

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	July 13, 2020 / 9:47 P.M. / [REDACTED]
Date/Time of COPA Notification:	July 14, 2020 / 9:11 A.M.
Involved Officer #1:	Charles Flaster, Star No. 15498, Employee No. [REDACTED], Date of Appointment: October 27, 2014, Rank: Police Officer, Unit of Assignment: 001, DOB: [REDACTED] 1989, Male, White
Involved Officer #2:	Benny Pambuku, Star No. 2400, Employee No. [REDACTED], Date of Appointment: June 19, 2000, Rank: Sergeant of Police, Unit of Assignment: 001, DOB: [REDACTED] 1962, Male, White
Involved Officer #3:	Mark Neal, Star No. 7588, Employee No. [REDACTED], Date of Appointment: August 16, 2017, Rank: Police Officer, Unit of Assignment: 001, DOB: [REDACTED] 1991, Male White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1980, Female, Middle Eastern/North African
Case Type:	Unlawful Entry / Unnecessary Physical Contact

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Charles Flaster	It is alleged by [REDACTED] that on or about July 13, 2020, at approximately 9:47 P.M., at or near [REDACTED], Officer Charles FASTER, Star No. 15498, committed misconduct through the following acts or omissions, by:	
	1. Entering [REDACTED] residence without justification.	Exonerated
	2. Pushing [REDACTED] without justification.	Exonerated
	3. Failing to provide his Star Number when so requested.	Exonerated
Sergeant Benny Pembuku	It is alleged by [REDACTED] that on or about July 13, 2020, at approximately 9:47 P.M., at or near [REDACTED] [REDACTED] Sergeant Benny Pambuku, Star No. 2400, committed misconduct through the following acts or omissions, by:	
	1. Entering [REDACTED] residence without justification.	Exonerated

II. SUMMARY OF EVIDENCE

On July 21, 2020, Complainant ██████ reported to COPA that on July 13, 2020, three Chicago police officers knocked on her door, investigating neighbors' reports of screams in her high-rise residential building. Ms. ██████ alleged that two of the officers entered her residence without justification or consent, and that one of them pushed her during the encounter. According to Ms. ██████ on the night of the incident, she was cooking dinner and watching television as she texted with a friend about an upsetting "personal matter,"¹ which she declined to elaborate on to COPA. Ms. ██████ heard the screams her neighbors reported to police, which she described as approximately two to five "gut wrenching screams" that "seemed like somebody was in trouble."² However, Ms. ██████ denied being the source of the screams and stated she did not know where they came from. Approximately ten minutes later, Ms. ██████ answered a knock on her door and encountered three officers. The officers did not state why they were there, but asked if she was safe and if anyone else was with her. Ms. ██████ alleged one of the officers screamed at her, then pushed her aside, making contact with her left shoulder as he entered her residence.³ That officer used his flashlight to look down her hall and toward her laundry area and bathroom. Ms. ██████ also reported that a second officer was positioned "halfway in, halfway out"⁴ of her doorway, and he continued to ask if she was safe and if anyone else was in the residence. She responded that she was safe and no one else was present, but the officers did not have consent to enter her residence and they needed to leave. As the officers exited, Ms. ██████ asked the officer who pushed her for his badge number, but he did not provide it. However, another officer responded that the badge number was on the officer's shield, which Ms. ██████ then read, memorized, and wrote down.⁵

In reaching its factual findings, COPA reviewed Ms. ██████ complainant interview, the body worn camera (BWC) videos of Officer Charles Flaster, Sergeant Benny Pambuku, and Officer Mark Neal,⁶ OEMC Event Query Reports,⁷ CLEAR Service Call reports,⁸ GPS Reports,⁹ and the CPD Attendance & Assignment Sheets¹⁰ for the night in question.¹¹

The evidence shows that on July 13, 2020, police received three 911 calls from ██████ reporting that a female neighbor was screaming for help and yelling words to the effect of, "Let go, let go!"¹² At approximately 9:46 P.M., Sergeant Pambuku, Officer Flaster, and Officer Neal met one of the 911 callers at the ground-level entrance to the building. As they took the elevator to the 9th floor, the caller told the officers she believed Ms. ██████ lived alone, and she had seen a man go into her residence before but did not know if he lived there. The caller also reported that, when she heard the screams, "I stood outside [Ms. ██████] door, and I heard it was

¹ Att. 9, Interview of ██████ at 14:23 – 14:40.

