

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	October 12, 2018
Time of Incident:	1:06 a.m.
Location of Incident:	██████████
Date of COPA Notification:	December 18, 2018
Time of COPA Notification:	3:01 p.m.

Officers Ivory Jackson Jr. and Thomas Nicpon were called to an apartment for a suspected domestic disturbance by a concerned neighbor. The neighbor let the officers into the building and showed them which apartment the disturbance was coming from. The officers spoke to ██████████ and ██████████ and ultimately arrested Mr. ██████████ for domestic battery, aggravated battery to a peace officer and resisting arrest. Mr. ██████████ alleged he was falsely arrested and that officers used excessive force during the arrest.

II. INVOLVED PARTIES

Involved Officer #1:	Ivory Jackson Jr. / Star #14986/ Employee # ██████████ / Date of Appointment: Sept. 5, 1995 / Police Officer / Unit of Assignment: 2nd District / Black Male
Involved Officer #2	Thomas Nicpon ¹
Involved Officer #3	Sergeant Ramon Ascencio / Star #1499 / Employee # ██████████ / Date of Appointment: Dec. 18, 2006 / Sergeant of Police / Unit of Assignment: 2nd District / Hispanic Male
Involved Individual #1	██████████ / 25 years old / Black Male
Involved Individual #2	██████████ / 24 years old / Black Female

¹ Attachment 36 – PAR

III. ALLEGATIONS

Officer	Allegation	Finding
Officer Ivory Jackson Jr.	<p>It is alleged that on or about October 12, 2018, at approximately 1:06 a.m. at or near [REDACTED] Officer Ivory Jackson Jr. #14986 committed misconduct through the following acts or omissions, by:</p> <ol style="list-style-type: none"> 1. Entering [REDACTED] apartment without justification. 2. Arresting [REDACTED] [REDACTED] without justification. 3. Dragging [REDACTED] [REDACTED] down the stairs without justification. 4. Slamming [REDACTED] [REDACTED] against a railing without justification. 5. Throwing [REDACTED] [REDACTED] to the floor without justification. 	<p>Unfounded</p> <p>Unfounded</p> <p>Unfounded</p> <p>Sustained</p> <p>Sustained</p>

IV. APPLICABLE RULES AND LAWS

Rules of Conduct

Rule 2: Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 3: Prohibits any failure to promote the Department’s efforts to implement its policy or accomplish its goals.

Rule 5: Prohibits failure to perform any duty.

Rule 8: Prohibits disrespect to or maltreatment of any person.

Rule 9: Prohibits engaging in an unjustified verbal or physical altercation with any person, while on or off duty.

Rule 10: Prohibits inattention to duty

Rule 14: Prohibits making a false report, written or oral.

General Orders

Domestic Incidents G04-04

Use of Force G03-02

Force Options G03-02-02

V. INVESTIGATION²

a. Interviews

Mr. ██████ gave a statement to COPA investigators on January 16, 2019.³ In his statement Mr. ██████ said that he was at his girlfriend's apartment on the night of October 12, 2018. He and his girlfriend, ██████ went to a bonfire earlier in the evening and then went back to her apartment. He said Ms. ██████ grandmother passed away the day before, and she was upset and crying over it. He said they were in Ms. ██████ apartment for 5-10 minutes when there was a knock on the door, and she answered it. It was the police, who told her they had received a call about a disturbance. Ms. ██████ had not opened the door fully, but it was partway open. Mr. ██████ said Ms. ██████ told the officers multiple times that there was no disturbance. The officers heard Mr. ██████ voice from inside the apartment and they asked him to step outside of the apartment. Mr. ██████ said he refused to come out of the apartment and tried to close the apartment door when the officers pushed their way in. Mr. ██████ said he backed up as the officers continued to press towards him. Mr. ██████ said he put his hands up to protect himself when Officer Jackson Jr. grabbed him. Mr. ██████ said the officers got him to the ground and wrestled with him to get him into custody. Mr. ██████ said he did not willingly go with the officers, and they dragged him down the stairs to the foyer of the building.

