The public meeting of the Chicago Police Board, convened at 7:30 p.m. on Thursday, May 15, 2014, at Chicago Public Safety Headquarters, 3510 South Michigan Avenue, Chicago, Illinois, taken before Pamela S. Morgan, Certified Shorthand Reporter within the State of Illinois, Mr. Demetrius E. Carney, President, presiding.

PRESENT:

MEMBERS OF THE BOARD

DEMETRIUS E. CARNEY, President
GHIAN FOREMAN, Vice President
MELISSA M. BALLATE
WILLIAM F. CONLON
MICHAEL EADDY
RITA A. FRY
SUSAN L. McKEEVER
ELISA RODRIGUEZ

ALSO PRESENT:

SCOTT ANDO, Chief Administrator of the Independent Police Review Authority
WILLIAM BAZAREK, First Asst General Counsel to the Superintendent
GARRY F. MCCARTHY, Superintendent of Police
MAX CAPRONI, Police Board Executive Director
MR. CARNEY: Good evening, everyone. I am calling the meeting of May 15th to order.

The first item of business -- can you hear me?

The first item of business is approval of the minutes of the public meeting of April 17th.

Is there a motion?

MS. BALLATE: So moved.

MS. FRY: Second.

MR. CARNEY: All in favor?

(A chorus of ayes.)

Our next meeting will be held here at 35th and Michigan on June 19th at 7:30.

At this time I would ask for a motion to close a series of executive sessions for the purpose of considering litigation and other matters as authorized by the Open Meetings Act.

Is there a motion?

MR. FOREMAN: So moved.

MR. CARNEY: All in favor?

(A chorus of ayes.)

A report of disciplinary actions taken by the Board during the previous month have been made available at this evening's meeting. This report
and the Board's written findings and decisions are posted on our website. The Board will now take action on the final disciplinary actions.

The first case is the case of Kerry Little. The Board, as authorized by the Open Meetings Act, has considered in a closed meeting the disciplinary case of Kerry Little. The Board will now take final action on this case.

Regarding this case, I will say the case number, 14 SR 2320, is there a motion to sustain the allegations against Police Officer Kerry that he failed to follow the medical roll procedures and to sustain a 15-day suspension as ordered by the Superintendent?

MR. EADDY: So moved.

MR. FOREMAN: So moved.

MR. CARNEY: All in favor?

(A chorus of ayes.)

All the Board Members except Melissa Ballate voted in favor of the motion. Am I saying this correctly? Yes?

MS. BALLATE: Yes.

MR. CARNEY: All of us who are in favor raise your hand.
(A raising of hands.)

Opposed?

Melissa, you opposed, okay.

Voting in favor are Board Members Foreman, Conlon, Eaddy, Fry, McKeever, Rodriguez, and myself. Melissa Ballate is opposed. This motion passes.

Is there a motion to adopt the written findings and decisions dissent that have been approved by all Board Members who participated in this case?

MR. FOREMAN: So moved.

MR. CARNEY: All in favor?

(A chorus of ayes.)

All Board Members who voted in favor raise your hand.

(A raising of hands.)

Any opposed? None. The motion passes by unanimous consent.

The Board's decision in this case will be entered as of today's date, and will be issued to the parties. A copy of the written findings and decision will be posted within 10 business days on our website.
I think that's it for all actions that we've taken on cases at our previous meeting. Any questions by any of the Board Members?

MR. FOREMAN: No.

MR. CARNEY: I will now call upon those members of the public who signed up in advance to speak.

Oh, we are going to the Superintendent -- we are going to take a motion to waive the Superintendent's report.

Is there a motion?

MR. CONLON: So moved.

MR. CARNEY: All in favor?

(A chorus of ayes.)

Copies of orders issued by the Superintendent of Police during the previous month are listed in the blue book and are available on our website.

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

(No response.)

Nancy Rodriguez from the 25th District.

Welcome.

MS. RODRIGUEZ: I wanted to report that it appears that the police department are doing a good job in the area, it's improved as compared to last year, but one of my concerns that I have is the CAPS meeting for Beat 2535.

They had changed the CAPS meeting for every two months instead of monthly, and I don't really know why when other CAPS departments -- I mean other beat meetings are every month. They made it really confusing to figure out where we are supposed to be at.

One of the other things they did, they changed the time from 7:00 p.m. to 6:30.

And then at BVM Church where we have the meetings, there's three different ways of getting into the meeting, two of them lead to the same room and then a third one is a few feet away. So whenever I do -- since they keep changing it from one door to the next, then I have to check all three doors.
But this year it seems like in these three times that we are supposed to meet, it got confusing because it is odd months, so I had to kind of like keep track of if it's an even month or an odd month.

I was able to attend two of the meetings, and that was January and -- actually, I tried January and February, and there was no show, and then in March I guess I forgot, and then I called the CAPS department and they said there's no meeting for April, so I didn't attend April. So then I show up for May and there's a no show.

So the facilitator from another meeting place, which is at Mozart Park, said that the police department's been trying to shut down that spot, but they weren't able to, whoever is not approving it, and then it dawned on me, well, maybe this is why it's so confusing and why there's no show, maybe because that's their way of trying to get people to go to Mozart Park or another meeting so that they can ultimately shut down that meeting place.

