



**OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS**

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LAW ENFORCEMENT ACCOUNTABILITY DIVISION
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By Email

December 10, 2020

Melanie K. Nelson

Chief Assistant Corporation Counsel
Legal Information and Prosecutions Division
City of Chicago Law Department
30 N. LaSalle Street, Suite 1720
Chicago, Illinois 60602

Re: Transparency Policy – COPA Log # 2020-4697

Dear Chief Assistant Corporation Counsel Nelson:

This letter serves as notification that on December 11, 2020, the Civilian Office of Police Accountability (COPA) has scheduled for release, pursuant to the Transparency Policy, materials related to Complaint Log No. 2020-4697. The Office of Cook County State's Attorney requests a thirty-day extension to January 8, 2021 in accordance with Section IV(B) of the Transparency Policy to publicly release materials related to this incident.

This matter is currently the subject of an active pending criminal investigation under review by this Office and the release of the materials at this time could obstruct the ongoing investigation. Pursuant to 5 ILCS 140/7(d)(vii), referenced in Section IV(B) of the Transparency Policy, the materials scheduled for release, including body worn camera video footage from numerous responding officers, in which the victim and involved off-duty police officer are depicted and provided versions of events, should not be released at this time. Due in part to COVID-19 limitations and scheduling, there are critical investigative steps that have not yet been completed. It is anticipated that the investigation will be completed within the requested extension time frame so that a charging decision can be made as soon as possible. It is our understanding that, as of the time of issuance of this letter, the victim and/or his attorney has not yet been able to view the materials but have expressed a concern about the victim's privacy infractions if the materials are released. Additionally, if criminal charges are filed, release of the materials at this time could create a substantial likelihood that the defendant will be deprived of a

fair trial or an impartial hearing pursuant to 5 ILCS 140/7(d)(iii). We have been contacted by the involved officer's attorney who has indicated that he plans to object to a release of the materials during the pendency of a criminal case but does not currently have a forum in which to do so. If charges are filed, the defendant would have an opportunity when appearing in court for a bond hearing to request a court order suspending the release of materials during the pendency of the criminal case.

Based on the above-stated reasons, we respectfully request a thirty-day extension to January 8, 2021 for the scheduled release of materials in Log 2020-4697. Please contact the undersigned with any questions.

Sincerely,

Lynn McCarthy

Lynn McCarthy

Assistant State's Attorney
Supervisor, Law Enforcement Accountability Division
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