



Log # 2023-0004622

FINAL SUMMARY REPORT¹

I. EXECUTIVE SUMMARY

On October 2, 2023, the Civilian Office of Police Accountability (COPA) received a telephone complaint from Mr. [REDACTED] alleging misconduct by a member of the Chicago Police Department (CPD). [REDACTED] alleged that on September 28, 2023, he was a passenger in a vehicle that had been pulled over by plainclothes CPD officers, operating from an unmarked vehicle. [REDACTED] fled on foot from the traffic stop at which time the officer driving the unmarked CPD vehicle struck [REDACTED] with the vehicle.²

COPA identified the driver of the unmarked police vehicle as Officer Antonio Whitfield and served him with allegations that he struck [REDACTED] with the CPD vehicle without justification, drove without due regard to the safety of all persons in violation of General Order G03-03, and failed to timely activate his body worn camera (BWC). Following its investigation, COPA sustained the allegations against Officer Whitfield; Officer Whitfield admitted the BWC violation and COPA found that the impacts between the police vehicle and [REDACTED] was both intended by Officer Whitfield and was entirely avoidable if Officer Whitfield would have pursued [REDACTED] at a slightly greater distance. Officer Whitfield's kinetic use of the police vehicle amounted to a reckless and unjustified use of deadly force in pursuit of a passenger fleeing from a traffic stop on the mere suspicion that that person may have possessed an illegal firearm. The late activation of Officer Whitfield's BWC compounded matters by making the investigation of the other allegations against him more difficult.

Additionally, COPA served allegations that Officer Aubrey Webb and Officer Michael Ambrose engaged in a foot pursuit of [REDACTED] in violation of General Order G03-07. After its investigation, COPA sustained these allegations, as the officers engaged in a foot pursuit merely based on Miggin's flight and on their training and experience, without any specific, objective facts to support the pursuit as required by the applicable CPD order.

¹ 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.

² 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.

II. SUMMARY OF EVIDENCE³

On September 28, 2023, Officer Whitfield, Officer Webb, and Officer Ambrose were partnered with one another. They were not in uniform and were driving in an unmarked CPD vehicle. At approximately 3:38 pm at or near Harrison Street and Lawndale Avenue the officers stopped a vehicle driven by [REDACTED] fiancée, [REDACTED] [REDACTED] in which [REDACTED] and his child were passengers.⁴ When the car stopped, [REDACTED] abruptly exited the vehicle and fled on foot.⁵ [REDACTED] maintains that he was unaware that the unmarked vehicle was operated by the police;⁶ he does not recall seeing any emergency lights or hearing police sirens,⁷ the vehicle was unmarked,⁸ and the officers were not in uniform.⁹ [REDACTED] does not recall the officers announcing their office.¹⁰ The officers indicated that their emergency equipment had been activated in advance of the traffic stop; a reflection of the unmarked vehicle's emergency lights are visible in BWC footage.¹¹

Officer Ambrose and Officer Webb exited the unmarked CPD vehicle and pursued [REDACTED] on foot, while Officer Whitfield pursued [REDACTED] in the unmarked CPD vehicle.¹² The officers continued to pursue [REDACTED] as [REDACTED] ran south on Lawndale Avenue.

As [REDACTED] passed a loading dock area of a building located on the east side of Lawndale Avenue, [REDACTED] abandoned a satchel.¹³ Officer Webb terminated his pursuit of [REDACTED] secured the satchel abandoned by [REDACTED] and ultimately located a firearm inside the satchel.¹⁴

Meanwhile, Officer Whitfield, who was still driving the unmarked CPD vehicle, and Officer Ambrose, who was on foot, continued the pursuit of [REDACTED] said he was struck two times by the unmarked police vehicle;¹⁵ the first time he was pinned against a gate and the

³ 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, POD footage, police reports, and individual interviews.

⁴ Att. 67, pgs. 12 to 13.

⁵ Att. 67, pg. 4.

⁶ Att. 67, pg. 37.

⁷ Att. 67, pg. 18, lns. 5 to 10.

⁸ Att. 67, pg. 17, lns. 14 to 24.

⁹ Att. 67, pg. 18, lns. 15 to 23.

