



Log # 2022-4958

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On November 21, 2022, the Chicago Police Department's (CPD) Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an incident involving a CPD member discharging his firearm at approximately 7:56 am inside a residence at ██████████<sup>2</sup> In the hours following the shooting, COPA learned that Detective (Det.) Patrick McGrath, who lived in the ██████ residence, told responding officers that he was home alone when he exchanged gunfire with an unknown Hispanic male intruder and two unknown Black female intruders. Upon review of the evidence, COPA served allegations that Det. McGrath was intoxicated, discharged his firearm without justification, and failed to register two firearms with CPD.<sup>3</sup> Following its investigation, COPA reached sustained findings regarding all of the allegations.

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<sup>1</sup> 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.

<sup>2</sup> Pursuant to § 2-78-120 of the Chicago Municipal Code, COPA has a duty to investigate all incidents in which a CPD member discharges their firearm. Therefore, COPA determined it would be the primary administrative investigative agency in this matter.

<sup>3</sup> During the pendency of this investigation, the City of Chicago Office of Inspector General (OIG) forwarded an anonymous complaint to COPA regarding Det. McGrath's conduct. The anonymous complaint alleged that Det. McGrath violated a court order by being intoxicated when ██████████ was dropping ██████████ off at his house and "made up a report of someone breaking into his house, fired shots at nobody just to have an excuse for violating his rules" and put ██████████ lives in danger by being intoxicated. *See* Att. 44. COPA did not serve any allegations regarding Det. McGrath's alleged endangerment of ██████████ because this investigation did not reveal any objective, verifiable evidence indicating that anyone other than Det. McGrath was in his home when he discharged his firearms. COPA also declined to serve an allegation that Det. McGrath made a false report when he told responding officers about the purported home invasion. While there is substantial evidence that Det. McGrath's oral report to responding officers was false, to sustain a violation of Rule 14 (Making a false report, written or oral), COPA would be required to prove by a preponderance of evidence not only that Det. McGrath's report was false, but that he made the false report willfully and that the false report was regarding a material issue. Given Det. McGrath's intoxication and his later diagnosis with delirium and perceptual disturbances (as discussed below in this report), COPA would not be able to prove by a preponderance of evidence that Det. McGrath made the false report willfully.

## II. SUMMARY OF EVIDENCE<sup>4</sup>

On November 21, 2022, at approximately 7:51 am, Det. McGrath was home alone when he called 911 and reported that he had exchanged gunfire with intruders; he seemed to be talking to someone else, and he stopped speaking with the 911 call-taker before the call was terminated.<sup>5</sup> At 7:52 am, 911 called McGrath back, and he continued to speak away from the phone, but reported a “home invasion” before giving his address.<sup>6</sup> He reported being in “gun battle two different time with an offender, male Hispanic, fifty years old, occupied with two female Blacks.”<sup>7</sup> Det. McGrath stated that he fired ten rounds, as did the male Hispanic. He told the call-taker that no one was shot and that all three offenders were still in his home.

Det. McGrath invited responding officers into his home and told Officer German Del Toro, “He’s going. He’s got a gun. He’s right fucking there.”<sup>8</sup> Det. McGrath expressed concern for the officers and stated, “Dude, I don’t want you to die.”<sup>9</sup> He explained that he shot from two weapons and that the offender was still there, pointing toward the dining room.<sup>10</sup> Det. McGrath indicated that there were two empty weapons on the couch in the living room, which was in disarray with overturned furniture. Det. McGrath said that he was on prescribed medications for anxiety but had not taken it today.<sup>11</sup> Det. McGrath remained seated, first in the foyer and then on the couch, stating that he had trouble standing on his legs. He expressed disbelief that the officers were not searching the house for the intruders, providing descriptions.<sup>12</sup> No one else appeared to be in the residence other than Det. McGrath and the responding officers. A supervisor was requested with the explanation that Det. McGrath appeared to be having a “mental breakdown.”<sup>13</sup> Det. McGrath told the responding officers, “I feel bad for you guys. I don’t want you to think that this is just like some drunken copper bullshit.”<sup>14</sup> The officers searched the home completely and found no one there.<sup>15</sup>

Det. McGrath laid down in his bed when Sergeant (Sgt.) Robert Rentner arrived, and Det. McGrath repeated his account about the intruders.<sup>16</sup> Sgt. Rentner retrieved an empty pint of Svedka vodka from the back of the living room recliner.<sup>17</sup> Sgt. Rentner called the watch commander to

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<sup>4</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including CPD reports, body-worn camera (BWC) footage, 911 and police radio audio recordings, third-party video surveillance recordings, medical records, and Det. McGrath’s interview.

