



Log # 2019-0002964

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

### I. EXECUTIVE SUMMARY

The Civilian Office of Police Accountability (COPA) initiated an investigation after receiving a web complaint from ██████████. In his complaint, ██████████ alleged that on July 31, 2019, Officer Jamie Nunez, #17752, Officer Shaun Menagh, #3925, and Officer William Grossklas,<sup>2</sup> #17311, conducted a traffic stop on his vehicle without justification. Additionally, ██████████ alleged that the officers collectively searched his vehicle without justification, racially profiled him, handcuffed him without justification, and failed to request a Sergeant upon his request. Following its investigation, COPA reached Not Sustained findings for the allegations against Officers Nunez and Menagh.<sup>3</sup>

### II. SUMMARY OF EVIDENCE<sup>4</sup>

The complainant, ██████████ gave a recorded interview at COPA's offices in which he stated that the accused officers told him they stopped him because he had dealer plates on his vehicle.<sup>5</sup> ██████████ explained that he had dealer plates on his vehicle because he worked for ██████████ and was traveling from the auction to the mechanic shop to repair the vehicle. The officers began to question him about his concealed carry license and asked if he had any weapons inside the vehicle. The officers then asked him to exit the vehicle. ██████████ stated that officers guided him to the rear of the vehicle, handcuffed him, and then proceeded to search his vehicle without justification. He specifically stated that he felt that the accused officers had initiated the stop because they racially profiled him. During the search of his vehicle, ██████████ requested a Sergeant<sup>6</sup> and was denied.

At the end of the traffic stop, ██████████ was issued tickets for operating an uninsured motor vehicle, not having a vehicle registration light, and not having proof of valid registration for the

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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> Officer Grossklas resigned from the CPD effective March 2, 2021.

<sup>3</sup> Officer Grossklas was not interviewed before resigning from the CPD.

<sup>4</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 *[identify the most material and outcome-determinative evidence relied upon, such as BWC footage, ICC footage, third-party video, police reports, civilian interviews, officer interviews, etc.]*.

<sup>5</sup> Att. 2 – Interview of ██████████

<sup>6</sup> Att. 10 – Office of Emergency Management and Communications (OEMC) Event Query documented that ██████████ called 911 and requested a Sergeant.

dealer plates.<sup>7</sup> Officer Nunez and Officer Menagh stated in their interviews with COPA that they could not recall conducting this traffic stop and were not assigned body worn cameras (BWC) at the time of the alleged incident.<sup>8</sup> Both officers denied all of the allegations made against them.

### III. ALLEGATIONS

#### **Officer Jaime Nunez and Officer Shaun Menagh**

It is alleged by [REDACTED] that on or about July 31, 2019, at approximately 9:30 p.m., at or near 5800 South Halsted, Chicago, IL, the officers committed misconduct through the following acts or omissions by:

1. Stopped him without justification.
  - Not Sustained
2. Searched his vehicle without justification.
  - Not Sustained
3. Handcuffed him without justification.
  - Not Sustained
4. Racially profiled him.
  - Not Sustained
5. Failed to request a Sergeant upon his request.
  - Not Sustained

#### **Officer William Grossklas**

It is alleged by [REDACTED] that on or about July 31, 2019, at approximately 9:30 p.m., at or near 5800 South Halsted, Chicago, IL, the officer committed misconduct through the following acts or omissions by:

1. Stopped him without justification.
  - Close/Hold
2. Searched his vehicle without justification.
  - Close/Hold
3. Handcuffed him without justification.
  - Close/Hold
4. Racially profiled him.

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<sup>7</sup> Att. 15 – Copy of [REDACTED] tickets; Att. 31, Illinois Vehicle Code 625 ILCS 5/3-701, Illinois Vehicle Code 625 ILCS 5/3-707, Illinois Vehicle Code 625 ILCS 5/12-201.

<sup>8</sup> Att. 25 – Interview Officer Nunez; Att. 30 – Interview of Officer Menagh.

- Close/Hold
- 5. Failed to request a Sergeant upon his request.
  - Close/Hold

#### IV. CREDIBILITY ASSESSMENT

This investigation did not reveal any evidence that caused COPA to doubt the credibility of any of the individuals who provided statements.

