

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	March 29, 2020
Time of Incident:	7:47pm
Location of Incident:	8248 S. Kedzie Ave.
Date of COPA Notification:	March 29, 2020
Time of COPA Notification:	9:25pm

On March 29, 2020, at approximately 7:47pm, at or near 8248 S. Kedzie Ave., [REDACTED] was walking her dog when an unknown dog appeared and engaged in a fight with her dog. She called the police and two officers arrived on scene. The responding officers were unaware which dog belonged to [REDACTED] and discharged a taser at her dog to separate the dogs.

[REDACTED] filed a complaint with COPA and alleged that the officers deployed a taser at her dog without justification and they did not conduct a proper investigation by failing to ask her which dog belonged to her. During the investigation, COPA brought an allegation against both officers for failing to fully capture an incident on body worn camera.

II. INVOLVED PARTIES

Involved Officer #1:	Lizzeth Bedalow, Star# 18800, Employee ID# [REDACTED], Date of Appointment March 15, 2013, Rank PO/Field Training Officer, Unit of Assignment 008, DOB [REDACTED], 1985, Female, White.
Involved Officer #2:	Margarita Diaz, Star# 18029, Employee ID# [REDACTED], Date of Appointment August 16, 2019, Rank PO, Unit of Assignment 002, DOB [REDACTED], 1994, Female, White.
Involved Individual 12:	[REDACTED], DOB [REDACTED], 1990, Female, Black.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Lizzeth Bedalow	It is alleged that on or about March 29, 2020, at approximately 7:47p.m., at or near 8248 S. Kedzie Ave.:	

	<p>1. Officer Lizzeth Bedalow deployed a taser at [REDACTED]'s dog without justification.</p> <p>2. Officer Lizzeth Bedalow did not conduct a proper investigation.</p> <p>3. Officer Lizzeth Bedalow failed to fully capture an incident on body worn camera in violation of Special Order S03-14.</p>	<p>EXONERATED</p> <p>EXONERATED</p> <p>SUSTAINED</p>
Officer Margarita Diaz	<p>It is alleged that on or about March 29, 2020, at approximately 7:47p.m., at or near 8248 S. Kedzie Ave.,</p> <p>1. Officer Margarita Diaz did not conduct a proper investigation.</p> <p>2. Officer Margarita Diaz failed to fully capture an incident on body worn camera in violation of Special Order S03-14.</p>	<p>EXONERATED</p> <p>SUSTAINED</p>

IV. APPLICABLE RULES AND LAWS

Rules

1. Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

General Orders

1. General Order G03-02-04 Taser Use Incidents

Special Orders

1. Special Order S03-14 Body Worn Cameras
2. Special Order S04-12 Incidents Involving Animals

V. INVESTIGATION¹

a. Interviews

COPA interviewed ██████ on April 7, 2020, at approximately 4:35pm². ██████ explained that on March 29, 2020, it was dark outside, and she was walking her black Pitbull dog on a leash. As ██████ and her dog were walking, there was an unsecured fence that a light brown and white Pitbull escaped from. The stray dog attacked her dog, and she tried to pull her dog's leash back but was unsuccessful so she let her dog's leash loose so that her dog could protect himself and so that she could gain distance from the dogs to call 911. ██████ was scared to break up the dog fight herself because she did not know how aggressive the stray dog would be towards her, and she thought she could get bit by either dog if she tried to interfere. ██████ saw blood on the light brown dog and on the ground, but she did not know which dog the blood was coming from.

Two female officers then arrived in a marked police vehicle and remained in the vehicle. The officers tried to scare the dogs by driving up on the sidewalk where the dogs were and sounded their horns and sirens and activated their flashing lights. When the officers realized that method was not working to separate the dogs, they told ██████ to get out of the way. The passenger officer, now known as Officer Lizzeth Bedalow (Officer Bedalow), deployed her taser towards the dogs. ██████ was upset because Officer Bedalow did not ask her which dog belonged to her before deploying her taser. When the taser struck ██████'s dog, the dog fell and began foaming at the mouth and barking. The stray light brown dog immediately ran away, and the officers called for a supervisor to come to the scene and told ██████ to secure her dog.

A supervisor then arrived at the scene along with another unit with a male officer. Officer Bedalow got out of her vehicle, but the driver of the first responding vehicle remained in the vehicle. The supervisor, now known as Sgt. Evan Komosa (Sgt. Komosa), explained to ██████ that their officers are not trained to handle animals and had to make a quick decision, and it was unknown how long the response from animal control would be due to delayed response times because of the Covid-19 pandemic. Officer Bedalow told ██████ that she had access to a leash, but her reasons for tasing her dog instead of the stray dog was because the stray dog had blood on it and her dog was the one being the aggressor at that moment. The dog belonging to ██████ is black in color so the officers could not see the blood on him, and he had to get fourteen sutures total from this incident. None of the officers on scene asked ██████ where exactly the stray dog had come from or attempted to find the owner of it. One of the officers tried to remove the taser probes out of her dog's head, but the dog was scared, and he was unable to.

██████ felt that the officers were negligent, lacked empathy for the situation, and did not investigate further to find out who owned the stray dog to hold them responsible for her veterinary bills. She feels that tasing her dog was not necessary, and that the officers should have gotten out of their vehicle to help her separate the dogs.

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Att. 1

COPA interviewed **Officer Lizzeth Bedalow** (Officer Bedalow) on July 1, 2021, at 4:09pm.³ Officer Bedalow explained that she has been a Field Training Officer (FTO) for approximately three years, and on March 29, 2020, she was training Probationary Police Officer Margarita Diaz (Officer Diaz). The officers were dispatched to a vicious animal call and when they arrived on scene, they observed a black dog on top of a light brown dog. Officer Bedalow instructed Officer Diaz to drive onto the sidewalk so they could get a clear view of the dogs fighting. The officers turned on their sirens and flashed their lights to attempt to scare the dogs apart, but that did not work. Officer Bedalow saw [REDACTED] standing next to a building at the scene and she was scared that [REDACTED] may get bit by one of the dogs. Officer Bedalow observed [REDACTED] looking scared and pressed against the building and holding what appeared to be a leash. The leash was not attached to the dog, and Officer Bedalow did not see [REDACTED] trying to get close to the dogs. Officer Bedalow related that the caller had called 911 because her dog was being attacked, so Officer Bedalow assumed that the brown dog belonged to [REDACTED] because that was the dog that was being attacked when they arrived. To Officer Bedalow's knowledge, animal control had been called but their response time was slow due to them being busy. Officer Bedalow also related that they had asked for another unit with an officer that is very familiar with dogs to come to the scene, but they did not get a response back.

Officer Bedalow observed the black dog biting the neck of the brown dog and blood on the brown dog, and she wanted to prevent any further injury to the dog. Officer Bedalow decided to discharge her taser at the dog instead of shooting it.⁴ Officer Bedalow did not talk to [REDACTED] before discharging her taser, but she did tell Officer Diaz that she was going to discharge her taser. As soon as the taser was discharged, the black dog fell off the brown dog and the brown dog ran south on the sidewalk. After Officer Bedalow had discharged her taser [REDACTED] told her that she tased the wrong dog, to which Officer Bedalow was very surprised by. Officer Bedalow told [REDACTED] to put her dog on a leash, and observed the black dog running away from her.

Officer Bedalow stated that she did not activate her body worn camera when they arrived on scene because she saw the dogs right away and was very focused on separating the dogs. Officer Bedalow related that discharging her taser and the use of force reminded her to activate it, and she did not tell or remind Officer Diaz to activate her body worn camera. When asked her justification for discharging her taser at the dog, Officer Bedalow related that she feared for her own safety because she saw the black dog being vicious and if she had gotten out of the vehicle, she thought the dog would bite her. Officer Bedalow also feared for the safety of [REDACTED] because she did not think she was the owner of the black dog, and her biggest concern was the brown dog who was already injured. Officer Bedalow related that her main justification was to preserve the life of the brown dog that was being attacked. Officer Bedalow also stated that she is not aware of any training for officers regarding dealing with animal encounters, and she thinks training should exist on this topic for officers.

