

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	January 19, 2019
Time of Incident:	7:30 pm
Location of Incident:	7956 S. Exchange Avenue
Date of COPA Notification:	January 23, 2019
Time of COPA Notification:	8:16 am

On January 19, 2019, at approximately 7:30 pm, [REDACTED] was working as an Uber driver and was picking up a rideshare customer, believed to be [REDACTED] when he was a subject of a traffic stop. Mr. [REDACTED] was approached by three officers, now known as Officers Emily Ryan, Jeffrey Budz and Daniel Golden. The incident was captured on their Body Worn Camera (BWC). Mr. [REDACTED] was approached by Officer Golden who requested to see his driver’s license. Officer Golden asked Mr. [REDACTED] “What are you guy’s doing?”¹ and Mr. [REDACTED] replied that he was working. Mr. [REDACTED] alleged that Officer Golden pulled him out of his vehicle, grabbed his arms and twisted them behind his back. Officer Golden handcuffed Mr. [REDACTED] and conducted a pat down. Officer Ryan instructed Mr. [REDACTED] out of the vehicle, handcuffed him, and conducted a pat down, and searched his pockets. Mr. [REDACTED] related that all three officers searched the inside of his vehicle and trunk. After Officer Golden ran their names, both Mr. [REDACTED] and Mr. [REDACTED] were uncuffed and were released.

II. INVOLVED PARTIES

Involved Officer #1:	Emily Ryan, Star# 2716, Employee# [REDACTED], Date of Appointment: April 6, 2015, Police Officer, Unit of Assignment: 004/193, Female, White.
Involved Officer #2:	Jeffrey Budz, Star# 2931, Employee# [REDACTED], Date of Appointment: October 31, 2016, Police Officer, Unit of Assignment: 004/189, Male, White.
Involved Officer #3:	Daniel Golden, Star# 10964, Employee# [REDACTED], Date of Appointment: February 29, 2016, Police Officer, Unit of Assignment: 004/193, Male, White.
Involved Individual:	[REDACTED] DOB: [REDACTED], 1982, Male, Black.

¹ Attachment #17, Body Worn Camera of Officer Daniel Golden, minute :42.

III. ALLEGATIONS

Officer	Allegation	Finding / Recommendation
Officer Emily Ryan	<p>It is alleged that on or about January 19, 2019, at approximately 7:30 pm at or near 7956 S. Exchange Ave., Officer Emily Ryan committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> 1. Curbed [REDACTED] vehicle and conducted a traffic stop without justification. 2. Conducted an improper search of [REDACTED] vehicle. 3. Failed to document the stop of [REDACTED] and his ride-share customer. 4. Failed to complete Investigatory Stop Reports (ISR) and failed to issue receipts for the stops. 5. Handcuffed [REDACTED] and searched him without justification. 	<p>Not Sustained</p> <p>Exonerated</p> <p>Sustained</p> <p>Sustained</p> <p>Exonerated</p>
Officer Jeffrey Budz	<p>It is alleged that on or about January 19, 2019, at approximately 7:30 pm at or near 7956 S. Exchange Ave., Officer Jeffrey Budz committed misconduct through the following acts or omissions:</p> <ol style="list-style-type: none"> 1. Curbed [REDACTED] vehicle and conducted a traffic stop without justification. 2. Conducted an improper search of [REDACTED] vehicle without justification. 3. Failed to document the stop of [REDACTED] and his ride-share customer. 4. Failed to complete Investigatory Stop Reports (ISR) and failed to issue receipts for the stops. 	<p>Not Sustained</p> <p>Exonerated</p> <p>Sustained</p> <p>Sustained</p>
Officer Daniel Golden	<p>It is alleged that on or about January 19, 2019, at approximately 7:30 pm at or near 7956 S. Exchange Ave., Officer Daniel Golden committed misconduct through the following acts or omissions:</p>	

1. Curbed [REDACTED] vehicle and conducted a traffic stop without justification.	Not Sustained
2. Conducted an improper search of [REDACTED] vehicle without justification.	Exonerated
3. Failed to document the stop of [REDACTED] and his ride-share customer.	Sustained
4. Failed to complete Investigatory Stop Reports (ISR) and failed to issue receipts for the stops.	Sustained
5. Handcuffed [REDACTED] and searched him without justification.	Exonerated
6. Was rude and unprofessional and referred to [REDACTED] as "goofy."	Unfounded
7. Pulled [REDACTED] out of his vehicle and twisted his arm without justification.	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 1. Violation if any law or Ordinance.
2. Rule 2. Any action or conduct which impeded the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
3. Rule 8. Disrespect/Maltreatment of any person while on or off duty.

General Orders²

1. GO 01-01, Mission Statement and Core Values³
2. GO 02-02, The First Amendment and Police Actions⁴

Special Orders

² All references in this report to Department Directives are to the orders that were in effect at the time of this incident, unless otherwise noted.

³ Attachment #65, General Order 01-01, Mission Statement and Core Values.

⁴ Attachment #66, General Order 02-02, The First Amendment and Police Actions.

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1. SO 04-13-09, Investigatory Stop System⁵
 2. SO 04-14-09, Illinois Traffic and Pedestrian Stop Statistical Study⁶
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Federal Laws

1. Fourth Amendment, United States Constitution.
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V. INVESTIGATION⁷

a. Interviews

In an interview with COPA⁸ on January 24, 2019, ██████████ related that on January 19, 2019, he was working as an Uber driver and was picking up a rideshare customer, now known as ██████████ at 7956 S. Exchange Ave. When Mr. ██████████ picked up Mr. ██████████ he observed a police SUV behind his vehicle with its emergency lights activated before he could pull off. He related that one of the officers, now known as Officer Daniel Golden approached his window and asked him for his driver's license. He then observed a second officer, now known as Officer Emily Ryan, conduct a pat down on him and handcuffed him. A third officer, now known as Officer Jeffrey Budz, was also on the scene. Mr. ██████████ said he was not given an explanation as to why he was stopped and pulled out of his vehicle. He said, Officer Golden grabbed and twisted his arms and handcuffed him behind his back. While being patted down, Officer Golden repeatedly asked him questions and accused him of not answering him. Mr. ██████████ said Officer Golden told him he could not talk and look at him "goofy."⁹ Mr. ██████████ said he repeatedly told Officer Golden that he was working as an Uber driver. He said all three officers searched his vehicle and did not ask for permission. Mr. ██████████ related that Officer Budz removed his keys from the ignition, opened the trunk and searched it. Mr. ██████████ stated that he was upset but stayed quiet during the entire incident. He said Officer Golden placed his driver's license in his shirt pocket, uncuffed him, and Mr. ██████████ and they were both released.

In an interview with COPA¹⁰ on March 10, 2020, Officer Emily Ryan viewed her Body Worn Camera (BWC)¹¹ prior to conducting her interview. Officer Ryan was working with Officer Daniel Golden and Officer Jeffrey Budz when they conducted a traffic stop on ██████████. Officer Ryan could not recall if Mr. ██████████ vehicle was in motion or the probable cause for the stop. Officer Ryan said she approached the rideshare passenger, now known as ██████████ and observed him not wearing a seatbelt. Officer Ryan did not issue Mr. ██████████ a citation because she said she used officer discretion and gave him a break.

⁵ Attachment #20, Special Order 04-13-09, Investigatory Stop System.

⁶ Attachment #25, Special Order 04-14-09, Illinois Traffic and Pedestrian Stop Statistical Study.

⁷ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

⁸ Attachment #24, Audio interview transcription of ██████████

⁹ Attachment #17, Body Worn Camera video of Officer Daniel Golden, minute 1:22.

¹⁰ Attachment #40, Audio Interview transcription of Officer Emily Ryan.

¹¹ Attachment #17, Body Worn Camera of Officer Emily Ryan.

Officer Ryan heard Mr. [REDACTED] inform Officer Golden that he was a rideshare driver. Officer Ryan noticed that Mr. [REDACTED] cell phone did not depict a rideshare app and did not observe any identifying documentation inside the vehicle. Officer Ryan believed that there was something illegally occurring, and they asked Mr. [REDACTED] and Mr. [REDACTED] to exit the vehicle. Officer Ryan handcuffed Mr. [REDACTED] and smelled the odor of unburnt cannabis emitting from him. Officer Ryan observed herself conducting a pat down and unzipping Mr. [REDACTED] coat pocket and reaching inside and finding cannabis. Officer Ryan related that she did not articulate her actions in any police reports and could not provide an explanation. However, Officer Ryan related that issuing Mr. [REDACTED] a Civil Law Citation would have meant bringing him to the station, inventorying the cannabis and issuing him a citation.

Instead, Officer Ryan did not issue Mr. [REDACTED] a citation and used officer discretion and gave him a break. Officer Ryan searched the backseat area where Mr. [REDACTED] was sitting and found no further cannabis. Officer Ryan identified Officer Budz as the officer captured in her BWC video searching the trunk of Mr. [REDACTED] vehicle. Officer Ryan could not provide an explanation why the trunk was opened and searched. Officer Ryan was shown an Investigatory Stop Report (ISR) Search¹² which revealed that she did not complete an ISR on Mr. [REDACTED] and Mr. [REDACTED]. Officer Ryan asked if a search was conducted on her partners as well. Officer Ryan was shown the ISR Search¹³ for Officer Golden which revealed that he also did not complete an ISR on Mr. [REDACTED] and Mr. [REDACTED]. Officer Ryan could not recall the reason for not completing the ISR's and did not recall completing a Traffic Stop Statistical Study Search (TSSS). Officer Ryan admitted that she should have completed an ISR but must have forgotten. Officer Ryan denied the allegations that the traffic stop, and the search of the vehicle were without justification. Officer Ryan admitted that she handcuffed and searched Mr. [REDACTED] but denied the allegation that it was without justification. Officer Ryan's BWC did not capture her making any comments about Mr. [REDACTED] not wearing a seatbelt.

In an **interview with COPA**¹⁴ on February 11, 2021, Officer Jeffrey Budz viewed his Body Worn Camera (BWC)¹⁵ prior to conducting his interview. Officer Budz was working with Officer Daniel Golden and Officer Emily Ryan when they conducted a traffic stop on [REDACTED]. Officer Budz related that the traffic stop was initiated based on a traffic violation but could not recall the violation. In his BWC video, Officer Budz observed the passenger, [REDACTED] not wearing a seatbelt which could have been another reason for the stop. Officer Budz stated, "It's a really bad neighborhood. We don't have time to sit there and write tickets all day."¹⁶ Officer Budz explained that officer discretion is often used, and a citation was not issued to Mr. [REDACTED] and Mr. [REDACTED]. Officer Budz observed Officer Golden approach Mr. [REDACTED] and Officer Ryan approach Mr. [REDACTED] and they were both asked to exit the vehicle. However, Officer Budz could not recall the reason why Mr. [REDACTED] and Mr. [REDACTED] were asked to exit the vehicle. Officer Budz said he searched the front of the vehicle because he was looking for Mr. [REDACTED] driver's license that was inside his wallet. Officer Budz did not recall smelling an odor of cannabis.

¹² Attachment #31, Investigatory Stop Report Search on Officer Emily Ryan.

¹³ Attachment #29, Investigatory Stop Report Search on Officer Daniel Golden.

¹⁴ Attachment #64, Audio interview transcription of Officer Jeffrey Budz.

¹⁵ Attachment #39, Body Worn Camera of Officer Jeffrey Budz.

