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b6 -1,-2,-7 Per FBI  
b7C -1,-2,-7

On August 30, 2011, SA [redacted] received a letter written by [redacted] Illinois Department of Corrections Inmate Identification Number [redacted] who is an inmate at [redacted] Illinois. The letter was originally sent to the Department of Justice Civil Rights Division in Washington, DC. The letter alleges [redacted] was abused during his arrest (known to have occurred in [redacted] by Chicago Police Detectives (known to be [redacted] and [redacted] [redacted] which he is still incarcerated. [redacted] whom he does not name in the letter.

The letter is attached to this document and will be maintained in the case file.

*PAR*

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Yeoman S

Date:

JUN 16 2011

ROUTING AND TRANSMITTAL SLIP

TO: Mark J. Kappelhoff  
Criminal Section

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	<input checked="" type="checkbox"/> Referral

REMARKS:

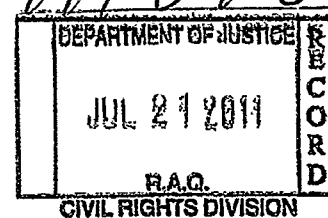
Referral of correspondence from  document #366954.

b6 Per DOJ

FROM: Deeana Jang  
bbs Chief  
Federal Coordination and Compliance Section

Room No.-Bldg.  
824, 1800 G Street

Phone No.  
(202) 307-2222



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19-cv-4048(FBI)-5557



U.S. Department of Justice  
Civil Rights Division

*Federal Coordination and Compliance Section-NWB  
950 Pennsylvania Avenue, NW  
Washington, DC 20530*

Doc #366954

JUN 16 2011

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RE: Your letter dated February 22, 2011

Dear [REDACTED]

Your correspondence has been received by the Federal Coordination and Compliance Section, Civil Rights Division, U.S. Department of Justice.

This section coordinates the enforcement of various statutes that prohibit discrimination on the basis of race, color, national origin, sex, and religion in programs that receive federal financial assistance. We also investigate complaints of discrimination on these bases against certain recipients of federal financial assistance from the U.S. Department of Justice.

The circumstances you describe do not appear to allege a violation of the statutes we enforce. However, based on the information you have provided, we have referred your letter to Mark J. Kappelhoff, Chief, Criminal Section, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530, for review and whatever action is deemed appropriate. This office will take no further action regarding your letter. If you have any questions, please contact the Criminal Section at (202) 514-3204.

Thank you for corresponding with this office.

Sincerely,

Decana Jang  
Chief

Federal Coordination and Compliance Section  
Civil Rights Division

cc: Criminal Section

My Name is [REDACTED] <sup>4</sup> was referred to your office by the "United States Commission on Civil Rights."

I am a victim of Police Torture, for the last 20 years I've been maintaining my innocence for some reason my pleas has been falling on deaf ears, I have all the evidence to prove my innocence the courts is making it extremely hard for me to present my case.

I'm not only raising the issue of Police Torture but also the Judge that presided over my case was the Chief of the Felony Review unit for the States Attorney office before he became a Judge he dealt first hand with Torture cases there is evidence of these allegations. There is a case

"United States v. Murphy, 768 F.2d 1518 (7th Cir. 1985)" The Judge makes it clear that if a Judge was a States Attorney who dealt first hand with a particular issue such as Police Torture as a Judge he could not preside over a Police Torture case to avoid whether the judge can be fair and impartial.

My Judge never ~~recused~~ recused him self and on top of that he prevented me from using ops files "Office of professional Standards", This is evidence that would have substantiated my claim of Police Torture.

I have filed a successive post conviction raising these issues and the only <sup>reason</sup> they are not letting me in the Court to argue my issues is because

MY ISSUES ARE AGAINST Police and a Judge.  
I AM A INNOCENT MAN THATS BEEN HELD IN PRISO.  
FOR 20 YEARS FOR A CRIME I DID NOT ~~COMMIT~~<sup>COMMIT</sup>  
THE ACTIONS OF THESE COPS AND THIS JUDGE DEPRIVED  
ME MY RIGHT TO VOTE, MY RESPONSIBILITY TO BE A  
FATHER TO MY THREE SONS, THEY CAUSE ME TO LOOSE  
MY JOB.

MR. BURNES I SERIOUSLY NEED YOUR HELP BECAUSE  
NOT ONLY HAVE MY CONSTITUTIONS RIGHTS HAVE BEEN  
VIOLATED BUT MY CIVIL RIGHTS AS WELL.

