

**SUMMARY REPORT OF INVESTIGATION**

**I. EXECUTIVE SUMMARY**

Date of Incident:	January 20, 2020
Time of Incident:	12:05 AM
Location of Incident:	4825 W. Madison St.
Date of COPA Notification:	January 21, 2020
Time of COPA Notification:	9:59 AM

Complainant ██████████ (██████████) alleged that on January 20, 2020, Officers Jason Giesel (“Officer Giesel”) and Spencer Engquist (“Officer Engquist”) stopped his vehicle without justification. The officers told ██████████ they pulled him over for not wearing a seatbelt, which ██████████ denied. When Sergeant Rafael Magallon (“Sgt. Magallon”) arrived at the scene, the officers ran ██████████ information and arrested him for having a false Michigan registration. Although ██████████ registration was subsequently found to be valid, COPA’s investigation determined the officers acted in good faith when they arrested ██████████ based on results they received from the Law Enforcement Automated Data System (LEADS).

**II. INVOLVED PARTIES**

Involved Officer #1:	Jason Giesel <sup>1</sup> , Star #19481, Employee ID # ██████████, Date of Appointment: December 2, 2013, Police Officer, Unit 650 (Area 5 - Detectives), Date of Birth: ██████████, 1984, Male, White
Involved Officer #2:	Spencer Engquist, Star #16153, Employee ID # ██████████, Date of Appointment: August 25, 2014, Police Officer, Unit 716 (Community Safety Team), Date of Birth: ██████████, 1989, Male, White
Involved Individual #1:	██████████ Date of Birth: ██████████, 1978, Male, Black

**III. ALLEGATIONS**

Officer	Allegation	Finding
Officer Giesel	It is alleged by ██████████ that on January 20, 2020, at approximately 12:05 AM, at or near 4825 W. Madison St., Officer Jason Giesel engaged in misconduct through the following acts and/or omissions:	

<sup>1</sup> Officer Giesel resigned from the Department effective December 17, 2021. Att. 28.

	<p>1. Performed a traffic stop on [REDACTED] without justification.</p> <p>2. Engaged in an unnecessary verbal altercation with [REDACTED] including but not limited to telling [REDACTED] words to the effect of “I’m the cops. I can do what the fuck I want.”</p> <p>3. Put his hands on his firearm in a threatening manner.</p> <p>4. Arrested [REDACTED] without justification.</p> <p>5. Searched [REDACTED] vehicle without justification.</p>	<p>Closed/Hold</p> <p>Closed/Hold</p> <p>Closed/Hold</p> <p>Closed/Hold</p> <p>Closed/Hold</p>
<p>Officer Engquist</p>	<p>It is alleged by [REDACTED] that on January 20, 2020, at approximately 12:05 AM, at or near 4825 W. Madison St., Officer Spencer Engquist engaged in misconduct through the following acts and/or omissions:</p> <p>1. Performed a traffic stop on [REDACTED] without justification.</p> <p>2. Arrested [REDACTED] without justification.</p> <p>3. Searched [REDACTED] vehicle without justification.</p>	<p>Not Sustained</p> <p>Exonerated</p> <p>Exonerated</p>

**IV. APPLICABLE RULES AND LAWS**

Rules

1. **Rule 2:** Prohibits any action or conduct which impedes the Department’s efforts to achieve its policy and goals or brings discredit upon the Department.
2. **Rule 6:** Prohibits disobedience of an order or directive, whether written or oral.
3. **Rule 8:** Prohibits disrespect to or maltreatment of any person, while on or off duty.
4. **Rule 9:** Prohibits engaging in an unjustified verbal or physical altercation with any person, while on or off duty.
5. **Rule 38:** Prohibits unlawful or unnecessary use or display of a weapon.

Federal Laws

1. **Fourth Amendment to the United States Constitution:** Guarantees protection from unlawful arrest and unreasonable search and seizure to all persons in this country.

