



Log # 2023-2724

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On June 16, 2023, at 7:11 pm, the Civilian Office of Police Accountability (COPA) was notified of a fatal motor vehicle pursuit that occurred earlier that day, at approximately 5:40 pm.² COPA learned that Chicago Police Department (CPD) Officers Michael Spilotro and Erik Arroyo³ were on patrol within Zone 10, working Beat 1112A. The officers drove to the vicinity of S. Independence Blvd. and W. Polk St. after one or more 911 callers complained of a silver Hyundai with tinted windows speeding through the alleys. One caller specifically reported that there were four men in hoodies with firearms inside the Hyundai. Officers Spilotro and Arroyo were partners that day, and Officer Spilotro was the driver of their marked CPD vehicle. The officers located the silver Hyundai and followed it into an alley, whereupon the Hyundai sped away. The officers followed the Hyundai in their vehicle without activating their lights or siren. The Hyundai ultimately lost control and caused a multi-car collision on Roosevelt Rd. The occupant of a Honda Accord involved in the collision, [REDACTED] ([REDACTED]) was pronounced deceased at 6:19 pm at Mount Sinai Hospital. The driver of the Hyundai, juvenile [REDACTED] ([REDACTED]) received medical treatment at Stroger Hospital for lacerations to his left wrist. He was arrested on charges of reckless homicide and possession of a stolen vehicle. The driver of a Jeep Wrangler, [REDACTED] ([REDACTED]) also received medical treatment at Stroger Hospital for unknown injuries. The drivers of two other involved vehicles refused treatment.

Upon review of the evidence, COPA served allegations on both Officers Spilotro and Arroyo. Specifically, COPA alleged that Officer Spilotro initiated and continued a motor vehicle pursuit in violation of CPD policy, and that he drove without due regard for the safety of others. COPA also alleged that Officer Arroyo engaged in a motor vehicle pursuit in violation of CPD policy. Finally, COPA served allegations that both Officers Spilotro and Arroyo failed to notify the Office of Emergency Management and Communications (OEMC) of the motor vehicle pursuit, failed to activate emergency lights and siren, and failed to timely activate their body-worn cameras (BWCs). Following its investigation, COPA reached sustained findings for all allegations.

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 Pursuant to § 2-78-120 of the Chicago Municipal Code, COPA has a duty to investigate all incidents where a person dies as a result of police actions, such as during attempts to apprehend a suspect. Therefore, COPA determined it would be the primary administrative investigative agency in this matter.

³ At the time of this incident, Officer Arroyo held the rank of Probationary Police Officer.

II. SUMMARY OF EVIDENCE⁴

A. Video, Audio, and Documentary Evidence

On June 16, 2023, at approximately 5:34 pm, an individual called 911 to report four armed men in hoodies riding around at high speeds in a Hyundai with tinted windows.⁵ In-car camera (ICC) footage shows that, at approximately 5:37 pm, Officers Arroyo and Spilotro briefly activated their vehicle's lights and siren during their search for the Hyundai.⁶ The officers ultimately observed the Hyundai in an alley between Arthington St. and Polk St., just east of Independence Blvd. Upon approaching the Hyundai in the alley, the officers pulled up behind the vehicle.⁷ Though Officers Arroyo and Spilotro came within approximately one foot of the Hyundai, the license plate remained unreadable, at least on the ICC video.⁸ The Hyundai appeared to be trapped, with Officers Arroyo and Spilotro's vehicle behind it and an unmarked police SUV blocking the mouth of the alley. However, at 5:39:16 pm, the Hyundai squeezed past the unmarked SUV by driving over a metal signpost and the sidewalk, then turned right (eastbound) onto Polk St.⁹

Officer Spilotro followed the Hyundai from Polk St. to Homan Ave.¹⁰ Officer Spilotro did not comply with traffic laws as he drove. Specifically, he ran four stop signs,¹¹ reached speeds of up to 61 mph (in a 30 mph zone),¹² crossed the double yellow lines into the opposite direction of travel three times,¹³ turned right onto Roosevelt Rd. from the left turn lane of Homan Ave. while cutting off traffic,¹⁴ and ran one red light.¹⁵ Officers Spilotro and Arroyo did not activate their vehicle's lights and siren, nor did they notify OEMC of their actions.¹⁶ By 5:40:25 pm, the officers' vehicle had dropped its speed to 27 mph,¹⁷ and at approximately 5:40:32 pm, they resumed driving on the right side of the street.¹⁸ However, the ICC video shows that Officer Spilotro accelerated again one second later.¹⁹ Additionally, GPS data shows the police vehicle was traveling at 61 mph while in the vicinity of 3618 W Roosevelt Rd., just west of Central Park Ave.²⁰ The Hyundai's

⁴ 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 and in-car camera (ICC) footage, police reports, and officer interviews.

⁵ Att. 7 at 0:05 to 0:30.

⁶ Att. 1 at 1:08.

⁷ Att. 1 at 2:48.

⁸ Att. 1 at 3:02; Att. 50, pg. 8, lns. 3 to 5. Officer Spilotro also told COPA during his interview that the rear license plate was obscured.

⁹ Att. 1 at 2:58 to 3:05.

¹⁰ Att. 1 at 3:05 to 3:45.

¹¹ Att. 1 at 3:18, 3:33, 3:48, and 4:00.

¹² Att. 32, pg. 19.

¹³ Att. 1 at 3:52, 4:00, and 4:18.