<sup>5</sup> Att. 27.

<sup>6</sup> Att. 28 at 00:53.

<sup>7</sup> Att. 28 at 2:14 to 2:30.

<sup>8</sup> Att. 32 at 2:52 to 2:57.

<sup>9</sup> Att.32 at 3:09 to 3:11.

<sup>10</sup> Att. 32 at 3:59 to 4:04.

<sup>11</sup> Att. 32 at 5:57. [REDACTED]

<sup>12</sup> Att. 32 at 5:41 to 05:46.

<sup>13</sup> Att. 32 at 9:58 to 10:03.

<sup>14</sup> Att. 32 at 10:51 to 10:56.

<sup>15</sup> Att. 32 at 14:00 to 23:00.

<sup>16</sup> Att. 33 at 6:00 to 7:10.

<sup>17</sup> Att. 33 at 17:03 to 17:06.

recuse himself further, explaining that he was a personal friend of Det. McGrath and knew him to have a “drinking problem,” advising the watch commander that the investigation would most likely go in that direction, and reporting that Det. McGrath had “squeezed off a couple rounds inside his fucking house” while reporting an alleged intruder.<sup>18</sup> Det. McGrath said that he felt like he was going to pass out when he sat up.<sup>19</sup> Sgt. Rentner requested an ambulance and shared Det. McGrath’s history of alcoholism and previous treatment with paramedics.<sup>20</sup>

A Chicago Fire Department (CFD) ambulance transported Det. McGrath to Lutheran General Hospital. The CFD patient care report documented that alcohol was observed in the bedroom and on Det. McGrath’s breath, but Det. McGrath denied consuming alcohol or drugs.<sup>21</sup> Det. McGrath admitted to a history of anxiety and post-traumatic stress disorder (PTSD).<sup>22</sup> Det. McGrath was admitted to the hospital and diagnosed with alcohol intoxication with delirium; alcohol withdrawal syndrome with perceptual disturbance; weakness generalized, fever and chills, and lactic acidosis.<sup>23</sup> He was treated for alcohol withdrawal syndrome with complication before discharge on November 28, 2022.<sup>24</sup>

The Bureau of Internal Affairs (BIA) attempted to administer a Breathalyzer test to Det. McGrath at Lutheran General Hospital, but numerous attempts were unsuccessful and did not register. His urine was collected and tested for various substances but not alcohol.<sup>25</sup> The results of a test performed by the hospital on Det. McGrath’s blood, which was collected at 9:41 am on November 21, 2022, showed 340 milligrams of alcohol per deciliter of blood.<sup>26</sup>

Det. McGrath stated that he had no memory of the incident other than waking up in the hospital.<sup>27</sup> When asked if he was intoxicated, he stated, “I had to have been. I don’t recall but I had to have been.”<sup>28</sup> After discharge from the hospital, he went to Florida for extended treatment for alcoholism. He explained that his alcoholism began because of PTSD from responding to the Mercy Hospital shooting in 2018.<sup>29</sup> He had been on the medical roll for approximately six months undergoing treatment for PTSD and alcoholism prior to the November 21, 2022, incident.<sup>30</sup> He also cited his divorce, his father’s death, his mother’s [REDACTED], his exclusion from the 2020 sergeant’s promotion class, and the November anniversary of the Mercy Hospital

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<sup>18</sup> Att. 33 at 17:19 to 17:44.

<sup>19</sup> Att. 33 at 20:47.

<sup>20</sup> Att. 33 at 36:21 to 37:56.

<sup>21</sup> Att. 45, pg. 2.

<sup>22</sup> Att. 45, pg. 2.

<sup>23</sup> Att. 67, pg. 2.

<sup>24</sup> Att. 67, pgs. 2, 400.

<sup>25</sup> Atts. 46 to 53.

<sup>26</sup> Att. 67, pgs. 39 to 42.

<sup>27</sup> Att. 75, pg. 10, ln. 15, to pg. 11, ln. 1.

<sup>28</sup> Att. 75, pg. 26, lns. 2 to 5.

