

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

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|---|------------------------|
| IN THE MATTER OF CHARGES FILED AGAINST) | |
| POLICE OFFICER JOHNNY B. JENKINS,) | No. 07 PB 2636 |
| STAR No. 11962, DEPARTMENT OF POLICE,) | |
| CITY OF CHICAGO,) | |
| RESPONDENT.) | (CR No. 311697) |

FINDINGS AND DECISION

On May 24, 2007, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Johnny B. Jenkins, Star No. 11962, (hereinafter sometimes referred to as "Respondent"), recommending that the Respondent be discharged from the Chicago Police Department for violating the following Rules of Conduct::

- Rule 1: Violation of any law or ordinance.
- 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 6: Disobedience of an order or directive, whether written or oral.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

The Police Board of the City of Chicago caused a hearing on these charges against Police Officer Johnny B. Jenkins, Star No. 11962 to be heard by Jacqueline A. Walker, Hearing Officer of the Police Board, on July 8, 2008, July 10, 2008, and March 17, 2009.

Following the Hearing, the members of the Police Board read and reviewed the record of proceedings and viewed the video-recording of the testimony of witnesses. Hearing Officer Walker made an oral report to and conferred with the Police Board before it rendered a decision.

As a result of the foregoing, the Police Board of the City of Chicago finds and determines that:

- (1) The Respondent was, at all times mentioned herein, a police officer employed by the Department of Police of the City of Chicago;
- (2) The charges were filed in writing, and a Notice, stating the time, date and place, when and where a hearing on the charges was to be held, together with a copy of the original charges, were served upon the Respondent more than five (5) days prior to the hearing on the charges;
- (3) Throughout the hearing, the Respondent appeared in person and was represented by legal counsel;
- (4) Respondent, Police Officer Johnny B. Jenkins, Star No. 11962, as charged herein, is **not guilty** of violating, to-wit:

Rule 1: Violation of any law or ordinance, in the following instances:

- (A) The Superintendent did not prove by a preponderance of evidence that on or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, during a traffic stop, the Respondent possessed a firearm and/or ammunition without having in his possession a Firearm Owner's

Identification Card ("FOID") in violation of Section 430 ILCS 65/2(a)(1) and/or (2).

(B) The Superintendent did not prove by a preponderance of evidence that on or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, the Respondent made physical contact of an insulting or provoking nature with an individual when he engaged in an unjustified physical altercation with Matteson Police Officer Robert Wilson, in violation of Section 720 ILCS 5/12-3(a)(2).

(C) The Superintendent did not prove by a preponderance of evidence that on or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, the Respondent was found to be carrying a firearm on or about his person or in any vehicle or concealed on or about his person without a valid FOID, in violation of Section 720 ILCS 5/24-1.6(a)(1) and/or (3)(c).

(D) The Superintendent did not prove by a preponderance of evidence that on or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, the Respondent knowingly resisted arrest and/or obstructed the performance by Matteson Police Officer Robert Wilson of any authorized act within his official capacity, in violation of the Municipal Code of the Village of Matteson, Section 133.01(A).

(E) The Superintendent did not prove by a preponderance of evidence that

on or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, during a traffic stop, the Respondent attempted to elude Matteson Police when he got inside his vehicle and put it into gear in an attempt to flee the scene of the stop, in violation of Municipal Code of the Village of Matteson, Section 70.13.

(F) The Superintendent did not prove by a preponderance of evidence that on or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, during a traffic stop, the Respondent had in his possession explosive bullets, in violation of the Municipal Code of the Village of Matteson, Section 137.03.

(5) Respondent, Police Officer Johnny B. Jenkins, Star No. 11962, as charged herein, is **not guilty** of violating, to-wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department, in the following instances:

(A) The Superintendent did not prove by a preponderance of evidence that on or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, the Respondent got inside his vehicle and put it into gear in an attempt to flee the scene of a traffic stop.

(B) The Superintendent did not prove by a preponderance of evidence that

on or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, during a traffic stop, the Respondent refused to follow the verbal commands given to him by Matteson Police Officer Robert Wilson.

(C) The Superintendent did not prove by a preponderance of evidence that on or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, during a traffic stop, the Respondent engaged in an unjustified physical altercation with Matteson Police Officer Robert Wilson when he pushed Officer Wilson one or more times.

(D) The Superintendent did not prove by a preponderance of evidence that on or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, the Respondent possessed a firearm and/or ammunition without having in his possession a FOID.

