

## SUMMARY REPORT OF INVESTIGATION

## I. EXECUTIVE SUMMARY

Date of Incident:	January 4, 2019
Time of Incident:	10:30pm
Location of Incident:	8220 S. Jeffrey Boulevard, Chicago, Illinois
Date of COPA Notification:	January 8, 2019
Time of COPA Notification:	11:33am

On January 4, 2019, at approximately 10:30pm, at 8220 S. Jeffrey Boulevard, [REDACTED] ([REDACTED] was curbed for a traffic infraction<sup>1</sup> by 004<sup>th</sup> District Tactical Officer Kristen Daniels, #13675, (“Officer Daniels”) and Officer Michael Golden, #3156, (“Officer Golden”). [REDACTED] ([REDACTED] the father of [REDACTED] son, was a passenger.<sup>2</sup> A namecheck revealed that [REDACTED] had an active Order of Protection against [REDACTED] and [REDACTED] was taken into custody.

[REDACTED] verbally protested [REDACTED] arrest and attempted to call her mother from her cell phone.<sup>3</sup> Officer Jeffrey Budz (“Officer Budz”) grabbed [REDACTED] wrist/hand and took her cell phone from her hand. As Officer Budz was removing [REDACTED] cell phone from her hand, [REDACTED] grabbed Officer Budz’ wrist and requested that he return her cell phone. Officer Budz told [REDACTED] that she couldn’t be on her cell phone while she was being detained for a traffic infraction. According to [REDACTED] Officer Budz’ actions of removing the cell phone from her hand caused injury to one of her fingers. [REDACTED] cell phone was returned to her after she was issued traffic citations. [REDACTED] was not arrested.

## II. INVOLVED PARTIES

Involved Officer #1:	Police Officer Jeffrey Budz; Star #2931; Employee # [REDACTED]; Unit: 193; <sup>4</sup> DOA: October 31, 2016; DOB: [REDACTED], 1991; Male; White.
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1994; Female/Black.

<sup>1</sup> [REDACTED] had no rear plate light.

<sup>2</sup> [REDACTED] and [REDACTED] were the only two occupants of the vehicle.

<sup>3</sup> [REDACTED] was standing outside her vehicle during this time.

<sup>4</sup> On the date of the incident, Officer Budz was assigned to the 004<sup>th</sup> District.

**III. ALLEGATIONS**

Officer	Allegation	Finding / Recommendation
Officer Jeffrey Budz	<p>It is alleged by ██████████ that on or about January 4, 2019, at approximately 10:30pm, at or near 8220 S. Jeffrey Boulevard, Chicago, Illinois, Officer Jeffrey Budz committed misconduct through the following acts or omissions:</p>	Exonerated
	<ol style="list-style-type: none"> <li>1. Grabbed ██████████ by the wrist when removing her cell phone from her hand, causing injury to one of her fingers.</li> </ol>	
	<p>It is alleged by COPA that on or about January 4, at approximately 10:30pm, at or near 8220 S. Jeffrey Boulevard, Chicago, Illinois, Officer Jeffrey Budz committed misconduct through the following acts or omissions:</p>	Exonerated
	<ol style="list-style-type: none"> <li>2. Took ██████████ cell phone from her hand without justification.</li> </ol>	

**IV. APPLICABLE RULES AND LAWS**

Rules

1. Rule 8: Prohibits disrespect or maltreatment of any person, while on or off duty

General Orders

1. General Order G03-02-01 – Use of Force

**V. INVESTIGATION<sup>5</sup>**

**a. Interviews**

██████████

<sup>5</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

During an interview with COPA on January 9, 2019, ██████████ stated that Officer Daniels approached the driver's side of her vehicle and asked for her driver's license. Before giving Officer Daniels her State Identification,<sup>6</sup> ██████████ asked Officer Daniels why she was curbed and became angry when Officer Daniels didn't immediately tell her. Officer Golden approached the passenger side of ██████████ vehicle and asked ██████████ for his identification. Officer Daniels and Officer Golden ran namechecks of ██████████ and ██████████ inside their vehicle while ██████████ called her mother from her cell phone and told her that she was being stopped by the police. Officer Daniels and Officer Golden returned to ██████████ vehicle and told ██████████ that the namechecks revealed that ██████████ had an active Order of Protection against ██████████ and ██████████ were ordered from the vehicle and ██████████ was taken into custody.

