

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	February 19, 2019
Time of Incident:	4:33 P.M.
Location of Incident:	7900 S. La Salle St, Chicago, IL 60620
Date of COPA Notification:	February 20, 2019
Time of COPA Notification:	12:11 P.M.

At approximately 4:33 p.m., February 19, 2019, near 7900 S. La Salle St, Chicago, IL 60620, **Accused Police Officers James Hunt (“Officer Hunt”), Star #11442 and John Rivera (“Officer Rivera”), Star #11295**, both of the 6th District, observed a white Chevy traveling west on La Salle St. Officers Hunt and Rivera conducted a traffic stop of the above vehicle. Officer Hunt asked the driver, the Complainant, [REDACTED] (“[REDACTED]” if he had any drugs, guns and if they had concealed carry license. Officers Hunt and Rivera asked the three individuals out of the vehicle; [REDACTED] (“[REDACTED]” and [REDACTED]. They were all handcuffed and patted down. The officers searched the vehicle and found cannabis and a digital scale. Assisting officers arrived on scene and [REDACTED] was arrested for the cannabis. [REDACTED] was arrested for driving on a revoked license. The third individual, [REDACTED] was told he was free to leave. [REDACTED] and [REDACTED] were transported to the 6th District for processing.

[REDACTED] alleges he was arrested without justification and the vehicle was searched without justification. He also alleges, Officer Hunt used coercion by offering to release him if he provided information regarding a gun, house or money.

II. INVOLVED PARTIES

Involved Officer #1:	James Hunt, Star #11442, Employee # [REDACTED], DOA: 6-03-2013, P.O., Unit of assignment: 006, DOB: [REDACTED]-1984, Male, White.
Involved Officer #2:	(Deceased) John Rivera, Star #11295, Employee # [REDACTED], DOA: 5-16-2017, P.O., Unit of assignment: 006, DOB: [REDACTED], Male, White.
Involved Individual #1:	[REDACTED] DOB: [REDACTED]-1994, Male, Black.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer James Hunt	It is alleged by [REDACTED] that on or about February 19, 2019 at approximately 4:33 p.m. at or near 7900 S. La Salle St., Chicago, IL 60620, Officer Hunt committed misconduct in that he;	
	1. Conducted a traffic stop without justification.	Exonerated
	2. Arrested [REDACTED] without justification.	Exonerated
	3. Searched [REDACTED] vehicle without justification.	Exonerated
	4. Coerced [REDACTED] by saying "I can release you if you give me someone with a gun, house or money."	Not Sustained
	5. Failed to activate his Body Worn Camera while speaking to [REDACTED] in violation of Special Order S03-14.	Sustained/ 2 days suspension
	6. Failed to activate his Body Worn Camera while speaking to [REDACTED] at the 006 District in violation of Special Order S03-14.	Sustained/ 2 days suspension
7. Failed to document the pat down search of [REDACTED] with an Investigatory Stop Report and issue an Investigatory Stop Receipt to [REDACTED]	Sustained/ 2 days suspension	
Officer John Rivera		Deceased

IV. APPLICABLE RULES AND LAWS

Rules

1. **Rule 1:** Violation of any law or ordinance.

2. **Rule 2:** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

2. **Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

3. **Rule 5:** Failure to perform any duty.

4. **Rue 6:** Disobedience of an order or directive, whether written or oral.

5. **IL Mirror Law**, Illinois Compiled Statutes Chapter 625 Act 5 Chapter 12 Article V Code 502 – 625 ILCS 5/12-502.

General Orders

1. **G06-01:** Processing persons under Department control.

Special Order

1. **S03-14:** Body Worn Cameras.
 2. **S03-14-09:** Investigator Stop System.
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State and Federal Laws

1. **625 ILCS 5/12-502**
 2. **4th Amendment**, U.S. Constitution.
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V. INVESTIGATION**a. Interviews**

In his video-recorded interview with COPA on February 20, 2019,¹ **Complainant** ██████████ (██████████) stated that on February 19, 2019, he was driving northbound on south State St and took a left onto west 79th St. He got pulled over at the intersection of 7900 S. La Salle St, by two Chicago Police Department members in a marked vehicle. He was with his friend ██████████ and no one else was in the vehicle with him. An officer walked up to his driver side door and said, "Do you have any guns in here, any weed, I don't care if you have weed or driving on revoked or suspended."² ██████████ replied with, "My license is revoked."³ The officer said, "Were not worried about any of that."⁴ ██████████ was taken into the back of an unmarked CPD vehicle. In the back of the unmarked vehicle, the same officer said "My Body Worn Cam is

¹ Attachment 56.