¹⁰ Att. 67, pg. 19, lns. 12 to 14.F

¹¹ Att. 2 at 2:01.

¹² Att. 2, Officer Webb's BWC beginning at 2:00 to 2:05, and Att. 1.

¹³ Att. 2, beginning at 2:18 to 2:20.

¹⁴ Att. 2 beginning at 2:20 to 2:54, and Att. 1. [REDACTED] was subsequently criminally charged with a felony count Unlawful Use of a Weapon – Possess/Carry/Conceal (Att. 1).

¹⁵ Att. 67, pgs. 4 to 5.

second time he was knocked to the ground.¹⁶ According to ██████ the second strike was much more forceful than the first.¹⁷ Each time ██████ indicated that he could hear the engine revving before he was struck. Officer Ambrose took ██████ into custody as he was lying on the ground as a result of being hit by the car the second time. From his vantage point on the ground, ██████ recalls a female bystander arguing with the officers about how they should not have struck him with the vehicle; Officer Whitfield also indicated that such a person was present.

██████ was transported in a marked CPD vehicle to the 011th District, where he requested medical attention; Officer Whitfield then transported ██████ to ██████ Hospital¹⁸ where ██████ was treated and released.¹⁹ Before ██████ met with medical personnel at the hospital (which meeting took place in the officer's presence),²⁰ Officer Whitfield encouraged ██████ to minimize his injuries when speaking with to the medical personnel at the hospital; ██████ testified that he did so to expedite his release from custody as advised by Officer Whitfield.²¹ While he was in the hospital, there was some suggestion that this was not the first occasion Officer Whitfield had struck someone with his vehicle.²² A week later, ██████ sought medical attention at ██████ Hospital in ██████ Illinois and was not diagnosed with any serious injury.²³ As of the date of his interview, ██████ complained of ongoing pain in his back and loss of function.²⁴

Criminal charges against ██████ regarding the unlawful possession of a firearm were resolved by a plea bargain; there appears to have been no judicial hearing or findings regarding the suppression of evidence or the propriety of ██████ arrest.²⁵

III. ALLEGATIONS

Officer Antonio Whitfield:

1. Striking ██████ with a CPD vehicle, without justification.
 - **Sustained**, Violation of Rules 1, 2, 3, 6, 8, and 10.

¹⁶ Att. 67, pgs. 15-16. See also pg. 20.

¹⁷ Att. 67, pg. 20.

¹⁸ Att. 34. COPA obtained medical records from ██████ Hospital for ██████ visit, and the records indicate that ██████ was treated for a superficial abrasion to his right arm, and then discharged.

¹⁹ Att. 40, pg. 10, ln 14 to pg. 11, ln. 4.

²⁰ Att. 67, pg. 26, lns. 1 to 3.

²¹ Att. 67, pgs. 21 to 25.

²² Att. 67, pgs. 26 to 27.

²³ Att. 67, pg. 24.

²⁴ Att. 67, pg. 24, lns. 7 to 9.

²⁵ Att. 68.

2. Driving without due regard to the safety of all persons, in violation of General Order G03-03.
 - **Sustained**, Violation of Rules 2, 3, 6, 8, and 10.
3. Failing to timely activate his Body Worn Camera.
 - **Sustained**, Violation of Rules 2, 3, 6, and 10.

Officer Aubrey Webb:

- Engaging in a foot pursuit, in violation of G03-07.
 - **Sustained**, Violation of Rules 1 and 6.

Officer Michael Ambrose:

- Engaging in a foot pursuit, in violation of G03-07
 - **Sustained**, Violation of Rules 1 and 6.

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.

No reason presented itself in the course of the investigation to question the veracity of the testimony provided by the accused officers regarding the events that occurred. [REDACTED] was interviewed on May 13, 2024; his evidence regarding the events as they occurred was also largely consistent with the events as depicted in the BWC footage. In so far as there is some dispute in the evidence provided by the various parties, COPA finds it goes to their respective abilities to recollect the events accurately as well as to their differing perspectives. The evidence of the various individuals' intentions and motivations was problematic in respect of all the witness' testimony; each displayed a tendency to characterize events to minimize their own potential criminal or administrative wrongdoing.

