



Rahm Emanuel
Mayor

Department of Police · City of Chicago
3510 South Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

02 January 2018

Sydney Roberts
Chief Administrator
Civilian Office of Police Accountability
1615 West Chicago Avenue, 4th Floor
Chicago, Illinois 60622

Re: Log # 1079109
Non-Concurrence with COPA sustained findings for allegations against:
Officer Timmie Deberry #5427

Dear Chief Administrator:

In reviewing the above mentioned Log Investigation:

The Department does not concur with COPA's sustained findings for the following allegations against Officer Deberry:

- Allegation #1: Negligently handled his firearm during an arrest
- Allegation #2: Accidentally discharged his firearm during an arrest

The Department believes there is no evidence that this off-duty officer, who was pursuing a career criminal fleeing a store robbery, was negligent. The evidence in this case showed that the unintentional discharge of the officer's firearm was caused not by the officer, but instead by the offender's refusal to follow verbal commands and his attempt to escape arrest. The Department believes Allegations #1 should be *Unfounded* and Allegation #2 should be classified as *Exonerated*.

The Department concurs with COPA's sustained finding for Allegation #3 against Officer Deberry:

- Allegation #3: Failure to immediately report a firearm discharge

The Department recognized that Officer Deberry did not immediately report this incident, but the fact that the officer was off-duty with his children at the scene is a powerful mitigating factor for his 1 ½ hour delay in reporting this incident. Additionally, Officer Deberry went to the 14th District and continued his participation in this investigation, leading to the approval of Robbery charges against the offender and ultimately a conviction. The Department, therefore, cannot concur with COPA's recommendation for a fifteen (15) day suspension. The Department believes the officer's delay in reporting this incident did not impact this investigation or the resulting conviction and an appropriate penalty under these circumstances is a **Violation Noted**.

Emergency and TTY: 9-1-1 · Non Emergency and TTY: (within City limits) 3-1-1 · Non-Emergency and TTY (Outside City limits) (312) 746-6000
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Officer's History

Officer Deberry has been a Chicago Police Officer for eleven (11) years. During that time, Officer Deberry has received four (4) Department Commendations, two (2) Problem Solving Awards, three (3) Complimentary Letters, and forty-nine (49) Honorable Mentions.

Officer Deberry has had no sustained complaints in his career.

Summary of Incident

On February 2, 2016, Officer Deberry was off-duty and was running errands with his children (aged 14 years, 8 years, and 6 months) at a Walgreens at 3110 W. Armitage Ave. Officer Deberry went into the store and his children waited in his vehicle. While shopping inside, Officer Deberry heard someone from the front of the store yell, "Stop, help me, stop!" Officer Deberry went over and saw a man (now known to be ██████████) run from the store. Officer Deberry saw a woman (now known to be Cook County Deputy Sherriff Marylou Torres) try to stop ██████████. Officer Deberry ran from the store after ██████████ down the south alley of Armitage.

Officer Deberry saw ██████████ remove his coat and then reach for his waistband. Officer Deberry believed ██████████ was reaching for a gun. Officer Deberry continued chasing ██████████. Officer Deberry removed his firearm from his holster and yelled, "Chicago Police." ██████████ continued to run. ██████████ climbed a fence and continued to run across a carport. Officer Deberry climbed the fence and continued chasing ██████████. ██████████ ran to a six foot chain link fence and began climbing. As ██████████ was cresting the fence, Officer Deberry grabbed ██████████ at the hips to pull him down. Officer Deberry's firearm pushed against ██████████ hip and fired once in the air. Officer Deberry pulled ██████████ to the ground. CCS Deputy Sherriff Torres ran to the scene to assist. Neither of officers had handcuffs, so both officers walked ██████████ back to the Walgreens. ██████████ then took out his cell phone and attempted to make a call. Officer Deberry had to push ██████████ up against a wall to regain control of him.

When the officers reached the Walgreens, Officer Deberry called the 14th District for assistance. When the on-duty CPD officers arrived, Officer Deberry returned to his vehicle, which now contained a very upset 14 year-old who just witnessed her father pursue an offender out of the Walgreens and out of her sight. Officer Deberry took his children to buy food at a drive thru and then proceeded home. Once home at approximately 2000 hours (about 1 ½ hours after the incident), Officer Deberry realized he had not notified the responding officers about the discharge. Officer Deberry called the 14th District and notified the detective working on the Robbery about the firearm discharge. The detective instructed him to call a 14th District supervisor to report the discharge. Officer Deberry contacted a supervisor and then went to the 14th District to participate in the investigation.



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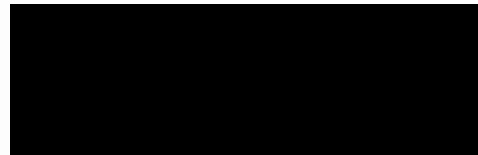
The offender, 34 year-old [REDACTED] (aka [REDACTED]) has an extensive criminal history with multiple felony convictions for Robbery, Aggravated Battery to a Police Officer, Escape, and drug offenses. On 30 June 2016, [REDACTED] was sentenced to seven years IDOC for Robbery for this robbery at the Walgreens.

Superintendent's Professional Opinion

Officer Deberry's courage in pursuing and arresting a dangerous criminal, while off-duty and shopping with his children, was a credit to the Department. With no handcuffs, radio, or bullet proof vest, Officer Deberry pursued an offender wanted for a robbery who Officer Deberry reasonably believed was armed with a firearm. The cause of the unintentional discharge was [REDACTED] attempt to escape.

The Department recognized that Officer Deberry should have immediately told responding officers that his firearm discharged; however, this investigation must also take into consideration that Officer Deberry was dealing with his three upset children who had just seen their father run after a fleeing offender. Upon realizing he had not relayed this information, Officer Deberry called the 14th District, reported the discharge, and then went to the 14th District to participate in this investigation.

The Department contends that given all of the circumstances of this incident, an appropriate penalty for Officer Deberry's delayed notification about a firearm discharge is a Violation Noted.



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ETJ/lpc