



Log # 2020-4194

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On September 7, 2020, the Civilian Office of Police Accountability (COPA) received a complaint via an Initiation Report from Lieutenant Michael Dougherty reporting alleged misconduct by a member of the Chicago Police Department (CPD). Lieutenant Dougherty's report stated that during a review of body-worn camera (BWC) recordings from an arrest that had occurred earlier on September 7, 2020, he observed Officer Jamaul Jenkins unjustifiably push a handcuffed arrestee, ██████████ to the ground.<sup>2</sup> Following its investigation, COPA reached a sustained finding regarding the allegation that Officer Jenkins used excessive force against ██████████

### II. SUMMARY OF EVIDENCE<sup>3</sup>

On September 7, 2020, at approximately 2:05 am, Officer Jenkins and Officer Brandon McCray (collectively "the officers") were on patrol when they received reports from the Office of Emergency Management and Communications (OEMC) of a person with a gun in their vicinity.<sup>4</sup> A 911 call from a concerned citizen had reported a black male subject near the expressway who was carrying a firearm in a black bag, and who was dressed in a gray shirt, dark blue pants, and black shoes.<sup>5</sup> The officers observed ██████████ in the area and found that he closely matched the description, as he was wearing a gray shirt, acid-washed blue jeans, and black shoes, with a black satchel carried on a strap slung across his chest.<sup>6</sup>

The BWC evidence shows that both Officer Jenkins and Officer McCray activated their cameras prior to exiting their vehicle and walked toward ██████████ who was standing alone on the sidewalk. ██████████ held what appeared to be a cell phone in his right hand, and initially appeared to be on a call.<sup>7</sup> The officers approached and spoke with ██████████ for a few moments when, without warning, ██████████ fled on foot. However, he only ran for a few feet before he fell to the pavement, having apparently tripped over his own feet.<sup>8</sup> The officers then attempted to pull ██████████ arms

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<sup>1</sup> Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

<sup>2</sup> One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

<sup>3</sup> The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, police reports, a civilian interview, officer interviews, and records of depositions.

<sup>4</sup> Att. 4, pg. 3.

<sup>5</sup> Att. 12.

<sup>6</sup> Att. 23 at 2:15 to 2:32.

<sup>7</sup> Att. 24 at 2:00 to 2:29.

<sup>8</sup> Att. 23 at 2:32 to 2:34.

behind his back to handcuff him, but ██████ struggled to keep his arms free and refused to comply with the officers' commands to stop resisting. Several other officers soon arrived on the scene, and with their help ██████ was eventually subdued and restrained with two pairs of handcuffs connected behind his back.<sup>9</sup>

The physical interaction which resulted in this investigation began while ██████ was on the ground with his hands cuffed behind his back. Officer Jenkins lifted ██████ from the ground and used an escort hold on him, at which point ██████ announced that he would spit in the officer's face.<sup>10</sup> ██████ bent forward at the waist and his legs sagged limply, giving the appearance that he intended to allow himself to fall back down again.<sup>11</sup> ██████ then quickly raised his head again, facing Officer Jenkins, at which point Officer Jenkins placed his right hand over the front of ██████ throat and forcibly pushed him backward onto the ground.<sup>12</sup> Following this, several other officers intervened and secured ██████ in the back of a police vehicle.<sup>13</sup> ██████ was initially transported to lockup, but he was subsequently taken to Mercy Hospital to receive treatment for minor scratches.<sup>14</sup> The officers found a 9mm handgun and suspected Ecstasy/MDMA pills in ██████ possession, and he was charged with unlawful use of a weapon, resisting arrest, possession of a controlled substance, and an outstanding warrant.<sup>15</sup>

Officer Jenkins gave a statement to COPA addressing the incident and his reason for employing this use of force against a restrained subject.<sup>16</sup> When asked to explain the sequence of events, the officer stated that he responded defensively after ██████ said he intended to spit in his face, and reacted by extending his arms, "not in an aimed place, but just to extend them, to get him away from me...."<sup>17</sup> When asked to further describe his intentions, Officer Jenkins answered, "It was just like, you know, like a natural, you know, reaction. Okay. He's in front of me, let me extend my arms just straight out."<sup>18</sup> He added that he did not intend his action "to inflict pain or anything like that" and said he helped ██████ up to his feet afterward.<sup>19</sup>

After ██████ criminal case concluded, he filed a civil lawsuit alleging that Officers Jenkins and McCray threw him to the ground and used excessive force against him.<sup>20</sup> The lawsuit was still pending when COPA completed its investigation.<sup>21</sup>

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<sup>9</sup> Att. 23 at 2:34 to 6:37.