² Attachment 56 at 3:05.

³ Attachment 56 at 3:14.

⁴ Attachment 56 at 3:18.

not on. I'll let you go right now if you have a gun, someone with a body or drug dealer. I know you know what I like, I remember you and I know you remember me from years ago."⁵ [REDACTED] and [REDACTED] were taken to the 6th District. After being placed into a room at the 6th District, the officer came into the room and said, "I am going to give you a ticket for revoked license but it could be a felony, because it is your second time. Just give me someone with a gun, house or a body."⁶ The officer (aka Officer Hunt) came back three times to ask him the same question. William's answer to the question was "No, I don't."⁷ The same officer that said that to him was the same officer who originally came to his driver side window during the traffic stop. The car was towed due to the cannabis in the vehicle. The officer told him eventually, that he was pulled over for not wearing a seat belt which [REDACTED] disagrees with.

In his interview with COPA on December 29, 2020,⁸ **Police Officer James Kinney, Star # 17082**, said that his recollection of this incident was from the reports and body worn camera he reviewed prior to the interview. He arrived at 7900 S. La Salle St., Chicago, IL 60620, after hearing about a call for an assist with a traffic stop. Once he arrived, he was going to transport the person who had been arrested. Officer Kinney concluded from the BWC that the person he transported was [REDACTED]. Officer Kinney stated, "He seemed high rate and told him calm down, my body worn camera is on and we will transport you to the district and I was trying to de-escalation him."⁹ When asked about what Officer Hunt said to [REDACTED] [REDACTED] "If we are taking a ride doesn't mean we are taking a ride we will talk at the station," Officer Kinney said, "Yes, I did hear that."¹⁰ He also stated, "It was Hunt saying that, but I think what he means is once we get to the station everything will be sorted out there."¹¹ Officer Kinney related that once he arrived at the 006 district with [REDACTED] he brought him into the station and transport him to the lock up.

In his interview with COPA on December 31, 2020,¹² **accused Police Officer James Hunt, Star #11442**, stated that he and his partner, Officer Rivera conducted a traffic stop of the complainant's vehicle. He stated the reason for the stop was because the passenger side mirror was inoperable.¹³ He explained, "Basically you need mirrors to see 200 ft. behind you with no obstruction, to do that if you have a rear-view mirror with nothing obstructing otherwise you need a side mirror to do that."¹⁴ When asked, if the complainant was in violation of that statute he responded with "yes." Officer Hunt asked the three individuals, [REDACTED] and [REDACTED] out of the vehicle. All three were handcuffed and patted down. Officer Hunt smelled cannabis, so an narcotics search was conducted. As a result of the search of the vehicle, cannabis, and a digital scale were found. [REDACTED] was arrested for driving on revoked license, while [REDACTED] was arrested for the possession of cannabis. The third individual

⁵ Attachment 56 at 3:47.

⁶ Attachment 56 at 4:20.

⁷⁷ Attachment 56 at 4:50.

⁸ Attachment 82.

⁹ Attachment 82 at 9:10.

¹⁰ Attachment 82 at 10:10.

¹¹ Attachment 82 at 10:30.

¹² Attachment 85.

¹³ Attachment 85 at 5:10.

¹⁴ Attachment 85 at 5:45.

██████████ was told he could leave. When asked about why there was not an Investigatory Stop Report drafted or a receipt given, he responded with, "Yes, one should have been made."¹⁵

██████████ was placed into an unmarked CPD vehicle. Officer Hunt stated to ██████████ (on his BWC), "Relax, if we take a ride doesn't mean we are taking a ride. We will talk at the station." He explained, "At that point in time we have to talk at the station, see what's up with his license, get background information on it. What I do is I deescalate them when they are in the car, you can obviously see he is highly upset."¹⁶ Officer Hunt said the reason his BWC was not on at that time he stated, "I was not engaged in any law enforcement activity, he just asked to speak with me."¹⁷ Once he got to the 6th District, he said, "My BWC was not on at the station because I never have it on, I was not engaged in law enforcement activity." Officer Hunt denied saying to ██████████ at the scene at the traffic stop and at the 6th District that he would not arrest him if he gave him information about a gun, house, or money.