² Id. at 13:40 – 14:20.

³ Id. at 4:20 – 4:45.

⁴ Id. at 5:35 – 5:40.

⁵ Id. at 6:20 – 6:50.

⁶ Atts. 16 – 19.

⁷ Atts. 4 – 6.

⁸ Atts. 10 – 12.

⁹ Atts. 7 & 8.

¹⁰ Att. 2.

¹¹ After reviewing the reports and BWC videos from the incident, COPA determined the available evidence did not support the allegations; therefore, COPA did not interview Officer Flaster or Sergeant Pambuku.

¹² Atts. 10 – 12.

coming from hers.”¹³ The caller described hearing multiple high-pitched screams, followed by screams of “Let go! Let go!”¹⁴ When the elevator arrived at the 9th floor, the caller directed the officers to a specific apartment door and stated, “█.”¹⁵ Sgt. Pambuku knocked on █ and announced his office.

As Ms. █ opened the door, she appeared distraught, wiped tears from her eyes, and gave very few verbal responses. The officers asked if she was okay and who else was present in her home. Ms. █ both nodded her head in the affirmative and shook her head in the negative. When the officers again asked who else was inside, Ms. █ shook her head in the negative and began closing the door. Officer Flaster pushed the door open and entered the residence, briefly placing a hand on her left arm as he brushed past her.¹⁶ Ms. █ stepped aside behind her door and stated, “You cannot come in.” Officer Flaster replied, “Yes, we are.”¹⁷ Officer Flaster stood in the entryway and peered into the nearby kitchen, and he used his flashlight to look into an adjoining, darkened bathroom. Sergeant Pambuku stood in the doorway in front of Ms. █ who remained behind the door. Officer Neal did not enter Ms. █ residence.

Sergeant Pambuku repeatedly asked Ms. █ if she was okay and if she was safe. Ms. █ repeated that the officers could not come into her residence. Sergeant Pambuku stated they were leaving but directed her to respond to his question as to whether she was okay. Ms. █ replied that she was fine, then directed the officers to leave. Sergeant Pambuku asked, “You do not need the police help?” to which Ms. █ nodded her head.¹⁸ He then asked, “You’re all good?” Ms. █ replied, “Get out of my house right now.” Sergeant Pambuku asked if she was directing them to leave her residence, Ms. █ nodded, and the officers began to leave.¹⁹ Officer Flaster and Sergeant Pambuku were inside Ms. █ entryway from 9:47 P.M. to 9:48 P.M, a total of approximately 47 seconds. As Officer Flaster exited, Ms. █ asked for his star number, and the officer responded, “It’s right here,” pointing to the star number on his protective vest. Ms. █ examined the number, stated, “15498. Thank you. 15498,” and shut the door.²⁰ The officers notified Ms. █ neighbor that she had refused their service, entered the elevator, and departed the scene.

III. ANALYSIS AND CONCLUSION

a. Officer Charles Flaster

i. Entering █ residence without justification.

COPA finds that Officer Flaster did not enter Ms. █ residence without justification. BWC footage and other evidence establishes that police received reports of a female resident screaming for help and yelling, “Let go! Let go!” When the officers arrived at the apartment building, one of the 911 callers relayed that she heard the screams, stood outside Ms. █ door,

¹³ Att. 19 at 2:45 – 2:51.

¹⁴ Id. at 2:51 – 3:00.

