

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

| | |
|----------------------------|--------------------------------|
| Date of Incident: | July 7, 2018 |
| Time of Incident: | 12:27 am |
| Location of Incident: | 755 N. Latrobe Ave. (in alley) |
| Date of COPA Notification: | July 7, 2018 |
| Time of COPA Notification: | 5:23 am |

On July 7, 2018, [REDACTED] was arrested for possession of a controlled substance and for resisting arrest. That same day, COPA received an initiation report from Lieutenant Yolanda Talley which stated that [REDACTED] filed a complaint against the arresting officer. He alleged that while affecting the arrest, Officer Jonathan Fantauzzi pushed him to the ground, causing injury to his left hand and elbow.

II. INVOLVED PARTIES

| | |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Involved Officer #1: | Jonathan Fantauzzi, star # 15624, employee ID# [REDACTED], Date of Appointment October 27, 2014, PO, Unit of Assignment 015, DOB [REDACTED], 1990, Male, White. |
| Involved Officer #2: | Christopher Doles, star # 6457, employee ID# [REDACTED], Date of Appointment June 3, 2013, PO, Unit of Assignment 015, DOB [REDACTED], 1983, Male, White. |
| Involved Individual #1: | [REDACTED] DOB [REDACTED], 1985, Male, Black. |

III. ALLEGATIONS

| Officer | Allegation | Finding / Recommendation |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Officer Jonathan Fantauzzi | 1. It is alleged that on July 7, 2018, at or about 12:17 AM, at or near 755 N. Latrobe (alley), Officer Jonathan Fantauzzi failed to activate his BWC during the incident involving [REDACTED] | SUSTAINED/3 Days |
| | 2. It is alleged that on July 7, 2018, at or about 12:17 AM, at or near 755 N. Latrobe (alley), Officer Jonathan Fantauzzi used excessive force when he knocked [REDACTED] off of his bicycle during a chase, causing him to be injured. | EXONERATED |

| | | |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| | <p>3. It is alleged that on July 7, 2018, at or about 12:17 AM, at or near 755 N. Latrobe (alley), Officer Jonathan Fantauzzi performed an improper search of [REDACTED] [REDACTED] when he went into [REDACTED] underwear to perform search.</p> | <p>EXONERATED</p> |
| <p>Officer Christopher Doles</p> | <p>1. It is alleged that on July 7, 2018, at or about 12:17 AM, at or near 755 N. Latrobe (alley), Officer Christopher Doles performed an improper search of [REDACTED] [REDACTED] when he went into [REDACTED] underwear and retrieved narcotics.</p> | <p>EXONERATED</p> |

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 2-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-Disobedience of an order or directive, whether written or oral.

General Orders and Special Orders

1. G06-01-02 Restraining Arrestee
2. G06-01-03 Conducting Strip Searches
3. G03-02 Use of Force
3. S03-14 Body Worn Cameras

Other

- 1.CPD-11.960 (11/17) Force Options Model

V. INVESTIGATION¹

a. Interviews

[REDACTED]
[REDACTED] was interviewed by COPA on April 30, 2020, by phone. The interviewers were at remote locations and [REDACTED] was in the Vandalia prison. On the date in question, Mr. [REDACTED] was on a bicycle, speaking to four or five people near an abandoned building. He admitted he was both intoxicated and smoking a “blunt” at the time.³ Three police officers, in a police

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 6.

³ Att. 6. at 03:03.

vehicle, sat nearby and watched the group of people for about a minute. When ██████ looked up and noticed the police, two of the police officers exited the vehicle and approached the group.

According to ██████ the officers began to grab people and he rode off on his bicycle. One officer chased him into the alley and kicked the bicycle causing ██████ to fall off and resulting in injuries to his elbow and lip.⁴ The officer then cuffed and searched him. During the search, the officer then unbuttoned his pants and pulled his underwear waist out away from his body (but not down).⁵ The officer located two nickel bags of crack cocaine, which ██████ claimed were for his personal use.⁶

██████ was taken to the hospital where he was treated and then released. ██████ was then taken to the 15th District, processed, and transported to Cook County Jail where he was held until his preliminary hearing, at which time the case was dismissed. None of the other people with ██████ were arrested.

