



Log # 2023-1778

## FINAL SUMMARY REPORT<sup>1</sup>

### I. EXECUTIVE SUMMARY

On April 24, 2023, ██████████ telephoned the Civilian Office of Police Accountability (COPA) and registered this complaint on behalf of her 17-year-old son, ██████████. ██████████ (██████████) alleged that on April 24, 2023, at approximately 3:30 pm, at 3600 W. Madison St., Officers Michael Ambrose, Vanessa Deleon, and Stephen Schintgen stopped, detained, and searched ██████████ without justification.<sup>2</sup> Upon review of the evidence, COPA also alleged that the three officers failed to complete an Investigatory Stop Report (ISR) documenting the detention and search, and that Officers Deleon and Schintgen failed to activate their body-worn cameras (BWC) in a timely manner. Lastly, COPA alleged that Officer Deleon directed profanity at ██████████.

Following its investigation, COPA reached sustained findings for the ISR and BWC allegations, and not sustained findings for the detention, search, and profanity allegations.

### II. SUMMARY OF EVIDENCE<sup>3</sup>

On the date and time of the incident, ██████████ stated that he was walking home from school, heading south on Central Park Ave. As he began to cross the street at the intersection of Central Park Ave. and Madison St., ██████████ saw an unmarked police vehicle sitting stationary in the turning lane. The unmarked police vehicle then pulled up and stopped in front of ██████████ who walked around the vehicle as he continued crossing the street.<sup>4</sup> According to ██████████ the officers jumped out of their vehicle and attempted to detain him, telling ██████████ they believed he was in possession of a firearm.<sup>5</sup>

In his statement to COPA, Officer Ambrose explained that when he first saw ██████████ ██████████ was holding a cell phone in his hand. Officer Ambrose also observed a heavy, L-shaped

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<sup>1</sup> Appendix 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.

<sup>2</sup> One or more of these allegations fall within COPA's jurisdiction pursuant to Chicago Municipal Code § 2-78-120. Therefore, COPA determined it would be the primary investigative agency in this matter.

<sup>3</sup> 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, civilian and officer interviews, event queries, and radio transmissions.

<sup>4</sup> Att. 36, pg. 9, line 22 to pg. 10, line 6. Note: In ██████████ statement to COPA, which was conducted over the phone, there are instances when ██████████ mother talks and it is difficult to tell who is speaking.

<sup>5</sup> Att. 36, pg. 10, lines 7 to 15.

object in [REDACTED] pocket. When [REDACTED] saw the officers, he became visibly nervous and immediately turned the side of his body away from the officers' vehicle, in what Officer Ambrose interpreted as an attempt to obstruct their view of his pocket. Officers Ambrose and Schintgen explained that based on their training and the numerous weapons arrests they had participated in, they believed that [REDACTED] was attempting to conceal an illegal firearm.<sup>6</sup> The officers then exited their vehicle and approached [REDACTED] who immediately became combative and refused to take his hand out of his jacket's left pocket. Officers Ambrose and Schintgen stated that, out of concern for their safety, they decided to handcuff [REDACTED] in order to conduct a protective pat-down.<sup>7</sup>

The officers grabbed [REDACTED] searched his outer clothing, and after handcuffing him to a gate, discovered that [REDACTED] only had his cell phone on him.<sup>8</sup> During the encounter, Officer Deleon appeared to grab [REDACTED] upper right arm<sup>9</sup> while Officers Ambrose and Schintgen struggled to pull [REDACTED] left hand out of the front left pocket of his jacket.<sup>10</sup> [REDACTED] repeatedly told the officers that his cell phone was in his pocket.<sup>11</sup> Officer Ambrose instructed [REDACTED] to let go of what he was holding in his left hand, but [REDACTED] continued to resist the officers while again telling the officers that it was his cell phone.<sup>12</sup>

Officer Ambrose secured a handcuff on [REDACTED] left wrist while Officer Deleon placed one of the handcuffs from her set of handcuffs on [REDACTED] right wrist.<sup>13</sup> [REDACTED] continued to resist, but the officers were eventually able to pull [REDACTED] arms behind his back and handcuff the two sets of handcuffs to each other. [REDACTED] held a black cell phone in his left hand as he was handcuffed,<sup>14</sup> and Officer Ambrose explained that [REDACTED] also had a second cell phone in his pocket.<sup>15</sup> After [REDACTED] was handcuffed, he informed the officers that he was 17 years old. Officer Deleon asked for [REDACTED] ID, but [REDACTED] responded that he did not have one, and he yelled for the officers to leave him alone.<sup>16</sup>

Officer Deleon then asked [REDACTED] for his name, and [REDACTED] replied, "none of your fucking business."<sup>17</sup> A few moments later, [REDACTED] told Officer Deleon that his name was "dickhead."<sup>18</sup> Officer Ambrose attempted to explain to [REDACTED] why the officers were asking for his name, but [REDACTED] interrupted him by stating that he did not have a name. Officer Ambrose continued to ask for [REDACTED] name, and [REDACTED] continued to refuse to provide it.<sup>19</sup> Eventually,

<sup>6</sup> Att. 32, pg. 9, lines 3 to 12; Att. 44, pg. 7, line 12 to pg. 8, line 1.

<sup>7</sup> Att. 32, pg. 9, line 21 to pg. 10, line 12; Att. 44, pg. 8, lines 2 to 7.

<sup>8</sup> Att. 36, pg. 10, lines 19 to 22.

<sup>9</sup> Att. 13 at 1:32.

<sup>10</sup> Att. 12 from 1:57 to 2:04; Att. 13 from 1:32 to 1:41.

<sup>11</sup> Att. 12 at 2:05.

<sup>12</sup> Att. 12 at 2:10; Att. 13 at 2:12.

<sup>13</sup> Att. 12 at 2:36.

<sup>14</sup> Att. 12 at 3:09; Att. 13 at 3:08.

<sup>15</sup> Att. 32; pg. 18, line 22 to pg. 19, line 2.

<sup>16</sup> Att. 12 from 4:00 to 4:07; Att. 13 from 3:42 to 3:48.

<sup>17</sup> Att. 12 at 4:12; Att. 13 at 3:52; Att. 14 at 2:11.

<sup>18</sup> Att. 13 at 4:00; Att. 14 at 2:15

<sup>19</sup> Att. 12 at 4:34; Att. 13 at 4:16; Att. 14 at 2:32.

Officer Ambrose removed the handcuffs from ██████ wrists, and the officers released ██████<sup>20</sup> Officer Ambrose asked ██████ if he wanted an Investigatory Stop Receipt, to which ██████ responded that he did not. ██████ then walked away from the officers.<sup>21</sup> ██████ told COPA that he suffered a slight bruise to his right wrist, but he did not seek any medical attention.<sup>22</sup>

As ██████ walked away from the officers, and Officer Deleon walked in the opposite direction toward the police vehicle, Officer Deleon could be heard muttering under her breath, “bitch ass.”<sup>23</sup> Officer Deleon denied directing profanity at ██████ and explained that she muttered under her breath out of frustration. Officer Deleon added that ██████ was nowhere near her at the time,<sup>24</sup> and there is no indication that ██████ heard her remark.

After the officers released ██████ Officer Ambrose stated that he returned to his police vehicle and radioed the dispatcher for an event number to document the street stop.<sup>25</sup> Additionally, Officer Deleon told COPA that she had asked ██████ for his name so the officers could complete an ISR.<sup>26</sup> However, the officers acknowledged they did not actually complete an ISR, explaining that they may have overlooked the report due to a firearm arrest they made later that day.<sup>27</sup>

Officers Deleon and Schintgen both admitted their BWCs were not activated in a timely manner. Officer Deleon stated that she did not activate her BWC until she and the other officers were already in the process of trying to handcuff ██████<sup>28</sup> while Officer Schintgen acknowledged that his camera was activated halfway through the incident. Officer Schintgen surmised that the camera had possibly malfunctioned because he stated that he consistently activates his BWC when required.<sup>29</sup>

### III. ALLEGATIONS

#### **Officers Michael Ambrose, Vanessa Deleon, and Stephen Schintgen:**

- Stopped and detained ██████ without justification.
  - Not Sustained.
- Searched ██████ without justification.
  - Not Sustained.

<sup>20</sup> Att. 12 at 5:16; Att. 13 at 5:17; Att. 14 at 3:08.

<sup>21</sup> Att. 12 at 5:41; Att. 14 at 3:39.

<sup>22</sup> Att. 36, pg. 21, lines 16 to 23. ██████ mother also provided COPA with photographs that appear to show minor bruising and/or indentation marks on ██████ wrists. Att. 2.

<sup>23</sup> Att. 13 at 5:22.

<sup>24</sup> Att. 47, pg. 32, line 22 to pg. 33, line 12.

<sup>25</sup> Att. 32, pg. 22, lines 19 to 21. Officer Ambrose may have incorrectly recalled this detail, as there is no evidence that an event number was generated for this incident. See CMS Note CO-1409912.

<sup>26</sup> Att. 47, pg. 28, lines 17 to 19.

<sup>27</sup> Att. 32, pg. 23, lines 1 to 7; Att. 44, pgs. 17 to 19; Att. 47, pgs. 27 to 31; see also Atts. 29 and 30.

<sup>28</sup> Att. 47, pg. 31, lines 9 to 17.

