

SUMMARY REPORT OF INVESTIGATION

Date/Time/Location of Incident:	April 26, 2019/1:47 P.M./41 N. Kedzie Avenue/011 th District Police Station
Date/Time of COPA Notification:	May 1, 2019/11:50 A.M.
Involved Officer #1:	Joseph Cunningham, Star No. 9871, Employee No. [REDACTED], Date of Appointment: February 18, 2014, Rank: Police Officer, Unit of Assignment: 011, DOB: [REDACTED], 1985, Male, White
Involved Officer #2:	Justin Simik-Valadez, Star No. 8209, Employee No. [REDACTED], Date of Appointment: August 31, 2015, Rank: Police Officer, Unit of Assignment: 011, DOB: [REDACTED], 1990, Male, White Hispanic
Involved Individual #1:	[REDACTED] DOB: [REDACTED], 1995, Male, Black
Case Type:	Detaining without Justification/Arresting without Justification/Strip Search without Justification

I. ALLEGATIONS

Officer	Allegation	Finding
Officer Joseph Cunningham	1. It is alleged by [REDACTED] that on or about April 26th, 2019 at approximately 1:47 P.M. at or near 41 N. Kedzie Avenue Chicago, Illinois Officer Joseph Cunningham Star No. 9871 committed misconduct through the following acts or omissions, by: detaining [REDACTED] without justification.	Not Sustained
	2. It is alleged by [REDACTED] that on or about April 26th, 2019 at approximately 1:47 P.M. at or near 41 N. Kedzie Avenue Chicago, Illinois Officer Joseph Cunningham Star No. 9871 committed misconduct through the following acts or omissions, by: arresting [REDACTED] without justification.	Not Sustained
	3. It is alleged by [REDACTED] that on or about April 26th, 2019 at approximately 2:00 P.M. at or near the 011 th District Chicago Police Station	Not Sustained

<p>Officer Justin Simik-Valadez</p>	<p>Officer Joseph Cunningham Star No. 9871 committed misconduct through the following acts or omissions, by: conducting a strip search of [REDACTED] without justification.</p> <p>1. It is alleged by [REDACTED] that on or about April 26th, 2019 at approximately 1:47 P.M. at or near 41 N. Kedzie Avenue Chicago, Illinois Officer Justin Simik-Valadez Star No. 8209 committed misconduct through the following acts or omissions, by: detaining [REDACTED] without justification.</p> <p>2. It is alleged by [REDACTED] that on or about April 26th, 2019 at approximately 1:47 P.M. at or near 41 N. Kedzie Avenue Chicago, Illinois Officer Justin Simik-Valadez Star No. 8209 committed misconduct through the following acts or omissions, by: arresting [REDACTED] without justification.</p>	<p>Not Sustained</p> <p>Not Sustained</p>
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II. SUMMARY OF EVIDENCE

Complainant [REDACTED] alleges that on April 26, 2019 he was detained and arrested without justification by officers of the Chicago Police Department and that, soon thereafter, one of the officers unlawfully conducted a strip search of Mr. [REDACTED] forcing him to expose his genitals in a room on the second floor of the 11th District Police Station. COPA regretfully reports that its Investigators initially receiving Mr. [REDACTED] complaint failed to meet COPA’s internal video/audio file retention deadline, and thus the video and audio recordings of Mr. [REDACTED] original Complaint are permanently lost. COPA Investigators contacted Mr. [REDACTED] to obtain a second Complainant interview; however, Mr. [REDACTED] declined to provide an additional statement. COPA Investigators nonetheless investigated the Complaint and interviewed the Involved Officers based on limited notes from Mr. [REDACTED] initial interview.

In reaching its factual findings, COPA reviewed the interview of Officers Joseph Cunningham,¹ the interview of Officer Justin Simik-Valadez,² an Investigatory Stop Report documenting the initial traffic stop and arrest,³ an Arrest Report from the incident,⁴ an Original Case Incident Report,⁵ an Office of Emergency Management & Communications Event Query

¹ Attachment 6.
² Attachment 7.
³ Attachment 1.
⁴ Attachment 2.
⁵ Attachment 3.

Report,⁶ CPD Attendance and Assignment sheets,⁷ and other documents related to the matters under investigation. In addition, COPA Investigators travelled to the 11th District Station seeking to identify additional information related to Mr. ██████ arrest and detention or video of his search. Due to the Involved Officers' assignment to a Chicago Police gang enforcement unit, no Body Worn Camera video is available for the stop, detention, arrest, transport, etc., and no other video recordings of the incidents under investigation are known to exist. COPA finds that on April 26, 2019 at approximately 1:47 PM, Officers Cunningham and Simik-Valadez conducted a traffic stop of Mr. ██████ in his vehicle at or near 41 N. Kedzie, Avenue. That traffic stop resulted in Mr. ██████ arrest. The officers transported Mr. ██████ to the 11th District Station where he was charged with simple assault as well as the Chicago Municipal Code violation of driving with view obstructed. While in the 11th District Station, a search of Mr. ██████ person was conducted.

III. ANALYSIS AND CONCLUSION

COPA finds the allegations that Officer Cunningham and Officer Simik-Valadez detained and arrested Mr. ██████ without justification, and that Officer Cunningham thereafter conducted a strip search of Mr. ██████ without justification are not sustained. Due to the absence of specific and material information about Mr. ██████ complaint following COPA's failure to retain the video and audio files of the Complainant's interview and Mr. ██████ unwillingness to provide a second interview, as well as the lack of any video evidence documenting any part of the incidents under investigation, COPA is forced to primarily rely on the Accused Officers' own reports and statements for information about what transpired. In no report or statement does either officer admit any fact indicating Mr. ██████ traffic stop, detention, or arrest were improper. In no report or statement does either officer admit any fact indicating a strip search was performed on Mr. ██████ by Officer Cunningham or any other officer. Further, no other report, document, or other evidence contains any fact tending either to prove or disprove Mr. ██████ complaints. Absent any additional information, there is insufficient evidence to prove by a preponderance that the officers' conduct was either reasonable or unreasonable based on the totality of the circumstances and, thus, the allegations can be neither exonerated nor sustained. Therefore, the allegations are not sustained.

Approved:

██████████

June 29, 2020

Andrea Kersten
Deputy Chief Administrator

Date

⁶ Attachment 4.

⁷ Attachment 5.

Appendix A

Assigned Investigative Staff

Squad#:	Four
Investigator:	Daniel Thetford
Supervising Investigator:	James Murphy-Aguilu
Deputy Chief Administrator:	Andrea Kersten