



Log # 2023-0000477

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On February 2nd, 2023, the Civilian Office of Police Accountability (COPA) received an initiation report from Lieutenant Nari Haro reporting alleged misconduct by a member of the Chicago Police Department (CPD). Lt. Haro alleged that on January 31, 2023, Probationary Police Officer Thomas Spanos committed excessive force when he was responding to a call for assistance related to a domestic dispute. More specifically, that Officer Spanos struck ██████████ in the torso with a closed fist when attempting to arrest ██████████ who was resisting against several officers attempting to detain him.² Following its investigation, COPA reached a finding of exonerated regarding the allegation of excessive force.

II. SUMMARY OF EVIDENCE³

COPA conducted an interview of ██████████ the ██████████ of ██████████ and the mother of ██████████ ██████████ called for officers to have ██████████ removed from the premises. She then stated that once the officers arrived on scene, they asked ██████████ to identify himself, but he provided a false name to the officers. The officers then asked ██████████ to identify ██████████ and she confirmed that he was indeed ██████████ and not the person he was falsely identifying as.⁴ ██████████ then saw the police attempt to arrest ██████████ while he was holding onto the baby.⁵ She noted that ██████████ was trying to fight back by running, pulling the officers off of him, and kicking them.⁶

In his statement to COPA, Officer Spanos stated that he was on routine patrol when another unit requested back-up on a domestic disturbance, and he responded to assist with his partner.⁷ Once on-scene, Officer Spanos observed ██████████ using the baby as a shield while officers attempted to arrest him.⁸ Officer Spanos explained what he meant by the baby being used as a shield by stating that ██████████ was holding the baby at chest level and would turn in the

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 One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

³ 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, civilian interviews, and officer interviews.

⁴ Att. 26 at 4:25.

⁵ Att. 26 at 7:42.

⁶ Att. 26 at 10:24.

⁷ Att. 28 at 6:27.

⁸ Att. 28 at 7:00.

direction of the officers in order to place the baby in between him and the officers.⁹ Once the baby was free, Officer Spanos attempted to put the handcuffs on ██████████ but at this point, ██████████ was resisting by pulling, twisting, shoving, and kicking.¹⁰ When asked to clarify at what point he was kicked, causing him to classify ██████████ as an assailant, Officer Spanos noted that ██████████ attempted to make entry into another room. At that point, ██████████ began kicking.¹¹ Officer Spanos described the kick as an outward and backward movement.¹² When asked to assess ██████████ level of threat, Officer Spanos admitted that ██████████ was a resister at times, but for the most part, ██████████ was an assailant.¹³

Police Officer Patrick Aziz, Officer Spanos's partner, also gave a statement to COPA. Officer Aziz stated that he received a call for back-up at the 4700 block of West Ohio Street.¹⁴ When they arrived on scene, Officer Aziz saw approximately 20 people, including ██████████ who was holding the baby.¹⁵ More specifically, Officer Aziz stated: "...they can't place him into handcuffs 'cause he's using the child to defeat the arrest or placing him into custody."¹⁶ After the baby was free, Officer Aziz and the other officers continued their efforts to place ██████████ into handcuffs, but ██████████ stiffened his body, put his hands in front of his body, and moved his legs in an attempt to kick the officers.¹⁷ Officer Aziz classified ██████████ as an assailant because of the kicking.¹⁸

The Initiation Report of Lt. Haro¹⁹ indicated that she reviewed the body-worn camera (BWC) of Officer Spanos and noted that ██████████ was resisting arrest by flailing his arms and pulling away. She did not see ██████████ kicking. Therefore, Lt. Haro determined ██████████ resistance rose only to the level of an active resister. Consequently, Lt. Haro noted that Officer Spanos was not authorized to use a closed-fist strike.

According to the Arrest Report of ██████████²⁰ he was arrested for several offenses, the most relevant being causing a child to be endangered and resisting police officers. In the narrative of the report, the attesting officer noted that officers arrived on-scene because of a domestic disturbance. They then found out that an order of protection needed to be served upon ██████████. Officers attempted to detain ██████████ in order to serve the order, but ██████████ used his son, an infant, as a shield to thwart the officers' efforts.