Mr. ██████ said his right shoulder was dislocated during the struggle with the officers, but he popped his shoulder back into place himself. He said he was taken to the hospital and x-rays were taken to ensure nothing was broken. He also said he believed the disturbance the officers responded to was really coming from the apartment below Ms. ██████ apartment. Mr. ██████ added that a few weeks before this incident, the same officers showed up at Ms. ██████ apartment, but he wasn't there. He said that was also the result of a disturbance from the apartment below hers, not from her apartment.

Accused Officer Jackson Jr. provided a statement to COPA investigators on August 31, 2021.⁴ In his statement, Officer Jackson Jr. said he was working as a field training officer on the date of the incident with his partner, Officer Niepon, who was a probationary police officer. Officer Jackson Jr. said he and his partner received a call over the radio about a domestic disturbance and they proceeded to the location. Officer Jackson Jr. said they arrived at ██████ and a woman let them into the apartment building and showed them the apartment where the disturbance was coming from. Officer Jackson Jr. said he and his partner stood outside the apartment door for a few moments and heard a disturbance inside the apartment - they heard a man and a woman yelling. Officer Jackson said he knocked on the door and a woman answered the door, crying and upset. Officer Jackson said the woman (now known to be ██████) was crying, shaking, and seemed nervous, as if she was afraid. Officer Jackson Jr. asked if she needed help and remembered her as the same woman who called about a domestic battery a few weeks earlier.

² The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Attachment 6.

⁴ Attachment 38.

The man inside the apartment (now known to be ██████████) came to the door and Officer Jackson Jr. advised him to leave. Officer Jackson Jr. said Mr. ██████████ was very loud, upset, and refused to leave. Mr. ██████████ then put his arm around Ms. ██████████ neck and started to pull her back into the apartment when Officer Jackson Jr. told him to stop. Officer Jackson Jr. said he was concerned for Ms. ██████████ safety and thought she was in imminent danger. Officer Nicpon tried to grab Mr. ██████████ arm and Mr. ██████████ punched Officer Nicpon and pushed Officer Jackson Jr. At that point, Officer Jackson Jr. took out his handcuffs and informed Mr. ██████████ that he was going to jail. Officer Jackson Jr. continuously gave verbal direction for Mr. ██████████ to turn around and put his hands behind his back because he was under arrest. Mr. ██████████ refused to cooperate and said he was not going to comply. Officer Jackson Jr. recounted that Mr. ██████████ was aggressive and pointed his hands in Officer Jackson Jr.'s face. Officer Jackson Jr. told Mr. ██████████ multiple times to back up and then told him to sit on the couch. Mr. ██████████ eventually sat on the couch and Officers Jackson Jr., Nicpon and Sergeant Ascencio were able to get Mr. ██████████ under control and place him under arrest. Officer Jackson Jr. said he used his baton as leverage to gain control of Mr. ██████████ and pry his arms out from under him because Mr. ██████████ had his arms in front of him on the sofa.

Officer Jackson Jr. said using the baton as leverage is a CPD technique approved of in General Order G03-02-07 for active and passive resisters as a control instrument with non-impact pressure. Officer Jackson Jr. said he used his baton in compliance with that directive. Officer Jackson Jr. also said he used the least amount of force necessary to gain control of Mr. ██████████ without injuring him. He and his partner were ultimately able to place Mr. ██████████ into custody and they walked him down to the first floor. On the way down, Officer Jackson Jr. said there was another brief tussle with Mr. ██████████ on the stairway landing when Mr. ██████████ spit on him. Officer Jackson Jr. said Mr. ██████████ intentionally spit on him several times throughout the incident.

