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CHICAGO POLICE BOARD

PUBLIC MEETING

OCTOBER 16, 2014

7:30 p.m.

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PRESENT:

BOARD MEMBERS

- DEMETRIUS E. CARNEY, President
- GHIAN FOREMAN, Vice President
- MELISSA BALLATE
- WILLIAM CONLON
- MICHAEL EADDY
- RITA FRY
- SUSAN McKEEVER
- ELISA RODRIGUEZ
- RHODA SWEENEY

ALSO PRESENT:

- SCOTT ANDO, First Deputy Chief
Independent Police Review Authority
- WILLIAM BAZAREK, First Assistant General Counsel
to the Superintendent
- GARRY McCARTHY, Superintendent of Police
- MAX CAPRONI, Executive Director
Chicago Police Board

1 PRESIDENT CARNEY: Calling the Police Board
2 meeting of October 16 to order. I apologize for being
3 late, but we had a very heavy caseload this evening in
4 our executive session.

5 The first item of business is approval
6 of the minutes of the Board's public meeting of
7 September 18. Is there a motion to approve?

8 MR. FOREMAN: So moved.

9 MR. EADDY: Second.

10 PRESIDENT CARNEY: All in favor?

11 (A chorus of ayes)

12 PRESIDENT CARNEY: Our next meeting will be
13 held here at the Office of Chicago Public Safety
14 Headquarters here at 35th and Michigan on November 20 at
15 7:30.

16 At this time I would ask for a motion to
17 close a series of executive sessions for the purpose of
18 considering litigation and personnel matters as
19 authorized by the Open Meetings Act. Is there a motion?

20 MR. FOREMAN: So moved.

21 MR. EADDY: Second.

22 PRESIDENT CARNEY: All in favor?

23 (A chorus of ayes)

24 PRESIDENT CARNEY: A report of disciplinary

1 actions taken by the Board the previous month has been
2 made available at this evening's meeting. The report
3 and the Board's written findings and decisions are
4 posted on the Board's website.

5 And now because of the Open Meetings
6 Act, I have to change scripts here and report our
7 findings of the cases that were before us in our last
8 meeting.

9 The first case that is before us is the
10 case Timothy McDermott, and it is Case No. 14 PB, Police
11 Board, 2855. The Police Board, as authorized by the
12 Open Meetings Act -- I already said that. We have to
13 take final action on this case.

14 Regarding this case is there a motion to
15 find Detective Timothy McDermott guilty of conduct
16 unbecoming an officer by appearing in a photograph and
17 to discharge him from the Chicago Police Department?

18 MS. FRY: So moved.

19 MR. EADDY: Second.

20 PRESIDENT CARNEY: All in favor?

21 (A chorus of ayes)

22 PRESIDENT CARNEY: We will do this by a show
23 of hands because in this case we have some members that
24 were opposed. All those who were opposed show of hands.

1 Voting in favor were Board members
2 Foreman, Conlon, Eaddy, Fry and myself. Opposed are
3 Board members Ballate, McKeever, Rodriguez, Sweeney.
4 The motion passes.

5 Is there a motion to adopt the written
6 findings and decisions and dissent that have been
7 reviewed by all Board members who participated in the
8 case?

9 MS. BALLATE: So moved.

10 MR. EADDY: Second.

11 PRESIDENT CARNEY: All in favor?

12 (A chorus of ayes)

13 PRESIDENT CARNEY: Any opposed? The motion
14 passes by unanimous vote.

15 The next case before us is the case of
16 Dante Walker. This is Police Board case 14-2857. Is
17 there a motion to find Police Officer Dante Walker
18 guilty of associating with his girlfriend, a convicted
19 felon, and to reprimand him for his conduct?

20 MR. EADDY: So moved.

21 MR. FOREMAN: Second.

22 PRESIDENT CARNEY: All in favor?

23 (A chorus of ayes)

24 PRESIDENT CARNEY: Any opposed by a show of

1 hands? Mr. Conlon?

2 MR. CONLON: Yes.

3 PRESIDENT CARNEY: Voting in favor are Board
4 members Foreman, Ballate, Eaddy, Fry, McKeever,
5 Rodriguez, Sweeney and myself. Opposed is Board member
6 Conlon. The motion passes.