¹⁴ Att. 1 at 4:10.

¹⁵ Att. 1 at 4:21.

¹⁶ Att. 48, pg. 38, lns. 12 to 23; Att. 50, pg. 26, lns. 6 to 22.

¹⁷ Att. 32 at pg. 19.

¹⁸ Att. 1 at 4:22.

¹⁹ Att. 1 at 4:23.

²⁰ Att. 32, pg. 19.

driver, █████ continued speeding and otherwise ignored traffic laws. At approximately 5:40:46 pm, the Hyundai crashed into oncoming traffic at approximately 3801 W. Roosevelt Rd.,²¹ ultimately involving four other vehicles and a light pole.²² █████ was transported to Stroger Hospital along with the driver of one other vehicle, where both were treated for injuries.²³ A third driver, █████ was transported to Mount Sinai Hospital, where he was pronounced deceased at 6:19 pm.²⁴

Upon observing the collision, Officers Spilotro and Arroyo proceeded to the crash scene, pulling into the British Petroleum (BP) station where the Hyundai had come to a rest.²⁵ The officers arrived at the BP station at 5:41:02 pm, just as █████ was exiting the Hyundai under his own power. He was the sole occupant of the vehicle. Officers Spilotro and Arroyo both approached █████ with their firearms drawn, and one of them shouted at █████ to get on the ground.²⁶ The officers immediately placed █████ under arrest. Officer Spilotro activated his BWC at 5:41:05 pm, just after he exited his vehicle and pointed his firearm at █████.²⁷ Officer Arroyo activated his BWC at 5:41:41 pm, after placing █████ under arrest and handcuffing him.²⁸ No firearms were located in the Hyundai or on █████ person.²⁹

According to OEMC event query reports, a 911 caller had reported four men with guns in a gray Hyundai, speeding through neighborhood alleyways.³⁰ The Traffic Pursuit Report (TPR) completed by Officer Spilotro stated that he “responded to an OEMC transmission concerning a stolen Hyundai with a kid inside southbound in the area of Independence and Polk. Moments later OEMC put out another flash message concerning the same vehicle in the same area, but added there were 4 occupants flashing handguns.”³¹ According to the information in the TPR, the Hyundai reached speeds up to 75 mph, while Officers Spilotro and Arroyo’s vehicle reached speeds up to 45 mph.³² OEMC reports also indicated that the incident was not initially classified as a traffic pursuit, as Beat 1112A (Officers Spilotro and Arroyo) never radioed their involvement. OEMC only identified Beat 1112A based on GPS, and later confirmed that these were the officers who pursued the Hyundai.³³ OEMC made this update at 8:21 pm, after previously reporting that no CPD officers were involved in the auto accident.³⁴ The officers never advised OEMC they were

²¹ Att. 1 at 4:36, *see also* Att. 4 at 2:54 and Att. 32.

²² Att. 34.

²³ Att. 34.

²⁴ Att. 34.

²⁵ Att. 1 at 4:36 to 4:52.

²⁶ Att. 1 at 4:55.

²⁷ Att. 2, at 1:59.

²⁸ Att. 3, 1:59.

²⁹ Att. 48, pg. 66, lns. 8 to 14, pg. 71, lns. 5 to 14.

³⁰ Att. 27, pg. 1.

³¹ Att. 32, pg. 2.

³² Att. 32, pg. 1.

³³ Att. 26, pg. 4.

³⁴ Att. 26, pg. 4.

involved in a pursuit, so the start time was unknown. The event query report further notes that SPCO Baldwin³⁵ did not classify this a traffic pursuit until 8:11 pm.³⁶

B. Statements to COPA

Officer Spilotro, Officer Arroyo, and their sergeant that day, Sergeant (Sgt.) Sherry Kotlarz, each gave statements to COPA. Officer Spilotro described his recollection of saturating the area with police vehicles, and both he and Officer Arroyo told COPA they were responding to reports of a stolen Hyundai driving recklessly, with four individuals pointing guns.³⁷ Both officers also described OEMC reports of a stolen vehicle with a child inside in the same area, which the officers believed to be the same vehicle.³⁸ Officer Arroyo recalled that they activated their lights and siren after initially seeing the stolen Hyundai.³⁹ The lights and siren were deactivated moments later, for “tactical” reasons, as the officers approached the Hyundai.⁴⁰ The officers then drove closer to the Hyundai to confirm the identification, but the Hyundai sped down the alley.⁴¹ According to Officer Spilotro, they were unable to read the Hyundai’s plate because the “plates in the rear seemed to be obstructed by some type of illegal plate cover.”⁴² Officer Arroyo explained that when they pulled up behind the Hyundai, it “took off” down the alley and escaped past an unmarked police SUV at the end of the alley.⁴³ The officers told COPA they believed the Hyundai had struck the unmarked police SUV, but later learned that the noise they heard came from the Hyundai running over a pole.⁴⁴

According to Officer Arroyo, after the Hyundai ran over the pole and turned onto Polk St., the officers pursued the Hyundai.⁴⁵ According to Officer Spilotro, when the Hyundai exited the alley onto Polk St., he followed the Hyundai to get more information about the vehicle, and he began weighing the balancing test to determine whether to initiate a pursuit.⁴⁶ Officer Spilotro stated that he decided to “possibly” start a pursuit around the time the Hyundai reached the viaduct bridge on Homan Ave.,⁴⁷ and he subsequently confirmed that this was where the pursuit was initiated.⁴⁸

³⁵ Supervising Police Communications Operator.

