

POLICE BOARD
CITY OF CHICAGO

REPORT OF COMMUNITY INPUT RECEIVED
AT THE PUBLIC MEETING ON SEPTEMBER 17, 2020
Date of Report: October 15, 2020

Thirteen 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 of the following speakers: Jennifer Edwards, June Norfleet, Matt Brandon, and Joel Hamernick(see below). Also, Mr. Hamernick stated in an email that he spoke with Chief Robert Boik October 14 and that "he was very helpful."

The Civilian Office of Police Accountability responded to the remarks of Flora Suttle.

The Office of the Police Board determined that the remarks made by the other speakers did not require a response in addition to that provided at the meeting.



Lori Lightfoot
Mayor

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

David Brown
Superintendent of Police

October 13, 2020

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 September 2020 Police Board Meeting

Dear Mr. Caproni,

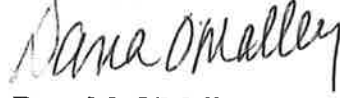
Thank you for forwarding the transcript of the September 2020 Police Board Meeting so that the community comments made at these meetings can be reviewed, and the Chicago Police Department (CPD) can provide a report of the steps it has taken to address the concerns that these individuals raise.

The Department thanks Mr. Brandon, Ms. Edwards and Ms. Norfleet for their comments as they relate to community policing and improvements that can be made in the 6th District. As the Superintendent stated during the Police Board meeting, he has consulted with Commander Muhammad and provided the information that these community members discussed. The Department appreciates the work that this group continues to do on behalf of the city and looks forward to our continued relationship building.

With respect to the comments and questions raised by Mr. Hamernick, the president of Sunshine Gospel Ministry, the Department looks forward to further discussion of these issues and is happy to provide information that can be made public. If Mr. Hamernick could please work through Mr. Caproni to begin these communications it would be greatly appreciated.

Thank you again for this opportunity and the Department looks forward to upcoming opportunities for additional community input.

Sincerely,

A handwritten signature in black ink that reads "Dana O'Malley". The signature is written in a cursive style with a large initial 'D' and 'O'.

Dana M. O'Malley

General Counsel

Office of the Superintendent



COPA Remarks Regarding Public Comment

Chicago Police Board Meeting

September 17, 2020

During the September 17, 2020 Chicago Police Board (Board) meeting Ms. Flora Suttle spoke regarding an investigation conducted by the Independent Police Review Authority (IPRA) into the 2012 shooting of her son Derrick Suttle by a Chicago Police Officer. IPRA's investigation (Log No, 1051844) was closed without the proffer of charges related to the use of excessive force. Ms. Sykes stated she that she had followed "the procedure . . . to get the case reopened criminally" and expressed disappointment with the Civilian Office of Police Accountability's (COPA) decision not to reopen the IPRA investigation.

By correspondence dated August 25, 2019 Ms. Suttle requested that COPA reopen the prior investigation (closed May 25, 2013) suggesting that she had "new information and new evidence" that was not considered in IPRA's investigation. Ms. Suttle's request was received by correspondence dated August 25, 2019.

Upon receiving and reviewing Ms. Suttle's request to reopen, a COPA attorney began work with investigators to conduct a thorough review of the IPRA investigation. Following his examination of the prior investigation and the issues Ms. Suttle raised in her request, the attorney recommend that COPA not reopen the investigation. The COPA attorney described his findings and analyses in the memorandum attached as Exhibit 1. Please note that the memorandum, which is provided for the Board's information, is marked "Confidential" and has not been redacted for publication.

Having reviewed Ms. Suttle's request, IPRA's 2012 investigation, and the attorney's analysis the Chief Administrator was unable to identify a sufficient basis to reopen the investigation at this time. Ms. Suttle's request did not meet the clear requirements of MCC § 2-78-120(x), which sets forth bases for the Chief Administrator's reopening of a closed investigation. In summary, COPA's review determined that: 1) Ms. Suttle provided no new evidence that was not available to IPRA investigators at the time of the original investigation that could materially affect the results of the investigation; and, 2) Review of IPRA's investigation did not indicate that the manner in which IPRA's investigation was concluded resulted in a gross miscarriage of justice.

