



Log # 2022-0004650

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 30, 2022, the Civilian Office of Police Accountability (COPA) received an Initiation Report from Sergeant Joseph Lisowski reporting alleged misconduct by a member of the Chicago Police Department (CPD). ██████████ alleged that on October 30, 2022, Officer Michael Tanon pushed and punched her brother, ██████████ without justification.² Upon review of the evidence, COPA served additional allegations that Officer Tanon failed to activate his body worn camera and failed to use de-escalation techniques prior to using force during the arrest of ██████████. Following its investigation, COPA reached sustained findings for all allegations.

II. SUMMARY OF EVIDENCE³

On October 30, 2022, CPD was surveilling the parking lot of a Mobil Gas Station, located at 4800 W. Madison Street, due to complaints of narcotics sales.⁴ According to CPD reports, Sergeant Timothy Gilliland observed ██████████ and ██████████ engage in hand-to-hand transaction with a vehicle that drove into the gas station lot and immediately left.⁵ Sergeant Gilliland instructed Officers Brett Hon and Tanon to enter the parking lot and apprehend the ██████████.⁶ Officers Hon and Tanon drove their unmarked vehicle into the lot and stopped in front of the ██████████.⁷ Officer Hon activated his body worn camera (BWC) as he exited the vehicle. Immediately after exiting their vehicle, Officers Hon and Tanon detained and handcuffed the ██████████.⁸ While the officers searched the ██████████ a group of individuals began to congregate, film, and engage Officers Hon and Tanon.⁹ ██████████ and ██████████ were among the group.¹⁰

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 CPD Reports, BWC, Involved Individuals Statements, third party video, and POD video.

⁴ Att. 3, pg. 5.

⁵ Att. 3, pg. 5.

⁶ Att. 28 at 1:58.

⁷ Att. 23 at 1:50 to 2:30 and Att. 28 at 3:40 to 4:15.

⁸ Att. 28 at 2:00 to 2:20.

⁹ Att. 34 at 1:35:00 to 1:39:00.

¹⁰ Att. 14, it was later discovered in the subsequent arrest of ██████████ that he used an alias, ██████████ when he and ██████████ reported the excessive force incident to CPD.

approached while she was in Officer Hon's custody and reached towards her.¹¹ Officer Hon used his left hand to make contact and deflect hand away from and then placed his left hand on chest and pushed him away.¹² While Officer Hon engaged with Officer Tanon engaged with

Officer Tanon and continued to engage with after securing in handcuffs.¹³ According to Officer Tanon, approached in a threatening manner and stood close to him while he was searching.¹⁴ Officer Tanon claimed that he gave numerous verbal commands, ordering (and others) to back away, however, did not comply.¹⁵ With an open-hand to chest, Officer Tanon pushed backward.¹⁶ moved closer to Officer Tanon and bent forward toward the ground.¹⁷ Again, Officer Tanon pushed backward with an open-hand to the chest.¹⁸ However, continued to close the gap between him and Officer Tanon and they continued to engage verbally.¹⁹ Officer Tanon once again pushed a third and fourth time.²⁰ After the fourth push, responded by pushing Officer Tanon backward with an open-hand and then backed away from Officer Tanon.²¹ maintained a wider distance from Officer Tanon; however, he began to posture and continued to verbally engage with Officer Tanon.²² Eventually, assisting officers arrived on scene.²³ At that time, Officer Tanon moved forward towards and attempted to grab his arms.²⁴ backed away as Officer Tanon moved towards him.²⁵ As backed away, he lifted his arms towards Officer Tanon, who continued to move forward and strike in the face and neck four times with a closed fist.²⁶ While Officer Tanon struck he continued to push backwards.²⁷ left arm remained raised and extended towards Officer Tanon.²⁸ As Officer Tanon physically engaged Sergeant Tone Trujillo attempted to separate Officer Tanon and.²⁹ Once Officer Tanon and Sergeant had control of Officer Tanon informed that he was under arrest.³⁰ Together, Officer Tanon and Sergeant Trujillo secured in handcuffs.³¹

¹¹ Att. 23 at 3:25.

¹² Att. 23 at 3:28 to 3:32 and Att. 28 at 5:20 to 5:30.

¹³ Att. 28 at 3:45 to 5:05.

¹⁴ Att. 43, pg. 12, Ins. 6 to 10.

¹⁵ Att. 43, pg. 12, Ins. 13 to 15.

¹⁶ Att. 34 at 1:37:50 to 1:37:55.

¹⁷ Att. 34 at 1:37:55 to 1:37:58.

¹⁸ Att. 34 at 1:37:55 to 1:37:58.

