SUMMARY REPORT OF INVESTIGATION[1]

I. EXECUTIVE SUMMARY

Date of Incident:	August 2, 2014
Time of Incident:	7:25 p.m.
Location of Incident:	[redacted] Chicago IL 60617
Date of COPA Notification:	August 4, 2014
Time of COPA Notification:	4:27 p.m.

On August 2, 2014, Officers Taylor and Paschal were patrolling the area on foot near the residence of [redacted] with their supervisor, Sergeant Cleary, in response to reports of possible narcotics activity. While surveilling the area, they heard a male yelling "blows," which they understood to indicate the movement or sale of narcotics. The officers then observed a man, later identified as [redacted] walk into the gangway in front of them, retrieve an object[2] from underneath a trash can behind the building, and walk back to the front. The officers drove around and ordered Mr. [redacted] to speak with them. He fled into the house. The officers pursued on foot. Inside the residence, Officer Taylor engaged in a physical altercation with [redacted] a juvenile who lived there with her mother, [redacted] was subsequently arrested for Aggravated Battery to a Peace Officer and Resisting a Peace Officer. Thereafter, a family member alleged to IPRA that [redacted] was mistreated and unjustly arrested by the officers.

II. INVOLVED PARTIES

Involved Officer #1 (Accused / On Duty):	**Latisha Taylor-Dudley**, Star #18768, Employee #[redacted] Appointed 12/14/2012, Police Officer, Unit 004, DOB [redacted]/1982, Black Female
Involved Officer #2 (Accused / On Duty):	**Christopher Paschal**, Star #11996, Employee #[redacted] Appointed 12/14/2012, Police Officer, Unit 004, DOB 2/22/1979, Black Male
Involved Officer #3 (Witness / On Duty):	**Thomas Cleary**, Star #1781, Employee #[redacted] Appointed 6/8/1998, Sergeant of Police, Unit 005, DOB [redacted]/1966, White Male
Involved Civilian#1:	

[1] On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

[2] It was never reported what the object was by the arresting officers. [redacted] was temporarily detained, but not arrested.

	Bonnie [redacted] (grandmother of [redacted] DOB [redacted]/1960, Black Female
Involved Civilian #2:	[redacted] ("[redacted] Daughter of [redacted] DOB [redacted]/1998, Black Female
Involved Civilian #3:	[redacted] ("Ms. [redacted] Mother of [redacted] DOB [redacted]/1981, Black Female
Involved Civilian #4:	[redacted] (daughter of [redacted] DOB [redacted]/1997, Black Female
Involved Civilian #5	[redacted] (uncle of [redacted] DOB [redacted]/1995, Black Male
Involved Civilian #6:	[redacted] (unknown relationship to [redacted] DOB unknown, Black Male

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Latisha Taylor-Dudley	1. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Latisha Taylor entered the [redacted] residence without a warrant and/or permission, in violation of the 4th Amendment and Rule 11.	NOT SUSTAINED
	2. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Latisha Taylor directed profanities at and/or used profanities during her interaction with [redacted] in violation of Rules 2 & 8.	NOT SUSTAINED
	3. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Latisha Taylor threatened to shoot [redacted] in violation of Rules 8 & 9.	NOT SUSTAINED
	4. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Latisha Taylor grabbed [redacted] and threw her on a bed, in violation of Rule 9.	UNFOUNDED
	5. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Latisha Taylor	

	placed her knee on [redacted] back during handcuffing without justification, in violation of Rule 9.	NOT SUSTAINED
Officer Christopher Paschal	1. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Paschal entered the [redacted] residence without a warrant and/or permission, in violation of the 4th Amendment and Rule 11.	NOT SUSTAINED
	2. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Paschal placed his knee on [redacted] back during handcuffing without justification. in violation of Rule 9.	NOT SUSTAINED
	3. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Paschal directed profanities at and/or used profanities during his interaction with [redacted] in violation of Rules 2 & 8.	NOT SUSTAINED

IV. APPLICABLE RULES AND LAWS

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 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 11: Incompetency or inefficiency in the performance of duty.

GENERAL ORDERS

G03-2, Use of Force
"The use of excessive force, unwarranted physical force, or unprofessional conduct by a Department member is prohibited and will not be tolerated."

"Force used as punishment or retaliation is prohibited."

FEDERAL LAWS

4th Amendment of the United States Constitution

V. INVESTIGATION[3]

a. Interviews

Victim/Arrestee [redacted]

In her interview with IPRA on August 7, 2014, [redacted] stated that in the early evening hours of the August 2, 2014, she sat in the front room of her apartment on the second-floor of [redacted] working on her computer. While walking to the kitchen, she noticed the door to the room was open. She also saw two police officers standing just outside the room. She did not know how the officers got into the home. She was also unaware that anyone was inside the residence except for her mother, [redacted] who was in the bathroom at the time. [redacted] immediately put her hands up, and one of the officers said to her, "Where that motherfucker at with the black and white t-shirt on?"[5] [redacted] told the officers that they did not have a warrant and asked why they were in the home. At that time, [redacted] uncle, [redacted] appeared by the front door and was handcuffed by Officer Taylor without being Mirandized. As Mr. [redacted] was led outside by officers, [redacted] told them Mr. [redacted] lived there. She offered to provide his identification. The officers instructed her to retrieve the identification. Mr. [redacted] was placed in the back of the police car with the door shut while [redacted] ran upstairs to get it. At that point, Sergeant Cleary arrived on-scene and accompanied the officers inside.

Sergeant Cleary and Officer Taylor [redacted] to her second-floor apartment, although [redacted] stated she was unaware they were behind her until she retrieved the identification from Mr. [redacted] room. While retrieving the identification, the officers noticed another man, later identified as [redacted] inside the residence in Mr. [redacted] room, which was just inside the front door. Officer Taylor pushed [redacted] on her right side, trying to get past her to Mr. [redacted] yelled at Officer Taylor, asking her why she was attacking her. Officer Taylor then "got in her face"[7] and verbally disrespected [redacted] including calling her a "bitch."[8] After exchanging words with [redacted] Officer Taylor said, "Put your motherfucking hands behind your back"[9] and then swung at [redacted] with a closed fist. [redacted] moved backward to avoid Officer Taylor's punch. Officer Taylor lost her balance and fell onto the bed.[10] [redacted] said, in reaction to Officer Taylor swinging at her, [redacted] grabbed Officer Taylor in a bear hug and threw her onto the bed.

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[3] COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.
[4] Atts. 23-28.
[5] Att. 27, 03:20. The subject of the police foot pursuit, [redacted] was confirmed as wearing a black and white t-shirt and jeans at the time. He was not reached by IPRA for an interview.
[6] IPRA's attempts to reach Mr. [redacted] for an interview were unsuccessful. He was detained and released by officers on scene.
[7] Att. 27, 04:53.
[8] Att. 27, 05:21.
[9] Att. 27, 18:31.

At this time, Officer Paschal appeared and intervened. He grabbed [redacted] in a bear hug and threw her onto the bed.[11] He placed his knee in her back to handcuff her. While trying to handcuff [redacted] he said "Bitch, lay down."[12] By then, Officer Taylor got up and assisted Officer Paschal with handcuffing [redacted] Sergeant Cleary and [redacted] saw the altercation from the doorway but did not physically intervene, though both were instructing [redacted] to calm down and stop resisting. Soon after the altercation began, [redacted] aunt, [redacted] also entered the room and pushed Officer Taylor in the back. Officer Taylor responded by turning to [redacted] and saying, "If you touch me one more time, I'm gonna shoot you."[13] [redacted] finally let the officers handcuff her, and Officer Taylor told her she was going to jail.

[redacted] admitted to IPRA that she was screaming and upset when interacting with the officers, and that she also resisted when they attempted to handcuff her. She eventually calmed down due to her mother's pleas. Once she was handcuffed and taken downstairs, she was not Mirandized or advised of her charges. She was processed at the 111th district and released the same day.[14]

[redacted] noted she was uninjured except for a minor scratch and bruise on her left arm, which was invisible to IPRA investigators during her interview. She also stated no one gave the officers permission to enter the home.

Witness [redacted]

In her interview with IPRA on August 7, 2014, Ms. [redacted] confirmed she also lived at the second-floor of the residence at [redacted] At the time of the incident, she was in the bathroom talking to her sister, juvenile [redacted] when she heard someone say, "Get these police outta here."[16] She left the bathroom and saw the police standing in the front hallway handcuffing her brother, [redacted] Officer Paschal headed downstairs with Mr. [redacted] and refused to tell Ms. [redacted] what was going on, saying, "I ain't telling you shit."[17] Ms. [redacted] and her daughter [redacted] became upset and offered to get Mr. [redacted] identification. When they went upstairs to retrieve it, they did not know the officers were following them. When [redacted] found the identification and told Officer Taylor to "shoo," Officer Taylor said, "Little girl, shut the fuck up and don't talk to me like that."[18] Officer Taylor noticed [redacted] soon after this and pushed past [redacted] to get to him.

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[11] It was originally alleged by IPRA that Officer Taylor had thrown [redacted] onto the bed, which was included in the allegations. However, in reviewing the transcription and testimony more thoroughly, it was determined by the COPA investigator that it was in fact Officer Paschal who threw [redacted] onto the bed.

[12] Att. 27, 06:52.

[13] Att. 27, 28:19. IPRA's attempts to reach [redacted] for an interview were unsuccessful.

[14] [redacted] noted that she was transported to the police station without a seatbelt. No allegation was brought against the officers regarding this claim.

[15] Atts. 18-21.

[16] Att. 19, 03:37.

[17] *Id.* 04:21.

[18] *Id.* 05:59.

As [redacted] and Officer Taylor exchanged words, Officer Taylor pushed [redacted] face.[19] Ms. [redacted] then entered the room and pushed Officer Taylor. Officer Taylor responded, "Little girl, if you push me one more time I'm gonna shoot you"[20] and then turned her attention back to [redacted] At that time, [redacted] stumbled and Officer Taylor tried to swing at her but did not make contact. [redacted] acting in reflex, body-slammed Officer Taylor onto the bed. Officer Paschal intervened and grabbed [redacted] to try to handcuff her. [redacted] was "squirming" and resisting, so Officer Paschal placed his knees on her back for approximately 10-15 seconds with Officer Taylor assisting him. While attempting to affect the arrest, Officer Paschal told Ms. [redacted] "Tell this bitch to stop."[21] [redacted] finally stopped resisting and was handcuffed, though she was not told why she was being arrested. [redacted] was then taken downstairs, where Mr. [redacted] sat in the police SUV. [redacted] was also detained and stood to the side of the outside gate.

Ms. [redacted] was unaware how the officers entered her home the first time since she was in the bathtub. When they entered the second time to follow her and [redacted] upstairs, they again did not obtain permission. According to Ms. [redacted] she did not give permission for them to enter or hear her daughter give permission.

Witness Sergeant Thomas Cleary[22]

In his interview with IPRA on June 23, 2016, Sergeant Cleary confirmed he was a detective at Area South at the time of the incident and responded with Officers Paschal and Officer Taylor to calls of narcotics activity. The officers were on foot patrol in an alley when they heard a voice coming from Bennett Avenue say "blows,"[23] a street term for heroin. When the officers looked up the gangway, they saw a man pick up something from the grass and walk toward the front of the residence.[24] Believing the subject hid narcotics, Officers Taylor and Officer Paschal got in their squad car and drove toward the front. Sergeant Cleary remained in the alley to prevent an escape.