<sup>10</sup> Att. 26 at 3:12 to 3:14.

<sup>11</sup> Att. 26 at 3:14 to 3:16.

<sup>12</sup> Att. 23 at 6:42 to 6:46; also Att. 26 at 3:12 to 3:16.

<sup>13</sup> Att. 23 at 6:46 to 9:48.

<sup>14</sup> Att. 2, pg. 2 and Atts. 96-100.

<sup>15</sup> Att. 4, pgs. 1 to 3.

<sup>16</sup> During his interview with COPA, Officer Jenkins was also asked about the contradiction of his having marked "no" for the TRR section asking, "Was any reportable force used against the subject while handcuffed or otherwise in physical restraints?" Officer Jenkins answered that it was an error, and he should have marked "yes" for that section of the report. Att. 80, pg. 36, lns. 22 to 23.

<sup>17</sup> Att. 80, pg. 26, lns. 20 to 22.

<sup>18</sup> Att. 80, pg. 27, lns. 2 to 4.

<sup>19</sup> Att. 80, pg. 27, lns. 10 to 17.

<sup>20</sup> Atts. 39 and 40.

<sup>21</sup> Att. 102.

### III. ALLEGATIONS

#### Officer Jamaul Jenkins:

1. Pushed ██████████ to the ground while ██████████ hands were handcuffed behind his back without justification.
  - Sustained, Violation of Rules 2, 3, 6, 8, and 9.

### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

### V. ANALYSIS<sup>22</sup>

COPA found that the allegation against Officer Jenkins, that he unjustifiably pushed ██████████ to the ground while he was restrained in handcuffs, is **sustained**. The CPD's Rules of Conduct establish a list of acts which are expressly prohibited for all members, including Rule 8, which states that officers may not engage in any behavior that would result in disrespect toward or maltreatment of any person, and Rule 9, which prohibits officers from engaging in any unjustified verbal or physical altercation with any person.<sup>23</sup> Additionally, CPD policy specifies that all uses of force employed by officers must be "objectively reasonable, necessary, and proportional" depending on the circumstances of the situation.<sup>24</sup> CPD members are trained to view the use of force according to a spectrum of possible encounters based on whether the subject involved is a cooperative person, a passive resister, an active resister, or an assailant, with greater levels of force being permitted as the subject's behavior becomes more dangerous.<sup>25</sup>

With regard to the use of force employed in this incident, Officer Jenkins stated during his COPA interview that he pushed ██████████ as a defensive reaction in response to ██████████ saying, "I'll spit in your face, bitch."<sup>26</sup> Officer Jenkins explained that his response was intended to quickly create space between the two of them by pushing his arms outward at ██████████ thereby preventing ██████████ from spitting upon him.<sup>27</sup> As ██████████ had been actively resisting, and had threatened to commit a battery against an officer by spitting on him, the circumstances could have justified Officer Jenkins using a range of lesser force options such employing as a redirected arm bar hold or a take-down maneuver. However, the BWC video did not demonstrate Officer Jenkins using any approved techniques in his response to the threat, and further did not appear to show him simply extending his arms out in an instinctual response, as he had related in his statement. Instead, the video showed Officer Jenkins placing his right hand directly against ██████████ throat and pushing

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<sup>22</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>23</sup> Att. 103, Rules and Regulations of the Chicago Police Department, (V) Rules of Conduct, Rules 8 to 9, pg. 7 (effective April 16, 2015 to present).

<sup>24</sup> Att. 104, G03-02(III)(B), Use of Force (effective February 29, 2020 to April 15, 2021).

<sup>25</sup> Att. 105, G03-02-01(IV)(A to C), Force Options (effective February 29, 2020 to April 15, 2021).

<sup>26</sup> Att. 80, pg. 26, Ins. 18 to 23.

