CITY OF CHICAGO POLICE BOARD

PUBLIC MEETING

January 17, 2019

STENOGRAPHIC REPORT OF PROCEEDINGS

had in the above-entitled matter held at Chicago Public Safety Headquarters, 3510 South Michigan Avenue, Chicago, Illinois, at 7:37 o'clock p.m.

POLICE BOARD MEMBERS PRESENT:

MR. GHIAN FOREMAN, President
MS. PAULA WOLFF, Vice President
MS. EVA-DINA DELGADO
MR. STEVE FLORES
MR. JOHN P. O'MALLEY, JR.
MR. JOHN H. SIMPSON
MS. RHODA D. SWEENEY
MS. ANDREA L. ZOPP

ALSO PRESENT:

MR. DWAYNE BETTS, Deputy Chief, Chicago Police Department
MS. CHARISE VALENTE, General Counsel to the Superintendent of Police
MR. KEVIN CONNOR, General Counsel, Civilian Office of Police Accountability.
MAX A. CAPRONI, Executive Director, Police Board
MEMBERS OF THE PUBLIC

PRESIDENT FOREMAN: Good afternoon. I am Ghian Foreman, President of the Chicago Police Board, and I'm calling the meeting to order.

The first item of business is approval of the minutes of the Board's regular public meeting held on December 13, 2018.

Is there a motion to approve the minutes?

MS. DELGADO: So moved.

MS. SWEENEY: Second.

PRESIDENT FOREMAN: All in favor?

(Ayes in unison.)

PRESIDENT FOREMAN: None opposed. The motion passes.

The schedule of the Board's regular public meetings for 2019 has been made available at this evening's meeting and will be posted on the Board's website. Our next public meeting will be held on Thursday, February 21, at 7:30 p.m. here at Chicago Public Safety Headquarters.

At this time I ask for a motion to close a series of executive sessions for the purpose of considering personnel matters in litigation as authorized by Section 2(c), 1, 3, 4, and 11 of the Illinois Open Meetings Act. Is there such a

motion?

MR. SIMPSON: So moved.

MR. FLORES: Second.

PRESIDENT FOREMAN: All in favor?

(Ayes in unison.)

PRESIDENT FOREMAN: The motion passes.

A report of disciplinary actions taken by the Board during the previous month has been made available at this evening's meeting. This report and the Board's written findings and decisions are posted on the Board's website.

The Police Board, as authorized by the Open Meetings Act, has considered in a closed meeting one disciplinary case. The Board will now take final action on this case.

Regarding Case Number 18 PB 2941, is there a motion to find police Officer Amy McGrath guilty of possessing and using illegal drugs, and to discharge her from the Chicago Police Department.

MS. SWEENEY: So moved.

MR. FLORES: Second.

PRESIDENT FOREMAN: All in favor?

(Ayes in unison.)

PRESIDENT FOREMAN: Any opposed?

Voting in favor are Board members Wolff, Delgado, Flores, O'Malley, Simpson, Sweeney; Zopp, and myself. The motion passes.

Is there a motion to adopt the written Findings and Decision that has been reviewed by all board members who participated in the case?

MS. SWEENEY: So moved.

MR. SIMPSON: Second.

PRESIDENT FOREMAN: All in favor?

(Ayes in unison.)

PRESIDENT FOREMAN: The motion passes.

The Board's decision in the case on which we took final action this evening will be entered as of today's date and will be issued to the parties. A copy of the written decision posted on the Board's website as required by the Municipal Code of Chicago.

There is one additional disciplinary matter to announce. Board member Flores will report on this matter.

MR. FLORES: Thank you, president Foreman.

Pursuant to Section 2-7-8-130 of the Municipal Code of Chicago, I considered one matter

on which the Chief Administrator of the Civilian Office of Police Accountability and the Superintendent of Police did not agree regarding the discipline of a police officer.