(6) Respondent, Police Officer Johnny B. Jenkins, Star No. 11962, as charged herein, is **not guilty** of violating, to wit:

Rule 6: Disobedience of an order or directive, whether written or oral, in that:

The Superintendent did not prove by a preponderance of evidence that on or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, during a traffic stop, the Respondent was in possession of a loaded

firearm while on Leave of Absence in violation of General Order 94-05-07, Section I.A.3.

(7) Respondent, Police Officer Johnny B. Jenkins, Star No. 11962, as charged herein, is **not guilty** of violating, to wit:

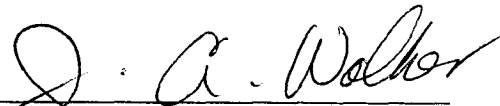
Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty, in that:

The Superintendent did not prove by a preponderance of evidence that on or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, the Respondent engaged in an unjustified physical altercation with Matteson Police Officer Robert Wilson when he pushed Officer Wilson one or more times.

(8) Having deliberated on the evidence and considered the credibility of the witnesses, the Police board finds that the Superintendent failed to meet his burden of proving the charges by a preponderance of the evidence, particularly in light of the Board's concerns about the credibility of the Superintendent's occurrence witnesses.

By reason of the findings set forth herein, cause exists for restoring the Respondent, Police Officer Johnny B. Jenkins, Star No. 11962, to his position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective May 31, 2007.

Respectfully submitted,



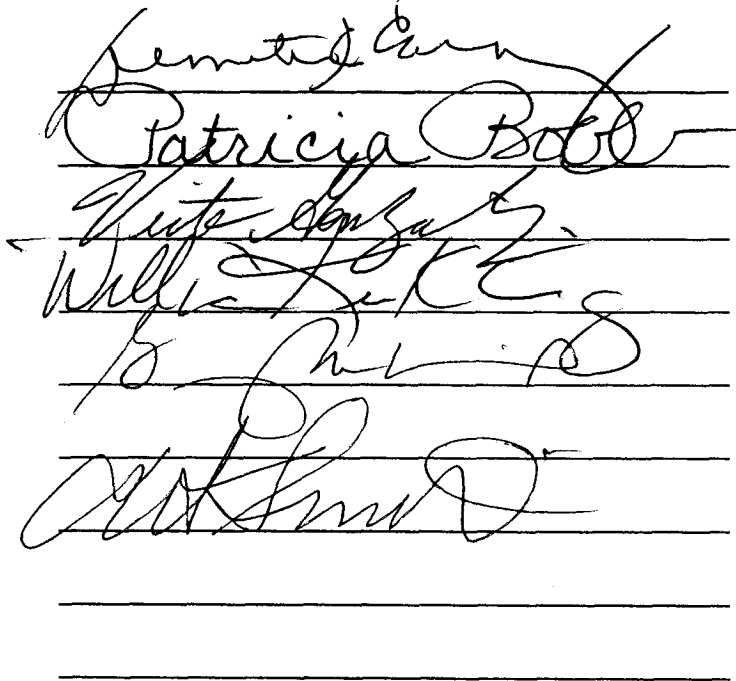
JACQUELINE A. WALKER
Hearing Officer

DECISION

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, Jacqueline A. Walker, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and

IT IS HEREBY ORDERED that the Respondent, Police Officer Johnny B. Jenkins, Star No. 11962, as a result of having been found **not guilty** of the charges in Police Board Case No. 07 PB 2636, be and hereby is **restored** to his position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective 31 May 2007.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 16th DAY OF APRIL, 2009.



Attested by:



Executive Director
Police Board

DECISION

The Police Board of the City of Chicago, having read and reviewed the record of proceedings in this case, having viewed the video-recording of the testimony of the witnesses, having received the oral report of the Hearing Officer, Jacqueline A. Walker, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence, hereby adopts all findings herein; and

IT IS HEREBY ORDERED that the Respondent, Police Officer Johnny B. Jenkins, Star No. 11962, as a result of having been found **not guilty** of the charges in Police Board Case No. 07 PB 2636, be and hereby is **restored** to his position as a police officer with the Department of Police, and to the services of the City of Chicago, with all rights and benefits, effective 31 May 2007.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 16th DAY OF APRIL, 2009.

Patricia Bobb
William L. K. S.
B. J. Smith
Phyllis G. Gorman

Attested by:

M. A. Caproni

Executive Director
Police Board

DISSENT

The following members of the Police Board hereby dissent from the decision of the majority of the Board.

RECEIVED A COPY OF

THE FOREGOING COMMUNICATION

THIS _____ DAY OF _____, 2009.

SUPERINTENDENT OF POLICE

CHARGES

Police Officer Johnny B. Jenkins, Star Number 11962, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the dates of the alleged violations.

