

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	April 6, 2019
Time of Incident:	5:30 p.m.
Location of Incident:	3200 West Roosevelt Road, Chicago, Illinois
Date of COPA Notification:	April 12, 2019
Time of COPA Notification:	7:02 p.m.

On April 6, 2019, [REDACTED] ([REDACTED]) was driving with [REDACTED] ([REDACTED]) and two gentlemen. Officers Kenneth Heidemann, David Taylor (“Officer Taylor”) and Travis Coburn (“Officer Coburn”) stopped [REDACTED] for a minor traffic violation. During the course of the stop, Officer Coburn took [REDACTED] to the ground and a struggle ensued. Officer Taylor ran over to assist, and eventually [REDACTED] was handcuffed and transported to the District Station.

[REDACTED] alleged the officers stopped the vehicle for no reason, Officers Coburn and Taylor used excessive force, and Officer Taylor searched her vehicle without consent or probable cause. The Civilian Office of Police Accountability (“COPA”) conducted a thorough investigation of the allegations. A detailed analysis of COPA’s finding are discussed below.

II. INVOLVED PARTIES

Involved Officer #1:	Kenneth Heidemann, star #16394, employee ID#[REDACTED], Date of Appointment: August 25, 2014, PO, Unit 011, DOB: [REDACTED], 1989, Male, White
Involved Officer #2:	David Taylor, star #18525, employee ID#[REDACTED], Date of Appointment: August 31, 2015, PO, Unit 011, DOB: [REDACTED], 1989, Male, White
Involved Officer #3:	Travis Coburn, star #16338, employee ID#[REDACTED], Date of Appointment: August 25, 2014, PO, Unit 011, DOB: [REDACTED], 1985, Male, White
Involved Officer #4:	Christopher Valdez, star #8868, employee ID#[REDACTED], Date of Appointment: August 29, 2016, PO, Unit 010, DOB: [REDACTED], 1992, Male, White Hispanic
Involved Officer #5:	Robert Cabello, star #9989, employee ID#[REDACTED], Date of Appointment: April 25, 2016, PO, Unit 010, DOB: [REDACTED], 1992, Male, White Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1995, Male, Black
Involved Individual #2:	[REDACTED] DOB: [REDACTED], 1996, Female, Black

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Kenneth Heidemann	It is alleged by ██████████ that on or about April 6, 2019, at approximately 5:09 pm, at or near 3200 West Roosevelt Road, Officer Kenneth Heidemann, star #16394 committed misconduct through the following acts or omissions, by stopping ██████████ without justification.	Exonerated
Officer Travis Coburn	It is alleged by ██████████ that on or about April 6, 2019, at approximately 5:09 pm, at or near 3200 West Roosevelt Road, Officer Travis Coburn, star #16338 committed misconduct through the following acts or omissions, by: 1. stopping ██████████ without justification; 2. forcefully taking ██████████ to the ground without justification; 3. striking ██████████ on or about his head using an open-hand strike without justification; 4. striking ██████████ on or about his head using a closed-hand punch without justification; and 5. using a chokehold on ██████████ without justification.	Exonerated Exonerated Exonerated Unfounded Sustained/ 20 Day Suspension
Officer David Taylor	It is alleged by ██████████ that on or about April 6, 2019, at approximately 5:09 pm, at or near 3200 West Roosevelt Road, Officer David Taylor, star #18525 committed misconduct through the following acts or omissions, by: 1. stopping ██████████ without justification; 2. striking ██████████ on or about his head with your knee without justification; 3. forcefully moving ██████████ against the hood of an unmarked police vehicle without justification; 4. forcefully moving ██████████ into the backseat of a marked police vehicle without justification;	Exonerated Sustained/ 15 Day Suspension Exonerated Exonerated

	5. forcefully moving ██████████ back without justification; and 6. searching ██████████ vehicle without justification.	Exonerated Exonerated
Officer Christopher Valdez	It is alleged by COPA by and through Deputy Chief Andrea Kersten that on or about April 6, 2019, at approximately 5:09 pm, at or near 3200 West Roosevelt Road, Officer Christopher Valdez, star #8868, committed misconduct through the following acts or omissions, by failing to comply with S03-14 by failing to timely activate your body worn camera.	Sustained/ Violation - Noted
Officer Robert Cabello	It is alleged by COPA by and through Deputy Chief Andrea Kersten that on or about April 6, 2019, at approximately 5:09 pm, at or near 3200 West Roosevelt Road, Officer Robert Cabello, star #9989 committed misconduct through the following acts or omissions, by failing to comply with S03-14 by failing to activate your body worn camera.	Sustained/ Violation - Noted

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1: Violation of any law or ordinance.
2. Rule 6: Disobedience of an order or directive, whether written or oral.
3. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.
4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person.

General Orders

1. G02-02 The First Amendment and Police Actions
2. G03-02 Use of Force
3. G03-02-01 Force Options

Special Orders

1. S03-14 Body Worn Cameras

Federal Laws

1. United States Constitution, Amendment IV: Prohibits search and seizure without probable cause.¹

¹ “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

V. INVESTIGATION²

a. Interviews

In an interview with COPA, on April 9, 2019, ██████████ ██████████ stated, on April 6, 2019, at approximately 5:20 pm, she and ██████████ (██████████³ pulled their vehicle over to the curb and parked, near a stop sign, to pick up ██████████ (██████████ and ██████████ (██████████. At this time, there were police officers double parked behind them. ██████████ drove away, turned left on Kedzie, and pulled into a McDonald's parking lot, where three to four officers in a gray unmarked vehicle stopped them.

Officer Coburn told them they were pulled over for obstructing traffic, and ██████████ provided his license. Officer Taylor asked ██████████ to roll down his window, which he refused. ██████████ identified herself as the owner of the vehicle. Officer Taylor reached inside her open window, moved her hand, and unlocked the vehicle door. ██████████ told Officer Taylor not to touch her and she did not give him permission to reach inside the car. Then, without asking anyone to exit the vehicle, officers reached in and yanked everyone, except ██████████⁴ out of the vehicle. ██████████ had the hardest time exiting the vehicle because he had on his seatbelt, which he was unbuckling as Officer Coburn pulled him to the ground. ██████████ heard Officer Coburn yelling get out, get out, but she couldn't hear exactly what ██████████ responded.

Officer Taylor pulled ██████████ out of the vehicle, then he ran in front of the vehicle toward ██████████. She ran around the rear of the vehicle yelling no one touched the officer and for ██████████ to calm down because he appeared to be having a hard time breathing. Officer Coburn hit ██████████ with both closed and open hands, choked him and put his knee on ██████████ head. Officer Taylor put his knee on ██████████ neck. While ██████████ was face down on the concrete, in handcuffs. The officers repeatedly hit, punched and choked him. ██████████ continued telling ██████████ to calm down because of his difficulty breathing. The officers said ██████████ was resisting but did not say why he was handcuffed or that he was under arrest. Officer Taylor picked ██████████ up by the neck with both hands, choked him, and slammed his face into the police vehicle. At one point, ██████████ reached for ██████████ because of his breathing, and Officer Taylor smacked her hand and told her not to touch him [Officer Taylor]. ██████████ denied touching Officer Taylor. Officer Taylor said ██████████ was resisting and headbutted him. ██████████ did not believe ██████████ was able to headbutt Officer Taylor because his hands were never free, he was handcuffed in the back, and he had been on his stomach. ██████████ stated that ██████████ did say, you dead, you dead to the officers. Multiple officers held ██████████ raised his arms, and threw him face first into a police vehicle, where he hit his head and face on the seat. Then, the officers searched her vehicle, even though she told them they did not have probable cause and she did not consent to a search.

On scene ██████████ face looked swollen, he had a cut at top of forehead that was bleeding, his nose was crooked, and his lip busted. ██████████ was taken to the hospital. ██████████ did not observe any officer with cuts or bruising. Later that night, ██████████ called her and said he had a fracture to his face, maybe a broken nose, and his wrists were bleeding. On the day of the interview, ██████████

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ ██████████ was the driver of the vehicle.

