

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

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PRESENT:

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MEMBERS OF THE BOARD

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DEMETRIUS E. CARNEY, President

12

GHIAN FOREMAN, Vice President

MELISSA M. BALLATE

13

WILLIAM F. CONLON

MICHAEL EADDY

14

RITA A. FRY

SUSAN L. McKEEVER

15

ELISA RODRIGUEZ

16

ALSO PRESENT:

17

SCOTT ANDO, Chief Administrator
of the Independent Police Review Authority

18

WILLIAM BAZAREK, First Asst General Counsel to
the Superintendent

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GARRY F. McCARTHY, Superintendent of Police

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MAX CAPRONI, Police Board Executive
Director

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1 MR. CARNEY: Good evening, everyone. I am
2 calling the meeting of May 15th to order.

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

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

7 Is there a motion?

8 MS. BALLATE: So moved.

9 MS. FRY: Second.

10 MR. CARNEY: All in favor?

11 (A chorus of ayes.)

12 Our next meeting will be held here at
13 35th and Michigan on June 19th at 7:30.

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

18 Is there a motion?

19 MR. FOREMAN: So moved.

20 MR. CARNEY: All in favor?

21 (A chorus of ayes.)

22 A report of disciplinary actions taken by
23 the Board during the previous month have been made
24 available at this evening's meeting. This report

1 and the Board's written findings and decisions are
2 posted on our website. The Board will now take
3 action on the final disciplinary actions.

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

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

15 MR. EADDY: So moved.

16 MR. FOREMAN: So moved.

17 MR. CARNEY: All in favor?

18 (A chorus of ayes.)

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

22 MS. BALLATE: Yes.

23 MR. CARNEY: All of us who are in favor raise
24 your hand.

1 (A raising of hands.)

2 Opposed?

3 Melissa, you opposed, okay.

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

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

12 MR. FOREMAN: So moved.

13 MR. CARNEY: All in favor?

14 (A chorus of ayes.)

15 All Board Members who voted in favor
16 raise your hand.

17 (A raising of hands.)

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

20 The Board's decision in this case will be
21 entered as of today's date, and will be issued to
22 the parties. A copy of the written findings and
23 decision will be posted within 10 business days on
24 our website.

1 I think that's it for all actions that
2 we've taken on cases at our previous meeting.

3 Any questions by any of the Board
4 Members?

5 MR. FOREMAN: No.

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

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

12 Is there a motion?

13 MR. CONLON: So moved.

14 MR. CARNEY: All in favor?

15 (A chorus of ayes.)

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

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

1 Jerry Thomas. Jerry Thomas.

2 (No response.)

3 Nancy Rodriguez from the 25th District.

4 Welcome.

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

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

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

18 And then at BVM Church where we have the
19 meetings, there's three different ways of getting
20 into the meeting, two of them lead to the same
21 room and then a third one is a few feet away. So
22 whenever I do -- since they keep changing it from
23 one door to the next, then I have to check all
24 three doors.

1 But this year it seems like in these
2 three times that we are supposed to meet, it got
3 confusing because it is odd months, so I had to
4 kind of like keep track of if it's an even month
5 or an odd month.

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

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

23 So I wanted the police department to look
24 into that because I don't know what's going on.

1 MR. CARNEY: So your issue is the CAPS meeting
2 and you just want proper notice and where the
3 meeting is going to be, you want it to be
4 definite.

5 MS. RODRIGUEZ: And consistent.

6 MR. CARNEY: And consistent.

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

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

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

19 SUPERINTENDENT MCCARTHY: Mr. Chairman, if I
20 can suggest, I will just take her information and
21 the 25th District commander will get in touch with
22 you and we will straighten everything out. That's
23 a communication issue that we can handle
24 relatively easily.

1 MS. RODRIGUEZ: And then really brief and
2 quick, I just wanted to say that on May 3rd, 2014,
3 at approximately 4:13 p.m., right in front of
4 1267 North Springfield, there was some kind of
5 gang fight where one gang member was chasing
6 another, and then there was a few more that
7 followed, and it's right in front of the police
8 camera, right in front.

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

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

22 SUPERINTENDENT McCARTHY: Again, Mr. Chairman,
23 those are issues that the 25th District commander
24 can address and give us contact information. We

1 will take care of it. You will hear from him very
2 shortly.

3 MS. RODRIGUEZ: Okay. Thank you.

4 SUPERINTENDENT MCCARTHY: Thank you.

5 MR. CARNEY: Miss Rodriguez, thank you.

6 MS. RODRIGUEZ: You are welcome.

7 MR. CARNEY: We have Robert More.

8 (No response.)

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

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

13 Do you want to step up?

14 MS. CZAPKOWSKA: Good evening.

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

19 So finally with officer help, I brought
20 one of the woman to the court, and I also few days
21 before, I send the e-mail to Eleventh District to
22 make sure that police officer who was a witness
23 and who saw it, he's going to show up on my case
24 at the court.