<sup>29</sup> Att. 44, pg. 19, line 13 to pg. 24, line 13. However, a search of evidence.com revealed that Officer Schintgen activated his BWC four times in the hour prior to this incident (2:59 pm, 3:03 pm, 3:09 pm, and 3:12 pm), and each time it appeared to be functioning properly. See CMS Note CO-1409912.

- Failed to submit an Investigatory Stop Report.
  - Sustained, in violation of Rules 5, 6, and 10.

**Officer Vanessa Deleon:**

- Failed to activate her body-worn camera in a timely manner.
  - Sustained, in violation of Rules 5, 6, and 10.
- Directed profanity at ██████████
  - Not Sustained.

**Officer Stephen Schintgen:**

- Failed to activate his body-worn camera in a timely manner.
  - Sustained, in violation of Rules 5, 6, and 10.

**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.

██████████ credibility is questionable. During his interview with COPA, ██████████ stated that he never provided his name to the officers because they never asked for it.<sup>30</sup> The recordings from the officers' BWCs, however, show that the officers repeatedly asked ██████████ for his name over the course of several minutes, but he refused to provide it. ██████████ was even asked if wanted an Investigatory Stop Receipt, to which he declined.

This investigation did not reveal any evidence that caused COPA to question the truthfulness of the officers. However, there are aspects of all the officers' statements that appear to be unreliable. For example, Officer Ambrose appeared to incorrectly believe that he had requested an event number following the incident, when there is no evidence that an event number was ever generated. Officer Schintgen surmised that his BWC must have malfunctioned, but the evidence indicates that his camera was functioning properly just minutes before this incident. Finally, Officer Deleon had little independent recollection of the incident, apart from what she observed on the BWC footage.

**V. ANALYSIS<sup>31</sup>**

COPA finds the allegation that Officers Ambrose, Deleon, and Schintgen stopped and detained ██████████ without justification, is **not sustained**. CPD policy states that "for Investigatory Stops, a sworn member must possess specific and articulable facts which, combined with rational

<sup>30</sup> Att. 36; pg. 20, lines 6 to 17.

<sup>31</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense.”<sup>32</sup> Officers Ambrose, Deleon, and Schintgen told COPA that they stopped ██████ because they believed he might be in possession of a firearm. When the officers initially saw ██████ he was holding a cell phone in his hand and they observed what appeared to be a heavy, L-shaped object in his jacket pocket. Additionally, Officer Ambrose described ██████ as being visibly nervous, avoiding eye contact, shifting his body away from the officers’ vehicle, and ignoring verbal directions to stop. COPA notes that these factors would likely have constituted reasonable articulable suspicion to detain ██████ however, the officers’ failure to complete any paperwork regarding the incident or timely activate their BWCs prevented COPA from fully assessing their decision to conduct the investigatory stop. As a result, COPA lacks clear and convincing evidence to exonerate this allegation, and it is not sustained.

COPA finds the allegation that Officers Ambrose, Deleon, and Schintgen searched ██████ without justification, is also **not sustained**. CPD policy defines a protective pat-down as a “limited search during the 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.”<sup>33</sup> CPD policy further explains that “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.”<sup>34</sup> The officers told COPA that they conducted a protective pat-down of ██████ outer clothing as a safety precaution because they believed he was possibly in possession of a firearm. Officer Ambrose explained that when they stopped ██████ he became combative, stiffened his body, refused to take his hand out of his left jacket pocket, and resisted being handcuffed. The available BWC footage is consistent with this description and tends to support the officers’ claims that they had justification to conduct the pat-down. However, as with the detention allegation, the officers’ untimely BWC activations and failure to document the incident prevented COPA from reaching conclusive findings. Therefore, this allegation is not sustained.

COPA finds the allegation that Officers Ambrose, Deleon, and Schintgen failed to submit an ISR, is **sustained**. CPD policy states, “Sworn members who conduct an Investigatory Stop, Probable Cause stop when no other document captures the reason for the detention, and, if applicable, a Protective Pat Down or other search in a public place, are required to submit an Investigatory Stop Report into the Investigatory Stop Database.”<sup>35</sup> Officers Ambrose, Deleon, and Schintgen all acknowledged that they failed to complete and submit the required ISR. Although the officers explained that their attention was diverted due to an arrest later that day, this did not relieve them of their responsibility to complete an ISR documenting the stop and search of ██████ Therefore, COPA finds this allegation is sustained as a violation of Special Order S04-13-09 and Rules 5, 6, and 10.

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<sup>32</sup> Att. 49, S04-13-09(II)(C)(1), Investigatory Stop System (effective July 10, 2017 to present).

<sup>33</sup> Att. 49, S04-13-09(II)(B).

<sup>34</sup> Att. 49, S04-13-09(II)(C)(2).

<sup>35</sup> Att. 49, S04-13-09(VIII)(A)(1).