⁴ The door on the left passenger side of the vehicle was broken and officers could not open the door.

stated that ██████ still had visible injuries, including missing skin on his left and right shoulders, cuts on his right elbow and right ear, scratches on his upper chest and back, lip busted inside his mouth, nose swollen with a sore on the right side, and a black bruise and cut on his forehead.⁵

In an **interview with COPA**, on April 10, 2019, ██████ ██████ stated, on Saturday at 5:00 p.m., while working at McDonald's, a female employee notified her that a gentleman⁶ was getting beat up in the parking lot. ██████ walked out and observed⁷ ██████ on the ground, on his stomach, handcuffed, and two officers⁸ on top of him, beating him. The officers picked him up and threw him on the hood of the unmarked vehicle. Blue and White vehicles arrived. Officer Taylor threw ██████ into a blue and white vehicle, where he hit his head on the door. Officer Taylor then opened the back door and threw ██████ inside. ██████ did not believe ██████ was resisting. She did not see him attempt to headbutt an officer nor did she see him refuse to go with the officers into the backseat. ██████ was angry. He and ██████ repeatedly asked why he was being arrested, but the officers did not answer.⁹

In an **interview with COPA**, on June 12, 2019, **Officer Marcin Chimel, star #13818, ("Officer Chimel")** stated, on April 6, 2019, he and his partner Officer Mavrov responded to a request for more cars over the radio. On arrival, Officer Chimel observed a hectic scene, a crowd of people with cameras, and ██████ standing facing the hood of an unmarked vehicle with Officers Taylor and Coburn behind him. Officers told ██████ to stop resisting. ██████ was stiffening up, but Officer Chimel was not sure if he was under arrest or handcuffed at this point. The officers placed ██████ in the back of Officer Chimel's squad car. At this time, ██████ was upset but calm. He was handcuffed and asking for a white shirt.¹⁰ Officers Chimel and Mavrov transported ██████ to the station and escorted him to the processing room without issue.¹¹

In **interview with COPA**, on June 17, 2019, **Officer Martin Mavrov, star #5366, ("Officer Mavrov")** provided a consistent statement as Officer Chimel with the following additional details. Officer Mavrov went to assist Officer Heidemann, who was alone with two detainees.¹²

In an **interview with COPA**, on June 17, 2019, **Officer Timothy Loring, star #4769, ("Officer Loring")** stated, on April 6, 2019, he and his partner Officer Meeks responded to a call for more cars over the radio. On arrival, Officer Loring believed ██████ was already in custody in the back of the squad car. Officer Loring went back to the station and completed the Case Report because the arresting officers were involved in a battery. He wrote the report based on the information related to him by Officers Coburn, Heidemann and Taylor. He did not speak with ██████ and did not recall whether he reviewed arresting officers' body worn camera.¹³

⁵ Attachment 12.

⁶ Now known as ██████

⁷ There were approximately fifteen white officers on scene and one black officer.

⁸ ██████ described one of the officers as white, male tall (approximately 6'2"), husky, blue shirt with vest on top and a hat, and the other officer as white, male with a beard, blond hair, tall (approximately 6'2"), husky, and wearing dark blue shirt and dark pants or blue jeans.

⁹ Attachment 8.

¹⁰ Known as a Sergeant or supervisor.

¹¹ Attachments 54, 75.

¹² Attachments 56, 76.

¹³ Attachments 52, 77.

In an **interview with COPA**, on July 9, 2019, **Officer Kenneth Heidemann, star #16394, (“Officer Heidemann”)** stated, on April 6, 2019, while on patrol with Officers Coburn and Taylor, he observed a car stopped in the middle of the street without activating its hazard lights. After a male approached and got into the car, the car proceeded to drive, making a left turn without using its turn signal 100 feet prior to turning. The officers activated lights and curbed the vehicle in McDonald’s parking lot, located at 3200 West Roosevelt. Officer Coburn approached driver side while Officers Taylor and Heidemann approached the passenger side. Officer Taylor spoke to the front passenger, ██████████ while Officer Heidemann attempted to speak with the rear seat passengers,¹⁴ who were not wearing seatbelts. However, they would not roll down the window.

Officer Coburn returned to the police vehicle to run the driver’s license through LEADS. ██████████ started to exit the vehicle. Officer Heidemann did not know what ██████████ was going to do but believed he may run. Officer Heidemann walked toward the back of the vehicle to get Officer Coburn’s attention. Officer Coburn had ██████████ noticed and was approaching ██████████. Officer Coburn asked ██████████ to step out of the vehicle. Officer Heidemann heard yelling between Officer Coburn and ██████████. Officer Heidemann opened the rear door and asked ██████████ and ██████████ to step out of the vehicle for officer safety. As ██████████ and ██████████ exited the vehicle, Officer Heidemann grabbed ahold of their waistbands. Officer Heidemann heard the commotion¹⁵ involving Officer Coburn and ██████████ but could not see them. Officer Heidemann, immediately, called for backup over the radio. Officer Heidemann remained with ██████████ and ██████████ until assistance arrived.

Officer Taylor went to assist Officer Coburn. ██████████ got out of the car and ran around to the other side of the car. Officer Heidemann’s hands were occupied by ██████████ and ██████████ so he was unable to control her. Officer Heidemann was not able to see the interaction between Officer Coburn, Officer Taylor and ██████████ because the two men were in front of him. Officer Heidemann could not recall anything the officers or ██████████ said.

When additional police units arrived, Officer Heidemann spoke with ██████████ and ██████████ and ran their names through LEADS. ██████████ came back clear, but ██████████ came back with an active warrant. Officer Heidemann placed ██████████ into custody and processed him at the station. Officer Heidemann did not remember searching ██████████ vehicle, but believed a search for weapons would have been done due to ██████████ actions.¹⁶

At the police station, ██████████ told Officer Heidemann he wanted to go to the hospital. ██████████ was taken to the hospital. Officer Heidemann believed he observed swelling on ██████████ face. An evidence technician was requested to photograph ██████████ and Officers Coburn’s injuries.¹⁷

In an **interview with COPA**, on June 24, 2019, **Officer Travis Coburn, star #16338, (“Officer Coburn”)** provided a consistent statement as Officer Heidemann with the following additional details. As he spoke to ██████████ Officer Coburn heard elevated voices and an indistinct conversation between the car occupants and Officers Taylor and Heidemann. While sitting in the police vehicle running ██████████ name, Officer Coburn observed ██████████ open the driver’s side door, get out and back in his car. Officer Coburn wondered if ██████████ was retrieving a weapon,

¹⁴ Now known as ██████████ (██████████) and ██████████ (██████████)

¹⁵ Officer Heidemann did not know what Officer Coburn or ██████████ were saying or doing.

¹⁶ Officer Heidemann believed ██████████ may be hiding a firearm or weapon because he was highly agitated, attempted to exit his vehicle, then hesitated to exit and then his altercation with Officer Coburn.

¹⁷ Attachments 79, 86.

concealing a weapon or if he was getting out to do something because this was not a normal action during a traffic stop. Officer Coburn went to the car and told ██████ to exit the car.¹⁸ ██████ who was sitting in the car, turned slightly toward Officer Coburn, said something to the effect of hitting Officer Coburn, and began to raise his right hand in what appeared to be a balled fist. Officer Coburn ordered ██████ out of the car, grabbed and pulled ██████ out of the car by his shirt. As he pulled ██████ from the car and the two were standing, Officer Coburn saw ██████ right arm come up, and believing ██████ was going to punch him, Officer Coburn took ██████ to the ground. Officer Coburn described this as one fluid motion that lasted only seconds.¹⁹

On the ground, ██████ was on his back, and Officer Coburn straddled his torso. ██████ reached up toward Officer Coburn and his hands were open and moving around. At one point, Officer Coburn felt ██████ put pressure on his throat,²⁰ inner left arm, and pulled his vest forward. Officer Coburn described feeling excruciating pain to the inner bicep of his left arm, which turned black and blue. Officer Coburn, in turn, pushed²¹ down on ██████ shoulders, head and face to prevent ██████ from getting up. His hands went across ██████ throat, but they were not there for an extended period of time and he did not restrict ██████ breathing or circulation. Officer Coburn stated a chokehold may be used in deadly force situation, such as when he felt pressure on his throat. Officer Coburn initially believed he used deadly force when he squeezed ██████ throat. However, after reviewing his BWC, Officer Coburn believed he grabbed ██████ collarbone area, beside his throat. Officer Coburn denied using a chokehold, which he described as “holding one hand in one place for an extended period of time while applying direct pressure to the throat...”²² Officer Coburn stated he was just trying to hold ██████ back, but he felt pressure and responded instinctually.²³ Officer Coburn stated, based on his position over ██████ and ██████ reaching upward with his arms, he had the limited options to place his hands between ██████ head and shoulder blades.²⁴ Officer Coburn also did not recall using a closed-hand strike.

At some point, Officer Taylor and ██████ came over. Officer Coburn was not sure where ██████ was located but knew she was close because she was yelling, and a crowd started to form. Officer Coburn indicated he sped up his actions because he was concerned someone may jump in to help ██████. Officer Taylor performed a knee strike to ██████ head area. Officer Taylor later told Officer Coburn “I came over to the guy, saw his hand on your throat,”²⁵ but Officer Coburn did not remember whether ██████ hand was at or near his throat at the time. Officer Coburn was not sure what other actions Officer Taylor took. After reviewing his BWC, he knew, at some point, Officer Taylor grabbed and pulled one of ██████ arm. Additionally, after reviewing his BWC, Officer Coburn indicated that once he was on the ground with ██████ he did not provide any direct verbal commands, and Officer Taylor said, “stop resisting.”²⁶

¹⁸ Officer Coburn wanted ██████ to exit the vehicle for officer safety and to inquire why he got out of the car.

¹⁹ Officer Coburn classified ██████ as an active resister and assailant, at this point, because ██████ attempted to punch Officer Coburn.

²⁰ Officer Coburn stated ██████ applied pressure to his neck one time but did not believe it was an intentional act.

²¹ Officer Coburn stated, after reviewing his BWC, he was pushing ██████ rather than performing open hand strikes because he did not draw back and forcefully strike ██████

²² Attachment 78, page 22 lines 12-14.

²³ *Id.* at page 42 line 24 – page 43 line 24.

²⁴ *Id.* at page 51 lines 8-16.

²⁵ *Id.* at page 26 lines 11-12.

²⁶ Attachment 78, page 57 lines 6-9.

Officers Coburn and Taylor rolled ██████ over, quickly handcuffed him, and pulled him up to escort him to the squad car.²⁷ Officer Taylor had a hold of ██████ and Officer Coburn had a hold of ██████ arm as ██████ attempted to pull away by forcefully moving back and forth. At some point, ██████ attempted to headbutt Officer Taylor, but Officer Coburn could not recall the sequence of events. Officers Coburn and Taylor pinned ██████ against the hood of a squad car. Officer Coburn was positioned at ██████ shoulders and held him down because, he believed, if ██████ got free, he would run or fight. Officer Coburn could not say what Officer Taylor did because he was focused on himself.

Officers Coburn and Taylor tried to control ██████ and place him inside the back of a nearby marked squad car. ██████ continued to actively pull, push, and headbutted Officer Taylor. The officers, for ██████ own safety, tossed ██████ into the back of the squad car and shut the door. Officer Coburn believed he and Officers Taylor and Heidemann searched the vehicle ██████ drove for weapons. Officer Coburn believed, due to the chaotic situation, the individuals being upset and agitated, and a crowd forming, that any one of the four occupants of the vehicle may have concealed a weapon in the vehicle and the officers wanted to confirm no one could retrieve a weapon. Nothing was recovered.

In response to the allegations, Officer Coburn stated he had probable cause to stop ██████ for a traffic stop because ██████ was double-parked. Officer Coburn stated he could forcefully take ██████ to the ground because he had reasonable articulable suspicion to order ██████ out of the vehicle and ██████ assaulted him. Officer Coburn denied striking ██████ with an open-hand strike or a closed-hand punch and did not believe he choked ██████²⁸

In an **interview with COPA**, on September 19, 2019, **Officer David Taylor, star #8868, (“Officer Taylor”)** provided a consistent statement as Officers Heidemann and Coburn with the following additional details. Officer Taylor stated his focus was on ██████ and ██████. Officer Taylor was concerned weapons were in the vehicle because this was a high crime area where weapons are constantly found in vehicles, and ██████ and ██████ were moving a lot. Officer Taylor asked the individuals to exit the vehicle, but they did not comply. Officer Taylor reached in the front passenger window to unlock the doors. ██████ swatted his hand, but the doors did unlock and Officer Heidemann was able to open the rear door.

Officer Taylor could hear a struggle between Officer Coburn and ██████ but the car blocked his view. Officer Coburn and ██████ went to the ground. Officer Taylor ran around the car to assist Officer Coburn gain control of ██████ who was actively resisting by grabbing at Officer Coburn’s neck and vest area, not complying with verbal commands²⁹ and actively “trying to elude arrest.”³⁰ Officer Taylor, using his hands, attempted to gain control of ██████ hands because he was concerned ██████ may grab an item from Officer Coburn’s vest to use as a weapon. Then, Officer Taylor observed ██████ hands near Officer Coburn’s neck and heard Officer Coburn gasping, which he perceived as Officer Coburn being choked.³¹ Officer Taylor delivered

²⁷ ██████ is under arrest. Officer Coburn indicated ██████ was going to be placed under arrest at the point he was getting out of the vehicle for assault to a police officer. Attachment 78, page 29 lines 5-7.

²⁸ Attachments 63, 78.

²⁹ Officer Taylor could not recall the exact verbal commands.

³⁰ *Id.* at page 20 lines 11-19.

³¹ Officer Taylor went on to state that “something was constricting him, whether it was the shirt, or whatever, gripping his neck or something.” Attachment 109, page 22 lines 15-17.

two knee strikes to [REDACTED] head area to gain compliance.³² Officer Taylor could not recall what actions Officer Coburn took against [REDACTED] and did not know whether Officer Coburn used a chokehold.

As Officer Taylor escorted [REDACTED] to the police vehicle, [REDACTED] was pushing and pulling away. Officer Taylor pushed and held [REDACTED] against the hood of a police vehicle in order to regain control. At one point while at the hood of the vehicle, [REDACTED] who was constantly walking over to the officers and [REDACTED] attempted to touch [REDACTED] Officer Taylor moved his arm to brush her away. She said, “don’t touch me.”³³

When Officer Taylor, along with Officer Coburn, escorted [REDACTED] to a marked squad car for transport, [REDACTED] headbutted Officer Taylor. Officer Taylor felt dizzy and pain. In fear of being headbutted again, Officer Taylor threw [REDACTED] into the back of the squad car and closed the door. Officer Taylor could not recall whether he searched the vehicle [REDACTED] was driving. However, he stated if he did do a search it was to determine whether any weapons were in the vehicle. Officer Taylor explained a search would be reasonable based on the movements he saw in the rear seat and there were multiple individuals on scene who could access the vehicle.³⁴ No weapons were found. After watching his BWC, Officer Taylor stated he searched the front seat, passenger seat, looked over the center console, anywhere a weapon, most likely a handgun, may be found.³⁵

In response to the allegations, Officer Taylor stated he did not stop [REDACTED] Officer Coburn observed a traffic violation and stopped [REDACTED] Officer Taylor admitted to using the alleged force against [REDACTED] but stated the force was justified because [REDACTED] was an active assailant. Officer Taylor admitted to instructing [REDACTED] to move back and moving her back to create space. Officer Taylor admitted to searching [REDACTED] car for weapons.³⁶

In an **interview with COPA**, on August 7, 2019, **Officer Christopher Valdez, star #8868, (“Officer Valdez”)** stated, on April 6, 2019, he and his partner, Officer Cabello, heard a unit requesting more calls over the radio. Officer Valdez did not have any information about the incident prior to arrival, and he could not recall specific details from this incident, including whether any officer had any interaction with [REDACTED] Upon arrival, he assessed the situation, observed officers and about a handful of civilians on scene, and made sure the crowd did not get closer to the scene.

Officer Valdez stated he did not activate his BWC when he exited his vehicle because he wanted to secure the scene before he did anything else. Officer Valdez stated he activated his BWC when he “thought it was the right time for me to do so,”³⁷ which was when “one of the individuals on scene started to raise her voice, and in the event that something may happen, I wanted to have my camera on.”³⁸ Officer Valdez acknowledged he was trained to activate his BWC when he

³² Officer Taylor stated he stuck [REDACTED] head area because it was the only portion of [REDACTED] body accessible to him at the time. Attachment 109, page 18 line 23 to page 19 line 2. In his April 6, 2019 interview with CPD Detective Leif Goff, Officer Taylor stated he administered knee strikes to [REDACTED] in an effort to release [REDACTED] hands from Officer Coburn’s neck. Attachment 6, page 7.

³³ Attachment 109, page 56 line 7.

³⁴ *Id.* at page 59 line 5 - page 60 line 1.

³⁵ *Id.* at page 64 line 21 – page 65 line 8.

³⁶ Attachment 109.

³⁷ *Id.* at page 10 lines 16, 17.

³⁸ *Id.* at page 10, lines 20-22.

knows he is “going to provide assistance or if we’re responding to a job.”³⁹ When asked why did not start his BWC while in the car on his way to assist, Officer Valdez stated “I don’t think there’s a reason why I didn’t. I don’t think I have a good enough reason.”^{40,41}

In an **interview with COPA**, on August 7, 2019, **Officer Robert Cabello, star #9989, (“Officer Cabello”)** provided a consistent statement as Officer Valdez with the following additional details. Officer Cabello admitted he did not activate his BWC for this incident because he was responding to a request for an assist without any information to determine whether he would be “using his police abilities.”⁴² Officer Cabello explained police abilities are “transporting a prisoner, helping someone put somebody in handcuffs, having anything investigating, inventory and evidence.”⁴³ Officer Cabello admitted he would activate his BWC before arriving on a scene if he knew he was going to use his police abilities.^{44,45}

b. Digital Evidence

Cell Phone Video provided by ██████ begins just before officers approach the vehicle and ends shortly after ██████ is placed into the police vehicle. Due to the angle of the camera, the visual portion of the video is limited. The video is consistent with McDonald’s surveillance video and officers’ BWC with the following additional details. When Officer Coburn explains ██████ was pulled over because he blocked the road, ██████ responds that the officer could go around. ██████ adds that this is not a valid reason to pull them over.

While officers are on the ground with ██████ tells ██████ to calm down and for the officers to stop and get off ██████ asks why he is being arrested, he didn’t do anything. Officer Taylor tells her to take her hand off ██████ continues to ask why officers are touching ██████ and voices of a crowd can be heard. Officer Taylor yells he was choking an officer. ██████ denies ██████ choked an officer and says the officers put their hands-on ██████ first. Officers tell ██████ to get up, and he responds, “let me go, bro.”⁴⁶

As officers walk ██████ to the police vehicle, ██████ is saying “you dead”⁴⁷ multiple times and appears to be turning to face Officer Taylor. Then, ██████ is seen against the hood of the police vehicle, facing forward. ██████ places her right hand/arm on top of Officer Taylor’s left arm, who then appears to sweep her hand off his shoulder. ██████ moves back, while saying “Get away.”⁴⁸ ██████ is bent over the hood of the police vehicle with Officers Coburn and Taylor behind him with their hands on his back area. Officers Coburn and Taylor move with ██████ toward the marked squad car, but it is unclear what happens. Officer Taylor says, “he just headbutted me.”⁴⁹

³⁹ Attachment 80, page 24 line 24 – page 25 line 1.

⁴⁰ *Id.* at page 25 lines 12-13.

⁴¹ Attachments 74, 80.

⁴² Attachment 81, page 11 lines 6, 7.

⁴³ *Id.* at page 11 lines 10-12.

⁴⁴ *Id.* at page 11 line 13 – page 12 line 2.

⁴⁵ Attachments 73, 81.

⁴⁶ Attachment 103 at 1:54-2:09.

⁴⁷ *Id.* at 2:13-2:17.

⁴⁸ *Id.* at 2:17-2:18.

⁴⁹ *Id.* at 3:24-3:27.

█████ speaks to an officer about what happened, stating that one of the officers choked ██████████ states officers are unlawfully searching her vehicle because they are searching without her consent and they do not have probable cause to believe there is anything in her vehicle. Officer Taylor is seen inside the vehicle on the front driver side.⁵⁰

Surveillance Video⁵¹ obtained from McDonald's shows the incident consistent with the officers' accounts and BWC. Officer Coburn pulls ██████ out of the vehicle, takes him to the ground, straddles him about ██████ waist/torso area, and a struggle ensues. Officer Taylor runs around the front of ██████ vehicle, ██████ runs around the rear of the vehicle, and Officer Heidemann remains on the rear passenger side of the vehicle with ██████ and ██████. While Officer Taylor and Officer Coburn struggle with ██████ appears to bend over and attempt to interfere. Officer Taylor appears to push ██████ back, but ██████ moves around and continues to bend over, reaching toward ██████. The officers roll ██████ over onto his stomach, but continues to struggle with him. Four Individuals walk toward the officers, at least one male has his cell phone out and is appearing to record. Officer Taylor pulls ██████ to his feet, and the officers walk ██████ toward their police vehicle. ██████ head appears to go right and then left, and the officers push him against the hood of the police vehicle. ██████ is on Officer Taylor's left side and appears to be moving in toward ██████. Officer Taylor shoves her back, where she remains but appears to be yelling at the officers.

A marked police vehicle turns into the parking lot and parks next to where the officers and ██████ are located against the hood of the unmarked police vehicle. An unmarked police vehicle pulls into the parking lot and parks perpendicular behind the vehicles. The officers jump out to assist as other police units start to arrive. Officer Taylor, holding ██████ left side, and Officer Coburn, on ██████ right side, back up and move ██████ toward the rear of the marked police vehicle. Before reaching the vehicle's door, ██████ appears to move his head toward Officer Taylor, and Officer Taylor's head moves back.^{52,53}

Body Worn Camera ("BWC")⁵⁴ captured the incident. The BWC is consistent with ██████ cell phone video, McDonald's surveillance video and other evidence summarized herein with the following additional details. When Officer Coburn orders ██████ out of the vehicle, ██████ with his right hand formed in a fist, states, "OOOOO I'll bust the shit outta..." and Officer Coburn pulls ██████ from the vehicle to the ground.⁵⁵

⁵⁰ Attachment 103.

⁵¹ It should be noted that the video captures the entire incident, but portions of the interaction are unclear due to camera distance, quality and the location of the Drive-Thru sign obstructing the view.

⁵² Attachment 15 at 4:36-4:37.

⁵³ Attachments 15-18.

⁵⁴ Attachments 38, 39, 41, 44, 50, 52.

⁵⁵ Attachment 39 at 1:54-2:03.



Figure 1. The photos, still shots taken from Officer Taylor’s BWC, timestamped 1:47-1:48, represents the timeframe Officers Coburn and Taylor indicated ██████████ choked Officer Coburn.



Figure 2. The photos, still shots taken from Officer Coburn's BWC, timestamped 2:13-2:17, represents where Officer Coburn's hands are around [REDACTED] neck.