*COPA would have interviewed **accused Police Officer John Rivera Star #11295**, due to his involvement in the incident but on March 23rd, 2019, Officer Rivera has since passed away.¹⁸

b. Digital Evidence

The Body Worn Camera (BWC) of Officer Hunt from February 19, 2019, memorializes his interaction with ██████████¹⁹ Officer Hunt is seen walking to the driver side of the vehicle, while Officer Rivera walks towards the passenger side of the vehicle. Officer Hunt says to the Complainant, ██████████ "Do you have any bombs in the car, rackets or guns, or anything more than a half a pound of weed, then you will be okay. I do not give a flying fuck, go ahead and step out."²⁰ He tells the other males in the vehicle to get out. The three males are handcuffed by the trunk of ██████████ vehicle. Officer Rivera then searches the vehicle and finds cannabis and a scale. The second male, ██████████ tells Officer Hunt that the marijuana belongs to him., Officer Hunt then unhandcuffs ██████████ and ██████████ and puts both of them in a CPD vehicle. While walking ██████████ to the squad car, ██████████ says, "What about the car?"²¹ Officer Hunt responds, "We will talk about it."²² The third individual, ██████████ is released and told he is free to leave. Officer Hunt shuts all of the doors to ██████████ vehicle and departs the area.

The Body Worn Camera (BWC) of Officer Rivera on February 19, 2019, captures his interaction with ██████████²³ The BWC of Officer Rivera's shows substantially the same as Officer Hunt's video. Additionally, Officer Rivera's BWC shows his finding the cannabis and the digital scale. Officer Rivera opens the trunk and looks in it and shuts the door. Officer Rivera states to the third male, ██████████ "Got all your stuff, make sure you have all your stuff. Alrighty bro

¹⁵ Attachment 85 at 14:40.

¹⁶ Attachment 85 at 20:25.

¹⁷ Attachment 85 at 21:25.

¹⁸ Attachment #66.

¹⁹ Attachment 38.

²⁰ Attachment 38 at 0:30.

²¹ Attachment 38 at 9:19.

²² Attachment 38 at 9:21.

²³ Attachment 32 at 8:19.

bye.”²⁴ [REDACTED] then walks away from the traffic stop. Officer Rivera gets into William’s vehicle and drives the vehicle back to the 6th District.

The Body Worn Camera (BWC) of Officer Cease Candelario from February 19, 2019, captures his interaction with [REDACTED]²⁵ Officer Candelario arrives at the location of 7900 S LaSalle St, Chicago, IL 60620 to assist the traffic stop. When Officer Candelario arrives three individuals; [REDACTED] and [REDACTED] are standing outside of the complainant’s vehicle with their hands on the trunk. [REDACTED] says, “The weed that was found, was my weed.”²⁶ Officer Candelario says, “You tell them.”²⁷ Officer Hunt says, “Is it yours or is it not yours, if it’s yours then it’s yours.”²⁸ [REDACTED] responds, “It’s mine.” Officer Hunt unhandcuffs [REDACTED] and states, “he is going in too.”²⁹ Officer Hunt puts [REDACTED] and [REDACTED] in the back of the same CPD vehicle.

The Body Worn Camera (BWC) of Officer James Kinney on February 19, 2019, captures his interaction with the officers and [REDACTED]³⁰ Officer Kinney arrives at the scene of the traffic stop. Officer Kinney opens the door to the CPD vehicle and [REDACTED] gets out of the vehicle; Officer Kinney walks him to back of an unmarked CPD vehicle. Officer Kinney says, “Hold on, I am recording right now, he will talk to you once you get to the station.”³¹ [REDACTED] says, “Can I talk to him right now.”³² Officer Kinney replies, “Hunt, do you want to talk to him.”³³ Officer Hunt walks over and [REDACTED] states, “I swear to god I didn’t know he had any weed.”³⁴ Officer Hunt responds, “Relax we will chat, just because you are taking a ride doesn’t mean you are taking a ride, let’s talk at the station.”³⁵ Officer Kinney walks away from the unmarked vehicle and walks to towards the CPD vehicle.

