



POLICE VIOLENCE AGAINST CHICAGO'S YOUTH OF COLOR

A report prepared for the United Nations Committee Against Torture
on the occasion of its review of

**The United States of America's Third Periodic Report to the
Committee Against Torture**

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EXECUTIVE SUMMARY

We Charge Genocide (“WCG”) is a grassroots, inter-generational, volunteer effort to center the voices and experiences of the young people most targeted by police and most impacted by police violence in Chicago. The name We Charge Genocide comes from a petition submitted by the Civil Rights Congress to the United Nations in 1951, which documented 153 racial killings and other human rights abuses, mostly by the police. Today, police violence continues to afflict communities of color throughout the United States.

Instances of police violence reveal the underlying relationship between marginalized communities and the state. This is a relationship of unequal access to power and resources—a relationship where violence is used by the police to silence, isolate, control, and repress low-income people and young people of color in particular.

This report calls to the attention of the UN Committee Against Torture (“Committee”) the ongoing and pervasive violations of the Convention Against Torture (“Convention”) committed by the Chicago Police Department (“CPD”) against young people of color. Specifically, we focus on the CPD’s acts (and failures to act) that violate Articles 2 and 10 to 14 of the Convention. At base, the CPD’s conduct constitutes torture and cruel, inhuman, or degrading treatment (“CIDT”) as defined by the Convention, and occurs at extraordinary rates, disproportionately against minorities, and with impunity.

Contrary to Articles 12, 13, and 14 of the Convention, and in disregard of the Committee’s requests in its May 2006¹ and January 2010² list of issues submitted to the U.S., the CPD has yet to institute sufficient systems for preventing, documenting, reviewing, investigating, and providing redress and compensation for police violence against youth in Chicago. Even so, youth testimony, along with the very limited information that is available, demonstrates the disproportionate and systemic patterns of state violence against Chicago’s youth of color.

To facilitate youth testimony (for this report and beyond), WCG built on the work of the many Chicago groups addressing police violence and developed centralized avenues for youth to document their experiences with police violence in Chicago. Those avenues include: (1) a youth hearing held in August 2014, during which young people shared their experiences of the CPD in public and private testimonies; and (2) a “Police Encounter Line” (“PEL”), which allows youth to confidentially report their negative experiences with the police via phone, an online form, or a paper form.³ The youth testimonies described and quoted in this report reflect some of the many voices that are not represented in the U.S. government’s current report to the Committee.

Ultimately, this report calls on the Committee to: (1) identify the CPD’s treatment of young people of color as torture and CIDT as defined by the Convention; (2) request and demand a response from the CPD regarding the steps it will take both to end this treatment and to fully compensate the individuals, families, and communities impacted by this violence; and (3) recommend that the U.S. Department of Justice open a pattern and practice investigation into the CPD’s treatment of youth of color and seek the entry of a consent decree that requires the CPD to document, investigate and punish acts of torture and CIDT, and implement other necessary reforms.

CHICAGO POLICE VIOLENCE: THE NUMBERS

CHICAGO'S POPULATION:



32.9%
ARE BLACK/
AFRICAN AMERICAN

IN 2011, THE CHICAGO POLICE DEPARTMENT MADE
25,111 ARRESTS OF YOUTH
UNDER AGE 18.



77%
WERE BLACK/
AFRICAN AMERICAN

IN 2012, THE CHICAGO POLICE DEPARTMENT MADE
22,877 ARRESTS OF YOUTH
UNDER AGE 18.



79%
WERE BLACK/
AFRICAN AMERICAN

FROM 2009 TO 2011,

92% OF TASER USES INVOLVED
BLACK OR LATINO TARGETS,
INCLUDING 49 YOUTH AGES 8 TO 16.



BLACK CITIZENS ARE **10 TIMES**
MORE LIKELY THAN WHITE CITIZENS TO BE
SHOT BY A CHICAGO
POLICE OFFICER.

IN THE FIRST 6 MONTHS OF 2014 IN CHICAGO,

27 CITIZENS WERE SHOT BY POLICE.

23 OF THEM WERE BLACK.

FROM 2009 TO 2013,

75.3% OF POLICE SHOOTING VICTIMS
IN CHICAGO WERE BLACK.



OF **1,509** EXCESSIVE FORCE COMPLAINTS,

ONLY **2%** RESULTED IN A PENALTY OF ANY KIND.

41% OF THOSE WERE REPRIMANDS OR "VIOLATIONS NOTED"

31% WERE A SUSPENSION OF BETWEEN 1-5 DAYS

OF **10,735** GENERAL COMPLAINTS

ONLY **2%** RESULTED IN A PENALTY OF ANY KIND

36% OF THOSE WERE REPRIMANDS OR "VIOLATIONS NOTED"

50% WERE A SUSPENSION OF BETWEEN 1-5 DAYS



CHICAGO POLICE VIOLENCE AGAINST YOUTH OF COLOR: OVERVIEW

Young people of color in communities across Chicago are consistently profiled, targeted, harassed, and subjected to excessive force by the (predominantly White) CPD—leaving far too many physically injured, killed, and emotionally scarred.⁴ The following sections summarize and quote from the testimonies of youth who have experienced and witnessed, among other things, the CPD’s persistent surveillance and harassment; abusive and unwarranted searches; use of excessive force, including beatings and killings; and sexual assaults. These testimonies and the available data expose the disturbing and intolerable truth that CPD officers regularly engage in torture and CIDT as defined by the Convention.

The following sections, thus, show that the CPD has violated and continues to violate Articles 2, 10, 11, 12, 13, and 14 of the Convention.

