that Police Officer Gabriel Contreras was in the locker room at the time of the incident, but no one was injured.¹⁰ According to Officer Patti, his holster was a standard

¹ Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² Att. 2.

³ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including police reports and PO Patti's interview.

⁴ Att. 22.

⁵ Att. 22 at 7:57.

⁶ Att. 22 at 9:35.

⁷ Att. 22 at 10:53.

⁸ Att. 22 at 10:53.

⁹ Att. 23, pg. 13, lns. 15 to 21.

¹⁰ Att. 22 at 11:59.

Department-approved off-duty holster made out of Kydex¹¹ and was not defective in any manner.¹² At the time, Officer Patti did not look down at his firearm to ensure that it was going into the holster properly,¹³ but now he does that as a remedial effort to prevent another accidental discharge.¹⁴

The Initiation Report¹⁵, authored by Sgt. Francis, stated that Officer Patti was changing from his duty uniform to his off-duty clothing. When transferring his Glock 17 pistol from the on-duty holster to his off-duty holster, he unintentionally discharged his firearm. Another CPD member, Officer Contreras, was also in the locker room when the incident occurred. **Officer Contreras filed a To-From Report¹⁶** in which he stated that he was changing into off-duty clothing when he “heard a noise consistent with a gunshot” coming from his left.

A Tactical Response Report¹⁷ was filled out by Officer Patti. In the report, Officer Patti acknowledged that he was off-duty at the time of the incident and that no injuries were sustained. **The Crime Scene Processing Report¹⁸** stated that one expended shell and one fired bullet were found on top of a desk.

III. ALLEGATIONS

Police Officer Nicholas Patti:

1. It is alleged that on or about March 26, 2023, at approximately 2150 hours, at 5555 W. Grand Avenue, inside the male locker room, Police Officer Nicholas Patti committed misconduct through the following acts or omissions: Was inattentive to duty, causing his firearm to accidentally discharge.

Sustained, Violation of Rule 2, 3 and 10.

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of any of the individuals who provided statements or information.

V. ANALYSIS¹⁹

COPA finds that the allegation against Officer Patti, that he was inattentive to duty causing his firearm to accidentally discharge, be **Sustained**. Officer Patti denied that he was inattentive but did acknowledge that he inadvertently pulled the trigger on his firearm after he failed to properly holster it. In his statement to COPA, Officer Patti stated that as he was holstering his

¹¹ Kydex is a hardened plastic commonly used in holster manufacturing.

¹² Att. 22 at 17:30.

¹³ Att. 22 at 21:45.

¹⁴ Att. 22 at 29:23.

¹⁵ Att. 2.

¹⁶ Att. 9.

¹⁷ Att. 8.

¹⁸ Att. 5.

¹⁹ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

firearm, he failed to see where he was placing his firearm and accidentally lost control of it. When he went to catch the firearm, his finger went into the trigger area, causing the firearm to discharge.

VI. DISCIPLINARY RECOMMENDATION

- a. Police Officer Nicholas Patti**
 - i. Complimentary and Disciplinary History²⁰**

Officer Patti previously received a Reprimand in 2022 for a “Preventable Accident”.

Officer Patti has received a total of 9 awards, including one crime reduction award, and 5 honorable mentions.

ii. Recommended Discipline

Here, COPA found that Officer Patti was inattentive to duty, causing his firearm to accidentally discharge, violating Rules 2, 3, and 10. Because of his lack of disciplinary history, COPA recommends 3 Days Suspension and that Officer Patti receive Law Enforcement Remedial Handgun Training.

Approved:



4-26-2023

Angela Hearts-Glass
Deputy Chief Investigator

Date

²⁰ Att. 24.

Appendix ACase Details

Date/Time/Location of Incident:	March 26, 2023 / at approximately 9:50 pm / 5555 W. Grand Avenue.
Date/Time of COPA Notification:	March 26, 2023 / at approximately 10:14 pm.
Involved Officer:	Nicholas Patti, Star 11026, Employee ID [REDACTED], Date of Appointment: July 27, 2018, Unit of Assignment: 25 th District, Male, White.

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- General Order G03-06 , Firearm Discharge and Officer-Involved Death Incident Response and Investigation, V. (effective April 15, 2021 to present).

Appendix B

Definition of COPA’s Findings and Standards of Proof

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.²¹ 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.

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. 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.”²²

²¹ 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 is found to be more probably true than not).

²² *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation