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**U.S. INDICTS FORMER CHICAGO POLICE CMDR. JON BURGE ON
PERJURY, OBSTRUCTION OF JUSTICE CHARGES RELATED TO ALLEGED
TORTURE AND PHYSICAL ABUSE BY BURGE AND OTHER OFFICERS**

CHICAGO – Former Chicago Police Commander **Jon Burge** was arrested today at his home in Florida on federal obstruction of justice and perjury charges for allegedly lying about whether he and other officers under his command participated in torture and physical abuse of one or more suspects in police custody dating back to the 1980s. Burge was charged with two counts of obstruction of justice and one count of perjury in a three-count indictment that was returned under seal by a federal grand jury last Thursday and unsealed today following his arrest by FBI agents from Chicago and Tampa.

The charges allege that Burge lied and impeded court proceedings in November 2003 when he provided false written answers to questions – known as interrogatories – in a civil lawsuit alleging that he and others tortured and abused people in their custody.

Burge, 60, of Apollo Beach, Fla., near Tampa and formerly of Chicago, was expected to appear later today in U.S. District Court in Tampa. He will appear at a later date in U.S. District Court in Chicago, where he will face prosecution.

The arrest and indictment were announced today by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois; Grace Chung Becker, Acting Assistant Attorney General for the U.S. Justice Department's Civil Rights Division; Robert D. Grant, Special Agent-in-Charge of the Chicago Office of the Federal Bureau of Investigation; and Steven E. Ibrson, Special Agent-in-Charge of the FBI's Tampa Field Division.

"There is no place for torture and abuse in a police station. There is no place for perjury and false statements in federal lawsuits," Mr. Fitzgerald said. "No person is above the law, and nobody – even a suspected murderer – is beneath its protection. The alleged criminal conduct by defendant Burge goes to the core principles of our criminal justice system," he added.

"Throughout this nation, law enforcement officers make daily sacrifices in the pursuit of justice," said Acting Assistant Attorney General Grace Chung Becker. "It is imperative that we take these charges seriously but also bear in mind they do not reflect upon the conduct of the vast majority of law enforcement officers."

Mr. Grant said: "Everyday Chicago Police Officers execute their sworn duties lawfully with great skill, courage and integrity. Sometimes they do so with great peril, as we have been sadly reminded in recent weeks and months. But police officers have a special duty which is underscored by today's announcement. Police officers don't serve the public as judge and jury and they have a special responsibility to care for those within their custody, regardless of their alleged crimes. Today's announcement brings great shame on the career of retired Commander Jon Burge."

The investigation is continuing, the officials said.

According to the indictment, Burge was a Chicago Police Officer from 1970 to 1993. He was a detective at Area Two police headquarters on the city's south side from 1972 to 1974, and an Area Two sergeant from 1977 to 1980. From approximately 1981 to 1986, he was a lieutenant and supervisor of detectives working in the Area Two violent crimes unit. Subsequently, he was

commander of the Bomb and Arson Unit and, later, commander of Area Three detectives. Burge was suspended by the Chicago Police Department in 1991 and fired in 1993.

The indictment alleges that, on one or more occasions during the time that Burge worked in Area Two, Burge was present for, or participated in, the torture and physical abuse of persons in police custody. The indictment also alleges that during the time he worked as the lieutenant supervising Area Two violent crimes detectives, Burge was aware that detectives he supervised, on one or more occasions, engaged in torture and physical abuse of people in their custody.

Chicago Police Department regulations, as well as state and federal law, prohibited torture, physical abuse and other use of excessive force by police officers, the indictment states.

After 1991, a series of police brutality civil lawsuits were filed alleging that Burge and other detectives and police officers under his command participated in torture and abuse of suspects. One such case, *Hobley v. Burge, et al.*, 03 C 3678, was filed in 2003 in U.S. District Court in Chicago. The lawsuit alleged that plaintiff Madison Hobley was tortured and abused by police officers at Area Two headquarters in January 1987 in order to coerce a confession. The Hobley lawsuit included a specific allegation that police officers had placed a plastic bag over Hobley's head until he lost consciousness.

The Hobley lawsuit claimed that Burge was aware of a pattern of torture and abuse at Area Two police headquarters. The indictment does not, however, allege that Hobley was tortured or abused.

As part of the discovery process in Hobley's lawsuit, his attorneys served Burge with written interrogatories and Burge, in turn, provided written answers. It was material to the outcome of the case whether in fact Burge knew of or participated in torture and physical abuse of any person or persons in Chicago Police custody, the indictment states.

Count One charges Burge with obstruction of justice on Nov. 12, 2003, for allegedly corruptly obstructing, influencing and impeding an official proceeding by signing answers containing false

statements in response to two interrogatories in the Hobley litigation. According to the indictment, one question asked:

whether you have ever used methods, procedures or techniques involving any form of verbal or physical coercion of suspects while in detention or during interrogation, such as deprivation of sleep, quiet, food, drink, bathroom facilities, or contact with legal counsel and/or family members; the use of verbal and/or physical threats or intimidation, physical beatings, or hangings; the use of racial slurs or profanity; the use of physical restraints, such as handcuffs; the use of photographs or polygraph testing; and the use of physical objects to inflict pain, suffering or fear, such as firearms, telephone books, typewriter covers, radiators, or machines that deliver an electric shock

While objecting to the question as overly broad, vague, ambiguous and calling for a legal conclusion, Burge answered:

I have never used any techniques set forth above as a means of improper coercion of suspects while in detention or during interrogation.

The indictment states that another question asked whether Burge was aware of any Chicago Police Officer, including but not limited to officers under his command, ever using any of the methods, procedures or techniques that he was asked about in the previous question. Burge also objected to this questions and answered:

I am not aware of any.

The indictment alleges that the italicized portion of these answers were false, as Burge well knew that he had participated in one or more incidents of physical coercion of suspects while the suspects were in detention and/or were being interrogated, and was aware of one or more other such events involving the abuse or torture of people in custody.

Count Two charges Burge with perjury on Nov. 25, 2003, for allegedly lying in sworn answers to a second set of interrogatories in the Hobley lawsuit. The indictment states the following question was asked:

Is the manner in which Madison Hobley claims he was physically abused and/or tortured as described in Plaintiffs Complaint (including, for example, the allegation of

“bagging” with a typewriter cover) consistent with any other examples of physical abuse and/or torture on the part of Chicago Police officers at Area 2 which you observed or have knowledge of?

Burge answered:

I have not observed nor do I have knowledge of any other examples of physical abuse and/or torture on the part of Chicago Police officers at Area 2.

The italicized portion of this answer was allegedly false, as Burge well knew that he had observed, participated in, and had knowledge of one or more other examples of physical abuse and torture on the part of Chicago police officers at Area Two, including, but not limited to, abuse (suffocation) of a person by “bagging.”

Count Three of the indictment charges Burge with obstruction of justice on Nov. 25, 2003, for allegedly corruptly obstructing, influencing and impeding an official proceeding by signing the answer that forms the basis of the perjury charge in Count Two.

The Government is being represented in court by Assistant U.S. Attorneys Jeff Cramer, Barry Miller and Sergio Acosta and Civil Rights Division Trial Attorney Betsy Biffel.

If convicted, Burge faces a maximum penalty of 20 years in prison on each count of obstruction of justice and 5 years in prison for perjury, and a \$250,000 fine on each count. The Court, however, would determine the appropriate sentence to be imposed under the advisory United States Sentencing Guidelines.

The public is reminded that an indictment contains only charges and is not evidence of guilt. The defendant is presumed innocent and is entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt.

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