³⁶ Att. 28, pg. 7.

³⁷ Att. 48, pg. 12, lns. 7 to 13; Att. 50, pg. 7, lns. 6 to 13.

³⁸ Att. 48, pg. 12, lns. 7 to 13; Att. 50, pg. 7, lns. 6 to 13.

³⁹ Att. 48, pg. 12, ln. 15.

⁴⁰ Att. 48, pg. 12, lns. 15 to 19; Att. 50, pg. 7, lns. 14 to 21.

⁴¹ Att. 48, pg. 12, lns. 22 to 24.

⁴² Att. 50, pg. 8, lns. 4 to 5.

⁴³ Att. 48, pg. 12, ln. 20 to pg. 13, ln. 4.

⁴⁴ Att. 48, pg. 19, lns. 8 to 17; Att. 50, pg. 64, lns. 5 to 19.

⁴⁵ Att. 48, pg. 19, lns. 18 to 24.

⁴⁶ Att. 50, pg. 8, ln. 23 to pg. 9, ln. 9.

⁴⁷ Based on the ICC video, this means Officer Spilotro considered the pursuit to have “possibly” begun at approximately 5:40:08 pm. Att. 1 at 3:58.

⁴⁸ Att. 50, pg. 30, lns. 15 to 16.

Officers Spilotro and Arroyo agreed that it was Officer Arroyo's responsibility as the passenger to operate the radio,⁴⁹ and Officer Spilotro stated that he was not aware that Officer Arroyo had not radioed OEMC until later.⁵⁰ Officer Arroyo stated that he did not notify OEMC that he and Officer Spilotro were in pursuit of the Hyundai because he was "shocked," and "it happened so fast."⁵¹ Officer Arroyo added that he had only been on the streets as an officer for six months, he was new to the district, and he did not know what street they were on at the beginning of the pursuit.⁵²

Regarding the activation of their vehicle's emergency equipment, Officer Arroyo stated that he thought the lights and siren were on during the pursuit.⁵³ He also stated that either he or Officer Spilotro could have operated the lights and siren, as the switch in the vehicle is accessible to both the driver and the front passenger.⁵⁴ Officer Spilotro told COPA he did not activate the lights and siren as he drove east on Polk St. because he did not believe they were in a pursuit at the time.⁵⁵ However, when asked why the lights and siren were not activated as he pursued on Roosevelt Rd., he stated that he thought they were on at the time, but learned later they were not.⁵⁶

Sgt. Kotlarz told COPA that she was not contemporaneously aware of the motor vehicle pursuit based on the radio transmissions.⁵⁷ Instead, she heard a radio call about a traffic crash with a request for ambulances.⁵⁸ After Sgt. Kotlarz arrived on scene, she received a phone call from her lieutenant, who told her that the incident may have involved a vehicle pursuit.⁵⁹ Sgt. Kotlarz then asked Officers Spilotro and Arroyo if they had been involved in a pursuit, and they said no.⁶⁰ However, she concluded that the officers had subsequently agreed that there was a pursuit, because they completed the pursuit paperwork.⁶¹

III. ALLEGATIONS

Officer Erik Arroyo:

1. Engaging in a motor vehicle pursuit, in violation of General Order G03-03-01.
 - Sustained, violation of Rules 2, 3, 6, and G03-03-01.
2. Failing to immediately notify OEMC of relevant information, in violation of General Order G03-03-01.
 - Sustained, violation of Rules 2, 3, 5, 6, 10, and G03-03-01.

⁴⁹ Att. 48, pg. 11, lns. 12 to 19; Att. 50, pg. 19, lns. 17 to 19.

⁵⁰ Att. 50, pg. 45, ln. 23 to pg. 46, ln. 4.

⁵¹ Att. 48, pg. 32, ln. 8 to pg. 33, ln. 2.

⁵² Att. 48, pg. 32, lns. 19 to 22.

⁵³ Att. 48, pg. 57, ln. 17 to pg. 58, ln. 3.

⁵⁴ Att. 48, pg. 59, ln. 24 to pg. 60, ln. 11.

⁵⁵ Att. 50, pg. 21, lns. 20 to 23.

⁵⁶ Att. 50, pg. 49, lns. 15 to 18.

⁵⁷ Att. 47, pg. 9, ln. 22 to pg. 10, ln. 9.

⁵⁸ Att. 47, pg. 6, lns. 17 to 21.

⁵⁹ Att. 47, pg. 8, lns. 17 to 24.

⁶⁰ Att. 47, pg. 10, ln. 17 to pg. 11, ln. 6.

⁶¹ Att. 47, pg. 21, lns. 13 to 14.

3. Failing to activate emergency-roof lights and siren, in violation of General Order G03-03-01.
 - Sustained, violation of Rules 2, 3, 5, 6, 10, and G03-03-01.
4. Failing to timely activate his body-worn camera, in violation of Special Order S03-14.
 - Sustained, violation of Rule 2, 3, 5, 6, 10, and S03-14.

