



## **Taxpayer Tab for Chicago-area #MeToo Cases \$55 Million and Growing**

**Legal costs mount as hundreds of public bodies in the Chicago region over the last decade have faced allegations of sexual assault, harassment or abuse.**

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South suburban Alsip agreed to a \$200,000 settlement in a lawsuit brought by one of its female police officers who said a colleague made sexually suggestive comments. A teacher and wrestling coach in Kankakee County cost his small school district nearly \$700,000 for sexually abusing high school girls on an overnight school trip.

For years, cases like these have occurred in fire and police departments, park districts and schools throughout the Chicago region. Employees and others who say they were victimized sue public employers for allowing or condoning sexual harassment and sexual abuse.

Settlements of such actions are often modest, less than \$100,000 in many cases and sometimes just a few thousand dollars. Taxpayer costs may also be partly defrayed through insurance, although premiums could be impacted. Often times, such as with the 2010 Alsip agreement, both the town and the accused deny they did anything wrong but settle anyway.

Yet over time, the bill to the public adds up.

A BGA-NBC5-Telemundo Chicago investigation has found more than 400 sexual harassment, assault and abuse allegations at government agencies throughout the Chicago region since 2008 — from tiny St. John, Indiana, south of Hammond, to the Chicago Park District. Roughly half of those cases, the investigation has found so far, have resulted in payouts totaling more than \$55 million in settlements, verdicts, separation agreements, legal fees and other costs.

And, with many of the cases still pending, that dollar figure is likely to keep growing.

What's more, the investigation continues to gather data because more than 700 public agencies across 17 Illinois and Indiana counties did not respond to open records requests seeking costs affiliated with such cases. That leaves it unclear whether those public bodies faced no such costs or have so far failed to disclose them.

Almost all of the verdicts and settlements that were disclosed by government agencies involved alleged misdeeds that occurred before last year's emergence of the #MeToo movement focused

greater attention on sexual harassment and assault. In a few cases, as with the Kankakee County teacher, civil liability followed criminal convictions.

Locally, scrutiny intensified after a Chicago Tribune investigation earlier this year showed that city schools had failed to stop or even investigate hundreds of cases of abuse of students over several years allegedly carried out by faculty and staff.

The BGA-NBC5-Telemundo Chicago investigation compiled reports of allegations of improper conduct by sending public-records requests to nearly 2,000 government agencies. The database also includes cases identified through court records, news stories, government meeting minutes, internal investigations and interviews.

Over the last decade, the Chicago schools, police and park district have all signed off on negotiated settlements of more than \$1 million in cases involving sexual misconduct. The Evanston Police Department also faced a payout that large.

By far, however, Country Club Hills faces the biggest expense. Last month, a Cook County jury awarded \$11.2 million to a female firefighter from that south suburb who alleged that others on the force routinely watched pornography at the municipal firehouse. She also said her decision to report the behavior cost her a promotion.

“I think the public sector has a problem because it’s not their money — it’s taxpayer money,” said attorney Dana Kurtz, who represented Dena Lewis-Bystrzycki in her suit against Country Club Hills.

“This culture is top-down when it’s allowed by lieutenants, deputy chiefs and chiefs,” Kurtz said. “There has to be some kind of public outcry to hold governments accountable, to make sure it doesn’t happen.”

Michelle Hullinger, the assistant fire chief of Country Club Hills said in a statement that department employees were "devastated" by the behavior inflicted on Lewis-Bystrzycki by now former employees of the department. Hullinger said the city's current mayor and fire chief "made it clear in no uncertain terms that such behavior and misuse of city equipment would not be tolerated."

A large number of the sexual misconduct settlements involved schools, with the combined cost so far totaling \$19.8 million. Of that amount, \$10 million was paid by the Chicago schools.

