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**Title: Illegal arrests yield false confessions**  
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The gateway to a false confession is, in many cases, an illegal arrest--taking a person into custody on little or no evidence and subjecting him to high-pressure interrogation.

The law forbids that tactic and leading interrogation experts condemn it, saying interrogation holds such power to produce confessions that police should employ it only after a suspect's guilt has been reasonably established through other investigation.

But police in Cook County often violate that tenet and conduct the equivalent of street sweeps--picking people up on shreds of evidence and questioning them for hours or days in isolated rooms at police stations, according to the Tribune's investigation.

In rulings issued since 1991, appeals courts have thrown out the murder confessions of at least 70 defendants in Cook County, the Tribune found. In 37, confessions were suppressed based on court findings that they resulted from illegal arrests.

Defendants were arrested on such flimsy leads as an anonymous crime-line tip that did not fit the facts of the crime, or an anonymous tip about street rumors, according to court records.

The number of illegal arrests is likely much higher. The total of 37 does not account for cases where the prosecution declined to appeal a trial judge's finding of an illegal arrest, or where the courts ruled there was an illegal arrest but then allowed the confession anyway. Courts will allow such confessions if prosecutors can show that intervening factors--for example, police confronting a suspect with incriminating evidence discovered after he was taken into custody--sufficiently separated the confession from the arrest.

Appeals judges sound alarm

Appellate Court judges have expressed alarm at the prevalence of illegal-arrest claims and findings in Cook County.

"Despite the fact that arrest without probable cause has been considered illegal in Anglo-American jurisprudence since the adoption of the Magna Carta in 1215 A.D., such arrests seem almost commonplace in Cook County, if the number of appeals involving the issue is any criterion," the Illinois Appellate Court wrote in a 1991 case in which Chicago police illegally kept a teenager overnight in a small interview room without a bed.

Last year, while dissenting from a ruling that upheld a defendant's murder conviction but criticized how Chicago police handled the case, Appellate Court Judge Mary Jane Theis wrote that in Cook County, the law against detaining and interrogating people without probable cause is "routinely ignored."

In nearly 25 years as a detective, Ralph Vucko, who is now retired, took part in several murder investigations where police got confessions but courts later ruled the arrests were illegal. At least five defendants in those cases had their confessions thrown out and charges dropped. At least three others were convicted despite an illegal arrest--either the court allowed the confession anyway, or the defendant was convicted without it.

Vucko declined to be interviewed for this article.

One case that Vucko investigated illustrates how a questionable arrest can set in motion the machinery of the criminal justice system--interrogation, confession, conviction--and produce a result dogged by questions of whether the real killer was caught.

Investigating the 1984 rape and murder of a 75-year-old woman on Chicago's West Side, Vucko and a partner took two teenagers to a police station and interrogated them, getting confessions from both. The teens, Anselm Holman and Richie Cole, later denied guilt, claiming they confessed because they were

beaten, an allegation police denied.

Cole also argued that his confession was the product of an illegal arrest, and the Illinois Appellate Court agreed. When the detectives picked him up, all they knew was that he had been at the victim's residence the night of her killing. "Clearly such a paucity of evidence, as the police conceded, does not constitute probable cause," the court wrote.

The appeals court noted that Holman, arrested under similar circumstances, could have challenged his confession on the same basis. But in a befuddling omission, Holman's appellate attorney failed to raise the argument. So Cole went free--his conviction reversed and confession suppressed--while Holman remained in prison, serving a life sentence.

Fifteen years after his arrest, Holman sought DNA testing in hopes of proving his innocence. But a forensic scientist for the Illinois State Police contaminated the evidence, somehow transferring his own DNA into a semen smear on a microscopic slide.

Last year, prosecutors and Holman's lawyers made a deal. The conviction was vacated, and Holman pleaded guilty in return for a new sentence that will give him a chance at parole in less than three years.

"They knew I was innocent. They wouldn't be offering no deal for nobody with life no other way," Holman, now 35, said in an interview at Hill Correctional Center in Galesburg, Ill. "But what do you do? Wait five years or even more when there's still a chance that you lose?"

#### Police sidestep arrest rules

In cases where defendants have alleged illegal arrest, police have often tried to sidestep the need to show probable cause by arguing the defendant was not actually under arrest when he confessed. In such cases, police contend the defendant voluntarily accompanied officers to the police station and was free to leave at any time.

The Andre Wallace case provides a vivid example. In 1994, when Wallace was 15, he was stopped on the street by five Chicago police officers, transported in a squad car to the station, kept overnight in a locked interview room and apprised of his rights several times.

Police never told Wallace he could leave. Nonetheless, they said Wallace should have known he was not under arrest and was free to leave.

The Illinois Appellate Court disagreed, writing that it was difficult to believe "that citizens typically agree to spend extended periods of time at police stations, kept in small windowless rooms, waiting for the police to conduct their investigations and obtain probable cause for their arrest."

The appeals court threw out Wallace's confession in August--seven years after his arrest--and ordered a new trial.

Sometimes, judges have become exasperated by police claims that a suspect remained in custody voluntarily. In a ruling affirmed by the Illinois Appellate Court in 1994, Cook County Circuit Judge Leo Holt threw out the confession of a man kept for 12 hours in an 8-by-8 interrogation room after he had been shot.

Police argued the man was there of his own free will.

"It is absurd," Holt wrote, "to believe that [the defendant] stayed in the police facility for 12 hours, after having been shot, without any medication, with a cast on his leg from his foot to his crotch, simply to fulfill an obligation of citizenship that could have as easily been fulfilled from the comforts of his home."

Caption:

PHOTO

Caption:

PHOTO (color): Anselm Holman's lawyer did not question his arrest. A co-defendant was freed because of an illegal arrest. Tribune photo by Ovie Carter.

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