Officer Michael Spilotro:

1. Initiating a motor vehicle pursuit, in violation of General Order G03-03-01.
 - Sustained, violation of Rules 2, 3, 6, and G03-03-01.
2. Continuing a motor vehicle pursuit, in violation of General Order G03-03-01.
 - Sustained, violation of Rules 2, 3, 6, and G03-03-01.
3. Failing to immediately notify OEMC of relevant information, in violation of General Order G03-03-01.
 - Sustained, violation of Rules 2, 3, 5, 6, 10, and G03-03-01.
4. Failing to activate emergency-roof lights and siren, in violation of General Order G03-03-01.
 - Sustained, violation of Rules 2, 3, 5, 6, 10, and G03-03-01.
5. Driving without due regard to the safety of all persons, in violation of General Order G03-03.
 - Sustained, violation of Rules 1, 2, 3, 5, 6, 10, and G03-03.
6. Failing to timely activate his body-worn camera, in violation of Special Order S03-14.
 - Sustained, Violation of Rules 2, 3, 5, 6, 10, and S03-14 .

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. This investigation revealed evidence that caused COPA to question the credibility of both Officers Spilotro and Arroyo.

In this case, COPA finds that Officers Spilotro and Arroyo provided accounts of the incident that were contradicted by available evidence in several ways. For example, both officers told COPA that, at the time, they believed the Hyundai had struck the unmarked police SUV at the end of the alley.⁶² Officer Spilotro even cited this as a justification for the pursuit, referring to it as an aggravated battery to a police officer.⁶³ The ICC video, however, establishes that the Hyundai moved past the unmarked police SUV without striking it, as there is no sound consistent with a two-car collision and no apparent damage to the unmarked police SUV the Hyundai is alleged to have struck.⁶⁴

⁶² Att. 48, pg. 13, Ins. 1to 5; Att. 50, pg. 8, Ins. 12 to 15.

⁶³ Att. 50, pg. 62, Ins. 14 to 23.

⁶⁴ Att. 1 at 3:00 to 3:05.

In other respects, there are reasons to doubt the reliability of the officers' statements. Officer Arroyo could not recall if he notified OEMC of the pursuit,⁶⁵ while Officer Spilotro said he thought Officer Arroyo might have notified OEMC, but learned later that he had not.⁶⁶ Additionally, both officers believed they had their lights and siren activated during their pursuit of the Hyundai.⁶⁷ However, the evidence clearly shows that neither officer notified OEMC or activated their lights and siren during the pursuit.

Additionally, while Officer Arroyo acknowledged that they engaged in a pursuit when they followed the Hyundai onto Polk St.,⁶⁸ Officer Spilotro maintained that he initiated a "possible" pursuit only after following the Hyundai onto Homan Ave. and under a viaduct.⁶⁹ In explaining this, Officer Spilotro drew a distinction between "following" and "pursuing,"⁷⁰ which is a distinction without a difference under CPD policy. Officer Spilotro also acknowledged that his lights and siren were not on when he followed the Hyundai on Polk St., based on his determination that he was not in pursuit,⁷¹ but he nevertheless failed to adhere to traffic laws and signals.

Finally, Officer Spilotro's statements that he purposely did not activate his lights and siren while *following* the Hyundai, but he did not realize they were off later while *pursuing* the Hyundai, are difficult to reconcile.

V. ANALYSIS⁷²

A. Motor Vehicle Pursuit.

COPA has reached a finding of **sustained** regarding Allegations #1 and #2 against Officer Spilotro, that he initiated and subsequently continued a motor vehicle pursuit in violation of CPD policy. COPA has likewise reached a finding of **sustained** regarding Allegation #1 against Officer Arroyo, that he engaged in a motor vehicle pursuit in violation of CPD policy. COPA finds that the officers were engaged in a pursuit from the time they followed the Hyundai out of the alley onto Polk St. until the Hyundai crashed. Additionally, COPA finds that the initiation and continuation of this pursuit failed to comply with CPD's safety requirements and violated CPD policy. Although Officer Spilotro was the driver of the CPD vehicle, Officer Arroyo was an active participant in the pursuit, and both officers bear responsibility for their conduct during this incident.

⁶⁵ Att. 48, pg. 22, lns. 2 to 5.

⁶⁶ Att. 50, pg. 26, lns. 14 to 22.

⁶⁷ Att. 48, pg. 55, lns. 14 to 22; Att. 50, pg. 49, lns. 15 to 18.

⁶⁸ Att. 48, pg. 19, lns. 18 to 24.

⁶⁹ Att. 50, pg. 22, ln. 21 to pg. 23, ln. 2.

⁷⁰ Att. 50, pg. 29, ln. 16 to pg. 30, ln. 19.

⁷¹ Att. 50, pg. 21, lns. 20 to 23.

⁷² For a definition of COPA's findings and standards of proof, *see* Appendix B.

1. The officers were involved in a vehicle pursuit.

First, COPA finds by a preponderance of the evidence that Officer Spilotro initiated a motor vehicle pursuit when he followed the Hyundai onto Polk St., and continued that pursuit until the Hyundai crashed. Additionally, although Officer Spilotro was the driver of the CPD vehicle, COPA also finds that Officer Arroyo engaged in the pursuit. It should be noted that neither officer denied they engaged in a pursuit.

CPD policy provides that a motor vehicle pursuit occurs when a driver or operator of a motor vehicle flees or attempts to elude a peace officer after having been signaled, and the peace officer follows.⁷³ More specifically, fleeing and attempting to elude are defined as follows:

For the purpose of this directive, fleeing or attempting to elude a peace officer as defined in 625 ILCS 5/11-204, occurs when:

1. any driver or operator of a motor vehicle who, having been given a visual or audible signal by a peace officer directing such driver or operator to bring his vehicle to a stop, willfully fails or refuses to obey such direction, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude the officer; and
2. the signal given by the peace officer may be by hand, voice, siren, red or blue light. The officer giving such signal shall be in police uniform, and, if driving a vehicle, such vehicle shall display illuminated oscillating, rotating or flashing red or blue lights which when used in conjunction with an audible horn or siren would indicate the vehicle to be an official police vehicle.⁷⁴

Once a person attempts to flee, CPD policy provides only two types of incidents under which the subsequent actions may be classified: eluding without a motor vehicle pursuit, or a motor vehicle pursuit.⁷⁵ More specifically,

- A. When a motor vehicle pursuit is not initiated, eluding exists after a driver is issued a visual and audible signal to stop and, after a reasonable time to yield, the driver flees by doing any of the following:
 1. Increases speed;
 2. Takes evasive actions; or
 3. Refuses to stop.

⁷³ Att. 61, G03-03-01, Emergency Vehicle Operations – Eluding and Pursuing (effective August 15, 2020 to present).

⁷⁴ Att. 61, G03-03-01(II)(F).

⁷⁵ Att. 61, G03-03-01(III); G03-03-01(IV).

- B. An eluding incident only occurs when the Department member deactivates all emergency equipment and stops following the other vehicle immediately after its driver refuses to pull over and flees.
- C. If a Department member states that he or she is following a vehicle whose driver has refused to pull over after being signaled to do so, the incident will automatically be classified as a pursuit.⁷⁶

No other outcomes are contemplated by the CPD policy. Therefore, when Officer Spilotro followed the Hyundai onto Polk St., he initiated a pursuit.

In his statement to COPA, Officer Spilotro described following the Hyundai out of the alley onto Polk St. while weighing the balancing test to determine if he should initiate a pursuit. He specifically stated, "I did not believe I was in a pursuit at that moment."⁷⁷ COPA finds by a preponderance of the evidence that the driver of the Hyundai was sufficiently signaled when Officer Spilotro pulled up behind it in the alley, and when there was another CPD vehicle directly ahead at the mouth of the alley. Therefore, when the Hyundai escaped the alley onto Polk St., COPA finds that it was fleeing or eluding. As such, when Officer Spilotro did not stop the CPD vehicle, and instead followed the Hyundai to gain information to apprehend the driver, he initiated a vehicle pursuit, regardless of his subjective belief at the time.

While he was not driving, Officer Arroyo also actively participated in the pursuit. He never communicated to Officer Spilotro that they should not engage in a pursuit. To the contrary, he told COPA that "we followed the car coming out of Polk, and then we -- that's when we did the balancing test if -- whether it was safe or not to continue... So then we decided to then pursue."⁷⁸ Accordingly, COPA finds that Officer Arroyo actively engaged in the pursuit.

2. CPD policy prohibited the initiation of a vehicle pursuit under the circumstances.

CPD policy prohibits members from engaging in a motor vehicle pursuit when the most serious offense is (1) a traffic offense, other than driving under the influence of drugs/alcohol, or (2) theft (including possession of a stolen vehicle).⁷⁹ Eluding a peace officer is considered a traffic offense under Illinois law.⁸⁰

The officers provided two reasons for following the Hyundai after it failed to stop in the alley. First, Officer Spilotro stated that he erroneously believed the Hyundai had struck the unmarked police SUV when exiting the alley, which he classified as a possible aggravated battery to a peace officer. However, COPA finds that a reasonable officer could not have concluded that

⁷⁶ Att. 61, G03-03-01(III)(A-C).

⁷⁷ Att. 50, pg. 21, Ins. 22 to 23.

⁷⁸ Att. 48, pg. 21, Ins. 6 to 10.

⁷⁹ Att. 61, G03-03-01(V)(A)(1-2).

⁸⁰ See 625 ILCS 5/11-204.1 (Aggravated fleeing or attempting to elude a peace officer).

any contact was made between two vehicles. There is no objective evidence to support Officer Spilotro's contention that the Hyundai struck the unmarked police SUV stopped at the end of the alley. COPA does not accept Officer Spilotro's unreasonable assumption in this matter and therefore concludes aggravated battery against an officer did not occur and could not justify initiating a pursuit.

Second, both officers stated that OEMC broadcast a report of a child in a stolen car. COPA's investigation has not been able to corroborate the existence of the report concerning a stolen Hyundai with a child inside. In addition, it is not clear whether the report described by the officers was of a child who was the victim of a carjacking or kidnapping, or simply a child who happened to be driving a stolen vehicle. In fact, it was ultimately determined that the Hyundai was a stolen vehicle being *driven* by a 15-year-old.⁸¹ Additionally, while OEMC broadcast reports of multiple males inside the Hyundai with firearms, the officers themselves admitted the windows of the vehicle were tinted and they were unable to confirm this information before the pursuit.⁸² COPA therefore finds the officers did not have a basis to initiate a vehicle pursuit for this reason.

Given these facts, the officers faced a situation where CPD policy prohibited a pursuit. Eluding a peace officer is a traffic offense and initiation of a pursuit on that basis is expressly forbidden. Further, it is not clear that the officers had information to suggest the Hyundai was more than just a stolen vehicle at the time they initiated the pursuit. For all these reasons, COPA finds the officers' decision to initiate the vehicle pursuit violated CPD policy.