7 Is there a motion to adopt the written
8 findings and decisions and dissent that have been
9 reviewed by all Board members who participated in the
10 case?

11 MR. FOREMAN: So moved.

12 MS. BALLATE: Second.

13 PRESIDENT CARNEY: All in favor?

14 (A chorus of ayes)

15 PRESIDENT CARNEY: Any opposed?

16 The next case is William Cozzi. This is
17 Case No. 14 Police Board 2860. The Superintendent filed
18 charges to discharge Police Officer William Cozzi from
19 the Chicago Police Department for being de-certified as
20 a law enforcement officer due to a felony conviction.
21 The Superintendent subsequently moved to withdraw the
22 charges without prejudice because the respondent
23 resigned from the police department.

24 Is there a motion to grant the

1 Superintendent's motion to withdraw the charges?

2 MS. BALLATE: So moved.

3 MR. FOREMAN: Second.

4 PRESIDENT CARNEY: All in favor?

5 (A chorus of ayes)

6 PRESIDENT CARNEY: Any opposed?

7 Voting in favor are Board members
8 Foreman, Ballate, Conlon, Eaddy, Fry, McKeever,
9 Rodriguez, Sweeney and myself. The motion passes.

10 This is the next case of Jason
11 Mysliwicz. The Superintendent filed charges to
12 discharge Officer Jason Mysliwicz from the Chicago
13 Police Department for testing positive for use of
14 marijuana. The Superintendent subsequently moved to
15 withdraw the charges without prejudice because the
16 respondent resigned from the Chicago Police Department.

17 Is there a motion to grant the
18 Superintendent's motion to withdraw?

19 MR. EADDY: So moved.

20 PRESIDENT CARNEY: All in favor?

21 (A chorus of ayes)

22 PRESIDENT CARNEY: Any opposed?

23 Voting in favor are Board members
24 Foreman, Ballate, Conlon, Eaddy, Fry, McKeever,

1 Rodriguez, Sweeney and myself. The motion carries.

2 The next case is Slawomir Plewa, Case
3 No. 12 B 2819. The Police Board found Police Officer
4 Plewa guilty of violating several rules of conduct and
5 ordered that he be discharged from the police
6 department. The respondent appealed this decision, and
7 the Circuit Court of Cook County reversed the guilty
8 findings for many of the charges and remanded the case
9 to the Board to impose a penalty for misconduct relating
10 to his application to become a police officer.

11 When we say that the case is remanded,
12 what essentially happens is that the police officer
13 appealed the decision to the Circuit Court of Cook
14 County and the court remanded the case back to the
15 Police Board to reconsider the penalty.

16 Is there a motion to reprimand the
17 respondent for this conduct?

18 MS. BALLATE: So moved.

19 PRESIDENT CARNEY: Is there a second?

20 MS. FRY: Second.

21 PRESIDENT CARNEY: All in favor. I guess we
22 will do this by a show of hands.

23 All Board members except Conlon, Eaddy
24 and Foreman vote in favor of the motion by raising a

1 hand.

2 Any opposed? Conlon and Foreman. You
3 voted against the motion, okay.

4 Voting in favor are Board members
5 Ballate, Fry, McKeever, Rodriguez, Sweeney and myself.
6 Board members Foreman and Conlon are opposed. The
7 motion passes.

8 Is there a motion to adopt the written
9 memorandum and order and dissent that have been reviewed
10 by all Board members who participated in the case.

11 MS. FRY: So moved.

12 MS. BALLATE: Second.

13 PRESIDENT CARNEY: All in favor?

14 (A chorus of ayes)

15 PRESIDENT CARNEY: All Board members except
16 Eaddy voted in favor of the motion -- except Eaddy,
17 raise your hands to vote in favor of the motion.

18 (A show of hands)

19 PRESIDENT CARNEY: Any opposed? The motion
20 passes by unanimous vote.

21 This is now the case of Daniel Ludwig.
22 This is a suspension review case. If there a motion to
23 sustain the allegation against Police Officer Daniel
24 Ludwig that failed to complete a contact card after

1 stopping a civilian, to not sustain the other
2 allegations and to reprimand Officer Ludwig?

