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Acquitted of cover-up, ex-cop's file gets cover

Record in Laquan McDonald shooting case to be expunged

BY MEGAN CREPEAU

A former Chicago police detective who was acquitted of a cover-up in the incendiary police shooting of 17-year-old Laquan McDonald will have his criminal charges erased from the public record, a Cook County judge decided Thursday.

A team of special prosecutors led by Patricia Brown Holmes did not oppose the petition by David March to expunge the conspiracy, obstruction of justice and official misconduct charges he faced. March, the lead investigator in the shooting, resigned from the department in August 2016 after the city inspector general's office recommended he be fired.

LeRoy Martin Jr., the presiding judge of the criminal division, approved the request at a brief hearing Thursday at the Leighton Criminal Court Building.

Earlier this month, the Chicago Tribune reported that another former detective involved in a high-profile shooting was seeking the same legal remedy. Dante Servin was acquitted in 2015 by a judge of involuntary manslaughter in the off-duty fatal shooting of Rekia Boyd.

The Cook County state's attorney's office, however, has opposed expunging the criminal case against Servin, arguing that given the nature of the charges, the public, employers and law enforcement should have access to the record. A hearing has been scheduled for next month.

March and two other officers went on trial on charges alleging they conspired to justify McDonald's shooting by falsifying reports that contradicted the now-infamous police dashboard camera video of the shooting by exaggerating the threat posed by the teen high on PCP and carrying a knife. The officers' attorneys argued that any discrepancies in the paperwork could be chalked up to innocent mistakes or differences of opinion.

In a historic trial last fall, a jury found Officer Jason Van Dyke guilty on one count of second-degree murder and 16 counts of aggravated battery — one for each bullet that hit McDonald's body — making him the first Chicago police officer in half a century to be convicted of murder for an on-duty incident. He was sentenced to nearly seven years in prison.

While Van Dyke's trial centered on his actions on the night of the shooting, the conspiracy case had been seen as a referendum on a so-called code of silence within the Chicago Police Department designed to protect fellow officers from accountability for wrongdoing. The indictment was believed to be the first time any Chicago police officer faced criminal charges stemming from an alleged cover-up of an on-duty shooting.

In a controversial ruling in January, Judge Domenica Stephenson acquitted March, ex-patrolman Joseph Walsh and Officer Thomas Gaffney of all charges while downplaying the importance of the police video of the shooting, saying it did not capture the perspective of the officers.

Shortly after his acquittal, March filed to expunge the criminal charges from court records and law enforcement databases. Walsh, who was Van Dyke's partner that night, and Gaffney, the only one of the officers to remain on the force, have not filed similar paperwork, records show.

Through a spokesman, the special prosecution team declined to comment on its decision not to challenge March's request to expunge his criminal charges.

March's attorney, James McKay, told reporters that March, now 61, has struggled finding work since he was first charged in mid-2017.

Since he was acquitted of all charges, March is entitled under the law to have his slate wiped clean, he said.

"He'd like to go get a full-time job, and maybe this will help. Maybe. Because any prospective employer is going to Google him and read all the nonsense that's on the internet," said McKay.

"Nobody should have an objection to an expungement of a not-guilty. Period," he said. "No matter who they are, no matter what they used to do for a living, no matter what they look like, nobody should have an objection, and in this case nobody did."

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Former Detective David March will have his criminal charges erased from the public record.



ANTONIO PEREZ / CHICAGO TRIBUNE

Mayor Lori Lightfoot joins mental health advocates Thursday at a news conference at Friend Family Health Center in Chicago.

Mayor's plan to mend mental health safety net gets ripped

BY JOHN BYRNE

Mayor Lori Lightfoot thinks she has the plan to fix the shortcomings in Chicago's mental health safety net — and end the political fight that's been raging for years over the closure of city-owned mental health clinics.

Lightfoot won't reopen the six clinics Mayor Rahm Emanuel closed in 2012. At the time, Emanuel's move set off a firestorm of criticism from progressive grassroots activists and aldermen allied with the American Federation of State, County and Municipal Employees, which saw its members lose their jobs in the closures.

Instead, Lightfoot included in her 2020 budget plan this week a pledge to double the spending on mental health to around \$19 million and use the extra money to increase funding to clinics that are already providing mental health services in low-income areas, reach out to people who have trouble accessing the clinics and provide more services to young people.

Her idea was met with skepticism from some aldermen and dismissed as inadequate by a South Side organization that has been fighting to get the city clinics reopened.

Lightfoot learned this month that she won't be given a pass on the clinics fight she inherited from Emanuel. Aldermen on the City Council Health and Human Services Committee blocked confirmation of Allison Arwady, Lightfoot's nominee to be city health commissioner, after Arwady declined to endorse reopening them.

Still, with Arwady at her side Thursday

at a Hyde Park behavioral health clinic, Lightfoot said she's confident her proposal will get City Council support and Arwady will get approved.

"I think what aldermen expressed to us was needing to know more about what the plan was, and at that time the plan wasn't quite complete," Lightfoot said. "So now we've fine-tuned it, made sure that we checked it with various community partners, and I have 100% confidence that Dr. Arwady will be the next full-time commissioner."

By including it in an \$11.65 billion 2020 budget that features hardly any property tax increases, the mayor makes it tougher for aldermen to mount an opposition to the mental health spending package.

Lightfoot's financial plan is politically easy for aldermen to support, and seems very likely to win approval from a majority of the 50-member council as is, giving those who want the city-owned clinics to be reopened little leverage to force her to make changes.

After Lightfoot's speech, progressive aldermen said they wanted the city-run centers reopened, but stopped short of committing to vote against the budget because of it.

Ald. Byron Sigcho-Lopez, 25th, said he was disappointed the mayor wasn't planning to open the city-run clinics.

"Absolutely, that's one of the things we want to hear, we want concrete commitments, and I'll be pushing for that," he said.

And Ald. Maria Hadden, 49th, said she needed more time to dig into the budget before taking a position.

"I'm not disappointed, but I am anxious

to see what the plan is for the integrated services," Hadden said.

But Amika Tendaji, the mental health organizer for Southside Together Organizing for Power, said her group will be working with aldermen to try to get Lightfoot to make changes to the budget before the council votes on it later this fall.

"There are serious limits to what these private clinics can do," Tendaji said.

"The waiting lists are too long. There are limits on the number of times people can visit, and there are insurance requirements. This falls far short of what people on the South and West sides need, and what they've been needing for years since Rahm Emanuel closed the city-run clinics."

And Anders Lindall, spokesman for AFSCME Local 31, released a statement after the mayor's Wednesday budget speech saying the union and its allies are "very disappointed by the mayor's proposed budget for mental health services."

"In short, the mayor's proposed budget fails to expand public mental health services," Lindall's statement reads in part. "Beyond opening no clinics, it fails to address the steady erosion of frontline clinical staff, adding no therapists, psychologists, psychiatrists, case managers or behavioral health assistants. Instead of restoring the direct services our communities need, this budget's added positions in the Department of Public Health are top-heavy on management and back-office employees."

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Contractor is acquitted of bribery

But jurors convict him of lying to investigators

BY JASON MEISNER

A federal jury acquitted a suburban contractor Thursday of conspiring to pay nearly \$170,000 in bribes to then-Markham Mayor David Webb Jr., but found him guilty on a separate count of lying to federal investigators.

The split verdict for Thomas Summers was announced after a weeklong trial before U.S. District Judge Robert Gettleman. The jury deliberated for about four hours before reaching its decision.

Summers, the owner of Alsip-based Alsterda Cartage and Construction Co., could have faced up to 10 years in prison if convicted of the conspiracy charge. Instead, he could get as little as probation for lying to FBI and Internal Revenue Service agents during a 2016 interview.

Gettleman has not set a sentencing date. "Tommy is grateful for the jury's careful consideration of the bribery charge," his lawyer, Douglas Whitney, said in a statement emailed to the Chicago Tribune. "He looks forward to putting this long, painful and unnecessary ordeal behind him."

Summers was the second contractor to face trial in the alleged bribery scheme involving Webb, who pleaded guilty and agreed to testify for prosecutors in exchange for leniency.

In May, a jury found Michael Jarigese and his company, Tower Contracting, guilty of 10 counts of wire fraud and federal program bribery for giving Webb nearly



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Former Markham Mayor David Webb has pleaded guilty in connection with the case.

\$100,000 in bribes to secure work from the impoverished south suburb.

Jarigese is awaiting sentencing. According to the indictment against Summers, Alsterda Cartage and Construction was paid a total of \$3.5 million by Markham for various projects between 2008 and 2017.

In that time period, Summers paid a total of \$169,015 in cash to Webb as well as checks to KAT Remodeling, a shell company that Webb set up in his children's names that he allegedly used to funnel bribes, the indictment alleged.

In some cases, Summers wrote in memos on the checks words such as "kitchen," "office" or "Ford Truck" to make the payments seem legitimate, the indictment said.

The charges also alleged Summers lied when he told the FBI and IRS in a November 2016 interview that he was "not familiar" with KAT Remodeling and that a

\$33,000 check he'd written in 2011 was for remodeling work.

Webb's guilty plea and testimony in both the Jarigese and Summers trials marked an unusual twist for a public corruption investigation. Typically it's the contractors and other bribe payers who cooperate with the government and testify against the politicians who took the money.

Instead, Webb himself cooperated with prosecutors, pleading guilty to "honest services" wire fraud and the filing of a false tax return just weeks after his indictment in December 2017.

As part of his deal with prosecutors, Webb admitted he took a combined \$300,000 from Jarigese, Summers and other contractors doing business with the city beginning in 2008. Webb testified in Jarigese's trial that he spent the bribe money on "personal things," including gambling trips to nearby casinos.

Federal guidelines call for Webb to be sentenced to between seven and nine years in prison, but prosecutors have said they'll recommend that Gettleman give him about 4 1/2 years behind bars in exchange for his cooperation.

Webb was first elected to lead the small suburb of about 12,000 residents in 2001 and declined to run for reelection in April 2017 amid the federal investigation.

Webb never needed more than 1,700 votes to win in Markham but raised more than \$1 million in campaign contributions since 2000, making him one of the most prolific local political fundraisers in the state, records show.

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