

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	November 8, 2019, at approx. 7:50 pm, 3900 W. Division
Date/Time of COPA Notification:	November 14, 2019, at 9:21 am
Involved Officer #1:	Spencer Engquist, Star #16153, Employee ID# [REDACTED] Date of Appointment: August 24, 2014, PO, 015/716, Male, White.
Involved Officer #2:	Jason Giesel, <sup>1</sup> Star #19481, Employee ID # [REDACTED] Date of Appointment: December 2, 2013, PO, 002/650, Male, White.
Involved Officer #3:	Joseph Jaroszewski, <sup>2</sup> Star #17776, Employee ID# [REDACTED] Date of Appointment: November 4, 2013, PO, 025, Male, White.
Involved Officer #4:	Joseph Angarone, <sup>3</sup> Star #12006, Employee ID # [REDACTED] Date of Appointment: April 6, 2015, PO, 011/189, Male, White.
Involved Individual #1:	[REDACTED] Female, Black.
Case Type:	Use of Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Spencer Engquist	1. Roughly grabbed [REDACTED] arms, without justification; and	Not Sustained
	2. Forcibly pulled [REDACTED] out of her vehicle, without justification.	Not Sustained
	3. Failure to complete a Traffic Stop Statistical Study (TSSS) card.	Unfounded
	4. Failure to complete an Investigatory Stop Report.	Not Sustained
	5. Failure to provide [REDACTED] with an Investigatory Stop Receipt.	Not Sustained

<sup>1</sup> On December 18, 2021, Officer Jason Giesel separated from CPD without providing a statement. Att. 33.

<sup>2</sup> On October 4, 2022, Officer Jaroszewski separated from CPD without providing a statement. Att. 45.

<sup>3</sup> On April 23, 2022, Officer Angarone separated from CPD without providing a statement. Att. 34.

<p>Officer Jason Giesel</p>	<ol style="list-style-type: none"> <li>1. Roughly grabbed [REDACTED] arms, without justification.</li> <li>2. Forcibly pulled [REDACTED] out of her vehicle, without justification.</li> <li>3. Searched [REDACTED] vehicle, without justification.</li> <li>4. Failure to complete a Traffic Stop Statistical Study (TSSS) card.</li> <li>5. Failure to complete an Investigatory Stop Report.</li> <li>6. Failure to provide [REDACTED] with an Investigatory Stop Receipt.</li> </ol>	<p>Closed/Hold</p> <p>Closed/Hold</p> <p>Closed/Hold</p> <p>Closed/Hold</p> <p>Closed/Hold</p> <p>Closed/Hold</p>
<p>Officers Joseph Jaroszewski and Joseph Angarone</p>	<ol style="list-style-type: none"> <li>1. Searched [REDACTED] vehicle, without justification.</li> <li>2. Failure to complete an Investigatory Stop Report.</li> <li>3. Failure to provide [REDACTED] an Investigatory Stop Receipt.</li> </ol>	<p>Closed/Hold</p> <p>Closed/Hold</p> <p>Closed/Hold</p>

**II. SUMMARY OF EVIDENCE**

On November 8, 2019, Officers Engquist, Giesel, Jaroszewski, and Angarone, while on a direct traffic enforcement mission, observed [REDACTED] with a broken taillight. Officers Engquist and Giesel stopped [REDACTED] alleged that Officers Engquist and Giesel roughly grabbed her by the arms and forcibly pulled her out of her vehicle causing her to strike her arms and knees against her vehicle. [REDACTED] indicated that while she was in the squad car with Officer Engquist, the other officers searched her vehicle without justification. A few days later, after speaking to COPA, [REDACTED] went to St. Mary’s Hospital for medical treatment due to bruises and pain to her arms, wrists, and knees.

During the investigation, COPA learned that other violations may have been committed by the accused officers. However, three of the officers are no longer Department members and are no longer within COPA’s jurisdiction.

