

February 23, 2006

Commissioner Clare Kamu Roberts
Commissioner José Zalaquett
Commissioner Evelio Fernández Arévalos
Mr. Santiago Canton
Inter-American Commission on Human Rights
1889 F Street, N.W.
Washington, DC 20006

Dear Commissioners and Mr. Canton:

As members of law enforcement agencies, we join in the widening chorus of opposition to illegal and dangerous interrogation techniques such as the torture practiced in Chicago police stations under the command of Jon Burge. We hope that by adding our voice, we can disprove any assertion that torture is necessary for good police work, and can demonstrate the commitment of the law enforcement community to upholding legal and community standards which forbid police torture. In our strong desire to see a close to this sordid chapter in the history of Chicago police, we respectfully request that the Commission visit Chicago in order to stimulate the process of bringing the perpetrators of torture in our midst to long-overdue justice.

Put simply, it is the role of the police to uphold the law. We are supposed to be examples of lawful behavior, and demonstrate to the community that our justice system both protects the innocent and holds the guilty accountable for dangerous behavior. Both international and domestic laws forbid torture. Torture is explicitly prohibited by international treaties ratified by this country, such as the Convention Against Torture. Torture is also prohibited by numerous parts of our Constitution, including the 5th Amendment requirement that no one be deprived of life, liberty, or property without due process of law, and the 8th Amendment ban on cruel and unusual punishment. Despite these bans against torture, Burge and officers under him routinely tortured uncharged suspects as part of criminal interrogations, using horrifying techniques that contradict every possible sense of the laws which control police behavior. Even the Office of Professional Standards, an office within the police administration which investigates claims of police misconduct, found that torture in Area 2 was “systematic,” “planned,” and “methodical.”¹ This is, to say the least, an utter disgrace to our profession. When police officers break the law, we undermine the authority of the laws we are commissioned by the Executive Branch of our government to enforce. Furthermore, we erode public trust in our capacity as law enforcement agents and in the integrity of the legal system as a whole. The use of torture by police contravenes the basic objective underlying our profession: to promote, uphold, and, at base, follow the law.

¹ Office of Professional Standards report (The “Goldston Report,” September 28, 1990, p. 3.

In addition to being illegal, torture is not an effective investigatory tool: it does not yield accurate information. Internationally and at home, torture survivors testify that while they were being tortured, they would have said anything the police wanted them to say in order to stop the abuse. Many torture survivors who were convicted of the crimes they confessed to were later exonerated by evidence that proved that they did not do what they confessed to doing. As a result of the compromised information extracted by torture, law enforcement objectives are dually undermined. First, innocent people are subjected to punishment through the torture itself and the ensuing incarceration for crimes they did not commit.² Second, while innocents languish in jail, guilty parties roam free, un-apprehended because a case was closed due to misinformation. The miscarriage of justice that results from tortured confessions both harms innocent people and fails to protect the community from potentially dangerous individuals.

Furthermore, the use of torture during interrogations often leads to continued lying by the police throughout court proceedings. If an officer testifies that he tortured a suspect during an interrogation, the confession will not be admissible. Instead of throwing out the confession, officers misrepresent their account of a suspect's custody during trial. Under oath, officers' accounts contradict each other and the account offered by the suspect. Often, the police rely on the compromised credibility of a criminal suspect due to factors of race, class, previous convictions, and others to sway a jury in their favor. However, when the suspect's account comports with the evidence more than the officer's story, the officer is caught in a bald-faced lie, weakening his credibility and the credibility of all officers before the judge and jury.

The use of torture by police - both by individuals and as an unchecked departmental policy, as it was in Chicago - undermines the perception of the police in the eyes of the public. The police are entrusted with maintaining public safety. It is a responsibility that many of us take to heart, putting our lives at risk in order to serve the communities we work and live in. However, the use of coercive force, particularly when it does not advance law enforcement goals, amounts to an abuse of power that violates the community's sense of trust in any officer. First, the use of torture contravenes fundamental notions of fairness that form the basis of our society's moral code. When an individual is taken into custody, he is completely at the mercy of the officers who deal with him. The treatment he receives reflects the integrity of those officers and the culture of the whole department. The use of torture suggests that both the individual officers and the department tolerate cruelty against people who are unable to defend themselves, a position which is unacceptable in our communities. Second, when individual officers use torture, the community believes that all officers support and use such tactics. All of us are marked as torturers in the eyes a public that feels it has no where else to turn for protection against those who fail in their duty to protect them. As a result, officers have a more difficult time gaining trust or building relationships in the community, which are essential to carrying out law enforcement objectives. Finally, when officers terrorize the community and are then granted overarching immunity by a willfully ignorant administration, the public loses faith in the institution as a whole, and doubts that its interests truly coincide with theirs. How can a police

² For a compelling account of numerous proven false confessions and highly probable false confessions, see Richard A. Leo and Richard J. Ofshe, *The Consequences of False Confessions: Deprivations of Liberty and Miscarriages of Justice in the Age of Psychological Interrogation*, 88 J. CRIM. L. & CRIMINOLOGY 429 (1998).

department claim to “protect and serve” a community when it does not even protect people in its custody from excessive brutality?

Numerous law enforcement associations have codified the legal prohibition of torture and respect for community values in their missions. The International Police Association, the largest police organization in the world (including a US chapter), is “committed to the principles set out in the Universal Declaration of Human Rights and recognises [sic] that any form of torture is absolutely inconsistent with these principles.”³ The National Black Police Association, a national network of regional African American police associations, takes the position that “[p]olice brutality must be confronted, controlled, and outlawed by all police departments throughout the United States.”⁴ The Illinois Association of Police Chiefs Code of Ethics states, at 2(a), that “[m]embers should conduct themselves so as to maintain public confidence in their profession, their department, and in their performance of the public trust.”⁵ The behavior of Jon Burge and those acting under him violated all of these standards, placing them at odds with the ethics espoused by the leaders in their profession.

The story of what went wrong in Chicago is not merely one of a few bad apples spoiling the bunch. Here, over the course of decades, dozens of officers participated in the brutal torture of uncharged, powerless detainees. Furthermore, agents throughout the municipal administration, including now-mayor Richard Daley, knew that torture was being used by Burge and his followers and failed to take any action to remove law-breaking police from the public sphere. Although Burge was ultimately fired, his dismissal came 20 years too late and was the only concrete action taken by the state to stop illegal police practices. To restore the integrity of our city’s criminal justice system, those responsible for torture and those who knowingly turned a blind eye to its continued use should be held responsible for their violations of the law and of our profession’s oath to uphold the law. The US State Department and the city of Chicago need to hear a clear message from citizens of Chicago, this nation, and the international community that we demand that our law enforcement agents be held to the same legal standards of liability that they supposedly enforce. The Commission’s presence in Chicago would greatly amplify that message, and would catalyze our years-long efforts to repair the continuing damage caused by the prolonged use of torture by Chicago police. We sincerely hope that the Commission will be able to send representatives to Chicago to investigate this critical matter.

Thank you for your attention.

Respectfully,

Howard Saffold

CEO of the Positive Anti-Crime Thrust, Inc., former President of the Afro-American Police League, and former Chicago Police Officer

Pat Hill

³ http://en.ipa-iac.org/en_section-index.htm.

⁴ <http://www.blackpolice.org/Positions.html>.

⁵ <http://www.ilchiefs.org>.

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