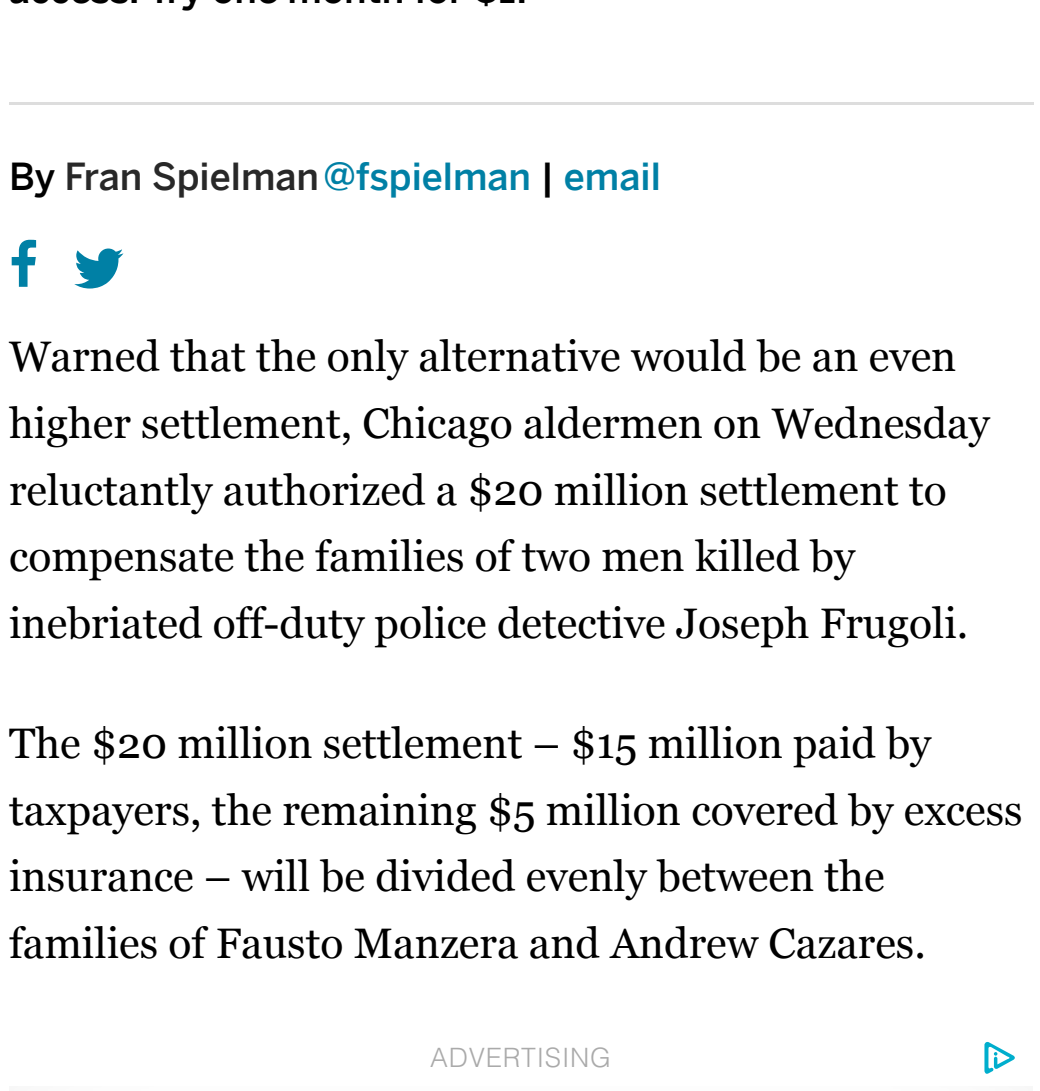


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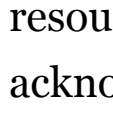
# City Council signs off on \$20M settlement to Frugoli's drunk-driving victims



Family attorneys Tim Cavanagh (right) and Kevin Conway speak to reporters in December after a settlement was announced against the city of Chicago. Relatives of Fausto Manzera, one of two men killed in a 2009 crash involving ex-Chicago cop Joseph Frugoli, look on at left. | Mitchell Armentrout/Sun-Times

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By Fran Spielman @fspielman | email



Warned that the only alternative would be an even higher settlement, Chicago aldermen on Wednesday reluctantly authorized a \$20 million settlement to compensate the families of two men killed by inebriated off-duty police detective Joseph Frugoli.

The \$20 million settlement – \$15 million paid by taxpayers, the remaining \$5 million covered by excess insurance – will be divided evenly between the families of Fausto Manzera and Andrew Cazares.

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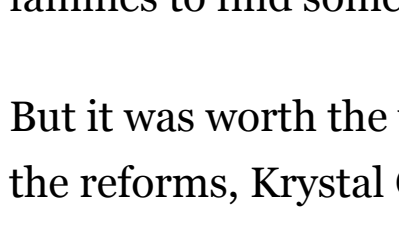
The two men were sitting in their dark car — after a flat tire on the Dan Ryan Expressway shorted out the vehicle’s electricity — when it was hit by Frugoli in 2009.

Three aldermen cast “no” votes: Ray Lopez (15th); David Moore (17th) and Jason Ervin (28th).

