

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	November 25, 2018
Time of Incident:	6:50 pm
Location of Incident:	1167 S. State St. (CTA Platform) ¹ Chicago, IL 60605
Date of COPA Notification:	November 28, 2018
Time of COPA Notification:	6:57 pm

On November 25, 2018, at approximately 6:50 pm, near 1167 S. State St. (CTA Red Line Platform) Chicago, IL 60605, Officer Jaime Rodriguez #8100 (Officer Rodriguez) and Officer Jesus Roman #6676 (Officer Roman), both dressed in civilian clothes, responded to a reported robbery and identified ██████████ as a possible suspect based on a description provided by a witness. The officers attempted to detain and handcuff ██████████ but ██████████ refused to be handcuffed and began to pull away from the officers. Officer Cedric Taylor #18426 (Officer Taylor), dressed in civilian clothes, responded to assist Officers Rodriguez and Roman. The encounter between ██████████ and the officers was video recorded by a bystander and posted to social media, where it was widely viewed. Commander Michael Pigott #8 contacted the Civilian Office of Police Accountability (COPA) and initiated an investigation after viewing the video recording, which showed Officer Taylor striking ██████████ multiple times, while holding handcuffs in his striking hand. COPA’s investigation substantiated allegations of excessive force against Officer Taylor.

II. INVOLVED PARTIES

Involved Officer #1:	Cedric Taylor, Star #18426, Employee ID# ██████████, Date of Appointment May 17, 1993, rank Police Officer, Unit of Assignment 001, DOB ██████████, 1964, male, Black
Involved Individual #1:	██████████ DOB ██████████, 2002, male, Black

¹ This incident took place in the Chicago Transit Authority (CTA) Red Line Subway.

² ██████████ was a juvenile at the time of this incident.

III. ALLEGATIONS

Officer	Allegation	Finding/Recommendation
Officer Cedric Taylor	It is alleged that on or about November 25, 2018, at approximately 6:50 p.m. at or near 1167 S. State St. (CTA Platform), you committed misconduct through the following acts or omissions, by:	
	1. Forcefully grabbing ██████████ around or about the neck without justification.	Unfounded
	2. Striking ██████████ around or about the head with handcuffs in hand without justification.	Not Sustained
	3. Striking ██████████ around or about the neck with handcuffs in hand without justification.	Not Sustained
	4. Striking ██████████ around or about the shoulders with handcuffs in hand without justification.	Sustained / 180 days
	5. Forcefully taking ██████████ to the ground without justification.	Sustained / 180 days
6. It is alleged by the Civilian Office of Police Accountability that on or about November 25, 2018, at approximately 6:50 p.m., at or near 1167 South State Street, Chicago, IL 60605, that Officer Cedric Taylor #18426 committed misconduct through the following acts or omissions, by failing to comply with Special Order S03-14 by failing to active your body-worn camera to record law-enforcement-related activity.	Sustained / 3 days	

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 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

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.

General Orders

1. G03-02 Use of Force (effective October 16, 2017 to February 29, 2020)³

2. G03-02-01 Force Options (effective October 16, 2017 to February 29, 2020)⁴

Special Order

1. S03-14 Body Worn Camera (effective April 30, 2018)⁵

³ Attachment 54.

⁴ Attachment 55.

⁵ Attachment 77.

V. INVESTIGATION⁶

a. Interviews⁷

In a statement to COPA on June 20, 2019, Officer Jamie Rodriguez #8100⁸ said that on November 25, 2018, he was on duty working with Officer Jesus Roman. Officer Rodriguez and Officer Roman were detailed to the robbery unit and often patrolled the CTA Red Line platform. On November 25, 2018, the Office of Emergency Management and Communications (OEMC) sent a flash message describing a robbery committed by six male Black subjects, one wearing a green coat and another, who had stolen the victim's purse, wearing a black and white coat.

Officer Rodriguez and Officer Roman relocated to the Red Line platform at Roosevelt and State because based on prior experience, Officer Rodriguez knew offenders run down to the train to escape. Officer Rodriguez and Officer Roman were the only officers present on the platform when they arrived at approximately 6:40 pm, and they began to search for the individuals described in the flash message. Officer Rodriguez observed a group of several young Black males including one, later identified as ██████ who was approximately 5'9", with a slender build, and wearing a black and white jacket. The officers decided to detain ██████ to question him about the robbery. The officers approached ██████ and moved him away from the tracks toward a safer area, but as they began talking to ██████ he became belligerent and began to close his fists. Officer Rodriguez told ██████ to calm down and he was being recorded. ██████ pulled away from the officers, and Officer Rodriguez held ██████ by the belt while Officer Roman held ██████ by the arm. The officers attempted to handcuff ██████ but were unsuccessful because ██████ stiffened his arms and became combative. Officer Rodriguez attempted to deescalate the situation by giving ██████ verbal commands, but ██████ was uncooperative. When the officers could not gain control of ██████ they radioed for assisting units.

Approximately six additional officers responded to the scene, including Officer Cedric Taylor. When the responding officers arrived, Officer Rodriguez was still trying to deescalate the situation with ██████ but ██████ was still combative and not listening to verbal commands. Officer Rodriguez stated that at that time, he classified ██████ as an active resister.⁹ As Officers Rodriguez and Roman tried to detain ██████ Officer Taylor assisted. Officer Rodriguez observed Officer Taylor administer tactical strikes to ██████ upper back area to attempt to bring ██████ to ground.¹⁰ Officer Rodriguez could not see if Officer Taylor struck ██████ in the head area.

Officer Rodriguez intercepted Officer Taylor's strikes to ██████ because Officer Rodriguez was trying to take ██████ to the ground, without being struck, so he placed his body between Officer

⁶ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁷ COPA attempted to interview ██████ and to obtain his sworn affidavit but was unsuccessful. COPA investigators visited ██████ home and school and spoke with his mother. COPA also prepared a subpoena for ██████ testimony but was unable to locate ██████ in order to serve the subpoena. *See* Attachments 23, 42. COPA sought and was granted an affidavit override on March 25, 2019 from the Chief of the Bureau of Internal Affairs. Attachments 27, 31.

⁸ Attachments 18, 56.

⁹ Rodriguez Tr. 23:20–21. Attachment 56.

¹⁰ *Id.* at 25:8–23.

Taylor and [REDACTED] Officer Rodriguez's interception caused Officer Taylor to stop striking [REDACTED] Officer Rodriguez, along with Officer Roman, Officer Taylor, and [REDACTED] all fell to the ground, where [REDACTED] was placed in handcuffs. Officer Rodriguez did not see blood on [REDACTED] and did not observe [REDACTED] exhibit any signs of pain. Officer Rodriguez stated that based on his experience, Officer Taylor's strikes were necessary to detain [REDACTED] Officer Rodriguez did not strike [REDACTED] because he could not gain control over [REDACTED] and the area was not safe to perform any mechanical or tactical strikes, until backup arrived.

[REDACTED] was initially arrested for resisting the police. Further investigation revealed that [REDACTED] did not commit the robbery, so it was later decided [REDACTED] would not be charged with resisting. Officer Rodriguez stated that [REDACTED] refused medical attention, and he did not see bruising or injury to [REDACTED] and did not hear [REDACTED] complain of any pain. Officer Rodriguez documented the incident by completing an arrest report and a tactical response report (TRR).

In a statement to COPA on June 20, 2019, Officer Jesus Roman #6676¹¹ said that on November 25, 2018, he and Officer Rodriguez responded to the Red Line platform based on a report that a woman had been robbed and pushed to the ground by several individuals. Officer Roman stated the offender's description was a male, Black, wearing a black and white jacket. Officer Roman and Officer Rodriguez relocated to the CTA Red Line platform within five to ten minutes of receiving the initial robbery call, anticipating that they might find the offenders. Once Officer Roman was on the platform, he observed a group of ten individuals running, including an individual later identified as [REDACTED] Officer Roman described [REDACTED] as a Black teenage male, wearing a black and white jacket and white jeans. After observing [REDACTED] the officers decided to investigate further to determine if [REDACTED] was the robbery offender. When Officer Roman approached [REDACTED] he intended to have [REDACTED] step away from the train tracks and to talk to him calmly.

