

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	August 31, 2019
Time of Incident:	4:19 AM
Location of Incident:	5133 W. North Ave.
Date of COPA Notification:	August 31, 2019
Time of COPA Notification:	8:14 AM

On August 31, 2019, the complainant, [REDACTED] (“[REDACTED]”), was involved in a physical fight with other civilians to which CPD responded. [REDACTED] alleged that Officer Jonathan Fantauzzi (“Officer Fantauzzi”) flung her to the ground. After reviewing body worn camera (“BWC”) COPA also alleged that Officer Fantauzzi did not turn on his BWC in time and that Officer Fantauzzi, Officer Anthony Sperindeo (“Officer Sperindeo”), and Officer James Richards, Jr. (“Officer Richards”) all failed to complete required paperwork. All allegations are sustained.

**II. INVOLVED PARTIES**

Involved Officer #1:	Jonathan Fantauzzi, Star #15624, Employee # [REDACTED], Date of Appointment: October 27, 2014, Police Officer, 15 <sup>th</sup> District, Date of Birth: [REDACTED], 1990, Male, Hispanic
Involved Officer #2:	Anthony Sperindeo, Star #10471, Employee # [REDACTED], Date of Appointment: April 25, 2016, Police Officer, 25 <sup>th</sup> District, Date of Birth: [REDACTED], 1987, Male, White
Involved Officer #3:	James Richards, Jr., Star #10153, Employee # [REDACTED], Date of Appointment: April 25, 2016, Police Officer, 25 <sup>th</sup> District, Date of Birth: [REDACTED], 1990, Male, White
Involved Individual #1:	[REDACTED], Date of Birth: [REDACTED], 1980, Female, Black <sup>1</sup>

**III. ALLEGATIONS**

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Fantauzzi	It is alleged that on August 31, 2019, at approximately 4:19 AM, at or near 5133 W.	

<sup>1</sup> The complaint’s last name was misreported as “[REDACTED]” in CPD reports, and she was also erroneously referred to as “[REDACTED]” at times in the COPA investigation.

	<p>North Ave., you committed misconduct through the following acts or omissions by:</p> <p>1. Forcefully moving Erica ██████ to the ground without justification.</p>	<p>Sustained / <b>60-Day Suspension</b></p>
	<p>2. Failing to comply with S03-14 by failing to timely activate your Body Worn Camera (BWC).</p>	<p>Sustained / <b>Violation Noted</b></p>
	<p>3. Failing to complete a Tactical Response Report (TRR) following your use of force against ██████.</p>	<p>Sustained / <b>1-Day Suspension</b></p>
Officer Sperindeo	<p>It is alleged that on August 31, 2019, at approximately 4:19 AM, at or near 5133 W. North Ave., you committed misconduct through the following acts or omissions by:</p> <p>1. Failing to complete a Tactical Response Report (TRR) following a take-down of an individual involved in a fight.</p>	<p>Sustained / <b>1-Day Suspension</b></p>
Officer Richards	<p>It is alleged that on August 31, 2019, at approximately 4:19 AM, at or near 5133 W. North Ave., you committed misconduct through the following acts or omissions by:</p> <p>1. Failing to complete a Tactical Response Report (TRR) following a take-down of an individual involved in a fight</p>	<p>Sustained / <b>1-Day Suspension</b></p>

**IV. APPLICABLE RULES AND LAWS**

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Rules

1. **Rule 2:** Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
3. **Rule 9:** Prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

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General Orders

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1. **G03-02**: Use of Force.<sup>2</sup>

2. **G03-02-02**: Incidents Requiring the Completion of a Tactical Response Report.<sup>3</sup>

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Special Orders

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1. **S03-14**: Body Worn Cameras.

