

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of Vincent Wade

TIRC Claim No. 2011-009-W

CASE DISPOSITION

FILED
MAY 23 PM 2:11
CLERK OF THE CIRCUIT COURT
CRIMINAL DEPT.
DOROTHY BROWN
CLERK

Pursuant to 775 ILCS 40/45(c) and 2 Ill. Adm. Code 3500.385(b), it is the decision of the Commission that, by a preponderance of the evidence, there is sufficient evidence of torture to conclude the Claim is credible and merits judicial review for appropriate relief. This decision is based upon the Findings of Fact and Conclusions set forth below, as well as the supporting record attached hereto.

Findings of Fact

1. Claimant Vincent Wade (“VW”) was arrested at 6 p.m. on August 13, 1984, and taken to Area 2 of the Chicago Police Department. He was interrogated by Detectives Michael Hoke, Frank Glynn, George Karl, and John Paladino until 12:45 a.m. on August 15. During the course of the interrogation VW was punched in the eye and in the stomach; kneed in the groin; repeatedly struck with a “baton-like stick” on his chest after an open phone book had been placed over it; and struck on his nose with a sharp object. As a result of this abuse, VW signed a written confession to a home invasion and murder.
2. VW was later indicted for murder and home invasion in the Circuit Court of Cook County in case no. 84 C 10108.
3. On August 16, 1984, VW gave a written statement at the Cook County Jail to the Office of Professional Standards (“OPS”) of the Chicago Police Department, a copy of which is attached as Exhibit A, in which he made detailed allegations of his abuse following his arrest, although he did not know the names at that time of the officers involved.
4. VW filed a motion to suppress his confession prior to trial. At the hearing Detectives Karl and Paladino testified that there has been a “scuffle” at the time of the arrest, but “[n]o blows were thrown. We just subdued him to the ground.” (Transcript of Proceedings dated April 28, 1986 at 40) Each denied that VW was struck or that he

sustained any injuries to his face. (*Id.* at 56-57) VW introduced into evidence three photographs taken in the lockup at VW's initial court appearance two days after his arrest. Detective Hoke testified in rebuttal that during the scuffle he had fallen on VW, which left "a small mark under one of his eyes." (*Id.* at 71-73) When shown one of the photos introduced by VW, Hoke testified:

Q. And do you notice or can you see a mark or cut on the nose of Vincent Wade in that photograph?

A. I sure can.

Q. Was that present when you went into the interview Room at Area 2 for the few moments you were there?

A. I don't recall seeing it, no.

(*Id.* at 75-76)

The judge hearing the motion was a former Chicago Police Department detective who had once been assigned to Area 2. In denying the motion he stated that there was "no evidence whatsoever that [VW] was beat (*sic*) and that the beating induced him to give a confession." (*Id.* at 91) While he did acknowledge that the photographs showed injuries to VW's face, he explained these away by saying that they were sustained during the "scuffle during the course of the arrest". (*Id.*) That finding is contrary to the uncontested evidence that there were no physical injuries to VW's face, other than the "small mark" under an eye, from the scuffle. Rather, the evidence corroborated VW's claim that he sustained the injury to his nose because he refused to sign the confession.

5. Since the hearing on the motion to suppress the following evidence has emerged:

- a. In 1990 OPS concluded after an internal investigation that there had been systematic abuse at Area 2 for over 10 years. The Report was released publicly in 1992.
- b. On February 11, 1993, the Police Board of the City of Chicago separated Jon Burge from his position as a Commander with the Department of Police after finding him guilty of abusing Andrew Wilson at Area 2 in 1982.
- c. In 2002 Chief Cook County Criminal Court Judge Paul Biebel appointed a Special State's Attorney to investigate allegations of torture by police officers under the command of Burge at Areas 2 and 3 to determine if any criminal prosecutions were warranted. Although the 2006 Report concluded that the statute of limitations barred any criminal prosecutions, the Report found that

“[t]here are many [] cases which lead us to believe that the claimants were abused”. (Report of the Special State’s Attorney at 16)

- d. TIRC records attached as Exhibit B indicate that John Paladino has been accused of abusing detainees in 24 other cases. Included in these is the case of Stanley Howard, who confessed but was pardoned based upon innocence in 2003. Also included is the case of Shaded Mumin, who the City of Chicago admitted was abused in the Burge Police Board hearing, as set forth in Exhibit C. Also included is the case of Harold Hill, who confessed but was later exonerated by DNA.
- e. TIRC records attached as Exhibit D indicate that Frank Glynn has been accused of physical abuse in four other cases, including that of Stanley Howard.
- f. TIRC records attached as Exhibit E indicate that Michael Hoke has been accused in four other cases, including Anthony Holmes, Lawrence Poree, and George Powell. In each of those cases the City of Chicago admitted at the Burge Police board hearing that the individual had been abused, as set forth in Exhibit F.
- g. Each of these detectives has claimed the Fifth Amendment privilege against self-incrimination when asked about abusing detainees.
- h. VW’s claim that he was beaten with a baton-like stick while part his body was covered with an open phone book bears a striking similarity to claims in two other TIRC cases involving Burge subordinates. George Anderson claims, which the Commission found to be credible, that he was beaten on his side with a black rubber hose or pipe while it was covered with an open phone book in Area 3 by Burge subordinates. Ivan Smith’s claim, which is pending, is that he was beaten by Burge subordinates on his chest with a flashlight while his chest was covered with an open phone book.

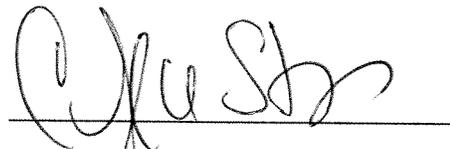
6. After the motion to suppress was denied VW was convicted of murder and home invasion and sentenced to life imprisonment.

Conclusions

1. VW’s Claim qualifies for summary referral pursuant to 2 Ill. Adm. Code 3500.370 in that:
 - a. VW has consistently claimed since his interview with OPS and his motion to suppress that he was tortured in the manner alleged in his TIRC Claim;

- b. VW's Claim is strikingly similar to other claims of torture contained in OPS Reports and in the Report of the Special State's Attorney regarding their investigations of Jon Burge and police officers under his command;
 - c. The officers accused are identified in other cases alleging torture; and
 - d. The Claim is consistent with the OPS findings of systematic and methodical torture at Area 2 under Jon Burge.
2. In addition, the other available evidence set forth above indicates that the Claim is credible and merits judicial review.
 3. While the complaints of physical abuse and coercion against the accused officers are allegations and not judicial findings, they are nevertheless relevant in deciding whether abuse occurred in a specific case. People v. Patterson, 192 Ill.2d 93, 114-15, 735 N.E.2d 616 (Ill. Sup. Ct. 2000); People v. Cannon, 293 Ill.App.3d 634, 640, 688 N.E.2d 693 (1 Dist. 1997); People v. Cortez Brown, 90 CR 23997 (Transcript of Proceedings dated May 22, 2009 at 8, ruling by Judge Crane) (evidence against Burge subordinates¹ of abuse in cases other than Brown's was "staggering" and "damning"), attached as Exhibit G.
 4. While invocation of the Fifth Amendment privilege is not an admission of guilt, in a civil proceeding such as this a negative inference can be drawn from that fact. 2 Ill. Adm. Code 3500.375(g)

DATED: May 20, 2013



Cheryl Starks
Chair
Illinois Torture Inquiry and
Relief Commission

¹ Paladino was one of the detectives involved in Brown.

EXHIBIT A:

Statement of Vincent Wade to OPS dated August 16, 1984

STATEMENT OF ACCUSED WITNESS
 COMPLAINANT VICTIM

DATE OF STATEMENT

CHICAGO POLICE DEPARTMENT

16 Aug 84

NAME OF PERSON INTERVIEWED

Vincent WADE

SEX RACE DATE OF BIRTH AGE

M B 27 Jan 62

ADDRESS

7842 South Seely

TELEPHONE NO. OCCUPATION

IF DEPARTMENT MEMBER -

STAR NO.

EMPLOYEE NO.

SOCIAL SECURITY NO.

DATE OF APPOINTMENT

UNIT/ASSIGNMT.

NO. OF MONTHS IN
PRESENT ASSIGNMT.

PLACE OF INTERVIEW

Cook-County Jail

TIME OF INTERVIEW

1400

INVESTIGATORS

Inv. Sharon Tom, #63, Unit 113

OTHER PERSONS PRESENT

None

1

Q. Do you understand this statement is part of an official report

2

conducted by the Office of Professional Standards?

3

A. Yes.

4

Q. Were you physically abused by Chicago Police officers on 13 Aug 84?

5

A. Yes.

6

Q. How many officers abused you?

7

A. Three officers. One in particular kept hitting me along the way

8

to the station. He kept hitting me in the stomach and knocking the

9

wind out of me.

10

Q. Were these officers the arresting officers?

11

A. Yes.

12

Q. Were these officers in uniform?

13

A. Plainclothes.

14

Q. Do you know who these officers are?

15

A. I don't know them by name.

16

Q. Explain what happened that led to your arrest and the physical

17

abuse.

18

A. I was sitting in a friend's car, name Greg Cocks. I was sitting in

19

the back seat of his car and a detective rolled up. They had passed

20

us before. They got to the corner and backed up. ~~xxx~~ We were in the car

SIGNATURE OF PERSON INTERVIEWED

SIGNATURE ON HANDWRITTEN STATEMENT

INVESTIGATOR'S
INITIALS ST

C.R. NO. 140320

Vicent WADE
beer

1 drinking and smoking reefer. We started trying to stash our stuff.
 2 At this time they told all of us to get out the car. We did as they
 3 said. Put our hands on the car and that's when they asked me my
 4 name and I told them. Immediately after they grabbed me and said
 5 I was under arrest. AS they go to cuff me I asked what I was arrested
 6 for. An officer then knoed me in the groin. Thatts when I called
 7 out my mother, cause she was standing out there. Then they put
 8 me in the car and the same officer that knoed me sat in the back
 9 seat. There were three of them, two in the front. This officer started
 10 calling me a "dogshit nigger" and he told me that people like me
 11 shouldn't be living. When they got me down to the
 12 station, he beat me all the way there. When I got there he put me
 13 in a room and stated that when they come back I better know something
 14 or agree to what they say or they would beat me. When they came back
 15 I told them I wasn't going to say anything without my lawyer present.
 16 That's when another officer hit me in the eye. After that I told them
 17 I wasn't going to say anything. They told me I didn't have a choice
 18 and they maniffed me. That's when one held my arm and the other held
 19 my feet. And they took a book, like a telephone book and put it on
 20 my chest. The other officer kept hitting the book with a stick repeate
 21 ly for about half an hour. Then they left and told me I better get to
 22 talking cause what they got next I wouldnt would be more intense that
 23 I wouldnt be able to walk to the electric chair. They cuffed me back
 24 to the wall. Left me in there about half an hour. They came back and
 25 me if I know Michael Lynch was at. I told them that I did hear from
 26 him that day. I told them that he told me he was going to get married

SIGNATURE OF PERSON INTERVIEWED

SIGNATURE ON HANDWRITTEN STATEMENT

CPD 44.116-B (5-82)

INVESTIGATOR'S INITIALS ST

C.R. NO. 140320

ATTACHMENT NO.

1 to the female that signed a statement against him. They left out for
 2 another hour or so. They came back and said they would charge me with
 3 this murder. I told them I hadn't do anything. They called the States
 4 Attorney. The States Attorney had a statement that was supposed to
 5 implicate me. The officers wanted me to sign it. The States Attorney
 6 told me if I sign it he could get me a deal. I told them that I
 7 wasn't going to sign it, they have to kill me. That's when this officer
 8 hit me across my nose with a sharp object. He said that if I
 9 don't sign, they have three witnesses that would say anything they
 10 wanted them to say. They could identify me. They took me down to the
 11 lock up from Monday to Wednesday.

12 Q. Describe the officer that hit you in the car.

13 A. He was kind of chubby, heavy set, brownish hair, about 5'9",
 14 mustache.

15 Q/ Exactly what physical abuse did this officer do?

16 A. He was in the back seat and kept hitting me in the stomach with his
 17 fist. He was the one that was striking me with the book on my chest
 18 and kneed me in the groin.

19 Q. Describe the other two officers.

20 A. One was 5'8", my height, black a dark color hair, mustache, medium
 21 built. He hit me in the eye with his fist. He was the aggressive one.
 22 The other one was medium built a little heavy, not as heavy as the
 23 other guy, about 5'10". I think black hair. He just held my legs.

24 Q. Were these officers male white?

25 Yes all of them.

26 Q. Did you sustain any injuries? A. Yes, black eye. It's healing

SIGNATURE OF PERSON INTERVIEWED

SIGNATURE ON HANDWRITTEN STATEMENT

INVESTIGATOR'S
INITIALS ST

C.R. NO.

140320

ATTACHMENT NO.

Vincent WADE

1 now. I was scratched at the top and bottom of the eye. And a scratch
2 across my nose.

3 Q. Was your nose broken?

4 A. I don't know. It still hurts. I didn't have any X-rays.

5 Q. Were you taken for treatment?

6 A. No.

7 Q. When you arrived at Cook County did you have treatment?

8 A. No.

9 Q. Did the Chicago Police take you to the hospital?

10 A. No.

11 Q. Do you think you need to go for treatment?

12 A. My lower ribs hurt.

13 Q. Have you told anyone that you want medical attention?

14 A. Yes I told my attorney while I was here, Cook County.

15 Q. Were your friends arrested too?

16 A. Yes.

17 Q. What are their names and addresses?

18 A. Greg Cocks, 78th and Damen. My mother would know. Gary, I don't
19 know his last name. There were a lot of people out front.

