



Log # 2024-2639

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On February 29, 2024, the Chicago Police Department's Crime Prevention and Information Center (CPIC) notified the Civilian Office of Police Accountability (COPA) of an unintentional firearm discharge by an on-duty officer on February 28, 2024, at approximately 11:28 pm, at or near [REDACTED].² On the date of the incident, Officers Jahna Neuhauser, William Barrett-Dwyer, and other CPD officers responded to a call of shots fired at [REDACTED].³ As the officers were on the scene conducting the preliminary investigation, Officer Neuhauser tripped on a concrete step and accidentally discharged her weapon.

Upon review of the evidence, COPA served allegations that Officer Neuhauser unintentionally discharged a firearm and that she failed to immediately notify the Office of Emergency Management and Communications (OEMC) of relevant information regarding a firearm discharge. Following its investigation, COPA reached sustained findings regarding the allegations.

II. SUMMARY OF EVIDENCE⁴

On the date of the incident, Officers Jahna Neuhauser, William Barrett-Dwyer, and other CPD officers responded to a report of shots fired at [REDACTED].⁵ Responding officers learned that the victim, [REDACTED] was attempting to enter her vehicle when her daughter's father, [REDACTED] fired shots toward her, striking her vehicle.⁶ As the officers were on scene conducting the preliminary investigation, [REDACTED] opened the front door of [REDACTED] and looked in [REDACTED] and the officers' direction.⁷ [REDACTED] alerted the officers and identified [REDACTED] as the person who fired shots at her vehicle.⁸ When the officers

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

³ Att. 10.

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 BWC footage, police reports, and officer interviews.

⁵ Att. 4 at 1:54; Att. 5 at 1:50; Att. 10.

⁶ Att. 4 at 2:08 to 3:42; Att. 5 at 2:05 to 3:48; Atts. 6 and 10.

⁷ Att. 4 at 4:37; Att. 5 at 4:30.

⁸ Att. 40, pg. 14, lns. 4 to 21.

attempted to detain [REDACTED] he fled into the residence and closed the door.⁹ Officer Neuhauser unholstered her weapon and, along with Officer Barrett-Dwyer, secured the rear yard in case [REDACTED] fled out the back door.¹⁰ A CPD supervisor declared a SWAT incident.¹¹

Officer Barrett-Dwyer saw the window blinds move and notified the OEMC dispatcher that he saw [REDACTED] peering through a back window.¹² Officer Barrett-Dwyer told Officer Neuhauser they should move back toward the alley to employ better tactical positioning.¹³ As Officer Neuhauser backpedaled and maintained a visual of the back door, she tripped on a concrete step, fell to the ground, and accidentally discharged her weapon once.¹⁴

Upon receiving reports of a loud report/sound toward the rear of the location, an OEMC dispatcher sought clarification from the units on the scene.¹⁵ Officers Neuhauser and Barrett-Dwyer responded over the radio that they were okay and that Officer Neuhauser had tripped, but they never notified OEMC that Officer Neuhauser had discharged her weapon.¹⁶ Sgt. Robert Waterstraat¹⁷ was monitoring the radio and sought further clarification. He went on the air and asked whether there was a loud report in the house, an accidental discharge, or was it nothing.¹⁸ Officer Barrett-Dwyer responded via radio that they were okay and needed a supervisor at their location.¹⁹ Sgt. Waterstraat met Officers Neuhauser and Barrett-Dwyer in the alley and learned that Officer Neuhauser accidentally discharged her weapon.²⁰ Sgt. Waterstraat replied, "You can say it on the air."²¹

Officer Neuhauser explained that as she and Officer Barrett-Dwyer surveilled the rear of the residence, she held her firearm with both hands clasped together with her finger along the side of the gun. She maintained that her finger was not on the trigger.²² Regarding the allegation that Officer Neuhauser failed to notify OEMC of relevant information regarding a firearm discharge, Officer Neuhauser acknowledged that in addition to saying she tripped and that she was okay in

⁹ Att. 4 at 4:50 to 5:10; Att. 5 at 4:51 to 5:07.

¹⁰ Atts. 1 and 8; Att. 4 at 5:16 to 5:50; Att. 5 at 5:11 to 5:50; Att. 40, pg. 15, ln. 17 to pg. 16, ln. 7; Att. 41, pg. 16, lns. 21 to 24.

¹¹ Att. 16 at 31:42 to 32:03.

¹² Att. 5 at 26:20 to 26:27; Att. 41, pg. 21, lns. 3 to 15.

¹³ Att. 2; Att. 5 at 30:38; Att. 40, pg. 19, ln. 22 to pg. 20, ln. 6.

¹⁴ Att. 2; Att. 4 at 31:18; Att. 5 at 31:14; Att. 40, pg. 20, lns. 7 to 11; Att. 41, pg. 24, ln. 1 to pg. 28, ln. 9.

¹⁵ Att. 16 at 34:49 to 36:45.

¹⁶ Att. 4 at 31:20 to 35:10; Att. 5 at 31:15 to 35:05.

¹⁷ Beat 1520.

¹⁸ Att. 16 at 37:02 to 37:15.

¹⁹ Att. 16 at 37:40 to 38:28; Att. 41, pg. 28, ln. 22 to pg. 29, ln. 14.

²⁰ Att. 27 at 1:30 to 3:16.

²¹ Att. 25 at 2:07 to 2:12.

²² Att. 40, pg. 22, ln. 3 to pg. 23, ln. 12.

response to inquiries about the loud report, she should have explicitly notified OEMC²³ that she discharged her weapon.²⁴

Police personnel located and inventoried one expended cartridge casing.²⁵ There were no independent witnesses, and no one was injured as a result of this incident.

