

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
POLICE OFFICER JAMES HUNT,) **No. 22 PB 3012**
STAR No. 11442, DEPARTMENT OF POLICE,)
CITY OF CHICAGO,)
RESPONDENT.) **(CR No. 2020-2188)**

FINDINGS AND DECISION

On December 6, 2022, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer James Hunt, Star No. 11442 (“Respondent”), recommending that Respondent be discharged from the Chicago Police Department (“Department” or “CPD”) for violating CPD’s Rules of Conduct.

A hearing on the charges against Respondent took place before Hearing Officer Michael Panter on June 20 and June 21, 2023. Following this evidentiary hearing, the members¹ of the Police Board read and reviewed the record of the proceedings, including the Hearing Officer’s Report and the parties’ responses to this report, and viewed the video recording of the entire evidentiary hearing. The Hearing Officer made an oral report to and conferred with the Board before it rendered its findings and decision.

During the proceedings of this case, from the filing of charges through the evidentiary hearing, the Hearing Officer made rulings and entered orders. None of the Hearing Officer’s rulings and orders is overruled or reversed.

Respondent’s Motion to Appoint a Neutral Arbitrator

On June 13, 2023, Respondent filed a Motion to Appoint a Neutral Arbitrator in Lieu of the Chicago Police Board (“Motion”). The Superintendent filed a Response on August 7, 2023,

¹ Police Board President Ghian Foreman recused himself from this case. *See below* pp. 2–5.

and Respondent filed a Reply on August 9, 2023. For the reasons discussed below, Respondent's Motion is denied.

Respondent argued in his Motion the Board should recuse itself and a neutral arbitrator should be appointed to preside over the evidentiary hearing to eliminate any question about the impartiality of the fact finder or a potential conflict of interest because the Board's President, Ghian Foreman, was the victim of police misconduct the day after Ms. Woods claimed she was, too. Mot. at 5. On May 31, 2020, President Foreman was struck in the leg with a baton by a police officer during protests in Hyde Park.

The Superintendent argued in his Response that, among other things, Respondent's motion is untimely and therefore his objection is waived. Response at 2-3. While the basis for Respondent's motion—an incident that occurred over three years ago—is certainly not new, the Board's Rules of Procedure permit motions to be filed “not fewer than five (5) days prior to the date set for hearing.” Section II(G). Respondent filed his motion on June 13, 2023, more than five days prior to the June 20, 2023 hearing date. Therefore, Respondent's motion is not untimely.

The Board Lacks Authority to Appoint an Arbitrator

As an initial matter, the Police Board is unable to grant the relief Respondent seeks because the Board lacks the authority to appoint an arbitrator or otherwise compel arbitration. The Chicago Municipal Code provides that the Police Board *shall* “hear disciplinary actions for which a suspension of more than the 30 days expressly reserved to the superintendent is recommended, or for removal or discharge involving officers and employees of the police department in the classified civil service of the City.” CHI. MUN. CODE § 2-84-030. The Chicago Municipal Code does not include a provision allowing the Police Board to refer a case

to an arbitrator. The Police Board must handle all cases that fall within its mandate, including the present case seeking the discharge of Respondent.

Further, the operative version of the Collective Bargaining Agreement between the Fraternal Order of Police Chicago Lodge No. 7 (“FOP”) and the City of Chicago specifically states that “[t]he separation of an Officer from service is cognizable *only* before the Police Board” Collective Bargaining Agreement (July 1, 2012–July 30, 2017) at 11 (emphasis added). The Collective Bargaining Agreement governing members of the FOP therefore does not provide an option for arbitration in cases involving the prospective discharge of an officer.

Respondent cites no law to the contrary. As such, the Board denies Respondent’s request for the appointment of a neutral arbitrator.

Recusal of Members of the Board

Given that the Police Board lacks the authority to appoint an arbitrator or compel arbitration, the Board construes the remainder of Respondent’s motion as a request for recusal of the members of the Police Board. However, to be granted the relief he seeks, Respondent must prove that members of the Police Board had to some extent adjudged the facts as well as the law of the case in advance of hearing it. For the reasons explained below, Respondent has failed to do so.

In the context of administrative hearings, “[a]n individual challenging the impartiality of an administrative tribunal must overcome a presumption that those serving in such tribunals are fair and honest.” *Williams v. Bd. of Trs. of the Morton Grove Firefighters’ Pension Fund*, 924 N.E.2d 38, 50 (Ill. App. Ct. 2010) (quoting *Turcol v. Pension Bd. of Trs. of Matteson Police Pension Fund*, 834 N.E.2d 480, 498 (2005)). To establish bias or prejudice, a claimant “must prove that members of the adjudicating body had to some extent adjudged the facts as well as the

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law of the case in advance of hearing it.” *Turcol*, 834 N.E.2d at 498. “There must be more than ‘the mere possibility of bias or that the decision maker is familiar with the facts of the case.’” *Williams*, 924 N.E.2d at 50 (quoting *Danko v. Bd. of Trustees of the City of Harvey Pension Bd.*, 608 N.E.2d 333, 338 (Ill. App. Ct. 1992)).

Respondent’s arguments regarding the partiality of the Board as a whole do not raise more than a “mere possibility of bias.” *Williams*, 924 N.E.2d at 50. Respondent’s arguments are purely speculative. Mere familiarity with a separate incident involving the Police Board President and a separate officer under separate circumstances does not require members of the Board to recuse themselves. Further, both the incident involving President Foreman and allegations of police misconduct more generally throughout the George Floyd protests have been regularly covered in the news. Any knowledge Board members may have about these events are no different than that of the broader community. Their awareness of these matters does not constitute a basis for recusal in this case. Nor does the professional relationship between the Board members and their President justify their recusal, especially here where President Foreman is not the alleged victim in the case before them. *See e.g., United States v. Swallers*, 897 F.3d 875 (7th Cir. 2018) (finding judge’s recusal still unwarranted despite judge having a professional relationship with the victims in the case before him because relationship “did not pose a significant risk of bias”)

As with the other Board members, Respondent’s arguments concerning President Foreman’s partiality fail to raise more than a “mere possibility of bias.” *Williams*, 924 N.E.2d at 50. The mere fact that President Foreman was involved in a separate incident of police misconduct involving a separate officer does not suggest Mr. Foreman holds any bias against the Respondent. These incidents, while occurring close in time, are otherwise distinct, and occurred

at different locations under different circumstances and involved different officers. Respondent failed to set forth any evidence that President Foreman has in any way adjudged the facts or law of *this* case, involving *this* officer.

Using the above standard, the members of the Police Board assessed their own personal bias or prejudice against Respondent. Each member of the Police Board individually determined that recusal in this case is unnecessary, except for Board President Foreman. After consideration of the facts presented in this matter, Mr. Foreman made the independent determination to recuse himself from the case.

To be clear, recusal of a Board member is not necessarily warranted in every case where that Board member experienced something similar to what is alleged in the case. Absent evidence that raises more than a “mere possibility of bias,” recusal in each case will turn on an individual board member’s determination of whether they can be impartial. Following his independent determination on recusal, President Foreman did not take part in the consideration of this case.

IT IS HEREBY ORDERED that, for the reasons set forth above, Respondent’s Motion to Appoint a Neutral Arbitrator In Lieu of the Chicago Police Board is **denied**.

POLICE BOARD FINDINGS

As a result of its hearing on the charges, the Police Board finds and determines that:

1. Respondent was at all times mentioned herein employed as a CPD police officer by the City of Chicago.

2. A copy of the charges filed, and a notice stating the date, place, and time the initial status hearing would be held, were personally served upon Respondent not fewer than five (5) days before the date of the initial status hearing for this case.

3. Throughout the hearing on the charges Respondent appeared and was represented by legal counsel.

Introduction

4. On May 30, 2020, Ms. Lakeya Woods drove her car downtown to park and film the widespread protest over the recent murder of George Floyd. The scene was crowded, noisy, and chaotic, and there was strong animosity toward the police. The protests in various parts of the downtown area became violent, and police officers were attacked. Some protestors threw hard objects and bags of human waste, and others hurled large metal dumpsters toward the officers. Shortly before this incident, Respondent saw his immediate supervisor taken from the scene of a protest with a broken arm after being hit with a two-by-four. Emotions were running high, and police in riot gear were concerned for the safety of the participants and themselves.

This incident began near the intersection of West Kinzie and North Dearborn Street.² Ms. Woods can be heard yelling to the crowd from her car. While walking in or near a skirmish line of officers, trying to manage the crowd, Respondent observed Ms. Woods's car start forward and strike a white-shirted officer standing in front of the car. Ms. Woods was leaving her parking spot because she was fearful of her windshield getting struck by a rock. The speed of her car at impact is disputed, but there is no evidence the officer was injured. Respondent, wearing a helmet and riot gear, immediately ran over to order her to exit the car.

² In reviewing the evidence in this case, the Board watched Ms. Woods' cell phone video and BWCs from other officers. Respondent was not issued a BWC.

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The video shows Ms. Woods's driver's window is down. Respondent testified he first ordered Ms. Woods to get out of the car, but it is unknown if she heard him. Ms. Woods can be heard yelling "I'm trying to go." Respondent then used his baton to break the rear driver's side window of the car and ordered Ms. Woods to "get the fuck out of the car." Respondent reached forward into the vehicle (through the shattered rear window) and unlocked the driver's door. Respondent opened Ms. Woods's door. A white-shirted officer can be heard ordering Respondent to "get the keys." Respondent tried to unfasten her seat belt to remove her from the car and get her keys. The cell phone video shows that Ms. Woods then became loud and highly agitated. The two can be heard yelling.

Other officers came over. At first, Ms. Woods would not leave the car. She can be heard on the video saying loudly that she did not mean to strike the officer with her car and it was an accident. She apologized. She says repeatedly that she would exit the car with an officer other than Respondent. Officers can then be heard trying to converse with her. Ms. Woods ultimately got out of the car herself, and subsequent events are not captured on video.

Ms. Woods agrees she was resisting during the interaction. Respondent attempted to secure zip ties around Ms. Woods's hands. Ms. Woods would not let go of her phone, causing her to lock her phone screen. Other officers assisted Respondent in restraining her hands with zip ties. She broke the restraints. She was re-restrained and placed in a holding area to await transport. When officers asked Ms. Woods to sit down, she laid down on the floor.

Once the transport vehicle was ready, Respondent and another officer helped or lifted Ms. Woods up and placed her in the front of the vehicle, separated from the male arrestees in back. The officers had difficulty getting her into the vehicle. Respondent testified Ms. Woods tried to fall backward to avoid getting in. The officers caught her and approximately six to ten

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officers helped get her into the vehicle. Ms. Woods testified she lay on the floor of the vehicle, resulting in her being unable to fit into the car. She testified officers pushed on her feet and hit her twice on the legs with batons so that her body could fit in the wagon. Once Ms. Woods was secured in the transport vehicle, Respondent says he reported the circumstances surrounding Ms. Woods' arrest to the transport driver, who wrote it down.

Once in the transport vehicle, Respondent had no further involvement with Ms. Woods. Per instructions from superiors, Respondent was ordered to remain out in the field while other teams took over the arrest and processing of Ms. Woods and other individuals. She was taken to the station and charged with disorderly conduct.

Ms. Woods was released the next day. Because her car had been towed, Ms. Woods's sibling drove her to retrieve it, and Ms. Woods then drove her car home. When Ms. Woods recovered her vehicle, it had been vandalized with spray paint. A couple of days later, Ms. Woods sought treatment at St James Hospital, where she was prescribed ibuprofen.

Ms. Woods claims that during the course of her arrest she was called a "fat bitch" and had other comments made about her size. Ms. Woods testified her legs were struck with a baton, and her request for medical assistance was denied. She alleges her hair was pulled and she was handled roughly. Ms. Woods says she suffered physical injuries to her hands, wrists, neck, and legs from the incident. She produced photographs which allegedly show the injuries. Ms. Woods concedes her wrists were hurt due to her breaking her plastic restraints twice. She claims she was not allowed to videotape her arrest and that one of her two cell phones was lost while in the lockup. She says a male officer reached into her pocket and removed her wallet which, she says, was also lost.

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Ms. Woods could not say whether Respondent was involved in any of these events. At the hearing, looking directly at Respondent, Ms. Woods testified she did not recognize him and had never seen him before. She testified that a man with “like strawberry blond like facial hair and hair—it appeared to be facial hair, but it could have been—I’m not sure,” broke her window. She could not describe any of the officers who placed her into the transport vehicle, and who of those officers pushed her. She could not say which officer replaced her zip ties. She could not say which officer hit her with a baton. She variously testified it was a “Chinese or Mexican” officer who called her derogatory words, but also said it was the officer with the strawberry-blond facial hair. She said it was the officer with strawberry blond hair who reached into her back pocket and took her wallet, and from whom she requested medical assistance. She said it was an older, white male paramedic in a white shirt with gray hair who pulled her by her head and neck, and also denied her request for medical attention. As for the officer who pulled her hair, Ms. Woods could only recall that the officer was “chubby” with a “chubby face.” According to Ms. Woods, the officers at the holding facility denied her medical requests as well.

Respondent admitted he broke Ms. Woods’s car window and tried to remove her from the car after he saw her commit an offense by striking the officer. He felt it urgent to stop her before she drove into anyone else in the crowd, and testified he was obeying a direct order.

Respondent adamantly denied calling Ms. Woods any derogatory term. Respondent testified that he used his baton to help push Ms. Woods as she resisted getting into the transport, but he never struck her in any way.

Respondent denies Ms. Woods requested medical assistance from him. No report reflects any injury or request for medical assistance. Three officers from the holding facility who

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processed Ms. Woods testified that she never complained of injuries, never requested medical attention, and did not appear despondent.

Respondent did not complete a Tactical Response Report (“TRR”). He testified that all officers had been instructed at roll call that a blanket force report would be prepared for the expected mass arrests that day and that individual officers were not to complete them. He was not given mass arrest cards. He also did not prepare an inventory, as he did not transport Ms. Woods to the station, per orders from supervisors to remain out in the field. He is not listed on the arrest report as the arresting officer.

Respondent is charged with breaking Ms. Woods’s rear driver-side window with his baton without justification, in violation of Rules 2, 3, 6, 8, and 9; arresting her without probable cause in violation of Rules 2, 3, 6, and 8; stopping her from recording with her cell phone in violation of Rules 2, 3, 6, 8, and 9; refusing or failing to request medical attention for her in violation of Rules 2, 3, 5, 6, 8, and 10; improperly lifting her from the ground without justification using her wrists and hair in violation of Rules 2, 3, 6, 8, and 9; pushing her into the transport unit and striking her with his baton in violation of Rules 2,3, 6, 8, and 9; calling her a “fat bitch” in violation of Rules 2, 3, 6, 8, and 9; failing to complete a TRR in violation of Rules 6 2, 3, 5, 6, and 10; and failing to inventory her property in violation of Rules 2, 3, 5, 6, 8,10,11, and 40. The Superintendent recommends discharging him from the CPD. Respondent denies all charges.

Charges Against the Respondent

5. Police Officer James Hunt, Star No. 11442, is **not guilty** of violating Rules 2, 3, 6, and 8 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification No. 1:

On or about May 30, 2020, at approximately 8:00 p.m., at or near 33 West Kinzie Street, during the protests in Chicago following the killing of George Floyd in Minneapolis, Minnesota, Police Officer James Hunt arrested Lakeya Woods without justification and/or probable cause. Officer Hunt thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying General Order 06-01 ("Processing Persons Under Department Control"); and
- d. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty.

See the findings set forth in Section No. 4 above, which are incorporated here by reference. Respondent participated in the arrest of Ms. Woods. There is no dispute Ms. Woods struck another officer with her car. The Board finds Respondent had a reason to believe Ms. Woods committed a battery (or aggravated battery) when she struck a policeman with her vehicle. The Superintendent therefore did not meet his burden to show Ms. Woods's arrest was made without justification and/or probable cause.

6. Police Officer James Hunt, Star No. 11442, is **not guilty** of violating Rules 2, 3, 6, 8, and 9 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification No. 2:

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On or about May 30, 2020, at approximately 8:00 p.m., at or near 33 West Kinzie Street, during the protests in Chicago following the killing of George Floyd in Minneapolis, Minnesota, Police Officer James Hunt broke Lakeya Woods's rear driver's side window with his baton without justification. Officer Hunt thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying General Order 03-02-01 ("Force Options") and/or General Order 03-02 ("Use of Force");
- d. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty; and
- e. Rule 9, which prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in Section No. 4 above, which are incorporated here by reference.

The Superintendent has failed to prove the charges set forth in this specification. General Order 03-02 sets forth CPD's use-of-force policy. It states in part that officers "may only use force that is objectively reasonable, necessary, and proportional." In determining whether the use of force is objectively reasonable, the totality of the circumstances must be taken into account.

The Board finds Respondent's actions were objectively reasonable under the circumstances. G.O. 03-02-02 entitled "Force Options" allows direct mechanical strikes and impact weapons to be used against "assailants," to "establish control by means of applying mechanical impact to a subject in order to disable elements of his or her skeletal structure." The Board finds Respondent had justification to consider Ms. Woods an assailant as soon as she

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struck another officer with her car, and she remained a risk of harm to others until her car was in park and/or turned off. It was during this time that Respondent broke Ms. Woods's rear window with a baton for the purpose of unlocking her driver's side door and securing the vehicle. Having just witnessed Ms. Woods strike another officer with her car, it was reasonable for Respondent to treat Ms. Woods as an assailant. Under CPD's use-of-force policy, any officer dealing with an assailant is permitted to use direct mechanical strikes or impact weapons against these individuals to establish control. Additionally, Respondent did not employ force against Ms. Woods' person. Instead, he used his baton for the limited purpose of breaking Ms. Woods' window to establish control and disable her vehicle. The Board finds these actions were justified, reasonable, and clearly not excessive.

