

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 1, 2019
Time of Incident:	At about 5:05 pm
Location of Incident:	8430 S. Parnell Ave., Chicago, IL 60620
Date of COPA Notification:	January 3, 2019
Time of COPA Notification:	10:12 am

On January 3, 2019, Ms. [REDACTED] made allegations of misconduct by the Chicago Police Department during an incident that occurred on January 1, 2019. Ms. [REDACTED] observed a squad car following her vehicle. Ms. [REDACTED] was accompanied by the father of her child, [REDACTED] when she was driving on Vincennes Street and made a right turn on 83rd Street when she was stopped by Officers John Hunt, Nathan Smith, and Emmanuel Villegas (collectively “the Officers”). Ms. [REDACTED] was approached by Officer John Hunt who unlocked her driver’s side door. Officer Hunt removed Ms. [REDACTED] from her seat and escorted her to the back of her vehicle. Ms. [REDACTED] vehicle was searched and marijuana was discovered, and Mr. [REDACTED] was taken into custody. Ms. [REDACTED] related that she was pregnant¹ and was feeling discomfort. An ambulance responded to the scene, but Ms. [REDACTED] refused medical treatment. Ms. [REDACTED] later sought medical treatment on her own at St. Bernard Hospital where she reported pain to her ribs as a result of Officer Hunt’s actions.

II. INVOLVED PARTIES

Involved Officer #1:	James Hunt, Star 11442, Employee ID# [REDACTED], DOA:6/3/13, Police Officer, Unit of Assignment 006/172, Male, White.
Involved Officer #2:	Nathan Smith, Star 13405, Employee ID# [REDACTED], DOA:02/29/16, Police Officer, Unit of Assignment 189, Male, White.
Involved Officer #3:	Emmanuel Villegas, Star 19649, Employee ID# [REDACTED], DOA:8/16/17, Police Officer, Unit of Assignment 006, Male, White Hispanic.
Involved Individual #1:	[REDACTED] Female, Black.

¹ St. Bernard Hospital records for Ms. [REDACTED] reported that she was not pregnant, and she tested negative for chorionic gonadotropin. Attachment #40, page 8 and 14.

Involved Individual #2: [REDACTED] Male, Black

III. ALLEGATIONS

Member	Allegation	Finding / Recommendation
Officers Hunt, Villegas and Smith	1. Failed to entirely record a law-enforcement-related activity, in violation of Special Order 03-14, Body Worn Camera.	Sustained / 10 Day Suspension
	2. Curbed Mrs. [REDACTED] vehicle and conducted a traffic stop without justification.	Not Sustained.
	3. Conducted an improper search of Mrs. [REDACTED] vehicle.	Not Sustained.
Officer Hunt	4. Intentionally used a box cutter to cause damage to her car seat during the search.	Not Sustained.
	5. Grabbed Mrs. [REDACTED] by her arms and pulled out of her vehicle without justification.	Not Sustained.
	6. Pushed Mrs. [REDACTED] against the back of her vehicle without justification.	Not Sustained.
	7. Called Mrs. [REDACTED] a “mother fucker, nigger” and “queen.”	Not Sustained.
Officer Smith	4. Pointed your weapon at Darren [REDACTED] without justification.	Not Sustained.

IV. INVESTIGATION

a. Interviews²

³ Ms. [REDACTED] related that on January 1, 2019, at approximately 5:00 pm, she was accompanied by the father of her child, [REDACTED] when she parked her vehicle while Mr. [REDACTED] entered a store. While waiting for Mr. [REDACTED] to return, Ms. [REDACTED] observed a parked police vehicle occupied by Officer Hunt.⁴ After Mr. [REDACTED] returned from the store, Ms. [REDACTED] drove off and made all the appropriate stops and signals before approaching the intersection of 84th and Vincennes. At the intersection, Ms. [REDACTED] made a right turn toward the adjacent apartment complexes. At that point, Officer Hunt

² COPA requested statements from [REDACTED] however [REDACTED] never responded to telephone messages left. Attachment #80.

³ Attachments #33 (audio) and 60 (transcript).

⁴ Ms. [REDACTED] recognized Officer Hunt from prior interactions.

activated his emergency lights and stopped in front of her vehicle. Officer Hunt was accompanied by Officers Nathan Smith and Emmanuel Villegas.

Once stopped, Officer Hunt approached Ms. [REDACTED] and repeatedly asked her, "Where's the guns?"⁵ Ms. [REDACTED] observed Officer Smith put his gun to Mr. [REDACTED] head, who was sitting on the rear passenger seat. Ms. [REDACTED] described Mr. [REDACTED] as a criminal who had been arrested before. Ms. Crocket described Officer Hunt attempted to open the driver's side door while she tried to resist his efforts. Ms. [REDACTED] attempted to videotape the incident, but Officer Hunt took away her phone.⁶ Ms. [REDACTED] began to yell that she was pregnant and told the Officers that they better have their cameras on. Ms. [REDACTED] had a license and insurance and asked the Officers why she had to get out of her vehicle. Ms. [REDACTED] said while buckled in her seatbelt, Officer Hunt grabbed both of her arms and tried to pull her out of her vehicle. Ms. [REDACTED] described feeling pain to her arms and chest area. Officer Hunt removed Ms. [REDACTED] from her vehicle and then pushed her against the back of her vehicle. Ms. [REDACTED] described sustaining bruising to both of her arms. While out of the vehicle, Ms. [REDACTED] said that Officer Hunt referred to her as a "nigger, queen" and "motherfucker."⁷ Ms. [REDACTED] said that Officer Hunt searched her vehicle; she believed at first that Officer Hunt was trying to plant a gun in the seats. Initially Ms. [REDACTED] alleged that Officer Hunt used a box cutter to cut her car seat during the search; however, she admitted that she did not see how her seat was damaged. When asked whether knife/cutting marks could be photographed, Ms. [REDACTED] clarified that the car remained impounded, and she did not know whether any seat was actually cut.

Ms. [REDACTED] said that Mr. [REDACTED] was placed inside a police vehicle and transported to the police station. Ms. [REDACTED] said that her vehicle was impounded because Mr. [REDACTED] was found to be in possession of marijuana and alcohol. Ms. [REDACTED] described herself as being pregnant and because of the incident, she experienced some bleeding. Ms. [REDACTED] described the ambulance arriving on the scene and she told the paramedics that she would not go with them because she had to attend to her daughter. Ms. [REDACTED] said that she spat out blood and had pain but refused medical treatment. Ms. [REDACTED] was told by Officer Hunt that she had ten minutes to remove her personal belongings before her vehicle was impounded. Ms. [REDACTED] said that Officer Hunt asked her to sign the tickets and she began to argue and requested to know what she did wrong. At that point, Officer Hunt took her driver's license back while Officer Smith entered her vehicle and drove away. Ms. [REDACTED] said that she was searched, but that her purse was not searched. Mr. [REDACTED] informed Ms. [REDACTED] that if she made a complaint against Officer Hunt, he would put a case on him. Ms. [REDACTED] called an attorney for Mr. [REDACTED] but he refused to see the attorney. Mr. [REDACTED] told Ms. [REDACTED] that if he spoke to the attorney, his misdemeanor would become a felony. Later that day Ms. [REDACTED] went to St. Bernard Hospital and received medical treatment. Ms. [REDACTED] said that no gun was recovered on the scene. Ms. [REDACTED] was issued citations for failure to signal and open container of alcohol.

⁵ Attachment #33 at 12:35 and Attachment #60, page 16, line 18, page 17, line 6, page 20, lines 22-23.

⁶ Attachment 41, BWC of Officer Smith, clip #1 captured him taking away her cell phone in order to place her in handcuffs.

⁷ Attachments #33 at 15:18, and Attachment #60, page 25, lines 10-17.

