



Log # 2021-0000886

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On March 11, 2021, Off-duty Officer Terrence Roberts worked out at LA Fitness, located at 8812 S. Cicero Ave., Oak Lawn, IL, when he tossed a cellular phone on top of his nylon backpack and his weapon unintentionally discharged. The fired round was later discovered in a cushioned mat attached to the gymnasium's south wall. There were no reported or observed injuries as a result of this discharge.

II. SUMMARY OF EVIDENCE²

On April 26, 2021, COPA personnel interviewed **Accused Officer Terrence Roberts**.³ Following is a summary of the information provided:

On March 11, 2021, at approximately 9:00 am, Officer Roberts arrived at the LA Fitness located at 8812 S. Cicero Ave., Oak Lawn, IL and subsequently began his physical pre-workout/workout regimen out in the public gym area where free weights and resistance machines are located. While wearing headphones, Officer Roberts did not recall what he was doing but stated that he played around with his cellular phone and tossed it on his bag. Officer Roberts became alarmed when he smelled an odor and observed smoke coming from his bag. Realizing a potential unintentional firearm discharge may have occurred, he immediately contacted 911 and asked if everyone was okay. The Oak Lawn Police arrived on the scene, and Officer Roberts explained what he thought happened. Officer Roberts told Oak Lawn Police multiple versions of the incident. Officer Roberts was shaking, panicked, nervous, and his adrenaline was up; and he was unsure what happened until he viewed the video footage from LA Fitness shown to him by COPA. Officer Roberts explained that the gun was the only thing inside the nylon backpack, and it was not in a holster.

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 The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including Sam's Club surveillance footage, EPPD reports, and body worn camera (BWC) videos, 911 calls and radio transmissions, and Chicago Police Department (CPD) reports including Sgt. Sampson's arrest report, tactical response report (TRR), firearm registration records, and firearm qualification history.

³ Att. 7, 12

Officer Roberts was not qualified with his auxiliary weapon on the day of the incident. He explained that he bought the weapon in December 2019, and the coronavirus hit the country in 2020, and scheduling range time was a hit or miss. By the time CPD officer qualifications for auxiliary weapons were offered, officers were on 12-hour days. Additionally, CPD canceled days off, and he did not get down to the range to qualify with the weapon. On March 11 (day of the incident), within approximately three (3) hours, CPD gave Officer Roberts drug and alcohol tests, with negative results. Officer Roberts denied the allegations against him but agreed that he violated Special Order S11-03-01 and failed to qualify with his firearm timely.

On March 10, 2022, COPA personnel interviewed **Accused Officer Terrence Roberts**⁴ for a second time. Following is a summary of the information provided:

Officer Roberts stated that he stands by his previous statement given to COPA on April 26, 2021. Officer Roberts denied the allegation that he committed misconduct by failing to secure his firearm in the department-approved holster in violation of U04-02 (IV)(B). Officer Roberts stated that the General Order only applies if the firearm is intended to be used in the performance of police-related duties. Furthermore, he is unaware of any General Order which requires an off-duty officer to carry an off-duty weapon and a holster.

COPA obtained **video**⁵ footage from LA Fitness showing Officer Roberts placing his nylon backpack on the floor by a workout bench. He appeared to be looking at his cellular telephone and walking around. Officer Roberts walked to the backpack and dropped his cellular telephone onto the nylon backpack when the firearm discharged.

COPA obtained a copy of the **Oak Lawn Incident/Investigation Report**⁶, which documented that Officer Ward and other Oak Lawn police officers responded to LA Fitness, located at 8812 S. Cicero Ave, to report an accidental firearm discharge. Upon arrival, Officer Ward spoke with off-duty Chicago Police Officer Terrance Roberts near the front desk of the health club. Officer Roberts' 9mm Sig Sauer P320 firearm was unloaded in a small nylon backpack. Officer Roberts explained that he was sitting, reclined back, on an exercise bench doing triceps extensions with his nylon-string backpack placed between his legs when the nylon backpack fell to the ground.

