



Log # 2022-0003900

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On September 12, 2022, at approximately 9:20 am, Lieutenant Anthony Schulz, #780, of the 6th District notified COPA of an accidental firearm discharge. In his Initiation Report,² Lt. Schulz said that on the same date, at approximately 7:50 am, the accused, Officer John Sanders, #9389, of the 7th District, was at [REDACTED]. Officer Sanders, who was off-duty and in civilian dress, had his unholstered firearm in his right front pants pocket. When Officer Sanders reached into that pocket to retrieve his keys, his finger accidentally hit the trigger of the firearm, causing it to fire, with the bullet hitting his right leg. Blood and the expended shell casing were the evidence on-scene. The allegation of misconduct was Officer Sanders' failing to holster his firearm. There was no report of anyone else being injured.

COPA's Preliminary Investigation³ indicated that at the time of the incident, Officer Sanders was dropping off his daughter, [REDACTED] 10 YOA, at the residence of his father and uncle at the [REDACTED] address. Officer Sanders was also on his way to work. As Officer Sanders walked on the driveway toward the rear of the residence, he reached into his pocket for the key he would use to open the rear door of the residence to let his daughter inside. When the firearm was discharged, [REDACTED] was behind Officer Sanders and was not injured. The bullet struck Officer Sanders' right knee and lodged in his right ankle. Officer Sanders fashioned a tourniquet from a belt, which he applied to his leg to slow the bleeding. The father and uncle of Officer Sanders were inside the residence and did not witness the incident. No recording video camera was on-scene. [REDACTED] who is a special needs person, told officers her father's gun discharged.

Upon review of the evidence, COPA served allegations that Officer Sanders committed misconduct by accidentally discharging his firearm and by failing to carry his firearm in a Department-approved holster. Following its investigation, COPA reached sustained findings regarding both allegations.

II. SUMMARY OF EVIDENCE⁴

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. 2.

³ Att. 1.

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 body worn camera (BWC) videos, 911 calls and radio transmissions, and Chicago Police Department (CPD) reports.

A 911 call⁵ indicated Officer Sanders's father called to report the incident, including the address of occurrence, and during the call, Officer Sanders got on the phone, identified himself and said he had accidentally shot himself in the leg. He said he was using two belts as a tourniquet. An ambulance was dispatched.

The Original Case Incident Report⁶ indicated that Ambulance 37 transported Officer Sanders to Christ Hospital in good condition. Officers responding to the residence recovered Officer Sanders' 9mm Glock Model 19 semi-automatic pistol, cleared it and placed it inside their vehicle.

The Ambulance Report⁷ indicated Officer Sanders had a large wound on his right leg, above the knee.

A Supplementary Report⁸ from the Bureau of Detectives included the information that no video of the incident and no other witnesses to the incident were located in canvassing.

Evidence Technician photos⁹ depicted Officer Sanders while being treated at the hospital; his damaged and apparent blood-stained cargo pants; apparent blood outside and just inside the rear entry to the residence; Officer Sanders's firearm, its magazine and the fired casing; and surveillance cameras on the outside of the residence. Sgt. John Lally, #1681, of CPD's Investigative Response Team, said the cameras only monitored the exterior of the house and did not record video.¹⁰

The Crime Scene Processing Report¹¹ indicated that 15 live cartridges were recovered from Officer Sanders's magazine, and a fired casing was recovered from the gun's chamber. The COPA Preliminary Report¹² indicated that the magazine had a capacity of 15 rounds.

The laboratory report from the Illinois State Police Division of Forensic Services¹³ indicated that the recovered shell casing had been fired in Officer Sanders' firearm, which was found to be operable.

CPD records¹⁴ reflected that Officer Sanders last qualified on the firearm, which is a prescribed firearm, on March 2, 2022.

⁵ Att. 12, call made at 7:48:05 am.

⁶ Att. 5.

⁷ Att. 8.

⁸ Att. 54.

⁹ Att. 48.