<sup>29</sup> See Log No. 2018-1091770. The Mercy Hospital incident involved a mass shooting where a CPD member, along with two civilians and the shooter, were killed.

<sup>30</sup> Att. 75, pg. 11, lns. 18 to 24.

shooting as contributing stressors to his relapse into alcoholism.<sup>31</sup> Det. McGrath said that he was committed to his recovery and presented COPA with multiple letters, certificates, and program awards to show the treatments he had pursued since the November 21, 2022, incident.<sup>32</sup>

A canvass of the neighborhood was conducted by CPD, and multiple surveillance recordings were recovered – none depicted any intruders or suspicious people in the area.<sup>33</sup> CPD suspended its investigation of the reported home invasion after finding no evidence of intruders and after being unable to interview the purported victim, Det. McGrath.<sup>34</sup> When asked by COPA if he discharged his firearm without justification, Det. McGrath answered, “Again, I don’t recall anything related to that but I have to – based on what I – what occurred, I have to assume that – I don’t remember, but that had to have happened.”<sup>35</sup> He described himself as “blacked out.”<sup>36</sup>

Two firearms were inventoried by CPD from Det. McGrath’s residence: a Smith & Wesson Model 66 revolver and Smith & Wesson Model 649 revolver.<sup>37</sup> Det. McGrath had not registered either of the firearms with CPD.<sup>38</sup> Ten fired cartridge cases in .357 and .38 special were recovered, along with one live round, three fired bullets, and one bullet fragment.<sup>39</sup> Photographs and a video recording taken by CPD evidence technicians showed apparent bullet damage to Det. McGrath’s dining room table, dining room hutch, walls and doors within Det. McGrath’s residence, and an apparent bullet hole through the dining room window.<sup>40</sup>

Det. McGrath explained that his mother had given him the two firearms after his father’s death,<sup>41</sup> and he had locked them up and simply forgotten about them.<sup>42</sup> He initially told COPA, “I meant to get them registered, but I just didn’t get around to it. And, you know, that’s on me.”<sup>43</sup> The firearms were not transferred to Det. McGrath, and he believed that his mother was still their legal owner.<sup>44</sup> He later told COPA that he denied the allegation of failing to register the firearms, stating that he did not register them with CPD because he did not believe he had to if they were not his.<sup>45</sup>

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<sup>31</sup> Att. 75, pg. 8, ln. 16, to pg. 9, ln. 1, and pg. 14, lns. 11 to 22.

<sup>32</sup> Att. 76.

<sup>33</sup> Atts. 8 and 9. COPA also conducted an independent canvass that did not yield any surveillance recordings of possible intruders, or witnesses that saw anyone. Att. 3.

<sup>34</sup> Atts. 4 to 13.

<sup>35</sup> Att. 75, pg. 26, lns. 8 to 11.

<sup>36</sup> Att. 75, pg. 26, ln. 16.

<sup>37</sup> Att. 14.

<sup>38</sup> Att. 71, pg. 52. CPD Uniform and Property Directive U04-02 requires that CPD members register all duty and non-duty firearms and sworn CPD members are prohibited from possessing firearms registered to another person except as authorized by the Deputy Chief of the Training and Support Group. *See* Att. 72, U04-02(II)(F), (I), Department Approved Weapons and Ammunition (effective May 7, 2021, to present).

<sup>39</sup> Att. 2, pg. 4; Att. 14, pg. 2.

<sup>40</sup> Att. 14, pg. 3; Atts. 54 and 77.

<sup>41</sup> Det. McGrath’s father died in April 2021. *See* Att. 75, pg. 22, ln. 12.

<sup>42</sup> Att. 75, pg. 20, ln. 24, to pg. 21, ln. 7.

<sup>43</sup> Att. 75, pg. 21, lns. 7 to 9.

<sup>44</sup> Att. 75, pg. 23, lns. 7 to 10.

<sup>45</sup> Att. 75, pg. 26, ln. 22, to pg. 27, ln. 10.