A Request for Review number 18 RR 07 involves an allegation that Police Officer Erick Grady failed to allow a reasonable time after "knock and announce" before making forcible entry into a residence.

The Chief Administrator recommended sustaining this allegation and that the Officer received additional training. The Superintendent recommended classifying this allegations as "Unfounded."

After reviewing this matter, I find that the Superintendent did not meet the burden of overcoming the Chief Administrator's recommendation for discipline. Therefore, according to the Municipal Code of Chicago, the Chief Administrator's recommendation shall be deemed accepted by the Superintendent.

A copy of the written opinion will be posted on the Board's website as required by the Municipal Code.

PRESIDENT FOREMAN: Thank you.

One of the Board's hearing officers, Jeffrey Cummings, has been appointed as a federal judge. In October, the Board began search for a new hearing officer. We received 23 applications and conducted two rounds of interviews of the top candidates.

Is there a motion to designate Lauren Freeman as a hearing officer of the Police Board pursuant to section 284 030 of the Municipal Code of Chicago?

MS. SWEENEY: So moved.

MR. SIMPSON: Second.

PRESIDENT FOREMAN: All in favor?

(Ayes in unison.)

PRESIDENT FOREMAN: The motion passes.

The Board has received two requests for permission to use the Chicago Police star on shirts to remember a police officer recently killed in the line of duty. is there a motion to approve these requests?

MR. SIMPSON: So moved.

PRESIDENT FOREMAN: Is there a second?

MR. FLORES: Second.

PRESIDENT FOREMAN: All in favor.

(Ayes in unison.)

PRESIDENT FOREMAN: The motion passes.

The general orders and other directives issued by the Superintendent of Police during previous month are list in the books made available at this evening's meeting and are posted on the Police Department's website.

Next up is the Superintendent's report to the board. Deputy Chief Betts?

DEPUTY CHIEF BETTS: Yes, sir, thank you. And I do not have a report, but I am the Deputy Chief of Police and just I do want to say in 2019 we anticipate having a great year working with people building a strong relationship in hopes of reducing crime. Thank you very much.

PRESIDENT FOREMAN: We have a couple of -- this is new for the Board members, for the members of the public who typically come, something new that we're going to start doing is doing a little follow-up on some of the questions that were raised last month.

So last month Dawn Vitrano spoke about the death of her daughter and asked several

questions. And do you have a follow-up, Deputy Chief Betts?

DEPUTY CHIEF BETTS: In regards to the requested information, the Superintendent is not here, he is at a funeral. I'm sure everyone heard about the death of a member of the police. He's at that service. But I sure in terms he will be following up with the Chair.

PRESIDENT FOREMAN: Okay. Can you please relate to the Superintendent that next month we will want to make a public announcement to the community on the follow up for that particular case.

Octavia Michelle requested information about an investigation of a police-involved shooting of her son and spoke with Chief Administrator Roberts. Do you have any comments on that?

MR. CONNOR: I'll do that now, yes, sir. Her counsel submitted a reformatted request for re-opening of the case. Our office has reached out to Ms. Mitchell. I will be reaching out to her attorney now that we understand the request to go into it a little further about what, if any, newly

discovered material is available. And I will be happy to report back next month on the progress.

PRESIDENT FOREMAN: Okay. Thank you.

And finally, John Perryman and Vickie Alatorre expressed their concerns about shootings in the 11th and 12th police districts. I spoke with Superintendent Johnson and he informed me that the two commanders as well as himself met with several community members to the satisfaction of those community groups.

Before I call on the members of the public who signed up in advance, as you know, today a Cook County judge acquitted three police officers of all the charges alleging that they lied in police reports and conspired to cover up the 2014 police shooting of Laquan McDonald. The disciplinary cases brought against four other officers for making false statements relating to the shooting remain before the Police Board. I assure you that in considering these case the Board will be guided by the values of fairness and transparency.

The role of the Police Department is to serve as an impartial body to make decisions based

on evidence presented in a disciplinary hearing. This hearing will be open to the public and scheduled for March 5 through 7. And upon the conclusion of the hearing the Police Board will take it under consideration. The Board takes final action on all cases in public at its monthly meetings where each Board member's vote is announced and recorded, and where it's posted on its website its written decisions, which include detailed explanations forth reasons for the Board's finding.

The Board understands the concerns and frustration that people may have about any allegations of misconduct. We will fulfill our obligation to decide these cases in an open and fair manner.

I will now call upon those members of the public who signed up in advance to speak. When your name is called, please step to the microphone. We ask that you limit your comments to two minutes.

The first speaker is Sharnette Harris.

MS. HARRIS: Hello. Good evening. My name is Sharnette Harris. My concerns is on behalf of my brother, Thomas Harris. He was shot December 20,

at 43rd and Michigan inside of a friend's apartment. The alleged shooter is still out here. He is very dangerous. He has a criminal background of murder, home invasion, and yet still he's still out here somewhere.

So he's alleged shot my brother in his stomach and my brother died the 21st of December. So I've been in contact with Mr. -- Detective Steven Rivera, the case number is JB 561916, who has informed me on several occasions within the last three weeks that Ms. Thompson whose apartment it was, Sonia Thompson's apartment, that' she's going to go in front of the grand jury next week. She's going to go in front of the grand jury today.

Several witnesses were there having been in front of the grand jury as of today. So I can't obtain an incident report. They told me I can't obtain information because the case is still ongoing.

I'm just trying to get justice for my brother. He has no violence in his background, no -- I just don't understand why this individual shot my brother and I need justice for him. And when I call or go down there, I'm getting nowhere.

And this man, they are aware of his criminal background. So I feel for my kids' life and her family because he's still at this lady's house who has DCFS children in her house and has a Section 8 apartment where a gun was allegedly recovered from there and a shooting took place. So I feel like nothing is being done as of now.

PRESIDENT FOREMAN: Thank you. First, I'm sorry for your loss.

Deputy Chief, is there someone who Ms. Harris can speak with?

DEPUTY CHIEF BETTS: Well, if you have lost contact with your tech, I can get you back on track with them, but it sounds like you are. But if you need more assistance on obtaining reports, to the limitations that you can obtain them, we can probably have someone from the back approach you and fill you in on how you can get the reports that you can.

MS. HARRIS: I'm in contact with Steven Rivera, I talk to him yesterday, last night. He's been informing me that they have to go in front of the Grand jury. This happened December 20th. So they still haven't went in front of the grand jury as of

today.

PRESIDENT FOREMAN: Chief Betts, I don't think she's asking for help getting reports. I wonder if you can have someone senior in the Bureau of Detectives speak with Ms. Harris.

DEPUTY CHIEF BETTS: Sure.

MS. SWEENEY: Have you contacted DCFS regarding the children?

MS. HARRIS: DCFS, as well as the Section 8 need a police report for someone -- they said they were sending someone to investigate, so. But Section 8 needs a police report or something. They have not received anything legal. I called Section 8 and made a report.

MS. SWEENEY: And DCFS?

MS. HARRIS: They said they were going to send someone out to investigate.

MS. SWEENEY: Keep following up.

MS. HARRIS: Yes, I have.

PRESIDENT FOREMAN: Thank you.

Next speaker is Octavia Mitchell.

MS. MITCHELL: Hi. Good evening. Get used to this face, it ain't going no place. This question is for the Chief. I have a question.

Who is responsible for making sure that DNA is tested in a crime scene police shooting?

DEPUTY CHIEF BETTS: You're getting into forensics?

MS. MITCHELL: Yes, forensics.

DEPUTY CHIEF BETTS: Well, when you get into forensics you talk to a detective to follow up. So if you give me specifics on an RD number or case, I'll make sure someone talks to you about how to file.

MS. MITCHELL: So you're not able to answer who is responsible?

DEPUTY CHIEF BETTS: Who is responsible for the process?

MS. MITCHELL: For testing forensics in a police-involved shooting?

DEPUTY CHIEF BETTS: Yes. We sent our evidence to an Illinois state lab.

MS. MITCHELL: You send your evidence to the state lab?

DEPUTY CHIEF BETTS: Yes, ma'am.

MS. MITCHELL: Okay. So I was told -- an officer testified that this evidence, DNA swabs, was sent to this Illinois state lab. I spoke with

a manager at Illinois state lab that said that the CPD never sent those swabs. I see where they were collected and I'm asking for them. I am the estate of Izeal Jackson and I should be able to receive anything concerning him, anything concerning his death. And for some reason it just fell off the face of the earth. The supervisor at Illinois State Department of forensics stated that the CPD never sent it. I have a report where CPD officer was on the stand and said that he submitted these swabs and he had no idea why Illinois State Police Department did not test them.

So at this point in time there is a blaming game. But I just want my son's DNA and I want to know where it's at and who was responsible for testing it.

DEPUTY CHIEF BETTS: I'm sorry for your loss. We will try get to you the cause of this misinformation.

PRESIDENT FOREMAN: Ms. Mitchell, Max Caproni is over there and he's the executive -- I forgot his title, Max. Executive Director for the Police Board. If you can give Max your contact information and --

MS. MITCHELL: Okay. But I did speak with someone from the Mayor's office who supposedly have the Chief of Police contact me and I never heard from him.

PRESIDENT FOREMAN: Okay. Chief Betts, can you make sure that you let the Superintendent know that we will be in contact about this. And Max will collect enough specifics that we can ask the appropriate questions.

MS. MITCHELL: Okay. Thank you.

PRESIDENT FOREMAN: Next speaker, John Catanzara.

MR. CANTANZARA: MR. CONNOR, you were supposed to get some information for me from last month, I don't know if you got it yet, about IPRA's investigation into the Rialmo shooting.

MR. CONNOR: I'm not MR. CONNOR.

MR. CANTANZARA: Okay. Ms. Roberts was supposed to be at the November meeting. She didn't show up in December here, and you told me that you didn't know.

MR. CONNOR: Actually, I wasn't here in December.

MR. CANTANZARA: Who was here in December? It

wasn't her.

MS. ZOPP: Yes, it was. She was here.

MR. CANTANZARA: Anyway, it was a gentleman. Anyway, then I'll just skip it because nobody can give me a straight answer three months running now

Ms. Delgado, since you're the one who individually heard the Police Board case for Rialmo, you made a determination. I'm asking you a simple question that they're refusing to answer for three months now. Did they provide any documentation about private --

PRESIDENT FOREMAN: We can't answer a question about a case that's in front of us.

MR. CANTANZARA: But she's not -- she made a determination on this already.

PRESIDENT FOREMAN: Next question. Next question.

MR. CANTANZARA: So they can't answer it either? How come no one told me they can't answer it.

PRESIDENT FOREMAN: You just asked Ms. Delgado.

MR. CANTANZARA: So I'm going to ask you specifically and you got a month to come up with the answer. It shouldn't be this that complicated.

MR. CONNOR: If it's closed in the next month.

MR. CANTANZARA: Well, your investigation was closed. It was referred to the Superintendent who disagreed, and then it became a matter that she decided to go before the Police Board with. In the investigation against Rialmo, did --

MR. CONNOR: IPRA or COPA?

MR. CANTANZARA: Of Rialmo, of the shooting. Did IPRA or COPA hire an independent person to investigate the facts of the case.

MR. CONNOR: COPA was not involved.

MR. CANTANZARA: Okay. It started under IPRA then. The determination came forward after the fact.

PRESIDENT FOREMAN: John, this is an ongoing case. We're not going to discuss the Rialmo case.

MR. CANTANZARA: Then why did you cut me off the last three months then?

PRESIDENT FOREMAN: Because you're getting more hostile every month.

MR. CANTANZARA: Because I'm not getting an answer.

PRESIDENT FOREMAN: John, we're not going to answer that.

MR. CANTANZARA: That's nice. And you wonder why.

All right. Since you said the Superintendent is not here, he's at the funeral that started at 10:00 o'clock this morning?

MR. O'MALLEY: He's at a wake.

MR. CANTANZARA: Okay. Just checking. So maybe you're the second best guy to ask this question since you're in charge of CAPS and community policing.

The Department has made a very strong effort to try and right the wrong ship I guess, and try and gain the public's confidence. How can they gain the public confidence when they don't have the rank and file confidence? You mean to tell me with a straight face, and the Superintendent stood in front of the microphones today and said it was okay for a police commander to lie to the inspector general and that he has empathy that he can bring his kid to work and send policemen to go pick him up and bring him back and forth and that was okay. If that was an average blue shirt, we would be -- we would have a case in front of this Police Board guaranteed within two months. But the white shirts

are never held accountable. Explain that to me. Where is the accountability?

And it's not the first incident. It's an ongoing pattern and that nobody within the ebb and flow of this building who wear that fancy little jewelry on their shoulders are held accountable for anything wrong they do. You got a commander in the 17th District who deleted --

PRESIDENT FOREMAN: Thank you, John.

MR. CANTANZARA: Who deleted an error report and he's still making command decisions.

PRESIDENT FOREMAN: Time is up, John.

Next speaker, Quinn Sister.

Next speaker, Robert More.

MR. MORE: It's January 17 of 2019. We are now seven months away from the first Republican debate at which, hopefully, Donald Trump will have to provide answers to the actual record of activity rather than having all these softball lobbers who just no one is getting to the bottom of the issues. And we still have the same problems that have been addressed in previous meetings. I'm screaming bloody murder if the excuse for the non-presence of Superintendent Johnson is that there was a funeral

that was 10:00 o'clock this morning. This is just outrages, okay.

The jury needs to see jury instructions in every single trial because the whole purpose of this where they put the Superintendent there is so when this is all in front of juries, juries can be told that there is no Monell claim because the Superintendent is available to take the input and the complaints of the members of the citizenry. That is simply -- that is like fraud, it's fraud by omission, okay. It's not justified.

And for him to be -- he went from, you know, 12 years ago the Superintendent was here every single meeting. After the Blaine Spencer murders, when we had Jude Weise (phonetic) almost running, he wasn't sprinting, but he was certainly scurrying along the back to get out of here when first I asked wear a wire, and about the hold up that was June of 2010 when I first filed a lawsuit to get to the bottom of the Blaine and Spencer murders. And now we had this hopscotch game where they move the meetings across the City, they changed the statutes, the Superintendent doesn't have to be here. This is simply scandalous. It's

outrageous.

I'm screaming bloody murder. The Superintendent has got to be made available. Make him available quarterly for six minutes so that people can come up here and conduct an examination. That he just can't stand there with the attorney sitting next to him who is -- you're in the process, Ms. Valente, of getting indicted. It's just it takes this long because we don't have an independent federal grand jury for your prosecution for me, which I was totally innocent in obtaining Hernandez regarding convictions because the system is totally corrupted.

PRESIDENT FOREMAN: Thank you, Mr. More.

MR. MORE: I'm already out of time I guess. Over now.

PRESIDENT FOREMAN: For the record, the services, the wake is tonight at 10:30. There is more as much tomorrow morning with the funeral.

MR. MORE: Can you repeat that?

PRESIDENT FOREMAN: The wake is tonight. The funeral is tomorrow.

At this time all those persons who signed up in advance to speak have been recognized. Is

there a motion to adjourned?

MS. SWEENEY: There is somebody.