In an interview with COPA on November 10, 2020,⁸ **Officer James Hunt**, related that on January 1, 2019, he was working with Officers Smith and Villegas, and assigned to the 006th District. While on patrol, Officer Hunt observed Ms. [REDACTED] commit a minor traffic violation by failing to use her signal light. Ms. [REDACTED] was accompanied by Mr. [REDACTED] when Officer Hunt initiated the traffic stop. Officer Hunt along with his partners exited their squad car when Ms. [REDACTED] drove away. Officer Hunt and his partners got back inside the squad car and followed Ms. [REDACTED] who stopped about 20 to 50 feet away. The actions of Ms. [REDACTED] alarmed Officer Hunt; when Ms. [REDACTED] stopped her vehicle again, Officer Hunt ordered everyone out of the vehicle. However, Ms. [REDACTED] refused to comply. At this time, Officer Hunt took hold of Ms. [REDACTED] arm and she refused to exit her vehicle. Officer Hunt then took hold of Ms. [REDACTED] wrist and escorted her out of her vehicle and handcuffed her. Officer Hunt denied grabbing Ms. [REDACTED] by her arm and pulling her out of her vehicle. Officer Hunt smelled the odor of cannabis emitting from inside Ms. [REDACTED] vehicle and a search was conducted. A search of the vehicle discovered cannabis, a digital scale, and an open container of liquor. Officer Hunt related that Ms. [REDACTED] alleged that she became ill, and an ambulance responded to the scene. However, Ms. [REDACTED] refused to be treated by the responding paramedics.

Officer Hunt acknowledge that he did not activate his BWC at the onset of the incident. Officer Hunt explained when he exited his squad car for the first time, Ms. [REDACTED] responded by driving off. Officer Hunt related that the dynamics of the stop were dictating him to focus on making the stop, than pressing his BWC. However, Officer Hunt related that he did finally activate his BWC. Officer Hunt also acknowledge that he deactivated his BWC several times and failed to capture the entire law-enforcement-related activity. Officer Hunt related that Ms. [REDACTED] vehicle was impounded because of the illegal narcotics found in the vehicle. Officer Hunt denied referring to Ms. [REDACTED] as a “motherfucker, nigger and queen.” Officer Hunt denied the allegation that the stop of Ms. [REDACTED] was without justification. Officer Hunt also denied that the search was improper and that used a box cutter to cause damage to her car seats.

In an interview with COPA on November 23, 2020,⁹ **Officer Nathan Smith**, related that on January 1, 2019, he was working with Officers Hunt and Villegas, and was assigned to the 006th District. Officer Smith did recall the traffic stop on January 1, 2019, involving Ms. [REDACTED] and Mr. [REDACTED]. Officer Smith related while on patrol, near 83rd St. and Vincennes Ave., which is known for high narcotics sales, they observed Mr. [REDACTED] exiting a store. Officer Smith made eye contact with Mr. [REDACTED] who quickly ran and entered Ms. [REDACTED] vehicle. Officer Smith observed Ms. [REDACTED] commit a minor traffic infraction by failing to signal while merging back into traffic. Officer Smith related that they activated their emergency lights and proceeded to conduct a traffic stop on Ms. [REDACTED] vehicle.

⁸ Attachments #65 (audio) and #66 (transcript).

⁹ Attachments #71 (audio) and #72 (transcript.)

As the Officers exited, Ms. [REDACTED] took off again and the Officers returned to their police vehicle. Officer Smith related that Ms. [REDACTED] stopped again about a hundred feet away. Officer Smith felt that Ms. [REDACTED] actions gave him suspicion that someone might be concealing a weapon or narcotics. Officer Smith exited and approached the passenger side with his weapon drawn while Officer Hunt approached the driver's side. Officer Smith observed Mr. [REDACTED] moving around and believed he was concealing something. Officer Smith approached with his weapon pointed at Mr. [REDACTED] and repeatedly stated, "Let me see your hands."¹⁰ Officer Smith opened the door and observed Mr. [REDACTED] hands and holstered his weapon. Officer Smith instructed Mr. [REDACTED] to exit the vehicle, handcuffed him, and escorted him to the rear of the vehicle. Officer Smith related that Officer Hunt observed open alcohol inside the vehicle and the odor of burnt cannabis was emitting from Ms. [REDACTED] vehicle. Officer Hunt conducted a search of Ms. [REDACTED] vehicle and discovered cannabis inside her vehicle.

