

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 9, 2019
Time of Incident:	06:00 p.m.
Location of Incident:	██
Date of COPA Notification:	January 9, 2019
Time of COPA Notification:	07:40 p.m.

On January 9, 2019, at approximately 6:00 p.m., Officer Jacob Hobson, #12293, and his girlfriend, Officer Nika Krzyzyk, #10111, were off-duty and cleaning out a closet in his apartment, located at ██████████ – ██████████. Officer Hobson removed his carbine (rifle) from the closet and placed it on the bed when the weapon discharged. Officer Hobson was shocked by the discharge because he did not believe he had manipulated the trigger. The bullet appeared to fire into an adjacent apartment¹, belonging to ██████████ who was in his apartment, heard a loud noise and observed a bullet hole in the south wall of his living room wall, the floor, and his refrigerator. ██████████ immediately exited his apartment and called 911.

Officer Hobson knocked on ██████████ apartment’s door to ensure that nobody was hurt. After no one answered the door, Officer Hobson returned to his apartment. Officer Hobson did not notify 911 that he had discharged his carbine. Officer Hobson then took the carbine to his vehicle and placed it in the trunk. The carbine was not registered with the Chicago Police Department, as required. Officer Hobson returned to his apartment and patched the bullet hole in his apartment. Subsequently, officers arrived on the scene and spoke to ██████████ and then Officer Hobson. Officer Melissia Nelson, #8938, spoke to Officer Hobson and he told her to deactivate her body worn camera (BWC). Officer Nelson then instructed other officers on the scene to deactivate their BWCs.

II. INVOLVED PARTIES

Accused Officer #1:	HOBSON, Jacob, #12293, Empl. # ██████████ DOA: April 6, 2015, Police Officer, 007 th District, DOB: ██████████, 1992, Male, White.
Accused Officer #2:	KRZYZYK, Nika, #10111, Empl. # ██████████, DOA: February 29, 2016, Police Officer, 007 th District, DOB: ██████████, 1991, Female, White.
Accused Officer #3:	

¹ Apartment #411.

Accused Officer #4:

TAMMO, Miriam, #8991, Empl. # [REDACTED], DOA: June 16, 2017, Police Officer, 019th District, DOB: [REDACTED] 1981, Female, White.
 NELSON, Melissa, #8938, Empl. # [REDACTED], DOA: June 16, 2017, Police Officer, 019th District, DOB: [REDACTED] 1988, Female, White.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Jacob HOBSON	1. Failed to secure your carbine.	Sustained
	2. Failed to register your carbine.	Sustained
	3. Were inattentive to duty, to wit: you discharged your carbine.	Sustained
	4. Failed to immediately notify the Office of Emergency Management and Communications that you discharged your carbine.	Sustained
	5. Failed to ensure that weapons and other items of evidentiary value were secured at the scene until recovered by Forensic Services Division personnel, to wit: you moved your carbine to your car.	Sustained
	6. Failed to ensure that weapons and other items of evidentiary value were secured at the scene until recovered by Forensics Services Division personnel, to wit: you altered the condition of the bullet entry hole in your bedroom wall.	Sustained
	7. Loaded your carbine, model M4A1, bearing serial # [REDACTED], with mismatched ammunition.	Sustained
Officer Nika KRZYZYK	1. Failed to immediately notify the Office of Emergency Management and Communications that P.O. Hobson discharged his carbine.	Unfounded
	2. Failed to report misconduct by an off-duty officer, to wit: you failed to report that P.O. Hobson failed to report the discharge of his carbine.	Sustained

Officer Miriam TAMMO	3. Failed to report misconduct by an off-duty officer, to wit: you failed to report that P.O. Hobson moved his carbine from the scene of the discharge, and	Sustained
	4. Failed to report misconduct by an off-duty officer, to wit: you failed to report that P.O. Hobson altered the condition of the bullet entry hole in the bedroom wall.	Not Sustained
Officer Melissa NELSON	1. Deactivated your body worn camera prior to the conclusion of an incident, without verbal justification.	Not Sustained
	1. Instructing Officer Gill, #9812, to deactivate his body worn camera without authorization and	Sustained
	2. You failed to activate your body-worn camera in violation of S03-14.	Sustained

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2: Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. Rule 5: Failure to perform any duty.
3. Rule 6: Disobedience of an order or directive, whether written or oral.
4. Rule 10: Inattention to duty.
5. Rule 21: Failure to report promptly to the Department any information concerning any crime or unlawful action.
6. Rule 22: Failure to report to the Department any violation of Rules and Regulations or any other improper conduct which is contrary to the policy, orders or directives of the Department.

