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**UNITED STATES OF
AMERICA**

**Allegations of Police Torture in
Chicago, Illinois**



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Amnesty International
International Secretariat
1 Easton Street, London WC1X 8DJ, United Kingdom**

UNITED STATES OF AMERICA

Allegations of Police Torture in Chicago, Illinois

BACKGROUND

Amnesty International has received allegations that police from the Area 2 police station in Chicago, Illinois systematically tortured or otherwise ill-treated suspected criminals between 1972 and 1984. The allegations came to light as a result of a civil lawsuit brought by one of the alleged victims, Andrew Wilson, in 1989. He and most of the alleged victims of ill-treatment during this period were black.

Andrew Wilson was detained at the Area 2 police station in February 1982 on suspicion of murdering two Chicago police officers. He alleged that, during interrogation, he was among other things, beaten and kicked, had a plastic bag placed over his head causing near suffocation, threatened with mock execution by having a gun placed in his mouth and subjected to electric shock torture. The medical director of the hospital serving Cook County jail inmates urged a police investigation after witnessing Andrew Wilson's injuries which included burns to his chest, thigh, face and chin. However, a subsequent investigation by the Chicago Police Department's Office of Professional Standards (OPS), which is responsible for investigating complaints against the police, recommended that the complaint be dismissed as "not sustained", despite the extensive evidence of Andrew Wilson's injuries.

In 1987, the Illinois Supreme Court overturned Andrew Wilson's conviction of the murder of two police officers and ordered a retrial on the ground that his confession made in police custody may have been obtained by coercion. Andrew Wilson's lawyers subsequently filed a civil lawsuit against the City of Chicago alleging that he had been tortured in 1982. In June 1989 the jury hearing the case concluded that Wilson's constitutional rights had been violated in February 1982 and that there had existed at that time a *de facto* policy within the City of Chicago and the Police Department to ill-treat persons suspected of killing police officers. (The jury failed to find that Wilson himself had been subjected to excessive force, however, and cleared the three officers named in the suit of charges of torture: an appeal against this decision is pending.)

During their investigations into the case, Andrew Wilson's lawyers located more than 20 other persons who alleged that they had been tortured by police officers in the Area 2 police station between 1972 and 1984. In addition to beatings and other forms of ill-treatment, eight people alleged that they had been subjected to electric shocks, and

others said that they had had plastic bags placed over their heads or had been threatened with mock execution. At least 12 had filed OPS complaints which were dismissed as "not sustained", although two were later awarded damages in civil actions.

It appears that many other people may have been subjected to ill-treatment during this period. According to press reports, more than 200 black residents of the South Chicago area (where the Area 2 police station is located) had made complaints to various bodies, including the OPS, about police brutality during police investigation of the killing of the two officers in February 1982.

Although the Chicago city council has held hearings into more recent incidents of police brutality, there has been no inquiry into the allegations that the Chicago Police Department had a practice or policy of torturing or abusing suspects during the above-mentioned period, despite the evidence and the jury's finding in the Wilson case. As far as Amnesty International is aware, no police officers have been criminally prosecuted or disciplined as a result of these incidents. Amnesty International has learned that the officer in charge of the police unit alleged to have carried out the ill-treatment has been promoted. The OPS investigations into individual cases of alleged police brutality have also been widely criticized as inadequate.

Amnesty International concerns

Amnesty International opposes the torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation. It calls on governments to implement the provisions of the United Nations Declaration on the Protection of All Persons from Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. This declaration stipulates that governments are responsible for investigating torture allegations, instituting criminal proceedings in torture cases and compensating the victims.

In accordance with these objectives, Amnesty International wrote to the Attorney General of Illinois on 16 February 1990 expressing concern about the above allegations and the apparent inadequacy of the OPS investigations. Amnesty International asked what measures were being taken to ensure that detainees in police custody are not subjected to torture or other cruel, inhuman or degrading treatment and to know whether action was being taken against any police officers in the light of the reports. The First Assistant Attorney General replied in May 1990, stating that Illinois criminal law and the United States Constitution specifically prohibit the torture of persons in police custody and that complaints to the OPS were investigated by independent civilian personnel. He stated that the proper authority to address the complaints at this stage was the Cook County State's Attorney or the United States Attorney for the Northern District of Illinois. (The US Attorney is responsible for investigating alleged civil rights violations by state officials under federal civil rights legislation.) Amnesty International

had written to the US Attorney for the Northern District of Illinois in February 1990, enclosing a copy of its letter to the Illinois Attorney General asking whether his office would investigate the allegations. No reply was received.

In December 1990 Amnesty International wrote to both the Cook County States Attorney and to the new US Attorney recently appointed for the Northern District of Illinois, asking them to investigate the allegations.

Amnesty International has also called upon the Chicago city authorities to instigate a full inquiry into the allegations.



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INTERNATIONAL SECRETARIAT
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TG AMR 51/90/02

Mr Ira Raphaelson
Acting United States Attorney for the
Northern District of Illinois
Office of the US Attorney
Chicago, IL 60604
USA

16 February 1990

Dear Mr Raphaelson

I enclose a copy of the letter Amnesty International has today sent to
The Hon Neil Hartigan, Attorney General of Illinois.

Given the very serious nature of the reports Amnesty International has
received I should be grateful for your comments on them, and to know
whether a federal investigation will be undertaken into this matter.

Yours sincerely

Ian Martin
Secretary General

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Amnesty International is an independent worldwide movement working impartially for the release of all prisoners of conscience, fair and prompt trials for political prisoners and an end to torture and executions. It is funded by donations from its members and supporters throughout the world. It has formal relations with the United Nations, Unesco, the Council of Europe, the Organization of African Unity and the Organization of American States.



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INTERNATIONAL SECRETARIAT
1 Easton Street London WC1X 8DJ
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TG AMR 51/90/02

The Hon Neil Hartigan
Attorney General
500 Second Street
Springfield, IL 62706
USA

16 February 1990

Dear Attorney General

I am writing to inquire about reports Amnesty International has received concerning the alleged torture of suspects held in custody in Chicago's Area 2 police station at 91st Street and Cottage Grove Avenue. The reports, if true, suggest that suspects in police custody may have been subjected to systematic torture and ill-treatment over a period of a dozen years up to 1984.

One of the most serious - and well-documented - allegations of torture was made by Mr Andrew Wilson who was arrested on 14 February 1982 and charged with the murders of two police officers. On arrival at the Area 2 station Andrew Wilson says he was beaten and kicked in the eye; a plastic bag was placed over his head preventing him from breathing until he bit a hole in it; he was handcuffed to a wall; alligator clips were attached to his ears, then nostrils and fingers, and he received electric shocks from a device resembling a small generator. During some of the electric shock torture he was handcuffed between two wall rings over a hot radiator, sustaining burns to his chest, thigh, face and chin. Another electrical device resembling a cattle prod was applied to his leg and groin. He was threatened with death, a gun was placed in his mouth and the trigger pulled. Wilson signed a confession after 13 hours in police custody. He claims to have been further abused while in transit to the lockup: his penis was grabbed and pulled, and he was hit over the head with a service revolver.

The desk officer at the lockup refused to admit Wilson, apparently because of the severity of his injuries. He was taken to a hospital but says his police escort told him to refuse treatment. This he eventually did. On admission to the Cook County Jail the following day, Andrew Wilson's injuries were examined and extensively photographed. According to reports, Dr John Raba, medical director of the hospital serving the inmates of Cook County Jail, alerted Police Superintendent Richard Brzeczek to Wilson's injuries and the allegations that he had been given electric shocks and urged that a thorough investigation be undertaken. Superintendent Brzeczek personally ordered a Police Department's Office of Professional Standards (OPS) investigation into the matter. However, a delay of a year and a half apparently ensued before the case was assigned to an investigator and, according to reports, it was not given a high priority. Two years later the OPS recommended that the complaint be dismissed as "not sustained".

The DPS' failure to act on the evidence of Andrew Wilson's torture is deeply disturbing and contrasts sharply with the ruling of the Illinois Supreme Court when it reviewed Andrew Wilson's criminal conviction on appeal (he was convicted of the murder of the two police officers in August 1982 and sentenced to death). In 1987 the court overturned the conviction and ordered a new trial in light of evidence that Andrew Wilson's injuries had been sustained while in police custody on the day of his arrest, with the consequent risk that his confession may have been obtained by coercion:

"The evidence here shows clearly that when the defendant was arrested at 5:15 am on February 14, he may have received a cut above his right eye but that he had no other injuries; it is equally clear that when the defendant was taken by police officers to Mercy Hospital sometime after 10 o'clock that night he had about 15 separate injuries on his head, chest and leg. The inescapable conclusion is that the defendant suffered his injuries while in police custody that day."

Andrew Wilson's medical file was also reviewed by Dr Robert Kirschner, deputy chief medical examiner of the Cook County Institute of Forensic Medicine. Dr Kirschner has had considerable experience in identifying and treating victims of torture. In a deposition made after he had studied the reports Dr Kirschner was of the opinion that Andrew Wilson's description was consistent with his having been tortured with electric shocks.

Andrew Wilson subsequently filed a civil lawsuit against the city of Chicago, the Police Department and three named Detectives. He alleged that the police had tortured him; that one officer had used electric shock torture on him while other officers had participated in the conspiracy by failing to report the torture; and that it was a de facto policy of the city of Chicago and the Police Department to mistreat persons suspected of killing police officers. The suit came to trial in February 1989 but ended in a mistrial after the jury deadlocked on its verdict. Following a second trial in June 1989 the jury affirmed that Andrew Wilson's constitutional rights had been violated on 14 February 1982. It affirmed that in 1982 the city had had a de facto policy, practice or custom whereby the police were allowed to abuse those suspected of killing policemen. However, it found that Wilson had not been subjected to excessive force due to this policy. The three police officers were cleared of all charges. The case is currently pending appeal before the Seventh Circuit Court of Appeals.

Andrew Wilson's alleged torture appears not to have been an isolated case. Attorneys for Mr Wilson have located more than 20 other persons who allege that they too were tortured by police officers from the Area 2 station between 1972 and 1984. Their accounts contain disturbing similarities to Andrew Wilson's description of his treatment. The persons concerned were either detained in custody at the Area 2 police station or driven to remote areas by Area 2 officers. Their allegations were that they had been beaten; some were hit over the head with guns and other hard implements; eight were subjected to electric shocks; some had plastic bags put over their heads. One says his finger was placed in a bolt-cutter and he was taken to the roof of the building with the threat that he would be thrown off it. A woman testified under oath that she was handcuffed to a windowsill in an interview room for nearly 24 hours without access to a lavatory.

At least twelve of those alleging torture filed OPS complaints, but we understand these were dismissed as "not sustained". Two of those allegedly tortured later filed civil lawsuits against the city of Chicago and were awarded damages. Darryl Cannon claimed he was tortured on 2 November 1983 by officers from the Area 2 station who drove him to a remote area and played 'Russian Roulette' by pointing a gun at his head and pulling the trigger. They also put the gun in his mouth. He received electric shocks to the testicles and mouth. Philip Adkins, arrested on 7 June 1984, was also allegedly taken to an isolated place by Area 2 detectives. He was hit in the stomach and testicles until he defecated and urinated involuntarily. He was awarded \$25,000 in settlement of his suit in May 1988.

Another alleged torture victim, Gregory Banks, had his conviction for murder and armed robbery overturned by an Illinois appellate court in December 1989. A new trial was ordered on the grounds that his confession should have been suppressed as involuntarily given. Banks was arrested on 28 October 1983 and taken to the Area 2 station. He claimed he was handcuffed, threatened with death and a gun was placed in his mouth. He was repeatedly kicked and beaten with a flashlight; a plastic bag was twice put over his head. The police later denied wrongdoing but a doctor who examined Banks' injuries testified that they were consistent with his account of what had been done to him. Remanding the case for retrial, the court noted:

"...while we no longer see cases involving the use of the rack and thumbscrew to obtain confessions, we are seeing cases, like the present case, involving punching, kicking and placing a plastic bag over a suspect's head to obtain confessions...When trial judges do not courageously and forthrightly exercise their responsibility to suppress confessions obtained by such means, they pervert our criminal justice system as much as the few misguided law enforcement officers who obtain confessions in utter disregard of the rights guaranteed to every citizen - including criminal suspects - by our constitution."

Amnesty International opposes the torture and other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation. It calls on governments to implement the provisions of the United Nations Declaration on the Protection of All Persons from Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. This declaration stipulates that governments are responsible for investigating torture allegations, instituting criminal proceedings in torture cases and compensating the victims.

Amnesty International is concerned at the shortcomings of the OPS investigation carried out in Andrew Wilson's case. In the light of the considerable evidence, both photographic and documentary, suggesting that he had been tortured, it is concerned at the very lengthy delay in initiating the investigation, and at the eventual dismissal of the complaint. While Amnesty International is not in a position to verify this or the other allegations of torture brought to its attention, it is concerned at the similarities in the treatment alleged, particularly the use of electrical devices to perform electric shock torture on suspects. If true, these reports suggest that over a period of years detainees in the custody of Chicago's Area 2 police officers were systematically tortured and ill-treated, but that the OPS investigative procedure failed either to identify those officers responsible, or to prevent abuse of prisoners from

recurring.

An important safeguard in protecting the rights of prisoners during interrogation and custody is the certainty that all complaints of torture will be impartially and effectively investigated. I should appreciate learning from you what fact-finding methods are used to investigate cases of alleged torture in police custody; whether the findings are made public, and whether the Police Department's Office of Professional Standards is an independent body.

Amnesty International respectfully urges that the Illinois state authorities demonstrate their total opposition to torture by making clear to all law enforcement personnel that torture will not be tolerated under any circumstances. It should be made clear during the training of all officials involved in the custody, interrogation or treatment of prisoners that torture is a criminal act. They should be instructed that they are obliged to disobey any order to torture. In this regard I would draw your attention to Article 5 of the United Nations Code of Conduct for Law Enforcement Officials, a copy of which I enclose for your information.

Finally, given that it is the responsibility of governments to ensure that those responsible for torture be brought to justice, I should be grateful to know whether further action is anticipated against any police officers in light of the above reports; also to know what measures are being taken to ensure that detainees held in police custody are not subjected to torture or other cruel, inhuman or degrading treatment.

I look forward to hearing from you at your earliest convenience. I am sending a copy of this letter to Ira Raphaelson, Acting United States Attorney for the Northern District of Illinois.

Yours sincerely



Ian Martin
Secretary General



NEIL F. HARTIGAN

ATTORNEY GENERAL
STATE OF ILLINOIS
CHICAGO

May 9, 1990

Mr. Ian Martin
Secretary General
Amnesty International
1 Easton Street
London WC1X 8DJ
UNITED KINGDOM

Dear Mr. Martin:

I thank you for sending our office a copy of your February 16, 1990 letter which was misdirected, and I thank you for your concern and attention to this matter. In answer to your questions and concerns about the Office of Professional Standards, the Office of Professional Standards is an independent investigative Department of the Chicago Police Department which was created in 1974. The Office of Professional Standards (OPS) has a civilian director and all complaints are investigated by civilian personnel who have never been employed by the Chicago Police Department. During the course of their investigations, the OPS investigators conduct interviews and collect evidence into allegations of abuse and excessive force by sworn Chicago Police personnel. Findings of OPS investigations are made public and complainants are informed of the results of the investigation.

As to your concerns about the torture of a person in custody, you should be advised that Illinois Criminal Law specifically prohibits it. Specifically, Illinois Revised Statutes Chapter 38, section 103-2 prohibits the use of any unlawful means to obtain statements, admissions or confessions and it provides that all persons in custody be treated humanely. Likewise, you should note that the fair treatment of accused persons is a fundamental precept of the United States Constitution. The 8th Amendment of the United States Constitution prohibits the infliction of cruel and unusual punishment and the 14th Amendment makes this law applicable to each of the states.

Furthermore, in the United States our constitution and laws provide for an adversarial system of justice for all persons with built in checks and balances. All persons accused of a crime for which a sentence of imprisonment could be imposed are given court appointed defense counsel at no cost. The allegations which you have raised in your letter could and should have been raised by a defense attorney in pre-trial motions before the judge.

In fact, there is an additional multi-level system of review concerning the type of police brutality you have alleged the City of Chicago has engaged in. OPS is only the first of many levels that an accused can go to. From OPS or independent of OPS an individual can report police brutality to the Chicago Police Superintendent. The Police Superintendent can take administrative action and suspend officers or he can recommend longer suspension or termination and send the case to the City Corporation Counsel's Office. The City Corporation Counsel's Office, in such a case, acts as the prosecutor before the Chicago Police Board. The Chicago Police Board is a nine member civilian tribunal which conducts hearings and decides if officers referred to it by the Superintendent are to be fired, suspended or exonerated. Additionally, in cases of abuse and torture, the cases are brought to the Cook County State's Attorney and/or the United States Attorney for the Northern District of Illinois for the prosecution of the offending officer. Lastly, any victim of Chicago Police abuse or torture can bring a federal Civil Rights action in the United State District Court for the Northern District of Illinois against the Chicago Police Department and the offending officers.

After having reviewed your letter and concerns, at this point in time, the proper authority to address your complaints to would be Cook County State's Attorney, Cecil A. Partee or the United States Attorney for the Northern District of Illinois, Eastern Division.

I hope my response has been helpful to you and again I thank you for your concern and attention to this matter. If I can be of any further assistance to you please feel free to contact me.

Very truly yours,

Joseph M. Claps
First Assistant Attorney General
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