

# Man gets \$1 million in attack by officer

## His attorney says off-duty cops given free rein

**By Liam Ford  
and Gary Washburn**  
Tribune staff reporters

Jurors on Friday awarded a Chicago man \$1 million in a federal lawsuit against the city over an alleged beating by an off-duty police officer.

Jon Loevy, the attorney for plaintiff George Garcia, 23, said the victory means the jurors agreed that the Chicago Police Department's internal disciplinary process is "designed to exonerate" off-duty police accused of attacking other citizens.

"Officers are literally encouraged to believe that they are above the law and that they can commit that kind of violence with impunity," Loevy said.

"The jury's signal ... is a very strong statement that the system does not work, that Chicago does not treat police officers the same as citizens, when it comes to prosecuting and disciplining crimes," Loevy said.

Although lawsuits against the city and police officers are common few successful suits are filed against the city regarding off-duty officers.

The city "strongly disagrees" with the assertion that officers use violence with impunity while off duty, city Law Department spokeswoman Jennifer Hoyle said Friday.

During the trial, Loevy presented evidence that during a two-year period beginning in mid-2001, 73 internal Police Department investigations of improper use of force by off-duty officers resulted in only one arrest. In one example, Loevy said Friday, an officer pointed a gun at children. Though disciplined, the officer faced no criminal charges.

The city did not dispute that the officer facing charges of attacking Garcia, Samir Oshana, and a friend, Sargon Hewiyou, beat Garcia in February 2001, but city attorneys argued that the disciplinary process worked, because the two face criminal charges in the case.

According to testimony in the lawsuit, Oshana was dating Garcia's ex-girlfriend and was upset that she and Garcia were still talking to each other. Garcia's nose and eye socket were fractured in the beating, and Garcia testified that Oshana brandished his gun and made it clear he was a police officer.

Garcia praised his attorneys.

"I'm very happy that justice was served today. I'm just hoping that this doesn't happen to anybody else," Garcia said.

Hoyle said the city will appeal if motions to vacate the verdict are thrown out.

"The \$1 million is supposed to be compensating the plaintiff for injuries," she said. "He didn't present medical testimony that would support a \$1 million award."