CHICAGO POLICE VIOLENCE: HARASSMENT AND ABUSE

In its past and current reports to the Committee, the U.S. government has acknowledged the Committee’s allegations that racial bias and discrimination against minorities were at play in instances of police harassment and abuse.⁵ Youth testimonies and available data reveal the depth and breadth of the problem in Chicago—a problem that includes the CPD’s continued and ongoing pattern of routine, invasive, and degrading harassment of young people of color. Youth report—with alarming regularity—instances of intimidation, involuntary and abusive searches, theft of property, and verbal abuse by the CPD.

At WCG’s youth hearing, a young Black man described his encounter, as a 15-year-old, with the excessively militarized CPD⁶:

We’re sitting in a house playing video games and we hear a banging on the door. Before we know it, the door is kicked down and there’s five special-ops officers with their huge M16s drawn, pointed at us: Three 15 year olds playing video games. And they tell us get on the ground. They say if we move they are gonna kill us. “Don’t look at me, we’ll fucking kill you in a second!” Pointing their guns at us. Then they don’t find anything. They let us all go, they laugh, try to joke with us, apologize, then leave out. And we’re sitting there like, “What just happened?” They tear up the house. They stole money.

This scene is far too familiar in Chicago (and in communities of color across the U.S.). At WCG’s youth hearing, another young Black man testified that three CPD officers dragged him out of a youth center and harassed him for several minutes, despite pleas by the center’s workers to leave him alone. He concluded:

And that’s a story that happens too many times. We get stopped, we get harassed, we get picked up for no reason. And that’s just one story. That’s my story.

These are not isolated incidents. The American Civil Liberties Union of Illinois confirmed with CPD data that Chicago’s law enforcement frequently subjects civilians to sidewalk stops with no lawful justification.⁷ CPD officers perpetuate this abuse without fear of consequence: Between 2002 and 2004, Chicago residents filed 3,837 illegal search complaints. Only 0.03% of these complaints were sustained and only one resulted in a meaningful penalty (defined as a suspension of a week or more).⁸ This confirmation of stop-and-search abuse is especially powerful in light of the CPD’s fundamentally inadequate documentation protocol.

Although Chicago claims to maintain one of the most extensive databases in the U.S.,⁹ it has no systematic process in place to track the instances of police harassment and abuse that disproportionately impact young people of color. Indeed, Chicago fails to collect key information necessary to monitor and prevent racial profiling and harassment. For example, the Contact Cards system—which the CPD claims to use to track all contacts with civilians—does not have fields that explicitly state whether a person was stopped involuntarily and/or frisked. This leaves no avenue for the CPD or community members to determine how many people are stopped and/or frisked absent arrest and the alleged justifications for such detentions and searches. Thus, there is no department-level monitoring of such practices to determine whether they are being illegally used on a wide-scale basis, which the anecdotal information strongly suggests and the existing data appears to demonstrate.

As noted by the Committee in previous reviews, the absence of a federal nationwide data collection system limits all efforts to effectively monitor police misconduct, detect trends and patterns, or take action to prevent further violations. Similarly, by not mandating the documentation of involuntary stops or searches of persons, Chicago (which has the second largest police force in the U.S.) fails to satisfy the most basic level required for systemic review of police misconduct. This issue illustrates that the CPD has flatly failed to comply with the standard for systemic review set forth in Article 11 of the Convention.

In addition to the inadequate mechanisms and support that exist for Chicago residents to report police misconduct, the impunity of police harassment discourages many people from making official complaints. Based on their experiences, they fear retaliation; do not believe the authorities will respond meaningfully, if at all; or expect that their accounts will not be believed. A young Black woman recalled her experience of trying to interrupt police harassment in a PEL report:

I was walking down the block of my house, and I saw the police harassing someone I went to school with. I approached them and asked what was going on. The police told me, “Mind your business, bitch, and go home”...I didn’t tell anyone because I believed nothing would come about.

The prevalence of harassment, involuntary searches, and verbal abuse are not the result of unusual transgressions by select, individual CPD officers. Rather, they are illustrative of institutional racial bias and systemic endorsement of targeting and harassment of young people of color. The following testimony, which was provided by a 23-year-old Black man at WCG’s youth hearing, is but one person’s articulation of a far-reaching sentiment:

I’m affected greatly by police brutality. Directly and indirectly...Even seeing other human beings being harassed by police, I still feel violated cus it’s violent. It’s not acceptable at all. It’s a total disregard for people’s value...the way police carry themselves and the way they talk to people, is disgusting. It’s horrible. It’s violent. It’s a flexing of authority. They like oppressing people and it seems like that’s the whole intention. To like take people’s power away from them. A lot of times I feel like my power is being taken away.

This cruel and degrading treatment of Chicago’s youth of color serves to silence, traumatize, and control entire communities. It creates a climate where youth of color feel unsafe and learn that they always are suspects and that their lives are not valued in the eyes of the state.

CHICAGO POLICE VIOLENCE: USE OF EXCESSIVE FORCE

Chicago's youth of color are regularly subjected to the CPD's use of excessive force, which causes severe physical and emotional injuries, and in some cases, death. At WCG's youth hearing, many youth of color shared their experiences and fears with the CPD's racial profiling and related violence. Youth have described in vivid detail the toll this constant police harassment and violence take on their personal well-being and that of their communities. One young Latino man shared the following:

We were just walking down the street and we get pulled over by this cop...So then I just run and I start jumping fences and stuff like that and they start chasing me...The squad car pulls up and I put my hands on the hood and I'm like, "I give up. I give up." I've been arrested before, I know what they ask, so I put my hands on the hood. And the guy gets up and he just tackles me to the ground. And then I was just like, "You got me! You got me! We're good, we're good!" And he's like, "No, no!" So he keeps on punching me and kicking me. And at this point he cuffs me and his partner, I guess, finally catches up...and I'm still on the ground with my hands behind my back and he starts just punching me and kicking me again. So finally they put me behind the squad car...I'm wondering what they're arresting me for. And they're asking me, "Well, why did you run?" And I was like, "I ran because I've had bad experiences with you guys in the past so, I'm kinda scared of you guys."

