

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 25, 2020
Time of Incident:	6:38 am
Location of Incident:	██████████
Date of COPA Notification:	October 25, 2020
Time of COPA Notification:	10:14 am

On October 25, 2020, at approximately 6:38 am, Officer Jeffrey Johnson was off duty and inside his condominium building, walking upstairs to his residence, when he accidentally discharged his firearm, striking himself in the right leg. Officer Johnson continued upstairs to his residence. Upon hearing the gun discharge, Officer Johnson’s neighbors came to his aide and dialed 911. Chicago Fire Department (CFD) personnel arrived on scene and transported Officer Johnson to Christ Hospital where he received medical attention. Chicago Police Department (CPD) supervisors arrived at the hospital and administered mandatory alcohol and drug testing to Officer Johnson as a result of the weapon discharge. A breathalyzer test resulted in a Breath Alcohol Concentration (BrAC) of .157%.

Any discharge of an officer’s firearm triggers a mandatory notification to COPA. This investigation was initiated pursuant to such notification. After review of all available evidence, COPA finds that Officer Johnson was negligent when he handled his firearm while intoxicated and accidentally discharged it, in violation of CPD rules and directives.

II. INVOLVED PARTIES

Involved Officer #1:	Jeffrey Johnson; Star #11150; Employee ID #██████████; Date of Appointment: February 29, 2016; Police Officer; Unit: 003; Male; Black
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III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Jeffrey Johnson	It is alleged that on October 25, 2020, at approximately 6:38 a.m., at or about ██████████ ██████████ Officer Jeffrey Johnson, #11150, committed misconduct through the following acts or omissions, by:	

	<p>1. being intoxicated while off-duty;</p> <p>2. unintentionally discharging his firearm;</p> <p>3. failing to immediately notify the Office of Emergency Management and Communications (OEMC) that he discharged his firearm, in violation of General Order G03-06; and</p> <p>4. failing to annually requalify with his auxiliary firearm, Smith & Wesson M&P, serial number [REDACTED] in violation of Uniform and Property directive U04-02-01.</p>	<p>Sustained / 30-day suspension</p> <p>Sustained / 30-day suspension</p> <p>Sustained/ 30-day suspension</p> <p>Sustained/ 30-day suspension</p>
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IV. APPLICABLE RULES AND LAWS

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: Prohibits disobedience of an order or directive, whether written or oral.

Rule 10: Inattention to duty.

Rule 15: Intoxication on or off duty.

General Orders

1. G03-06: Firearm Discharge and Officer-Involved Death Incident Response and Investigation (effective February 29, 2020 to April 14, 2021)¹

Uniform Orders

1. U04-02-01: Department Approved Handguns and Ammunition (effective August 19, 2020 to May 9, 2021)²

¹ Att. 30.

² Att. 32.

V. INVESTIGATION³

a. Interviews

In a statement to COPA⁴ on December 16, 2022, **Officer Jeffrey Johnson** said he arrived at a bar in Forest Park, Illinois shortly after 12:00 am on the date of incident. He consumed two, twelve-ounce bottles of Corona beer.⁵ He stayed until closing, approximately 2:00 am, and arrived home between 2:30 and 3:00 am. From approximately 3:00 to 5:00 am, Officer Johnson consumed another twelve-ounce bottle of Corona beer and at least three whiskey-sized glasses of tequila mixed with grapefruit juice.⁶ He estimated that each drink was three-parts tequila to one-part grapefruit juice.⁷ At approximately 6:00 am, Officer Johnson realized he left his auxiliary firearm inside his car. He had previously placed his firearm in the car's seat cushion before entering the bar, and he forgot about it. Officer Johnson retrieved his firearm from the car and placed the holstered weapon inside the waistband of his jeans, on the right side, and clipped the holster to his belt. Officer Johnson re-entered the building where he lived, and as he walked up the stairs, between the first and second floor, the gun discharged, striking him in the right leg. The gun was still in the holster in his right waistband. According to Officer Johnson, he did not pull the trigger and his hands were not on the weapon or holster, so he did not know how it discharged.⁸

Officer Johnson's second-floor neighbor, ██████████⁹ apparently heard the gunshot because she opened her door and asked if he was okay. Officer Johnson did not remember his response to her. He continued upstairs to his apartment and sat on the couch. ██████████ and her boyfriend, ██████████¹⁰ then entered his apartment. Officer Johnson did not recall whether he or ██████████ removed the weapon from his waist, but ██████████ removed the magazine and cleared the weapon to ensure the chamber was empty. Either ██████████ or ██████████ dialed 911. Officer Johnson's third-floor neighbor, ██████████¹¹ also came to his apartment. Officer Johnson's fourteen and fifteen-year-old ██████████ were home, but they slept through the incident. Officer Johnson believes he asked ██████████ to call the children's grandmother, ██████████¹² to look after them; but he may have called her himself.

Officer Johnson believed that two CPD officers arrived and spoke with him. An ambulance then arrived and transported him to Christ Hospital. Officer Johnson sustained a gunshot wound that entered his right calf and exited his shin, breaking a bone in his ankle. Detectives examined

³ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁴ Atts. 35 and 36.

⁵ Att. 36, page 10, lines 3 to 20. Officer Johnson initially said he consumed "a few" beers. Att. 36, page 7, lines 15 to 16.

⁶ The glasses were approximately eight ounces. Attachment 36, page 14, lines 13-16.

⁷ Att. 36, page 14, lines 18 to 23; Att. 35 from 11:32 to 11:50 into the recording.

⁸ Att. 36, page 24, line 23 to page 25, line 4; page 42, lines 18 to 20.

⁹ COPA's attempts to contact ██████████ were unsuccessful. CO-0160866; CO-0315763; CO-0325896.

¹⁰ Officer Johnson did not know ██████████ last name, but he was later identified via CPD records as ██████████. COPA's attempts to contact ██████████ were unsuccessful. CO-0160862; CO-0315762.

¹¹ Officer Johnson did not know ██████████ last name, but she was later identified via CPD records as ██████████. In a conversation with COPA, ██████████ said she heard a gunshot and learned that Officer Johnson accidentally shot himself. She does not know how it happened. Att. 40

¹² ██████████ is spelled ██████████ in CPD records.

Officer Johnson's holster at the hospital, which was still clipped to his pants, and concluded that the fired bullet went through the holster because it appeared that the bottom of the holster was blown out.

Officer Johnson said that earlier in the day, the magazine fell out of his firearm. He removed the firearm from the holster and tapped the bottom of the magazine to reinsert it. Still having issues, Officer Johnson removed the magazine and racked the firearm – clearing the round from the chamber – and reloaded the magazine with a round in the chamber.¹³ Officer Johnson also explained that there were prior instances where the magazine fell out of the same firearm.

Regarding the allegations against him, Officer Johnson said while it is possible, he does not believe he was intoxicated at the time of the incident.¹⁴ Officer Johnson added that the incident happened near the one-year anniversary of his wife's death in October 2018. While he acknowledged this is not a valid excuse, he was grieving and having a difficult time, which could have led him to drink more that day.¹⁵ As to qualifying with the firearm used during this incident, Officer Johnson acknowledged that his qualification had lapsed on his auxiliary firearm. He said that CPD's record showing that he qualified with the firearm in September 2016 was accurate, and he did not know he had to requalify annually.¹⁶ Officer Johnson also said he did not know he had to notify OEMC that he discharged his firearm. He believed that [REDACTED] phone call to 911 was sufficient. He added that he was in shock and in pain, and the first thing on his mind was to ensure he called [REDACTED] to look after his children.¹⁷

b. Digital Evidence

The **OEMC Event Query**,¹⁸ **Radio Transmissions**, and **911 calls**¹⁹ document the following relevant and material communications. On October 25, 2020, at 7:01 am, a Village of Oaklawn dispatcher transferred a call to CFD for an incident at [REDACTED]. The caller said that her 37-year-old neighbor accidentally shot himself and was bleeding from the leg, and she was currently with him in his apartment. The CFD dispatcher told the caller to have the victim elevate his leg, get towels, and apply pressure.²⁰ At 7:03 am, the dispatcher announced that CFD personnel were responding to the location.²¹ CPD radio transmissions document that Beats 2211 and 2213 were assigned to assist CFD, and Beats 2210 and 2249 said they too would respond.

