

POLICE BOARD
CITY OF CHICAGO

REPORT OF COMMUNITY INPUT RECEIVED
AT THE PUBLIC MEETING ON APRIL 15, 2021
Date of Report: May 20, 2021

Ten members of the public spoke during the public comments portion of the meeting. See the transcript of the meeting, posted on the Board's website, for a complete report of each speaker's remarks.

The Chicago Police Department responded to the remarks of Lena Bivins, Matt Brandon, Eunice Chatman-Regis, Jennifer Edwards, Refugio Gonzalez, June Norfleet, Darlene Tribue, and G. Woodson (see below).

The Civilian Office of Police Accountability responded to the remarks of Flora Suttle (see below).

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

Chicago Police Department's Response to Community Input at the 15 April 2021 Police Board Meeting

The following efforts were expended in response to Speaker L. Bivins' remarks:

Speaker Bivins was contacted by Chicago Police Department (CPD) personnel to address the concerns raised during the 15 April 2021 Police Board meeting. Since 15 April, the 003rd District has sponsored a number of events in which Speaker Bivins was an attendee, i.e. "Talking Together with the 003rd District – Women Series," "Together We Can Partnership Program," "Outdoor Roll Call & Din on Da' Side," and "Beat 312 Meeting." Speaker Bivins also received information about the District Coordination Officers/Neighborhood Policing Initiative Program.

The following efforts were expended in response to Speaker M. Brandon's remarks:

Speaker Brandon was contacted by CPD personnel to address the concerns raised during the 15 April 2021 Police Board meeting. Speaker Brandon received information concerning CPD's proactive plan and Summer Mobile Patrol to address large gatherings.

The following efforts were expended in response to Speaker E. Chatman-Regis' remarks:

Speaker Chatman-Regis was contacted by CPD personnel to address the concerns raised during the 15 April 2021 Police Board meeting. The City's Department of Business Affairs and Consumer Protection (BACP) and CPD continue their efforts to address crime and disorder issues at 457 E. 79th Street.

The following efforts were expended in response to Speaker J. Edwards' remarks:

Speaker Edwards was contacted by CPD personnel to address the concerns raised during the 15 April 2021 Police Board meeting. The 006th District Commander participated in community business walks with Speaker Edwards and various community groups.

The following efforts were expended in response to Speaker R. Gonzales' remarks:

Speaker Gonzales was contacted by CPD personnel to address the concerns raised during the 15 April 2021 Police Board meeting. To build a strong working relationship with the Little Village Community Council, the Area Four Deputy Chief and the 010th District Commander are scheduled to attend a meeting hosted by the Little Village Community Council on 29 May 2021.

Chicago Police Department's Response to Community Input at the 15 April 2021 Police Board Meeting

The following efforts were expended in response to Speaker J. Norfleet's remarks:

Speaker Norfleet was contacted by CPD personnel to address the concerns raised during the 15 April 2021 Police Board meeting. BACP and CPD continue their efforts to address crime and disorder issues at 457 E. 79th Street.

The following efforts were expended in response to Speaker D. Tribue's remarks:

Speaker Tribue was contacted by CPD personnel to address the concerns raised during the 15 April 2021 Police Board meeting. Speaker Tribue expressed concern that the "Chicago Cook Workforce Partnership" needed increased participation. The Commander of the Office of Community Policing ensured Speaker Tribue that District Coordination Officers will coordinate their efforts with Speaker Tribue.

The following efforts were expended in response to Speaker G. Woodson's remarks:

Speaker Woodson was contacted by CPD personnel to address the concerns raised during the 15 April 2021 Police Board meeting. Speaker Woodson received a copy of CPD's directive, General Order 02-04 ("Prohibition Regarding Racial Profiling and Other Bias Based Policing"), in response to her concerns. This directive may be located on the Chicago Police Department's website at <https://home.chicagopolice.org/>.



Response to Certain Public Comment - April 15, 2021 Chicago Police Board Meeting

At the April 15, 2021 Chicago Police Board (Board) meeting, Ms. Flora Suttle inquired about a 2012 Independent Police Review Authority (IPRA) investigation of the shooting death of her son by a Chicago Police Officer. Ms. Suttle also referred to a recent request to re-open the investigation that COPA received from the Public Safety Inspector General (PSIG) shortly before the meeting. This matter has been the subject of prior inquiry and COPA response (see Exhibit 1 attached hereto).

In August 2019, Ms. Suttle submitted a written request to COPA seeking the reopening of IPRA's 2013 investigation. Ms. Suttle indicated that she was submitting "new information and new evidence" IPRA did not consider in its investigation. COPA staff reviewed both the information Ms. Suttle offered and IPRA's investigative file to determine whether there was a basis to reopen the long - closed investigation.

After a thorough review of IPRA's file, Ms. Suttle's descriptions of "new evidence" and criteria for reopening closed investigations set forth at MCC 2-78-120(x), the Chief Administrator did not identify a sufficient basis to reopen. Ms. Suttle provided no new evidence that was not available to IPRA investigators during their review that materially affected its results. The Chief Administrator could also not determine that the manner in which IPRA concluded its investigation resulted in a gross miscarriage of justice. On March 13, 2020, COPA General Counsel Kevin Connor sent Ms. Suttle a detailed synopsis of COPA's review and inability to find a basis to reopen the IPRA investigation (see Exhibit 2 attached hereto).

PSIG's April 12, 2021 letter (PSIG Letter) seeks reopening of IPRA's investigation based upon criteria that did not apply to Ms. Suttle's earlier request. PSIG expressed concern about the adequacy of IPRA's 2012 work, indicating investigators apparently failed to review a CPD Supplementary Report (Report), the contents of which may be inconsistent with witnesses' interview statements. Unfortunately, PSIG neglected to include a copy of the Report it cited as the source of concern. COPA obtained a copy of the Report from PSIG on May 11, 2021 after making several requests in an effort to expedite its evaluation. Review of the document PSIG provided disclosed that Ms. Suttle filed a wrongful death action of which we were not previously advised against the City and involved police officer in 2014.

COPA is currently seeking additional relevant material, including legal documents to inform its further analysis of IPRA's investigation. Further documents will be sought from CPD or other city entities. We also ask that PSIG provide any additional relevant documents and information it has yet to share with us. We cannot forecast how long it will take to acquire such documents and information with any degree of certainty. It is however likely that the age of the matter will induce some delay in receipt.

Senior COPA leadership, including its Chief Administrator and General Counsel will review COPA staff's analyses and recommendations upon completion. COPA's Public Information Officer and a senior member of its Legal Division will also be available to answer any questions Ms. Suttle may have regarding the matter.

Exhibit 1



COPA Remarks Regarding Public Comment Chicago Police Board Meeting September 17, 2020

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

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

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

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

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



CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

INTEGRITY • TRANSPARENCY • INDEPENDENCE • TIMELINESS

Via email and First-Class Mail

March 13, 2020

Ms. Flora Suttle
[REDACTED]

Chicago, IL 60649

Re: Request for Review - Log No. 1051844

Dear Ms. Suttle:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Kevin J. Connor
General Counsel

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

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

³ See 65 ILCS 5/10-1-18.1

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