¹⁶ Attachment #64, Audio interview transcription of Officer Jeffrey Budz, page 10, lines 9-12.

Officer Budz said after observing himself on BWC opening and searching the trunk of the vehicle and believed he was conducting a narcotics investigation. Officer Budz did not find any narcotics and related that Mr. [REDACTED] and Mr. [REDACTED] were only handcuffed and detained, but not arrested. Officer Budz was shown Special Order 04-13-09 (Investigatory Stop System)¹⁷ which governs the use of the Investigatory Stop Report (ISR). Officer Budz was shown a blank copy of an Investigatory Stop Report¹⁸ and read specifically page 2 which states: “Investigatory Stop Narrative (Must include all factors that support Reasonable Articulate Suspicion or Probable Cause to justify the stop, all factors that support Reasonable Articulate Suspicion to justify the Protective Pat Down, and the basis and all reasons the led to the search beyond a Protective Pat Down).”¹⁹ Officer Budz admitted that he did not complete an ISR and did not issue ISR receipts to Mr. [REDACTED] and Mr. [REDACTED].

Officer Budz was shown Special Order 04-14-09, Illinois Traffic and Pedestrian Stop Statistical Study (TSSS)²⁰ which governs the proper use of the Driver Information Card which is commonly referred as a blue card. Officer Budz related that he was familiar with the blue card but did not recall completing the (TSSS) report. Officer Budz did not document the stop or the search of the vehicle on any police reports. Officer Budz denied the allegations that the traffic stop, and the search of the vehicle were without justification. Officer Budz related that he could not affirm or denied the allegation that he failed to document the stop of Mr. [REDACTED] and Mr. [REDACTED]. Officer Budz related that the 4th District never supplies ISR receipt because they were always running out of supplies. Officer Budz was shown an Investigatory Stop Report search²¹ that revealed he did not complete an ISR on Mr. [REDACTED] and Mr. [REDACTED]. At that point, Officer Budz admitted that he did not complete an ISR on Mr. [REDACTED] and Mr. [REDACTED] or issue any ISR receipts.

In an **interview with COPA**²² on February 11, 2021, Officer Daniel Golden viewed his Body Worn Camera (BWC)²³ prior to conducting his interview. Officer Golden was working with Officer Jeffrey Budz and Officer Emily Ryan when they conducted a traffic stop on [REDACTED]. Officer Golden said he was driving the police vehicle when he observed Mr. [REDACTED] commit a traffic violation. Officer Golden could not recall the traffic violation but related that all his traffic stops have probable cause. Officer Golden activated the emergency lights and proceeded to stop Mr. [REDACTED] vehicle. Officer Golden approached Mr. [REDACTED] while Officer Ryan approached the passenger, now known as [REDACTED].

Officer Golden described Mr. [REDACTED] as not answering his questions and not looking at him. He said this raised his awareness that there might be contraband inside the vehicle. Officer Golden recalled the odor of cannabis emitting from the vehicle and instructed everyone to exit. Officer Golden admitted that he did not provide Mr. [REDACTED] with an explanation for the stop and made no comment about the odor of cannabis. Officer Golden proceeded to grab Mr. [REDACTED] and placed him

¹⁷ Attachment #20, Special Order 04-13-09, Investigatory Stop System.

¹⁸ Attachment #46, Investigatory Stop Report blank copy, CPD-11.910.

¹⁹ *Id.*, page 2,

²⁰ Attachment #25, Special Order 04-14-09, Illinois Traffic and Pedestrian Stop Statistical Study.

²¹ Attachment #42, Investigatory Stop Report Search on Officer Jeffrey Budz.

²² Attachment #63, Audio interview transcription of Officer Daniel Golden.

²³ Attachment #17, Body Worn Camera video of Officer Daniel Golden.

in handcuffs. Officer Golden described it as a narcotics investigation and initiated a search of the vehicle. Officer Golden did observe Officer Budz searching the trunk and described it as part of the narcotics investigation. Officer Golden searched Mr. [REDACTED] vehicle and did not find any narcotics.

Officer Golden was shown an Investigatory Stop Report (ISR) Search²⁴ and it revealed that he did not complete an ISR report on Mr. [REDACTED] and Mr. [REDACTED]. Officer Golden admitted that he did not complete an ISR on Mr. [REDACTED] and Mr. [REDACTED]. Officer Golden also admitted that he did not issue a citation and did not complete a Traffic Statistical Study Report which is commonly referred as a blue card. However, Officer Golden denied the allegations that the traffic stop, search of the vehicle, and the search of Mr. [REDACTED] were without justification. Officer Golden also denied the allegation that he pulled Mr. [REDACTED] out of the vehicle and twisted his arm without justification. He further denied referring to Mr. [REDACTED] as “goofy.” However, Officer Golden admitted hearing himself on his BWC state to Mr. [REDACTED] “Why are you looking at me like I’m goofy?”²⁵

b. Digital Evidence

BWC of Officer Daniel Golden²⁶ captured him driving the squad car and conducting a traffic stop along with his partners, Officer Emily Ryan, and Officer Jeffrey Budz. Officer Golden approached the driver, [REDACTED] and asked him to lower his window and requested to see his driver’s license. Officer Golden asked Mr. [REDACTED] what he was doing and Mr. [REDACTED] informed Officer Golden that he was working as an Uber driver. Officer Ryan is observed on the passenger side speaking to the rideshare passenger, [REDACTED]. Officer Golden requested that Mr. [REDACTED] lower his back door windows and then asked him to step out of his vehicle. Officer Golden asked Mr. [REDACTED] if he had any illegal items in his vehicle and Mr. [REDACTED] stated that he did not. Mr. [REDACTED] is observed exiting out of his vehicle without any assistance. Officer Golden is observed grabbing Mr. [REDACTED] wrist and handcuffing him behind his back. Officer Golden is observed conducting a pat down on Mr. [REDACTED]. Officer Golden told Mr. [REDACTED] that he was not answering his questions and that Mr. [REDACTED] was looking at him as if he were “Goofy.”²⁷

As Officer Golden walked around the vehicle, Mr. [REDACTED] is observed handcuffed at the rear and is being questioned by Officer Ryan. Officer Golden was captured walking toward the rear passenger side and observed a backpack laying on the floorboard. Officer Golden opened the zippers to the backpack and searched inside. Officer Golden walked around the vehicle and Officer Budz is captured searching the front driver’s side. Officer Golden is captured asking personal information from Mr. [REDACTED] and Mr. [REDACTED] and writing the information into a notepad. Officer Golden returned to the squad car and entered information into the Portable Data Terminal. After entering the information, Officer Golden approached Mr. [REDACTED] and removed the handcuffs and stated, “All right, you guys are good.”²⁸

²⁴ Attachment #29, Investigatory Stop Report Search on Officer Daniel Golden.

²⁵ Attachment #63, Audio interview transcription of Officer Daniel Golden, page 28, lines 1-2.

²⁶ Attachment #17, All references to specific times within a BWC video correspond to the running time of the body worn camera video of Officer Daniel Golden.

²⁷ *Id.*, minute 1:23 – Officer Golden BWC.

²⁸ *Id.*, minute 4:28.