The firearm discharged when it hit the floor while inside the backpack. Officer Roberts checked the area and did not find anybody that the projectile had struck. Officer Roberts then called 911 to report the discharge. Officer Ward observed the spent 9mm shell casing.

Officer Ward observed the area where the incident occurred. During that time, Officer Roberts changed his account of the incident. Officer Roberts said he tossed his nylon backpack on the ground underneath the bench, and his firearm discharged. Officer Ward spoke with [REDACTED]

⁴ Att. 13, 15

⁵ Att. 21

⁶ Att. 4

██████████, who was working out near the area where the firearm discharge occurred, described as the back wall of the health. ██████████ said that she heard the loud discharge of the firearm and felt something strike her leg. She was not shot but determined that a piece of the nylon backpack had struck her.

COPA personnel reviewed the investigative actions of the Oak Lawn Police and learned that Officer Roberts' firearm was not securely in a holster but was loose inside the nylon backpack. Oak Lawn PD Sgt. Acke called the 2nd District of the Chicago Police Department and spoke to CPD Sgt. Phillips, #1374 about the incident. Sgt. Acke and Oak Lawn PD Officer Ward returned to LA Fitness to view available video surveillance. The location manager, ██████████ allowed them to view video, which showed that Officer Roberts placed his nylon backpack on the floor by a workout bench. Officer Roberts appeared to be looking at his cellular telephone and walking around. Officer Roberts walked to the backpack and dropped his cellular telephone onto the nylon backpack when the firearm discharged. A hole on the west wall appeared to have been caused by the bullet exiting. After going through the wall, the round appeared to travel southeast into a cushioned mat attached to a south wall. Oak Lawn PD Officer Kirk photographed the health club area along with Officer Roberts' firearm.

Officer Roberts' representing attorney, ██████████, gave an **Article**⁷ to COPA regarding the Sig Sauer P320, the weapon carried by Officer Roberts at the time of this incident. The article discusses a lawsuit against the manufacturer for an accidental discharge, which left a bullet in the leg of a former United States Marine and federal agent.

III. ALLEGATIONS

Officer Terrence Roberts:

1. He committed misconduct and was inattentive to duty in that his weapon discharged unintentionally, in violation of Rule 10.

--- Sustained, Violation of Rule 10.

2. He committed misconduct by failing to timely qualify with his firearm in violation of Special Order S11-03-01(II).

--- Sustained, Violation of Rules 2, 3, 5, and 6.

3. He committed misconduct by failing to secure his firearm in a department-approved holster in violation of U04-02 (IV)(A)(1).

--- Sustained, Violation of U04-02 (IV)(A)(1)

⁷ Att. 16

4. He committed misconduct by failing to secure his firearm in a manner that a reasonable person would believe will prohibit access by unapproved individuals, theft, or loss, in violation of U04-02(II)(G).

--- Sustained, Violation of U04-02(II)(G)

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to question the credibility of Officer Roberts.

V. ANALYSIS⁸

a. Officer Roberts' unintentional firearm discharge.⁹

COPA finds the allegation that Officer Roberts was inattentive to duty when he unintentionally 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 Roberts and Oak Lawn Police Department reports indicate that Officer Roberts' firearm was loose inside a nylon backpack when he knowingly tossed his cell phone on top of the backpack causing the firearm to discharge.

Officer Roberts' responsibility is to ensure that a firearm under his control is not discharged without intent to do so. While Officer Roberts explained that the discharge was unintentional, it does not dismiss his responsibility as a department member to handle his firearm safely and carefully, ensuring that these consequential mistakes do not happen.

b. Officer Roberts failed to qualify with his firearm used in this incident timely.

COPA finds the allegation that Officer Roberts failed to qualify with his firearm timely is **Sustained**. CPD policy requires all sworn members to "register all duty and non-duty firearms with the Department."¹⁰ Additionally, CPD members must qualify annually with all prescribed, alternate prescribed, or auxiliary firearms before carrying the firearm on or off duty.¹¹

During his statement to COPA, Officer Roberts acknowledged that he failed to qualify with his firearm timely.

c. Officer Roberts failed to secure his firearm in a department approved holster.

COPA finds the allegation that Officer Roberts failed to secure his firearm in a department approved holster is **Sustained**. CPD Uniform and Property¹² specifically describes that when an

⁸ For a definition of COPA's findings and standards of proof, *see* Appendix B.

⁹ Att. 18

¹⁰ Att. 17

¹¹ Att. 17- U04-02 II(D)(4)(a).

¹² Att. 19 – U04-02 (IV)(B)

officer is in citizen's dress, members will carry their firearms and extra ammunition in Department approved holsters and ammunition carriers.

- d. Officer Roberts failed to secure his firearm in a manner that a reasonable person would believe will prohibit access by unapproved individuals, theft, or loss.**

COPA finds the allegation that Officer Roberts failed to secure his firearm in a manner that a reasonable person would believe will prohibit access by unapproved individuals, theft, or loss is **Sustained**. CPD Uniform and Property specifically describes that sworn members are to secure all firearms they own or possess in a manner that a reasonable person would believe will prohibit access by unapproved individuals, theft, or loss.¹³ Officer Roberts admitted placing his firearm in a nylon backpack in a gym with multiple patrons. Officer Roberts is seen on video walking away from his backpack numerous times, leaving it unattended.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Terence Roberts #15634

i. Complimentary and Disciplinary History¹⁴

Officer Roberts has received five awards, including two complimentary letters, two crime reduction awards, four emblems of recognition- physical fitness, and 17 honorable mentions. He has no sustained disciplinary history in the past five years.

ii. Recommended Discipline

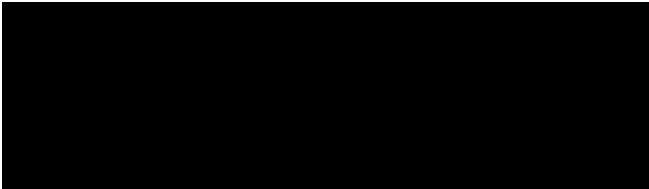
COPA has considered Officer Roberts' complimentary history and lack of disciplinary history. A reasonable review of Officer Roberts' actions in this incident concludes Officer Roberts was both negligent and reckless when he placed his unholstered firearm inside a nylon backpack, which Officer Roberts walked away and left unattended inside a publicly accessible gym having multiple patrons. Additionally, Officer Roberts casually tossed his cellular phone onto the backpack causing his firearm to discharge.

There were multiple patrons inside the gym during this time. A patron, [REDACTED], heard a loud noise and felt something strike her leg. It was determined that she was not shot but struck by a piece of Officer Roberts' nylon backpack. Officer Roberts' casual and reckless behavior could have resulted in someone being physically injured or dead. **COPA recommends a 20-day Suspension for Officer Roberts.**

¹³ Att. 19 – U04-02(II)(G)

¹⁴ Att. 20 - Disciplinary and complementary history has been reviewed.

Approved:



Angela Hearts-Glass
Deputy Chief Investigator

8-28-2023

Date

Appendix ACase Details

Date/Time/Location of Incident:	March 11, 2021 / 10:00 am / 8812 South Cicero Avenue, Oak Lawn, Illinois
Date/Time of COPA Notification:	March 11, 2021, 10:31 am
Involved Officer #1:	Terrence Roberts, Star #15634, Employee ID # [REDACTED], Date of Appointment: December 18, 2006, Unit 002, 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 10:** Inattention to duty.

Applicable Policies and Laws

- General Order G03-02-03, Section III. B - Firearm Discharge Incidents - Authorized Use And Post-Discharge Administrative Procedures (effective April 15, 2021 – present).
- Uniform and Property U04-02(IV)(B), Department Approved Weapons And Ammunition (effective May 7, 2021 – present).
- Uniform and Property U04-02(II)(G)), Department Approved Weapons And Ammunition (effective May 7, 2021 – present).
- Special Order S11-03-01 - Annual Prescribed Weapon Qualification Program and Taser Recertification.

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.¹⁵ 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."¹⁶

¹⁵ 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).

¹⁶ *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 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