## V. INVESTIGATION<sup>2</sup>

### a. Interviews

██████████ (██████████)<sup>3</sup>

COPA conducted the video-recorded interview of ██████████ on January 22, 2020. ██████████ stated that on January 20, 2020, Officers Geisel and Engquist pulled him over as he drove on Madison St. The officers approached ██████████ vehicle, and Officers Engquist informed ██████████ that Officer Geisel saw him driving without a seatbelt. ██████████ denied this and questioned how the officer could have seen whether he was wearing his seatbelt. Officer Giesel then opened ██████████ passenger door, put his knee on the seat, and placed his hand on his firearm. ██████████ was taken aback by the officer's actions and told him to get out of his car. Officer Engquist, who was standing next to the driver's window, advised ██████████ to cooperate. ██████████ put his hands in the air through the window and asked for a sergeant.

██████████ acknowledged that he did not want to exit his vehicle or turn off the ignition, and he argued with Officer Giesel. Officer Giesel responded, "I'm the cops. I can do what the fuck I want. You want to step out of this car."<sup>4</sup> ██████████ stated he did not want to reach for his license or to turn off the car while Officer Giesel's hand was on his gun. He screamed to nearby pedestrians, who stopped to help. At that point, Officer Engquist asked Officer Giesel to "step back."<sup>5</sup> Officer Giesel rolled down ██████████ passenger window, closed the vehicle door, then leaned through the open window and continued arguing with ██████████. Officer Engquist eventually convinced ██████████ to take the keys out of the ignition and hand them to him as they waited for a sergeant.

When Sgt. Magallon arrived at the scene, ██████████ provided his license but was not asked for registration or insurance. The sergeant handed ██████████ license to Officer Engquist, and ██████████ began recording on Facebook Live. Shortly thereafter, Sgt. Magallon asked ██████████ out of the vehicle and informed him he was under arrest for having a false registration. He also stated ██████████ would receive a citation for not wearing a seat belt. ██████████ complied with the sergeant's directions, ended his recording, and was taken into custody. He subsequently observed Officer Giesel searching his vehicle on scene. ██████████ stated his vehicle was leased and all the paperwork was valid, including the registration. After bonding out, ██████████ learned his license plates were inventoried and being held for investigation. ██████████ stated he was unable to retrieve his vehicle from the impound lot without the license plates.

### *Officer Jason Giesel ("Officer Giesel")<sup>6</sup>*

COPA interviewed Officer Giesel on August 16, 2021. On January 20, 2020, Officer Giesel and Officer Engquist stopped ██████████ for a traffic infraction, which Officer Giesel did not independently recall. As Officer Giesel approached on the passenger side, he heard ██████████

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in COPA's analysis.

<sup>3</sup> Att. 17

<sup>4</sup> Approximately 7:13 minutes of ██████████ COPA interview (Att. 17).

<sup>5</sup> Approximately 7:46 minutes of ██████████ COPA interview (Att. 17).

<sup>6</sup> Atts. 5 & 27

“screaming like bloody murder”<sup>7</sup> and shouting the officers were going to shoot him. Officer Giesel opened the passenger door out of concern because he did not understand why [REDACTED] was screaming and [REDACTED] behavior made him nervous. [REDACTED] told Officer Giesel he did not have permission to open his vehicle door, and the officer responded, “I’m the police. I can open your car door.”<sup>8</sup> Officer Giesel denied using profanities or saying he could do whatever he wanted. He did not recall placing his hand on his firearm, but related that he sometimes tucks his thumb into his duty belt, near his holstered firearm.

Officer Giesel stated that [REDACTED] would not give his license to Officer Engquist, so they called Sgt. Magallon to the scene. When Sgt. Magallon arrived, the officers ran [REDACTED] information and learned he had false Michigan license plates. Sgt. Magallon agreed with the officers’ conclusion that the LEADS results showed [REDACTED] registration was false, and he directed the officers to arrest [REDACTED]. After placing [REDACTED] into custody, Officer Giesel completed an inventory search of [REDACTED] vehicle and had it towed to the 15<sup>th</sup> District station. He recalled that [REDACTED] license plates were ultimately returned to him after they were found to be valid. Officer Giesel denied he misinterpreted the LEADS results, though he acknowledged that every state reports and/or labels information differently.

