

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Geoffrey Griffin

TIRC Claim No. 2013.144-G
(Relates to Cook County Circuit
Court Case No. 00-CR-16901-01)

CASE DISPOSITION

Pursuant to 775 ILCS 40/45 (c), and 2 Ill. Admin. Code 3500.385(b), the Illinois Torture Inquiry and Relief Commission (hereinafter, “the Commission” or “TIRC”) concludes that there is insufficient evidence of torture to merit judicial review of Geoffrey Griffin’s claim of torture. This decision is based upon the Findings of Fact, Analysis, and Conclusions set forth below, as well as the supporting record attached hereto.

EXECUTIVE SUMMARY

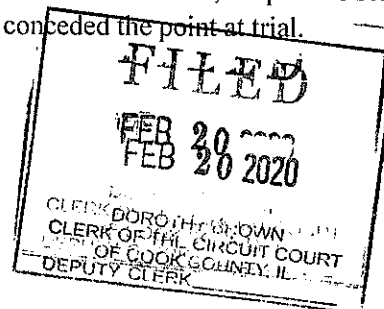
On June 15, 2000, Geoffrey Griffin was arrested around 5:30 p.m. after his semen was found in the deceased body of Angela Jones, making Griffin a suspect in her murder. On June 16, 2000, Griffin gave an oral confession to the strangulation and beating of Jones, and shortly thereafter gave a videotaped confession on June 17, 2000 at 2 a.m. Charges were approved by Assistant States Attorney Tom Mahoney and Griffin was charged with first degree murder.

Griffin alleges two main acts of torture: being punched in the forehead with a pair of handcuffs by Det. Steven Brownfield and being punched in the jaw by Det. Michael Cummings. His booking photo shows a mark on his forehead.¹ In his confession, Griffin said it was caused by burning himself several days earlier at his fast-food job.

The strongest evidence against Griffin’s claim of abuse is the opinions of two separate forensic pathologists retained by TIRC to evaluate pictures of the forehead mark and medical records. Although neither pathologist could say with a medical certainty that the mark was a burn, both found that explanation more likely than the handcuff-punch claim. One pathologist noted the booking photo taken hours after Griffin’s confession displayed an absence of signs of a punch with handcuffs, such as swelling, redness and pus. The other pathologist noted the photograph seemed to demonstrate scabbing and healing, an observation shared by the trial judge, Fred Suria, when he denied Griffin’s suppression motion before his trial. Suria, known as “Fair Fred” at the courthouse, was widely regarded by defense attorneys as being fair, and Suria, in fact, acquitted Griffin of another murder for which Griffin was tried.

The likelihood that the forehead mark was a burn suggests that Griffin manufactured the handcuff-punch story, severely damaging his credibility and throwing into serious doubt his other allegation regarding a punch by Cummings. Credibility issues arise elsewhere with Griffin, including his extremely unlikely suppression hearing testimony that he had not had sex with Jones, despite his semen already having been identified in her body. His own lawyers later conceded the point at trial.

¹ See EXHIBIT 8, Booking Photograph of Geoffrey Griffin.



Griffin also acknowledged that, immediately before the alleged punch by Cummings, he was engaged in pushing back at Cummings photographs that Cummings had pushed at him. Griffin insists his pushing back the photos was not an aggressive act, but a defensive one he undertook while handcuffed. Even if Griffin's allegation of a punch by Cummings (which he denies) is believed, the acknowledgement that a physical altercation occurred immediately before the alleged punch raises the possibility that Cummings committed his over-reactive punch defensively, not as an act of torture designed to elicit a confession.²

Although Griffin was suspected by police of committing several other murders (and was questioned about at least one), police did not obtain Griffin's admission to any other murder. Were they willing to abuse him to obtain one confession, they likely would have done so to obtain others.

Griffin is not without evidence supporting his allegation, however. The booking photograph objectively proves the existence of the forehead mark. Griffin's allegations of torture came at least as early as his motion to suppress, and he has been generally consistent in his allegations over time. Detective Cummings has numerous allegations of abuse, and although allegations against Brownfield are less numerous, he has also faced several claims of abuse.