Once they were on the first floor in the foyer of the building, Officer Jackson Jr. said Mr. ██████████ was still cursing and acting belligerently. Officer Jackson Jr. said Mr. ██████████ spit on him again in the foyer and he pushed him in the chest to create some distance between them and get Mr. ██████████ to stop. Upon pushing him, Mr. ██████████ fell to the floor. After several minutes, Mr. ██████████ was moved to the back of a squad car and then transported to the district for processing. Officer Jackson Jr. said Mr. ██████████ did not complain of any injuries to him and that he did not speak to Mr. ██████████ again once he was transported from the scene of the arrest.

b. Digital Evidence

The BWC of Officer Ivory Jackson Jr. shows a woman waiting outside the apartment building who lets Officers Jackson Jr. and Nicpon into the building and directs them to the apartment where the disturbance is coming from.⁵ Officer Jackson Jr. says he remembers being at the building before. Officer Jackson Jr. and his partner listen outside of the apartment door for about a minute. Indiscernible talking can be heard from inside the apartment. Officer Jackson Jr. knocks on the door and announces his office. A woman answers the door and Officer Jackson Jr. informs her that people called about a disturbance coming from her apartment. He asks her if she needs their assistance. The woman says "no" and Officer Jackson Jr. calls for the male occupant (now known to be ██████████) to come to the door. Officer Jackson Jr. asks if the guy who broke her nose before is in the apartment, and she says "no," that it's somebody different. Mr. ██████████ can be

⁵ Attachment 25.

heard talking to Officer Jackson Jr. from inside the apartment. Officer Jackson Jr. advises Mr. [REDACTED] to leave so Ms. [REDACTED] can be left in peace. Mr. [REDACTED] refuses to leave and states that leaving would not solve anything. Mr. [REDACTED] is swearing at Ms. [REDACTED] and says he's been telling her for 15 minutes to get her things so they can leave. Mr. [REDACTED] again says the issue is that she needs to get her things as he places his arm around her shoulders and collarbone and pulls her towards the interior of the apartment. Officer Jackson Jr. orders Mr. [REDACTED] to let go of Ms. [REDACTED] but he does not let go. Officer Jackson Jr. grabs Mr. [REDACTED] left arm to pull it off Ms. [REDACTED] while Officer Nicpon places his arm around Mr. [REDACTED] waist to pull him out of the apartment. Mr. [REDACTED] then jabs Officer Nicpon in the face with his right hand.

Officers Jackson Jr. and his partner proceed into the apartment as Officer Jackson Jr. orders Mr. [REDACTED] to put his hands behind his back. Mr. [REDACTED] says "no" then grabs both Officer Jackson Jr.'s arms to prevent him from placing the handcuffs on him. Officer Jackson Jr. again orders Mr. [REDACTED] to put his hands behind his back and let go of him while Mr. [REDACTED] continues to say "no" and refuses to comply. Officer Jackson Jr. advises his partner to get his Taser ready. Mr. [REDACTED] says he is not going to let Officer Jackson Jr. put handcuffs on him. Mr. [REDACTED] starts swearing, yelling, and directing racial slurs at Officer Jackson Jr. Officer Jackson Jr. goes over the radio to request a supervisor at the location. Officer Jackson Jr. again attempts to grab Mr. [REDACTED] arms to put handcuffs on him when Mr. [REDACTED] swats the Officer's arms away and assumes a defensive posture. Officer Jackson Jr. tells Mr. [REDACTED] that he's going to jail because he assaulted him and his partner. Mr. [REDACTED] moves to the sofa area. He is vehemently arguing with the officers and Ms. [REDACTED] about the presence of the officers in the apartment. Mr. [REDACTED] sits down on the sofa as the arguing continues and Sergeant Ascencio arrives.