In her statement to COPA, [REDACTED] stated that she was pulled over by two marked SUV squad cars – one in front, one in back – because she had a broken taillight. At first, she claimed that it was all four officers who yanked her door open, pulled her out of her vehicle, and handcuffed her.<sup>4</sup> Later she related that the two from the front car “were doing the most,” while the

<sup>4</sup> Att. 47, pgs. 6-7.

other two were “around.”<sup>5</sup> Still later, she said that the driver was the one who pulled her out without help from his partner. He handcuffed her, placed her in his vehicle, and wrote her tickets: the driver “was doing everything.”<sup>6</sup> The passenger, his partner, along with the other two officers, searched her car.<sup>7</sup>

██████ described the driver to be between “Caucasian [and] Mexican” due to his Spanish accent, 6’3” to 6’6” in height, heavy set, and in his late 20’s to early 30’s.<sup>8</sup> She described his partner as Caucasian or possibly Hispanic “because [she] couldn’t hear the Spanish in him as much as [she] could hear the one that was driving the car.”<sup>9</sup> The partner was 5’8” to 6’1”, heavier set, and in his 40s or 50s.<sup>10</sup>

Specifically, ██████ recounted that when the driver first came to her door, he pulled it open, said “get out of the car. Get your license out. Get out of the car. Get out,” and “snatched her.”<sup>11</sup> She wanted him to wait so she could call her children or parents.<sup>12</sup> She described that he pulled her body out by her left arm, and she recounted that she was “definitely pulling away,” “pulling herself to the right” because she did not understand why she was getting pulled out of her car for a traffic ticket.<sup>13</sup> The more the officer pulled her, the more she was “banging” around.<sup>14</sup> He was banging her as she “pulled out.”<sup>15</sup> ██████ sustained pain and bruising to the left arm, both wrists, her left leg, and her right knee. She did not tell the officers she was injured.<sup>16</sup> She did not feel the handcuffs were too tight.<sup>17</sup> She did not immediately seek medical treatment for her injuries because she went out of town the next day, but after speaking to COPA several days later, she went to St. Mary’s Hospital where she was treated, and they photographed her injuries.<sup>18</sup>

With regards to the search, she saw the other three officers “going through everything,” including the truck.<sup>19</sup> They never asked for her consent.<sup>20</sup> She was not patted down.<sup>21</sup>

In **Officer Engquist’s** statement to COPA on October 12, 2022,<sup>22</sup> he indicated that he had no independent recollection of the incident, but had with him a copy of the Traffic Stop Statistical Study (“TSSS”) card that he completed for ██████ as well as the traffic ticket he wrote for the violation of broken headlights.<sup>23</sup> Officer Engquist could not recall details of the stop from three

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<sup>5</sup> Att. 47, pgs. 14.

<sup>6</sup> Att. 47, pgs. 25-26, 41

<sup>7</sup> At. 47, pgs. 26-27.

<sup>8</sup> Att. 47, pgs. 17-19, 25-26, 33, 47.

<sup>9</sup> Att. 47, pg. 17

<sup>10</sup> Att. 47, pg. 19

<sup>11</sup> Att. 47, pgs. 20, 52

<sup>12</sup> Att. 47, pgs. 20, 33.

<sup>13</sup> Att. 22

<sup>14</sup> Att. 47, pgs. 33-35.

<sup>15</sup> Att. 47, pg. 34.

<sup>16</sup> Att. 47, pg. 38.

<sup>17</sup> At. 47, pg. 39.

<sup>18</sup> Att. 47, pgs. 41-47.

<sup>19</sup> Att. 47, pgs. 27-30.

<sup>20</sup> Att. 47, pgs. 27-28, 51.

<sup>21</sup> Att. 47, pg. 51.

<sup>22</sup> Att. 43.

<sup>23</sup> Att. 43, pgs. 8-9, 17. COPA had also obtained the traffic ticket he wrote ██████ for lack of insurance.

years earlier stating, “nothing stood out from an ordinary traffic stop. It was just a basic traffic stop.”<sup>24</sup>

Based on a case report provided by COPA, he recalled that he and his team were conducting a traffic enforcement mission that night wherein they “saturate a designated area given down prior from the deputy chief that is known for gang violence, narcotics selling, shootings, and retaliation shootings.”<sup>25</sup> They were on direct patrol, driving around, being observant and visible. After being shown a photograph of ██████ Officer Engquist still did not “recall anything that stuck out that night,” nothing “stood out of anything ordinary for a normal working day.”<sup>26</sup> Officer Engquist explained that if he would have taken ██████ out of her vehicle, searched her, and her vehicle, he would have completed the proper reports such as the Investigatory Stop Report, but his TSSS indicated no search was performed. Additionally, he would have called for a female officer if the female needed to be patted down or further searched. Further, he would have called for EMS if someone complained to him about injuries.