20 Q. Will you sign this statement?

21 A. Yes.

22 Q. Who was present when you got hit in the nose?

23 A. All of them and the State Attorney except the chubby one. Three
24 together.

25 End of statement.

26

SIGNATURE OF PERSON INTERVIEWED

INVESTIGATOR'S INITIALS ST

C.R. NO. 14030

~~SIGNATURE ON HANDWRITTEN STATEMENT~~

ATTACHMENT NO.

16 August, 1984

I, VINCENT WADE #8431456, do hereby give my premission to Invesitgat
TOM. to interview me.

Vincent Wade 8/16/84

Witness

Noris Evans

8/16/84

Dw. Sharon Tom

14 Aug 84
1400 hr

CE#140320
ATT. 3

EXHIBIT B:

TIRC Database of Abuse Allegations against Detective John Paladino

Paladino, John (Star No. 9938)

Victim	Date	Allegations	Source
James Cody	1983	Beaten on the body with a flashlight; shocked on the buttocks and testicles; threatened with castration	3/23/84 testimony in People v. Cody
Stanley Howard: pardoned based upon innocence in January, 2003	1984	Beaten to the body while "bagged"; slapped until unconscious	1/28/87 Testimony in People v. Howard; 1993 OPS Statement; OPS sustained findings; federal civil rights action settled by City in 2007 for \$1.8 million
Vincent Wade	1984	Book placed across chest and struck repeatedly w/baton; hit in nose w/flashlight; placed in "very cold" room in basement of 111 th for 2 days	TIRC Claim Form
Mearon Diggins	1985	Repeatedly beaten on back and legs with flashlight during 2.5 days of questioning; no food, water, or bathroom	OPS Statement and pictures (destroyed); 7/5/04 Diggins Court Reported Statement
Shaded Mumin	1985	Pushed into wall; threatened w/gun in Russian roulette; suffocated w/typewriter cover until unconscious; threatened w/worse treatment; repeatedly called "nigger"	5/13/87 Testimony in People v. Mumin; 2/92 Police Board Testimony on behalf of City
Andrew Maxwell: codefendant of Thompson and Howard	1986	Hit, kicked, and stomped on foot	7/23/87 Testimony in People v. Maxwell, Thompson and Howard
Jerry Thompson: codefendant of Maxwell and Howard	1986	Kicked; beaten with flashlight to the body; slapped in the face	7/23/87 Testimony in People v. Maxwell, Thompson and Howard
Jeffrey Howard: codefendant of Maxwell and Thompson	1986	Kicked and slapped	7/23/87 Testimony in People v. Maxwell, Thompson and Howard
Madison Hobley	1987	Hit in chest; thumb pressure to neck; racial epithets; kicked in groin; beaten to the body while "bagged"; held nose while bagged passed out; threatened to kill him	Complaint in 06 C 6772 (N.D.Ill.)

Donald Torrence	1988	Beaten	Torrence Civil Complaint
Eric Johnson	1990	Struck on face; knocked to ground; kicked in stomach, chest and face	Special State's Attorney's Case Summary
Tony Anderson	1990	Beaten on ribs and thighs w/night stick; gun placed to head and "threatened to "blow brains out"; no food ,water or washroom	5/1/91 Testimony in Motion to suppress in People v. Anderson
Cortez Brown	1990	Severely beaten, including with a flashlight on arms and chest; denied food	Special State's Attorney's Case Summary; testimony in Motion to Suppress in 90CR23997, 23998, 23999 and 91CR643
Marcus Wiggins: codefendant of the Clemons, Owen, and Welton	1991	13 year old shocked on hands with box-like device; beaten; denied access to mother; hit on the head with flashlight; repeatedly hit in chest	C.R. # 193591; Special State's Attorney's Case Summary; confession suppressed due to "coercive atmosphere"
Michael Peterson: codefendant of Richardson	1991	14 year old choked; punched in the head; kicked in the knees; threatened to burn face with a cigarette	Special State's Attorney's Case Summary
Travis Richardson: codefendant of Peterson	1991	Juvenile's head slammed against table	Special State's Attorney's Case Summary
Imari Clemon: codefendant of Wiggins, et. al.	1991	16 year old physically beaten	Testimony of Myron James, Damoni Clemon, Clinton Welton, Dyez Owen in People v. Clemon(confessions suppressed due to "coercive atmosphere"; decision in People v. Clemon, 259 Ill.App.3d 5 (1 Dist.1994)
Damoni Clemon: codefendant of Wiggins, et. al.	1991	Juvenile shocked and threatened with a pistol	Testimony of Myron James, Damoni Clemon, Clinton Welton, Dyez Owen in People v. Clemon(confessions suppressed due to "coercive atmosphere"); decision in People v. Clemon, 259 Ill.App.3d 5 (1 Dist.1994)

