

APPENDICIES TO THE REPORT ON

THE FAILURE OF
SPECIAL PROSECUTORS

EDWARD J. EGAN

AND

ROBERT D. BOYLE

TO FAIRLY INVESTIGATE POLICE
TORTURE IN CHICAGO

Appendix A

**POTENTIAL ACTS OF OBSTRUCTION OF FEDERAL AND STATE COURT
PROCEEDINGS AND POTENTIAL PERJURY IN VIOLATION OF FEDERAL
AND STATE LAW FROM 1979 TO THE PRESENT IN THE BURGE TORTURE
CASES**

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CASES**

1. 1979-1994: State Criminal Court and Federal Civil proceedings:

a. The 1982 and 1983 sworn testimony of Jon Burge, and numerous other law enforcement officials, including Area 2 detectives John Yucaitis, Thomas McKenna, Fred Hill, Dennis McGuire, Leonard Bajenski, and Joseph Dioguardi, Deputy Superintendent Joseph McCarthy, and Assistant State's Attorney (ASA) Larry Hyman, at Andrew Wilson's state Court criminal proceedings, denying torture and abuse;

b. The sworn testimony of Jon Burge, Sergeant John Byrne, Detectives Peter Dignan, Charles Grunhard, Ray Binkowski, Dan McWeeny and Raymond Madigan, denying torture and abuse at numerous state Court criminal proceedings from 1980 to 1994, including, but not limited to, Willie Porch (1980); Derrick King (1980); Melvin Jones (1982); Alonzo Smith (1983); Stanley Wrice and Rodney Benson (1983); James Andrews (1984); Gregory Banks and David Bates (1985); Leonard Hinton (1985); Philip Adkins (1985); Lonza Holmes (1986); Thomas Craft (1986); Stanley Howard (1987); Shaded Mumin (1987); LC Riley (1987); Aaron Patterson and Eric Caine (1988), Michael Tillman and Stephen Bell (1988); and Tyshaun Ross and Keith Walker (1994).

c. The sworn testimony of John Byrne, Area 2 Detectives Peter Dignan, McWeeny and Grunhard at their 1987 Federal Court depositions in *Cannon v. Burge* denying the torture of Darrell Cannon;

d. The 1988 and 1989 sworn testimony of Burge and his law enforcement confederates, including John Yucaitis, Larry Hyman, Thomas McKenna, Fred Hill,

Joseph McCarthy, and Richard Brzeczek, at Federal depositions and trials in the *Wilson v. Burge* civil case, denying knowledge of or participation in torture and abuse;

e. The 1984 and 1994 sworn testimony of John Byrne, and Detectives Dignan, Grunhard, Michael Bosco, Ray Binkowski, McWeeny and their Area 2 confederates at Darrell Cannon's criminal proceedings denying knowledge of, or participation in, the torture and abuse of Darrell Cannon, and the re-submission of said testimony at Cannon's 1999 motion to suppress hearing;

f. The sworn testimony of other Area 2 confederates denying torture and abuse at numerous additional state Court criminal proceedings.

2. 1984-1993: The Police Board Hearings and Official OPS Statements

a. The sworn testimony of Jon Burge at the 1992 Police Board Proceedings denying torture and abuse;

b. The sworn testimony of Daniel McWeeny and numerous other law enforcement confederates,, including, but not limited to Area 2 detectives Robert Flood, Dennis McGuire, Thomas McKenna, Fred Hill, and John Yucaitis, Deputy Superintendent McCarthy, and Assistant State's Attorneys Hyman, Ginex, and Nealis, at the 1992 Burge Police Board Proceedings, denying knowledge of, or participation in, torture and abuse;

c. The OPS statements given as official police reports in 1984 and in 1993 by Area 2 detectives and supervisors, including John Byrne, Peter Dignan, Ray Binkowski, Charles Grunhard, Michael Bosco and Dan McWeeny in Darrell Cannon's original and re-opened OPS investigations;

d. The OPS statements given as official police reports by Area 2 detectives and supervisors, including John Byrne, Peter Dignan, James Lotito, Robert Dwyer, Daniel McWeeny, and Ronald Boffo, in numerous other OPS investigations, including Lee Holmes (1982); Gregory Banks (1984 and 1992); Stanley Howard (1987 and 1993); Thomas Craft (1993); Philip Adkins (1984 and 1993); and Madison Hobley (1992).

3. 1992-2005: Federal Court Depositions, Pleadings and Investigations

a. The answers to complaints denying torture and abuse filed by Burge John Byrne, and Dignan and their co-conspirators, including detectives Anthony Maslanka, John Paladino, Michael Kill and Kenneth Boudreau, from 1992 to 1996 in the *Banks v. Burge*, *Wiggins v. Burge* and *Bates v. Burge* Federal civil rights cases;

b. The 1996 testimony of Peter Dignan and Area 2 and 3 co-conspirators Anthony Maslanka, John Paladino, Michael Kill, Kenneth Boudreau and Michael Hoke denying torture and abuse in Federal Court depositions taken in the Federal torture case of *Wiggins v. Burge*;

c. The 1999 testimony concerning their knowledge and involvement in the cover-up of torture and abuse given by Superintendent Terry Hillard, Administrative Assistant Thomas Needham and OPS Director Gayle Shines in Federal Court depositions taken in *Santiago v. Marquez*;

d. The withholding evidence of a pattern and practice of torture at Area 2 and 3 and its cover-up, including but not limited to in the cases set forth above and below by all the law enforcement officials named herein from several Federal investigations initiated by the U.S. Attorney's Office and the U.S. Justice Department from 1989 to the present.

4. 1999-Present: Post-Conviction and Habeas Proceedings and Statements to the Media:

a. The 1999 testimony of Area 2 Violent Crimes Commander Philip Cline and Area 2 detective Robert Dwyer denying knowledge of and/or participation in, torture, abuse and fabrication of evidence in depositions taken in the Madison Hobley State court post conviction proceedings;

b. The March 1, 2001 testimony of Area 2 Defendant John Byrne at a deposition taken in the Aaron Patterson State Court post conviction proceedings denying knowledge of, or participation in, the torture of Darrell Cannon, Gregory Banks, and numerous other victims;

c. public statements to the media denying torture made by Byrne and Dignan, respectively, in 1999 and 2001;

d. The destruction of relevant and potentially exculpatory torture evidence, during the year 2000, by a high ranking Chicago Police official who previously worked with Burge at Area 2;

e. The failure by any Area 2 detective, supervisor, or other law enforcement official to come forward in any of the cases which are pending in State or Federal court on post-conviction or habeas petitions brought by victims of the pattern and practice of Area 2 or Area 3 torture and abuse, or in cases where such victims of said abuse still stand wrongfully convicted on the basis of statements coerced from them, and admit that they committed perjury in those cases and that the victim was in fact tortured and abused as a part of the pattern and practice of torture. These victims include Ronald Kitchen, Anthony Holmes, George Powell, Shaded Mumin, James Andrews, Lee Holmes, Thomas

Craft, Derrick King, Leonard Hinton, Virgil Robinson, Michael Tillman, Stanley Wrice, Mearon Diggins ,Tony Anderson, and Rodney Benson.

5. 2003-Present: Federal Court Proceedings:

a. The sworn interrogatory answers given on November 25, 2003 by Jon Burge and on November 26, 2003, by Daniel McWeeny in the Federal Court case of *Hobley v. Burge* denying torture and abuse;

b. The responses to requests to admit made on November 25, 2003, by Jon Burge and on November 26, 2003, by Daniel McWeeny in the Federal Court case of *Hobley v. Burge* denying torture and abuse;

c. The November 2003 sworn interrogatory answers of Area 2 detectives Paladino, Lotito, Dwyer, and Garrity denying torture and abuse given in the Federal Court case of *Hobley v. Burge*;

d. The November 2003 responses to requests to admit of Area 2 detectives Paladino, Lotito, Dwyer, and Garrity made in the Federal Court case of *Hobley v. Burge* denying torture and abuse;

e. The answer denying torture and abuse filed in the Federal Court case of *Orange v. Burge* by Daniel McWeeny in June of 2006;

f. The answer denying torture and abuse filed in Federal Court in *Cannon v. Burge* by Daniel McWeeny in June of 2006;

g. The June 22, 2006 sworn interrogatory answers given by Daniel McWeeny in *Cannon v. Burge* denying any and all torture and abuse;

h. The June 22, 2006 sworn interrogatory answers given by Daniel McWeeny in the Federal Court case of *Orange v. Burge* denying any and all torture and abuse;

- i. The answer denying torture and abuse filed in Federal Court in the case of *Patterson v. Burge* by McWeeny on April 25, 2006;
- j. The answer denying torture and abuse filed in Federal Court in the case of *Hobley v. Burge* by McWeeny on August 21, 2006;
- k. The February 17, 2005 sworn interrogatory answers given by Defendant Leroy Martin in the Federal Court case of *Patterson v. Burge*;
- l. The November 21, 2006 sworn deposition answers given in *Cannon v. Burge* by Daniel McWeeny denying knowledge of, or participation in, any acts of torture;
- m. The November 17, 2006 sworn interrogatory answers given in *Cannon v. Burge* by Detective Michael Bosco denying knowledge of, or participation in, any acts of torture;
- n. The June 5, 2006 sworn interrogatory answers given by Defendant Leroy Martin in *Cannon v. Burge* denying any knowledge of torture and abuse at Area 2;
- o. The sworn answers denying knowledge of torture and abuse given in his August 17, 2006 and October 18, 2006 depositions by co-conspirator ASA Dennis Dernbach in the Federal Court case of *Orange v. Burge*;
- p. The sworn answers given in his September 25, 2006 deposition by Superintendent Leroy Martin in the Federal Court case of *Orange v. Burge* denying knowledge of torture at Area 2;
- q. The sworn answers, given in his September 27, 2006 and November 14, 2006 depositions by State's Attorney Richard Devine in the Federal Court case of *Orange v. Burge*, *inter alia*, concerning his and Defendant Daley's knowledge of the Brzeczek evidence and their knowledge of torture and abuse by Jon Burge and others at Area 2;

r. The sworn answers given at his July 27, 2006 deposition by Area 2 Sergeant Alvin Palmer in the Federal Court case of *Orange v. Burge* denying knowledge of Area 2 torture;

s. The sworn answers given at his October 27, 2005 deposition by Area 2 Commander Hubert Holton in the Federal Court case of *Orange v. Burge*, denying knowledge of Area 2 torture;

t. The deposition testimony given in June and July of 2006 in the Federal court case of *Evans v. City of Chicago* by Area 2 detectives Hill, Anthony Katalinic, Joseph DiGiacomo, John Ryan, McKenna and Daniel Zwick denying knowledge of, or participation in, torture at Area 2;

u. The sworn testimony given by Area 2 detective David Dioguardi at his Federal Court deposition of October 25, 2006 in the case of *Orange v. Burge*, denying, *inter alia*, witnessing, participating in, or having knowledge of, the torture and abuse of suspects at Area 2, including, Andrew Wilson, Leroy Orange, Leonard Kidd, Stanley Howard, Lee Holmes, Stanley Wrice, and Rodney Benson by Burge, Byrne, Dignan, and other Area 2 detectives and supervisors;

v. The sworn testimony given by Area 2 detective Leonard Bajenski at his Federal Court deposition of November 7, 2006 in the case of *Orange v. Burge*, denying, *inter alia*, witnessing, participating in, or having knowledge of, the torture and abuse of suspects at Area 2, including, Andrew Wilson, Leroy Orange, Leonard Kidd, Gregory Banks, David Bates, and Leonard Hinton by Defendants Burge, Byrne, Dignan, and other Area 2 conspirators .

w. The sworn testimony given by Area 2 detective Dennis McGuire at his Federal Court deposition on November 16, 2006 in the case of *Orange v. Burge*, denying, *inter alia*, witnessing, participating in, or having knowledge of, the torture and abuse of suspects at Area 2, including, Andrew Wilson, Leroy Orange, Leonard Kidd, and Melvin Jones;

x. The answers denying knowledge of, or participation in, the torture and abuse of Leroy Orange and Leonard Kidd, filed in Federal Court in the case of *Orange v. Burge* by co-conspirators Flood, McGuire, Bajenski, and Dioguardi on November 9, 2006;

y. The answer denying, *inter alia*, knowledge of, or participation in, the torture and abuse of Madison Hobley, filed in Federal Court in the case of *Hobley v. Burge* by Patrick Garrity on August 21, 2006;

z. The answers denying knowledge of, or participation in, *inter alia*, the torture and abuse of Madison Hobley, filed in Federal Court in the case *Hobley v. Burge* by Area 2 detectives Paladino, Robert Dwyer, and Lotito on September 13, 2006;

aa. The December 7, 2006 sworn interrogatory answers given by Raymond Binkowski in *Cannon v. Burge* denying any and all torture and abuse;

bb. The November 27, 2006 sworn interrogatory answers given by Raymond Madigan in *Cannon v. Burge* denying any and all torture and abuse;

cc. The December 8, 2006 sworn interrogatory answers given by John Byrne in *Cannon v. Burge* denying any and all torture and abuse;

dd. The December 18, 2006 sworn interrogatory answers given by Peter Dignan in *Cannon v. Burge* denying any and all torture and abuse;

- ee. The December 1, 2006 sworn deposition answers given in *Cannon v. Burge* by Michael Bosco denying knowledge of, or participation in, any acts of torture;
- ff. The December 4, 2006 sworn deposition answers given in *Cannon v. Burge* by Raymond Madigan denying knowledge of, or participation in, any acts of torture;
- gg. The December 14, 2006 sworn deposition answers given in *Cannon v. Burge* by Raymond Binkowski denying knowledge of, or participation in, any acts of torture;
- hh. The December 15, 2006 sworn deposition answers given in *Cannon v. Burge* by John Byrne denying knowledge of, or participation in, any acts of torture including, but not limited to, Darrell Cannon and Gregory Banks;
- ii. The December 29, 2006 sworn deposition answers given in *Cannon v. Burge* by Peter Dignan denying knowledge of, or participation in, any acts of torture including, but not limited to, Darrell Cannon and Gregory Banks;
- jj. The April 13, 2007 sworn deposition answers given by John Paladino in *Hobley v. Burge* denying knowledge of, or participation in, any acts of torture.
- kk. The wholesale invocation of the Fifth Amendment in 2004, 2005, and 2006 in Federal Court depositions and interrogatory answers by Burge, John Byrne, Peter Dignan and more than 25 other Area 2 co-conspirators.

6. 2004-2006: State Court Special Prosecutor Proceedings

- a. The answers concerning the 2/25/82 Brzeczek letter reporting Andrew Wilson's torture to State's Attorney Richard M. Daley and related evidence given by Daley in his June 12, 2006 sworn statement to the Special Prosecutor, including those that were at variance with answers that he previously gave in an unsworn February 2, 2006 statement to the Special Prosecutor, particularly one answer given on the subject of

his knowledge of the Brzeczek letter. This answer was given after his lawyer interrupted the answer Daley was originally giving, and suggested a different answer which he then parroted;

b. The answers concerning the Brzeczek evidence given by Daley in his February 2, 2006 statement to the Special Prosecutor;

c. The answers given by State's Attorney Richard Devine to the Special Prosecutor in his June 15, 2006 sworn statement and in his previous unsworn statement, *inter alia*, concerning his and State's Attorney Daley's knowledge of the Brzeczek evidence;

d. The answers given in his April 19, 2006 sworn statement by Leroy Martin to the Special Prosecutor concerning his knowledge of torture and abuse;

e. The answers given in his June 2, 2004 sworn statement by co-conspirator Dennis Dernbach to the Special Prosecutor concerning his knowledge of torture and abuse;

f. The answers given in her January 16, 2006 statement by Mayor Jane Byrne to the Special Prosecutor;

g. The testimony of Daniel McWeeny, Patrick Garrity, and two other Area 2 detectives denying torture and abuse given before the Special Prosecutor's Special Grand Jury in October and November of 2005;

h. Two statements denying torture and abuse which were given to the Special Prosecutor by Defendant John Byrne in August of 2004, and his contemporaneous attempt to further manipulate the Special Prosecutors by offering to give an unsworn,

court-reported statement denying torture and abuse the day after he appeared before the Special Grand Jury and took the Fifth Amendment;

i. The wholesale invocation of the Fifth Amendment before the Special Prosecutor's Grand Jury in 2004 by Burge, John Byrne, and more than 25 other Area 2 co-conspirators.

7. 1982 -2004: Intimidation of and interference with Witnesses and Lawyers

a. Defendant Jon Burge's 1982 physical threat - - - pointing a gun at the back of his head in front of other Area 2 detectives - - - of Area 2 detective and whistleblower Frank Lavery who was a State and Federal Court witness exposing the illegal Area 2 police practice of suppressing exculpatory evidence;

b. Burge's 1983 attempt to intimidate African-American detectives who reported to then Area 2 Commander Leroy Martin his discriminatory exclusion of African-American detectives from homicide investigations;

c. Burge's and several of his co-conspirators' 1989 attempt to identify and to intimidate a potential whistleblower witness who had anonymously revealed the existence and members of Burge's torture ring to Wilson's lawyers in the pending Federal Wilson civil rights case;

d. Burge's 1990 threat against lawyers from the Peoples Law Office who were then representing Andrew Wilson in his Federal civil rights litigation, that he would "blow them away with a shotgun" if he was fired by the Chicago Police Department;

e. McWeeny's September 2004 intimidation of torture victim and witness David Bates at his home;

f. Robert Dwyer's post April 2002 intimidation of his sister, Eileen Pryweller, who was a witness to admissions of torture made by Burge and Dwyer;

g.. The attempted intimidation of African-American Area 2 detective Doris Byrd by co-conspirator Peter Dignan through a Captain of police.

8. 1982-Present: Refusal to Investigate or Prosecute for Torture and Related Crimes

a. State's Attorney Daley, First Assistant Devine, First Deputy William Kunkle and their ASA subordinates' refusal to investigate or prosecute Burge and his men in 1982 after beng informed by Superintendent Brzeczek of evidence that Andrew Wilson was tortured and abused;

b. Superintendent Brzeczek and his subordinates' refusal to investigate or discipline Burge and his men for torturing Wilson;

c. Mayor Richard M. Daley, Superintendent Leroy Martin, the Cook County State's Attorney's Office and their subordinates' refusal to investigate or seek indictments against Burge and his men in 1991 and 1992 after the OPS findings of systematic Area 2 abuse and torture were submitted to them;

d. Superintendent Terry Hillard's refusal to investigate or seek charges in 1998 and 1999 after he was informed that OPS Director Gayle Shines had suppressed findings of torture and abuse and that there were scores of additional torture cases that had never been investigated;

e. State's Attorney Devine's refusal to investigate, prosecute, or recuse himself for conflict of interest, from 1996 to 2002, despite the overwhelming evidence that there was a pattern of torture and abuse at Area 2 and Area 3 that was presented to him and his SAO subordinates.

Appendix B

**SUMMARY OF JUDICIAL, EXECUTIVE, AND ADMINISTRATIVE FINDINGS
AND ADMISSIONS CONCERNING SYSTEMIC CHICAGO POLICE TORTURE
AT AREA 2 AND AREA 3**

**SUMMARY OF JUDICIAL, EXECUTIVE, AND ADMINISTRATIVE FINDINGS AND
ADMISSIONS CONCERNING SYSTEMIC CHICAGO POLICE TORTURE AT AREA 2
AND AREA 3**

1. In *Wilson v. City of Chicago*, 86-C-2360, the City of Chicago, who was a Defendant in that case, admitted in its Amended Answer, dated July 13, 1995, that Andrew Wilson was tortured by Jon Burge on February 14, 1982.

2. On May 15, 1995, the City of Chicago admitted that Melvin Jones had been electrically shocked by Jon Burge on his genitals and thigh with a device in a wooden box and threatened with a gun, while he was handcuffed to a ring in the wall in an Area 2 interview room in an attempt to coerce a confession from him. Local Rule 12 N Statement of the City, ¶ 26.

3. On January 28, 1991, Amnesty International issued a Report calling for “a full inquiry into allegations that Chicago police systematically tortured criminal suspects from 1972 to 1984,” *Chicago Sun Times*, 1/28/91, “Police Torture Probe Sought Here.”

4. On November 2, 1990 OPS Director Gayle Shines approved as “compelling” and forwarded to Superintendent Martin the 25 page Report and findings made by OPS investigator Michael Goldston concerning allegations of torture and abuse at Area 2. This Report included the following findings:

As to the matter of alleged physical abuse, the preponderance of the evidence is that abuse did occur and that it was systematic. The time span involved covers more than ten years. The type of abuse described was not limited to the usual beating, but went into such esoteric areas as psychological techniques and planned torture. The evidence presented by some individuals convinced juries and appellate courts that personnel assigned to Area 2 engaged in methodical abuse.

The number of incidents in which an Area 2 command member is identified as an accused can lead to only one conclusion. Particular command members were aware of the systematic abuse and participated in it either by actively participating in same or failing to take any action to bring it to an end. This conclusion is also supported by the number of incidents in which Area 2 offices are named as the location of the abuse.

OPS Special Project Conclusion Reports and Findings, and Cover Letter, Shines to Martin, dated November 2, 1990 (Goldston Report).

5. On or about November 2, 1990, OPS Director Gayle Shines also approved “as compelling” and forwarded to Superintendent Martin the 66 page report and conclusions of OPS investigator Francine Sanders which found that based on “the overwhelming body of evidence which supports the allegations” that administrative charges of excessive force should be sustained against Jon Burge and John Yucaitis including that they “repeatedly administered electrical stimulation to Mr [Andrew] Wilson’s body in order to create pain” and that Burge “held Mr. Wilson, while handcuffed, against a hot radiator causing burns to Mr. Wilson’s face, chest and thigh.” Chicago Police Office of Professional Standards (OPS) Special Investigative Report and Findings, October 26, 1990 (Sanders Report), pp.62-66.

6. In their Memorandum In Opposition To Motion To Bar Testimony Concerning Other Alleged Victims of Police Misconduct, filed on January 22, 1992 before the Police Board in the *Matter of Charges Filed against Respondents Jon Burge, John Yucaitis and Patrick O’Hara*, Cases # 1856-58, specially appointed City of Chicago lawyers, on behalf of Chicago Police Superintendent Leroy Martin and the City of Chicago, made the following judicial admission concerning the testimony of “seven additional victims of torture tactics at Area II headquarters:”

The testimony regarding similar acts sets forth detailed accounts of tortuous treatment that are almost identical to the torture suffered by Andrew Wilson. The testimony reveals an astounding pattern or plan on the part of respondents [Burge, Yucaitis and O’Hara] to torture certain suspects, often with substantial criminal records, into confessing to crimes or to condone such activity.

Memorandum In Opposition To Motion To Bar Testimony Concerning Other Alleged Victims of Police Misconduct, p. 1.

7. In *Wilson v. City of Chicago*, 120 F.3d 681, 683-85 (7th Cir. 1997), the Seventh Circuit Court of Appeals held that Defendant Burge acted within the scope of his employment with the City “when he tortured Wilson,” stating:

Burge was not pursuing a frolic of his own. He was enforcing the criminal law of Illinois overzealously by extracting confessions from criminal suspects by improper means. He was, as it were, too loyal an employee. He was acting squarely within the scope of his employment.

8. In January of 1994, OPS Investigator [Tillman] Messenger entered sustained findings, which were subsequently approved by her supervisor, on the following allegations made by Darrell Cannon in CR #134723:

- a) Area 2 Sergeant John Byrne struck Cannon with a cattle prod on his testicles and penis and in his mouth;
- b) Sergeant Byrne repeatedly called Cannon a “nigger;”
- c) Sergeant Byrne held a 9 mm handgun to Cannon’s head;
- e) Sergeant Byrne attempted to lift Cannon by the handcuffs;
- d) Area 2 Detective Peter Dignan played Russian roulette with a shotgun with Cannon;
- e) Detective Dignan attempted to lift Cannon by his handcuffs;
- f) Detective Dignan put a shotgun to Cannon’s head;
- h. Area 2 Detective Charles Grunhard lifted Cannon up while Byrne held onto the cuffs.

9. On December 16, 1993 Office of Professional Standards investigator Leutie Lawrence made the following sustained findings against Area 2 Detectives Boffo, Lotito and Dignan on allegations made by Philip Adkins in CR # 142201:

- a) Detective Boffo violated Rule 8, maltreatment of any person, by repeatedly striking Adkins about the body and groin area with a flashlight on June 7, 1984;
- b) Detective Lotito violated Rule 8, by striking Adkins repeatedly about the body with a flashlight on June 7, 1984;
- c) Detective Lotito violated Rule 14, making a false report, by stating to OPS that he had seen injuries to Adkins prior to arresting Adkins while Adkins was in his house the morning of June 7, 1984 and for falsely stating that Det. Boffo had not been in the car while he was transporting Adkins;

- d) Sergeant Dignan violated Rule 14, making a false report, for writing in a police report dated June 15, 1984, and for stating to OPS on November 18, 1993, that he had observed injuries to Adkins' chest and torso while inside Adkins' house prior to his arrest on June 7, 1984.

10. In June of 1993 OPS investigator Robert Cosey made the following sustained findings against four accused Area 2 officers on allegations made by Gregory Banks in CR #

188617:

- a. Sergeant Byrne violated Rule 6 by failing to report to OPS the use of excessive force against Gregory Banks;
- b. Sergeant Byrne violated Rule 14 by making a false report by testifying falsely before Judge Robert Sklodowski on June 3, 1985, that Gregory Banks was not physically abused in police custody;
- c. Sergeant Byrne violated Rule 8 by kicking Gregory Banks on October 29, 1983;
- d. Sergeant Byrne violated Rule 6 by failing to report to a supervisor the use of excessive force against Banks;
- e. Sergeant Byrne violated Rule 14 by making a false report by giving a false statement to OPS that Banks was not injured while in police custody;
- f. Detective Peter Dignan violated Rule 6 by failed to report to a supervisor the use of excessive force against Banks;
- g. Detective Peter Dignan violated Rule 14 by giving false information while providing a statement to OPS about Banks;
- h. Detective Robert Dwyer violated Rule 6 by failing to report to a supervisor the use of excessive force against Banks;
- i. Detective Robert Dwyer violated Rule 14 by giving false information while providing a statement to OPS about Banks.
- j. Detective Charles Grunhard violated Rule 8 by kicking Gregory Banks about the body while he lay handcuffed on the floor during his interrogation;
- k. Detective Charles Grunhard violated Rule 6 by failing to report to a supervisor the use of excessive force against Banks;
- l. Detective Charles Grunhard violated Rule 14 by giving false information while providing a statement to OPS about Banks

CR 188617, Cosey Summary Report.

11. On January 11, 1994, OPS investigator Leutie Lawence entered the following sustained findings against Area 2 detectives and supervisors on allegations made by Stanley

Howard in CR # 142017:

- a. Sergeant Byrne violated Rule 8, maltreatment of any person, by repeatedly striking Howard about the body with his fists inside interview room # 4 at Area on November 3, 1984;
- b) Sergeant Byrne violated Rule 8, maltreatment of any person, by repeatedly kicking Howard's left leg inside interview room 4 at Area 2 on November 3, 1984;
- c) Detective Boffo violated Rule 8, maltreatment of any person, by repeatedly kicking Howard about the body inside interview room # 4 at Area on November 3, 1984;
- d) Detective Boffo violated Rule 8, maltreatment of any person, by repeatedly striking Howard about the body inside interview room # 4 at Area on November 3, 1984;
- e) Detective Lotito, violated Rule 8, maltreatment of any person, by repeatedly striking Howard about the body with his fists inside interview room # 4 at Area on November 3, 1984;
- f) Detective Lotito, violated Rule 8, maltreatment of any person, by jerking Howard's body in the air causing the handcuffs to cut into Howard's wrists inside interview room # 4 at Area on November 3, 1984.

Summary Report, CR 142017.

12. OPS investigator [Tillman] Messenger testified in *People v. Cannon* that she recommended that OPS allegations be sustained against Peter Dignan for using excessive force during interrogation against Lee Holmes. An OPS memorandum indicates that she also found violations of Rule 8 against Dignan and Area 2 detective Dioguardi for hitting Holmes with a rubber hose and placing a plastic bag over Holmes' head. *People v. Cannon*, 11/2/99, p. 46; Shines Memo, 12/21/94).

13. In September of 1992 Judge Earl Strayhorn granted a motion to suppress an alleged Area 3 torture victim's confession which was extracted under the supervision of then Area 3 Commander John Burge and Area 3 Sergeant John Byrne, finding that:

Given the atmosphere that existed in that District with eleven people under suspicion in custody in the same location the atmosphere must have been horrendously oppressive and I am going to suppress the statements

People v. Clemon, 259 Ill. App.3d 5, 8 (1994). The Illinois Appellate Court subsequently affirmed Judge Strayhorn's granting of the motion to suppress. *People v. Clemon*, 259 Ill. App.3d 5, (1994).

14. On February 11, 1993., the Chicago Police Board ordered that Jon Burge be separated from the Chicago Police Department and John Yucaitis be suspended for 15 months for torturing and physically abusing Andrew Wilson. *In The Matter of the Charges Filed Against Jon Burge*, No. 91-1856 (Chicago Police Board, February 11, 1993).

15. On February 10, 1994, Cook County Circuit Court Judge Thomas O'Brien affirmed the Police Board's order separating Burge and suspending Yucaitis, and on December 15, 1995, the Illinois Appellate Court affirmed Judge O'Brien's ruling. *Burge v. Police Board of the City of Chicago*, No. 93 CH 2265, (Circuit Court of Cook County, February 10, 1994); *Burge, O'Hara and Yucaitis v. Police Board of the City of Chicago*, No. 1-94-999, 1-94-2462, 1-94-2475 (consolidated) (Ill. App. Ct., December 15, 1995, unpublished)

16. On May 9, 1997, Federal Judge Ruben Castillo, while ordering the public release of numerous police disciplinary files which contained allegations and findings of Area 2 torture and abuse, found:

As Martin Luther King, Jr. stated in his now famous letter from the Birmingham County Jail in April of 1963: Like a boil that can never be cured as long as it is covered up but must be opened with all its pus-flowing ugliness to the natural medicines of air and light, injustice must likewise be exposed, with all of the tension its exposing creates, to the light of human conscience and the air of national opinion before it can be cured. Similarly, this Court concludes that the allegations of police misconduct contained in the disputed files must be exposed to the light of human conscience and the air of natural opinion.

Wiggins v. Burge, 173 F.R.D. 226, 230 (N.D.Ill 1997).

17. On January 10, 2003, Illinois Governor George Ryan granted four Burge death row torture victims, Plaintiffs Aaron Patterson, Madison Hobley, Leroy Orange and Stanley Howard, pardons on the basis of innocence, finding:

The category of horrors was hard to believe. If I hadn't reviewed the cases myself, I wouldn't believe it. We have evidence from four men, who did not know each other, all getting beaten and tortured and convicted on the basis of the confessions they allegedly provided. They are perfect examples of what is so terribly broken about our system.

Statement of Governor George Ryan, DePaul University School of Law, January 10, 2003.