General Orders

- 1.G04-02, Crime Scene Protection (effective January 16, 2015, to January 14, 2019).
 2. G03-02-03, Firearms Discharge Incidents Involving Sworn Members (effective October 16, 2017, to February 29, 2020).
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3. G08-01-02, Specific Responsibilities Regarding Allegations of Misconduct (effective May 04, 2018, to December 31, 2021).

Special Orders

1. S03-14, Body worn cameras (effective April 30, 2018, to currently).

Uniform and Property

1. U04-02, Department Approved Weapons and Ammunition (effective June 2, 2017, to February 29, 2020).

2. U04-02-05, Police Carbine Operator Program (effective February 02, 2015, to January 01, 2021).

V. INVESTIGATION²

a. Interviews

COPA interviewed **Witness** [REDACTED] on January 13, 2019. [REDACTED] stated that he was lying in his bed in his apartment when he heard a loud bang. [REDACTED] immediately checked his home for damages and observed a bullet hole in the south wall of his living room. [REDACTED] observed additional damage to his floor and refrigerator. [REDACTED] left his apartment, went to his car, and called 911. [REDACTED] waited in his car because he believed it was a safer environment. Shortly afterwards, the police arrived on the scene and escorted [REDACTED] to his apartment. [REDACTED] showed the officers the damage to his apartment, and then the officers went to Officer Hobson's apartment. [REDACTED] stated that he did not know Officer Hobson and had never seen anyone enter or exit Officer Hobson's apartment.

COPA interviewed the **Accused Officer Jacob Hobson**⁴ on May 9, 2019. Officer Hobson stated that on the date of the incident he was off duty at his home, [REDACTED] – [REDACTED] with his girlfriend, Officer Nika Krzyzyk. They were cleaning out the closet in his bedroom when he picked up his weapon, a carbine (Daniel Defense M4A1). Officer Hobson explained, "I turned around to place it on the bed, and in between me moving it from where I had it to the bed, the weapon discharges⁵." Officer Hobson realized his weapon discharged because of the loud noise, and he saw smoke coming from the carbine. Officer Hobson checked on Officer Krzyzyk, who was cleaning out her side of the closet when the incident happened, to make sure she was unharmed.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Att. #15.

⁴ Att. #65 – Audio Interview Officer Hobson; Att. #66 – Transcripts from Officer Hobson's Interview.

⁵ Att. #66, Page 8, lines 7 – 9.

Officer Hobson stated that he then made the carbine safe in that he, “Pull(ed) the charging handle several times to make sure it’s safe after the magazine has been taken out⁶.” Officer Hobson observed a hole in the wall and was concerned that someone was next door. Officer Hobson knocked on [REDACTED] door, but no one answered. Officer Hobson returned to his apartment, placed the carbine in a duffle bag, and took the duffle bag and placed it in the trunk of his vehicle⁷. Officer Hobson then knocked on [REDACTED] door again but did not get an answer. Officer Hobson stated that he believed no one lived next door.

Officer Hobson returned to his apartment and observed the hole in his wall. Officer Hobson believed that maybe the rifle round did not go through the wall. According to Officer Hobson, “So like I said, I didn't think it was -- I shouldn't say I didn't think it was a big deal, but at the time, since my tensions were down, I didn't think anybody was hurt, that's when I ended up like, I guess you could say, spackling the wall with, like, spackle⁸.” Officer Hobson then comforted Officer Krzyzyk. Officer Hobson stated that he was unsure what to do next. He was going to call his sergeant but started looking up the Chicago Police Department (CPD) General Orders on his cell phone. As Officer Hobson looked up the General Orders, officers knocked on his door. Officer Hobson informed the officers that he had discharged his weapon.

Officer Hobson stated that he did not remember putting his finger on the trigger as he moved the carbine. Officer Hobson stated the purpose of putting the carbine in his vehicle was “well, I wasn't even sure -- I thought the weapon kind of malfunctioned. I wasn't a hundred percent sure how it went off.⁹” Officer Hobson stated that he intended to take the weapon to his father’s house who had a gun safe. Officer Hobson felt the carbine was secured in his vehicle for the time period it was there, and the weapon did not have any ammunition in it. Officer Hobson stated he did not believe the incident was a crime scene and did not believe evidence technicians were going to have to come out.

Officer Hobson stated that he intended to call his sergeant, but the responding officers arrived during that timeframe. Officer Hobson stated he bought the carbine with the intentions of carrying it at work, but he was not qualified at the time, so he left it at his dad's house. Officer Hobson explained that he brought the carbine to his apartment after he got qualified. Officer Hobson admitted that he failed to register his carbine, and he did not notify OEMC that he had discharged his weapon. Officer Hobson stated he did not need matching ammunition in his carbine because he was not using the weapon for work.