¹⁹ Att. 34 at 1:37:58 to 1:38:15.

²⁰ Att. 34 at 1:38:15 to 1:38:46.

²¹ Att. 34 at 1:38:46 to 1:38:48.

²² Att. 34 at 1:38:47 to 1:39:10.

²³ Att. 34 at 1:39:00.

²⁴ Att. 34 at 1:39:09.

²⁵ Att. 34 at 1:39:09 to 1:39:10.

²⁶ Att. 34 at 1:39:10 to 1:39:14.

²⁷ Att. 34 at 1:39:10 to 1:39:14.

²⁸ Att. 34 at 1:39:10 to 1:39:14.

²⁹ Att. 31 at 2:05 to 2:10 and Att. 34 at 1:39:12 to 1:39:20.

³⁰ Att. 31 at 2:45.

³¹ Att. 31 at 2:45 to 3:10.

III. ALLEGATIONS

Michael Tanon:

1. Failure to de-escalate prior to using force during the arrest of [REDACTED]
 - **Sustained**, in violation of **CPD Rules 2, 3, 5, 6, and 10**.
2. Used excessive force during the arrest of [REDACTED] without justification.
 - **Sustained**, in violation of **CPD Rules 2, 3, 8, 9, and 10**.
3. Failure to activate body worn camera in a timely fashion, in violation of Special Order 03-14.
 - **Sustained**, in violation of **CPD Rules 2, 3, 5, 6, and 10**.

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory. The investigation did not reveal evidence that caused COPA to question the credibility of any of the involved individuals.

V. ANALYSIS³²

a. Failure to De-escalate

COPA finds that **Allegation #1** against Officer Tanon, that he failed to de-escalate prior to using force during the arrest of [REDACTED] is **Sustained**. According to CPD policy, members are "required to use de-escalation techniques to prevent or reduce the need for force, unless doing so would place...[a] member in immediate risk of harm."³³ When employing de-escalation techniques during an encounter with an individual, members "will use the principles of Force Mitigation to ensure effective police-public encounters."³⁴ This includes using continual communication, tactical positioning, and time as tactic to diminish the need to use force.³⁵

In this case, the interaction between Officer Tanon and [REDACTED] was dynamic and unfolded quickly.³⁶ Officer Tanon complied with CPD policy during much of his interaction with [REDACTED]. At first, [REDACTED] oscillated between passive and active resister defying Officer

³² For a definition of COPA's findings and standards of proof, *see* Appendix B.

³³ Att. 45, G03-02(III)(C)

³⁴ Att. 46, G03-02-01(III).

³⁵ Att. 46, G03-02-01(III)(A-C).

³⁶ Att. 28 at 3:25 to 5:05 and Att. 34 at 1:37:25 to 1:38:50.

Tanon's attempt to establish a zone of safety.³⁷ Officer Tanon used verbal commands and tactical positioning to increase the distance between him and ██████³⁸ However, ██████ failed to comply and remained close to Officer Tanon. Officer Tanon explained to COPA that, due to ██████ non-compliance, he felt it necessary to create distance by using an open hand push to ██████ chest four times.³⁹ When Officer Tanon pushed ██████ the fourth and final time, ██████ immediately responded by pushing Officer Tanon with an open-hand to the chest.⁴⁰ However, ██████ backed away and maintained a wider distance in compliance with Officer Tanon's verbal commands.⁴¹ Although ██████ continued to posture and verbally confront Officer Tanon at a distance, he did not attempt to close the gap or flee the scene.⁴² Therefore, ██████ quickly transitioned to a cooperative subject from an assailant. According to CPD policy, a member's level of force "should be modified based upon the *person's* actions" and "de-escalated immediately as resistance decreases."⁴³ Despite ██████ prior actions that warranted his eventual arrest, it was no longer objectively reasonable, necessary, or proportionate for Officer Tanon to consider using force while ██████ obeyed his verbal direction to back away.

While ██████ cooperated with Officer Tanon's commands to maintain distance, he did not pose an immediate threat to Officer Tanon or anyone else in the vicinity.⁴⁴ In his statement to COPA, Officer Tanon indicated that he intended to arrest ██████ upon arrival of assisting officers and that he informed assisting officers, when they arrived, that ██████ was under arrest.⁴⁵ However, BWC and POD video do not corroborate Officer Tanon's assertion.⁴⁶ Rather, Officer Tanon lunges forward, reaching for ██████ arm to effect an arrest seconds after assisting officers pull into the station and exit their vehicle.⁴⁷ He did not give assisting officers time to take a position to assist with ██████ arrest. In other words, Officer Tanon's decision to effect ██████ arrest when he did, violated "tactical positioning" and "time as tactic" thereby escalating a situation that was, at that moment, controlled.⁴⁸ Officer Tanon's decision to lunge forward and attempt to gain control of ██████ arms was unreasonable, unnecessary and disproportional to "the threat, actions, and level of resistance" displayed by ██████ in that moment.⁴⁹ Therefore, COPA has determined that Officer Tanon's actions violated CPD Rules 2, 3, 8, 9, and 10.