18. In *U.S. ex. rel. Maxwell v. Gilmore*, 37 F. Supp. 2d 1078, 1094 (N.D.Ill. 1999), Judge Shadur found the following in his decision:

It is now common knowledge that in the early to mid-1980s Chicago Police Commander Jon Burge and many officers working under him regularly engaged in the physical abuse and torture of prisoners to extract confessions. Both internal police accounts and numerous lawsuits and appeals brought by suspects alleging such abuse substantiate that those beatings and other means of torture occurred as an established practice, not just on an isolated basis.

19. In her concurring opinion in *Hinton v. Uchtman*, 395 F.3d 810, 822-23 (7th Cir. 2005), Seventh Circuit Court of Appeals Judge Diane Wood found:

[T]he claim Hinton has made regarding his confession illustrates dramatically the high price our system of criminal justice pays when police abuse runs rampant: a cloud hangs over everything that the bad actors touched . . . [A] mountain of evidence indicates that torture was an ordinary occurrence at the Area Two station of the Chicago Police Department during the exact time period pertinent to Hinton's case. Eventually, as this sorry tale came to light, the Office of Professional Standards Investigation of the Police Department looked into the allegations, and it issued a report that concluded that police torture under the command of Lt. Jon Burge — the officer in charge of Hinton's case — had been a regular part of the system for more than ten years. And, in language reminiscent of the news reports of 2004 concerning the notorious Abu Ghraib facility in Iraq, the report said that "[t]he type of abuse described was not limited to the usual beating, but went into such esoteric areas as psychological techniques and planned torture." The report detailed specific cases, such as the case of Andrew Wilson, who was taken to Area Two on February 14, 1982. There a group led by Burge beat Wilson, stuffed a bag over his head, handcuffed him to a radiator, and repeatedly administered electric shocks to his ears, nose, and genitals. See *People v. Wilson*, 506 N.E.2d 571 (Ill.

1987). Burge eventually lost his job with the police, though not until 1992. See *In the Matter of the Charges Filed Against Jon Burge*, No. 91-1856 (Chicago Police Board, February 11, 1993). To this day, Burge has not been prosecuted for any of these actions, though it appears that he at least thinks that he may still be at some risk of prosecution. See, for example, "Cop brutality probe must be thorough, fair," *Chi. Sun-Times*, May 16, 2002 (editorial); Hal Dardick, "Burge repeatedly takes 5th; Former police commander stays mum on torture questions," *Chi. Tribune*, Sept. 2, 2004 (noting allegations that Burge or people reporting to him had tortured 108 Black and Latino suspects between August 1972 and September 1991). . . . Behavior like that attributed to Burge imposes a huge cost on society: it creates distrust of the police generally, despite the fact that most police officers would abhor such tactics, and it creates a cloud over even the valid convictions in which the problem officer played a role. Indeed, the alleged conduct is so extreme that, if proven, it would fall within the prohibitions established by the United Nations Convention Against Torture ("CAT"), which defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession . . .," thereby violating the fundamental human rights principles that the United States is committed to uphold. . . .

20. The following criminal defendants who have alleged torture and abuse by Area 2 or 3 detectives have received new hearings or trial, or had their confessions suppressed, on the basis of evidence of Area 2 or 3 torture and abuse in the following cases:

- a. Andrew Wilson : *People v. Wilson*, 116 Ill.2d 29 (1987);
- b. Darrell Cannon: *People v. Cannon*, 293 Ill. App. 3d 634 (1997);
- c. Aaron Patterson: *People v. Patterson*, 192 Ill. 2d 93, (2000);
- d. Gregory Banks: *People v. Banks*, 192 Ill. App. 3d 986 (1989);
- e. David Bates: *People v. Bates*, 267 Ill. App. 3d 503, 505 (1994);
- f. Derrick King: *People v. King*, 192 Ill. 2d 189 (2000);
- g. Stanley Howard: *People v. Howard*, 84 C 13134. (Ill. Sup. Ct. Order of 6/18/99);
- h. Jesse Clemon: *People v. Clemon*, 259 Ill. App.3d 5, (1994).

21. On April 24, 2002, Judge Paul Biebel, Chief Judge of the Cook County Criminal Division, finding the State's Attorney Richard Devine had a conflict of interest, appointed Special Prosecutors Edward Egan and Robert Boyle to investigate allegations of police torture and abuse at Area 2 and Area 3.

22. In an affidavit executed in August of 2004, Richard Brzeczek averred that he was the Chicago Police Superintendent from January 11, 1980 until April 29, 1983, and that he made the following true and accurate statements to *Chicago Tribune* reporter Steve Mills which appeared in an April 29 2002 *Chicago Tribune* article:

Twenty years later, Brzeczek, now a defense attorney, said that there is 'no doubt in my mind' that Burge and his detectives tortured some suspects. The whole situation at Area 2 [was] a disgrace and an embarrassment. It's time something is done about it," Brzeczek said, referring to the former Burnside station on the southside where most of the torture allegedly occurred.

Id., ¶¶ 4-5.

23. On October 19, 2005, the Inter-American Commission for Human Rights of the Organization of American States held a hearing on the question of Area 2 torture and is presently considering whether to hold a highly unusual on-site visit to question, *inter alia*, Mayor Richard Daley, Cook County State's Attorney Richard Devine, and victims of torture concerning the police torture scandal.

24. On May 19, 2006, the ten person United Nations Committee Against Torture made the following findings:

The Committee is concerned with allegations of impunity of some of the State party's [U.S. Government's] law enforcement personnel in respect to acts of torture or cruel, inhuman or degrading treatment or punishment. The Committee notes the limited investigation and lack of prosecution in respect of the allegations of torture perpetrated in Areas 2 and 3 of the Chicago Police Department (article 12).

The State party should promptly, thoroughly and impartially investigate all allegations of acts of torture or cruel, inhuman or degrading treatment or punishment by law enforcement personnel and bring perpetrators to justice, in order to fulfill its obligations under article 12 of the Convention. The State party should also provide the Committee with information on the ongoing investigations and prosecution relating to the above-mentioned case.

5/19/06 Conclusions and Recommendations of the U. N. Committee Against Torture, paragraph 25, p. 7 (bold in original).

25. On May 19, 2006, Chief Cook County Criminal Court Judge Paul Biebel, after finding that “over the past 30 years, the public has demanded to know why no complete investigation was ever conducted into the [torture] allegations,” and that there have been “allegations of a cover-up by high ranking police and government officials,” ordered that the Report of the Special Prosecutor in the Burge torture investigation be made public, finding that: [T]he [Special Prosecutor’s investigation] was ordered because of an “open sore” on the civic body of the City of Chicago which has festered for many years. The Court finds the interests of justice require full publishing of the Special Prosecutor’s Report, including certain materials relating to the Grand Jury.

Memorandum Opinion and order of 5/19/06, pp. 9, 17-18.

26. On July 19, 2006, the Special Prosecutors issued their Report and elaborated on them at a press conference. Among their findings were the following:

That the evidence established beyond a reasonable doubt that “Jon Burge and at least one other officer [John Yucaitis] committed armed violence, intimidation, official misconduct, and aggravated battery when they abused Andrew Wilson at Area 2 on February 14, 1982, and committed perjury when they testified at Wilson’s first trial on November 9, 1982.” (Report, p. 16)

That the evidence established beyond a reasonable doubt that Area 2 Detectives Anthony Maslanka and Michael McDermott physically abused Alphonso Pinex and committed aggravated battery, perjury, and obstruction of justice. (Id.)

That the evidence established beyond a reasonable doubt that Area 2 Detectives James Lotito and Ronald Boffo abused Philip Adkins and committed aggravated battery against him. (Id.)

That there were “many other cases” in which the Special Prosecutors “believed” that the persons (including Melvin Jones, Shaded Mumin, and Michael Johnson) were abused but “proof beyond a reasonable doubt [was] absent.” (Id.)

That Jon Burge, the commander of the Violent Crimes Section of Detective Areas 2

and 3, was “guilty [of] abus[ing] persons with impunity,” and that it therefore “necessarily follows that a number of those serving under his command recognized that if their commander could abuse persons with impunity, so could they.” (Id.)

That Police Superintendent Richard J. Brzeczek was guilty of a “dereliction of duty” and “did not act in good faith in the investigation of Andrew Wilson,” that he “believed at the time that officers at Area 2 had tortured Andrew Wilson,” and that he “kept Burge in command at Area 2, and issued a letter of commendation to all of the detectives at Area 2.” (Id., p. 17)

That Brzeczek “received and believed evidence that a prisoner [Andrew Wilson] had been brutalized by the Superintendent’s subordinates, that the prisoner had confessed, that those subordinates had testified under oath on a motion to suppress and before a jury and he had to believe, they testified perjuriously, *that the prisoner had been sentenced to death*, and that for 20 years the Superintendent still remained silent.” (*emphasis in original*) (Id., pp. 86-87)

That the U.S. Court of Appeals for the Seventh Circuit in its 1993 consideration of the City’s liability in the Wilson civil case was misled concerning the Superintendent’s contemporaneous knowledge that Burge and his subordinates tortured Wilson because Brzeczek concealed those views until after the case was concluded. (Id., pp. 87-88)

That the Chief of Felony Review of the States Attorneys’ Office, Lawrence Hyman, gave “false testimony” when “he denied that Andrew Wilson told him he had been tortured by detectives under the command of Jon Burge.” (Id., p. 54)

That no meaningful police investigation was conducted, nor any police witness questioned in either the Wilson case, or in the Michael Johnson electric-shock case, which occurred a few months after Wilson, and had “glaring similarities” to the Wilson allegations. (Id. pp. 71-73; 88)

That “something should have been done about the disgrace and embarrassment [at Area 2] 24 years ago” by the Chicago Police Superintendent. (Id. p. 89)

That if action had been taken against Jon Burge at the time of the Andrew Wilson case, or even shortly thereafter, the appointment of the Special Prosecutors would not have been necessary. (Id. p. 88)

That this action, should have included, “at the very least,” the Superintendent’s removal of Burge from any investigative command and a “complete shake-up at detective Area 2.” (Id., p. 88)

27. In a press statement made by the Mayor of the City of Chicago on July 21, 2006, he made the following admissions binding on himself, his office, the City of Chicago, its

City Council and its police department:

- a. That the City “strongly supported the release” of the “Special Prosecutor’s Report on the practice of abuse and torture of suspects in the 1970's and 1980's at the Calumet Police District” [Area 2] because “the public has the right to know about this shameful episode in our history.” (Daley Statement, p. 1);
- b. “no suspect should be subjected to the abuses detailed in [the Special Prosecutor’s] Report, and no suspect should ever be coerced into confessing to crimes he did not commit.” This “fundamentally undermines our system of justice and destroys public confidence. It should never happen.” (Daley Statement, p. 1);
- c. That Burge and his Unit participated in a “pattern of misconduct” (Statement, p. 2)

Appendix C

107 KNOWN BURGE AREA 2 AND 3 TORTURE VICTIMS 1972-1991

107 KNOWN BURGE AREA 2 AND 3 TORTURE VICTIMS 1972-1991

DATE	VICTIM	TORTURE METHODS	OFFICERS	DOCUMENTATION
8/5/72	Rodney Mastin Lindsey Smith Clarence Hill	vicious beatings, beating with ashtray, kicked in groin**	Burge,* Listkowski, Houtsma (Area 2)****	7/24/04 Sworn Statement of Rodney Mastin
9/72	Unknown victim	screaming, pants down, hiding implements, handcuffed to hot radiator**	Burge* and two unidentified dets.	10/4/04 Sworn statement of Detective Bill Parker
5/30/73	Anthony Holmes	repeatedly bagged, beaten, electric shocked with black box, called "nigger"***	Burge,* Pienta* Yucaitis,***** Wagner* Hoke* Listkowski Gaffney	4/19/04 Court Reported statement of Anthony Holmes; Judicial Admissions by City in Memo filed 1/22/92
1973	Lawrence Poree	shown black shock box, "this is what we got for niggers like you"***	Burge,* Hoke,* Wagner* Corless*****	4/19/04 Court reported statement of Lawrence Poree
1973	Lawrence Poree	electric shock to testicles, armpits, arm, beaten**	Burge,* Hoke*	4/19/04 Statement of Lawrence Poree
1975	unknown victim	electric shock	Burge	Witness statement on WLS TV 7
12/73	Howard Collins	beaten, Russian Roulette, noose around neck **	Burge,* Hoke*	4/89 Attorney Interview
9/25/77	Virgil Robinson	beaten with flashlight and police helmet, gun in mouth at railroad tracks**	Dignan,* McGuire* Yucaitis*****	Testimony in <i>People v. Robinson</i>
8/7/79	Lawrence Poree, Leroy Sanford	Electric shocked, beaten, hit with gun** beaten**	Burge* Wagner* Corless***** Basile* Gallagher	3/10/80 Testimony in <i>People v. Sanford et.al</i> ; 4/19/04 Poree Statement

11/13/79	James Lewis Edward James	kidnapped from Memphis, beaten, threatened with horror chamber and Fred Hampton Black Panther murder, ear cupped, "nuts" threatened, called "nigger"***	Burge* Wagner* Corless,**** Basile* Gallagher	3/10/80 Testimony, <i>People v. James and Lewis</i> ; 4/19/04 Court Reported statement of Edward James
9/20- 22/79	George Powell	repeatedly electric-shocked on chest, groin, bagged, beaten**	Burge* Corless**** Basile* Hoke*	6/14/04 Court Reported Statement of George Powell; 1/22/92 Judicial Admissions by City
9/20- 22/79	Ollie Hammonds	repeatedly beaten, threatened with electric shock on penis, held incommunicado without food or bathroom for several days**	Burge* Basile*	8/25/04 Court Reported Statement of Ollie Hammonds
9/28/- 29/79	Tony Thompson	beaten with gun and fists until face totally swollen, 8-10 stitches, repeatedly electric shocked with dark box referred to as "nigger box" on genitals and chest, repeated racial epithets, Hampton murder referenced	Burge* Gorman Unidentified detective	3/5/05 Sworn Statement Court Reported Statement of Tony Thompson; 5/22/81 Testimony in <i>People v. Porch, Thompson, and Golden</i>
9/28- 29/79	Willie Porch	beaten, threatened with a gun (Russian Roulette), pistol whipped, hung by handcuffs, threatened with Fred Hampton murderer, stepped on groin**	Burge* Gorman	5/22/81 Testimony in <i>People v. Porch, Thompson,</i> 6/27/89 Testimony in <i>Wilson v. City of Chicago</i>

9/28-9/79	Raymond Golden	threatened with gun (Russian roulette); smashed in the head with shotgun butt**	Burge* Gorman	5/22/81 Testimony in <i>People v. Porch, Thompson, and Golden</i> ; 6/27/89 Testimony in <i>Wilson v. Chicago</i>
9/29/79	Timothy Thompson	threatened to look like "Tony Puff face", beaten**	Burge* Gorman	5/22/81 Testimony in <i>People v. Porch et. al</i>
2/23/80	Michael Coleman Derrick King	beaten to the body, kicked in groin, stitches pulled out with tweezers** beaten with a baseball bat to the body and with a phonebook**	Burge* Pienta* Dwyer* Basile* Corless****	11/20/80 Testimony in <i>People v. Coleman and King</i>
2/20/81	William Bracey	beaten, stomped on hand-cuffs, kicked on groin**	Hoke* O'Callahan	Post trial filings, <i>People v. Bracey</i>
11/13/81	Sylvester Green	bagged, beaten to body and head, repeatedly threatened and called "nigger," threatened his "balls"***	Burge* Grunhard***** McCabe***** McNally*	3/4/83 Testimony in <i>People v. Green</i>
2/5-6/82	Melvin Jones	electric shocked on penis, thigh, foot, threatened to blow "black brains out" with gun to head, beaten**	Burge* Flood* McGuire* McWeeny*	8/5/82 Testimony in <i>People v. Jones</i> and 2/92 at Police Board; 1/22/92 & 7/95 City judicial admissions
2/9-2/12/82	Larry Milan Paul Mike	bagged and beaten** beaten on bottoms of feet and testicles**	Unidentified officers under Burge's direct command during manhunt for	1989 Testimony of Julia Davis, Mike, Johnson. Brown and Pinexes in

	Alphonso Pinex	beaten, threatened**	Andrew Wilson	<i>Wilson v. Chicago</i>
	Roy Brown	bagged, beaten**	Area 2 Lt. (Burge)	
	Walter Johnson	bagged, beaten**		
2/12/82	Donald White	beaten to the body and head while bagged, threatened with a gun**	Burge* Yucaitis***** O'Hara***** Hill* McKenna*	7/14/89 White Deposition in <i>Wilson v. Chicago</i>
	Dwight Anthony	beaten**		
2/13/82	Donnell Traylor	bagged, threats, beaten**	Burge*	1989 Attorney Interview
2/14/82	Andrew Wilson	bagged, threatened with a gun, beaten to body and head, electric shock to ears, genitals, burned on radiator, racial epithets**	Burge* Yucaitis***** Pienta* McKenna* Hill* O'Hara*****	Testimony of Andrew Wilson: <i>People v. Wilson</i> , 11/12/82, 1989 <i>Wilson I and II</i> trials, and 2/92 Police Board; 2/11/93 Police Board Findings.
2/14/82	Jackie Wilson	threatened with electric shock and a gun**	O'Hara***** McKenna*	11/8/82 Testimony of Jackie Wilson, <i>People v. Wilson</i>
2/14/82	Doris Miller	Held incommunicado for 20 hours, threatened, verbally abused, over heard screaming and torture of Andrew Wilson, forced to urinate in ashtray**	Burge* and company	11/12/82 Testimony of D. Miller in <i>People v. Wilson</i> ; deposition in <i>Wilson v. Chicago</i> .
6/9/82	Michael Johnson	beaten, electric shocked, threatened with a gun, called lawyer "nigger bitch" **	Burge*	6/9/82 OPS Statement, 7/6/82 FBI Statement, 6/14/89 Deposition in

				<i>Wilson v. Chicago</i>
9/10/82	Lee Holmes	bagged, beaten to the body, beaten with a flashlight and rubber hose on penis**	Byrne* Dignan* Dioguardi*	6/24/93 Holmes OPS Statement
9/10/82	Stanley Wrice	beaten to body, repeatedly hit with flashlight and black jack including on groin**	Byrne* Dignan* Dioguardi*	1983 Testimony in <i>People v. Wrice, Benson</i> ; 9/23/83 Wrice OPS Statement
9/10/82	Rodney Benson	beaten with piece of rubber with tape on both ends and with flashlight on groin, back, knee, chest and stomach, threatened with hanging, like they had other "niggers"***	Byrne* Dignan* Dioguardi*	12/23/82 Benson verified motion to suppress in <i>People v. Benson, Wrice</i>
9/10/82	Bobby Williams	beaten on thighs and groin with long black flex object with ball on end**	Byrne* Dignan* Dioguardi*	1983 Williams Testimony in <i>People v. Wrice, Benson et. al.</i> ; 1/29/94 Williams OPS Statement
1/1-1/2/83	Eric Smith	repeatedly beaten on side, back and groin with lead pipe encased in rubber hose, repeatedly electric shocked on side and groin, while naked and handcuffed, forced to give false confession**	Dignan* Kushner Binkowski* Burge	8/87 Testimony and Exhibits in <i>People v. Smith</i> ; 1/2/84 OPS statement; 3/21/05 sworn court reported statement
1/21/83	Alonzo Smith	beaten to the body with stick, blackjack, kicked in groin, while bagged**	Byrne* Dignan*	8/3/83 testimony in <i>People v. Smith</i> ; 4/00 testimony in <i>People v. Cannon</i>
4/26-8/83	James Andrews	beaten with fists and flashlight**	McWeeny* Madigan*	10/1/84 testimony in <i>People v.</i>