Another young person—a 22-year-old Black man—explained how CPD officers physically assaulted him, causing permanent bodily injury that will impact the rest of his life.

And so last year, I flame up the blunt, they hit the sirens...I come out, put my hands behind my head and, "Get on the ground, get on the ground!" Cool, I get on the ground. Next thing I know, I wake up in the back of a police station, and I don't even know what happened to me to be honest with you, that's how bad they beat me. I guarantee you. I'm sitting in the Cook County Jail...with twenty-two stitches in my tongue, two facial fractures, bruised ribs, scrapes all over my body, I still can't talk right to this day. I can't eat certain things...I had an orbital fracture, a nasal fracture, like, say that had to stitch my tongue back together, I almost didn't have no tongue. Like it was literally hanging on by a thread, I could feel it, like, I could feel my tongue at my chin...Yea it's stuff that I shouldn't have done but at the same time, I came out willingly. I came out with my hands up, giving myself in. There's no reason to use force like that...now I can't even go back and file reports or sue the police officer, get the badge numbers or nothing. Like they scarred me outta my whole life.

This use of excessive force is endemic to the CPD—it implicates hundreds of officers and leads to thousands of violations every year. In 2011 and 2012, 8,452 allegations and notifications of police misconduct were reported to the Independent Police Review Authority (IPRA) of the CPD. Primary themes of the formal complaints made to the IPRA were excessive force, verbal abuse, and shootings. However, of the 8,452 complaints, only 105 were sustained, while 828 were dismissed due to the inability to secure a witness affidavit.¹⁰ Taking into account the many victims and witnesses who fear retaliation and/or lack the legal and/or financial support necessary to successfully pursue such complaints against the police, it is clear that the numbers of both alleged and sustained complaints represent only a sliver of the actual incidents of the CPD's use of excessive force.

Within the CPD-wide epidemic of excessive force, one specific officer is particularly emblematic: Officer Glenn Evans was implicated in at least 45 excessive force complaints between 1988 and 2008—more than any other CPD officer during those decades. In spite of his outrageous record **and** the IPRA recommendation for his dismissal, he currently

serves as Commander of District 11.¹¹ That such an offending officer continues to hold a powerful position of leadership demonstrates the CPD's flagrant disregard of accountability.

The total number, brutality, and frequency of occurrences of excessive force by the CPD demonstrate the torturous and unjustifiable nature of the CPD's conduct. The impunity of CPD officers, who repeatedly brutalize young people of color, directly undermines the U.S. government's claims to the Committee that such abuses by law enforcement officers are limited, prohibited, and successfully prosecuted. Neither the U.S. government, nor the CPD, have adequately responded to the Committee's documented concern for "allegations of impunity of some of the State party's law-enforcement personnel—in particular the CPD—in respect of acts of torture or [CIDT]."¹²

Unfortunately, the CPD continues to refuse to acknowledge or respond to its pervasive misconduct, and Chicago's young people of color continue to suffer the damages of police violence.

CHICAGO POLICE VIOLENCE: USE OF DEADLY FORCE

The CPD's use of excessive force leads to the deaths of far too many young people of color. Moreover, the CPD's use of deadly force is overwhelmingly directed at Black people. According to the IPRA, Black people are ten times more likely than White people to be shot by a CPD officer. Further, from 2009 to 2013, although Black people comprised only 32.3% of Chicago's overall population, 75% of police shooting victims were Black.¹³ Additionally, in the first six months of 2014, 23 of 27 people shot by the CPD were Black.¹⁴

The CPD's August 24, 2014, killing of Roshad McIntosh, a 19-year old Black man, has sparked sustained protests in Chicago. In addition to expressing outrage over yet another police murder of a young person of color, protestors are rallying around Roshad's mother and her repeated demands for the CPD to release the shooting officer's name and the autopsy results.¹⁵ While the CPD maintains that Roshad was armed, community witnesses consistently report that Roshad was unarmed and surrendering, "on his knees with his hands in the air," when an officer shot and killed him.¹⁶ One Chicago activist reported:

Three police cars arrived on the scene, and police jumped out of their cars with guns drawn, and Roshad ran. Police chase Roshad through an alley onto the back porch of a house. Several people heard Roshad say, "Please don't shoot, please don't kill me, I don't have a gun." People saw him with his hands up when the police shot Roshad 5 times and killed him...[P]olice said Roshad had a gun and had pointed it at officers from the second floor of the porch. Yet people who saw it said he did not have a gun, and told police he didn't have a gun. Furthermore, police only claimed they found a gun 3 hours after killing him. When people gathered to protest afterwards, police were cruel, violent and threatening.

As suggested by the Committee,¹⁷ in 2010, the CPD purchased and armed its officers with 600 Tasers. Although Tasers are intended to prevent the need for deadly force in escalating situations, shootings by the CPD have not dropped significantly since officers have put the Tasers to use.¹⁸ Instead, we have only seen the added and disproportionate use of Tasers against people of color. For instance, between 2009 and 2011, 92% of Taser uses involved a Black or Latino target, including 49 youth under the age of 16 (with some as young as 8 years old).¹⁹ The CPD's use of Tasers particularly impacts Black people. In the first six months of 2014, 146 of the 186 Taser victims were Black (78%).