Clinton Welton: codefendant of Wiggins et. al.	1991	16 year old beaten w/flashlight & fists	Testimony of Myron James, Damoni Clemon, Clinton Welton, Dyez Owen in People v. Clemon (confessions suppressed due to "coercive atmosphere"); decision in People v. Clemons, 259 Ill.App.3d 5 (1 Dist.1994)
Diyez Owen	1991	16 yr old beaten to chest & stomach	Testimony of Myron James, Damoni Clemon, Clinton Welton, Dyez Owen in People v. Clemon; decisions in People v. Clemons, 259 Ill.App.3d5 (1994)
Sandy Curtis	1991	Hit on face and lower body; kicked, finger bent back	OPS C.R. # 183196
Harold Hill: later exonerated by DNA	1992	Physically abused into confessing	Complaint in 06C6772 (N.D.Ill.)
Jerry Gillespie	1993	Threatened to beat and burn with a cigarette; slapped about head and face; grabbed and choked	Affidavit in Support of Post-Conviction Petition
Ramone McGowen	1993	Body slammed; threatened ; called racial epithets; shaken; choked	TIRC Claim Form
Michael Saunders	1995	15 year old slapped ; pulled earring out of his ear ; denied right to contact mother; threatened	People v. Saunders, 307 Ill.App.3d 406 (1 st Dist. 1999)

Exhibit C:

City of Chicago Memorandum in Opposition to Motion to Bar Testimony
Concerning Other Alleged Victims of Police Misconduct

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST) POLICE COMMANDER JON BURGE,) STAR NO. 338, CHICAGO POLICE DEPARTMENT)	Case No. 1856
IN THE MATTER OF CHARGES FILED AGAINST) POLICE DETECTIVE PATRICK O'HARA,) STAR NO. 2888, CHICAGO POLICE DEPARTMENT)	Case No. 1857
IN THE MATTER OF CHARGES FILED AGAINST) POLICE DETECTIVE JOHN YUCAITIS,) STAR NO. 7744, CHICAGO POLICE DEPARTMENT)	Case No. 1858

**MEMORANDUM IN OPPOSITION TO MOTION
TO BAR TESTIMONY CONCERNING OTHER
ALLEGED VICTIMS OF POLICE MISCONDUCT**

Respondents' attempt to bar the testimony of seven additional victims of torture tactics at Area II headquarters ignores the overwhelming precedent supporting the admission of similar acts under circumstances much less compelling than these. The testimony regarding similar acts sets forth detailed accounts of torturous treatment which are almost identical to the torture suffered by Andrew Wilson. The testimony reveals an astounding pattern or plan on the part of respondents to torture certain suspects, often with substantial criminal records, into confessing to crimes or to condone such activity. The similar acts testimony would clearly be admissible in a federal or state court, and it should be admissible in this proceeding.^{1/}

^{1/} Indeed, in a January 16, 1992 hearing in which Judge Shadur dismissed respondents' federal lawsuit, Judge Shadur stated that he knew of nothing that would foreclose the Police Board from considering this evidence. See Exh. A at 13-15.

feared for his life at the hands of the police officers. When he finally agreed to testify about the abuse he suffered, he did so only on the condition that Wilson's lawyers would move him out of Illinois. In addition, because he was afraid and did not know who he could trust, he did not file an OPS complaint. His mother, however, did file an OPS complaint in connection with his torture at the hands of the police officers. OPS reached a finding of "not sustained."

5. Shadeed Mumin

On October 30, 1985, Shadeed Mumin was pulled over and arrested by two police officers in an unmarked car. He was taken to Area II and placed in a small room upstairs. Burge entered the room and told Mumin to get up and turn around to the wall. Mumin was then handcuffed behind him to a ring or hook on the wall such that he could not sit down. Burge told Mumin that he wanted to know about the robbery, and Mumin replied that he had no knowledge of what Burge was talking about. Burge told Mumin he would talk before Mumin left there and tightened Mumin's handcuffs. The handcuffs were painful and cut off Mumin's circulation. Burge then left the room.

Burge returned after a half hour and loosened the handcuffs, asking Mumin if he was ready to talk. When Mumin said he didn't know what Burge was talking about, Burge became angry and pushed him into a wall. He then removed Mumin's handcuffs, took him to an office down the hall and handcuffed him. Burge said, "You're not going to talk, huh?" and Mumin

replied that he didn't know what Burge was talking about.

Burge said, "Do you know that we can bury you in the penitentiary?" Mumin replied that he still didn't know what Burge was talking about.

Burge then told Mumin that they really wanted his son, and Mumin repeated that he didn't know what Burge was talking about. Burge became angry and pulled out a fully loaded .44 Magnum. He took out all the bullets except for one, spun it, placed it to Mumin's head and snapped it three times slowly. Burge told Mumin he was "damned lucky" that Burge didn't kill him and that he wanted to know about the "fucking robbery."