3. The pursuit did not comply with CPD's safety requirements and should not have been continued.

CPD policy provides that members will only engage in a motor vehicle pursuit when (1) it complies with the balancing test; (2) the pursuing marked vehicle has its emergency-roof lights and siren activated; and (3) OEMC has been notified regarding the facts concerning the pursuit.⁸³ All three elements must be satisfied, and members are required to terminate any pursuit that does not conform to this policy.⁸⁴ Here, Officers Spilotro and Arroyo failed to meet any of these requirements during the pursuit, and they were therefore required to terminate it.

The balancing test is defined as follows: "The necessity to immediately apprehend the fleeing suspect outweighs the level of inherent danger created by a motor vehicle pursuit."⁸⁵ To determine whether the balancing test was met, COPA considered the information known to the officers at the time. In this case, regarding the necessity to apprehend, Officers Spilotro and Arroyo

⁸¹ Att. 33.

⁸² Att. 48, pg. 25, Ins. 7 to 13; Att. 50, pg. 63, Ins. 7 to 12.

⁸³ Att. 61, G03-03-01(VII)(A).

⁸⁴ Att. 61, G03-03-01(II)(D).

⁸⁵ Att. 61, G03-03-01(IV)(A).

pointed to their belief, based on OEMC reports, that the Hyundai was occupied by four men who were speeding around in alleys, pointing guns at people.⁸⁶

In considering the inherent danger of a pursuit, the relevant factors include the location, time, speeds, and amount of vehicular and pedestrian traffic. The path of the pursuit began on Polk St., then continued onto Homan Ave. and Roosevelt Rd., spanning a total of approximately 1.3 miles. The pursuit took place from 5:39 to 5:40 pm on a Friday afternoon. The ICC footage demonstrates there was heavy rush hour traffic on major streets during much of the pursuit. Additionally, the GPS data shows the officers travelled at speeds in excess of 60 mph during portions of the pursuit. COPA therefore finds that the danger posed by the vehicular and pedestrian traffic, combined with the high speeds of the pursuit, substantially outweighed the necessity to immediately apprehend the Hyundai. Thus, COPA finds the balancing test prohibited the pursuit.

CPD policy also requires marked vehicles engaged in a pursuit to activate their emergency lights and siren.⁸⁷ It is uncontested that Officers Spilotro and Arroyo's vehicle did not have its lights and siren activated during the pursuit. Therefore, the pursuit was also prohibited due to officers' failure to activate their emergency equipment.

Finally, CPD policy requires CPD members engaged in a pursuit to notify OEMC regarding the facts of the pursuit.⁸⁸ It is undisputed that neither Officer Spilotro nor Officer Arroyo notified OEMC of any information before, during, or after the pursuit. Therefore, the pursuit was also prohibited due to the officers' failure to provide the required notification to OEMC.

For these reasons, COPA finds Allegations #1 and #2 against Officer Spilotro, and Allegation #1 against Officer Arroyo, are **sustained** by a preponderance of the evidence. The officers' decision to pursue the Hyundai violated Rules 2, 3, and 6, as well as G03-03-01.

B. Failure to notify OEMC.

COPA has reached a finding of **sustained** regarding Allegation #3 against Officer Spilotro and Allegation #2 against Officer Arroyo, that they failed to immediately notify OEMC of all relevant information. CPD policy expressly requires officers to inform OEMC when they engage in a motor vehicle pursuit. Specifically, the primary pursuit unit is required to immediately notify OEMC that a pursuit is in progress, and provide a) their radio-call identification number; b) the specific reason for the pursuit, including the laws violated; c) the location, speed, and direction of travel; d) the vehicle description; e) the number of occupants; and f) any other relevant information.⁸⁹ This information is critically important to ensure the awareness and safety of other CPD members in the area.

⁸⁶ For the reasons discussed above, COPA finds there is insufficient evidence to support the officers' belief that the Hyundai was occupied by a child or had committed a battery on an officer.

⁸⁷ Att. 61, G03-03-01(VII)(A)(2).

⁸⁸ Att. 61, G03-03-01(VII)(A)(3).

⁸⁹ Att. 61, G03-03-01(VIII)(A).

Here, it is undisputed that neither officer notified OEMC of the pursuit. Officer Spilotro explained that he did not notify OEMC because he was preoccupied with driving, and the passenger officer is usually responsible for operating the radio.⁹⁰ Officer Arroyo agreed that it was his responsibility to operate the radio, as he was not driving.⁹¹ However, Officer Arroyo failed to notify OEMC of the pursuit, and Officer Spilotro failed to prompt Officer Arroyo, who was an inexperienced probationary officer, to notify OEMC. Officer Arroyo explained that he thought another CPD unit had related the information to OEMC, and because it was his first pursuit, he was preoccupied with making sure it was safe.⁹² Officer Spilotro stated that he was focused on driving and believed at the time that Officer Arroyo had made the requisite notification. He also voiced his belief that, as a rookie officer freshly out of the academy, Officer Arroyo would remember to follow procedure.⁹³ None of these explanations are sufficient to overcome the officers' collective responsibility to notify OEMC.

In light of the foregoing, COPA finds Allegation #3 against Officer Spilotro and Allegation #2 against Officer Arroyo are **sustained**, in violation of Rules 2, 3, 5, 6, and 10.