3 MS. BALLATE: So moved.

4 MR. EADDY: Second.

5 PRESIDENT CARNEY: All in favor, show of
6 hands. (A chorus of ayes)

7 PRESIDENT CARNEY: Opposed? One member, Fry.

8 Voting in favor are Board members
9 Foreman, Ballate, Conlon, Eaddy, McKeever, Rodriguez,
10 Sweeney and myself. The motion passes.

11 Is there a motion to adopt the written
12 findings and decisions that have been reviewed by all
13 Board members who participated in the case?

14 MR. Foreman: So moved.

15 MS. BALLATE: Second.

16 PRESIDENT CARNEY: All in favor by show of
17 hands?

18 (A chorus of ayes)

19 PRESIDENT CARNEY: Any opposed?

20 The motion passes by unanimous consent.

21 The next case is that of Matthew
22 O'Brien. Regarding this case, 14 SR 2331, is there a
23 motion to sustain the allegations against Police Officer
24 Matthew O'Brien that he engaged in verbal abuse and

1 conducted an unauthorized search of a vehicle and to
2 sustain the ten-day suspension ordered by the
3 Superintendent?

4 MR. EADDY: So moved.

5 MS. FRY: Second.

6 PRESIDENT CARNEY: All in favor.

7 (A chorus of ayes)

8 PRESIDENT CARNEY: I think we have to do this
9 by a show of hands, too.

10 (A show of hands)

11 PRESIDENT CARNEY: Any opposed?

12

13 PRESIDENT CARNEY: Voting in favor are Board
14 members Conlon, Eaddy, Fry, McKeever, Sweeney and
15 myself. The motion passes.

16 Is there a motion to adopt the written
17 findings and decisions that have been reviewed by all
18 Board members who participated in the case?

19 MR. EADDY: So moved.

20 MS. FRY: Second.

21 PRESIDENT CARNEY: All in favor?

22 (A chorus of ayes)

23 PRESIDENT CARNEY: Any opposed? The motion
24 passes by unanimous consent.

1 The Board's decisions in all the cases
2 on which the Board took final action this evening will
3 be entered as of today's date and will be issued to the
4 parties. A copy of the written decisions will be posted
5 on the Board's website within ten business days pursuant
6 to the Municipal Code of Chicago.

7 Copies of orders issued by the
8 Superintendent of Police during the previous month are
9 listed in the blue books on the back table and are
10 available on the Police Department's website.

11 The next item is the Superintendent's
12 report. Mr. Superintendent.

13 SUPERINTENDENT McCARTHY: Good evening. Thank
14 you for having us here.

15 You know, I can't predict what's going
16 to happen in the next two and a half months, but I can
17 tell you what happened three and a half years ago when
18 the Mayor was elected and I came here. The Mayor gave
19 me a mandate to change the way we do business in the
20 Chicago Police Department, and what I would like to do
21 is take you back to where we were and bring you up to
22 speed with where we are today.

23 Stated simply, we had moved away from
24 community policing in that all of our enforcement

1 actions were being done by tasks forces, and we took
2 those task forces and we distributed them into the
3 districts. We created a process for career paths and
4 identified the best and the brightest to run those
5 districts, gave them the resources and held them
6 accountable with a mandate to ensure that we had the
7 same police officers on the same beat every single day.

8 And I saw this and the Mayor sees this
9 as the best way to run the police department rather than
10 having enforcement units that have no connection with
11 the community, that invaded the community, that go and
12 might grab some guns and reduce crime in the short-term
13 but may have unintended consequences and do more harm
14 than good to the police-community relations when they
15 leave.

16 So that's the road map that we followed
17 over the last three and a half years, and you constantly
18 hear about crime statistics. But the statistics you're
19 going to hear about, because they're really important,
20 go beyond the crime statistics at this point where we're
21 at the level where we can talk about murder rates that
22 are in the mid 60s in the City of Chicago. I don't want
23 to jinx this, but I'm going to say it out loud without
24 saying it, which is we're down 28 murders compared to

1 last year as we sit here right now, and last year was a
2 year where we had 415 murders in the city. And the last
3 time that there was less than 400 murders in the City of
4 Chicago was in 1963 when I was four years old.

5 Now, that's not a lot to celebrate
6 because that's way too many people being murdered, but
7 it's very clearly progress. Now on the heels of that
8 comes the rest of the crimes that we've dealing with,
9 which include shootings and robberies and burglaries,
10 which are all moving in the same direction, going down.