Burge became angry, jumped up from the desk and snatched a brownish, plastic typewriter cover. He said, "You'll fucking talk or I'll kill you," and placed the cover over Mumin's head. Burge held the cover over his head and pushed it down in his face so he couldn't breathe. Mumin, who was handcuffed behind his back, passed out. Burge put it on his head three times. The third time, Mumin hollered and Burge took the cover off and laughed. Burge asked him if he was ready to sign a statement and Mumin told him he would do anything. Burge told Mumin that if he told anybody, nobody would believe him because there were no marks on him and that he had better sign the statement.

Mumin testified to these facts at an October 5, 1988 hearing on his Motion to Suppress. See Exh. E.

Exhibit D:

TIRC Database of Abuse Allegations against Detective Frank Glynn

Frank Glynn

Victim	Date	Allegations	Source
Stanley Howard: 2003 exoneration	1984	Beaten to the body while "bagged"; slapped until unconscious	1/28/87 Testimony in People v. Howard; 1993 OPS Sustained Findings
Andrew Maxwell: codefendant of J. Howard and J. Thompson	1986	Beaten to the body and face; kicked	7/23/87 Testimony in People v. Maxwell, Thompson and Howard:
Jerry Thompson: codefendant of J. Howard and A. Maxwell	1986	Kicked; beaten w/flashlight to body; slapped in face	7/23/87 Testimony in People v. Maxwell, Thompson and Howard
Jeffrey Howard: codefendant of A. Maxwell and J. Thompson	1986	Kicked and slapped	7/23/87 Testimony in People v. Maxwell, Thompson and Howard

Exhibit E:

TIRC Database of Abuse Allegations against Detective Michael Hoke

Hoke, Michael

(Burge's partner in early 70s and granted immunity by Special State's Attorney)

Victim	Date	Allegations	Source
Anthony Holmes	1973	Repeatedly "bagged" and beaten; shocked with black box; called "nigger"	1/22/92 Admission by City in Burge Police Board Hearing
Lawrence Poree	1973	Shown black box and told "this is what we got for niggers like you"; shocked to testicles and armpits; beaten	1/22/92 Admission by City in Burge Police Board Hearing
George Powell	1979	Repeatedly shocked on chest and groin; "bagged" and beaten	1/22/92 Admission by City in Burge Police Board Hearing
William Bracey	1981	Beaten; stomped on hand-cuffs; kicked in groin	Post trial filings in People v. Bracey
Vincent Wade	1984	Book placed across chest and struck repeatedly w/baton; hit in nose w/flashlight; placed in "very cold" room in basement of 111 th for 2 days	TIRC Claim Form

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^{1/} Indeed, in a January 16, 1992 hearing in which Judge Shadur dismissed respondents' federal lawsuit, Judge Shadur stated that he knew of nothing that would foreclose the Police Board from considering this evidence. See Exh. A at 13-15.

2. Anthony Holmes

On May 30, 1973 at approximately 4:00 a.m., Anthony Holmes, whose street name is "Satan," was taken to Area II headquarters where he was held, interrogated and tortured for approximately six hours. Respondent Burge presided over his interrogation, during which, in an effort to obtain a confession, plastic bags were placed over Holmes' head, causing him to pass out three times. Burge also applied the end of an electroshock device, housed in a black box, to Holmes' handcuffs, giving Holmes an intense shock which caused him to fall out of his chair and roll on the floor. The shock was extremely painful and caused Holmes to press his jaws together and grit his teeth.

3. George Powell

On September 20, 1979, George Powell was arrested at his girlfriend's house and taken to Area II where he was handcuffed to a wall. Burge brought out a long object with a cord, similar to a cattle prod, and said he was going to do to Powell what he had done to "Satan." Burge shocked Powell on his stomach and chest, such that Powell almost passed out. Also, while slapping and questioning Powell, Burge put a bag over Powell's head, and Powell had to bite a hole in it in order to breathe.

Powell's mother filed a complaint with the Office of Professional Standards, who ultimately made a finding of "not sustained."

6. LeRoy Orange

In January 1984, LeRoy Orange was taken to Area II, where he was interrogated and tortured while Burge was in the room. Orange was shocked and jolted repeatedly with a black box plugged into the wall. Orange's pants were pulled down while electroshock was applied to his body, including his buttocks. He was then asked if he was ready to make a statement, and he replied that he was.

Orange reported this torture to his attorney, Earl Washington, who reported it to the media.

7. Lawrence Poree

Lawrence Poree will testify that on two occasions in 1973, he was interrogated by respondent Burge and another detective. The first time, they showed him a wooden box with no top, a generator inside and two wires. Burge then said, "this is what we got for niggers like you." Later in 1973, Burge and Hoke put Poree, while handcuffed, on a table and hit him. They then pulled his pants down and applied electroshock to his arm and armpits, and to his testicles.