The Board further finds that Respondent's act of breaking Ms. Woods's window did not constitute disrespect, maltreatment, or an unjustified altercation. Whether an officer's actions are justified is dependent on the situation. Here, Respondent had just witnessed Ms. Woods hit an officer with her car. Respondent did not know whether it was an accident, or whether Ms. Woods intended to continue to move her vehicle forward, potentially hitting other nearby officers or citizens. It was reasonable for Respondent to believe he needed to act immediately to prevent a potentially dangerous situation for the surrounding civilians and other officers.

Respondent acted in the best way he saw fit within the limited amount of time he had to ensure everyone's safety in the context of a chaotic and violent scene. Respondent utilized his baton to make a single strike against the driver's side rear window for the proper purpose of establishing control over Ms. Woods and her vehicle, rather than for any improper, punitive purpose. This action did not harm Ms. Woods, and Respondent was able to successfully establish control over the vehicle seconds later.

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While the Board finds the Superintendent has not met his burden of proving the charges, Respondent's conduct was not exemplary. The scene was chaotic, an officer was struck by a car, and Respondent's safety concerns were justifiable, but more effort to communicate with Ms. Woods and understand the situation was called for. The Board urges Respondent to bear more closely in mind when responding to future challenging situations that a person's encounter with the police can be a very frightening experience and, under such circumstances, the risk of misunderstanding is great.

7. Police Officer James Hunt, Star No. 11442, is **not guilty** of violating Rules 2, 3, 6, 8, and 9 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification No. 3:

On or about May 30, 2020, at approximately 8:00 p.m., at or near 33 West Kinzie Street, during the protests in Chicago following the killing of George Floyd in Minneapolis, Minnesota, Police Officer James Hunt improperly lifted Lakeya Woods from the ground without justification, using her wrists and/or her hair. Officer Hunt thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying General Order 03-02 ("Use of Force");
- d. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty; and
- e. Rule 9, which prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in Section No. 4 above, which are incorporated here by reference.

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The Board finds the Superintendent failed meet his burden to show Respondent improperly lifted Ms. Woods from the ground without justification, using her wrists and/or her hair.

Ms. Woods was unable to identify Respondent. According to Ms. Woods, while she was in the holding area awaiting transport, an individual pulled her up from the ground by her head and neck, and then dropped her back on the ground. Ms. Woods described this individual as an older, white male paramedic in a white shirt with gray hair. As for another officer who pulled her hair, Ms. Woods could only recall that the officer was “chubby” with a “chubby face.” Separately, Ms. Woods testified that a team of officers helped her off the ground when it was time for her to be placed in the transport vehicle, and Respondent confirmed he was one of those officers.

While the Board takes Ms. Woods’s allegations seriously, there is no evidence to suggest that Respondent, as opposed to some other officer, improperly lifted Ms. Woods from the ground without justification. On the contrary, the evidence suggests it *was* in fact other officers, as Ms. Woods’s own descriptions of them are in stark contrast to Respondent’s appearance. Further, there is no evidence to suggest that Respondent’s conduct was improper or unjustified when he assisted Ms. Woods off the ground when the transport vehicle was ready. The Superintendent has not met his burden on the charges in Specification No. 3.

8. Police Officer James Hunt, Star No. 11442, is **not guilty** of violating Rules 2, 3, 6, 8, and 9 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification No. 4:

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On or about May 30, 2020, at approximately 8:00 p.m., at or near 33 West Kinzie Street, during the protests in Chicago following the killing of George Floyd in Minneapolis, Minnesota, Police Officer James Hunt pushed Lakeya Woods into the van and/or struck Lakeya Woods with his baton on or about the legs without justification. Officer Hunt thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying General Order 03-02 ("Use of Force");
- d. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty; and
- e. Rule 9, which prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in Section No. 4 above, which are incorporated here by reference.

According to Ms. Woods, after being placed in the transport vehicle, she lay on the floor of the vehicle, resulting in her being unable to fit into the car. Officers then pushed on her feet and hit her twice on the legs with batons so that her body could fit in the wagon. Ms. Woods could not describe any of the officers. Respondent denies striking Ms. Woods in any way with his baton, and there is no evidence in the record suggesting otherwise.