11 Those are the statistics that we speak
12 about constantly, but I need to report what's happening
13 at the same time. And as a result of some of the things
14 that we've put in place and the incredible hard work of
15 the men and women of this department, we have right now
16 less complaints against our officers over the last three
17 consecutive years, while at the same time less arrests
18 to reduce crime, better clearance rates by our
19 detectives; in other words, solving more crimes, and at
20 the same time we're spending less overtime.

21 So what is happening is the efficiency
22 of the department has improved dramatically. The
23 results that we're getting are -- they're transcending
24 just crime reduction. It's a method of doing business.

1 We have a long way to go. We have a lot of work to do.
2 Nobody is ever perfect, nor will the police department
3 ever be perfect. But these are very clear indicators
4 that those processes, that vision that the Mayor and I
5 have for how policing should happen is very clearly
6 moving forward in the City of Chicago.

7 As we close out 2014 and we're getting
8 relatively close, we're into the fourth quarter, I'm
9 very confident that this is just something we're going
10 to build on time and time again as long as we stay the
11 path, and that's my intention right now. Obviously
12 there are things we can do to improve our performance
13 every single day, but these methods that we're using are
14 very clearly working.

15 PRESIDENT CARNEY: Thank you for your report,
16 Mr. Superintendent.

17 I will now call upon those members of
18 the public who signed up to speak in advance. When your
19 name is called, please step up to the microphone. We
20 have a number of speakers. We ask that you limit your
21 comments to two minutes.

22 Georgina Salgado from the third
23 district. Step up. We're friendly.

24 MS. SALGADO: I live in the third district as

1 you mentioned, and I came here because my heart was
2 broken when I hear what happened with Commander Evans.
3 I lived there for the last three years. I know how bad
4 it was when I got there. I know Commander Evans was
5 there for us. He listened to us. He worked with us and
6 he made a huge impact. And to me he saved practically,
7 you know, some lives around where I live.

8 So to me it's like losing a police
9 officer like that to me is like losing something
10 valuable. I don't have nothing to do with them. I'm
11 not police officer. Nobody sent me here. I'm just a
12 citizen, and I wanted to say it because I think it's
13 fair to call the good things and also the bad things. I
14 don't come to complain. I come to tell you guys to
15 consider his case.

16 PRESIDENT CARNEY: You're not alone in your
17 comments. We've had a lot of citizens who have come and
18 spoken very highly of Commander Evans. We all wish him
19 well.

20 MS. SALGADO: Another thing, why are we going
21 to judge a person for one bad thing, a person with all
22 the good things that he did?

23 PRESIDENT CARNEY: Thank you. Thank you for
24 that.

1 We have a couple of members from the
2 11th district, so why don't you come up together. Anna
3 Czapkowska, John Perryman and Marissa Baker.

4 MS. BAKER: Anna is not here today. My name
5 is Marissa Baker, a resident in the 11th district, and I
6 came back to give you an update on some of the things
7 that I came to talk to you about previously.

8 Recently we've had -- as you may recall,
9 we've had a lot of drug activity and violence around
10 that area of California and Monroe. The police have
11 been putting pressure on that on that area in the past
12 couple of -- for the past few months I would say. To my
13 knowledge, and maybe I can get an update, there hasn't
14 been any significant arrests. By that, I mean anything
15 other than possession. And what's happened is that drug
16 trading has now moved just slightly one block south to
17 the 100th block of Wilcox and it's down on Jackson and
18 California as well, so it's all up and down California
19 at this point.

20 Another development that happened since
21 I've been back -- since I've been here last is that
22 Madison and Francisco, which has been -- we've had
23 issues before, but the corner has been clear for over a
24 year. They're starting to deal again, and because of

1 the concentration on California and the concentration on
2 Francisco, the neighborhood has become unsafe over the
3 past months. The area has become unsafe where we have a
4 lot of loitering. We have a lot of drug use. The
5 prostitutes are back. So it's become a bad situation.
6 And Francisco and Madison is part of Safe Passage as
7 well as California, and so this is a real concern for us
8 in the community who have children walking to school and
9 back home in the afternoon.

