

POLICE TESTIFYING PERJURY

OCTOBER 2020
CHICAGO APPLESEED

WHAT IS TESTILYING?

"TESTILYING" IS A EUPHEMISM FOR POLICE PERJURY.

MISCONDUCT

Police perjury often occurs to cover up unconstitutional acts and other misconduct.

PERJURY

Cops tend to commit perjury to increase the likelihood of a conviction.

CHICAGO

Police misconduct, specifically perjury, has been a documented issue in Chicago for decades.

"A SURVEY OF PROSECUTORS, JUDGES, AND DEFENSE ATTORNEYS IN CHICAGO CONCLUDES THAT COPS COMMIT POLICE PERJURY ON THE WITNESS STAND ABOUT 20% OF THE TIME."

"POLICE PERJURY – ALL. THE. TIME." - LEOVY & LEOVY .

WHAT ARE THE CONSEQUENCES?

TESTIFYING IS HARD TO MEASURE AND IT GOES UNPUNISHED MUCH OF THE TIME. OFFICERS RARELY FACE CONSEQUENCES SUCH AS ADMINISTRATIVE DISCIPLINE OR PROSECUTION.

Police departments are complicit in this by letting lies go unaddressed or maintaining the "blue wall of silence." Some prosecutors have been known to tolerate and even encourage testifying.

POLICE PERJURY PERPETUATES SYSTEMATIC RACISM AND CORRUPTION.

Police perjury increases the likelihood of the innocent being convicted, victims of unconstitutional acts to be prosecuted on inaccurate evidence, longer sentences because of trumped up evidence, and the guilty going free when police perjury is discovered and cases get dismissed.

**POLICE
PERJURY IS A
WIDESPREAD
ISSUE THAT
UNDERMINES
THE JUSTICE
SYSTEM.**

WHOSE JURISDICTION DOES THIS FALL UNDER?

ADMINISTRATIVE DISCIPLINE

*The Chicago Police Department has two bodies that investigate police misconduct, the **Civilian Office of Police Accountability (COPA)** and the **Police Department's Bureau of Internal Affairs (BIA)**.*

*The **Chicago Police Board (CPB)** decides disciplinary matters involving allegations of serious misconduct made against members of the Chicago Police Department.*

**POLICE PERJURY FALLS UNDER
THE JURISDICTION OF BIA, AS IT IS
CLASSIFIED AS CRIMINAL MISCONDUCT.**

CRIMINAL CHARGES

***Prosecutors** have the choice to press charges and prosecute cops for perjury and obstruction of justice.*

**THE ISSUE IS A PERVASIVE BECAUSE
PROSECUTORS RARELY HOLD OFFICERS
ACCOUNTABLE WHEN CAUGHT.**

Two pending ordinances establishing commissions for civilian oversight - the Grassroots Alliance for Police Accountability (GAPA) and the Civilian Police Accountability Council (CPAC) - are currently proposed to the Chicago Mayor and City Council.

PROSECUTORS' RESPONSE

PERPETUATING THE ISSUE

The issue of testilying is a pervasive issue because judges and prosecutors oftentimes let officers get away with it.

MOST PROSECUTORS' OFFICES ARE REACTIVE, NOT PROACTIVE.

LEGAL AND ETHICAL STANDARDS FOR PROSECUTORS

Prosecutors are potentially exposed to criminal liability when a police officer commits perjury. Prosecutors are subject to the Model Rules of Professional Conduct drafted by the American Bar Association.

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[CHICAGO APPLESEED.ORG/TESTILYING](https://chicagoappleseed.org/testilying)

AFTER THE CASE OF RONALD WATTS, A CHICAGO POLICE SERGEANT WHOSE TACTICAL SQUAD MADE A PRACTICE OF ABUSING, EXTORTING, AND FRAMING PEOPLE, COOK COUNTY STATE'S ATTORNEY KIM FOXX SAID THAT HER OFFICE WILL NO LONGER ASK 10 COPS WITH TIES TO WATTS TO TESTIFY IN CRIMINAL TRIALS "DUE TO CONCERNS ABOUT THEIR CREDIBILITY AND ALLEGED INVOLVEMENT IN THE MISCONDUCT."

"KIM FOXX ATONES FOR POLICE ABUSES"
CHICAGO TRIBUNE

POLICE PERJURY

HOW MUCH DOES IT COST US?

IN CHICAGO

IN THE RARE INSTANCES THAT POLICE PERJURY HAS BEEN CAUGHT AND ACTED AGAINST, IT HAS CAUSED THE CITY TO PAY COSTLY SETTLEMENTS AND PROSECUTORS TO DROP CHARGES IN CRIMINAL CASES. GENERAL POLICE MISCONDUCT OVER THE YEARS HAS COST THE CITY MILLIONS OF DOLLARS AND THIS PUTS A STRAIN ON THE COOK COUNTY JUSTICE SYSTEM.

In 2014, five Chicago and Glenview cops gave testimonies about an illegal search of Joseph Sperling—testimonies that were later proven to be false by dashboard video evidence. Four of the cops involved were charged with perjury, obstruction of justice, and official misconduct. The case against Sperling was thrown out and Sperling got a \$195,000 settlement from Chicago and Glenview.

“IN 2013 AND 2014, CHICAGO PAID MORE THAN \$60 MILLION IN CASES WHERE PEOPLE WERE WRONGFULLY IMPRISONED DECADES AGO BECAUSE OF ALLEGED POLICE MISCONDUCT.”

THIS IS IN REFERENCE TO MISCONDUCT FROM FORMER CHICAGO POLICE COMMANDER JON BURGE AND HIS OFFICERS, IN “POLICE PERJURY: IT’S CALLED ‘TESTILYING’”
- CHICAGO TRIBUNE

THIS ALL ERODES THE CREDIBILITY OF THE POLICE DEPARTMENT, NEGATIVELY IMPACTING PUBLIC TRUST IN POLICE AND THE JUSTICE SYSTEM.

HOW CAN THIS ISSUE BE ADDRESSED?

PROSECUTORS

- **EDUCATION:** Prosecutors should participate in the education and training of police officers.
- **DISSUASION:** Convincing officers not to lie by explaining the consequences of perjury.
- **EXCLUSION:** Choosing not to subpoena officers with a history of testilying.
- **PROSECUTION:** If all of the above fail, the officer should be prosecuted for perjury and obstruction of justice.

POLICE

- **ACCOUNTABILITY:** Greater administrative accountability.
- **CULTURE:** There needs to be a culture of truth, fairness, and accountability that is expected and demanded internally at the Chicago Police Department.
- **TECHNOLOGY:** *Increased ease of conducting audio-visual recordings has helped to reveal the truth in many cases.*

CIVILIANS

- **OVERSIGHT:** *Increased civilian oversight.*
- **PARTICIPATION:** *Expending cultural capital in situations that may require community interactions with police.*

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