BWC of Officer Emily Ryan²⁹ captured her and her partners, Officer Daniel Golden and Officer Jeffrey Budz conducting a traffic stop. Officer Ryan approached the passenger side while Officer Golden approached the driver's side, as Officer Budz stood at the rear at the vehicle. Officer Ryan flashed her flashlight inside the vehicle and observed the rideshare passenger, [REDACTED]³⁰ Officer Ryan is heard relating that she does not see the Uber plaque on the window or the app on the phone. Mr. [REDACTED] is observed exiting from the rear passenger seat and is immediately handcuffed by Officer Ryan. Mr. [REDACTED] is captured informing Officer Ryan that his girlfriend requested an Uber for him, and the vehicle was a gray Toyota Corolla. Officer Ryan is observed searching and unzipping Mr. [REDACTED] pockets and asking is there anything inside that would harm her. Officer Budz is captured searching the trunk of the vehicle and Officer Ryan is observed searching the rear driver's side area.

BWC of Officer Jeffrey Budz³¹ captured him sitting on the rear passenger seat while his partner, Officer Daniel Golden is driving, and Officer Emily Ryan is sitting on the front passenger seat. A traffic stop was initiated, Officer Golden approached the driver's side of the vehicle, Officer Ryan approached the passenger side, as Officer Budz stood at the rear. Officer Golden approached the driver, [REDACTED] and began to question him while Officer Ryan questioned the rideshare passenger, [REDACTED] Officer Ryan is observed handcuffing Mr. [REDACTED] while Officer Golden is observed handcuffing Mr. [REDACTED] Officer Golden is heard asking where his Uber plaque and Mr. [REDACTED] is said inside the glove compartment because it kept falling off. Officer Budz is captured searching inside the front and rear of Mr. [REDACTED] vehicle. Officer Budz was also captured removing the keys from the ignition and opening the trunk and searching it.³²

c. Documentary Evidence

A Name search on [REDACTED] [REDACTED] revealed no police documents associated with the traffic stop.

A Name search on [REDACTED] [REDACTED] revealed no police documents associated with the traffic stop.

Contact Information Card search on [REDACTED] [REDACTED] revealed no card associated with the traffic stop.

Contact Information Card search on [REDACTED] [REDACTED] revealed no card associated with the traffic stop.

²⁹ Attachment #17, All references to specific times within a BWC video correspond to the running time of the body worn camera video of Officer Emily Ryan.

³⁰ [REDACTED] was not wearing a seat belt. Attachment #17, minute 00:48 – Officer Ryan BWC

³¹ Attachment #39, All references to specific times within a BWC video correspond to the running time of the body worn camera video of Officer Jeffrey Budz.

³² *Id.*, minute 3:33 minute – Officer Budz BWC.

³³ Attachment #18, Name search of [REDACTED]

³⁴ Attachment #21, Name search of [REDACTED]

³⁵ Attachment #19, Contact Information Card Search on [REDACTED]

³⁶ Attachment #22, Contact Information Card Search on [REDACTED]

Investigatory Stop Report (ISR) search on Officer Daniel Golden³⁷ revealed that he did not complete ISR's on [REDACTED] and [REDACTED]

Investigatory Stop Report (ISR) search on Officer Emily Ryan³⁸ revealed that she did not complete ISR's on [REDACTED] and [REDACTED]

Investigatory Stop Report (ISR) search on Officer Jeffrey Budz³⁹ revealed that he did not complete ISR's on [REDACTED] and [REDACTED]

Traffic Stop Statistical Study (TSSS) search on Officer Daniel Golden⁴⁰ revealed that no reports were completed on [REDACTED] and [REDACTED]

Traffic Stop Statistical Study (TSSS) search on Officer Emily Ryan⁴¹ revealed no reports were completed on [REDACTED] and [REDACTED]

Traffic Stop Statistical Study (TSSS) search on Officer Jeffrey Budz⁴² revealed no reports were completed on [REDACTED] and [REDACTED]

Traffic Citation search of [REDACTED] [REDACTED] revealed no citation associated with the traffic stop.

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 reviewed complied with Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an

³⁷ Attachment #29, Investigatory Stop Report Search on Officer Daniel Golden.

³⁸ Attachment #31, Investigatory Stop Report Search on Officer Emily Ryan.

³⁹ Attachment #42, Investigatory Stop Report Search on Officer Jeffrey Budz.