When Sergeant Ascencio arrives, Officer Jackson Jr. explains the situation to him while Ms. [REDACTED] and Mr. [REDACTED] can be heard in the background arguing and yelling. Sergeant Ascencio directs Officer Jackson Jr. to take Mr. [REDACTED] into custody. Officer Jackson Jr. approaches Mr. [REDACTED] who is sitting on the couch, and pushes him face forward onto the sofa to put handcuffs on him while Officer Nicpon assists. Officer Jackson Jr. is still ordering Mr. [REDACTED] to put his hands behind his back. Mr. [REDACTED] starts yelling that he can't breathe and yelling for help. Both officers are struggling to get Mr. [REDACTED] right arm behind his back. Officer Nicpon gets another set of handcuffs out and they are able to handcuff Mr. [REDACTED]. Officer Jackson Jr. escorts Mr. [REDACTED] into the hallway and Mr. [REDACTED] spits in his face. Officers Jackson Jr. walks Mr. [REDACTED] down the stairs to the foyer of the building. Mr. [REDACTED] is continually swearing and verbally antagonizing Officer Jackson Jr. Officer Jackson Jr. has his left hand on the collar of Mr. [REDACTED] sweater and then on the front of his neck. Mr. [REDACTED] tells Officer Jackson Jr. to take him out of the handcuffs so he can "beat his ass." Officer Jackson Jr. throws Mr. [REDACTED] to the ground and tells him to sit down. Mr. [REDACTED] continues to swear and tell Officer Jackson Jr. to let him out of the handcuffs so they can fight. Mr. [REDACTED] is sitting on the floor of the foyer while Officer Jackson Jr. tells him to relax and calm down. After several minutes, the officers get Mr. [REDACTED] up from the floor and walk him outside. Officer Jackson Jr. and Sergeant Ascencio escort Mr. [REDACTED] to a squad car where he is placed in the back seat.

The BWC of Officer Nicpon was generally consistent with that of Office Jackson Jr. .⁶

⁶ Attachment 25.

The BWC of Sergeant Ascencio shows Sergeant Ascencio arriving as Officers Jackson Jr. and Nicpon are inside Ms. [REDACTED] apartment trying to get Mr. [REDACTED] to cooperate.⁷ Sergeant Ascencio's BWC was generally consistent with that of Officer Jackson Jr. and Nicpon. Additionally, seen from Sergeant Ascencio's BWC is Officer Jackson Jr. using his baton as a wedge between Mr. [REDACTED] body and his arm and to pry Mr. [REDACTED] forearm from in front of his body. After about three minutes of struggling with Mr. [REDACTED] they are able to get handcuffs on Mr. [REDACTED] and bring him to his feet. Mr. [REDACTED] is escorted outside of the apartment by Sgt. Ascencio and Officer Jackson Jr. Sgt. Ascencio tells Mr. [REDACTED] that he is being arrested because he pushed on of his officers in the face. On the staircase landing, a sound like spitting is heard as Officer Jackson Jr. reacts with a flinch of his face, grabs Mr. [REDACTED] by the collar and slams him against the staircase railing. They escort Mr. [REDACTED] down the staircase and into the foyer, where Officer Jackson Jr. tells Mr. [REDACTED] to sit down. Officer Jackson Jr.'s upper body is seen in a throwing motion from the shoulders and Mr. [REDACTED] ends up on the floor of the foyer. After several minutes of continued arguing and yelling, Mr. [REDACTED] is escorted outside and placed into a squad car for transport.

c. Documentary Evidence

The Arrest Report of [REDACTED] documents his arrest on October 12, 2018.⁸ The report states that Mr. [REDACTED] was arrested after a domestic battery of his girlfriend, [REDACTED]. The responding officers tried to talk to Mr. [REDACTED] when he grabbed Ms. [REDACTED] about the body and refused to let her go. The officers feared for the safety of Ms. [REDACTED] having knowledge of a prior incident she reported, and attempted to separate them. Mr. [REDACTED] then pushed Officer Nicpon in the face and Officer Jackson Jr. in the chest. Mr. [REDACTED] continued to resist being placed under arrest by refusing verbal commands and physically avoiding the officers. Officer Jackson Jr. used an emergency takedown and his baton to place Mr. [REDACTED] in an arm-bar and gain control of him until assisting officers arrived. Mr. [REDACTED] was placed into custody and taken to the station for processing. [REDACTED] was charged with one count of domestic battery, two counts of aggravated battery to a peace officer, one count of resisting a peace officer, and one count of aggravated assault to a peace officer.

