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## Chicago Police Misconduct Lawyers Reach Settlement with Metra Following the Unprovoked Beating, Arrest and Imprisonment of Chicago Resident by Metra Police Officer

December 12, 2017

Chicago police misconduct lawyers at Romanucci & Blandin, LLC announced a settlement today on behalf of their client, D’Nardo Mack, a vulnerable Chicago citizen, who was sitting on a bench at a Metra stop bothering no one when he was viciously and unjustifiably attacked, taunted, humiliated and arrested by Metra Police Officer David Robertson in January of 2015. As a result of the settlement, Metra agreed to pay D’Nardo Mack \$225,000.

Following his immediate arrest on January 15, 2015, Mr. Mack was charged with five criminal offenses, including: Criminal Trespass to Land; Resisting Arrest/Obstructing a Peace Officer; Assault; Battery; and unlawful use of a deadly weapon (knife) with intent to use the same against another person. However, the incident between Mack and the Metra officers was all clearly caught on Metra surveillance video and plainly shows that during the incident, Officer Robertson and the other Metra officers that arrived on scene were the aggressors. Mr. Mack never battered anyone, nor did he take out a knife. Despite the clear video evidence to the contrary, the Metra Sergeant in charge of drafting the police report falsified the statement. While Mr. Mack languished in Cook County Jail for approximately 21 months, the Cook County State’s Attorney’s Office (CCSAO) subpoenaed Metra’s evidence against Mr. Mack, but Metra failed to turn over the video evidence of the incident. Eventually a copy of the surveillance video taken by Officer Robertson’s cell phone while he was watching it at a later date with colleagues, was finally turned over to the CCSAO, leading to a dismissal of the charges and a subsequent and immediate investigation into Officer David Robertson.

“Once we were finally able to get a hold of the Metra video evidence, it showed not only that Officer Robertson was the aggressor, but also that numerous Metra officers had watched the video evidence on Metra’s premises and were caught laughing at and mocking Mr. Mack’s plight,” said plaintiff’s attorney Martin D. Gould from Romanucci & Blandin. “While Metra did eventually make the right decision and terminate the officers involved, Metra must now also take the critical next steps to ensure that it has the policies, procedures and training in place to prevent this type of unnecessary abuse from happening in the future. The fact that Mr. Mack remained in prison for 21 months for crimes he did not commit is simply unacceptable.”

Since the surveillance video was released and settlement agreement was made, Metra Officer David Robertson has been arrested and charged with aggravated battery, perjury and official misconduct. Metra claims it has already changed its policies and procedures to prioritize court orders for items like handing over surveillance videos, but it is apparent that they have a long

way to go.

“We applaud the CCSAO for their decision to prosecute former Metra Officer David Robertson, and affirm that no one is above the law,” added Antonio M. Romanucci, Principal and Partner from Romanucci & Blandin. “This incident highlights that Metra has made minimal progress since the 2012 Hillard Heinz inquiry, and we hope that Metra will follow through with recent promises to continue to reform its department to ensure the constitutional rights of citizens are protected.”