So I wanted the police department to look into that because I don't know what's going on.
MR. CARNEY: So your issue is the CAPS meeting and you just want proper notice and where the meeting is going to be, you want it to be definite.

MS. RODRIGUEZ: And consistent.

MR. CARNEY: And consistent.

MS. RODRIGUEZ: Because I did call them. It's really hard to get through the CAPS department, nine times out of 10 no one answers. I don't know if it's the caller ID and they see my name come up. I have no idea. All I know is it's hard to get through.

And finally when I did get through, I think it was April, the lady said that it's because of the weather, but that didn't prevent me from getting there.

So I would like to be able to still attend the CAPS meetings there.

SUPERINTENDENT McCarthy: Mr. Chairman, if I can suggest, I will just take her information and the 25th District commander will get in touch with you and we will straighten everything out. That's a communication issue that we can handle relatively easily.
MS. RODRIGUEZ: And then really brief and quick, I just wanted to say that on May 3rd, 2014, at approximately 4:13 p.m., right in front of 1267 North Springfield, there was some kind of gang fight where one gang member was chasing another, and then there was a few more that followed, and it's right in front of the police camera, right in front.

I was just wondering, I did call 911, and for the first call they sent me to the non-emergency, and I kept waiting and waiting. In the meantime, all of this is going on where people are chasing in cars. And then I have to call 911 again. Finally, the second operator did check and sent police. And then I called the tactical unit and I told them can you please check the camera so you can see the kind of gang activity.

So I wanted to let you know that date and time to see if maybe you can look into how the gang, even in front of a camera, how they operate when they chase after people.

SUPERINTENDENT McCARTHY: Again, Mr. Chairman, those are issues that the 25th District commander can address and give us contact information. We
will take care of it. You will hear from him very shortly.

MS. RODRIGUEZ: Okay. Thank you.

SUPERINTENDENT McCarthy: Thank you.

MR. CARNEY: Miss Rodriguez, thank you.

MS. RODRIGUEZ: You are welcome.

MR. CARNEY: We have Robert More.

(No response.)

At this time we don't have anybody else who signed up.

Did someone else sign up to speak that I did not call?

Do you want to step up?

MS. CZAPKOWSKA: Good evening.

So I am here regarding my case. It happened in February, and we are attacked by our neighbors. Three people who attacked us, they were not arrested, my husband was.

So finally with officer help, I brought one of the woman to the court, and I also few days before, I send the e-mail to Eleventh District to make sure that police officer who was a witness and who saw it, he's going to show up on my case at the court.
But two days before court date, he went
to the court and he spoke with a prosecutor, and
he said like nothing happened, like the woman who
attacked me, she didn't do that. So even if he
wrote her name in the report, he denies.

So I want him to testify on my next court
date, which is this Tuesday, and if he's going to
lie, I want him to lie, because he wrote her name
in the report. So either way, he face report of
his lying and he's protecting her. I have no
idea.

So my question is, is there any chance to
make him to show up in the court on Tuesday and
make him testify?

MR. CARNEY: This is the officer?

MS. CZAPKOWSKA: Yes.

MR. CARNEY: Superintendent?

SUPERINTENDENT McCARTHY: I want to be clear.

So your husband is a defendant?

MS. CZAPKOWSKA: Yes, but it's another case.

SUPERINTENDENT McCARTHY: I am sorry?

MS. CZAPKOWSKA: It's in another case. It's
in the other case. I was a victim, my husband was
also a victim, my two-year-old son was a victim,
and later they made up story and they arrested my husband.

SUPERINTENDENT McCarthy: I am sorry, do you have an attorney?

MS. CZAPKOWSKA: Yes.

SUPERINTENDENT McCarthy: So your attorney can subpoena the officer as a defense witness, and that's how that works procedurally.

MS. CZAPKOWSKA: Yes, but you know what, there's two different court cases. So my case is just against the woman, and my husband has nothing connected with this. Prosecutor refuse to -- the prosecutor refuse to go after the woman because he said my testify, even if I bring another witness, which was my tenant who saw it, it's not going to help me and we are going to lose because there's my testimony and officer testify, so I am not going to win. That's what he told me.

MR. CARNEY: But the issue is that you want the officer to testify?

MS. CZAPKOWSKA: Yes.

MR. CARNEY: Okay. And you have an attorney?

AUDIENCE MEMBER: Prosecutor.

MS. CZAPKOWSKA: I have a prosecutor on my
MR. CARNEY: The prosecutor can issue the subpoena. I mean it's just a witness. Even if --

SUPERINTENDENT McCARTHY: The prosecutor can compel the officer to testify.

MS. FRY: Right.

MS. CZAPKOWSKA: Okay, but he's not willing to do that because he already spoke with him and he said nothing happened.

SUPERINTENDENT McCARTHY: So you are saying the prosecutor doesn't want the officer to come to court because it's not going to help the case?

MS. CZAPKOWSKA: Because he already spoke with him.