On the night of this incident, based on the preliminary information available, Lieutenant Dale Caridine determined that Officer Neuhauser's weapon discharge was not in compliance with Department policy and directives.²⁶

III. ALLEGATIONS

Officer Jahna Neuhauser:

1. Unintentionally discharging a firearm.
 - Sustained, Violation of Rules 10, 13 and 38.
2. Failing to immediately notify the Office of Emergency Management and Communications (OEMC) of relevant information regarding a firearm discharge, without justification.
 - Sustained, Violation of Rules 2, 3, 5, 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 who provided statements.

V. ANALYSIS²⁷

a. Officer Neuhauser's Firearm Discharge

COPA finds that Allegation #1 against Officer Neuhauser, that she unintentionally discharged a firearm, is sustained. An allegation of an unintentional firearm discharge is evaluated under Chicago Police Department Rules 10 and 13. Rule 10 prohibits inattention to duty, while Rule 13 prohibits the failure to adequately secure or care for Department property. Both rules are evaluated under the legal standard of negligence, which is: "the failure to do something which a

²³ Officer Neuhauser initially offered that she tried to report the discharge, but she and Officer Barrett-Dwyer's radios weren't working; however, she acknowledged that there was heavy radio traffic and less likely a radio malfunction—which did not absolve her duty to notify OEMC that she discharged her weapon.

²⁴ Att. 40, pg. 24, ln. 13 to pg. 25, ln. 3; pg. 27, lns. 1 to 10; pg. 28, lns. 14 to 22; pg. 32, lns. 10 to 14; and pg. 40, ln. 15 to pg. 41, ln. 17.

²⁵ Att. 3.

²⁶ Att. 2.

²⁷ For a definition of COPA's findings and standards of proof, *see* Appendix B.

reasonably careful person would do, or the doing of something which a reasonably careful person would not, under circumstances similar to those shown by the evidence.”²⁸

Here, it is undisputed that Officer Neuhauser discharged her firearm. In addition to the body-worn camera footage that captures the incident, Officer Neuhauser admitted that she unintentionally discharged her firearm. In explanation, she offered that she was walking backward and tripped over a concrete step, which caused her to unintentionally discharge her firearm. While Officer Neuhauser asserted that her finger was not on the trigger before her tripping, the mere fact that she walked backward, unaware of her surroundings, while holding a loaded firearm, was negligent. Officer Neuhauser’s actions could have caused great bodily harm or death to herself, another CPD officer, or a member of the public. For this reason, COPA finds by a preponderance of the evidence that **Allegation #1 against Officer Neuhauser is Sustained** in violation of CPD Rules 10, 13 and 38.

b. Officer Neuhauser’s Failure to Notify OEMC

COPA finds that Allegation #2 against Officer Neuhauser, that she failed to immediately notify the Office of Emergency Management and Communications (OEMC) of relevant information regarding a firearm discharge, without justification is sustained. CPD General Order G03-06 requires that in all firearm discharge and officer-involved death incidents, “the involved member(s) will immediately notify the Office of Emergency Management and Communications (OEMC), providing all relevant information and requesting additional resources.”²⁹ This investigation revealed no evidence that Officer Neuhauser ever notified OEMC that she had discharged her firearm, despite multiple radio inquiries regarding the loud report. When asked during her interview with COPA, Officer Neuhauser admitted that she never notified OEMC regarding her firearm discharge and explained that while she reported that she tripped and was okay, she should have explicitly notified OEMC that she discharged her weapon. Officer Neuhauser had ample opportunity to make the requisite notification, as it is the involved member’s responsibility, just as she had time to say that she tripped and was okay. As such, COPA finds by a preponderance of the evidence that **Allegation #2 against Officer Neuhauser is Sustained** in violation of CPD rules 2, 3, 5, 6 and 10.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Jahna Neuhauser

i. Complimentary and Disciplinary History³⁰

Officer Neuhauser received a total of 3 awards, which are Honorable Mentions. Officer Neuhauser has no disciplinary history.

²⁸ Illinois Pattern Jury Instructions-Civil (2006), No. 10.01.

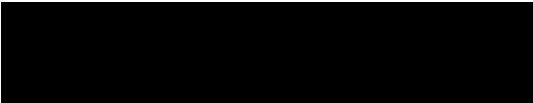
²⁹ Att. 31, G03-06-V-A.

³⁰ Attachment ___.

ii. Recommended Discipline

COPA has found that Officer Neuhauser violated Rule 10 when she unintentionally discharged her firearm and failed to report the incident to OEMC. Although Officer Neuhauser’s discharge was unintentional, the results could have been more severe. There is no excuse for a trained law enforcement officer with firearms training to have mishandled a loaded firearm. Officer Neuhauser made the situation even worse by failing to properly notify OEMC. Officer Neuhauser admitted to her mistakes. Officer Neuhauser has no history of discipline. COPA recommends a suspension of up to 30 days and firearm safety training.

Approved:



Sharday Jackson
Deputy Chief Administrator – Chief Investigator

July 30, 2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	February 28, 2024/ 11:28 pm/ [REDACTED]
Date/Time of COPA Notification:	February 29, 2024/ 1:16 am
Involved Member #1:	Jahna Neuhauser, Star #8521, Employee ID # [REDACTED] Date of Appointment: December 30, 2022, Unit 044/ 018, Female, 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 13:** Failure adequately to secure and care for Department property.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- G03-06: Firearm Discharge and Officer-Involved Death Incident Response and Investigation (effective April 15, 2021).

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.³¹ 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.”³²

³¹ 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).

³² *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 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