

**POLICE BOARD
CITY OF CHICAGO**

**REPORT OF COMMUNITY INPUT RECEIVED
AT THE PUBLIC MEETING ON OCTOBER 17, 2019**

Twenty members of the public spoke during the public comments portion of the meeting. See the transcript of the meeting, posted on the Board's website, for a complete report of each speaker's remarks.

The Chicago Police Department responded to the remarks made by Maria Falcone and Debbie McBound (see below).

The Civilian Office of Police Accountability responded to the remarks made by Octavia Mitchell (see below).

The Police Board Executive Director is scheduled to meet with Phyllis Gill on December 4 to discuss her suggestions regarding training.

The Office of the Police Board determined that the remarks made by the following speakers did not require a response in addition to that provided at the meeting: Nicholas Sposato, Kevin Graham, Rich Aguilar, Patrick Murray, Martin Preib, Crista Noel, Jamie Frazier, Kevin McManus, Roy Mancaros, Nicholas Wingo, Steven Hayman, Kevin Klena, Israel Johnson, David Dewar, George Blakemore, and Robert More.



Lori Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

November 19, 2019

VIA ELECTRONIC MAIL

Max A. Caproni
Executive Director
Chicago Police Board
30 North LaSalle Street, Suite 1220
Chicago, IL 60602
Max.Caproni@cityofchicago.org

Re: Response to Community Input from the October 17, 2019 Police Board Meeting

Dear Mr. Caproni,

Thank you for forwarding the transcript of the October 17, 2019 Police Board Meeting so that the community comments can be reviewed, and the Chicago Police Department (CPD) can provide a report of the steps it has taken to address the concerns that these women raised. The Department responds to the comments made by Maria Falcone and Debbie McBound. The Department appreciates these women taking the time to appear at the Police Board Meeting and raise these important issues which we continue to evaluate and attempt to resolve. The Bureau of Patrol was consulted in drafting this response.

With respect to Maria Falcone's comments about an a battery she and her son suffered at the hands of multiple individuals the Bureau of Patrol has reviewed the case report describing this event and intends to reach out to Mrs. Falcone and her son to discuss this matter. However, because the issue involves minors the Department cannot discuss this matter further in this response as such disclosure would violate the Juvenile Court Act.

The Department appreciates the work Ms. McBound has done as a court advocate to support victims. The Chief of Patrol has spoken with Ms. McBound since the last Police Board meeting and will continue to reach out to Ms. McBound to ensure that her concerns have been addressed by the officers in the 5th District.



Lori Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

Sincerely,

A handwritten signature in blue ink that reads "Dana M. O'Malley".

Dana M. O'Malley
General Counsel
Office of the Superintendent



COPA Remarks Regarding Citizen Comments

Chicago Police Board Meeting

October 17, 2019

During the October 17, 2019 Chicago Police Board (Board) meeting Ms. Octavia Mitchell made certain statements related to the Civilian Office of Police Accountability's (COPA) review of a closed Independent Police Review Authority (IPRA) investigation for the purpose of testing certain DNA evidence related to a 2010 complaint (Complaint) against members of the Chicago Police Department (Department). Below is a summary of COPA's subsequent communication with Ms. Mitchell and her counsel Mr. Phillip Aaron of Spokane, Washington.

Following Ms. Mitchell's questioning of Superintendent Johnson, COPA Chief Administrator Sydney Roberts advised the Board that COPA representatives were scheduled to meet with Ms. Mitchell and her counsel the following day, October 18, 2019. They were to review the status of the investigation given COPA's recent receipt of the results of the DNA testing and analysis Ms. Mitchell requested.

COPA Deputy Director Ephraim Eaddy and General Counsel Kevin Connor met with Ms. Mitchell on October 18, 2019 as scheduled. Ms. Mitchell's counsel and his assistant joined the conference via telephone. Eaddy and Connor advised Ms. Mitchell and her counsel of the following:

- COPA sought the Superintendent's authorization to re-open its investigation of the Complaint in response to Ms. Mitchell's request. A copy of COPA's request is attached hereto as Exhibit 1.
- The Superintendent authorized COPA to re-open its investigation for the sole and limited purpose of obtaining the testing and analysis of certain DNA evidence related to the Complaint. A copy of the Superintendent's authorization is attached hereto as Exhibit 2.
- The Department thereafter conveyed the DNA sample (Sample) in its possession to the Illinois State Police Forensic Science Laboratory (ISP Lab).
- COPA requested and the ISP Lab agreed to expedite the testing and analysis of the Sample (ILC1904-0919-E01).
- The ISP Lab engaged Bode Technology of Lorton, Virginia (Bode), an ISO/IEC 17025 accredited laboratory, to undertake the testing and analysis.¹
- COPA received and reviewed a copy of the ISP Lab's report of Bode's testing and analysis (Report) on October 15, 2019. A copy of the Report is attached hereto as Exhibit 3.
- Bode's testing determined that "the partial DNA profile obtained from [s]ample is consistent with a mixture of three or more individuals including at least one male contributor. Due to the possibility of allelic drop out, no conclusions can be made on this mixture profile."

¹ Accreditation is issued by ANSI-ASQ National Accreditation Board (ANAB)

Also on October 15, 2019, COPA Deputy Director Ephraim Eaddy scheduled the October 18 meeting with Ms. Mitchell and her counsel. At the October 18 meeting COPA Deputy Director Eaddy provided Ms. Mitchell with a copy of the Report as well as a document received from the ISP Lab describing the chain of receipt and custody of the DNA specimen. The documents were also provided to Ms. Mitchell's counsel.

COPA General Counsel Connor and Deputy Director Eaddy advised Ms. Mitchell that given the scope of the Superintendent's authorization and the Report results, COPA would be unable to continue the closed IPRA investigation.

On October 23, 2019 COPA General Counsel Connor and Deputy Director Eaddy spoke again with Ms. Mitchell's counsel to review the matter and address any additional substantive and/or procedural questions raised by the Report or COPA's planned course of action. Neither Ms. Mitchell nor her counsel have been in contact with COPA since that time.

Exhibit 1



May 8, 2019

Superintendent Eddie T. Johnson
Chicago Police Department
3510 South Michigan Ave.
Chicago, Illinois 60653

Re: Log # 1035738
Request for Authorization to Re-Open Investigation

Dear Superintendent Johnson:

The Civilian Office of Police Accountability (COPA) seeks your authorization to investigate allegations of misconduct related to the above - referenced Log number by members of the Chicago Police Department (CPD) occurring more than five years ago.¹

COPA seeks to re-open the investigation of the Independent Police Review Authority' (closed August 14, 2012), to obtain the testing of certain DNA evidence taken from the weapon recovered at the scene of an officer involved shooting. The DNA evidence collected in this case was never conveyed to the Illinois State Police Forensic Science Center for testing, but rather has remained in the sole possession of CPD since it was collected in April 2010. After COPA investigators obtain and evaluate the results of any appropriate testing, COPA will determine whether its findings warrant further investigation of the matter.

Any COPA investigation will proceed in accordance with applicable Collective Bargaining Agreements, CPD General Orders, the COPA Ordinance (MCC § 2-78-120 et seq.), other relevant provisions of the Municipal Code of Chicago, the Illinois Compiled Statutes, and any other applicable law.

As you know, CPD Collective Bargaining Agreement include provisions requiring that investigations of member misconduct be performed and any discipline resulting therefrom implemented in a timely manner. Such provisions impose a five-year limitation on the opening (or re-opening) of investigations. However, the Superintendent may allow the investigation of conduct beyond the five-year limitation period by specific, written authorization. COPA therefore seeks your written authorization to reopen the investigation related to the referenced Log number for the purposes set forth above.

COPA further requests that, in the event its request for authorization is approved, it be granted access to all documentation, records and materials relevant to this matter, including without limitation any DNA evidence in CPD's possession.

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017

Your prompt attention to this matter is greatly appreciated

Sincerely,

A handwritten signature in blue ink that reads "Sydney R. Roberts". The signature is written in a cursive style with a large, stylized initial 'S'.

Sydney R. Roberts
Chief Administrator
Civilian Office of Police Accountability

cc: Edward Siskel, Corporation Counsel, City of Chicago
Dana O'Malley, General Counsel, Chicago Police Department
Kevin Connor, General Counsel, Civilian Office of Police Accountability

Exhibit 2



Rahm Emanuel
Mayor

Department of Police • City of Chicago
3510 South Michigan Avenue • Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

May 10, 2019

Sydney R. Roberts
Chief Administrator
Civilian Office of Police Accountability
1615 West Chicago Avenue
4th Floor
Chicago, Illinois 60622

RE: Log No. 1035738 Request for Authorization to Re-Open Investigation

Dear Chief Administrator Roberts,

I am in receipt of your letter dated May 8, 2019 requesting authorization to re-open the investigation of this log number **closed by IPRA on August 14, 2012**. In the letter you request this authorization so that you may obtain the testing of certain DNA evidence taken from the weapon recovered at the scene of the officer involved **shooting in April 2010**. The Department agrees to your request to **re-open the investigation for the limited purpose of obtaining testing of the DNA evidence**. The Department does not agree to grant authorization to re-open the investigation in its entirety. If after the testing is complete you believe there is a basis to re-open the underlying investigation into the officer involved shooting I ask that you please submit that request and it will be considered at that time.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Johnson".

Eddie T. Johnson

Superintendent of Police
Chicago Police Department

Please feel free to contact me with the above information or to discuss this matter further.