¹⁵ Id. at 3:10 – 3:15.

¹⁶ Att. 17 at 3:02 – 3:10.

¹⁷ Id. at 3:03 – 3:07.

¹⁸ Id. at 3:32 – 3:45.

¹⁹ Id. at 3:42 – 3:52.

²⁰ Id. at 3:52 – 4:05.

and identified the screams as coming from inside the unit. The caller told the officers she believed someone else was in the residence with Ms. [REDACTED] and she escorted them directly to Ms. [REDACTED] unit and identified it as “[REDACTED],” Ms. [REDACTED] unit number. When the officers knocked on the door, Ms. [REDACTED] appeared distraught and wiped tears from her eyes. She also gave seemingly contradictory responses to their questions. For example, when officers asked if she was alone, she both nodded her head in the affirmative and shook her head in the negative.

Due to the nature of the 911 calls received, the information provided by Ms. [REDACTED] neighbor, Ms. [REDACTED] distraught and tearful appearance, and her inconsistent non-verbal responses to the officers’ questions, it was objectively reasonable for the officers to believe that someone else was inside the residence who had assaulted and/or battered Ms. [REDACTED] causing her to call out for help and scream, “Let go! Let go!” These factors constituted exigent circumstances that justified the officers’ brief intrusion into Ms. [REDACTED] entryway for her own safety and welfare. Indeed, given the exigent factors present and the still unestablished question of whether someone else was in the unit with Ms. [REDACTED] (possibly threatening her or anyone at the door), the officers would have committed misconduct if they had *not* taken steps to try to help Ms. [REDACTED]. Additionally, BWC footage shows Officer Flaster was inside Ms. [REDACTED] residence for just 47 seconds, and he never went farther into the apartment than the entryway. For these reasons, COPA finds there is clear and convincing evidence that Officer Flaster’s entry into Ms. [REDACTED] residence was justified, and the allegation is **exonerated**.

ii. Pushing [REDACTED] without justification.

COPA finds that Officer Flaster did not push Ms. [REDACTED] without justification. For the same reasons discussed above, Officer Flaster was justified in opening Ms. [REDACTED] door and pushing past her to perform an exigent safety and welfare check. In addition, BWC evidence establishes Officer Flaster used very little force to effect his entry into the residence, brushing past Ms. [REDACTED] and briefly placing a hand on her arm as she stepped aside. Due to the *de minimis* force involved and the exigent necessity to take steps to confirm Ms. [REDACTED] safety and wellbeing, COPA finds there is clear and convincing evidence that Officer Flaster’s conduct was justified, and the allegation is **exonerated**.

iii. Failing to provide his star number upon request.

COPA finds that Officer Flaster did not fail to provide his star number when requested by Ms. [REDACTED]. BWC evidence shows that when Ms. [REDACTED] asked for Officer Flaster’s star number, he pointed to the number embroidered on his vest. Ms. [REDACTED] then replied, “15498. Thank you. 15498,” before closing her door. CPD records confirm that Officer Flaster’s star number is 15498. As such, COPA finds there is clear and convincing evidence that Officer Flaster fulfilled his duty to provide his star number, and the allegation is **exonerated**.

b. Sergeant Benny Pambuku

i. Entering [REDACTED] residence without justification.

Based on the same analysis set forth for Officer Flaster, COPA finds that Sergeant Pambuku did not enter Ms. [REDACTED] residence without justification. When Sergeant Pambuku arrived at Ms. [REDACTED] door, he was presented with multiple objective factors constituting exigent

circumstances. The sergeant's brief entry into Ms. [REDACTED] doorway was therefore justified to ensure her safety and welfare. For these reasons, the allegation against Sergeant Pambuku is **exonerated** by clear and convincing evidence.

Approved:

[REDACTED]

6/28/2022

Matthew Haynam
Deputy Chief Administrator – Chief Investigator

Date