There is no **Body Worn Camera** (BWC) from this incident due to the named accused officers being assigned to Unit 213 – Bureau of Patrol - Area North, which is a unit that is not assigned BWCs at that time.

**The Traffic Stop Statistical Study card**<sup>27</sup> reflected a “BROKEN/INOPERABLE LAMPS violation and that no search was conducted of the vehicle or ██████

**Photographs**<sup>28</sup> taken of ██████ at St. Mary’s Hospital on November 12, 2019, depicted some minor bruising near her left wrist and right knee areas.

**Medical Records**<sup>29</sup> from St. Mary’s Hospital documented that ██████ sought medical treatment on November 12, 2019, for pain and minor bruising to the left wrist and right lower leg. ██████ informed hospital personnel that she was assaulted by the police when they forcefully pulled her out of her vehicle for traffic infraction. The diagnosis was pain to the arm and knee, and a contusion. The past medical history and active problem list on file was acute psychosis with a past diagnosis of depression.

## 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;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence; or

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<sup>24</sup> Att. 46, pg. 9.

<sup>25</sup> Att. 46, pgs. 10-11.

<sup>26</sup> Att. 46, pgs. 11-12, 14, 20, 22.

<sup>27</sup> Att. 44.

<sup>28</sup> Att. 28.

<sup>29</sup> Att. 12.

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>30</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.<sup>31</sup> 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>32</sup>

### III. ANALYSIS AND CONCLUSION

COPA finds allegations #1 and #2 – that Officer Engquist roughly grabbed [REDACTED] arms, and forcibly pulled her out of her vehicle without justification – are **Not Sustained**. There is insufficient evidence, facts, or witnesses to prove by a preponderance or clear and convincing refute these allegations. In her statement to COPA, [REDACTED] was unclear as far as how many officers were involved in grabbing her and pulling her out of the car before she related it was just one, who was approximately 6'3" to 6'6" in height, and between Caucasian and Mexican, as she was adamant that he had a Spanish accent. Although Officer Engquist is 6'5" in height,<sup>33</sup> he does not have a Spanish or any type of Hispanic accent. Officer Engquist did not have an independent recollection of the incident and other involved members' accounts could not be obtained because they are no longer with CPD. There are no body-worn cameras or any other third-party videos to review or assist with the investigation. The POD video obtained did not capture the interaction between [REDACTED] and the named officer. Therefore, there is not a preponderance of evidence to support these allegations against Officer Engquist. As such, COPA finds they are **Not Sustained**.

COPA finds allegations #3 – that Officer Engquist failed to complete a Traffic Stop Statistical Study (TSSS) card is **Unfounded**. Officer Engquist provided COPA with a copy of the Traffic Stop Statistical Study card that was completed for [REDACTED] Therefore, by clear and convincing evidence, COPA finds this allegation **Unfounded**.

COPA finds allegations #4, and #5 – that Officer Engquist failed to complete an Investigatory Stop Report ("ISR") and failed to provide [REDACTED] with an Investigatory Stop

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<sup>30</sup> *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).

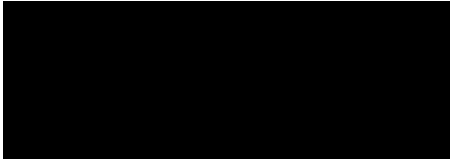
<sup>31</sup> *People v. Coan*, 2016 IL App (2d) 151036 (2016).

<sup>32</sup> *Id.* at ¶ 28.

<sup>33</sup> Email from Sgt. Ohara of Unit 716, who confirmed PO Engquist's height and a search of TRR reports previously completed by PO Engquist for unrelated cases where his physical description is documented.

Receipt – are **Not Sustained**. ██████ admitted that she had not been patted down and Officer Engquist related that his TSSS – filled out at the time of the stop – documented that no search of her or vehicle had been conducted. Moreover, ██████ indicated that the officer who pulled her out of the car was not involved in the search of her car. Since her identifications of which officers did what were uncertain, there is not a preponderance of evidence to support these allegations. As such, COPA finds they are **Not Sustained**.

Approved:



4/26/2023

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Matthew Haynam  
*Deputy Chief Investigator*

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Date