The In-Car Camera (ICC) video captures Officers Hunt and Rivera’s interaction with [REDACTED] on February 19, 2019.³⁶ Officers Hunt and Rivera are in vehicle number 8803. The vehicle is in the lane going straight but stopped at a red light. A white Chevy bearing license plate number [REDACTED] turns left at the four-way light. While the white Chevy turns left, Officers Hunt and Rivera drive straight to be behind the white Chevy. The vehicle turns right into a parking lot using the turn signal. The officers initiate a traffic stop of the vehicle. Officer Hunt walks to the driver’s side of the vehicle and Officer Rivera walks to the passenger side of the vehicle. Three individuals are seen exiting the vehicle, as directed by the officers. Officers Hunt and Rivera searches the vehicle. Officer Kinney takes one male, [REDACTED] to another CPD vehicle.

²⁴ Attachment 32 at 11:35.

²⁵ Attachment 30.

²⁶ Attachment 30 at 1:20.

²⁷ Attachment 30 at 1:25.

²⁸ Attachment 30 at 1:45.

²⁹ Attachment 30 at 2:08.

³⁰ Attachment 33.

³¹ Attachment 33 at 1:23.

³² Attachment 33 at 1:31.

³³ Attachment 33 at 1:38.

³⁴ Attachment 33 at 2:00.

³⁵ Attachment 33 at 2:06.

³⁶ Attachment 51.

Officer Rivera drives the white Chevy to the 6th District, while Officer Hunt follows in the squad car.

The Digital photos of [REDACTED] vehicle's mirrors; the driver side mirror,³⁷ the passenger side mirror³⁸ and the rear-view mirror.³⁹ The photos show he did have one side mirror on the driver side and the passenger side mirror was broken. [REDACTED] had a rear-view mirror that appeared to be unobstructed.

c. Documentary Evidence

The Arrest Report, CB #19770931, for the arrest of [REDACTED] on February 19, 2019, in Chicago, Illinois. This report indicates that officers arrested [REDACTED] for 625 ILCS 5.0/12-502, no mirrors 1st and 2nd, 625 ILCS 5.0/6-303-A, driving on a revoked license and 625 ILCS 5.0/3-707-A, operate uninsured motor vehicle.⁴⁰

The Case Report Rd# JC158480, for the arrest of [REDACTED] on February 19, 2019, in Chicago, Illinois. This report indicates that officers searched the vehicle because of the smell of cannabis in the vehicle. The passenger in the vehicle [REDACTED] was arrested for the cannabis and a scale in the vehicle.⁴¹

The A&A Sheet from February 19, 2019 shows Officers Hunt and Rivera both in vehicle number 8803 and beat 643.⁴²

The IL Mirror Law indicates that mirrors must have a view of at least 200 feet to the rear of the vehicle.⁴³ State laws requires that as long as the rearview mirror has an unobstructed view of at least 200 feet to the rear, side view mirrors are not necessary.⁴⁴

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

³⁷ Attachment 74.

³⁸ Attachment 72.

³⁹ Attachment 73.

⁴⁰ Attachment 12.

⁴¹ Attachment 8.

⁴² Attachment 53.

⁴³ Attachment 70.

⁴⁴ 625 ILCS 5/12-502.

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

1. Officers conducted a traffic stop of ██████████ without justification.

A police officer may temporarily detain an individual for an investigatory stop when "the officer's decision is based on specific, articulable facts which warrant the investigative stop intrusion." *People v. Moore*, 286 Ill. App. 3d 649, 653 (3d Dist. 1997) (citing *Terry v. Ohio*, 392 U.S. 1, 21, (1968)); *People v. Stewart*, 242 Ill. App. 3d 599, 605 (1993))." The police officer must have an 'articulable suspicion' that the person has committed or is about to commit a crime. *Moore*, 286 Ill. App. 3d at 653 (citations omitted). An officer may not detain an individual based on mere hunches or unparticularized suspicions.