### *Officer Spencer Engquist (“Officer Engquist”)*<sup>9</sup>

COPA interviewed Officer Engquist on August 10, 2021. On January 20, 2020, Officers Engquist and Geisel performed a traffic stop on [REDACTED]. Officer Engquist related that [REDACTED] was not wearing his seatbelt, but he did not recall whether he personally observed the infraction. [REDACTED] “was very irate and did not want to comply with giving his license.”<sup>10</sup> Officer Engquist heard [REDACTED] and Officer Giesel discussing police authority, but he stated Officer Giesel was calm and did not use profanities. At [REDACTED] request, the officers requested a sergeant respond to the scene. [REDACTED] provided his driver’s license to Sgt. Magallon, and the officers ran [REDACTED] information through LEADS. The results showed [REDACTED] vehicle registration was false. The officers conferred with Sgt. Magallon, who agreed they should arrest [REDACTED] for false registration. At that point, [REDACTED] exited his vehicle and the officers took him into custody. Officer Engquist confirmed [REDACTED] vehicle was searched prior to being towed, though he could not recall if he personally performed the search.

Officer Engquist explained that, sometime after [REDACTED] arrest, a Department member made contact with the Michigan State Police, “and at that time they related the plates weren’t false, but they were in fact real. But during the traffic stop, we didn’t have that information or during the arrest.”<sup>11</sup> Officer Engquist stated he receives LEADS training every one to three years, but he did not recall training on false registration or interpreting results from Michigan.

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<sup>7</sup> Att.27: Page 7, Line 1

<sup>8</sup> Att.27: Page 8, Line 21

<sup>9</sup> Atts. 6 & 26

<sup>10</sup> Att. 26: Page 8, Lines 1 – 2

<sup>11</sup> Att. 26: Page 14, Lines 5 – 8

**b. Digital Evidence<sup>12</sup>*****Facebook Live Video<sup>13</sup>***

█████ provided COPA with a copy of a Facebook live video that he recorded during the traffic stop. The video begins as █████ sits in the driver's seat of his vehicle, wearing his seat belt, while the officers stand near the rear of the vehicle. █████ announces that an officer threatened to shoot him, tried to pull him out of his vehicle, and lied about him not wearing his seat belt. Sgt. Magallon arrives approximately one minute into the video, and █████ complains the officers pulled him over for no reason. He states Officer Giesel also opened his car door, leaned his entire body into █████ vehicle, and threatened, "I'm the cops motherfucker. I can do what I want."<sup>14</sup> Sgt. Magallon briefly walks away to speak with the officers. He returns and tells █████ that when the officers ran his license plates, the results showed his registration was "false." █████ states his registration is valid, and Sgt. Magallon relates he will double check the information. When Sgt. Magallon returns, he confirms the registration is coming back as "false" and asks █████ to exit the vehicle. █████ complies, is arrested, and stops recording.

**c. Documentary Evidence*****Arrest and Case Reports<sup>15</sup>***

█████ was arrested on January 20, 2020, at approximately 12:44 AM, for improper vehicle registration/title and seat belt usage. The reports state that Officers Giesel and Engquist pulled █████ over after they observed him driving a vehicle while not wearing a seatbelt. █████ told the officers he did not have to provide his driver's license and requested a sergeant respond to the scene. When Sgt. Magallon arrived, █████ provided him with a Michigan driver's license. The officers ran █████ information and a "LEADS inquiry of Michigan Registration related that the registration was false."<sup>16</sup> The officers took █████ into custody for having a false Michigan registration, and his vehicle was towed to the 15<sup>th</sup> District station as prisoner property. Officer Engquist inventoried █████ license plates, as well as a copy of the LEADS results regarding the allegedly false Michigan registration.

