

The
MacArthur
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Center

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Class Action Lawsuit Seeks a Permanent Injunction to Stop Chicago Police From Locking Up Witnesses

CHICAGO (April 5, 2005)—A class-action lawsuit filed in U.S. District Court Tuesday seeks an injunction banning the Chicago Police Department's practice of detaining witnesses in criminal cases for lengthy periods against their will.

The suit was filed by the University of Chicago-based MacArthur Justice Center and the Mandel Legal Aid Clinic on behalf of witnesses who have been locked-up under the controversial policy. The suit was prompted by the case of Ramon Ayala, a southwest side man who was taken into custody by police on Sunday in connection with a criminal investigation and locked up at Area 3 headquarters until Tuesday afternoon without being charged or suspected of criminal wrongdoing. Attorneys in the case seek an injunction to stop the practice, which violates the U.S. constitution, according to the suit filed Tuesday. At the time of the filing today, Ayala was still being detained in an interrogation room and the Police had refused to allow his lawyer to speak with him. Ayala was released by Chicago Police after the suit was filed.

"It's shocking that the Chicago police lock up witnesses as a matter of policy. This practice has been going on for years and clearly violates the Fourth and Fourteenth Amendments to the Constitution, which do not allow abuse of people during the investigation of a crime," said Locke Bowman, legal director of the MacArthur Justice Center.

The suit charges that each year, the Chicago Police illegally detain "dozens of Chicago citizens" in interrogation rooms because the Police believe they are witnesses to a crime. The class action suit was filed on behalf of all people whom the Chicago Police have and will detain in Police interrogations rooms and for hours or days, against their will and without probable cause for arrest, simply because they are witnesses in criminal investigations.

As noted in the suit, in a previous case *First Defense Legal Aid v. City of Chicago*, the federal trial court found that these interrogation rooms are often “windowless...lack toilet facilities or running water and are typically furnished only with a metal bench bolted to the wall.” Much of what the court found was based on admissions by defendant Cline and another high-ranking member of the Police.

“We are seeking a permanent injunction to ensure that witnesses’ rights are not violated by the Chicago Police,” said Bowman. “This is a widespread practice by the Police, and if it’s not stopped, it will most likely continue for years to come.”

Ramon Ayala is being held as a witness in a shooting, which resulted in the death of one person, that happened on Saturday, April 2. According to the suit, three police officers took Mr. Ayala from his home against his will to an interrogation room at Area 4 Police Headquarters. Ayala’s sister, Yolonda Ayala, was refused access to him by the Police. The Police told Ms. Ayala that her brother was being held as a witness but could not leave the police station.

The MacArthur Justice Center, which is representing Yolonda Ayala in the case, 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.

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