Officer Smith was shown attachment #41, which are two video clips that were captured from his Body Worn Camera (BWC). Officer Smith viewed clip #1¹¹ which was about nine minutes long which captured Officer Hunt turning his attention to an unidentified black male who was behind a wrought-iron fence.¹² Officer Smith related that he did not recall the conversation between Officer Hunt and the unidentified male. Officer Smith admitted that he violated the Department order related to BWC use by failing to record the entire law-enforcement-related incident. Officer Smith's BWC did not capture the beginning of his encounter with Mr. [REDACTED] and did not capture him pointing his weapon at Mr. [REDACTED]. Officer Smith explained the incident transpired so fast and he was only able to turn on his BWC at the safest moment. Officer Smith believed that they were about to leave the scene and transport Mr. [REDACTED] to the police station and therefore deactivated his BWC. After deactivation, Officer Smith reactivated his BWC which captured the ambulance on the scene. Ms. [REDACTED] was observed making verbal threats toward the officers and removing personal items out of her vehicle. Officer Smith related that Ms. [REDACTED] was upset that her vehicle was being impounded. Officer Smith denied the traffic stop was without justification and denied the search of Ms. [REDACTED] vehicle was improper.

In an interview with COPA on October 28, 2020,¹³ **Officer Emmanuel Villegas**, related that on January 1, 2019, he was working with Officers Smith and Hunt and was assigned to the 006th District. While on patrol, Officer Villegas observed Ms. [REDACTED] driving her vehicle and fail to use her turn signal while merging into traffic. After conducting the stop, Ms. [REDACTED] suddenly drove away and abruptly stopped a short distance later. As Officer Villegas approached Ms. [REDACTED] vehicle, he could smell the odor of cannabis emitting from inside her vehicle. Officer Villegas related that Ms. [REDACTED] and the passenger, Mr. [REDACTED] were both ordered out of the vehicle. Ms. [REDACTED] was given multiple orders to exit her vehicle

¹⁰ *Id.*, page 20, lines 7 and 8.

¹¹ Attachment #41, BWC of Officer Smith, clip #1

¹² This occurred during the buffer period and therefore there is no audio.

¹³ Attachments #58 (audio) and #59 (transcript.)

and she refused to comply. Ms. [REDACTED] was escorted out of her vehicle by her wrists and placed in handcuffs. Officer Villegas described Ms. [REDACTED] as stiffening while being escorted out of her vehicle.

Officer Villegas observed Officer Hunt search Ms. [REDACTED] vehicle for narcotics. About 30 grams of cannabis and a cup containing alcohol were recovered. Mr. [REDACTED] took ownership of the cannabis and was taken into custody. Officer Villegas related that Ms. [REDACTED] described herself as being pregnant and requested medical treatment. An ambulance responded to the scene and Ms. [REDACTED] refused to be treated by the paramedics. Officer Villegas admitted that he did not activate his BWC in a timely manner and failed to capture the entire law-enforcement-related activity. Officer Villegas related that he had reasonable justification to stop Ms. [REDACTED] vehicle and therefore, denied the traffic stop was without justification and denied the allegation that the search of Ms. [REDACTED] vehicle was improper.

b. Digital Evidence

Body Worn Camera (BWC) videos of Officers James Hunt¹⁴, Emmanuel Villegas¹⁵ and Nathan Smith¹⁶ captured them activating and deactivating their Body Worn Camera on numerous occasions while at the scene. The officers did not capture the onset of the incident on their BWC's. By the time the initial BWC footage begins, the Officers appear to be pulling Ms. [REDACTED] from the driver's seat; Mr. [REDACTED] was already detained outside the vehicle. Ms. [REDACTED] complained that her vehicle was searched without her permission. The officers reported a strong odor of cannabis emitting from Ms. [REDACTED] vehicle. Officer Hunt's BWC¹⁷ captured him searching Ms. [REDACTED] vehicle and recovering a plastic bag of suspected cannabis from inside a shoe. Ms. Crocket requested an ambulance to the scene and when responding paramedics arrived, Ms. [REDACTED] refused to be treated. Officer Hunt informed Ms. [REDACTED] that her vehicle was being impounded and allowed her to remove her personal belongings.