***Office of Emergency Management and Communications ("OEMC") Event # █████<sup>17</sup>***

The event query report documents that on January 20, 2020, at 12:05 AM, Officers Giesel and Engquist (Beat 4312C) stopped █████ vehicle at 4825 W. Madison St. At approximately 12:27 AM, the officers ran █████ Michigan license plate number, followed by his driver's license number. The officers reported they were taking █████ to the 15<sup>th</sup> District station at approximately 12:44 AM.

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<sup>12</sup> No body worn camera ("BWC") footage was located in association with the present investigation. Officers Giesel and Engquist told COPA they were not yet assigned BWCs as of January 20, 2020.

<sup>13</sup> Att. 19

<sup>14</sup> Approximately 2:12 minutes of Facebook Live video (Att. 19)

<sup>15</sup> Atts. 12, 16 & 21

<sup>16</sup> Att. 16, Page 2

<sup>17</sup> Att. 18

*Portable Data Terminal (PDT) Searches<sup>18</sup>*

The PDT results reveal that between 12:04 AM and 12:40 AM, Officer Engquist conducted multiple LEADS searches related to [REDACTED] including running [REDACTED] name, driver’s license number, license plate number, and VIN number. The results appear to indicate that [REDACTED] vehicle was not legally registered, showing “Permanent Registration: false.” See examples of the LEADS results below.<sup>19</sup>

20-JAN-2020 12:27:37	LEADS	ar: 2020 Month: --07 VIN: [REDACTED] Make: CHEVROLET Model: IMPALA Year: 2010 Style: 4D Color (Primary): Color (Secondary): CMV: false Title Data: Title ID: [REDACTED] Title Issue Date: 2019-10-31
20-JAN-2020 12:27:37	LEADS	f M/4312C FROM MI HCX 12.27.27 01/20/20* [REDACTED] Query Data: VIN: Plate: [REDACTED] Year: 2020-12-31 License Plate: [REDACTED] Plate Type: PC Permanent Registration: false Effective Date: 2019-10-31 Expiration Date: 2020-07-23 Registered Party: [REDACTED] Address: [REDACTED] 13 USA Driver License: [REDACTED] Gross Weight Measure: 0 (Units: ) Decal Decal Ye

*Cook County Traffic Records<sup>20</sup>*

On January 20, 2020, [REDACTED] was issued citations for improper use of registration/title and for driver seat belt usage. The citations were continued by order of the court on March 13, 2020, and there has been no activity on either ticket since.

*Michigan Vehicle Registration<sup>21</sup>*

[REDACTED] provided COPA with a copy of a Michigan Secretary of State vehicle registration for a 2010 Chevrolet Impala, bearing license plate number [REDACTED] and VIN number [REDACTED]. The vehicle was registered to [REDACTED] and Express Auto, Inc., and the registration was valid from October 31, 2019 until July 23, 2020.

**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;

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<sup>18</sup> Att. 29  
<sup>19</sup> Att. 29: Page 8, Lines 3 – 4  
<sup>20</sup> Atts. 15 & 30  
<sup>21</sup> Att. 22

2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy.<sup>22</sup> If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the “beyond-a-reasonable doubt” standard required to convict a person of a criminal offense. 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>23</sup>

## VII. ANALYSIS AND CONCLUSIONS

Officer Jason Giesel resigned from the Department prior to the conclusion of this investigation. Therefore, all of Officer Giesel’s allegations are placed in **Closed/Hold** status.

Allegation 1 against Officer Engquist, that he performed a traffic stop on [REDACTED] without justification, is not sustained. Traffic stops are considered seizures under the Fourth Amendment, and thus they are subject to the Fourth Amendment reasonableness requirement.<sup>24</sup> A lawful traffic stop requires “at least [an] articulable and reasonable suspicion that the particular person stopped is breaking the law.”<sup>25</sup> In this case, the officers told [REDACTED] they stopped him because he was not wearing his seatbelt, which [REDACTED] adamantly denied. Both officers asserted they had justification to conduct the traffic stop, but neither could independently recall seeing [REDACTED] initial infraction. There are no independent witnesses to the beginning of the incident, nor is there video footage to confirm or refute whether [REDACTED] was wearing his seatbelt. As a result, COPA lacks sufficient evidence to prove or disprove the allegation by a preponderance of the evidence, and Allegation 1 against Officer Engquist is **not sustained**.

