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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/05/2007  
 b6 -1,-3,-5,-6  
 b7C -1,-3,-5,-6

On October 24, 2007, [redacted] requested to meet with Federal Bureau of Investigation Special Agents and the Assistant United States Attorney. Present during the meeting were the following:

Assistant United States Attorney (AUSA) [redacted]  
 AUSA [redacted]  
 FBI Special Agent [redacted]  
 Attorney [redacted]

[redacted] requested the meeting in an effort to assist the United States Attorney's Office in developing potential leads concerning the investigation of torture allegations against JON BURGE. [redacted] accompanied [redacted] and is currently a [redacted] (1)(D) [redacted]

provided the following information:

[redacted] concerning BURGE. [redacted] b6 -5,-6  
 b7C -5,-6

statements about abuse directly from BURGE. [redacted] allegedly knew that BURGE [redacted] if BURGE were to be indicted.

[redacted] a former Chicago Police Department (CPD) b6 -4,-5,-6  
 [redacted] may have information concerning an incident b7C -4,-5,-6  
 involving First Name Unknown (FNU) [redacted]  
 According to [redacted] was never deposed and had never testified in any civil proceedings. [redacted] may live on the [redacted]  
 Chicago.

[redacted] (phonetic) once indicated she had information concerning torture allegations against BURGE. [redacted] b6 -5,-6  
 b7C -5,-6  
 lives in [redacted] and [redacted] said he may have her contact information.

[redacted] witnessed brutality against FNU  
 [redacted] [redacted] had no further information concerning [redacted]

Investigation on 10/24/2007 at Chicago, Illinois

File # 282A-CG-126294-302 = \ Date dictated \_\_\_\_\_

by SA [redacted]

b6 -1  
 b7C -1

282A-CG-126294-302

b6 -2,-4,-5,-6  
b7C -2,-4,-5,-6

Continuation of FD-302 of [redacted], On 10/24/2007, Page 2

[redacted] who was once loyal to BURGE, may be willing to provide information. In March of 2006, [redacted]

[redacted] As the discussion progressed, [redacted]

[redacted] their conversation was confidential as he did not want to get involved and hurt his cohorts. [redacted]

conversation with [redacted] currently lives on [redacted]

[redacted] who worked in Area 2, b6 -4,-5  
is currently employed at [redacted]. b7C -4,-5

[redacted] allegedly has information concerning torture by BURGE, but has been unwilling to talk about it. [redacted] mentioned that [redacted]

[redacted] and if confronted about those reports, he may be willing to talk about BURGE. [redacted] and [redacted]

[redacted] is currently employed with [redacted] and allegedly had copies of [redacted] had further information concerning a [redacted] and [redacted]  
[redacted] provided no further information about that particular incident.

[redacted] was involved with an incident involving [redacted] b6 -2,-4,-6  
[redacted] and FNU [redacted] was recently deposed. b7C -2,-4,-6

FNU [redacted] former CPD Officer, worked in Area 2 in the [redacted] allegedly witnessed several incidents in Area 2, which were summarized in the report to Special Prosecutors [redacted] and [redacted]

[redacted] spoke with BURGE on several occasions. b6 -6  
She allegedly overheard BURGE admitting to several of the torture incidents. b7C -6

Other individuals who may have information are [redacted]

[redacted] (phonetic). [redacted] never witnessed an actual event, but knew of the events. [redacted]

[redacted] and was recently deposed. [redacted] saw one incident of torture. [redacted] may have [redacted] were present.

b6 -4  
b7C -4

282A-CG-126294-302

b6 -4,-5  
b7C -4,-5

Continuation of FD-302 of [redacted], On 10/24/2007, Page 3

[redacted] FNU [redacted] and FNU [redacted] (phonetic) are scheduled to be  
[redacted]

282A-CG-126294 -302- 2  
JAO:jao

1

Attached to this communication are various newspaper articles documenting the background and history of alleged torture led by Jon Burge and other Chicago Police Department Officers under his command.

Sgt  
① JAO

19-cv-4048(FBI)-3280

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## Twenty Questions



Derek Erdman

Lawyers for police torture victims are trying to get Mayor Daley on the stand. We've got a few things to ask him too.

By John Conroy

May 11, 2007

ON FEBRUARY 22 federal magistrate Geraldine Soat Brown ruled that Mayor Richard Daley could at last be put on the hot seat: he would have to answer questions under oath about the Jon Burge torture scandal.

As readers of this paper know only too well, Burge and Chicago police detectives under his command abused suspects from the early 1970s until the early 1990s—suffocating them with plastic bags and typewriter covers, shocking them, and beating them. Daley was Cook County state's attorney from 1981 to 1989, when

the bulk of the torture took place. He was in a position to investigate and didn't, setting an example his successors in the office have followed to the present day. No one knows how many were tortured, but more than 100 likely victims have been identified, and some are still behind bars on the basis of those suspect confessions. Lawyers representing five of the victims now have civil suits pending in federal court. Those suits led to Brown's ruling.

"If they require me to be deposed, I have no problems with that," Daley said at a news conference. But that was before the February 27 election\*, when one of his challengers was urging voters to "say no to the Daley/Burge team." After the election the city's lawyers appealed Brown's ruling to federal judge Marvin Aspen. They argued that questioning Daley under oath was "premature and may be unnecessary"—on the grounds that busy public officials like the mayor shouldn't be compelled to testify until all other avenues of getting the desired information have been exhausted. Judge Aspen hasn't set a date for when he'll rule, but it's likely to be in the next two weeks.

The mayor would have the public believe that he's already been grilled on the subject. "I answered all those questions," Daley said in February, referring to his interview with special prosecutors Edward Egan and Robert Boyle, who were appointed in 2002 by the chief judge of the criminal court to investigate the torture.

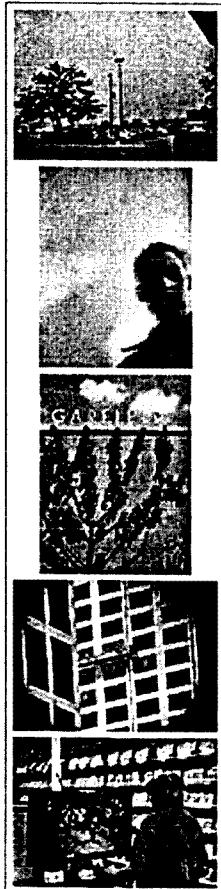


# I Saw You

## The One

I saw you crossing LaSalle, or thereabouts, around 9:05 p.m. Wednesday. I was driving west on Ontario. You were wearing red and wearing it well. Your short dark brown hair was pulled back and you had bangs flipped to the side. The dufussy guy, wearing white shirt and shorts, who you were with had left you on the corner as he goofily ran to the median. You did not look amused. I think you and I both know you could do better with someone who will stand by you, not leave you behind, alone on the corner.

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Egan and Boyle issued their final report last July. They concluded that torture had occurred, that it was too late to prosecute anyone, and that the state's attorney's office had demonstrated "a bit of slippage"—as Boyle put it at a news conference—in failing to do anything about it. "Slippage" was a remarkable understatement. As each victim was typically subjected to several acts of torture, by several officers, who then proceeded to lie about it multiple times at successive court hearings, the number of unprosecuted felonies committed by the Burge gang could exceed 3,000. (In each case, the officers involved might have been charged with aggravated assault, official misconduct, perjury, obstruction of justice, conspiracy, compelling a confession by force, and intimidation.) Labeling this failure to charge anyone "slippage" was typical of the special prosecutors' approach to their task. Egan and Boyle are former high-ranking attorneys in the state's attorney's office, and their enthusiasm for investigating Daley's role might best be illustrated by the fact that they didn't interview him under oath until June 12, 2006, when their report was virtually complete. They asked him about office procedures, personnel assignments, and only one of the more than 50 cases that occurred on his watch, the infamous Andrew Wilson case. Wilson killed two police officers on February 9, 1982. He emerged from Burge's custody with a corneal abrasion, radiator burns on his chest, the imprint of alligator clips on his ears and nose, and the story that detectives had applied shock devices to his head, genitals, fingers, and back.

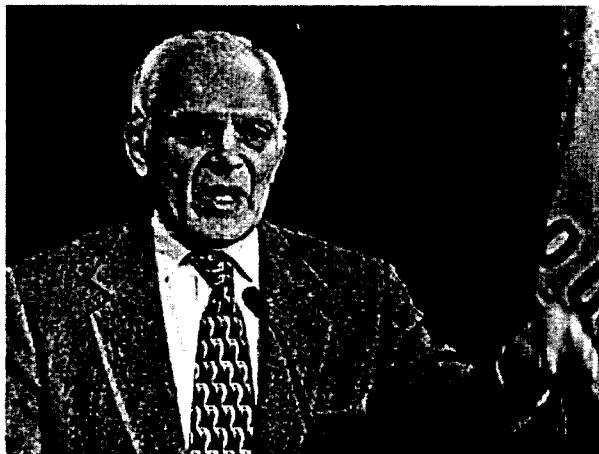
In the transcript of the Daley interview Boyle starts talking on page two and can't seem to stop: he gives the mayor a refresher course in the history of the Wilson case, which Daley presided over both as state's attorney (Wilson was tried twice on his watch) and later as mayor (Wilson's civil suit against the city dragged on for years during his first two terms in office). Boyle finally reaches his first question on page seven.

The 49-page transcript has the special prosecutors asking Daley 81 questions and the mayor answering with variations on "I don't recall" 20 times. Magistrate Brown described the transcript as containing "little useful information." For some perspective, consider that when state's attorney Richard Devine, who served as Daley's first assistant, was questioned by lawyers for Burge victims last year, the transcript ran 574 pages without exhibits.

Dissatisfaction with the way the special prosecutor's report dealt with the state's attorney's office under Daley was part of what led an alliance of legal and community groups last month to observe the fifth anniversary of Boyle and Egan's appointment by calling for a new investigation by the U.S. attorney's office.

Perhaps one day that office will be talking to Daley under oath. Much more likely is the possibility that Daley will have to submit to interrogation in the civil suits. Given that the mayor once said he was willing to answer questions, the Reader came up with 20 that his constituents might like to hear the answers to—questions not asked by Egan and Boyle. We e-mailed them to the mayor last week and followed up with more e-mail, phone calls, and a fax. He didn't get back to us.

1. Last year special prosecutors Edward Egan and Robert Boyle concluded that about 74 men had been tortured at Areas Two and Three. These men were not named, but given the time span of the torture allegations it's likely that most were tortured during your tenure as state's attorney, from 1981 to 1989. If the special prosecutors were right, a relatively small group of policemen committed several thousand felonies on your watch. Yet not one officer was indicted. Did you ever suspect that your office was enabling criminal behavior? If you did harbor that suspicion, what action did you take? If you did not, what advice would you have for state's attorney Richard Devine and other prosecutors regarding police misconduct and



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torture cases?

**2.** In 1982, when you were state's attorney, Andrew Wilson's confession that he'd killed two police officers was taken by Larry Hyman, supervisor of your Felony Review Unit. All prosecutors recognize that when taking a confession, they must ask if the statement is being given voluntarily, without coercion. But in this extremely important case, Hyman failed to ask that question, not only of Andrew Wilson but also of his brother Jackie, who also confessed to a role in the murders. In your years as state's attorney, thousands of homicides were prosecuted. Can you name another instance in which a murder confession was given and this question was not asked?

**3.** Was anything said to Hyman by you or by anyone in your office about this failure? If so, what?

**4.** Felony review supervisor Hyman left the state's attorney's office less than three months after Wilson's arrest. Was he asked to leave? If so, why and by whom?

**5.** William Kunkle, your first deputy at the time, has said he believed the drivers of the police wagon taking Andrew Wilson to Mercy Hospital after he confessed were the ones who assaulted him, not the detectives. If so, why were those two wagon men not charged and prosecuted?

**6.** According to state's attorney Devine's sworn testimony, you would review each case in which prosecutors wanted to seek the death penalty. From the outset there were red flags about Wilson's confession: Hyman's failure to ask the coercion question, the police lockup

keeper's refusal to accept Wilson after he emerged from Area Two with so many apparent injuries, the Mercy Hospital records, the Cook County Jail intake photos, the letter from Dr. John Raba, who examined Wilson soon after his arrival at the jail, and a letter from police superintendent Richard Brzeczek asking you for guidance on the matter. Later there would be photographs of alligator-clip-patterned scabs on Wilson's ears and nose. With so much evidence of coercion, were you comfortable asking that this man be put to death?



Richard Devine, Larry Hyman, Jon Burge

AP/Stephen J. Carrera  
(Devine), St.  
Petersburg Times  
(Burge)

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**7.** Given the extreme and unusual nature of the treatment Andrew Wilson was alleging at Area Two—including electric shock devices used against him—did you or anyone else in the office ask the prosecutors who worked on Area Two cases if they'd heard accusations of torture there before? If not, why not?

**8.** In 1987, two years before you left the state's attorney's office, the Illinois Supreme Court overturned Andrew Wilson's conviction, making specific mention of the injuries noted by the staff at Mercy Hospital. It's highly unusual for the state Supreme Court to overturn the conviction of a cop killer. Yet even then you didn't order an inquiry into the torture accusations. Why not?

**9.** In 1990, when you'd been mayor for more than a year, the police department's Office of Professional Standards issued two reports on torture at Area Two, one concluding that Wilson had been tortured and the other that abuse including "planned torture" was systematic under Burge's command. The city fought to keep those two OPS reports from the public eye but lost the battle. You said at the time that the reports' findings were only allegations, but as time passed, the Police Board and the city's law department came to the realization that the charges in those reports had merit. In February 1993 the Police Board fired Burge and in May 1995 the law department acknowledged that torture had occurred under Burge's command.

One of those pivotal OPS documents, known informally as the "Goldston report," named "players" (officers whose names turned up consistently in the 50 cases investigator Michael Goldston examined). Among those officers was Peter Dignan. Dignan has been accused of participating in the torture of a long list of suspects, torture that included multiple allegations of suffocation using a plastic bag or typewriter cover, electric shock, and beatings with a rubber hose and a flashlight, the target often being the suspect's testicles, penis, and groin area. These accusations arose when you were state's attorney.

In 1998, five years after Burge was fired and three years after the city's law department formally acknowledged that torture had taken place, the police department gave Dignan a merit promotion to lieutenant, considerably improving his pension. What role did you play in approving that promotion?

**10.** Should that promotion have been made?

**11.** Did you or anyone else in your administration have any discussion with any city or county official regarding Dignan's retirement in 2002 and his subsequent hiring by Cook County sheriff Michael Sheehan, as assistant chief of the fugitives unit, at a salary of \$74,800?

**12.** You now acknowledge that torture took place, but in a recent deposition state's attorney Devine said that even today he sees not one case in which there was sufficient evidence to conclude that police officers had been involved in physical coercion. How do you explain the extreme difference in your views?

**13.** In 2003 Governor Ryan pardoned four men who were prosecuted while you were state's attorney. All said they were tortured into confessing to crimes they hadn't committed and had served time on death row. You've resisted settling their civil suits, even though you admit that torture was common at Area Two. How do you explain this contradiction?

**14.** According to a motion filed in federal court recently by attorneys for three of the four men, Judge Marvin Aspen mediated a settlement agreement last November in which the city agreed to pay them \$14.8 million and in exchange their lawyers agreed to certain noneconomic terms suggested by the city's counsel, including that (a) they wouldn't name you as a defendant "in a civil rights, obstruction of justice, and racketeering conspiracy" and that they would not seek a finding of liability and damages from you for your



Peter Dignan

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"alleged conspiratorial actions while serving as Cook County State's Attorney"; (b) they wouldn't ask you for a deposition in the three cases though they would continue to seek one from Mr. Devine and other Cook County officials; (c) they wouldn't criticize you in any public statements made in connection with the settlement. What was your role in imposing those terms?

**15.** Regardless of whether you had any role in imposing those terms, do you believe it is appropriate for the city to condition a settlement on terms and conditions that benefit you personally?

**16.** Could the case have been settled for less if the city had not asked the plaintiffs and their lawyers to accept the conditions favorable to yourself?

**17.** Although these terms were agreed to in November, the city now denies there was any such contract. This is not a believable claim. For one thing, the plaintiffs' lawyers would have no reason to file a motion to enforce an agreement that they'd dreamed up, as they would have no chance of prevailing. For another, Judge Aspen is clearly exasperated. He's said the city's behavior was "unprecedented" in his years on the bench. Why did the city renege on the agreement?



**18.** In defending the city and individual police officers against those three civil suits, Chicago has paid about \$5 million to seven law firms. Many litigation attorneys believe any case will be settled for much less if it is resolved early, before attorneys and clients spend substantial amounts of money and time in the prosecution and defense. Why didn't the city settle the cases early on?

**19.** In your interview with the special prosecutors, you indicated you were not informed about crucial events that occurred after the arrest

of Andrew Wilson. You indicated you were not informed of the actions and controversial decisions of assistant state's attorney Larry Hyman, of the suspicions that the wagonmen had abused Wilson, and of the lockup keeper's refusal to accept the injured Wilson. Would you say, then, that the supervisors immediately under you at the time, first assistant Richard Devine and first deputy William Kunkle, bear greater responsibility than you for failing to investigate and prosecute Commander Burge and the detectives in his torture ring?

**20.** In a statement to the press last July you said that the city "strongly supported" the release of the special prosecutor's report because "the public has the right to know about this shameful episode in our history. No suspect should be subjected to the abuses detailed in the report."

Yet perpetrators of this "shameful episode" remain on city and county payrolls, some in high-ranking supervisory positions. Some of them participated in the abuse; others remained silent while it took place. Many took the Fifth Amendment when questioned by the special prosecutors. Should these people still be on the public payroll?

John Conroy's articles on torture and the Chicago Police Department are posted in a free archive at [chicagoreader.com/polictorture](http://chicagoreader.com/polictorture).

Conroy can be reached at [jconroy@chicagoreader.com](mailto:jconroy@chicagoreader.com).

*\*Correction: This sentence has been changed since the story appeared in print. It incorrectly stated "the February 27 primary."*

Send a letter to the editor.

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## Police Torture in Chicago

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### A Hell of a Deal

His job is to prosecute criminals. But if the criminals are cops, state's attorney Dick Devine doesn't want to hear about it. Now, with Devine offering inmates their freedom if they'll drop their claims of torture, some defense attorneys suggest appointing a prosecutor to go over his head.

By John Conroy

October 12, 2001

ORDINARILY, STATE'S ATTORNEYS who desire reelection or higher office portray themselves as courageous crime fighters responsive to their communities, who leave no stone unturned to put evildoers in prison. Cook County state's attorney Richard Devine, now contemplating a run for governor, has recently turned that tradition on its head.

In a brief submitted to chief criminal court judge Paul Blebel Jr., Devine has proclaimed that he is powerless to do anything about a gang of policemen who may be responsible for 12 men wrongly sentenced to die. Though there is substantial community interest in these cases--both the Tribune and Sun-Times have called for an inquiry, as has a coalition of prominent community groups--Devine argues that nothing can be done. That he once served as attorney for the chief perpetrator, Devine says, is a moot point.

The gang is small, no more than two or three dozen veterans of the Area Two Violent Crimes unit who served too enthusiastically under the leadership of Commander Jon Burge. The police department's Office of Professional Standards, a federal judge, and city attorneys have all acknowledged that Burge and some underlings tortured suspects to get confessions. But what is common knowledge in police headquarters, City Hall, and the Dirksen Building has been ignored at the Criminal Courthouse at 26th and California. For the past four years, Devine and his assistant state's attorneys have regularly refused to admit in court that for more than a decade torture was a fact of life at Area Two.

They have held this position publicly even as they bargained with some of the alleged victims. The state's offer can be paraphrased as "Drop this claim of torture, plead guilty to the heinous offense you may not have committed, and after a decent interval we'll get you back on the street." Darrell Cannon, who was serving a life sentence for murder, accepted such a deal in January (see "What Price Freedom?" March 2, 2001). Negotiations for plea agreements are now under way with some inmates on death row.

No Illinois inmate has ever walked away from death row by dropping a claim that he was tortured by police. Indeed, various death penalty experts from across the United States, including Brenda Bowser of Washington's Death Penalty Information Center and University of Colorado professor Michael Radelet (the author of several books and studies on the death penalty), could name no other inmate in the history of the nation who got off death row this way. The benefit to the inmate, of course, is eventual freedom, but at the

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## I Saw You

### Tall Girl From Southport Fest

I saw you at the Southport Fest on Sunday 7/29 around 7:30. You had a fantastic smile, a dark baseball cap on pulled down, and short shorts. You and your girlfriend were quite amused by an instructional book at the Pennyworth bookstand. I was standing next to both of you looking at a book. I'm tall, like you, and was wearing a brown shirt, cargo shorts, and glasses. We made eye contact and smiled...

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cost of damaging his prospects in a civil suit for wrongful imprisonment. The benefit to the prosecutors is that the police force comes off in a much more favorable light ("No torturers here"), the treasury may be spared tens of millions of dollars in damages for wrongful imprisonment, and the state's attorney doesn't look so bad for not pursuing the torturers.

This lack of official zeal has frustrated the victims' defenders for more than a decade. Now they have united in a legal strategy that threatens to make Devine himself moot. They are asking Judge Biebel to bypass the state's attorney's office and appoint a special prosecutor.

The last time the Chicago police were suspected of such gross misconduct that a special prosecutor was appointed was in 1970, a few months after police, ostensibly looking for weapons, killed Black Panther leaders Fred Hampton and Mark Clark. Special prosecutor Barnabas Sears ended up indicting state's attorney Edward Hanrahan and his top aide as well as 12 policemen, all for obstruction of justice. (All were eventually acquitted, but Hanrahan's career never recovered.) While no one believes Devine deserves indictment, the mere appointment of a prosecutor over his objections would stand as a stark public judgment that he has failed in his duties.

**ELEVEN YEARS HAVE** passed since the Reader first pointed out the pattern of torture allegations emanating from the Area Two Violent Crimes unit, accusations that detectives had used electric shock, suffocation, mock execution, beatings, and hanging by handcuffs to get confessions. Those revelations came after a federal trial in the civil suit of Andrew Wilson, a convicted cop killer who claimed to have been shocked, burned, and suffocated by Burge and detectives under his command. Wilson was represented by the People's Law Office, and during the course of the civil proceedings, anonymous letters in police department envelopes began to arrive at the PLO's office. The letters indicated that Wilson had not been the first suspect to be given electric shock, that the electrical devices belonged to Burge, and that Area Two detectives were split into "Burge's ass kickers" and "weak links" (detectives who didn't join in). One letter contained the name of another victim who'd been shocked nine days before Wilson, and when PLO attorneys located him he led them to others. Over several years the PLO built up a list of 66 people who claimed they had been tortured by Burge and detectives under his command at Area Two and Area Three. It's an impressive list, with the first complaint made in 1973 and the last in 1991, but almost certainly incomplete. To determine the actual number of victims, someone would have to reexamine thousands of police and court records. Only a public agency or some sort of legally mandated truth commission would have that capability, and 11 years after the possible scope of the scandal became public knowledge, no capable government body has shown any interest in the task. It is possible that hundreds of people were tortured and conceivable that many confessed to crimes they did not commit.