V. ANALYSIS²⁶

Under State law and local ordinance, the duty to obey the directions of a police officer in a traffic stop relate to the actions of the driver in relation to the control of traffic.²⁷ Although an investigatory stop involves an involuntary detention of a member of the public by a police officer when there is a reasonable articulable suspicion that the person is committing, is about to commit, or has committed a criminal offense;²⁸ the rules regarding the initiation of a foot pursuit are distinct and set out in a different CPD General Order.²⁹ Specific rules also apply to the operation of police vehicles.³⁰

Officer Whitfield:

1. Officer Whitfield striking [REDACTED] with a CPD vehicle, without justification.

The totality of the evidence, including [REDACTED] statement and Officer Whitfield's statement to COPA, makes it clear that the unmarked CPD vehicle struck [REDACTED]³¹ Video footage depicts the aftermath of collision between [REDACTED] and the unmarked CPD vehicle³² and the crash report completed by CPD documented the collision.³³

Officer Whitfield told COPA the officers initiated the traffic stop because both [REDACTED] and the driver were not wearing seatbelts when required to do so; the windows were not tinted so the officers could observe this from outside the vehicle.³⁴

Officer Whitfield told COPA that he initiated the pursuit of [REDACTED] based on his suspicion that [REDACTED] was armed with a firearm.³⁵ "Once we activate the lights, [REDACTED] gets to scanning the area. Eventually, Mr. [REDACTED] briefly bends down, retrieves an item, and now when he bolts, I see that he's holding this satchel and he's running with it. So what I believed to be an illegal firearm because of my training and experience and multiple arrests that I've made in the same

²⁶ For a definition of COPA's findings and standards of proof, see Appendix B.

²⁷ 625 ILCS 5/11-203, Obedience to police officers, Chicago Municipal Code, sec. 9-40-030, Obedience to police, traffic control aide and fire department orders (see also C.M.C., sec. 9-40-020 (a))

²⁸ SO4-13-9, Investigatory Stop System.

²⁹ G03-07, Foot Pursuits.

³⁰ G03-03, Emergency Use of Department Vehicles.

³¹ Att. 40, pg. 10, lns. 15 to 21.

³² Att. 29, beginning at 0:15 to 0:25.

³³ Att. 27.

³⁴ Att. 33, pg. 35, lns. 18 to 23.

³⁵ Att. 40, pg. 15, lns. 19 to 22.

situations.”³⁶ Officer Whitfield told COPA that he made approximately 50 stops of individuals with illegal firearms in a satchel like the one ██████ possessed.³⁷

Officer Whitfield’s explanation of how he intended to use the vehicle in the apprehension of ██████ is problematic. Officer Whitfield told COPA that he intended to contain ██████ to essentially use the body of the unmarked CPD vehicle to turn ██████ around and drive ██████ towards the other officers and away from Gregory Elementary School, located two blocks to the south. In the Investigative Stop Report (ISR) authored by Officer Ambrose, Officer Ambrose wrote that ██████ attempted to jump over the hood of the vehicle causing ██████ to fall to the ground.³⁸ Officer Whitfield further explained to COPA, “[██████] cuts, like, directly in front of the vehicle and at some point, making – while making contact with the vehicle which I believe I – I slammed on the brakes immediately trying to prevent it, but by the time I committed I saw [██████] go down in the street to the right of the vehicle.”³⁹ Officer Whitfield explained to COPA that “never did I, like, mow him down, like, drive straight at him.”⁴⁰

Officer Whitfield’s BWC footage depicts Officer Whitfield turning the steering wheel of the squad car to the left, and then to the right as ██████ ran in front of the squad car from the left to the right.⁴¹ The turning of the steering wheel occurred at 15:38:43 which is the moment ██████ was struck by the vehicle, as depicted by video footage from Officer Whitfield’s and Officer Ambrose’s BWCs.⁴² When ██████ was running from the left side of the unmarked police vehicle to the right side, Officer Whitfield turned the steering wheel to the left, and then to the right. ██████ is then projected forward and onto the pavement. In addition, there is video footage of the incident from a fixed camera used to surveil the neighborhood (a “police observation device” (POD)) and from Officer Ambrose’s BWC. The footage depicts ██████ feet in front of his body as he is launched forward by an impact with the unmarked police vehicle, traveling from the sidewalk and onto the pavement.⁴³