⁴⁰ Attachment #28, Traffic Stop Statistical Study Search on Officer Daniel Golden.

⁴¹ Attachment #30, Traffic Stop Statistical Study Search on Officer Emily Ryan.

⁴² Attachment #43, Traffic Stop Statistical Study Search on Officer Jeffrey Budz.

⁴³ Attachment #32, Traffic Citation search on [REDACTED]

investigation establishes that it is more likely that the conduct complied with Department policy than that it did not, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g.*, *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

VII. ANALYSIS AND CONCLUSION

a. Detention Allegations

COPA finds that Allegation #1 against all the Accused, that they improperly stopped ██████ is **not sustained**. While the record contains evidence that ██████ and/or ██████ engaged in traffic violations, specifically failing to display the required insignia while operating as a rideshare driver and failing to wear a seat belt; there is insufficient evidence that the Accused were aware of these violations prior to stopping the vehicle. It is for these reasons, that COPA determined this allegation is **not sustained**.⁴⁴

b. Search Allegations

COPA finds that Allegation #2 against all the Accused, that they improperly searched ██████ vehicle is **exonerated**. Additionally, COPA finds that Allegation #5 against Officers Golden and Ryan, that they improperly detained and searched ██████ and ██████ respectively, are **exonerated**. In Illinois and the City of Chicago, cannabis can only be lawfully transported if it is in a sealed, odor-proof, child-resistant container.⁴⁵ Therefore, when a CPD member detects the odor of cannabis emitting from a vehicle, the officer has probable cause to conduct a search of a vehicle. Further, this principle has been extended to include searches of the driver and passengers of that vehicle.⁴⁶ Here, Officers Golden and Ryan recounted to COPA the smell of cannabis emitting from the vehicle. Additionally, the fact that Officer Ryan recovered improperly packaged cannabis from ██████ person supports the reasonability that Officers Golden and Ryan smelled cannabis during the incident. For these reasons COPA finds that Officers Golden and Ryan more likely than not did in fact smell cannabis during the incident. Since Officers Golden and Ryan's detection of cannabis emitting from the vehicle established the needed probable cause that the vehicle contained contraband, specifically cannabis. Therefore, the search of the vehicle was reasonable and proper. Additionally, since Officers Golden and Ryan detected cannabis emitting from the vehicle, they were permitted to complete a search of ██████ and ██████ therefore these searches were reasonable and proper.

⁴⁴ The lack of documentation, discussed below, directly impacted the analysis of this allegation.

⁴⁵ 625 ILCS 5/11-502.15(c); *also see* MCC 7-24-099(b)(4).

⁴⁶ *People v. Zayed*, 2016 IL App (3rd) 140780 (2016).

c. Force Allegations

COPA finds that Allegation #7 against Officer Golden, that he pulled ██████ out of the vehicle and twisted his arm, is **unfounded**. Despite ██████'s assertions to the contrary, Officer Golden in no way touched ██████ as he exited the vehicle.⁴⁷ Therefore, this allegation is **unfounded**.

d. Professionalism Allegations

COPA finds that Allegation #6 against Officer Golden, that he referred to ██████ as “goofy”, is **unfounded**. It is undisputed that Officer Golden made a remark using the word “goody.” However, the context and use of the word “goofy” is highly relevant in this instance. Officer Golden used the word “goofy” in one remark. The remark was made as Officer Golden was asking ██████ questions and that ██████ was responding to with a blank stare. Officer Golden’s exact words were “you’re not answering my questions right now. You’re looking a *me* like I am goofy.”⁴⁸ Officer Golden’s use of the word “goofy” was clearly directed to his personal appearance and not that of ██████ therefore this allegation must be **unfounded**.

e. Documentation Allegations

COPA finds that Allegations #3 and 4 against all the Accused, that they failed to properly document the incident, is **sustained**. CPD members who complete an investigatory stop are required to complete an Investigatory Stop Report that details “[a]ll of the factors that support” the detention of the subject.⁴⁹ However, if the member completes a detention based on probable cause and there is any other CPD report that details the probable cause for the stop, the member is not required to complete an Investigatory Stop Report.⁵⁰ Further, CPD members “are required to provide” an Investigatory Stop Receipt to any individual subjected to a “[p]rotective [p]at [d]own or any other search” during an Investigatory Stop.⁵¹ Additionally, CPD members are required to “complete and submit a Traffic Stop Statistical Study-Driver Information Card for every traffic stop initiated unless a Personal Service Citation is issued.”⁵²

Here, it is undisputed that ██████ and ██████ were subjected to an Investigatory Stop during which ██████ vehicle and both ██████ and ██████ persons were searched. It is also undisputed that the Accused did not complete Investigatory Stop Reports nor issues Investigatory Stop Receipts. Further, it is undisputed that the Accused failed to complete the required Traffic Statistical Stop (TSS) documents. These failures violated CPD policy and Rules 2, 3 and 6.

⁴⁷ Attachment #17, minute 01:07 – Officer Golden BWC.

⁴⁸ Attachment #17, minute 01:25 – Officer Golden BWC.

⁴⁹ S04-13-09 VIII (A)(1), Investigatory Stop System (effective July 10, 2017 to current).

⁵⁰ S04-13-09 VII (B)(1)(a), Investigatory Stop System (effective July 10, 2017 to current).

⁵¹ S04-13-09 VIII (A)(3), Investigatory Stop System (effective July 10, 2017 to current).

⁵² S04-14-09 VI(A), Illinois Traffic and Pedestrian Stop Statistical Study (effective May 20, 2016 to current).

VIII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS**a. Officer Emily Ryan****i. Complimentary and Disciplinary History**

Officer Emily Ryan complimentary history consists of the following: (1) Crime Reduction Award, (1) Arnold Mireles Special Partner, (1) Attendance Recognition Award, (1) Department Commendation, (5) Emblem of Recognition-Physical Fitness, (72) Honorable Mention, (1) Unit Meritorious Performance Award. (82) Total Awards.

There is no SPAR history or other additional complaints as September 27, 2021.

ii. Recommended Penalty

COPA recommends a penalty of Violation Noted for Officer Ryan.

b. Officer Jeffrey Budz**i. Complimentary and Disciplinary History**

Officer Jeffrey Budz complimentary history consists of the following: (1) 2019 Crime Reduction Award, (1) Attendance Recognition Award, (2) Department Commendation, (1) Emblem of Recognition-Physical Fitness, (56) Honorable Mention, (1) Problem Solving Award, (1) Unit Meritorious Performance Award. (63) Total Awards.

Disciplinary History consists of the following: 2020-0000564 January 31, 2020, incident, closed January 22, 2021, with a Sustained finding for Arrest/Lock up Incidents Prisoner's Property Failed to Inventory-100-Reprimand.

There is no SPAR history or any Sustained complaints as September 27, 2021.

ii. Recommended Penalty

COPA recommends a penalty of Violation Noted for Officer Budz.

c. Officer Daniel Golden**i. Complimentary and Disciplinary History**

Officer Daniel Golden complimentary history consists of the following: (1) 2019 Crime Reduction Award, (1) Arnold Mireles Special Partner, (2) Emblem of Recognition-Physical Fitness, (90) Honorable Mention, (1) Military Service Award, (1) Problem Solving Award, (1) Top Gun Arrest, (1) Traffic Stop of the Month, (1) Unit Meritorious Performance Award. (99) Total Awards.

There is no SPAR history or other additional complaints as September 27, 2021.

ii. Recommended Penalty

COPA recommends a penalty of Violation Noted for Officer Golden.

Approved:



12-28-2022

Angela Hearts-Glass
Deputy Chief Investigator

Date