The Tactical Response Report of Officer Jackson Jr. documents that Officer Jackson Jr. and his partner, Officer Nicpon, responded to a domestic disturbance call.⁹ They were let into the apartment building by the caller, who led them to the apartment the disturbance was coming from. The officers heard loud noises coming from inside the apartment. The officers knocked on the door and were met by a woman who was upset, crying, and appeared to be afraid. Officer Jackson Jr. remembered the woman from a prior domestic battery call and asked her if the subject was there. Officer Jackson Jr. began talking to the subject who fit the description from the previous battery call. The officers asked him to leave when the subject grabbed his girlfriend around the neck and would not release her. The officers feared for the woman's safety and attempted to separate them when the subject struck Officer Nicpon in the face. The subject pushed Officer Jackson Jr. in the chest and the officers attempted to place him under arrest. The subject ignored

⁷ Attachment 25.

⁸ Attachment 14.

⁹ Attachment 16.

verbal directions and resisted the arrest. Officer Jackson Jr. used an emergency takedown and his baton to implement an arm-bar to gain control of the subject and take him into custody.

The Tactical Response Report of Officer Nicpon¹⁰ was generally consistent with that of Office Jackson Jr..

The OEMC Event Query documents the 9-1-1 call received on October 12, 2018, from a concerned neighbor.¹¹ The caller stated she heard people yelling and a scuffle, which sounded like a domestic disturbance.

V. 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 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.

VI. ANALYSIS

COPA recommends a finding of **Unfounded** for Allegation Number 1 against Officer Jackson Jr. in that he had justifiable reason to enter [REDACTED] apartment.

The doctrine of hot pursuit allows a police officer to enter a premises without a warrant to arrest a fleeing suspect where probable cause exists that a felony crime has been committed. *United States v. Santana*, 427 U.S. 38 (1976); *Welsh v. Wisconsin*, 466 U.S. 740 (1984). In Illinois, some

¹⁰ Attachment 17.

¹¹ Attachment 12.

misdemeanor offenses are serious enough to allow for entry into a premises under the hot pursuit doctrine as well. *People v. Wear*, 2008 WL 2840571 (Ill.Sup.Ct. 2008). Consideration is given to the gravity of the offense and severity of the punishment. *Id.* For instance, with a Class A misdemeanor which is punishable by up to 364 days in jail, the State has a high interest in punishing these offenses and for that reason, the offense need not be a felony. *Id.*

In the instant case, Officers Jackson Jr. and Nicpon were responding to a 9-1-1 call of a domestic disturbance. When they arrived at the scene, they were let into the building by a resident and pointed to the apartment where the disturbance was coming from. Officer Jackson Jr. remembered responding to another domestic disturbance at the same location a few weeks earlier. Upon knocking on the door, a woman answered (now known to be [REDACTED] who seemed upset and began crying at one point. Officer Jackson Jr. asked the man inside the apartment (now known to be [REDACTED] to leave to avoid a continued disturbance since the neighbors had complained. Mr. [REDACTED] came to the door and refused to leave. He was swearing at Ms. [REDACTED] and blaming her for the disturbance by saying she would not get her things out of his car so he could leave. Mr. [REDACTED] placed his arm around Ms. [REDACTED] upper body and tried to pull her back into the apartment. Officer Jackson tried to stop him from doing that by taking Mr. [REDACTED] arm off her while Officer Nicpon placed his arm around Mr. [REDACTED] to pull him away from Ms. [REDACTED]. At that point, Mr. [REDACTED] became angry and pushed Officer Nicpon in the face with his hand and shoved Officer Jackson Jr. in the chest. Officer Jackson Jr. informed Mr. [REDACTED] that he was going to be arrested and ordered him to put his hands behind his back as both officers entered the apartment. For several minutes, the officers attempted to place Mr. [REDACTED] into custody until a sergeant arrived, and with his assistance, the three officers arrested Mr. [REDACTED].

