

**BEFORE A MEMBER OF THE POLICE BOARD
OF THE CITY OF CHICAGO**

IN THE MATTER OF THE)	
RECOMMENDATIONS FOR DISCIPLINE OF)	
)	
POLICE OFFICER ANTHONY SPICUZZA,)	No. 21 RR 01
STAR No. 9807, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO,)	
)	
AND)	
)	
POLICE OFFICER ROBERTO GARDUNO,)	No. 21 RR 02
STAR No. 9138, DEPARTMENT OF POLICE,)	
CITY OF CHICAGO.)	(CR No. 1089790)

REQUEST FOR REVIEW

On January 7, 2021, the Office of the Police Board of the City of Chicago received from the Chief Administrator of the Civilian Office of Police Accountability (“COPA”) a request for review of the Chief Administrator’s recommendation for discipline of Police Officers Anthony Spicuzza, Star No. 9807, and Roberto Garduno, Star No. 9138, arising out of the investigation of Complaint Register No. 1089790 (“Request for Review”).

The Chief Administrator recommended that the following allegation against both Officers Spicuzza and Garduno be *Sustained*:

Allegation No. 6: On or about May 31, 2018, at approximately 8:10 p.m., in the vicinity of 3219 West Roosevelt Road, Chicago, Officers Anthony Spicuzza and Roberto Garduno handcuffed [a juvenile] for an excessive amount of time.

The Chief Administrator recommended that Officers Spicuzza and Garduno each be suspended from the Chicago Police Department for a period of thirty (30) days. The Chief Administrator also recommended that both Officers Spicuzza and Garduno be subject to appropriate training to address not only how to interact and engage vulnerable individuals, but also proper

police tactics associated with responding to a call for service involving a firearm.

The Superintendent objected to the Chief Administrator's recommendation in that the Superintendent recommended that Allegation No. 6 be classified as *Exonerated*. The Superintendent stated that Officers Spicuzza and Garduno will be required to attend training for interacting positively with youth.

According to the Certificate submitted by the Chief Administrator: (1) the Chief Administrator issued the recommendation for discipline on July 31, 2020; (2) the Chief Administrator received the Superintendent's written response on October 26, 2020; (3) the Chief Administrator's designees met with the Superintendent's designees and discussed this matter on December 29, 2020; and (4) the Request for Review was sent via email to the Executive Director of the Police Board on January 6, 2021.

The Executive Director of the Police Board prepared and forwarded the Request for Review file to John P. O'Malley Jr., the member of the Police Board who was selected on a random basis, pursuant to Article VI of the Police Board's Rules of Procedure ("Reviewing Member"). On January 11, 2021, the Reviewing Member reviewed the Request for Review pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago and Article VI of the Police Board's Rules of Procedure.

OPINION

It is my opinion that, based on a thorough review of the Request for Review file and the publicly available video footage from NBC 5 Chicago that is referenced on page 8 of COPA's Summary Report of Investigation, the Superintendent has met the burden of overcoming the Chief Administrator's recommendation for discipline.

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I agree with the Superintendent that the evidence does not support sustained allegations and a suspension of 30 days for each officer. It is not clear from the evidence how long the child was handcuffed. Even if it were as long as 10 - 17 minutes, as COPA suggests, it is my opinion that the evidence is not sufficient to show that the officers handcuffed the child for an excessive amount of time based on the totality of the situation, including the seriousness of the call and the need to investigate the matter fully.

It is also my opinion that additional training should be given to both officers regarding the care, custody, and control of juveniles. The assessment when dealing with juveniles should be done as quickly as possible and special care should be taken at all times. Both officers were on the job at the time of the event approximately two years each and were assigned to a city-wide mobile unit and not necessarily familiar with the residents of this community, which may have impacted how they handled the call. A more seasoned officer familiar with the district in question most likely would have been able to assess the situation sooner had he or she responded as well to the 911 calls and arrived on the scene as Officers Spicuzza and Garduno were detaining the youth and investigating the situation. In my opinion, this does not mean however that the actions by both officers constitutes excessive detention. It should be noted that both officers now have almost five years on the job and have not received any disciplinary action, which in my opinion shows they are abiding by the general orders and are providing good police service to the community.

Therefore, pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago, the Superintendent's response to the Chief Administrator's recommendation for discipline shall be implemented.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19th DAY

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OF JANUARY, 2021.

/s/ JOHN P. O'MALLEY JR.
Member
Police Board

Attested by:

/s/ MAX A. CAPRONI
Executive Director
Police Board