COPA interviewed **Officer Margarita Diaz** (Officer Diaz) on July 1, 2021, at 3:02pm.⁵ Officer Diaz related a similar account as Officer Bedalow. Officer Diaz stated that Officer

³ Att. 22

⁴ Officer Bedalow mentioned in her statement that she thinks it would have been justified to shoot the black dog in this situation.

⁵ Att. 23

Bedalow was her first Field Training Officer and she had only been out of the police academy for a few weeks when this incident occurred. In addition to the information provided by Officer Bedalow, Officer Diaz stated she did observe [REDACTED] try to pull the black dog back by either a collar or a leash and the black dog tried to bite her. This was an additional factor that made Officer Diaz and Officer Bedalow fear to exit their vehicle. Officer Diaz could not recall if her or her partner asked [REDACTED] which dog belonged to her. Officer Diaz recalls turning her body worn camera on when she was signaling the sirens to attempt to scare the dogs apart.⁶ Officer Diaz could not recall if her partner had reminded her to activate it, if she saw her partner's camera activated and that reminded her to activate it, or if she had remembered to activate it on her own.

b. Digital Evidence

Body Worn Camera (BWC)⁷ Officer Bedalow's BWC captures Officer Diaz driving a marked police vehicle with Officer Bedalow in the passenger seat.⁸ Officer Diaz looked as if she was maneuvering the vehicle back and forth, which appeared to be the attempt at scaring the dogs apart by driving onto the sidewalk. Officer Bedalow leaned out the passenger side window and pointed her taser at the dogs fighting. Officer Bedalow deployed her taser at the black dog that was on top of the light brown dog. The light brown dog ran away, and both Officer Bedalow and Officer Diaz activated their body worn camera, so audio then began recording along with the video. Officer Bedalow then began talking to [REDACTED] and explained to her that she tasered her dog because the other dog had blood on it. Officer Bedalow then asked via her radio if animal control was coming to the scene, and then notified OEMC that she had deployed her taser at a dog. Officer Bedalow told [REDACTED] to put her dog on a leash and they moved the vehicle off the sidewalk back onto the street while they waited for a supervisor to arrive.

While Officer Bedalow and Officer Diaz waited they discussed how they feared the dogs because they were acting viciously, and they saw blood on the light brown dog and neither dog was on a leash. Officer Bedalow told her partner that she was trying to avoid using her taser by asking for animal control over the radio, but she had to make a quick decision. Sgt. Komosa then arrived on scene and Officer Bedalow informed him that the black dog was vicious, and she did not want to get near it.

Once the dog was secured, Officer Bedalow got out of her vehicle to obtain [REDACTED]'s information to create a report. Sgt. Komosa related to [REDACTED] that the police are not animal control and the officers had to make a split-second decision about how to handle the situation. [REDACTED] then expressed to Sgt. Komosa that the officers did not ask her which dog belonged to her and she thought the situation could have been handled differently. Sgt. Komosa offered to look up information for a veterinary hospital that she could take her dog to. Sgt. Komosa provided the veterinary hospital information to [REDACTED] and offered to follow her home because [REDACTED] feared that the stray dog would come back and attack her dog again.

⁶ Officer Diaz related that she wished she had gotten more practice with body worn cameras in the police academy to build a habit to activate it when responding to a call for service.

⁷ Att. 11-14

⁸ Both Officer Diaz and Officer Bedalow did not activate their body worn camera until after the taser was discharged, therefore the first two minutes capture video and are absent audio.

c. Documentary Evidence

An **Original Case Incident Report with RD#** [REDACTED]⁹ relates that the officers responded to a vicious animal call where they observed a black Pitbull attacking a light brown dog on a sidewalk and a female near the dogs who they were afraid may be injured by the vicious black dog. The officers observed blood on the light brown dog and drove the squad car onto the sidewalk, turned on their sirens and air horn to try to scare off the black dog. The black dog remained on top of the light brown dog and then bit down on the light brown dog's neck. The officers remained in their vehicle in fear of getting bit by the dog, and they requested animal control and an additional unit. Officer Bedalow tasered the black Pitbull to separate the two dogs and the light brown dog then ran away. The owner of the black Pitbull turned out to be the woman standing near the dogs and she was given a report and information for a veterinary hospital. The officers were not able to remove the taser prongs from the dog.