Traffic stops are seizures under the Fourth Amendment, and thus subject to the Fourth Amendment reasonableness requirement. *Whren v. United States*, 517 U.S. 806, 809-10 (1996). Traffic stops are analyzed under *Terry* because "the 'usual traffic stop' is more analogous to a so-called *Terry* stop than to a formal arrest." *People v. Cosby*, 231 Ill. 2d 262, 274 (2008) (quoting *Berkemer v. McCarty*, 468 U.S. 420, 439 (1984)) (internal citation omitted). The *Terry* test is: "(1) whether the officer's action was justified at its inception, and (2) whether it was reasonably related in scope to the circumstances which justified the interference in the first place." *People v. Bunch*, 207 Ill. 2d 7, 14 (2003) (citing *Terry v. Ohio*, 392 U.S. 1, 19-20 (1968)).

██████████ was traveling northbound on south State St. and made a left turn on west 79th Street. Officers Hunt and Rivera conducted a traffic stop of William's vehicle at 7900 S. La Salle St. The BWC does not show if the officers said the reason for the traffic stop. The case report reflects that ██████████ was arrested for no mirrors.⁴⁵ Illinois State Mirror Law states that mirrors must have a view of at least 200 feet to the rear of the vehicle. State laws require that every vehicle have a rear-view mirror in place. As long as the rearview mirror has an unobstructed view of at

⁴⁵ Attachment 12.

least 200 feet to the rear, side view mirrors are not necessary.⁴⁶ Officers need reasonable articulable suspicion to conduct a traffic stop. The reasonable articulable suspicion to pull [REDACTED] over was the inoperable side mirror. Thus, the officers had reasonable articulable suspicion to conduct the stop. Based on clear and convincing evidence, COPA exonerates Officers Hunt and Rivera of the allegation they conducted a traffic stop without justification.

2. *Officers arrested [REDACTED] without justification.*

The Fourth Amendment of the United States Constitution and the Illinois Constitution of 1970 guarantees the right of individuals to be free from unreasonable searches and seizures. U.S. Const., amend. IV; Ill. Const. 1970, art. I, § 6. Police-citizen encounters are categorized into three tiers: (1) an arrest of a citizen, which must be supported by probable cause; (2) a temporary investigative seizure conducted pursuant to *Terry v. Ohio*, 392 U.S. 1 (1968) and 725 ILCS 5/107-14, which must be supported by reasonable, articulable suspicion of criminal activity; and (3) a consensual encounter, which does not implicate any Fourth Amendment interests. *People v. McDonough*, 239 Ill. 2d 260, 268 (2010).

Officers Hunt and Rivera had probable cause to arrest [REDACTED]. Officers learned, when they processed [REDACTED] and ran his driver's license number, that his license was revoked.⁴⁷ Having a revoked license and driving on a revoked license would give probable cause for arrest. Based on clear and convincing evidence, COPA exonerates Officers Hunt and Rivera of the allegation that they arrested [REDACTED] without justification.

3. *Officers searched [REDACTED] vehicle without justification.*

The Supreme Court has established two tests for when a "search" occurs under the Fourth Amendment. First, a search occurs when government actors "physically occup[y] private property for the purpose of obtaining information." *United States v. Jones*, 565 U.S. 400, 404 (2012). And second, even absent a physical trespass, a search occurs when "an expectation of privacy that society is prepared to recognize as reasonable is infringed." *United States v. Jacobsen*, 466 U.S. 109, 113 (1984) (citing *Katz v. United States*, 389 U.S. 347 (1967)).

Officers Hunt and Rivera conducted a traffic stop of William's vehicle and proceeded to search the vehicle. Officer Rivera found cannabis and a scale inside the vehicle. Reasonable suspicion is needed to be able to search a person's vehicle during a traffic stop. Officers Hunt and Rivera had reasonable suspicion of potential cannabis possession due to the smell of cannabis coming from inside the vehicle. Having smelled the odor of cannabis coming from the vehicle, would give the officers probable cause to search the vehicle, as in 2019, cannabis was illegal in Illinois. Based on clear and convincing evidence, COPA exonerates Officers Hunt and Rivera of the allegation that they searched [REDACTED] vehicle without justification.

4. *Officer Hunt coerced [REDACTED] by saying, "I can release you if you give me someone with a gun, house or money."*

⁴⁶ 625 ILCS 5/12-502.