Officer Roman stated that when he escorted [REDACTED] toward the middle of the platform, [REDACTED] resisted and did not want to talk to him. [REDACTED] told the officers that they did not have anything to talk to him about because he did not do anything. Officer Roman stated that [REDACTED] appeared to be agitated and angry and did not want to be touched. [REDACTED] began to close his fists as if he was going to strike the officers. As the officers continued to try to talk to [REDACTED] he began to stiffen his arms. Officer Roman grabbed one of [REDACTED] arms to attempt to handcuff [REDACTED] and to move him away from the group of individuals on the platform. Both officers attempted to handcuff [REDACTED] but were unsuccessful because [REDACTED] pulled his arms away, prompting both officers to call for additional assistance.

Officer Roman stated that a few officers responded to assist, including Officer Cedric Taylor. Officer Roman had known Officer Taylor for six years but had never worked with him as a partner. Officer Roman stated that before Officer Taylor interacted with [REDACTED] he and Officer Rodriguez were still attempting to handcuff [REDACTED] and [REDACTED] was standing upright. Officer Roman stated he did not specifically ask Officer Taylor for help on the arrest, but when Officer Taylor came to assist, Officer Roman told him they needed to handcuff [REDACTED] Officer Roman never heard Officer Taylor give any verbal commands to [REDACTED] Officer Taylor, who was holding

¹¹ Attachments 19, 57.

handcuffs, then implemented either a mechanical strike or a stun on ██████ to get him to comply.¹² Officer Roman saw Officer Taylor holding handcuffs between his hands, and he saw Taylor's strikes land either on the back of ██████ head or neck area.¹³ Officer Roman stated that he did not remember how many strikes he saw Officer Taylor deliver upon ██████

Officer Roman stated that prior to Officer Taylor's arrival, he did not strike ██████ because he knew ██████ would fall to the ground and there was a large group around them. Officer Roman recalled that one of the individuals in the group had already attempted to pull him off ██████ and he did not know what the group would do if they fell to the ground. Prior to Officer Taylor's arrival, Officer Roman classified ██████ as an active resister because ██████ was not listening to verbal commands, was pulling his arms away, and was stiffening his arms and balling up his fists.¹⁴ Officer Roman, Officer Rodriguez, and ██████ fell to the ground after Officer Taylor delivered the strikes to ██████ and the officers were then able to handcuff ██████. Officer Roman did not know if Officer Taylor himself fell to the ground. Officer Roman did not see ██████ attempt to strike Officer Taylor at any time.

Officer Roman did not see or hear ██████ complain of any injuries, and ██████ refused medical treatment. ██████ was transported to the district by other officers while Officer Roman and Officer Rodriguez searched for the witness who had reported the robbery. The officers located the witness, who told them that there was video of the offenders at a 7-Eleven store located near the robbery. Officer Roman watched the video and saw that ██████ was not the robbery offender. Officer Roman then went to the district and ██████ was released without charges.

While at the district, Officer Roman interacted with ██████ and did not see or hear ██████ complain about any injuries. Officer Roman stated that he spoke to Officer Taylor about the incident, after processing ██████. Officer Roman documented his actions by completing a TRR because he was holding ██████ as they went to the ground, characterizing his use-of-force as an emergency takedown. Officer Roman stated that he believes his actions were within the Chicago Police Department policy.

In a **statement to COPA on January 14, 2020, Sergeant Erin Quinn-Munoz #10105**¹⁵ said that on November 25, 2018, she was working with her partner, Officer Cedric Taylor, as a member of a First District tactical team. Sergeant Quinn-Munoz remembered hearing other members of the tactical team over the police radio requesting assistance at the Roosevelt Red Line platform, and she and Officer Taylor responded. Sergeant Quinn-Munoz did not know why the other officers needed assistance, but she was aware that they had been dealing with a robbery call. When Sergeant Quinn-Munoz descended the stairs to the train platform, she saw Officers Roman and Rodriguez struggling, with one person, with a crowd of people in front of them. The person struggling with the officers, later identified as ██████ was flailing his arms and trying to break free from the officers while they attempted to place ██████ arms behind his back. Sergeant Quinn-Munoz noticed the crowd getting closer to the officers, so she turned her attention to crowd

¹² Roman Tr. 20:4–10. Attachment 57.

¹³ *Id.* at 22:15–19.

¹⁴ *Id.* at 25:2–5.

¹⁵ Attachments 72, 90. Sergeant Quinn-Munoz held the rank of Police Officer at the time of the incident under investigation.

control, while Officer Taylor assisted the officers. With Officer Taylor's assistance, [REDACTED] was taken into custody. Sergeant Quinn-Munoz could not see how [REDACTED] was taken into custody, as she faced the crowd and the arrest happened behind her back. The last time Sergeant Quinn-Munoz saw Officer Taylor, he was grabbing [REDACTED] arm. Sergeant Quinn-Munoz also remembered hearing Officers Taylor, Roman, and Rodriguez giving [REDACTED] verbal commands to relax and to stop resisting, but [REDACTED] continued to struggle, curse, and scream. When Sergeant Quinn-Munoz turned around, [REDACTED] was on the ground and in handcuffs, and several other CPD members had arrived. Sergeant Quinn-Munoz and Officer Taylor were the first assisting officers to arrive, with others following approximately 30 to 60 seconds later. Sergeant Quinn-Munoz said that she did not see Officer Taylor holding handcuffs on the night of the incident and did not see Officer Taylor strike [REDACTED]. Sergeant Quinn-Munoz also stated that members of the tactical team typically sat together in their office when they wrote reports, but she had no recollection of who was present when the reports related to [REDACTED] arrest were prepared.

In a **statement to COPA on February 6, 2020, Officer Christos Trakadas #13740¹⁶** said that on November 25, 2018, he worked with Officer Sean Borisy in the First District. They were assigned to a foot-patrol post for McCormick Place and the surrounding properties, but also had access to a Department vehicle. Officer Trakadas heard a radio call for officers needing assistance on the CTA platform at 1167 South State Street, and he and his partner responded. Officer Trakadas did not know anything about what was happening on the platform, other than officers needing assistance with a subject who was resisting or fighting. When they arrived at the CTA station, Officer Borisy ran ahead and Officer Trakadas followed, after parking their patrol vehicle. When Officer Trakadas reached the platform, three or four officers, including Officer Borisy and Officer Cedric Taylor, struggled on the ground with a subject later identified as [REDACTED] attempting to place him in handcuffs. Officers directed [REDACTED] to relax and to stop fighting, but he did not comply. Officer Trakadas encouraged the other officers to tire [REDACTED] out, so he would stop resisting. Officer Trakadas marked "verbal threats" on his Tactical Response Report (TRR), but could not remember the specific threats [REDACTED] made. Officer Trakadas remembered [REDACTED] stiffening his body and pulling away from the officers attempting to handcuff him. Officer Trakadas completed a TRR because he briefly placed a hand on [REDACTED] while officers attempted to handcuff him, but he did not physically assist in the arrest. Officer Trakadas did not see [REDACTED] flailing his arms and did not recall seeing [REDACTED] clenching his fist. Based on what he observed, Officer Trakadas believed [REDACTED] was actively resisting the officers attempting to handcuff him but was not an assailant. Officer Trakadas did not recall seeing Officer Taylor holding handcuffs, and Officer Trakadas did not see Officer Taylor strike [REDACTED].

In a **statement to COPA on February 7, 2020, Officer Sean Borisy #11207¹⁷** said that on November 25, 2018, he worked with Officer Christos Trakadas in the First District. They were assigned to a foot-patrol post, with access to a Department vehicle, at McCormick Place. Officer Borisy heard officers calling for assistance over the radio at the CTA Red Line platform at 1167 South State Street. Officer Borisy and his partner responded. Officer Borisy did not know anything about what was happening, other than officers needing assistance. As Officer Borisy arrived, on the platform, he made his way through a group of people, as he observed officers taking a male subject, later identified as [REDACTED] to the ground. As Officer Borisy approached, he saw the

¹⁶ Attachments 85, 89.

¹⁷ Attachments 86, 87.

subject stiffen his body, pull away from the officers, and disregard verbal commands. Officer Borisy recalled [REDACTED] was standing when he first arrived, but [REDACTED] was on the ground within seconds, having been taken to the ground by officers just as Officer Borisy reached them. Officer Borisy could not recall what verbal commands were given, but recalled [REDACTED] pulling his hand away when Officer Borisy first attempted to apply handcuffs. Officer Borisy eventually succeeded in placing his handcuffs on [REDACTED] along with at least one other officer. Officer Borisy did not see [REDACTED] flail his arms or clench his fist and did not observe any assaultive behavior by [REDACTED]. Officer Borisy did not see Officer Taylor strike [REDACTED].

