BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST POLICE OFFICER JOHN CATANZARA, STAR No. 19897, DEPARTMENT OF POLICE, CITY OF CHICAGO,	)	**No. 21 PB 2987**
	)	**(CR Nos. 1086910 and 1090359)**
RESPONDENT.	)	

MEMORANDUM AND ORDER

On January 26, 2021, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer John Catanzara, Star No. 19897 (hereinafter referred to as "Respondent"), recommending that Respondent be discharged from the Chicago Police Department for violating several Rules of Conduct. Fifteen of the specifications included in these charges relate to allegedly offensive and disrespectful statements on Respondent's Facebook page, which were purportedly posted between November 2016 and February 2018. One specification concerns an email sent by Respondent in January 2017 that allegedly sought to influence Chicago Public School officials. The final two specifications concern the generation of allegedly false or misleading case incident reports in July 2018 and November 2018. The conduct underlying each of the specifications occurred prior to Respondent's election as president of the Fraternal Order of Police Lodge 7 ("FOP"), which occurred in May 2020.

On March 25, 2021, Respondent filed with the Police Board two motions: Motion to Appoint a Neutral Arbitrator in Lieu of the Chicago Police Board, and Motion to Dismiss and/or Stay Police Board Proceedings. The Superintendent filed a Response to each of these two motions, and Respondent filed a Reply to each of these Responses. The members of the Police

Board have reviewed and considered the parties' filings.[1]

The Police Board determines that both of Respondent's motions shall be denied for the following reasons.

I. MOTION TO APPOINT A NEUTRAL ARBITRATOR IN LIEU OF THE CHICAGO POLICE BOARD

Respondent first moves the Police Board to circumvent the statutorily-defined process for adjudicating allegations of police misconduct and appoint a neutral arbitrator (rather than the Police Board) to decide the charges against him. In support, Respondent argues that, "[e]ven if the majority of the Police Board use their best efforts to set aside and not consider facts that are not relevant to Officer Catanzara's case, their own personal knowledge and previous interactions with Officer Catanzara, their prior knowledge of the facts regarding the case, their continued interaction with members of the public regarding Officer Catanzara's case and their preexisting prejudices against Officer Catanzara makes the bias so obvious that the Police Board should be disqualified from presiding over this hearing." Respondent's Motion to Appoint Arbitrator at 2.

As set forth below, the Police Board denies Respondent's motion because: (1) the Police Board lacks the authority to appoint an arbitrator; and (2) Respondent has failed to meet his burden to establish that Police Board members should be recused.

A. The Police Board Lacks Authority to Appoint an Arbitrator

As an initial matter, Respondent's motion must be denied because the Police Board lacks the authority to appoint an arbitrator or otherwise compel arbitration. The Chicago Municipal Code provides that the Police Board *shall* "hear disciplinary actions for which a suspension of

[1] Board Member Andrea Zopp recused herself from this case pursuant to Section 2-78-130(a)(iii) of the Municipal Code of Chicago.

more than the 30 days expressly reserved to the superintendent is recommended, or for removal or discharge involving officers and employees of the police department in the classified civil service of the City." CHI. MUN. CODE § 2-84-030. The Chicago Municipal Code does not include a provision allowing the Police Board to refer a case to an arbitrator. The Police Board must handle all cases that fall within its mandate, including the present case seeking the discharge of Respondent.

The same is true of the operating version of the Collective Bargaining Agreement. The Collective Bargaining Agreement specifically states that "[t]he separation of an Officer from service is cognizable *only* before the Police Board . . . ." Agreement Between Fraternal Ord. of Police Chi. Lodge No. 7 and the City of Chic. (July 1, 2012–July 30, 2017) at 11 (emphasis added) (hereinafter, "Collective Bargaining Agreement"). The proposed revisions to the Collective Bargaining Agreement Respondent has championed—which have not taken effect—are irrelevant. As it stands, the Collective Bargaining Agreement governing FOP does not provide an option for arbitration in cases involving the prospective discharge of an officer.

Respondent cites no law to the contrary. The Police Board thus literally cannot grant the relief Respondent seeks, for doing so would violate his own union's contract as well as the Municipal Code.

B. Recusal of Members of the Police Board

Given that the Police Board lacks the authority to appoint an arbitrator or compel arbitration, the Board construes the remainder of Respondent's motion as a request for recusal of the members of the Police Board. However, to be granted the relief he seeks, Respondent must prove that members of the Police Board had to some extent adjudged the facts as well as the law

of the case in advance of hearing it. Respondent has failed to do so.