The officers were justified in entering Ms. [REDACTED] apartment to effectuate the arrest because they had probable cause to believe a crime had been committed. Mr. [REDACTED] battered both officers by pushing them while he was standing in the doorway. His actions constituted the felony offense of aggravated battery to a peace officer, which he was charged with as to each officer. The doctrine of hot pursuit allows an officer to make entry into a premises where a suspect is fleeing arrest. Mr. [REDACTED] backed into the apartment to evade the officers as they proceeded into the apartment to make the arrest. Officer Jackson Jr. also said he was concerned for Ms. [REDACTED] safety. Given the nature of the 9-1-1 call, the behavior of Mr. [REDACTED] and that Ms. [REDACTED] appeared frightened, it is reasonable that the officers were concerned for her safety. Once Mr. [REDACTED] placed his arm around Ms. [REDACTED] then started to pull her back into the apartment and pushed both officers, the officers had justification to enter the apartment. Based on the foregoing, COPA recommends a finding of Unfounded for allegation number one against Officer Jackson Jr.

COPA recommends a finding of Unfounded for Allegation Number 2 against Officer Jackson Jr. in that he had probable cause to arrest [REDACTED]

Any law enforcement officer may make an arrest without warrant if the officer has probable cause to believe that the person has committed or is committing any crime. *750 ILCS 60/301*. In this case, the officers responded to a call about a domestic disturbance and were investigating the situation as they spoke to Ms. [REDACTED]. While speaking to her and trying to get Mr. [REDACTED] to leave the premises and prevent the necessity for further intervention, Mr. [REDACTED] physically assaulted both officers by pushing Officer Nicpon in the face and pushing Officer Jackson Jr. in the chest. Mr. [REDACTED] actions were criminal offenses which gave the officers probable cause to

arrest him. Therefore, COPA recommends a finding of Unfounded for allegation number two against Officer Jackson Jr.

COPA recommends a finding of **Unfounded** for Allegation Number 3 against Officer Jackson Jr. in that he did not drag [REDACTED] down the stairs.

Pursuant to the Rules and Regulations of the Chicago Police Department, Rule 8 prohibits maltreatment of any person, while on or off duty. In this case, once Mr. [REDACTED] was under arrest and handcuffed, he was escorted outside of the apartment by Officer Jackson Jr. and Sergeant Ascencio. Officer Jackson Jr. then escorted Mr. [REDACTED] down the staircase to the foyer. Mr. [REDACTED] was not a cooperative arrestee and continued to flail about and generally made it difficult for the officers to control him, even as he was being escorted down the stairs. In fact, Mr. [REDACTED] himself said in his statement that he did not willingly go with the officers. According to the BWC, Mr. [REDACTED] was on his feet and walked down the stairs with Officer Jackson Jr. escorting him by the arm and Sgt. Ascencio on the other side of him. Officer Jackson Jr. did not drag him down the stairs, but rather steered him down the stairs in a controlled fashion, which was warranted since Mr. [REDACTED] was uncooperative and continued to prove difficult to manage. Based on the foregoing, COPA recommends a finding of Unfounded for allegation number three against Officer Jackson Jr. in that he did not drag Mr. [REDACTED] down the stairs.

COPA recommends a finding of **Sustained** for Allegation Number 4 against Officer Jackson Jr. in that he slammed [REDACTED] against a railing without justification.

Department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape. *CPD General Order G03-02* (effective 16 October 2017). The level of force a Department member is allowed to use also depends on what level of resistance the subject is using. *CPD General Order G03-02-2* (effective 01 January 2016). An active resister attempts to create distance between himself and the member's reach with the intent to avoid physical control. *Id.* An assailant is a subject who is using or threatening the imminent use of force including placing an officer in fear of receiving a battery. *Id.* Department members may use a variety of means to control these resisters, including stunning, direct mechanical techniques, batons, OC spray and the Taser. The appropriateness of an officer's use of force will depend on a totality of the circumstances and what type of resistance the subject is engaged in.