It is relevant to note that the impact that threw ██████ to the ground was the second of two impacts that Officer Whitfield effected with the police vehicle on the fleeing ██████.⁴⁴ Although Officer Whitfield may not have intended to “mow down” ██████ COPA finds that Officer Whitfield certainly attempted to stop ██████ flight using the unmarked CPD vehicle

³⁶ Att. 33, pg. 15, lns 14 to 21.

³⁷ Att. 33, pg. 16, lns. 12 to 24.

³⁸ Att. 14, ISR narrative.

³⁹ Att. 40, pg. 10, lns. 15 to 20.

⁴⁰ Att. 40, pg. 10, lns. 20 to 21.

⁴¹ Att. 3, beginning at 1:43 to 1:46, Att. 58, and Att. 57.

⁴² Att. 3, beginning at 1:43 to 1:46, and Att. 57.

⁴³ Att. 29, beginning at 0:20 to 0:25, and Att. 57.

⁴⁴ Att. 67, pgs. 4 to 5.

kinetically. Accordingly, the allegation that Officer Whitfield struck [REDACTED] with a CPD vehicle, without justification, is **sustained**.

2. Officer Whitfield driving without due regard for the safety of all persons, in violation of G03-03.

The Illinois Vehicle Code (IVC), and CPD directives (directives) permit law enforcement officers to operate emergency vehicles contrary to the IVC when responding to an emergency call or when in the pursuit of an actual or suspected violator. When doing so, the IVC and directives require the law enforcement officer to operate the emergency vehicle with due regard to the safety of all persons.⁴⁵

Officer Whitfield was in pursuit of [REDACTED] whom Officer Whitfield suspected of possessing a firearm. Several times during this pursuit Officer Whitfield operated the squad car recklessly, and without due regard to [REDACTED] and pedestrians, in violation of the IVC and directives. Officer Whitfield drove the squad car onto the sidewalk in an easterly direction and near [REDACTED] and other pedestrians on or near the sidewalk.⁴⁶ A member of the public was seated on a concrete barrier immediately in front of the squad car; another member of the public was standing next to a parked vehicle on the east side of Lawndale Avenue.⁴⁷

Officer Whitfield told COPA that when he drove the squad car onto the sidewalk, he never saw these other individuals because his focus was on [REDACTED].⁴⁸ Officer Whitfield's admission that his focus was on [REDACTED] and not on the whole area in and around the path of the squad car, demonstrates Officer Whitfield's lack of due regard for the safety of others.

As [REDACTED] continued to run south on the sidewalk, he entered a narrow area with a tall chain-link fence on the east side of the sidewalk and a telephone pole on the west side of the sidewalk. Officer Whitfield pursued in very close proximity to [REDACTED].⁴⁹ As [REDACTED] continued to run on the sidewalk next to the fence, Officer Whitfield drove the squad car immediately to the right of [REDACTED].⁵⁰

⁴⁵ 625 ILCS 5/1-105 and General Order G03-03.

⁴⁶ Att. 46.

⁴⁷ Att. 2, beginning at 2:15 to 2:18.

⁴⁸ Att. 40, pg. 24, line 7 to pg. 25, ln. 20.

⁴⁹ Att. 3, beginning at 1:39 to 1:42.

⁵⁰ Att. 3, beginning at 1:39 to 1:45, Att. 4, beginning at 2:15 to 2:20, and Att. 6.

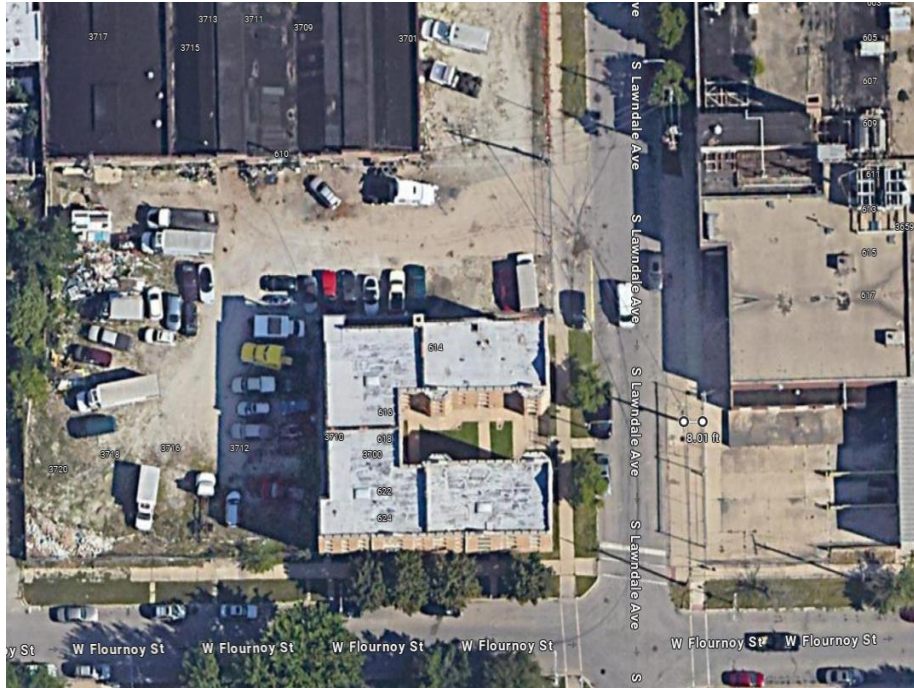


Figure 1: A screenshot from Google Maps showing the distance (8.01 feet) between a telephone pole and a chain-link fence adjacent to the sidewalk on which [REDACTED] was pursued by the unmarked police vehicle.

There was insufficient space for this maneuver to be conducted safely. COPA measured the distance of the space between the fence and the telephone pole (Figure 1) and determined the distance to be 97 inches.⁵¹ The width of the unmarked CPD vehicle Officer Whitfield was driving, with mirrors extended, is 90.2 inches.⁵² This would leave approximately seven inches of space between the vehicle and the fence; this was the area where [REDACTED] was running while the unmarked car was next to him. [REDACTED] was struck with the unmarked police vehicle, and then launched onto the pavement of Lawndale Avenue.⁵³

Officer Whitfield had several alternatives available to him at the time of this incident which he could have used to aid in the apprehension of [REDACTED] pursue at a greater distance, pursue on foot, stay on Lawndale Avenue and parallel [REDACTED] as [REDACTED] continued to run south on the sidewalk of Lawndale Avenue, or terminate the pursuit. Officer Whitfield expressly indicated that he could have easily outrun and apprehended [REDACTED] on foot.⁵⁴

⁵¹ COPA measured the distance both at the scene, as well as by using satellite imagery and measuring tools on Google Maps.

⁵² Att. 59, City of Chicago AssetWorks - CPD vehicle 2684.

⁵³ Att. 27.

⁵⁴ Att. 40, pg. 32, lns. 23 to 24.

Officer Whitfield told COPA that he was trying to “contain” ██████ to stop ██████ from running towards a school that was two blocks south as it was around dismissal time.⁵⁵ Officer Whitfield’s familiarity with the neighborhood, his suspicion that ██████ may be armed with a firearm, and dismissal time at a nearby elementary school, all contribute to Officer Whitfield’s desire to apprehend ██████. However, these circumstances did not justify Officer Whitfield operating the squad car in the manner in which he did, without due regard to the safety of all persons (especially given the alternative courses of action available). There was no justification for endangering Miggin’s life and endangering the lives of other members of the public. Accordingly, Allegation 2 against Officer Whitfield for driving without due regard to the safety of all persons, in violation of General Order G03-03, is **sustained**.