Tasers have not only failed to reduce the use of deadly force, but have actually caused the deaths of additional young Chicagoans of color. At WCG's youth hearing, a young Black man read a poem he wrote about the CPD's May 20, 2014, killing of his friend, Damo. Damo was only 23 years old, and his death has shaken the Chicago youth organizing community:

So the piece I'm gonna share I started when I heard about my friend. When my friend Dominique Franklin, also known as Damo, died from the police. He was tazed about three months ago. And then after a couple days in the hospital he passed away. He was killed for stealing a bottle of liquor from a Walgreens or something. And for a while I couldn't write about it. I started a piece and I put it down. And then just a couple days ago...a couple of my friends were arrested by police. And in the process some of the cops pulled their guns on us. And I thought if one of us was killed right there, the same process would just keep happening. And I really got the sense of like, disempowerment. The same sense I got when I saw Damo in the hospital bed, or saw him in the casket. And I knew there was nothing we could do.

In its May 2006 response to the U.S.'s report, the Committee specifically drew attention to police officers' ability to kill civilians with impunity.²⁰ This concern is unchanged. In their testimonies at WCG's youth hearing and their PEL reports, Chicago's young people repeatedly complained that the CPD gets away with brutalizing and killing youth of color. Chicago not only has a pervasive culture of police violence, but it also has an intractable culture of police impunity and opacity.²¹ A very recent and powerful example of this point is described in the following testimony provided by a member of Roshad McIntosh's family:

Due to the killing of Roshad McIntosh the police is harassing the citizens in this community. On the side of the building where he was murdered, there were citizens playing cards who saw the entire encounter. When one of them spoke out the police beat him. The residents in this community are scared in fear that it could be them. The way they intimidated the crowd that night of the murder was a sign of the police being a gang, taking up for their own, and trying to cover up what really happened. This community is outraged that they shot him down in broad daylight and [are] intimidating citizens because they want to tell what happened. The detective leading this case has yet to speak with any of the citizens that were present at the time of this homicide. They haven't released any information to our family or even a phone call about something so simple as a police report nor autopsy. We need answers and we going to all cost to get them. I hope you can help us in any way because we need all the help we can get...We're not even allowed to go to the police station and talk to anyone. Every time we go they tell us they would give us a call, but it never happened.

CHICAGO POLICE VIOLENCE: SEXUAL ASSAULTS

The use of sexual violence by the CPD further brutalizes, exploits, and degrades Chicago's youth of color. Former U.N. Special Rapporteur on Torture Peter Kooijmans has specifically stated that rape or other forms of sexual assault committed by members of law enforcement constitute torture.²² Due to the U.S.'s failures to comply with Article 11 of the Convention, no official data is currently available regarding the number of rapes and sexual assaults committed by law enforcement officers in the U.S. However, reports received through the PEL and other youth-focused NGOs in Chicago offer evidence that rape, sexual assault, and sexual harassment of women—including transgender women, as well as transgender and gender non-conforming individuals who do not identify as women—is committed with alarming frequency by the CPD. The following is one such report:

I was walking to the bus when a police officer called out and said, “Hey you, come here girl with all of that ass.” I ignored the comment unaware of where it was coming from until he pulled up on the curb to block my path in his undercover cop car. He jumps out and yells “Didn’t you hear me calling you girl?” I replied simply by saying, “No my name isn’t girl with all of that ass.” He got very mad and slapped me saying I was disrespectful and saying, “Don’t you know who I am?”...I began to fear him so I slowly backed away and he ran up and choke-slammed me saying I insulted an officer and was under arrest, when people started to come and look he handcuffed me, placed me in the back seat, and drove away. When we stopped at an alley I realized he wasn’t taking me in...He got out of the car, came to where I was and tried to rape me.²³

CPD officers also target young sex workers and homeless youth (among others), and extort sexual favors in exchange for youth not being arrested or subjected to further police violence.²⁴ Youth regularly report sexual violence similar to this young person’s experience:

I was solicited by a police offer who said that if I had sex with him he wouldn’t arrest me. So I did. Then afterwards he cuffed me and pressed charges anyway.²⁴

Street searches, the CPD’s holding facilities, and Illinois juvenile detention facilities are additional sites where youth of color experience sexual violence. Only 20% of sexual abuse charges against CPD officers are sustained, with minor penalties.²⁶ At WCG’s youth hearing, a 19-year-old Latina woman shared this experience:

I saw the police swerve around and stop in front of me. They ask me my name. Now when you run my name as a police officer, I’m not gonna lie, a red light pops up. But that’s from stuff I did probably 3rd or 4th grade. And it sucked cus I’m sitting there, now I’m in handcuffs. They said, “We have to search you.” It’s two male officers. I had on leggings and a tank-top. Nothing else. And they still ran through and searched me completely. They were checking every crevice of my body for any type of weapon...Now when I got to the police station, the same officer who had searched me, he’s kind of a weird officer. I’ve met him before, downtown when I was by the library. He’s one of those officers who tries to get you to do...well pretty much disgusting things. And he had the nerve—in front of someone who was above him—he unzipped his pants, stood there, and looked at me for 30 minutes while I’m waiting for them to run my name...So I sat there and I was like, “You’re kinda disturbing me.” He said, “That doesn’t matter. I’m the one who arrested you. I gotta do all your paperwork. I gotta do all this. You owe me...”

Youth who are detained in Illinois are exposed to juvenile facilities with exceptionally high rates of sexual abuse. Although the Committee previously demanded that the U.S. ensure that detained children are kept in facilities separate from adult inmate populations, unfortunately that demand does not ensure that youth are protected from sexual violence. Fifteen percent of young people detained in Illinois juvenile facilities have experienced sexual victimization by adult **staff**. This is 50% greater than the nationwide average of 10%.²⁷ Additionally disturbing is the fact that—in order to “protect” these youth who are sexually assaulted while they are detained—detention facilities reserve the right to confine these youth in prolonged isolation—a practice otherwise acknowledged by the U.S. to be CIDT and condemned by UN Special Rapporteur Juan Mendez.²⁸ These conditions of youth detention lay bare the U.S. government’s continued failure to comply with the Committee’s recommendations regarding conditions of incarcerated youth and prevention of sexual violence by law enforcement officers.²⁹

CHICAGO POLICE VIOLENCE: MASS ARREST AND DETENTION

The targeting and harassment of young people of color leads to their mass incarceration and over-representation in detention centers. Chicago's youth are aware of this discrimination and identify incarceration as state violence against communities of color. This point was expressed by one young Black man and organizer at WCG's youth hearing:

There's numbers that tell stories. Like Cook County Jail spends \$500 million to lock us up but only \$1.9 million on violence prevention. Which is services and programs. That tells what they want. There's over 80% of Black people locked up in the jail system – that tells who they want and how they want it. More than 70% of us are in there for non-violent cases. That's how they want it for drug cases. That's how they want it.

Numbers do tell stories—and the numbers demonstrate that Black youth are disproportionately targeted and subjected to arrest in Chicago. According to the CPD, Black youth accounted for 77% of the arrests of youth in 2011 and 79% in 2012.³⁰ Latino youth accounted for most of the other arrests, *i.e.*, 18% of these arrests in 2011 and 17% in 2012.³¹ The patterns of youth arrests across CPD districts are not aligned with the patterns of youth demographics across CPD districts. Rather, throughout the entire city—in all 25 districts—the percentage of Black youth who are arrested is dramatically higher than the percentage of youth residents who are Black. And consistent with the CPD's institutionalized racial bias, the highest ratios of Black youth arrests occur in police districts with majority White residents.³²

However, beyond these numbers are people's stories. One example is a young Black woman's PEL report regarding a time when the CPD used a suspect's description as justification for racially profiling and arresting her neighbors en masse:

The police rounded up everyone on a block corner because of an incident that happened down the block. Whoever "fit the description" was liable to be arrested and detained. My sister's boyfriend was arrested for unruly behavior for expressing grief over his nephew being shot. I was threatened to be arrested for the same offense if I didn't leave the scene, although I live across the street. I believe the police in my neighborhood are only interested in filling their quotas.

These numbers and stories show how the CPD's targeted policing practices isolate, control, and repress not only individual people of color but also entire communities of color.

CHICAGO POLICE VIOLENCE: INACTION AND IMPUNITY

Despite the overwhelming physical presence of the CPD in the lives of young people of color, youth of color have been shown that they may not be able to rely on the police to step in and help them, even in an emergency. In fact, youth report a trend of police negligence and inaction. For example, at WCG's youth hearing, one young woman testified that a CPD officer refused to help her critically injured friend:

My friend was shot. He and I would do a lot of peace rallies and things like that to stop the violence. And so it was just shocking to me that he was shot...and he was laying out in the field and his sister was present at the time and the police were nearby in the area. And she went and banged on the policemen's door and he just sat in the car, laughing. He didn't get out to help or anything of that nature...Eventually the ambulance came.

Police inaction also takes the form of the CPD's negligence in promptly investigating allegations of police violence and holding officers accountable. Indeed, civilians' formal complaints against the CPD's brutal and excessive use of force infrequently result in penalization, and discipline for such occurrences is rare and mild. According to the CPD's own data, between 2002 and 2004, Chicago residents filed 10,149 complaints of excessive force, illegal searches, racial abuse, and false arrests against the CPD. Only 124 of these 10,149 complaints were sustained (1.2%), and a mere 19 cases (0.18%) resulted in any meaningful penalty (a suspension of a week or more).³³

Data that the CPD recently released—under a court order resulting from seven years of litigation—reveals an alarming rate of impunity for the CPD's most violent officers. Between May 2002 and December 2008, there were 195 officers who each received 5 or more excessive force complaints—and only 28 of these officers were penalized.³⁴ Put another way, in the face of a combined 1,509 complaints against these officers, the CPD issued only 32 penalties. Of these 32 penalties issued, 41% were "Violation Noted" or "Reprimand" and 31% resulted in suspensions of only 1 to 5 days.

Similar rates of impunity occur for general misconduct complaints: Between May 2001 and May 2006, there were 662 officers who each received 10 or more misconduct complaints.³⁵ Of the 10,735 complaints made against these officers, only 219 resulted in a penalty (2%), predominantly in the form of reprimands and suspensions of 1 to 5 days (36% and 50%, respectively). Five-hundred eight of these 662 most-complained-about officers received no penalties at all.

While police abuse is rampant across the U.S., the CPD acts with exceptional impunity. For example, a brutality complaint is 94% less likely to be sustained in Chicago than in the nation as a whole: Only 0.48% of brutality complaints against the CPD are sustained (as opposed to 8% nationally).³⁶ Moreover, approximately half of the abuse complaints that are sustained by the CPD are only sustained due to administrative violations, rather than for the brutality of the accused officer's misconduct.