- Rule 1: Violation of any law or ordinance.
- 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 6: Disobedience of an order or directive, whether written or oral.
- Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

SPECIFICATIONS

1. Police Officer Johnny B. Jenkins, Star Number 11962, is charged with violating Rule 1, "Violation of any law or ordinance," in one or more of the following instances:
 - Count I: On or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, and during a traffic stop, Police Officer Johnny B. Jenkins, possessed a firearm and/or ammunition without having in his possession a Firearm Owner's Identification Card ("FOID"), in violation of Section 430 ILCS 65/2(a)(1) and/or (2).
 - Count II: On or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, Police Officer Johnny B. Jenkins, made physical contact of an insulting or provoking nature with an individual when he engaged in an unjustified physical altercation with Matteson Police Officer Robert Wilson, in violation of Section 720 ILCS 5/12-3(a)(2).
 - Count III: On or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, Police Officer Johnny B. Jenkins, was found to be carrying a firearm on or about his person or in any vehicle or concealed on or about his person without a valid FOID, in violation of Section 720 ILCS 5/24-1.6(a)(1) and/or (3)(c).
 - Count IV: On or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, Police Officer Johnny B. Jenkins, knowingly resisted arrest and/or obstructed the performance by Matteson Police Officer Robert Wilson, of

any authorized act within his official capacity, in violation of the Municipal Code of the Village of Matteson, Section 133.01 (A).

Count V: On or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, and during a traffic stop, Police Officer Johnny B. Jenkins, attempted to elude Matteson Police when he got inside his vehicle and put it into gear in an attempt to flee the scene of the stop, in violation of the Municipal Code of the Village of Matteson, Section 70.13.

Count VI: On or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, and during a traffic stop, Police Officer Johnny B. Jenkins, had in his possession an explosive bullets, in violation of the Municipal Code of the Village of Matteson, Section 137.03.

2. Police Officer Johnny B. Jenkins, Star Number 11962, is charged with violating Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," in one or more of the following instances:

Count I: On or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, Police Officer Johnny B. Jenkins, got inside his vehicle and put it into gear in an attempt to flee the scene of the stop, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count II: On or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, and during a traffic stop, Police Officer Johnny B. Jenkins, refused to follow the verbal commands given to him by Matteson Police Officer Robert Wilson, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count III: On or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, and during a traffic stop, Police Officer Johnny B. Jenkins, engaged in an unjustified physical altercation with Matteson Police Officer Robert Wilson, when he pushed Officer Wilson one or more times, thereby impeding the Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

Count IV: On or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, Police Officer Johnny B. Jenkins, possessed a firearm and/or ammunition without having in his possession a FOID, thereby impeding the

Department's efforts to achieve its policy and goals and/or bringing discredit upon the Department.

3. Police Officer Johnny B. Jenkins, Star Number 11962, is charged with violating Rule 6, "Disobedience of an order or directive, whether written or oral," in the following instance:

On or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, and during a traffic stop, Police Officer Johnny B. Jenkins, while on a Leave of Absence, was in possession of a loaded firearm while on Leave of absence in violation of G.O. 94-05-07, I, A, 3, thereby disobeying an order and/or directive, whether written or oral.

4. Police Officer Johnny B. Jenkins, Star Number 11962, is charged with violating Rule 9, "Engaging in any unjustified verbal or physical altercation with any person, while on or off duty," in the following instance:

On or about March 12, 2006, at approximately 1:47 a.m., at or near the intersection of Expressway I-57 and Village Commons, in Matteson, Illinois, Police Officer Johnny B. Jenkins, engaged in an unjustified physical altercation with Matteson Police Officer Robert Wilson, when he pushed Officer Wilson one or more times.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Johnny B. Jenkins, Star Number 11962 be discharged from the Chicago Police Department.



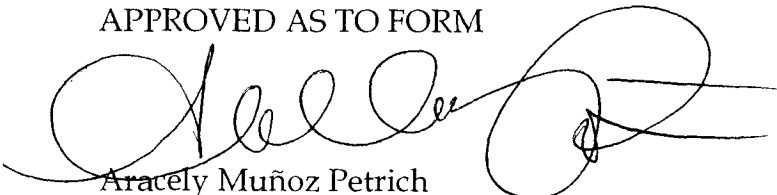
PHILIP J. ELINE
Superintendent of Police

P. B. CASE # FILED

07-2636 MAY 24 2007

CHICAGO POLICE BOARD

APPROVED AS TO FORM



Aracely Muñoz Petrich
Assistant Corporation Counsel