The Board finds Respondent's actions were justifiable under the circumstances. The testimony presented by both Respondent and Ms. Woods indicated officers had difficulty transitioning Ms. Woods into the transport vehicle. According to Ms. Woods herself, she was stiffening her body, and officers were having to do everything they could to get her in the vehicle because she did not want to get in. The Board finds Respondent's testimony credible that, in

addition to stiffening her body, Ms. Woods fell backward to avoid getting into the vehicle and ignored commands to stop resisting, resulting in a team of approximately six to ten officers to overcome her resistance.

The Board concludes that Ms. Woods's actions at the time she was being loaded into the transport vehicle made her an active resister. Under General Order G03-02-02, officers dealing with active resisters are permitted to use control instruments such as batons with non-impact pressure in order to increase the potential for controlling a subject, just as Respondent did. In fact, this force option is even available to officers dealing with a passive resister, a resistance level below that of Ms. Woods. As such, Respondent's actions to direct Ms. Woods into the transport vehicle were reasonable, necessary, and proportional under the circumstances. We conclude the Superintendent has not met his burden on the charges in Specification No. 4.

9. Police Officer James Hunt, Star No. 11442, is **not guilty** of violating Rules 2, 3, 6, 8, and 9 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification No. 5:

On or about May 30, 2020, at approximately 8:00 p.m., at or near 33 West Kinzie Street, during the protests in Chicago following the killing of George Floyd in Minneapolis, Minnesota, Police Officer James Hunt without justification physically stopped Lakeya Woods from recording with her cellular phone. Officer Hunt thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying General Order 03-02 ("Use of Force");

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- d. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty; and
- e. Rule 9, which prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in Section No. 4 above, which are incorporated here by reference. The Superintendent failed to prove that Respondent, without justification, physically stopped Ms. Woods from recording with her cellular phone. The Board finds there is no credible evidence that Respondent stopped Ms. Woods from recording. According to Ms. Woods' own testimony, she was holding on to her phone with one hand and locked her own phone screen during the interaction, which ended the recording. We conclude the Superintendent has not met his burden on the charges in Specification No. 5.

10. Police Officer James Hunt, Star No. 11442, is **not guilty** of violating Rules 2, 3, 5, 6, 8, 10, 11, and 40 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification No. 6:

On or about May 30, 2020, at approximately 8:00 p.m., at or near 33 West Kinzie Street, during the protests in Chicago following the killing of George Floyd in Minneapolis, Minnesota, Police Officer James Hunt without justification failed to inventory Lakeya Woods's property, including her wallet and/or phone. Officer Hunt thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 5, which prohibits failure to perform any duty;
- d. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying General Order 07-01 ("Processing Persons Under Department Control");

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- e. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty;
- f. Rule 10, which prohibits inattention to duty;
- g. Rule 11, which prohibits incompetency or inefficiency in the performance of duty; and
- h. Rule 40, which prohibits failure to inventory and process recovered property in conformance with Department orders.

See the findings set forth in Section No. 4 above, which are incorporated here by reference.

The Superintendent did not meet his burden to show Respondent failed to inventory Ms. Woods's property without justification. Respondent provided un rebutted testimony that he did not inventory Ms. Woods' property because he did not transport Ms. Woods to the station and he did not process her at the station, per orders from supervisors to remain out in the field. Given the need for ongoing police presence under the circumstances, Respondent and other officers were ordered to stay on the streets while separate arrest teams processed arrestees. This is also consistent with Ms. Woods's arrest report, which does not list Respondent as the arresting officer. So while *someone* may have failed to inventory Ms. Woods' property, there is no evidence that this was Respondent's responsibility. We conclude that the Superintendent has not met his burden on the charges in Specification No. 6.

11. Police Officer James Hunt, Star No. 11442, is **not guilty** of violating Rules 2, 3, 5, 6, 8, and 10 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification No. 7:

On or about May 30, 2020, at approximately 8:00 p.m., at or near 33 West Kinzie Street, during the protests in Chicago following the killing of George Floyd in Minneapolis,

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Minnesota, Police Officer James Hunt without justification refused and/or failed to request medical attention for Lakeya Woods. Officer Hunt thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 5, which prohibits failure to perform any duty;
- d. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying General Order 03-02 ("Use of Force") and/or Special Order 04-20 ("Responding to Incidents Involving Persons in Need of Mental Health Treatment");
- e. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty; and
- f. Rule 10, which prohibits inattention to duty.

See the findings set forth in Section No. 4 above, which are incorporated here by reference.