Officer Christopher Doles⁷

Officer Doles was interviewed by COPA on July 13, 2020. On the date in question, the officers drove westbound on Chicago Ave. and Latrobe, an area known for narcotics traffic, and observed ██████ engage in a hand-to-hand transaction with an unknown male.⁸ He was able to see what he believed to be the money that was exchanged, but not what the item was.⁹ The officers turned around and approached ██████ fled on his bicycle when an officer attempted to speak with him.

Officer Fantauzzi exited the police vehicle and chased ██████ on foot while Officer Doles followed in the police vehicle. Officer Doles pulled up near some garbage cans, exited the vehicle and found the two men in the alley. When he then ran up to help his partner detain Mr. ██████ both men were already on the ground.¹⁰ ██████ who was face down, hid one of his hands near his crotch area, possibly reaching for a weapon.¹¹ The officers finally handcuffed Mr. ██████ and then rolled him over. Officer Doles asked ██████ what he was hiding in his underwear, and ██████ did not give an understandable response.¹²

While still on the scene, a small yellow bag was recovered from ██████ underwear, which contained two smaller zip-lock baggies containing suspect narcotics.¹³ Officer Fantauzzi looked down his underwear briefly and noticed the yellow bag. He then told Officer Doles where the bag was, at which time he moved the leg of his underwear slightly and retrieved the bag.¹⁴ He

⁴ Att. 6 at 04:30, 11:05.

⁵ Att. 6 at 09:10.

⁶ Att. 6 at 10:08 and 16:55.

⁷ Att. 27.

⁸ Att. 27 at 06:05.

⁹ Att. 27 at 08:00.

¹⁰ Att. 27 at 11:15.

¹¹ Att. 27 at 07:16.

¹² Att. 27 at 18:40.

¹³ Att. 27 at 23:15.

¹⁴ Att. 27 at 26:50.

did not wait until he got into the station to retrieve the suspect narcotics because he cannot transport an arrestee who has drugs on his person. There is the possibility the arrestee may retrieve it and ingest it, causing a possible overdose, injury or death.¹⁵

The investigator pointed out that the video showed [REDACTED] sweatpants down around his knees.¹⁶ Officer Doles stated that once [REDACTED] was put into a standing position, his sweatpants were so loose he asked [REDACTED] to hold his pants up.

When asked about [REDACTED] injury, Officer Doles did not recall at that point that Mr. [REDACTED] was injured while on scene. However, when they got to the station for processing, he noticed an injury to [REDACTED] arm, but did not recall if they took [REDACTED] to the hospital. It was determined during the interview that the TRR did indicate [REDACTED] was taken to West Suburban Hospital, treated and released.¹⁷

Officer Jonathan Fantauzzi¹⁸

Officer Fantauzzi was interviewed by COPA on July 30, 2020. The officers observed Mr. [REDACTED] engage in a hand-to-hand transaction, where a small item was exchanged for paper currency.¹⁹ [REDACTED] fled on a bicycle when the officer approached to perform an investigatory stop, and Officer Fantauzzi gave chase on foot. When they reached the dark alley, Officer Fantauzzi pushed him off of the bicycle in an emergency take down, which caused him to fall.²⁰ Officer Fantauzzi then observed [REDACTED] stuff unknown items into his waistband and gave verbal orders to place his hands behind his back and to stop resisting the arrest.

As he was attempting to place [REDACTED] into custody, Officer Doles appeared on the scene. Officer Fantauzzi observed [REDACTED] reach his hands inside of his pants in an attempt to conceal an object.²¹ Once the officers were able to handcuff [REDACTED] Officer Doles instructed Officer Fantauzzi to “check his drawers.”²² In response, the officer pulled [REDACTED] underwear waistband, out (not down) away from his body, and checked for contraband. He observed a little yellow bag of narcotics. The little yellow bag was retrieved by Officer Doles. The officers performed this search and recovery on scene to be sure he did not get into a police vehicle with known contraband.