3. Officer Whitfield failed to timely activate his body worn camera.

CPD Special Order S03-14 (S03-14) mandates that CPD members activate their BWC to event mode at the beginning of an incident and record the entire incident for all law-enforcement-related activities.⁵⁶ Per this directive, traffic stops and foot pursuits are law-enforcement-related activities.⁵⁷

Officer Whitfield failed to activate his BWC at the time of the traffic stop of the vehicle from which ██████ ran, nor did he activate his BWC during the pursuit of ██████.⁵⁸ Officer Whitfield activated his BWC after the pursuit had ended, and ██████ was being handcuffed by Officer Ambrose.⁵⁹

Officer Whitfield admitted that this incident became a law-enforcement-related activity “the moment I activated the lights for the traffic stop.”⁶⁰ Officer Whitfield explained to COPA that he usually activates his BWC when he opens the squad car door to exit the vehicle, but he did not in this case as he was shifting the unmarked vehicle car into “park” when ██████ began to flee.⁶¹ BWC footage depicts that the dynamics of the traffic stop changed when ██████ fled on foot at about the same time that Officer Whitfield shifted the unmarked CPD vehicle into “park” and began to turn off the ignition.⁶²

⁵⁵ Att. 40, page 10, lns. 9 to 14.

⁵⁶ Att. 43, S03-14(III)(A)(2).

⁵⁷ Att. 43, S03-14(III)(A)(2)(c), and S03-14(III)(2)(e).

⁵⁸ Att. 3, from 1:21 to 1:59..

⁵⁹ Att. 3, beginning at 2:00

⁶⁰ Att. 40, pg. 12, lns. 13 to 17.

⁶¹ Att. 40, pg. 12 ln. 21 to pg. 13, ln. 22.

⁶² Att. 2, beginning at 2:00 to 2:05, and Att. 3, beginning at 1:20 to 1:30.

Even so, there was nothing preventing Officer Whitfield from activating his BWC as required.⁶³ Officers are required to activate the BWC upon embarking on any law enforcement activity. Accordingly, Allegation 1 against Officer Whitfield, that he failed to timely activate his BWC, is **sustained**.

Officer Webb:

1. Engaging in a foot pursuit, in violation of G03-07

The mere act of flight alone by a person will not serve as justification for engaging in a foot pursuit.⁶⁴

General Order G03-07 defines a pursuit as when a Department member pursues a fleeing person who is attempting to evade detention by law enforcement for reasonable articulable suspicion (RAS) or probable cause that a person has committed, is committing, or is about to commit a crime.⁶⁵ The definition of RAS is a well-founded suspicion based on specific, objective, articulable facts, taken together with the Department member's training and experience, that a person has committed, is committing, or is about to commit a crime.⁶⁶ CPD members may only engage in or continue a foot pursuit if there is a valid law enforcement need to detain the person that CPD members reasonably believe outweighs the threat to safety posed by the pursuit itself.⁶⁷ In turn, a valid law enforcement need to detain a person in relation to a foot pursuit exists when the CPD members establish RAS or probable cause to believe that (1) the person being pursued has committed, is committing, or is about to commit a Felony, a Class A misdemeanor, a traffic offense that endangers the physical safety of others, or (2) the person being pursued is committing or is about to commit an arrestable offense that poses an obvious physical threat to any person.

Officer Webb told COPA that the reason for the traffic stop was that both front seat occupants were not wearing seatbelts contrary to Illinois law and City of Chicago ordinance. When interviewed by COPA, ██████ admitted that he recently retrieved his son from the back seat of the moving vehicle⁶⁸ in order to comfort the child and was not wearing his seatbelt.⁶⁹ While the failure to wear a seatbelt may suffice to justify the traffic stop, it is insufficient justification for a foot pursuit under G03-07.

⁶³ Att. 43, S03-14(III)(A)(2). Per S03-14, "If circumstances prevent activating the BWC at the beginning of an incident, the member will activate the BWC as soon as practical."

⁶⁴ General Order G03-07, para. II.C.

⁶⁵ G03-07(III)(A).

⁶⁶ G03-07(III)(C).

⁶⁷ G03-07(IV)(B).

⁶⁸ Att. 67, pgs. 10 to 11.

⁶⁹ Att. 67, pg. 9, lns. 12 to 18.