10 So one of the things that we've done
11 especially for Madison and Francisco -- I live in 11,
12 but I'm about 200 feet from the 12th district and the
13 dealing is happening in the 12th district, so this
14 applies to them -- is that when we call the 12th
15 district to talk to them about this drug dealing that's
16 started up on that corner and connected with the
17 business on 2902 West Madison, which is one of those
18 like convenience stores or corner stores, is the first
19 thing we spoke to a lieutenant in the 12th district and
20 he said, oh, well, that area has always been bad. There
21 was no sense of, you know, give me your information, let
22 me know what's going on, you know. So there's, again as
23 always, a very dismissive attitude by the police who
24 would rather ask me why I live there than to help me,

1 take my information.

2 So it's really frustrating, and that's a
3 lot of the reason why I'm back to talk to you. I know
4 that maybe these are structural changes. Maybe these
5 are deep psychological attitudes towards the west side,
6 you know, or other areas in the city that are poor. But
7 I'm really frustrated. I'm really discouraged after, I
8 don't know, two years coming to Police Board meetings to
9 hear the police tell me that I should just move, that I
10 don't belong there, you know, what do I expect, instead
11 of saying all right, tell me your information, what can
12 we do.

13 So I'm sick of calling 911 because that
14 doesn't do anything. I'm sick of coming here, no
15 offense, to you all. I'm sick of coming here to ask --
16 I feel like I'm coming to ask for special favors. When
17 I come here, I get help, and when I try to work with the
18 police, you know, and not come here, it doesn't work
19 because they just -- they really don't care. They
20 really don't care about us. They think we deserve it.
21 They're like it's been like that since the '60s. I'm so
22 sick of that.

23 So I don't know what I'm asking you for
24 other than an update on the arrests that are happening

1 in the area and maybe, you know, deep changes within the
2 police department. But who can I talk to about this
3 drug dealing on Madison and Francisco and on Wilcox and
4 California and California and Jackson? Who will help me
5 with that?

6 PRESIDENT CARNEY: Thank you.

7 John, and then we'll ask the
8 Superintendent to respond.

9 MR. PERRYMAN: Just to kind of go along with
10 that, we kind of have a mess in the 11th. When
11 Commander Evans was brought in, your words were the 11th
12 is on fire and we need someone to put out that fire, so
13 you brought in Commander Evans. Well, he's not there.
14 You brought back Commander Washington, who's the one --
15 who has been there forever, which is one of the reasons
16 why the district was on fire, to use your words,
17 Superintendent McCarthy.

18 So I just want to know what's going on?
19 Is Commander Washington permanent? Is Washington going
20 to be permanent, because if that is, that's a serious
21 problem. His apathy and lack of strategy is one of the
22 reasons why the 11th is so bad. When he talks, he just
23 says we're going to do police work, gives no specifics.
24 He wants to have barbecues on corners, and as soon as he

1 came back, the crap games started up again, drinking on
2 our major road, on Madison. This isn't in the alleys.
3 This is on our major road.

4 It just seems like our police have given
5 up on the 11th. And you talk about community policing,
6 I have not seen it. I have not seen the reach-out. You
7 have guys walking the beat. They don't talk to hardly
8 anybody, and they're not even in the 11th. We've had
9 people walking the beat. I said what district are you
10 from? They're from all over the city. So that kind of
11 flies in the face of what we just heard in your report.

12 So if you can just respond to your
13 community outreach in the 11th specifically and what is
14 your plan for the commander mess kind of that we're in
15 right now?

16 SUPERINTENDENT McCARTHY: You know, I honestly
17 need to ask you a question, which is do you think that
18 the narcotics problem in this country is a police
19 problem? Because if you do, then offer me a solution
20 because the police can arrest people for a socialized --
21 for a criminalized social problem, and that's not going
22 to fix it. You can shake your head and you can smirk,
23 you can laugh, you can do whatever you want, but that's
24 factual.

1 MS. BAKER: I --

2 SUPERINTENDENT McCARTHY: I'm sorry, let me --
3 listen. I sat here and I listened to you talk about
4 Commander Washington. I think you're completely off
5 base. Commander Washington is a professional. He
6 wouldn't stand here and smirk the way that you are.
7 He's absolutely dedicated to getting his job done. He's
8 hardworking. He's out there all the time. I'm sorry
9 you feel that way. But in light of what happened with
10 Commander Evans, should I have just left the place
11 redeless, or should I have put somebody there who's
12 already familiar with the problems until such time as I
13 could come up with a permanent commander? If you think
14 I should have left it redeless, I'm sorry, you're wrong,
15 and I'm not going to do that.

