



Log # 2022-3972

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

COPA received an Initiation Report regarding this incident from the Chicago Police Department (CPD), and subsequently interviewed the complainant, [REDACTED] [REDACTED] [REDACTED] was stopped by Chicago Police officers on September 15, 2022, at approximately 10:45 pm for not wearing a seatbelt.² Upon stopping the vehicle, Officers noticed what appeared to be liquor in plastic Solo cups in the cabin of the vehicle and a smell of alcohol.³ Officer Whitfield ordered the adult occupants out of the car and searched the vehicle, ultimately letting them go with a warning.⁴ COPA brought allegations against Officer Whitfield for the search and pat-downs of the occupants, and deficiencies in Investigatory Stop Reports (ISRs). COPA also brought allegations against Officer Vanessa Deleon for the search, and Officer Stephen Schintgen for failing to timely activate his body-worn camera (BWC). COPA reached **Sustained** findings for the pat-downs and ISR deficiencies.

II. SUMMARY OF EVIDENCE⁵

On the evening of September 15, 2022, Officers Antonio Whitfield, Vanessa Deleon and Stephen Schintgen were on routine patrol when they pulled over [REDACTED] for not wearing a seatbelt. Officer Whitfield informed [REDACTED] the reason for the stop and was alerted by Officer Deleon to open liquor in the vehicle.⁶

Officer Whitfield asked the adults out of the car, which consisted of [REDACTED] [REDACTED] (front passenger), and [REDACTED] (rear passenger). There was also a minor seated in the back behind the driver who was not asked to exit the vehicle. [REDACTED] did not understand why he was being asked out and hesitated exiting until [REDACTED] suggested he do so.⁷ Once out, Officer Whitfield asked [REDACTED] to place his hands on the car and [REDACTED] was momentarily reluctant to do so but complied.⁸ Officer Whitfield patted-down [REDACTED] and asked him to move to the

¹Appendix A includes case identifiers such as the date, time, and location of the incident, the involved parties and their demographics, and the applicable rules and policies.

² Att. 7 (Investigatory Stop Report of [REDACTED] by PO Whitfield).

³ Att. 7, pg. 2.

⁴ Att. 3 at 22:42:25 (PO Whitfield BWC).

⁵ The following is a summary of what COPA finds most likely occurred during this incident. This summary utilized information from several different sources, including BWC footage, CPD reports, and officer interviews.

⁶ Att. 21 pg. 13 (PO Whitfield transcribed statement).

⁷ Att. 3 at 22:38:55.

⁸ Att. 3 at 22:39:25.

back of the vehicle. Officer Whitfield then went to the passenger side and patted down [REDACTED]⁹

In the meantime, Officer Deleon had begun searching the driver's compartment of the car.¹⁰ Officer Whitfield joined her, searching first the back passenger area of the car, and then the front passenger area, where he and looked inside [REDACTED] purse.¹¹ No bottles of alcohol were found, and because [REDACTED] did not appear impaired, Officer Whitfield let him go with a warning.

None of the vehicle occupants were given Investigatory Stop receipts, and an Investigatory Stop Report was only completed for [REDACTED]

III. ALLEGATIONS

Officer Antonio Whitfield:

1. Patted down [REDACTED] without justification.
 - Sustained
2. Patted down [REDACTED] without justification.
 - Sustained
3. Searched the vehicle [REDACTED] was driving without justification.
 - Exonerated
4. Failed to complete an Investigatory Stop Report for [REDACTED]
 - Sustained
5. Failed to complete an Investigatory Stop report for [REDACTED]
 - Sustained
6. Failed to provide an Investigatory Stop receipt to [REDACTED]
 - Sustained
7. Failed to provide an Investigatory Stop receipt to [REDACTED]
 - Sustained
8. Failed to provide an Investigatory Stop receipt to [REDACTED]
 - Sustained

Officer Vanessa Deleon:

1. Searched the vehicle [REDACTED] was driving without justification.
 - Exonerated

Officer Stephen Schintgen:

1. Failed to timely activate his body-worn camera in violation of S03-14.
 - Sustained

⁹ Att. 3 at 22:40:10.

