

INTRODUCTION:

On 12-SEP-2017, at approximately 7:17 p.m., CPD members responded to XXXX S. Wood Street to investigate a complaint alleging the abuse of a dog. Upon arriving, CPD members physically restrained a resident of a house located there in order to prevent her from entering it. Subsequently, they denied her access to the house for about six minutes.

ALLEGATIONS:

The Complainant, Subject 1, alleges that on 12-SEP-2017, at approximately 7:17 p.m., at XXXX S. Wood Street, **Accused Captain A, #XX, Unit XXX:**

1. Choked and/or pushed her, in violation of Rule 8;
2. Refused to permit her to enter her residence, in violation of Rule 1.

Subject 1 further alleges that at the same date, time, and location, **Accused Probationary Police Officer (“P.P.O.”) A, #XXXX, Unit XXX:**

1. Refused to permit her to enter her residence, in violation of Rule 1.

APPLICABLE RULES AND LAWS:

Rule 1: Prohibits violation of any law or ordinance.

Rule 8: Prohibits disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Prohibits engaging in any unjustified physical or verbal altercation with any person, while on or off duty.

General Order G-03-02-02: Force Options (valid 01 January 2016-16 October 2017)

U.S. Constitution, Fourth Amendment

INVESTIGATION:

Audio recordings of three 911 calls made on 12-SEP-2017 between 4:00 pm and 6:53 pm reveal that three women reported animal abuse occurring at XXXX S. Wood St. (Attachments #20, 21, 22).

An **Information Report** dated 12-SEP-2017 reveals that Probationary Officer B responded to a call of animal abuse at XXXX S. Wood Street at approximately 4:00 p.m. and spoke to Citizen 1,¹ who played a video depicting the exterior of the house at that address with background audio of “yelping sounds.” (Attachment #13)

¹ Citizen 1 was not a witness to the incident under investigation. (Attachment #24)

In an interview to COPA on 20-SEP-2017, **the Complainant, Subject 1**, related that she met with then-Lieutenant (now CPD Captain) A² in front of her house on the evening of 12-SEP-2017. Subject 1 stated that Captain A asked her for permission for him to go inside the fence that fronted property, and that she agreed. Captain A told her that he needed to access the inside of the residence to see her dog, but that she refused and told him that he needed a warrant. Subject 1 and Captain A then walked toward the house, arguing as they did so. According to Subject 1, as the two of them ascended the front staircase, Captain A grabbed her by her shoulder and neck and pushed her toward the staircase's railing. Subject 1 also stated that a CPD officer (now known to be Probationary Police Officer A) then prevented her from entering her residence. Subject 1 stated that Captain A and Probationary Police Officer A subsequently permitted her to enter the residence to retrieve her dog, which she then showed to them. According to Subject 1, the police then left the scene. Subject 1 stated that she went to Stroger Hospital for treatment of the pain and swelling she sustained during the incident. (Attachment #5)

In a conversation with COPA on 12-OCT-2017, **Citizen 2**, stated that she went to XXXX S. Wood Street and called 911 after seeing a Facebook post about a dog being abused there. Citizen 2 further stated that she argued with a woman on the scene (later identified as the Complainant, Subject 1). According to Citizen 2, responding CPD members talked to Subject 1 on the sidewalk and entered the fenced-in front yard with her permission. Citizen 2 stayed on the sidewalk. She heard Subject 1 yell from the porch that someone touched her. Officers later returned to the sidewalk. They and Citizen 2 separately left the scene. Citizen 2 described the CPD members as being professional throughout the incident. (Attachment #23)

Body-worn Camera Footage taken by three CPD members who were at the scene: Probationary Police Officer A, his partner, Police Officer A, and Sergeant A. Probationary Police Officer A's BWC footage is the only one that shows the incident under investigation. It shows Subject 1 walking towards her house with Captain A following closely behind her. Subject 1 reached the stairs to the porch and turned toward Captain A. The two of them appeared to be exchanging words but there was no audio for that portion of the recording. The video depicts Subject 1 and Captain A walking up the stairs, with Subject 1 slightly in front of Captain A and to his left. Subject 1 appears to attempt to block Captain A with her body to prevent him from passing her on the stairway. Captain A reached around Subject 1 with his left arm and passed her on her left side. Captain A brushed or bumped against Subject 1 as he passed her. The footage then shows Probationary Police Officer A also ascending the stairs immediately behind Subject 1. Probationary Police Officer A held Subject 1's upper left arm in an apparent attempt to restrain her. Captain A stopped at the top of the stairs and faced Subject 1. Probationary Police Officer A then released Subject 1's arm. The physical contact between the CPD members and Subject 1 lasted approximately four seconds.

Probationary Police Officer A's BWC footage then shows Captain A placing his left hand on the front door of the house. Captain A directed Probationary Police Officer A towards the door and instructed him not to let Subject 1 in. Probationary Police Officer A complied with that order and remained in front of the door for approximately five to six minutes while Subject 1 and her husband talked to the CPD members on the scene. Captain A told Subject 1's family that he wanted to check their dog's well-being. Subject 1 entered the house alone and returned to the porch with a dog. The

² Captain A was promoted on 01-OCT-2017 and will be referred to in this report by his current title.

CPD members look at the dog with a flashlight and continued talking to Subject 1 and her husband before leaving the scene. (Attachment #31)

Medical records from Stroger Hospital reveal that Subject 1 complained of right shoulder pain. Radiological images did not reveal any fracture or dislocation. Subject 1 was diagnosed with “strain, sprain, contusion” and discharged. There was no indication that any of the treating medical staff observed any visible injuries on Subject 1. (Attachment #14)

In a statement to COPA on 29-NOV-2017, **Accused Captain A** said that on the date of the incident, he had been aware of numerous complaints of animal abuse taking place at XXXX S. Wood Street and was monitoring the situation. When he arrived at that address to see what was happening, he observed two women (now known to be Subject 1 and Citizen 2) arguing on the sidewalk. Captain A separated Citizen 2 and Subject 1, and Citizen 2 played an audio recording that sounded like a dog being mistreated within the house at XXXX S. Wood. Captain A stated that he then told Subject 1 that he wanted to see the dog in order to investigate whether it had been abused. Subject 1 refused to allow this, and also refused to comply when Captain A asked her to produce the dog so the officers could make sure it was not in distress. Captain A did not know at the time if anyone was inside the residence, and was concerned that Subject 1 might disturb evidence if she entered the residence unaccompanied. Captain A decided to secure the residence and bar Subject 1 from entering the residence until he could investigate further. He further stated that he repeatedly told Subject 1 to wait or to stop as the two of them approached the stairs. Captain A acknowledged that he made contact with Subject 1 as he passed her, but he denied that he grabbed, pushed, or choked her. Captain A instructed Probationary Police Officer A to not allow Subject 1 into her home while they conducted their preliminary investigation. Subject 1’s husband arrived at the house and the officers were able to ascertain that there were no clear signs of animal abuse. (Attachment #29-30)

CONCLUSION:

COPA recommends a finding of **UNFOUNDED** for Allegation #1 against **Captain A**, that he choked and/or pushed Subject 1. BWC footage from Probationary Police Officer A’s camera does indeed show that Captain A made physical contact with Subject 1 as he passed her on the stairs, but he did not choke or push her. Captain A explained that he was concerned what Subject 1 would do if she was allowed to enter her home alone. Captain A moved past Subject 1 on the stairs to prevent her from entering the house. Mere physical contact in the form of brushing against someone is not excessive force.

COPA also recommends a finding of **EXONERATED** for Allegation #2 against **Captain A** and Allegation #1 against **Probationary Police Officer A**, that they refused to permit Subject 1 to enter her residence. Again, the BWC footage captured that Captain A and Probationary Police Officer A (at Captain A’s direction) briefly refused to permit Subject 1 to enter her residence. However, that footage and other evidence gathered by COPA in its investigation of the incident demonstrates that neither Captain A, Probationary Police Officer A, nor any of the other CPD members who were involved in the incident member acted unreasonably in doing so. The CPD members prevented Subject 1 from entering her home for approximately six minutes. Based on numerous calls to the police, the audio recording Citizen 2 played for him, and Subject 1’s refusal to cooperate, Captain A had probable cause to believe that criminal animal abuse had occurred within the residence, and further, he had good reason to fear that Subject 1 might interfere with evidence if she were permitted to enter

the premises. The CPD members honored Subject 1's refusal of their request to enter the residence without a warrant, and they made reasonable efforts to reconcile their investigative needs with Subject 1's privacy interests, promising Subject 1 that they would promptly leave the premises if she would simply produce her dog so that they could check on its well-being. Their brief and temporary refusal to allow Subject 1 to enter her house was not unreasonable. Because this allegation is clearly exonerated based on the video and Captain A's statement, it is not necessary to take a statement from Probationary Police Officer A relative to this matter.