

**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. 19 RR 02</b>
<b>POLICE OFFICER TIMMIE DEBERRY,</b>	)	
<b>STAR No. 5427, DEPARTMENT OF POLICE,</b>	)	
<b>CITY OF CHICAGO</b>	)	<b>(CR No. 1079109)</b>

**REQUEST FOR REVIEW**

On January 25, 2019, the Office 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 COPA’s recommendation for discipline of Police Officer Timmie Deberry, Star No. 5427, arising out of the investigation of Complaint Register No. 1079109 (“Request for Review”).

The Chief Administrator recommended that the following allegation against Officer Deberry be *Sustained*:

Allegation No. 3: On February 2, 2016, at approximately 6:30 p.m., in the vicinity of 3055 West Armitage Avenue, Chicago, Officer Deberry failed to immediately report that he had discharged his firearm, in violation of Rules 3, 5, 6, 10, 11, and 39.

The Chief Administrator recommended that Officer Deberry be suspended for a period of ten days.<sup>1</sup>

The Superintendent concurred with the Chief Administrator’s recommendation that Allegation No. 3 be *Sustained*, but objected to the Chief Administrator’s recommended penalty.

The Superintendent recommended that “Sustained—Violation Noted, No Disciplinary Action”

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<sup>1</sup>The Chief Administrator originally recommended sustaining two other allegations and imposing a fifteen-day suspension. However, after the January 16, 2019, meeting noted below, the Chief Administrator agreed with the Superintendent’s recommended findings that Allegation No. 1 be classified as *Unfounded* and Allegation No. 2 be classified as *Exonerated*.

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be entered on Officer Deberry's disciplinary record.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on November 8, 2018; (2) the Chief Administrator received the Superintendent's written response on January 2, 2019; (3) the Chief Administrator's designees met with the Superintendent's designees in person and discussed this matter on January 16, 2019; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on January 24, 2019.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to John H. Simpson, 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 considered 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**

As to Allegations Nos. 1 and 2 (regarding the accidental discharge of Officer Deberry's firearm), I note that the Chief Administrator and the Superintendent have agreed on the disposition.

As to Allegation No. 3 (regarding Officer Deberry's delay in reporting the accidental discharge of his firearm), it is my opinion that the Superintendent has not met his burden of overcoming the Chief Administrator's recommendation for discipline.

In this case an off-duty officer put his life at risk to give chase to a robber who he feared might be armed. Officer Deberry is to be commended for his bravery, particularly when off duty, and the City is safer because of his actions on the night in question. However, that doesn't

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end the inquiry. It is possible to be brave and still to err, and that is, I believe, what happened here.

I accept that Officer Deberry was distracted by the unexpected events of the evening in question. He was off duty, confronted with a wholly unexpected series of events and had to be further concerned for the safety of his present minor children. However, the discharge of an officer's weapon is often a once-in-a-career event and is certainly highly memorable. I simply do not find it credible that Officer Deberry simply forgot to mention the accidental discharge of his weapon to the initial responding on-duty officers. He should have reported it immediately, and he did not. While I accept that Officer Deberry did, within approximately two hours, rectify his error and report the firing of his weapon, and that his failure to immediately report did not in this particular case impact the outcome of the case against Mr. Sago, an officer's responsibility to immediately report any discharge of his weapon is an extraordinarily serious one and in many cases a failure to promptly report could have significantly deleterious consequences.

The Superintendent's arguments on this point, while certainly thoughtful and reasonable, do not in my judgment meet his burden of overcoming the Chief Administrator's recommendation for a penalty of a ten-day suspension.

Again, I want to emphasize that Officer Deberry's actions in this incident are in the highest traditions of the Department. Discipline for not immediately reporting the discharge of his firearm does nothing to diminish that. However, following his acts of bravery, he made a very serious error involving the most important and dangerous tool given to officers, and for that some level of discipline is, I believe, warranted.

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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 Timmie Deberry, Star No. 5427, shall be deemed accepted by the Superintendent of Police.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 7<sup>th</sup> DAY OF FEBRUARY, 2019.

/s/ JOHN H. SIMPSON

Attested by:

/s/ MAX A. CAPRONI  
Executive Director  
Police Board