I AM INNOCENT FOR THE CRIMES THAT I'VE BEEN CHARGED  
WITH THERE ~~IS~~<sup>IS</sup> EVIDENCE THAT SUPORT MY INNOCENTS  
THE ILLINOIS SUPREME COURT HAS RECOGNIZED THAT NO  
PERSON CONVICTED OF A CRIME SHOULD BE DEPRIVED OF LIFE  
OR LIBERTY GIVEN COMPELLING EVIDENCE OF ACTUAL INNOCENCE  
FOR A PERSON ~~TO~~ THATS IN AUTHORITY TO IGNORE MY ACTUAL  
INNOCENCE CLAIM UNDERMINES THE VERY LEGITIMACY AND  
INTEGRITY OF OUR CRIMINAL JUSTICE SYSTEM.

MR. BURNES, I HAVE TWO ORGANIZATIONS THAT HAVE  
DONE A INVESTIGATION ON MY CASE, NOT ONLY DO THEY BELIEVE  
I AM INNOCENT BUT THEY HAVE THE EVIDENCE TO  
PROVE IT, AND SO DO I! I ASK CAN YOU PLEASE GET  
INVOLVE?

Sincerely,

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[Redacted Signature]

[redacted] victim of police torture

**Facts of the case**

[redacted]  
On the evening of June 9, 1991 Kathryn Miles was killed and [redacted] [redacted] and [redacted] were injured in a gunfight that took place on the 6600 block of S. Wolcott in Chicago.

On June 10, 1991, the police dragged [redacted] from a car outside his home and took him to Area 3 Violent

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Crimes at 39<sup>th</sup> St. and California Ave. in Chicago. [redacted] alleges that over the next two days the police psychologically and physically tortured him. They beat and kicked him in the legs, chest, and arms. Ultimately, he agreed to give a statement dictated to him by the police. One of the detectives administered the beatings, while the other acted as "good cop," advising [redacted] to confess in order to satisfy his violent partner.

When [redacted] was admitted to Cook County Jail on June 11<sup>th</sup>, he immediately requested to be seen by a doctor. However, he did not receive any medical attention until July 1991. X-rays taken at that time did not show any fractures.

The circumstances are exemplary of a false confession. It only recently has been established that [redacted] experience was not an isolated incident, but was part of a practice of systematic coercion and torture of suspects by Chicago police officers. At the time of the interrogation, the identity of the officer playing the role of "good cop" was unknown by [redacted]. It was not until 18 years later, June of 2009, [redacted] saw the face of [redacted] on a PBS special on police torture on WILL TV in Champaign Illinois. [redacted] was the "good cop". He has a long history of involvement of psychological and physical abuse and has been implicated in the [redacted] Police Torture Case. The

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detective who beat him, [ ] has also been identified as a torturer in numerous cases reviewed by Special Prosecutor Edward J. Egan.

At the very least [ ] deserves to have a hearing on his claim of police abuse, brutality and torture.

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According to the e "confession" extracted through torture, [ ] was at [ ] house on June 9 with [ ] when a man named [ ] arrived. [ ] had asked [ ] whether he was interested in doing a "stain" (stick-up). [ ] ask [ ] to shoot some men who had jumped him earlier that day. He offered to fix [ ] car, according to the "confession." However, [ ] mother testified at his trial that he has never owned a car. The "confession" then says that [ ] and [ ] then went to [ ] garage to discuss "logistics" [ ] word in the "confession") of the shooting. They decided that [ ] and [ ] would shoot while [ ] and [ ] watched their backs.

The four men drove to an alley near the crime scene, according to the "confession," to "take a look" at the intended victims. [ ] stayed in the car while the other three walked to 66th and Wolcott, stood on the corner and started shooting toward 67th street, which resulted in the death of Katherine Miles.

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[ ] maintained his innocence throughout the trial and vociferously repudiated his confession. He confirmed that he, [ ] and [ ] drove to 66th and Wolcott looking for a friend named [ ]. However, he testified that he did not have a gun and did not fire any shots that night, and that he and his companions were not involved in a gunfight that erupted between two groups of men on the Wolcott block.