COPA interviewed the **Accused Officer Nika Krzyzyk**¹⁰ on May 8, 2019. Officer Krzyzyk stated that on the date of the incident she and her boyfriend, Officer Hobson, were cleaning their apartment when she heard a loud pop¹¹. Officer Krzyzyk stated her back was facing towards Officer Hobson as she was cleaning out and organizing her side of the closet. Officer Krzyzyk turned around and saw Officer Hobson with his hands up. Officer Hobson’s carbine was

⁶ Att. #66, Page 9, lines 3 – 5.

⁷ Officer Hobson’s vehicle was parked in a garage underneath his building.

⁸ Att. #66, Page 13, Lines 2-7.

⁹ Att. #66, Page 24, Lines 15-17.

¹⁰ Att. #60 – Audio Interview Officer Krzyzyk; Att. #61 – Transcripts of Officer Krzyzyk’s Audio Interview.

¹¹ Att. #61, Page 7, lines 3 – 5.

on the bed, and she asked Officer Hobson if he was okay and what happened. Officer Hobson explained that he believed the carbine went off. Officer Hobson disassembled the carbine and exited the room. Officer Krzyzyk then heard the apartment door open and close.¹² Officer Hobson returned and stated, “I got to get this out of here. I don’t know why it even went off, so I want to put it in a safe area¹³.” Officer Hobson left the apartment again. Officer Krzyzyk stated that Officer Hobson took the carbine to his car and knocked on [REDACTED] door again, and no one answered. Officer Hobson returned, and they started discussing what they should do next when a sergeant and several officers knocked on the door. Officer Hobson answered the door and stated, “It was me. I discharged the weapon. I can show you where it’s at¹⁴.”

Officer Krzyzyk stated that Officer Hobson told her he fixed the wall where the bullet entered by putting caulk on the damaged area, but she did not observe it. Officer Krzyzyk said she did not know her and Officer Hobson’s responsibilities concerning the carbine discharging. Officer Krzyzyk admitted that she failed to notify OEMC that Officer Hobson had discharged his weapon. Officer Krzyzyk denied that she failed to report misconduct by Officer Hobson because officers arrived on the scene, and Officer Hobson explained what happened.

In a **Report**¹⁵ by Accused Officer Krzyzyk dated May 9, 2019, Officer Krzyzyk stated that she did fail to make the notification to OEMC regarding the discharge of Officer Hobson’s carbine, but it was her understanding of the General Order that she was not required to make such a notification as she was not the discharging officer.

COPA interviewed the **Accused Officer Melissa Nelson**¹⁶ on August 12, 2022. Officer Nelson stated that she and her partner, Officer Matthew Gill, responded to a call of shots fired at the location of incident. Upon arrival, they learned that Officer Hobson unintentionally discharged his weapon. Officer Nelson spoke with Officer Hobson, and he requested that the officers turn off their body-worn cameras (BWC). Officer Nelson initially believed that she had turned off her camera, but she later realized that she had never activated her camera. Officer Hobson then stated that she told Officer Gill to de-activate his BWC due to the request of Officer Hobson. Officer Nelson admitted that she never had the authority to order the other officers on the scene to de-activate their BWC. Officer Nelson explained that she never activated her BWC, citing that she was in a high-stress situation due to her responding to a call of shots fired.

COPA interviewed **Accused Officer Miriam Tammo**¹⁷ on January 24, 2019. Officer Tammo stated she responded to the scene and when she arrived, she activated her BWC. Officer Gill told Officer Tammo that everyone’s camera was off, so she proceeded to turn off her BWC. Officer Tammo stated that she spoke with Officer Hobson, who said to her, “He was cleaning his closet with his girlfriend, and he thought the safety was on the rifle, so when he picked it up and placed it on the bed, he touched the trigger, and it went off¹⁸.” Officer Krzyzyk told Officer Tammo that her back was turned toward Officer Hobson when the incident occurred. Officer

¹² Officer Hobson went and knocked on the [REDACTED] door, but no one answered.

¹³ Att. #61, Page 7, lines 23 – 24, page 8, line 1.

¹⁴ Att. #61, Page 10, lines 20 – 21.

¹⁵ Att. #77.

¹⁶ Att. #69.

¹⁷ Att. #30.

¹⁸ At the 13:51 mark.

Tammo said she believed that she was in compliance with the special order related to body-worn cameras when she deactivated her camera. Officer Tammo indicated that she thought the officers on the scene deactivated their body worn cameras because they were told to.