Officer Webb explained, “[w]e observed the male offender moving his head, looking for an avenue of escape. He opened the door and then we saw him tightly gripping the satchel, fleeing the traffic stop.”⁷⁰ “[B]ased on my training and experience as a police officer, I believed he was fleeing...possession of a weapon.”⁷¹ Officer Webb cited his training and experience as a police officer when he told COPA, “[REDACTED] quickly opened the door and then he grabbed tightly the satchel and he fled on foot. And based on my reasonable suspicion, I believe he was in possession of a firearm. That’s the reason why I pursued him.”⁷²

There was no RAS of a crime.⁷³ Officer Webb was doing precisely what the policy prohibits; treating the act of fleeing itself as justification for the pursuit. He could articulate no reasonable basis to believe that [REDACTED] was fleeing with a firearm, let alone that [REDACTED] was fleeing with a firearm that he was not licensed to carry, beyond his own experience. RAS expressly consists of “specific, objective, articulable facts, taken together with the Department member’s training and experience;” here the officer was relying on his training and experience alone. The only specific, objective, articulable facts here were that [REDACTED] was fleeing and that he was holding a bag. The allegation against officer Webb is **sustained**.

Officer Ambrose:

1. Engaging in a foot pursuit, in violation of G03-07.

Officer Ambrose explained to COPA, “Leading up to the stop, we observed the passenger known as [REDACTED] scan the area looking for various routes to escape and then bend at the waist to retrieve a black satchel bag. He then proceeded to abruptly exit the vehicle at which point we exited ours and he began to flee from the traffic stop while holding the satchel bag close to his chest. Based on my own personal training through the Chicago Police Department along with participating in hundreds of [Unlawful Use of Weapon] arrests over the course of my career, we reasonably believed that he was attempting to conceal an illegal firearm and that it was more so illegal because a normal CCL holder wouldn’t have fled from a traffic stop abruptly.”⁷⁴ Officer Ambrose told COPA, “based on my training and experience as a police officer, I believed he was fleeing...possession of a weapon.”⁷⁵ “So very commonly, we deal with satchel bags quite often because they’re easy to discard when fleeing, and then also, it’s an easy means of access as well

⁷⁰ Att. 39, pg. 7, lns. 18 to 22.

⁷¹ Att. 39, pg. 7, lns. 22 to 24.

⁷² Att. 39, pg. 27, lns. 20 to 24.

⁷³ If [REDACTED] had been the driver of the vehicle, 625 ILCS 5/11-204 may have applied. As the passenger, [REDACTED] was not under an affirmative legal duty to remain at the scene of the traffic stop.

⁷⁴ Att. 41, pg. 7, lns. 9 to 22.

⁷⁵ Att. 39, pg. 7, lns. 22 to 24.

for retrieving a firearm whether it's for protection or to do a shooting or things like that. And so a lot of times, we see the satchel bags. Coupled with his actions, it just leads us to believe that there's more to it. And there's been plenty of arrests where people will take their satchel bag and they start scanning the area. They have a nervous, distressed look on their face. And then they'll adjust the satchel bag to, you know, try to obscure our view from it, see if it's heavily downward weighted, if there's an L-shaped object, and things like that.”⁷⁶

As with Officer Webb, here Officer Ambrose was relying on his training and experience alone, with no specific, objective facts to justify the foot pursuit as required by the policy. The allegation against officer Ambrose is **sustained**.

VI. DISCIPLINARY RECOMMENDATION

a. Officer Antonio Whitfield

i. Complimentary and Disciplinary History⁷⁷

Officer Whitfield’s complimentary history as received from CPD lists 76 awards, the highlights of which include one Crime Reduction Award, one Department Commendation, 72 Honorable Mentions, one Honorable Mention Ribbon Award, and one Military Service Award.

Officer Whitfield’s disciplinary history as received from CPD in the “Five Years Sustained Complaints History Report” includes no sustained findings. The summary discipline report received from CPD indicates that Officer Whitfield received four sustained Summary Punishment Action Requests (SPAR): in March 2024 for a court appearance violation (resulting in a reprimand), in October 2023 for parking vehicles (resulting in no disciplinary action), in September 2023 and in October 2023, both for preventable accidents (resulting in a reprimand, and no disciplinary action, respectively).

ii. Recommended Discipline

Given COPA’s findings of misconduct, the serious nature of the misconduct (the reckless use of deadly force in circumstances where the application of deadly force was unjustified), the complimentary and disciplinary history of the officer, as well as the applicable aggravating and mitigating factors⁷⁸ (in this case: victim is a member of the public, misconduct caused injury, disregard of training expectations). COPA recommends a **suspension of 30 – 90 days**.

