

The
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Lawsuit Says Chicago Police Locked Up Witnesses for Days
Unconstitutional Detentions Are Chicago Police Policy, Suit Charges

The Chicago Police Department has a policy of locking up and interrogating witnesses who are not charged or suspected of any criminal wrongdoing, according to a lawsuit filed today in federal court by the MacArthur Justice Center, the Mandel Legal Aid Clinic and First Defense Legal Aid. The suit was filed on behalf of three individuals who were locked in a police interrogation room for questioning for as long as two full days, denied access to legal counsel and in some cases without food or use of a bathroom.

"It's obvious the police have no right to lock up people just because they want to interrogate them. It's shocking that the Chicago police do this as a matter of policy. The Fourth and Fourteenth Amendments to the Constitution do not allow abuse of people during the investigation of a crime," said Locke Bowman, legal director of the MacArthur Justice Center.

In each of the three incidents, the witnesses--Gail Johnson, Byron Treadwell and Natalie McFall--say they were locked in a small, windowless interrogation room furnished only with a metal bunk and lacking a toilet or running water. The police refused their requests to leave. Johnson was held for more than a day, McFall for more than two days. The police denied McFall's repeated requests to call her mother; Treadwell faced abusive questioning during the approximately 24 hours he was held.

The lawsuit contends that the three witnesses' treatment, which occurred in separate incidents over the course of two years, represents a widespread practice and policy of the Chicago Police Department as part of its investigation protocol. In a 2002 decision against the Chicago Police Department, Judge Milton Shadur of U.S. District Court in Chicago found that the police routinely violate the rights of witnesses by denying them legal counsel while holding them against their will. The decision was reversed in

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February by an appellate court on the grounds that the plaintiffs--lawyers with First Defense Legal Aid--have no constitutional right to see witnesses being held by the police. However, in that ruling, Judge Frank Easterbrook wrote, "But if the police are violating the rights of some witnesses by holding them against their will, the right response is to award damages to the witnesses."

"It is a tragic testimony about the Chicago Police Department when law-abiding citizens are held against their will in a locked room. They are treated worse than criminals, not given food and water or allowed contact with families and friends, nor are they given the opportunity to speak with legal counsel. If the police treat individuals who can help them solve crimes in this fashion, just imagine how they treat suspects," said Darron Bowden, executive director for First Defense Legal Aid.

"This case is about what it means to be a free person in America. Chicago's admitted policy of locking up witnesses in bare rooms and then denying them access to counsel is frightening, and it is contrary to our nation's most fundamental values. For the good of our city and country, this is one policy that simply has to end," said Craig Futterman, associate clinical professor of law at the Mandel Legal Aid Clinic.

The MacArthur Justice Center is a non-profit public interest law firm affiliated with the University of Chicago Law School. It was founded in 1985 by the J. Roderick MacArthur Foundation to fight for human rights and social justice through litigation. The center concentrates on cases that raise constitutional or significant issues in the field of criminal justice.

The Edwin F. Mandel Legal Aid Clinic of the University of Chicago Law School is an educational clinic dedicated to the pursuit of justice on behalf of the poor and the protection of fundamental civil rights and civil liberties. Law students are fully integrated into every facet of the legal work of the Clinic.

First Defense Legal Aid (FDLA) is a free, 24-hour legal service for adults and children under criminal investigation by the Chicago police, representing people at their earliest entry in the criminal justice system, the point at which they are under criminal investigation or in police custody before being charged and appearing in bond court.

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