Cell phone videos provided by [REDACTED]¹⁸ captured numerous video clips from her cell phone. Ms. [REDACTED] was asked if she needed medical attention and she responded that she was bleeding and pregnant and wanted other police officers to respond to the scene. Officer Hunt was captured writing out a citation and requested Ms. [REDACTED] signature. Ms. [REDACTED] refused to sign the citations and Officer Hunt informed her that he was going to keep her identification.

Photographs of [REDACTED]¹⁹ were taken at COPA on January 7, 2019. The photographs depicted discoloration to Ms. [REDACTED] arm and chest area.

c. Documentary Evidence

¹⁴ Attachment #41, Body Worn Camera (BWC) of Officer James Hunt, clips 1, 2 & 3.

¹⁵ Attachment #41, Body Worn Camera (BWC) of Officer Emmanuel Villegas, clips 1 & 2.

¹⁶ Attachment #41, Body Worn Camera (BWC) of Officer Nathan Smith, clips 1 & 2.

¹⁷ Attachment #41, Body Worn Camera (BWC) of Officer James Hunt, clip 1, 22:54 hours.

¹⁸ Attachment #35, Cell phone videos provided by [REDACTED]

¹⁹ Attachment #36, Photographs of [REDACTED] taken at COPA.

██████████ **Arrest Report**,²⁰ **Original Case Incident Report**,²¹ and ██████████²² and ██████████²³ **Investigatory Stop Reports** were authored by Officers Nathan Smith and James Hunt. Ms. ██████████ was observed failing to use her signal light while merging into traffic at 8460 S. Vincennes Avenue. The Officers curbed Ms. ██████████ and as the Officers exited, Ms. ██████████ drove off again and then abruptly stopped a short distance later. As the Officers approached Ms. ██████████ a strong odor of cannabis was emitting from inside her vehicle and everyone was ordered to exit, but Ms. ██████████ refused to comply. Officer James Hunt took hold of Ms. ██████████ wrist and escorted her out of the vehicle. A protective pat-down was conducted on a bulge in Ms. ██████████ jacket pocket and she was briefly handcuffed.

Officer Hunt discovered a cup containing suspected alcohol. Upon Ms. ██████████ learning that her vehicle was going to be impounded, she requested an ambulance and stated that she needed to document her bleeding, so she could sue the officers. Officer Hunt requested an ambulance and paramedics. Ms. ██████████ was pacing while yelling and screaming into her cell phone. Ms. ██████████ refused to speak with the paramedics and refused any medical aid. Ms. ██████████ removed her personal items from her vehicle and threw the items to the ground. Ms. ██████████ refused to sign her citations and her driver's license was taken in lieu of her signature. The Officers then cleared the scene without incident. Officer Hunt conducted a search of Ms. ██████████ vehicle and recovered a clear knotted bag of suspected cannabis inside a shoe. Mr. ██████████ took ownership of the cannabis and the cup containing suspected alcohol that was inside the vehicle. Mr. ██████████ was placed into custody and transported to the 006th District station for processing.

Motor Vehicle Inventory Report²⁴ and **Vehicle Impoundment/Seizure Report**²⁵ indicated that ██████████ was driving a 2008 black Pontiac Grand AM and the incident was recorded under RD JC-101013. Ms. ██████████ vehicle was impounded, and it was reported to have damage to the hood, trunk, bumpers, doors, and fenders. A search of Ms. ██████████ vehicle discovered about 30 grams of suspected cannabis, in violation of Chicago Municipal Code (MCC 7-24-225) Impoundment-Unlawful drugs in vehicle. Mr. ██████████ took ownership of the narcotics and was placed into custody.

██████████ **Traffic Citations**²⁶ indicated that on January 1, 2019, ██████████ was issued two citations for failure to use a signal light while merging into traffic and open alcohol inside the vehicle.

²⁰ Attachment #5, Arrest Report of ██████████

²¹ Attachment #7, Original Case Incident Report, JC101013.

²² Attachment #17, Investigatory Stop Report of ██████████

²³ Attachment #16, Investigatory Stop Report of ██████████

²⁴ Attachment #37, Motor Vehicle Inventory

²⁵ Attachment #38, Vehicle Impoundment/Seizure Report

²⁶ Attachment #32, Traffic Citations ██████████ & ██████████.