“It’s heartbreaking to know that there’s that much damage,” said Polly Poskin, executive director of the Illinois Coalition Against Sexual Assault, a network of community-based crisis centers. “The figures are startling to me because it’s a reminder of how painful it is.”

Poskin said the legal bills in these cases only scratch the surface of the total costs tied to sexual assault and harassment in the workplace. Victims of sexual harassment or assault often don’t show up for work and need counseling.

“The prevalence is high, the cost is astronomical and the long term consequences for what people live with and their emotional well being, they’re immeasurable,” Poskin said.

Cases involving police departments have so far tallied \$11.8 million in settlements, verdicts and other costs, while those involving fire departments and fire protection districts add up to \$13.8 million.

In one high-profile case, Chicago officers Juan Vasquez and Paul Clavijo pleaded guilty in 2014 to one felony count each of official misconduct in a case where a woman accused the two of raping her near a Red Line stop. Both are no longer employed by the city but neither admitted to any sexual wrongdoing or served prison time. Meanwhile, the city agreed to a \$415,000 settlement of a lawsuit brought by the woman.

Separately, the city paid an additional \$100,000 to settle a sexual assault lawsuit involving both officers and a different woman. Clavijo pleaded guilty to official misconduct in that case as well.

Messages left for Vasquez and Clavijo were not returned, though both denied the allegations during proceedings in the lawsuits.

According to a Chicago police spokeswoman, “As soon as CPD was made aware of the allegations against Clavijo and Vasquez, a criminal investigation was initiated; they were both stripped and relieved of their police powers and subsequently arrested and charged.”

According to Jonathan Blanks, a research associate at the Cato Institute’s Project on Criminal Justice, sexual misconduct is the third-leading cause of arrests of police officers.

“Because we have a problem in our society with sexual harassment, it’s going to be amplified in positions of power like police officers,” Blanks said.

Blanks blamed a “blue wall of silence” for having a cooling influence on officers’ desire to step forward with testimony in sexual misconduct cases. “There’s a strong incentive in many departments not to rat out your fellow officers for anything. A whistleblower, they fear either reprisal or that they won’t get backup if they get in a bad situation.”

“You would think there would be pressure to change the culture once these suits are settled,” Blanks said. “They never want to address the systemic issues. They point to a single officer as an outlier.”

Some abuse allegations involve co-workers.

Keisha Howard, a Chicago police officer who worked on the vice squad, sued the city over what she said was an assault during a 2011 holiday party with fellow officers. In her lawsuit, Howard claimed one of her supervisors, Lt. Osvaldo Valdez, repeatedly made sexual comments before touching her against her will.

“He reached under the table and touched my vagina,” Howard said in a recent interview. “I panicked, you know, it was just like act like nothing happened.”

But she wasn’t silent for long. Howard said she reported the incident to a different supervisor the next day, but nothing happened.

The city denied this assertion in court documents.

After filing the suit, Howard said her accusations were mocked during roll call, officers made disparaging remarks behind her back and she was transferred off the vice squad to a daytime police beat. The city had denied Howard had faced retaliation for speaking up. She eventually settled the case for \$85,000 in 2014.

“I still feel violated,” Howard said.

Valdez, who is still on the force, denied Howard's allegations in court. He declined to comment for this story. An investigation by Chicago police found no evidence of criminal misconduct.

While many sexual misconduct cases escape public attention, one that did stir headlines involved a 2015 wrestling tournament in southwest suburban Plano attended by the team of 527-student Herscher High school from Kankakee County.

The team and some female student assistants overnighted during the tournament in a motel, where coach David Murphy became intoxicated and began improperly touching the girls, according to court records and news accounts of the incident.

Murphy later resigned and was convicted of sexual abuse in Kendall County. He served about 5 months in jail.

Several students also filed a lawsuit against the Herscher school district, which paid \$600,000 to settle the cases and another \$91,000 in legal fees.

"Sometimes for the victim, it isn't that it's about millions," said Poskin. "It's that somebody believed me."