¹⁰ Att. 3 at 22:40:25.

¹¹ Att. 3 at 22:40:35.

IV. CREDIBILITY ASSESSMENT

The credibility of an individual relies primarily on two factors: 1) the individual's truthfulness and 2) the reliability of the individual's account. The first factor addresses the honesty of the individual making the statement, while the second factor speaks to the individual's ability to accurately perceive the event at the time of the incident and then accurately recall the event from memory.

This investigation did not reveal any evidence that caused COPA to question the credibility of Officers Whitfield, Deleon, or Schintgen.

V. ANALYSIS¹²

a. Allegations 1 and 2 against Officer Antonio Whitfield – Patted down [REDACTED] and [REDACTED] without justification.

S04-13-09 Investigatory Stop System, states that a protective pat-down is a “limited search during an Investigatory Stop in which the sworn member conducts a pat down of the outer clothing of a person for weapons for the protection of the sworn member or others in the area.” For a protective pat down, “a sworn member must possess specific and articulable facts, combined with rational inferences from these facts, that the suspect is armed and dangerous or reasonably suspects that the person presents a danger of attack to the sworn member or others in the area.”¹³

In this case, Officer Whitfield asked [REDACTED] whether there were any weapons in the car and whether anyone in the vehicle had a Firearm Owner's Identification (FOID) card or Concealed Carry License (CCL), to which [REDACTED] replied “no.”¹⁴ Officer Whitfield saw what appeared to be liquor in Solo cups in the vehicle, and asked [REDACTED] out. [REDACTED] asked, “for what?” Officer Whitfield said it was due to “open liquor” in the car.” [REDACTED] and the female passenger disputed that there was open liquor, but the female told [REDACTED] to comply and step out, and [REDACTED] did so.¹⁵ Once out of the car, Officer Whitfield immediately asked [REDACTED] to put his hands on top of the car and informed [REDACTED] he was going to conduct a pat-down.¹⁶ [REDACTED] again asked, “for what,” and asked to call the sergeant, but then placed his hands on the car, whereupon, Officer Whitfield patted him down, and sent him to the back of the car.

Officer Whitfield then told [REDACTED] and [REDACTED] to step out of the car.¹⁷ Officer Whitfield proceeded to the passenger side of the car where he patted down [REDACTED]¹⁸

¹² For a definition of COPA's findings and standards of proof, see Appendix B.

¹³ S04-13-09 Investigatory Stop System, *effective 7-10-17 to present*, II B and II C 2.

¹⁴ Att. 3 at 22:38:00.

¹⁵ Att. 3 at 22:38:49.

¹⁶ Att. 3 at 22:39:25.

¹⁷ Att. 3 at 22:39:45.

¹⁸ Att. 3 at 22:40:15.

In his interview to COPA, Officer Whitfield explained that the reason he patted down ██████ was because ██████ was reluctant to get out of the car, and then momentarily bladed his stance before placing his hands on the car.¹⁹ According to Officer Whitfield, a pat down was “common practice” for safety because ██████ “was turning something as simple as a seatbelt traffic stop into an irate situation.”²⁰

Similarly, Officer Whitfield explained that he patted down ██████ which was “common” to make sure there were no weapons, because: 1) Officer Whitfield was planning to search the vehicle, and in the event he found something that would send someone to jail, he did not want the weapon used against him; and 2) ██████ finished his drink of liquor in front of multiple police officers.²¹

However, with regards to ██████ Officer Whitfield had already told ██████ that he was going to pat him down prior to any alleged bladed stance. Further, the BWC does not reflect any bladed stance on the part of ██████ With regards to ██████ someone being defiant regarding finishing a drink does not amount to a reasonable belief that a person is armed and dangerous or presents a danger of attack Thus, COPA finds by a preponderance of the evidence that Officer Whitfield failed to provide specific articulable facts which lead him to believe ██████ or ██████ was armed and dangerous or posed a danger of attack, aside from a general desire for officer safety.

For these reasons, COPA finds **Allegations 1 and 2** against Officer Whitfield are **Sustained**.

b. Allegation 3 against Officer Antonio Whitfield and Allegation 1 against Officer Deleon – Searched the vehicle ██████ was driving without justification.

When an officer has probable cause to believe a vehicle contains evidence or contraband, the officer may conduct a warrantless search of the vehicle.²² Here, Officer Whitfield said he was alerted to alcohol in the vehicle by his partner and saw red Solo cups with a brown liquid in them, and noticed a smell of alcohol emanating from the car.²³ Officer Deleon said she saw alcohol in the car. Although the bottle ██████ held up was a Gatorade bottle, Officer Deleon thought it was alcohol and also observed the red Solo cups and smelled alcohol coming from the car.²⁴ Based on those factors, Officers Whitfield and Deleon searched the vehicle for evidence of liquor in the car. They searched in the front and rear passenger compartments, as well as looking into ██████ purse. Officers Whitfield and Deleon had probable cause to believe there was open liquor in the car based on their observations, therefore their search of the vehicle for evidence of that was

¹⁹ Att. 21 pgs. 14, 19-20.

²⁰ Att. 21, pg. 14.

²¹ Att. 21, pgs. 15, 23, 26.

²² Maryland v. Dyson, 527 U.S. 465 (1999).

²³ Att. 7 pg. 2; Att. 21 pgs. 18-19.

²⁴ Att. 20 pgs. 19 and 22.

justified. Based on the foregoing, COPA finds **Allegation 3** against Officer Whitfield is **Exonerated** and **Allegation 1** against Officer Deleon is **Exonerated**.

c. Allegations 4 - 8 against Officer Antonio Whitfield – Failed to complete Investigatory Stop Reports and receipts.

Special Order S04-13-09, Investigatory Stop System, details the use of the Investigatory Stop Report and when one must be completed. An Investigatory Stop Report must be completed for investigatory stops, probable cause stops when no other document captures the reason for the detention, and protective pat downs or other searches. If an investigatory stop involves a protective pat down or any other search, Department members must give the subject of the stop an investigatory stop receipt.²⁵

Here, Officer Whitfield did a pat-down of ██████████ and completed an ISR regarding ██████████. However, Officer ██████████ also conducted a pat-down of ██████████ and a search of ██████████ purse, but did not complete ISRs for them. Officer Whitfield told COPA that he did not need to complete an ISR for ██████████ because ██████████ was not the focus of his investigation; he did not “grill” ██████████ concerning why ██████████ chugged down the liquor; and he did not speak to ██████████ after the pat down.²⁶ Officer Whitfield told COPA he did not complete an ISR for ██████████ because she was not part of his investigation; he did not speak with her or ask for her name; and because he only used a flashlight to illuminate what was inside her purse, as opposed to “dig[ging]” into it, or “mov[ing] items around.”²⁷

However, pursuant to S04-13-08, an ISR should have been completed for both ██████████ and ██████████ and none of the reasoning provided by Officer Whitfield negates the Order.

With regards to failing to provide any of the subjects with a receipt, Officer Whitfield told COPA it was because ██████████ and ██████████ were irate, he wanted to deescalate the situation, and he already felt he was wasting their time.²⁸ While it is true that ██████████ was upset by the stop and the group seemed annoyed, they followed the direction of the officers for the duration and waited while the search was conducted. Further, once the search was over and the individuals were free to leave, offering a receipt may have diffused the situation, especially if they wanted the documentation. However, Officer Whitfield never asked them if they wanted to wait for a receipt, which he should have done pursuant to the Order. Based on the foregoing, COPA **Sustains Allegations 4 – 8** against Officer Whitfield.

d. Allegation 1 against Officer Stephen Schintgen – Failed to timely activate his body-worn camera in violation of S03-14.

²⁵ S04-13-09, Investigatory Stop System, VIII. 3.

²⁶ Att. 21, pgs. 25-26

²⁷ Att. 21, pgs. 23, 26-27.

²⁸ Att. 7; Att. 21, pgs. 17, 23-24.

