



Brandon Johnson
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Fred L. Waller
Interim Superintendent

July 26, 2023

Andrea Kersten
Chief Administrator
Civilian Office of Police Accountability
1615 West Chicago Avenue, 4th Floor
Chicago, Illinois 60622

Re: Superintendent's Non-Concurrence with Penalty Recommendation
Complaint Log No. 2020-0004194

Dear Chief Administrator Kersten:

After a careful review of the above referenced complaint log number, the Chicago Police Department (Department) does not concur with the recommended penalty for Officer Jamaul Jenkins # 8917.

The COPA investigation recommended a penalty of a 60-day suspension for Officer Jenkins after concluding that he:

1. Pushed a citizen to the ground while the citizen's hands were handcuffed behind his back without justification.

The Department concurs with the recommended finding. But the Department believes that a 60-day suspension is excessive and recommends a 15-day suspension for Officer Jenkins along with additional training in Use of Force, De-Escalation, and securing active and passive resisters. Pursuant to the Municipal Code of Chicago, the Department provides the following comments.

Considering that at the time of the incident, Officer Jenkins had just over 3 years of service, Officer Jenkins has an impressive complimentary history that consisted of 17 total awards, including 1 Department Commendations and 1 Life Saving Award. Further, his disciplinary history consisted of 4 sustained Summary Punishments resulting in two separate 1-day suspensions, a reprimand and a no disciplinary action penalty.

After viewing the video, the Department believes that the action of Officer Jenkins was more reflexive than intentional. It is undisputed that the citizen stated he would spit in the officer's face and that the citizen was facing the officer. The entire scenario from the statement to the push is approximately two seconds. The Department does not agree that the member intentionally place his hand against the citizen's throat and pushed but rather that he just extended his arms and pushed and contact was

made with the citizen's throat. The Department definitely does not see the video as showing that Officer Jenkins grabbed the citizen's throat. Further, as COPA acknowledges, this incident occurred at the height of the COVID-19 pandemic and it is very likely that Officer Jenkins, like many other Department members and citizens alike, was concerned about health risks of being spat upon.

Although the Department agrees that Officer Jenkins should have used other force options, the Department also believes that based on the member's disciplinary history, complimentary history, the principal of progressive discipline and that if the purpose of discipline is to correct errant behavior and modify future conduct, then this can be accomplished with a lesser suspension of 15 days with addition re-training. The Department looks forward to discussing this matter with you pursuant to MCC 2-78-130(a)(iii).

Sincerely,



Fred L. Waller
Interim Superintendent
Chicago Police Department