Evidence Technician (ET) Photographs²² depict the shooting scene and the recovered evidence. The photographs also depict Officer Johnson being treated at Christ Hospital. Other photographs depict apparent damage to the bottom of Officer Johnson's holster.

¹³ Officer Johnson said there were prior instances where his magazine fell out of this same weapon.

¹⁴ Att. 36, page 45, lines 1 to 6

¹⁵ Att. 36, page 62, line 14 through page 63, line 5.

¹⁶ Att. 36, page 52, line 13 through page 53, line 9.

¹⁷ Att. 36, page 54, lines 3 to 17.

¹⁸ Att. 7.

¹⁹ Atts. 13 to 22.

²⁰ Att. 17.

²¹ Att. 13.

²² Att. 33.

c. Physical Evidence

The **Chicago Fire Department Ambulance Run Report**²³ documents that CFD was dispatched at 7:03 am and on scene at 7:08 am. CFD personnel found Officer Johnson alert and sitting on the couch with a gunshot wound to his right lower leg. Officer Johnson reported that he had an accidental discharge and denied intentionally harming himself.

Medical records²⁴ document that Officer Johnson told hospital personnel that he was walking up the stairs and his weapon fired. He sustained a gunshot wound to his right lateral shin. Blood samples taken from Officer Johnson at the hospital at 7:40 am revealed that Officer Johnson's alcohol ethyl level was 251 mg/dL,²⁵ which is equivalent to a BrAC level of .251%.

The **Bureau of Internal Affairs Synoptic Report**²⁶ documents that on October 25, 2020, at approximately 10:36 am, Officer Johnson submitted to a breathalyzer test and returned a BrAC reading of .157%. On the same date, at approximately 11:05 am, Officer Johnson took a urine drug test which revealed negative results.

The **CPD Forensic Firearms Lab** performed a functionality test on Officer Johnson's firearm.²⁷ The examination revealed that the firearm was in working order and capable of discharge.

d. Documentary Evidence

The **Case Supplementary Report**²⁸ documents that the incident occurred in a multi-unit condominium building, comprised of three floors with two units per floor. The main entrance into the complex was located on the first floor. There was a stairwell which led to the second and third floors. The stairwell had an apparent blood trail, which started on the first floor and led to the third floor and into Officer Johnson's residence, Unit 3B. Upon entering Unit 3B, Detectives observed a living room with apparent blood stains on the floor.

Officer John Ryan, the first responding officer, told Detectives that upon his arrival, he spoke with [REDACTED] Officer Johnson's neighbor and an active Cook County Correctional Officer, who resides on the second floor with his girlfriend, [REDACTED]²⁹ [REDACTED] said that after the incident occurred, he secured Officer Johnson's firearm. Officer Ryan then retrieved Officer Johnson's firearm from a couch storage compartment for safety reasons because there were children present in the unit. The children were with their grandmother, [REDACTED] who was seated in the kitchen. [REDACTED] also an active Cook County Correctional Officer, informed Officer Ryan that she recovered one fired bullet or bullet fragment from the floor at the bottom of the stairwell on the first floor. Officer Ryan recovered the fired bullet or bullet fragment from [REDACTED] along with one fired 9mm cartridge case that was located on the living room couch. Officer

²³ Att. 4.

²⁴ Att. 5.

²⁵ Att. 5, page 11.

²⁶ Att. 1.

²⁷ Atts. 9, 25.

²⁸ Att. 6.

²⁹ Officer Ryan retired on October 15, 2022. Att. 24.

Ryan learned that Officer Johnson had been transported to Christ Hospital via ambulance in stable condition with a gunshot wound to his right leg.

██████████ Officer Johnson's mother-in-law, told detectives that her daughter, Officer Johnson's wife, had recently passed. Shortly before 7:00 am on the date of incident, Officer Johnson contacted ██████████ via telephone and told her that he accidentally shot himself. ██████████ immediately went to Officer Johnson's residence to look after her grandchildren. She had no further knowledge concerning the incident.

██████████ told detectives that she was inside her residence on the second floor when she heard a loud noise in the hallway, outside her front door. ██████████ opened the door and observed Officer Johnson standing on the stairwell landing in a bent over position. ██████████ asked Officer Johnson what happened and if he was okay. Officer Johnson did not reply, so she closed her door. ██████████ then looked through her peephole and observed Officer Johnson walk upstairs to his unit. ██████████ reopened her door and observed a blood trail leading upstairs toward Officer Johnson's unit. ██████████ then observed and retrieved what appeared to be a fired bullet from the floor at the stairwell landing. ██████████ went inside her residence and alerted ██████████ and ██████████ believed that Officer Johnson had shot himself and had gone to his unit. Officer Johnson answered their knock at his door and allowed them inside. Officer Johnson's leg was bleeding. ██████████ and ██████████ immediately rendered aid and dialed 911.

██████████ told detectives essentially the same facts as stated by ██████████ added that upon entering Officer Johnson's residence, he observed a semi-automatic handgun on the couch and a fired cartridge case next to it. ██████████ also observed a live round protruding out of the gun's ejection port, and it appeared that the weapon had malfunctioned. ██████████ cleared the weapon and unseated the magazine to make it safe. ██████████ then loaded the ejected live round back into the magazine.

Detectives also spoke to ██████████ who lives across the hall from Officer Johnson. ██████████ said she heard a loud pop coming from the hallway or stairwell outside her residence. ██████████ and ██████████ knocked on ██████████ door and told her what happened. ██████████ smelled smoke and gunpowder when she entered the hallway. Officer Johnson told ██████████ and ██████████ that he shot himself.

Officer Johnson provided detectives an account consistent with his statement to COPA. Officer Johnson said that he was carrying his off-duty Smith & Wesson firearm in his plastic, inside waistband (IWB) holster. His IWB holster was positioned in a front, appendix carry that cants the barrel to the rear. Officer Johnson added that he recently had issues seating the magazine into the weapon.

The **Inventory and Crime Scene Processing Reports**³⁰ document the recovery of evidence following the shooting. ETs recovered one fired cartridge case stamped "Win 9mm Luger+P" and one fired bullet from Officer Ryan at ██████████ Unit 3.

³⁰ Atts. 8 to 11, 25.

The reports also document the processing of Officer Johnson's Smith & Wesson M&P firearm, a 9mm semi-automatic with serial number [REDACTED] and his magazine. The firearm's magazine capacity was eight plus one chambered round, and there were seven live rounds in the magazine stamped "Win 9mm Luger+P" and one live round in the magazine stamped "Win 19 9mm +P."³¹ ETs also inventoried a black, partially damaged holster containing red stains, suspected blood.

A **Tactical Response Report**³² documents that Officer Johnson unintentionally discharged one round from his firearm, striking himself.

Department Qualification Records³³ document that Officer Johnson qualified with the weapon used during this incident on September 1, 2016.

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. **Sustained** - where it is determined that an allegation is proven by a preponderance of the evidence;
2. **Not Sustained** - where it is determined that there is insufficient evidence to prove the allegation by a preponderance of the evidence;
3. **Unfounded** - where it is determined an allegation is false or not factual by clear and convincing evidence; 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.³⁴ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct violated 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.³⁵ 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."³⁶

³¹ Att. 25.

³² Att. 12

³³ Atts. 26 and 34.

³⁴ See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) ("A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.").

³⁵ See, e.g., *People v. Coan*, 2016 IL App (2d) 151036.

³⁶ *Id.* ¶ 28.

VII. ANALYSIS

COPA finds that **Allegation #1** against Officer Johnson, that he was intoxicated while off-duty, is **sustained**. CPD Rule 15 prohibits intoxication on or off duty. Officer Johnson admitted that he consumed several alcoholic beverages prior to the incident. Blood samples taken from Officer Johnson approximately one hour after the incident revealed that Officer Johnson's alcohol ethyl level was 251 mg/dL (equivalent to a BrAC level of .251%). A breathalyzer test administered to Officer Johnson approximately four hours after the incident returned a BrAC reading of .157%. The legally defined level of alcohol intoxication is .08%. The preponderance of evidence shows that Officer Johnson was intoxicated at the time of the incident, and Officer Johnson violated Rules 2, 3, and 15.