<sup>27</sup> Att. 80, pg. 27, Ins. 2 to 4.

him backwards with sufficient force to make him fall over to the ground.<sup>28</sup> This action, with the specific up-and-under hand motion of reaching underneath ██████ chin, did not appear to be a random arm movement meant to distance the officer from the possibility of being spat upon. On the contrary, it appeared to be an intentionally directed strike aimed at a particularly vulnerable area of ██████ body, qualifying the incident as a disproportionate use of force, an unjustified physical altercation, and maltreatment of a restrained arrestee.<sup>29</sup>

Furthermore, one of the types of deadly force defined by CPD policy is the application of a chokehold, carotid artery restraint, or other maneuvers for applying direct pressure on a windpipe or airway.<sup>30</sup> Officer Jenkins' act of grabbing of ██████ throat, combined with the force he employed in pushing ██████ backwards to the ground, clearly qualified as an application of direct pressure on ██████ windpipe. COPA also observed that the aggressive nature of the throat grab raises the question of whether Officer Jenkins intended this use of force to be an act of retaliation toward ██████ who had been both verbally and physically combative toward the officers throughout the encounter. Although this incident occurred during the height of the COVID-19 pandemic, and Officer Jenkins' reaction would likely have been influenced by concerns about the health risk of being spat upon, the targeted nature of the strike he employed cannot be viewed as anything other than an egregious and unjustifiable use of force. Consequently, COPA finds the allegation that Officer Jenkins pushed a handcuffed subject to the ground without justification is **sustained**.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Officer Jamaul Jenkins**

#### **i. Complimentary and Disciplinary History<sup>31</sup>**

Officer Jenkins has received 17 various awards, the highlights of which include one life saving award and one CPD commendation. His recent disciplinary history includes four SPARs: 1) Being absent without permission in October 2022, resulting in a 1-day suspension, 2) Failing to perform any duty in December 2022, resulting in a reprimand, 3) A preventable traffic accident in January 2023, resulting in no disciplinary action, and 4) Being absent without permission in February 2023, resulting in a 1-day suspension.

#### **ii. Recommended Discipline**

COPA has found that Officer Jenkins pushed a handcuffed subject to the ground, in violation of Rules 2, 3, 6, 8, and 9. Officer Jenkins not only used a disproportionate amount of force, but he pushed the handcuffed ██████ in the throat area, which is a particularly egregious

<sup>28</sup> Att. 23 at 6:42 to 6:46; also Att. 26 at 3:12 to 3:16.

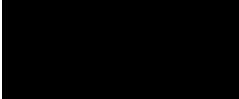
<sup>29</sup> In fact, CPD policy expressly prohibits its members from "using force against a person who is secured and restrained with handcuffs or other restraining devices (e.g., flexible restraining devices), unless the member: 1) must act to prevent injury to the Department member, the restrained individual, or another person, 2) must act to prevent escape, or 3) is compelled by other law enforcement objectives." Att. 105, G03-02-01(II)(H).

<sup>30</sup> Att. 104, G03-02(III)(C)(1)(d).

<sup>31</sup> Att. 106.

violation. Officer Jenkins’ explanation to COPA, that he was trying to avoid being spat upon, glossed over the fact that he had numerous other, lesser force options available at his disposal. COPA also notes that Officer Jenkins’ recent disciplinary includes four SPARs within the last year.<sup>32</sup> As such, COPA recommends that Officer Jenkins receive a **60-day suspension**.

Approved:



Steffany Hreno  
*Director of Investigations*

6/16/2023

Date

<sup>32</sup> For additional factors considered in imposing discipline, see CMS Note CO-1098599.

Appendix ACase Details

Date/Time/Location of Incident:	September 7, 2020 / 2:05 AM / 5521 S. Wentworth Avenue, Chicago, IL 60621
Date/Time of COPA Notification:	September 7, 2020 / 8:06 AM
Involved Officer #1:	Jamaul Jenkins / Star # 8917 / Employee ID # [REDACTED] / Date of Appointment: June 16, 2017 / Unit of Assignment: District 002 / Male / Black
Involved Individual #1:	[REDACTED] / Male / Black

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

Applicable Policies and Laws

- G03-02: Use of Force (effective February 29, 2020 to April 15, 2021).
- G03-02-01: Force Options (effective February 29, 2020 to April 15, 2021).

## Appendix B

### **Definition of COPA’s Findings and Standards of Proof**

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 a proposition is proved.<sup>33</sup> For example, if the evidence gathered in an 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. 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.”<sup>34</sup>

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<sup>33</sup> 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 is found to be more probably true than not).

<sup>34</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> ed. 2000)).

**Appendix C**

**Transparency and Publication Categories**

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation