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## **Suit forces Chicago police to hold arrestees a shorter time**

By David Heinzmann and Angela Rozas

Tribune reporters

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Prompted by a class-action lawsuit, the Chicago Police Department is shortening the amount of time it can hold prisoners who have not been charged or appeared before a judge.

Detectives were informed Thursday that suspects have to appear before a judge within 48 hours of arrest or be released. The previous practice required only that charges be approved by prosecutors within that time frame.

Because of court schedules and the availability of judges, law enforcement sources said that, in some cases, the change will result in police being able to hold suspects for only one day before securing charges or letting them go.

The change was made on the eve of an expected settlement in a class-action lawsuit brought by people who claimed they were held by police more than 48 hours without charges. Attorney Michael Kanovitz, who represented the plaintiffs in the lawsuit, argued the law is clear that holding suspects for more than two days is unconstitutional.

Sources said the suit is being settled for as much as \$38 million. Neither city officials nor Kanovitz would confirm that figure or discuss whether the case was being settled Friday. But the city is conceding that police should not hold people more than 48 hours without charges, saying the new order "as clearly as possible explains the current state of the law."

The policy affects suspects arrested by police without a warrant, and now states: "Under no circumstances, will such a person appear in court any later than 48 hours from the time of arrest."

Holding suspects longer "jeopardizes the criminal case and exposes both the department member and the city to liability," police spokeswoman Monique Bond said in an e-mail. "This does not mean that we have 48 hours to have the subject charged. It means they must appear in court within 48 hours of their arrest."

Detectives said that the change will put them under much greater pressure to assemble cases hastily.

"They're tying our hands behind our backs," said one veteran detective, who asked not to be named. "It's just one more thing to keep us from solving crimes."

The altered policy is only the latest blow to police morale in a string of bad news and scandals that have plagued the rank-and-file in the last two years.

But Law Department spokeswoman Jennifer Hoyle said: "The changes were made to protect the officer and the department" against lawsuits.

There was also some dispute among city officials about what role new Supt. Jody P. Weis played in the making the order. Hoyle said the changed order "is something the new superintendent wanted to do proactively."

But Bond said the decision was made by city lawyers in response to the lawsuit and Weis was briefed on it and signed the order.

Prosecutors were also not integrally involved in the decision to change the policy.

"We've just learned of this today," said John Gorman, spokesman for Cook County State's Atty. Richard Devine. "This is an important issue we want to discuss with the Police Department and the chief judge to make sure we're all on the same page."

The length of time Chicago police hold suspects before charging them has been controversial for years, and the department has faced allegations of coercing confessions from suspects by wearing them down over days, and in some cases, torturing them.

In 2003, more than a dozen people added their names to a federal lawsuit filed by Joseph Lopez against Chicago police in an effort to turn his case into a class-action suit. The people alleged that police mistreated them in interrogation sessions lasting two or more days, keeping them from sleeping and eating, and in some cases, denied them access to attorneys.

Lopez sued in 2001, arguing police held him for four days. He was charged with murder but was released when someone else confessed.

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