When Sergeant Cleary did not observe anyone fleeing in his direction, he went to the south side of the residence and was told by the other two officers that someone ran into the building at [redacted] Sergeant Cleary approached the building's south entrance and knocked on the door, which he recalled being partially open. A woman, later identified as [redacted] heard the knock and came down the stairs from the second-floor apartment. She admitted someone ran into her unit, but she did not know who. She told the officers to "come on up"[25] so they could investigate and allowed all three onto the second-floor. As Sergeant Cleary headed up the stairs

[19] According to Ms. [redacted] this was the second time Officer Taylor pushed [redacted] the first being when she was trying to enter the room to get to Mr. [redacted] This second push to the face was not mentioned by [redacted] in her statement.
[20] Att. 19, 09:08.
[21] *Id.* 09:34.
[22] Att. 48. Although Sergeant Cleary was mentioned as using profanity and was also present when the officers entered the residence both times, no allegations were brought against him.
[23] Att. 48, 02:36.
[24] This individual was later identified as [redacted] but Cleary noted that he could not tell at the time if Mr. [redacted] was the same individual who yelled "blows."
[25] Att. 48, 04:32.

with the two other officers behind him,[26] [redacted] stood in the staircase and told them they could not go up. Sergeant Cleary walked past her and reached the top of the stairs, where he remained at the apartment's threshold.

From there, Sergeant Cleary saw Mr. [redacted] sitting on a bed in the bedroom. Mr. [redacted] matched the description of the individual they saw in the gangway, so Sergeant Cleary instructed him to come out. Suddenly, Officer Taylor and [redacted] brushed past his arm and fell into the room. Officer Taylor later told Sergeant Cleary that [redacted] punched her in the face for no reason. Since Sergeant Cleary was in front of them when this happened, he did not witness any punches, only the immediate aftermath.

Officers Taylor and Paschal wrestled with [redacted] flailed one handcuffed hand in the officers' direction. She was uncooperative, and both officers instructed her to stop and put her hands behind her back. Sergeant Cleary and Ms. [redacted] also instructed [redacted] to stop resisting.

Sergeant Cleary said [redacted] never fell to the floor. He did not hear Officer Paschal or Officer Taylor use profanity, and denied that anyone threw [redacted] on the bed. He did not see either officer place knees on [redacted] back. He did not recall seeing [redacted] He did not recall whether Officer Taylor reported injuries, but insisted that if she had, he would have documented it.

Accused Officer Christopher Paschal[27]

In his interview with IPRA on June 15, 2016, Officer Paschal confirmed he was in the area investigating narcotics activity and conducting a vehicle check at the request of Sergeant Cleary. During the investigation, he and Officer Taylor observed offenders believed to be involved in the sale of narcotics due to things they were yelling. While in the alley behind [redacted] the officers observed a man acting suspiciously in the gangway. When they drove around the front of the building in their marked police vehicle to confront him, a man, now known as Mr. [redacted] fled into the building without adhering to their verbal commands. The officers followed him into the building up to the second-floor.[28] They knocked on the door of the [redacted] residence, and [redacted] and Ms. [redacted] opened the door. They denied knowing about anyone running in, but from where Officer Paschal stood at the threshold, through the crack of the opened door he saw a man behind the door whom he believed to be the man they were looking for. Officer Paschal pushed the door further open and handcuffed Mr. [redacted] He then took Mr. [redacted] down to his car and left Officer Taylor and Sergeant Cleary upstairs.

While securing Mr. [redacted] in the vehicle, Officer Paschal heard Sergeant Cleary call for backup over the police radio. Once the requested units arrived, Officer Paschal left to assist the other officers. Once in the apartment, Officer Paschal saw [redacted] standing on the bed with one wrist handcuffed. She swung that arm in the air toward Officer Taylor. Officer Paschal grabbed

[26] No allegations, including entering without permission, were brought against Sergeant Cleary despite having been the first to enter the unit per his own statement. Due to the length of time since the incident, COPA declined to serve Sergeant Cleary with allegations.

[27] Atts. 42 & 44-45.