These extraordinary rates of police impunity are the result of fundamental deficiencies and systemic failures of the CPD to identify, prevent, and investigate charges of CIDT. Appallingly, in 85% of CPD police abuse investigations the accused officer is never even interviewed.³⁷ Furthermore, only 13% of CPD officers who amass 50 or more abuse complaints within 5 years are flagged for "early" intervention or monitoring programs.³⁸ These are overt violations of Articles 10 and 12 of the Convention.

And while the CPD's data on complaints against officers indicates a pervasive culture of police misconduct, violence, and impunity, these complaints represent only a fraction of the overall incidents. As previously noted, most victims of police violence never make an official report out of fear of retaliation or lack of legal and/or financial support (not to mention their well-founded beliefs that their complaints will be ignored). Indeed, none of the cases highlighted in this report's testimonies have been investigated or prosecuted, and many youth only felt safe to share their testimony through a private, unofficial process due to their fear of retaliation by the CPD. As a result, acts of torture and CIDT are underreported, offending officers are not held accountable, and a climate of tolerance of these violations continues to grow within the CPD.

In addition to being denied their right to complain and seek redress without fear of retaliation, youth of color in Chicago are not assured “fair and adequate compensation, including the means for as full rehabilitation as possible,” as required by Article 14 of the Convention. This remains true despite the enormous damages caused by police and suffered by young people of color.

In a private testimony at WCG’s youth hearing, a 21-year-old Latino man vented his frustrations over the cost of the CPD’s lack of accountability to his community:

The ticket ended up being dropped. But even though it was a success, I still had to go through the time of like missing a day of work so that I could go to this court date and have to defend myself. But, in the first place, I shouldn’t have to be defending myself. Especially if I’m paying tax dollars to these police officers so that they can serve and protect and enforce the laws, but they’re the first ones breaking them, and then wasting my time. So it’s like I’m paying double. We’re paying double for these services that we’re not even getting.

This testimony touches on the fact that individuals incur the monetary costs of medical care, trauma, loss of work or schooling, theft of property, legal costs, and other charges of police violence, and entire communities and generations of people of color bear the accumulated debts created by the financial, physical, and emotional aspects of constant police repression. Neither the CPD nor the U.S. has offered: (a) sufficient compensation for the total costs of state abuses of power, or (b) rehabilitation to any of the victims who have successfully brought cases against the City of Chicago for police misconduct.

The impunity of the CPD exposes the underlying relationship between communities of color and the state. This is a relationship of unequal access to power and accountability—a relationship where violence is used by the police to enforce and maintain the marginalization of communities of color.

CHICAGO POLICE VIOLENCE: CONCLUSIONS AND VIOLATIONS OF THE CONVENTION

Testimonies such as those highlighted in this report, which are supported by the data that community members struggled to obtain, demonstrate the systemic targeting, harassment, abuse, and CIDT of Chicago’s youth of color by the CPD, as well as ongoing violations of several of the Convention’s articles. The U.S.’s report fails to address these concerns.

Article 2: The U.S. report to the Committee fails to substantially acknowledge or provide solutions for the widespread reports of police violence against minorities that the Committee has identified.³⁹ The scope, frequency, and persistence of police torture and CIDT against young Chicagoans of color effectively undermines the U.S.’s claims that the measures in place are adequate to prevent torture and meet its obligations under Article 2 of the Convention.

Articles 12, 13, 14: Further, the U.S. report’s dismissive statement that “U.S. law provides various avenues for seeking redress in cases of torture” is deeply deficient.⁴⁰ As documented extensively here, and by other NGOs, even when individuals are willing to come forward and make claims, redress is unlikely due to inhibiting elements of U.S. definitions of torture and legal procedures.⁴¹ In response to the Committee’s request for information regarding its compliance with Article 12,⁴² the U.S. referenced 254 law

enforcement officials who have been prosecuted in 177 cases of civil rights violations (including, but not limited to, police-specific abuses) over the course of four years.⁴³ The report later cites that, since 2005, 165 officers and public officials have been convicted or taken plea-bargains in cases of police brutality and excessive force.⁴⁴ However, it has been widely documented, in this and other reports, that police violence occurs at extraordinarily high rates.⁴⁵ Thus, the extremely limited number of prosecuted cases presented in the U.S. report is insufficient evidence of the U.S.'s compliance with Articles 12, 13, and 14 of the Convention.

Article 11: In its report, the U.S. admits that the majority of convicted officers and officials were found guilty of abusing minority victims—an admission that further supports this report's claims of the racial nature of police violence. Yet, the U.S. intentionally fails to promptly investigate acts of torture and CIDT by police departments such as the CPD by refusing to establish a federal data system to document and review the demographics, scope, and nature of police misconduct.⁴⁶ The Initial U.S. Report conceded that "the absence of reliable national statistics precludes an accurate statistical description of the frequency with which incidents of abuse and brutality by law enforcement officers take place." Yet the U.S. has made no offer, either in the Initial or subsequent reports, to address this critical lack of basic documentation and systemic review of evidence and allegations of torture and CIDT by law enforcement in Chicago and nation-wide.⁴⁷ The U.S. government's insistence that current practices are adequate indicates a false assurance and intentions for continued noncompliance with Article 11 of the Convention.