[REDACTED] who sustained injuries to his elbow when he fell off of his bicycle, was transported to the hospital for medical treatment after his arrest.²³

When asked about why there was no BWC footage for him for this event, Officer Fantauzzi admitted that he simply forgot to activate his BWC when the investigatory stop began.²⁴

¹⁵ Att. 27 at 32:30.

¹⁶ Att. 27 at 30:50.

¹⁷ Att. 27 at 20:35.

¹⁸ Att. 28.

¹⁹ Att. 28 at 04:00.

²⁰ Att. 28 at 04:33.

²¹ Att. 28 at 15:15.

²² Att. 28 at 17:00.

²³ Att. 28 at 13:00.

²⁴ Att. 28 at 05:35.

b. Digital Evidence

BWC for Officer Doles²⁵

Officer Doles drove up to the scene in the dark alley and exited police vehicle. He ran up to where Officer Fantauzzi struggled to handcuff [REDACTED] is captured lying face down with his sweatpants down around the bottom of his thighs. He is then handcuffed.²⁶

Officer Doles stepped away and as he returned to the alley, he asked Officer Doles if he found whatever it was. Officer responded in the negative, and Officer Doles instructed him to “check his drawers.”²⁷ Officer Doles then searched the alley as he walked back to where [REDACTED] now standing, and was being searched. Officer Fantauzzi was holding the waistband of [REDACTED] underwear away from his body, while shining his flashlight, and said he observed a little bag near his “nut-sack.”²⁸ On the street, near [REDACTED] feet, BWC captured a sum of cash, what appeared to be a prescription bottle, and what appeared to be a package of Swisher cigars.²⁹ Officer Doles asked why he had pills for “[REDACTED]” but got no response.

BWC captured what appeared to be a small yellow bag in Officer Doles’ hand, which he later referred to two bags of rocks. Although you cannot see him recover the bag directly, shadows suggested he removed it from [REDACTED] clothing.³⁰ An additional brief search was done, and Mr. [REDACTED] was walked over to the waiting police vehicle.

Photos³¹



Blood on [REDACTED] hand



Scrape on elbow



Scrape on arm

c. Documentary Evidence

Initiation Report³²

On July 7, 2018, COPA received a Complaint Initiation Report from Lieutenant Yolanda L. Talley. In this report, Officer Jonathan Fantauzzi was named as the accused officer and stated that on the date in question, while affecting his arrest, the officer pushed him to the ground causing injury to his left elbow and right hand.

²⁵ Att. 33

²⁶ Att. 33 at 01:04.

²⁷ Att. 33 at 3:00.

²⁸ Att. 33 at 03:55

²⁹ Att. 33 at 04:10.

³⁰ Att. 33 at 05:30.

³¹ Att. 32.

³² Att. 13.

Original Case Incident Report³³

RD #: ██████████

PO Christopher Doles

PO Jonathan Fantauzzi

On July 7, 2018, at 00:17, officers observed ██████████ engaging with three unknown males at the corner of Latrobe and Chicago. An unknown item was exchanged for an unknown amount of paper currency in a hand-to-hand transaction. ██████████ fled on a bicycle while officer pursued on foot. Officer performed an emergency take-down which caused ██████████ to fall off of his bicycle. Officers observed ██████████ who refused to follow verbal commands, place his hand under his body and between his legs as if to conceal an item. ██████████ was eventually handcuffed and searched. Officers recovered a yellow Ziplock baggie containing two Ziplock baggies containing a white rock-like substance, suspect crack cocaine. ██████████ requested medical attention for injury to the left elbow area. He was transported to West Suburban Hospital, was treated, and then discharged.