1. Legal Standard

In the context of administrative hearings, "'[a]n individual challenging the impartiality of an administrative tribunal must overcome a presumption that those serving in such tribunals are fair and honest.'"[2] *Williams v. Bd. of Trs. of the Morton Grove Firefighters' Pension Fund*, 924 N.E.2d 38, 50 (Ill. App. Ct. 2010) (quoting *Turcol v. Pension Bd. of Trs. of Matteson Police Pension Fund*, 834 N.E.2d 480, 498 (2005)). To establish bias or prejudice, a claimant "'must prove that members of the adjudicating body had to some extent adjudged the facts as well as the law of the case in advance of hearing it.'" *Turcol*, 834 N.E.2d at 498. "There must be more than 'the mere possibility of bias or that the decision maker is familiar with the facts of the case.'" *Williams*, 924 N.E.2d at 50 (quoting *Danko v. Bd. of Trustees of the City of Harvey Pension Bd.*, 608 N.E.2d 333, 338 (Ill. App. Ct. 1992)).

2. Recusal of the Police Board as Whole

Using the standard laid out above, the members of the Police Board assessed their own personal bias or prejudice against Respondent. *See id.* Each member of the Police Board individually determined that recusal in this case is unnecessary (except for Board Member Zopp, who, as noted above, is required to recuse herself because she ruled on the disagreement between the Chief Administrator of the Civilian Office of Police Accountability and the Superintendent regarding the discipline of Respondent). And neither of Respondent's arguments regarding the

[2] In Respondent's Motion to Appoint a Neutral Arbitrator in Lieu of the Chicago Police Board, he cites "a string of criminal cases regarding the need for judges and jurors to be impartial and free from bias." Superintendent's Response to Motion to Appoint Arbitrator at 2, FN 1; *see also* Respondent's Motion to Appoint Arbitrator at 10–11. The principle that a deciding body must be impartial and free from bias applies across cases, but the Police Board must apply the relevant rules for administrative hearings rather than criminal proceedings.

partiality of the Police Board as a whole raised more than a "mere possibility of bias." *Id.*

First, Respondent describes statements he made during the public comment portion of ten Police Board meetings between April 2016 and February 2020. The majority of the cited discussions at these public meetings are irrelevant to the issues before the Police Board. And while it is true that Respondent referenced the creation and handling of the incident reports at issue in this case during his comments at public meetings, he did not substantively address the charges against him. Mere familiarity with the facts underlying Specifications 17 and 18 does not require members of the Police Board to recuse themselves. *Id.*

Second, Respondent contends that "[h]e essentially lobbied and collectively bargained for the extinction of the very positions that the members of the Police Board hold," but that argument is also too attenuated to hold weight. Reply in Support of Respondent's Motion to Appoint Arbitrator at 3. As explained in Part I.A, Respondent's proposed revisions to the Collective Bargaining Agreement have not taken effect. The Superintendent rightly pointed out that Respondent's recommendations are "purely speculative" at this juncture. Superintendent's Response to Motion to Appoint Arbitrator at 6. And there are many individuals with recommendations to change the current police accountability procedures. Speculations about how the Police Board members may individually react to any of those recommendations is a far cry from the evidence required to establish that recusal of the Police Board as a whole is necessary to "protect the accused's right to trial and to assure the public that justice is fairly administered." Respondent's Motion to Appoint Arbitrator at 11. And it is certainly insufficient to overcome the presumption that members of the Police Board will be fair and honest.

3. Recusal of President Foreman

Like all other members of the Police Board, in reviewing the Respondent's motion, President Ghian Foreman considered his own personal bias or prejudice and determined that recusal in this case is unnecessary. Because, however, he is the only member of the Police Board about whom Respondent included details of specific interactions, President Foreman formally attests to his ability to be impartial in the Affidavit attached to this Memorandum and Order as Appendix A.

Contrary to the characterization in Respondent's motion, the majority of the exchanges between Respondent and President Foreman were neither "heated" nor "contentious." Respondent's Motion to Appoint Arbitrator at 13. In particular, the interactions between Respondent and President Foreman during the January 27, 2019, and February 20, 2020, Police Board meetings do not suggest any bias against the Respondent. The record of these two meeting indicates that President Foreman was acting "in accordance with his obligation to maintain an orderly meeting, during which multiple members of the public are invited to speak." Superintendent's Response to Motion to Appoint Arbitrator at 5. As such, these exchanges "do not overcome a presumption of fairness and honesty, do not evidence a prejudgment of the facts or law, and certainly do not prove that any alleged risk of unfairness is intolerably high." *Id.* at 1.

As laid out in greater detail in Appendix A, President Foreman acknowledges that he engaged in a heated exchange with Respondent after a Police Board meeting. But Respondent has overstated this incident and overlooked the far greater number of amiable interactions he has had with President Foreman. In light of analogous case law, it is clear that this single heated

interaction between Respondent and President Foreman does not warrant recusal. *See, e.g.*, *United States v. Ekblad*, 90 Fed. App'x 171, 174 (7th Cir. 2004) (judge's comment about defendant's "obstreperous conduct" did not warrant recusal; rather than evidence of bias, these statements showed the judge's irritation with defendant's efforts to submit frivolous arguments); *Wilks v. Israel*, 627 F.2d 32, 37 (7th Cir. 1980) (Petitioner threw a stamping machine and microphone at the judge, and then jumped from the witness stand and assaulted the judge. In response, the judge referred to petitioner as a "coward" and stated, "I am going to say it for the record, he is going away for so long they are going to forget that they ever knew him, and I want any reviewing court to know what my intentions are." The Seventh Circuit determined the petitioner received a fair trial despite the judge's decision not to recuse himself after this incident.); *Weeks v. Samsung Heavy Indus., Ltd.*, Case No. 93-C-4899, 1996 WL 388356, at *1 (N.D. Ill. July 9, 1996) ("Plaintiff first complains of critical remarks, wrongful accusations of misconduct, and sarcasm, rudeness, and hostility toward plaintiff. First, these complaints are not supported by the overall record of these proceedings. Even if such remarks had been made, however, they would not constitute the basis for recusal."); *In re Marriage of Potenza and Wereko*, Case Nos. 1-19-2454 & 1-19-2597 Cons., 2020 WL 7863344, at *6–*7 (Ill. App. Ct. Dec. 31, 2020) (judge asking a party "who do you think you are?" and stating that he would hold the party in contempt if they violated a prior judgment did not exceed the "expressions of impatience, dissatisfaction, annoyance, and even anger, that are within the bounds of what imperfect men and women, even after having been confirmed as federal judges, sometimes display," and substitution of judges was unnecessary); *People v. Hall*, 499 N.E.2d 1335, 1346–47 (Ill. 1986) (recusal was unnecessary, even though defendant struck his counsel in the head

with a chair and hit the judge with his fist); *Huff v. Rock Island Cnty. Sheriff's Merit Comm'n*, 689 N.E.2d 1159, 1164 (Ill. App. Ct. 1998) (Commissioner did not improperly fail to recuse himself from proceedings that resulted in the termination of litigant's employment with the sheriff's department—even though Commissioner referred to litigant as "the thorn in our side" two years prior to the proceedings); *Grissom v. Bd. of Educ. of Buckley-Loda Cmty. Sch. Dist. No. 8*, 388 N.E.2d 387, 400 (Ill. 1979) (Plaintiff was not rehired in 1971, and he successfully sued to be reinstated; in 1974, the Board again voted not to rehire Plaintiff. The Board chairman was approached with the question "What's this you trying to get rid of Mr. Grissom again?" and answered "What do you mean again? We never stopped." This statement, though "thoughtless and indiscreet," was not enough to show prejudice or bias that violated Plaintiff's due process rights.).

President Foreman and his fellow members of the Police Board do not harbor feelings of personal bias or personal prejudice against Respondent, and they do not have knowledge of any disputed evidentiary facts. Consequently, they have determined it is unnecessary to recuse themselves.

II. MOTION TO DISMISS AND/OR STAY POLICE BOARD PROCEEDINGS

In December 2020 and January 2021, FOP filed two separate cases with the Illinois Labor Relations Board ("ILRB"). Case No. L-CA-025 claims that the City of Chicago "threatened, coerced, and retaliated against John Catanzara for engaging in protected activity on behalf of bargaining unit employees represented by FOP Lodge 7."[3] Respondent's Motion to

[3] Specifically, the charges in the ILRB case allege that "Mr. Catanzara, in retaliation for performing his duties as Union President, has been subject to repeated harassment, verbal insults and allegations of misconduct by

Dismiss at Ex. A. The charges note that, "[m]ost recently, he was notified that the City is seeking his termination of employment due to social media postings which are protected concerted activity due to being shared with fellow bargaining unit members and raising issues related to the term and conditions of employment of all bargaining unit members." *Id.* Case No. L-CA-030 was filed after "the City of Chicago publicly announced a Resolution . . . demanding Catanzara's immediate resignation from his office of President of Lodge 7" in light of comments Respondent made about the storming of the United States Capitol on January 6, 2021. *Id.* at Ex. B. The case alleges that this Resolution is "a continuation of the City's actions, including the Mayor and the City Council, to intimidate and retaliate against President Catanzara in performance of his duties on behalf of bargaining unit employees." *Id.* In both cases, FOP "has requested, among other things, that the Illinois Labor Relations Board seek injunctive relief immediately to stay all disciplinary action, including any action before the Chicago Police Board against Officer Catanzara, until such time as the [] charge is fully remedied." *Id.* at 2.

In light of the cases pending before the ILRB, Respondent filed a Motion to Dismiss and/or Stay the instant proceedings before the Police Board, arguing that "[t]he Illinois Labor Relations Board, not the Chicago Police Board, is the proper venue to determine if in fact the termination proceedings are a violation of both the [Collective Bargaining Agreement] and the [Illinois Public Labor Relations Act][.]" Respondent's Motion to Dismiss at 2; *see also id.* at 4–5. Respondent is correct in part—labor law issues do not fall within the Police Board's jurisdiction. The ILRB is the proper entity to hear and decide those claims. For the following

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representatives of the City, including the Mayor, to intimidate and retaliate against President Catanzara in the performance of his duties on behalf of the bargaining unit employees." Respondent's Motion to Dismiss at Ex. A.

reasons, Respondent's motion will be denied.

A. Labor Law Issues Are Outside the Police Board's Jurisdiction

Respondent argues "that the current proceedings will test the limits of the Police Board's authority" because it will need to determine "whether the current case is one of retaliation by City of Chicago or an actual unfitness to serve by Officer Catanzara." *Id.* at 7. Respondent simultaneously recognizes that "[t]he administrative agency charged with resolving these [retaliation] claims is the ILRB." Reply in Support of Motion to Dismiss at 2–3. But only the latter statement is accurate.

The Police Board's jurisdiction is limited to "hear[ing] disciplinary actions for which a suspension of more than the 30 days expressly reserved to the superintendent is recommended, or for removal or discharge involving officers and employees of the police department in the classified civil service of the City[.]" CHI. MUN. CODE § 2-84-030. In light of these jurisdictional limitations, "the Police Board does not have the authority to determine whether labor laws were violated" or to "order the City of Chicago to cease and desist from unfair labor practices." Superintendent's Response to Motion to Dismiss at 4; *see also id.* at 2. Because the labor law issues outlined in Respondent's motion do not fall within the Police Board's jurisdiction, the Board will not hear them. Indeed, the ILRB and the Police Board serve two separate functions and will do so here; the ILRB will hear the retaliation claims and the Police Board will hear the misconduct charges. Respondent cites no reason why the two separate bodies—hearing two separate matters—cannot both proceed at the same time. The charges against Respondent that were filed before the Police Board will thus not be dismissed.

B. Respondent's Retaliation Allegations Are an Irrelevant, Invalid Defense

Setting aside his jurisdictional claims, Respondent next argues that the retaliation claims that are properly before the ILRB will permeate through the Police Board proceedings, causing an inherent tension between the two separate bodies: "[i]f this proceeding is to continue, [he] will pursue a defense that is more grounded in labor violations than in violation of the General Orders."[4] Respondent's Motion to Dismiss at 8. Specifically, Respondent anticipates he will argue that the charges against him were "triggered not by violations of the General Orders but rather as retaliatory action by the City of Chicago due to Officer Catanzara's protected and concerted activity under the [Illinois Public Labor Relations Act]." *Id.* at 4.

Contrary to Respondent's claims, questions related to why the instant charges were brought against him are completely irrelevant to the issues before the Police Board. The only question before the Police Board is whether Respondent's various social media posts, email, and case incident reports violated the Rules of Conduct of the Chicago Police Department. As the Superintendent explained in his Response, "Catanzara's activities the past year as Lodge President, the Mayor's Comments about him, and the City Council's January 11, 2021 Resolution have no bearing on whether" Respondent's actions violated CPD rules. Superintendent's Response to Motion to Dismiss at 4; *see also id.* at 6 ("Despite his efforts to muddy the waters, the issues before the ILRB and the Police Board are distinct."). Consequently, "evidence of [Respondent's] activities as Lodge President, alleged retaliatory

[4] Respondent goes on to state: "Subpoenas will issue regarding communications between the City and COPA, witnesses will be called to offer testimony about the decision to seek termination, and labor law experts will be retained to give expert legal opinions on retaliatory discharge as it relates to concerted union activity." Respondent's Motion to Dismiss at 8.

actions for concerted union activity, or any other alleged labor violations would be [in]admissible in this disciplinary proceeding." *Id.* at 4.

