

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 4, 2021
Time of Incident:	11:25 pm
Location of Incident:	5701 W. Madison Street
Date of COPA Notification:	March 5, 2021
Time of COPA Notification:	12:33 am

On March 4, 2021, at approximately 11:25 pm, inside the 015th District Station’s CAPS Office storage room, Officer Jorge Munoz unintentionally discharged his firearm while performing dry firing drills. There were no witnesses to the incident, because Officer Munoz was alone at the time.

II. INVOLVED PARTIES

Involved Officer #1:	Name: Jorge Munoz; Star #13469; Employee ID# [REDACTED] Date of Appointment: September 28, 1992; Rank: Police Officer; Unit of Assignment: 015; DOB: [REDACTED] [REDACTED] 1968; Gender: Male; Race: Hispanic.
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III. ALLEGATIONS

Officer	Allegation	Finding
Officer Jorge Munoz	It is alleged that on March 4, 2021, at approximately 11:25 pm, inside the CAPS office of the 15 th District Station (5701 W Madison Street): 1. were inattentive to duty in that he unintentionally discharged his firearm.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules
1. Rule 10: Inattention to Duty.
2. Rule 13: Failure to adequately secure and care for Department property.
General Orders

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1. G03-06: Firearm Discharge and Officer-Involved Death Incident Response and Investigation
 2. S11-03-01 Annual Prescribed Weapon Qualification Program and Taser Recertification

V. INVESTIGATION¹

a. Interviews

In a statement to COPA² on June 10, 2021, **Officer Jorge Munoz** stated that on the day of this incident he was nearing the end of shift. Officer Munoz stated that he was alone in the 015th District's CAPS and decided to do some dry firing³ drills before he went home for the day. Officer Munoz entered an interior storage room inside the CAPS office he described as having cinderblock walls. Officer Munoz stated he first removed the magazine from his firearm, then visually and physically inspected the weapon's chamber and confirmed it was empty. Officer Munoz then performed his dry fire drills, which essentially entailed him drawing his firearm from its holster, aiming at a silhouette he drawn on a piece of paper taped to a cabinet in the storage closet, and pulling the trigger.

After sufficiently performing the drill with the unloaded firearm, Officer Munoz decided to practice the same drill with the weapon loaded but refrain from pulling the trigger. Officer Munoz explained that he re-inserted the fully loaded magazine into his pistol and then placed the handgun in its holster. Officer Munoz stated that his intention was to quickly draw his handgun from its holster and point it at the target. Officer Munoz added that he repeatedly reminded himself not to pull the trigger. Officer Munoz stated that he drew his firearm from its holster, pulled the weapon's slide back, cycling a round into the weapon's chamber, and pointed it at the target still hanging on the cabinet. Officer Munoz stated that he unintentionally pulled the trigger, discharging a round into the cabinet. Officer Munoz stated that the discharged round was stopped by the cinderblock wall of the storage closet. Officer Munoz immediately notified the District Station Supervisor Sergeant Thomas Losik of the discharge. Officer Munoz stated that there were no injuries and no one else was present inside the storage closet at the time of the incident. Officer Munoz repeatedly expressed his remorse over his lack of caution while performing the dry firing drills.

b. Physical Evidence

The **Bureau of Internal Affairs Synoptic Report**⁴ stated that on March 5, 2021, at 1:51 am, Officer Munoz submitted to a breathalyzer test, which resulted in .000 Br.A.C.⁵

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Atts. 6 and 9.

³ Dry firing is the practice of shooting a firearm without ammunition in the firearm's chamber. The user pulls the trigger and the hammer drops.

⁴ Att. 3.

⁵ Breath Alcohol Content.

Officer Munoz also submitted a urine sample which was tested and found to be negative for the substances on the Urine Substance Abuse Panel.⁶

c. Documentary Evidence

The **Original Case Incident Report (RD# JE159-511)**⁷ stated that Officer Munoz approached the 015th District Station Supervisor Sergeant Thomas Losik and reported that he (Officer Munoz) was doing a dry fire exercise in the storage area of the district's CAPS office and accidentally discharged a live cartridge. The fired bullet travelled through a wooden cabinet and struck and became lodged a cinderblock wall. Sergeant Losik made the proper notifications.

VI. ANALYSIS

An allegation of an unintentional firearm discharge is evaluated under Chicago Police Department Rules 10 and 13. Rule 10 prohibits inattention to duty, while Rule 13 prohibits the failure to adequately secure or care for Department property. Both rules 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, under circumstances similar to those shown by the evidence."⁸

COPA finds the preponderance of the evidence establishes that Officer Munoz was inattentive to duty when he unintentionally discharged his firearm. Officer Munoz readily admitted that he was inattentive to duty when he unintentionally discharged his firearm while performing dry firing drills with his pistol and expressed remorse over the incident. In light of the evidence, most notably Officer Munoz's statement, COPA finds that Allegation #1 is **sustained**.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Jorge Munoz

i. Complimentary and Disciplinary History⁹

Officer Munoz's complimentary history is comprised of a total of 147 awards, highlights of which include two Arnold Mireless Special Partnership Awards, one Life Saving Award, one Unit Meritorious Performance Award, and five Department Commendations. Officer Munoz has no recent disciplinary history.

ii. Recommended Penalty

COPA has found that Officer Munoz violated Rules 10 and 13 when he unintentionally discharged his firearm. Officer Munoz's inattention to duty was significant. COPA notes, however, that Officer Munoz was forthcoming about what happened, was thoroughly contrite and

⁶ Amphetamines, Barbituates, Benzodiazepines, Cocaine Metabolites, Marijuana Metabilites, Methadone, MDA-Analogues, Opiates, Oxycodones, Opiates (Semi-Synthetic), Phencyclidine, Propoxyphene.

⁷ Att. 1.

⁸ Illinois Pattern Jury Instructions-Civil (2006), No. 10.01.

⁹ Att. 11.

accepted responsibility for his actions. Given Officer Munoz’s full acknowledgement of his role in this incident, COPA recommends he receive a 3-day suspension and retraining on safe firearms handling.

Approved:

[Redacted Signature]

Sharday Jackson
Deputy Chief Administrator – Chief Investigator

June 29, 2023

Date

[Redacted Signature]

Andrea Kersten
Chief Administrator

June 29, 2023

Date