In the instant case, Mr. [REDACTED] spit on Officer Jackson Jr. while they were inside the apartment and again while they were standing outside of the apartment on the landing. According to Officer Jackson Jr.'s BWC, Mr. [REDACTED] is seen spitting in Officer Jackson Jr.'s face while they are on the landing. Officer Jackson Jr. responds by slamming Mr. [REDACTED] against the staircase railing, seemingly as a punishing response or out of frustration. COPA finds in this instance that such a use of force was not a proportional response to being spit on, especially when the Mr. [REDACTED] was already under arrest and in handcuffs. Officer Jackson Jr.'s actions appeared retaliatory in nature, which is a prohibited use of force. Additionally, slamming someone onto the ground or into something is not an authorized control technique. Slamming Mr. [REDACTED] against the railing was also not effective in preventing Officer Jackson Jr. from being spit on again or effective in controlling Mr. [REDACTED] in fact, Mr. [REDACTED] became more irate after this as they proceeded down the stairs to the first floor. For the aforementioned reasons, COPA recommends a finding of

Sustained for allegation number four against Officer Jackson Jr. in that he slammed Mr. ██████ against a railing without justification.

COPA recommends a finding of Sustained for Allegation Number 5 against Officer Jackson Jr. in that he threw Mr. ██████ to the floor without justification.

Department members may only use force that is objectively reasonable, necessary, and proportional in order to ensure the safety of a member or third person, stop an attack, make an arrest, control a subject, or prevent escape. *CPD General Order G03-02* (effective 16 October 2017). The level of force a Department member is allowed to use also depends on what level of resistance the subject is using. *CPD General Order G03-02-2* (effective 01 January 2016).

In this case, Mr. ██████ was handcuffed as he was escorted to the foyer of the apartment building by Officer Jackson Jr. and Sgt. Ascencio. Once in the foyer, Mr. ██████ continued to verbally antagonize Officer Jackson Jr. while he tried to get Mr. ██████ to stop being aggressive and uncooperative. Officer Jackson Jr. was telling Mr. ██████ to relax and then threw him to the floor, as seen on Officer Jackson Jr.'s and Sgt. Ascension's BWC. Although Mr. ██████ was being verbally aggressive and uncooperative, there was no physical threat to Officer Jackson Jr. at that time and his actions appeared to again be out of frustration at not having the subject under control. Officer Jackson Jr. told Mr. ██████ to relax and calm down, but his actions of slamming Mr. ██████ against the railing and then throwing him to the floor contradicted his verbal attempts to deescalate the situation. Since there was no apparent legitimate reason to throw Mr. ██████ to the floor, COPA recommends a finding of Sustained for allegation number five against Officer Jackson Jr.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Ivory Jackson Jr.¹²

i. Complimentary and Disciplinary History

a. Complimentary History: 2004 Crime Reduction Ribbon (1); 2009 Crime Reduction Award (1); 2019 Crime Reduction Award (1); Attendance Recognition Award (2); Complimentary Letter (1); Democratic National Convention Award (1); Department Commendation (6); Emblem of Recognition – Appearance (1); Emblem of Recognition – Physical Fitness (2); Honorable Mention (64); Honorable Mention Ribbon Award (1); Military Service Award (1); NATO Summit Service Award (1) and Presential Election Deployment Award 2008 (1) – 84 in total

b. Disciplinary History: 2019-4784 – Operation/Personnel Violations – Incident Date: November 22, 2019; Complaint Date: November 24, 2019; Closed Date: November 26, 2020; Final Finding: No Affidavit; Final Penalty: 600 - No action taken/Not Sustained/Exonerated/Unfounded.

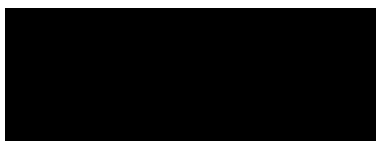
¹² Attachment 39

ii. Recommended Penalty

- 1. **Allegation No. 4 – Sustained** – Evidence obtained via BWC shows Officer Jackson Jr. slam Mr. [REDACTED] against the railing after he is spit on by Mr. [REDACTED] and has the appearances of being retaliatory.
- 2. **Allegation No. 5 – Sustained** – Evidence obtained via BWC show Mr. [REDACTED] was being verbally aggressive and uncooperative, there was no physical threat to Officer Jackson Jr., who slams Mr. [REDACTED] to the floor. Officer Jackson Jr.’s actions appeared to again be out of frustration at not having the subject under control.

Recommended minimum 60-Day Suspension

Approved:



8/31/2022

Matthew Haynam
Deputy Chief Investigator

Date