

Date: November 22, 2024

To: Dena Brown, Interim CCA Director

From: Jessalyn Goodman, CCA Investigator

Subject: **CCA Case No. 24079 - Review of Excessive Force and Improper Entry Allegations by Latisha Carter**

CCA completed an investigation of CCA Complaint No. 24079 by Ms. Latisha Carter (F/B/33), alleging Excessive Force and Improper Entry against Officer Corey Jones, #P0389 (M/B/42). This memorandum is intended to convey the conclusions resulting from that investigation and the basis for those conclusions. This memorandum does not intend to summarize all evidence uncovered during the investigation, nor is it intended to summarize the entirety of CCA's file on this matter.

Ms. Carter alleged that on Thursday, February 22, 2024 at 12:02am at [REDACTED] a police officer later identified as Officer Jones, was present when a Jobs and Family Services (JFS) worker attempted to remove Ms. Carter's children from the residence. During the conversation between Ms. Carter, the JFS worker, and Witness A on the front porch of the residence, Officer Jones used his right hand to push Ms. Carter's left shoulder to gain access to her front door. This action caused Ms. Carter to land against her residence's door and mailbox; she did not sustain any injuries. Later, Officer Jones placed his foot in the doorway to ensure her residence door remained open while the JFS worker removed Ms. Carter's children.

CCA interviewed Ms. Carter, Officer Jones, and other witnesses with information about the incident. CCA also reviewed relevant body worn camera (BWC) recordings, relevant police records, use of force reports, and computer aided dispatch (CAD) records.

BWC footage provided no evidence to support Ms. Carter's assertion that Officer Jones pushed her as alleged. Credible witness statements corroborated the subject officer's version of what occurred. There is no information establishing that Officer Jones used excessive force as alleged.

Further, Ms. Carter alleged Officer Jones placed his foot in her doorway, despite not having a warrant for her residence. Credible evidence, specifically, relevant BWC footage, proves that Officer Jones did place his foot into the doorway to prevent its closure. Courts have declared that "the home is fundamentally a sanctuary, where personal concepts of self and family are forged, where relationships are nurtured and where people normally feel free to express themselves in intimate ways." Because the home is where "personal interactions, daily routines, and intimate relationships" take place, it receives the highest level of Fourth Amendment protection. (*United States v Jenkins*, 124 F3d 768, 772 (6th Cir. 1997) Thus, in this Circuit, **"If the government wants inside, they need a warrant, consent, or an exigent circumstance to justify their entry."** (*Brenay v Schartow*, 709 Fed. App'x 331, 333-34 (6th Cir. 2017) (emphasis added).

The Oxford Learner's Dictionary defines a residence's threshold to be the floor or ground at the bottom of a doorway, considered as the entrance to a building or room. The bottom component of the threshold is the sill of the door; to cross the threshold is to enter the next space. Officer

Jones's placement on and refusal to remove his foot from the door frame threshold is indicative of crossing into Ms. Carter's residence and is, therefore, an entry.

In his statement to CCA, Officer Jones confirmed that he wanted to maintain sight into the home to ensure the safety of the occupants as related to the emergency removal order obtained by JFS. In this case, there was no search or arrest warrant to enter, and there was no consent given by Ms. Carter for Officer Jones to enter. Therefore, in review of possible exigent circumstances, CCA considered whether an emergency related to the need to protect an individual in the residence existed at the time of entry. The JFS worker present confirmed there was an exigent order for the children to be removed from Ms. Carter's care due to concerns their well-being was at risk being in her residence. In other words, there was an exigent circumstance exception to the Fourth Amendment.

CCA's investigation found that Officer Jones's, actions, placement on and refusal to remove his foot from Ms. Carter's door constituted an entry; his actions were within the standard set forth in court precedent. Therefore, the actions of Officer Jones were consistent with CPD policy, procedure, and training.

Findings:

Based on my investigation and review of the evidence uncovered, I recommend the following findings for your endorsement (findings are defined in the attachment to this memorandum):

Allegations

No.	Allegation	Involved Officer	Involved Citizen	Finding
1	Excessive Force	Corey Jones	Latisha Carter	Unfounded
2	Improper Entry	Corey Jones	Latisha Carter	Exonerated



Jessalyn Goodman, Investigator



Dena Brown, Interim Director