

Dan K. Webb
Special Prosecutor for Cook County

FOR IMMEDIATE RELEASE
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**SPECIAL PROSECUTOR RELEASES REPORT IN THE MATTER OF
THE DEATH OF DAVID KOSCHMAN**

CHICAGO, IL (February 4, 2014) -- Dan K. Webb, Special Prosecutor for Cook County, announced yesterday that the Court's temporary seal of his 162-page report entitled *The Death of David Koschman: Report of the Special Prosecutor Dan K. Webb*, has been lifted by Judge Michael P. Toomin at the Special Prosecutor's request. The Report may now be released to the public. An electronic copy of the Report is attached to this announcement, and a limited amount of printed copies will be available upon request.

The inquiry began on April 23, 2012, when Judge Toomin appointed Mr. Webb as a Special Prosecutor and ordered him to investigate: (1) whether criminal charges should be brought against any person in connection with the homicide of David Koschman in the spring of 2004, and (2) whether, from 2004 to the present, employees of the Chicago Police Department and the Cook County State's Attorney's Office acted intentionally to suppress and conceal evidence, furnish false evidence, and generally impede the investigation into Mr. Koschman's death.

Judge Toomin further ordered that, "[a]t the conclusion of his investigation, the Special Prosecutor shall submit a final report to this Court and for the benefit of the Cook County Board of Commissioners detailing the progress and ultimate results of the investigation and any

criminal prosecutions commenced.”¹ The requirement that the Special Prosecutor must submit a final report detailing the ultimate results of the investigation was a result of the Court’s conclusion that transparency was necessary to address “the mixed signals emanating from this troubling case.”²

As part of the investigation, a special Cook County grand jury was empaneled. Over the course of its 17-month investigation, the Office of the Special Prosecutor (“OSP”)—working through a combination of witness interviews and Special Grand Jury proceedings—obtained information from 146 individual witnesses. In addition, the OSP reviewed over 22,000 documents (totaling more than 300,000 pages), including telephone records, e-mails, police reports, policy and procedure manuals, internal memoranda, attendance records, medical records, access logs, historical cell site data, recovered computer data, video surveillance, billing records, and receipts.

Mr. Webb and the Special Grand Jury completed their first investigative assignment when, on December 3, 2012, an indictment was returned against Richard J. Vanecko for involuntary manslaughter in connection with David Koschman’s death. On January 31, 2014, Mr. Vanecko pled guilty to the charge and was sentenced.

The second investigative assignment by the Court to the Special Prosecutor was completed on September 18, 2013, when the Special Prosecutor submitted his Report to Judge Toomin. Prior to its discharge, the Special Grand Jury reviewed the Special Prosecutor’s Report and approved of the Report and its findings.

¹ See Apr. 23, 2012, Order by J. Toomin, at 3.

² See Apr. 6, 2012, Order by J. Toomin, at 33.

When Mr. Webb submitted the Report to Judge Toomin, he requested in the interest of justice, that the Court temporarily seal the Report until the conclusion of Mr. Vanecko's trial, noting at the time that "while there is a strong public interest that supports the immediate release of the Report, there is an overriding interest in protecting the defendant's right to a fair trial. Because of the keen public interest in this case, it is likely that release of the detailed evidence set forth in the Report could result in significant and continuing publicity adverse to Mr. Vanecko's defense." Judge Toomin concurred in the Special Prosecutor's assessment and ordered that the Report be temporarily sealed.

As was noted on September 19, 2013, in a press release by the Special Prosecutor, after having thoroughly reviewed the evidence, the OSP determined that no additional indictments would be sought because: (1) any prosecution as to actions taken by Chicago Police Department ("CPD") or the Cook County State's Attorney's Office ("SAO") personnel in 2004 are barred because of the three-year statute of limitations period, which was not otherwise extended under applicable state criminal law; (2) there is insufficient evidence to prove beyond a reasonable doubt any violations of Illinois criminal law as to actions taken by CPD personnel in 2011; and (3) there is no evidence of any kind suggesting any violations of Illinois criminal law as to actions taken by SAO personnel in connection with its participation in the Koschman investigation in 2011 and 2012.

As part of the second investigative assignment by the Court, the OSP conducted a thorough investigation of whether former Mayor Richard M. Daley, his family, or others at their direction, engaged in conduct to influence or attempted to influence the investigations CPD and SAO conducted in connection with the Koschman matter. As part of the OSP's investigation into that issue, the Special Prosecutor's staff, among other things, interviewed former Mayor Daley and

eight of his relatives as well as fourteen members of his 2004 and 2011/2012 mayoral staff and security detail. Further, the issue of whether the Daley family or others at their direction exercised undue political influence on the investigations was also extensively pursued by the Special Prosecutor throughout the course of his investigation, including during each OSP interview of CPD and SAO personnel and in the OSP's review of documents received pursuant to the Special Grand Jury's subpoenas. As a result of investigating this issue, the Special Prosecutor has concluded there was no evidence that former Mayor Daley, his family, or others at their direction engaged in conduct to influence or attempted to influence, the investigations which CPD and SAO conducted in connection with the Koschman matter.

Following the discharge of the Special Grand Jury, Mr. Webb stated, "[t]he Special Grand Jury was empaneled in June 2012, and its members have worked diligently in hearing testimony and reviewing evidence. Their service has been exemplary and consistent with the highest traditions of our justice system. They have our admiration and deepest gratitude."

Mr. Webb thanked the Winston & Strawn LLP attorneys³ who have worked tirelessly on the project.

Mr. Webb also thanked Chicago Inspector General Joseph M. Ferguson and Jeffrey H. Cramer, Managing Director of international investigations firm Kroll Inc., whose investigators assisted in

³ Special Prosecutor, Dan K. Webb, is the Chairman of Winston & Strawn LLP, and the former United States Attorney for the Northern District of Illinois. This is the fourth time Mr. Webb has served as a special prosecutor. Mr. Webb was principally assisted in the investigation by Winston & Strawn attorneys and Deputy Special Prosecutors Stephen J. Senderowitz, Daniel D. Rubinstein, Derek J. Sarafa, Matthew J. Hernandez and Sean G. Wieber. Mr. Senderowitz is a former Assistant United States Attorney and has previously served as a deputy special prosecutor on another matter. Mr. Rubinstein is a former Assistant United States Attorney. In addition, valuable assistance was provided by other Winston & Strawn attorneys, including: Jennifer L. Bekkerman, Andrew C. Erskine, Matthew R. Carter, Thomas G. Weber, Shannon T. Murphy, Jared L. Hasten, Solana P. Flora and Katherine V. Boyle.

the Special Prosecutor's investigation.

Mr. Webb also thanked the Honorable Michael P. Toomin, Circuit Court of Cook County Division Administrator William R. Sullivan, the Cook County Sheriff's Office and the Clerk of the Circuit Court whose assistance was invaluable to the proper functioning of the Special Grand Jury.

Lastly, Mr. Webb thanked the Honorable Paul P. Biebel, Jr., Presiding Judge of the Criminal Division and the Honorable Timothy C. Evans, Chief Judge, for the administrative assistance provided to the OSP by their offices.

This Report discussing grand jury evidence is being released pursuant to the authority of orders entered by the Court on April 23, 2012 and February 3, 2014. Because of the grand jury secrecy requirements of Illinois law, the Special Prosecutor will be unable to make any further comment than what is contained in the Report.