### III. ALLEGATIONS

#### **Det. Patrick McGrath, #20046:**

It is alleged that on or about November 21, 2022, at approximately 07:56 am, at or near [REDACTED] Detective Patrick McGrath, #20046, committed misconduct through the following acts and or omissions:

1. Was intoxicated.
  - Sustained, violation of Rules 2, 3, and 15
2. Discharged his firearms without justification.
  - Sustained, violation of Rules 2, 3, and 38
3. Failed to register his Smith & Wesson Model 649 .38 Special (Serial # [REDACTED]) in violation of Uniform and Property Directive U04-02.
  - Sustained, violation of Rules, 2, 3, 5, 6, and 10
4. Failed to register his Smith & Wesson Model 66 Revolver (Serial # [REDACTED]) in violation of Uniform and Property Directive by [*sic*] U04-02.
  - Sustained, violation of Rules 2, 3, 5, 6, and 10

### IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. Here, COPA considered the credibility of both Det. McGrath's statements to CPD members who responded to his home on November 21, 2022, and his later statements to COPA about the incident. Based on Det. McGrath's level of intoxication, and his later diagnosis with delirium and a perceptual disturbance, COPA finds that Det. McGrath was likely not able to accurately perceive what was happening in his residence when he discharged his firearms, and he was not able to accurately recall what happened nor to give an accurate account to responding officers. When interviewed by COPA in October 2023, Det. McGrath said that he did not remember the November 2022 incident, but he accepted responsibility for his actions, and he explained that his actions were linked to his alcoholism. Based on evidence of extensive and continuing treatment for alcoholism and engagement in recovery, COPA finds Det. McGrath's statements in October 2023 to be credible.

## V. ANALYSIS<sup>46</sup>

### a. Intoxication

COPA finds that **Allegation #1**, that Det. McGrath was intoxicated, is **Sustained**. Responding Sgt. Rentner cited Det. McGrath's alcoholism when he called the watch commander to recuse himself, and he pulled an empty bottle of vodka from a chair. Responding paramedics noted in their ambulance report that they smelled alcohol on Det. McGrath's breath, and they observed empty alcohol bottles in his bedroom. Det. McGrath was admitted to Lutheran General Hospital for, among other diagnoses, alcohol intoxication with delirium and alcohol withdrawal syndrome with perceptual disturbance. The results of a test performed on Det. McGrath's blood, which was collected at 9:41 am on November 21, 2022, showed 340 milligrams of alcohol per deciliter of blood, equivalent to a blood alcohol concentration of 0.34, more than four times the level at which a person is presumed to be under the influence of alcohol for the purpose of driving under the influence in Illinois.<sup>47</sup> Finally, when interviewed by COPA, Det. McGrath admitted that he must have been intoxicated, even if he had no memory of drinking. For all these reasons, COPA finds by a preponderance of evidence that Det. McGrath was intoxicated, in violation of Rules 2, 3, and 15, and this allegation is sustained.

### b. Firearm Discharge Without Justification

COPA finds that **Allegation #2**, that Det. McGrath discharged his firearms without justification, is **Sustained**. Because Det. McGrath was intoxicated at the time of incident and was later diagnosed with alcohol intoxication with delirium, he most likely believed that he was justified at the time because he imagined intruders who engaged him in a gun battle. He called 911 to report that he had fired at intruders and provided detailed descriptions. He expressed concern for the responding officers, cautioning them to be careful and search for the intruders because he did not want them to get hurt. However, no evidence of intruders was found by responding CPD members or by detectives, and surveillance video recordings recovered from the homes of Det. McGrath's neighbors did not show any activity at or near Det. McGrath's home that would have been consistent with Det. McGrath's account. It is more likely than not that when Det. McGrath discharged his weapon, he fired at no actual, real-life threat. For all these reasons, COPA finds by a preponderance of evidence that Det. McGrath discharged his firearms without justification, in violation of Rules 2, 3, and 38, and this allegation is sustained.

### c. Failure to Register Weapons

COPA finds that **Allegations #3 and #4**, that Det. McGrath failed to register his Smith & Wesson model 649 .38 Special (serial # [REDACTED]) and failed to register his Smith & Wesson Model 66 revolver (serial # [REDACTED]), are **Sustained**. CPD members are required register all duty and non-duty firearms and sworn CPD members are prohibited from possessing firearms registered

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<sup>46</sup> For a definition of COPA's findings and standards of proof, see Appendix B.

