

# PEOPLE'S LAW OFFICE

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April 12, 2013

Mary Howell  
Attorney at Law  
316 S. Dorgenois Street  
New Orleans, La 70119

Via e mail

Dear Ms. Howell,

I am writing at your request to share my concerns regarding the possible appointment of former Chicago Police Superintendent Terry Hillard as monitor of the New Orleans Police Department (NOPD) consent decree. Please feel free to share this letter with the Selection Committee and the presiding Judge, if appropriate.

As you know, I have been a practicing civil rights lawyer specializing in police brutality, police torture, false arrest and wrongful convictions cases for more than 40 years. In litigating these cases, I have learned a great deal about the policies and practices of the Chicago Police Department in these areas and have written extensively on these subjects as well. I have also consulted with you on several important police brutality and torture cases in New Orleans, starting with the notorious Algiers case in the early 1980s. More recently I have written several articles about the Danziger Bridge and Glover cases, the U.S. Department of Justice Report concerning the NOPD, and the consent decree between the City of New Orleans and the U.S. Department of Justice. For the past 30 years I have also been an editor of the Police Misconduct and Civil Rights Law Report, a nationally distributed legal periodical reporting on case decisions and various issues regarding police misconduct. In that capacity I have become familiar with many of the issues involving implementation of federal consent decrees concerning police departments in the United States.

My most extensive experience with Mr. Hillard was in relation to the ongoing Chicago police torture scandal which has now spanned four decades.<sup>1</sup> When Hillard became the Superintendent in 1998, the Chicago Police Department's Office of Professional Standards

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<sup>1</sup> I have summarized the forty year history of the Chicago police torture scandal in a recent law review article. See *A Long and Winding Road: The Struggle for Justice in the Chicago Police Torture Cases*, Loyola University Chicago School of Law, Public Interest Law Reporter, Vol. 17, No. 3, (Summer 2012).

(OPS), after more than a decade of police cover-up and denial, had made an official determination that there was systematic police torture of African American suspects that was led by Police Commander Jon Burge which included the use of electric shock, suffocation, and mock executions; Burge had been fired; and OPS investigators had made specific disciplinary findings that Burge's "right hand men" had tortured a number of suspects. Hillard's top aide, rather than acting on these disciplinary findings, summarily overturned them, an act that Hillard expressly ratified. When more than 50 community groups and civic leaders asked him to reverse his decision and mandate an independent investigation, Hillard refused to do so. This conduct led to a continuation of the cover-up and wrongful imprisonment of numerous African-American men for another decade. These actions also provided the basis for Hillard and his aide's inclusion as defendants in no fewer than five federal court torture/wrongful conviction cases, three of which have been settled for a total of approximately \$17,000,000, while the other two are still pending.<sup>2</sup>

Mr. Hillard was also directly involved as Superintendent in the notorious Ryan Harris case. Ryan Harris was an 11 year old girl who was brutally raped and murdered in the summer of 1998. Two rogue detectives picked up a seven year old boy and an eight year old boy as suspects because they had taunted Ryan earlier, and fabricated a confession from the mentally delayed seven year old. Mr. Hillard was personally informed of the boys' arrests and permitted them to be charged with murder and rape, and held in custody in a children's mental hospital until adult sperm was recovered from the little girl's body a month later. The actual perpetrator, a serial sexual predator, was later arrested and convicted, and the City paid more than \$8 million to the boys and their families.

In March of 2003, thousands of Chicagoans protested the start of the Iraq war with a peaceful demonstration. Hillard, who was at police command central, approved the directive to detain more than 800 demonstrators, many of whom were later arrested without probable cause. After the Seventh Circuit Court of Appeals reinstated the claims of the demonstrators, *inter alia*, against Hillard as Superintendent, the City settled the demonstrators' class action lawsuit for more than \$11,000,000 in damages and attorney's fees.<sup>3</sup>

In response to your specific questions about Mr. Hillard's suitability to serve as court-appointed monitor for the New Orleans Police-DOJ consent decree, he was not viewed as an agent for significant change or reform while serving as the Superintendent of the Chicago Police Department, but rather was symbolic of the old guard police in Chicago who defend their own, right or wrong, and resist change that would make the Department, its supervisors and its rank

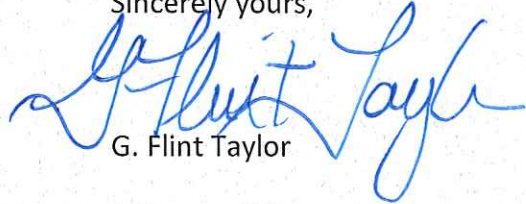
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<sup>2</sup> *Tillman v. Burge*, 2011 U.S. Dist. LEXIS 79320 (N. D. Ill. 2011) (settled in 2012 for a total of approximately \$6,000,000); *Orange v. Burge*, 2005 U.S. Dist. LEXIS 7234 (N.D. Ill. 2005) (settled in 2008 for approximately \$6,000,000); *Patterson v. Burge*, 328 F. Supp. 2d 878 (N.D. Ill. 2004) (settled in 2008 for \$5,000,000); *Kitchen v. Burge*, 2011 U.S. Dist. LEXIS 42021 (N.D. Ill. 2011) (pending in District Court); *Cannon v. Burge*, 2006 U.S. Dist. LEXIS 4040 (N.D. Ill. 2006) (pending before the Seventh Circuit Court of Appeals).

<sup>3</sup> *Vodak v. City of Chicago*, 639 F.3d 738 (7<sup>th</sup> Cir. 2012) (settled in 2012 for \$6,200,000 in damages and \$4,800,000 in attorneys' fees.)

and file more accountable in the areas of police brutality and torture, false arrests and wrongful prosecutions. While I have found Mr. Hillard to be a cordial man on the occasions when I have deposed and met with him, I would say, reluctantly, that I have serious concerns as to whether he would be able to aggressively enforce the consent decree against a department, such as that in New Orleans, where there will no doubt be strong internal resistance to change.

Sincerely yours,

A handwritten signature in blue ink that reads "G. Flint Taylor". The signature is written in a cursive style with a large, stylized "G" and "T".

G. Flint Taylor

Attorney at Law