#### V. ANALYSIS<sup>9</sup>

##### a. Justification of Traffic Stop, Search, and related events

COPA found that Allegation #1 against Officer Nunez and Officer Menagh, stopping ██████████ without justification, **Not Sustained**. Officers Nunez and Menagh stopped ██████████ vehicle because he was operating a vehicle with out-of-state dealer plates, violating Illinois law.<sup>10</sup> In his interview with COPA, ██████████ admitted that he was operating a vehicle with dealer plates from his employer, ██████████, which was located in Wisconsin.<sup>11</sup> Under Illinois Law, the driver of a motor vehicle bearing dealer plates is required to provide proof of registration, a work order, or a contract with the repair facility to a law enforcement officer upon request. During ██████████ interview, he stated that he did try to provide registration proof, but the officers did not accept his paperwork.<sup>12</sup> As a result, ██████████ was issued tickets for operating an uninsured motor vehicle, not having a vehicle registration light, and not having proof of valid registration for the dealer plates.<sup>13</sup> ██████████ stated in his interview with COPA that the tickets were dismissed in court once he provided the paperwork.<sup>14</sup> Therefore, there is insufficient evidence to prove or disprove the allegations.

COPA found that Allegation #2 against Officer Nunez and Officer Menagh, conducting a search of ██████████ vehicle without justification, **Not Sustained**. Officer Nunez and Officer Menagh could not recall conducting the traffic stop and had not been assigned a BWC at the time of the alleged incident. Therefore, there is insufficient evidence to verify that the officers conducted a search of the vehicle.

COPA found that Allegation #3 against Officer Nunez and Officer Menagh, handcuffing ██████████ without justification, **Not Sustained**. Again, Officer Nunez and Officer Menagh had no memory of conducting the traffic stop. There were no video or independent witnesses to collaborate or refute the allegations and the officers denied the allegations made against them. Therefore, there is insufficient evidence to prove or disprove the allegations.

<sup>9</sup> For a definition of COPA's findings and standards of proof, *see* Appendix B.

<sup>10</sup> Att. 31.

<sup>11</sup> Att. 2 timestamped at 4:10.

<sup>12</sup> Att. 2 timestamped at 11:45.

<sup>13</sup> Att. 15.

<sup>14</sup> Att. 2 timestamped at 9:07.

**b. Racially Profiling**

COPA found that Allegation #4 against Officer Nunez and Officer Menagh, that they racially profiled [REDACTED] **Not Sustained**. Officer Nunez and Officer Menagh had no memory of conducting the traffic stop, and the officers denied committing the allegations. In addition, there was no video or independent witnesses to collaborate or refute the allegations. Therefore, there is insufficient evidence to prove or disprove the allegations.

**c. Failure to provide a Sergeant upon request.**

COPA found that Allegation #5 against Officer Nunez and Officer Menagh, failing to request a Sergeant upon [REDACTED] request, **Not Sustained**. OEMC records documented that [REDACTED] called 911 and requested a Sergeant. However, COPA was not able to determine whether the accused officers denied [REDACTED] request and the officers denied the allegation made against them. Therefore, there is insufficient evidence to prove or disprove the allegations.

Approved:

[REDACTED]

7-31-2023

\_\_\_\_\_  
*Angela Hearts-Glass*  
*Deputy Chief Administrator – Chief Investigator*

\_\_\_\_\_  
Date

**Appendix A****Case Details**

Date/Time/Location of Incident:	July 31, 2019 / 9:30 p.m. / 5800 South Halsted Street Chicago, Illinois.
Date/Time of COPA Notification:	July 31, 2019 /10:23 p.m.
Involved Officer #1:	Officer Jamie Nunez / Star # 17752 / Employee ID # [REDACTED] / Date of Appointment: February 19, 2013 / Unit of Assignment: 009 / Gender: Male / Race: White Hispanic.
Involved Officer #2:	Officer Shaun Menagh / Star # 3925 / Employee ID # [REDACTED] / Date of Appointment: July 31, 2006 / Unit of Assignment: 006 / Gender: Male / Race: White.
Involved Officer #3:	Officer William Grossklas / Star # 17311 / Employee ID # [REDACTED] / Date of Appointment: August 31, 2015 / Unit of Assignment: 006 / Gender: Male / Race: White.
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1987, 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.
- Rule \_\_:** *[Insert text of any additional rule(s) violated]*

**Applicable Policies and Laws**

- Illinois Vehicle Code 625 ILCS 5/3-701
- Illinois Vehicle Code 625 ILCS 5/3-707
- Illinois Vehicle Code 625 ILCS 5/12-201



## 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>15</sup> 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.”<sup>16</sup>

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<sup>15</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>16</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