COPA interviewed **Witness Officer Matthew Gill**¹⁹ on October 7, 2019. Officer Gill stated that he responded to the location of incident. Officer Gill went to the home of the caller to assess the damage and observed a bullet hole in the wall, and damage to the floor and the refrigerator. Officer Gill traced the bullet's path to Officer Hobson's apartment. When Officer Gill went into the hallway, he was told by his partner, Officer Nelson, to turn off his camera. Officer Gill walked into the unit next door and spoke with Officer Hobson. Officer Hobson stated that he was moving his weapon, and it was accidentally discharged. Officer Gill went into Officer Hobson's bedroom and observed where the bullet hole would have been, but the wall appeared to be repaired. Officer Gill was unaware of who gave the official order to turn off their body-worn camera. Officer Hobson informed them that his weapon was inside his vehicle, and he and Officer Nelson walked with Officer Hobson to retrieve the weapon.

COPA interviewed **Witness Sergeant Peter Cosgrove**²⁰ on February 27, 2019. Sergeant Cosgrove stated that he responded to a call of a weapon's discharge at the location of incident. Upon arrival, he learned that off-duty Officer Hobson was getting his rifle from the closet and accidentally discharged the weapon. Officer Hobson told Sergeant Cosgrove that he patched the damaged wall caused by the bullet. Sergeant Cosgrove also learned that Officer Hobson had placed the weapon in his vehicle after the incident but retrieved it and put it back in the apartment.

COPA interviewed **Witness Sergeant Francisco Gutierrez**²¹ on March 8, 2019. Sergeant Gutierrez related, in essence, the same information as Sergeant Cosgrove. Officer Hobson told Sergeant Gutierrez that his weapon was in the car. Sergeant Gutierrez ordered Officer Hobson to retrieve the weapon and sent Officers Nelson and Gill with him. Officer Hobson informed Sergeant Gutierrez that the weapon was not registered. Sergeant Gutierrez stated that he learned Officer Nelson made the statement to turn off BWCs, not Officer Tammo.

b. Digital Evidence

Video Surveillance, from [REDACTED] (Underground parking garage)²², depicts Officer Hobson walking toward his vehicle, Lexus SUV, with a duffle bag at the 18:47:58 mark. Officer Hobson unlocks the car, opens the backdoor, and places the duffle bag in the backseat. Officer Hobson enters the driver's seat, starts the vehicle, and slightly moves forward. Officer Hobson opens the vehicle's liftgate, removes the duffle bag from the backseat, places the duffle bag in the rear, and lets down the liftgate. Officer Hobson enters the driver's seat again and backs the vehicle up to its original position. At 18:49:59, Officer Hobson exits the vehicle and walks out the view of the camera. At the 19:01:03 mark, Officer Hobson, and approximately four uniformed officers, return to his SUV and remove the duffle bag from the vehicle.

¹⁹ Att. #67.

²⁰ Att. #41.

²¹ Att. #43 – Audio Interview of Sergeant Gutierrez; Att. #44 – Typed Statement from Sergeant Gutierrez.

²² Att. #17.

BWC of Sergeant Gutierrez²³ depicts him arriving at Officer Hobson's apartment. Sergeant Gutierrez speaks with Officer Hobson²⁴ and enters the apartment at the 00:00:10 mark. Officer Hobson tells Sergeant Gutierrez that he attempted to patch up the hole, knocked on the neighbor's (door), and was "going to call." Sergeant Gutierrez asked Officer Hobson where the weapon was, and he replied, "It's in my car²⁵." At the 00:01:17 mark, Sergeant Gutierrez orders Officer Hobson to get the weapon out of the car. At the 00:02:16 mark, Sergeant Gutierrez enters [REDACTED] apartment. At the 00:03:00 mark, the video depicts an officer searching for the bullet hole near [REDACTED] refrigerator.

BWC of Officer Matthew Gill²⁶ depicts him entering [REDACTED] apartment, along with [REDACTED] Officer Gill and [REDACTED] walk through the apartment and identify the damage to the apartment. At the 01:23 mark, Officer Nelson told Officer Gill to turn off his camera. BWC of Officer Tammo²⁷ depicts her arriving at the scene and entering the apartment building. Once Officer Tammo reaches Officer Hobson's apartment, she turns off her body-worn camera.

c. Physical Evidence

An **Alcohol Test Report (Synoptic)**²⁸ revealed that Officer Hobson was not intoxicated.

The **Evidence Technician Photographs**²⁹ depicted Officer Hobson's carbine and the inside of Officer Hobson's and [REDACTED] apartments. The photographs showed bullet holes in the walls of [REDACTED] apartment, Apartment # [REDACTED].