Special Order S04-13, Body Worn Cameras, states that Department members will activate their body worn camera at the beginning of an incident and record the entire incident for all law-enforcement-related activities. “If circumstances prevent activating BWC at the beginning of an incident, the member will activate the BWC as soon as practical.”²⁹

In his statement, Officer Schintgen said that he tried to activate his body worn camera, but it did not activate and the BWC video seemed to start without the normal two-minute buffer.³⁰ However, the BWC footage contains the normal two-minute buffer, and it is clearly visible that the recording audio starts at the moment Officer Schintgen presses the button for the BWC to be activated. Prior to that, it appears Officer Schintgen hovers his finger over the BWC without activating it, possibly contemplating whether to activate it at that time or not, and then clearly activates it at 1:58 minutes into the video.³¹ There is a clear motion of his finger depressing the button at that time and prior to that there was no movement which would indicate he tried to activate the BWC. Based on the foregoing reasons, COPA finds **Allegation 1** against Officer Schintgen is **Sustained**.

VI. DISCIPLINARY RECOMMENDATIONS

a. Officer Antonio Whitfield

i. Complimentary and Disciplinary History

In his more than four years as a CPD member, Officer Whitfield has received a total of 73 Achievements, including 46 Honorable Mentions, two Department Commendations, and a 2019 Crime Reduction Award. He has no sustained complaints in the last five years, but has three SPARs: two in October 2023, for a parking vehicle violation and a preventable accident violation, for which no disciplinary actions were taken; and one from September 2023 for a preventable accident violation for which he received a Reprimand.

ii. Recommended Discipline

In mitigation, COPA will consider Officer Whitfield’s complimentary history and that he was forthcoming in his interview with COPA. In aggravation, COPA will consider that Officer Whitfield exhibited an alarming lack of understanding of 4th Amendment law and CPD policy on ISR and ISR receipts.

In his interview to COPA, Officer Whitfield exhibited a significant lack of awareness as to the basic premise for when a pat down can be conducted pursuant to the 4th Amendment: that an officer must have specific and reasonable articulable suspicion that a subject be **armed and**

²⁹ Special Order S03-14, Body Worn Cameras, *effective 4-30-18 to present*.

³⁰ Att. 19 pgs. 18-21.

³¹ Att. 5 at 22:39:36 (PO Schintgen BWC).

dangerous. Instead of articulating any reason at all for why [REDACTED] or [REDACTED] *specifically*, might be armed and dangerous, he relied on “common practice,” general ideas of safety, and the fact that the [REDACTED] was upset about being stopped for what Officer Whitfield characterized was a “petty” reason (no seatbelts).³²

Officer Whitfield exhibited a similar lack of awareness concerning contraband searches. Although he was justified in searching for evidence of open alcohol based on probable cause – observing brown liquid in a Solo cup and smelling alcohol from inside the car – and, therefore, he was justified in searching inside [REDACTED] purse which was in the car, he did not have an understanding of the law in this regard either. On camera, he told [REDACTED] “I am not going into your purse, by the law I have the right to look into it, as long as I do not dig into it.”³³ He told COPA something similar: that he did not dig into it or move things around.³⁴ He also alluded to not moving things around or digging into stuff while searching the car, minimizing his actions by stating he only “glanced at it.”³⁵ Thus, he exhibited no understanding that with probable cause, he could actually do more than glance around, he could search anywhere where the contraband could be reasonably located.³⁶ Thus, if he was looking for an open bottle of liquor, which can be small, he could have looked inside pockets of the purse that could have accommodated it, or moved things around in the car to find it.

Finally, Officer Whitfield exhibited a significant lack of understanding of S04-13-08 as to when ISRs must be completed, and receipts must be given. He told COPA that because he did not speak to [REDACTED] or [REDACTED] and because they were not the focus of his investigation, no ISRs were required for them. This wholly ignores the Directive’s mandate: “If an investigatory stop involves a protective pat down or any other search, Department members must give the subject of the stop an investigatory stop receipt.”³⁷ Obviously, Officer Whitfield did not recognize that it is the “search” of [REDACTED] purse and the pat down of [REDACTED] that drives the completion of an ISR, and not whether he spoke to them or whether they were the primary focus of his investigation.

