

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	September 11, 2021/8:02 P.M./██████████
Date/Time of COPA Notification:	September 11, 2021/9:24 P.M.
Involved Officer #1:	MULLIGAN, Brenden, #10132, Empl. ██████, DOA April 25, 2016, P.O., Unit #180, DOB ██████, 1989, male, white
Involved Individual #1:	N/A
Case Type:	Unintentional Discharge

I. ALLEGATIONS

Officer	Allegation	Finding
Officer MULLIGAN	It is reported that on/or about September 11, 2021, at approximately 8:02 P.M., while in the vicinity of ██████████, you: 1. Unintentionally discharged your weapon.	Sustained

II. SUMMARY OF EVIDENCE¹

COPA interviewed **Officer Mulligan²** on January 27, 2022. He related that on September 11, 2021, at approximately 8:02 P.M., Officer Mulligan and his partners, Officers Gallardo and Dejativong, went to the location of ██████████ for Officer Mulligan to pick up some clothing from a friend's home. Officer Mulligan was seated in the backseat on the driver's side of the vehicle, and Officers Gallardo and Dejativong³ were sitting in the front seats. Officer Mulligan called his friend, ██████████, to notify him of his arrival. Officer Mulligan sat his phone next to him, grabbed his vest, and heard a weapon discharge. Officer Mulligan looked around the vehicle to see if any windows were damaged. Once Officer Mulligan assessed the damage, he looked at his weapon positioned on his right hip in his holster and saw his gun was in the slide lock position, which informed him that his gun had discharged.

¹COPA 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. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

² Att. 8

³ Officer Mulligan did not remember who was driving.

Officer Mulligan immediately told Officers Gallardo and Dejativong that his weapon had been discharged. Officer Mulligan removed his gun from his holster, made it safe, and sat it down on the vehicle's floorboard. Officer Mulligan called his immediate supervisor, Sgt. Teehan and a supervisor over the radio in Zone 4. Officer Mulligan exited the car and observed a bullet hole in his back pocket and one in the backseat next to the seatbelt. Officer Mulligan believed the fired bullet was in the gas tank because he smelled gasoline coming from the car. The shell casings did not eject from Officer Mulligan's weapon. Officer Mulligan denied having his gun in his hand and pulling the trigger.

COPA also obtained an Initaiton Report,⁴ the Case Report,⁵ TRR,⁶ Inventory Reports⁷ and Event Queries⁸ related to this incident.

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.

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.

⁴ Att. 1

⁵ Att. 2

⁶ Att. 10

⁷ Att. 3 & 4

⁸ Att. 11

IV. ANALYSIS AND CONCLUSION

COPA finds the allegations of Officer Mulligan unintentionally discharging his weapon as **Sustained**. Officer Mulligan and his partners were not responding to a call, and the car was not moving when the incident occurred. The bullet fired into the vehicle's seat, consistent with the weapon being holstered on the side of his body. The shell casing was found in Officer Mulligan's weapon, consistent with his gun being in his holster. There were no body worn camera (BWC) videos for this incident, as the officers were not engaged in any conduct which would require them to activate their BWCs. Officer Mulligan denied manipulating his gun in any form or fashion when the weapon discharged. However, Officer Mulligan is responsible for ensuring his gun is secured in such a way that it does not unintentionally discharge. Thus, the allegation is Sustained.

V. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Mulligan

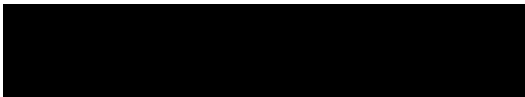
i. Complimentary and Disciplinary History

Officer Mulligan has received 70 awards and recognitions and a 2 day Suspension for operational violations.

ii. Recommended Penalty

COPA has considered Officer Mulligan’s complimentary and disciplinary history. COPA has also considered the nature of the sustained allegations and the totality of the evidence. COPA recommends a Reprimand up to a 10-day Suspension and Firearm Safety Training.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

January 8, 2024

Date