[28] Officer Paschal stated that he had a visual of Mr. [redacted] from the street where he parked the police car, and he saw Mr. [redacted] turn up the landing inside and run up a flight of stairs. He believed Mr. [redacted] to have entered the [redacted] residence because he heard the door to that residence close, and that was the only residence on that floor.

[redacted] bicep and threw her on a bed. He rolled her onto her stomach to handcuff her other arm. She kicked and resisted.

Ultimately, [redacted] was arrested and transported to the 4th District. [redacted] was released on-scene after officers completed a Contact Card. Officer Paschal did not know who apprehended [redacted] He said he was uninjured and did not observe injuries on Officer Taylor.

Officer Paschal denied entering the [redacted] residence without justification. He stated he initially crossed the threshold to detain [redacted] and entered the second time only to assist the other officers. He denied placing his knee on [redacted] to affect the arrest, and he also denied using profanity.

Accused Officer Latisha Taylor[29]

In her interview with IPRA on June 15, 2016, Officer Taylor confirmed she went to the incident location in response to Sergeant Cleary's call for officers to provide information on the vehicles and ensure everything was operational. While speaking with her sergeant, they heard a man calling out "blows" and other narcotics-related terminology. The officers walked south and observed a man enter the gangway, reach underneath a garbage can, and go back to the front of the residence. Believing that he was participating in narcotics sales, Sergeant Cleary told Officer Taylor to drive to the front of the building. Officer Taylor did so and observed the same man run into [redacted] The officers chased him to the second-floor and asked the individuals who answered the door if anyone ran upstairs. They said no, and all parties headed back down to the building entrance; but not before Officer Paschal detained [redacted] and brought him downstairs for questioning. While the officers spoke to Ms. [redacted] and Mr. [redacted] outside, they saw [redacted] trying to exit the building through that same entrance and recognized him as the individual they saw in the gangway earlier. Sergeant Cleary said, "There he go,"[30] and Mr. [redacted] ran back up the stairs.

Sergeant Cleary again asked Ms. [redacted] if they could go in the apartment to give chase, and this time Ms. [redacted] let him and Officer Taylor in with her key.[31] Mr. [redacted] sat in the front room area. While Sergeant Cleary detained the male, a female ([redacted] appeared and struck Officer Taylor with a closed fist to the left side of her jaw, stating, "Bitch you can't come in here."[32] Shocked, Officer Taylor replied, "Did you just hit me? Put your hands behind your back."[33] As Officer Taylor attempted to handcuff [redacted] swung her arms. They fell into [redacted] bedroom. [redacted] fell between a bed and a dresser while swinging at Officer Taylor. Officer Taylor grabbed [redacted] arms in a hugging motion to protect her face and lessen the blows. [redacted] had one hand cuffed and was using it as a weapon against Officer Taylor, and

[29] Atts. 43 & 46-47.
[30] Att. 47, 07:55.
[31] Special Order 04-19-01, Consent to Search Incidents. Department policy requires specific protocol to be followed by officers when verbal consent to search is obtained that includes notifying a supervisor and creating an event number for the incident. The officers did not comply with protocol, but IPRA did not make these allegations when the officers were interviewed in 2016; COPA declined to bring additional allegations four years after the incident.
[32] Att. 47, 08:53. Neither Officer Paschal nor Sergeant Cleary witnessed this punch.
[33] *Id.* 10:01.

she eventually got herself positioned on top of the bed. By that time, Officer Paschal came to assist, and [redacted] was ultimately handcuffed.

At some point during the struggle, [redacted] aunt ([redacted] entered the room and struck Officer Taylor in the back. Sergeant Cleary told Ms. [redacted] "I wouldn't do that if I were you."[34] Officer Taylor turned around and observed nothing in the woman's hands, so she instructed her to step back. At that time, Officer Paschal entered and assisted Officer Taylor with handcuffing [redacted] Ms. [redacted] did not attack the officers further, and Officer Taylor denied threatening to shoot her.[35]

Officer Taylor stated she did not observe Officer Paschal's knee in [redacted] back and could not recall placing her own knee in [redacted] back. [redacted] was taken to the 4th District, and the two male individuals were released with Contact Cards.