A **Tactical Response Report**¹⁰ was also generated in reference to this incident and was consistent with the information provided in the Original Case Incident Report.

An **OEMC Event Query**¹¹ with event number [REDACTED] relates that [REDACTED] called and stated that a Pitbull came from a yard and started attacking her Pitbull. It is documented that the location of the closest animal control unit was unknown, but they would do their best to get there as soon as possible. The deployment of Officer Bedalow's taser is also noted.

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 reviewed complied with 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

⁹ Att. 15

¹⁰ Att. 16

¹¹ Att. 4

investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

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

Officer Lizzeth Bedalow

COPA finds **Allegation #1**, that on or about March 29, 2020, at approximately 7:47p.m., at or near 8248 S. Kedzie Ave., Officer Lizzeth Bedalow deployed a taser at ██████████'s dog without justification is **Exonerated**.

Officer Bedalow explained in her statement that she feared for her own safety, the safety of ██████████, and the safety of the brown dog that was being attacked. Officer Bedalow made other attempts to separate the dogs prior to resorting to using her taser. After attempting to scare the dogs apart with lights, sirens, and their horn Officer Bedalow resorted to her taser rather than her firearm. Officer Bedalow related that she wanted to preserve the life of the brown dog that was being attacked and utilizing her taser was the solution she thought of with limited time. Officer Bedalow also explained that due to animal control's response time being delayed, she was worried with how much blood she observed on the brown dog and had to take action to preserve the life of the dog.

Although the general order regarding taser use incidents does not mention animals specifically, one of the factors that needs to be considered when determining appropriate use of a taser is the threat presented to the officer or the public. Officer Bedalow thought ██████████ may have gotten bit by the dogs or was in danger of being bit, and Officer Bedalow feared to exit her vehicle due to the black dog being vicious. For this reason, the threat presented to the officer and the public falls within acceptable use of a taser in this situation.

COPA finds **Allegation #2**, that on or about March 29, 2020, at approximately 7:47p.m., at or near 8248 S. Kedzie Ave., Officer Lizzeth Bedalow did not conduct a proper investigation is **Exonerated**.

Officer Bedalow had limited time to react to preserve the life of the dog being attacked at the time. Officer Bedalow thought ██████████ appeared scared and may have gotten bit or was in danger of being bit by the dogs. Officer Bedalow used the tools and resources that were available to her at the time when other options had already been exhausted. Officer Bedalow knew that the caller had called 911 because her dog was being attacked, so she assumed the brown dog belonged to her because that was the dog that appeared to be getting attacked at the time. Officer Bedalow saw blood on the brown dog and did not have much time to ask ██████████ questions prior to taking action to preserve the life of the dog.

The department order regarding incident involving animals¹² relates that Department members will respond to animal bite incidents, situations where the immediate safety and well-being of a person is threatened by an animal, and report of animal abuse, animal torture, or animal fighting. When the officers arrived on scene, they felt that the immediately safety and well-being of [REDACTED] was threatened by the dogs fighting, and they were required to act due to animal control not responding to the scene. [REDACTED]'s dog was actively attacking the brown dog when the officer arrived, and had they waited to gather further information from [REDACTED] prior to acting on the situation the brown dog may have continued to get more and more injured in the process.

COPA finds **Allegation #3**, that on or about March 29, 2020, at approximately 7:47p.m., at or near 8248 S. Kedzie Ave., Officer Lizzeth Bedaow failed to fully capture an incident on body worn camera in violation of Special Order S03-14 is **Sustained**.

Officer Bedalow did not activate her body worn camera until after she discharged her taser. According to the department order regarding body worn cameras¹³, a Department member will activate the system to event mode at the beginning of an incident and record the entire incident for all law-enforcement-related activities. The officers were dispatched to a call for service, and it was not an unexpected law-enforcement-related activity. The body worn camera should have been activated prior to the officers arriving at the scene, and especially before a taser was discharged. If Officer Bedalow had activated her body worn camera when they arrived at the call, the audio would have been recorded along with the video for the taser discharge. The officers were dispatched to a call for service, which should trigger the activation of their body worn camera when they arrive.

Officer Margarita Diaz

COPA finds **Allegation #1**, that on or about March 29, 2020, at approximately 7:47p.m., at or near 8248 S. Kedzie Ave., Officer Margarita Diaz did not conduct a proper investigation is **Exonerated**.

The analysis for this allegation is consistent with that of Officer Bedalow's Allegation #2 and is exonerated. Although Officer Diaz was not the officer that discharged her taser, she was in training at the time and left the use of force action up to her training officer. Officer Diaz did all that she could do at the time by

COPA finds **Allegation #2**, that on or about March 29, 2020, at approximately 7:47p.m., at or near 8248 S. Kedzie Ave., Officer Margarita Diaz failed to fully capture an incident on body worn camera in violation of Special Order S03-14 is **Sustained**.

The analysis for this allegation is consistent with that of Officer Bedalow's Allegation #3 and is sustained. Officer Diaz should have activated her body worn camera as soon as she received the call for service at the scene to record the entire law-enforcement-related activity.

¹² Special Order S04-12 Incidents Involving Animals

¹³ Special Order S03-14 Body Worn Cameras

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS¹⁴**a. Officer Lizzeth Bedalow****i. Complimentary and Disciplinary History:**

a. The following is a summary of disciplinary incidents for Officer Bedalow. 1. January 22, 2018: Illegal Arrest.

b. The following is a summary of complimentary history of Officer Bedalow. 1. 2019 Crime Reduction Award (1); Complimentary Letter (1); Department Commendation (1); Honorable Mention (29); and Unit Meritorious Performance Award (1); as of July 12, 2021.

ii. Recommended Penalty, by Allegation

1. Allegation No. 3: Reprimand and Retrain on Body Worn Camera

b. Officer Margarita Diaz**i. Complimentary and Disciplinary History:**

a. The following is a summary of disciplinary incidents for Officer Diaz. No disciplinary history.

b. The following is a summary of complimentary history of Officer Diaz. 1. 2019 Crime Reduction Award (1) and 2. Honorable Mention (1); as of July 12, 2021.

ii. Recommended Penalty, by Allegation

1. Allegation No. 2: Reprimand and Retrain on Body Worn Camera

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¹⁴ Atts. 24 and 25

IX. CONCLUSION

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

Officer	Allegation	Finding / Recommendation
Officer Lizzeth Bedalow	<p>It is alleged that on or about March 29, 2020, at approximately 7:47p.m., at or near 8248 S. Kedzie Ave.:</p> <ol style="list-style-type: none"> Officer Lizzeth Bedalow deployed a taser at [REDACTED]'s dog without justification. Officer Lizzeth Bedalow did not conduct a proper investigation. Officer Lizzeth Bedalow failed to fully capture an incident on body worn camera in violation of Special Order S03-14. 	<p>EXONERATED</p> <p>EXONERATED</p> <p>SUSTAINED/ REPRIMAND AND RETRAIN ON BODY WORN CAMERA POLICY</p>
Officer Margarita Diaz	<p>It is alleged that on or about March 29, 2020, at approximately 7:47p.m., at or near 8248 S. Kedzie Ave.,</p> <ol style="list-style-type: none"> Officer Margarita Diaz did not conduct a proper investigation. Officer Margarita Diaz failed to fully capture an incident on body worn camera in violation of Special Order S03-14. 	<p>EXONERATED</p> <p>SUSTAINED/ REPRIMAND AND RETRAIN ON BODY WORN CAMERA POLICY</p>

Approved:

[REDACTED]

8-26-2021

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	16
Investigator:	Casey Guthrie
Supervising Investigator:	Deborah Talbert
Deputy Chief Administrator:	Angela Hearts-Glass