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## V. INVESTIGATION<sup>4</sup>

### a. Interviews

██████████ (“██████████”)<sup>5</sup>

COPA interviewed ██████████ on September 4, 2019. ██████████ told COPA investigators that on August 31, 2019, ██████████ and three friends were fighting with several individuals at a gas station. Police responded and tried to break up the fight. Officer Fantauzzi grabbed ██████████’s shirt and forcefully pulled, causing her to fly backwards. Officer Fantauzzi let go as ██████████ was moving, causing ██████████ to fall. ██████████ put her hand out to break her fall when her bone cracked. ██████████ said nothing and went to Rush Hospital, where she was diagnosed with a broken wrist. ██████████ admitted she consumed alcohol prior to this incident. ██████████ reported that her shirt was torn because of Officer Fantauzzi.

*Officer Jonathan Fantauzzi (“Officer Fantauzzi”)*<sup>6</sup>

COPA interviewed Officer Fantauzzi on February 14, 2020. Officer Fantauzzi told COPA investigators that on August 31, 2019, Officer Fantauzzi was on duty in the 15<sup>th</sup> District when he responded to a call of a physical altercation. Officer Fantauzzi saw two women fighting each other and tried to break them apart. One of the civilians fell and “the struggle ensued on the ground and we ended up just trying to peel people off of each other.”<sup>7</sup> Officer Fantauzzi recalled that ██████████ got separated from the group and shoved towards him. Officer Fantauzzi then “shoved her off and she fell to the ground.”<sup>8</sup> Officer Fantauzzi shoved ██████████ to “create space between her and the involved parties and get her away from me and separate everyone who was involved.”<sup>9</sup> Officer Fantauzzi elaborated that he only intended to create space between himself and ██████████ and did not intend for ██████████ to fall. He had no further interactions with ██████████ after she fell and walked away. Officer Fantauzzi did not observe any injuries to ██████████ or damage to her

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<sup>2</sup> The G03-02 policy referenced in this report was effective from October 16, 2017 through February 28, 2020 (Att. 61).

<sup>3</sup> The G03-02-02 policy referenced in this report was effective from October 16, 2017 through February 28, 2020 (Att. 60).

<sup>4</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>5</sup> Atts. 8, 9 & 42

<sup>6</sup> Atts. 10 & 57

<sup>7</sup> Att. 57, Page 10, Lines 13 – 14.

<sup>8</sup> Att. 57, Page 11, Line 12.

<sup>9</sup> Att. 57, Page 12, Lines 16 – 19.

shirt. Officer Fantauzzi believed his use of force was proportional because [REDACTED], “was committing a battery, and I was just trying to get the scene under control [...] and prevent someone from receiving a battery.”<sup>10</sup> He described the force as necessary because “the only way she was going to let go of the fight was to separate her and [...] I just didn't want her to join back into the fight or start any other altercations.”<sup>11</sup> Officer Fantauzzi described his force as reasonable because, “I didn't do anything egregious. [...] I just tried to create that space and get her off of me and [...] whoever else was involved.”<sup>12</sup> Officer Fantauzzi stated he did not take [REDACTED]'s size into consideration when he shoved her. Officer Fantauzzi did not turn on his BWC until after the incident with [REDACTED] because it was a chaotic situation and his focus was on safety. Officer Fantauzzi did not complete a TRR because he did not have [REDACTED]'s information and was not aware he could have completed one under Jane Doe.

***Officer Anthony Sperindeo (“Officer Sperindeo”)***<sup>13</sup>

COPA interviewed Officer Sperindeo on February 21, 2020. Officer Sperindeo told COPA investigators that on August 31, 2019, Officer Sperindeo was on duty in the 25<sup>th</sup> District when dispatch reported a fight. Upon arrival, Officer Sperindeo intervened by grabbing someone around the waist, and pulling them away from the fight and to the ground. Officer Sperindeo controlled their arms, confirmed they were done fighting, and released the individual. Officer Sperindeo did not complete a TRR because he did not think it was necessary. Officer Sperindeo described the individual as a resister at first, and then compliant.