⁷⁶ Att. 41, pg. 11, ln. 20 through pg. 12, ln. 10.

⁷⁷ Att. 60 and Att. 61

⁷⁸ COPA policy, Disciplinary and Remedial Recommendations (effective June 24, 2021), para. II.

b. Officer Aubrey Webb

i. Complementary and Disciplinary History⁷⁹

Officer Webb has received 54 awards, to include one life saving award and one unit meritorious performance award. His “Five Year Sustained Complaints History Report” received from CPD lists no entries. His summary discipline report received from CPD indicates that Officer Webb received three reprimands in connection with three sustained SPARs: failure to perform assigned tasks, parking vehicles, and a failure to submit reports as required.

ii. Recommended Discipline

Given COPA’s findings of misconduct, the complimentary and disciplinary history of the officer, as well as the applicable aggravating and mitigating factors⁸⁰ (in this case: victim is a member of the public, disregard of training expectations), COPA recommends a **suspension of up to 30 days**.

c. Officer Michael Ambrose⁸¹

i. Complementary and Disciplinary History

Officer Ambrose has received 47 awards, to include two Superintendent’s honorable mentions and one unit meritorious performance award. The “Five Year Sustained Complaints History Report” received from CPD lists no entries. His “SPAR History Report (Sustained Findings)” lists an April 2024 incidence of inattention to duty (resulting in a reprimand), and August 2023 preventable accident (resulting in a reprimand), and a January 2023 preventable accident (resulting in no disciplinary action).

ii. Recommended Discipline

Given COPA’s findings of misconduct, the complimentary and disciplinary history of the officer, as well as the applicable aggravating and mitigating factors⁸² (in this case: victim is a member of the public, disregard of training expectations), COPA recommends a **suspension of up to 30 days**.

⁷⁹ Att. 64 and Att. 63.

⁸⁰ COPA policy, Disciplinary and Remedial Recommendations (effective June 24, 2021), para. II.

⁸¹ Att. 64 and Att. 62.

⁸² COPA policy, Disciplinary and Remedial Recommendations (effective June 24, 2021), para. II.

Approved:

A black rectangular box redacting the signature of the Deputy Chief Administrator.

Sharday Jackson

Deputy Chief Administrator – Chief Investigator

September 30, 2024

Date

Appendix A**Case Details**

Date/Time/Location of Incident:	September 28, 2023/3:38 pm/3714 W Harrison Street, Chicago, Illinois.
Date/Time of COPA Notification:	October 2, 2023/9:30 am.
Involved Officer #1:	Antonio Whitfield, Star # 19651, employee ID # [REDACTED] Date of Appointment: December 19, 2019, Unit of Assignment: 011. Male, Black.
Involved Officer #2:	Aubrey Webb, Star # 5105, employee ID # [REDACTED] Date of Appointment: June 25, 2018. Unit of Assignment: 011, Male, Black.
Involved Officer #3:	Michael Ambrose, Star # 19607, employee ID # [REDACTED] Date of Appointment: November 18, 2019. Male, White.
Involved Individual #2:	[REDACTED] Male, Black.

Applicable Rules

- ☒ **Rule 1:** Violation of any law or ordinance.
- ☒ **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

- US Constitution, Amendment IV
- 625 ILCS 5/11-203, Obedience to police officers
- Chicago Municipal Code, sec. 9-40-030, Obedience to police, traffic control aide and fire department orders
- G03-02, De-Escalation, Response to Resistance, and Use of Force (June 28, 2023)
- G03-03, Emergency Use of Department Vehicles (March 18, 2022)

- G03-07, Foot Pursuits (August 29, 2022)
- SO4-13-9, Investigatory Stop System (July 10, 2017)

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.⁸³ For example, if the evidence gathered in an 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. 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.”⁸⁴

⁸³ 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).

⁸⁴ *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