In-car camera obtained from Beat 1132 captures the right rear passenger door of the police vehicle as opened, [REDACTED] is tossed headfirst into the backseat, and the door is quickly slammed behind. [REDACTED] immediately sits up and looks out the window. [REDACTED] appears calm while sitting inside the vehicle and when he speaks to Officer Chimel inside the vehicle. Rear door is opened, [REDACTED] exits without assistance.⁵⁶

POD video did not capture the incident.⁵⁷

Evidence Technician Photographs, taken on April 6, 2019, documented injuries to [REDACTED] face, forehead, left wrist, right wrist and right shoulder. The photographs show red markings on [REDACTED] right shoulder, bruising and scrapes on his left wrist, red marks on his right wrist, bruising and abrasions on his forehead, and red marks on his face. There were no photographs taken of [REDACTED] neck, and there were no visible marks on [REDACTED] neck in the photographs taken.

Photographs taken of Officer Coburn documented injuries to his left knee, left upper arm, and neck. The photographs show red markings on Officer Coburn's left front neck area, red markings and bruising on the inside of his left upper arm, and red markings on his left knee.

⁵⁶ Attachments 34, 35.

⁵⁷ Attachments 70, 71.

Photographs taken of Officer Taylor documented injuries to his upper right arm and right hand. The photographs show red markings on the outward facing portion of Officer Taylor's upper right arm, and abrasions on his right-hand knuckles.⁵⁸

c. Physical Evidence

Medical Records documented ██████ arrived at the hospital, in CPD custody, for evaluation of bilateral facial pain, frontal headache, right cheek pain, and neck pain after being slammed to concrete while being arrested. ██████ stated he was punched in the face 2-3 times and kned in the face. There was bruising and swelling to his left eye. ██████ rates pain at an 8 out of 10. ██████ denied loss of consciousness, change in vision, back pain, pain in extremities, abdominal pain, shortness of breath, open wounds or eye pain. The nasal bridge had slight swelling and bruising. ██████ was diagnosed with a closed nasal fracture and prescribed Ibuprofen.⁵⁹

d. Documentary Evidence

According to **Department Reports**, on April 6, 2019, officers were on mobile patrol and observed a blue vehicle come to a complete stop, without activating its flashers, in a lane of traffic causing traffic behind to stop. A male got into the rear right passenger seat, and the vehicle continued to drive. Officer Coburn turned on his squad car's emergency lights and the vehicle stopped in a McDonald's parking lot. Officer Coburn approached and made contact with the driver, ██████. Officer Taylor approached and made contact with the female⁶⁰ seated in the front passenger seat and Officer Heidemann spoke with ██████ and ██████. During the course of the stop, Officer Coburn ordered ██████ to exit the vehicle. ██████ while making a balled-up fist, stated "OOOOO I'll bust the shit outta..."⁶¹ and attempted to punch Officer Coburn. Officer Coburn performed an emergency takedown to avoid receiving a battery and placed ██████ into custody. There was a struggle on the ground between ██████ and Officer Coburn, where ██████ was flailing his arms, tensed his muscles, pulled away and choked Officer Coburn.⁶² During the struggle, ██████ grabbed the inner portion of Officer Coburn's right bicep. Officer Coburn pushed ██████ arms out of the way and pushed down on ██████ face and upper torso area to prevent him from attempting to sit up. Officer Taylor ran from the passenger side of the vehicle, and attempted to assist Officer Coburn gain control of ██████. At one point, ██████ grabbed Officer Coburn "firmly by the throat."⁶³ Officer Coburn pushed down on ██████ upper chest and shoulder. Officer Taylor performed two knee strikes to ██████ head/face region. ██████ released his hold on Officer Coburn's neck, and Officer Taylor heard an audible gasp come from Officer Coburn. Officers Coburn and Taylor rolled ██████ over and Officer Coburn cuffed him. Officers Taylor and Coburn assisted ██████ to his feet and escorted him to squad car. On the way to the squad car, ██████ continued to push and attempted to pull away, causing officers to push him

⁵⁸ Attachments 72, 102.

⁵⁹ Attachment 20.

⁶⁰ Now known as ██████

⁶¹ Attachment 1, page 3.

⁶² As discussed below, COPA determined ██████ did not choke Officer Coburn, Officer Coburn knew ██████ did not choke him, but based on his vantage point, it was not unreasonable for Officer Taylor to believe ██████ choked Officer Coburn. However, no allegation was provided because Officer Loring authored the Case Report based on the information related to him by all the involved officers and he could not say whether Officer Coburn or Officer Taylor related ██████ choked Officer Coburn.

⁶³ Attachment 4, page 3.

against the hood of the squad car. Officers pinned [REDACTED] to the hood of the car until they had enough control to place him in the caged car. As they walked to the caged car, [REDACTED] head-butted Officer Taylor and the officers pushed [REDACTED] into the rear passenger side of the caged car. [REDACTED] was transported to District 011 for processing, and later transported to St. Anthony's for medical treatment.⁶⁴

According to the **Tactical Response Report ("TRR")** completed by Officer Coburn, [REDACTED] did not follow verbal direction and threatened to injure Officer Coburn while clenching his right fist. Officer Coburn gave verbal directions while he pulled [REDACTED] from the vehicle. While outside of the vehicle, [REDACTED] unsuccessfully attempted to punch Officer Coburn in the head. Officer Coburn performed and emergency takedown and [REDACTED] was on his back. Officer Coburn straddled [REDACTED] torso. [REDACTED] continued to resist and attempt to sit up. Officer Coburn pushed [REDACTED] face, upper chest area and shoulders down to prevent [REDACTED] from sitting up. At one point, [REDACTED] grabbed Officer Coburn by the throat. Officer Coburn continued to push [REDACTED] downward. Eventually, with Officer Taylor's assistance, [REDACTED] was rolled over and placed in handcuffs. Officers, using escort holds, escorted [REDACTED] to the squad car. [REDACTED] swung his head back toward officers. Officers gave [REDACTED] verbal commands, used control tactics and pinned [REDACTED] to the hood of the squad car to regain control. When officers attempted to place [REDACTED] in a caged car, [REDACTED] headbutted Officer Taylor in the face. Officers pushed [REDACTED] against a squad car, and then placed him into the caged car using a pushing/throwing motion to avoid further attempts of battery by [REDACTED].⁶⁵

According to the **Tactical Response Report ("TRR")** completed by Officer Taylor, [REDACTED] did not follow verbal commands, stiffened, pulled away, made verbal threats, imminent threat of battery with no weapon, and physically attacked: using hand/arm/elbow strike, pushed/shoved/pulled, wrestled/grappled, and a strike with his head. Officer Taylor responded with member presence, verbal direction/control techniques, movement to avoid attack, tactical positioning, additional unit members, control techniques, including escort holds, wristlock, armbar, pressure sensitive areas, emergency handcuffing, and handcuffs/physical restraints, and knee strikes. In his narrative, Officer Taylor, stated he observed [REDACTED] grab Officer Coburn's neck and choke him. Officer Taylor unsuccessfully attempted to pull [REDACTED] hand from Officer Coburn's neck. Officer Taylor delivered 2 knee strikes to [REDACTED] face area. [REDACTED] released his grip of Officer Coburn's neck. The officers rolled [REDACTED] on to his stomach in an attempt to handcuff him. [REDACTED] continued to pull away and tense his muscles, Officer Taylor enacted an armbar, and, because Officer Taylor was [REDACTED] using his hands to control [REDACTED] arms, used his knee and applied pressure to [REDACTED] temple area. [REDACTED] was handcuffed and escorted to the police vehicle. During the escort, [REDACTED] threw his head back toward the officer, and they officers pushed him against the hood of the police vehicle and held his held [REDACTED] head down to avoid a battery. When the officers moved to escort [REDACTED] to the back of a squad car, [REDACTED] headbutted Officer Taylor in the right side of the face. The officers pushed [REDACTED] against the squad car, and pushed/throw [REDACTED] into the rear seat.⁶⁶

⁶⁴ Attachments 1, 4, 6.

⁶⁵ Attachment 23.

⁶⁶ Attachement 22.

An **Injury on Duty Report** documented Officer Coburn twisted his left knee and experienced soreness and swelling to the left knee due to the emergency takedown. Officer Coburn's had a contusion and pain to his left bicep, where ██████ grabbed him.⁶⁷

An **Injury on Duty Report** documented Officer Taylor strained his right elbow and wrist while attempting to prevent ██████ from choking Officer Coburn and placing ██████ into handcuffs. Additionally, Officer Taylor's face, on the right side, was sore and swelled after ██████ headbutted him.⁶⁸

VI. 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 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 (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.