The **Crime Scene Processing Report**³⁰ documented that a Daniel Defense, model M4A1, Serial # [REDACTED], was inventoried and a gun magazine, The gun magazine³¹ contained eighteen (18) "WMA 15" live cartridges, three (3) "WCC" live cartridges, two (2) "LC 15" live cartridges, two (2) "223 REM" live cartridges, and one (1) "FC 14 09" live cartridge. One (1) fired cartridge case, "WMA 15," was recovered. Metal fragments were recovered on the living room floor in Apartment #411.

d. Documentary Evidence

The **Initiation Report**³² completed by Sergeant Cosgrove, detailed that Officer Hobson accidentally discharged a firearm while handling the weapon in his apartment, the weapon was not registered, he did not immediately notify 911 of the discharge, he relocated the weapon to his vehicle immediately after the discharge, and he repaired the wall area that was damaged as a result of the discharge.

²³ Att. #35.

²⁴ There is no sound for the first 30 seconds.

²⁵ At the 00:00:46 mark.

²⁶ Att. #32.

²⁷ Att. #31.

²⁸ Att. #20.

²⁹ Att. #42.

³⁰ Att. #64.

³¹ Had a capacity of thirty (30), Att. #37.

³² Att. #21.

The **OEMC Event Query and Audio Transmissions**³³ documented that On January 9, 2019, at 17:57:05 hours, ██████████ called 911 and reported that he was sitting in his living room, and he believed that a bullet went through the side of a wall and ricocheted off the ground.

An Original Case Incident Report³⁴ documented that responding officers arrived on scene at approximately 1805 hours³⁵. It was reported that Officers Hobson and Krzyzyk were cleaning their bedroom closet when Officer Hobson picked up the rifle and accidentally discharged the weapon while placing it on the bed. The bullet went through the bedroom wall of apartment 413, entered through apartment 411 living room wall, ricocheted on the floor, and struck the refrigerator in the kitchen. Beat 1913, Officers Nelson and Gill, and Beat 1923, Officer Tammo and Officer Matthew Sikora #16135, followed Officer Hobson downstairs to the parking spot where his car was parked, retrieved the rifle in the car trunk, and placed the rifle back at the scene of the original discharge. No one was injured as a result of the discharge.

A **Tactical Response Report (TRR) completed by Officer Hobson**³⁶ documented that he was at home with Officer Krzyzyk when he was moving his weapon out of the closet. As Officer Hobson was moving the weapon³⁷, it discharged into the wall passing into the neighbor's apartment and lodging into the neighbor's refrigerator.

e. Additional Evidence

A **Disconnecter Safety Notice from Daniel Defense**³⁸ documented that Officer Hobson's carbine, Serial # ██████████, was not affected by the safety notification.

V. LEGAL STANDARD

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.

³³ Atts. #7, #8, #52, & #53.

³⁴ Att. # 9.

³⁵ The Video Footage timestamp did not coincide with the officers arriving on scene.

³⁶ Atts. #23 & #24.

³⁷ Serial # ██████████.

³⁸ Att. #16.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct reviewed complied with Department policy. *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 has found to be more probably true than not). 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. *See e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). 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.” *Id.* at ¶ 28.

VI. ANALYSIS

Officer Hobson failed to register his carbine.

Sergeant Cosgrove documented in the Initiation Report that Officer Hobson’s carbine was not registered. Officer Hobson admitted to not registering his weapon. Department Approved Weapons and Ammunition, U04-02, II, M, states, “Sworn members will register all duty and non-duty firearms with the Department. Based on the preponderance of evidence, this allegation is **Sustained**.”

Officer Hobson failed to secure his carbine.

Officer Hobson was responsible for ensuring his carbine was secured, at all times. Officer Hobson stated that he placed the carbine in the trunk of his car because he intended to take the weapon to his father’s house who had a gun safe. Officer Hobson explained that he felt the carbine was secured in his vehicle for the time period it was there, and the weapon did not have any ammunition in it. Department Approved Weapons and Ammunition, U04-02, II, M, reads, “Sworn members are to secure ALL firearms which they own or possess, in a manner that a reasonable person would believe will prohibit access by unapproved individuals, theft, or loss.” Officer Hobson placed the carbine in a duffel bag that could have easily allowed access to an unauthorized individual.

Further, Police Carbine Operator Program, U04-02-05, IX, D, 2, reads, “Members transporting carbines to and from duty assignments are responsible for its security. Members are prohibited from leaving carbines unattended in their personal vehicles.” Officer Hobson was prohibited from leaving his carbine in his vehicle unattended. Officer Hobson stated he was qualified in the use of a carbine and bought the carbine with the intentions of carrying it at work. Since Officer Hobson was qualified in the use of a carbine, he should have had full knowledge of the policies and procedures set forth by the Chicago Police Department. Based on the preponderance of evidence, this allegation is **Sustained**.