In a **statement to COPA on July 24, 2019, Officer Cedric Taylor**¹⁸ said that on November 25, 2018, he worked with his partner, Officer Erin Quinn-Munoz, as a member of a First District tactical team. Officer Taylor remembered driving northbound on State Street when he heard a radio call for a robbery nearby at 8th and State. Officer Taylor and his partner drove approximately two blocks to the location of the reported robbery, arriving within seconds, in order to locate the victim and to obtain further information about the offenders. They were unable to locate the victim but spoke with a witness who saw the robbery. The witness told the officers that two offenders ran south in a nearby alley; one offender was wearing a green camouflage jacket and a second offender was wearing a black-and-white jacket. The witness also reported that the victim ran north.

After speaking with the witness, Officer Taylor and his partner drove north to search for the robbery victim. Then, Officer Taylor heard another officer calling over the radio for assistance on the Red Line. The radio call was muffled, and Officer Taylor was not sure which Red Line platform the officer was calling from, but then Officer Taylor heard the word “Roosevelt,”¹⁹ so he drove to the Roosevelt Red Line station. When Officer Taylor arrived at the station, a CTA agent pointed down toward the subway platform, so Officer Taylor went down the stairs with his partner to look for the officer who was calling for assistance. On the platform, Officer Taylor saw a crowd of people and heard someone yelling, “Give me your hands. Show me your hands,” or, “Stop fighting with us.”²⁰ As Officer Taylor approached the crowd, he saw two tactical officers, Officer Roman and Officer Rodriguez, struggling with an individual later identified as [REDACTED]. Officer Taylor described [REDACTED] as a male appearing to be about 20 years old, wearing a black-and-white jacket, approximately 6 feet tall, and between 160 and 170 pounds.

Officer Taylor saw Officer Rodriguez holding one of [REDACTED] arms while Officer Roman held [REDACTED] other arm. [REDACTED] was pulling away from the officers, so Officer Taylor pulled out his own handcuffs to try and cuff [REDACTED]. Officer Taylor decided to cuff [REDACTED] because [REDACTED] matched the description of the robbery offender and because [REDACTED] was flailing his arms and refusing to comply with officers’ verbal directions. Officer Taylor further clarified that Officers Rodriguez and Roman were holding [REDACTED] arms when Officer Taylor first saw them, but it took approximately 30 seconds to make his way through the crowd on the platform to reach [REDACTED] and the other officers. During that 30 seconds, [REDACTED] broke free from the officers and then clenched his hands and walked toward Officer Rodriguez, flailing his arms at the officers. Officer Taylor heard [REDACTED] say words to the effect of, “on my dead mama, if you don’t let me go, things - - -

¹⁸ Attachments 21, 58.

¹⁹ Taylor Tr. 18:21–3, July 24, 2019. Attachment 58.

²⁰ *Id.* at 23:15–16.

we're going to have a problem.”²¹ Based on [REDACTED] words and actions, Officer Taylor classified [REDACTED] as an assailant.²² At some point prior to [REDACTED] being placed in handcuffs, Officer Taylor heard Officer Rodriguez or Officer Roman tell [REDACTED] that he was a suspect in a robbery.

When Officer Taylor reached [REDACTED] and the other officers, he was holding his handcuffs in a pistol grip and he used the heel of his palm to strike [REDACTED] three or four times on the upper back.²³ Officer Taylor used the same hand to hold his handcuffs and to strike [REDACTED] but Officer Taylor did not believe that the handcuffs came in contact with [REDACTED] body or head based on the way that he held the cuffs. Officer Taylor explained that he believed it was necessary to strike [REDACTED] because there was no other way to take [REDACTED] to the ground and handcuff him based on the way [REDACTED] struggled, while the crowd started to swell around them, and trains were coming into the station. Officer Taylor believed he needed to act quickly to bring the encounter to a close before anyone got hurt. Officer Taylor characterized his strikes to [REDACTED] body as stuns within the CPD's use-of-force model.

After Officer Taylor delivered the strikes to [REDACTED] upper back, [REDACTED] went to the ground and other officers were able to handcuff [REDACTED]. Officer Taylor stopped striking [REDACTED] because he went down.²⁴ Officer Taylor remembered Officer Rodriguez put his arm up while [REDACTED] was going down. Officer Taylor assumed Officer Rodriguez put his arm up to signal he did not want to be hit by Officer Taylor. Officer Taylor did not communicate with Officers Roman or Rodriguez before striking [REDACTED] and neither officer explicitly asked him to strike [REDACTED] or to assist in handcuffing [REDACTED]. As for his partner, Officer Quinn-Munoz, Officer Taylor believed she was controlling the crowd.

Other than striking [REDACTED] on his upper back, Officer Taylor denied using any other force against [REDACTED]. Specifically, Officer Taylor denied forcefully grabbing [REDACTED] around or about the neck, denied putting his hands to [REDACTED] neck or face, and denied striking [REDACTED] about the head, neck, or shoulders. Officer Taylor explained that he was not thinking about the handcuffs that were already in his hand when he struck [REDACTED] on the upper back, but that he knew he had to act quickly before the incident got out of control. Officer Taylor, in conjunction with other officers, forcefully took [REDACTED] to the ground to place [REDACTED] in custody. If he had a choice, Officer Taylor would have stowed his handcuffs before striking [REDACTED] but he needed to act, and the handcuffs were already in his hand for the purpose of attempting to handcuff [REDACTED]. Officer Taylor was conscious of the possibility that if he dropped his cuffs, they could be picked up and used as a weapon against Officer Taylor.

Officer Taylor later learned [REDACTED] was not the robbery offender that officers were searching for, having been eliminated as a suspect during a show-up with the robbery witness. Officer Taylor went back to the district station to complete a Tactical Response Report (TRR) based on his interaction with [REDACTED]. Officer Taylor reviewed his TRR and confirmed that it was accurate. Officer Taylor acknowledged that his TRR documented that [REDACTED] did not commit an assault or battery against any police officer and that Officer Taylor, without weapons, used an

²¹ *Id.* at 27:14–16.

²² *Id.* at 25:6–20.

²³ *Id.* at 29:2–16.

²⁴ *Id.* at 32:4.

open-hand strike and a takedown against ██████ Officer Taylor believed that he was correct to document that he did not use a weapon against ██████ even though he struck ██████ while holding handcuffs, because he did not hit ██████ with the handcuffs.

In a **statement to COPA on January 23, 2020, Officer Cedric Taylor**²⁵ was asked about the content of his TRR and the circumstances surrounding his writing the TRR. Officer Taylor recalled that he wrote the TRR in the tactical office at the district station after the incident. Officer Quinn-Munoz, Officer Roman, and Officer Rodriguez were all present in the office, along with Officer Taylor's supervisor, Sergeant Best. Officer Taylor recalled discussing the report with Sergeant Best and the other officers as he wrote it: "[W]e talked about what needed to be put on the reports so far as making sure that everything was accurate, according to when the incident occurred."²⁶ In his statement, Officer Taylor told COPA he heard Officers Roman and Rodriguez give verbal commands to ██████ including instructing ██████ to remove his hands from his pockets. Officer Taylor saw ██████ clenching his fist as he approached ██████ Officer Taylor witnessed ██████ stiffen up and flail his arms, during the brief time between first making physical contact with ██████ and striking ██████ Officer Taylor observed Officers Roman and Rodriguez attempting to hold ██████ arms and to place him in handcuffs. When asked about the phrase, "After repeated de-escalation techniques failed," in his TRR narrative, Officer Taylor clarified that he was referring to Officer Roman and Officer Rodriguez's repeated commands to "stop resisting,"²⁷ he did not recall any other de-escalation techniques used. Officer Taylor clarified he used the term "open-hand strikes" in his TRR narrative because he classified the type of strike he used, a palm-heel strike, as an open-hand striking technique. Officer Taylor admitted that because he was holding his handcuffs in his striking hand, his hand was closed and not open.

Officer Taylor admitted that he was equipped with a body-worn camera (BWC) when he assisted in the arrest of ██████ and he did not activate the camera. Officer Taylor admitted that he was familiar with CPD Special Order S03-14 and knew the order required him to activate his BWC during law-enforcement related activities. Officer Taylor explained that he thought he activated the BWC when he was responding to the Red Line, but, "I must not have hit the button correctly and it didn't come on."²⁸

b. Digital Evidence

A **video recording captured by an unknown bystander**²⁹ and uploaded to social media was preserved by Commander Michael Pigott and appended to his initiation report for this incident.³⁰ The recording is less than two minutes in length and begins with Officer Taylor striking

²⁵ Attachments 83, 88.