██████████ became angry, explained that she was in the process of having the Order of Protection removed and attempted to call her mother a second time. Officer Budz told ██████████ that she could not be on her phone during a traffic stop and told her to give him her phone. ██████████ refused and continued to use her phone. Officer Budz grabbed and twisted one of ██████████ wrists<sup>7</sup> and bent one of ██████████ fingers backward to remove her finger from the cell phone ring. ██████████ grabbed Officer Budz' hand. Officer Joseph Guarascio, #13853, Unit 004, ("Officer Guarascio") accused ██████████ of touching an officer and grabbed ██████████ wrist. ██████████ repeatedly told Officer Budz and Officer Guarascio to let go of her. Officer Budz took possession of ██████████ phone, hung up on her mother, and placed the phone on the hood of the vehicle. ██████████ mother arrived and was apprised of the situation. ██████████ was issued traffic citations and allowed to leave. The next morning, ██████████ noticed that one of her fingers was injured as a result of her contact with Office Budz and sought medical treatment at ██████████.

#### *Officer Joseph Guarascio*

During an interview with COPA, Officer Guarascio stated that he and Officer Budz were working together when they heard radio communication that Officer Daniels and Officer Golden went down on a traffic stop. Officer Guarascio viewed the footage from body worn camera worn by Officer Daniels and identified Officer Budz as being the officer who removed the cell phone from ██████████ hand. Officer Guarascio identified himself as the officer who grabbed ██████████ arm when ██████████ made physical contact with Officer Budz in effort to pull her phone back from Officer Budz. Officer Guarascio described ██████████ as being irate and stated that ██████████ could not be on her phone because she was being detained and because she could have used her cell phone as a weapon. Officer Guarascio stated that he did not observe injury to ██████████ or hear ██████████ complain of injury.<sup>8</sup>

#### *Officer Jeffrey Budz*

During an interview with COPA, Officer Jeffrey Budz described ██████████ as being very irate because her boyfriend was being arrested. Officer Budz stated that he became active in the incident by pulling ██████████ cell phone from her hand. Officer Budz stated that he pulled ██████████ cell phone from her hand because ██████████ use of the cell phone was a form of obstruction during a

<sup>6</sup> ██████████ was not in possession of her Driver's License.

<sup>7</sup> ██████████ stated that her cell phone has a holding ring affixed to it and that one of her fingers got caught in the ring.

<sup>8</sup> Att. #28.

traffic stop, in which [REDACTED] as the driver, was being questioned and detained. Officer Budz stated immediately thereafter, [REDACTED] committed a battery upon him in that she grabbed him by the arm in effort to retrieve her phone from him. Officer Budz stated that he was not injured by [REDACTED] actions against him and used his own discretion to not press charges against [REDACTED]. Officer Budz stated that he did not observe injury to [REDACTED] hands or fingers or hear [REDACTED] complain of injury to her hands or fingers.<sup>9</sup>

#### b. Digital Evidence

The **Body Worn Camera footage** captured the overall traffic stop. [REDACTED] was verbally aggressive and presented her State Identification card instead of her driver's license.<sup>10</sup> A namecheck on [REDACTED] revealed that [REDACTED] had an active Order of Protection against [REDACTED]. Officer Golden radioed for a caged car to transport [REDACTED] and [REDACTED] was taken into custody.<sup>11</sup> [REDACTED] exited her vehicle and began yelling at the officers. Officer Daniels ordered [REDACTED] to get back inside her vehicle. [REDACTED] refused, continued to yell at the officers and tried to call someone from her cell phone. Officer Budz told [REDACTED] that she could not be on the phone during a traffic stop.