After reviewing the Tactical Response Report, Officer Taylor confirmed [redacted] began as a passive resister, became an active resister, and finally became an assailant when she had one handcuff on her left wrist and swung it toward the officers. Officer Taylor was struck by [redacted] about the face and body[36] and responded by administering a closed-hand strike, but could not recall where on [redacted] body. She also grabbed [redacted] wrists to affect the arrest, but denied throwing her on the bed or placing her knee in [redacted] back.

Evidence

The **Arrest Report**[37] and **Case Report**[38] from CPD confirmed [redacted] age 16, was [redacted] According to the report, [redacted]. Ms. [redacted] told officers she knew her daughter should not have struck the officer.[39] According to CPD reports the officers remained at the threshold of the unit while investigating.

The **Tactical Response Reports**[40] and **Officer Battery Reports**[41] completed by Officers Taylor and Paschal described [redacted]

[34] *Id.*
[35] No Contact Card was completed for [redacted]
[36] Although Officer Taylor claimed to have been struck "repeatedly" by [redacted] about the face, she did not claim any injuries nor report them to the Sergeant at the time.
[37] Att. 4.
[38] Att. 9.
[39] The Case Report identified [redacted] as the person who told the officers that no one had run into the apartment when they first knocked.
[40] Atts. 5 & 7.
[41] Atts. 6 & 8.

[redacted]. No major injury to the officers was noted.

Contact Cards[42] were in CPD's database for [redacted] and [redacted] which were consistent with the other CPD reports.[43]

I. 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 occurred and violated 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 misconduct occurred, 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 [redacted] 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.

[42] Atts. 49 & 50.
[43] An Event Query was also found for this event mentioning the Contact Cards with no additional remarks/evidence.

VI. ANALYSIS

Officer TAYLOR: Allegation #1

Under the Fourth Amendment, a search warrant must be obtained, absent exigent circumstances or consent, for a law enforcement officer to legally search for a subject in the home of a third party. *Steagald v. United States*, 451 U.S. 204, 205. A warrantless entry of a home would be justified if the police were in "hot pursuit." *Id.* at 205. Here, the totality of the evidence suggests there is insufficient evidence to support or refute the allegation that Officer Taylor entered [redacted] without justification, in violation of the 4th Amendment and Rule 11. Therefore, COPA recommends a finding of Not Sustained. The accounts from each party involved differ as to whether [redacted] or [redacted] verbally consented to officers entering the second-floor apartment to pursue their subject. According to [redacted] she was on the computer when she saw officers inside the residence. Her mother was in the bathroom. Therefore, no one granted access to the officers. The officers also entered the second time while following [redacted] to obtain [redacted] identification, but she did not give them permission to do so.

According to [redacted] when she came out of the bathroom, the officers were already handcuffing [redacted] inside the apartment; and neither she nor [redacted] granted them permission to enter. Officers Taylor and Paschal said when they knocked on the door the first time, Officer Paschal crossed the threshold after seeing their subject, [redacted] inside. The case reports also state Ms. [redacted] let the officers into the building, but that they did not cross the threshold of the apartment except to detain Mr. [redacted] Per Sergeant Cleary, [redacted] initially came down from the second-floor unit to answer the main building door when the officers knocked, and Ms. [redacted] invited them to "come on up." He remained at the threshold of the apartment, until he saw the pursued subject inside. Since there was no video of the incident, the only evidence was the testimony of the officers and the civilians involved, which are inconsistent. Although the officers' accounts differed substantially, it must be considered that their testimony was taken by IPRA nearly two years after the incident occurred. The case report written at the time of the incident documented that the officers entered the building through an open door, but did not proceed past the threshold of the apartment without first encountering occupants of the apartment and obtaining permission to enter. Due to the conflicting descriptions by all parties, the lack of Mr. [redacted] and Mr. [redacted] statements, and the time passed since the incident, too much remains unknown about how the officers gained access to the apartment. Therefore, this allegation cannot be confirmed or negated, and the finding should be Not Sustained.

