



Log # 2019-3365

## **FINAL SUMMARY REPORT<sup>1</sup>**

### **I. EXECUTIVE SUMMARY**

On August 22, 2019, the Chicago Police Department's (CPD) Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of a weapon discharge (accidental) that occurred at approximately 12:10 pm at 7808 S. Halsted (006<sup>th</sup> District Station).<sup>2</sup> Via email, COPA learned that Officer Thomas Hawkins accidentally discharged his firearm in the 006<sup>th</sup> District men's locker room. Officer Hawkins placed his firearm in his bag when he accidentally discharged the firearm. No injuries were reported, and the round was recovered.

Upon review of the evidence, COPA served allegations that Officer Hawkins was negligent in unintentionally discharged his firearm and that his firearm was not inside a Department prescribed holster. Following its investigation, COPA reached sustained findings for both allegations.

### **II. SUMMARY OF EVIDENCE<sup>3</sup>**

On August 22, 2019, Officer Thomas Hawkins entered the men's locker room at the 006<sup>th</sup> District Station to change his clothes. While inside the men's locker room, Officer Hawkins unholstered his firearm from his duty belt and proceeded to place it inside his personal backpack without a holster. As Officer Hawkins placed his firearm inside his backpack, the firearm discharged causing one round to be fired and subsequently eject an additional round onto the floor. Sgt. Michael Burnette reported that he observed one spent casing, one live round and one bullet fragment on the floor in the locker room.

COPA served Officer Hawkins with two allegations related to the incident. During his statement to COPA, Officer Hawkins acknowledged that he was inattentive to duty in that his firearm accidentally discharged as he placed it inside his backpack and that he failed to secure his firearm inside a department approved holster.<sup>4</sup> Officer Hawkins related he was overwhelmed that day as he had seen his first murder and the day went longer than usual. He further elaborated that

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<sup>1</sup> 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.

<sup>2</sup> Att. 1 Pursuant to § 2-78-120 of the Chicago Municipal Code, COPA has a duty to investigate all incidents in which a Chicago Police Department member discharges their firearm. Therefore, COPA determined it would be the primary administrative investigative agency in this matter.

<sup>3</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including an initiation report, witness report, case report tactical response report (TRR), firearm registration records and firearm qualification history.

<sup>4</sup> Att. 21 at approximately 13:30

he was a recruit, was going through his first cycle, it was hot outside and seeing death, seeing someone die just threw him off.<sup>5</sup> Officer Hawkins also indicated that he was not assigned a locker at the district, due him being a Probationary Police Officer (PPO) on rotation cycles.<sup>6</sup>

### III. ALLEGATIONS

#### **Officer Thomas Hawkins:**

1. Negligent in that he discharged his firearm striking the floor of the male locker room.
  - Sustained, Violation of Rule 10
2. Violated Department Policy U06-01-23 in that his firearm was not inside a department prescribed holster.
  - Sustained, Violation of Rules 2, 6, and 10.

### IV. CREDIBILITY ASSESSMENT

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

### V. ANALYSIS<sup>7</sup>

#### **a. Officer Hawkins' firearm discharge**

##### **1. CPD Policy regarding inattention to duty**

COPA finds the allegation that Officer Hawkins was inattentive to duty when he accidentally discharged his firearm is **Sustained**. Rule 10 of the Rules and Regulations of CPD prohibits an officer from being "inattentive to duty." The statement of Officer Hawkins and Department reports indicate that Officer Hawkins removed his firearm from his holster and placed it in his backpack. Officer Hawkins believed that an unknown object in his backpack caused his firearm to discharge.

The responsibility is Officer Hawkins to ensure that a firearm under his control is not discharged without intent to do so. While Officer Hawkins explained that he was fatigued that day and experienced impactful situations earlier in the day, none of these explanations dismisses Officer Hawkins of his responsibility as a Department member to handle his firearm safely and carefully. COPA finds that the evidence supports Officer Hawkins haphazardly manipulated an unholstered firearm, resulting in an unintentional discharge. Accordingly, Allegation 1 is sustained in violation of rules 2, 3, and 10.

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<sup>5</sup> Att. 21 at 6:27

<sup>6</sup> Att. 21 at 7:43

<sup>7</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

- b. Officer Hawkins violated Department Policy (U#06-01-23) in that his firearm was not inside a department prescribed holster.**

- 1. CPD Policy regarding Uniform**

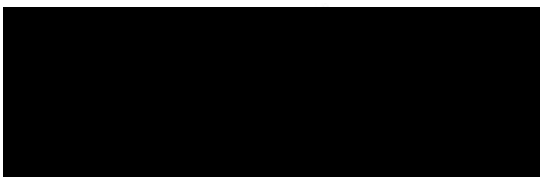
COPA finds the allegation that Officer Hawkins violated Department policy in that his firearm was not inside a department prescribed holster is **Sustained**. CPD Uniform and Property (U) 06-01-23 – Holster-Firearm, specifically describes the type of acceptable holsters that are approved for a department member to possess. Officer Hawkins removed his firearm from his prescribed holster and placed it in his backpack. Placing his firearm inside his backpack without a holster violated CPD’s policy.

**VI. DISCIPLINARY RECOMMENDATION**

- a. Officer Thomas Hawkins Star #4113<sup>8</sup>**

- i. Complimentary and Disciplinary History:** Officer Hawkins has a total of 7 complimentary awards and recognitions. Officer Hawkins does not have a reported history of sustained allegations.
    - ii. Recommended Discipline:** COPA has considered Officer Hawkins’s complimentary history and lack of disciplinary history. It should also be noted that Officer Hawkins was a PPO at the time of the incident with a start date of December 18, 2018, and the incident occurring on August 2, 2019. Officer Hawkins acknowledged during his interview that he was inattentive to duty by not properly securing his firearm in the department prescribed holster, in violation of CPD Rule 10 and Uniform and Property 06-01-23. Therefore, COPA recommends a 5-day Suspension.

Approved:



7/18/2023

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

<sup>8</sup> Att. 30

Appendix A**Case Details**

|                                 |   |
|---------------------------------|---|
| Date/Time/Location of Incident: | August 22, 2019/ 12:10 am/ 7808 S Halsted   |
| Date/Time of COPA Notification: | August 22, 2019, 1:24 am  |
| Involved Officer #1:            | Thomas Hawkins, Star #4113, Employee ID # [REDACTED]<br>Date of Appointment: December 17, 2018, Unit 006, Male, Black |

**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**

- Uniform and Property U06-01-23, Holster – Firearm (effective August 26, 2019 – 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 allegation 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.<sup>9</sup> For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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.”<sup>10</sup>

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<sup>9</sup> 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).

<sup>10</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C**

**Transparency and Publication Information**

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