On August 7, 1979, Poree was arrested and brought to Area II where he was interrogated by Burge. Poree was handcuffed in the interrogation room, and the black box was on the table. Burge came in and said, "Fun time again." Poree was handcuffed to the wall and hit in the head with a pistol. Apparently referring to Anthony Holmes, Burge said, "You can ask your little fat friend about the box." Burge shocked Poree

eight or nine times on the arms, chest, forehead and back, causing him to clench his teeth and bite his tongue and his mouth to bleed.

IV. The Evidence Is Not Offered To Show Respondents' Propensity To Torture Suspects.

A. Modus Operandi, Pattern and Plan

Similar acts testimony is admissible as modus operandi evidence under Rule 404(b) because the methods used in relation to the acts bear the requisite "singular strong resemblance to the pattern of the offense[s] charged" in the case. United States v. Shackelford, 738 F.2d 776, 783 (7th Cir. 1984) (quoting United States v. Jones, 438 F.2d 461, 466 (7th Cir. 1971)).^{5/} That is, the incidents of torture are "sufficiently idiosyncratic to permit an inference of pattern for purposes of proof." United States v. Hudson, 884 F.2d 1016, 1021 (7th Cir. 1989) (quoting Shackelford, 738 F.2d at 783), cert. denied, 110 S. Ct. 3221 (1990).

When evidence is offered as proof of modus operandi, the focus is on the common characteristics, rather than on any dissimilarities. United States v. Connelly, 874 F.2d 412, 418 (7th Cir. 1989). In addition, the common characteristics need not be extraordinary. For example, in United States v.

^{5/} Although Rule 404(b) does not specifically enumerate "modus operandi" proof as an exception, courts have approved its admissibility through the identity exception. See United States v. Connelly, 874 F.2d 412, 416-17 n.7 (7th Cir. 1989).

Exhibit G:

Transcript of Proceedings dated May 22, 2009 in People v. Brown
90 CR 23997: Ruling by Judge Crane

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS:

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT-CRIMINAL DIVISION

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS,)
7 Plaintiff,)

8 vs.) No. 90 CR 23997

9 CORTEZ BROWN a/k/a) Charge:
10 VICTOR SAFFORLD,)
11 Defendant.)

12 REPORT OF PROCEEDINGS of the
13 hearing had before the HONORABLE CLAYTON J.
14 CRANE, on the 22nd day of May 2009, in Chicago,
15 Illinois.

16 APPEARANCES:

17 OFFICE OF THE ATTORNEY GENERAL, by
18 MR. VICENZO CHIMERA, PAUL BERVID
19 and ERIC LEVIN,
Assistant Attorney Generals,
on behalf of the People;

20 MR. LOCKE BOWMAN, MR. FLINT
21 TAYLOR, MS. JOEY MOGUL and
22 MS. SARAH GELSOMINO,
on behalf of the Defendant.

23 Sandra Battaglia
24 Official Court Reporter
Criminal Division
C.S.R. #084-003168

1 THE COURT: Okay. The next matter before
2 the Court is the People of the State of Illinois
3 versus Cortez Brown also known as Victor
4 Safforld. You can take a seat over there.

5 Okay. Hopefully this is the last
6 time in this issue. Counsels, announce your
7 names for the record from the Petitioner's table
8 first.

9 MR. BOWMAN: My name is Locke Bowman on
10 behalf of Victor Safforld.

11 MR. TAYLOR: Flint, F-L-I-N-T, Taylor on
12 behalf of Mr. Safforld.

13 MS. MOGUL: Joey Mogul, M-O-G-U-L, on
14 behalf of Mr. Safforld.

15 MS. GELSOMINO: Sarah Gelsomino,
16 G-E-L-S-O-M-I-N-O, on behalf of Victor Safforld.

17 MR. LEVIN: Eric Levin, L-E-V-I-N, on
18 behalf of the Attorney General's Office.

19 MR. BERVID: Paul Bervid, B-E-R-V-I-D, also
20 on behalf of the Illinois Attorney General's
21 Office.

22 MR. CHIMERA: Good morning, your Honor.
23 Vincenzo Chimera, C-H-I-M-E-R-A,
24 from the Attorney General's Office.

1 THE COURT: Thank you.

2 I indicated today that I would
3 have my ruling. My ruling is not in writing. I
4 ran out of time. But I shall give the ruling.
5 And I am sure that's what most people are
6 concerned about.

7 This Court had the ability to
8 observe the interest, bias, and credibility of
9 the various witnesses who testified in this
10 matter. This Court took into account only
11 competent, relevant, and material evidence.