Additionally, although detectives sought to find witnesses to corroborate that Griffin burned his forehead at work, they were unsuccessful in finding any coworkers or reports that could show that burn occurred. Finally, Griffin was seen for breathing problems by a nurse the day before he entered police custody, and her reports documented no pre-existing forehead mark. She did testify, however, that unless Griffin had complained of it, she would not necessarily have done so.

On balance, the Commission does not find sufficient evidence of torture to merit judicial review.

FINDINGS OF FACT

The Crime

Angela Jones was found dead on May 12, 2000 from strangulation and blunt force trauma to her head.³ Jones' body was found in a vacant building located at 11817 S. Yale, where she had previously lived. According to Geoffrey Griffin's videotaped confession, Griffin and the victim met on the evening of May 11, 2000.⁴ Griffin solicited the Jones for sex and accompanied her to the vacant building at 11817 S. Yale. The pair smoked cocaine and had sex.⁵ According to his confession, Griffin strangled the victim to death during "rough sex." Griffin thereafter threw or dropped the victim's dead body down the stairs of the abandoned building and left her body lying in the basement of the residence. The following morning,

² See 20 Ill. Admin. 2000.10, defining "torture" as "any act by which severe pain or suffering * * * is intentionally inflicted on a person *for the purpose of obtaining from the person a confession to a crime.*" (Emphasis added.)

³ See EXHIBIT 3a: Hospitalization Case Report, Chicago Police Department, Page 4-5 of CPD Area Investigative File.

⁴ See EXHIBIT 3a: Hospitalization Case Report, Chicago Police Department, Page 4-5 of CPD Area Investigative File

⁵ See EXHIBIT 7: Griffin's Video Taped Confession; *see also* EXHIBIT 29: Transcript of Video Statement of Geoffrey Griffin, June 17, 2000, at 2 a.m.

Jones' body was found by John Willis, a worker who had been rehabilitating the building. Jones was identified at the scene by her brother, Willie Johnson.

On May 17, 2000, another body, that of Roberta McKinney, was found just two blocks up and two blocks over from where Jones's body was found. By May 19, 2000, Area 2 police told the news media that the two strangulation deaths, as well as another nearby aggravated sexual assault on May 14, 2000, were "very possibl[y]" related and committed by the same offender.⁶ Geoffrey Griffin was arrested on June 15, 2000 in connection with Jones' murder.

Eventually, seven women were found dead, many of them in the area surrounding 11817 S. Yale, and within weeks of Angela Jones' death. All of the women were African American, engaged in prostitution, and were found in abandoned buildings, some badly decomposed. Griffin was ultimately charged with all seven murders.⁷

The Police Investigation

Officers investigating Jones' death interviewed neighborhood resident and voluntary witness, Paulette McCullum. McCullum informed investigating officers at the scene of the crime that the victim, "Cookie", had a drug abuse problem, and was a sex worker.⁸ An additional witness, "Red" Nina Mitchell, also approached investigating officers at the crime scene and identified Ronald Singleton as a person with whom the victim would sometimes take drugs.⁹ Ronald Singleton was thereafter approached on the street and interviewed by investigating officers.¹⁰ Singleton gave an alibi and agreed to accompany officers to Area Two.¹¹ While at Area Two, Detectives Lazzara and Brannigan interviewed Singleton. Singleton told Lazzara and Brannigan that he'd known "Cookie" for about two or three years and had had sex with her several times but it had been about a year since their last sexual encounter.¹² He admitted that, at an earlier date, he and Nina Mitchell had been in the building where the victim's body had been found.¹³ Singleton also repeated his alibi during a consensual polygraph and consented to a buccal swab. After successful completion of the polygraph, examiner Det. Bartik released Singleton.¹⁴

Police also questioned a man named William Carter, a boyfriend of Angela Jones, who also gave DNA via a buccal swab and was eventually released.¹⁵ Police reports said Carter refused to take a lie-

⁶ See Wilson, Terry, "2 Stranglings, Rape May Be Linked, Cops Say," *Chicago Tribune*, May 20, 2000.

