

Regan - Memorandum to Mayor

From: George R. Specter
Acting City Solicitor

To: Honorable Luke Ravenstahl
Mayor

Date: November 21, 2006

Subject: Investigation of Dennis Regan

THIS REPORT IS MADE PURSUANT TO AN INVESTIGATION BY THE LAW DEPARTMENT, IN CONJUNCTION WITH THE OFFICE OF MUNICIPAL INVESTIGATIONS ("OMI"), AND IS CONFIDENTIAL AND NOT FOR PUBLIC RELEASE. THIS REPORT IS NOT SUBJECT TO DISCLOSURE PURSUANT TO THE RIGHT-TO-KNOW LAW.

Purpose of investigation: At your direction, I conducted an investigation of Dennis Regan regarding the facts and circumstances resulting from the e-mail sent on October 9, 2006 by Commander Catherine McNeilly to each member of City Council, with copies to you and Dennis Regan. The e-mail alleged certain acts of impropriety by Mr. Regan in allegedly using his position to further the career of Police Officer Francis Rende. As is generally known, Officer Rende is the brother of Marlene Cassidy, with whom Mr. Regan shares his home.

BACKGROUND: On October 2, 2006, you nominated Mr. Regan to become Director of the Department of Public Safety. The e-mail followed on October 9, 2006, on October 10, 2006 you withdrew the nomination and on October 12, 2006 you placed Mr. Regan on administrative leave of absence with pay.

The e-mail was disseminated to various additional individuals, and thereafter Officer Rende filed a complaint with OMI against Commander McNeilly, alleging that she violated Police regulations by releasing confidential disciplinary records to persons outside of his chain of command. The Rende complaint was investigated by Kathleen Kraus, Manager of OMI. Her investigation included interviews of Commander McNeilly and former Police Chief Dom Costa. Ms. Kraus prepared a Final Report, a copy of which is attached hereto. She has also delivered a copy of that Report to Police Chief Harper. Both the Final Report and OMI's disposition of the complaint are also confidential and not for public release.

In the course of my investigation, I interviewed Mr. Regan, utilized the Final Report, reviewed various documents related to Ms. Krause's investigation, considered certain e-mails sent to Mr. Regan and considered other information which I thought relevant. With respect to my interview of Mr. Regan, I should say that he was cooperative and personable, and expressed his own desire to have the issues and allegations investigated.

In addition to the events arising out of the McNeilly e-mail, as you know, on October 13, 2006, Andy Sheehan reported a story involving Mr. Regan, Commander Rashall Brackney of Zone 3 and Duke's Tire, a tire business located on 13th Street on the South Side. I had discussed this with Ms. Krause, and by Memorandum of November 6, 2006, Chief Harper sent me a report on the matter, which report contained two witness statements. I have enclosed herewith a copy of the Chief's Memorandum. Under the circumstances, I considered it appropriate also to raise the issue with Mr. Regan and we discussed it in the interview.

RELEVANT FACTS: Mr. Regan has known Officer Rende for fifteen (15) years, dating back to 1991 when Bob O'Connor first ran for City Council. Mr. Regan had been a friend of Mr. O'Connor's since about 1976. He became involved in the 1991 O'Connor campaign and met Marlene and Frank Rende at that time. Mr. Rende became a police officer the following year.

Mr. Regan stated that he barely knew Commander McNeilly, having met her at a swearing-in ceremony in February 2006, and was introduced to her at the time, but aside from that has never spoken to her. When confronted with the allegation that he went to Zone 1, where McNeilly was Commander, to confront her, he denied doing so. To the contrary, he said that he had gone to Zone 1 in August 2006, but that it was one of several stops he made that day in his capacity of Operations Director. The other stops were at some other Zones and some Public Works offices. In short, he said that the August visit had nothing to do with McNeilly, Rende or the issues raised by the McNeilly e-mail.

At the beginning of January 2006 when Mayor O'Connor was sworn in and Mr. Regan became Director of Inter-Governmental Relations, Officer Rende was a patrol officer in Zone 1. Thereafter, the following occurred:

Sometime after January 1, 2006, Officer Rende was detailed to work on homeland security issues. I do not have the date of this transfer. Mr. Regan was not aware of that. The effect of this detail was that he was sent elsewhere to work, but was still officially assigned to Zone 1.

On June 9, 2006, a transfer list transferred Officer Rende from Zone 1 to Intelligence, effective June 26, 2006. Mr. Regan stated that he was not aware of this transfer.

On July 7, 2006, a transfer list transferred Officer Rende from Intelligence to the Special Deployment Division ("SDD"), effective July 24, 2006. Mr. Regan stated that he was not aware of this transfer.

On August 16, 2006, Officer Rende sent Mr. Regan an e-mail which stated the following: "I Just filled out my transfer to the motorcycle. I dont know what else to do. I will give it to Cmdr Bochter when he gets back." Mr. Regan acknowledged that he received the e-mail, but said that he did not know what it was about. He assumed that because Officer Rende had been in traffic work earlier in his career and did not care for desk work, he was therefore looking for a change to a more active form of work. Mr. Regan did not do anything regarding the e-mail.