In late 1990, two reports prepared by the Office of Professional Standards concluded that abuse at Area Two was systematic and included "planned torture," and that Commander Burge had indeed used electric shock devices to torture Andrew Wilson after his arrest for killing two policemen. Police superintendent LeRoy Martin, who had once served as Burge's supervisor at Area Two, sat on the reports for a year before asking the Police Board to conduct an inquiry. In the meantime, the city fought to keep the OPS documents from the public eye, eventually losing that battle in federal court. Upon their publication, Mayor Daley, who had been state's attorney at the time, dismissed the OPS reports as nothing more than allegations.

The Police Board--a body charged with sorting out personnel issues, not with the administration of justice--began hearings into the case of Andrew Wilson on February 10, 1992. One year later, the board handed down its judgment. Two detectives were suspended for 15 months and Burge was thrown off the force. But though the board indicated in its vaguely worded decision that its members had been impressed by the testimony about electric shock devices, it didn't say that Burge had used them. It concluded that Burge "did . . . strike and/or kick and/or otherwise physically abuse or maltreat" Wilson.

A little more than a year later, city attorneys changed sides. Until March 28, 1994, members of the city corporation counsel's staff had insisted that torture had never occurred at Area Two. On that date they declared their belief that Burge was indeed guilty, and the city's lawyers later characterized the abuse as "savage torture." The reason for the startling about-face, however, was not concern for victims or justice but rather a desire to escape liability for any damages that might be awarded. The city argued that torture was "beyond the scope of employment"--in essence that Burge had exceeded his job description--and therefore that Burge should pay, not the city. In 1997 the U.S. Court of Appeals dismissed this argument as frivolous, and the city paid more than a million dollars in damages.

In late 1998 the Sun-Times called for a judicial inquiry, and in July 1999, more than nine years after the torture became widely known, the Tribune did the same. In between came a significant opinion from U.S. District Court judge Milton Shadur. In granting an evidentiary hearing to death row inmate Andrew Maxwell that March, Shadur wrote, "It is now common knowledge that in the early to mid-1980s Chicago Police Commander Jon Burge and many officers working under him regularly engaged in the physical abuse and torture of prisoners to extract confessions." Despite the dawning public realization that something had likely gone very wrong under Burge's command, neither the Cook County state's attorney nor the U.S. attorney mounted any criminal investigation of the torturer, and no public agency attempted a wholesale review of the convictions of the alleged victims.

Twelve men are now on death row on the basis of confessions extracted by Burge and/or detectives under his command, and the lack of any state or federal investigation has meant that the victims--most of them indigent--have had to do what prosecutors haven't: make a case that torture was used at Area Two. With limited resources and none of the clout a prosecutor can wield in getting reluctant witnesses and coconspirators to testify, the Area Two complainants have been at a severe disadvantage, especially when they appear at 26th and California. Even today, with the scandal in its 11th year of publicity, no circuit judge in Cook County has been willing to accept that a torture ring existed; not one of the Area Two victims' alleged confessions has been suppressed by a 26th Street judge.

Last winter, however, it seemed as though one victim had a fair chance of getting his confession thrown out. Durrell Cannon, an El Rukn general who was convicted of a 1983 murder and sentenced to life, had been granted a new hearing in a 1997 decision written by Appellate Court judge Warren Wolfson. Wolfson indicated that Cannon's claims of torture were to be heard in full, with ample testimony from other victims. Cannon claimed that he had been beaten with a flashlight, shocked on the genitals with a cattle prod, and subjected to a mock execution at the hands of Detective Peter Dignan (now a lieutenant), Sergeant John Byrne (now a disbarred lawyer working as a private investigator), and Detective Charles Grunhard (now deceased). After Cannon's witnesses were heard, the state's attorney's office decided to plea-bargain. Much was at stake. If the policemen looked bad on the witness stand--and there was good reason for the state to entertain such fears--and the judge suppressed Cannon's confession, the decision would reverberate through the rest of the Area Two torture cases. If these officers could not be believed in this case, how could they be believed in others? Devine's office offered Cannon a deal he couldn't refuse: freedom in approximately two and a half years if he would plead guilty to lesser charges and drop his claim that he'd been tortured. Cannon was furious, as he had hoped to see the policemen grilled on the witness stand, but he ultimately listened to the advice of his lawyers and took the deal.

Cannon's defense team--two lawyers from the People's Law Office (Flint Taylor and Tim Lohraff) and two from the Northwestern Legal Clinic (Tom Geraghty and Cathryn Stewart)--were beset by conflicting emotions. While pleased that their client would go free, they felt deprived of a golden opportunity. For the first time in a criminal case, a fair-minded judge had heard the testimony of multiple other victims, and for the first time, former Area Two personnel were going to be forced to explain, under oath, how their small group, on a force of more than 13,000 policemen, had accumulated so many similar complaints of torture from defendants who did not know one another. Cannon's attorneys could imagine Devine offering similar deals to other Area Two victims, with the result that the perpetrators of the torture would never appear in court for a thorough cross-examination about multiple cases. Frank Ralph, who had won the favorable opinion from Judge Wolfson in Cannon's appeal, had trouble sleeping as he mulled over the outcome of the case, and on one of those fitful nights he had an idea. Why not bypass Devine? Why not petition the chief judge to appoint a special prosecutor to investigate the policemen?

The idea was received enthusiastically by various lawyers representing Area Two victims, and they and other defense attorneys contributed ideas and legal theory. The law provides that such petitions can be filed by private citizens, and three signed on as the formal petitioners: prominent civil rights attorney Lawrence Kennon, Citizens Alert director Mary Powers, and Mary Johnson, mother of Michael Johnson, who claimed that he had been tortured in 1982. They were joined by 13 community groups, including the Chicago Council of Lawyers, the Cook County Bar Association, Amnesty International, the Rainbow/PUSH Coalition, the National Lawyers Guild, the Justice Coalition, Citizens Alert, and the Campaign to End the Death Penalty. Locke Bowman, director of the MacArthur Justice Center, and Randolph Stone, former chief public defender of Cook County and director of the University of Chicago's Mandel Legal Aid Clinic, agreed to represent the petitioners. Both were well regarded in the legal community, and as neither represented an Area Two victim, they couldn't

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On April 5, Stone and Bowman submitted a brief that asked Judge Biebel to appoint a special prosecutor "to investigate any and all wrongdoing arising out of abuse of suspects by police officers under the command of Jon Burge...from 1973 until the present." The petition first established the neglect of prosecutors past and present, arguing that hundreds of serious crimes committed in the course of the torture had gone unprosecuted. "Each act of torture--whether by electroshock, burning, Russian roulette, suffocation, or merely striking with a phone book, constitutes a violation of the armed violence statute (intimidation or official misconduct while armed with a dangerous weapon), a Class X felony." And since a typical incident might involve multiple acts of torture by three or four officers, "as many as twenty separate convictions for the offense of armed violence would be justified, such as where four officers subjected a suspect to five different acts of torture." The petitioners argued that lesser offenses like perjury, intimidation, official misconduct, compelling a confession by force, and aggravated battery were also committed regularly.

Stone and Bowman acknowledged that most of those crimes were now beyond prosecution, the statute of limitations having expired years ago on that range of felonies. The attorneys went on to suggest, however, that the officers could still be prosecuted for two offenses relating to the continuing cover-up of the torture: obstruction of justice and conspiracy to obstruct justice. It is illegal to obstruct the defense of any person, and hiding the fact that a man's confession was coerced certainly interferes with that man's defense. Stone and Bowman argued that a conspiracy was obviously afoot among those who served under Burge, as "there is no innocent explanation for the consistency of such lies in each and every case. The inescapable conclusion was that the officers in each of these cases conspired together to obstruct justice by agreeing that all should tell the same lie."

In Stone and Bowman's interpretation of the law, the statute of limitations that precluded prosecution for the Class X felonies did not preclude it for obstruction and conspiracy. The two attorneys argued that under Illinois law conspiracy is a continuous offense, meaning that the three-year statute of limitations begins to run anew with each overt act performed by a conspirator in furtherance of the conspiracy. The petition pointed to several recent overt acts by alleged conspirators: depositions in various Area Two cases in which detectives claimed no torture had taken place, and interviews given to the media by Lieutenant Dignan and retired sergeant Byrne. A full investigation, Stone and Bowman wrote, would disclose other recent acts, and these acts did not have to be illegal in themselves if they furthered the original conspiracy. Having presented the need for prosecution, the petitioners went on to argue that Devine and his employees should not be entrusted with the job because they would labor under a significant conflict of interest. The petition pointed out that a thorough investigation would be likely to jeopardize a significant number of convictions won by county prosecutors, and that the state's attorney's office employs men and women who would be witnesses and possibly targets of this investigation, among them investigators who'd once served as detectives under Burge and assistant state's attorneys who'd worked on the Area Two cases and were aware of the torture or should have been aware of it, and who should have stopped or reported it.

More pointedly, the petition argued that Devine had a particular interest that would not be served by a thorough investigation. From 1980 until 1983, Devine served as first assistant state's attorney, second in command to state's attorney Richard M. Daley, and it was during this period that much of the torture occurred, including the electroshocking, burning, and suffocation of Andrew Wilson. After leaving the state's attorney's office, Devine went to work for Phelan, Pope & John, the law firm that eventually represented Burge at the Police Board hearings and in Andrew Wilson's civil suit. While most of that defense work was done by other lawyers in the firm, Devine did step in at one point, billing the city \$4,287.50 for 24.5 hours of his services as Burge's attorney.

**IN TWO BRIEFS** filed in the case thus far, Devine and assistant state's attorney Gerald Nora have worked hard to reframe the argument. While the petitioners' central point is that Devine labors under an obvious conflict of interest, Devine virtually ignores that issue. Referring to the 24 hours he spent defending Jon Burge, Devine wrote, "The question of whether my involvement in that case created a conflict has always been moot, because the statute of limitations ran on any potential criminal actions relating to Burge and others long before I became State's Attorney." In their second filing, Devine and Nora argued that "this conflict argument is irrelevant." And in 34 pages of arguments and exhibits, that is just about all Devine has to say on the issue.

Devine's central argument is that if there is no case to be prosecuted, then the conflict of interest issue is

beside the point, and his briefs are devoted to attacking the petitioners' argument that there have been crimes committed by the Burge gang that are not barred from prosecution because of the three-year statute of limitations.

In crafting his reply to the petition, Devine made an effort to appear to have reached his conclusions independently of his past association with Burge. Devine wrote a letter to Norbert Goetten, director of the state's attorney's appellate prosecutor's office, asking him to appoint an independent prosecutor to look over the petition. Devine's letter spelled out clearly that the conflict of interest issue was not to be part of the analysis, that the appointee's job would be to determine if there were "well-pleaded facts alleged in the petition which establish a legally sufficient and viable cause of action under a continuing conspiracy theory, thus requiring a state's attorney to consider whether or not to open a criminal investigation."

Goetten chose John Barsanti, a lawyer he'd hired in the past to prosecute serious cases and to instruct staff attorneys. Barsanti served as an assistant state's attorney in Kane County for 21 years, rising to the position of first assistant before leaving the office in 2000. He has prosecuted more than 225 felony cases, including 22 death penalty cases.

Barsanti filed a six-page, single-spaced opinion whose second paragraph revealed a disturbing lack of familiarity with the case. According to Barsanti, several policemen, including Burge, had been dismissed from the force as a result of the allegations of misconduct. In fact, only Burge was dismissed. Barsanti, clearly without the benefit of extensive knowledge of the Area Two cases, concluded that the facts contained in the petition "fail to establish the existence, within the statute of limitations, of a conspiracy to thwart either the prosecution or defense of any person, or any non-conspiracy offense not barred by the statute of limitations." Devine and Nora attached the Barsanti letter as an exhibit to their brief, displayed its conclusion prominently, and put forward some of Barsanti's arguments as well as some of their own.

In Barsanti and Devine's interpretation of the law, conspiracy is not a renewable offense. It includes "subsequent acts of concealment [of the original crime] but only if those efforts are proximate in time...a matter of hours and days, not years or decades." Devine argued that as Burge was removed from his last command on November 12, 1991, the statute of limitations for conspiracy would have expired three years later, assuming that one could prove that a conspiracy existed in November 1991.

Devine went on to argue that even if one assumed the petitioners were correct in their interpretation of the law, there would be nothing to prosecute unless one could show that (1) a conspiracy existed in November 1991, and (2) the actions furthering the conspiracy continued from 1991 to 2001 with no three-year hiatus. The petition, Devine pointed out, cited five instances of alleged conspiratorial actions, but all fell between December 1999 and March 2001. Some had been denials that any torture had taken place, and Devine argued that the petition had not shown that the denials were untrue. Furthermore, "exculpatory denials" do not constitute obstruction of justice; if they did, then every person who denied committing a crime and subsequently was convicted of it could be indicted for obstruction of justice.

Another of the alleged conspiratorial acts had involved police testimony in a 1999 deposition in the case of Madison Hobley. On trial for murder in 1990, Hobley claimed he'd been tortured, and he tried to introduce evidence showing that a man named Stanley Howard had been tortured by the same detectives in the same manner, but the judge refused to allow it. In 1994 the Illinois Supreme Court upheld the trial court, writing that the two incidents, separated as they were by 38 months, were too distant in time. By 1998 Hobley had additional evidence of a pattern of torture at Area Two, but the supreme court ruled that he could no longer raise the issue because it had been ruled upon earlier. Therefore, Devine and Barsanti reasoned, no officer testifying could obstruct Hobley's coercion defense because there was no longer any coercion defense to obstruct.

Devine concluded that the petitioners offered speculation, not facts, and in Devine's interpretation of the law, facts were required.

**THE PETITIONERS FIRED** back promptly. In their reply to Devine's brief, Stone and Bowman argued that Devine's framing of the petition was completely faulty, that it wasn't their burden to present a completed investigation that showed that the policemen were demonstrably guilty. Indictments are issued at the end of investigations, the petitioners argued, and they had only to show a reasonable basis to suspect continuing criminal activity. They cited the American Bar Association's Criminal Justice Standards, a document that states that suspicion of illegal activity triggers the prosecutorial duty to investigate.

Stone and Bowman went on to argue that their petition was not mere speculation, that their charges did not lack factual support. They provided more than ten recent examples of former Burge personnel denying torture as well as evidence indicating that those statements might well be false. Retired sergeant John Byrne's March 1, 2001 deposition in People v. Aaron Patterson was the source for the most glaring examples:

Byrne said he "vaguely" recalled being involved in the interrogation of a man named Lee Holmes in 1982 and did "not recall any torture" taking place. Holmes had claimed that Byrne and Dignan suffocated him with a plastic bag and struck him in the chest, back, and genitals with a flashlight and a rubber hose. An OPS investigator later recommended that allegations against Dignan for excessive force be sustained.

Byrne testified that "nothing was done to Alonso Smith to obtain his confession." Smith claimed that on January 22, 1983, Byrne and Dignan beat him and suffocated him with a plastic bag, and Cermak Hospital medical records indicate that Smith was treated for "multiple blunt trauma" shortly after his interrogation.

Byrne testified that neither he nor Dignan had mistreated Darrell Cannon "in any way, shape, or form." An OPS investigator sustained charges that on November 2, 1983, Byrne had stuck Cannon with a cattle prod on his genitals and mouth.

Byrne denied beating Gregory Banks and said that neither he nor anyone that he'd seen had put a plastic bag over Banks's head after his arrest on October 28, 1983. An OPS investigator sustained charges that Byrne had failed to report the use of excessive force against Banks, had filed a false report, and had testified falsely at Banks's hearing on a motion to suppress his confession.

As for Devine and Barsanti's argument that Hobley, for example, had no coercion defense to obstruct anymore, Stone and Bowman pointed out that false information furnished in Hobley's case would have obstructed the defenses of ten Area Two victims now engaged in postconviction and other proceedings. Judicial recognition that Hobley had been tortured would have lent critical support to the claims of those ten men, and thus an obstruction of Hobley's defense amounted to an obstruction in at least ten current cases.

The petitioners also challenged Devine's statement that the policemen's claims of innocence constituted "exculpatory denials," which are unfertile grounds for obstruction charges. Exculpatory denials, Stone and Bowman argued, are made to investigating authorities, usually by people in custody responding to the questions of a police officer, while these statements were made outside of any pending investigation of the officers. Some were made to the news media by Burge personnel who sought out reporters in order to present their version of events. Furthermore, some of the statements were blanket denials that any torture took place at anyone's hands. An officer making that claim puts himself in the position of an exculpating witness, which is a role not covered by the exculpatory denial defense.

**DEVINE'S OFFICE RESPONDED** to the petitioner's reply with a new and bitter tone, filing a document notable for its outrage. Citing the ABA Model Standard's threshold for opening an investigation--reasonable suspicion of criminal wrongdoing that other law enforcement agencies are not adequately investigating--Devine argued that it was not pertinent because the statute of limitations had expired, even on conspiracy. In their petition, Stone and Bowman had argued that the public would be served by a special prosecutor not only because the guilty would be charged, but also because an investigation would clarify what injustices had been visited upon the citizenry by Burge and his colleagues, how the criminal justice system had managed to overlook those injustices for decades, and whether OPS served any meaningful role in stamping out police misconduct. Devine portrayed this as asking the state's attorney to do something improper. "It would be unethical for a prosecutor to undertake investigations on time-barred crimes merely because (as the Petition argues at paragraphs 14 and 15) the investigations might clarify the historical record or satisfy public demand." Prosecutors, Devine argued, derive their power to investigate from the grand jury, and the grand jury is supposed to hear evidence and indict or not indict. "It is not empowered to issue general, social reports . . . . The grand jury is not a study commission."

Devine didn't address the petitioners' argument that it wasn't their job to present a completed investigation, that all they had to do was show reasonable grounds for suspicion, nor did he allow that they had raised any grounds for suspicion that a prosecutable crime had been committed. In Devine's view, Sergeant Byrne's denials of abuse in that March 1, 2001, deposition in People v. Aaron Patterson did not suggest that an investigation was warranted. Devine insisted they were mere exculpatory statements and therefore unprosecutable even if untrue. Furthermore, Devine interpreted the case law to indicate that obstruction is committed when someone knowingly or willfully gives false information to a police officer--and Byrne and the

other officers had made their allegedly false statements not to law enforcement personnel but to attorneys and journalists. Devine maintained that the only allegedly false statements the officers might have made to police officers were their original reports, and "any continuing conspiracy to conceal that wrongdoing would persist for only hours or days after that time."

In Devine's view, the petitioners had failed to show any conspiracy existed. They had cited repeated allegations of torture, but that was redundancy, Devine said; not conspiracy. Repeated allegations by one group of persons against another, coupled with denials by the accused group, did not establish a conspiracy. For Devine, apparently, repeated allegations did not arouse suspicion either.

Devine insisted that his office had never admitted that anyone had been tortured at Area Two, not even Andrew Wilson, whom the city of Chicago agreed had been given electric shock and burned against a radiator. In Devine's view, all he had were allegations of physical abuse that he was prevented from investigating because they were time-barred, and he must be careful not to tread on the rights of his former clients. Former clients of state's attorneys, he wrote, should not be "more vulnerable to ill-founded requests for special prosecutors than are other citizens . . . When an attorney becomes a State's Attorney, his clients do not thereby suffer unequal protection of the law and become more vulnerable than other citizens to such unfair investigations."

Lastly, Devine expressed surprising concern about the Area Two victims. In Devine's view, the appointment of a special prosecutor and the convening of a grand jury "would only serve to halt those post-conviction proceedings which are examining the patterns and practices at Area Two." He specifically argued that the current supreme court-ordered hearing in the case of Aaron Patterson--a hearing scheduled to start later this year--"increases the threshold" for justifying the appointment of a special prosecutor. This was because such an appointment would turn deployable police officers into criminal suspects who might be more likely to plead the Fifth Amendment than answer questions, and therefore bring Patterson's proceedings to a halt. Patterson, Devine claimed, would want to interrupt the proceedings only "if his objective were to achieve virtual life imprisonment, through suspended post conviction proceedings."

This was some argument. It suggested that Byrne and Dignan and other former Area Two detectives would tell the truth when asked about torture, perhaps admit if they had done it, but only if they weren't targets of prosecution. In essence, Devine was telling Judge Biebel, "Don't appoint a special prosecutor. These claims deserve a full hearing," though when given the chance for a full hearing in the Cannon case last winter, Devine had sabotaged it. The remarkable deal given to the El Rukn general--an exchange of a life sentence for three more years in jail--was offered in large measure because the state did not want to put Byrne and Dignan on the stand. There is no reason to believe that Devine might not produce similar deals every time Burge squad veterans were about to be cross-examined.

And there is some question as to the whole notion that the postconviction proceedings would come to a halt with the appointment of a special prosecutor. The state might make a motion to that effect, but a judge wouldn't necessarily grant it--cases proceed all the time in which witnesses are called who do not want to testify. (Imagine the shoe on the other foot: a defense lawyer asks a judge to halt the prosecution of his client because a witness he wants to call is going to claim Fifth Amendment privileges. Do you think the judge would halt the proceedings?) One defense lawyer involved in the Area Two litigation says he would be delighted with the change in the status of police witnesses. He argues that a parade of policemen proceeding to the witness stand and invoking the Fifth Amendment would impress many judges at 26th Street, accustomed to seeing such behavior from mafia and street gang members. In such a case, who would the judges believe--a man who said he was tortured or a policeman who would not answer questions?

**JUDGE BIEBEL WILL** hear oral arguments on October 29. If he agrees to appoint a special prosecutor, he may solicit suggestions from both the state's attorney and the petitioners. For a case of this magnitude, he could be expected to choose a blue-ribbon candidate, someone whose credentials are unassailable. Barnabas Sears, the special prosecutor in the Black Panther case, was a former president of the Chicago Bar Association who, earlier in his career, had prosecuted Chicago policemen from the Summerville District who had formed a burglary ring. When the Police Board conducted hearings in the Burge case, former assistant U.S. attorney Dan Reidy was brought in to prosecute. Reidy is considered the architect of the 1980s Operation Greylord investigation into court corruption, which resulted in the convictions of more than a dozen judges and more than 40 lawyers.