16 Now, the police are not going to fix the
17 narcotics problems nor the gang problem in the city, and
18 if anybody thinks that's going to happen, you're barking
19 up the wrong tree.

20 MR. PERRYMAN: What about all the other laws
21 that are not being enforced?

22 SUPERINTENDENT McCARTHY: What we can do --

23 MR. PERRYMAN: What about the other laws?

24 SUPERINTENDENT McCARTHY: You know what, I

1 guess I've answered your question. Thank you.

2 MS. BAKER: Can I respond? I consider myself
3 to be an educated person and I understand the dynamics
4 of drug use in this country and I understand that
5 probably wherever you live or anyone on the Board lives
6 that there are drugs in those communities. What we're
7 talking about is safety on the streets. So what we're
8 talking about is an open air drug market. We're not
9 even talking about drug use. We're not talking about
10 generational poverty. We're not talking about those
11 issues. We're talking about flagrant dealing of drugs
12 which results in violence, which results in -- I mean, I
13 walk my dog and I get stared down by like 16-year-olds
14 who really want to hurt me.

15 So I'm talking about recreational drug
16 use. I'm not talking about poverty. I'm talking about
17 flagrant open air drug markets that police are -- blue
18 and white police cars will drive by and don't do
19 anything about. So that's what we're talking about.
20 I'm not asking the police to solve narcotics in the
21 country or mental health issues or poverty.

22 SUPERINTENDENT McCARTHY: I'm sorry, but
23 actually you are. All those things that you're
24 mentioning play into that issue.

1 MS. BAKER: Yes, they do.

2 SUPERINTENDENT McCARTHY: And we cannot fix
3 poverty. We can't fix education. We cannot fix --

4 MS. BAKER: Can you keep our streets safe?

5 SUPERINTENDENT McCARTHY: I'm sorry. You know
6 what, I shouldn't do this. I'm not going to get into a
7 debate. I've answered your question. You don't want to
8 hear it. This is a much greater conversation --

9 MS. BAKER: I not satisfied with the answer.

10 SUPERINTENDENT McCARTHY: And it's not going
11 to happen here.

12 MS. BAKER: I'm not safe walking down the
13 street. I get it, addiction, poverty. I mean, I
14 don't...

15 MR. PERRYMAN: Can I ask if the rest of the
16 Board is happy with the response we've received about
17 drugs just being a part of our society? Are you happy
18 with that?

19 SUPERINTENDENT McCARTHY: That's not what I
20 said.

21 MR. PERRYMAN: I'm asking the Board.

22 SUPERINTENDENT McCARTHY: That is not what I
23 said.

24 MR. PERRYMAN: I'm asking the Board to respond

1 to that.

2 PRESIDENT CARNEY: We're not going to have a
3 debate here. I think we have -- the Superintendent is a
4 smart guy. I think we're going to listen to the
5 Superintendent's advice or counsel of the
6 Superintendent. Thank you.

7 David Sartore.

8 MR. SARTORE: May I ask for the stenographer's
9 name for the record?

10 PRESIDENT CARNEY: Pardon me? I didn't hear
11 you.

12 MR. SARTORE: May I ask for the stenographer's
13 name for the record?

14 THE COURT REPORTER: Verla Todd.

15 MR. SARTORE: Thank you.

16 What system is there to prevent CPD from
17 falsely arresting me so when they fail in court to make
18 a prima facie case or produce a complainant or even a
19 sworn statement from a complainant, let alone grounds
20 for an arrest? Then of course the judge dismisses the
21 case, but then the prosecutor asks the judge to ban or
22 sanction or admonish me. Plus they got a continuance
23 before that, and this has happened -- most of this
24 happened twice now in the last -- well, so that makes

1 the record end up looking more like it was some sort of
2 a compromise for a plea deal when in reality it was all
3 just more of the same intimidation tactics I told you --
4 I told this Board about for the last few months since I
5 offered to show you documents proving my being
6 victimized by CPD, which has amped up since I've been
7 bringing records here and trying -- I brought the names
8 and star numbers of three officers and evidence to show
9 the Board, not any of which you've cared to look at yet.