Arrest Report³⁴

CB ██████████

Mr. ██████████ was arrested on July 7, 2018, at 00:27. The offenses cited were, 720 ILCS 570.0/402-C Possession of a Controlled Substance and 720 ILCS 5.0/31-1-A Resisting Police Officer. The Narrative is consistent with that of the Original Case Incident Report.

TRR³⁵

Officer Jonathan Fantauzzi completed a TRR on July 7, 2018, in relation to RD# ██████████. Officer Fantauzzi reported performing Emergency Handcuffing and a Take Down on a subject who did not follow verbal direction, fled and stiffened. The narrative section is consistent with that of the Original Case Incident Report and the Arrest Report. In the Subject's Statement Regarding the Use of Force section, it was reported that ██████████ was read his rights, and that ██████████ who was unsure as to why he was being arrested, reported that he was pushed off of his bicycle and suffered physical injury, which was observed by the reporting Lieutenant. Mr. ██████████ was then transported to the hospital.

Crime Scene Processing Report³⁶

Report # ██████████

Evidence Technicians took photos of ██████████ injuries, to include his left elbow, his lower right arm and suspect blood stains to his right palm.

Medical Records³⁷

██████████ arrived at West Suburban Hospital at 01:40 on July 7, 2018. In short, it was reported that Mr. ██████████ fell off of his bicycle and landed on his left elbow. He appeared to be intoxicated and had trouble giving a full history. He reported pain in his elbow. He also had a

³³ Att. 17.

³⁴ Att. 18.

³⁵ Att. 15.

³⁶ Att. 9.

³⁷ Att. 24.

laceration of his lip and an abrasion/contusion on his upper limb. The x-rays taken were negative. [REDACTED] was prescribed medication and discharged into police custody at 03:10.

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 reviewed complied with 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 conduct complied with Department 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. 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.

VII. ANALYSIS

Officer Jonathan Fantauzzi

COPA finds **Allegation #1**, hat on July 7, 2018, at or about 12:17 AM, at or near 755 N. Latrobe (alley), Officer Jonathan Fantauzzi failed to activate his BWC during the incident involving [REDACTED] in violation of Rules 2 and 5, and S03-14, is supported by a preponderance of the evidence and is **Sustained**.

The 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. *S03-14 Body Worn Cameras*.

During his interview with COPA, Officer Fantauzzi admitted that he failed to turn on his BWC and did not offer any exception to policy. Therefore, this allegation is Sustained.

COPA finds **Allegation #2**, that on July 7, 2018, at or about 12:17 AM, at or near 755 N. Latrobe (alley), Officer Jonathan Fantauzzi used excessive force when he knocked [REDACTED] off of his bicycle during a chase, causing him to be injured, in violation of Rule 2 and G03-02, is not supported by the evidence and is **Exonerated**.

According to *CPD-11.960 (11/17) Force Options Model*, an Active Resister uses movement to avoid physical control. In response, a member's proportional response would include, but not be limited to, Emergency Takedowns, Holding Techniques and Compliance Techniques. Furthermore, Department members may only use force that is objectively reasonable, necessary and proportional, under the totality of the circumstances, in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape. *G03-02 Use of Force Options*.

In this case, [REDACTED] fled on a bicycle when he noticed officer approaching him. The officer gave chase, on foot, and knocked [REDACTED] off of the bicycle in order to affect an investigatory stop and/or an arrest. Although, it is unfortunate [REDACTED] suffered a minor injury as a result of the emergency take-down, Officer Fantauzzi's actions to prevent his escape were within policy. Therefore, this allegation is Exonerated.

COPA finds **Allegation #3**, that on July 7, 2018, at or about 12:17 AM, at or near 755 N. Latrobe (alley), Officer Jonathan Fantauzzi performed an improper search of [REDACTED] when he went into [REDACTED] underwear to perform search, in violation of Rule 2, G06-01-02 and G06-01-03, is not supported by the evidence and is **Exonerated**.