12 Although there are over 100
13 exhibits recovered in this case, those matters
14 which were considered by the Court as concerns
15 those various exhibits which were admitted were
16 only to the limited purpose for which each
17 exhibit was admitted. Those issues of hearsay
18 were not considered. Those issues of opinion
19 were not considered.

20 This is a third stage
21 postconviction hearing. The issue is whether or
22 not the Petitioner in this matter incurred a
23 substantial denial of his constitutional right
24 during the initial prosecution of this case.

1 This narrows down to whether the statement that
2 the Petitioner gave implicating himself was
3 voluntary or that his will was overborne by the
4 actions of the police causing him to confess.

5 This hearing was essentially a new
6 motion to suppress statements. At this hearing,
7 the only person that was in the room who
8 testified was the Petitioner. The present or
9 past detectives were silent. I am taking that
10 silence into consideration.

11 As concerns September 21st, 1990,
12 there were some circumstantial witnesses. Those
13 included the Assistant -- two Assistant State's
14 Attorneys, one of each -- each one who took a
15 statement in this matter, and the court
16 reporter.

17 They indicated in their testimony
18 they saw no visual signs of any harm caused to
19 the defendant, and the defendant did not
20 complain of any harm. It is also fair to note
21 that in the pictures taken of the defendant on
22 that particular day, I can't see any visual
23 signs. I am not a doctor.

24 He was wearing long pants. He had

1 a long-sleeve shirt on. He was dealing with
2 experienced -- very experienced detectives.

3 Much was made of the fact that the
4 defendant -- the Petitioner, excuse me, in this
5 particular matter -- Petitioner may no
6 complaints. The fact of the matter is, the
7 Petitioner is staying in the custody of the
8 Chicago Police Department after he makes the
9 statement. He is not going home with the
10 State's Attorneys.

11 On the other hand, Mr. Safforld is
12 not a good witness. I have been exposed to
13 Mr. Safforld, known as Cortez Brown by me, for
14 an extended period of time. I found him to be a
15 mature, streetwise individual. He sure didn't
16 testify that way.

17 I don't know what he was like 19
18 years ago. I can only glean that from his
19 testimony and from his behavior at the time of
20 the original incident.

21 When he was interviewed by
22 Sergeant Baker, he lied about his age. He used
23 13. That's the magic number to get you treated
24 as an individual. He didn't give the right

1 name. He figured maybe nobody would be able to
2 track him down.

3 I will indicate that Sergeant
4 Baker was the best witness in this case. I
5 believed absolutely everything he said. The
6 defendant did sign that statement. That is the
7 defendant's signature. He was given his rights.

8 The Petitioner's various
9 explanations of the events that occurred in the
10 room don't help his case. The issues where did
11 you get hit, how did you get hit, what did you
12 get hit with, seem to adjust themselves based
13 upon where he was testifying.

14 Given that, I understand the
15 original ruling in this case. I understand who
16 the witnesses were, and I understand what the
17 outcome of that ruling was.

18 In this hearing, I had an
19 advantage over the judge in that hearing. I
20 also had a disadvantage over the judge in that
21 hear. The disadvantage I had in this hearing
22 was I have no testimony from the other
23 individuals in that room. My advantage is I
24 have some additional evidence as to the

1 behaviors of some, if not all, of the detectives
2 in this case.

3 That evidence is staggering. That
4 evidence is damning. The Petitioner has met his
5 burden. Petition granted. Motion for new
6 trial.

7 Court is in session.

8 THE SHERIFF: Court is still in session.

9 THE COURT: Court will be in recess for
10 five minutes.

11 If you want to celebrate or
12 whatever you want to do, go outside. I
13 apologize for making the Sims' family victims
14 again.

15
16 (WHEREUPON the case was passed
17 and later recalled.)
18

19 THE COURT: Cortez Brown.

20 Bring out Mr. Brown, okay -- if
21 they are not up here -- or Mr. Safford.

22 MR. BERVID: They are not in the hallway.
23 I know that.

24 THE COURT: Okay.

1 THE SHERIFF: They all went downstairs. Do
2 you need them back up?

3 THE COURT: Yes. Tell them I want them
4 right now.

5 Okay. This matter is -- we need a
6 date.

7 MS. MOGUL: Good morning again, your Honor.
8 Joey Mogul and Sarah Gelsomino on
9 behalf of Mr. Safford.

10 Your Honor, we would ask -- and I
11 have discussed this with Mr. Chimera -- if we
12 can set this down for next Friday.

13 THE COURT: Does that work for you?

14 MR. CHIMERA: That's fine. By agreement,
15 Judge.

16 THE COURT: By agreement to next Friday,
17 which is the 29th. Okay. See everybody back
18 here then.

19

20

21

22

23

24

(WHEREUPON the above-entitled
cause was continued to
5-29-09 in Courtroom 600.)