Officer Taylor: Allegation #2

Based on the totality of the evidence, COPA determined that there was insufficient evidence to support or refute the allegation that **Officer Taylor** directed or used profanity toward [redacted] and Ms. [redacted] in violation of Rules 2 and 8. As with Allegation #1, there are conflicting accounts between the involved parties as to whether profanity was used by the officers during this incident. [redacted] claimed Officers Taylor and Paschal referred to her as a "bitch" while affecting the arrest, and told Ms. [redacted] they "weren't telling her shit" when she inquired about it. [redacted] and Ms. [redacted] also claimed Officer Taylor told [redacted] to "put her motherfucking hands behind her back" and told [redacted] to "shut the fuck up." However, since the accounts are inconsistent and there is no independent corroboration of either account, this allegation cannot be confirmed or negated. Therefore, COPA recommends that this allegation be Not Sustained.

Officer Taylor: Allegation #3

COPA recommends a finding of **Not Sustained** for the allegation that **Officer Taylor** threatened to shoot [redacted] in violation of Rules 8 & 9. Officer Taylor denied saying this to Ms. [redacted] she admitted giving verbal instruction only after she was struck in the back by Ms. [redacted] Ms. [redacted] recalled Officer Taylor telling Ms. [redacted] "If you push me one more time, I'm gonna shoot you." Officer Taylor's threat reportedly was made in response to Ms. [redacted] attack. Due to the discrepancies between the accounts, this allegation is Not Sustained.[44]

Officer Taylor: Allegation #4

COPA recommends a finding of **Unfounded** for the allegation that **Officer Taylor** grabbed [redacted] and threw her on the bed, in violation of Rule 9. Determinations regarding the potential use of excessive force during an arrest, investigatory stop, or other seizure are properly analyzed under the Fourth Amendment's objective reasonableness standard. The question is whether the officer's actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. *Graham v. Connor*, 490 U.S. 386, 397 (1989); see *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003). The following factors are instructive in making the determination of whether an officer's use of force is reasonable: (1) "the severity of the crime at issue;" (2) "whether the suspect poses an immediate threat to the safety of the officers or others;" and (3) "whether he is actively resisting arrest or attempting to evade arrest by flight." *Graham*, 490 U.S. at 396 (citing *Tennessee v. Garner*, 471 U.S. 1, 8-9 (1985)). The analysis of the reasonableness of an officer's actions must be grounded in the perspective of "a reasonable officer on the scene, rather than with the 20/20 vision of hindsight" and "allow for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Plumhoff v. Rickard*, 134 S. Ct. 2012 (2014) (internal quotations and citation omitted). The analysis must consider the totality of the circumstances confronting the officer, rather than just one or two factors. *Plumhoff*, 134 S. Ct. at 2020; see also *Scott v. Edinburg*, 346 F.3d 752, 756 (7th Cir. 2003).

Here, the evidence suggests Officer Taylor did not throw [redacted] onto a bed. In [redacted] original statement to IPRA, she accused Officer Paschal of throwing her on the bed, not Officer Taylor. [redacted] claimed [redacted] body-slammed Officer Taylor onto the bed in "reflex," but there was no mention of [redacted] being thrown onto a bed by Officer Taylor. She only mentioned Officer Paschal throwing [redacted] on a bed to handcuff her. Sergeant Cleary denied seeing Officer Taylor throw [redacted] down, and Officer Taylor also denied it. Therefore, the allegation against Officer Taylor is Unfounded.[45]

Officer Taylor: Allegation #5

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[44] [redacted] herself could not be reached by IPRA to corroborate this statement. [redacted] was not listed in any of the reports as an assailant, etc.

[45] It should be noted that this allegation was not brought against Officer Paschal. However, had it been, it would have resulted in a finding of Exonerated as well. Officer Paschal's actions were consistent with an emergency takedown, and the totality of the evidence proved that [redacted] was an active resistor; therefore, he acted within Department policy by using said takedown to affect the arrest.