10 But doesn't it seem a little
11 coincidental that a 63-year-old man without arrests get
12 arrested two times in the last four months after he
13 brings evidence from CPD, OEMC, et cetera, records
14 through Freedom of Information about badge numbers of
15 three CPD -- names and badge numbers of three CPD
16 officers who have been criminally victimizing me?

17 Now I've got the kind of criminal record
18 which could justify a judge actually putting me in the
19 penitentiary one of these times which, by the way, is
20 exactly what two officers who I believe are behind many
21 years of this victimization have been threatening to do
22 to me for years now. P.S., one of those --

23 PRESIDENT CARNEY: Mr. Sartore, your time is up.

24 MR. SARTORE: Oh, man, they spoke for --

1 you're kidding me.

2 PRESIDENT CARNEY: Robert More.

3 MR. MORE: I've got a ton of things to say.

4 PRESIDENT CARNEY: You have two minutes to say
5 them.

6 MR. MORE: It is October 16, 2014. This is
7 the Chicago Police Board meeting. The Chicago Police
8 Department Superintendent is here for the record. And
9 we have -- first of all, the issue is -- Robert J. More
10 [inaudible]. Mr. Carney, Robert J. More takes exception
11 when you make reference to the burden of a government
12 official something called niceness. The burden of any
13 government and every government official is not to
14 demonstrate niceness. It is to identify adequately and
15 to accommodate any and all legitimate reliance interest.
16 That's the burden of every government official, okay?
17 So you don't need to be self-promoting in regard --
18 whatever. The burden is the [inaudible]. That's the
19 only reason I'm here. It's the only reason anyone would
20 rationally be here. So I make that -- I bring that to
21 your attention.

22 Mr. Superintendent, are you familiar
23 with the case Illinois versus Kroll? Are you familiar,
24 Illinois versus Kroll, 1998 Supreme Court of the United

1 States. Are you familiar with the case, yes or no?

2 SUPERINTENDENT McCARTHY: No.

3 MR. MORE: Mr. Bazarek, are you familiar with
4 Illinois versus Kroll, the case of Illinois versus
5 Kroll? Are you familiar with that case?

6 MR. BAZAREK: I don't recall it, sir.

7 MR. MORE: I've asked you numerous times what
8 constitutes the basis for the Chicago Police Department
9 to -- is obliged to refuse to comply with a morally
10 unjustified order when there is a [inaudible] claim made
11 that the order that you're ordered to enforce is morally
12 unjustified? The United States Supreme Court in
13 Illinois versus Kroll, a case that came out of Illinois
14 in the Circuit Court of Cook County, ruled that the only
15 reliance interest upon which a member of any policing
16 entity can legitimately rely is an objectively
17 reasonable reliance interest.

18 So what that means is if there is an
19 order that's unjustified -- this goes back to the
20 Unified Code of Military Conduct. It goes back to
21 William Conley and [inaudible] massacre, this whole
22 Nuremburg defense, an individual can just rest -- the
23 United States Supreme Court has ruled, an individual
24 forced in some legal promulgation cannot rest on a

1 facial validity of a legal promulgation. His reliance
2 has to be objectively reasonable --

3 PRESIDENT CARNEY: Mr. More, your time is up.
4 Thank you.

5 At this time all those who signed up to
6 speak have been recognized. Is there a motion to
7 adjourn?

8 MS. BALLATE: So moved.

9 PRESIDENT CARNEY: All in favor?

10 (A chorus of ayes)

11 PRESIDENT CARNEY: The meeting is adjourned.
12 Thank you, everyone.

13 (Meeting adjourned)

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1 STATE OF ILLINOIS }
2 } SS:
3 COUNTY OF C O O K }

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4 I, Verla A. Todd, a Certified Shorthand
5 Reporter doing business in the City of Chicago, County
6 of Cook, and State of Illinois, do hereby certify that I
7 reported in shorthand the proceedings of said hearing as
8 appears from my stenographic notes so taken and
9 transcribed under my direction and control.

10 IN WITNESS WHEREOF, I have hereunto
11 set my hand at Chicago, Illinois, this day of
12 , A.D. .

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Certified Shorthand Reporter
Illinois CSR License 084-003498

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