“I am upset about this – that we’re in this position because [the city] could do other things with those resources,” said Mayor Rahm Emanuel, who famously acknowledged the code of silence in the Chicago Police Department in the furor that followed the court-ordered release of the Laquan McDonald shooting video.

“We have a responsibility that we have to deal with this settlement. But it’s not a choice that I think is good for the city. And I was clear about that.”

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Tim Cavanagh, an attorney representing the Cazares family, noted that the city waved the white flag just four days after surrendering a document that should have been turned over to plaintiffs’ attorneys before the trial and appeared to prove their claim that a “code of silence” led Frugoli to believe he could continue to drive drunk.

Those documents, which Cavanagh called a “smoking gun,” described how Frugoli was suspended for five days in 1992 after he allegedly punched two people at the First Base Tavern in Bridgeport, grabbed one by the throat, threw them on a pool table and hit them with pool cues. He also allegedly threw glasses, broke two bar stools and shouted, “Nobody messes with the Frugolis.”

Andrew Cazares was one of two people killed when they were struck by a car driven by an drunk off-duty Chicago Police detective. His family will share in a \$20 million settlement slated for City Council approval on Wednesday. | Provided

“The disciplinary record from 1992 shows that Joseph Frugoli drove drunk. The city knew it. They didn’t test him. They didn’t investigate. They didn’t do anything about it. And that’s what led him to know that he could drive drunk in the city of Chicago because he got away with it...The code of silence encouraged Joe Frugoli to drive drunk in April of 2009. The case was never just about Joe Frugoli,” Cavanagh told a City Hall news conference after the vote.

“The nearly nine-year legal fight against the city of Chicago is now concluded. But the family’s suffering for the loss of Andrew and the Manzares family for the loss of Fausto will continue for the rest of their lives,” Cavanagh said.

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Krystal Cazares, Andrew’s sister, said the nine-year legal odyssey was a strain on her grieving family.

“It was hard on us that it took this long for both families to find some type of peace,” she said.

But it was worth the wait – not for the money but for the reforms, Krystal Cazares said.

“Finally, the code of silence – it’s a beginning. It’s starting to get broken. It’s a movement. It’s something bigger. And hopefully, this horrible situation that happened – it helped the city of Chicago and it helped other families to face the code of silence,” Krystal Cazares said.

Earlier this week, Ervin signaled his intention to oppose the settlement – by questioning why Chicago taxpayers should pay “through the nose” for the destructive actions of an officer driving drunk on his own time.

First Deputy Corporation Counsel Jenny Notz said the city made that very argument and was shot down repeatedly in court because of a compelling argument made by attorneys representing the families of the two young men.

Ald. Walter Burnett (27th) was not appeased, asking Notz, “What if we vote not to approve this?”

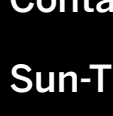
Notz replied with an ominous warning.

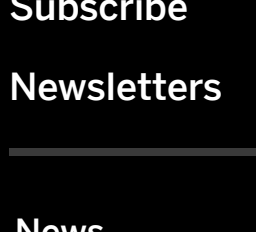
“It would have to be a re-trial. The evidence is gonna come back in exactly the way it did before and we’ll be having the same conversation. And the result is gonna be far in excess of the amount you’re settling for today,” she said. “Based on the horrific facts of the case ... the way that these two young men died is likely to produce a massive verdict” — definitely more than \$20 million, Notz added.

Fran Spielman

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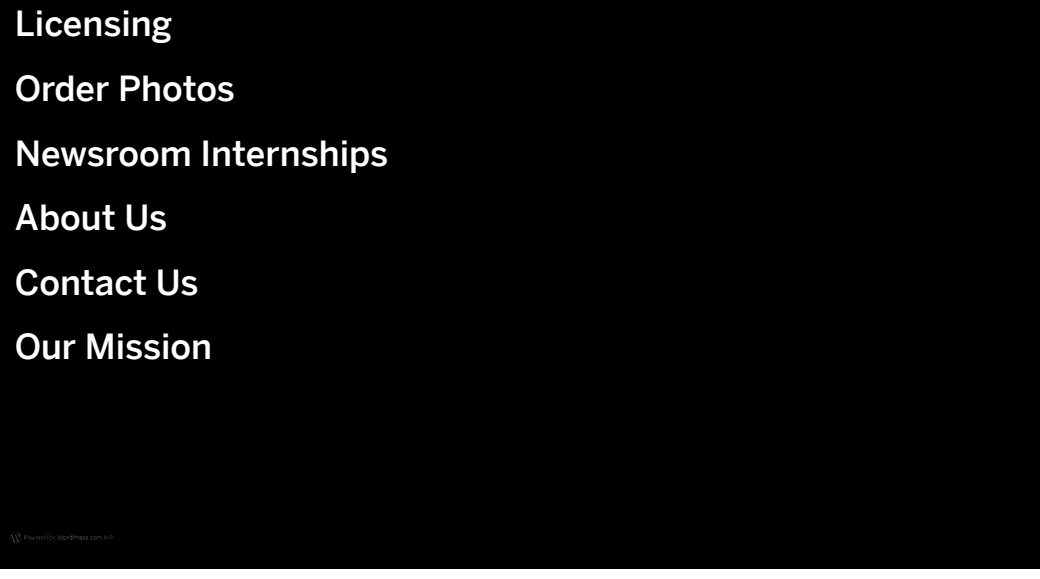
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