Upon appointing a prosecutor, Biebel would have to define the job. It seems likely that Biebel would empower the attorney to investigate allegations of a variety of crimes stemming from misconduct committed by Burge and officers who served with and under him. During his career, Burge served as a supervisor in Area Two, Area Three, and Bomb and Arson, and thus the actions of a fair number of detectives could come under the microscope. At least three detectives who served under Burge at Area Two later moved to Area One and have been accused of framing suspects there, and it may be that Burge alumni also took their practices to Areas Four and Five, to various district stations, and to special units like Narcotics and Organized Crime. It is also conceivable that an officer who engages in excessive force and lies about it on the witness stand is prone to other forms of misconduct as well, and information about those practices might turn up. Thus the special prosecutor's staff could find itself either investigating a variety of charges of corruption or referring such cases back to Judge Biebel. In that event, Biebel could broaden the mandate, appoint another prosecutor, or refer the cases to Devine's office or to the U.S. attorney.

If a police officer or former officer were convicted of conspiracy or obstruction in circuit court, he might expect a sentence of no more than three years, which in reality would mean a year and a half in prison once credit were applied for good behavior. However, if the defendant were convicted of multiple counts of conspiracy or obstruction, a judge could order that the sentences be served consecutively, and thus it is possible that a particularly active conspirator or torturer could face several 18-month stretches.

If Judge Biebel declines to appoint a special prosecutor, the petitioners have the right to appeal the ruling. If their efforts in state court come to naught, they also have some options available in the federal system. At this point they have not laid out a strategy for pursuing them.

For the moment, the matter rests with Judge Biebel. The victims of Area Two have nothing to lose at this point--if Biebel denies the petition, they will be no worse off than they are today. Devine, on the other hand, is in something of a corner. He has no good answer for the question "Was there torture at Area Two?"

If his response is no, then he must be asked, "If the state's attorney's office has never investigated the policemen, how can you say there was no torture? If the only government bodies that have investigated it--the Police Board and the Office of Professional Standards--concluded that the police were guilty, how can you unequivocally say they are not?"

If he says, "Yes, there was torture at Area Two," then he admits not only that he knows the police committed Class X felonies and got away with it but that he is putting those officers on the stand knowing they are liars, knowing they may be framing innocent men.

If Devine says, "I don't know if there was torture at Area Two," then he must acknowledge that his star witnesses might be Class X felons obstructing justice every time they take the stand, but that he doesn't want to know and doesn't want anyone else to know, though such willing ignorance could result in the deaths of a dozen men. **R**

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## **City Council Committee to Review Special Prosecutor Report on Burge Torture Cases**

July 24, 2007

Rep. Davis, Ald. Preckwinkle, Former Area 2 Detective,  
Attorneys and Advocates Call on Council to Stop Payments to Special

**Prosecutors, Push for Indictments**

What: The Chicago City Council's Police and Fire Committee will hold a hearing today to review the special prosecutors' report on the Burge torture cases and to learn more about why the \$7 million taxpayer-funded investigation did not result in indictments despite

clear findings of torture.

Prior to the hearing, Ald. Toni Preckwinkle and Rep. Danny Davis (IL-7) will hold a press conference to call on the City Council to stop payments to the special prosecutors and to push for indictments against Burge and his men. At the press conference, Former Area 2 Detective Bill Parker, an African-American officer who worked with Jon Burge, will talk about some of the interrogation methods he witnessed during his time at Area 2.

At the press conference:

-- Ald. Preckwinkle, Rep. Davis, Former Area 2 Detective Bill Parker, Attorneys for torture victims Locke Bowman and Flint Taylor

People expected to testify:

- Rep. Danny Davis (D-IL) who plans to introduce federal legislation making torture a felony with no statute of limitations
- Former Area 2 Detective Bill Parker who worked with Jon Burge
- Dori Dinsmore, Midwest Regional Director, Amnesty International
- Locke Bowman, legal director, Northwestern University's MacArthur Justice Center, has represented numerous torture victims and was instrumental in getting the special prosecutor appointed in 2002
- Flint Taylor, People's Law Office, has represented numerous police torture victims for the past 20 years
- Video taped testimony from torture victims Darrell Cannon, Madison Hobley and Anthony Holmes

-- Video taped deposition of Jon Burge

When/Where: TODAY, July 24, City Hall, 121 N. LaSalle St.

9:30 am -- Press conference, 2nd Floor, by elevators  
10:00 am -- Hearing, Council Chambers

Why: After a four-year investigation and \$7 million in taxpayer dollars, Special Prosecutors Edward J. Egan and Robert D. Boyle released a report on July 19, 2006, that found that African-American men were tortured by former Area 2 Police Commander Jon Burge and his men, but Egan and Boyle sought no indictments. In April, attorneys for Burge torture victims and other victims' rights groups released a report that concluded that the special prosecutors' investigation was 'hopelessly flawed' and failed to bring charges against Burge and his men 'despite the apparent existence of numerous provable offenses within the statute of limitations.' Based on the findings of the advocates' report, Alderman Carrie Austin called for a

hearing.

In June, the Cook County Board held hearings about the special prosecutor's report and soon thereafter passed resolutions calling for a federal investigation and prosecution by the U.S. Attorney Office of Burge and his men, federal legislation and state legislation to establish the crime of torture with no statute of limitations, and new hearings for Burge torture victims who were wrongfully convicted or are still incarcerated as a result of

tortured confessions.

Attorneys for the torture victims and advocates are calling on the City Council to pass similar resolutions and to continue fighting for indictments against Burge and the men who helped him torture numerous African-American men at Area 2.

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(Print).



## THE NEED FOR INDEPENDENT CIVILIAN REVIEW OF THE CHICAGO POLICE DEPARTMENT

There is no longer any question that Commander Jon Burge and officers under him tortured African-American suspects in order to coerce confessions during the period 1973 to 1991. These abuses have been established by the City, by the federal judiciary, and most recently, by the Report of the Special State's Attorney. Mayor Daley has described them as "a shameful episode in our history."

Against this background, and in light of more recent, post-Burge police scandals, the critically important question is whether the systemic conditions that allowed Burge and his men to commit these human rights abuses for almost two decades have been corrected or do officers with criminal tendencies continue to operate with impunity in Chicago?

Mayor Daley and Superintendent Cline have repeatedly assured us that the necessary reforms have been made. The Chicago Police Department's own statistics, however, tell a very different story.

The source of these figures is *Bond v. Utreras*, a recently settled federal civil rights suit brought by Diane Bond, a resident of the Stateway Gardens public housing development who alleges that she was repeatedly subjected to horrific abuse several years ago by a crew of tactical officers known on the street as the "skullcap crew." Bond charged that the crew had engaged over a number of years in a pattern of racial abuse of public housing residents on the South Side—a pattern that went unaddressed by the CPD.

The statistics disclosed by the CPD in *Bond* demonstrate that its system for investigating police abuse is utterly ineffective in protecting the residents of Chicago from abusive officers:

- During 2002-2004, citizens filed 10,149 complaints alleging police abuses in the categories of excessive force, illegal arrest, illegal searches, racial abuse and sexual abuse. Only 124 of these complaints were sustained—slightly more than one percent.
- To put this in perspective, a U. S. Department of Justice report determined that the national sustained rate for excessive force complaints filed with "large municipal police departments" in 2002 was 8 percent. By contrast, the CPD's sustained rate during 2004, the most recent year for which it has released figures, was less than half of one percent (0.48%). In other words, excessive force—brutality—complaints are 94 percent less likely to be sustained by the CPD than they are by other large municipal police departments across the country.
- Only 19 of the 10,149 complaints resulted in meaningful discipline (a suspension of 7 days or more)—a rate of less than 2 per 1,000 complaints.

- Contrary to the City's assertions that accountability has improved in recent years, the percentage of sustained complaints steadily *declined* during the period 1999-2004. The sustained rate for all civilian abuse complaints decreased from 3.7% in 1999 to 0.6% in 2004—a decline of 84%. The sustained rate for excessive force complaints decreased from 4.8% to 0.5%—a decline of 90%.
- The odds that a CPD officer who abuses a citizen will receive meaningful discipline are in reality even less—far less—than 2 in 1,000. Citizens who believe they have been victims of police abuse often do not file formal complaints. Among the reasons are fear of reprisals and distrust of the investigatory process. A national survey conducted by the U. S. Department of Justice found that only 10% of those who believed they suffered excessive force in an encounter with the police reported the incident to the agency employing the officer. If we use that baseline, an incident in Chicago in which a citizen believes the police used excessive force will result in meaningful discipline in 2 in 10,000 cases.
- Police abuse is a highly patterned, concentrated phenomenon. A relatively small percentage of the force is responsible for most of the citizen complaints. During the period May 2001 - May 2006, 10,387 officers had 0 to 3 complaints. Another 2,451 officers had 4 to 10 complaints. 662 officers had more than 10 complaints. These 662 "repeaters" were named in 10,733 complaints.
- Only 22 or 0.2% of the complaints against the "repeaters" resulted in meaningful discipline.
- 75% of the "repeaters" have never been subjected to discipline of any kind.
- The CPD has two programs that it describes as its "early warning system." It is a measure of the inadequacy of this system that only 89 (13.4%) of the 662 "repeaters" have been identified by these programs. More than 86% of the "repeaters" have not been identified as needing intervention.
- There are officers who amassed 50 or more complaints within the past five years who have never been disciplined or even identified by the CPD's "early warning" programs.

These figures reveal a system that allows officers with criminal tendencies to operate with impunity and denies meaningful recourse to those they abuse. The outcomes reported above are not aberrations. The system is *designed* to produce these results.

CPD investigations are exercises in not connecting the dots. They violate every canon of professional investigatory technique. Investigators look for rationales not to go forward—to make findings of "not sustained"—rather than vigorously pursuing avenues open to them. In more than 85% of cases, the accused officers are not even interviewed beyond filling out a brief form, often months after the alleged abuse, which virtually invites them to coordinate their stories and cover for each other. In the rare instance in which a face-to-face interview actually occurs, investigators do not employ standard

police interviewing techniques. Although they have the discretion to do so, investigators do not perform pattern analyses with respect to individual officers and groups. In other words, the CPD chooses not to know things within its power to know about patterns of abuse. In view of these shoddy investigatory practices, it is not surprising that 998 of every 1,000 complaints result in no meaningful action. Imagine what life in this city would be like, if the CPD investigated other crimes the way it investigates police misconduct.

The CPD masks the weaknesses of its oversight system by withholding information from the public. It fails to provide meaningful reports on a timely basis. It resists even the most minimal transparency. When challenged, it deploys its institutional capacities to resist public scrutiny.

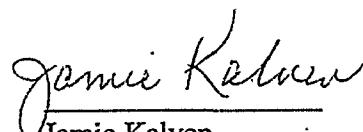
With each successive scandal over the last fifteen years—Miedzianowski, Auburn-Gresham, Englewood, Special Operations Section, and now the videotaped bar beatings—the Mayor and Superintendent have assured the public that the necessary reforms have been made or are imminent. Confronted with the threat of a widening police scandal, they have repeatedly responded the same way. The Superintendent declares that bad cops will not be tolerated and that vigorous investigations are ongoing. The Mayor may appoint a special body to address the problem such as the Commission on Police Integrity in 1997 or the current panel advising him on selection of a director for the Office of Professional Standards. Then, when public attention wanes, the *status quo* is restored without any meaningful reforms having been instituted.

We should be clear about what is at stake here. To the extent the Mayor and Superintendent have long known that the machinery of police accountability is broken and have not fixed it, they are implicated in the crimes of the abusive officers they publicly deplore. That is the ultimate meaning of the statistics cited above: every day residents of Chicago suffer police abuses that could be prevented by an effective system of supervision, monitoring and discipline.

There can no longer be any doubt that the CPD does not have the capacity to police itself. The time has come to institute independent civilian review accountable to the people of Chicago.



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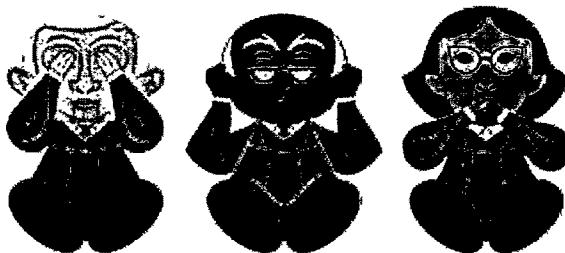
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## Blind Justices?



Brian Gubicza

these lawyers can point to a case so extreme it's almost funny: a judge who apparently ruled on his own performance as a prosecutor, deciding there was no taint to a confession that the judge himself had written. Judge Nicholas Ford passed judgment on assistant state's attorney Nick Ford. Ford had no problem with Ford's work.

It's a case that's unusual only in degree. Four years ago a group of 17 attorneys whose 12 clients alleged they'd been tortured submitted a remarkable petition to chief criminal court judge Paul Blebel. They wanted Blebel to disqualify the Cook County judiciary from any further involvement in their cases—in essence, to grant them a change of venue to some other county. The attorneys argued that 50 of Cook County's 61 criminal court judges had ties to institutions or individuals who'd benefit from there being no investigation of torture cases.

According to the petition, 3 of the 50 judges were former Chicago police detectives and 2 of those had worked with the notorious former police commander Jon Burge; 3 other judges had previously defended the city in lawsuits alleging police brutality; and 16 judges were former assistant state's attorneys directly involved in the torture cases, men and women who'd either testified on Burge's behalf at police board hearings that led to his firing or who'd taken confessions allegedly coerced by physical means, prosecuted suspects whose statements of guilt were allegedly obtained by torture, or supervised the prosecution of defendants alleging electric shock, suffocation, attacks on the genitals, severe beatings, or other physical abuse at the hands of Burge's detectives.

Even judges who as prosecutors had had no direct or supervisory participation in the torture cases were suspect, the petition argued, because they'd presumably want to protect their former colleagues. And it noted that six judges, all former ASAs, had appeared as witnesses on Burge's behalf at police board hearings when the city was trying to fire him for torture.

The core of the attorneys' argument—that judges with law enforcement or prosecutorial backgrounds cast a blind eye in police brutality cases—was made against a fluid judiciary. Judges retire and are replaced. New ones are hired to relieve caseloads. Yet it would seem the blind-eye infection alleged by the defense attorneys has persisted despite the changing cast of characters. This July, special prosecutors Edward Egan

The prosecutors who sent police torture victims to prison are now the judges who keep them there.

By John Conroy

December 1, 2006

LAWYERS WHO DEFEND police-torture victims in Chicago long ago reached a harsh conclusion about Cook County's criminal judges: most have a vested interest in refusing to acknowledge police brutality. Now

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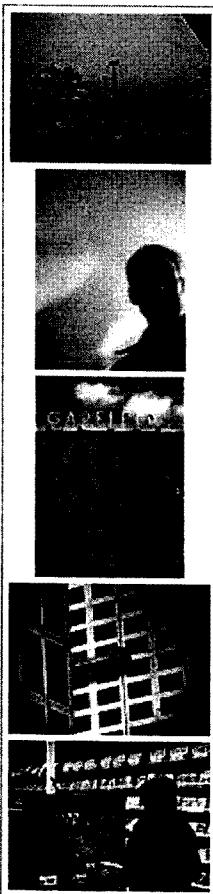
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# I Saw You

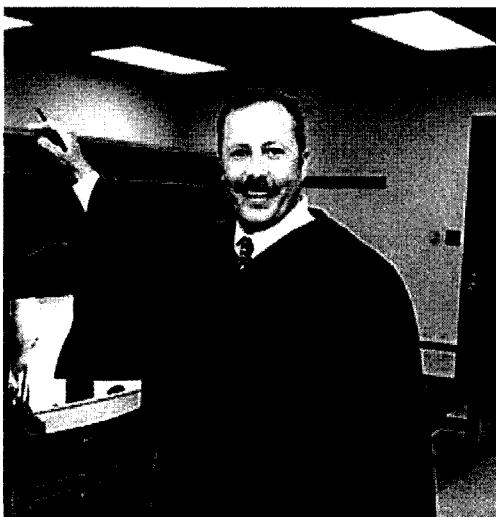
## Tall Girl From Southport Fest

I saw you at the Southport Fest on Sunday 7/29 around 7:30. You had a fantastic smile, a dark baseball cap on pulled down, and short shorts. You and your girlfriend were quite amused by an instructional book at the Pennywise bookstand. I was standing next to both of you looking at a book. I'm tall, like you, and was wearing a brown shirt, cargo shorts, and glasses. We made eye contact and smiled...

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and Robert Boyle released the report of their investigation into alleged police torture by Burge and his detectives in the years 1973 to 1991. Boyle said he believed torture had occurred in "about half" of the 148 cases their staff examined during their four-year investigation. If he was right, detectives committed hundreds of acts of torture, because in abusing a victim they almost never stopped with a single act. And as no officer ever admitted to any coercion, those detectives presumably committed hundreds of acts of perjury. In how many of those cases did a skeptical judge suppress a confession because he or she felt it had been coerced? Zero. (Judge Earl Strayhorn once suppressed a confession for the "oppressive atmosphere" in which it was given, but he didn't conclude that physical abuse had taken place.) And not a single judge publicly recommended that any officer be prosecuted for giving false testimony under oath.



Nicholas Ford

Nor did the state's attorney's office prosecute a single officer for perjury, misconduct, or assault. And it's from the ranks of those prosecutors that most of today's criminal court judges have come.

**THE 15-YEAR HISTORY of People v. Keith Walker** has been written by judges with just the kinds of backgrounds that distressed those 17 petitioning lawyers. Walker, a 23-year-old African-American, was allegedly involved in a 1991 southside dope deal and robbery in which a white customer from Arlington Heights was shot dead. After confessing, he was tried, convicted, and sentenced to natural life, but he maintained that his confession had been tortured out of him by Area Three detectives working under Jon Burge. In March 2004 Walker filed a

postconviction petition that argued the circumstances of his confession deserved to be reexamined.

A postconviction, or PC, petition, is a legal procedure that allows a prisoner who has exhausted his appeals in state court to ask a judge to reexamine his case. To succeed, the petitioner must raise an issue that wasn't raised on appeal and must present the "gist of a constitutional claim." That is, he must argue that his rights under the state or federal constitution were substantially denied.

Many PC petitions are submitted by prisoners who can't afford attorneys to help them, and some arrive handwritten. Circuit court judges review the filings. Irritated with the number and quality of the petitions has led to the courthouse joke that "anyone with a pencil can write one," and in dismissing petitions judges often fall back on the boilerplate language of the statute, calling the motions "frivolous" or "patently without merit" or both.

Walker's petition, which stated that he "reads at a 4th grade level and [has] an IQ of 65 which is borderline retardation," was a pastiche of well-stated legal argument, seemingly lifted from other prisoners' filings, and sometimes inarticulate material focusing on his particular experience. He argued that his confession had been coerced by electric shock and should be reconsidered; in support he cited the 1993 firing of Commander Burge, the 1990 Goldston Report (Walker spelled it "Gholston"), which was an Office of Professional Standards document that concluded there'd been systematic torture at Area Two, and several higher court decisions in Area Two cases that awarded prisoners new hearings based on their claims of torture. While Burge's firing and the filing of the Goldston Report had occurred before Walker's trial, and thus could technically be barred from consideration on a PC petition because they were not new evidence, the higher court decisions had all come after Walker was convicted, and several of them involved Detective Daniel McWeeny, the officer who had interrogated him.

Thus Walker's petition, while badly written and in places inaccurate (he wrongly alleged that McWeeny, whom he mostly referred to as McQueeny, had been fired over his participation in a torture case), did seem to meet the legal requirements. He made a constitutional claim (coercion in extracting a confession is unconstitutional) and raised an issue that had not been raised in his appeal. Even the fundamental fairness doctrine seemed applicable: in the years after Walker's trial, the Illinois appellate and supreme courts,

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finally convinced that torture might have taken place, had handed down several rulings that allowed for evidence of a pattern of abuse to be considered in Burge torture cases. That avenue of argument had been closed to Walker.

Walker's petition landed on the docket of Judge Ford, who on April 20, 2004, summarily dismissed it.

Although Illinois law requires that the court should specify "the findings of fact and conclusions of law it made in reaching its decision," the certified report of disposition consisted of the name of the judge, the date of the ruling, and four words: "post conviction petition dismissed." The judge saw no problem with Walker's confession, which had been handwritten by a prosecutor and signed by Walker. That prosecutor had testified at a pretrial hearing in Walker's case and had given his name under oath as "Nick Ford."

Once Walker's PC petition had been dismissed, Steven Becker of the Illinois appellate defender's office took on his case. Becker filed his first brief in November 2005, arguing that Walker's plea had met the legal standard necessary to reopen the case. The state responded in January, and Becker replied on February 10. On February 24, however, Becker changed course, filing a brief that attacked not the judge's decision but the judge himself. "According to Judge Ford's biography," Becker wrote, referring to *Sullivan's Judicial Profiles and A Directory of State Judges in Chicago*, "it appears almost certain that the ASA 'Nick Ford' who testified against Walker at his suppression hearing in 1994 is the same Judge Nicholas R. Ford who denied Walker's post-conviction petition in 2004." Becker said Judge Ford should have been disqualified.

The state, quite uncharacteristically, had nothing to say in reply. On May 30, a three-judge appellate court panel headed by Judge Margaret Stanton McBride directed Judge Ford "to determine whether he is the same Nicholas Ford who testified at defendant's suppression hearing. If he answers that question in the affirmative, he should recuse himself and the matter should be reassigned."

Given the seriousness of Ford's gaffe—in a case involving a man serving natural life who claimed to have been tortured with electric shock—the language of McBride's order seems extraordinarily mild. "There is no indication that Judge Ford was aware of this conflict or that he was motivated or biased in his decision," McBride wrote.

Suppose he wasn't aware. Did Judge Ford, known to some courthouse regulars as "Quick Nick," read the petition so hastily that no bells rang? Could he have read the document and not recognized the name of the murder victim, Shawn Wicks? Was his memory so porous that he did not remember a case in which Wicks allegedly made a "dying declaration" to Detective McWeeny, identifying the perpetrators by hand squeezes (once for no, twice for yes)? Did he fail to recall a case that hinged on a confession he'd written, named a station house where he'd worked, and involved allegations of electric shock and the most notorious police commander of the last two decades—whose name, mentioned in print on a regular basis, never appears without the word "torture" in close proximity?

It may be true that Ford paid the case that little attention—though the idea seems damning on its face. It may also be true that the name Keith Walker meant nothing to Ford—though the case had yet another memorable aspect: Walker somehow managed to slip out of his handcuffs and disappear. He was rearrested after any injuries he might have suffered in his interrogation had had a month to heal. Ford did not return calls for comment.

Like Ford, Judge McBride was a former assistant state's attorney who'd had a brush with Burge torture



Margaret Stanton  
McBride

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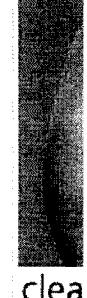
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cases. She served in the state's attorney's office from 1977 to 1987. In January 1980 she took the confession of Derrick King, a suspect in an armed robbery that had resulted in the shooting death of a store clerk. King later alleged that Area Two detectives had used a baseball bat to extract his confession, a statement taken by McBride in the presence of Detective Robert Dwyer. Dwyer's sister came forward in 2004 and said that her brother had told her, in Burge's presence, that in dealing with "niggers" they "beat the shit out of them, they throw them against walls, they burn them against the radiator, they smother them, they poke them with objects, they do something to some guys' testicles."