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After the shooting an eyewitness, [ ] gave a statement to police who arrived on the scene that he had seen a man named [ ] shooting a handgun on the block of 6600 S. Wolcott in the area where Kathryn Miles was found. [ ] told police that

[redacted] then ran to 6715 S. Wolcott. The police went to that address and found and arrested [redacted] admitted to police that he had been involved in a gun fight on the 6600 block of S. Wolcott. However, the police released and never charged [redacted] offering no explanation. [redacted] appeared as a witness against [redacted] for the prosecution, setting the stage for their story but not tying anyone to the crime.

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[redacted] and his attorney from the Cook County Public Defender's Office had no knowledge of [redacted] or his statement, nor of the arrest of [redacted] until September of 1993, a month before his trial. In May of 1993 [redacted] was murdered. The State was aware of his statement from the beginning, and did not disclose the information until after [redacted] death. [redacted] is currently incarcerated for attempted murder [redacted]

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[redacted] is an investigator in the Public Defender's Office. He testified that [redacted] Averhart told him that he was on the 6600 block of S. Wolcott on June 9 and saw a heavysset male shooting a gun [redacted] is 6 ft tall and weighs 270 lbs). [redacted] also told [redacted] that he saw [redacted] at the scene holding a gun, but couldn't remember if he saw [redacted] shooting. At [redacted] trial [redacted] corroborated what [redacted] told [redacted] and that they did not see [redacted] fire a gun. They testified they were at the scene and witnessed what happened

[redacted] has <sup>Filed</sup> ~~had~~ a Successive Petition for Post Conviction Relief. He includes a sworn affidavit from [redacted] who states that he witnessed the murder of Miles. According to his affidavit [redacted] and a friend, [redacted] drove to 65<sup>th</sup> and Wolcott and met [redacted] got out of his car and spoke with [redacted] while [redacted] stayed in the car. [redacted] saw two men shooting at each other across the street near a playground. One of them, [redacted] was shooting a handgun and [redacted] saw Kathryn Miles get caught in the crossfire. When the gunfire ceased, [redacted] got back in the car, and [redacted] said, "That was [redacted] that just shot Tutu! (aka Kathryn Miles)".

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[redacted] testified that on June 10 he and his partner interviewed [redacted] at the Area Three police station in connection with the shooting of Kathryn Miles. He said he subsequently arrested [redacted] led police to several locations in Jackson Park where they found parts of several guns and ammunition, and then led them to 1522 E. 74<sup>th</sup> St. where the police found the gun that subsequent ballistics tests showed had killed Kathryn Miles.

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The record does not reveal who, if anyone lived at 1522 E. 74<sup>th</sup> St. There is nothing that links this weapon to [redacted] The trial testimony by [redacted] only establishes that [redacted] led him to the location at which it was found.

There are numerous inconsistencies and contradictions in the State's case against [redacted] Most importantly, however, is the fact that without the "confession" extracted after many hours of brutal beatings and abuse at the hands of detectives in Area Three Violent Crimes, there is virtually no case against him.

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At best, the case of [redacted] is a case of a man brutally tortured into confessing to a crime and implicating his two friends, [redacted] At worst, the police purposefully constructed a case that would incarcerate the largest number of young black men possible, and actually conspired with the real perpetrator [redacted] to frame these three men.

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The case of [redacted] in the form of his successive PCP is currently before a Judge. Numerous procedural obstacles are being thrown in his path to a hearing. He has no attorney to represent him. He is 40 years old and has been incarcerated since he was 20, ~~almost~~ half his life.

People can write to Illinois Attorney General Lisa Madigan and advocate that she urge a Special Prosecutor to be assigned to the defense of the State's case against [redacted] and that he be granted a hearing on his claim of torture and wrongful conviction.

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### Membership Application

Please sign me up as a member of the CAARPR.

My annual dues (January 1 - December 31) of \$15.00 (free for prisoners) are enclosed.

I would like to make a monthly pledge of

\_\_\_\$25\_\_\_\$35\_\_\_\$50\_\_\_Other\_\_\_

I can't make a pledge, but here is my contribution of \$\_\_\_

Total enclosed \$\_\_\_

Name\_\_\_\_\_

City\_\_\_\_\_State\_\_\_\_\_Zip\_\_\_\_\_

Phone ( ) \_\_\_\_\_ Email\_\_\_\_\_

Send to: CAARPR

1325 S. Wabash Ave., Suite #105

Chicago, IL 60605

(312) 939-2750

<http://www.naarpr.org>



The National Alliance Against Racist and Political Repression was founded in 1973 in Chicago, Illinois to mount organized action against unjust treatment of individuals because of race or political beliefs. Its founding grew out of the struggle to free Angela Davis from a racist frame-up on murder charges surrounding the aborted attempt by Jonathan Jackson to free his brother, George Jackson and the Soledad Brothers in 1970. The Chicago Branch, now the Chicago Alliance Against Racist and Political Repression (CAARPR), continues to struggle for justice with a focus on the following goals.

