

Raising The Issue Of Continued Discrimination Via Police Misconduct And Extra-judicial/Summary Executions Committed With Impunity On American Born People of Afrikan Descent

Reporting Organization:

This report is submitted on behalf of *Chicago Alliance Against Racist And Political Repression* - The Chicago Alliance Against Racist and Political Repression, is an affiliate of the National Alliance Against Racist and Political Repression. The National Alliance Against Racist and Political Repression was founded in 1973 in Chicago, Illinois to organize a mass movement against racist and political repression. It grew out of the mass movement to Free Angela Davis and All Political Prisoners. Davis had been charged with murder in a racist frame-up after the aborted attempt by Jonathan Jackson to free his brother, George Jackson, and the Soledad Brothers in 1970. The Chicago Branch, now the Chicago Alliance Against Racist and Political Repression (CAARPR), continues to struggle for justice.

1. Issue Summary

The John Burge torture case has established the city of Chicago, Illinois as the epicenter of 'state sanctioned' torture in the U.S.A. Current statistics and lack of prosecution indicate that it may also be the center of a culture of systemic racial injustice that fosters police crimes such as the 'extra-judiciary/summary executions' that have become common in the US (one every 36 hours) and tolerated by municipal, state and federal authorities by which People of Afrikan descent are being denied their most cherished possession: life. This caused one judge to rule that Chicago's Police Department practices a code of silence in relation to police crimes.

From 1882 to 1968, according to the Tuskegee Institute, the extra-judicial killings (lynchings) of American born Afrikans were 4,743. Reported 'Arrest Related Deaths' (US Dept of Justice) from 2003 to 2009 show 2,958 homicides were committed by sworn law enforcement officers of the United States against members of the civilian population. A disproportionate percentage (32%) of the homicides were from the segment of the U.S. population that is American born of Afrikan descent, that comprises only 13% of the overall population. These incidents are seen as being consistent in such a way to constitute a case of a systemic pattern of ..."killing members of a minority group." Since 2009 there has

been a steady increase in the percentage of Afrikan descended people that have been shot by Chicago's police (CPD). In 2011 the CPD shot 60 people and killed 23 people, of which 80% of those shot were of Afrikan descent. Due to a lack of transparency and required reporting by the United States, we do not know what percentage of the total killed were of Afrikan descent. Lacking a death penalty in Illinois, these 23 souls killed by CPD was equivalent to more than 50% of the total people executed in all of the United States under the death penalty law. In addition, the CPD, via the Independent Police Review Authority -IPRA has consistently received over 9700 complaints per year against officers for police crimes including, excessive force, sexual assault, and other inhuman and degrading treatment. Yet, the monitoring bodies, (IPRA, Internal Affairs, and the States Attorney's Office of Professional Standards) has consistently "sustained" only a single digit percentage of those cases, as low as 2%. With the case of IPRA, they have no power to punish offenders, only to recommend sanction by their superiors. This, collectively, is de facto impunity. Additionally the CPD has used, and continues to use, torture as a means of coercing arrestees to confess to crimes they did not commit; this includes threatening and often dropping detainees off in unknown and/or rival neighborhoods. All of these insidious practices are deliberate, discriminatory, institutionalized and systemic in the manner in which they are tolerated as an inherent feature of the culture of blatant racism that pervades at every level in the CPD.

One glaring example, of many, is the "drive-by" shooting by plain clothes, off-duty CPD detective Dante Servin, driving in his personal vehicle, that took the life of an innocent by-stander Rekia Boyd, a 22 year old young woman of Afrikan descent. Said detective said he thought a cell phone, held up to the ear of a man walking behind Ms. Boyd, was a gun. Over a year later, the officer has yet to be charged of any crime and is still employed by the Chicago Police Department. Surviving the duress of such circumstances is a direct impediment to the American born People of Afrikan descent from ever managing to effectively develop a campaign for self-determination as a national minority and unquestionably represents a clear violation of numerous articles of the ICCPR.

2. Concluding Observations

Para 529. "Investigate all allegations concerning suspicious deaths and tortures..." (Included should be internal incidents in the USA, in particular with those with a racial component.

Para, 587. [USA] should take measures, including adequate and adequately implemented policies, to bring an end to such de facto and historically generated racial discrimination

Para 590 Respect and ensure that all individuals are guaranteed effective protection against practices that have either the purpose or the effect of discrimination on a racial basis.

Para 659. "Increase efforts to eliminate police brutality and excessive force."

3. U.S. Government Report

Para 155 mentions "...the overrepresentation of minority persons, particularly Blacks/African Americans, in the death row population" while failing to mention any progress in addressing the problem.

Para. 164 cites compensation programs for crime victims but fails to make any mention of victims of crimes perpetrated by law enforcement personnel on American soil.

Para 171-194 In spite of all the statements in paragraphs 171-194 where the U.S. cites international and domestic mechanisms that prohibit torture and cruel, inhuman or degrading treatment or punishment; the Jon Burge and San Francisco 8 cases exposes the false claim that it does not use torture. The U.S. addresses torture, yet is silent on past incidences of acts of torture committed against People on its domestic shores as in the case of American born people of Afrikan of descent.

Para 181 Demonstrates scope, but is silent on percentage of officers who are accused that are punished.

Para 483 Fair Sentencing Act reduced but did not eliminate disparities in sentencing.

Para 659 *The United States has stepped up its training of law enforcement officers with a view to combating prejudice that may lead to violence.*", but gives no concrete explanation or data to reflect as to how cases of abuse, brutality and/or excessive force are being addressed in such a way that will put an end to such atrocities. Such is the case as violence perpetrated by law enforcement officers is on the upswing.