²⁶ Taylor Tr. 10:3–6, Jan. 23, 2020. Attachment 88.

²⁷ *Id.* at 17:11.

²⁸ *Id.* at 20:6–7.

²⁹ Attachment 46. COPA slowed a portion of the video depicting the strikes delivered by Officer Taylor to ██████ and captured single frames from the video to better illustrate this report. *See* Attachment 22. COPA also found a longer version of the same video uploaded to various news and social-media websites. That version is three minutes and seventeen seconds long and depicts Officers Roman and Rodriguez interacting with ██████ on the platform prior to Officer Taylor's arrival, in addition to the same recording described herein. The additional segment of bystander video is consistent with CTA and BWC recordings described below. *See* Attachment 62.

³⁰ *See* Attachment 7.

██████████ five times. Officer Roman holds ██████████ arms as Officer Rodriguez appears to be holding the back of ██████████ jacket or pants, and the officers move with ██████████ toward the platform floor as Officer Taylor administers the strikes. ██████████ appears to duck his head and move away from the strikes, all five of which are delivered with Officer Taylor's right hand as Officer Taylor wraps his left arm around ██████████ and holds the front of ██████████ jacket. Officer Taylor holds handcuffs in his right hand through all five strikes, and all the strikes are delivered in less than three seconds. The strikes all appear to land on ██████████ upper back, neck, or head. The exact location of each strike cannot be determined due to the position of the camera and because ██████████ is wearing a hooded sweatshirt with the hood over his head. As the officers and ██████████ move toward the ground, Officer Rodriguez raises his left arm, appearing to separate Officer Taylor from ██████████. Officer Taylor remains on his feet as officers arrive and assist in handcuffing ██████████. Officer Taylor turns toward the crowd on the platform, still holding the handcuffs in his right hand, and shakes his fist while ordering the crowd to back up. Officer Taylor also appears to gesture at the bystanders with his left hand as if challenging them to advance toward him. Officer Quinn-Munoz also directs the crowd to back up, at one point touching the arm or hand of the unseen person holding the video-recording device. An unseen bystander asks for Officer Taylor's badge number, and Officer Taylor points to the embroidery on his vest. The recording ends as Officer Taylor and other CPD members escort ██████████ up the escalator.



Figure 1. Still frame from bystander video depicting Officer Taylor striking [REDACTED] with handcuffs.

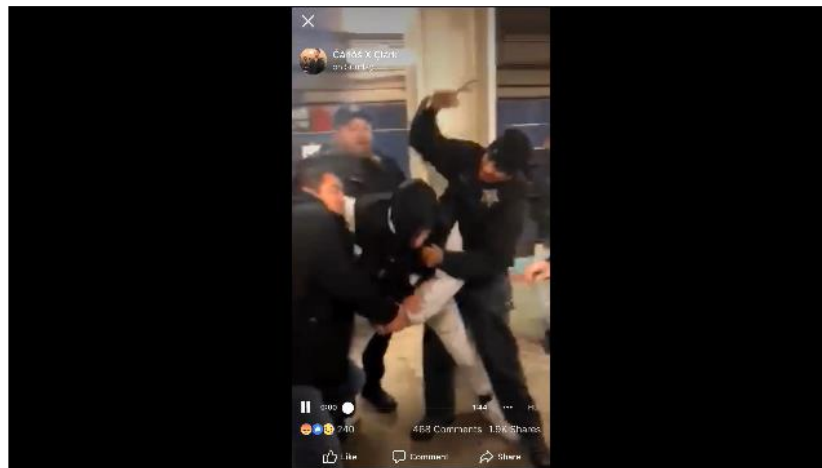


Figure 2. Still frame from bystander video depicting Officer Taylor preparing to strike [REDACTED] for the second time.

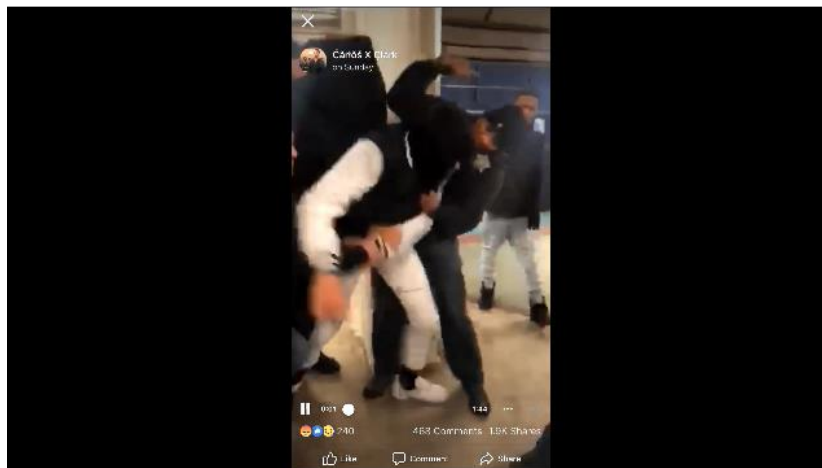


Figure 3. Still frame from bystander video depicting Officer Taylor preparing to strike [REDACTED] for the third time.



Figure 4. Still frame from bystander video depicting Officer Taylor striking ██████ the fourth time.

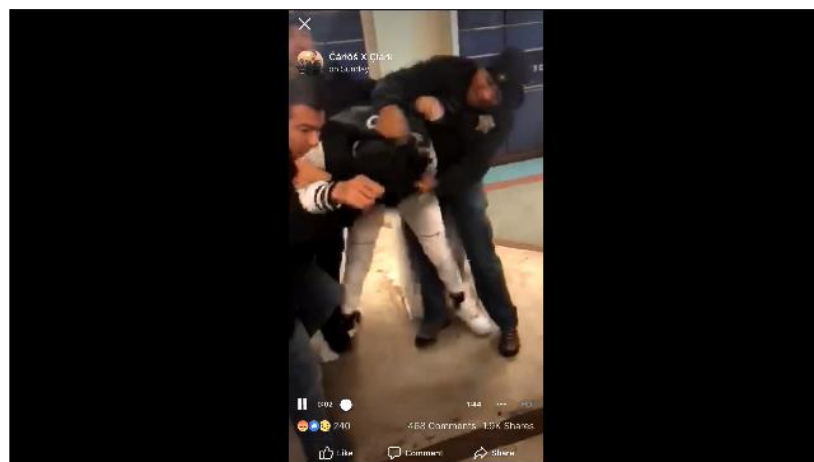


Figure 5. Still frame from bystander video depicting Officer Taylor striking ██████ for the fifth time.

COPA obtained **surveillance video from the Chicago Transit Authority (CTA) Roosevelt Red Line platform**³¹ depicting events on November 25, 2018, between 6:48 pm and 6:54 pm. Two recordings were obtained, the first from a north-facing surveillance camera above the platform and the second from a south-facing surveillance camera mounted at the same location. The recordings captured video images, without sound.

The north-facing camera recorded ██████ running into view southbound on the platform at 6:48 pm, as a southbound train arrives. ██████ stands on the platform with a group of approximately ten young people as arriving passengers exit the train. Approximately ten seconds after ██████ runs into view, Officers Rodriguez and Roman are shown on the platform, also heading south. The officers first approach a Black male subject wearing a green coat over a red hooded

³¹ Attachment 47. ██████ and the involved CPD members were identified in the CTA video recordings based on the correlating body-worn-camera video recordings and the involved CPD members' reports and statements regarding their involvement in this incident.

sweatshirt. Officer Rodriguez briefly holds the subject's wrist with one hand while holding handcuffs in his other hand, but after approximately five seconds Officer Rodriguez lets go of the subject, and the subject appears to laugh as he boards the train. The officers continue to walk south on the platform, approaching ██████ who appeared to be watching their interaction with the green-coated subject.