***Officer James Richards, Jr. (“Officer Richards”)***<sup>14</sup>

COPA interviewed Officer Richards on February 21, 2020. Officer Richards told COPA investigators that on August 31, 2019, Officer Richards and Officer Sperindeo responded to a fight. Officer Richards grabbed one of the involved individual's left arm, as Officer Sperindeo grabbed their waist, and the officers got the individual on the ground. Per Officer Richards, the individual resisted at first before becoming compliant. After the situation deescalated, the individual was brought to their feet and “[e]veryone went home.”<sup>15</sup> Officer Richards did not believe a TRR was necessary.

**b. Digital Evidence**

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<sup>10</sup> Att. 57, Page 14, Lines 19 – 22.

<sup>11</sup> Att. 57, Page 15, Lines 1 – 5.

<sup>12</sup> Att. 57, Page 16, 7 – 12.

<sup>13</sup> Atts. 16 & 59

<sup>14</sup> Atts. 17 & 58

<sup>15</sup> Att. 58, Page 8, Lines 11 – 12.

***Body Worn Camera (BWC)***<sup>16</sup>

In summary, Officer Powar and Officer Tarcha were in the gas station parking lot at about 4:19 AM, when a woman approached them and people were arguing, including ██████. The situation turned physical and Officer Tarcha requested backup.

As Officer Fantauzzi approached he pushed ██████ to the ground, followed shortly by pushing away another civilian. Seconds later, Officer Fantauzzi grabbed ██████ under her armpits and brought her to her feet.<sup>17</sup> Officer Fantauzzi then moved backwards with ██████,<sup>18</sup> before he released and let ██████ fall to the ground.<sup>19</sup> Officer Fantauzzi then activated his BWC as the two groups involved in the fight separated. ██████ got to her feet while holding her left wrist<sup>20</sup> and returned to the car with her companions.

As above incident was occurring, Officer Sperindeo and Officer Richards engaged with an unknown civilian.<sup>21</sup> The officers briefly struggled with the individual before taking them to the ground. The officers detained the unknown civilian on the ground until the fighting parties were separated.

***Photographs***

CPD evidence technician photos: (Photo 1),<sup>22</sup> COPA evidence photos: (Photo 2),<sup>23</sup> and ██████'s own photos: (Photo 3)<sup>24</sup> all indicate injury to ██████'s left wrist. ██████ also provided a photo showing that her shirt was ripped (Photo 4).<sup>25</sup>



Photo 1

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<sup>16</sup> Att. 54

<sup>17</sup> Approximately 5:43 minute mark of Officer Tarcha's BWC. Approximately 1:42 minute mark of Officer Fantauzzi's BWC.

<sup>18</sup> Approximately 1:29 minute mark of Officer Clapa's BWC. Approximately 00:17 minute mark of Officer Lane's BWC.

<sup>19</sup> Approximately 1:12 minute mark of Officer Frank's BWC. Approximately 5:48 minute mark of Officer Tarcha's BWC.

<sup>20</sup> Approximately 5:54 minute mark of Officer Tarcha's BWC.

<sup>21</sup> Begins at approximately 2:08 minute mark of Officer Richards BWC and 2:15 minute mark of Officer Sperindeo's BWC.

<sup>22</sup> Att. 54

<sup>23</sup> Att. 55

<sup>24</sup> Att. 56

<sup>25</sup> Att. 56



Photo 2



Photo 3



Photo 4

### c. Documentary Evidence

#### *CPD Reports*

CPD reports were located for this incident under RD #JC414433.<sup>26</sup> [REDACTED] was in a McDonald's/BP parking lot "when a disturbance involving several females occurred." CPD arrived and "an unknown CPD officer, in full uniform grabbed [REDACTED] by her left arm shirt and threw her towards the ground. While falling to the ground, [REDACTED] stuck out her le[f]t arm in order to break the fall, causing her to fracture her left wrist in the process." It was reported that CPD's Department of Internal Affairs was investigating.

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<sup>26</sup> Atts. 7, 30 & 63

*Office of Emergency Management and Communications (OEMC) – Event Query Reports*

Officers reported a disturbance on August 31, 2019 at approximately 4:19 AM and multiple beats responded.<sup>27</sup> The event closed at approximately 4:30 AM. Later, at about 6:52 AM, a nurse at Rush Hospital reported that ██████ “was in an altercation outside of McDonalds and BP Gas Station and CPD attempted to stop the fight and he pushed her and now her arm [is] injured and she may need operation as a result.”<sup>28</sup> Per ██████, a police officer grabbed her shirt collar and she “was flung to the ground.” ██████ put out her hand to break her fall, resulting in a broken wrist. Lastly, at about 8:15 AM a request was made for an evidence technician to photograph ██████ at Rush Hospital.<sup>29</sup>

## VI. 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 occurred and violated 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 misconduct occurred, 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.

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<sup>27</sup> Att. 29

<sup>28</sup> Att. 31

<sup>29</sup> Att. 49

## VII. ANALYSIS

### *Officer Jonathan Fantauzzi*

#### *Allegation 1*

Allegation 1 against Officer Fantauzzi, that he forcefully moved ██████ to the ground without justification, is sustained. CPD General Order G03-02 states that “Department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape.” Intervening was reasonable, as ██████ was actively involved in a physical fight. However, Officer Fantauzzi’s use of force against ██████ was neither necessary nor proportional. G03-02 elaborates that “Department members will use only the amount of force required under the circumstances to serve a lawful purpose” and that “Department members will use only the force that is proportional to the threat, actions, and level of resistance offered by a subject.” While there is no reason to believe Officer Fantauzzi intended to harm ██████ or break her arm, he was excessive in how he handled her.

Officer Fantauzzi is larger than ██████ and should have taken that into account. Additionally, Officer Fantauzzi never attempted other methods of controlling ██████ before his use of force. Immediately upon his arrival, Officer Fantauzzi pushed ██████ to the ground, picked her up, then flung her back onto the ground. COPA acknowledges this was a chaotic situation with a fight actively occurring. However, General Order G03-02 states, “All incidents will be resolved with the foremost regard for the preservation of human life and the safety of all persons involved.” Because Officer Fantauzzi used more force than was required, made no de-escalation attempts, and was indifferent to how his use of force affected ██████. Accordingly, allegation 1 is sustained.

#### *Allegation 2*

Allegation 2, that Officer Fantauzzi failed to comply with S03-14 by failing to timely activate his Body Worn Camera (BWC), is sustained. Special Order S03-14 states, “[t]he Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities.” Officer Fantauzzi did not turn on his BWC as soon as he arrived. Instead he waited until after going hands-on with civilians and as the altercation was dispersing. Officer Fantauzzi should have immediately activated his BWC sooner. Accordingly, this allegation 2 is sustained.

#### *Allegation 3*

Allegation 3 against Officer Fantauzzi, that he failed Failing to complete a TRR following his use of force against ██████, is sustained. General Order G03-02-02 requires officers to complete a TRR in “[a]ll use of force incidents” against an active resister and/or against “a subject whose actions are aggressively offensive.” ██████ was resisting Officer Fantauzzi to continue fighting with the other civilians. Officer Fantauzzi responded with physical contact to control

█'s actions. As such, Officer Fantauzzi's actions required a TRR and this allegation is sustained.

***Officer Anthony Sperindeo & Officer James Richards, Jr.***

*Allegation 1*

Allegation 1 against Officer Sperindeo and Officer Richards, that they failed to complete a TRR following a take-down of an individual involved in a fight, is sustained against both officers. As described in Allegation 3 for Officer Fantauzzi, officers need to complete a TRR when the use force to control an active resister and/or assailant. The individual whom the officers brought to the ground had resisted the officers in an attempt to continue fighting. Because Officers Sperindeo and Richards failed to comply with CPD policy, this allegation is sustained.

**VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**

**a. Officer Jonathan Fantauzzi**

- i. Complimentary and Disciplinary History:** one (1) 2019 Crime Reduction Award, one (1) Attendance Recognition Award, one (1) Emblem of Recognition -Physical Fitness, and twenty-four (24) Honorable Mentions. No applicable past disciplinary history.
- ii. Recommended Penalty, by Allegation**
  - 1. Allegation No. 1:** Forcefully moving █ to the ground without justification. **60-Day Suspension**
  - 2. Allegation No. 2:** Failing to comply with S03-14 by failing to timely activate your Body Worn Camera (BWC). **Violation Noted**
  - 3. Allegation No. 3:** Failing to complete a Tactical Response Report (TRR) following your use of force against █. **1-Day Suspension.**

**b. Officer Anthony Sperindeo**

- i. Complimentary and Disciplinary History:** one (1) 2019 Crime Reduction Award, three (3) Emblems of Recognition-Physical Fitness, nineteen (19) Honorable Mentions. No applicable disciplinary history.
- ii. Recommended Penalty, by Allegation**
  - 1. Allegation No. 1:** Failing to complete a Tactical Response Report (TRR) following a take-down of an individual involved in a fight. **1-Day Suspension**

**c. Officer James Richards, Jr.**

i. **Complimentary and Disciplinary History:** one (1) 2019 Crime Reduction Award, one (1) Attendance Recognition Award, 1 (one) Emblem of Recognition – Physical Fitness, seventeen (17) Honorable Mentions. No applicable past disciplinary history.

**ii. Recommended Penalty, by Allegation**

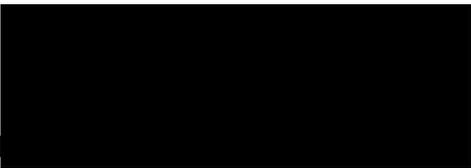
1. **Allegation No. 1:** Failing to complete a Tactical Response Report (TRR) following a take-down of an individual involved in a fight.  
**1-Day Suspension.**

**IX. CONCLUSION**

Based on the analysis set forth above, COPA makes the following findings:

<b>Officer</b>	<b>Allegation</b>	<b>Finding / Recommendation</b>
Officer Fantauzzi	<p>It is alleged that on August 31, 2019, at approximately 4:19 AM, at or near 5133 W. North Ave., you committed misconduct through the following acts or omissions by:</p> <ol style="list-style-type: none"> <li>Forcefully moving ██████████ to the ground without justification.</li> <li>Failing to comply with S03-14 by failing to timely activate your Body Worn Camera (BWC).</li> <li>Failing to complete a Tactical Response Report (TRR) following your use of force against ██████████.</li> </ol>	<p>Sustained / <b>60-Day Suspension</b></p> <p>Sustained / <b>Violation Noted</b></p> <p>Sustained / <b>1-Day Suspension</b></p>
Officer Sperindeo	<p>It is alleged that on August 31, 2019, at approximately 4:19 AM, at or near 5133 W. North Ave., you committed misconduct through the following acts or omissions by:</p> <ol style="list-style-type: none"> <li>Failing to complete a Tactical Response Report (TRR) following a take-down of an individual involved in a fight.</li> </ol>	<p>Sustained / <b>1-Day Suspension</b></p>
Officer Richards	<p>It is alleged that on August 31, 2019, at approximately 4:19 AM, at or near 5133 W. North</p>	

	<p>Ave., you committed misconduct through the following acts or omissions by:</p> <p>1. Failing to complete a Tactical Response Report (TRR) following a take-down of an individual involved in a fight</p>	<p>Sustained / <b>1-Day Suspension</b></p>
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Approved 

2/9/2021

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Matthew Haynam  
*Deputy Chief Administrator*

\_\_\_\_\_  
Date

Appendix A

Assigned Investigative Staff

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<b>Squad#:</b>	14
<b>Investigator:</b>	Kelsey Fitzpatrick, #61
<b>Supervising Investigator:</b>	Matthew Haynam
<b>Deputy Chief Administrator:</b>	Matthew Haynam