Para 662. *Since 2005, (DOJ) has convicted, or obtained pleas from, more than 165 officers and public officials for criminal misconduct related to police brutality and excessive force.* But does not say what percentage this is of total complaints. *2002 Large municipalities have 9.5 complaints per 100 full-time sworn officers.* Chicago has 9600 officers and has 9700 complaints of police misconduct and/or crimes. This is more than 100 complaints per 100 officers. With nearly zero convictions or pleas.

4. Legal Framework

Article 1 Para 1. *All Peoples have the right to self-determination.*

Article 2, Para 3. *Each State Party to the present Covenant undertakes:*

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

Article 6 Para 1. *Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.*

Para 3. *When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.*

Article 7 *No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*

Article 9 *Everyone has the right to liberty and security of person.*

Article 24 Para 1. *Every child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.*

Article 26 *All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.*

5. Human Rights Committee General Comments

UNHRC General Comments # 6 Para 1 *Holds that Article 6 should not be interpreted narrowly.*

- Para 3 *[The right to life] is of paramount importance...the state must act to prevent arbitrary killing by their own security forces. It is of the utmost importance and create law that strictly controls and limits its likelihood.*

- Para 5 *The government must adopt positive measures*

UNHRC GC# 20 Para 5 *Holds that include in Art 7 that torture includes acts that cause mental suffering*

- Para 9 *The state must not expose detainees to the danger of torture by returning them to situations where torture or other harms will likely result. (We ask that the Committee view this in light of police returning detained members to neighborhoods of rival street organizations if they do not get the right information of confess to crimes.)*

UNHRC GC # 13 *In regards to Art. 14 Par 7 no guilt can be presumed. Duty of all authorities to refrain from prejudging the outcome of a trial. (Please view in light of the extra judicial and summary executions by police where no arrest, charges, or trial is allowed)*

UNHRC GC # 21 Para 5 *In regards to Art 10 requires states to report the extent they are applying UN Standards as identified in para 5.*

6. Other U.N. Body Recommendations

ICERD General Recommendations 34 Racial Discrimination Against People of Afrikan Descent

Para 7 *Observes that overcoming structural discrimination calls for urgent adoption of special measures* – Para 11 *review, adopt, implement national strategies and programs* – Para 12 *Fully implement measures already in place* - Para 15 *create specialize institutions to promote respect* – Para 19 *formulate comprehensive national strategies* – Para 36 *increase punishment for race-base crime* – Para 37 *Ensure prosecution of all persons committing a race-based crime* – Para 39 *Prevent use of force, torture, inhuman and degrading treatment or discrimination by police*

7. Recommended Question

- In view of its statement that it does not permit torture either within or outside of U.S. territory, takes vigilant action to prevent torture and holds any perpetrators accountable (Para 177), how can it be explained why the U.S. Department of Justice and the U.S. attorney for the Northern District of Illinois have decided not to bring perjury and obstruction of justice charges against former Chicago Police Sgt. John Byrne, who loyally served as convicted Chicago Police Cmdr. Jon Burge's self-admitted "right-hand man," and his trusted associate, detective Peter Dignan? What does the U.S. intend **to do** to rectify this gross contradiction?
- What 'practical' solutions are going to be applied, by the U.S. government, to bring an end to the discriminatory incidences of police brutality and excessive force that often result in deaths that seem to disproportionately affect American born People of Afrikan descent?

8. Suggested Recommendations

- The UNHRC should recommend that the U.S. encourage all fifty states to introduce legislation that would promote self-determinant aspirations by establishing initiatives such as the 'Civilian Police Accountability Council' (CPAC) being organized by the Chicago Alliance Against Racist and Political Repression.

<http://stoppolicecrimes.files.wordpress.com/2012/10/new-proposed-legislation-33.pdf>

- Establish an Office for the Victims of Police Crimes similar to the Office of Victims of Crimes. (See CCPR/C/USA/3 para 115)
- Enact an investigation of the CPD to determine ongoing police misconduct other than torture in accord with the Pattern or Practice of Police Misconduct provision of the 1994 Crime Bill and the Police Misconduct Initiative. CCPR/C/USA/4. Para 183
- Establish a national system to investigate all police shooting to ensure there are incompilance with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. CCPR/C/USA/3/Rev1, Para 30
- Encourage the state to enact federal legislation like HR40 that creates a commission to study the legacy of lingering effects of historic racial discrimination and offer remediation of those effects (See CPR/C/USA/CO/3/Rev1., para 22,23,24)

-That CPD officers John McCann, Daniel McWeeny, James O'Brien, Kenneth Boudreau, Michael Kill and John Holloran should be investigated by the U.S. Attorney in regards to their connection with the crimes and excesses committed under the leadership of Jon Burge.

-That the U.S. Attorney investigate officers Dante Servin for the summary execution of by-stander Rekiya Boyd and officer Gerado Sierra who shot 3 unarmed Afrikan males in less than 1 year and resulted in the deaths of both Darius Pinex and Flint Farmer, the latter of which was recorded by a police vehicle camera. Both of these officers are still working in official capacities for the Chicago Police department.

Cited Sources:

Chicago Tribune video of Flint Farmer execution

<http://www.chicagotribune.com/videogallery/65555204/News/Dash-cam-video-of-police-shooting>

Civilian Police Accountability Council legislation: <http://stoppolicecrimes.files.wordpress.com/2012/10/new-proposed-legislation-33.pdf>

Every 36 Hours: <http://mxgm.org/report-on-the-extrajudicial-killings-of-120-black-people/>

House Resolution 40 (HR40): <http://thomas.loc.gov/cgi-bin/query/D?c112:1:./temp/~mdbsHFifRR::>

IPRA Report: http://www.iprachicago.org/IPRA_AnnualReport2009-2010.pdf