Officer Rodriguez initially walks past ██████ and appears to speak with several other male subjects while Officer Roman stands immediately to the side of ██████ and appears to begin a conversation with ██████. After approximately fifteen seconds, as the train departs, Officer Rodriguez turns to face Officer Roman and ██████ and Officer Roman places his hand on ██████ right arm. Officer Rodriguez retrieves his handcuffs and holds them in his right hand while placing his left hand on ██████ torso, guiding ██████ backwards toward a metal structure in the center of the platform. ██████ is initially positioned with his back against the structure while Officer Roman holds his right arm and Officer Rodriguez holds his jacket, but ██████ turns and begins to pull away from the officers as he attempts to walk south. The officers continue to hold ██████ as he jerks his arms. ██████ turns toward Officer Rodriguez and appears to yell as the officers pull ██████ back toward the center-platform structure and a crowd begins to gather around them. Several people in the crowd appear to begin recording the interaction on their cell phones. ██████ stands still for a few seconds while Officer Rodriguez appears to speak into the microphone of his police radio, but ██████ pulls away again and turns to face Officer Roman. The officers continue to hold ██████ as they back him against a nearby pillar. ██████ stands relatively still against the pillar as the officers hold his arms, but he continues to yell at the officers and sometimes shuffles his feet, holds his arms stiff, and rocks his body.

The stalemate continues for approximately 90 seconds until Officer Taylor, wearing civilian clothes, walks briskly into view, heading north toward ██████ and the officers. Officer Taylor walks between two people who stand between him and ██████ and approaches from ██████ left as ██████ stands with his back against the pillar, facing both Officer Rodriguez and Officer Roman. Approximately three seconds elapse between Officer Taylor coming into view and Officer Taylor making physical contact with ██████. Officer Taylor takes hold of ██████ left arm, and ██████ appears to react by twisting his upper body and attempting to pull away from Officer Taylor, stepping forward toward Officer Roman and wrapping his right arm around Officer Roman's back. Officer Quinn-Munoz walks into view, following Officer Taylor, and stands facing the crowd (with her back toward ██████ and the other officers), and she appears to be directing the members of the crowd to move back.

For approximately ten seconds, ██████ and the officers appear to push and pull each other as the officers attempt to handcuff ██████. Officer Taylor grabs ██████ jacket-collar with his left hand while holding handcuffs in his right hand. ██████ leans forward as Officers Rodriguez and Roman attempt to pull ██████ toward the ground, and Officer Taylor strikes ██████ five times with his right hand, still holding the handcuffs. The blows appear to land on ██████ upper back, neck, or head, but the bystanders and Officer Quinn-Munoz partially obstruct the camera's view. Officer Rodriguez briefly raises his left arm, placing his body between ██████ and Officer Taylor. ██████ falls prone to the ground while Officers Rodriguez and Roman follow, both going to their knees. Officer Taylor, who fell to the ground briefly, stands up as two officers, in uniform, run into view from the south and assist Officers Rodriguez and Roman with ██████ on the ground. Officer Quinn-

Munoz appears to direct members of the crowd to move away from the officers, and Officer Taylor steps away from ██████ to join Officer Quinn-Munoz. Officer Taylor, still holding the middle of his handcuffs in his right hand, appears to yell at members of the crowd while shaking his right fist and gesturing toward his chest with his left hand. The crowd backs away, out of view, as additional CPD members arrive. Officer Roman and a uniformed officer pull ██████ to his feet and walk with ██████ southbound on the platform as a northbound train pulls into the station. The recording ends.

The south-facing camera recording captures the same period of time as the north-facing camera. ██████ and Officer Rodriguez are visible briefly but step out of view to the north as their interaction begins. Based on the visible members of the crowd on the platform, the off-camera interaction between ██████ and the officers appears to be occurring immediately underneath the camera, but out of the camera's view. Officer Taylor is visible for approximately nine seconds as he descends the stairs and walks toward ██████ and the officers, with Officer Quinn-Munoz following behind. The south-facing camera did not capture Officer Taylor striking ██████. The recording ends as officers escort ██████ up the escalator.

A recording from Officer Roman's body-worn camera (BWC)³² captured the events of November 25, 2018, between 6:50 pm and 6:57 pm. The recording is silent for the first thirty seconds. The recording begins as Officer Roman holds ██████ arm and appears to escort ██████ toward the center of the CTA platform. A group of bystanders are in close proximity, with several apparently recording the encounter on their cellular telephones. When the audio begins, Officer Roman tells ██████ to relax, and both Officer Roman and Officer Rodriguez inform ██████ the encounter is being recorded. Bystanders also tell ██████ to calm down, assuring him the officers will let him go once they realize he was not involved in whatever they are investigating. ██████ shouts at the officers, demanding that they release him and insisting he will not go with them, stating, "I'm not going like that, on my dead brother, let me go."³³ Officer Roman holds ██████ by the wrist, with ██████ clenched fist almost touching Roman's BWC. ██████ apparently attempts to pull away from Officer Roman several times, opening his hand and swinging his arm, but Officer Roman maintains his grip on ██████ wrist.

Officer Taylor approaches through the crowd, and Officer Roman says, "We're trying to get cuffs on this guy."³⁴ Officer Taylor retrieves his handcuffs, holding them in his right hand. Officer Taylor leans toward ██████ and raises his arms out of the camera's view. A bystander yells, "Why are you hitting him?"³⁵ Officer Taylor and ██████ appear to struggle briefly as Officer Roman's chest moves toward the ground. Officer Roman's BWC does not capture Officer Taylor striking ██████. Other officers arrive and handcuff ██████ who remains lying on his stomach. The officers pull him to his feet and escort him up the escalator toward the street. The remainder of Officer Roman's BWC recording is consistent with the recording summarized below from Officer Rodriguez's camera. The recording ends as ██████ is placed in a squadrol.

³² Attachment 48.

³³ BWC Video recording: Officer Jesus Roman at 1:16 (in-video timestamp at T00:51:43Z) (Chi. Police Dep't 2018) (Attachment 48).

³⁴ *Id.* at 2:10 (in-video timestamp at T00:52:37Z).

³⁵ *Id.* at 2:20 (in-video timestamp at T00:52:47Z).

A recording from Officer Rodriguez's BWC³⁶ captured the events of November 25, 2018, between 6:54 pm and 6:58 pm. The recording begins as Officer Rodriguez and Officer Roman escort ██████ up the escalator from the CTA platform toward the street. The first thirty seconds of the recording are silent. Officer Rodriguez appears to press the button to activate the camera and quietly swears in apparent frustration upon discovering he had not activated the camera earlier. ██████ asks why he is being arrested, but no one replies. When they reach the street, Officer Rodriguez turns ██████ over to other officers, and those officers escort ██████ toward a squadrol. Officer Rodriguez and other officers briefly discuss the identities and possible locations of the witness to the reported robbery and another suspect who ran. Officer Rodriguez approaches the squadrol and briefly speaks with ██████ who tells officers he never had a gun. Officer Rodriguez tells ██████ that no one was accusing him of carrying a gun. Officer Rodriguez then speaks with Officer Taylor, who points out the location of a witness and offers to bring the witness to Officer Rodriguez.

Officer Rodriguez speaks with Officer Roman, explaining that he attempted to turn on his BWC, but failed to do so. Officer Roman assures Officer Rodriguez that the incident was captured on Officer Roman's camera. The officers examine a cellular telephone apparently seized from ██████ by other officers, but they discover that the phone belongs to ██████. The officers continue to discuss efforts to locate the robbery victim and possible charges against ██████ in the absence of a victim, and the recording ends.

COPA obtained recordings of **CPD radio transmissions for Zone 4**,³⁷ covering the First and Eighteenth Districts, between 5:29 pm and 7:30 pm on November 25, 2018. These recordings document the following relevant and material communications:

- 6:30:14 pm The dispatcher announces that a call is pending for a robbery that just occurred at 8th and State.
- 6:30:51 pm Beat 167C asks the dispatcher for details about the robbery and any description of the offenders. Beats 167A and 161D also announce they will respond to the robbery call. The dispatcher provides the following information: "We've got 8th and State. The caller said they had reported six male Blacks robbed a female and took her purse. Three of them are walking northbound on State right now with the purse. One has a green jacket; the other has a black jacket; the other one has a black and white jacket, and he's the one with the purse."
- 6:32:48 pm Beat 167A asks the dispatcher to repeat the description of the offenders and Beat 167C asked whether there was a "call back." The dispatcher responded, "I called the witness and he doesn't know where the young lady went to."