VII. ANALYSIS

a. Officer Kenneth Heidemann

COPA finds the allegation that Officer Heidemann stopped ██████ without justification is **Exonerated**. An officer "may conduct an Investigatory Stop if it is based on specific and articulable facts which, combined with rational inferences from these facts, give rise to

⁶⁷ Attachment 24.

⁶⁸ Attachment 25.

Reasonable Articulable Suspicion that criminal activity is afoot.”⁶⁹ A lawful traffic stop requires “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law,” including traffic law.⁷⁰ Illinois Vehicle Code prohibits an individual from stopping a vehicle where it would obstruct traffic.⁷¹ According to ██████████ pulled their vehicle over to the curb and parked, near a stop sign, to pick up ██████████ and ██████████. Whereas the officers and Department Reports, stated the vehicle stopped in the middle of the street without activating its hazard lights causing traffic behind to stop. ██████████ cell phone video and Officer Coburn’s BWC video shows Officer Coburn told ██████████ he was stopped because he cannot stop and pick an individual up in the middle of the road, blocking the road. ██████████ responded, Officer Coburn could go around, and ██████████ responded, it was not a valid reason to stop them. It is clear from the evidence, that Officer Heidemann observed ██████████ stopped in the street to pick up ██████████ and ██████████ in violation of Illinois Vehicle Code. Therefore, this allegation is **Exonerated**.

b. Officer Travis Coburn

i. Allegation 1: stopping ██████████ without justification

As discussed above, COPA finds the evidence is clear and convincing that Officer Coburn reasonably believed ██████████ stopped in the street to pick up ██████████ and ██████████ in violation of Illinois Vehicle Code. Therefore, this allegation is **Exonerated**.

ii. Allegation 2: forcefully taking ██████████ to the ground without justification

COPA finds the allegation that Officer Coburn forcefully took ██████████ to the ground without justification is **Exonerated**. Whether Officer Coburn was able to take ██████████ to the ground, must be evaluated based on the totality of the circumstances known to the officer at the time of the incident and from the perspective of a reasonable officer in the same circumstance. An officer will only use force that is objectively reasonable, necessary and proportional in order to ensure the safety of the officer or control the individual.⁷² An officer may perform a takedown against an individual classified as an Assailant, a person “who is using or threatening the use of force against another person or himself/herself which is likely to cause physical injury.”⁷³

Officer Coburn performed a takedown of ██████████. Officer Coburn yelled “get out, get out” and he took ██████████ to the ground because instead of exiting the vehicle ██████████ turned toward Officer Coburn, threatened to hit Officer Coburn, saying “OOO, I’ll bust the shit outta you,”⁷⁴ and raised his arm with a clenched fist. Officer Coburn’s BWC corroborates Officer Coburn’s account of the incident. Additionally, although ██████████ stated otherwise, the BWC shows ██████████ did not

⁶⁹ Special Order S04-13-09 V.A.

⁷⁰ *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)). Articulate and reasonable suspicion means that the police “must be able to identify some ‘particularized and objective basis’ for thinking that the person to be stopped is or may be about to engage in unlawful activity,” amounting to more than a hunch. *United States v. Miranda-Sotolongo*, 827 F.3d 663, 666 (7th Cir. 2015) (quoting *United States v. Cortez*, 449 U.S. 411, 417 (1981)).

⁷¹ 625 ILCS 5.0/11-1303(a)1.f.

⁷² General Order G03-02 III.B.

⁷³ G03-02-01 IV.C.

⁷⁴ Attachment 39 at 1:57-1:58.

have to unfasten his seatbelt before exiting, and it was ██████ holding ██████ back in the car by his shoulder while telling him not to talk.

Based on the evidence, ██████ was an assailant when he threatened to hit Officer Coburn and appeared to position himself to punch Officer Coburn, Therefore, Officer Coburn acted within Department policy when he took ██████ to the ground, and this allegation is **Exonerated**.

iii. Allegation 3: striking ██████ on or about his head using an open-hand strike without justification

COPA finds the allegation that Officer Coburn struck ██████ on or about his head using an open-hand strike without justification is **Exonerated**. When an individual is classified as an active resister, an officer may strike or slap the individual to disorient them and gain better control.⁷⁵ Officer Coburn and ██████ struggled on the ground and Officer Coburn used open hand strikes. Officer Coburn, after reviewing his BWC, stated he pushed ██████ who he described as both an active resister, avoiding control by moving his hands around, and an assailant, where ██████ applied pressure to Officer Coburn's neck and pinched his inner left bicep. Evidence Technician photographs show a sizeable bruise on Officer Coburn's arm.

Although Officer Coburn distinguishes his action as a push instead of an open-hand strike, because he did not draw back to strike, his BWC shows his right hand starts in a higher position over ██████ body and comes down against ██████ face/head with force to move it back against the pavement. It is unclear with the available video at what point ██████ pinched Officer Coburn's arm, but it is clear from the video ██████ was actively resisting arrest. Once, Officers Coburn and Taylor have ██████ on his stomach and in handcuffs, neither officer appears to strike ██████ Therefore, based on the evidence, Officer Coburn struck ██████ on the head using an open-hand strike when ██████ was an active resister. Thus, Officer Coburn's actions were according to Department policy and this allegation is **Exonerated**.

iv. Allegation 4: striking ██████ on or about his head using a closed-hand punch without justification

COPA finds the allegation that Officer Coburn struck ██████ on or about his head using a closed-hand punch without justification is **Unfounded**. When an individual is classified as an assailant an officer may use direct mechanical techniques, such as punching, to gain control.⁷⁶ ██████ stated, while on the ground, Officer Coburn punched ██████ also stated officers were beating ██████ while on the ground. Officer Coburn did not recall using a closed-hand punch and his TRR did not document the use of a closed hand strike/punch. However, as discussed in other allegations, video clearly shows Officer Coburn did not use a closed-hand punch at any time. Therefore, this allegation is **Unfounded**.

⁷⁵ G03-02-01 IV.B.2.c.(1).

⁷⁶ G03-02-01 IV.C.1.a.(1).

v. Allegation 5: using a chokehold on [REDACTED] without justification

COPA finds the allegation that Officer Coburn used a chokehold on [REDACTED] without justification is **Sustained**. Chokeholds, where direct pressure is applied to an individual's trachea or airway with the intention of reducing the intake of air, are only justified as a use of deadly force.⁷⁷ An officer may use deadly force as a last resort and only when it is necessary to protect against an imminent threat to life or to prevent great bodily harm to the officer or another person.⁷⁸ A threat is imminent when it is objectively reasonable to believe the individual's actions are immediately likely to cause death or great bodily harm to the officer or others unless action is taken; the individual has the means or instruments to cause death or great bodily harm; and the individual has the opportunity and ability to cause death or great bodily harm.⁷⁹ "Holding and control techniques involving contact with the neck, but which are not intended to reduce the intake of air, are not defined as chokeholds."⁸⁰

[REDACTED] stated Officer Coburn choked [REDACTED] while on the ground. Officer Coburn remembered squeezing [REDACTED] throat while [REDACTED] put pressure on his throat. Officer Coburn did not believe [REDACTED] was intentionally choking him, and Officer Coburn stated he was responding instinctually. Officer Taylor stated [REDACTED] had his hands near Officer Coburn's neck and Officer Coburn was gasping for breath. However, the BWC shows that [REDACTED] never choked Officer Coburn. At the time of the alleged choking, BWC shows [REDACTED] left hand open, underneath Officer Coburn's arms, and [REDACTED] right hand next to the left side of Officer Coburn's collar bone, where [REDACTED] appears to have a grip on Officer Coburn's shirt collar. Officer Coburn is leaning backward, without constraint from [REDACTED] hands. Officer Coburn's neck is clearly visible the entire video and at no time is [REDACTED] choking Officer Coburn.