The Superintendent did not meet his burden to show by a preponderance of the evidence that Respondent without justification refused or failed to request medical attention for Ms. Woods.

Per General Order 03-02 ("Use of Force"), "[o]nce the scene is safe and as soon as practical, whenever an individual is injured, complains of injury, or requests medical attention, Department members will immediately request appropriate medical aid for the injured person."

Respondent denies that Ms. Woods complained of an injury or requested medical attention from Respondent. There is no report reflecting any request for medical assistance. Ms. Woods testified she requested medical attention from a number of individuals throughout her arrest—an officer with strawberry blond hair; an older, white male paramedic in a white shirt

with grey hair; and the officer who processed her at the holding facility.³ The Board finds that none of these descriptions matches Respondent. Thus, while Ms. Woods may have requested medical attention from *someone*, there is no evidence to support that Ms. Woods requested medical attention from Respondent.

Nor is there sufficient evidence to show that Ms. Woods was injured or experiencing a mental health emergency such that Respondent should have independently requested medical attention for her.⁴ The arrest report notes that Ms. Woods was not injured. According to the arrest processing report, a visual check revealed no obvious pain or injury. Per the report, Ms. Woods denied the existence of any serious medical or mental problems during an arrestee questionnaire. In addition, the three officers from the holding facility who processed Ms. Woods testified that she never complained of injuries, never requested medical attention, and did not appear despondent. Ms. Woods' trip to the hospital a couple of days after the incident confirmed the absence of any noticeable injury. Following exams, labs, and x-rays, Ms. Woods was prescribed ibuprofen and discharged that same day. While there, Ms. Woods did not report or receive treatment for any mental health issues. The Board also does not see any injury in the photographs produced by Ms. Woods.

Ms. Woods may have experienced pain following her arrest, however, the Superintendent failed to show that the circumstances required Respondent to seek medical attention for her. We conclude that the Superintendent has not met his burden on the charges in Specification No. 7.

³ Three officers from the holding facility who processed Ms. Woods testified that she never complained of injuries and never requested medical attention, contrary to Ms. Woods' testimony. One of the officers further testified that Ms. Woods did not throw up, also inconsistent with Ms. Woods' testimony.

⁴ In addition to General Order 03-02, which requires officers to request medical aid for an injured individual, Special Order 04-20 ("Responding to Incidents Involving Persons in Need of Mental Health Treatment") reads: "If a person is in need of mental health treatment, and is not immediately dangerous, Department members will contain the subject until assistance arrives."

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12. Police Officer James Hunt, Star No. 11442, is **not guilty** of violating Rules 2, 3, 5, 6, and 10 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification No. 8:

On or about May 30, 2020, at approximately 8:00 p.m., at or near 33 West Kinzie Street, during the protests in Chicago following the killing of George Floyd in Minneapolis, Minnesota, Police Officer James Hunt failed to complete a Tactical Response Report related to his interactions with Lakeya Woods. Officer Hunt thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department's efforts to implement its policy or accomplish its goals;
- c. Rule 5, which prohibits failure to perform any duty;
- d. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying General Order 03-02-02 ("Incidents Requiring the Completion of a Tactical Response Report") and/or Special Order 06-06 ("Mass Arrest Procedures"); and
- e. Rule 10, which prohibits inattention to duty.

See the findings set forth in Section No. 4 above, which are incorporated here by reference.

There is no dispute that Respondent did not complete a Tactical Response Report ("TRR") in relation to his interactions with Ms. Woods. However, Respondent testified that officers were specifically instructed during roll call that there would be a blanket TRR in effect and not to complete them. The Superintendent failed to rebut this testimony, and the Board finds this testimony credible in light of the widespread civil unrest taking place during that time. The Board therefore finds the Superintendent has not met his burden on the charges in Specification No. 8.

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13. Police Officer James Hunt, Star No. 11442, is **not guilty** of violating Rules 2, 3, 6, 8, and 9 in that the Superintendent did not prove by a preponderance of the evidence the following charges set forth in Specification No. 9:

On or about May 30, 2020, at approximately 8:00 p.m., at or near 33 West Kinzie Street, during the protests in Chicago following the killing of George Floyd in Minneapolis, Minnesota, Police Officer James Hunt called Lakeya Woods “fat bitch” or said words to that effect. Officer Hunt thereby violated:

- a. Rule 2, which prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department;
- b. Rule 3, which prohibits any failure to promote the Department’s efforts to implement its policy or accomplish its goals;
- c. Rule 6, which prohibits disobedience of an order or directive, whether written or oral, by disobeying General Order 02-01 (“Human Rights and Human Resources”);
- d. Rule 8, which prohibits disrespect to or maltreatment of any person, while on or off duty; and
- e. Rule 9, which prohibits engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

See the findings set forth in Section No. 4 above, which are incorporated here by reference.

