

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

Date of Incident:	April 28, 2022
Time of Incident:	9:45 am
Location of Incident:	████████████████████, Chicago, IL 60607
Date of COPA Notification:	April 28, 2022
Time of COPA Notification:	11:36 am
Involved Officer #1:	Joseph Pentimone, star # 6054, employee ID# ██████████, Date of Appointment: 02-26-2016, Rank: PO, Unit of Assignment 018, Age: 32, Male, Caucasian
Case Type:	Unintentional Discharge

**I. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer Joseph Pentimone	<p>It is alleged that on April 28, 2022, at approximately 9:45 am, at or near ██████████, you, Officer Joseph Pentimone #6054, committed misconduct by the following acts or omissions, by:</p> <p>1. Unintentionally discharging your firearm.</p>	<b>SUSTAINED</b>

## II. SUMMARY OF EVIDENCE<sup>2</sup>

COPA obtained and reviewed the following evidence, including, but not limited to: Original Case Incident Report<sup>3</sup>, ET Report<sup>4</sup>, Inventory Reports<sup>5</sup>, BWC footage for responding CPD members, Guereca<sup>6</sup>, Young<sup>7</sup>, and Arroyo<sup>8</sup>, BIA Synoptic Report<sup>9</sup>, Event Query<sup>10</sup>, 911 Calls<sup>11</sup>, Case Supplemental Report<sup>12</sup>, Tactical Response Report<sup>13</sup>, Officer Pentimone's firearm qualification certification records<sup>14</sup>, Initiation Report<sup>15</sup>, as well as ET photos<sup>16</sup> taken at the scene.

On April 28, 2022, COPA was notified of an unintentional discharge by Chicago Police Department (CPD) member Joseph Pentimone by CPD Deputy Chief Gabrielle Shemash. The Initiation Report<sup>17</sup> stated that Officer Pentimone accidentally discharged his firearm inside his residence at [REDACTED]. Officer Pentimone notified OEMC (911) and informed the operator of his discharge.<sup>18</sup> CPD members, Sgt. Arthur Young and Officer Angelica Arroyo were the first to respond to secure the scene. Officer Antonio Guereca responded shortly after to complete the reports.

In his interview with COPA,<sup>19</sup> Officer Pentimone explained he was off-duty at the time of the incident on April 28, 2022. Officer Pentimone indicated that he was getting ready for his shift at the time of the discharge. Officer Pentimone explained the firearm discharged was his auxiliary firearm (Smith and Wesson M&P 9MM Serial [REDACTED]). Officer Pentimone stated he recently lubricated his firearm and put the firearm in a safe located inside his bedroom. Officer Pentimone then took the firearm out of his safe in his bedroom and attempted to put it in his holster when it slipped out of his hand, and he discharged it. After he discharged his weapon, Officer Pentimone called 911 and told the operator what had happened. After the incident, Officer Pentimone placed the firearm back into his holster until responding officers arrived.

The BWC footage of Officers Young and Arroyo, obtained by COPA, depicted the officers arriving at Pentimone's residence at approximately 10:01 am. The BWC of Officers Young and

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<sup>2</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence.

<sup>3</sup> Att. 1, Original case Incident Report RD# JF 222913 authored by PO Antonio Guereca.

<sup>4</sup> Att. 2, Evidence Technician Report authored by Stephen O'Connell.

<sup>5</sup> Attachments No. 4 and No. 5, Inventory Report No. 15090075 for Fired Bullet recovered on scene, and Inventory Report No. 15090090 for expended shell case, stamped 9MM Luger, respectively.

<sup>6</sup> Att. 7, Officer Antonio Guereca's BWC footage.

<sup>7</sup> Att. 8, Sgt. Arthur Young's BWC footage.

<sup>8</sup> Att. 6, Officer Angelica arroyo's BWC footage.

<sup>9</sup> Att. 9, BIA Synoptic Report, showing results of blood and alcohol testing of Officer Joseph Pentimone. Results were negative for both drugs and alcohol.

<sup>10</sup> Att. 13, Event Query Report

<sup>11</sup> Att. 12, Officer Joseph Pentimone's phone call to 911 to report the discharge of his firearm.

<sup>12</sup> Att. 50, Supplementary Report authored by Detective Charles Maida.

<sup>13</sup> Att. 51, Tactical response Report authored by Officer Joseph Pentimone.

<sup>14</sup> Att. 54, Firearm qualification certification records for Joseph Pentimone.