MR. CARNEY: Mr. Conlon?

SUPERINTENDENT McCARTHY: So this is in the purview of the prosecutor. It's not up to me as to who goes to court and who testifies. If the prosecutor doesn't want the officer there to prosecute the case, there's probably nothing I can do about that.

MS. CZAPKOWSKA: Okay. So what I can do?

MR. CONLON: May I ask a question? If I am understanding correctly is that you have a case
and there's a criminal case against the woman who
attacked you --

MS. CZAPOWSKA: Yes.

MR. CONLON: -- and the prosecutor in that
case says -- I understand you and another woman
are going to testify against this woman?

MS. CZAPOWSKA: Yes.

MR. CONLON: But the woman is going to say it
didn't happen, and the prosecutor says to you --
and the officer is going to say it didn't happen?

MS. CZAPKOWSKA: Yes.

MR. CONLON: And therefore, I, the prosecutor,
am not going to proceed with the case. Am I
understanding correctly?

MS. CZAPKOWSKA: Yes. And he said, also, I am
not going to consider this because this is police
officer and you are not going to win because you
are going to be against him, also.

MR. CONLON: Because he's going to testify in
favor of the woman?

MS. CZAPKOWSKA: Right.

MR. CONLON: Despite what you believe is in
his report?

MS. CZAPKOWSKA: Yes.
MR. CONLON: I think you have to say to the
prosecutor that you want to talk to his or her
supervisor, okay, because he's saying he's simply
not going to proceed, and you have a right to talk
to his or her supervisor about your case.
MS. CZAPKOWSKA: Okay, uh-huh.
MR. CARNEY: Do you understand the
Superintendent? I mean it's not before the
Superintendent, it's with the State's Attorney's
Office, you have to push him or her to issue a
subpoena.
MS. CZAPKOWSKA: Yes.
We also like file a complaint against
this officer. Is there any chance if I can check
status of the case, or is there any result or not
yet? Who can I talk to with?
SUPERINTENDENT McCARTHY: You can speak to
Chief Rivera who's here right now, the chief of
Internal Affairs.
MS. CZAPKOWSKA: I am sorry for taking time,
but there was another case. On this Saturday
there was party in the street by my house. There
were like 60 drunk people, loud music were playing
until the morning. We make 20 phone calls. I ask
police officers to take care of this situation and
they just drove by, they didn't do nothing. So I
went on police station to Eleventh District, and I
personally ask one of the officers to send
someone. They did send, but police car just drove
by. They did nothing.

So my question is, is it allowed in
Chicago to throw party like in a zoo, have 60
drunk, doing drugs, these people climb on my
house, they pee everywhere. We have no guns in
the house. Is it allowed, do you know?

I also -- my question is also did someone
get a ticket for this? Because there were like
five police cars and just no one was interested to
help us in this.

MR. BAZAREK: Yes, it is unlawful to drink on
the public way in Chicago, if you are actually
drinking. Also, it's unlawful to urinate on the
public way. So those are city ordinance
violations, and officers may take enforcement
action on those charges if in fact they have
probable cause to believe that an offense has been
committed.

As to whether or not there were any
tickets issued for that particular evening, you
should check with the Department of Administrative
Hearings, and I am sure they can determine whether
or not tickets were issued for a location at a
particular time.

MR. CARNEY: I think the issue is when you
call the police you would like to see some action
and see the activity terminated, not going through
an administrative process. That's really the
issue.

I guess I'd ask the Superintendent how we
can address that in this district? You have a new
commander as well.

SUPERINTENDENT McCARTHY: Yes, you've got
probably the most aggressive district commander in
the city. I don't know if you were here the last
meeting or the meeting before when there was a
group of people here protesting because we had
taken that individual and put him on the
West Side. That guy is one of our most aggressive
district commanders.

I need you to please understand that much
of the behavior that you observe, it's not against
the law simply hanging out and sometimes making
noise, right. What is against the law are the
offenses that Mr. Bazarek just articulated. But
if the officers don't observe it, they can't take
an enforcement action.

So if you see it now and the officers
come, and there's a large group of people hanging
out, that's not illegal, it's problematic for us
to take some sort of action against people when we
don't have the backup of the law to handle that.

So it's a problem, it's a quality of life issue,
and it's something that is difficult to enforce,
honestly.

MS. CZAPKOWSKA: Okay, thank you.

MR. CARNEY: Thank you.

At this time anybody else? No one else?

I called on everyone who has signed up to speak.

At this time I will ask for a motion to

adjourn.

MS. FRY: So moved.

MR. EADDY: So moved.

MR. CARNEY: All in favor?

(A chorus of ayes.)

MR. CARNEY: Thank you, Board Members, and

thank you, Mr. Superintendent.
I, PAMELA S. MORGAN, Certified Shorthand Reporter in the State of Illinois, do hereby certify the above Public Monthly Police Board Meeting was recorded stenographically by me and reduced to written form by means of Computer-Aided Transcription.

I further certify that the foregoing transcript is a true, correct and complete record of all proceedings had before me to the best of my ability.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties.

PAMELA S. MORGAN,
CSR 084-001687