PRESIDENT FOREMAN: Martin Freed (phonetic), I don't have you listed, but come on up, Martin.

MR. FREED: I wanted to -- good evening. Hope you're doing well.

I have brought up some things, sir, about the FOP and the members were troubled about particularly with IPRA and the media leaks, and I would appreciate if that would get looked into. As you know, there wasn't a verdict today. And I sat throughout entire trial, and one of the key issues in the trial in my mind and many of my members are wondering about is the media leak from IPRA to either Craig Futterman or Jamie Calvin, the journalist. There are not supposed to be these kind of media leaks of a witness in the case.

And apparently this journalist went to this witness's house and interviewed him. And from what I understand from the trial, IPRA never even notified the investigating detectives that this witness existed so they never even interviewed him.

I don't understand how the civilian oversight agency can become aware of a witness in a

shooting and not make that known to the investigating detectives.

And I've been up here before and I've said there are many accusations now of these illegal leaks to the media. In fact, I think it was being -- excuse me. Yeah, we had beefs with IPRA and with COPA. We filed a complaint about him with the Inspector General.

MR. CONNOR: That is your recourse. If you have a complaint, you contact the Inspector General.

MR. FREED: Yes. We would like these to be investigated. We would like to know who made the leaks and why, and why they haven't been -- and what kind of punishment they're going to get.

MR. CONNOR: That's a question for the Inspector General.

MR. FREED: Well, sir, if you're a top leader at COPA you should be concerned if there is illegal media leaks.

MR. CONNOR: It didn't happen under COPA, sir.

MR. FREED: We filed the complaint under COPA in the Rialmo case.

MS. ROBERTS: Well, it's an inappropriate part.

they told me it was under IPRA.

MR. FREED: Some of them were under IPRA, but we filed under COPA as well.

MR. CONNOR: And the Inspector General will investigate and you will get your answers.

MR. FREED: Are you concerned about this?

MR. CONNOR: We are concerned about all allegations against COPA.

MR. FREED: Well, we would like you to keep an eye on these illegal media leaks and we'd like them to stop and we would like them to be investigated. The only media leaks that come out of either IPRA or COPA are ones that paint the officers in a poor light. And I think the questions about IPRA or COPA hiring outside investigators, in the Rialmo case I think that needs to be looked at. I think the public needs to know who they were, what they were assigned to do, and most of all, what were their findings. I think that's fair.

MR. CONNOR: The OIG will publish a report.

MR. FREED: Okay.

PRESIDENT FOREMAN: Is there a motion to adjourn?

MR. FREED: I'm a little trouble by your -- you

seem very unconcerned about it. It's a very big concern to the members like you. Thank you.

PRESIDENT FOREMAN: Thank you very much.

Is there a motion to adjourn?

MR. SIMPSON: So moved.

PRESIDENT FOREMAN: Second?

MR. FLORES: Second.

PRESIDENT FOREMAN: All in favor?

(Ayes in unison.)

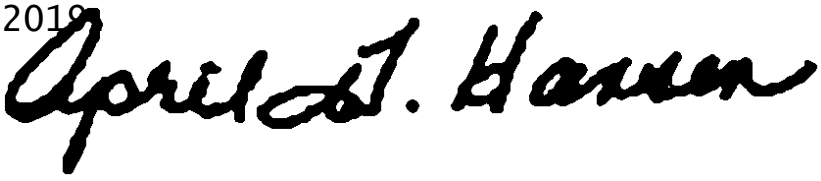
PRESIDENT FOREMAN: Meeting adjourned. Thank you very much.

(Meeting adjourned at 8:04 o'clock p.m.)

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

April T. Hansen, being first duly sworn on oath, says that she is a court reporter doing business in the City of Chicago, and that she reported in shorthand the proceedings of said meeting, and that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid, and contains the excerpts of proceedings given at said meeting.

IN TESTIMONY WHEREOF: I hereunto set my verified digital signature this 5th day of February, 2019.



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