

# UNITED STATES OF AMERICA

## Amnesty International renews call for investigation into homophobic abuse by Chicago police officers

A recent lawsuit filed against Chicago Police Department reveals new allegations of homophobic abuse by Chicago police officers.

In February 2001, Amnesty International expressed deep concern at allegations that two men, Frederick Mason and Jeffrey Lyons, had been subjected to severe homophobic abuse by Chicago police officers in separate incidents last year. The organization called on the Chicago Police Department to hold a full and thorough investigation into the allegations.

Kentin Waits, manager of an Internet marketing company, was involved in a minor traffic altercation with a Chicago police officer on 22 July 2000. During the course of this incident, Mr Waits squirted the police officer with water before leaving the scene. The following morning, Mr Waits was arrested at his home as seven police cars surrounded his house.

Mr Waits was taken to the 19<sup>th</sup> District Belmont and Western police station where he was charged with assault. He states that staff applauded his arrival at the station and that, while handcuffed, he was slammed into doors and walls by the arresting officers, resulting in lacerations to his wrists, and bruises to his upper arms. He states that the police officers led him to an interrogation room with its windows papered over, and handcuffed him to an overhead bar. One officer is then reported to have slapped Mr Waits around the face and head before kneeling him in the groin. During the assault the officer is alleged to have called Mr Waits a *"fucking faggot"* and *"gay mother-fucker"* -- among other anti-gay epithets -- and taunted him saying, *"the guy you squirted with water has family and kids"*.

During the assault, one of the police officers is said to have released one of Mr Wait's hands from the bar and asked him to fight back, which Mr Waits declined to do. The officer is then alleged to have asked him if he was gay. Mr Waits questioned the relevance of the question to which the officers replied, *"yeah, we thought you were a fag"*.

Mr Waits was later informed by a female officer that, *"you have to realise that the Chicago police force are a big family, and if you hurt one, you hurt us all"*.

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Mr Waits was held in a cell for 22 hours, during which time he complained of a severe pain in the stomach. According to reports, his calls for assistance went unheeded, instead, officers allegedly mocked him by mimicking his requests for help in effeminate voices.

In October 2000, the case was submitted for investigation to the Chicago Police Department's Office of Professional Standards (OPS), the police complaints authority, who determined the case to be "not sustained", meaning that the allegations could not be proved or disproved. Amnesty International is disturbed by the apparently inconclusive nature of the investigation, given that the alleged ill-treatment took place in a crowded police station where supervisors and other witnesses may have been present. The organization has asked Superintendent Terry Hillard of the Chicago Police Department for a copy of the OPS investigation report, including a summary of the evidence, and the reasons for the ruling.

It is reported that no police officers have been disciplined for the incident.

Amnesty International is concerned that the targeting or persecution of individuals on grounds of their sexual orientation, or perceived sexual identity, is a violation of their fundamental human rights protected under international standards such as the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*.

Amnesty International also believes that the treatment alleged in Mr Waits' case would constitute a clear violation of international standards on the use of force by law enforcement officers, which provide that force should be used only as a last resort, and that in all cases it must be proportionate to the threat encountered, and designed to minimize damage and injury. The organization is also concerned that Kentin Waits may have been subjected to cruel, inhuman and degrading treatment in violation of international standards.

Amnesty International is calling on the Chicago city and police authorities for a further review of this case to be conducted at the highest level, as part of a wider review of an alleged pattern of homophobic behaviour by police officers in Chicago, and that the findings be made public.

Amnesty International is also calling on the Chicago Police Department to ensure that torture, ill-treatment and homophobic action by Chicago police officers will not be tolerated, and that any such allegations will be thoroughly investigated with appropriate disciplinary action taken against any officer found to have demonstrated such behaviour.

## Background

- On 19 July 2000, Frederick Mason was arrested by Chicago police officers. Mason claims that at the police station two officers handcuffed him by the elbows and pinned him to a wall. According to Mason, one of the officers then sprayed cleaning liquid on a billy club and rammed the baton into his rectum. As he assaulted Mason, the officer is alleged to have said, *"I'm tired of you faggot...you sick mother fucker"*. Mason contends that he was subjected to abuse -- including racist and anti-gay names such as *"faggot ass nigger"*-- from the moment he was arrested. Witnesses can attest that Mason entered police custody in good health, and when released had blood streaming from his rectum.
- On 25 November 2000, Jeffrey Lyons is reported to have been assaulted by a group of up to ten off-duty police officers after they witnessed him embrace a male friend outside a bar. The assault, initiated by a police officer shouting *"get that faggot shit away from my truck"*, left Lyons with severe injuries. During the assault, an officer is reported to have said *"get this through your heads, you faggots will never win"*. Two of the cars that fled the scene -- later traced to off-duty police officers' vehicles -- attempted to run over Lyons' companion.

Amnesty International called on the Chicago city and police authorities to ensure that a thorough and impartial investigation be conducted into both cases, with the results made public. As far as the organization knows, the results of these cases are still pending.

Amnesty International has had no response to letters sent to the authorities -- including Superintendent Hillard -- outlining their concerns on the above two cases.

For further information on Fredericks Mason's and Jeffrey Lyons' cases see: *USA: Allegations of homophobic abuse by Chicago police officers*, published in February 2001 (AI Index: 51/022/2001).

For a detailed description of Amnesty International's concerns in Chicago see: *USA, Summary of Amnesty International's concerns on Police Abuse in Chicago*, published in October 1999 (AI Index: 51/168/99).

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