

# 14 may join police-custody suit

## Ex-suspects claim cop mistreatment

By Michael Higgins  
Tribune staff reporter

Fourteen people have filed sworn statements in federal court alleging that Chicago police mistreated them in interrogation sessions lasting two or more days, deprived them of adequate sleep and food and, in

some cases, turned down their requests to speak to a lawyer.

The former suspects hope to join a federal lawsuit filed in 2001 by Joseph Lopez, who alleges police held him for four days in an interview room and repeatedly questioned him about the fatal shooting of a 12-year-old boy on July 19, 2000. Lopez, then 18, was charged with first-degree murder July 24. But police released him a few days later, saying a different suspect had given a videotaped confes-

sion.

Lopez's lawyers filed the 14 sworn statements as part of their attempt to expand his suit into a class action, which could open up Chicago police interrogation practices to a rare level of public scrutiny. If a class action was approved, the plaintiffs' lawyers would attempt to prove to a judge or jury that improper police tactics went far beyond Lopez's case and would seek

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old boy.

Lopez later was cleared of the crime. He sued the city in 2001 and amended his complaint late last year to allege that police routinely hold suspects beyond the 48-hour limit.

Lopez, who is seeking unspecified damages, hopes to bring his suit as a class action on behalf of other suspects he says were held too long.

In court filings, Chicago police say they follow proper procedures. But neither police nor Cook County State's Atty Dick Devine's office would discuss how the current procedures work.

A police spokesman called the issue "a matter of private discussion between the superintendent and the state's attorney."

Civil rights lawyers contend holding suspects for more than 48 hours can lead to coerced and even false confessions. Police advocates say that in some cases it may take longer than two days to question a suspect and track down witnesses.

Robert Berlin, a Kane County assistant state's attorney who advises Elgin police, said police can consider many factors, including public safety, when deciding how long to hold a suspect.

"There's no steadfast rule," Berlin said. With a potentially dangerous person, "there's a reluctance to put somebody back on the street."

The issue is a touchy one for authorities in Chicago. In 1986 a federal judge lambasted an earlier Chicago police policy, known as "hold past court call," which had allowed police to hold suspects for extended periods so they could investigate more thoroughly.

U.S. District Judge George Leighton declared the policy unconstitutional.

"Hoping to build a case is not a permissible reason for jailing someone indefinitely," he wrote. The day after Leighton's ruling, Chicago police rescinded the policy.

Lopez's lawyers contend in court filings that "hold past court call" has been quietly reinstated and that many of the more than 250,000 people that Chicago police arrest each year are not taken before a judge on time.

In a deposition in July, Chicago homicide Detective James DeLaFont said he had been involved in 10 to 15 cases in the previous year in which suspects were held for more than 48 hours without a hearing.

DeLaFont said Lopez was held because police needed more time to investigate his conflicting alibis.

"We had to run all of these down, you know," DeLaFont testified, according to court records. "That's why he was there as long as he was."

On July 24, 2000, Lopez was charged with first-degree murder. But a day later, police arrested another suspect, who they said confessed to the crime, and the charges against Lopez were dropped.

In the 1991 case the U.S. Supreme Court ruled that police who hold a suspect for more than 48 hours must prove there was "a bona fide emergency or other extraordinary circumstance." The court also said "delays for the purpose of gathering additional evidence to justify the arrest" were not constitutional.

Joliet police have adhered strictly to the language of that case and do not hold suspects longer than 48 hours without a hearing, Deputy Chief Fred Hayes said.

Elgin police hold suspects for as long as 72 hours while they search for witnesses or conduct other investigations, said Lt. Mike Turner.

Detectives in Waukegan also may hold a suspect for 72 hours, but only with prior approval from the Lake County state's attorney's office, police said.

Berlin, the prosecutor in Kane County, cited a 1999 Illinois appeals court decision in which the judges refused to suppress the confession of a Chicago man, even though police had held him for more than 65 hours without a hearing. That is a scenario that makes civil rights advocates uncomfortable.

"If you keep someone incarcerated long enough and apply enough pressure, you can get almost anyone to confess to something they didn't do," said Locke Bowman, legal director of the MacArthur Justice Center.