On March 13, 2020, COPA General Counsel Kevin Connor sent Ms. Suttle the letter attached hereto as Exhibit 2 providing a synopsis of COPA's review and determination to not reopen the IPRA investigation at this time. While COPA has had no further direct communication with Ms. Suttle since that time, COPA Public Information Officer, Ephraim Eaddy and General Counsel Kevin Connor are available to review the findings and address any additional questions Ms. Suttle may have.



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

Via email and First-Class Mail

March 13, 2020

Ms. Flora Suttle

████████████████████
Chicago, IL 60649

Re: Request for Review - Log No. 1051844

Dear Ms. Suttle:

I am writing in response to your request that the Civilian Office Police Accountability (COPA) reopen the investigation by the Independent Police Review Authority (IPRA) of Officer Ward Bond's use of deadly force on February 11, 2012. Before addressing the substance of your request, we again wish to convey our sincerest condolences for your loss. While our words may be of little consolation, please understand that COPA gave your request extensive consideration.

As you know, COPA is authorized to perform administrative investigations of police officer misconduct. Its mandate is limited to investigating and determining whether officers act within or contrary to Chicago Police Department (Department) policy in specific circumstances. COPA's enabling Ordinance mandates the re-opening of an investigation only when material new evidence that was not available at the time of the investigation is discovered, or the Chief Administrator determines that the manner in which the investigation was concluded resulted in a gross miscarriage of justice.

Upon receiving your request, which identified certain evidence you indicated was not addressed in IPRA's 2012 investigation, we undertook an extensive review of the IPRA investigation. Specifically, COPA reviewed the matters raised in your letter, IPRA's investigative file, and its Summary Report of Investigation (SRI) to determine whether: 1) There exists new, material evidence unavailable to the IPRA investigators; 2) IPRA considered all material evidence in the course of its investigation; and, 3) IPRA's earlier investigation was concluded in a manner which resulted in a miscarriage of justice.

Given these criteria, COPA's review did not find cause to reopen the 2012 investigation. An abbreviated description of investigative steps taken by IPRA in its investigation is as follows:

- **IPRA investigators responded to the scene of the incident on February 11, 2012 and canvassed the area for witnesses to and video of the incident.** One 911 caller stated that he heard "a 'boom' like a car crash" but stated that he did not see the incident. No eyewitnesses came forward or were located - despite IPRA investigators' thorough canvas of the area.
- **IPRA investigators obtained and reviewed copies of the police radio and 911 transmissions.** While three third-party witnesses were identified in reviewing the 911 transmissions, investigators were either unable to obtain the callers' voluntary statements or the caller's testimony was not material to the use of force investigation for the reasons addressed below.¹

¹ The investigators' evaluation of the OEMC transmissions included review of a call from Ms. Nayshon Bond. The content of her 911 call was consistent with her subsequent statement as described below.

- **IPRA investigators interviewed Officer Ward Bond on February 13, 2012.** Officer Bond told investigators that he discharged his weapon because he was in fear for his safety and the safety of his wife because the driver of the van had already struck him once, had also struck the vehicle his wife occupied, and was driving toward him again when he used deadly force.
- **IPRA investigators interviewed Ms. Nayshon Bond on February 16, 2012.** Her statement was consistent with Officer Bond's statement. Ms. Bond provided no additional information in her interview that was not previously known to the IPRA investigators.
- **IPRA investigators attempted to interview Mr. Connie Johnson on at least three separate occasions.** IPRA investigators first attempted to interview Mr. Johnson, who Nayshon Bond identified as a passenger in Mr. Suttle's vehicle, at the police station shortly after the incident. Mr. Johnson refused to speak to IPRA investigators without an attorney present. He again refused to speak with the investigators the following day, telling them that he did not witness the shooting and had poor eyesight. When IPRA investigators attempted to speak with him a third time, Mr. Johnson told them that he did not know Mr. Suttle and denied having any involvement in the events of February 11, 2012.
- **IPRA investigators obtained and reviewed records regarding Officer Bond's injuries** that were created by Chicago Fire Department (CFD) personnel responding to the incident. The CFD records show that Officer Bond suffered swelling and bruising to his left thigh as well as back and knee pain. The CFD records further indicate that Officer Bond's trousers showed discoloration from road salt where he said the vehicle struck him on his left thigh. Investigators did not seek records from the University of Chicago hospital, to which Officer Bond was transported from the scene. Those records would not have been material to the inquiry as the investigators had already obtained and reviewed the records compiled by CFD personnel who observed Officer Bond and described his injuries and condition in the immediate aftermath of the incident. The CFD records detail injuries and observations consistent with Officer Bond's account of the incident.
- **IPRA investigators also reviewed all photographs and video of the scene** taken by Department personnel at and after the time of the incident, including photographs depicting damage to Officer Bond's garage and vehicle and the discoloration from road salt on his trousers.