<sup>47</sup> See 625 ILCS 5/11-501.2(b)(3).

to another person except as authorized by the Deputy Chief of the Training and Support Group.<sup>48</sup> Det. McGrath explained that his mother gave him both firearms after his father's death, and he had forgotten about them. He initially accepted responsibility for not registering them, but later stated that he did not have to register them because they were his mother's. Det. McGrath's father died in April 2021, and he still had the firearms in his residence on November 21, 2022. Under the relevant directive, Det. McGrath was prohibited from possessing both firearms unless he registered them. If Det. McGrath believed the firearms belonged to his mother, his choices were either 1) return them to her, or 2) keep them and take the necessary steps to transfer ownership, and then register the firearms as required. Because Det. McGrath did not meet the registration requirements in U04-02, COPA finds by a preponderance of evidence that he violated Rules 2, 3, 5, 6, and 10, and allegations are sustained.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Det. Patrick McGrath, #20046:**

#### **i. Complimentary and Disciplinary History<sup>49</sup>**

Det. McGrath has received the Superintendent's Award of Valor, three Life Saving Awards, eleven Department Commendations, fourteen complimentary letters, one Award of Appreciation, eighty Honorable Mentions, and at least thirteen other awards and commendations. Det. McGrath was suspended for three days after a December 2019 incident involving a misdemeanor arrest,<sup>50</sup> and for fifteen days after a different December 2019 incident involving conduct unbecoming a CPD member.<sup>51</sup>

#### **ii. Recommended Discipline**

COPA has found that Det. McGrath violated Rules 2, 3, and 15 by being intoxicated while off duty; Rules 2, 3, and 38 by discharging his firearms without justification, and Rules 2, 3, 5, 6, and 10 by failing to register two firearms as required by a CPD directive. While Det. McGrath does not recall the incident, he has taken responsibility for his intoxication and for discharging the firearms without justification. Det. McGrath has presented considerable evidence of his struggle with alcohol addiction and his subsequent treatment and current recovery. Det. McGrath was treated in a mix of residential and outpatient facilities between November 29, 2022, and April 15, 2023, and he was found "fit for duty" on May 25, 2023, by a clinical psychologist.<sup>52</sup> By firing ten shots within his residence, Det. McGrath endangered himself and his neighbors, who could have been struck by any rounds that exited the residence through the windows. Considering these facts,

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<sup>48</sup> Att. 72, U04-02(II)(F), (I).

<sup>49</sup> Att. 78.

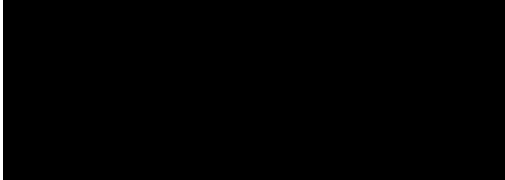
<sup>50</sup> In Log No. 2020-3838, allegations against Det. McGrath were sustained for being arrested for child endangerment and for leaving three minor children home alone without supervision.

<sup>51</sup> In Log No. 2019-5208, allegations against Det. McGrath were sustained for improperly obtaining a complainant's personal telephone number and for sending the complainant inappropriate text messages.

<sup>52</sup> Att. 76.

along with Det. McGrath’s complimentary and disciplinary history, COPA recommends that Det. McGrath be suspended for a minimum of 90 days, at the discretion of the Superintendent.

Approved:



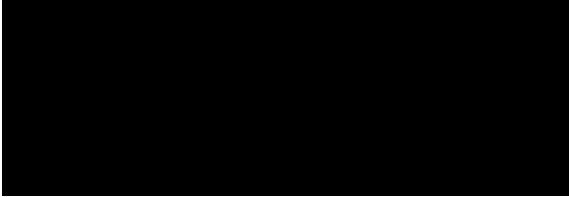
5/21/2024

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Matthew Haynam  
*Deputy Chief Administrator – Chief Investigator*

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Date



5/21/2024

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Andrea Kersten  
*Chief Administrator*

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Date



Appendix A**Case Details**

Date/Time/Location of Incident:	November 21, 2022, 7:56 am, [REDACTED]
Date/Time of COPA Notification:	November 21, 2020, 11:02 am
Involved Member #1:	Det. Patrick McGrath, Star #20046, Emp. ID # [REDACTED], DOA: November 29, 2004, Unit: 630/376, Male, White

**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.

**Applicable Policies and Laws**

- U04-02: Department Approved Weapons and Ammunition (effective May 7, 2021, to 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 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 a proposition is proved.<sup>53</sup> 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.”<sup>54</sup>

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<sup>53</sup> See *Avery v. State Farm Mut. Auto. Ins. Co.*, 216 Ill. 2d 100, 191 (2005) (“A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true.”).

<sup>54</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C****Transparency and Publication Categories**

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