A custodial search is a warrantless search of a person under arrest with or without probable cause to believe there is any contraband or evidence subject to seizure on the person. A person taken into Department custody will be searched prior to transport and restrained in a manner as to prevent escape and provide for the safety of the public, the person in custody, and the officers involved. *G06-01-02 Restraining Arrestees*. A strip search means having an arrested person remove or arrange some of or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments of such person. *G06-01-03 Conducting Strip Searches*.

In this case, the officers reasonably believed that [REDACTED] had possession of narcotics and searched him prior to transport to a district station. The issue is whether they were acting within policy when they went into his underwear to retrieve suspect narcotics. First, it must be noted that [REDACTED] sweatpants were down around his knees as a result of his own actions, not the officers'. Secondly, although officer Fantauzzi took a brief look into [REDACTED] underwear, he reasonably believed he would find narcotics, and he did not expose [REDACTED] in a way that would elevate this search into a strip search. Therefore, there was no violation of policy, and this allegation is Exonerated.

Officer Christopher Doles

COPA finds **Allegation #1**, that on July 7, 2018, at or about 12:17 AM, at or near 755 N. Latrobe (alley), Officer Christopher Doles performed an improper search of [REDACTED] when he went into [REDACTED] underwear and retrieved narcotics, in violation of Rule 2, G06-01-02 and G06-01-03, is not supported by the evidence and is **Exonerated**.

The analysis for this allegation is similar to that of Allegation #3 for Officer Jonathan Fantauzzi. It should be noted, however, that Officer Doles claimed that he simply moved the leg of [REDACTED] underwear, which was already exposed, to enable him to retrieve the suspect narcotics, and there is no evidence to refute that claim. Therefore, there was no violation of policy, and this allegation is Exonerated.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Jonathan Fantauzzi

i. Complimentary and Disciplinary History

1. Complimentary

- a. Attendance Recognition Award 1
- b. Emblem of Recognition-Physical Fitness 1
- c. Honorable Mention 21
- d. 2019 Crime Reduction Award 1

2. Disciplinary

- a. SPAR 1/1/19 Preventable Accident Reprimand

ii. Recommended Penalty, by Allegation

- 1. Allegation No. 1 3 Days

Taking into consideration his Complimentary and Disciplinary Histories, COPA recommends a 3 Day Suspension.

IX. CONCLUSION

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

| Officer | Allegation | Finding / Recommendation |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Officer Jonathan Fantauzzi | 1. It is alleged that on July 7, 2018, at or about 12:17 AM, at or near 755 N. Latrobe (alley), Officer Jonathan Fantauzzi failed to activate his BWC during the incident involving [REDACTED] | SUSTAINED/3 Days |

| | | |
|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| | <p>2. It is alleged that on July 7, 2018, at or about 12:17 AM, at or near 755 N. Latrobe (alley), Officer Jonathan Fantauzzi used excessive force when he knocked [REDACTED] off of his bicycle during a chase, causing him to be injured.</p> <p>3. It is alleged that on July 7, 2018, at or about 12:17 AM, at or near 755 N. Latrobe (alley), Officer Jonathan Fantauzzi performed an improper search of [REDACTED] when he went into [REDACTED] underwear to perform search.</p> | <p>EXONERATED</p> <p>EXONERATED</p> |
| <p>Officer Christopher Doles</p> | <p>1. It is alleged that on July 7, 2018, at or about 12:17 AM, at or near 755 N. Latrobe (alley), Officer Christopher Doles performed an improper search of [REDACTED] when he went into [REDACTED] underwear and retrieved narcotics.</p> | <p>EXONERATED</p> |

Approved:

[REDACTED]

9-27-2021

 Angela Hearts-Glass
 Deputy Chief Investigator

 Date

Appendix A

Assigned Investigative Staff

| | |
|-----------------------------------|---------------------|
| Squad#: | 16 |
| Investigator: | Frances Lee |
| Supervising Investigator: | Deborah Talbert |
| Deputy Chief Investigator: | Angela Hearts-Glass |