

**BEFORE A MEMBER OF THE POLICE BOARD  
OF THE CITY OF CHICAGO**

<b>IN THE MATTER OF THE</b>	)	
<b>RECOMMENDATION FOR DISCIPLINE OF</b>	)	<b>No. 24 RR 05</b>
<b>POLICE OFFICER DELILAH GARCIA,</b>	)	
<b>STAR No. 8225, DEPARTMENT OF POLICE,</b>	)	<b>(CR No. 2019-1834)</b>
<b>CITY OF CHICAGO.</b>	)	

**REQUEST FOR REVIEW**

On June 26, 2024, the Executive Director of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability (COPA) a request for review of the Chief Administrator’s recommendation for discipline of Police Officer Delilah Garcia, Star No. 8225, arising out of the investigation of Complaint Register No. 2019-1834 (“Request for Review”).

The investigation stems from an incident at about 11:20 p.m. on May 25, 2019, in the 008<sup>th</sup> police district. According to COPA’s Summary Report of Investigation, Officer Delilah Garcia, while off duty and at a family celebration on the front porch of her residence, told two of her brothers about a rifle she had purchased and her excitement to get trained and qualified to use it through the Chicago Police Department (CPD). Her brothers asked Officer Garcia to see her rifle, at which point she brought the firearm outside. While attempting to release the magazine, Officer Garcia unintentionally discharged the firearm one time.

ShotSpotter detected the gunshot and notified CPD about the occurrence. Upon arrival at Officer Garcia’s residence, responding officers observed Officer Garcia and her brothers sitting on the front porch. As the officers exited their vehicle, Officer Garcia retrieved an unknown object and swiftly entered her residence. The officers told Officer Garcia to stop but she disobeyed their orders, locking the door. The officers observed a firearm magazine and a box of

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ammunition on the porch. The officers knocked on the door, while asking Officer Garcia to exit the residence. Eventually Officer Garcia exited her residence, identified herself as a CPD member, and provided the officers with her CPD identification. Officer Garcia denied any knowledge of any shots fired in the area.

The officers requested the assistance of a supervisor, at which point a lieutenant and two sergeants arrived on scene. Initially, Officer Garcia denied any knowledge of the incident to the lieutenant. When confronted about the magazine left on the porch, Officer Garcia said that it belonged to a rifle that she was authorized to carry. The lieutenant called the CPD gun desk to verify this information and learned that Officer Garcia did not have any rifles registered with CPD. Ultimately, Officer Garcia escorted the supervisors to her bedroom, where they retrieved the rifle, which contained one live round in the chamber, from under Officer Garcia's bed. After being informed by the lieutenant of the severity of the situation, Officer Garcia admitted that she was showing her brothers the firearm when she attempted to extract the magazine and unintentionally discharged the firearm. While on scene, Officer Garcia admitted to drinking six or seven beers that evening but denied being intoxicated. On-duty personnel brought Officer Garcia to the 008th District station, where she generated CPD reports and submitted to drug and alcohol tests.

Following the conclusion of COPA's investigation, the Chief Administrator issued a recommendation for discipline of Officer Garcia. The Interim Superintendent of Police<sup>1</sup> did not agree with the Chief Administrator's recommendation and proposed less discipline for Officer Garcia.

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<sup>1</sup>Interim Superintendent of Police Fred L. Waller responded to the Chief Administrator's recommendation for discipline on September 19, 2023.

The Chief Administrator recommended that the following allegations against Officer Garcia be *Sustained*:

On or about May 25, 2019, at approximately 11:21 p.m., at or near [home address redacted] in Chicago, Officer Garcia:

1. Handled a firearm while consuming alcohol, in violation of CPD Uniform Order U04-02 (2)(P);
2. Failed to ensure that an item of evidentiary value (her Smith & Wesson, Model M&P-15, Rifle) was secured at the scene as found until recovered by Forensic Services Division Personnel, in violation of CPD General Order 03-02-03 (V)(B)(6);
3. Made one or more false, misleading, incomplete, and/or inaccurate statements in connection with the discharge of her Smith & Wesson, Model M&P-15, Rifle;
4. Unintentionally discharged her Smith & Wesson, Model M&P-15, Rifle; and
5. Failed to notify the Office of Emergency Management and Communications (OEMC) of the discharge of her Smith & Wesson, Model M&P-15, Rifle.

In addition, Officer Garcia:

6. Failed to register her Smith & Wesson, Model M&P-15, Rifle with the CPD; and
7. Failed to qualify with her Smith & Wesson, Model M&P-15, Rifle.

The Chief Administrator recommended that Officer Garcia be discharged from the Chicago Police Department.

The Interim Superintendent disagreed with the Chief Administrator's recommendation for discipline of Officer Garcia. The Interim Superintendent stated that CPD "agrees with some but not all of the sustained findings, as CPD does not agree with the sustained Rule 14 finding."<sup>2</sup> The Interim Superintendent proposed that Officer Garcia be suspended for thirty (30) days and receive remedial training in firearms handling and safety.

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<sup>2</sup> Rule 14 of the CPD Rules of Conduct prohibits making a false report, written or oral.

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According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on June 21, 2023; (2) the Chief Administrator received the Interim Superintendent's written response on September 19, 2023; (3) the Chief Administrator's designees met with the Superintendent's designees and concluded their discussion of this matter on June 21, 2024; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on June 26, 2024.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to Justin L. Terry, the member of the Police Board who was selected on a random basis, pursuant to Article VI of the Police Board's Rules of Procedure ("Reviewing Member"). The Reviewing Member reviewed the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board's Rules of Procedure.

### **OPINION**

Following a thorough review of the Request for Review material, I conclude that the Interim Superintendent did not meet the burden of overcoming the Chief Administrator's recommendation for discipline. The Interim Superintendent's arguments that Officer Garcia did not make willful false statements in violation of Rule 14 are not convincing. Based on the seriousness of a Rule 14 violation and its impact on a police officer's credibility, an evidentiary hearing, at which Officer Garcia and responding officers and supervisors give sworn testimony, is an appropriate next step in determining whether Officer Garcia violated Rule 14.

Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Chief Administrator's recommendation for discipline of Police Officer Delilah Garcia, Star No. 8225, shall be deemed accepted by the Superintendent.

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DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 10<sup>th</sup> DAY  
OF JULY 2024.

/s/ JUSTIN L. TERRY  
Member  
Police Board

Attested by:

/s/ MAX A. CAPRONI  
Executive Director  
Police Board