



Log # 2022-4996

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On November 22, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sergeant Matthew Brittain (“Sergeant Brittain”) reporting alleged misconduct by a member of the Chicago Police Department (CPD).² Sergeant Brittain alleged that on November 22, 2022, Officer Mark Biedrzycki unintentionally discharged his weapon.³ Upon review of the evidence, COPA served allegations that Officer Biedrzycki negligently discharged his firearm and failed to immediately notify OEMC in violation of General Order G03-06. Following its investigation, COPA reached sustained findings regarding both allegations.

II. SUMMARY OF EVIDENCE⁴

In a statement to COPA in COPA offices on January 10, 2023,⁵ Officer Biedrzycki stated that on the day of the incident, while off-duty, he was in a bedroom located on the second floor of his duplex condominium unit.⁶ Also home was his [REDACTED], [REDACTED] and his [REDACTED].⁷ Officer Biedrzycki kept his gun in a drawer until he placed it in his safe before bed.⁸ As Officer Biedrzycki was retrieving his firearm from its holster to unload it, his finger got caught in the trigger.⁹ Officer Biedrzycki stated that he thought he dropped his magazine and that the gun was clear at the time prior to his finger catching the trigger.¹⁰ The firearm discharged once. At the time of discharge, the firearm was pointed down and a bullet went through the bedroom floor to the kitchen below. The discharged bullet caused a hole in a bedroom chair, the

¹ 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.

² Att. 5.

³ One or more of these allegations fall within COPA’s jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

⁴ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including police reports and officer interviews.

⁵ Atts. 20 (audio) and 23 (transcript).

⁶ Att. 23, pg. 10, lns. 10 through 12 and pg. 13, lns. 14 through 18.

⁷ A COPA investigator attempted to obtain a statement from [REDACTED]. On January 2, 2023, a COPA investigator left a voice message for [REDACTED] but she did not respond. CO-0303210. The same day, a COPA investigator also left a voice mail with [REDACTED] who returned the investigator’s call on January 26, 2023. CO-0306500. After initially verbally agreeing over the telephone to provide a statement, [REDACTED] later sent an email withdrawing her consent and stating, “As our family moves forward I ask that you please respect my request for privacy and healing.” Att. 24.

⁸ Att. 23, pg. 12, lns. 9 through 14.

⁹ Att. 23, pg. 13, ln. 17 though pg. 14, ln. 6.

¹⁰ Att. 23, pg. 14, lns. 3 through 5.

bedroom floor, the kitchen ceiling, and the kitchen floor.¹¹ Officer Biedrzycki stated that he then put the firearm in his safe and yelled out to his [REDACTED] that his gun accidentally discharged. After the discharge, Officer Biedrzycki stated that his [REDACTED] started having a panic attack and he went to console her. He further stated that his [REDACTED] was hysterical, and he went downstairs to make sure that she was okay. Officer Biedrzycki estimated that he spent five minutes calming his [REDACTED] and [REDACTED].¹² He then noticed the hole in the kitchen floor and went to check on a neighbors' unit that was below his unit.

Officer Biedrzycki entered the neighbors' kitchen and saw no damage. He also asked everyone if they were ok. He stated that he spent three to five minutes with the neighbors and then returned to his unit.¹³ A couple of minutes after returning, Officer Biedrzycki received a text from the landlord of his downstairs neighbors. He called her and spoke with her for approximately ten minutes.¹⁴ Based on this conversation, Officer Biedrzycki believed that the downstairs neighbors were upset, and so he went downstairs again to talk to them. Officer Biedrzycki specifically told them not to call the police because he did not want an accidental shooting to be turned into an "active shooter type scenario."¹⁵ Officer Biedrzycki stated that he spent five minutes with the neighbors during this second visit.¹⁶ He then returned to his unit and continued to calm his wife and daughter. Five minutes after returning upstairs, he called a friend, who was a CPD member, so that if Officer Biedrzycki had to leave, someone would be with his [REDACTED].¹⁷ Officer Biedrzycki stated that the conversation with the friend lasted a couple of minutes.¹⁸ After that conversation, Officer Biedrzycki called his sergeant, Sergeant Dekoven Blanchard ("Sergeant Blanchard"), and notified him that he had accidentally discharged his weapon in his house.¹⁹ Officer Biedrzycki stated that Sergeant Blanchard told him to call the 8th District and he did so.²⁰ Someone at the 8th District desk then directed Officer Biedrzycki to call OEMC and Officer Biedrzycki called OEMC immediately after that.²¹ An Event Query recorded that a call was made to OEMC at 8:04 p.m.²² Responding Officer Jonathan Dibase, arrived on scene at 8:15 p.m.²³

Based on the timeline created by his statement to COPA and the information in the Event Query and police reports, Officer Biedrzycki's firearm discharged at approximately 7:15 p.m. An Original Case Incident Report (OCIR) documented that Officer Biedrzycki reported that the incident happened "45min prior to notifying 911 because he was comforting his wife and daughter

¹¹ Att. 25, pgs. 1 to 5, 17, 20 to 26, and 28-29.

¹² Att. 23, pg. 30, lns. 3 through 7.

¹³ Att. 23, pg. 30, ln. 11.

¹⁴ Att. 23, pg. 32, lns. 17 through 19.

¹⁵ Att. 23, pg. 19, lns. 7 through 12.