C. Failure to activate lights and siren.

COPA has reached a finding of **sustained** regarding Allegation #4 against Officer Spilotro and Allegation #3 against Officer Arroyo, that they failed to activate their emergency-roof lights and siren. As set forth above, CPD policy requires officers to activate their emergency lights and siren whenever they are engaged in a vehicle pursuit.⁹⁴ Because Officers Spilotro and Arroyo were involved in a pursuit, it was mandatory for them to activate their vehicle's emergency lights and siren. The evidence conclusively shows they did not do so during the pursuit.

Therefore, COPA finds Allegation #4 against Officer Spilotro and Allegation #3 against Officer Arroyo are **sustained**, in violation of Rules 2, 3, 5, 6, and 10.

D. Driving without due regard for the safety of all persons.

COPA has reached a finding of **sustained** regarding Allegation #5 against Officer Spilotro, that he drove without due regard for the safety of all persons. Pursuant to Illinois law, police vehicles are afforded special privileges and exemptions when engaging in emergency response calls and motor vehicle pursuits.⁹⁵ These special privileges apply to all officers, but only when the vehicle they are driving is readily identifiable as an emergency vehicle. During a pursuit, the exemptions allow officers to exceed the speed limit, disregard regulations governing direction of movement, and proceed past red traffic signals and stop signs so long as it does not endanger life

⁹⁰ Att. 50, pg. 19, lns. 1 to 19.

⁹¹ Att. 48, pg. 11, lns. 12 to 19.

⁹² Att. 48, pg. 31, lns. 1 to 9.

⁹³ Att. 50, pgs. 69, ln. 13 to pg. 70, ln. 9.

⁹⁴ Att. 61, G03-03-01(VII)(A)(2).

⁹⁵ 625 ILCS 5/11-205; *see also* Att. 62, General Order G03-03(III)(A), Emergency Use of Department Vehicles (effective March 18, 2022 to present).

or property.⁹⁶ However, these provisions do not relieve officers from the responsibility of driving with due regard for the safety of all persons, nor do they protect officers from the consequences of any conscious disregard for safety.⁹⁷

During his statement, Officer Spilotro told COPA that he initiated the pursuit near the viaduct on Homan Ave. He further stated that he discontinued the pursuit on Roosevelt Rd., east of Central Park Ave. Even accepting Officer Spilotro's erroneous understanding of a pursuit as true, that would mean he drove at more than double the speed limit and disregarded three stop signs and one red light while, by his definition, *not in a pursuit*.

COPA, however, has found that the pursuit began when Officer Spilotro followed the Hyundai out of the alley onto Polk St. The ICC footage, GPS data, and other evidence shows that Officer Spilotro drove at unjustifiably high speeds and engaged in reckless driving maneuvers during the pursuit. Specifically, he ran four stop signs and one red light, reached speeds of up to 61 mph (in a 30 mph zone), crossed the double yellow lines into the opposite direction of travel three times, and cut off traffic when he turned right onto Roosevelt Rd. from the left turn lane on Homan Ave. Moreover, Officer Spilotro drove in this manner during rush hour traffic on several major thoroughfares. His actions posed a substantial risk to the safety of others, as demonstrated by the fatal multi-vehicle collision that ended the pursuit.

For all these reasons, COPA finds that Allegation #5 against Officer Spilotro is **sustained**, in violation of Rules 1, 2, 3, 5, 6, and 10.

E. Failure to activate BWCs.

COPA has reached a finding of **sustained** regarding Allegation #6 against Officer Spilotro and Allegation #4 against Officer Arroyo, that they failed to timely activate their BWCs. CPD policy mandates that members record all law-enforcement-related encounters on their BWCs. Members are required to activate their cameras at the beginning of an incident and record the entire incident for all "law-enforcement-related activities," including investigatory stops, traffic stops, traffic control, vehicle pursuits, high risk situations, emergency vehicle responses where fleeing suspects or vehicles may be captured on video leaving the crime scene, and any other instance when enforcing the law.⁹⁸ The recording of law-enforcement-related activities is mandatory, not discretionary.⁹⁹ If there are circumstances preventing a member from activating his BWC at the beginning of the incident, the member "will activate the BWC as soon as practical."¹⁰⁰

This incident involved multiple law-enforcement-related activities that CPD policy identifies as requiring BWC activation, including vehicle pursuits.¹⁰¹ Officer Spilotro activated his

⁹⁶ 625 ILCS 5/11-205(C); *see also* Att. 62, G03-03(III)(C).

⁹⁷ Att. 62, G03-03(III)(A).

⁹⁸ Att. 63, Special Order S03-14(III)(A)(2), Body Worn Cameras (effective April 30, 2018 until December 29, 2023).

⁹⁹ Att. 63, S03-14(III)(A)(1).

¹⁰⁰ Att. 63, S03-14(III)(A)(2).

¹⁰¹ Att. 63, S03-14(III)(A)(2).

BWC at 5:41:05 pm, just after he exited his vehicle and pointed his firearm at [REDACTED] Officer Arroyo activated his BWC even later, at 5:41:41 pm, after placing [REDACTED] in handcuffs. Notably, neither officer activated their BWC until *after* the Hyundai caused a multi-vehicle collision and the vehicle pursuit ended. Officer Spilotro acknowledged that he was engaged in police action when he approached the stolen Hyundai in the alley, but he did not activate his BWC because “everything just happened so fast.”¹⁰² Officer Arroyo asserted that he engaged in police action at the onset of the pursuit,¹⁰³ which he correctly understood as when Officer Spilotro followed the Hyundai out of the alley. Officer Arroyo also admitted that he should have activated his BWC, explaining that “just a lot of things were going on.”¹⁰⁴ COPA finds that Officers Spilotro and Arroyo were required to activate their BWCs while approaching the Hyundai in the alley before the pursuit began, and that no exigency prevented them from doing so.

For these reasons, COPA finds Allegation #6 against Officer Spilotro and Allegation #4 against Officer Arroyo are **sustained**, in violation of Rules 2, 3, 5, 6, and 10.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Arroyo’s Complimentary and Disciplinary History¹⁰⁵

Officer Arroyo’s complimentary history is comprised of 10 awards. His disciplinary history includes four SPARs: 1) a July 2023 SPAR for failing to perform any duty, resulting in a 1-day suspension, 2) a November 2023 SPAR for failing to timely activate his BWC, resulting in a reprimand, 3) an April 2024 SPAR for a parking transgression, resulting in a reprimand, and 4) an April 2024 SPAR for failing to perform any duty, resulting in a 1-day suspension.

b. Officer Spilotro’s Complimentary and Disciplinary History¹⁰⁶

Officer Spilotro’s complimentary history is comprised of 17 awards, the highlights of which include one Unit Meritorious Performance Award. His disciplinary history includes four SPARs: 1) an August 2022 SPAR for a preventable accident, resulting in a reprimand, 2) an October 2022 SPAR for a preventable accident, resulting in a 1-day suspension, 3) a January 2024 SPAR for inattention to duty, resulting in a reprimand, and 4) a March 2024 SPAR for a preventable accident, resulting in a 2-day suspension.

c. Recommended Discipline

COPA has found that Officers Arroyo and Spilotro violated Rules 2, 3, 5, 6, and 10 when they engaged in a motor vehicle pursuit in violation of CPD policy, failed to notify OEMC, failed

¹⁰² Att. 50, pg. 55, ln. 21.

¹⁰³ Att. 48, pg. 74, lns. 8 to 14.

¹⁰⁴ Att. 48, pg. 74, lns. 15 to 18.

¹⁰⁵ Att. 68.


¹⁰⁶ Att. 67.

to activate their emergency equipment, and failed to timely activate their BWCs. COPA has also found that Officer Spilotro violated Rules 1, 2, 3, 5, 6, and 10 when he drove without due regard for the safety of all persons. Here, the officers' decision to pursue the Hyundai did not merely violate CPD policy; it set in motion a chain of events that ended when the Hyundai caused a multi-vehicle collision, killing an innocent motorist. In addition, the officers' failure to activate their vehicle's lights and/or siren deprived other motorists of notice of the pursuit and increased the risk involved in an already dangerous situation. The officers compounded this problem by failing to notify OEMC, creating confusion and a delay in reporting the facts of the pursuit. Finally, their late BWC activations showed a lack of commitment to transparency, which deprived COPA of valuable video footage of the incident.

In mitigation, COPA recognizes that Officer Arroyo had only been a police officer for one year when this incident occurred, and many of his errors can be attributed to inexperience and/or inadequate training. COPA also notes that Officer Arroyo was the passenger in this instance and did not initiate the pursuit. In aggravation, Officer Arroyo has four recent SPARs, including one for failing to timely activate his BWC and two for failing to perform required duties. Given this, COPA recommends that Officer Arroyo receive a **30-day suspension and retraining** on CPD's vehicle pursuit and BWC policies.

COPA has also considered Officer Spilotro's 17 awards in mitigation and his limited experience as an officer (less than five years at the time of this incident). In aggravation, COPA notes, first and foremost, the loss of human life related to the out-of-policy vehicle pursuit that Officer Spilotro initiated. Officer Spilotro not only engaged in dangerous driving maneuvers and disregarded CPD policy during the pursuit, but he also minimized his involvement during his COPA statement and even asserted that his rookie partner knew CPD policies better than he did. It is also highly concerning that Officer Spilotro had a history of two preventable accidents before this incident, and another afterwards, which establishes a pattern of reckless driving while on duty. In light of these mitigating and aggravating circumstances, COPA recommends that Officer Spilotro be **separated** from the Chicago Police Department.

Approved:

 #13

Steffany Hreno
Director of Investigations

6/14/2024

Date



Andrea Kersten
Chief Administrator

6/14/2024

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	June 16, 2023 / 5:40 pm / 4022 West Wilcox Street, Chicago, IL 60624
Date/Time of COPA Notification:	June 16, 2023 / 7:11 pm
Involved Member #1:	Michael Spilotro III, Star #17487, Employee ID # [REDACTED] Date of Appointment: August 16, 2019, Unit of Assignment: 011, Male, Hispanic
Involved Member #2:	Erik Arroyo, Star #10537, Employee ID # [REDACTED] Date of Appointment: February 28, 2022, Unit of Assignment: 011, Male, Hispanic
Involved Individual #1:	[REDACTED] Male, Black
Involved Individual #2:	[REDACTED] Male, Hispanic

Applicable Rules

- Rule 1:** Violation of any law or ordinance.
- 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

- G03-03: Emergency Use of Department Vehicles (effective March 18, 2022 to present)
- G03-03-01: Emergency Vehicle Operations – Eluding and Pursuing (effective August 15, 2020 to present)
- S03-14: Body Worn Cameras (effective April 30, 2018 to December 29, 2023)

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.¹⁰⁷ 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.”¹⁰⁸

¹⁰⁷ 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).

¹⁰⁸ *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