[REDACTED] continued to yell at the officers. Officer Budz reached toward and took a hold of [REDACTED] right wrist/hand to take her phone. [REDACTED] told Officer Budz to let go of her hand and grabbed Officer Budz' right arm as she attempted to maintain possession of the phone. Officer Budz told [REDACTED] not to grab his arm and not to grab a police officer's hand. Officer Guarascio reached in and attempted to pull [REDACTED] hand away from Officer Budz. Officer Budz told [REDACTED] to let go of the phone. [REDACTED] held onto the phone until Officer Budz pulled it from her grasp. Officer Daniels told [REDACTED] to get back inside her car. [REDACTED] refused and continued to yell at the officers. [REDACTED] was told that her phone would be returned to her following the traffic stop. [REDACTED] calmed down. [REDACTED] mother arrived and was apprised of the situation. [REDACTED] was cited and allowed to leave the scene.<sup>12</sup>

COPA Investigators took **photographs of [REDACTED]**. The photographs depict the middle finger of [REDACTED] right hand bandaged with what appears to be gauze.<sup>13</sup>

#### c. Physical Evidence

[REDACTED] provided **medical records from Trinity Hospital, dated January 5, 2019**. The medical records documented that [REDACTED] sustained third finger pain following hyperextension trauma and was diagnosed with a finger sprain.<sup>14</sup>

#### d. Documentary Evidence

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<sup>9</sup> Att. #29.

<sup>10</sup> Before giving Officer Daniels her State Identification card, [REDACTED] repeatedly asked Officer Daniels why she was stopped.

<sup>11</sup> Officer Eid Abueid, #7490, and Officer Joshua Rangel, #2882, Beat 402, were the transporting officers.

<sup>12</sup> Att. #33.

<sup>13</sup> Att. #21.

<sup>14</sup> Att. #12.

The **related Department reports** document that [REDACTED] vehicle was curbed by Officer Daniels and Officer Golden for a missing rear plate light. Officer Daniels and Officer Golden conducted a field interview and requested identification from [REDACTED] and [REDACTED]. A namecheck revealed that [REDACTED] had an active Order of Protection against [REDACTED] was taken into custody. [REDACTED] was cited for no rear license plate light and for failing to produce a driver's license.<sup>15</sup>

## VI. 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
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 occurred and violated 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 misconduct occurred, 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.

## VII. ANALYSIS

[REDACTED] made allegations that Officer Budz grabbed her by the wrist while removing her cell phone from her hand, causing injury to one of her fingers. An additional allegation was made that Officer Budz took [REDACTED] cell phone from her hand without justification. The evidence indicates that [REDACTED] was verbally aggressive during the incident. [REDACTED] was told that she was not allowed to be on her cell phone during the traffic stop because she was being detained. [REDACTED] ignored the officers and remained on her phone. Because she was being detained, obstructing the

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<sup>15</sup> Att. #9, #10, #13, #14, #15

police from doing their job, and could have used the cell phone as a weapon, Officer Budz pulled [REDACTED] cell phone from her right hand and told her that she could not be on the phone. [REDACTED] grabbed Officer Budz' person in an effort to retrieve her cell phone back from Officer Budz. Once the officers finished writing the citations, [REDACTED] cell phone was returned to her after the officers finished writing the citations. The evidence is clear and convincing, based upon [REDACTED] overall conduct during the traffic stop, that Officer Budz' actions were lawful and proper and in accordance with Department policy, rules and regulations, thereby Exonerating the actions of Officer Budz.

Approved:

[REDACTED]

2-25-2022

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Angela Hearts-Glass  
*Deputy Chief Administrator*

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Date