⁴⁷ Attachment 12.

Consent is not voluntary when officers make an implied threat that there will be legal consequences for withholding consent. Wall, 2016 IL App (5th) 140596, ¶ 18 (finding consent involuntary where an officer testified that he told the defendant he “would not go to jail on that particular day” if he consented to a search); United States v. Bolin, 514 F.2d 554, 560 (7th Cir. 1975) (finding consent involuntary because officers made an implied threat that the defendant’s girlfriend would be arrested if he did not consent to a search).

At no point during a traffic stop or while processing anyone or during an investigation shall any CPD member use coercion. General Order G06-01 states, “Department personnel will, at all times, be aware of each arrestee’s rights and will; never use force or coercion in seeking confessions or admissions.”⁴⁸ ██████ stated, in his COPA interview, that Officer Hunt said, “My Body Worn Cam is not on, I’ll let you go right now if you have a gun, someone with a body or drug dealer. I know you know what I like, I remember you and I know you remember me from years ago.”⁴⁹ Saying that, would lead a civilian to think an officer is using coercion to get them to say something they want to hear and in return they would not get arrested. In Officer Hunt’s COPA interview, he stated, “No, I would never say that to him, I would never say that to anybody. We do arrested briefing when we ascertain any information about any murder’s homicides, gangs, drugs. However, any of that information that is obtained by an individual that is incarcerated and I share that with the prosecutor.”⁵⁰ There is no BWC available of that interaction, due to Officer Hunt’s failure to activate it. Therefore, there is insufficient evidence to prove the allegations by a preponderance of the evidence, COPA finds the allegation that Officers Hunt coerced ██████ ██████ by saying, “I can release you if you give me someone with a gun, house or money” are **not sustained**.

5. *Officer failed to active his Body Worn Camera while talking with the ██████ in violation of S03-14.*

The BWC special order S03-14 states, “the Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities. If circumstances prevent activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical.”⁵¹ Members can de-active the BWC when there is conclusion of an law enforcement activity which include; member has cleared the event, member leaves the scene of incident, during arrestee transports when the arrestee is secured in a processing room, and the member is conducting administrative functions. The ICC shows Officer Hunt talking with ██████ for approximately a minute. That conversation is not recorded on BWC due to Hunt’s failure to activate his BWC. ██████ said the interaction between Officer Hunt and himself occurred while he was in the back of the unmarked CPD vehicle, still at the scene of the traffic stop, which appears to be during that minute. Thus, law enforcement activity was still apparent and on-going, meaning that BWC should still have been on. Therefore, COPA finds the allegation of Officer Hunt did not keep the BWC on per special order S03-14 to be **sustained**.

⁴⁸ General Order: G06-01.

⁴⁹ Attachment 56 at 3:47.

⁵⁰ Attachment 85 at 25:10.

⁵¹ Special Order S03-14.

6. *Officer failed to activate his Body Worn Camera while talking with ██████████ in the 6th District in violation of S03-14.*

The BWC special order S03-14 states, “the Department member will activate the system to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities. A related law enforcement activity would be statements made by individuals in the course of an investigation and any other incidences when enforcing the law.”⁵² ██████████ states Officer Hunt asked him multiple times at the 6th District “I am going to give you a ticket for revoked license, but it could be a felony because it is your second time. Just give me someone with a gun, house or a body.”⁵³ This type of questioning is considered to be law enforcement activity and not an administrative function. By asking those questions, Officer Hunt is attempting to get information and in return to not arrest ██████████ is a type of enforcement. Thus, needing to have BWC on even at the 006 district when asking those questions. COPA finds the allegation of Officer Hunt did not keep the BWC on at the 6th district to be **sustained**.