<sup>15</sup> Att. 10, Initiation Report dated April 28, 2022, authored by Deputy Chief area 3, Gabriella Shemash.

<sup>16</sup> Att. 16 through Att. 49, ET Photos taken at 225 S Sangamon.

<sup>17</sup> Att. 10, Initiation Report authored by Gabrielle Shemash.

<sup>18</sup> Att. 12, Officer Joseph Pentimone's phone call to 911.

<sup>19</sup> Att. 53, Officer Pentimone's statement to COPA.

Arroyo showed them to have a brief interaction with Officer Pentimone before Officer Young said, “Scene secure,”<sup>20</sup> and deactivated their BWC. Officer Guereca’s BWC showed him arrive at the scene at approximately 10:04 am.<sup>21</sup> Officer Guereca spoke briefly to Officers Young and Pentimone about the incident. Officer Young relayed to Officer Guereca there was a hole in the wall behind Officer Pentimone’s bed, that nobody was home, and that the pistol was his off-duty pistol.<sup>22</sup> No footage captured the discharge, as Officer Pentimone was alone and off-duty at the time of the discharge.

### III. 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.

### IV. ANALYSIS AND CONCLUSION

COPA finds **Allegation #1** against Officer Pentimone that he unintentionally discharged his firearm is **Sustained**. The evidence shows that a firearm was discharged inside his home. COPA finds the preponderance of the evidence establishes Officer Pentimone negligently discharged his auxiliary firearm inside his residence. Officer Pentimone admitted during his interview with COPA<sup>23</sup> that he was responsible for the firearm discharge. The Rules and Regulations of the Chicago Police Department require members to “devote themselves fully to the attainment of the letter and spirit of the Department policy and goals and will conduct themselves at all times in such a manner as will reflect credit upon the Department.”<sup>24</sup> Prohibited acts include Rule 10, Inattention to duty.<sup>25</sup> Officer Pentimone’s actions were inconsistent with CPD training and violated Rules 10 and 13.

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<sup>20</sup> Att. 8, Sgt. Young’s BWC footage, timestamp: 5:19

<sup>21</sup> Att. 7, Officer Antonio Guereca’s BWC footage, timestamp: 5:02.

<sup>22</sup> Att. 7, Officer Guereca’s BWC footage, timestamp: 5:30 to 6:20.

<sup>23</sup> Att. 53, Officer Joseph Pentimone’s statement to COPA, Timestamp: 6:15 to 7:00.

<sup>24</sup> Police Board of Chicago, Rules and Regulations of the Chicago Police Department, Article IV.C. Regulations Establishing the Duties of Members - Sworn Members (April 16, 2015)

<https://www.chicago.gov/content/dam/city/depts/cpb/PoliceDiscipline/RulesandRegulationsCPD20150416.pdf>

<sup>25</sup> Police Board of Chicago, Rules and Regulations of the Chicago Police Department, Article V. Rules of Conduct (April 16, 2015)

<https://www.chicago.gov/content/dam/city/depts/cpb/PoliceDiscipline/RulesandRegulationsCPD20150416.pdf>

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Joseph Pentimone

i. Complimentary and Disciplinary History

Officer Pentimone’s complimentary history includes (1) 2019 Crime Reduction Award, (3) Complimentary Letter, (3) Department Commendation, (5) Emblem of Recognition-Physical Fitness, (34) Honorable Mention, (1) Life-Saving Award, (1) problem-Solving Award.

Officer Pentimone was suspended for (1) day on May 15, 2021, stemming from an incident occurring on September 25, 2018 (Case# C 1091182), for violation of GO G01A- Use of Profanity. Pentimone has (2) SPARS, resulting in a reprimand.

ii. Recommended Penalty

COPA found that Officer Joseph Pentimone violated Rules 10 and 13 when he unintentionally discharged his firearm inside his residence at 225 S. Sangamon #903. Officer Pentimone’s negligence was significant and could have resulted in serious injury or death. COPA notes, however, that Officer Pentimone accepted responsibility for his actions. COPA also notes that Officer Pentimone reported the incident to 911 and followed protocol immediately after discharge. The firearm was recovered from the holster, and CPD made all the required notifications following the incident. COPA has considered Officer Pentimone’s complimentary history and disciplinary history. COPA recommends he receive a **Suspension of up to 10 days and Training** on Firearm Safety.

Approved:

[Redacted Signature]

Sharday Jackson  
Deputy Chief Administrator – Chief Investigator

November 29, 2023

Date

[Redacted Signature]

Andrea Kersten  
Chief Administrator

November 29, 2023

Date