Chicago Fire Department Medical Records²⁷ and St. Bernard Hospital Medical Records²⁸ indicated that Ms. ██████ was emotionally distraught because her boyfriend was placed under arrest and her vehicle was being impounded. Ms. ██████ requested an ambulance, but upon arrival Ms. ██████ refused to be treated by paramedics. Ms. ██████ denied using alcohol and drugs and refused to sign any CFD documents. Ms. ██████ sought medical treatment on her own at St. Bernard Hospital and the records indicated that she had been “ruffled by the police”²⁹ and sustained pain to her lower rib cage. Ms. ██████ alleged that Officer Hunt pulled her out of her vehicle causing pain to her rib cage. An examination and x-rays of Ms. ██████ found no acute interosseous and no pneumothorax. Ms. ██████ was prescribed Ibuprofen and was instructed to follow-up with her primary doctor. St. Bernard Hospital records for Ms. ██████ reported that she was not pregnant, and she tested negative for chorionic gonadotropin.³⁰

VI. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined, by a preponderance of the evidence, that the allegation in fact occurred;³¹
2. Unfounded - where it is determined, by clear and convincing evidence, that an allegation is not supported by the facts;³²
3. Exonerated - where it is determined, by clear and convincing evidence, that the conduct described in the allegation occurred, but it is lawful and proper; or
4. Not Sustained - where there is insufficient evidence to sustain, unfound or exonerate the allegations.

VII. ANALYSIS

a. Body Worn Camera

²⁷ Attachments #25 and #26.

²⁸ Attachment #40, St. Bernard Hospital medical records of ██████

²⁹ *Id.* page 2.

³⁰ *Id.* pages 8 and 14.

³¹ **Preponderance of evidence** is described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005).

³² **Clear and convincing evidence** is described a more that preponderance of the evidence but lower than beyond-a-reasonable doubt required to convict a person of a criminal offense. Clear and Convincing is described as a “degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable” there was no misconduct. *See People v. Coan*, 2016 IL App (2d) 151036 (2016).

COPA finds that Allegation #1 against the Officers, that they failed to properly activate their BWCs, is **Sustained**. Department Members are required to activate BWC “at the beginning of” or “as soon as practical” for “all law-enforcement-related activities.”³³ Here, it is undisputed that the Officers failed to activate their BWCs when engaged in law-enforcement-related activities, specifically a traffic stop. The Officers’ collective failure to capture the entire interaction severely curtailed the ability to investigate and reach positive findings on the Officers’ other alleged misconduct. This failure violated Department policy and Rules 2, 3, and 6.

b. Detention and Search

COPA finds that Allegations #2 and 3, against the Officers, that they stopped improper [REDACTED] and searched her vehicle, are **Not Sustained**. COPA’s investigation revealed limited evidence related to the stop of [REDACTED] and the search of her vehicle. [REDACTED] asserted that she did not commit any traffic violations and should not have been stopped nor her vehicle searched. The Officers each recounted observing [REDACTED] commit a traffic violation – specifically failure to signal – and detected an odor of cannabis emitting from [REDACTED] car. Given the conflicting nature of [REDACTED] and the Officers’ account and the lack of evidence to corroborate or refute the allegations, the allegations must be not sustained.

c. Force and Verbal Abuse

COPA finds Allegations #5 to 7 against Officer Hunt, that he pulled [REDACTED] from her vehicle; pushed her in to the rear of her vehicle; and directed profane and derogatory language at [REDACTED] are **Not Sustained**. COPA’s investigation revealed limited evidence related to how [REDACTED] exited her vehicle and how she was detained. [REDACTED] asserted that she was forcefully pulled from the vehicle, pushed into the rear of the vehicle, and verbally abused by Officer Hunt. While Officer Hunt admitted he assisted in removing [REDACTED] from the vehicle, he denied pulling her from the vehicle, pushing her or directing derogatory profanities at her. Given the conflicting nature of [REDACTED] and Officer Hunt’s accounts and the lack of evidence to corroborate or refute the allegations, the allegations must be not sustained.