A witness for the state who came to the police station to view a lineup later testified that King's face was bruised and swollen—damage that could not be seen in the black-and-white photo of the suspect taken at the station. The witness's testimony was notable because he believed he'd been robbed by King and therefore had no discernible motive to help him. At a hearing on a motion to suppress King's confession, McBride testified that she'd heard no screams coming from the interrogation room. King was convicted, largely on the basis of his confession, and sentenced to death. (In January 2003, his sentence was commuted to life imprisonment by Governor George Ryan, who did the same for all death row inmates.)

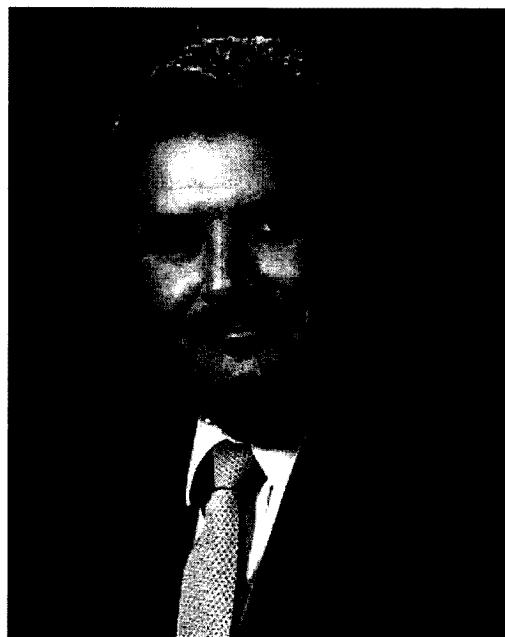
In 2000 the Illinois Supreme Court ordered a new hearing on the issue of whether King's confession was voluntary. That hearing has never taken place, but if and when it does, McBride is likely to be called to testify. She declined an opportunity to answer questions for this article. Six years after taking King's confession, McBride was the prosecutor on duty at a 1986 bond hearing when Aaron Patterson, charged with a double murder, said that he'd been suffocated with a plastic bag and beaten by detectives at Area Two and that an assistant state's attorney had "physically abused" him and "tried to force me to sign a written statement that he conjured up."

Judge Frank Gembala told McBride she was "on notice" to investigate Patterson's story, but the state's attorney's office has never produced documentation proving that any investigation took place. Patterson was convicted and sentenced to death, and Governor Ryan pardoned him in 2003.

And now McBride is an appellate judge. After her ruling returned the Walker case to the lower court, Judge Ford apparently determined that he and ASA Nick Ford were the same person, and the case was reassigned to Judge Lon Shultz.

**LON SHULTZ** HAD been an assistant state's attorney for 16 years before becoming a judge in 1994, and his prosecutorial career overlapped with Nick Ford's. (In fact, Ford took over one of Shultz's more famous cases—the murder of Nick Martini, a west-side grocery store owner—after Shultz ascended to the bench.) Like Ford, Shultz had a history with the Burge gang: he'd prosecuted Lonza Holmes, who claimed Burge had beaten him with a phone book in 1985. In that case detectives told contradictory stories about Holmes's interrogation, but neither the judge nor the appellate court seemed to notice the contradictions.

By the time Shultz received the Walker case, the file included two affidavits mailed too late for Ford to have considered them. One was from Walker saying, "I been trying to get in school and better myself and the people here at stateville c.c. told me Im on a waiting list because I have life in jail and that im very depressing and Im on med. I take med. everyday 2 times a day! I try to kill myself of a crime I did not do and I have a doctor at stateville c.c. his name is Dr. Woods he talk to me once a month! he be trying to help me get my life in order." The other was from Stateville inmate Patrick Pursley, who indicated that he helped other inmates with legal documents, that he'd helped Walker, and that Walker could not read, could not



Lon Shultz

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grasp any law, and had no idea what "gist" meant.

Whether Shultz saw those documents is not clear. On October 11 he hammered Walker in a ten-page opinion that not only dismissed the prisoner's petition as frivolous and patently without merit but also denied his request for appointment of counsel. It was a ruling that, according to attorney Steven Becker, Shultz had no legal authority to make. The appellate court decision that sent the case back to the lower court specifically referred to Illinois statutes dealing with "second stage" postconviction petitions. Once a PC petition has reached second stage—and McBride indicated that Walker's had—a circuit court judge cannot summarily dismiss it. If the defendant is indigent and has requested counsel, the judge has no choice but to appoint one.



Most Burge torture cases have been unsuccessful on appeal. Walker's was one of the few to return to the trial court for further proceedings, and since his 1994 trial much has been learned about Burge's operation. We now know that torture migrated from Area Two to Area Three along with Burge and we know that Detective McWeeny seemed to play "good cop" in several cases, taking confessions from suspects allegedly tortured by other detectives.

At a second stage hearing on Walker's petition, new evidence of abuse might have been introduced,

detectives might have been questioned, and Judge Ford might have found himself again testifying under oath. Steven Becker observes that Shultz's ruling to dismiss the petition prevents any of that from happening. Becker and his colleague Michael Polletier have filed a motion asking Shultz to vacate his order, and if it fails, Becker says, they will appeal. Shultz didn't respond to calls for comment.

**RESPONDING TO THE** 17 defense lawyers who'd asked for the disqualification of the Cook County judiciary in torture cases, chief criminal court judge Paul Biebel wrote that he agreed "public confidence in the judiciary is of significant importance." But in his April 2003 ruling he concluded that moving those cases out of the county was the wrong answer. "The best remedy for any perceived lack of faith," he said, "is to allow the judges of this jurisdiction to preside over these matters with diligence and impartiality, as they have sworn to do."

Biebel refused to believe the judges could be as partial and self-serving as the lawyers' petition made them out to be. "The removal of Petitioners' cases from Cook County would, in essence, be an acknowledgement that the judges therein are incapable of fulfilling their duty," he wrote. "This court declines to draw such a conclusion. 

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## Our Town

### Doe in the Headlights

By trying so hard to keep his name out of the police torture report, Lawrence Hyman has made sure it's a name we'll always associate with police torture.

By John Conroy

July 19, 2006

**JOHN DOE HAS** been unmasked. Last month the *Reader* reported that Doe, a former assistant state's attorney, had gone to the Illinois Supreme Court in an attempt to derail the release of the special prosecutor's report on Chicago police torture—or at the very least keep his name out of it. But the court rejected Doe's emergency motions, and the report was released Wednesday.

On June 26 the court lifted the seal on the motions filed in Doe's battle. The documents confirmed that he's Lawrence Hyman, as the *Reader* and the *Daily Law Bulletin* had surmised in print. Hyman's attorneys argued that by trying to keep his identity secret and the report from being published, the former prosecutor was exercising his constitutional rights. If the mask were lifted, they said, "undoubtedly the public would draw the inference that Doe had something to hide. Such an inference would be unjustified and unfair." In other words, Hyman concealed his identity and tried to derail



Lawrence Hyman in  
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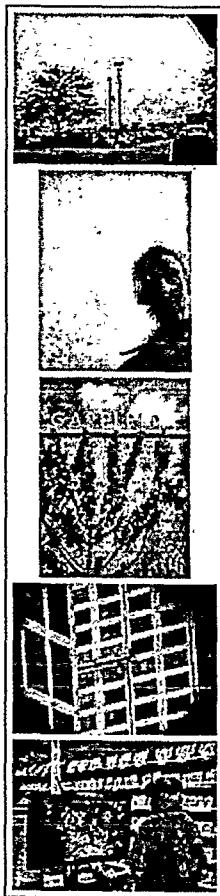
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# I Saw You

Caribou Coffee morning  
of 7/31

You were the stunning,  
therapist-looking woman  
with iced coffee and a stale-  
looking muffin. I was the  
foul-mouthed gimp dressed  
in black sitting across from  
you. You're the most  
beautiful woman I've seen  
in, like, infinity days. Maybe  
you have a cripple fetish we  
can explore?

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the report because he had nothing to hide.

Hyman was sucked into the torture scandal in 1982. That February 14, brothers Andrew and Jackie Wilson were arrested for the February 9 murders of two policemen. The city's own attorneys would eventually admit that Andrew received "savage torture" at the hands of Area Two Violent Crimes commander Jon Burge. (Photographs of Andrew taken after he left police custody show parallel burns on his chest, a large burn on his thigh, and puncture marks in the shape of alligator clips on his ears and nose.)

Hyman, a supervisor in the State's Attorney's Office, took the Wilsons' confessions. Andrew later testified that the first time he was brought before Hyman he said, "You want me to make a statement after they been torturing me?" and Hyman responded, "Get the jagoff out of here." Though Wilson was bleeding from one eye when he eventually gave his confession, Hyman didn't ask if he'd been offered medical treatment, something a prosecutor would normally do to safeguard the confession from a subsequent claim of brutality. More significant, he didn't ask Andrew if he was giving his statement voluntarily.

Asking this question is standard operating procedure. Not asking it is an omission so stunning that 14 criminal defense attorneys I polled—a group with 213 years of criminal practice and more than 950 murder cases among them—had never heard of another instance. Ralph Meczyk, a criminal defense lawyer for 30 years and one of four lawyers representing Hyman in the John Doe battle, said he was "incredulous" at the idea that his client skipped the question. He was sure Hyman hadn't—"I mean it is just not something that is overlooked."

But that's what happened, and that day it happened twice. Hyman took Jackie's statement and didn't ask if his confession was voluntary, then took a witness's statement and asked the question, and finally took Andrew's confession and didn't ask it.

Hence the special prosecutors' particular interest in Hyman. If someone decided the question shouldn't be asked, was it Hyman, or was Hyman following orders from someone higher up? At that point, Richard M. Daley was the state's attorney and Dick Devine was first assistant. Did they, or anyone else in the office, ever ask Hyman why he didn't ask the question? And what did they do—or not do—about it?



These are questions that special prosecutors Edward Egan and Robert Boyle, who spent four years and \$7 million in public funds investigating police torture, no doubt hoped to ask Hyman when they subpoenaed him on September 23, 2005, ordering him to appear before the grand jury on October 4.

At that point Hyman became John Doe. Notified that a subpoena was coming, Hyman's attorney Michael Ficaro said he wouldn't accept it. (It's common practice for attorneys to accept subpoenas for their clients.) After that, according to a transcript

recently unsealed by the supreme court, the special prosecutor's office managed to serve the subpoena to Hyman himself only "with some difficulty," a description Boyle declined to elaborate on.

Ficaro moved to quash the subpoena, arguing that the statute of limitations had passed for any crime Hyman might have committed. In a hearing before Judge Michael Toomin on October 7, Boyle replied that the special prosecutor's office had been established to determine what happened and whether anyone could be prosecuted. Hyman's argument, Boyle pointed out, "would apply to every witness in this investigation," and its effect was "to say that we never should have been appointed." Toomin ruled against Hyman and ordered him to appear before the grand jury on October 14.

Hyman didn't show.

"John Doe, also known as Lawrence Hyman, was ordered to appear today at nine o'clock," Toomin responded. "He has willfully refused to appear. His refusal constitutes a direct contempt of this Court. . . . The defendant is

ordered to be incarcerated in the Cook County Department of Corrections until he purges himself by agreeing to comply with the subpoena and appearing before the grand jury."

Ficaro asked the judge to stay the arrest order while he appealed to the Illinois Supreme Court. Toomin asked Egan and Boyle, as the aggrieved parties, what they wanted, and they said they wanted him to issue a warrant for Hyman's arrest immediately. Ficaro, who had declined to reveal Hyman's whereabouts, asked if he could step out to talk to him. "Let's not fool around," Boyle shot back. "You don't have to talk to him. The judge has entered an order, for God's sake. Now we have two orders, and you have to talk to Mr. Hyman?"

After a brief recess, however, Egan and Boyle agreed to a stay. The newly released transcript reveals that they changed their minds because it was Friday and if Hyman went to jail he might be stuck there all weekend.

"I don't want people to think I am a weak-kneed son of a bitch," Boyle said last week, "but in my judgment it would be grossly unfair if there was a possibility that the court would give him bail in the normal course of business. . . . If it were any other day of the week I would have just said 'Grab him, lock him up, and whatever the hell happens to him is somebody else's business.' But I know on a Friday afternoon it can be very difficult to get bail. And depending upon where he was picked up and processed it could be just impossible. . . . I suppose if it were prosecutors other than Ed and me, they might have said the hell with this guy. But I just thought that is an unfair advantage to take."

The Illinois Supreme Court declined to take up the issue, and Hyman subsequently appeared before the grand jury. According to documents filed by his attorneys, he pleaded the Fifth Amendment.

One reason Egan and Boyle were so angry when Hyman skipped his first date with the grand jury was that more than 25 former prosecutors had already been interrogated under oath, including some who are now Cook County judges and two who serve on the Illinois Appellate Court. In an interview last week, Boyle revealed that Hyman was the only one who resisted his or her subpoena and the only one who took the Fifth.

These are facts that wouldn't have come out if Hyman's attorneys had persuaded the supreme court to block the report or to at least delete his name and any mention of his taking the Fifth. As an example of the "devastating impact" that they argued the report might have on Hyman, they cited a *Sun-Times* article from May 6 in which Sixth Ward alderman Fredrenna Lyle said, "We want that report released for the same reason Holocaust victims want Nazi soldiers found and prosecuted: to feel there is justice in this world. . . . If there are allegations about any state's attorney, I want their name in the paper so when they try to become a judge we can say, 'Wait a minute. This is the guy who participated when they were torturing people.'"

The special prosecutor's report justifies Hyman's fears: "In our judgment," it says, "Hyman did not tell the truth when he denied [in testimony] that he had been told by Andrew Wilson that he had been tortured by detectives under the command of Jon Burge. His false testimony stands as corroboration of Andrew Wilson."

There's no mention of higher-ups calling the shots. Even so, Boyle regards Hyman as something of a victim. "He was the unfortunate one who was called to Area Two to take the statement that day," he said last week. "I think they started down a road, they never could come back from it, and whatever happened, he got caught up in it." R

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BY ANDREW LEE

# ACOUSTIC SOUL BEN & THE INNOCENT HARPER CRIMINALS SHOW



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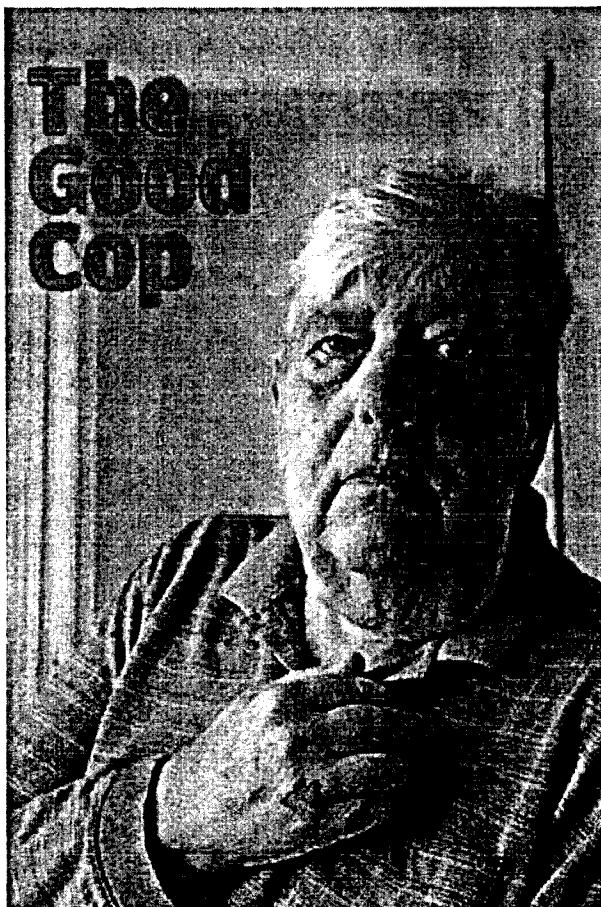
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**Frank Laverty, October  
2006**

Lloyd DeGrane

the department on its head but bouncing it a few times for good measure.

Laverty shook loose a secret of police record keeping. Twenty-five years ago, in violation of the law, detectives maintained "street files"—documents that weren't turned over to defense lawyers because they contained inconvenient truths that could hamper the prosecution of the men or women the police had decided were perpetrators. Thanks to Laverty, that widely accepted practice came to an end.

Little in Laverty's background separates him from colleagues who marched in lockstep in the opposite direction, officers who took part in, or at least kept their mouths shut about, police torture as innocent men

Detective Frank Laverty did the right thing—and paid for it for years.

By John Conroy

January 5, 2007

*As I have said previously I do not want to be involved in this affair. That is why I asked for the reassurance that these letters would be kept private. I do not wish to be shunned like Officer Laverty has been. . . . Almost all of the detectives and police officers involved know the Wilson's did the murders but they do not approve of the beatings and torture. . . . I advise you to immediately interview a Melvin Jones who is in the Cook County Jail on a murder charge. . . . When you speak with him. . . you will see why it is important. —anonymous letter to People's Law Office attorney Flint Taylor, March 1989*

#### FORMER HOMICIDE DETECTIVE

Frank Laverty, who died of cancer on December 5, will be remembered for turning the Chicago Police Department on its head. Perhaps that's too mild a statement. In standing up for an African-American teenager the state wanted to put to death, a young man he'd never met, he wasn't just turning

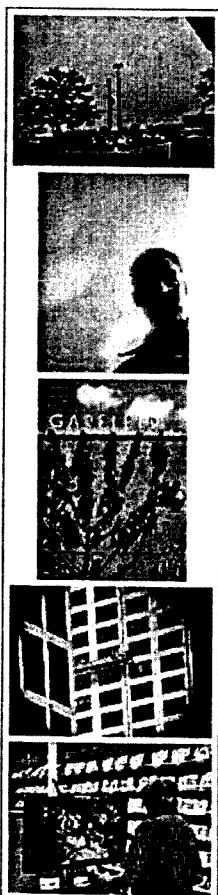


# I Saw You

## Designated Driver at Hunt Club

I saw you dancing in the corner at Hunt Club and offered to buy you a drink. You said that you were the DD but you'd take some cranberry juice. You and I danced until you had to leave. I wanted to get your number but I didn't act fast enough. How about another dance sometime.

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were sent to death row. Many are silent even now, as innocent men sit in prison serving long sentences. In interviews with me this fall, as he faced his own death, and in a statement he gave in November as an expert witness in a civil suit, Laverty admitted that he'd looked the other way when fellow officers took money on traffic stops. He said that he'd once hit a man in an interrogation room, that he'd done more than that as a patrolman trying to keep order on the streets, and that he'd used the word nigger. "I'm not taking myself out of it," he said in the statement, "saying that I was an angel or saint or something like that on the police department. You know, I had a bad attitude about [race] sometimes, too."

Laverty paid for speaking up, but he also inspired at least one other person to do the same. The letter quoted above, one of a series mailed to the People's Law Office in police department envelopes by a still-unidentified person, broke open the Jon Burge scandal. It led Flint Taylor and his colleagues to one victim who led them to others, until finally the highest levels of city and state government admitted that for nearly two decades police had used torture to extract confessions.

**AS LAVERTY GREW** up his family moved, like many other Irish families, into and out of south-side neighborhoods as they changed from white to black. He wasn't a stellar student. At 16 he went to work in the Rock Island Railroad payroll department, where he soon learned that he could make much more money as a railroad policeman, a job he applied for and eventually got. As a railroad cop, young and unmarried, he was moved around the country and lived in rented rooms. When he tired of the moving he put in an application with the Chicago police. His first post was the Ninth District, a station just down the street from Mayor Richard J. Daley's family home in Bridgeport.

He was hired in March 1968. In April Martin Luther King was assassinated. August brought the Democratic convention. Laverty spent a lot of time on riot duty, which was fine with him—he liked the action. But by the following February he was on more mundane duty, guarding the mayor's house. There'd been threats against the mayor, he recalled, so there was a two-man car in front, another in back, and one on each corner. "It was pretty boring, especially for a new guy wanting to get out and save the world. The old guys always wanted it, kept it. Then they wanted the newest guys, the youngest guys, to be down there too, in case something really did happen. It made me crazy, and the other young guys too, but we had to take our turn."

In 1957 *Life* magazine called the Chicago police the most corrupt in the nation. Reforms were made after a police burglary ring was exposed in 1960, but petty corruption was still prevalent when Laverty joined the force. He says he didn't take money himself, but he did "look the other way."

After five years as a patrolman he went to Area One homicide, commanded by lieutenant Walter Bosco. Shortly after he got there a brutality complaint was filed against him, the result of an incident from his days as a patrolman. Although the Office of Professional Standards dismissed it as unfounded, its mere existence bothered Bosco, who called Laverty into his office. "He said, 'Detectives don't get brutality complaints, I don't tolerate it, so straighten out your act.'" In 1979 Laverty moved to Area Two homicide, where he'd heard the detectives enjoyed a longer leash. "When you're working for somebody that's by the book, it's kind of a pain in the ass," he said. "But in retrospect, Bosco was one of the better bosses by far. Area One was actually a much safer, better place to work. Area Two was more freewheeling. Area Two you could do anything, nobody would say anything. . . . If somebody would make a brutality complaint it wouldn't go anywhere. Of course I had a couple and they didn't go anywhere . . .

"There is a certain amount of brutality that just goes with the territory. I mean, you have to keep control of the interrogation room. You are dealing with all hardened criminals usually. They gotta understand that you're in charge of the interrogation room. If that involves smacking them in the head sometimes, then it does."

But for Laverty, hitting someone once order was established meant the end of the interrogation. "If I hit 'em, I'm done. Interrogation's over. Frank loses, he wins." He recalled losing his patience just once, with a man who'd been arrested for molesting and murdering a child. "He did the reverend route on me. 'God told me to talk to you.' 'OK. What'd God tell you? To tell me what you did?' He'd sit. He'd laugh. 'No, God didn't tell me to tell you what I did. Ha ha ha. God told me not to tell you.'

"This tactic goes on and on and on and on. He's probably the guy, but I don't know. So finally he threw that at me and I gave him a smack. Then I left. I'm done. He won. I interrogated him wrong. Now I can't answer the cross without perjury. If I can't do it without perjury then I'm not going to have the confidence. You

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know what I mean? It's just like a vicious [circle], 'Oh, now I gotta lie. Oh, shit. Now I'm lying, they'll be able to tell. Oh, shit.' So that would be about it for brutality. It made me sick to my stomach."

**ONE SUMMER MORNING** in 1978 Laverty was ordered to notify the family of Hamp Burks, a janitor, that Burks had committed suicide the night before in a tavern on 103rd Street. The paperwork, written by an Area Two detective, said Burks had grabbed the gun of Chicago police sergeant Henry Cooper, who was also in the bar, and shot himself in the head. "I don't know why the midnight crew can't make their own damn notifications," Laverty told me, "but I went over to make the notifications by myself."