⁷ See EXHIBIT 25: Chicago Sun Times. Nov. 15, 2001. Roseland Man Charged in Six More Sex Slayings DNA Evidence Links Suspect to South Side Killings. Frank Main.

⁸ See EXHIBIT 3b, Area Investigative File, Supplemental Police Report, May 23 2000, Area Investigative File Page 21/379.

⁹ See EXHIBIT 3b, Supplemental Police Report, May 23 2000, Area Investigative File Page 25/379.

¹⁰ See EXHIBIT 3b, Supplemental Police Report, May 23 2000, Area Investigative File Page 21/379.

¹¹ See EXHIBIT 3b, Supplemental Police Report, May 23 2000, Area Investigative File Page 22-23/379.

¹² Id.

¹³ Id.

¹⁴ Id. at p. 23

¹⁵ See Evidence Deposition of William Carter, Sept. 10, 2004 (p. 1119 of TIRC-Compiled ROP).

detector test.¹⁶ Carter testified he did take a polygraph test, and that detectives told him he had failed. Nonetheless he was released.¹⁷

On June 15, 2000, Illinois State Police Crime Lab Tech Mary Margaret Greer-Ritzheimer found that Griffin's DNA profile matched semen found on Angela Jones' anal swab.¹⁸ Griffin had previously been convicted of an aggravated battery where Griffin plead guilty to beating a woman.¹⁹ Griffin's conviction required his DNA profile to be stored in a state database.²⁰ Griffin was sentenced to three years for this crime and was paroled shortly before Jones' murder. As a result of this DNA match, on June 15, 2000, around 5:30 p.m., Detective Steven Brownfield went to 11616 S. Racine and spoke to Griffin, told him the gist of the investigation, and asked Griffin to come to Area 2 for questioning.²¹

Griffin was taken to Interview Room #3, where Detectives Steven Brownfield and Duckhorn interrogated him at 7 p.m.²² Evidence Technician R. Sorak performed a buccal swab collection and Griffin denied having sex with or killing Angela Jones.²³

During the interrogation, the area investigative file confirms Griffin's representations to TIRC that detectives asked Griffin if he'd had sex with any prostitutes since release. Griffin said he hadn't. The report further confirms that detectives showed Griffin photos of known prostitutes in the area including the victim and Griffin denied knowing any of them. He stated he had found Jesus while in prison and was an active member of a church with a steady girlfriend. Griffin stated that he had been celibate since his release from prison. Detectives questioned Griffin about whether he had gone to work on May 12, 2000. Griffin said he did go to work on that day.²⁴

Griffin was asked how he'd hurt his forehead. According to police, and Griffin's videotaped confession, Griffin stated he'd hurt it at Burger King while taking down a hot filter from above one of the cooking machines.²⁵ Griffin was asked to take a polygraph but Detectives soon learned that no polygraph tests could be given until the next day. Detectives then re-interviewed Griffin and received the same answers. Griffin then participated in a lineup in relation to the aggravated criminal sexual assault of another woman. No identification was made.²⁶

¹⁶ See EXHIBIT 3b, May 23, 2000 CPD Supplemental report, p. 18, at p. 24/379 of Area Investigative File.

¹⁷ See Evidence Deposition of William Carter, Sept. 10, 2004 ROP, 58-63, 141-142 (pp. 1174-1179, 1257-1258 of TIRC-Compiled ROP).

¹⁸ See EXHIBIT 3d: Illinois State Police Division of Forensic Services July 30, 2004 report, Area Investigative File page 43, 59/379.

¹⁹ Although only convicted of sexual assault, the victim testified at a later sentencing hearing that Griffin had also raped her, threatened to kill her and burned her eyes with a lighter in an attempt to blind her to keep her from later identifying him. She escaped by jumping, naked, out of a second-floor window. See *People v. Griffin*, 00-CR-16901, October 19, 2005, sentencing hearing testimony of victim at MMMM26 (p. 2134 of TIRC-Compiled ROP).