On August 17, 2006, a transfer list transferred Officer Rende from SDD to Major Crimes/Graffiti, effective August 21, 2006. Mr. Regan stated that he was not aware of this transfer. His only recollection of the subject of graffiti was that at some time prior to the All Star Game, the Mayor was forming a graffiti task force and he attended a meeting with Mayor O'Connor and Chief Costa. One of the subjects at the meeting was the Mayor's desire that the City be clean and attractive for the game, and Chief Costa told the Mayor that Officer Rende had been transferred to Graffiti. Mr. Regan stated that he had no involvement in the transfer.

On August 31, 2006, Officer Rende was transferred from Major Crimes to Narcotics. Mr. Regan stated that he had no involvement in the transfer.

In summary on the issue of transfers, Mr. Regan stated that he had no involvement in any of the transfers, and never asked Chief Costa to make any of the transfers or to help Officer Rende in any respect. I asked him if he had ever directed Chief Costa to take any favorable action regarding Officer Rende, and he denied doing so, saying that he had no power to give such a direction, as only the Mayor could do so.

Chief Costa's statements to Ms. Krause are to the contrary. The Chief stated that on three (3) occasions Mr. Regan asked him to take actions favorable to Officer Rende. Chief Costa also stated that at a meeting on August 16, 2006, among Mr. Regan, the Chief, Police Officer Degler and me, following conclusion of the business involving Officer Degler and after she left, the Chief told Mr. Regan that he had taken care of the matter involving Officer Rende and another officer. Therefore, Chief Costa's statements directly contradict Mr. Regan's statements that he never asked Chief Costa to do anything on behalf of Officer Rende.

Subsequently, Chief Costa said that Mr. Regan ordered him to make Officer Rende a detective. He responded that he had told him previously that Rende was not working out regarding stats and things like that, and he still was not working out. He stated further that Mr. Regan told him he wanted it done now. Nevertheless, because it was an order to do it, he did it.

Chief Costa explained the transfer to Homeland Security was made because Mr. Regan contacted him and requested that Frank Rende be made a detective. The Chief responded by telling Mr. Regan that Officer Rende's performance was not "up to my standard for making people detectives." However, the Chief did offer to give Officer Rende a chance to improve his performance.

The other instance in which Chief Costa said Mr. Regan contacted him about Officer Rende was shortly after he became Chief on February 13, 2006. Mr. Regan contacted him about the new secondary employment system, and said that Officer Rende felt he was not getting his fair share of secondary employment details because of favoritism. Chief Costa initiated an investigation which revealed that Officer Rende's claim was not true

My analysis of the matter is that there is no absolute way in which to determine whether Mr. Regan or Chief Costa is telling the truth. However, the number of transfers which occurred in such a short period of time seems unusual, and I believe that Ms. Kraus concurs in that conclusion.

DUKE'S TIRE STATION: The basic facts of this matter are that Duke's Tire had been in business on 13th Street for about thirty (30) years and Duke was fixing tires in the street. Mr. Regan said that in fact he was fixing tires on both sides of the street and had run a line or some form of tube across the street. Commander Rashall Brackney told Duke that he could not fix tires in the street, and that he must stop it. Mr. Regan acknowledges that he did go to Zone 3 to see Commander Brackney, but she was not in. I will not repeat here all of the details which are contained in the attached Memorandum from Chief Harper to me, however, Mr. Regan denied that he used the vulgarities attributed to him, or that he ever said that Commander Brackney would be walking a beat. In fact, he said that he "is not that stupid."

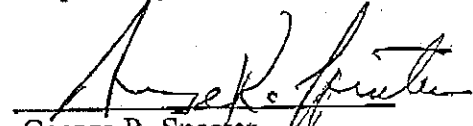
Mr. Regan said he did talk to Commander Brackney on the telephone, and tried to effect a compromise between her and Duke. He proposed that Duke be permitted to work only on one side of the street, and the Commander rejected this proposal.

My view of this situation is that Mr. Regan was trying to help a small business operator, but legally there is no basis to permit someone to conduct business operations in a public street. Commander Brackney was enforcing the law, and in this respect was acting properly.

As to the language allegedly used by Mr. Regan, Chief Harper's report does contain the statements of two (2) witnesses, and absent any evidence to the contrary their statements should be accorded credibility. If Mr. Regan used the language attributed to him, he should not have, particularly as a representative of the Mayor's office.

CONCLUSION: With respect to the McNeilly e-mail and Mr. Regan's alleged attempts to gain favorable treatment for Officer Rende, as noted above there is no way in which to determine absolutely who is telling the truth. Chief Costa has provided dates and details, including personal knowledge of the transfers, which explain in a reasonable manner why they occurred, and therefore some credence must be accorded them. Still, Mr. Regan emphatically denied that he was any in way responsible for the Chief's actions. I did inform him that Chief Costa's statements contradicted his denials, but he insists that he never made any such requests. I have concluded that the contradictory statements cannot be completely reconciled, so the facts must speak for themselves.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "George R. Specter", written over a horizontal line.

George R. Specter
Acting City Solicitor

Cc: Yarone Zober
Chief of Staff