After reviewing the available evidence, IPRA investigators determined that Officer Bond's use of force was within Department policy. As a result, IPRA proffered no use of force - related allegations against him. IPRA investigators' review of Officer Bond's use of deadly force was not inadequate.

While your request raised questions about various participants' possible relationships and motivations, it did not provide any material or new evidence that was not previously available to and reviewed by the IPRA investigators during their review. For example, while you noted that DNA testing was not completed on a pair of boots worn by a third party or a crack pipe found in Mr. Suttle's vehicle, the results of such testing would not be material in addressing the question at issue - whether Officer Bond acted within Department policy when he used deadly force.

Your letter raised an additional issue that we felt warranted examination: the possibility that there were other eyewitnesses to the incident who were either unknown to or ignored by IPRA investigators. COPA's review found that IPRA investigators were in fact aware of the existence of other parties from whom they did not obtain statements during the course of their investigation. Indeed, OEMC records indicate that it received three calls regarding the incident. The investigative file, including the SRI and investigator activity log, acknowledge and describe each of these calls:

- The SRI indicates that one caller specifically told 911 dispatchers that he had only heard the incident and could not see it or the people involved. This circumstance limits the usefulness of the witness in reviewing the use of force.
- The Investigators' log indicates that a second caller, who investigators were able to identify and attempt to interview, refused to speak to the investigators and told them not to contact him again.
- The SRI indicates that a third caller refused to provide identifying information.² While IPRA investigators were unable to interview the anonymous caller, they reviewed and relied upon the information the caller provided in reaching their conclusions and drafting the SRI.

As noted above, COPA's enabling ordinance prohibits it from reopening an investigation unless there is new, material evidence unavailable to the IPRA investigators, or the prior investigation was so inadequate as constitute a gross miscarriage of justice. COPA's review of the matter does not indicate either the existence of new evidence or the inadequacy of the 2012 investigation. While IPRA investigators should have included a more detailed description of their investigative steps in the SRI, review of the investigative file indicates that the investigators took reasonable action to obtain and review all available evidence. They made reasonable efforts to obtain witness statements and even when they could not interview parties directly, as in the case of the anonymous OEMC caller, they used the substance of the party's statement in furtherance of their investigation.

COPA also has limited authority to investigate incidents occurring more than five years in the past. Illinois law generally prohibits COPA from seeking significant discipline (suspensions of 30 days or more or termination) more than five years after the incident.^{3,4}

Additionally, COPA does not have the authority to direct the Cook County State's Attorney's Office to file charges regarding an incident. The determination whether to file criminal charges is entirely within the State's Attorney's authority.

If you have any questions, please feel free to contact Mr. Ephraim Eaddy at 312-746-3609.

Sincerely,



Kevin J. Connor
General Counsel

cc: Mr. Ephraim Eaddy, Public Information Officer – COPA
Ms. Angela Hearts-Glass, Deputy Chief (Investigations) – COPA
Ms. Sydney Roberts, Chief Administrator – COPA

² OEMC allows callers to request anonymity in order to shield those who report incidents from threats of retaliation.

³ See 65 ILCS 5/10-1-18.1

⁴ A description of the circumstances in which COPA may overcome such limitations is set forth in § 2.5 of COPA's Rules and Regulations, available on COPA's website at: www.chicagocopa.org/about-copa/rules-regulations/.