¹⁰ Att. 1, pg. 2, first paragraph.

¹¹ Att. 9.

¹² Att. 1, pg. 4.

¹³ Att. 30.

¹⁴ Att. 7.

Officer Sanders's Tactical Response Report¹⁵ included information from Sgt. Anthony Berg, #1641, who reported that ██████████ said her father "was walking her to the door, shot himself in the leg and dropped her food."¹⁶ Sgt. Berg said ██████████ "appeared traumatized or experiencing some form of mental health episode."¹⁷

Sgt. Berg's brief interview of ██████████ inside the residence was recorded on his BWC,¹⁸ and the video's audio was consistent with what Sgt. Berg said in the TRR. ██████████ also said she attended the Oakdale Christian Academy.

Officer Sanders's medical records¹⁹ indicated he had sustained the gunshot wound to his right leg, with a metal fragment removed from his lower right leg as part of his treatment. He was discharged from the hospital two days after the incident.

The Synoptic Report²⁰ from the Bureau of Internal Affairs indicated that Officer Sanders' Breath Alcohol Consumption was .000.

In his statement to COPA,²¹ Officer Sanders said that at the time of the incident, he was dropping off his daughter so his father could take her to school. Officer Sanders was then going to go downtown to work overtime. His description of the incident was consistent with the Executive Summary. Specifically, he said when he put his hand in his pocket to grab his keys, the keys "must have snagged the trigger,"²² causing the discharge. COPA photographed what Officer Sanders said was the key ring involved in the incident.²³ He said there was no particular reason the gun was not in a holster. He added that the gunshot wound caused a peroneal nerve injury, which resulted in a loss of some function in his right foot.

Officer Sanders said his daughter, who is on the autism spectrum, was four or five feet behind him when the gun discharged. He and his daughter attended counseling a couple of times since the incident.

At the end of his statement, Officer Sanders admitted to the first allegation regarding accidentally discharging his weapon.²⁴ He denied that he committed the second alleged violation, failing to carry his firearm in a Department-approved holster.²⁵ In defense of Officer Sanders, his attorney, Tim Grace, offered a section of a Department directive different from the directive and section referenced in the second allegation presented to Officer Sanders. Grace cited the directive U04-02, "Department-Approved Weapons and Ammunition," Part IV, which states, "The

¹⁵ Att. 3.

¹⁶ Att. 3, pg. 4.

¹⁷ Att. 3, pg. 4.

¹⁸ Att. 55 at 16:43.

¹⁹ Att. 4, pg. 36.

²⁰ Att. 61.

²¹ Atts. 50 (audio), 53 (transcript).

²² Att. 53, pg. 7, lns. 23, 24; pg. 8, lns. 1, 2.

²³ Att. 49.

²⁴ Att. 53, pg. 25, ln. 4.

²⁵ Att. 53, pg. 25, ln. 10.

following provisions apply only to firearms intended to be used in the performance of police-related duties: ... B. When in citizen's dress, members will carry their firearms and extra ammunition in Department-approved holsters and ammunition carriers." Grace said it was Officer Sanders's position that he was not in the performance of police-related duties at the time of the shooting incident.²⁶

In response, COPA pointed out that a different directive was referenced in the second allegation presented to Officer Sanders, which was, "Uniform and Property U04-02-01, Department Approved Handguns and Ammunition." Part II, F, of that directive says, "Semi-automatic pistols will be carried in department-approved holsters."²⁷

III. ALLEGATIONS

Officer John Sanders:

1. Accidentally discharging your weapon, wounding yourself in the right leg.
 - Sustained, Violation of Rules 2, 3 and 10.
2. Failing to carry your weapon in a Department-approved holster consistent with Uniform and Property order U04-02-01, "Department Approved Handguns and Ammunition."
 - Sustained, Violation of Rules 2, 3, 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 or information.