Article 10: The U.S. government continues to fail to meet its obligations under Article 10 of the Convention. The U.S. refers to a variety of law enforcement training programs at the federal, state, and local levels in its current report to the Committee, claiming that "[i]n order to address police brutality and discriminatory conduct, the United States has *stepped up* its training of law enforcement officers with a view to combating prejudice that may lead to violence (emphasis added)."⁴⁸ However, the continued prevalence of Chicago police abuse and misconduct against predominantly youth of color indicates that the training measures in place are not effective. The U.S. government's claim that it has "stepped up" its law enforcement training programs is severely undermined by the failure of current law enforcement training standards to reduce torture and CIDT.

The expected response from law enforcement officials—that reported incidents of police violence are not illustrative of systemic endorsement of racialized brutality or violent police officers, but rather undertrained officers or an under-resourced department—is inconsistent with the pervasiveness and racial specificity of Chicago's police violence against young people of color. We assert that the documented and lived experiences of young people of color in Chicago constitute torture and CIDT at the hands of law enforcement. We echo the claim made by the Civil Rights Congress in their 1951 "We Charge Genocide" petition:

We maintain, therefore, that the oppressed Negro citizens of the United States, segregated, discriminated against and long the target of violence, suffer from genocide as the result of the consistent, conscious, unified policies of every branch of government.

Unconscionably, this claim remains true today, as the CPD acts with impunity in perpetrating violence on Chicago's youth—and whole communities—of color.

Behind these stories and numbers are real people—real people’s severe pain, humiliation, suffering, and death at the hands of those charged with the duty to “protect and serve” Chicago. This reality blatantly and manifestly violates the Convention Against Torture.

RECOMMENDATIONS TO THE COMMITTEE

Chicago’s youth of color are resisting the routine police violence that impacts their lives and communities, and they are working to bring into reality a powerful vision of a city that rejects violence in all of its forms. As a 23-year-old Black man expressed at WCG’s youth hearing:

Real accountability is restorative justice practices...I think that all people should be able to live amongst each other. That everyone should have a chance. That everyone needs equal opportunity...I also believe that us as citizens ought to be able to monitor the police and hold them accountable for a lot of things that they’re doing.

WCG urges the Committee to recognize the life-threatening struggles that young people of color in Chicago are enduring at the hands of the CPD and to support their organizing efforts to end police violence.

Specifically, WCG calls on the Committee to: (1) identify the CPD’s treatment of young people as torture and CIDT as defined by the Convention and in violation of Convention Articles 2, 10, 11, 12, 13, and 14; (2) request and demand a response from the CPD regarding the steps it will take both to end this treatment and to fully compensate the individuals, families, and communities impacted by this violence; and (3) recommend that the U.S. Department of Justice open a pattern and practice investigation of the CPD’s treatment of youth of color and seek the entry of a consent decree that requires the CPD to document, investigate and punish acts of torture and CIDT, and implement other necessary reforms.

ENDNOTES

¹ CAT/C/USA/CO/2 (25 July 2006), ¶ 25, 28, 37.

² CAT/C/USA/CO/2 (20 January 2010), ¶ 42.

³ WCG’s PEL is modeled after The Young Women’s Empowerment Project’s (YWEP) Bad Encounter Line (BEL). YWEP was an organization run by and for young women, including transgender youth, with past or current experience in the sex trade and street economy. YWEP began the BEL in September 2009 in order to document and assess young people’s experiences of institutional violence. In its 2012 report, “Denied Help! How Youth in the Sex Trade & Street Economy are Turned Away from Systems Meant to Help Us & What We are Doing to Fight Back,” YWEP revealed that, of its 146 documented bad encounters, 48 (33%) involved police, and 34 (23%) involved the healthcare system. When WCG formed, YWEP leaders were instrumental in setting up the PEL.

⁴ Ashkenas, Jeremy and Haeyoun Park. 2014. The Racial Gap in America’s Police Departments.” *New York Times*, September 4, 2014. (http://www.nytimes.com/interactive/2014/09/03/us/the-race-gap-in-americas-police-departments.html?emc=edit_th_20140904&nl=todaysheadlines&nlid=65757435&_r=2)

⁵ *Third Periodic Report of the United States of America to the Committee Against Torture*, Submitted by the United States of America to the Committee Against Torture, August 12, 2013, ¶ 147.

⁶ American Civil Liberties Union. 2014. *War Comes Home: The Excessive Militarization of American Policing*. NY: ACLU.

⁷ Grossman, Harvey. “Re: CPD Monitoring of Sidewalk Stop-and-frisks.” Letter to Mayor Emanuel. 15 Jan. 2013. MS. American Civil Liberties Union.

⁸ Futterman, Craig B., H. Melissa Mather, and Melanie Miles, *The Use of Statistical Evidence to Address Police Supervisory and Disciplinary Practices: The Chicago Police Department’s Broken System*, November 2007.

⁹ City of Chicago, Open Data Executive Order No. 2012-2, (2012).

¹⁰ *Annual Report 2011-2012*, Independent Police Review Authority.

¹¹ Mitchell, Chip. 2014. "Report: Embattled Commander No. 1 for Excessive-Force Complaints." *Portside*, August 5, 2014 (<http://portside.org/2014-08-15/report-embattled-commander-no-1-excessive-force-complaints#sthash.EHG32rrG.K5xhPwpu.dpuf>)

¹² CAT/C/USA/CO/2 (25 July 2006), ¶ 25.

¹³ Caputo, Angela. 2014. "Data: Black Chicagoans at higher risk of being shot by police." *The Chicago Reporter*, January 23 (<http://www.chicagoreporter.com/data-black-chicagoans-higher-risk-being-shot-police-.U--OCIYkJfM>).