COPA recommends a finding of **Not Sustained** for the allegation that **Officer Taylor** placed her knee on [redacted] back unjustifiably, in violation of Rule 9. The evidence, including [redacted] own statement, shows she was an active resister and assailant when Officer Taylor first tried to arrest her. However, all involved officers denied this action occurred, even though it would have been within Department policy. Therefore, the appropriate finding is Not Sustained.

Officer PASCHAL: Allegation #1

COPA recommends a finding of **Not Sustained** for the allegation that **Officer Paschal** entered [redacted] without justification, in violation of the 4th Amendment and Rule 11. Therefore, COPA recommends that this allegation be **Not Sustained**, for the reasons discussed above in Officer Taylor's Allegation #1.

Officer Paschal: Allegation #2

COPA recommends a finding of **Not Sustained** for the allegation that **Officer Paschal** placed his knee on [redacted] back unjustifiably, in violation of Rule 9. The evidence, including [redacted] own statement, suggests she was an active resister and assailant when Officer Taylor first tried to affect the arrest and continued to resist Officer Paschal as well. However, all involved officers denied this action occurred, even though it would have been within Department policy and a lawful use of force. Therefore, the appropriate finding is Not Sustained.

Officer Paschal: Allegation #3

COPA recommends a finding of **Not Sustained** for the allegation that **Officer Paschal** directed or used profanity toward [redacted] and Ms. [redacted] in violation of Rules 2 & 8. There was conflicting verbal testimony between the involved parties as to whether any profanity was used by the officers during this incident. [redacted] claimed that Officers Taylor and Paschal called her or referred to her as a "bitch" while affecting the arrest, and that they told Ms. [redacted] that they "weren't telling her shit" when she inquired about it. [redacted] and Ms. [redacted] also claimed that Officer Taylor told [redacted] to "put her motherfucking hands behind her back" and told [redacted] to "shut the fuck up." The officers denied that profanity was directed at [redacted] or Ms. [redacted] Due to the inconsistent statements, this allegation should be Not Sustained.

VII. CONCLUSION

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

Officer	Allegation	Finding
Officer Latisha Taylor-Dudley	1. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Latisha Taylor entered the [redacted] residence without a warrant and/or permission, in violation of the 4th Amendment and Rule 11.	NOT SUSTAINED
	2. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Latisha Taylor directed profanities at and/or used profanities during her interaction with [redacted] in violation of Rules 2 & 8.	NOT SUSTAINED
	3. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Latisha Taylor threatened to shoot [redacted] in violation of Rules 8 & 9.	NOT SUSTAINED
	4. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Latisha Taylor grabbed [redacted] and threw her on a bed, in violation of Rule 9.	UNFOUNDED
	5. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Latisha Taylor placed her knee on [redacted] back during handcuffing without justification, in violation of Rule 9.	NOT SUSTAINED
Officer Christopher Paschal	1. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Paschal entered the [redacted] residence without a warrant and/or permission, in violation of the 4th Amendment and Rule 11.	NOT SUSTAINED
	2. On August 3, 2014, at approximately 7:25 p.m. at 7920 S. Bennett Avenue, while on duty, Officer Paschal placed his knee on [redacted] back during handcuffing without justification. in violation of Rule 9.	NOT SUSTAINED
	3. On August 3, 2014, at approximately 7:25 p.m. at [redacted] while on duty, Officer Paschal directed profanities at and/or used profanities during his interaction with [redacted] in violation of Rules 2 & 8.	NOT SUSTAINED

Approved:

[redacted]

Angela Hearts-Glass
Deputy Chief Administrator

3-22-19
Date

Appendix A

Assigned Investigative Staff

Squad#:	2
Investigator:	Jessica Beckman
Supervising Investigator:	Sherry Daun
Deputy Chief Administrator:	Angela Hearts-Glass