Even if the retaliatory actions the City has allegedly taken against Respondent were related to the social media posts, email, and case incident reports underlying these disciplinary proceedings, and they are not, they would still be inadmissible. By analogy, in the criminal context, evidence bearing on the government's decision to prosecute a particular case is "extraneous and collateral," and thus excluded from trial. *See United States v. Johnson*, 605 F.2d 1025, 1030 (7th Cir. 1979) (affirming the exclusion of evidence offered to show that the "indictment was a political instrument"); *see also United States v. Berrigan*, 482 F.2d 171, 174–76 (3d Cir. 1973) (affirming exclusion of evidence relating to "discriminatory prosecution"). Just as evidence related to why a criminal case has been charged is irrelevant, the reason the current charges were brought before the Police Board is irrelevant to these proceedings, and so Respondent's argument lacks merit.

C. Police Board's Authority to Hear Charges Against Members of Lodge 7, Including the FOP President

In his Motion to Dismiss and/or Stay Proceedings, Respondent seems to suggest that the Police Board lacks authority to hear charges against members of FOP. Respondent's Motion to Dismiss at 5 ("There is a real controversy as to what, if anything, the City of Chicago can do by way of discipline with respect to officers who are detailed to Lodge 7."). There is simply no evidence suggesting that the Police Board cannot hear charges against and discipline members of FOP. To the contrary, an officer who is a member of FOP is not immunized from following the Rules and Regulations of CPD or being disciplined if he/she does not. This fact is enshrined in the Collective Bargaining Agreement, which specifically contemplates that FOP members are

subject to disciplinary actions. Collective Bargaining Agreement at 3 ("The rights reserved to the sole discretion of the [City of Chicago] shall include, but not be limited to, rights . . . to suspend, demote, discharge, or take other disciplinary action against Officers for just cause[.]"). Moreover, as discussed in Part I.A above, the Collective Bargaining Agreement specifically delegates the authority to hear disciplinary cases to the Police Board. *Id.* at 11 ("The separation of an Officer from service is cognizable only before the Police Board . . . ."); *see, e.g., Krupa v. Naleway*, No. 06 C 1309, 2010 WL 145784 (N.D. Ill. Jan. 12, 2010) (granting Defendants' motion for summary judgment in case involving the Police Board's discharge of CPD officer who was a member of FOP).

There is also no suggestion in the Collective Bargaining Agreement, the Constitution and Bylaws of the FOP, or elsewhere that the Police Board cannot hear disciplinary proceedings against a sitting FOP President. *See generally* Collective Bargaining Agreement; FRATERNAL ODER OF POLICE CHI. LODGE #7, CONSTITUTION & BY-LAWS (Sept. 18, 2018). The Collective Bargaining Agreement's disciplinary provisions extend to "*all* sworn Police Officers below the rank of sergeant"; Respondent fits within this class of police officers.[5] *See* Collective Bargaining Agreement at 1 (emphasis added). And, as the Superintendent pointed out, "the issue of whether a union member detailed to Lodge 7 can be disciplined is irrelevant here" because "[t]he operative charges were initiated and involved conduct *prior* to Catanzara's position as Lodge President." Superintendent's Response to Motion to Dismiss at 5. In the absence of any evidence that FOP members—President or otherwise—are immune from Police Board

5 Notably, Respondent's attorneys refer to him as "*Officer* Catanzara" throughout the Motion to Dismiss and/or Stay Police Board Proceedings.

discipline, Respondent's motion to dismiss the charges against him must be denied.