Laverty, however, also dropped by the tavern. He found witnesses who said that the sergeant, a 25-year veteran whose brother owned the place, had executed the janitor. At first Laverty thought the suicide report must have been a mistake made by a detective who didn't know better, but he later concluded that the detective had given the sergeant a pass. "I locked [Cooper] up," he said. "It was hard to make it stick."

Cooper was convicted in January 1980 and sentenced to 20 years. Not long after, Laverty was looking at a homicide victim in a hospital when a sergeant told him he wished it was Laverty on the slab, "because I locked up Henry Cooper and he was their favorite. He was the corruption king of the Fifth District." Laverty realized he'd made enemies he didn't even know.

He soon made more. On May 4, 1981, 12-year-old Sheila Pointer was sexually assaulted and bludgeoned to death with a pipe. (For a more complete account of the Pointer case, read Steve

Bogira's book, *Courtroom 302*, to which I'm indebted here.) Sheila's ten-year-old brother Purvy was also brutally beaten but survived with skull fractures. When he was finally able to be questioned, a week later, Area Two detectives James Houtsma and Victor Tosello asked him who'd attacked them. They thought they heard him say the name *George*. Because it was hard for Purvy to talk, Houtsma set up a hand-squeeze system—once for yes and twice for no—and thereby determined that "George" was a gang member, lighter skinned than Purvy, and lived nearby. Houtsma and Tosello soon settled on 18-year-old George Jones Jr., who lived around the corner, though he was neither a gangbanger nor lighter skinned than Purvy.

In fact, George Jones was a junior deacon at his church, a hurdler on the Fenger High School track team, and an above-average student—his nickname was "Bookworm." He'd never been arrested for any crime whatsoever. His father, George Jones Sr., was a Chicago police officer, working as a 911 dispatcher, who willingly provided a photo of his son ("just to clear him," the now-retired officer recalls). Detectives got Purvy to tell them that he knew the boy in the picture—though not that he was the perpetrator. In a memo they noted that Purvy kept trying to say a last name that sounded like "Anderson-Henderson- Harrison." The next day, however, Houtsma and Tosello showed Purvy the photo again. They reported that the boy cried and said the man in the picture was the killer.

Jones was arrested at Fenger. The following day he was presented at the hospital to Purvy, who according to the detectives' report initially said no, but then, when the overhead lights were turned on and Jones removed his glasses, said, "That's him." Others present heard other things. Jones's attorney Peter Schmiedel heard "yes, no, yes, no, yes, no." A nurse heard "no," and later "yes, yes, yes." Another nurse, who later testified that Purvy "appeared not to know what was going on," heard "yes, yes, no, no." A prosecutor heard an unambiguous identification of the suspect. A federal appeals court would later conclude that whatever was said had been uttered in suggestive circumstances by a child afflicted with a head injury and was "worthless."



Laverty and his sons in the 1970s

On May 12 Jones was charged with murder, aggravated battery, and rape. No physical evidence was ever produced to link him to the crime.

**THE TRIAL TOOK** place the following April. The state asked for the death penalty. Purvy took the stand and upon being shown his sister's bloodstained clothing screamed and wailed so fiercely that the *Tribune* described him as hysterical. Judge William Cousins Jr. called a recess, and Purvy was escorted from the courtroom.

The outburst made headlines the next day, and Laverty read them. He was on furlough, preparing to fly to Colorado to visit family, but he picked up the phone, called the judge's courtroom, and asked to speak to anyone connected to the Jones trial. The call came in during the noon recess, but Schmiedel and cocounsel Jeff Haas, both from the People's Law Office, happened to be there.

"Whenever I address law students about my career or this case," says Haas, "I always say that the moral of the story is 'Work during lunch hour.' We are sitting in the courtroom, the phone rings, and a clerk says, 'Is anybody here from the Jones case?' Well, we were there, the judge wasn't there, the prosecutor wasn't there, so I said, 'Yeah, I am.' So I go in the back to take the phone call, and this voice on the phone I've never heard says, 'Are you working on the Jones case?' And I said 'Yeah,' and he said something like, 'How's it going?' And I don't know why I said, 'Well, I think it's going pretty good, but you can't ever tell with a sympathetic witness.' He says, 'Well, I think they got the wrong guy.' And I said, 'I do too, who are you?' At which point he says, 'I am detective Frank Laverty, I worked on this case, they had assured me it wasn't going to trial, I developed a substantial amount of evidence that someone else did it, I interviewed him, and I have notes and reports of the interview and the investigation that indicates someone else did it.' And I said, 'Well, are you willing to come forward?' And he said yes."

Laverty was on the stand that afternoon. With the jury absent, he testified that he'd gotten involved in the case five days after Jones's arrest, when the dead girl's mother called Area Two and asked to have a detective sent to the hospital to talk to Purvy. Because detectives Houtsma and Tosello weren't available, Laverty and another detective went. Purvy told them two men in stocking masks carried out the attacks, one of them armed with a gun, the other a man named George who took his mask off. Purvy referred to this man as George Anderson, described his cap, and said he was the leader of a gang that hung around the local public school. An aunt kept correcting Purvy, telling him he meant George Jones, and Purvy would change his story to suit his aunt, then go back to calling the man Anderson. Purvy's mom arrived and said she'd found two pairs of panty hose in Sheila's bedroom.

To Laverty, all this made Houtsma and Tosello's case against Jones look extremely weak. In September, Laverty told me that after retrieving the stocklings he'd met with commander Milton Deas, who supervised the violent crimes and property crimes units at Area Two. Deas, according to his own subsequent testimony, told Laverty his hands were tied because the state's attorney's office had already indicted Jones.

Laverty then went to assistant state's attorney Larry Hyman, supervisor of the felony review unit. (For an account of Hyman's controversial involvement in the Jon Burge torture cases, see "[Deaf to the Screams](#)," "[What Does John Doe Know?](#)" and "[Doe in the Headlights](#)" in the *Reader's* police torture archive, at [chicagoreader.com/policetorture](http://chicagoreader.com/policetorture).) Hyman would later testify that he passed Laverty's information up his own chain of command.

Laverty later put his thoughts into a memo to Deas, telling him, among other things, that he suspected a connection between the Pointer murder and a man he'd questioned who'd confessed to a sexual assault and murder three blocks from the Pointers' house. Laverty then turned his attention back to his own caseload. He'd later testify that at some point Houtsma told him there was no way the prosecution of Jones could go forward.

The day after Laverty testified in Judge Cousins's courtroom, the court heard from Commander Deas. He confirmed that he'd kept Laverty's memo in his office, a clear violation of the state's obligation to turn over potentially exculpatory evidence to the defense. But then came the real bombshell. Deas testified that it was standard procedure for detectives to maintain a secret file—the street file—that included reports and documents that might damage the case against their chosen suspect. Besides Laverty's memo, the Pointer case's street file also included mention of a relative of the victims as a possible suspect and the victims' father's suspicions about an older neighbor named George. It revealed that Purvy had at first identified the

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killer as a gangbanger with lighter skin than his own, someone possibly named Anderson, Henderson, or Harrison, and that he'd failed to identify Jones as the killer the first time he was shown his photo. A police crime lab report on the panty hose found at the scene that would've helped Jones's defense had not been turned over, nor had a doctors' warning that Purvy might not remember anything about the attack when he came out of his coma.

Judge Cousins threw out the case against Jones "with prejudice"—which meant Jones could not be tried again. The judge said he firmly believed the state had arrested the wrong man. But the police did not resume their search for the right one.

Jones filed a civil suit. The city's lawyers, both of whom are now judges, responded by trying to persuade a jury that Houtsma and Tosello had the right man in Jones and that Laverty was out to free him simply because Jones's father was a fellow cop. Two detectives, one who was present for Laverty's interview of Jones and another who saw him interview the man who confessed to the other local sexual assault and murder, testified that Laverty's leading questions had produced the answers Laverty wanted to hear. The jury gave Jones \$801,000 plus attorneys fees, which exceeded \$600,000. A separate class-action suit brought an end to the practice of keeping street files. The U.S. Court of Appeals would affirm the verdict and praise Laverty for going "above and beyond the call of duty" and upholding "the highest ethical standards of the United States justice system."

Detective Houtsma retired in 1986, Tosello in 1999. Attempts to get them to comment for this story were unsuccessful.

**LAVERTY'S INTERVENTION, SO** highly praised by the judiciary, was not appreciated in some quarters of the police department. Internal Affairs began an investigation—not of Houtsma, Tosello, and Deas for concealing evidence, but of Laverty for failing to notify his superiors before testifying. (Laverty said he had. He ultimately prevailed.) By this time Jon Burge was supervising the Area Two violent crimes unit. In a sworn statement in 2004, retired sergeant Doris Byrd recalled being in a meeting when Laverty walked in to retrieve a file: "When he left, Burge took out his gun, pointed it at the back of Laverty, and said, 'Bang.'"

With the Henry Cooper and George Jones cases occurring relatively close to each other, Laverty told me, "I couldn't tell where my enemies were coming from. I made so many all at once. My partner said, 'They're meeting at the amphitheater just to get you. Every morning, there you are again pissing someone off.'"

That partner was Larry Nitsche, now director of investigations in the corporation counsel's office and no fan of the man he used to ride with. He remembers the remark and says he made it facetiously, because he thought Laverty was paranoid. "When all this stuff happened, I said, 'Frank, I really think you're like having a nervous breakdown.'

"The guy smoked Carlton Light cigarettes, and we go out to Indiana, right across the border, he'd buy ten cartons every couple days. I don't smoke. I'd come home at night and my wife said I should take my clothes off and hang them outside. This is how nervous he got—he'd light a cigarette, I swear to God he would drive about 30 feet, he would put it in the ashtray. He'd drive another half a block, and all of a sudden he is reaching in his pocket pulling out a cigarette. 'Whoa, Frank, hey, we got one going here.'

Laverty was moved from the day shift to afternoons and evenings, assigned to clerical work. Burge, he recalled, told him he would soon be fired. He was later moved to midnights and put in a one-man car. His car was serviced at Area Two, and one day he pulled onto the Dan Ryan and the brakes failed. He believed they'd been tampered with by a mechanic whose brother was an Area Two detective.

Attorney Flint Taylor remembers Laverty dropping by with a package and an odd request. "He said to me, 'Here, hold on to this for me, will you?' I said, 'What's this?' 'It's a urine sample. I'm afraid they're going to drop a dirty one on me.'" Taylor says he kept the sample in his refrigerator for years.

In a sworn statement given to Taylor a month before his death, Laverty recalled one time on the midnight shift when he noticed a brown Buick following him. "This is about two-thirty, three o'clock in the morning. . . . It looked awful suspicious to me. . . . People don't follow the police. What are they going to follow the police for? . . . I made a turn and the car made a turn. I made another turn, I went down Cottage [Grove]."

Laverty said that as he cruised at 30 miles an hour a call came over the radio—"dark brown car, robbery in progress." "So I whipped a U-turn and I got behind this dark brown car and pulled him over for looking like

the robbery offender. I drew my revolver and I went up to his car door and he got real scared. I pulled him by the shoulder and he fell on the ground. So I put the gun next to his head because I couldn't tell whether he had a gun or not. I patted him down, didn't find anything, didn't find any ID, didn't find a gun, so I let him go. But then I was later told that it was sergeant so-and-so from Internal Affairs. I almost gave him a heart attack."

Laverty also believed the state's attorney's office was making him pay. He told me that one time he made a routine call for a felony review assistant to come to the station to approve charges and no one showed up, and that another time a prosecutor in a murder case failed to "rehabilitate him on redirect." At a criminal trial, the defense routinely cross-examines the detectives to raise doubts about their investigation; the prosecution just as routinely uses redirect to clear up those doubts.

After some months, Laverty put in for a transfer. Police superintendent Richard Brzeczek, now a defense lawyer, says he respected what Laverty had done and arranged for him to work in personnel at police headquarters. Other journalists and I have reported that part of his job there involved watching recruits give urine samples and have portrayed that as punishment duty. But this fall Laverty told me he liked the job in personnel: he got to work days, the city paid his way through law school, and he thought he was doing something important in helping to supervise the hiring of new officers. He insisted, contrary to the impression he'd given me in the past, that the urine-sample duty was necessary—everyone took a turn, and he wouldn't have refused because he was no prima donna.

Laverty retired in 1997. He practiced some law, though not with the enthusiasm he'd given to police work, in part because he'd been diagnosed with cancer in 1994. He fought the disease and recovered, only to have his wife, Janice, die of cancer in 1999. Laverty married Linnea Weaver in 2004, and she and his three sons survive him.

In retirement Laverty became an expert witness in police misconduct cases. He testified against former Area Two colleagues in civil suits filed by Michael Evans and Paul Terry, who spent 27 years in prison for a 1976 rape and murder and were freed after DNA tests proved they weren't the culprits. Even as he was dying, weak from cancer treatments, he continued to submit himself to hostile questioning by lawyers representing the arresting detectives. The depositions were lengthy and had to be taken on multiple dates scheduled around Laverty's medical care. Two of the defendants began sitting in on them—permissible but highly unusual. Unintimidated, Laverty plowed forward. After a few sessions the two detectives stopped coming.

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Dr. Jay L. Hammerman, R.P.H.

AFTER HE WAS arrested in 1981, George Jones Jr. spent five weeks in jail. Finally his lawyers got his bond lowered and his family was able to post it. In that time, he says, he was incarcerated with other men accused of the most violent crimes, "the worst of the worst," but in some ways it was tougher to come home and face relatives, neighbors, and

strangers who believed he might be a killer and a rapist. By the time the case was dismissed, Jones, who had been the editor of his school newspaper, had lost his desire to become a journalist, in part because of what had been written about him, and he thinks his arrest in the Pointer case was a factor in his rejection by the army in 1982. In his civil suit a psychiatrist testified that he suffered from post-traumatic stress disorder. He's held a variety of jobs since graduating from Fenger—steelworker, investigator, waiter, custodian, bodyguard—and lived in Michigan, Iowa, and Washington. "I graduated from college," he says, "but it took me eight and a half years to do it."

Jones now lives in a Chicago suburb, where he works in public relations. He avoids the city, he says,

because he fears policemen with long memories. "I have a habit now of constantly looking at my watch so that I know what I am doing, where I am doing it, and where I was at what particular time."

Because his lawyers thought it best to keep Laverty and Jones apart, the two met face-to-face for the first and only time at a gathering in March 1987, after Jones won his civil suit. The last time he remembers speaking with Laverty was on the phone a few years later. Despite the lack of contact, he says Laverty has been in his thoughts ever since. "That took more guts than anything—to come forward and say, 'Hey this isn't right,' to go against the entire department, and to go through the hell that he went through afterward. . . . I know his life was never the same again. How do you say 'Thank you' enough?"

So why did Laverty do it? Jeff Haas, who took the call in Judge Cousins's courtroom, says that in his 35 years as a lawyer he's never seen or heard of another officer doing what Laverty did. He thinks the bottom line is that Laverty had a certain integrity, but that there were other factors as well. Laverty's wife, for instance, may have pulled him toward a more liberal view of social justice. Haas also believes that investigators of all kinds categorize the people they're investigating and that for Laverty, Jones wasn't a black kid but a cop's son.

"And then he had his own hunch about another person committing the murder," Haas says. He speculates that Deas and Hyman's unresponsiveness to Laverty's information affronted his sense of how good he was as a homicide detective. Haas also thinks Laverty knew testifying could end his career in homicide, which he loved.

"It seems to me he had that something that a lot of people don't have," says Flint Taylor, who spoke at Laverty's memorial service. "He didn't feel under pressure to conform to the group. . . . Laverty says 'I'm no angel, but I don't think the shit we did was right.' Sure, maybe for a while he went along with stuff. He saw guys take money, you tell me he even hit a guy in an interrogation room. But it was the exception for him. It wasn't the rule."

Today retired police commander Milton Deas, who was a defendant in Jones's civil suit and had \$25,000 in damages charged to him personally, praises Laverty as "energetic, thorough, conscientious, and dedicated." What bothers him isn't what Laverty did, he says, but how he did it. He says Laverty didn't like Houtsma and Tosello and they didn't like him, and that Laverty saw the Jones case as a way to embarrass them. "He didn't care how he accomplished it. If he embarrassed them, OK. If he embarrassed me in doing that, it didn't matter to him. If he embarrassed the superintendent, it didn't make him any difference."

But why Laverty spoke up might not be the best question here. A better question might be why nobody else did. Why not Deas, for instance? The African-American commander of all Area Two detectives, a policeman since 1947, he was told by Laverty two weeks after the murder that Houtsma and Tosello's case was a wreck. And as he'd admit when he testified in the civil suit, at that point he knew that two stocking masks had been found and that one of the dead girl's relatives had been labeled uncooperative and deceptive by a polygraph examiner. By then he'd already met with George Jones Sr., black cop to black cop, and been told there was another George in the neighborhood who might be a better suspect.

Why not Larry Hyman, the felony review supervisor, someone else Laverty informed? Hyman was in a far better position to put the brakes on the Jones prosecution than a detective.

And why were other Area Two detectives so resistant to Laverty's argument that the case against Jones smelled rotten?

"I don't bear them any animosity because I'm way ahead of that game," Laverty said in September. "I would never trust them, or not look over my shoulder, but I don't have any grudges against them. Look how good it worked out for me." Laverty was talking about the job in personnel and his law degree. "And what would have happened if I'd kept going down the road that they traveled? I'd be up there taking the Fifth Amendment because I'd looked the other way one too many times."

"In retrospect, I'd rather be me than any of them." 

Send a [letter to the editor](#).

**Comments**

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- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 02/04/2008 b6 -1,-5

[redacted] date of birth [redacted] who resides at [redacted] b7C -1,-5  
[redacted] was interviewed  
telephonically, at telephone number [redacted] by Federal Bureau  
of Investigation (FBI) Special Agent (SA) [redacted] SA  
[redacted] asked [redacted] for her cellular telephone number. [redacted]  
initially stated that she did not have a cellular telephone. After  
further questioning, she stated that she did have a cellular  
telephone but that she hardly ever had it on, as nobody called her  
on it. [redacted] did not provide the number.

(1)  
MMFInvestigation on 2/4/2008 at Chicago, Illinois (telephonically)File # 282A-CG-126294-302 -3 Date dictated 2/4/2008 b6 -1  
by SA [redacted] b7C -1  
b7E -4

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19-cv-4048(FBI)-3316

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 01/29/2008

[redacted] date of birth [redacted] who resides at [redacted] b6 -1,-5  
[redacted] was interviewed b7C -1,-5  
telephonically, at telephone number [redacted] by Federal Bureau  
of Investigation (FBI) Special Agent (SA) [redacted] and SA  
[redacted] After being advised of the nature of the interview  
and the identities of the interviewing Agents, [redacted] provided the  
following information:

[redacted]

b6 -5  
b7C -5

When asked to describe the general environment, [redacted] said  
it was a normal police station. When asked if there had been any  
difference in police tactics or behavior from the 1980s to the  
present, [redacted]

b6 -5  
b7C -5

[redacted]  
*MLF*

b6 -5  
b7C -5

Investigation on 1/29/2008 at Chicago, Illinois (telephonically)

File # 282A-CG-126294-302 -4 Date dictated 1/29/2008

by SA [redacted] mlf b6 -1-  
SA [redacted] b7C -1-  
b7E -4 *MLF*

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19-cv-4048(FBI)-3320

282A-CG-126294-302

b6 -5  
b7C -5

Continuation of FD-302 of [redacted], On 1/29/2008, Page 2

[redacted]  
b6 -5  
b7C -5

The interview was concluded at approximately 1:45 p.m.

282A-CG-126294-302  
MLF:mlf

1

b6 -1,-5  
b7C -1,-5

[redacted] also known as [redacted] date of birth [redacted] Social Security Account Number [redacted] who resides at [redacted] telephonically contacted Federal Bureau of Investigation (FBI) Special Agent (SA) [redacted] on 02/02/2008. [redacted] provided his cellular telephone number as [redacted] and his home telephone number as [redacted]  
[redacted] stated that [redacted]

[redacted] He said he recalled the Andrew Wilson incident fully and was willing to provide any information necessary.

*sf*  
*(D)*  
*MTR*

*jbc*

b6 -1  
b7C -1  
b7E -4

282A-~~an~~126294-302-5  
19-cv-4048(FBI)-3325

282A-CG-126294 -302- 6

KKK:kkk

1

[redacted] The following investigation was conducted by SA [redacted]  
at Chicago, Illinois:

On February 28, 2008, SA [redacted] determined that [redacted]

[redacted] This information was obtained through the [redacted]

b6 -1  
b7C -1  
b7E -7

(1)  
VK

19-cv-4048(FBI)-3326

02/11/08/KDZ, ms. wfd

282A-CG-126294 -302-7

KKK:kkk

1

[redacted] The following investigation was conducted by SA [redacted]  
at Chicago, Illinois:

On February 28, 2008, SA [redacted] determined that [redacted]  
[redacted]

[redacted] This information was obtained through the  
[redacted]

b6 -1  
b7C -1  
b7E -7

(1)  
jk

02/11/11 (01.1n4.wpd)

19-cv-4048(FBI)-3328 282A-CG-126294-302-7

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

b6 -1,-5  
b7C -1,-5Date of transcription 02/25/2008

[REDACTED] date of birth [REDACTED] Social Security  
 Account Number [REDACTED] who resides at [REDACTED],  
 [REDACTED] telephone number [REDACTED] was interviewed  
 at her home by Federal Bureau of Investigation Special Agents [REDACTED]  
 [REDACTED] and [REDACTED]. After being advised of the  
 identities of the interviewing Agents and the nature of the  
 interview [REDACTED] provided the following information:

b6 -4,-5  
b7C -4,-5

[REDACTED] worked as [REDACTED]

[REDACTED] During that time [REDACTED]

[REDACTED] She also worked with [REDACTED] also known as (a.k.a.)

[REDACTED] usually worked the [REDACTED]

[REDACTED] Occasionally, they worked the [REDACTED]

[REDACTED] Most of the activity, as far as [REDACTED]

(8)  
125  
MM  
b6 -4,-5  
b7C -4,-5

[REDACTED]

It was common knowledge that BURGE had a particular group of people that used excessive force on subjects in order to obtain confessions. These people were referred to as "the A-Team" and worked mostly midnights. It was common knowledge that they used a

Investigation on 02/22/2008 at Chicago, IllinoisFile # 282A-CG-126294-302 -8by SA SADate dictated 02/25/2008  
b6 -1  
b7C -1  
b7E -4

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19-cv-4048(FBI)-3333

282A-CG-126292-302

Continuation of FD-302 of [redacted]

, On 02/22/2008

, Page 2

b6 -5

b7C -5

shock box to shock subjects, though [redacted] never saw it. It was common knowledge that they beat people and used typewriter covers to suffocate them. When asked who told her about it, [redacted] stated she could not recall a specific person, as everyone talked about it.