COPA finds the allegation that Officers Deleon and Schintgen failed to activate their BWCs in a timely manner, is **sustained**. CPD policy states that CPD members will activate their BWC to event mode at the beginning of an incident and will record the entire incident for all law-enforcement-related activities.<sup>36</sup> Investigatory stops are law-enforcement-related activities.<sup>37</sup> In her statement to COPA, Officer Deleon admitted that she did not activate her BWC at the onset of the encounter with [REDACTED]. Officer Schintgen also acknowledged that his BWC was not activated until halfway through the incident. Based on the officers' own admissions, as well as the BWC footage, COPA finds that both officers failed to timely activate their BWCs. Therefore, COPA finds this allegation is sustained as a violation of Special Order S03-14 and Rules 5, 6, and 10.

COPA finds the allegation that Officer Deleon directed profanity at [REDACTED] is **not sustained**. Officer Deleon's BWC footage shows that she appeared to mumble, "bitch ass,"<sup>38</sup> under her breath after the encounter with [REDACTED] had ended, and after she and [REDACTED] had walked away from each other. Although Officer Deleon did not recall this incident in its entirety, after reviewing her BWC recording and acknowledging she could hear herself make the comment, Officer Deleon explained that she did not direct the comment at [REDACTED] but only made the remark to herself out of apparent frustration. The BWC corroborates that [REDACTED] had walked away before Officer Deleon made the remark under her breath, and there is no indication that he or anyone else heard her comment. As a result, this allegation is not sustained.

## **VI. DISCIPLINARY RECOMMENDATION**

### **a. Complimentary and Disciplinary Histories<sup>39</sup>**

Officer Ambrose has received 51 various awards, including three Department Commendations and two Superintendent's Honorable Mentions. He has no sustained complaint history but has received four SPARs for inattention to duty, parking vehicles, and two preventable accidents. Officer Ambrose received reprimands for three of the SPARs.

Officer Schintgen has received 53 various awards, including two Department Commendations and 47 Honorable Mentions. He has no sustained complaint history but has received one SPAR for a preventable accident, which resulted in a one-day suspension.

Officer Deleon has received 42 various awards, including four Department Commendations and 35 Honorable Mentions. She has no sustained disciplinary history.

### **b. Recommended Discipline**

COPA has found that Officers Ambrose, Deleon, and Schintgen violated Rules 5, 6, and 10 when they failed to complete an ISR documenting the detention and protective pat-down of

<sup>36</sup> Att. 48, S03-14(II)(A)(2), Body Worn Cameras (effective April 30, 2018 to December 29, 2023, 2024).

<sup>37</sup> Att. 48, S03-14(II)(A)(2)(b).

<sup>38</sup> Att. 13 at 5:22.

<sup>39</sup> Att. 50.

█ Additionally, Officers Deleon and Schintgen failed to timely activate their BWCs. These failures had a negative impact on COPA's investigation, as they impaired COPA's ability to fully evaluate the officers' conduct during this incident.

For these reasons, combined with the officers' complimentary and disciplinary histories, COPA recommends that Officers Ambrose, Deleon, and Schintgen each receive a **1-3 day suspension**. Additionally, COPA recommends that all three officers receive **retraining** regarding CPD's ISR policy, and that Officers Deleon and Schintgen also be retrained on CPD's BWC policy.

Approved:

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Steffany Hreno  
*Director of Investigations*

9/26/2024

Date

Appendix ACase Details

Date/Time/Location of Incident:	April 24, 2023 / 3:30 pm / 3600 W. Madison Street, Chicago, IL 60624.
Date/Time of COPA Notification:	March 6, 2023 / 4:53 pm.
Involved Member #1:	Officer Michael Ambrose; Star #19607; Employee ID # [REDACTED] DOA: November 18, 2019; Unit 011; Male, White.
Involved Member #2:	Officer Vanessa Deleon; Star #13571; Employee ID # [REDACTED] DOA: October 16, 2019; Unit 011; Female, Hispanic.
Involved Member #3:	Officer Stephen Schintgen; Star #18140; Employee ID # [REDACTED] DOA: July 27, 2018; Unit 011; Male, White.
Involved Individual #1:	[REDACTED] Male, Black.

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 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
- Rule 10:** Inattention to duty.
- Rule 14:** Making a false report, written or oral.
- Rule 38:** Unlawful or unnecessary use or display of a weapon.

Applicable Policies and Laws

- Special Order S04-13-09, Investigatory Stop System (effective July 10, 2017 to present).
- Special Order S03-14, Body Worn Cameras (effective April 30, 2018 to December 29, 2023).



## 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.<sup>40</sup> 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.”<sup>41</sup>

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<sup>40</sup> 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).

<sup>41</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (quoting Illinois Pattern Jury Instructions, Criminal, No. 4.19 (4<sup>th</sup> 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