³⁶ Attachment 48. COPA also obtained BWC video recordings from Officer Quinn-Munoz, Officer Sean Borisy, and Officer Christos Trakadas. These recordings do not depict the use of force by Officer Taylor. Attachments 48, 74. COPA is also aware of other body-worn camera video recordings captured by later-responding officers. Attachment 63. No video recordings from Officer Taylor's body-worn camera are associated with this incident, and his camera does not appear to have been activated. *Id.*

³⁷ Attachment 44. The OEMC radio transmissions quoted or summarized in this report were transcribed by a COPA investigator and do not include every transmission recorded within this time frame.

- 6:34:46 pm Beat 167C announces they are going to check the Red Line platform at Harrison for the offenders.
- 6:39:49 pm Beat 167C announces the Harrison platform is “negative.”
- 6:40:16 pm Beat 161D announces they are at the Roosevelt Red Line platform to check for the robbery offenders.
- 6:50:28 pm Beat 161D makes an unintelligible transmission and then fails to respond to the dispatcher, prompting the dispatcher to ask additional officers to respond to the Roosevelt Red Line platform to assist Beat 161D.
- 6:51:41 pm Beat 167A announces they have arrived at Roosevelt.
- 6:52:14 pm Beat 189 announces, “they are downstairs.”
- 6:54:06 pm An unidentified officer transmits that responding officers should slow their response, and the dispatcher repeats the “slow-down.”
- 6:56:44 pm Beat 167 announces, “We’re all good,” and instructs any responding units to disregard the call for assistance at Roosevelt.
- 6:59:26 pm Beat 171 announces that they will be transporting a prisoner to District 001 for Beat 161D.

c. Documentary Evidence

An **Initiation Report**³⁸ authored by Commander Michael Pigott on November 28, 2018, documents that the commander became aware of a video circulating on Facebook and based on the video, the commander determined it warranted further investigation. The commander appended a link to the Facebook video and attached copies of [REDACTED] arrest report and Officer Taylor’s tactical response report.

Arrest Report CB19734657,³⁹ attested to by Officer Rodriguez, documents that [REDACTED] age 16, was arrested at 6:50 pm on November 25, 2018, at 1167 South State Street on the CTA platform for robbery. Officer Roman is listed as the second arresting officer, and Officers Taylor and Quinn-Munoz (among others) are listed as assisting arresting officers. The incident narrative in the report documents that the arresting officers monitored a radio call for a robbery that had just occurred at 8th and State, with two offenders described as Black males. One offender was described as wearing a green jacket while another offender, who reportedly possessed the victim’s purse, was wearing a black and white jacket. The arresting officers relocated to a nearby CTA platform where they observed a group of Black male individuals, including one wearing a green jacket who fled, and another wearing a black and white jacket, later identified as [REDACTED]. The arresting officers attempted to detain [REDACTED] but he refused to comply with their verbal

³⁸ Attachment 7.

³⁹ Attachment 4.

commands and began to flail his arms, stiffen, clench his fists, and verbally threaten the officers. The officers used an emergency takedown to complete the arrest, and ██████ was then transported to the First District for processing. ██████ reportedly did not complain of any injuries and refused medical treatment. The arresting officers were unable to locate the victim of the reported robbery but located a witness who told them that the robbery offender's black-and-white jacket had a camouflage pattern. The report further documents that the Watch Operations Lieutenant ordered ██████ to be released without charging, at 7:25 pm, due to lack of a victim. After release, other officers transported ██████ was transported to his residence.

Original Case Incident Report (OCIR) JB528838,⁴⁰ electronically signed by Officer Roman, documents the reported robbery and the subsequent detention, arrest, and release of ██████ on November 25, 2018. The OCIR narrative is consistent with the associated arrest report. The OCIR narrative further details that the officers first approached ██████ to conduct a field interview, while ██████ "refused multiple verbal commands and de-escalation efforts"⁴¹ employed by the officers prior to the officers' use of the emergency takedown to secure ██████ arrest. The OCIR narrative also explains that the witness to the robbery later viewed surveillance video from a 7-11 store and told the officers that the offender was wearing a black-and-white jacket with a camouflage pattern that was not the same as ██████ black-and-white jacket.

The first 911 call reporting a robbery at 8th and State was documented on **OEMC Event Query Report #1832910750**.⁴² OEMC received the call at 5:59 pm on November 25, 2018, and the anonymous caller reported six young Black males, wearing different colored hoodies, chasing a woman down the street and attempting to snatch her purse. In the **audio recording of the 911 call**⁴³ obtained from OEMC for this Event Query Report, the caller reports his location as "8 and State Street," while the Event Query Report documents the location as 80th Street and State Street. The Event Query Report further documents that police officers from the 6th District were dispatched to 80th and State to investigate, but those officers were unable to locate any of the subjects involved in the incident.

The second 911 call reporting a robbery at 8th and State was documented on **OEMC Event Query Report #1832911067**.⁴⁴ OEMC received the call at 6:17 pm on November 25, 2018. The same caller stated that he previously called to report a robbery, and he now saw three of the suspects walking northbound on State Street, carrying the victim's purse. The first suspect was wearing a green jacket, the second a black jacket, and the third a black-and-white jacket. The suspect with the black-and-white jacket was holding the purse. The Event Query Report documents officers from the 167 tactical team responded and located the witness, but not the victim. An **audio recording of the second 911 call**⁴⁵ obtained from OEMC is consistent with the Event Query Report.

⁴⁰ Attachment 9.

⁴¹ *Id.*, p. 2.

⁴² Attachment 59.

⁴³ Attachment 44.

⁴⁴ Attachment 10.

⁴⁵ Attachment 44.

A third **OEMC Event Query Report #1832911465**⁴⁶ documents Beat 161D (Officers Rodriguez and Roman)⁴⁷ called for assistance at 12th Street⁴⁸ and State Street at 6:50 pm on November 25, 2018. Event #1832911465 is cross-referenced to the robbery Event Query documented above.

Officer Taylor's **Tactical Response Report**⁴⁹ documents that [REDACTED] on November 25, 2018, did not follow verbal direction, made verbal threats, stiffened, pulled away, pushed/pulled/shoved, and wrestled/grappled with officers. The report narrative documents that Officer Taylor responded to a robbery call and met with a witness who described the suspects as Black males, one wearing a green jacket and one wearing a black-and-white jacket. While searching for the suspects, Officer Taylor heard other officers requesting assistance on the Red Line platform. Officer Taylor and his partner responded to the platform and saw officers attempting to detain a Black male subject, later identified as [REDACTED] wearing a black-and-white jacket. Officer Taylor observed [REDACTED] "disregarding verbal directions by officers already on the scene, flailing his arms, stiffening up, and clenching his fist and actively resisting"⁵⁰ officers. Officer Taylor further documents that "after repeated de-escalation techniques failed, [Officer Taylor] approached [REDACTED] and utilized open hand strikes and assisted in an emergency takedown in order to place the subject in custody"⁵¹ and "also assisted in using emergency handcuffing technique."⁵² Officer Taylor checked boxes on the report form to indicate that his force mitigation efforts included member presence, tactical positioning, verbal direction/control techniques, and the presence of additional unit members. Officer Taylor indicates that his control tactics included escort holds and emergency handcuffing. The report also documents that [REDACTED] suffered no apparent injuries as the result of Officer Taylor's use of force.

Officer Rodriguez's **Tactical Response Report**⁵³ documents that [REDACTED] on November 25, 2018, did not follow verbal direction, made verbal threats, stiffened, and pulled away from Officer Rodriguez. The narrative documents that Officer Rodriguez was attempting to detain [REDACTED] matching the physical and clothing description provided by OEMC for an offender who had just committed a nearby robbery. The narrative further documents that [REDACTED] immediately refused to follow verbal commands when Officer Rodriguez approached, and [REDACTED] stiffened, clenched his fists, and yelled verbal threats at Officer Rodriguez. [REDACTED] then flailed his arms as Officer Rodriguez attempted to detain him. Officer Rodriguez attempted to de-escalate the situation by using member presence, movement to avoid attack, tactical positioning, and verbal direction/control techniques. When de-escalation efforts failed, Officer Rodriguez utilized an emergency takedown and emergency handcuffing procedures to gain control of [REDACTED]. The narrative documents that [REDACTED] refused medical treatment and had no reported injuries.

⁴⁶ Attachment 60.

⁴⁷ See Attendance and Assignment Record, District 1, 4th Watch, November 25, 2018. Attachment 61.

⁴⁸ 12th Street is the former designation for Roosevelt Road.

⁴⁹ Attachments 8, 96.