#### Free Innocent Prisoners

Over the years the NAARPR has successfully campaigned for the release of many persons falsely charged and sentenced to death or to long prison terms. Currently the CAARPR is working to get an Executive clemency petition for Mark A. Clements, who served more than 28 years behind prison walls for a crime that he did not commit. On August 18, 2009, he won his freedom and now works with the CAARPR as Prison Liaison and coordinator for the struggle against wrongful convictions. Chicago police working under the command of Jon Burge tortured hundreds of Black and Latino men. We are working to win hearings and new trials for 20 of them who remain incarcerated. We have investigated two of those cases: Stanley Wrice and Antonio Nicholas. We are convinced they are innocent and were convicted only by confessions made under torture. We are struggling for the release of Nicole Harris, a young Chicago mother accused of killing her son who was coerced to confess. We are also struggling for freedom for Derrick Searcy, James Harris, Michael Harris, Clayborn Smith, Charles Solo Harris and a host of others. See our web site for information

on these cases, <http://www.naarpr.org>.

### **Systematic Racism**

In this country African Americans and Latinos continue to be affected by racism. We struggle against all forms of white supremacy, and we understand that that struggle is at the center of the fight against racist and political repression.

### **Abolish the Death Penalty**

The U.S.A. has more people on death row than any other country in the world. The CAARPR works with other organizations in a campaign to end the death penalty. The moratorium in Illinois has helped thrust this issue on the national agenda, resulting in the introduction of several National Death Penalty Moratorium bills in Congress. Two States have abolished capital punishment. Texas leads the country in executions, in spite of evidence of innocence. We work to abolish all capital punishment.

### **Expose the Prison Industrial Complex**

The CAARPR has been in the forefront of the struggle against the prison-industrial complex, one of the fastest growing industries in the country. Its profits depend on the incarceration of more than two million people – mostly African Americans – and most for non-violent crimes. The CAARPR works to draw the connections between this intolerable situation and the white supremacy and class exploitation that lies at its roots.

### **Secure Health Care for Prisoners**

The CAARPR is working to hold the Illinois Department of Corrections (IDOC) and the County Jails across the state to the standard of the Eighth Amendment to the U. S. Constitution, which bans cruel and unusual punishment, including the denial of medical care to prisoners. Our highest priority is to work for a rapid and responsive procedure independent of the IDOC through which prisoners being denied care can protest and be heard.

We often Intervene directly with IDOC medical staff to address urgent crises

in medical care when we are aware of them. We work in coalitions aimed at winning legislation to improve the situation. We are actively reviewing medical records and complaints from prisoners to document this problem and explore action to compel a system-wide solution to this problem.

We have exposed and brought legal action in the case of Montell Johnson, which is an example of what's wrong with the system. We have won the medical treatment he needs, and his sentence was commuted on humanitarian grounds by Governor Blagojevich. However Johnson remains a prisoner because of a hold on him by the State of California.

### **Establish Civilian Control of Police**

From its inception the NAARPR campaigned against police crimes, primarily against the poor and people of color. Model Legislation to establish a Civilian Police Control Board that holds police officers accountable for their actions has been drafted and circulated. At the same time we are cooperating with other groups that have drafted ordinances to achieve the same goal of police accountability to the citizens of the city of Chicago.

### **Support Affirmative Action**

We defend and call for extension of affirmative action programs to end the legacy of white supremacy and genocide practiced against peoples of color in the United States. We also struggle for full representation of Black people and others in the elected bodies of city, state, and federal government.

### **Human Rights Award**

The CAARPR has established a Human Rights Award which is presented to individuals who have made outstanding contributions to the cause of justice and human rights.

The CAARPR maintains relations with other former branches of the NAARPR in Kentucky and Nevada.

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THE ILLINOIS DEPARTMENT  
OF CORRECTIONS



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**DOJ MAILROOM**

Chief, Coordination and Review section,  
Civil Rights Division U.S. Department of  
Justice,  
950 Pennsylvania Ave, NW  
Washington DC. 20530  
Att. Christopher Buene  
Acting Assistant Staff Director  
Office of Civil Rights Evaluation.