Officer Hobson accidentally discharged his carbine.

Officer Hobson stated that he did not remember putting his finger on the trigger and he thought the weapon “kind of malfunctioned.” There is no evidence that the carbine malfunctioned. The Disconnecter Safety Notice documented that Officer Hobson’s carbine was not affected. Officer Tammo stated that Officer Hobson told her that he thought the safety was on the rifle, so when he picked it up and placed it on the bed, he touched the trigger, and the weapon went off. In addition, the Original Case Incident Report and the Initiation Report documented the incident was an accidental discharge. Based on the preponderance of evidence, this allegation is **Sustained**.

Officer Hobson failed to immediately notify OEMC that he discharged his carbine.

OEMC records do not document that Officer Hobson made a notification regarding the discharge of his weapon. Firearms Discharge Incidents Involving Sworn Members, G03-02-03, IV, A, reads, “The discharging member will immediately notify the Office of Emergency Management and Communications (OEMC) of the firearms discharge providing all relevant information and requesting additional resources.” Officer Hobson admitted that he did not notify OEMC about the discharge of his weapon. Based on the preponderance of evidence, this allegation is **Sustained**.

Officer Hobson failed to ensure that weapons and other items of evidentiary value were secured at the scene until recovered by Forensic Services Division personnel, to wit: he moved his carbine to his car.

Video footage depicted that Officer Hobson took the carbine to his vehicle after he discharged it. Officer Hobson felt the carbine was secured in his vehicle for the time period it was there. Officer Hobson stated he did not believe the incident was a crime scene and did not believe evidence technicians were going to have to come out. Firearms Discharge Incidents Involving Sworn Members, G03-02-03, reads, “Ensure that any weapons or other items of evidentiary value are secured at the scene as found until recovered by Forensics Services Division personnel, unless public safety requires immediate recovery.” Additionally, Crime Scene Protection, G04-02, III, D, reads, “In the absence of exigent circumstances, a crime scene will be protected until it is completely processed for physical evidence. Evidence will NOT be disturbed prior to processing, unless it is absolutely necessary to preserve life or to protect the evidence from loss.”

There were no exigent circumstances for Officer Hobson to take the carbine to his vehicle, especially after he removed the gun magazine from the weapon. It was Officer Hobson’s responsibility to know the policies and procedures set forth by the Chicago Police Department. Because Officer Hobson moved the carbine to his vehicle and spackled the wall, there was a likelihood that Officer Hobson may not have reported the incident at all. Based on the preponderance of evidence, this allegation is **Sustained**.

Officer Hobson failed to ensure that weapons and other items of evidentiary value were secured at the scene until recovered by Forensic Services Division personnel, to wit: he altered the condition of the bullet entry hole in his bedroom wall.

Officer Hobson admitted that he spackled the wall. Crime Scene Protection, G04-02, III, D, reads, “In the absence of exigent circumstances, a crime scene will be protected until it is completely processed for physical evidence. Evidence will NOT be disturbed prior to processing, unless it is absolutely necessary to preserve life or to protect the evidence from loss.” There was absolutely no reason or exigent circumstance for Officer Hobson to spackle the wall immediately after the incident. It was Officer Hobson’s responsibility to know the policies and procedures set forth by the Chicago Police Department. Because Officer Hobson moved the carbine to his vehicle and spackled the wall, there was a likelihood that Officer Hobson may not have reported the incident at all. Based on the preponderance of evidence, this allegation is **Sustained**.

Officer Hobson loaded his carbine, model M4A1, bearing serial # [REDACTED], with mismatched ammunition.

Officer Hobson stated he did not need matching ammunition in his carbine because he was not using the weapon for work. Department Approved Weapons and Ammunition, U04-02, II, N, reads, “Firearms will be fully loaded with only one manufacturer and style of prescribed ammunition (same bullet type and grain weight).” The policy did not specify only on-duty weapons. Further, Officer Hobson admitted that he intended on carrying the carbine at work which would require him to have matching ammunition. It was Officer Hobson’s responsibility to know the policies and procedures set forth by the Chicago Police Department. Based on the preponderance of evidence, this allegation is **Sustained**.

Officer Krzyzyk failed to immediately notify OEMC that Officer Hobson discharged his carbine.

Officer Krzyzyk stated that she did fail to make the notification to OEMC regarding the discharge of Officer Hobson’s carbine, but it was her understanding of the General Order that she was not required to make such a notification as she was not the discharging officer. Firearms Discharge Incidents Involving Sworn Members, G03-02-03, IV, A, reads, “The discharging member will immediately notify the Office of Emergency Management and Communications (OEMC) of the firearms discharge providing all relevant information and requesting additional resources.” Officer Hobson was responsible for reporting the discharge of his carbine, not Officer Krzyzyk. Therefore, this allegation is **Unfounded**.