As such, COPA recommends a **5-day Suspension** and extensive re-training in 4th Amendment law and the commensurate CPD directives.

b. Officer Stephen Schintgen

i. Complimentary and Disciplinary History

³² Att. 21, pg. 31.

³³ Att. 3, at 22:41:34.

³⁴ Att. 21, pgs. 23, 27.

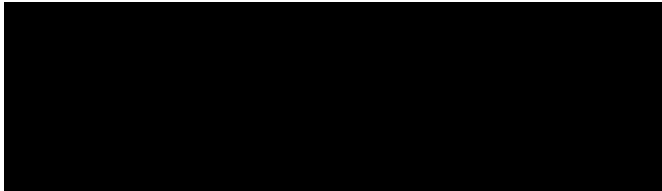
³⁵ Att. 21, pg. 22.

³⁶ *Maryland v. Dyson*, 527 U.S. 465 (1999).

³⁷ S04-13-09, Investigatory Stop System, VIII. 3.

In his more than five years as a CPD member, Officer Schintgen has received a total of 51 Achievements, including 46 Honorable Mentions, 2 Department Commendations and one 2019 Crime Reduction Award. He has had no SPARs or sustained complaints in the last five years.

In mitigation COPA will consider Officer Schintgen's complimentary history and that he was forthcoming in his interview with COPA. There are no aggravating factors to consider. COPA recommends a **Violation Noted**.



Angela Hearts-Glass
Deputy Chief Administrator – Chief Investigator

2-28-2024

Date

Appendix A

Case Details

Date/Time/Location of Incident:	September 15, 2022 / 10:45 pm / 4100 W. Jackson Blvd.
Date/Time of COPA Notification:	September 16, 2022 / 12:30 am
Involved Member #1:	Antonio Whitfield / Star #19651, Employee ID [REDACTED] / Date of Appointment: December 19, 2019 / 11th District / Black male
Involved Member #2:	Vanessa Deleon / Star #13571 / Employee ID [REDACTED] / Date of Appointment: October 16, 2019 / 11th District / White female
Involved Member #3:	Stephen Schintgen / Star # 18140 / Employee ID [REDACTED] / Date of Appointment: July 27, 2018 / 11th District / White male
Involved Individual #1	[REDACTED] / 36 years old / Black male
Involved Individual #2	[REDACTED] / 33 years old / Black male
Involved Individual #3	[REDACTED] / age unknown / Black female

Applicable Rules

- Rule 2:** Any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3:** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 5:** Failure to perform any duty.
- Rule 6:** Disobedience of an order or directive, whether written or oral.
- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 11:** Incompetency or inefficiency in the performance of duty.

Applicable Policies and Laws

- S04-13-09 Investigatory Stop System, *effective 7-10-17 to present.*
- S03-14 Body Worn Cameras, *effective 4-30-18 to present.*
- 725 ILCS 5/107-14 Temporary Questioning Without Arrest
- 725 ILCS 5/108-1.01 Search During Temporary Questioning

Appendix B

Definition of COPA's Findings and Standards of Proof

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 a proposition is proved.³⁸ For example, if the evidence gathered in an investigation establishes that it is more likely that the conduct complied with CPD 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. 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.”³⁹

³⁸ 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 is found to be more probably true than not).

³⁹ *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4th ed. 2000)).

Appendix C

Transparency and Publication Categories

Check all that apply:

- Abuse of Authority
- Body Worn Camera Violation
- Coercion
- Death or Serious Bodily Injury in Custody
- Domestic Violence
- Excessive Force
- Failure to Report Misconduct
- False Statement
- Firearm Discharge
- Firearm Discharge – Animal
- Firearm Discharge – Suicide
- Firearm Discharge – Unintentional
- First Amendment
- Improper Search and Seizure – Fourth Amendment Violation
- Incidents in Lockup
- Motor Vehicle Incidents
- OC Spray Discharge
- Search Warrants
- Sexual Misconduct
- Taser Discharge
- Unlawful Denial of Access to Counsel
- Unnecessary Display of a Weapon
- Use of Deadly Force – other
- Verbal Abuse
- Other Investigation