BWC does show Officer Coburn placing his left thumb on [REDACTED] neck and wrapping his fingers around the side and behind [REDACTED] neck. Officer Coburn admitted he squeezed [REDACTED] throat as an instinctual response to [REDACTED] putting pressure on his throat. Neither officer provided [REDACTED] with any verbal commands until after the officers used further force and flipped [REDACTED] onto his stomach. Even then, Officer Taylor only said, "stop resisting."

Based on the evidence, COPA finds that Officer Coburn used a chokehold when he placed his hand around the throat of [REDACTED] and squeezed. COPA also finds that Officer Coburn's use of deadly force, in this instant, was unreasonable because there is no evidence that [REDACTED] was using force likely to cause death or great bodily injury against Officer Coburn. Therefore, Office Coburn did not comply with Department policy when he used a chokehold against [REDACTED] and this allegation is **Sustained**.

⁷⁷ G03-02-01 IV.C.2.c.(1).

⁷⁸ G03-02 III.C.

⁷⁹ G03-02 III.C.2.

⁸⁰ G03-02-01 IV.C.2.c.(2).

c. Officer David Taylor

i. Allegation 1: stopping ██████████ without justification

As discussed above, COPA finds the evidence is clear and convincing that Officer Coburn reasonably believed ██████████ stopped in the street to pick up ██████████ and ██████████ in violation of Illinois Vehicle Code. Therefore, this allegation is **Exonerated**.

ii. Allegation 2: striking ██████████ on or about his head with your knee without justification

COPA finds the allegation that Officer Taylor struck ██████████ on or about his head with his knee without justification is **Sustained**. An officer will only use force that is objectively reasonable, necessary and proportional in order to ensure the safety of the officer or control the individual.⁸¹ An officer may only use direct mechanical techniques, such as a knee strike, on an assailant, someone who is using or threatening to use force against another person or himself/herself which is likely to cause physical injury.⁸²

Officer Taylor admitted to using two knee strikes to ██████████ face/head area because he believed ██████████ was choking Officer Coburn and may have been attempting to grab Officer Coburn's firearm or items from his vest to use as a weapon. Officer Taylor believed his only option was to use knee strikes to ██████████ head due to his position in relation to ██████████ and that he was attempting to control ██████████ hands with his own hands. Department Reports corroborate Officer Taylor's account of the events. However, as discussed above, at the time Officer Taylor used knee strikes, Officer Coburn had ██████████ left hand/arm pinned down and Officer Taylor had both of his hands/arms wrapped around ██████████ right arm. At this time, he knew or should have known that ██████████ was not gripping Officer Coburn's neck. Additionally, neither Officer Taylor nor Officer Coburn attempted to use verbal control techniques, where they would tell ██████████ what action they wanted him to take. Officer Taylor did not provide any warning to ██████████ before using the knee strikes.

Based on the evidence, while ██████████ could be considered an assailant when Officer Coburn took him to the ground, and when Officer Taylor perceived he was choking Officer Coburn, at the time Officer Taylor used the knee strikes, the officers had neutralized ██████████ threat by having hold of his arms. Therefore, ██████████ was an active resister, attempting to avoid physical control, and Officer Taylor's use of knee strikes was against Department policy. Thus, this allegation is **Sustained**.

iii. Allegation 3: forcefully moving ██████████ against the hood of an unmarked police vehicle without justification

COPA finds the allegation that Officer Taylor forcefully moved ██████████ against the hood of an unmarked police vehicle without justification is **Exonerated**. An officer will only

⁸¹ G03-02 III.B.

⁸² G03-02-01 IV.C.1.a.(1).

use force that is objectively reasonable, necessary and proportional in order to ensure the safety of the officer or control the individual.⁸³ ██████ stated Officer Taylor slammed ██████ face into the police vehicle. ██████ stated officers threw ██████ onto the hood of the police vehicle. Neither ██████ nor ██████ described ██████ actions at this time, only that he was in handcuffs. The officers stated ██████ was pushing/pulling away from them as they walked toward the squad car. The officers pinned ██████ against the hood of the vehicle to regain control and prevent him from running or fighting.

████████ cell phone video shows, while officers escorted a handcuffed ██████ to the squad car, ██████ continued to move around and attempted to turn around to face Officer Taylor as he yelled multiple times, “you dead.” Officer Taylor, positioned behind ██████ appears to guide ██████ to the hood of the vehicle and both Officer Coburn and Officer Taylor hold ██████ down, bent forward over the hood. At this time, ██████ is moving back and forth, including his head.

Considering the totality of the circumstances, a prolonged struggle on the ground, a crowd was forming, ██████ continued to make threats, attempted to escape officers’ control, and ██████ stood close by, and, at times, reached towards and touched officers and ██████ Officer Taylor moving ██████ against the hood of the police vehicle and pinning him there was reasonable, necessary and proportional use of force. Therefore, this allegation is **Exonerated**.

iv. Allegation 4: forcefully moving ██████ into the backseat of a marked police vehicle without justification

COPA finds the allegation that Officer Taylor forcefully moved ██████ into the backseat of a marked police vehicle without justification is **Exonerated**. An officer will only use force that is objectively reasonable, necessary and proportional in order to ensure the safety of the officer or control the individual.⁸⁴ ██████ and ██████ stated Officer Taylor threw ██████ into the backseat of the police vehicle where he hit his head on the seat or door. Neither ██████ nor ██████ saw ██████ headbutt Officer Taylor. Officer Taylor admitted he threw ██████ into the police vehicle because ██████ had just headbutted him and he feared another battery from ██████ McDonald’s surveillance video shows, when Officer Taylor and Officer Coburn escort ██████ to the rear door of the marked police vehicle, ██████ headbutts Officer Taylor. Officer Taylor responds to ██████ protests and headbutt by throwing him in the back of the police vehicle.

Based on the totality of the circumstances, where ██████ was actively resisting officers throughout the entire encounter and ██████ headbutted Officer Taylor on the brief walk to the marked vehicle, it was reasonable for Officer Taylor to believe ██████ would attempt to batter him again. Therefore, it was reasonable for Officer Taylor to throw ██████ into the rear seat of a police vehicle to quickly secure him and avoid further incidents. Thus, this allegation is **Exonerated**.

v. Allegation 5: forcefully moving ██████ back without

⁸³ G03-02 III.B.

⁸⁴ G03-02 III.B.

justification

COPA finds the allegation that Officer Taylor forcefully moved ██████ back without justification is **Exonerated**. Whether Officer Taylor was able to push ██████ back is evaluated based on the totality of the circumstances known to the officer at the time of the incident and from the perspective of a reasonable officer in the same circumstance. An officer will only use force that is objectively reasonable, necessary and proportional in order to ensure the safety of the officer or control the individual.⁸⁵ ██████ stated Officer Taylor smacked her hand back when she reached for ██████. Officer Taylor stated, while at the hood of the police vehicle, ██████ attempted to touch ██████ he directed her to move back, and, in order to create distance, he brushed her away with his arm. ██████ cell phone video shows ██████ places her right hand/arm on top of Officer Taylor's left arm, when he pushes her back, telling her to get away. The McDonald's surveillance video shows the same

Considering, ██████ admitted to interfering with Officer Taylor's attempt to arrest ██████ and video shows she was physically touching Officer Taylor's action to push her back with his left arm, was reasonable, necessary and proportional. Therefore, this allegation is **Exonerated**.