⁹ Att. 28 at 18:51.

¹⁰ Att. 28 at 20:30.

¹¹ Att. 28 at 22:00.

¹² Att. 28 at 22:41.

¹³ Att. 28 at 34:05.

¹⁴ Att. 32 at 5:15.

¹⁵ Att. 32 at 5:47.

¹⁶ Att. 32 at 11:19.

¹⁷ Att. 32 at 13:30.

¹⁸ Att. 32 at 14:49.

¹⁹ Att. 1.

²⁰ Att. 2.

Tactical Response Reports for Officer Spanos,²¹ Officer Aziz,²² and Officer Edwin Carillo²³ all reported that ██████ did not follow verbal direction, stiffened, pulled away, and threw leg strikes. Detectives Miles Furlet²⁴ and Gregory Swiderek²⁵ did not note any leg strikes by ██████ but did note that he was being resistant and attempted to defeat his arrest to the point that officers had to take him down. Officer Spanos²⁶ and Det. Furlet²⁷ were injured during this incident.

III. ALLEGATIONS

Officer Thomas Spanos

1. It is alleged by Lieutenant Nari Haro that on or about January 31, 2023, at approximately 8:00 pm, at or near 4741 W. Ohio Street, Chicago, IL, Officer Thomas Spanos, Star #3110, committed misconduct through the following act, by: Striking ██████ on or about his torso with a closed fist without justification.

- EXONERATED

IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

V. ANALYSIS²⁸

“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, bring a person or situation safely under control, or prevent escape.”²⁹ Closed fist strikes, also known as direct mechanical strikes, are only authorized for assailants.³⁰ Assailants are defined as individuals who are using or threatening to use force against another which is likely to cause physical injury.³¹

The testimony of all the witnesses and Officer Spanos, along with the BWC footage obtained, demonstrates that ██████ was holding onto his son when the officers attempted to detain him, even though the other civilians on scene were pleading with him to let go of the child due to safety concerns. Once he let go of his son, ██████ still posed a physical threat to the

²¹ Att. 16.

²² Att. 15.

²³ Att. 17.

²⁴ Att. 13, G03-02, III, B.

²⁵ Att. 14.

²⁶ Att. 16.

²⁷ Att. 13.

²⁸ For a definition of COPA’s findings and standards of proof, *see* Appendix B.

²⁹ Att. 33.

³⁰ Att. 34, G03-02-01, IV, C.

³¹ Att. 34, G03-02-01, IV, C.

officers by kicking and flailing his arms. Two officers ultimately received minor injuries from the struggle. Although none of the BWC footage clearly showed [REDACTED] kicking, the testimony provided to COPA was consistent in that all of the witnesses interviewed saw [REDACTED] attempting to kick officers.

Because of these actions, [REDACTED] should be classified as an assailant at the time that Officer Spanos hit him with the closed fist strike. Consequently, Officer Spanos was authorized to use that level of force because it was reasonable and proportional to [REDACTED] actions. Therefore, the allegation made by Lt. Haro against Officer Spanos is **EXONERATED**.

Approved:



Angela Hearts-Glass
Deputy Chief Administrator

8-3-12023

Date

Appendix ACase Details

Date/Time/Location of Incident:	January 31, 2023 / 8:07 pm / 4741 W. Ohio Street
Date/Time of COPA Notification:	February 2, 2023 / 7:00 pm
Involved Officer #1:	Thomas Spanos, Star 3110, Employee ID [REDACTED] Date of Appointment: November 30, 2021, Unit of Assignment: 011, Male, White
Involved Individual #1:	[REDACTED] Male, Black

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 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- General Order G03-02: De-Escalation, Response to Resistance, and Use of Force (effective April 15, 2021, to *present*)
- General Order G03-02-01 (effective April 15, 2021, to *present*)

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.³² For example, 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. 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.”³³

³² 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).

³³ *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