COPA finds that **Allegation #2** against Officer Johnson, that he unintentionally discharged his firearm, is **sustained**. An allegation of an unintentional firearm discharge is evaluated under Rule 10. Rule 10 prohibits inattention to duty, and violations 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 do, under circumstances similar to those shown by the evidence."³⁷ Officer Johnson admittedly consumed several alcoholic beverages in the hours leading up to the incident, and he was legally intoxicated. He should not have handled a firearm in his intoxicated state. Officer Johnson's explanation that his weapon discharged from within his holster as he climbed the stairs, while he never touched it, is implausible. It is more likely that Officer Johnson's intoxication affected his perception at the time of the incident and his ability to accurately recall the incident from memory. For these reasons, COPA finds by a preponderance of evidence that Officer Johnson was negligent in handling his firearm and that his actions violated Rules 2, 3, and 10.

COPA finds that **Allegation #3** against Officer Johnson, that he failed to immediately notify OEMC that he discharged his firearm, in violation of General Order G03-06, is **sustained**. CPD policy requires that for all firearm discharge incidents, the involved member must immediately notify OEMC and provide all relevant information.³⁸ While Officer Johnson was undoubtedly injured and required medical attention, he was conscious, alert, and physically capable of notifying OEMC. In fact, he did call his children's grandmother and ask her to come to his apartment to watch his children. The fact that Officer Johnson's neighbor called 911 did not absolve him of his duty to notify OEMC that he discharged his firearm. Also, Officer Johnson admitted that he did not know he was required to make the notification to OEMC. However, as a CPD member, he was required to know and follow the relevant directive. For these reasons, COPA finds the preponderance of evidence shows that Officer Johnson's omission violated CPD policy and Rules 2, 3, 5, 6, and 10.

COPA finds that **Allegation #4** against Officer Johnson, that he failed to annually requalify with his auxiliary firearm, Smith & Wesson M&P, serial number [REDACTED] in violation of Uniform and Property directive U04-02-01, is **sustained**. CPD policy approves auxiliary semiautomatic pistols, provided certain conditions are met.³⁹ CPD policy requires that members

³⁷ Illinois Pattern Jury Instructions-Civil (2006), No. 10.01.

³⁸ Att. 30, G03-06(V)(A).

³⁹ Att. 32, U04-02-01(I).

qualify annually with all prescribed, alternate prescribed, or auxiliary firearms, and short-barreled revolvers prior to carrying the firearm on or off duty.⁴⁰ CPD records document that Officer Johnson had not qualified with the firearm used in this incident since September 1, 2016, while this incident took place on October 25, 2020, more than four years later. In his statement to COPA, Officer Johnson said that he did not know he was required to requalify annually with his auxiliary firearm. However, as a CPD member, he was required to know and follow the relevant directive. For these reasons, COPA finds by a preponderance of evidence that Officer Johnson failed to annually requalify with his auxiliary firearm, violating CPD policy and Rules 2, 3, 5, 6, and 10.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Jeffrey Johnson

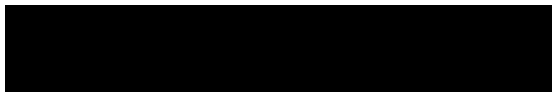
i. Complimentary and Disciplinary History

Officer Johnson has received five Honorable Mentions, two complimentary letters, one Unit Meritorious Performance Award, and the 2019 Crime Reduction Award. Officer Johnson has not been subject to any disciplinary action in the past five years.

ii. Recommended Penalty

COPA has found that Officer Johnson’s conduct during this incident violated Rules 2, 3, 5, 6, 10, and 15. Officer Johnson became intoxicated while off duty and accidentally shot himself with a firearm that he should not have been carrying. Officer Johnson further compounded his misconduct by failing to timely notify OEMC that he had discharged his firearm. Officer Johnson’s conduct is mitigated, but not excused, by the grief he was experiencing after the death of his wife. Considering the serious nature of this misconduct, combined with Officer Johnson’s complimentary and disciplinary history, COPA recommends that Officer Johnson be suspended for a minimum of 30 days.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

May 30, 2023

Date

⁴⁰ Att. 32, U04-02-01(II)(O)(1)(b).