COPA finds Allegation #4 against Officer Smith, that he improperly pointed a firearm at [REDACTED] is **Not Sustained**. COPA’s investigation revealed limited evidence related to why Officer Smith pointed his firearm at [REDACTED] [REDACTED] asserted that she observed Officer Smith pointing his firearm at [REDACTED] but she did not provide further context. Officer Smith asserted that he pointed his firearm at [REDACTED] because [REDACTED] attempt to flee and [REDACTED] actions in the front passenger seat – appearing to actively conceal his hands. Given the conflicting nature of [REDACTED] and Officer Smith’s accounts and the lack of evidence to corroborate or refute he allegations, the allegations must be not sustained.

³³ “Law-enforcement-related activities include but are not limited to:” “calls for service; investigatory stops; traffic stops; traffic control; foot and vehicle pursuits; arrest; use of force incidents; seizure of evidence; interrogations; searches, including searches of people, items, vehicle, buildings, and places; statements made by individuals in the course of an investigation; requests for consent to search; emergency driving situations; emergency vehicle responses where fleeing suspects or vehicle may be captured on video leaving the crime scene; high-risk situations; any encounter with the police that becomes adversarial after the initial contact; arrestee transports; any other instance when enforcing the law.” S03-14 III(A)(2)(a-r), Body Worn Cameras (effective April 30, 2018 to current).

d. Property Damage

COPA finds that Allegation #3 against Officer Hunt, that he damaged a seat in [REDACTED] vehicle while searching, is **Not Sustained**. COPA's investigation revealed limited evidence related to how [REDACTED] vehicle seats became damaged. Initially [REDACTED] alleged she observed Officer Hunt damage the seat, but later clarified that she did not see who damaged the seat, or whether a seat(s) had actually been damaged. Officer Hunt asserted that he did not, in any way, damage [REDACTED] seat. Given the conflicting nature of [REDACTED] and Officer Hunt's accounts and the lack of evidence to corroborate or refute he allegations, the allegations must be not sustained.

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**a. Officer James Hunt****i. Complimentary and Disciplinary History**

Officer Hunt has received 203 various awards and no disciplinary in the last five years and has no final sustained complaints in the past five years.³⁴

ii. Recommended Penalty

COPA recommends a 10-day suspension for failure to properly activate his assigned BWC to record the entire incident.

b. Officer Nathan Smith**i. Complimentary and Disciplinary History**

Officer Smith has received 102 various awards and two Reprimands – one in 2020 for a preventable accident; one in 2021 for failing to appear for court; and one SPAR in 2022 for failing to perform an assigned task.³⁵

ii. Recommended Penalty

³⁴ COPA notes that sustained complaints are not considered final, or closed, until the officer has exhausted his options for contesting the findings and/or recommended discipline. Officer Hunt is currently appealing two sustained complaints arising from incidents that occurred in 2018. In Log 1090147, COPA found that Officer Hunt engaged in an unjustified verbal altercation when he called a civilian a “retard” and a “pussy fuck,” and told the civilian, “I kill mother-fuckers.” Officer Hunt also improperly charged the civilian with assault and attempted to stop him from recording the incident on his cell phone, among other allegations. COPA recommended that Officer Hunt receive a 365-day suspension as a result of that incident. In Log 1091365, COPA found that Officer Hunt conducted an improper detention and search, and recommended that he receive a three-day suspension. Officer Hunt filed grievances related to both cases, which remain pending as of the date of this report.

³⁵ Att. #79, pg. 4.

COPA recommends a 10-day suspension for failure to properly activate his assigned BWC to record the entire incident.

c. Officer Emmanuel Villegas

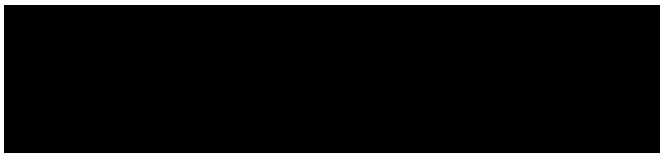
i. Complimentary and Disciplinary History

Officer Villegas has received 43 various awards and has no disciplinary in the last five years.

ii. Recommended Penalty

COPA recommends a 10-day suspension for failure to properly activate his assigned BWC to record the entire incident.

Approved:



Sherry Daun
Director of Investigations

12/16/2022

Date