D. The Police Board Will Not Stay Proceedings

The Police Board acknowledges that, if an Administrative Law Judge were to find that the charges before the Police Board were improperly brought for retaliatory purposes, the City of Chicago would be ordered to "take whatever action is necessary" to "restore the status quo ante; that is, to place the parties in the same position they were in before the unfair labor practice occurred." *See Frequent Questions*, ILLINOIS LABOR RELATION BOARD, https://www2.illinois.gov/ilrb/frequent/Pages/default.aspx. Among other remedies, such a determination "might include ordering the Respondent to reinstate employees, with or without back pay." *Id.* In other words, if the Police Board finds Respondent guilty of charges and determines that he should be discharged and ILRB subsequently determines that the City retaliated against Respondent by bringing charges with the Police Board, the Police Board's findings and decision could be invalidated and Respondent could be reinstated as a police officer. *See, e.g., Illinois Fraternal Order of Police v. County of Cook & Sheriff of Cook County*, Case No. L-CA-18-041 (ILRB Local Panel 2020) (finding the Sheriff unlawfully retaliated against a police officer by suspending him without pay pending an investigation, and ordering the officer to be reinstated and made whole for any lost earnings suffered because of his termination).

Having weighed this possibility against the timing concerns raised by the Superintendent, the Police Board has determined that its duty to hear the disciplinary case when an officer is accused of serious misconduct must win out over the possibility that a finding of guilt could be reversed. Therefore, the Police Board will not implement a stay of the instant proceedings.

POLICE BOARD ORDER

IT IS HEREBY ORDERED that, for the reasons set forth above, Respondent's Motion to Appoint a Neutral Arbitrator In Lieu of the Chicago Police Board is **denied**, and Respondent's Motion to Dismiss and/or Stay Police Board Proceedings is **denied**.

This Order is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Matthew Crowl, Michael Eaddy, Steve Flores, Jorge Montes, and Rhoda D. Sweeney. (Board Member Andrea Zopp recused herself from this case pursuant to §2-78-130(a)(iii) of the Municipal Code of Chicago.)

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 08th DAY OF JUNE, 2021.

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

Appendix A

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST POLICE OFFICER JOHN CATANZARA, STAR No. 19897, DEPARTMENT OF POLICE, CITY OF CHICAGO,	)	**No. 21 PB 2987**
	)	**(CR Nos. 1086910 and 1090359)**
RESPONDENT.	)	

AFFIDAVIT OF POLICE BOARD PRESIDENT GHIAN FOREMAN IN RESPONSE TO RESPONDENT'S MOTION TO APPOINT A NEUTRAL ARBITRATOR IN LIEU OF THE CHICAGO POLICE BOARD

I, Ghian Foreman, hereby declare as follows:

1. I am over 18 years of age, and I have personal knowledge of the facts set forth in this affidavit in response to Respondent's Motion to Appoint a Neutral Arbitrator in Lieu of the Chicago Police Board ("Respondent's Motion").

2. My tenure as a member of the Chicago Police Board began on June 30, 2010. I have served as President of the Chicago Police Board since May 8, 2018.

3. In my current role as President of the Chicago Police Board, I am responsible for ensuring that the Police Board's monthly public meetings remain efficient and orderly, including managing time limits for public speakers.

4. Respondent's Motion describes interactions he had with me at Police Board meetings on April 19, 2018; May 17, 2018; December 13, 2018; January 27, 2019; and February 20, 2020. I was neither hostile nor rude to Respondent during the cited public meetings.

5. As a result of statements Respondent made during the public comment portion of the cited meetings, I took necessary steps to maintain order. Specifically, I informed Respondent when his opportunity to speak had ended and reminded him that the Police Board is not at liberty

to discuss open cases. Contrary to the allegations in Respondent's Motion, these interactions were neither heated nor contentious.

6. I engaged in a heated discussion with Respondent on one occasion. As stated in Respondent's Motion, this discussion took place after a Police Board meeting; it related to the Officer Rialmo case, which was pending before the Police Board at that time. Chicago Police Officers who are responsible for ensuring that the public does not interfere with Board members or other City officials during Police Board meetings were present for this exchange. The officers intervened in the situation because voices were raised, but they did need to physically separate Respondent and myself. Respondent was escorted out of the building.

7. I have experienced friendly interactions with Respondent on dozens of occasions—both in and outside of the context of Police Board meetings. For example, I have gone out of my way to say hello to Respondent each time I have encountered him in public, and we have engaged in friendly conversation.

8. I do not have any feelings of personal bias or personal prejudice against Respondent. I am confident that I will be able to remain impartial during the instant proceedings. My decision in this case will be based on the evidence that is presented during the Police Board hearing. My previous interactions with Respondent (including those described in Respondent's Motion) will have no bearing on my participation in this case.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 2nd day of June, 2021 in Chicago, Illinois.

/s/ Ghian Foreman