CHICAGO POLICE BOARD

PUBLIC MEETING

OCTOBER 16, 2014

7:30 p.m.

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

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

MR. FOREMAN: So moved.

MR. EADDY: Second.

PRESIDENT CARNEY: All in favor?

(A chorus of ayes)

PRESIDENT CARNEY: Our next meeting will be held here at the Office of Chicago Public Safety Headquarters here at 35th and Michigan on November 20 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 personnel matters as authorized by the Open Meetings Act. Is there a motion?

MR. FOREMAN: So moved.

MR. EADDY: Second.

PRESIDENT CARNEY: All in favor?

(A chorus of ayes)

PRESIDENT CARNEY: A report of disciplinary
actions taken by the Board the previous month has been
made available at this evening's meeting. The report
and the Board's written findings and decisions are
posted on the Board's website.

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

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

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

MS. FRY: So moved.

MR. EADDY: Second.

PRESIDENT CARNEY: All in favor?

(A chorus of ayes)

PRESIDENT CARNEY: We will do this by a show
of hands because in this case we have some members that
were opposed. All those who were opposed show of hands.
Voting in favor were Board members Foreman, Conlon, Eaddy, Fry and myself. Opposed are Board members Ballate, McKeever, Rodriguez, Sweeney. The motion passes.

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

MS. BALLATE: So moved.

MR. EADDY: Second.

PRESIDENT CARNEY: All in favor?

(A chorus of ayes)

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

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

MR. EADDY: So moved.

MR. FOREMAN: Second.

PRESIDENT CARNEY: All in favor?

(A chorus of ayes)

PRESIDENT CARNEY: Any opposed by a show of
hands? Mr. Conlon?

MR. CONLON: Yes.

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

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

MR. FOREMAN: So moved.

MS. BALLATE: Second.

PRESIDENT CARNEY: All in favor?

(A chorus of ayes)

PRESIDENT CARNEY: Any opposed?

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

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

MS. BALLATE: So moved.

MR. FOREMAN: Second.

PRESIDENT CARNEY: All in favor?

(A chorus of ayes)

PRESIDENT CARNEY: Any opposed?

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

This is the next case of Jason Mysliwiec. The Superintendent filed charges to discharge Officer Jason Mysliwiec from the Chicago Police Department for testing positive for use of marijuana. The Superintendent subsequently moved to withdraw the charges without prejudice because the respondent resigned from the Chicago Police Department.

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

MR. EADDY: So moved.

PRESIDENT CARNEY: All in favor?

(A chorus of ayes)

PRESIDENT CARNEY: Any opposed?

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

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

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

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

MS. BALLATE: So moved.

PRESIDENT CARNEY: Is there a second?

MS. FRY: Second.

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

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

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

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

MS. FRY: So moved.

MS. BALLATE: Second.

PRESIDENT CARNEY: All in favor?

(A chorus of ayes)

PRESIDENT CARNEY: All Board members except Eaddy voted in favor of the motion -- except Eaddy,

raise your hands to vote in favor of the motion.

(A show of hands)

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

This is now the case of Daniel Ludwig. This is a suspension review case. If there a motion to sustain the allegation against Police Officer Daniel Ludwig that failed to complete a contact card after
stopping a civilian, to not sustain the other allegations and to reprimand Officer Ludwig?

MS. BALLATE: So moved.

MR. EADDY: Second.

PRESIDENT CARNEY: All in favor, show of hands.

(A chorus of ayes)

PRESIDENT CARNEY: Opposed? One member, Fry.

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

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

MR. Foreman: So moved.

MS. BALLATE: Second.

PRESIDENT CARNEY: All in favor by show of hands?

(A chorus of ayes)

PRESIDENT CARNEY: Any opposed?

The motion passes by unanimous consent.

The next case is that of Matthew O'Brien. Regarding this case, 14 SR 2331, is there a motion to sustain the allegations against Police Officer Matthew O'Brien that he engaged in verbal abuse and
conducted an unauthorized search of a vehicle and to sustain the ten-day suspension ordered by the Superintendent?

MR. EADDY: So moved.

MS. FRY: Second.

PRESIDENT CARNEY: All in favor.

(A chorus of ayes)

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

(A show of hands)

PRESIDENT CARNEY: Any opposed?

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

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

MR. EADDY: So moved.

MS. FRY: Second.

PRESIDENT CARNEY: All in favor?

(A chorus of ayes)

PRESIDENT CARNEY: Any opposed? The motion passes by unanimous consent.
The Board's decisions in all the cases on which the Board took final action this evening will be entered as of today's date and will be issued to the parties. A copy of the written decisions will be posted on the Board's website within ten business days pursuant to the Municipal Code of Chicago.

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

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

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

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

Stated simply, we had moved away from community policing in that all of our enforcement
actions were being done by task forces, and we took
those task forces and we distributed them into the
districts. We created a process for career paths and
identified the best and the brightest to run those
districts, gave them the resources and held them
accountable with a mandate to ensure that we had the
same police officers on the same beat every single day.

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

So that's the road map that we followed
over the last three and a half years, and you constantly
hear about crime statistics. But the statistics you're
going to hear about, because they're really important,
go beyond the crime statistics at this point where we're
at the level where we can talk about murder rates that
are in the mid 60s in the City of Chicago. I don't want
to jinx this, but I'm going to say it out loud without
saying it, which is we're down 28 murders compared to
last year as we sit here right now, and last year was a year where we had 415 murders in the city. And the last time that there was less than 400 murders in the City of Chicago was in 1963 when I was four years old.

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

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

So what is happening is the efficiency of the department has improved dramatically. The results that we're getting are -- they're transcending just crime reduction. It's a method of doing business.
We have a long way to go. We have a lot of work to do. Nobody is ever perfect, nor will the police department ever be perfect. But these are very clear indicators that those processes, that vision that the Mayor and I have for how policing should happen is very clearly moving forward in the City of Chicago.