[redacted]  
b6 -4,-5

b7C -4,-5

282A-CG-126294-302

b6 -5

b7C -5

Continuation of FD-302 of [redacted]

, On 02/22/2008 , p b6 -5,-6  
b7C -5,-6

[redacted] that had been sent  
to attorney [redacted] in the past. [redacted] stated [redacted]  
[redacted] She stated she believed [redacted]

[redacted] She  
suggested [redacted]

b6 -4,-5  
b7C -4,-5

[redacted] recalled hearing that BURGE would go out to a tavern  
on Western Ave., but she did not know the name of it. She did not  
recall him ever having a drinking issue while on-duty, but recalled  
that he had a "nasty" mouth. BURGE once [redacted] and [redacted]  
[redacted] He told [redacted] that, [redacted]

[redacted] identified the following individuals as being part  
of what was referred to as [redacted]

JOHN YUCAITIS,

b6 -4,-5,-7

b7C -4,-5,-7

and PATRICK O'HARA.

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/17/2008

[redacted] date of birth [redacted] who resides at [redacted] b6 -1,-5  
[redacted] telephone number [redacted] was b7C -1,-5  
interviewed at his residence by FBI Special Agents [redacted]  
and [redacted]. After being advised of the identities of the  
interviewing Agents and the nature of the interview, [redacted] provided  
the following information:

[redacted] began working with [redacted] b6 -5  
[redacted] b7C -5

While assigned to Area 2, [redacted] b6 -4,-5  
[redacted] b7C -4,-5

[redacted] In general, [redacted]

LT. JON BURGE was in charge of Area 2. BURGE did not  
like black detectives and he did not allow them to work homicides.  
In addition, other white detectives refused to work with the black  
detectives. [redacted] b6 -4,-5  
[redacted] b7C -4,-5

Investigation on 2/25/2008 at Chicago, Illinois

File # 282A-CG-126294-302 - 9 Date dictated 3/17/2008  
by SA [redacted] b6 -1  
SA [redacted] b7C -1  
[redacted] b7E -4

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*ph* 19-cv-4048(FBI)-3336

282A-CG-126294-302

Continuation of FD-302 of [redacted], On 2/25/2008, Page b6 -4,-5  
b7C -4,-5

[redacted]

It was common knowledge that BURGE's "A-Team" worked midnights and that the "A-Team" would "whoop ass." [redacted]

b6 -5  
b7C -5

[redacted]

Regarding the ANDREW WILSON case, [redacted] said that soon after the two CPD officers were murdered, [redacted]

b6 -4,-5  
b7C -4,-5

[redacted] As this matched the vehicle description provided for the shooters in the police officer killings, [redacted] went to BURGE with the information. [redacted]

[redacted]  
[redacted]

At some point, CPD arrested some people in relation to the investigation and took them to the CPD offices at 11th and State St. [redacted]

b6 -4,-5  
b7C -4,-5

[redacted]

282A-CG-126294-302

Continuation of FD-302 of [redacted], On 2/25/2008, Page 3 b6 -5  
b7C -5

also took the witness to a line-up. [redacted] believes it was one of the eye-witnesses to the shootings.

[redacted]  
b6 -4,-5,-6  
b7C -4,-5,-6

282A-CG-126294-302

Continuation of FD-302 of [redacted], On 2/25/2008, Page 4 b6 -5  
b7C -5

[Large rectangular redacted area]

b6 -4,-5,-6  
b7C -4,-5,-6

282A-CG-126294-30211

KKK:kkk *[Signature]*

1

[redacted] The following investigation was conducted by SA [redacted]  
and SA [redacted] at Chicago, Illinois.

b6 -1  
b7C -1

A review of public record databases conducted on March 26, 2008, found the following contact information for individuals associated with the above case:

1) [redacted]

b6 -4,-6  
b7C -4,-6

2) [redacted]

3) Milton B Deas, retired CPD  
8415 S. Indiana Ave  
Chicago, IL 60619  
(773) 846-7293  
DOB 2/25/1920  
SSN 459-22-6666

4) [redacted]

5) [redacted]  
[redacted]

*DSLRKK02.indd*

*pk*  
19-cv-4048(FBI)-3372

282A-CG-126294

2

6)	
7)	
8)	
9)	
10)	

b6 -2,-4,-6  
b7C -2,-4,-6

282A-CG-126294 -302-12

KKK:kkk

1

On April 7, 2008, SA [redacted] attempted to view [redacted] b5 -1,-3  
[redacted] received from the United States Attorney's Office b6 -1,-7  
(USAO) containing [redacted] b7C -1,-7  
[redacted] It was determined that the [redacted]  
[redacted] with the FEDERAL BUREAU OF  
INVESTIGATION (FBI) [redacted]  
to the USAO for [redacted]

b5 -1,-3  
b6 -1,-7  
b7C -1,-7

(2)  
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282A-CG-126294-302-12  
mhr

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/14/2008

RICHARD J. MORAN, date of birth 7/3/1928, Social Security Account number 338-22-6728, who resides at 3530 Gladstone, Sarasota, Florida, 34231, telephone number 941-924-4679, was interviewed at the [redacted]

[redacted] was also present for the interview. After being informed of the identity of the interviewing Agents and the purpose of the interview, MORAN provided the following information.

b6 -6  
b7C -6

MORAN came on the job with the CHICAGO POLICE DEPARTMENT (CPD) in 1954. He was a patrolman for four years, then was promoted to sergeant. In 1975, he worked in the Robbery division. When that division was disbanded, MORAN worked in the Violent Crimes division. MORAN worked in that division as Desk Sergeant for a few years before JON BURGE began working there. BURGE promoted MORAN to Case Management Sergeant. In that position, MORAN had five detectives reporting to him. MORAN would review all the Violent Crime reports and find patterns to the crimes. He would assign the robberies out to one of the five detectives under his supervision. MORAN provided the names of these detectives, Det. KENNEY, Det. KRUGER, Det. COPELAND, Det. DUDEK, and Det. SULLIVAN. MORAN believes them all to be deceased. Around 1985, MORAN was promoted to Lieutenant in Gangs West. MORAN retired as a Lieutenant in 1987.

MORAN spent approximately seven years in Area 2. He knew BURGE very well, as BURGE was MORAN's lieutenant. MORAN felt they had a good working relationship. MORAN described BURGE as an astute policeman for whom the department was his whole life. MORAN thought BURGE was fair to his subordinates who worked hard and did their job well. The punishment for not working was "severe". MORAN did his job to BURGE's satisfaction. The two had a personal relationship as well. MORAN last saw BURGE about ten months ago, and last spoke to BURGE about five months ago.

When MORAN was Desk Sergeant at Area 2, his office was right next to BURGE's office. Once MORAN became Case Management Sergeant, his office moved down the hall, but was still only about forty yards from BURGE's office.

113-VAC/02.302Investigation on 4/11/2008 at Chicago, IllinoisFile # 282A-CG-126294-302 -13Date dictated 4/14/2008

by SA [redacted]

b6 -1  
b7C -1

282A-CG-126294-302

Continuation of FD-302 of RICHARD MORAN, On 4/11/2008, Page 2

MORAN became aware of the allegations of abuse through the newspaper. He cannot believe the allegations. MORAN never saw or witnessed any act of abuse at Area 2. He never heard any allegations that abuse occurred. He never received complaints from witnesses about abuse. MORAN never saw any phone books or typewriter covers being brought into interview rooms. He never heard any screams coming from the interview rooms. MORAN would have stopped any abuse if he had known about it.

MORAN never saw any electric shock box at Area 2. He heard about such a device from an article in the Chicago Reader, but does not believe the story.

MORAN never knew BURGE to fabricate reports. He did not hear allegations that BURGE fabricated reports.

MORAN repeated that he did his job well and would have stopped any abuse if he had known about it. MORAN explained he was never a detective, and therefore never interviewed people at Area 2. He does not know if the number of confessions obtained at Area 2 were excessive, and never heard any talk of that being the case.

MORAN does not know if BURGE was racist. BURGE treated people fine if the work was done right. MORAN does not know if BURGE had any negative feelings towards blacks. Nobody reported any such allegations to him regarding treatment by BURGE or BURGE's subordinates.

MORAN took the call reporting the murders of the police officers in 1982. He was the only sergeant working when the call came in, so he went to the scene. He recalled seeing about 150 squad cars at the scene. MORAN remembered everyone working around the clock for three or four days looking for the WILSON brothers. MORAN was not present at the search of the beauty shop or at the scene of ANDREW WILSON's arrest.

MORAN was not at Area 2 when WILSON was brought in. He recalled seeing one of the brothers at Area 2, but was not sure which brother he saw. MORAN was at Area 2 around noon when he walked by one of the interview rooms and saw the WILSON brother handcuffed, MORAN believes to a ring on the wall, in the room alone. MORAN did not observe any injuries to WILSON at that time. MORAN had no further part in the case.

282A-CG-126294-302

Continuation of FD-302 of RICHARD MORAN, On 4/11/2008, Page 3

MORAN also took the call reporting the arson deaths in the [redacted] case. The fire department initially reported five dead, b6 -2 which turned out to be four dead. BURGE called to check in, and b7c -2 MORAN told him about the call. At first, BURGE did not believe the report. BURGE met MORAN at the scene. MORAN recalled every detective in the unit worked on the case. The lieutenant requested everyone be sent to the scene when they reported to work. MORAN was at the crime scene until late that day.

MORAN was at the scene of [redacted] arrest. MORAN thinks BURGE was one of the many people there. He remembered it being an "easy" arrest. [redacted] and the police officers were waiting for him to arrive. MORAN saw and spoke to [redacted] at Area 2 after his arrest. MORAN was at his desk and asked [redacted] who was handcuffed, if he wanted to go have a Coke with b6 -2 him. MORAN took [redacted] to the lounge and bought him a Coke. As b7c -2 the two were sitting there. MORAN recalled [redacted] saying [redacted]

[redacted] MORAN told BURGE about that statement but did not tell many other people. MORAN remembered [redacted] being fully clothed and not beaten up. [redacted] did not complain of any mistreatment while the two were in the lounge. MORAN handcuffed [redacted] to the ring on the wall and then went home. MORAN never saw [redacted] again.

MORAN never heard any claims of mistreatment from anyone who was arrested at Area 2. He never heard any complaints regarding mistreatment by BURGE. MORAN never had any personal conflicts or adverse interactions with BURGE.

MORAN believes the allegations are false. He believes that the prisoners and the attorneys got together and made up the stories to get money. He thinks they targeted BURGE because he was the leader of the district at the time. MORAN worked in the ghetto for twenty-three years, and knows that people there will do things just to get money.

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/07/2008

MILTON B. DEAS, date of birth 2/25/1920, social security account number 344-12-7209, who resides at 8415 S. Indiana, Chicago, Illinois, 60619, telephone number 773-846-7293, was interviewed at his residence. After being advised of the identity of the interviewing Agents and the purpose of the interview, DEAS provided the following information.

DEAS started his law enforcement career with the Chicago Park District police in 1947. The Park District police consolidated with the Chicago Police Department (CPD) in about 1959, when DEAS became a patrolman. DEAS moved into the position of civilian detective, which at the time was a plainclothes position still classified as "patrolman" by the CPD payroll department. DEAS retired from CPD in 1983 as an Area Commander.

DEAS came to Area 2, located on 91st and Cottage, in 1979 or 1980. He was a detective in the building in the late 1970's, prior to the reorganization which designated that location as Area 2. JON BURGE was already working out of that building in the Robbery division. After the reorganization, everyone in the building got different titles. DEAS became Area Commander. BURGE became Lieutenant in the Violent Crimes Division. SAC  
12/21/04  
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b6 -4  
b7C -4

[REDACTED] DEAS recalled BURGE being promoted to Lieutenant after the reorganization. DEAS did not have the authority to promote people. He thinks that BURGE may have been promoted by [REDACTED]. At the time, DEAS was just worried about getting himself promoted.

The lieutenant's offices at Area 2 were located in separate areas of the building. [REDACTED] office was on the [REDACTED]

Lt. BURGE and [REDACTED]

b6 -4  
b7C -4

DEAS described BURGE as young, very energetic and "gung-ho." He said BURGE may have been prone to deviate from the righteous path. When asked to clarify that answer, DEAS explained that "you don't go into the woods with a switch to hunt bear." He described a situation where officers would be looking for someone

Investigation on 4/7/2008 at Chicago, IllinoisFile # 282A-CG-126294-302-14Date dictated 4/7/2008

by SA [REDACTED]

b6 -1  
b7C -1

282A-CG-126294

Continuation of FD-302 of MILTON B. DEAS, On 4/7/2008, Page 2

who killed police officers and explained that the adrenaline would be high, and the officers would want to find the individuals and possibly do damage to the individuals, such as using some physical force to bring the guy down, maybe put a foot on his back, and cool things off before handcuffing the subject. DEAS further explained that Robbery detectives are not investigating nice, courteous people. These detectives always had to be ready for whatever they met with on the street.

DEAS has heard the allegations that BURGE abused subjects in the Area 2 station. DEAS worked different hours, not nine-to-five, and BURGE was not a nine-to-five employee either. BURGE worked around the clock as the job dictated. DEAS should have heard screaming, as the building had no carpeting, curtains or anything which would have absorbed sound. DEAS does not recall hearing any screaming. He does not recall seeing a black box. He would occasionally go upstairs to the second floor. He never saw any subjects with injuries when he went upstairs. DEAS can only say it is possible that BURGE did commit the acts contained in the allegations.

In 1982, DEAS conducted a roll call with respect to the ANDREW WILSON incident. During that roll call, DEAS told the officers that the police wanted to get the individuals and wanted to prosecute them. He instructed the officers to take the individuals down as necessary to protect themselves and handcuff them, but once they were cuffed to no longer be physical with them. DEAS did not want the subjects to be able to get out on a technicality of undue or unnecessary force. On the day before ANDREW WILSON's arrest, DEAS was in the office until 10:00 pm. BURGE and a few of the men were out following up on tips. BURGE came into the office and told DEAS about a tip which put WILSON on the west side, and said he wanted to hit the location early in the morning.

DEAS was present on site when officers went to the beauty shop and found some of the guns. He explained that he decided to go along on the search as a show of concern for the search and to show its importance. DEAS wanted to be on the scene. He had been a street officer for twenty years before his first promotion and wanted to be out there for this search. The owner of the beauty shop gave permission for the officers to search. Detective [redacted] recovered one of the guns and told DEAS about it. DEAS left the scene and went back to the station.

b6 -4  
b7C -4

282A-CG-126294

Continuation of FD-302 of MILTON B. DEAS, On 4/7/2008, Page 3

DEAS was more worried about his men getting injured than he was worried about his men hurting the WILSON brothers. When the guys went to get ANDREW WILSON, DEAS went home because he was tired. He told his men to be careful and to let him know how it went. After ANDREW WILSON was arrested, DEAS got a phone call, most likely from BURGE, telling him the arrest had been accomplished. DEAS remembers asking BURGE if all the men were O.K. and if there had been any problems in the arrest. BURGE responded that WILSON had reached for a bag underneath the bed and had been taken down physically. DEAS is not sure, but he thinks he told BURGE that he would see him at the station and ended the call. DEAS was not told of any other injuries to WILSON at that time.

DEAS remembers arriving at Area 2 within approximately 30 minutes of the phone call. It was early in the morning, as DEAS remembers it being dark outside. When he arrived, DEAS spoke with BURGE who told him ANDREW WILSON was upstairs. DEAS went with BURGE up the stairs to the second floor. BURGE indicated WILSON was standing off to the left. DEAS remembers WILSON standing up, facing east. DEAS noticed a piece of tape over the bridge of WILSON's nose. DEAS asked BURGE about the tape. BURGE indicated that the injury occurred when the officers had grabbed WILSON after he had reached for the bag under the bed. DEAS thinks WILSON hit his nose on the side of the bed, but he is not certain. DEAS does not remember WILSON wearing a jacket. He recalls WILSON wearing just a shirt and pants. DEAS does not recall WILSON being handcuffed at that time. He would have thought WILSON would be handcuffed, but he can not say for certain.

DEAS does not remember which other individuals were present with WILSON. DEAS knows BURGE was in the room and recalls three or four other guys standing around the area. DEAS did not speak to WILSON. That was the only time DEAS recalls seeing WILSON.

DEAS described the station at 11th and State as being where the "bigger wigs" were located, along with the central lock-up. He remembers being at 11th and State with RICHARD BRZECZEK before WILSON was arrested. DEAS recalled that BRZECZEK called a meeting to inform the commanders that he had received citizen complaints that the officers were snatching people out of cars and kicking in doors to try and find WILSON. The meeting struck DEAS as odd, and he told BRZECZEK that the one person he should be speaking to about this, [redacted] was not there. [redacted]

b6 -4  
b7C -4

282A-CG-126294

Continuation of FD-302 of MILTON B. DEAS, On 4/7/2008, Page 4

was the [redacted] which was described by DEAS as "gung-ho personified".

b6 -4  
b7C -4

When DEAS arrived at Area 2 the day of WILSON's arrest, he could not get through to the front door as all [redacted] men had parked their cars out front. [redacted] wanted to set up a command post at Area 2. He set up in [redacted] office on the first floor. DEAS did not remember a meeting with BURGE and [redacted] in which BURGE asked DEAS and [redacted] to leave, stating that he had it handled.

DEAS did not recall that central lockup would not take WILSON because he was injured. DEAS explained that his memory was "vague".

DEAS heard about a letter to BRZECZEK in connection with WILSON being injured. DEAS asked BURGE "did you beat this man?" and got a negative response. DEAS did not look any further into the matter, as it was sufficient for him that BURGE said no. In addition, DEAS knew that the Office of Professional Standards (OPS) had already started investigating the matter. DEAS overheard some of the men in the office saying that another officer was responsible for WILSON's injuries. He cannot recall who said it, but about a week after he heard WILSON was injured there was conversation in the office in which some of the men stated that the officers who took WILSON to 11th and State in the squadrol had injured him and were being investigated. DEAS wanted to let OPS and Internal Affairs do their job and investigate the matter.

No one ever told DEAS to cut BURGE some slack. When asked who would be considered responsible if the allegations are true, DEAS stated that he himself could be seen as a responsible party because he was BURGE's commanding officer. DEAS recalled BURGE was mentored by FRANK PAPE, who DEAS described as being from the old regime. DEAS thought BURGE may have taken a little bit of PAPE with him.

DEAS never received any complaints regarding BURGE outside the chain of command. He remembered [redacted] but did not recall her ever complaining regarding BURGE's treatment. DEAS recalled only one incident where someone came to him in his supervisory capacity to complain about a white supervisor treating a black detective in a derogatory manner, but that was when DEAS was working in burglary in Area 4. BURGE never indicated any

b6 -4  
b7C -4

282A-CG-126294

Continuation of FD-302 of MILTON B. DEAS, On 4/7/2008, Page 5

racist tendencies. DEAS never received any complaints about BURGE.

DEAS last spoke to BURGE several years ago when BURGE was in Chicago for a court case. DEAS thought it may have been for a case with ANDREW WILSON.

DEAS knew [REDACTED] DEAS heard [REDACTED] was racist, but it was never directly brought to DEAS' attention that [REDACTED] was racist. It was brought to his attention that [REDACTED] was a nuisance. [REDACTED] had a tendency to interfere in and take over other detectives' cases. DEAS had heard that [REDACTED] tended to violate the civil rights of black individuals, and that [REDACTED] admitted to doing so.

b6 -4  
b7C -4

DEAS was shown the first anonymous letter written to [REDACTED] DEAS could provide no insight into the letter. He [REDACTED] was then shown the second anonymous letter, and thought that the tone of the letter sounded like [REDACTED] DEAS recalled Detective [REDACTED] as being one of the fellas, but more like a gentleman. DEAS felt [REDACTED] was out of place in Robbery. DEAS does not know if [REDACTED] worked with [REDACTED]

b6 -4,-6

b7C -4,-6

282A-CG-126294-302-15

KKK:kkk

1

The following investigation was conducted by SA [redacted] and SA [redacted] on 4/15/2008 and 4/16/2008 at Chicago Police Department (CPD) Headquarters, located at 3500 S. Michigan Avenue, Chicago, Illinois.

b6 -1  
b7C -1

CPD [redacted] provided access to [redacted] selected in response to a request by the Special Prosecutor's Office during their review of Area 2 allegations and covering a number of years from [redacted]. Review of [redacted] provided the names of the following individuals who worked as polygraphers at Area 2 during the referenced time frame.

b5 -1,-3  
b6 -4  
b7C -4

[redacted]  
b6 -4,-6  
b7C -4,-6

(B)  
16K

[redacted] and [redacted] [redacted] are CPD officers who administered polygraph examinations on various investigations. Further investigation will be undertaken to determine any of the other of the listed individuals were CPD officers.

b6 -4  
b7C -4

Review of CPD Area 2 Case Log Books for Property Crimes, dated 1981-5/28/1986, and Violent Crimes, dated 1981-1985, showed the books to provide the following information:

- 1) Records Division Number
- 2) Victim name
- 3) Address of incident
- 4) Beat of occurrence
- 5) Investigator assigned
- 6) Offense/Type
- 7) Status
- 8) Date of occurrence

The log books did not contain information showing arrests made on a particular date and time, or individuals arriving at Area 2 on a certain date.

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19-cv-4048(FBI)-3392

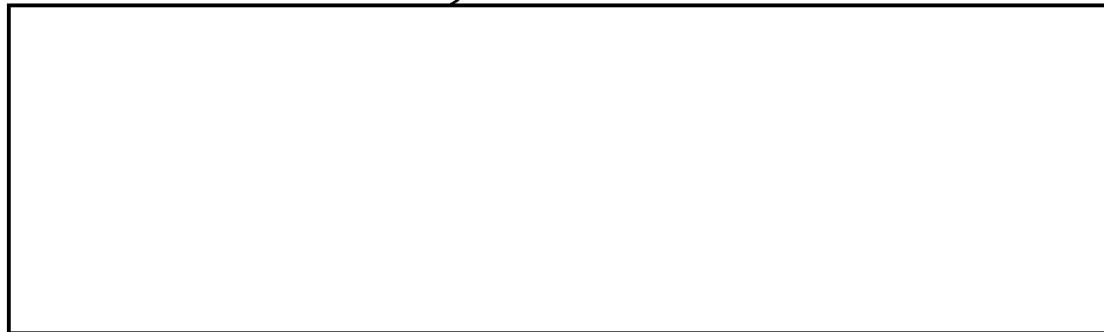
282A-CG-126294-302-15

282A-CG-126294-302-16  
JAO:jao

1

b6 -5  
b7C -5

On May 1, 2008, [REDACTED] Assistant for the Special Prosecutor's Office (SPO), provided the following items:



A copy of the [REDACTED] were made and provided b5 -1,-3 to Assistant United States Attorney [REDACTED]. The b6 -3 [REDACTED] will be maintained in the 1A b7C -3 section of the file.

