



DEPARTMENT OF LAW
CITY OF CHICAGO

July 29, 2014

Craig B. Futterman
The Edwin F. Mandel Legal Aid Clinic
of the University of Chicago Law School
6020 South University Avenue
Chicago, Illinois 60637-2786

Dear Craig,

Consistent with the July 10 release and settlement agreement in Kalven v. City of Chicago and Chicago Police Department, we are providing herewith the five lists of officers that were requested by Jamie Kalven in his November 16, 2009, FOIA request (as subsequently narrowed by Kalven through his motion for voluntary partial dismissal).

The enclosed computer disk contains a pdf of the following:

- (1) The list of 662 named officers with more than ten police misconduct complaints between May 2001 and May 2006, produced by the City of Chicago in Bond v. Utreras, et al., No. 04 C 2617 (N.D. Ill.).
- (2) The list of named officers with more than ten misconduct complaints between 2001-2006 who at any time during that period were assigned to Public Housing South, which was Unit 715, produced by the City of Chicago in Bond v. Utreras, et al., No. 04 C 2617 (N.D. Ill.).
- (3) The list of named officers with more than ten misconduct complaints between 2001 and 2006 who participated in any of the Department's "early intervention" programs, produced by the City of Chicago in Bond v. Utreras, et al., No. 04 C 2617 (N.D. Ill.).
- (4) The list of Chicago police officers with more than five police misconduct complaints from May 2002 to December 2008, produced by the City of Chicago in Moore v. City, No. 07-C-5908 (N.D. Ill.).

(5) The list of Chicago police officers with more than five excessive force complaints from May 2002 to December 2008, produced by the City of Chicago in Moore v. City, No. 07-C-5908 (N.D. Ill.).

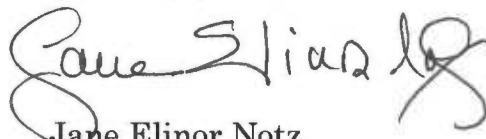
The lists are provided in their entirety. The lists are unredacted, except for the list enumerated as (1), above. Consistent with 5 ILCS 140/7(b), which exempts "private information," and 5 ILCS 140/7(1)(c), which exempts "personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy," we have redacted the Chicago Police Department employee numbers from this list.

Pursuant to an agreement between the parties in Fraternal Order of Police, Chicago Lodge No. 7, et al. v. City of Chicago and Department of Police of the City of Chicago, No. 2014 CH 2271, please note the following:

The BIS list, Bate-Stamped POL2023-POL2026, is being turned over pursuant to a FOIA request. The FOIA request sought such list, as it existed at the time it was created in 2006. After the list was created, the City learned that certain Police Officers challenged the validity of being placed in the City's Behavioral Intervention System (BIS) Program and/or in the Personnel Concerns Program (PCP). In 2008, two years after the creation of the list, the City agreed to remove 36 Police Officers from the BIS and/or PCP Programs on the basis that the Department's decision for enrollment therein was not appropriate under a then-existing Chicago Police Department Administrative Special Order. The City further agreed to remove any records related to the 36 officers' selection, retention and/or counseling in the BIS or the PCP programs from their personnel records. A copy of the Settlement Agreement memorializing this arrangement is attached. Not all parties signed the Settlement Agreement.

Please contact me at (312) 744-5128 if you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jane Elinor Notz", with a stylized flourish at the end.

Jane Elinor Notz
Deputy Corporation Counsel

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)Grievance No.: 129-06-021/425
)Class Grievance

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SETTLEMENT AGREEMENT

THIS AGREEMENT is entered into between the City of Chicago ("City") the Fraternal Order of Police, Lodge No. 7, ("Lodge") and Baeza, Raul; Bravo, Jamie; Campbell, Sean; Connolly, Michael; Corcoran, Brendan; Cortesi, Nicholas; Davis, James; DelBosque, Steve; Ferguson, Brian; Fiorito, Rich; Fitzgerald, John; Foley, James; Garcia, Robert; Cass, George; Haleem, Mahmoud; Handzel, Lance; Jurek, John; Kelly, Michael; Kuri, Cesar; Major, Paul; Markiewicz, Donovan; Martin, Anthony; McDonald, Kevin; Oliver, Anthony; Olson, Gary; Osborn, Kevin; Rigan, Keith; Rizzi, Joseph; Rodriguez, Jamie; Ryan, Kevin; Seski, William; Spain, Brian; Stanek, Daniel; Vega, Julian; Willingham, Russell; Wojtan, Ken (the "Class of Grievants").

WHEREAS, on or about November 3, 2006, the Lodge filed Grievance No. 129-06-021 on behalf of the Class of Grievants alleging that the City's Department of Police ("Department") violated Article 4 and Appendix J of its collective bargaining agreement ("Contract") with the Lodge when it placed each of the members of the Class of Grievants into the Behavioral Intervention System (the "BIS");

WHEREAS, the City denies that it violated the Contract;

WHEREAS, the parties hereto desire to amicably settle and resolve all issues raised by Grievance No. 129-06-021 without proceeding further;

NOW THEREFORE, the parties agree as follows:

1. The Lodge and each of the Class of Grievants each hereby withdraws Grievance No. 129-06-021 with prejudice, and waives any and all individual or class claims, including but not limited to any other grievances, suits at law or equity, or claims before any administrative agency, which each one now has or may have against the City and its officers, employees, and assigns arising either directly or indirectly out of the subject matter of Grievance No. 129-06-021, except only as may be necessary to enforce the specific provisions of this Agreement.

2. In consideration thereof, the City agrees that it will remove any members of the Class of Grievants who remain in the BIS from the program by May 21, 2008. The City further agrees to remove any members of the Class of Grievants who have been upgraded to the Personnel Concerns Program (the "PCP") from that program by May 21, 2008. The Department further agrees that any records which pertain to any member of the Class of Grievants' selection, retention and/or counseling in the BIS or the PCP will be removed from Department personnel records by May 21, 2008.

3. The parties further mutually understand and agree that in accordance with Appendix J of the Contract and Administrative Special Order 05-02 the Department may not consider Complaint Register Numbers classified as unfounded or exonerated

as the basis for recommendation of a Department member to be placed in the BIS. The Department further agrees that the number of civil suits and/or Tactical Response Reports in and of itself is not a behavioral intervention indicator.

4. It is mutually understood and agreed that this Agreement is in full and complete settlement of any and all claims arising either directly or indirectly out of the subject matter of Grievance No. 129-06-021. This Agreement shall not be construed as an admission of liability by or an admission of the legal position of any party, shall not in any way be construed as setting any precedent except only as specifically provided in Paragraph 3 above, and shall not be used, referred to, or cited in any arbitrations, court or administrative proceedings, except only as may be necessary to enforce the specific provisions of this Agreement and the rights of the parties hereto.

5. The Class of Grievants each hereby releases the Lodge, its officers, employees, agents and assigns from any and all claims, including but not limited to suits at law or statutory or other charges or complaints which he now has or may have against the Lodge with respect to the Lodge representing him in connection with Grievance No. 129-06-021, up to and including the date of the execution of this Agreement.

6. The City will pay the cancellation fee assessed by Arbitrator Peter Feuille for the May 21, 2008 hearing date.

7. This Agreement contains the entire agreement between the parties.

AGREED:

For the Fraternal Order of Police,
Lodge No. 7,

For the City of Chicago,

By: _____

By: _____
Commander Donald O'Neill
Chicago Police Department,
Management and Labor Affairs

Date: _____

Date: _____

By: _____
Tom Pleines
Attorney for the FOP, Lodge No. 7

By: _____
Jessica Kimbrough
Department of Law
Assistant Corporation Counsel

Date: _____

Date: _____

Grievant Raul Baeza

Date: _____

Grievant Jamie Bravo

Date: _____

Grievant Sean Campbell

Date: _____

Grievant Michael Connolly

Date: _____

X

Grievant Nicholas Cortesi

Date: X _____

Grievant Steve DelBosque

Date: _____

Grievant Rich Fiorito

Date: _____

Grievant James Foley

Date: _____

Grievant George Gass

Date: _____

Grievant Brendan Corcoran

Date: _____

Grievant James Davis

Date: _____

Grievant Brian Ferguson

Date: _____

Grievant John Fitzgerald

Date: _____

Grievant Robert Garcia

Date: _____

Grievant Mahmoud Haleem

Date: _____

Grievant Lance Handzel

Date:

Grievant John Jurek

Date:

Grievant Michael Kelly

Date:

Grievant Cesar Kuri

Date:

✓ *Paul Major*
Grievant Paul Major

Grievant Donovan Markiewicz

Date: *30 JUN 08*

Date:

Grievant Anthony Martin

Grievant Kevin McDonald

Date:

Date:

Grievant Anthony Oliver

Grievant Gary Olson

Date:

Date:

Grievant Kevin Osborn

Grievant Keith Rigan

Date:

Date:

Grievant Joseph Rizzi

Date:

Grievant Jamie Rodriguez

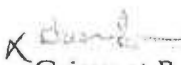
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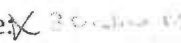
Grievant Kevin Ryan

Date:

Grievant William Seski

Date:

X 
Grievant Brian Spain

Date: X 

Grievant Daniel Stanek

Date:

Grievant Julian Vega

Date:

Grievant Russell Willingham

Date:

Grievant Ken Wojtan

Date: