

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	July 19, 2021/ 1:50 P.M./ 7808 S. Halsted Street
Date/Time of COPA Notification:	July 19, 2021/ 2:51 P.M.
Involved Officer #1:	WILLIAMS, Gregory, Star #10574, Empl. # [REDACTED], D.O.A. August 29, 2005, P.O., 006 th District, D.O.B. [REDACTED], 1975, male, black
Case Type:	Unintentional discharge of a firearm.

I. ALLEGATIONS

Officer	Allegation	Finding
Officer WILLIAMS	It is reported that on or about July 19, 2021, at approximately 1:50 P.M., while in the vicinity of 7808 S. Halsted Street, you: 1. Unintentionally discharged a weapon that you were attempting to make safe.	Unfounded

II. SUMMARY OF EVIDENCE

COPA interviewed **Officer Williams**¹ on September 23, 2021. He related that on July 19, 2021, at approximately 1:50 P.M., he was preparing to attend roll call when a tactical officer² asked to borrow his multi-purpose tool.³ The officer needed the tool to disassemble a weapon (Davis Industry .380 Caliber) that a civilian turned in. The tactical officers who recovered the gun were not familiar with the weapon and did not know how to make the gun safe. Officer Williams agreed to let the officer borrow the tool, and Officer Williams followed the officer to the tactical office. When the officers entered the tactical office, other officers were watching a video on how to disassemble the weapon to make it safe.

Officer Williams has a background in handling weapons that the tactical team is not familiar with, so he assisted the officers in making the gun safe. Officer Williams removed the magazine from the weapon, and he believed that the weapon was not loaded at that time. Officer Williams, along with Officer Kinney, was in the process of disassembling the weapon when the weapon discharged and exploded in Officer Williams' hand. No one was struck by the fired bullet. The bullet discharged into a chair and a portable air conditioner. The bullet was never recovered and is believed to be inside the air conditioner. The shell casing ejected from the weapon and was

¹ Att. 6

² Officer Williams did not recall the name of the officer.

³ Officer Williams called the tool a Gerber.

recovered. Officer Williams denied ever having his finger on the trigger and did not know why the weapon discharged. Officer Williams described the weapon as rusty, but he was not aware of the internal condition of the weapon.

The Department reports⁴ were consistent with the account provided by Officer Williams. The photographs⁵ of the weapon depicted the weapon unassembled into several pieces, which is compatible with the weapon malfunctioning.

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.

IV. ANALYSIS AND CONCLUSION

COPA finds the allegation of Officer Williams unintentionally discharging a weapon to be **Unfounded**. Officer Williams reported he was tasked with making an unfamiliar weapon safe by the tactical team. Officer Williams performed this task in a Chicago Police Department office and out of the public's view. Officer Williams was unfamiliar with the weapon, and he and other officers viewed a video on how to make the weapon safe. Officer Williams removed the magazine

⁴ Att. 1-4

⁵ Att. 7

from the gun, and he believed the weapon was unloaded. The weapon discharged and broke apart as Officer Williams attempted to make the weapon safe. The photographs and the Department reports supported Officer Williams' account of the incident. Officer Williams denied having his finger on the trigger when the gun discharged. There is no evidence that Officer Williams caused the weapon to discharge. Thus, the allegation is Unfounded.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

July 27, 2022

Date