Allegations 2 and 3 against Officer Engquist allege that he arrested [REDACTED] without justification and searched [REDACTED] vehicle without justification. The Fourth Amendment protects people from unreasonable searches and seizures by the government. In the absence of an arrest

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<sup>22</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 has found to be more probably true than not).

<sup>23</sup> *People v. Coan*, 2016 IL App (2d) 151036, ¶ 28 (2016).

<sup>24</sup> *Whren v. United States*, 517 U.S. 806, 809-10 (1996).

<sup>25</sup> *United States v. Rodriguez-Escalera*, 884 F.3d 661, 667-68 (7th Cir. 2018) (citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979)).

warrant, officers must have probable cause to arrest a subject.<sup>26</sup> “Probable cause to arrest exists when the totality of the facts and circumstances known to a police officer would lead a person of reasonable caution to believe that the person apprehended has committed a crime, and its existence depends on the totality of the circumstances at the time of the arrest.”<sup>27</sup> In this case, Officers Engquist and Giesel curbed [REDACTED] vehicle, then ran his Michigan license plate number through LEADS. When the vehicle registration came back as “false,” the officers concluded they had probable cause to arrest [REDACTED] as it is illegal to display or use a false vehicle registration in the state of Illinois.<sup>28</sup> Indeed, Sgt. Magallon reviewed the LEADS results and agreed with the officers’ decision to arrest [REDACTED]. Under these circumstances, COPA finds the officers reasonably believed they had probable cause to arrest [REDACTED].

However, [REDACTED] provided COPA with a copy of a Michigan vehicle registration for a 2010 Chevrolet Impala bearing license plate [REDACTED]. The document appears to confirm [REDACTED]’s assertion that his vehicle was properly registered in Michigan at the time of his arrest. COPA’s review of the evidence indicates the LEADS results may have been inaccurate, including the word “false” due to a coding or clerical error.<sup>29</sup> Regardless, COPA finds the officers made a reasonable conclusion that [REDACTED] vehicle registration was false. Officers Geisel and Engquist could only operate with the information they had at the time, which indicated [REDACTED] was violating the law. Therefore, COPA finds their decision to arrest [REDACTED] was justified. Additionally, because the officers acted in good faith and believed they were making a valid arrest, they were required to conduct an inventory search of [REDACTED] vehicle before having it towed.<sup>30</sup> COPA finds the LEADS results, coupled with the officers’ statements and reports, constitute clear and convincing evidence they had justification to arrest [REDACTED] and search his vehicle. As such, Allegations 2 and 3 against Officer Engquist are **exonerated**.

Approved:

[REDACTED]

3/22/2022

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 Matthew Haynam  
 Deputy Chief Administrator – Chief Investigator

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 Date

<sup>26</sup> *People v. Johnson*, 408 Ill. App. 3d 107, 112 (1st Dist. 2010) (citing *Beck v. Ohio*, 379 U.S. 89, 91 (1964)).

<sup>27</sup> *People v. Wear*, 229 Ill. 2d 545, 563-64 (2008).

<sup>28</sup> See 625 ILCS 5/3-703, Improper Use of Evidences of Registration Or Certificate of Title.

<sup>29</sup> COPA cannot confirm this because it does not have access to LEADS, which is maintained by the Illinois State Police (ISP). COPA has no jurisdiction over ISP or knowledge of its proprietary systems and/or operations.

<sup>30</sup> See General Order G07-03(IV)(A)(7), Vehicle Towing and Relocation Operations (effective November 1, 2014 to present).