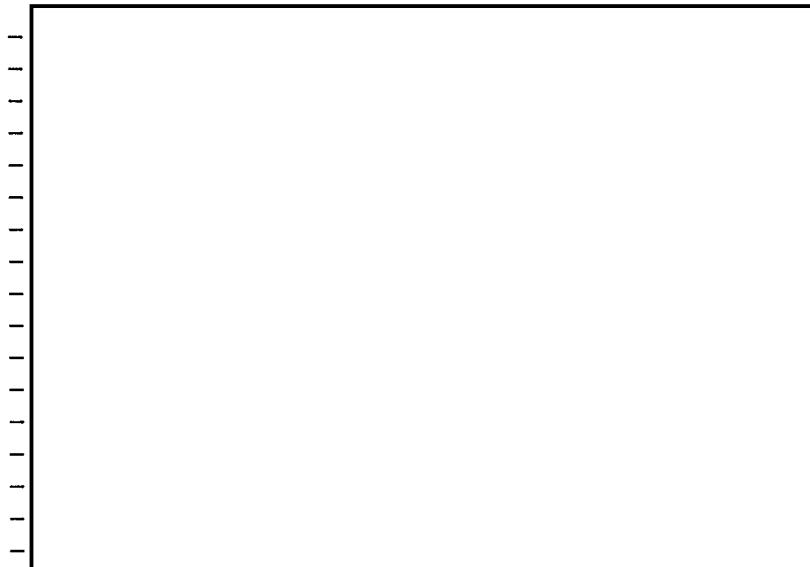
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282A-CG-126294-302-16  
127 JAO 01.105 1/2

282A-CG-126294-302 -17  
JAO:jao

1

On May 7, 2008, the following documents were provided  
on disk to Assistant United States Attorney [redacted]



b5 -1,-3  
b6 -3,-5,-6,-7  
b7C -3,-5,-6,-7

*JAO*

282A-CG-126294-302-17  
128jao01.ins *PL*

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/06/2008

Security Account Number [REDACTED] date of birth [REDACTED] Social [REDACTED]  
 [REDACTED] who resides at [REDACTED]  
 [REDACTED] telephone number [REDACTED] cellular telephone  
 number [REDACTED] was interviewed at the United States b6 -1,-3,-5  
 Attorney's Office located at 219 S. Dearborn St., Chicago, b7C -1,-3,-5  
 Illinois. Present during the interview were FBI Special Agent  
 [REDACTED] and Assistant United States Attorney (AUSA) [REDACTED]  
 [REDACTED]. After being advised of the identity of the interviewing  
 Agent and the nature of the interview, [REDACTED] provided the  
 following information:

[REDACTED]

b6 -5  
b7C -5*sf  
1  
JTO*

AUSA [REDACTED] provided [REDACTED] with transcripts documenting  
 her prior testimony. [REDACTED] reviewed the transcripts and said the  
 transcripts refreshed her memory. [REDACTED] stated her previous  
 statements were accurate to the best of her recollection. [REDACTED]  
 did not wish to make any changes to her previous statement.

b6 -5  
b7C -5

[REDACTED]  
 [REDACTED] WILSON did  
 not say much and appeared withdrawn. WILSON was very compliant  
 with [REDACTED]

[REDACTED]  
 [REDACTED]  
 [REDACTED]

b6 -5  
b7C -5Investigation on 04/14/2008 at Chicago, IllinoisFile # 282A-CG-126294-5,702-18 Date dictated 05/06/2008by SA [REDACTED]b6 -1,-5  
b7C -1,-5

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19-cv-4048(FBI)-3399 *127ja002.302* [REDACTED]

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/27/2008

account number [redacted] date of birth [redacted] social security b6 -5  
number [redacted] telephone number [redacted] pager b7C -5

number [redacted] who is employed [redacted]

[redacted] was interviewed at [redacted]  
After being advised of the identity of the interviewing Agents and the purpose of the interview, [redacted] provided the following information.

[redacted]

Agents presented [redacted] with photographs of WILSON's injuries taken in 1982. [redacted] reviewed the photographs and provided b7C -5 the following additional information.

b6 -5, -6  
b7C -5, -6

Investigation on 5/23/2008 at San Francisco, California

File # 282A-CG-126294-302 *19*  
SA [redacted]  
by SA [redacted]

Date dictated 5/27/2008

b6 -1  
b7C -1

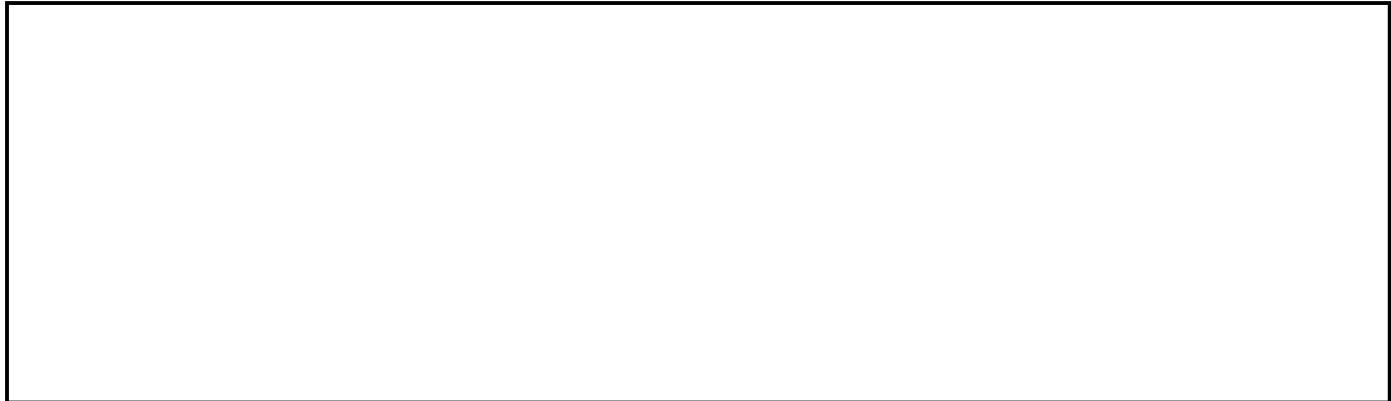
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19-cv-4048(FBI)-3402

282A-CG-126294-302

Continuation of FD-302 of [redacted], On 5/23/2008, Page 2 b6 -5  
b7C -5



282A-CG-126294-302 -26

KKK:kkk

1

[redacted] The following investigation was conducted by SA [redacted]  
[redacted] on May 6, 2008:

b6 -1  
b7c -1

A search of public source database information revealed that former inmate CHARLES HILL, social security account number 329-48-4090, a potential victim of abuse by JON BURGE, is deceased. A death claim was filed for his social security account number in February 2007.

(1)  
WKC

BOKER02.INS

282A-CG-126294-302-25  
phy  
19-cv-4048(FBI)-3405

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/02/2008

[redacted] date of birth [redacted] social  
 security account number [redacted] who resides at [redacted]  
 [redacted] telephone number [redacted]

b6 -3,-5  
b7C -3,-5

[redacted] telephone message number [redacted] was interviewed at the UNITED STATES ATTORNEY'S OFFICE, 219 S. Dearborn Avenue, Chicago, Illinois. Also present for the interview were Assistant United States Attorney (AUSA) [redacted] and AUSA [redacted]. After being advised of the identities of the interviewing Agents and the purpose of the interview, [redacted] provided the following information.

[redacted]

b6 -5  
b7C -5

Agents presented [redacted] with photographs of WILSON's injuries taken in 1982. [redacted] reviewed the photographs and provided the following additional information.

b6 -5  
b7C -5

[redacted]

b6 -5  
b7C -5Investigation on 5/2/2008 at Chicago, ILFile # 282A-CG-126294-302 - 21 Date dictated 5/2/2008by SA [redacted]b6 -1  
b7C -1

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19-cv-4048(FBI)-3408

282A-CG-126294-302

Continuation of FD-302 of [redacted], On 5/2/2008, Page 2 b6 -5  
b7C -5

Based upon [redacted] review of his previous notes and testimony and the photographs of WILSON's injuries. [redacted]  
concluded that [redacted]

[redacted]  
b6 -5  
b7C -5

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 06/11/2008

birth [redacted] (formerly [redacted], date of [redacted]  
 birth [redacted] who resides at [redacted]  
 [redacted] telephone number [redacted] was interviewed  
 telephonically. After being advised of the identity of the  
 interviewing agents and the purpose of the interview, [redacted]  
 provided the following information.

[redacted] started at the CHICAGO POLICE DEPARTMENT (CPD)  
 on [redacted] working in Area 2.  
 [redacted]

[redacted]

During her time in Area 2, [redacted] worked mostly

[redacted] never saw BURGE or his people threaten any  
 witnesses or point weapons at anyone. Nobody ever complained to  
 [redacted] about the treatment received from BURGE or his crew.  
 Mayor BYRNE, Chicago's mayor at the time, was proud of BURGE  
 because he "got the job done." BURGE's inner circle was very  
 close-mouthed, and [redacted]

On one occasion, [redacted]  
 [redacted]

[redacted] b6 -5, -6  
 [redacted] b7C -5, -6  
 [redacted] does not know of anyone who would have knowledge  
 of any abuse in Area 2.

b6 -5  
b7C -5b6 -5  
b7C -5b6 -5  
b7C -5b6 -5  
b7C -5168NYK01.302.msdInvestigation on 6/10/2008 at Chicago, Illinois (telephonically)File # 282A-CG-126294-302 -22 Date dictated 6/11/2008by SA [redacted]b6 -1  
b7C -1

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19-cv-4048(FBI)-3411

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 06/11/2008

[redacted] telephone number [redacted] a [redacted]  
[redacted] for the Chicago Police Department. was  
interviewed at [redacted]

b6 -5  
b7C -5

[redacted] After being advised of the identity of the  
interviewing Agents and the purpose of the interview, [redacted]  
provided the following information.

b6 -5  
b7C -5

*g*  
*llc*

168 V 1102.302.1020

Investigation on 6/5/2008 at Chicago, Illinois

File # 282A-CG-126294-302 - 23

Date dictated 6/11/2008

SA [redacted]  
by SA [redacted]

b6 -1  
b7C -1

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*APL*  
19-cv-4048(FBI)-3414

282A-CG-126294-302

Continuation of FD-302 of [redacted], On 6/5/2008, Page 2



b6 -5,-6  
b7C -5,-6

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/27/2008

Account Number [redacted] date of birth [redacted] Social Security [redacted]  
 address [redacted]  
 [redacted] cellular telephone number [redacted] home [redacted]  
 telephone number [redacted] was interviewed at the United States  
 Attorney's Office located at 219 S. Dearborn St., Chicago,  
 Illinois. Present during the interview were the following  
 individuals:

FBI Special Agent (SA) [redacted]  
 FBI SA [redacted]  
 Assistant United States Attorney (AUSA) [redacted]  
 AUSA [redacted]  
 Department of Justice Attorney [redacted]

After being advised of the identities of the interviewing Agents and the nature of the interview, [redacted] provided the following information:

[redacted]

[redacted] was provided with transcripts which documented his prior testimony. [redacted] reviewed the transcripts and stated his prior testimony was accurate to the best of his recollection. [redacted] did not wish to make any corrections to his previous statements.

[redacted] recalled officially testifying on two occasions concerning the ANDREW WILSON incident. [redacted] did not recall providing any other sworn depositions or statements concerning WILSON, although he may have spoken to the Chicago Police Department's Office of Professional Standards and/or [redacted] on different occasions concerning the incident. [redacted] recalled meeting with the Special Prosecutors, but he did not think he was asked any questions about the WILSON incident. [redacted] believed the

b6 -5  
b7C -5b6 -1,-3  
b7C -1,-3*JAD*b6 -5  
b7C -5b6 -5  
b7C -5Investigation on 03/07/2008 at Chicago, IllinoisFile # 282A-CG-126294-302-24

Date dictated \_\_\_\_\_

by SA [redacted]b6 -5,-6  
b7C -5,-6

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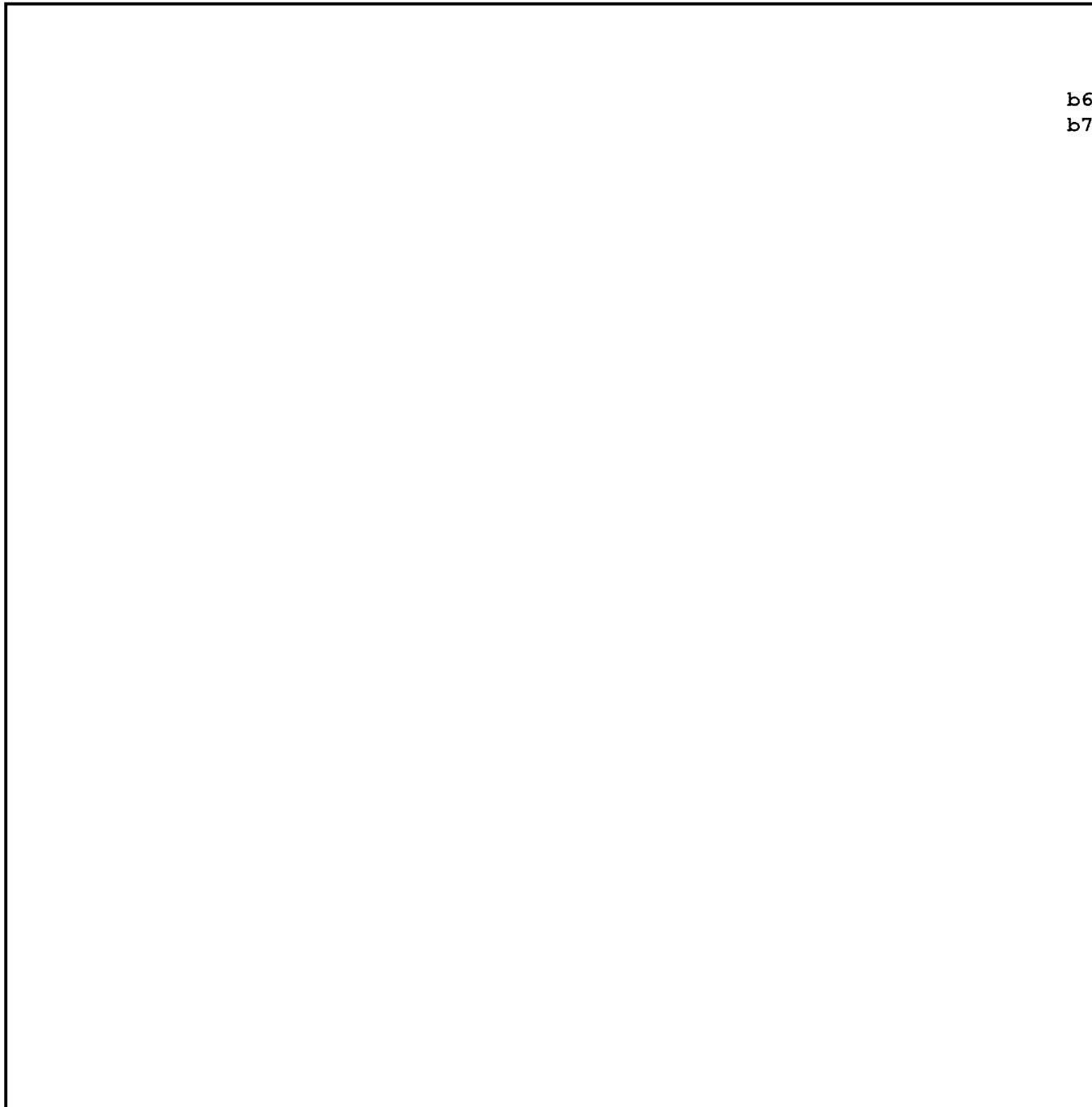
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b6 -1  
b7C -1

282A-CG-126294-302

Continuation of FD-302 of [redacted], On 03/07/2008, Page 2 b6 -5  
b7C -5

Special Prosecutors asked him his professional opinion regarding other cases during their meeting.



b6 -5, -6  
b7C -5, -6

282A-CG-126294-302

Continuation of FD-302 of [redacted], On 03/07/2008, Page 3 b6 -5,-6  
b7C -5,-6

[redacted]

[redacted] did not recall [redacted] or [redacted]  
[redacted]

282A-CG-126294 Sub 302 *25*  
TJS:dd *TS*

1

b6 -1,-4,-6  
b7C -1,-4,-6

The following investigation was conducted by FEDERAL BUREAU OF INVESTIGATION (FBI) Special Agent [redacted] on July 7, 2008 in Chicago, Illinois:

SA [redacted] attempted to locate retired CHICAGO POLICE DEPARTMENT Officer [redacted] Date of Birth (DOB): [redacted]  
[redacted] at address [redacted]  
[redacted] answered the door and informed the interviewing agent that [redacted]  
[redacted]

SA [redacted] attempted to located retired CHICAGO POLICE DEPARTMENT Officer [redacted] DOB: [redacted] at [redacted] A Hispanic male opened the door to this building indicating that [redacted] does not live in this building and has not for quite some time. A [redacted] search indicates that [redacted]  
[redacted] Further indication in [redacted] is that [redacted]

b6 -1,-4  
b7C -1,-4  
b7E -7

b6 -1  
b7C -1  
b7E -4

19-cv-4048(FBI)-3423

282A-CG-126294-3-2- *25* PBC/JAO

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 07/08/2008

[redacted] Date of Birth (DOB) : [redacted] b6 -5  
 home address: [redacted] retired b7C -5  
 City of Chicago Police Officer currently employed [redacted]

telephone number: [redacted] was advised of the identity of the interviewing agent and the purpose of the interview. Prior to the interview, [redacted] was provided with a non-target letter from the UNITED STATES ATTORNEY'S OFFICE. [redacted] then provided the following information:

[redacted] entered on duty with the CPD on [redacted] b6 -5  
 He was made [redacted] and was b7C -5  
 stationed at Area 2.

[redacted]

b6 -5  
b7C -5

[redacted] never witnessed anything violent occurring within Area 2 HQ. [redacted] never recalled sitting in on a BURGE interrogation.

The were no rumors about BURGE using violent interrogation techniques around Area 2 until allegations began surfacing in the newspapers. In fact, it was from the newspapers that [redacted] learned about allegations surrounding BURGE using typewriter bags, phone books, Russian roulette, and shock treatments to illicit confessions from subjects. In the early 1990s, [redacted]

[redacted]

BURGE had [redacted]

Investigation on 7/03/2008 at Chicago, Illinois

File # 282A-CG-126294 Sub 302 26 Date dictated 7/07/2008

by SA [redacted] dd

b6 -1  
b7C -1  
b7E -4

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REC/HJO

19-cv-4048(FBI)-3424

194B-CG-124889

Continuation of FD-302 of [redacted], On 7/03/2008, Page 2 b6 -5  
b7C -5

[redacted] There was no  
agreement between [redacted] and anyone else about how to handle  
inquiries about BURGE.

[redacted] opinion is that BURGE did not torture people.  
The torture allegations arose from opportunistic people looking for  
cash settlements driven by the PEOPLE'S LAW OFFICE.

b3 -1  
b6 -5  
b7C -5



KKK:kkk

b6 -1  
b7C -1

The following investigation was conducted by Special Agents (SA) [REDACTED] and [REDACTED] in Chicago, Illinois.

On July 8, 2008, SA's [REDACTED] and [REDACTED] accompanied by Assistant United States Attorneys (AUSA) [REDACTED] [REDACTED] and [REDACTED] and Department of Justice (DOJ) Attorney [REDACTED] interviewed the following individuals regarding abuse allegations made against JON BURGE and other Area 2 detectives. The interviews were conducted via videoconference.

b6 -1,-3  
b7C -1,-3

[REDACTED] an inmate at [REDACTED] provided information consistent with his prior statements.

b6 -5  
b7C -5

[REDACTED] an inmate at [REDACTED] [REDACTED] provided information consistent with his prior statements.

[REDACTED] an inmate at [REDACTED] [REDACTED] provided information consistent with his prior statements.

On July 9, 2006, SA's [REDACTED] and [REDACTED] accompanied by AUSA's [REDACTED] and [REDACTED] and DOJ Attorney [REDACTED] interviewed the following individuals regarding abuse allegations made against JON BURGE and other Area 2 detectives. The interviews were conducted via videoconference.

b6 -1,-3  
b7C -1,-3

[REDACTED] an inmate at [REDACTED] [REDACTED] provided information consistent with his prior statements.

b6 -5  
b7C -5

[REDACTED] an inmate at [REDACTED] [REDACTED] provided information consistent with his prior statements.

[REDACTED] an inmate at [REDACTED] [REDACTED] provided information consistent with his prior statements.

SP  
ML

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 07/09/2008

number [redacted] date of birth [redacted] social security  
[redacted] home address [redacted]

[redacted] spoke briefly with the interviewing agents at his home. After being advised of the identity of the interviewing agents and the purpose of the interview, [redacted] asked if he was a subject of the investigation. The agents told [redacted] that he was not and provided [redacted] with a non-target letter, which [redacted] accepted and read. [redacted] then told the agents that [redacted]  
[redacted]  
[redacted]

[redacted] before talking to the agents. [redacted] was then provided with a Federal Grand Jury subpoena commanding [redacted] [redacted] was given contact information for the prosecutor as well as the interviewing agents.

b3 -1  
b6 -5  
b7C -5

Investigation on 07/09/2008 at Chicago, IllinoisFile # 282A-CG-126294 -302- 28

Date dictated \_\_\_\_\_

by SA [redacted] jmh

*D*  
*JMH*  
b6 -1  
b7C -1

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19-cv-4048(FBI)-3430

*191JMH01, 302*

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 07/08/2008

[redacted], also known as [redacted]  
 [redacted] born [redacted] Social Security number [redacted] b6 -5  
 [redacted] a retired Chicago police officer, currently b7C -5  
 residing at [redacted]  
 telephone [redacted] was interviewed at his residence regarding former Chicago police officer JON BURGE (BURGE). After being advised as to the identities of the interviewing agents and the purpose of the interview, [redacted] provided the following information:

[redacted] started his career with the Chicago Police Department (CPD) on [redacted] retired from CPD on [redacted]  
 When he retired, [redacted] was [redacted]

During his career with CPD, [redacted]  
 in the Area 2 [redacted]

[redacted] It was at that point, around early [redacted]

[redacted]  
 that time. [redacted] summarized that incident as follows:

b6 -5  
 b7C -5

Investigation on 07/07/2008 at Chicago, Illinois

File # 282A-CG-126294-302 -29

Date dictated n/a

b6 -1  
 b7C -1

by SA SA /jsr

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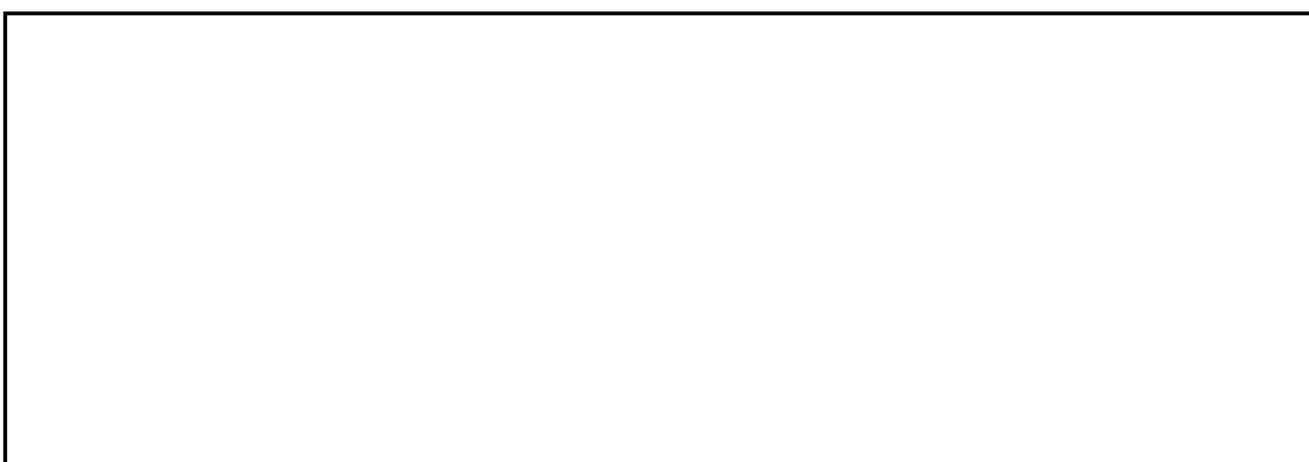
*[Signature]*  
 19-cv-4048(FBI)-3432

282A-CG-126294-302

b6 -5  
b7C -5

Continuation of FD-302 of [redacted]

, On 07/07/2008, Page 2

b6 -5  
b7C -5

[redacted] actually saw BURGE or any other Chicago police officers abuse any suspects. [redacted] does not know the name of the suspect who BURGE and the two homicide detectives were abusing.