	David Faultneroy	beaten on head, back, ribs**		<i>Anderson</i>
9/2/83	Jerry Mahaffey	beaten to the body while bagged, threatened with a gun, kicked in the groin**	Byrne* James Lotito* Grunhard,**** Boffo* Leracz*	2/9/84, 2/16/84 Testimony in <i>People v. Mahaffey</i>
9/2/83	Reginald Mahaffey	Kicked in head, ribs, hit with flashlight, kicked in groin, beaten, bagged**	Byrne* James Lotito* Grunhard ***** Boffo*	2/10/,84, 2/13/84 Testimony in <i>People v. Mahaffey</i>
10/28-29/83	Gregory Banks	beaten to the body while bagged, threatened with a gun in mouth, beaten with a flashlight, said "we have something for niggers" while bagging him**	Byrne* Dignan* Grunhard***** Dwyer*	5/17/85 testimony in <i>People v. Banks</i> ; 1993 OPS sustained findings; 4/00 testimony in <i>People v. Cannon</i>
10/28-29/83	David Bates	beaten to the body while bagged, kicked in the groin, threatened**	Byrne* Grunhard***** Dwyer*	5/17/85 testimony in <i>People v. Banks</i> ; 4/00 testimony in <i>People v. Cannon</i>
11/2/83	Darrell Cannon	threatened with a gun, Russian roulette, mock execution, repeatedly electric shocked on testicles and penis, hung by his cuffs, repeatedly called "nigger"**	Byrne* Dignan* McWeeny* Grunhard*****	3/27/84 Testimony in <i>People v. Cannon</i> ; 1993 OPS Sustained findings; 8/27/04 Parole Board testimony
11/18/83	James Cody	beaten to the body with a flashlight, electric shocked on buttocks and testicles, threatened with castration, beating**	Paladino* Basile* McNally*	4/23/84 Testimony in <i>People v. Cody</i>
11/25/83	Leonard Hinton	beaten to the body while bagged, hit with gun, repeatedly beaten, kicked in groin, repeatedly	Burge* Krippel Bajenski* Mokry*	7/1/85 testimony in <i>People v. Hinton.</i>

		electric shocked on genitals and in rectum**		
1/12-13/84	Leroy Orange	beaten to the body while bagged, electric shocked on arm and buttocks and in rectum, testicles squeezed**	Burge* Flood* Bajenski* McGuire* McWeeny* Madigan* McCabe***** McNally*	5/22/81 Testimony, <i>People v. Orange</i> ; Orange Affidavit; 1/84 <i>Sun Times</i> Article; City Judicial Admissions of 1/2/92; 1/03 innocence pardon
1/12-13/84	Leonard Kidd	bagged, beaten on head with phone book and stick, electric shocked on buttocks and genitals, and in rectum**	Burge* Flood* Bajenski* McGuire* McWeeny* Madigan* McCabe***** McNally*	2/14/00 Kidd Affidavit; 1/84 <i>Sun Times</i> Article.
1/28/84	Lavert Jones	repeatedly beaten to body and head; beaten with a telephone book, club; kicked in genitals, called "nigger"**	Byrne* Dignan* Yucaitis*****	3/5/87 Testimony, <i>People v. Jones</i>
1/28/84	Thomas Craft	beaten with a flashlight, choked, foot crushed, threatened with weapon to face and nose, strapped naked to cell bunk**	Dignan* Yucaitis***** Ryan	8/20/ and 9/23/93 OPS statements; OPS sustained findings
1/28/84	Alex Moore	electric-shocked, beaten, repeatedly called "nigger"	Burge, Byrne, Dignan, McWeeny, Yucaitis	Special Prosecutor statement
4/84	Stephen Cavanero	phone book placed on head, hit on phone book with mag flashlight**	Burge* Dwyer*	Phone Interview, Statement

5/24/84	Franklin Burchette	threatened with electric shock on testicles, sleep deprivation**	Burge* McDermott* DiGiacomo* Solecki	10/21/85 Affidavit and Testimony in <i>People v. Burchette</i> .
6/7/84	Phillip Adkins	beaten to the body, beaten with a flashlight on body and groin, repeatedly called "nigger"***	Byrne* Yucaitis***** Boffo* Dignan* James Lotito*	Testimony in <i>People v. Cannon</i> ; 1993 OPS sustained findings
6/24- 25/84	Robert Billingsley	repeatedly beaten, kicked, gagged with paper in throat, whipped with phone books, bribed to drop OPS complaint**	Dwyer* Dignan* James Lotito* Yucaitis *****	OPS complaint; 4/2/04 Affidavit; 3/28/05 Court Reported Statement, Deposition
10/28- 29/84	Terry Harris	choked, arm twisted, held in underwear overnight, repeatedly threatened, sexually derogatory comments**	Burge* Sgt. Wilson Marley* Maslanka* McGuire* Mokry*	5/29/86 OPS Statement
11/2-4/84	Stanley Howard	beaten to the body while bagged, slapped and kicked until unconscious, called "nigger" **	Byrne* McWeeny* Boffo,* Lotito* Paladino* Glynn*	1/28/87 Testimony, <i>People v. Howard</i> ; 1993 OPS sustained findings; 3/30/93 Affidavit; 1/03 innocence pardon
3/21/85	Jesse Winston	hanging after interrogation	Byrne* Dwyer* Yucaitis***** Grunhard	1986, 1990 Winston OPS files
5/31/85	Lonza Holmes	beaten and kicked to the body, repeatedly hit on the head with a phone book, judo chops under neck**	Burge* Madigan* Dignan*	12/12/86 Testimony, <i>People v. Holmes</i>

6/28/85	Alphonso Pinex	Severe beating	Maslanka, McDermott, Byrne	Testimony, <i>People v. Pinex</i> , OSP statement
8/28/85	LC Riley	repeatedly punched, slapped, kicked in ribs, stomach, face, hit in the groin with a rolled up newspaper**	Madigan* Dwyer*	3/13/87 Testimony, <i>People v. Riley</i>
10/9-11/85	Mearon Diggins	repeatedly beaten on back and legs with flashlight during 2 ½ days of questioning, no food, water, or bathroom**	Paladino* Pienta* Burge*	OPS statement and pictures (destroyed); 7/5/04 Diggins Court Reported Statement
10/10/85	Terry Williams	beaten, screaming**	unidentified Area 2 detectives.	7/5/04 Diggins Court Reported Statement
10/30/85	Shaded Mumin	pushed into wall, threatened with .44 magnum silver revolver to head, Russian Roulette, suffocated with typewriter cover until unconscious, threatened with worse treatment, repeatedly called "nigger" **	Burge* Paladino* McDermott* Lacey	5/13/87 Testimony, <i>People v. Mumin</i> ; 2/92 Police Board Testimony on behalf of City; 1993 OPS file
4/22-23/86	Michael Arbuckle	threatened with electrocution, death, assaulted, threatened with beating, framing, told they wanted to get Aaron Patterson **	Burge* Kolowitz	6/4/86 Motion to Suppress in <i>People v. Arbuckle</i> , Arbuckle 2/8/95 Affidavit and 11/19/04 Deposition
4/29-30/86	Aaron Patterson	beaten to the chest and upper body while repeatedly bagged with typewriter cover nose held while bagged,	Burge* Byrne* Pienta* McWeeny* Marley* Madigan*	3/30/88 Testimony in <i>People v. Patterson</i> ; Patterson

		threatened with a gun and with worse treatment, kicked, choked**	Pederson* ASA Troy other unidentified Area 2 Detectives.	Affidavit; etchings in bench; 8/11/00 decision in <i>People v.</i> <i>Patterson</i> ; 1994 Affidavit of Dr. Martinez; 1/03 innocence pardon
4/29- 30/86	Eric Caine	ear cupping, beating in chest, threats, sleep deprivation**	Pienta* Marley* Madigan* Brownfield*	8/88 Motion to Suppress and 9/25/89 trial testimony, <i>People v. Caine</i>
7/21- 22/86	Stephen Bell	repeatedly beaten to the head and body, head smashed into wall, kicked in groin, head and ribs, beaten with a phone book**	Byrne* Dignan* Boffo* Yucaitis*****	11/20/86 Testimony in <i>People v. Tillman and Bell</i>
7/21- 23/86	Michael Tillman	repeatedly bagged, beaten to body and head, threatened with a gun to head, thumb pressure to ears, beaten with flashlight and phone book**	Byrne* Dignan* Boffo* Yucaitis***** Hines	11/21/86 Testimony in <i>People v. Tillman and Bell</i>
8/10/- 12/86	Clarence Trotter	slammed against the wall, physical and mental brutality and held incommunicado for 36 hours	Madigan* Brownfield* Nitsche	post conviction Petition and testimony in <i>People v. Trotter</i>
10/13/ 86	Terrence Houston Darrell Cleveland	beaten to the body,** electric shock, beaten with a flashlight head slammed on table**	Pienta,* Marblocki, Hayes, John Lotito	10/4/88 Terrence Houston Deposition in <i>Houston v. Marblocki</i> ; Houston and Cleveland 1986 OPS Statements

11/12/86	Andrew Maxwell Jerry Thompson Jeffrey Howard	beaten to the body and face, kicked during interrogation kicked, beaten with flashlight to body, slapped in face during interrogation kicked, slapped during interrogation	Paladino* Glynn,* Basile* McDermott*	7/23/87 Testimony in <i>People v. Maxwell, Thompson, and Howard</i>
1/6/87	Madison Hobley	hit in chest, thumbs to neck, racial epithets, including "nigger," kicked in groin, beaten to the body while bagged, held nose while bagged, passed out, threatened to kill him during interrogation	James Lotito* Dwyer* Burge* McWeeny* Paladino* Garrity* Cline	8/87 Hobley OPS Statement; 9/29/87 Testimony in <i>People v. Hobley</i> ; Hobley Deposition; 1/03 innocence pardon
11/6/87	Robert Smith	beaten during questioning	Dwyer*	<i>People v. Smith</i> decision
12/87-1/88	Philip Walker Johnny Walker Andre Wilk	kicked, beaten, cuffed to steaming radiator, called "nigger;" ** beaten, kicked in groin, screaming;** 13 year old, beaten with flashlight, slapped into falsely naming Walker. **	Kill* (Area 3) Garrity* (Polygraph) Kill* (Area 3) Kill* (Area 3)	10/5/04 Sworn Philip Walker Statement Philip Walker statement 4/3/89 Testimony in <i>People v. Walker</i>
4/17/88	Grayland Johnson	beaten with flashlight, phone book, hung out window, head pushed into toilet, bagged **	Eldridge Byrne* (Area 3)	Testimony in <i>People v Johnson</i> , OPS file, civil complaint in Johnson
6/24/88	Donald Torrence	beaten	Paladino* Maslanka*	<i>Torrence</i> Civil complaint