Officer Krzyzyk failed to report misconduct by an off-duty officer, to wit: she failed to report that Officer Hobson failed to report the discharge of his carbine.

Officer Krzyzyk denied that she failed to report misconduct by Officer Hobson because officers arrived on the scene, and Officer Hobson explained what happened. Officer Krzyzyk could have contacted a superior, or called 911, to report that Officer Hobson discharged his carbine in order to find out the next steps. Officer Krzyzyk had time to report the incident from the time the carbine discharged until officers arrived on scene and spoke to Officer Hobson. Specific Responsibilities Regarding Allegations of Misconduct, G08-01-02, II, B, 1, reads in part, “When misconduct is observed or an allegation of misconduct is received by a non-supervisory member, the member will immediately notify a supervisory member.” Officer Krzyzyk explained that she did not know what her and Officer Hobson’s responsibilities were concerning the carbine

discharging. However, it was Officer Krzyzyk's responsibility to know the policies and procedures set forth by the Chicago Police Department. Officer Krzyzyk had a responsibility to report the incident and to ensure nobody was injured. Officer Krzyzyk had knowledge of the incident and failed to report the accidental discharge brings discredit upon the department and leaves doubt if the incident would have been reported if not for [REDACTED] reporting the incident. Based on the preponderance of evidence, this allegation is **Sustained**.

Officer Krzyzyk failed to report misconduct by an off-duty officer, to wit: she failed to report that Officer Hobson moved his carbine from the scene of the discharge.

Officer Krzyzyk was aware that Officer Hobson took the carbine to his vehicle. Officer Krzyzyk could have contacted a superior, or called 911, to report that Officer Hobson discharged his carbine and taken his carbine to his vehicle in order to get advice. Officer Krzyzyk had time to report the incident from the time the carbine discharged until officers arrived on scene and spoke to Officer Hobson. Firearms Discharge Incidents Involving Sworn Members, G03-02-03, reads, "Ensure that any weapons or other items of evidentiary value are secured at the scene as found until recovered by Forensics Services Division personnel, unless public safety requires immediate recovery." Crime Scene Protection, G04-02, III, D, reads, "In the absence of exigent circumstances, a crime scene will be protected until it is completely processed for physical evidence. Evidence will NOT be disturbed prior to processing, unless it is absolutely necessary to preserve life or to protect the evidence from loss." There were no exigent circumstances for Officer Hobson to take the carbine to his vehicle. Additionally, Specific Responsibilities Regarding Allegations of Misconduct, G08-01-02, II, B, 1, reads in part, "When misconduct is observed or an allegation of misconduct is received by a non-supervisory member, the member will immediately notify a supervisory member."

It was Officer Krzyzyk's responsibility to know the policies and procedures set forth by the Chicago Police Department. Officer Krzyzyk was aware that Officer Hobson had taken the carbine to his vehicle and did not intervene which brings discredit upon the department and leaves doubt if the incident would have been reported if not for [REDACTED] reporting the incident. Based on the preponderance of evidence, this allegation is **Sustained**.

Officer Krzyzyk failed to report misconduct by an off-duty officer, to wit: she failed to report that Officer Hobson altered the condition of the bullet entry hole in the bedroom wall.

Officer Krzyzyk denied that she failed to report misconduct by Officer Hobson because officers arrived on the scene, and Officer Hobson explained what happened. Officer Krzyzyk stated that Officer Hobson told her that he caulked the wall, but she did not see him do it. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation. Therefore, this allegation is **Not Sustained**

Officer Tammo deactivated her body worn camera prior to the conclusion of an incident, without verbal justification.

Officer Tammo stated that Officer Gill told her that everyone's camera was off, so she proceeded to turn off her BWC. Officer Tammo said she believed that she was in compliance with the special order related to body worn cameras when she deactivated her camera. Officer Tammo indicated that she thought the officers on the scene deactivated their body worn cameras because they were told to. Based on the available evidence, there is insufficient evidence to prove or disprove the allegation. Therefore, this allegation is **Not Sustained**

Officer Nelson failed to activate her body-worn camera, in violation of S03-14.

Officer Nelson realized that she had never activated her camera. Officer Nelson explained she did not activate her BWC due to her being in a high-stress situation responding to a call of shots fired. S03-14, Body worn cameras, S03-14, III, A, reads in part, "The Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities. If circumstances prevent activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical. Law-enforcement-related activities include but are not limited to: a. calls for service." It was Officer Nelson's responsibility to activate her BWC while responding to [REDACTED] call for police assistance. Based on the preponderance of evidence, the allegation is **Sustained**.