1 But two days before court date, he went
2 to the court and he spoke with a prosecutor, and
3 he said like nothing happened, like the woman who
4 attacked me, she didn't do that. So even if he
5 wrote her name in the report, he denies.

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

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

15 MR. CARNEY: This is the officer?

16 MS. CZAPKOWSKA: Yes.

17 MR. CARNEY: Superintendent?

18 SUPERINTENDENT McCARTHY: I want to be clear.
19 So your husband is a defendant?

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

21 SUPERINTENDENT McCARTHY: I am sorry?

22 MS. CZAPKOWSKA: It's in another case. It's
23 in the other case. I was a victim, my husband was
24 also a victim, my two-year-old son was a victim,

1 and later they made up story and they arrested my
2 husband.

3 SUPERINTENDENT McCARTHY: I am sorry, do you
4 have an attorney?

5 MS. CZAPKOWSKA: Yes.

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

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

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

21 MS. CZAPKOWSKA: Yes.

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

23 AUDIENCE MEMBER: Prosecutor.

24 MS. CZAPKOWSKA: I have a prosecutor on my

1 side.

2 MR. CARNEY: The prosecutor can issue the
3 subpoena. I mean it's just a witness. Even if --

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

6 MS. FRY: Right.

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

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

13 MS. CZAPKOWSKA: Because he already spoke with
14 him.

15 MR. CARNEY: Mr. Conlon?

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

22 MS. CZAPOWSKA: Okay. So what I can do?

23 MR. CONLON: May I ask a question? If I am
24 understanding correctly is that you have a case

1 and there's a criminal case against the woman who
2 attacked you --

3 MS. CZAPOWSKA: Yes.

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

7 MS. CZAPOWSKA: Yes.

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

11 MS. CZAPKOWSKA: Yes.

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

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

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

21 MS. CZAPKOWSKA: Right.

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

24 MS. CZAPKOWSKA: Yes.

1 MR. CONLON: I think you have to say to the
2 prosecutor that you want to talk to his or her
3 supervisor, okay, because he's saying he's simply
4 not going to proceed, and you have a right to talk
5 to his or her supervisor about your case.

6 MS. CZAPKOWSKA: Okay, uh-huh.

7 MR. CARNEY: Do you understand the
8 Superintendent? I mean it's not before the
9 Superintendent, it's with the State's Attorney's
10 Office, you have to push him or her to issue a
11 subpoena.

12 MS. CZAPKOWSKA: Yes.

13 We also like file a complaint against
14 this officer. Is there any chance if I can check
15 status of the case, or is there any result or not
16 yet? Who can I talk to with?

17 SUPERINTENDENT MCCARTHY: You can speak to
18 Chief Rivera who's here right now, the chief of
19 Internal Affairs.

20 MS. CZAPKOWSKA: I am sorry for taking time,
21 but there was another case. On this Saturday
22 there was party in the street by my house. There
23 were like 60 drunk people, loud music were playing
24 until the morning. We make 20 phone calls. I ask

1 police officers to take care of this situation and
2 they just drove by, they didn't do nothing. So I
3 went on police station to Eleventh District, and I
4 personally ask one of the officers to send
5 someone. They did send, but police car just drove
6 by. They did nothing.

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

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

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

24 As to whether or not there were any

1 tickets issued for that particular evening, you
2 should check with the Department of Administrative
3 Hearings, and I am sure they can determine whether
4 or not tickets were issued for a location at a
5 particular time.

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

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

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

22 I need you to please understand that much
23 of the behavior that you observe, it's not against
24 the law simply hanging out and sometimes making

1 noise, right. What is against the law are the
2 offenses that Mr. Bazarek just articulated. But
3 if the officers don't observe it, they can't take
4 an enforcement action.

5 So if you see it now and the officers
6 come, and there's a large group of people hanging
7 out, that's not illegal, it's problematic for us
8 to take some sort of action against people when we
9 don't have the backup of the law to handle that.
10 So it's a problem, it's a quality of life issue,
11 and it's something that is difficult to enforce,
12 honestly.

13 MS. CZAPKOWSKA: Okay, thank you.

14 MR. CARNEY: Thank you.

15 At this time anybody else? No one else?
16 I called on everyone who has signed up to speak.

17 At this time I will ask for a motion to
18 adjourn.

19 MS. FRY: So moved.

20 MR. EADDY: So moved.

21 MR. CARNEY: All in favor?

22 (A chorus of ayes.)

23 MR. CARNEY: Thank you, Board Members, and
24 thank you, Mr. Superintendent.

1 I, PAMELA S. MORGAN, Certified Shorthand
2 Reporter in the State of Illinois, do hereby
3 certify the above Public Monthly Police Board
4 Meeting was recorded stenographically by me and
5 reduced to written form by means of Computer-Aided
6 Transcription.

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

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

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17 PAMELA S. MORGAN,

18 CSR 084-001687

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