

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	June 12, 2018/11:41 am/ [REDACTED]
Date/Time of COPA Notification:	June 20, 2018/4:24 pm
Accused Officer #1:	Joseph Cunningham, star # 9871, employee ID# [REDACTED], Date of Appointment February 18, 2014, PO, Unit of Assignment 011, DOB [REDACTED], 1985, Male, White.
Involved Individual #1:	[REDACTED] DOB [REDACTED], 1982, Male, Black
Case Type:	False Arrest

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Joseph Cunningham	1. It is alleged that on June 12, 2018, at approximately 11:41 am, at or near [REDACTED]. [REDACTED], Officer Joseph Cunningham falsely arrested [REDACTED]	EXONERATED

II. SUMMARY OF EVIDENCE¹

In a statement to COPA on June 22, 2018, at approximately 3:34 pm, Mr. [REDACTED] alleged that on the date in question, he opened his front door to several officers, who asked him his name. When he gave his name, the officers took his phone, put him in handcuffs, patted him down, then placed him in a police vehicle. The officers transported Mr. [REDACTED] who was already on parole, to the police station and advised him he was being charged with a narcotics conspiracy.

Officers told him they had a warrant for his arrest, and that on November 17, 2017, he was videotaped participating in illegal narcotics activities. His cousin [REDACTED], who was also believed to be involved, had been arrested and was at the police station when Mr. [REDACTED] arrived. His cousin [REDACTED] was also believed to be involved. Officers asked Mr. [REDACTED] about the conspiracy, and also asked him for information on other crimes, however, Mr. [REDACTED] was unable to help them.

¹ COPA 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.

Mr. ██████ alleged that he was falsely arrested. He claimed he was not the person involved in the conspiracy, and stated he was in Dalton, IL on the date in question.

Officer Cunningham's BWC captured his search of Mr. ██████ at his home, after he had already been placed into handcuffs.² Mr. ██████ was then escorted to a black police vehicle and placed in the back seat. Meanwhile, Officer Cunningham knocked on the front door to the residence and told the woman who answered that Mr. ██████ had been arrested on a warrant and that they were taking him to Harrison and Kedzie.

According to police records, Mr. ██████ was arrested under warrant #CW005█████, issued by Judge ██████ on June 11, 2018, and charged under 720 ILCS 570/401, Manufacturing or Delivery of a Controlled Substance.³ The Original Case Incident Report, #JA51█████, reported that on November 17, 2017, under RAID# ██████, there was an occurrence that involved Mr. ██████ and eight grams of heroin.⁴ This report also listed inventory numbers for, among other things, pre-recorded funds, a photo line-up, and four ISR reports.⁵ Court records, under Case #18CR0█████, state that on September 27, 2019, Defendant ██████ pleaded guilty to the amended charge of Possession of a Controlled Substance, and was sentenced to two years of probation.⁶

III. 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;
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. *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). 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.

² Att. 22.

³ Att. 14.

⁴ Att. 23.

⁵ Att. 24.

⁶ Att. 25.

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. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). 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.” *Id.* at ¶ 28.

IV. ANALYSIS AND CONCLUSION

COPA finds **Allegation #1**, that on June 12, 2018, at approximately 11:41 am, at or near [REDACTED], Officer Joseph Cunningham falsely arrested [REDACTED] is not supported by the evidence and is **Exonerated**.

According to the evidence, Mr. [REDACTED] was arrested as called for in a warrant issued a day earlier. Furthermore, Mr. [REDACTED] who was on parole at the time for a similar charge, pleaded guilty to an amended but similar charge, and was sentenced to two years of probation.

Approved:

[REDACTED]

8-12-2021

Angela Hearts-Glass
Deputy Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	16
Investigator:	Frances Lee
Supervising Investigator:	Deborah Talbert
Deputy Chief Investigator:	Angela Hearts-Glass