Exhibit 2

Emergency and TTY: 9-1-1 • **Non Emergency and TTY:** (within City limits) 3-1-1 • **Non-Emergency and TTY:** (outside City limits) (312) 746-6000 **E-mail:** clearpath@chicagopolice.org • **Website:** www.chicagopolice.org

Exhibit 3



Illinois State Police

Division of Forensic Services
Forensic Science Center at Chicago
1941 West Roosevelt Road
Chicago, Illinois 60608-1229
(312) 433-8000 (Voice) * (800) 255-3323 (TDD)

**LABORATORY REPORT
DNA-OUTSOURCING REPORT**

Timothy J. Murphy and Danny Stover
CHICAGO PD UNIT 620
DETECTIVE DIVISION, AREA 2
727 EAST 111TH STREET
CHICAGO IL 60628

DFS Case #: C10-017721
Report #: 6
Report Date: 10/10/2019

Agency Case #: HS274434
Offense(s): First Degree Murder
Offense Category(s): Homicide
Victim(s): Jessee Belcher/ James Cascone/ Francisco Gonzalez/ Nelson Lopez
Suspect(s): Izael C. Jackson

The following evidence was sent to Bode Cellmark Forensics Lorton, Virginia for analysis.

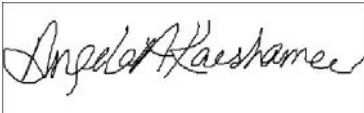
<u>LAB ITEM#</u>	<u>AGENCY ITEM#</u>	<u>DESCRIPTION</u>
40	11996604- 4104503	COTTON SWABS FOR DNA RECOVERED FROM WEAPON INV#11996574 SWABBED IN #6787 AT 299 E. 61ST ST.

The associated case file has been reviewed and any eligible profiles will be uploaded to CODIS. A copy of the report is attached.

Any analysis conducted is accredited under the laboratory's ISO/IEC 17025 accreditation issued by ANSI-ASQ National Accreditation Board (ANAB). Refer to certificate #AT-1697 and associated Scope of Accreditation.

This report contains the conclusions, opinions and/or interpretations of the analyst(s) whose signature(s) appears on the report as authorization of the results. All testing was performed at the location listed in the header of this document. The "Notes Packet" appendix of this report, available in Prelog, contains detailed information on the method(s) used, date(s) of testing, and environmental conditions associated with this analysis, if applicable. For information regarding the extent and frequency of individual characteristic database searches (e.g. CODIS, ABIS, NIBIN), please see the Prelog "Documents" section of Laboratory Information Management System (LIMS) or contact the Prelog site coordinator for access to the document.

Respectfully submitted,

A rectangular box containing a handwritten signature in black ink. The signature is written in a cursive style and reads "Angela A. Kaeshamer".

Angela A. Kaeshamer
Forensic Scientist

BODE

TECHNOLOGY

10430 Furnace Road, Suite 107
Lorton, VA 22079
Phone: 703-646-9740

Forensic Case Report
September 11, 2019

To:

Cynara C. Anderson
Forensic Science Center at Chicago
1941 W. Roosevelt Road
Chicago, IL 60608

Bode Case #: ILC1904-0919
ISP Laboratory Case #: C10-017721
Agency Case #: HS274434

Offense: Assault

Victims: Jessee Belcher; James Cascone; Francisco Gonzalez; Nelson Lopez

Suspect: Izael C. Jackson

List of Evidence Received on July 11, 2019 for possible DNA analysis:

Bode Cellmark Sample Name	Agency No.	Agency Description
ILC1904-0919-E01	40	Swab from firearm

STR PROCESSING, RESULTS, AND CONCLUSIONS:

The evidence was processed for DNA typing using the PowerPlex® Fusion kit.

1. The partial DNA profile obtained from sample ILC1904-0919-E01 is consistent with a mixture of three or more individuals including at least one male contributor. Due to the possibility of allelic drop out, no conclusions can be made on this mixture profile.

Notes:

1. Testing performed for this case is in compliance with accredited procedures under the laboratory's ISO/IEC 17025 accreditation issued by ANAB. Refer to certificate and scope of accreditation for certificate number ALI-231-T.
2. The DNA profiles reported in this case were determined by procedures that have been validated according to the standards established in the FBI's Quality Assurance Standards for Forensic DNA Testing Laboratories.
3. Evidence descriptions are based on the written descriptions of the samples by the submitting agency.
4. The results apply to the items tested or data provided, as received.
5. The opinions and interpretations included in this report are those of the undersigned analyst.
6. This test report shall not be reproduced, except in full, without the written approval of the laboratory.
7. The DNA extracts and submitted evidence will be returned to the Forensic Science Center at Chicago.

Report submitted by,



Danielle R. Reed, BS
Senior DNA Analyst I