8. SUMMARY OF EVIDENCE

IN THE MATTER OF DISCIPLINARY PROCEEDING AGAINST

Officer Levi Huffine #309735

MEMBER OF THE AURORA CIVIL SERVICE, AURORA POLICE DEPARTMENT

The evidence in support of the investigation is as follows: On August 27, 2019, you transported [redacted] to the jail after her arrest on multiple municipal charges resulting from her involvement in a fight at [redacted]. She was placed in a soft restraint hobble. During the transport, [redacted] was initially verbally belligerent, but after several minutes, she slid onto the floorboard of the patrol vehicle with her head on the floor. [redacted] was in an inverted position on the floorboard of the patrol vehicle for approximately 21 minutes until you arrived at the jail. During that 21 minutes, she repeatedly asked for help, said that her neck was going to break, said that she could not breathe and that she did not want to die like that. You did not look to see what had happened to [redacted]. You did not stop the car and physically check on her or reposition her to a safe and appropriate position on the rear seat.

The Chief's Review Board has recommended to the Chief of Police a finding of **Sustained** for violation(s) of the following Aurora Police Department Directives:

6.5.8 Conduct During Transport

14.2.1 Conduct Unbecoming

The Chief's Review Board has recommended to the Chief of Police a finding of **Not Sustained** for allegations that you may have violated the following APD Directives:

14.2.2 Making a False or Untruthful Declaration

6.5.11 Sick or Injured Detainees

5.8.11 Medical Treatment and Decontamination

You have three (3) days from the Pre-Disciplinary Hearing to request an IRB.

Office of the Chief of Police
Disciplinary Order

Date: February 6, 2020

To: Officer Levi Huffine #309735

From: Vanessa Wilson, Interim Chief of Police

Re: IA Case #19-32

Please be advised that I have reviewed in its entirety IAB Case #19-32. In making my determination, I make the following findings and orders:

1. FINDINGS OF FACT: I adopt as my findings of fact the Summary of Evidence prepared by the Internal Affairs Bureau. I have considered, but will not be following, the recommendation of a 180-hours suspension by the Chief's Review Board.

   You failed to ensure the safety and security of your detainee when you did not take appropriate action in response to her numerous requests for help. You lost visual contact for an extended period of time and did nothing to ensure her welfare.

   It is my expectation that officers always treat individuals with dignity and respect, and you failed to do so on this occasion. You displayed complete disregard for her as a human being and any suffering she may have been experiencing while in your care during transport.

2. DISCIPLINARY ORDER: Taking into account all of the above, it is my determination that you be terminated as of the date and time of this order.

3. NOTICE OF RIGHT TO APPEAL: You have the RIGHT TO APPEAL this Order within ten (10) business days from the service of the order to file an appeal of the disciplinary order in writing with the Civil Service Commission as is more fully set out in the Home Rule Charter of the City of Aurora.

By Order of:

Vanessa Wilson
Interim Chief of Police

VW/djc

APPROVED AS TO FORM:

Office of the City Attorney

2/6/2020
Date

Received by this Office of the City Manager on February 6, 2020, at 11 o'clock a .m.

ORDER:

Approved X, Disapproved _____, Modified as follows:

_____

On 19 FEBRUARY, 2020, at 10 o'clock 9 .m.

Jason Batchelor
Deputy City Manager

ACKNOWLEDGMENT OF SERVICE

I, Levi Huffine, hereby certify that I received a true and correct copy of the above Disciplinary Order on the 24 day of Feb, 2020, at 12:44 a.m./p.m.

(Signature)

CERTIFICATE OF PERSONAL SERVICE

The undersigned hereby certifies that on the 24 day of Feb, 2020, I hand delivered a true and correct copy of the above Disciplinary Order to Levi Huffine.

Signature of Person Affecting Service

Office of the Chief of Police
Memorandum
CONFIDENTIAL

Date: January 23, 2020

To: Officer Levi Huffine #309735

From: Deputy Chief Harry Glidden

Re: IA Case #19-32

The investigation and review of the IAB case is complete. The recommended disposition, as determined by the Chief's Review Board, is as follows:

5.8.11 Medical Treatment and Decontamination - Taser
Findings: **Not Sustained**

6.5.8 Conduct During Transport
Findings: **Sustained**

6.5.11 Sick or Injured Detainees
Findings: **Not Sustained**

14.2.1 Conduct Unbecoming
Findings: **Sustained**

14.2.2 Making a False or Untruthful Declaration
Findings: **Not Sustained**

The Chief's Review Board has recommended a **180-Hour Suspension** for the above sustained violation(s). Please note, the Chief can *uphold or modify* the recommendation as determined after the Pre-Disciplinary Meeting.

A Pre-Disciplinary Hearing has been set for January 30, 2020 at 3:00pm. The Pre-Disciplinary Hearing will take place in Chief Metz's office.

Next Steps

- An Independent Review Board (IRB) IS NOT required is this case.
  - If an IRB is *not* required, the member may make a written request for an IRB at the Pre-Disciplinary Hearing or within three (3) business days after the Pre-Disciplinary Hearing.
  - The process for the IRB is governed by Directive 10.11.
- Notwithstanding whether an IRB is convened or not, the member may submit a written statement to the Chief within three (3) business days after the Pre-Disciplinary Hearing.
- At the expiration of the three (3) business day period, or after the conclusion of any IRB convened, the Chief may impose discipline pursuant to the City Charter. Depending on the

level of discipline, the City Manager or his designee may be required to approve the Discipline Order.

- The Chief (or his designee) will conduct a Final Disciplinary Meeting with the member and any other person the Chief (or his designee) requires to be at the Final Disciplinary Meeting. At that meeting, the member will be given a copy of the written Discipline Order or, if no discipline is to be imposed, will be informed of the Chief's decision.

- Fines, suspensions, reimbursements, demotions or dismissals arising from disciplinary action are subject to appeal as stated in Directive 10.5. Written Reprimands are not appealable.

- You are encouraged to review Directives 10.02, 10.05, 10.11, and Charter 3-16(8).

****Please note, DM 10.2.16 prohibits the involved members from being armed during all disciplinary hearings with the Chief of Police or designee. Members should either come to the meeting unarmed, or be prepared to turn over all weapons for safe-keeping during the meeting.**

Should you have any questions, please contact the Chief's Office at 303-739-6016.