V. ANALYSIS²⁸

Based on the foregoing, COPA finds the preponderance of the evidence shows Officer Sanders violated Rules 2, 3, and 10 by the accidental discharge of his weapon while it was in his pocket. CPD Directive "Uniform and Property U-04-02," II, D, 1,²⁹ notes that CPD training is to ensure that weapons are safely handled and used. Officer Sanders was a Chicago Police Officer since December 02, 2002, and was qualified in the use of his firearm. With almost 20 years of service and experience as of the date of the incident, he would have been expected to safely handle his firearm. Carrying the unholstered firearm in his pants pocket did not demonstrate safe handling and use of that firearm. It is not known specifically what caused the trigger to fire the gun, but Officer Sanders's placing the gun, and then his hand, in his pocket began the sequence of actions that ended with the gun discharging a round and wounding him. His 11-year-old daughter was in the immediate vicinity of this gun discharge, but luckily was not injured. Officer Sanders's actions brought discredit upon the Department and did not promote the Department's efforts to implement its policy or accomplish its goals. COPA finds **Allegation #1** is **Sustained** as a violation of Rules 2, 3 and 10.

²⁶ Att. 53, p. 25, lns. 11-22.

²⁷ Att. 53, p. 25, lns. 23, 24; p. 26, lns. 1-15.

²⁸ For a definition of COPA's findings and standards of proof, see Appendix B.

²⁹ Att. 52, pg. 1, II, D, 1.

Regarding the second allegation, COPA finds the preponderance of evidence shows Officer Sanders violated Rules 2, 3, 6, and 10 when he failed to carry his weapon in a Department-approved holster. CPD directive “Uniform and Property U04-02-01,” Department Approved Handguns and Ammunition, II, F, specifies that “Semiautomatic pistols will be carried in Department-approved holsters.”³⁰ Whether that directive is inconsistent with the directive cited by attorney Grace is not an issue to be settled through this investigation.

Carrying the gun in a holster might have prevented a discharge. A proper holster would have covered the trigger and trigger guard, likely preventing the trigger from being pulled or pressed accidentally and discharging the gun. COPA finds **Allegation #2** is **Sustained** as a violation of Rules 2, 3, 6, and 10.

VI. DISCIPLINARY RECOMMENDATION

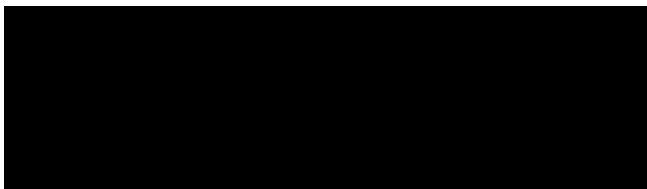
i. Complimentary and Disciplinary History³¹

Officer Sanders has received 122 awards, including eight Department commendations. He had one sustained case in the last five years, for which he received a 5-day suspension for conduct unbecoming, involving a weapon irregularity (lost/stolen weapon).

ii. Recommended Discipline

COPA recommends a penalty of 25 days Suspension and weapon training. Officer Sanders failed to make certain his weapon was safe by having it in his pocket without a holster. Officer Sanders has received a previous suspension involving weapon irregularity.

Approved:



8-31-2023

Angela Hearts-Glass
Deputy Chief Investigator

Date

³⁰ Att. 25, pgs. 1-2, II, F.

³¹ Att. 60.

Appendix A**Case Details**

Date/Time/Location of Incident:	September 12, 2022 / 7:50 am / ██████████ ██████████
Date/Time of COPA Notification:	September 12, 2022 / 9:20 am.
Involved Officer:	Officer John M. Sanders, Star #9389, Employee ID #██████████ Date of Appointment: December 2, 2002, Unit: 007, 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 U04-02(II)(D), Department Approved Weapons and Ammunition (effective May 7, 2021 – present).
- Uniform and Property U04-02-01(II)(F), Department Approved Handguns and Ammunition (effective July 21, 2021 – 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.³² 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.”³³

³² 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).

³³ *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