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

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

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

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

MS. SALGADO: I live in the third district as
you mentioned, and I came here because my heart was
broken when I hear what happened with Commander Evans.
I lived there for the last three years. I know how bad
it was when I got there. I know Commander Evans was
there for us. He listened to us. He worked with us and
he made a huge impact. And to me he saved practically,
you know, some lives around where I live.
So to me it's like losing a police
officer like that to me is like losing something
valuable. I don't have nothing to do with them. I'm
not police officer. Nobody sent me here. I'm just a
citizen, and I wanted to say it because I think it's
fair to call the good things and also the bad things. I
don't come to complain. I come to tell you guys to
consider his case.

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

MS. SALGADO: Another thing, why are we going
to judge a person for one bad thing, a person with all
the good things that he did?
PRESIDENT CARNEY: Thank you. Thank you for
that.
We have a couple of members from the 11th district, so why don't you come up together. Anna Czapkowska, John Perryman and Marissa Baker.

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

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

Another development that happened since I've been back -- since I've been here last is that Madison and Francisco, which has been -- we've had issues before, but the corner has been clear for over a year. They're starting to deal again, and because of
the concentration on California and the concentration on Francisco, the neighborhood has become unsafe over the past months. The area has become unsafe where we have a lot of loitering. We have a lot of drug use. The prostitutes are back. So it's become a bad situation. And Francisco and Madison is part of Safe Passage as well as California, and so this is a real concern for us in the community who have children walking to school and back home in the afternoon.

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

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

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

So I don't know what I'm asking you for other than an update on the arrests that are happening
in the area and maybe, you know, deep changes within the
city police department. But who can I talk to about this
drug dealing on Madison and Francisco and on Wilcox and
California and California and Jackson? Who will help me
with that?

PRESIDENT CARNEY: Thank you.

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

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

So I just want to know what's going on?
Is Commander Washington permanent? Is Washington going
to be permanent, because if that is, that's a serious
problem. His apathy and lack of strategy is one of the
reasons why the 11th is so bad. When he talks, he just
says we're going to do police work, gives no specifics.
He wants to have barbecues on corners, and as soon as he
came back, the crap games started up again, drinking on
our major road, on Madison. This isn't in the alleys.
This is on our major road.

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

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

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

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

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

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

SUPERINTENDENT McCARTHY: What we can do --

MR. PERRYMAN: What about the other laws?

SUPERINTENDENT McCARTHY: You know what, I
guess I've answered your question. Thank you.

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

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

SUPERINTENDENT McCARTHY: I'm sorry, but actually you are. All those things that you're mentioning play into that issue.
MS. BAKER: Yes, they do.

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

MS. BAKER: Can you keep our streets safe?

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

MS. BAKER: I not satisfied with the answer.

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

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

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

SUPERINTENDENT McCARTHY: That's not what I said.

MR. PERRYMAN: I'm asking the Board.

SUPERINTENDENT McCARTHY: That is not what I said.

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

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

David Sartore.

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

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

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

THE COURT REPORTER: Verla Todd.

MR. SARTORE: Thank you.

What system is there to prevent CPD from
falsely arresting me so when they fail in court to make
a prima facie case or produce a complainant or even a
sworn statement from a complainant, let alone grounds
for an arrest? Then of course the judge dismisses the
case, but then the prosecutor asks the judge to ban or
sanction or admonish me. Plus they got a continuance
before that, and this has happened -- most of this
happened twice now in the last -- well, so that makes
the record end up looking more like it was some sort of
a compromise for a plea deal when in reality it was all
just more of the same intimidation tactics I told you --
I told this Board about for the last few months since I
offered to show you documents proving my being
victimized by CPD, which has amped up since I've been
bringing records here and trying -- I brought the names
and star numbers of three officers and evidence to show
the Board, not any of which you've cared to look at yet.

But doesn't it seem a little

coincidental that a 63-year-old man without arrests get
arrested two times in the last four months after he
brings evidence from CPD, OEMC, et cetera, records
through Freedom of Information about badge numbers of
three CPD -- names and badge numbers of three CPD
officers who have been criminally victimizing me?

Now I've got the kind of criminal record

which could justify a judge actually putting me in the
penitentiary one of these times which, by the way, is
exactly what two officers who I believe are behind many
years of this victimization have been threatening to do
to me for years now.  P.S., one of those --

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

MR. SARTORE:  Oh, man, they spoke for --
you're kidding me.

PRESIDENT CARNEY: Robert More.

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

PRESIDENT CARNEY: You have two minutes to say them.

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

Mr. Superintendent, are you familiar with the case Illinois versus Kroll? Are you familiar, Illinois versus Kroll, 1998 Supreme Court of the United
States. Are you familiar with the case, yes or no?

SUPERINTENDENT McCARTHY: No.

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

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

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

So what that means is if there is an order that's unjustified -- this goes back to the Unified Code of Military Conduct. It goes back to William Conley and [inaudible] massacre, this whole Nuremburg defense, an individual can just rest -- the United States Supreme Court has ruled, an individual forced in some legal promulgation cannot rest on a
facial validity of a legal promulgation. His reliance
has to be objectively reasonable --

PRESIDENT CARNEY: Mr. More, your time is up.

Thank you.

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

MS. BALLATE: So moved.

PRESIDENT CARNEY: All in favor?

(A chorus of ayes)

PRESIDENT CARNEY: The meeting is adjourned.

Thank you, everyone.

(Meeting adjourned)
STATE OF ILLINOIS }
} SS:
COUNTY OF C O O K }

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

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

Certified Shorthand Reporter
Illinois CSR License 084-003498