vi. Allegation 6: searching ██████ vehicle without justification

COPA finds the allegation that Officer Taylor searched ██████ vehicle without justification is **Exonerated**. When officers validly stop a vehicle, they may also, search the passenger compartment for weapons if they reasonably believe, based on reasonable articulable facts, that an occupant of the vehicle is dangerous and might gain control of a weapon.⁸⁶ ██████ stated officers searched her vehicle without consent or probable cause. Officer Taylor admitted he searched ██████ vehicle, including the front seat, passenger seat, and looked over the center console, for weapons. Officer Taylor believed there may be a weapon based on the movements he saw in the rear seat and multiple individuals were on scene who could access the vehicle, and in turn retrieve a weapon. Officers Coburn and Heidemann corroborated Officer Taylor's belief, and added ██████ actions during the stop, where he attempted to exit the vehicle and then refused to exit when directed. Video shows Officer Taylor did a brief search of the front and rear seat of ██████ vehicle, but not the trunk. Based on the evidence, it was reasonable for Officer Taylor to search the passenger compartment of ██████ vehicle for weapons, and he only searched the areas where a weapon could reasonably be found. Therefore, this allegation is **Exonerated**.

d. Officer Christopher Valdez

COPA finds the allegation that Officer Valdez failed to comply with S03-14 by failing to timely activate your body worn camera is **Sustained**. An officer will start recording, on BWC, and record the entire incident for all law-enforcement-related activities, which include but are not limited to calls for service, traffic stops, any encounter with the public that becomes adversarial after the initial contact, and any instance when enforcing the law. If circumstances prevent activating the BWC at the beginning of the incident, the member will activate the BWC as soon as practical.⁸⁷ Officer Valdez did not activate his BWC while on his way to assist or when he exited

⁸⁵ General Order G03-02 III.B.

⁸⁶ Michigan v. Long, 463 U.S. 1032 (1983).

⁸⁷ Special Order S03-14 III.A.2.

his vehicle on scene. Officer Valdez admitted he should activate his BWC when assisting officers. Officer Valdez, initially, stated he did not activate his BWC when he exited his vehicle because he was focused on securing the scene. Officer Valdez admitted there was, no reason, or circumstance preventing him from timely activating his BWC. Therefore, this allegation is **Sustained**.

e. Officer Robert Cabello

COPA finds the allegation that Officer Cabello failed to comply with S03-14 by failing to activate his body worn camera is **Sustained**. As discussed above, an officer will activate BWC at the beginning of an incident or as soon as practical.⁸⁸ Officer Cabello admitted he responded to a call that officers needed assistance, and he did not activate his BWC, at any point during the incident. Officer Cabello's statement reflects a misunderstanding of the purpose of the BWCs and what constitutes a law-enforcement related activity under the BWC Special Order. Based on the evidence, Officer Cabello did not activate his BWC as required by Department directives. Therefore, this allegation is **Sustained**.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS⁸⁹

a. Travis Coburn

Officer Coburn's complimentary, training and disciplinary histories were considered in recommending discipline in this matter. Officer Coburn received no disciplinary action for two court appearance violations September 20, 2019.

Officer Coburn last received training in Use of Force August 17, 2017. Based on the sustained findings in this case, and Officer Coburn's rationale for his Use of Force, COPA recommends Officer Coburn be retrained in Use of Force. Officer Coburn admits to squeezing [REDACTED] neck. He also acknowledges that [REDACTED] never used deadly force against him. Therefore, COPA also recommends Officer Coburn receive a 20-day suspension.

b. David Taylor

Officer Taylor's complimentary, training and disciplinary histories were considered in recommending discipline in this matter. Officer Taylor received a reprimand for inattention to duty December 30, 2019 and no disciplinary action for a court appearance violation December 12, 2019.

Officer Taylor was last trained on Use of Force August 8, 2017. Based on the sustained allegations in this case and Officer Taylor's rationale for his use of force, COPA recommends Officer Taylor be retrained on Use of Force. Officer Taylor stated he believed [REDACTED] was choking his partner. However, he had complete control of [REDACTED] arm, leaving his head exposed, at the time he delivered knee strikes to [REDACTED] head. Officer Taylor never provided any verbal directives or used any de-escalation techniques, and failed to reassess the situation, prior to

⁸⁸ *Id.*

⁸⁹ *Only include this section for investigations with at least one sustained allegation.*

administering the knee strikes. Therefore, COPA also recommends Officer Taylor receive a 15-day suspension.

c. Christopher Valdez

Officer Valdez’s complimentary, training and disciplinary histories were considered in recommending discipline in this matter. Officer Valdez does not have a history of discipline. Officer Valdez received training on Body Worn Camera on December 27, 2016. COPA recommends off Valdez received a violation-noted for failing to activate his BWC.

d. Robert Cabello

Officer Cabello’s complimentary, training and disciplinary histories were considered in recommending discipline in this matter. Officer Cabello received a reprimand for neglect of duty/conduct unbecoming March 04, 2017, a reprimand for inattention to duty November 23, 2019 and no disciplinary action for failure to perform assigned tasks January 15, 2020.

Officer Cabello’s rationale makes it clear that he misunderstands the BWC order. Therefore, COPA recommends he be retrained in BWC and receive a violation-noted for this sustained allegation.

IX. CONCLUSION⁹⁰

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

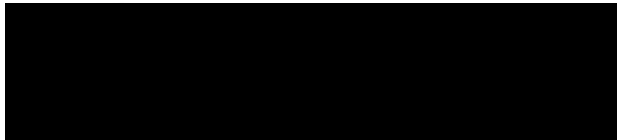
Officer	Allegation	Finding / Recommendation
Officer Kenneth Heidemann	It is alleged by ██████████ that on or about April 6, 2019, at approximately 5:09 pm, at or near 3200 West Roosevelt Road, Officer Kenneth Heidemann, star #16394 committed misconduct through the following acts or omissions, by stopping ██████████ without justification.	Exonerated
Officer Travis Coburn	It is alleged by ██████████ that on or about April 6, 2019, at approximately 5:09 pm, at or near 3200 West Roosevelt Road, Officer Travis Coburn, star #16338 committed misconduct through the following acts or omissions, by: 1. stopping ██████████ without justification; 2. forcefully taking ██████████ to the ground without justification;	Exonerated Exonerated

⁹⁰ Add additional rows for additional allegations and/or involved officers.

	<p>3. striking [REDACTED] on or about his head using an open-hand strike without justification;</p> <p>4. striking [REDACTED] on or about his head using a closed-hand punch without justification; and</p> <p>5. using a chokehold on [REDACTED] without justification.</p>	<p>Exonerated</p> <p>Unfounded</p> <p>Sustained/ 20-Day Suspension</p>
Officer David Taylor	<p>It is alleged by [REDACTED] that on or about April 6, 2019, at approximately 5:09 pm, at or near 3200 West Roosevelt Road, Officer David Taylor, star #18525 committed misconduct through the following acts or omissions, by:</p> <p>1. stopping [REDACTED] without justification;</p> <p>2. striking [REDACTED] on or about his head with your knee without justification;</p> <p>3. forcefully moving [REDACTED] against the hood of an unmarked police vehicle without justification;</p> <p>4. forcefully moving [REDACTED] into the backseat of a marked police vehicle without justification;</p> <p>5. forcefully moving [REDACTED] back without justification; and</p> <p>6. searching [REDACTED] vehicle without justification.</p>	<p>Exonerated</p> <p>Sustained/ 15 Day Suspension</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p>
Officer Christopher Valdez	<p>It is alleged by COPA by and through Deputy Chief Andrea Kersten that on or about April 6, 2019, at approximately 5:09 pm, at or near 3200 West Roosevelt Road, Officer Christopher Valdez, star #8868, committed misconduct through the following acts or omissions, by failing to comply with S03-14 by failing to timely activate your body worn camera.</p>	<p>Sustained/ Violation – Noted</p>
Officer Robert Cabello	<p>It is alleged by COPA by and through Deputy Chief Andrea Kersten that on or about April 6, 2019, at approximately 5:09 pm, at or near 3200 West Roosevelt Road, Officer Robert Cabello, star #9989 committed misconduct through the following acts or omissions, by failing to comply with S03-14 by failing to activate your body worn camera.</p>	<p>Sustained/ Violation – Noted</p>

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Approved:



Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

7-27-2020

Date

Appendix A

Assigned Investigative Staff

Squad#:	Six
Investigator:	Elizabeth Brett
Supervising Investigator:	Elaine Tarver
Deputy Chief Administrator:	Angela Hearts-Glass