The Superintendent failed to meet his burden to prove by a preponderance of the evidence that Respondent called Ms. Woods “fat bitch” or said words to that effect. In fact, there is zero evidence in the record to support these charges. Respondent denies making such a statement, and there is nothing in the video evidence to suggest otherwise. Even Ms. Woods herself testified that it was a “Chinese or Mexican” officer and/or the officer with the strawberry-blond hair who called her derogatory names. We conclude that the Superintendent has not met his burden on the charges in Specification No. 9.

POLICE BOARD DECISION

The members of the Police Board of the City of Chicago hereby certify that they have read and reviewed the record of the proceedings, viewed the video recording of the entire evidentiary hearing, received the oral report of the Hearing Officer, and conferred with the Hearing Officer on the credibility of the witnesses and the evidence. The Police Board hereby adopts the findings set forth herein by the following votes.

By a vote of 7 in favor (Paula Wolff, Steven Block, Aja Carr-Favors, Mareilé Cusack, Nanette Doorley, Michael Eaddy and Andreas Safakas) to 0 opposed, the Board finds Respondent **not guilty** of the charges in Specification Nos. 1 and 3 – 9.

By a vote of 5 in favor (Block, Cusack, Doorley, Eaddy, and Safakas) to 2 opposed (Wolff and Carr-Favors), the Board finds Respondent **not guilty** of the charges in Specification No. 2.

NOW THEREFORE, IT IS HEREBY ORDERED that Police James Hunt, Star No. 11442, as a result of having been found not guilty of all charges in Police Board Case No. 22 PB 3012, be and hereby is restored to his position as a police officer and to the services of the City of Chicago, with all rights and benefits, effective December 14, 2022 (the date he was suspended upon the filing of charges).

This disciplinary action is adopted and entered by a majority of the members of the Police Board: Steven Block, Mareilé Cusack, Nanette Doorley, Michael Eaddy, and Andreas Safakas. (President Ghian Foreman recused himself from this case—see p. 5 above.)

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19th DAY OF OCTOBER, 2023.

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Attested by:

/s/ STEVEN BLOCK
Board Member

/s/ MAREILÉ CUSACK
Board Member

/s/ MAX A. CAPRONI
Executive Director

DISSENT

We concur with the majority's findings that Respondent is not guilty of the charges in Specification Nos. 1 and 3 – 9, but respectfully dissent from the majority's findings with respect to the charges in Specification No. 2.

We find that Respondent's use of his baton to break Ms. Woods's rear car window was a rash, disrespectful, unjustified action in violation of Rules 2, 3, 6, 8, and 9. There is no dispute that Ms. Woods struck another officer with her car, and while the speed of her car at impact is disputed, there is no evidence the officer was injured. The BWC footage shows the officer unharmed and walking around without issue immediately following the impact. The footage also shows Respondent running over to Ms. Woods's car and breaking her window the moment he approaches. He does not appear to have given Ms. Woods time to voluntarily comply with any verbal directive.

We appreciate the chaotic circumstances that day and that Respondent received minimal training with respect to civil unrest scenarios. However, we find Respondent overreacted. We find that there was no objective need for Respondent's actions under the circumstances, and such drastic actions were uncalled for. Although a supervisor ordered Respondent to "get the keys," this was after Respondent had already broken the rear window and unlocked and opened Ms. Woods's door. Therefore, this order did not justify Respondent's actions. Respondent could (and should) have considered other options. He could have first attempted to speak with Ms. Woods to ascertain her intentions and state of mind, and request that she exit the vehicle. In addition, if Respondent had taken a moment to evaluate the situation once he reached Ms. Woods's car, he would have seen that—as the video showed—the front driver's side window was open, and that he could reach into Ms. Woods's vehicle to unlock her door without having to break the rear

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window. Respondent's actions were unnecessary, unjustified, and disrespectful to Ms. Woods.

We therefore conclude that the Superintendent has met his burden to prove the charges in

Specification No. 2 and that a suspension of Respondent without pay is warranted in this case.

PAULA WOLFF

AJA CARR-FAVORS

RECEIVED A COPY OF

THESE FINDINGS AND DECISION

THIS ____ DAY OF _____, 2023.

LARRY SNELLING
Superintendent of Police