⁵⁰ *Id.*, p. 2.

⁵¹ *Id.*

⁵² *Id.*

⁵³ Attachments 11, 94.

Officer Roman's **Tactical Response Report**⁵⁴ documents that Officer Roman utilized escort holds, wristlock, armbar, emergency takedown, and emergency handcuffing during the arrest of [REDACTED] on November 25, 2018. Officer Roman checked boxes on the report form to indicate that [REDACTED] did not follow verbal direction, made verbal threats, stiffened, and pulled away from Officer Roman. The narrative portion of Officer Roman's TRR is substantially the same as Officer Rodriguez's narrative as summarized above.

Tactical Response Reports filed by Officer Christos Trakadas⁵⁵ and Officer Sean Borisy⁵⁶ document that these officers arrived while other officers were attempting to place [REDACTED] into custody, and these arriving officers assisted with emergency handcuffing techniques. These reports are otherwise consistent with Officers Rodriguez's and Roman's tactical response reports.

⁵⁴ Attachments 13, 92.

⁵⁵ Attachments 14, 93.

⁵⁶ Attachments 17, 95.

VI. LEGAL STANDARD

a. Use of Force

The main issue in evaluating every use of force is whether the amount of force the officer used was objectively reasonable in light of the totality of the circumstances faced by the officer.⁵⁷ 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."⁵⁸

The factors to be considered in assessing the reasonableness of force include, but are not limited to, (1) the severity of the crime at issue; (2) whether the subject was posing an immediate threat to the safety of officers or others; and (3) whether the subject was actively resisting arrest or attempting to evade arrest by flight.⁵⁹ In all uses of force the goal of a Department member's response is to "resolve the incident with the foremost regard for the preservation of human life and the safety of all persons involved."⁶⁰

b. Standard 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 the conduct reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005) ("A proposition proved by a preponderance of the evidence is one that has been found to be more probably true than not true."). If the evidence gathered in an investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

⁵⁷ General Order G03-02 (III)(B) (effective October 16, 2017 to February 28, 2020).

⁵⁸ *Plumhoff v. Rickard*, 572 U.S. 765, 775 (2014) (internal quotations and citation omitted).

⁵⁹ General Order G03-02 (III)(C)(1).

⁶⁰ *Id.* (II)(A).

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. *See, e.g., People v. Coan*, 2016 IL App (2d) 151036. 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.* ¶ 28.

VII. ANALYSIS

a. Body Worn Camera Allegation

Officer Taylor admits he was required to activate his BWC to record his involvement in the arrest of ██████████ and that he failed to do so. Officer Taylor's only explanation for this lapse was that he intended to activate the BWC but mistakenly did not. CPD directives require that members "activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities. . . . Law-enforcement-related activities include but are not limited to . . . investigatory stops."⁶¹ Rule 6 requires that CPD members follow the Department's written directives. Because Officer Taylor failed to activate his BWC when required by a CPD directive, he violated rule 6, and COPA finds that **Allegation 6 against Officer Taylor is Sustained.**

b. Use of Force Allegations

To address the allegations of excessive force, COPA must first determine whether Officer Taylor was justified in using *any* force against ██████████ and also must determine where Officer Taylor's strikes landed on ██████████ body. Officer Taylor admits that when he responded to the Red Line platform, he did not know why Officers Roman and Rodriguez were attempting to detain and handcuff ██████████. Officer Taylor did know that these officers were requesting assistance, and he was able to observe them holding ██████████ arms and attempting to handcuff ██████████ as he approached across the platform. Under these circumstances, Officer Taylor may rely on Officer Roman and Officer Rodriguez's determination that detaining and handcuffing ██████████ was justified. Officer Taylor was not required to conduct his own investigation or to develop an independent basis for detaining or handcuffing ██████████ prior to assisting his fellow officers.⁶² It is also undisputed that police officers can use reasonable force to detain and handcuff a subject who flees or attempts to flee from a valid *Terry* stop.⁶³

⁶¹ CPD Special Order S03-14 (III)(A)(2) Attachment 77.

⁶² *See People v. Carter*, 288 Ill. App. 3d 658, 681 (1997) (citing *People v. Price*, 195 Ill. App. 3d 701, 709 (1990)) ("In executing a search or seizure a police officer may properly rely on information from other police officers even if the officer is personally unaware of the underlying facts.").

⁶³ *See People v. Eyer*, 2019 IL App (4th) 170064, ¶ 35 (holding that police have probable cause to arrest an individual who attempts to flee from a lawful *Terry* stop) (citing *People v. Johnson*, 408 Ill. App. 3d 107, 119–120 (2010) (holding that when an individual has been validly detained by police and then flees or attempts to flee from the stop, the police have probable cause to arrest the individual for obstructing a police officer and may handcuff the individual as part of the arrest)); *see also People v. Zanders*, 2018 ILL App 5th 150069, ¶25 ("During a *Terry* stop, an officer may . . . detain a suspect with a drawn gun or handcuffs without converting the stop into a full arrest so long as doing so is reasonable under the circumstances.") (citing *People v. Walters*, 256 Ill. App. 3d 231, 237 (1994)); *People v. Martin*, 121 Ill. App. 3d 196, 206 (1984)). COPA does not make any findings regarding Officer Roman and Officer Rodriguez's justification for the initial *Terry* stop, as no one has complained about their conduct and no affidavit override has been sought or received to investigate their conduct.

COPA also finds, as a matter of fact, that Officer Taylor struck [REDACTED] five times while holding handcuffs in his striking hand, and at least some of the strikes landed on [REDACTED] shoulders. The number of strikes is shown clearly in the video recordings of the incident and is not in dispute. It is also undisputed that Officer Taylor was holding his handcuffs in the hand he used to deliver the strikes. Because of the quality and the angles of the available video recordings, COPA cannot determine if any of Officer Taylor's strikes landed on [REDACTED] head or neck. [REDACTED] was wearing a hooded sweatshirt that covered his neck and head, he never provided a statement to COPA, and no injuries were documented. Officer Taylor remembered the strikes landing on [REDACTED] upper back, as corroborated by the available video recordings. While some of the blows may also have landed on [REDACTED] head or neck, COPA cannot determine so by a preponderance of the evidence. It is also possible that the free end of Officer Taylor's handcuffs struck [REDACTED] in a different location than Officer Taylor's hand, but again, COPA cannot determine so by a preponderance of the evidence. Because COPA cannot determine if any strikes fell on [REDACTED] head or shoulders, COPA finds that **Allegations 2 and 3 against Officer Taylor are Not Sustained.** COPA also finds, based on the available video recordings, that Officer Taylor grabbed [REDACTED] jacket-collar with his left hand while holding handcuffs in his right hand. The video recordings do not show Officer Taylor grabbing [REDACTED] around or about the neck. COPA therefore finds, by clear and convincing evidence, that **Allegation 1 against Officer Taylor is Unfounded.**

Finally, while Officer Taylor was justified in detaining and handcuffing [REDACTED] he remained responsible for obeying CPD's use-of-force model and associated directives while effectuating the detention. As explained below, Officer Taylor violated the use of force directive by using direct mechanical strikes with an impact weapon on [REDACTED] shoulders while [REDACTED] was an active resistor in violation of CPD directives.

The force options available to CPD members are dictated by the subject's actions, and subjects are placed into categories based on their actions. A subject "who attempts to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest" is classified as an "active resistor."⁶⁴ In contrast, "[A] subject who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury" is classified as an "assailant."⁶⁵

General Orders G03-02 and G03-02-01, requires that members modify their level of force in relation to the amount of resistance offered by the subject.⁶⁶ Members must "use only the force that is proportional to the threat, actions, and level of resistance offered by a subject" and must "use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances."⁶⁷ The specific requirements of General Orders G03-02 and G03-02-01 are also placed in the context of the Department's general policy, which, in part, places an emphasis on eliminating or reducing the use of force when possible.

⁶⁴ General Order G03-02-01 (IV)(B)(2) Attachment 55.

⁶⁵ *Id.* (IV)(C)

⁶⁶ General Order G03-02 (III)(B)(2-3). Attachment 54.

⁶⁷ *Id.* (III)(B)(3-4).