³⁷ Att. 34 at 1:37:25 to 1:38:50.

³⁸ Att. 28 at 3:30 to 4:40.

³⁹ Att. 43, pg. 13, lns. 2 to 24.

⁴⁰ Att. 34 at 1:38:46.

⁴¹ Att. 34 at 1:38:46 to 1:39:09.

⁴² Att. 34 at 1:38:46 to 1:39:09.

⁴³ Att. 46, G03-02-01(II)(E)(4).

⁴⁴ Att. 28 at 4:35 to 5:00.

⁴⁵ Att. 43, pg. 14, lns. 14 to 21.

⁴⁶ Att. 31 at 1:50 to 2:10 and Att. 34 at 1:38:45 to 1:39:15.

⁴⁷ Att. 31 at 1:50 to 2:05 and Att. 34 at 1:38:45 to 1:39:15.

⁴⁸ Att. 46, G03-02-01(III)(B-C).

⁴⁹ Att. 45, G03-02(III)(A-B); and, for the direct quote, Att. 45, G03-02(III)(B)(4).

b. Used Excessive Force

COPA finds that **Allegation #2** against Officer Tanon, that he used excessive force during the arrest of ██████████ without justification, is **Sustained**. According to CPD policy, members may only use force that is “objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance presented by a person.”⁵⁰ In addition, members are obligated to continually assess interactions with civilians and determine: if force is necessary; if the severity of the interaction requires an immediate response; and/or “if the level of force employed should be modified based upon the person’s actions or other changes in circumstances.”⁵¹ Therefore, a member’s decision to use force in a dynamic, rapidly evolving encounter requires members to respond to civilian behavior in a contemporaneously proportionate manner.

In this case and established in the previous section above, Officer Tanon mostly adhered to force mitigation principles during his encounter with ██████████. However, COPA did find, by preponderance of the evidence, that Officer Tanon escalated the interaction when he decided to arrest ██████████.⁵² When assisting officers arrived on scene, Officer Tanon lunged forward and attempted to grab ██████████ arms.⁵³ Officer Tanon told COPA that ██████████ proceeded to break free of his grip and strike him in the neck with a closed fist to his throat.⁵⁴ In addition, Officer Tanon claimed that ██████████ actions, as an assailant, warranted a physical response. Moreover, Officer Tanon stated that he feared ██████████ would continue to batter and incapacitate him.⁵⁵ Therefore, he decided to counter ██████████ force and strike ██████████ four times with a closed fist.⁵⁶ However, POD video footage of the incident does not corroborate Officer Tanon’s account. As Officer Tanon lunged forward towards ██████████ lifted and extended his arms to avoid Officer Tanon’s grasp.⁵⁷ At that moment, ██████████ would have been an active resister.⁵⁸ Therefore, Officer Tanon’s decision to punch ██████████ was not reasonable, necessary, or proportional to ██████████ actions. COPA has determined that Officer Tanon’s use of force was excessive, and actions violated CPD Rules 2, 3, 8, 9, and 10.

c. Failure to Activate BWC in a Timely Fashion

COPA finds that **Allegation #3** against Officer Tanon, that he failed to activate body worn camera (BWC) in a timely fashion, in violation of Special Order 03-14, is **Sustained**. According to CPD policy, the activation of BWC camera during a “law-enforcement-related encounter is mandatory, not discretionary.”⁵⁹ In addition, CPD policy requires an officer to activate their BWC

⁵⁰ Att. 46, G03-02-01(II)(C).

⁵¹ Att. 46, G03-02-01(II)(E).

⁵² See above, FSR Section (V)(b).

⁵³ Att. 34 at 1:39:09.

⁵⁴ Att. 43, pg. 15, lns. 1 to 6.

⁵⁵ Att. 43, pg. 15, lns. 7 to 11.

⁵⁶ Att. 43, pg. 15, lns. 11 to 14.

⁵⁷ Att. 34 at 1:39:09.

⁵⁸ Att. 46, G03-02-01(IV)(2)

⁵⁹ Att. 44, S03-14(III)(A)(1).