Officer Nelson instructed Officer Gill to deactivate his body worn camera without authorization.

Officer Gill stated that Officer Nelson told him to turn off his body worn camera. Officer Nelson stated that Officer Hobson told the officers to deactivate their BWCs. Body worn cameras, S03-14, III, B, 1, a, (4), reads, "The highest-ranking on-scene Bureau of Patrol supervisor has determined that the scene is secured in circumstances involving an officer-involved death investigation, firearm discharge, or any other use of force incident." Neither Officer Hobson nor Officer Nelson was a supervisor, and Officer Nelson admitted that she never had the authority to order the other officers on the scene to deactivate their BWCs. Based on the preponderance of evidence, the allegation is **Sustained**.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Jacob Hobson

i. Complimentary and Disciplinary History

64 Honorable Mentions. 1 Complimentary Letter. 3 Department Commendations. 2 Life Saving Awards. No disciplinary history.

ii. Recommended Penalty, by Allegation

Officer Hobson failed to secure his carbine, failed to register his carbine with the Department, was inattentive to duty in that he discharged his carbine, failed to immediately notify

the OEMC that he discharged his carbine, failed to ensure that weapons and other items of evidentiary value were secured at the scene until recovered by the Forensic Services Division personnel, to wit: he moved his carbine to his car, failed to ensure that weapons and other items of evidentiary value were secured at the scene until recovered by the Forensics Services Division personnel, to wit: he altered the condition of the bullet entry hole in his bedroom wall, and loaded his carbine, model M4A1, bearing serial # [REDACTED], with mismatched ammunition.

Officer Hobson's overall actions indicate that he did not have intend to make the mandatory notifications that he accidentally discharged his firearm. Instead, believing that no one was occupying the apartment next to him, Officer Hobson spackled the wall in his own apartment to cover up the bullet hole and thereby failing to maintain the integrity of the scene. Officer Hobson further tampered with evidence by taking his unregistered carbine to his vehicle in an attempt to remove any evidence that he had discharged a firearm. Officer Hobson's explanations for these actions are not persuasive and do not overcome his responsibilities to abide by the relevant Department directives. The actions of Officer Hobson at a minimum demonstrate an utter lack of understanding as to his responsibilities as an officer and call into question his integrity as a sworn law enforcement officer. Further, Officer Hobson's actions have the potential to undermine citizens' trust in the Department and jeopardize the creditability of the Department as a whole. Officer Hobson brought discredit upon the Chicago Police Department which impedes the Department's efforts to achieve its stated policies and goals. COPA recommends a penalty in the range of a **180- Day Suspension, up to and including Separation.**

b. Officer Nika Krzyzyk

i. Complimentary and Disciplinary History

9 Honorable Mentions. 2 Department Commendations. No disciplinary history.

ii. Recommended Penalty, by Allegation

Officer Krzyzyk failed to report the discharge of Officer Hobson's carbine and failed to report that he moved his carbine from the scene of the discharge. COPA recommends a penalty of **5-day suspension and re-training on G03-02-03, G04-02, and G08-01-02, unless such training has occurred since the date of incident.**

c. Officer Melissa Nelson

i. Complimentary and Disciplinary History

41 Honorable Mentions. 1 Complimentary Letter. 6 Department Commendations. 2 Life Saving Awards. No disciplinary history.

ii. Recommended Penalty, by Allegation

Officer Nelson instructed Officer Gill, #9812, to deactivate his body worn without authorization and failed to activate her body-worn camera in violation of S03-14. COPA recommends a penalty of **1-day suspension and re-training on S03-14, unless such training has occurred since the date of incident.**

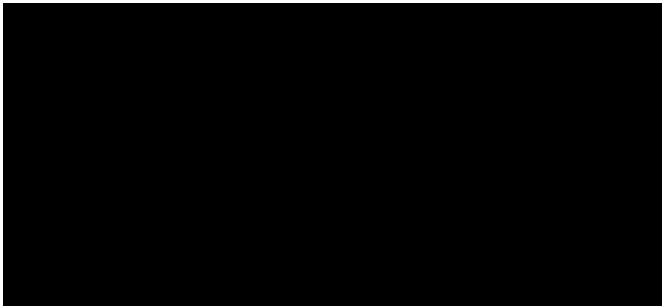
Approved:



Angela Hearts-Glass
Deputy Chief Investigator

12-1-2022

Date



Andrea Kersten
Chief Administrator

12-1-2022

Date