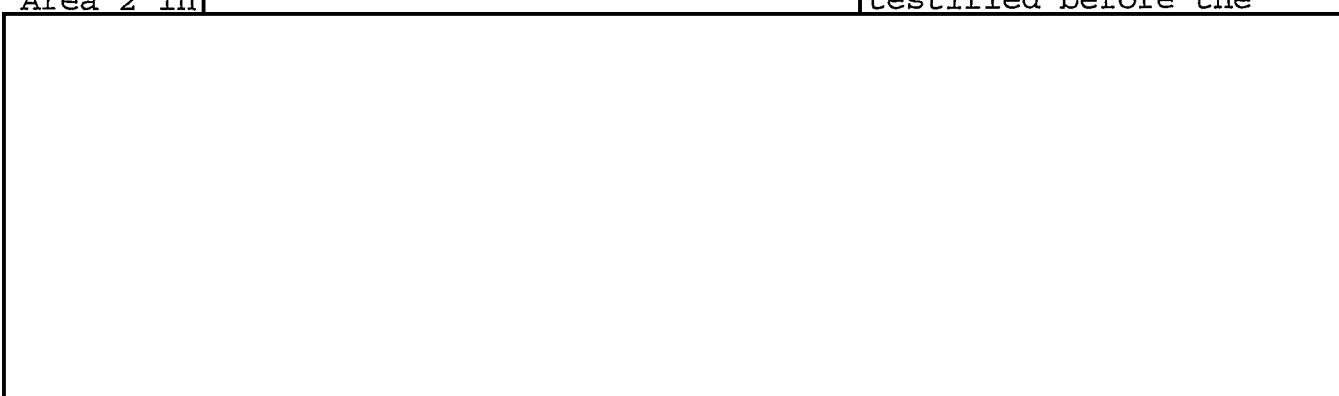
BURGE worked the night shift in Area 2 from 5:00 p.m. to 1:00 a.m. Prior to the incident [redacted]

b6 -5  
b7C -5

[redacted]  
another night shift with BURGE.

[redacted] recalls hearing rumors after the incident in early b6 -5  
1973 that the Area 2 building on South Cottage Grove was called b7C -5  
"the House of Screams" because people in the neighborhood would  
hear screams coming from the building.

[redacted] has previously testified about the incident in  
Area 2 in [redacted] testified before the [redacted]

b6 -5,-6  
b7C -5,-6

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Continuation of FD-302 of [redacted], On 07/07/2002 b6 -4, -5, -6, -7  
b7C -4, -5, -6, -7



- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 07/03/2008

[redacted] date of birth [redacted] residing at [redacted]  
 [redacted] social security account  
 number [redacted] telephone number [redacted] was interviewed  
 at his residence on 07/02/2008. After being advised of the  
 identity of the interviewing agents and the purpose of the  
 interview, [redacted] provided the following information:

b6 -5  
b7C -5

(CPD) in [redacted] was hired by the Chicago Police Department  
 During his career, [redacted]

then was assigned b6 -5,-6  
b7C -5,-6


The civil suit was filed both in federal court and state court. The suit is still pending in state court, however, a jury in the federal suit ruled that no award should be provided to the defendants. The federal suit was resolved approximately one year ago.

b6 -5  
b7C -5

[redacted] stated that he has never heard anyone, to include BURGE, discuss the use of force during interviews and

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Date dictated

b6 -1  
b7C -1by SA [redacted] ja

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Continuation of FD-302 of [redacted]

, On 07/02/2008

, Page 2

b6 -5  
b7C -5

interrogations of suspects at Area 2. [redacted] further stated that he did not have any knowledge of any individual utilizing excessive force in an effort to coerce information or confessions from suspects.

[redacted] did not socialize with BURGE unless both were attending a work related event. [redacted] knew that BURGE did not typically go to bars or drink after work, however, [redacted] did see BURGE at bars along Western Avenue on occasion. [redacted] did not know any of BURGE's friends or associates, however he did recall [redacted]

[redacted] described BURGE as an excellent police officer and stated that BURGE was a police officer twenty-four hours per day. If BURGE observed activity while off-duty and felt the need to intervene as a police officer, BURGE would do just that. BURGE was a personable individual and was sociable. [redacted] described BURGE as being level headed and not prone to overreaction. BURGE was not a person with a short temper.

[redacted] did not recall BURGE being personally involved in interviews or interrogations of suspects. Furthermore, BURGE did not dictate to interviewing detectives how the detectives should conduct their interviews. BURGE also did not instruct [redacted] to dictate how detectives should conduct interviews. BURGE typically relied on detectives to conduct their investigations and report through appropriate chain of command. [redacted] described BURGE's management style and involvement as being appropriate for a lieutenant. BURGE was not hard on detectives and did not press the detectives to clear cases.

[redacted] estimated that he last spoke to BURGE at a fund raiser in or about 1990.

[redacted] reiterated that he never observed anyone using excessive force, nor did he observe signs of anyone using excessive force on suspects. Specifically, [redacted] had never observed, nor heard discussion of a black box utilized to apply electric shocks prior to the claims of such a device made in the media. [redacted] had no knowledge of anyone utilizing type writer bags over suspect heads, Russian roulette, beating suspects with telephone books or forcing suspects against hot radiators as a means to coerce confessions. [redacted] never heard any suspects complaining about detectives of officers utilizing excessive force.

b6 -5,-6  
b7C -5,-6b6 -5  
b7C -5b6 -5  
b7C -5b6 -5  
b7C -5

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b6 -5  
b7C -5

Continuation of FD-302 of [redacted], On 07/02/2008, Page 3

[redacted] stated that he and others from Area 2 have not discussed the allegations against BURGE in an effort to formulate a cohesive story.

[redacted]  
b3 -1  
b6 -5  
b7C -5

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 07/03/2008

[redacted], date of birth [redacted], was interviewed at his residence, [redacted] was advised of the identity of the interviewing agents and the nature of the investigation and provided the following information:

b6 -5  
b7C -5

[redacted] began his career with the Chicago Police Department (CPD) in [redacted]. He was assigned to the [redacted] where he remained until about [redacted]

b6 -5  
b7C -5

[redacted] was assigned to Case Management in Area 2. [redacted] described this as "desk work" and advised that officers [redacted] were usually assigned to this work. [redacted] remained in Case Management [redacted]

b6 -2,-5  
b7C -2,-5

[redacted] advised that [redacted]

[redacted] advised that JOHN BURGE was a lieutenant and eventually Commander of Area 2 in the mid-1980s [redacted] advised that BURGE worked the hours that he wanted and [redacted] including [redacted]

b6 -4,-5,-7  
b7C -4,-5,-7

[redacted] stated that if the acts of torture which are being alleged in the media were occurring, they did not occur in [redacted] presence. [redacted] also stated that if they occurred, they likely did not occur during the day or night shifts, as there were too many people around Area 2 who could see or hear

b6 -5  
b7C -5

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Date dictated 07/03/2008

SA [redacted]  
by SA [redacted]b6 -1  
b7C -1

PAC/HO

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b6 -5  
b7C -5

Continuation of FD-302 of [redacted]

, On 07/02/2008 , Page 2

things occurring. [redacted] opined that if these acts occurred, they would have happened on the midnight shift when fewer people were around, and even could have happened at locations outside of Area 2, such as near the railroad tracks. [redacted] stated that he is not aware that such tactics such as electrical shocks with a "black box", placing typewriter bags over subjects heads, Russian roulette, hitting subjects with phone books, or putting subject's skin in contact with hot radiators were used as coercion tactics at Area 2. [redacted] never heard subjects complain that they were abused by officers in Area 2.

[redacted] advised that he did not see eye-to-eye with BURGE, stating that they argued about racial matters. [redacted] stated that [redacted]

b6 -5  
b7C -5

[redacted] advised that it was not uncommon for BURGE to conduct subject interviews.

b6 -5  
b7C -5

[redacted] has not spoken to BURGE since the mid-1980s, and was not advised by anyone as to how to answer questions about BURGE if ever approached by law enforcement.

b3 -1  
b6 -5  
b7C -5

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 07/09/2008

[REDACTED] Date of Birth: [REDACTED]

Social Security Account Number: [REDACTED] was advised of the identity of the interviewing Agent and the nature of the interview. [REDACTED] provided the following information:

The interviewing Agent advised [REDACTED] of the need to discuss matters and incidents which transpired while [REDACTED] was employed as a CHICAGO POLICE DEPARTMENT (CPD) officer. Thereupon, [REDACTED] asserted, "I have never seen BURGE abuse a prisoner." The interviewing Agent then ask [REDACTED] to speak about his employment history at the CPD concerning Area Two or Area Three.

[REDACTED] stated that he began working for CPD as [REDACTED]

He could not recall the exact month or date of his retirement. When asked when he began working at CPD Area Two, [REDACTED] stated that he did not know. He believed that his employment at Area Two began during the 1960's. Further, [REDACTED] stated that [REDACTED]

When asked whether or not [REDACTED] previously had given depositions concerning his employment at the CPD, in general, and concerning JON BURGE specifically, [REDACTED] indicated that [REDACTED]

[REDACTED] He further stated that he did not understand why the FEDERAL BUREAU OF INVESTIGATION (FBI) was interviewing him, given the fact that he had participated in so many depositions in the past. [REDACTED] stated that any further interviews and depositions would be a waste of time because the authorities never would get BURGE. [REDACTED] stated that if he spoke to the FBI, he would be providing the same information over again, and that the entire process had become redundant. [REDACTED] stated that he wanted to be careful concerning the information he provided to the FBI because since he had given so many depositions in the past, he did not want to inadvertently contradict himself.

When asked about alleged inappropriate activities which may have occurred involving BURGE, [REDACTED] repeated that he never witnessed BURGE doing anything inappropriate concerning an individual who had been arrested or detained by the CPD.

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b6 -5  
b7C -5b6 -1  
b7C -1

b7E -4

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Continuation of FD-302 of [redacted]

, On 07/09/2008

, Page 2

b6 -5

b7C -5

[redacted] confirmed that [redacted] though he was unable to recall the time period. At that time, [redacted] When asked about BURGE'S reputation, [redacted] stated that BURGE was untouchable. When asked to expound on that characterization of BURGE, [redacted] stated that BURGE was highly respected and feared by other police officers at Area Two, regardless of their rank. BURGE was very influential at the CPD, and other personnel did not challenge him often. [redacted] did not know of BURGE having a proclivity for using violence or excessive force against persons detained or arrested by CPD. [redacted] never witnessed BURGE using excessive/aggressive interrogation techniques. [redacted] was unable to recall when he last spoke to BURGE, and he did not know of any associates or [redacted] never heard of any subject who had complained about being abused by BURGE or BURGE'S colleagues. Further, no one advised [redacted] what to say to investigators if they ever questioned him concerning BURGE.

[redacted] stated that he never witnessed or heard of anyone using items or techniques during an interrogation or investigation, to include a black box, type writer bag, telephone books, Russian roulette, shock treatments, or the forcing of a subject against a hot radiator. When asked to recall any incidents which took place involving BURGE which one could infer to be inappropriate, [redacted] mentioned [redacted]

[redacted] When asked what the connection was between the device and BURGE, [redacted] did not have an answer. He just recalled that the [redacted]

[redacted] stated that the most recent deposition he participated in occurred approximately three months ago. At that time, he was questioned and challenged by BURGE'S attorneys. BURGE'S attorneys attempted to discredit [redacted] because they believed that [redacted] had held animosity toward BURGE. However, that belief was not true. According to [redacted] since BURGE had treated black detectives disrespectfully while working at CPD, BURGE'S attorneys thought that [redacted] would have been acrimonious toward BURGE.

b6 -5

b7C -5

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b6 -5  
b7C -5

Continuation of FD-302 of

[redacted], On 07/09/2008, Page 3

When asked to expound on the way in which BURGE treated black personnel at the CPD, [redacted] stated that BURGE was a racist, and often times, he would give black detectives undesirable assignments. Specifically, [redacted]

b6 -5  
b7C -5

When asked if there were other individuals who would be able to provide information concerning BURGE and his activities at the CPD, [redacted] stated the names, [redacted]

b6 -5  
b7C -5

[redacted] All of the aforementioned individuals were [redacted] during the time period in question.

[redacted]  
b3 -1  
b6 -5  
b7C -5

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 07/14/2008

[REDACTED] Date of Birth: [REDACTED] Place of Birth:  
 [REDACTED] telephone number, [REDACTED] Social  
 Security Account Number: [REDACTED] was advised of the identities  
 of the interviewing Agents and the nature of the interview.  
 [REDACTED] provided the following information:

[REDACTED] stated that he was a CHICAGO POLICE DEPARTMENT  
 (CPD) officer from [REDACTED]  
 [REDACTED] Subsequent to [REDACTED]

[REDACTED] stated that during a period of time when he  
 worked at the CPD, he worked at Area Two [REDACTED]  
 [REDACTED] could not recall the exact time he began working at Area  
 Two. However, the time would have been [REDACTED] At some  
 point while [REDACTED] worked in [REDACTED] the  
 [REDACTED] was  
 unable to recall the time frame of [REDACTED]

[REDACTED] Shortly after [REDACTED] arrival at the facility, he  
 requested to be taken off of the street. As a result, [REDACTED]

When asked to describe the working relationship [REDACTED]  
 had with former CPD officer, JOHN BURGE, [REDACTED] stated that BURGE  
 was the best detective in Area Two. When [REDACTED] was assigned to  
 Area Two, BURGE was already at the location. Concerning [REDACTED]  
 assignment at Area Two, he stated that he had not provided  
 testimony during any proceedings regarding BURGE in the past.  
 [REDACTED] stated that BURGE had a good reputation while working at

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b7C -5b6 -1  
b7C -1  
b7E -4

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Continuation of FD-302 of [redacted]

, On 07/09/2008 , Page 2

b6 -5

b7C -5

Area Two. [redacted] never witnessed BURGE use excessive or aggressive force interrogation techniques while dealing with individuals who had been arrested or detained by police officers. [redacted] b6 -5  
Further, to [redacted] knowledge, BURGE never directed anyone to use excessive or aggressive interrogation techniques. [redacted] b7C -5

[redacted] never heard of anyone speaking about BURGE abusing subjects.

[redacted] stated that he had never heard of anyone using excessive force or overly aggressive or abusive interrogation techniques against subjects. He further indicated that he never witnessed or heard of anyone ever using items or techniques during an interrogation/investigation, to include a black box, type writer bag, telephone books, Russian roulette, shock treatments, and the forcing of subjects against a hot radiator. [redacted] did not know any of BURGE'S associates or girlfriends outside of work. In addition, [redacted] never heard of any subjects having complained about being abused at the Area Two facility. Also, no one ever advised [redacted] what to say if investigators ever questioned him concerning abuse at Area Two. Finally, when asked what his opinion was about abuse at Area Two, [redacted] affirmed that he never witnessed any such abuse.

[redacted]  
[redacted]  
[redacted] b3 -1

b6 -5

b7C -5

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 07/15/2008

On 07/15/2008, SA [redacted] telephonically contacted [redacted] Illinois Department of Corrections (IDOC), [redacted] Intelligence Department, telephone number [redacted] fax number [redacted]. After the interviewing agent identified himself and told [redacted] the nature of the interview, [redacted] provided the following information:

SA [redacted] identified three individuals requested by [redacted] from the visitor's log for [redacted] b6 -1,-5,-6 b7C -1,-5,-6 Facility:

[redacted] date of birth [redacted] Illinois driver's license number [redacted] who resides at [redacted] was listed as a "friend".

[redacted] who resides at [redacted] (assume this is a typo, meaning IL), is listed as [redacted]

[redacted] Illinois driver's license number [redacted] who resides at [redacted] is listed as [redacted]

b6 -1,-5  
b7C -1,-5(S)  
(RB)

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b7C -1

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 07/30/2008

On 07/30/2008, [redacted] date of birth [redacted]  
 telephone number [redacted] who resides at [redacted]  
 [redacted] was telephonically contacted concerning JON BURGE.  
 After being advised of the nature of the interview and the identity  
 of the interviewing agent, [redacted] provided the following:

b6 -5  
b7C -5  
*[Signature]*  
KB[redacted] was employed from [redacted]  
 [redacted]b6 -5  
b7C -5

[redacted] [redacted] is familiar with JON BURGE only by news accounts.  
 [redacted] stated that he saw the news stories and believed BURGE was b6 -5  
 currently in Florida. After seeing the news stories, he attempted b7C -5  
 to recall if he had participated in any of the cases in which  
 accusations of brutality occurred. He could not recall any. He  
 does not recall ever meeting BURGE.

[redacted] never witnessed any brutality by the Chicago  
 Police Department or its detectives. The interviewing agent read  
 the names of some of the detectives which were employed at Area 2  
 and Area 4 during that time, and [redacted] could not recall any of  
 the names.

b6 -5  
b7C -5

[redacted] stated that the only incident that he remembers  
 that may be interpreted as brutality is when a murder suspect was b6 -5  
 left handcuffed while he was recording the statement, which is not b7C -5  
 customary. [redacted] did not recall the suspect's name. He said  
 that it was standard practice for him to request that suspects  
 remain uncuffed while they make a statement.

[redacted] is available for re-contact if necessary.

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b7C -1  
*[Signature]*

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 07/22/2008

Chicago Police Department (CPD), date of birth [REDACTED] of the [REDACTED]  
 telephone number [REDACTED] cellular telephone number [REDACTED]  
 [REDACTED] was interviewed at the Chicago Police Department, 3340 W.  
 Fillmore, Chicago, Illinois. Also present was Assistant United  
 States Attorney [REDACTED]. After being advised of the identity  
 of the interviewing Agents and the purpose of the interview,  
 [REDACTED] provided the following information.

b6 -3,-5  
b7C -3,-5

[REDACTED] started his career with CPD on [REDACTED]

b6 -5  
b7C -5*[Handwritten signatures]*

[REDACTED] first met JON BURGE in 1985, when BURGE became  
 the Commander of the BAU. [REDACTED] had not met BURGE prior to his  
 arrival in the unit. The initial feeling in the BAU was that BURGE  
 was a "street copper." As time went on, [REDACTED]

b6 -2,-5  
b7C -2,-5

BAU did not have a lot of hard workers at that time. BURGE was a  
 hands-on manager. Every morning he would review all the case  
 reports. [REDACTED] recalled BURGE being involved in the [REDACTED]  
 investigation, but does not remember BURGE interviewing any  
 subjects while he was in the BAU.

[REDACTED] does not believe the BAU was BURGE's "cup of  
 tea." He described BURGE as a more hands-on, violent crime kind of  
 guy. BURGE left the BAU around 1988 and moved to Area 3.

b6 -5  
b7C -5

[REDACTED] recalled hearing allegations of abuse through the  
 newspapers while BURGE was at Area 3, but cannot recall anything  
 specific.

*211 100102, 300, 500*Investigation on 7/22/2008 at Chicago, IllinoisFile # 282A-CG-126294-302 -36Date dictated 7/22/2008by SA [REDACTED] : kkkb6 -1  
b7C -1

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Continuation of FD-302 of [redacted]

, On 7/22/2008

, Page 2

b6 -5

b7C -5

[redacted] never saw an electrical device while working with BURGE at the BAU. He never saw plastic bags being placed over [redacted] a subject's head. [redacted] never spoke to BURGE about any [redacted] electrical device or plastic bags. He never heard anyone else talk about those items. His opinion on the [redacted] investigation is that the WILSON's murdered two police officers. [redacted] was not involved in that investigation and only knows of [redacted] it through the newspapers.

b6 -4,-5

b7C -4,-5

[redacted] GRUBISIC and SURDEJ are both deceased.

[redacted] never asked BURGE about the torture allegations, or whether BURGE had done the things being talked about on the news. BURGE never said anything specifically about the allegations, but did mention that the PEOPLE'S LAW OFFICE was out to get him.

Based upon [redacted] experiences with BURGE during their time in the BAU [redacted] would be shocked if the [redacted] b6 -5 allegations are true. [redacted] thinks people jumped on the b7C -5 bandwagon in order to get money. [redacted] does not believe the allegations. He never heard BURGE say he beat or tortured anyone or use any similar phrasing regarding the allegations. [redacted] never heard anyone say anything bad about BURGE, but indicated that most people know BURGE and [redacted] are friends. Nobody ever told [redacted] they witnessed JON BURGE commit a crime. [redacted] never saw or heard about an offender being bloodied or shocked, but read about such allegations in the papers.

[redacted] has not spoken to BURGE in about a year. He has never been to BURGE's home in Florida. [redacted] corresponds with BURGE on holidays with short telephone conversations.

b6 -5

b7C -5

If the allegations were proven, [redacted] would be disappointed in BURGE. [redacted] emphasized that BURGE never told him about abusing subjects, and he never heard BURGE say such things to anybody else. No other officers ever told him they witnessed such treatment by BURGE.