“to event mode at the beginning of an incident” and throughout the duration of the incident.⁶⁰ In this case, Officer Tanon failed to activate his BWC at the beginning of his encounter with the [REDACTED]. In addition, after the [REDACTED] were secured in handcuffs and in custody, Officer Tanon’s BWC remained inactive. In fact, Officer Tanon did not activate his BWC until he physically engaged with and took [REDACTED] into custody.⁶¹ Officer Tanon was given the opportunity to admit or deny the allegation in question during his interview with COPA.⁶² Before Officer Tanon could respond to the question, his attorney interjected, took a break and conferred with Officer Tanon in private.⁶³ Upon their return, Officer Tanon claimed that it was his intention to turn on his BWC and that he previously depressed it, and that the incident “escalated in a rapid pace,” implying he did not have adequate time to properly activate his BWC.⁶⁴ Although events indeed transpired quickly, Officer Tanon had a reasonable amount of time to activate and confirm activation prior to arriving on scene. According to the CPD Incident Report, Officers Tanon and Hon were directed by Sergeant Gilliland to 4800 W. Madison to arrest the [REDACTED].⁶⁵ Prior to arriving on scene, Officers Tanon and Hon were in their vehicle awaiting instructions for at least two minutes before arrival, providing Officer Tanon ample time to activate and confirm activation of his BWC.⁶⁶ Moreover, Officer Hon was able to successfully activate his BWC in a timely manner despite the eventual, quick pace of the incident.⁶⁷ Therefore, given the available evidence, COPA determined Officer Tanon’s justifications for his untimely activation of his BWC were unreasonable.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Michael Tanon

i. Complimentary and Disciplinary History⁶⁸

Officer Michael Tanon has received 107 total awards, including 94 honorable mentions, four Department commendations, and three Superintendent’s honorable mentions. Officer Tanon has received a one-day suspension for conduct unbecoming and a reprimand for a court appearance violation.

ii. Recommended Discipline

COPA has considered the nature of the incident and the fact that Officer Tanon was pushed first. COPA further acknowledges Officer Tanon’s limited disciplinary history. However, Officer

⁶⁰ Att. 44, S03-14(III)(A)(2).

⁶¹ Att. 30.

⁶² Att. 43, pg. 33, ln. 22 to pg. 35, ln. 1.

⁶³ Att. 43, pg. 34, lns. 1 to 9.

⁶⁴ Att. 43, pg. 34, lns. 11 to pg. 35, ln. 1.

⁶⁵ Att. 3, pg. 5.

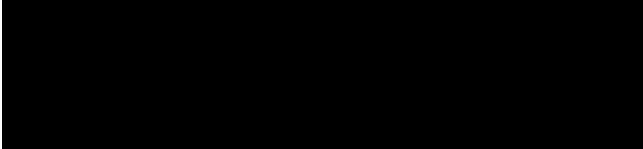
⁶⁶ Att. 28 at 0:00 to 3:00. Officer Hon’s BWC captures 2:00 minutes of buffering time prior to the officers’ arrival on scene.

⁶⁷ Att. 28.

⁶⁸ Att. 47.

Tanon’s actions brought discredit to the Department when he failed to de-escalate a situation where both time and tactical positioning were available to him. After █████ pushed Officer Tanon, Tanon, correctly, did not immediately react and allowed for tactical positioning and time to control the situation. However, after a few moments, Officer Tanon decided to reengage █████ choosing to escalate a situation that was largely under control and as supporting officers arrived to provide back-up. Therefore, COPA recommends a **Three (3) Day** suspension.

Approved:



4-24-2024

Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

Appendix ACase Details

Date/Time/Location of Incident:	October 30, 2022 / 1:37 pm / 4804 W. Madison St.
Date/Time of COPA Notification:	October 30, 2022 / 8:11 pm
Involved Member #1:	Michael Tanon, star #: 6300, employee ID#: [REDACTED], Date of Appointment: October 16, 2017, Unit of Assignment: 15, Male, Hispanic
Involved Member #2:	Bret Hon, star #: 6214, employee ID#: [REDACTED], Date of Appointment: October 16, 2017, Unit of Assignment: 15, Male, White
Involved Individual #1:	[REDACTED] Male, Black
Involved Individual #2:	[REDACTED] Female, 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.
- Rule __:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- G03-02, De-Escalation, Response to Resistance, and Use of Force (effective 4/15/21 to 6/28/23)
- G03-02-01, Response to Resistance and Force Options (effective 4/15/21 to 6/28/23)
- S03-14, Body Worn Cameras (effective 4/30/18 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.⁶⁹ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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.”⁷⁰

⁶⁹ 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).

⁷⁰ *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