			(Area 3)	
8/25-26/88	Ronald Kitchen	beaten to the groin and body, beaten with a phonebook, with a black jack to groin, and with phone receiver during interrogation	Burge* Kill* Smith Byron (Area 3)	2/2/90, 9/17/90 Testimony, <i>People v. Kitchen</i> ; 12/12/96 Kitchen Affidavit; 12/18/96 Journey Affidavit
12/29-12/31/89	Keith Eric Johnson	Repeatedly slapped, beaten, kicked from chair, kicked, called "lying nigger" during 48 hours of interrogation	Sgt. Byrne, Paladino, Maslanka, Collins, Moser, McCann, Cesar	Testimony in <i>People v. Johnson</i> , Affidavit in Post conviction
4/19-20/90	Tony Anderson	beaten on ribs, thighs with nightstick, gun to head, threatened to "blow brains out," no food, water, or washroom during 2 day interrogation	at Area 2 by Paladino* Maslanka* (from Area 3), and McDermott* Gallagher (from Area 2)	5/1/91 Testimony in <i>People v. Anderson</i>
6/9/90	Demond Weston	17 years old, slapped, beaten, choked, hit with phonebook, threatened with hanging	Kill, Maslanka, Mosher	Factual Statement
9/21/90	Cortez Brown	beaten on chest and arms, and beaten on hands and legs with steel flashlight**	Paladino* Maslanka* (Area 3)	11/8/91 Testimony in <i>People v. Brown</i>
4/91	Unknown 14 year old	electric shocked	unknown Area 3 detectives	<i>Chicago Sun Times</i> article by Deborah Nelson
6/3-/4/91	Keith Walker	repeatedly kicked, beaten, repeatedly electric shocked	McWeeny, blond detective, reddish-brown haired detective, McCann, Halloran, Caesar	Motion to Suppress and motion to suppress testimony in <i>People v. Walker</i>

6/5/91	TyShaun Ross	beaten with nightstick on side, kicked on foot, pulled down pants, repeatedly electric shocked on groin and upper thighs, repeatedly called "nigger" during interrogation	McCann, Caesar McWeeny* (Area 3)	Ross OPS Statement of 7/16/91; 8/5/91 OPS Interview with Ross' Grandmother; Dr. Raba Letter
8/8/91	Jevon Delony Maurice Delony	repeatedly punched in chest, slapped in face, back of head, threatened during interrogation Punched to the floor	Area 3 Detectives	Testimony in <i>People v. Brooks and Delony</i> , Jevon Delony Affidavit of 10/2/97
9/25- 26/91	Marcus Wiggins	13 year old, hit on head with flashlight; repeatedly hit in chest; electric shocked on hands with box like device, screamed, passed out **	Paladino* Maslanka,* Kill* O'Brien Boudreau (Area 3)	6/4/96 Wiggins Dep.; OPS file; Testimony of Myron James in <i>People v. Clemon</i> ; Dr. Martinez report
9/25- 26/91	Jesse Clemon Imari Clemon Damoni Clemon Clinton Welton Diyez Owen	beaten on hand, face, and stomach** 16 year old, beaten ** electric shocked ** 16 year old, beaten with flashlight and fists ** 16 year old, beaten to chest and stomach **		Testimony of James, Damoni Clemon, Clinton Welton, and Dyez Owen in <i>People v. Clemon</i> ; decisions in <i>People v. Clemons</i> , 259 Ill App. 3d 5 (1994)
9/28/91	Michael Peterson Travis Richardson	choked, beaten, kicked, attempted burning with cigarette ** head slammed on table**	Paladino* Maslanka* O'Brien (Area 3)	8/11/04 Richardson Affidavit; OPS Statements

11/22/ 91	Ivan Smith	slapped in face, back of head, punched in chest, thrown to floor, open phone book placed on chest, repeatedly hit with stick on phone book, at Tennessee jail**	O'Brien Stehlik (Area 3)	4/15/94 Testimony in <i>People v. Brooks</i>
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* Took Fifth Amendment when asked about this torture.

** Torture and abuse occurred during interrogation.

*** All cases from 8/5/72 through 11/6/87 are Area 2 cases, except for the unknown victim in 1975 which took place at Area 2

**** Deceased

Appendix D

**SUMMARY OF AREA 2 ATTORNEYS FEES PAID BY THE CITY AND
COUNTY TO PRIVATE ATTORNEYS AS OF MARCH 15, 2007 FROM FOIA
AND OTHER PUBLIC DOCUMENTS**

SUMMARY OF AREA 2 ATTORNEYS FEES PAID BY THE CITY AND COUNTY TO PRIVATE ATTORNEYS AS OF MARCH 15, 2007 FROM FOIA AND OTHER PUBLIC DOCUMENTS

Attorneys for the torture victims have obtained, through FOIA requests to the City and County, records which reflect monies paid by the City and County to private lawyers to defend, fire, or investigate Jon Burge and his men, and to represent the City in Area 2 torture and frame-up cases, from 1988 to the present. These records are not complete, as they do not reflect the payouts in at least one additional torture case (David Bates), do not include the hundreds of thousands of dollars spent for court costs from May 2005 to the present, and do not reflect the monies paid by the County to private lawyers Patti Bobb and James Figulio to represent Richard Devine and several other Assistant States Attorneys. Therefore, the total numbers are even higher than those reflected here:

- - - In the last six months, from September 15, 2006 to March 15, 2007, a period almost exclusively contemporaneous with the period after there was an agreement with the City to settle 3 of the 5 pending civil torture cases, **\$1,000,000** was paid to the four law firms defending Burge and the City in those cases, with **\$685,000** being paid out in the three cases where the settlement had been agreed to by the City;

- - - In the 3 1/2 years these five civil torture cases have been pending, **nearly \$7 million** has been paid to private lawyers by the City to defend Burge and itself, despite the fact that none of them is near trial;

- - - **More than \$2 million** in additional public funds has been paid to private lawyers to defend Burge, his associates and the City in prior civil torture cases, to fire him, to defend the City's interests in criminal cases where torture evidence was sought, and to deal with the Cook County Special Prosecutors, for a total of **more than \$9 million** spent by the City on the torture cases;

- - - **Nearly \$4 million** more has been paid to private attorneys to defend Burge associates and the City in the still pending Evans (appeal) and Terry (early pre-trial) Area two frame-up cases for a total of **nearly \$13 million** paid by the City in these Area 2 torture and frame-up cases;

- - - **More than \$7 million** spent by the County for the Special Prosecutors' 4 year "investigation" wherein they refused to indict Burge and issued a completely inadequate Report.

- - - The total spent to date by the City and County is **\$20,000,000**, an amount that is presently increasing, before a single trial has begun, by **\$2,000,000 per year** in City taxpayer funds. This amount does not include the \$1-2 million in pensions paid yearly to Burge and the more than thirty other Area 2 detectives and supervisors who are named in multiple torture cases and refused to cooperate with the Special Prosecutors' investigation.

Appendix E

**Additional Evidence of Cover-up by CPD, SAO and CCSAO Officials
That Was Ignored by The Special Prosecutors**

Additional Evidence of Cover-up by CPD, SAO and CCSAO Officials that was Ignored by the Special Prosecutors

MAYORS, POLICE SUPERINTENDENTS, AND THE OPS

The Special Prosecutors also absolved Mayor Byrne, Mayor Daley, Superintendent Martin, Superintendent Hillard, and OPS Director Shines, as well as the CPD and the OPS, from any blame for the continuing cover-up. The Special Prosecutors had before it the uncontroverted fact that in only one of the more than 100 documented cases of police torture did the CPD and its OPS take any disciplinary action in an Area 2 or 3 torture case, and in that case, the action was taken almost ten years after the torture took place. Yet despite the fact that the Special Prosecutors found that Burge and his men abused “with impunity,” they neither condemned, nor even mentioned, this almost absolute failure to discipline. The Report is similarly derelict in its treatment of the various City and police officials under whose leadership and with whose participation, this cover-up flourished.

Superintendent Richard Brzeczek and Mayor Jane Byrne

In one section of the Report, the Special Prosecutors found that Superintendent Brzeczek knew that Burge and his subordinates had brutalized Andrew Wilson, and quashed any police investigation for a year and a half. It further found that the OPS and its Director then conducted a sham investigation which did not even bother to interview Burge or his men, and, three and a half years after Wilson’s torture, closed the investigation with a “not sustained” finding. It additionally found that the OPS did not

meaningfully investigate another contemporaneous allegation of electric shock against Burge. The uncontroverted evidence before the Special Prosecutors further showed that Superintendent Brzeczek and the OPS also did no investigation into the numerous complaints of police abuse which arose from the black community during the February 1982 manhunt which led to the arrest of Andrew Wilson, a manhunt which was directed by Burge and encouraged and approved by Mayor Jane Byrne. This five day manhunt was one of the biggest in Chicago history, and lead to hundreds of complaints of illegal searches, brutality, and torture. (*Wilson v. City of Chicago*, 6 F.3d 1230 (7th Cir. 1993)) One involved Area 2 detective anonymously called it a “reign of terror” and likened it to Kristallnacht, while the Reverend Jesse L. Jackson called it a “military occupation.” (*Chicago Reader*, August 2003)

The Special Prosecutors further raised serious questions about whether the Superintendent’s concealment of his contemporaneous knowledge that Burge had tortured Wilson in his testimony at Wilson’s 1989 civil rights trial influenced the subsequent decision of the United States Court of Appeals to absolve the City and the Superintendent of civil liability for their role in Wilson’s torture. Additional evidence before the Special Prosecutors also demonstrated that Mayor Byrne never before revealed her involvement in encouraging Burge during the manhunt, and that the high ranking police officials who were present at Area 2 during the torture and were castigated at a meeting by Superintendent Brzeczek for permitting the torture to happen, concealed their knowledge of both the torture and this meeting during testimony at the Wilson trials. The Special Prosecutors also specifically found that:

the Superintendent of Police Department received and believed evidence that a prisoner [Andrew Wilson] had been brutalized by the Superintendent’s

subordinates, that the prisoner had confessed, that those subordinates had testified under oath on a motion to suppress and before a jury and he had to believe, they testified perjurally, that the prisoner had been sentenced to death, and that for 20 years the Superintendent still remained silent . . . approved a Unit citation for all Area 2 personnel, including Burge, and, more egregiously, he kept Burge in command of violent crimes at Area 2 as long as he remained superintendent. (Special Prosecutors' Report, pp. 86-87) (emphasis in original)

These findings and supporting evidence, by itself, powerfully demonstrate what the Special Prosecutors refused to find - - - that Brzeczek, Byrne, OPS Director Nolan, CPD Deputy Superintendents Joseph McCarthy and Thomas Lyons, as well as several of their direct successors, also covered up Area 2 torture and their knowledge of it.

Superintendent Leroy Martin and Mayor Richard M. Daley

In the Report, the Special Prosecutors accept, at face value, Leroy Martin's denial that he knew about Burge or his record for torture, abuse and racism while he was Burge's Commander at Area 2. In fact the evidence available to the Special Prosecutors shows that Martin was fully aware that Burge was charged with torturing Wilson when Martin became Burge's direct supervisor in January of 1983, and that he received contemporaneous OPS summaries of several other complaints of police torture by Burge's men, including in the *Banks* and *Cannon* cases, yet he did nothing to monitor Burge or to prevent further torture and abuse at Area 2. (Deposition of Leroy Martin in *Orange v. Burge*, Dec. 11, 2006.) Additionally, the evidence shows that when the African American detectives complained to Martin about Burge's racist practices, he reported it to Burge, who took action against the complaining detectives. (Statement of Sammy Lacey, Oct. 2004.)

The evidence available to the Special Prosecutors further shows that after Martin became Superintendent in 1987, he installed Burge as the Commander of Area 3 and

was instrumental in getting Kunkle and Devine appointed as counsel for Burge and his men in the *Wilson* civil case. It further shows that Martin was present in 1989 at numerous City Council and Police Board Hearings when evidence of systemic police torture was presented by both aldermen and victims, and that Martin rejected repeated demands to have Burge suspended while the emerging pattern of Area 2 torture was fully investigated.

Most significantly, the uncontroverted evidence also shows that in November of 1990, OPS Director Gayle Shines presented Martin with a confidential OPS Report, now known as the Goldston Report, which found, after studying fifty known cases of Area 2 torture and abuse, that the abuse was “systematic,” included “planned torture,” and that “particular command members were aware of the systematic abuse and participated in it either by actively participating in same or failing to take any action to bring it to an end.” The Goldston Report identified the victims and the alleged torturers by name, described the nature and the location of the abuse alleged in each case, and, in a supplement, specifically identified Burge, Byrne, Dignan, Yucaitis, and Grunhard as centrally involved abusers. Martin admitted to the Special Prosecutors that he thought that the Report condemned him as one of the involved command personnel, and has further admitted that he took the Report personally, and considered it to “blacken the entire command structure” at Area 2. (Statement of Leroy Martin to the Special Prosecutors, April 19, 2006; Deposition of Leroy Martin and Exhibits in *Orange v. Burge*, December 11, 2006.)

After reviewing the Goldston Report, Martin first sent it back to Shines for further justification, and when she refused to alter its findings, he retained the Police

Foundation, a pro-police organization headed by former Newark Police Superintendent Hubert Williams, allegedly for “review” of the Report’s “methodology.” Former Minneapolis Police Superintendent Anthony Bouza described in an expert opinion tendered to the Special Prosecutors this highly unusual action as a “sophisticated attempt to entomb the report and its findings by referring it to his [Martin’s] cronies at the Police Foundation.” (Opinion of Expert Anthony Bouza in *Hobley v. Burge* and *Orange v. Burge*)

Martin further admitted to the Special Prosecutors that he intentionally chose not to send the findings of the Goldston Report to an independent law enforcement agency such as the FBI. Instead he kept the findings of the Report secret for almost a year and a half while seeking no administrative, disciplinary, or prosecutorial action for any of the fifty cases analyzed in the Report, with the single exception of the *Wilson* case, where, after a year’s delay, he sought administrative, rather than criminal, charges against Burge.¹

In February of 1992, Federal Court Judge Milton Shadur ordered the Goldston Report publicly released, and Martin and Mayor Daley, in a joint public attack, condemned the Report as “unsubstantiated” “rumors,” and again took no action. (*Chicago Tribune*, February 8, 1992) Martin resigned two months later, still having

¹Martin and the City lawyers, like the Special Prosecutors many years later, asserted that the statute of limitations, which was six years at that time, precluded him from seeking criminal charges. However, when Martin received the Goldston Report in 1990, Burge and his men had denied torturing Andrew Wilson only a year and half before at the *Wilson* civil trial, there were many cases of alleged torture, including *Mumin*, *Patterson*, *Hobley*, and *Caine*, which were well within the six year statute, there were recent testimonial denials of torture and abuse in numerous torture cases, and the Goldston Report itself revealed a continuing conspiracy to torture, cover-up, and obstruct justice, which ran from 1972 to the present. Hence, for Martin and the City, like the Special Prosecutors, the statute of limitations was a pretext, rather than a bar.

taken no action against Burge or any of the other Area 2 Officers named in the Goldston Report beyond the aforementioned Police Board Proceedings.

OPS Director Gayle Shines

The Report makes almost no mention of OPS Director Gayle Shines' role in the continuing cover-up, and the Special Prosecutors did not even bother to interview her. Shines, a long-time ASA under Richard M. Daley, was appointed by him to head the OPS. In November of 1990, she approved the Goldston Report, finding it "compelling" and a "masterful job." Martin challenged her approval of the Report, and turned to his cronies at the Police Foundation who returned their findings to Shines and the Police Department in July of 1992. While the bought and paid for conclusions of the Police Foundation were critical of the methodology of Goldston's Report, the Foundation also recommended further investigation.

In response to the Police Foundation, Shines ordered a limited reinvestigation, reopening ten individual cases, and assigning them to her most proficient investigators. After exhaustive re-investigations, which turned up much additional evidence, the investigators recommended sustained findings in six cases against some of the most notorious of Burge's men for a wide range of torture and abuse. The findings included findings of electric-shock and mock execution against Byrne, Dignan, and Grunhard in the Cannon case, bagging and beating with a rubber hose by Dignan and Dioguardi in the Lee Holmes case, and beating, kicking, stomping and other abuse in the Howard, Adkins, Craft and Banks cases. (see, pp. 17-18 of the Report above) These findings were reviewed by supervisors, and the files were tendered to Shines in early 1994. Contrary to Chicago Police Department policies, she kept these files in her office, in a box, for four

and a half years, never finalizing her review of the investigations or the findings because she assertedly “had other things to do.” (Deposition of Gayle Shines in *Santiago v. Marquez*) In 1994, while these files languished in Shines’ office, Darrell Cannon was on trial and subpoenaed his OPS file in order to challenge his tortured confession, but neither Shines nor the OPS produced it. (Id.) At the same time, Stanley Howard was on death row for a crime he did not commit, and this suppressed evidence would have assisted him in his post-conviction challenge to his tortured confession.

Superintendent Terry Hillard and his Counsel, Thomas Needham

. The evidence shows that Terry Hillard became Police Superintendent in 1998 and appointed Thomas Needham as his chief legal and administrative assistant. Needham, the son of a Deputy Police Superintendent who once guarded the Daley house in Bridgeport, was formerly an Assistant State’s Attorney who had been involved in the prosecution and review of several cases where torture was alleged, and later served first as a campaign volunteer for, then as an administrative assistant to, Mayor Richard M. Daley. After OPS director Shines left, her assistant, Leonard Benefico, discovered the suppressed torture files in her office, alerted Needham to the files, and asked what to do with them. Without substantively reviewing them, Needham summarily closed all the cases by entering “not sustained” findings in each. (Special Prosecutors’ Report, pp. 112, 118, 154.) As the ostensible reason, Needham cited the age of the investigations. Hillard approved Needham’s actions, later stating that he wanted to put an end to Area 2 torture investigations. (Hillard Dep., *Santiago v. Marquez*, Mar. 1999.)

The age of the investigations was due to the continuous course of delay by the OPS, which originally did shoddy investigations and closed the cases; by Martin, who

suppressed the Goldston Report; and by Shines, who suppressed the files in her office for 4 ½ years. Moreover, neither Hillard nor Needham made any effort to produce those files to Cannon, Howard, or any other defendant who had pending criminal cases. In 1999, Hillard rejected a formal community request to open OPS investigations into numerous uninvestigated torture cases or to investigate Shine's misconduct. Nonetheless the Special Prosecutors, without even interviewing them, absolved Needham and Hillard, finding their conduct to be "in a very technical sense not in keeping with established procedures," and that they "doubt[ed] that a case could be made that Needham and Hillard had been guilty of some administrative transgression." (Special Prosecutors' Report, p. 118).

STATE'S ATTORNEYS PARTEE, O'MALLEY AND DEVINE

The evidence before the Special Prosecutors showed that Cecil Partee succeeded Richard Daley as State's Attorney of Cook County in 1989, at a time when the evidence of police torture at Area 2 was receiving public attention through the *Wilson* civil trials and City Council Hearings. O'Malley replaced Partee in 1990, and became aware of "an unusual amount of allegations of physical violence at Areas 2 and 3." (Report, p. 140). The Goldston Report also became public during O'Malley's term in office. Although the statute of limitations had clearly not run on at least some of the acts of torture and cover-up, neither O'Malley nor Partee investigated or indicted Burge or his men.

Richard Devine became State's Attorney in 1997. As First Assistant, he had previously been centrally involved with Daley and Kunkle in the 1982 refusal to investigate or prosecute Burge for Wilson's torture. In 1983 he had left for the private practice of law, and was reunited with Kunkle at Phelan, Pope and John in 1987.

Kunkle, as a private lawyer, prosecuted Andrew Wilson at his 1987 re-trial, then, as a specially appointed City lawyer, represented Burge, Yucaitis and other Area 2 defendants in the *Wilson* civil rights trials, the Police Board Proceedings, and in several other civil torture cases from 1988 to 1996. Devine was Kunkle's partner during this entire time, did legal work for Burge in the *Wilson* case, and shared in the more than \$1 million in fees which his law firm was paid by the City and the Fraternal Order of Police for defending Burge. According to the Special Prosecutors, Kunkle offered four different defenses at four separate proceedings while defending Burge's torture of Wilson. (Report, pp. 136-37.) While Kunkle and Devine were Burge's lawyers, evidence of a pattern and practice of torture and abuse at Area 2 was presented in the *Wilson* civil proceedings, the Goldston Report became public, Burge, through Kunkle, offered four contrary defenses, and Burge was convicted by the Police Board.

The evidence before the Special Prosecutors also shows that after Devine became State's Attorney, he was involved in making numerous decisions with regard to the criminal cases where torture was alleged. In 1999, he was presented with a request from public officials, including state Representative Connie Howard and Congressman Jesse L. Jackson, Jr., to agree to death row inmate Aaron Patterson's post-conviction request for a hearing on his claim that Burge and his men had tortured a confession from him. He was presented with similar requests and petitions in several other torture cases. In each and every case, he rejected these requests and continued the prosecutions of the Burge torture victims. In 2001 he resisted the request of numerous community organizations to have a special prosecutor appointed to investigate Burge and Area 2 torture, a request that was granted in 2002 by the Chief Judge of the Criminal Court on

the grounds that Devine had an actual conflict of interest due to his prior representation of Burge. In 2003, he and the CCSAO were removed from further involvement in the prosecutions of Burge torture victims. At no time from 1996 to his removal in 2002, did he initiate any investigation into the longstanding allegations of systematic torture and abuse at Area 2 and 3 by Burge and his men. This continuing refusal to investigate or prosecute was also completely ignored by the Special Prosecutors in their Report.