

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	August 6, 2019/11:25 p.m./4000 W. Van Buren Street
Date/Time of COPA Notification:	August 7, 2019/10:31 p.m.
Involved Officer #1:	Michael Staken, Star No. 19252, Employee ID No., [REDACTED] Date of Appointment: December 2, 2013; Officer, Unit of Assignment 018, DOB: [REDACTED], 1988; Male, White
Involved Officer #2:	Spencer Engquist, Star No. 16153, Employee ID No., [REDACTED] Date of Appointment: August 25, 2014; Officer, Unit of Assignment: 015, DOB: [REDACTED], 1989; Male White
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1990; Male, Black
Case Type:	Improper Detention and Improper Seizure

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Michael Staken	<p>It is alleged, that on or about August 6, 2019, at 11:25 p.m., in the vicinity of 4000 W. Van Buren, you committed misconduct by:</p> <ol style="list-style-type: none"> 1. Detaining [REDACTED] without justification. 2. Arresting [REDACTED] without justification. 3. Attempting to impound the vehicle of [REDACTED] without justification. 	<p>Not Sustained Exonerated Exonerated</p>
Officer Spencer Engquist	<p>It is alleged, that on or about August 6, 2019, at 11:25 p.m., in the vicinity of 4000 W. Van Buren, you committed misconduct by:</p> <ol style="list-style-type: none"> 1. Detaining [REDACTED] without justification. 2. Arresting [REDACTED] without justification. 3. Attempting to impound the vehicle of [REDACTED] without justification. 	<p>Not Sustained Exonerated Exonerated</p>

II. SUMMARY OF EVIDENCE¹

The complainant, ██████████ ("██████████") alleged that on August 6, 2019, at approximately 11:25 p.m., two officers, now known to be Officer Spencer Engquist ("Officer Engquist") and Officer Robert Staken ("Officer Staken"), detained him and impounded his vehicle, without justification. ██████████ was driving down Cicero when he noticed officers heading in the opposite direction. The officers made a U-turn, pulled ██████████ over, and told him that he was being stopped for having a broken headlight. After running ██████████ license, the officers told ██████████ that his license was revoked, took ██████████ into custody, and impounded ██████████ car.² Upon release, ██████████ stated that he went to the Illinois Secretary of State and was told that there was no license revocation and ██████████ license was returned. ██████████ further stated that at the court date for the citation, the case was thrown out.

██████████ provided his statement to COPA on January 24, 2020.³ In his statement, ██████████ initially stated that his headlights were operational but later said that he could not recall the condition of the headlights. ██████████ also stated that at the time of the incident, he was driving with SR22 insurance and believed then that there was a possibility that his license was revoked because he was not certain his insurance payment reached Springfield, in time. ██████████ could not provide any court documentation showing that his license was not revoked. ██████████ did provide an Illinois driver's license that was issued on August 9, 2019.⁴

Officer Engquist and Officer Staken provided statements to COPA in COPA's offices on October 27, 2022, and November 4, 2022, respectively. In their statements, the officers had very limited memory of the stop but affirmed what they wrote in their reports, specifically, that they stopped ██████████ vehicle because of a headlight infraction and that they arrested ██████████ because his driver's license was suspended/revoked.

COPA investigators reviewed an arrest report for ██████████ relating to the incident.⁵ The report states that ██████████ was arrested for violating 625 ILCS 5.0/6-303-A, Driving on Revoked License⁶ and 9-76-050(B) Headlight Two Required-Motor Vehicle⁷. Officer Robert Staken and Officer Spencer Engquist are listed as the arresting officers. COPA Investigators searched Evidence.com for body worn camera (BWC) for the arresting officers but no video is available because both officers were assigned to Unit 213, Deputy Chief – Area 3, at the time of the incident which did not issue BWCs.

¹COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

² Att. 31. COPA's review of the relevant impound report indicates that ██████████ vehicle was no longer on the scene when a City of Chicago tow truck arrived to transport ██████████ vehicle for impoundment.

³ Att. 3.

⁴ Att. 2.

⁵ Att. 8.

⁶ Att. 29.

⁷ Att. 30.

On June 1, 2021, a COPA Investigator visited the Cook County Traffic Court Attorney Services department and reviewed the court file relating to the incident. The file contains two citations⁸ reflecting the violations on [REDACTED] arrest report and a LEADS print out for the incident that indicates that a red 2005 Pontiac sedan was registered to [REDACTED]. The LEADS print out also indicates, "No Valid Illinois License, DL/IP STA/ Revoked."⁹ The citations were made nolle prosequi on September 19, 2019.¹⁰

III. ANALYSIS AND CONCLUSION

[REDACTED] arrest report indicates that he was cited for a headlight violation. ‘When a police officer believes that a driver has committed a minor traffic offense, probable cause supports the stop.’¹¹ The accused officers here, therefore, had probable cause to stop [REDACTED] if the headlights on his 2005 vehicle were not functioning properly. Although [REDACTED] initially stated to COPA investigators that his headlights were in working order, he later stated that he was not sure. The accused officers travelling toward [REDACTED] on the same street, would have been able to observe [REDACTED] headlights prior to stopping him. Moreover, both accused officers affirmed to COPA that they stopped Harper because of the headlight infraction. The officers did not have BWCs at the time of the incident. Therefore, as there is no verifiable evidence that conclusively shows the condition of [REDACTED] headlights at the time of the incident, and considering [REDACTED] uncertainty regarding their operation, COPA finds that [REDACTED] allegation that his stop was unjustified to be **Not Sustained**.

[REDACTED] claims that he was arrested, without justification and that his car was impounded, without justification are also not supported by the evidence. The LEADS print out states that at the time of the incident, [REDACTED] license was indicated to be revoked. Officers are authorized to arrest subjects whose licenses are suspended or revoked and impound their vehicles.¹² Thus, even if the LEADS report was erroneous, and based on [REDACTED] own recollection it is possible it was not, the officers were entitled to rely on that information in making their decision to arrest [REDACTED] and impound his vehicle. COPA finds, therefore, that Officer Engquist and Officer Staken are **Exonerated** with respect to their arrest of [REDACTED] and **Exonerated** with respect to their decision to impound [REDACTED] vehicle.

Approved:

[REDACTED]

1-31-2023

Angela Hearts-Glass
Deputy Chief Investigator

Date

⁸ Att. 39.

⁹ Att. 26.

¹⁰ Att. 41.

¹¹ *Jones v. Exkhardt*, 737 F.3d 1107, 1114 (7th Cir. 2013) quoting, *United States v. Garcia-Garcia*, 633 F.3d 608, 612 (7th Cir. 2011).

¹² S07-03-05 (III)(A)(4).

