

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)

vs.)

Steven Cruz)
Correctional Officer)

Docket No. 1775

Decision

This matter coming on to be heard pursuant to the Order of Remand for additional findings of facts supporting the decision of the Cook County Sheriff's Merit Board to terminate Respondent Correctional Officer Steven Cruz. The following additional findings are made by the Cook County Sheriff's Merit Board:

The Cook County Sheriff's Merit Board issued its original decision on this matter on May 2, 2016 terminating the Respondent Steven Cruz, Correctional Officer, and setting forth in detail the rules, regulations and violations that were charged in the complaint, as well as a detailed exposition of the evidence through witness testimony and documents admitted into evidence. The Cook County Sheriff's Merit Board on remand reviewed the Appellate Court Opinion in Cruz V. Dart 2019 IL App (1st) 170915.

The Board found that CO Steven Cruz violated Sheriff's orders 11.2.1.0, 11.2.4.0 General Orders 24.9.1.0 Article X Paragraph B of the Merit Board Rules.

The Board finds that the following facts, in addition to the factual findings contained in the original decision, support a termination in this case:

That on January 13, 2012 at approximately 16:09 hours, while on duty in RCDC of the CCDOC, Respondent used excessive force against detainee [REDACTED] by pushing detainee [REDACTED] with both hands to the chest twice and deploying Oleoresin Capsicum ("OC") spray directly into the face and eyes of detainee [REDACTED] without warning, as detainee [REDACTED] was being held from behind by Correctional Officer ("C/O") [REDACTED] in a headlock.

Respondent completed a Use of Force Report, an Incident Report and an Inmate Disciplinary Report. In the narrative of all three reports, Respondent failed to document that he pushed detainee [REDACTED] twice with both hands or that Respondent immediately deployed OC spray to detainee [REDACTED]'s face and eyes without warning, as detainee [REDACTED] was being held from behind by C/O [REDACTED] in a headlock. In addition, in the narrative of all three reports, Respondent falsely documented that detainee [REDACTED] was attempting to escape when Respondent deployed the OC spray into detainee [REDACTED]'s face and eyes.

The videotape recording from a stationary camera in RCDC of January 13, 2012 shows Respondent approaching detainee [REDACTED], standing in front of detainee [REDACTED] and pushing detainee [REDACTED] with both hands to the chest. The videotape recording then shows detainee [REDACTED] attempting to walk around the Respondent and Respondent standing in detainee [REDACTED]'s way. The videotape recording then shows Respondent pushing detainee [REDACTED] with both hands to the chest a second time. The videotape recording then shows C/O [REDACTED] walking up behind detainee [REDACTED] and holding detainee [REDACTED] in a headlock using his right arm. The videotape recording then shows Respondent taking out the OC spray, approaching detainee [REDACTED] and immediately deploying the

OC spray directly into the face and eyes of detainee [REDACTED] as detainee [REDACTED] is being held by C/O [REDACTED] from behind in a headlock and while detainee [REDACTED]'s arms are inside of his sweater and at his side

On March 10, 2014, Respondent falsely reported to investigators from the OPR that on January 13, 2012, he told detainee [REDACTED] to "stop resisting" a couple of times and to "stop resisting or [detainee [REDACTED]] was going to be sprayed with OC." Respondent falsely reported that on January 13, 2012, detainee [REDACTED] continued to fight against C/O [REDACTED]'s hold and Respondent deployed OC spray at that time. Respondent was shown the videotape recording of the incident on January 13, 2012, Respondent falsely reported to investigators from the OPR that he walked over to detainee [REDACTED] to escort the detainee. Respondent falsely reported to investigators from the OPR that on January 13, 2012, detainee [REDACTED] continued to resist and tried to escape C/O [REDACTED]'s hold and that Respondent told detainee [REDACTED] to stop resisting or he would be sprayed.

The policy is clear. Officers shall use an amount of force reasonable and necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect the officer(s) or others from injury, as specified by federal/Illinois statutes and case law.

The CCSO utilizes the Use of Force Model (2010) – John C. Desmedt and Protective Safety Systems Incorporated to provide guidance on the appropriate amount of force to be used to effect a lawful purpose and to articulate a detailed report on the officer's actions. The Use of Force model employs the progressive and reasonable escalation and de-escalation of officer applied force in proportional response to the actions and level of resistance offered by a subject.

Every use of force greater than social control, officer presence or verbal control must be reported as outlined in this directive. Officers shall not unreasonably endanger themselves or another person to conform to the restrictions of this directive.

V. DEFINITIONS

E. Excessive force – The application of an unreasonable amount of force in a given incident based on the totality of the circumstances.

VII. GUIDELINES

A. The primary objective of the use of force is to ensure control of a subject with only the amount of reasonable force necessary based on the totality of circumstances and to gain compliance of the subject as safely and quickly as possible.

B. Officers are authorized to use only the amount of force necessary to effect lawful objectives. The determination of what is or is not reasonable force is based on each individual situation and is a decision that the involved officer must make based on the totality of the circumstances.

Order

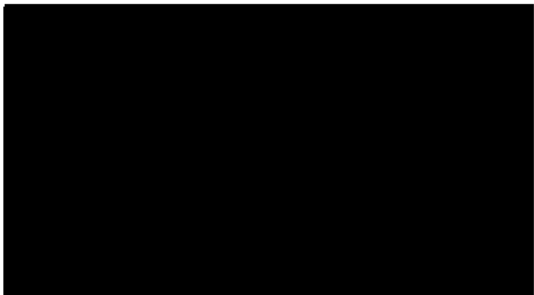
Based on the evidence presented, and after assessing the credibility of witnesses and the weight given to the evidence in the record, the Board finds, by a preponderance of the evidence, that Correctional Officer Steven Cruz violated Sheriff's orders, 11.2.1.0, 11.2 .20 General Orders 24.9.1.0 and 9.21 and Article X

Paragraph B of the Merit Board Rules and Regulations and that termination is warranted, effective August 4, 2014.

Steven Cruz #1775
Correctional Officer



James P. Nally, Chairman



Kim R. Widup, Board Member



Byron Brazier, Vice-Chairman



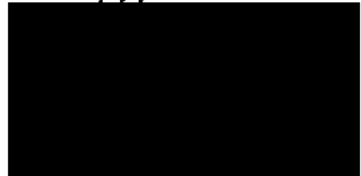
Juan L. Baltierres, Board Member



John J. Alicandro, Secretary



Kimberly Pate Godden, Board Member



Vincent T. Winters, Board Member



Monica M. Torres-Linares, Board Member

Date September, 12, 2019