¹⁶ Att. 23, pg. 34, lns. 16 through 18.

¹⁷ Att. 23, pg. 35, lns. 8 through 11.

¹⁸ Att. 23, pgs. 35, ln. 14 through 36, ln. 5.

¹⁹ Att. 23, pg. 36, lns. 18 through 21.

²⁰ Att. 23, pg. 37, lns. 6 through 13.

²¹ Att. 23, pgs. 37, ln. 14 through 38, ln. 17.

²² Att. 2.

²³ Att. 8.

who were in the unit at the time of the accidental discharge.”²⁴ The OCIR also noted that Officer Biedrzycki stated that after the discharge, he reloaded the weapon and no shell casings were recovered from the bedroom.²⁵ Officer Biedrzycki denied that he failed to immediately notify OEMC due to the context and circumstances in his home.²⁶

Officer Biedrzycki’s weapon was a 9mm Sig-Sauer Model P228.²⁷ Prior to the incident, Officer Biedrzycki last qualified with the weapon on May 24, 2022.²⁸ CPD’s Bureau of Internal Affairs conducted an alcohol and drug test²⁹ on Officer Biedrzycki on November 22, 2022, beginning at 10:40pm and the tests revealed no drugs or alcohol in his system.

III. ALLEGATIONS

Officer Mark Biedrzycki:

1. Being inattentive to duty in that your weapon, a Sig Sauer, Model P228, semi-automatic pistol, Serial [REDACTED], unintentionally discharged.³⁰
 - Sustained, Violation of Rule 10.
2. Failing to immediately make notifications to the Office of Emergency Management and Communications that your firearm discharged, in violation of General Order G03-06.
 - Sustained, Violation of Rule 6.

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. ANALYSIS³¹

An allegation of an unintentional firearm discharge is evaluated under CPD Rule 10. COPA finds the preponderance of the evidence establishes that Officer Biedrzycki was inattentive in that he discharged his firearm at home while. Officer Biedrzycki demonstrated a lack of care for the firearm and any potential harm it could have caused when he failed to properly clear his firearm and allowed his finger to be caught in the trigger. Here, there is no audio or video evidence that captures the incident, only testimonial evidence provided by Officer Biedrzycki. In his

²⁴ Att. 8.

²⁵ Att. 8.

²⁶ Att. 23, p. 52 lns. 2 through 4.

²⁷ Att. 8.

²⁸ Att. 22.

²⁹ Att. 15.

³⁰ Att. 26; Officer Biedrzycki was initially given the allegation that he negligently discharged his firearm, in violation of rule 13, in error (Att. 21).

³¹ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

statement to COPA, Officer Biedrzycki admitted to accidentally discharging his firearm. Therefore, this allegation is **Sustained**.

When an accidental discharge occurs, involved CPD members are required to “immediately notify the Office of Emergency Management and Communications (OEMC) providing all relevant information and requesting additional resources.”³² Failure to follow this directive is a violation of CPD Rule 6. Here, Officer Biedrzycki described having to calm his [REDACTED], checking on the downstairs neighbors twice, calling the neighbor’s landlord and calling a CPD member friend before attempting to provide notification. This resulted in an approximate 45-minute delay in notification. A notification made 45-minutes after an incident in the absence of some emergency is not an immediate notification. Although it is understandable that Officer Biedrzycki would spend some time calming his family and checking on his neighbors, he specifically told his neighbor not to call the police because he did not want an accidental shooting to be turned into an “active shooter type scenario.” Officer Biedrzycki not initially wanting to notify the police is problematic. He only contacted the police after being advised to do so by his sergeant. COPA finds this allegation to be **Sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Mark Biedrzycki

i. Complimentary and Disciplinary History³³

Officer Biedrzycki has received 106 various awards and a Sustained case in 2021 for Operation/Personnel Violations Insubordination and received a 2-day suspension.

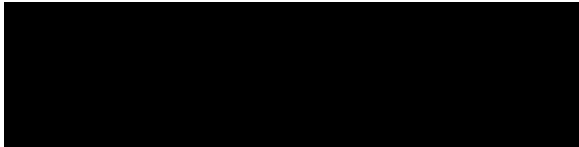
ii. Recommended Discipline

COPA found that Officer Biedrzycki violated Rules 6 and 10 when he was inattentive to duty by discharging his firearm and that he failed to make immediate notifications to OEMC. For these reasons, combined with the officer’s complimentary history and disciplinary history, COPA recommends a **5 day(s) suspension**.

³² G03-06(V)(A).

³³ Attachment __.

Approved:



6-7-2023

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix ACase Details

Date/Time/Location of Incident:	November 22, 2022/8:04 p.m./ [REDACTED] [REDACTED]
Date/Time of COPA Notification:	November 22, 2022/10:07 p.m.
Involved Member #1:	Mark Biedrzycki, Star No. 6869, Employee ID No. [REDACTED] Date of Appointment: June 8, 1998, Unit of Assignment 002, male, White
Involved Individual #1:	[REDACTED] female, White
Involved Individual #2:	[REDACTED] female, White

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 13:** Failure to adequately secure and care for Department property.

Applicable Policies and Laws

- G03-06: Firearm Discharge and Officer-Involved Death Incident Response and Investigation (effective April 15, 2021, to 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 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.

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 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.”³⁵

³⁴ 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).

³⁵ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

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