¹⁴ See Independent Police Review Authority, *Officer-Involved Shootings*, <http://www.iprachicago.org/resources.html>

¹⁵ See Gousman, Courtney and Patrick Elwood. 2014. "Police commander suspected of sticking gun into suspect's mouth." *WGNtv.com*, August 27 (<http://wgntv.com/2014/08/27/police-commander-charged-with-aggravated-battery-misconduct/>); Al Jazeera. 2014. "Chicago protestors demand #JusticeforRoshad after teen shot by police." *Al Jazeera*, September 2 (<http://stream.aljazeera.com/story/201409022032-0024121>); and Meyer, Erin. 2014. "Residents Protest After Man, 19, Shot by Police: 'They Killed My Baby.'" *DNAinfo Chicago*, August 25 (<http://www.dnainfo.com/chicago/20140825/north-lawndale/residents-protest-after-man-19-shot-by-cops-they-killed-my-baby>).

¹⁶ Meyer, Erin. 2014.

¹⁷ CAT/C/USA/CO/2 (20 January 2010), ¶ 36.

¹⁸ Hinkel, Dan and Alex Richards. 2012. "Jolt of reality: Shootings persist as Chicago police Taser use skyrockets." *Chicago Tribune*, July 2012 (http://articles.chicagotribune.com/2012-07-20/news/ct-met-chicago-tasers-20120720_1_taser-michael-partipilo-hundreds-officers)

¹⁹ Ibid

²⁰ CAT/C/USA/CO/2 (25 July 2006), ¶ 25.

²¹ Eisen, Arlene. 2013. *Operation Ghetto Storm: 2012 Annual Report on the Extrajudicial Killings of 313 Black People by Police, Security Guards, and Vigilantes*. Malcolm X Grassroots Movement. The report's findings singled out the CPD as "especially opaque" for offering "very incomplete reports on their killings."

(http://www.operationghettostorm.org/uploads/1/9/1/1/19110795/operation_ghetto_storm_updated_october_2013.pdf)

²² Case 10.970. *Raquel Martin de Mejia v. Peru*. Inter-American Commission on Human Rights.

²³ Young Women's Empowerment Project. *Denied Help!: How Youth in the Sex Trade & Street Economy are Turned Away from Systems Meant to Help Up & What We are Doing to Fight Back*. IL: YWEP, 2012. Page 30.

²⁴ See Submission to the Committee Against Torture: In the Shadows of the War on Terror: Persistent Police Brutality and Abuse in the United States, April 2006, Section III; and Young Women's Empowerment Project, *Denied Help!: How Youth in the Sex Trade & Street Economy are Turned Away from Systems Meant to Help Up & What We are Doing to Fight Back*. IL: YWEP, 2012. Page 28.

²⁵ Young Women's Empowerment Project, 2012. Page 28.

²⁶ Futterman, et al., 2007

²⁷ See Bureau of Justice Statistics, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-2012*, US Department of Justice, Office of Justice Programs, NCJ 241399, May 2013.

²⁸ *Third Periodic Report of the United States of America to the Committee Against Torture*, Submitted by the United States of America to the Committee Against Torture, August 12, 2013, ¶¶ 209, 211.

²⁹ CAT/C/USA/CO/2 (25 July 2006), ¶¶ 32, 34 and CAT/C/USA/CO/2 (20 January 2010), ¶¶ 32, 34.

³⁰ Kaba, Mariame, *Arresting Justice (Second Edition): Juvenile Arrests in Chicago, 2011 and 2012*, Project Nia, 2013.

³¹ Ibid.

³² Cook, Ashley, Zygmunt Czykieta, Paul Mack, and Chris Skrable, *Trends in Chicago Juvenile Arrests 2009-2012*, August 2013.

³³ Futterman, et al., 2007

³⁴ See Chicago Police Department *Moore List- Excessive Force*, <https://www.documentcloud.org/documents/1237392-moore-e-f-list.html>

³⁵ See Chicago Police Department *Bond List of 662 Chicago Police Officers With More Than 10 Misconduct Complaints*, <https://www.documentcloud.org/documents/1237492-bond-list-of-662-police-officers.html>

³⁶ Futterman, et al., 2007

³⁷ Ibid

³⁸ Ibid

³⁹ CAT/C/USA/CO/2 (20 January 2010), ¶ 42.

⁴⁰ *Third Periodic Report of the United States of America to the Committee Against Torture*, Submitted by the United States of America to the Committee Against Torture, August 12, 2013, ¶ 147.

⁴¹ See Submission to the Committee Against Torture: In the Shadows of the War on Terror: Persistent Police Brutality and Abuse in the United States, April 2006, Section VI-E.

⁴² CAT/C/USA/CO/2 (20 January 2010), ¶ 42.

⁴³ *Third Periodic Report of the United States of America to the Committee Against Torture*, Submitted by the United States of America to the Committee Against Torture, August 12, 2013, ¶ 246.

⁴⁴ Ibid, ¶ 259.

⁴⁵ See *Submission to International Covenant on Civil and Political Rights: Raising the Issue of Continued Discrimination via Police Misconduct and Extra-judicial/Summary Executions Committed with Impunity on American Born People of African Descent*, September 2013; Submission to the Committee Against Torture: In the Shadows of the War on Terror: Persistent Police Brutality and Abuse in the United States, April 2006

⁴⁶ Ibid, ¶ 259.

⁴⁷ CAT/C/28/Add.5. (9 February 2000), ¶ 89.

⁴⁸ *Third Periodic Report of the United States of America to the Committee Against Torture*, Submitted by the United States of America to the Committee Against Torture, August 12, 2013, ¶ 244.

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