COPA finds, as a matter of fact, that [REDACTED] was an active resistor. Witness CPD members interviewed by COPA – Officer Roman, Officer Rodriguez, and Officer Trakadas – explicitly classified [REDACTED] as an active resistor, while Officer Borisy and Sergeant Quinn-Munoz described only behaviors consistent with an active resistor. Officers Roman and Rodriguez were the first officers to contact [REDACTED] and were in the best position to observe [REDACTED] actions throughout the incident. In his own TRR narrative, Officer Taylor described [REDACTED] as “disregarding verbal directions by officers already on the scene, flailing his arms, stiffening up, and clenching his fist and *actively resisting*.”⁶⁸ Officer Taylor told investigators that he classified [REDACTED] as an assailant because, as he approached [REDACTED] and Officers Roman and Rodriguez, he saw [REDACTED] break free from the officers, clench his hands, and walk toward Officer Rodriguez, flailing his arms and making verbal threats. Based on the available video recordings, this simply did not happen. [REDACTED] did not break free from the officers or walk toward them, in any manner, while Officer Taylor was present. Based on what Officer Taylor could personally observe – as confirmed by Officer Taylor during his second interview with COPA – [REDACTED] actions were consistent with Officer Taylor’s TRR narrative and consistent with classifying [REDACTED] as an active resistor.

The force options available to an officer attempting to gain control of an active resistor include holding techniques, compliance techniques, takedowns, and stunning.⁶⁹ However, just because these techniques are potential options does not mean that a CPD member can use them indiscriminately against any active resistor. As explained above, the use of these techniques must be proportional to the subject’s actions, and members must attempt to use de-escalation techniques before using force, when feasible. Here, other officers had been dealing with [REDACTED] for several minutes before Officer Taylor arrived. These officers were attempting to de-escalate the situation and to gain voluntary compliance, and they did not perceive any immediate need to use force beyond holding and handcuffing techniques. Less than 30 seconds after Officer Taylor arrived on the platform, and within ten seconds of coming into physical contact with [REDACTED] Officer Taylor grabbed [REDACTED] by the collar, initiated a takedown, and struck [REDACTED] five times while holding handcuffs in his striking hand.

By his own admission, Officer Taylor did not attempt any de-escalation techniques before striking [REDACTED] Officer Taylor also failed to communicate with the officers who were already on scene. COPA finds, based on the statements of the involved officers and the available video recordings of the incident, that Officer Taylor needlessly escalated this encounter within seconds of his arrival, disregarding his obligation to de-escalate and disregarding the safety of the individuals involved – including his fellow officers – one of whom placed himself between Officer Taylor and [REDACTED] after Officer Taylor began striking [REDACTED] Further, COPA finds that Officer Taylor’s strikes were not stuns; rather, they constituted both direct mechanical techniques and the improper use of an impact weapon. Direct mechanical strikes, which are defined as “forceful, concentrated striking movements such as punching or kicking, or focused pressure strikes and pressures,” and can be combined with impact weapons, which “are designed to establish control

⁶⁸ Taylor Tr. 27:14–16, July 24, 2019 (emphasis added). Attachment 58.

⁶⁹ *Id.*

by means of applying mechanical impact to a subject in order to disable elements of his or her musculoskeletal structure,” are allowed on assailants but not active resisters.⁷⁰

While Officer Taylor contends he intended to deliver palm-heel strikes as a stunning technique, by his own admission his hand was closed because he was holding his handcuffs. Because Officer Taylor’s hand was closed when he delivered forceful blows to ██████ back, his strikes are best classified as direct mechanical techniques. It is also apparent from the available video-recordings of the incident that the free end of Officer Taylor’s handcuffs struck ██████ back.⁷¹ By forcefully striking ██████ with his handcuffs, Officer Taylor used an impact weapon. Not only did Officer Taylor use an impact weapon, but he used an item (handcuffs) that was not designed for use as an impact weapon under circumstances where other options were clearly available.

Even assuming, *arguendo*, that ██████ was an assailant rather than active resistor and that the use of direct mechanical techniques and impact weapons could be appropriate under the use-of-force model, the use of these techniques under these particular circumstances was still excessive. Officer Taylor did not attempt to de-escalate the situation before using these techniques and Officer Taylor’s actions were not proportional to ██████ actions. COPA therefore finds that **Allegation 4 and Allegation 5 against Officer Taylor are Sustained.** COPA also finds that Officer Taylor’s use of excessive force in both taking ██████ to the ground and in striking ██████ brought discredit upon the Department (violating Rule 2), failed to promote the Department’s efforts to implement its policy or accomplish its goals (violating Rule 3), disobeyed General Orders G03-02 and G03-02-01 (violating Rule 6), maltreated ██████ (violating Rule 8), and engaged in an unjustified physical altercation with ██████ (violating Rule 9).

VIII. CONCLUSION

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

Officer	Allegation	Finding/Recommendation
Officer Cedric Taylor	<p>It is alleged that on or about November 25, 2018, at approximately 6:50 p.m. at or near 1167 S. State St. (CTA Platform), you committed misconduct through the following acts or omissions by:</p> <ol style="list-style-type: none"> <li data-bbox="487 1522 1039 1627">1. Forcefully grabbing ██████ around or about the neck without justification. <li data-bbox="487 1669 1039 1774">2. Striking ██████ around or about the head with handcuffs in hand without justification. 	<p>Unfounded</p> <p>Not Sustained</p>

⁷⁰ *Id.*

⁷¹ *See supra* Figures 1–5.

<p>3. Striking ██████████ around or about the neck with handcuffs in hand without justification.</p>	<p>Not Sustained</p>
<p>4. Striking ██████████ around or about the shoulders with handcuffs in hand without justification.</p>	<p>Sustained / 180 days</p>
<p>5. Forcefully taking ██████████ to the ground without justification.</p>	<p>Sustained / 180 days</p>
<p>6. It is alleged by the Civilian Office of Police Accountability that on or about November 25, 2018, at approximately 6:50 p.m., at or near 1167 South State Street, Chicago, IL 60605, that Officer Cedric Taylor #18426 committed misconduct through the following acts or omissions, by failing to comply with Special Order S03-14 by failing to activate your body-worn camera to record law-enforcement-related activity.</p>	<p>Sustained / 3 days</p>

IX. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Cedric Taylor

i. Complimentary and Disciplinary History

Officer Taylor has received 12 Department commendations, 67 honorable mentions, 7 complimentary letters, and 22 other awards. Officer Taylor has not been subject to any disciplinary action within the past 5 years.

ii. Recommended Penalty, by Allegation

1. Allegation No. 4.

Officer Taylor repeatedly struck ██████████ an unarmed suspect, while holding handcuffs in his striking hand. Officer Taylor failed to properly evaluate the situation and used force immediately upon his arrival without properly considering other options. Officer Taylor needlessly endangered ██████████ and needlessly endangered himself and the other officers on scene, who were concerned that the gathering crowd could turn hostile. Moreover, this incident occurred on a crowded subway platform and was witnessed by many citizens. Additionally, it was captured on third party cell phone video, which was widely circulated in the media and brought significant discredit to the Department. The use of excessive force by an officer serves to further undermine the fragile relationship between the Department and the citizens it serves. For all these reasons,

Officer Taylor did not exhibit the judgment and professionalism that is expected from members of the Department, and a significant penalty is warranted. COPA recommends a minimum suspension of 180-days but would support a penalty up to and including separation, should the Superintendent see fit.

2. Allegation No. 5.

Officer Taylor forcefully took ██████████ to the ground after striking ██████████ repeatedly. For the same reasons explained above, COPA finds that a 180-day suspension is the appropriate penalty for this sustained allegation.

3. Allegation No. 6.

Officer Taylor acknowledged he was responsible for activating his body-worn camera and that he failed to do so. While this omission may have been unintentional, Officer Taylor remains accountable for following CPD directives regarding the proper use and operation of his body-worn camera. Body-worn cameras are a critical tool because they allow the true circumstances of use-of-force incidents to be known and for officers to be held accountable if they use excessive force. COPA finds that a 3-day suspension is the appropriate penalty for this sustained allegation.

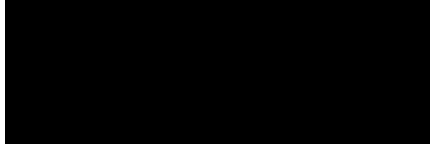
Approved:



Andrea Kersten
Chief of Investigative Operations

July 31, 2020

Date



Sydney Roberts
Chief Administrator

July 31, 2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	4
Major Case Specialist:	Greg Masters
Supervising Investigator:	James Murphy-Aguilu
Deputy Chief Administrator:	Andrea Kersten