7. *Officers failed to document the pat down search of ██████████ with an Investigatory Stop Report and failed to issue an Investigatory Stop Receipt to ██████████*

The Investigatory Stop System per S04-13-09 states, “the documentation of Investigatory Stops, Protective Pat Downs or other searches resulting from stops, for documenting probable cause stops when no other document captures the reason for the detention.”⁵⁴ The Investigatory Stop System also indicates, officers are responsible for; entering and maintaining Investigatory Stop Reports into the Investigatory Stop Database, completing hard copy Investigatory Stop Reports, and accessing information from the Investigatory Stop Database. The Investigatory Stop Receipt will be given to the subject of the pat down or search during the Investigatory Stop. ██████████ ██████████ was another male in the vehicle who was patted down during the Investigatory Stop. In the database search for the Investigatory Stop Report it does not show that the officers made an Investigatory Stop Report for ██████████⁵⁵ Thus, ██████████ was not given an Investigatory Stop Receipt, since the Investigatory Stop Report was not completed. During the interview of Officer Hunt, he stated, “Yes, one should have been made.”⁵⁶ Based on clear and convincing evidence, COPA finds the allegations that the officer failed to document the pat down search of ██████████ with an Investigatory Stop Report and failed to issue an Investigatory Stop Receipt per S03-14-09 to be **sustained**.

VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

a. Officer Hunt

⁵² Special Order S03-14.

⁵³ Attachment 56 at 4:20.

⁵⁴ Special Order S03-14-09.

⁵⁵ Attachment 79.

⁵⁶ Attachment 85 at 14:40.

i. Complimentary and Disciplinary History

1. Officer Hunt has received; a 2019 Crime Reduction Award, two Attendance Recognition Awards, Complimentary Letter, five Department Commendation, an Emblem of Recognition- Physical Fitness, one hundred and fixity one Honorable Mentions, two Honorable Mention Ribbon Awards, two Joint Operations Awards, two Life Saving Awards, Two Police Officer of the Month Awards, two Problem Solving Awards, Special Commendation , Superintendent's Award of Tactical Excellence, two Superintendent's Honorable Mentions, Superintendents Award of Valor ,Top Gun Arrest Award and Unit Meritorious Performance Award.

2. Officer Hunt has no disciplinary history.

ii. Recommended Penalty, by Allegation**1. Allegation No. 5**

a. COPA recommends 2 days suspension.

b. Mitigating Factors: Officer Hunt's Complimentary History demonstrates that normally he is attentive to duties and responsibilities as a sworn member of CPD.

c. Aggravating Factors: Failing to comply with BWC special order S03-14. Officer Hunt did not have his BWC on while having a conversation with [REDACTED] while at the scene of the traffic stop.

2. Allegation No. 6

a. COPA recommends 2 days suspension.

b. Mitigating Factors: Officer Hunt's Complimentary History demonstrates that normally he is attentive to duties and responsibilities as a sworn member of CPD.

c. Aggravating Factors: Failing to comply with BWC special order S03-14. Officer Hunt did not have his BWC on while having a conversation with [REDACTED] at the 6th District.

3. Allegation No. 7

a. COPA recommends 2 days suspension.

b. Mitigating Factors: Officer Hunt omitted that an ISR should have been made for [REDACTED]

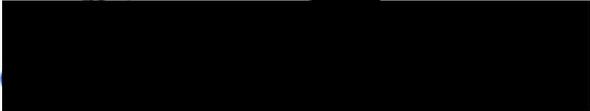
c. Aggravating Factors: Failing to complete the ISR.

VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding / Recommendation
Officer Hunt	<p>It is alleged by [REDACTED] that on or about February 19, 2019 at approximately 4:33 p.m. at or near 7900 S. La Salle St., Chicago, IL 60620, Officer Hunt committed misconduct in that he;</p> <ol style="list-style-type: none"> 1. Conducted a traffic stop without justification. 2. Arrested [REDACTED] without justification. 3. Searched [REDACTED] vehicle without justification. 4. Coerced [REDACTED] by saying "I can release you if you give me someone with a gun, house or money." 5. Failed to activate his Body Worn Camera while speaking to [REDACTED] in violation of Special Order S03-14. 6. Failed to activate his Body Worn Camera while speaking to [REDACTED] at the 006 District in violation of Special Order S03-14. 7. Failed to document the pat down search of [REDACTED] with an Investigatory Stop Report and issue an Investigatory Stop Receipt to [REDACTED] 	<p>Exonerated</p> <p>Exonerated</p> <p>Exonerated</p> <p>Not Sustained</p> <p>Sustained/ 2 days suspension</p> <p>Sustained/ 2 days suspension</p> <p>Sustained/ 2 days suspension</p>
Officer Rivera		Deceased

Approved: 


Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

Date

6-30-22