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## Cops go unpunished despite OPS findings suspects were tortured

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Amid allegations that officers working for Chicago Police Cmdr. Jon Burge had physically abused suspects, city investigators in the early 1990s quietly reopened nine

controversial brutality cases, reversing earlier rulings and determining some detectives had tortured suspects.

But that, according to documents, is where the investigations stopped.

In spite of findings that torture and brutality occurred, the cases languished and no one was disciplined. Then, last year, a top police official decided to simply shelve the investigations. He said they were too old to pursue.

Fifteen years or more after suspects were allegedly tortured and six years after Burge was fired, the decision by the Police Department to abandon the most recent investigations highlights the City of Chicago's continuing struggle over how to address charges of brutality.

While city officials have condemned the actions of Burge—one of the strongest condemnations of the alleged abuse was in a city report—they also have done little

to punish anyone besides Burge.

So it is that the ripples from these old interrogations continue to be felt, both in civil cases and in appeals for Death Row prisoners who say their innocence depends on these abuse investigations.

The latest Burge investigations are coming to light in documents filed in an unrelated police brutality case being heard in U.S. District Court.

Tuesday, lawyers in that case are scheduled to be in court again

in an effort to force the city to turn over more documents that they hope will shed additional light on the torture investigations.

The cases stemmed from incidents that allegedly occurred between 1982 and 1984 and involved at least a dozen officers, five of whom are still on the force and two of whom are on a leave of absence, according to department officials. The investigations found that officers put a cattle prod to a suspect's testicles, held a gun to his head and tortured him in a game of Russian roulette; that detectives put a plastic bag over another suspect's head; and that officers threatened suspects to obtain confessions.

According to the documents, none of the findings by investigators from the Police Department's Office of Professional Standards resulted in discipline. Some of the findings were reversed by OPS supervisors, in spite of considerable evidence and some of the findings languished.

Moreover, the findings were kept secret from the lawyers for the alleged brutality victims, some of whom say that they are critical to appeals, and might help keep their clients from being executed or prove their innocence.

In an August 1998 memo filed among the documents from the Police Department's general counsel, former mayoral aide Tom Needham advised OPS officials to classify the nine cases "not sustained"—clearing the officers.

"Bringing charges against any of the remaining accused at this time would deprive those officers of an opportunity to present a full defense," he wrote.

"More importantly," Needham added, "the lengthy delay between the date of the initial complaint and the present makes it virtually impossible to conduct any kind of meaningful inquiry into the matters in issue."

Defense attorneys, in court papers and interviews, accuse the city of engaging in a cover-up of the investigation of brutality at a

(Indicate page, name of Newspaper, city and state)  
Pg. 1, Sec. 1  
Tribune  
Chicago, IL

Date: 2/23/99  
Edition: Chicagoland North

Title: Brutality probe haunts city

Character:  
or  
Classification:  
Submitting Office: Chicago

Indexing:

South Side police station.

Dozens of suspects have alleged they were beaten by Burge or the detectives he supervised, a pattern of physical and psychological abuse during the 1980s that one city report concluded was "systematic."

Burge was fired in 1993 after the Chicago Police Board found that he tortured Andrew Wilson by holding Wilson against a hot radiator to get a confession to help solve the murders of two officers. Wilson was convicted of the murders and initially sentenced to death. The Illinois Supreme Court reversed the decision because of the torture and, at another trial, Wilson was sentenced to two natural life terms.

The Police Department, at one

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FBI/DOJ

19-cv-4048(FBI)-1995

point, suspended two other officers but the police board reinstated them.

A federal appeals court ruled that abuse by Burge and his crew of homicide detectives "was, in fact, common."

In a brief interview, Needham said his memo "speaks for itself."

"In 1999," he added, "I just don't see going out and talking to people about what happened in 1982. I think that's a long time to get to the bottom of these things."

The documents are included in a case in U.S. District Court in which a 26-year-old North Side man, Marco Santiago, is suing two officers, Rigoberto Marquez and Harry Mercado. Santiago says the officers beat him on Oct. 15, 1994, splitting open his head.

Santiago, according to the lawsuit, was arrested and charged with possession of crack cocaine. He alleged that the officers planted the cocaine. He was acquitted following a trial in December 1996, according to court records.

Santiago, in his lawsuit, alleges that the failure to discipline Marquez and Mercado is part of a pattern in the city. To help prove that, attorney G. Flint Taylor, who represents Santiago, is using the Burge files to show that the department condones brutality.

Allegations that Burge and his detectives used electric shock, suffocation and beatings to obtain confessions—and that they simply made up some confessions—have lingered for years in lawsuits, criminal appeals and community protests. They remain critical to appeals in 10 Death Row cases, according to records.

It was when this controversy was still fresh, in the early 1990s, that Gayle Shines, then OPS chief administrator, ordered the reinvestigations.

According to the court documents, some of the alleged victims were suing the city. Others were bringing renewed complaints about the alleged abuse.

Shines, now executive director of legal investigations at the City Colleges of Chicago, said she recalled little about the reinvestigations.

"This (the new documents) is another tier of the scandal of police torture," said Taylor, who also represents Darrell Cannon, who was convicted of murder but alleges that he was tortured by police. "But now, there's apparently the scandal of the cover-up."

The Illinois Appellate Court ruled late last year that Cannon

was entitled to a new hearing on allegations his confession was coerced.

Paul E. Dengel, who represents Death Row inmate Stanley Howard, said he has written repeatedly to OPS to get information about the inquiry of Howard's brutality allegations. OPS, he said, never responded.

Howard, who was convicted of a 1984 murder, is appealing his death sentence in part on grounds that he was tortured by detectives working for Burge.

"Now it seems confirmed that the confession was the product of torture. But I'm distressed to see that the recommendations have not been acted upon," said Dengel. "Doesn't it sound like they're sweeping it under the rug?"

Defense attorneys whose cases are not dealt with in Needham's memo but who represent suspects who have accused Burge and his detectives of brutality say the documents support their claim of abuse.

"It makes the case that there was a pattern and practice by Burge and his underlings of doing these things," said Richard Cunningham, attorney for Death Row inmate Ronald Kitchen, who alleges he was beaten by Burge and his detectives.

But Paul D. Geiger, who represented a number of the officers, said the OPS reinvestigations were little more than a political witch hunt.

"Instead of being questioned, these guys (the officers) were subject to eight hours of cross-examination," said Geiger. "It wasn't a fact-finding expedition. It was an accusatory expedition. The guys were being considered guilty before they even walked in the (OPS office) building."

One of the officers in the reinvestigations, Peter Dignan, recently was promoted to lieutenant.

In Cannon's case, OPS Investigator Veronica Tillman wrote in her report that, in September 1983, Dignan put a shotgun in Cannon's mouth and pulled the trigger three times.

The shotgun was unloaded, however.

Tillman found, too, that Sgt. John Byrne struck Cannon in his testicles with a cattle prod and held a pistol to his head, according to her report, which is included in the federal court documents.

"During the investigation that followed," Tillman said in her investigative report, "it was conclusively determined what each officer did."

In Howard's case, OPS Investigator Leutie Lawrence found that, during questioning, Byrne and Detective Ronald Boffo hit and kicked Howard repeatedly, and that Detective James Lotito jerked Howard's body while he was handcuffed to a ring on an interrogation room wall.

Byrne, who also was an attorney, resigned from the department but later was disbarred. Lotito retired, while Boffo remains on the force.