²⁰ See EXHIBIT 3c, Supplemental Police Report, June 30 2000, Area Investigative File, page 159/379

²¹ See EXHIBIT 4, Arrest Report, June 16, 2000, Area Investigative File page 39/379; see also ROP of Sept. 12, 2003, WW42 (p. 477 of TIRC-Compiled ROP).

²² See Brownfield Motion-to-Suppress Testimony, Sept. 12, 2003, WW-7 (TIRC-Compiled ROP 442).

²³ See EXHIBIT 3c: Supplemental Police Report, June 30 2000, Area Investigative File Page 159-160/379

²⁴ See EXHIBIT 3c: Supplemental Police Report, June 30 2000, Area Investigative File Page 159-160/379

²⁵ See EXHIBIT 3c: Supplemental Police Report, June 30 2000, Area Investigative File Page 160/379; See also EXHIBIT 15: Video still closeup of Geoffrey Griffin.

²⁶ See EXHIBIT 3c: Supplemental Police Report, June 30 2000, Area Investigative File Page 160/379

The following day, June 16, 2000, Detectives interviewed Griffin's manager who produced records showing that Griffin did *not* work on May 12, contrary to his alibi.²⁷ Griffin was re-interviewed by Detective Michael Cummings and confronted with his manager's representations. Griffin admitted to taking drugs and having sex with Angela Jones in a building at 105th and Parnell. Griffin said he left the location at 8 p.m.²⁸ Griffin, when confronted by detectives with his manager's statement, recalled that, instead of work, he'd gone to a drug treatment facility but was told to come back on a Saturday. Detectives quickly pointed out the clinic was closed on Saturdays.²⁹

On June 16, 2000, at 6 p.m., Griffin was taken to Homan Square to participate in a polygraph exam.³⁰ Griffin agreed to the exam. However, a Forensics Services Division Examination Briefing indicates that no polygraph exam was conducted for Mr. Griffin.³¹ According to a supplemental police report, subsequent to the pre-exam interview with polygraph examiner Bartik, Bartik called Det. Cummings into the interview room to interrogate Griffin. Griffin admitted to beating and strangling Angela Jones.³² After making a statement to Det. Cummings, Griffin again repeated his confession to Det. Judge, and was arrested for Angela Jones' murder. Griffin was then transported to 11819 S. Yale, where he identified the building where he killed the victim and showed investigating officers where he and the victim had entered the building. Investigating officers then transferred Griffin back to Area 2.³³ Thereafter, on June 16, 2000, after 6:00 pm, Felony Review Attorney Tom Mahoney was contacted and asked to review available reports. ASA Mahoney interviewed Griffin in the presence of Detective Cummings and Griffin provided his statement again. Griffin was then advised of different ways to memorialize his statement. Griffin chose to give a videotaped confession.³⁴ On June 17, 2000 at 2:00 am, Griffin gave his videotaped confession with ASA Mahoney and Det. Cummings present.³⁵

Griffin was charged via criminal complaint on June 17, 2000 with the offense of first degree murder where he, "without lawful justification and with the intent to kill Angela Jones strangled and battered Angela Jones thereby causing the death of Angela Jones."³⁶ The complaint lists Detective Michael Cummings as the sole witness. Griffin was subsequently indicted for Ms. Jones' murder and for the murder of several other women.³⁷

Pre-Trial Motions and Developments

²⁷ See EXHIBIT 3c: Supplemental Police Report, June 30 2000, Area Investigative File Page 159/379.(Det. Steve Brownfield interviewed Amy Harnett, a manager and Doug Brown, an assistant manager, at McDonalds Restaurant located at 2400 W. Lincoln Highway, Olympia Fields, IL. On May 15, 2000. The pair explained that Griffin had not worked on May 12th, 2000, although he had been scheduled to work.)

²⁸ See EXHIBIT 3c: Supplemental Police Report, June 30 2000, 8.

²⁹ See EXHIBIT 3c: Supplemental Police Report, June 30 2000, 8.

³⁰ See EXHIBIT 5: Polygraph Examination Results, Area Investigative File, Page 142/379.

³¹ *Id.*

³² See EXHIBIT 3c: Supplemental Police Report, June 30 2000, Area Investigative File Page 161/379

³³ See EXHIBIT 3c: Supplemental Police Report, June 30 2000, Area Investigative File Page 161-162/379

³⁴ See EXHIBITS 6 & 7: Consent to Videotape Statement form and Videotaped Statement, respectively

³⁵ See EXHIBIT 3c: Supplemental Police Report, June 30 2000, Area Investigative File Page 161/379

³⁶ See EXHIBIT 11, Griffin Criminal Complaint

³⁷ See Griffin was also indicted for murder in 01-CR-18968, 01-CR-30141, 01-CR-30149, 01-CR-30150, 01-CR-30151, 01-CR-30152 and for attempted murder and rape in 01-CR-30106. He was convicted of aggravated battery in 01-CR-30106 prior to this case's verdict and a guilty verdict on murder in 01-CR-30151. With two murder convictions and an aggravated battery conviction, the state ceased prosecution of the other cases.

In July of 2000, a grand jury of the Circuit Court of Cook County indicted Geoffrey Griffin for first degree murder.³⁸ Griffin was appointed Assistant Public Defender Jean Herigodt for his criminal trial.³⁹ Griffin opted for a bench trial before Judge Fred G. Suria, Jr.⁴⁰

Prior to trial, Attorney Herigodt filed a Motion to Suppress Geoffrey Griffin's Statements⁴¹ and a routine motion for discovery⁴², as well as a more unique motion to depose Detective Cummings and Polygraph Technician Bartik.⁴³ In his motion to suppress, Griffin alleges:

*"the defendant was deprived of sleep and adequate food until shortly before his interview by an Assistant State's Attorney during the late evening of June 16, 2000, or early morning hours of June 17, 2000. ... That the statements sought to be suppressed were obtained as a result of physical coercion... [where] [s]pecifically, the defendant was pushed into a wall, and struck in his head with handcuffs by an older, Caucasian detective who had a heavy set build and gray hair. The defendant was also punched in the face by an older Caucasian detective with a medium build and light colored hair... the defendant was denied the opportunity to make a phone call, handcuffed to a rail for long periods of time, yelled at, had the photograph of the deceased victim shoved in his face, told he was never going to leave the police station. That Detective Cummings offered to help defendant and stated that he could get him out if he was willing to take a lie detector test. The polygraph examiner told the defendant that even if he passed a lie detector test, it would not matter because they had DNA evidence against him. The polygraph examiner told him to say that the victim's death accidentally occurred during "rough sex" that was consented to by the victim-prostitute.... [And that] the defendant's Buccal swab was obtained by falsely representing that it was required by parole regulations."*⁴⁴

In support of Griffin's Motion to Suppress, Attorney Herigodt attempted to introduce evidence of allegations that Detective Cummings had struck another criminal defendant Corethian Bell in an unrelated case. On July 15, 2003, Attorney Herigodt motioned in open court for Leave to Depose Detective Cummings and Polygraph Examiner Bartik.⁴⁵ Attorney Herigodt sought to depose Detective Cummings as it related to his involvement in the interrogation of Corethian Bell, and Examiner Bartik as it related to the abandoned polygraph exam of Geoffrey Griffin.

In response to Attorney Herigodt's motion for leave to depose, the state argued Det. Cummings' behavior in the Corethian Bell case was irrelevant and that his participation in a deposition would unduly prejudice Det. Cummings where Det. Cummings had been personally named in Bell's civil suit against

³⁸ See EXHIBIT 12: People v. Griffin Grand Jury Indictment

³⁹ People v. Griffin, 00-CR-16901, Griffin Motion for Discovery, July 27, 2000.

⁴⁰ People v. Griffin, 00-CR-16901, ROP of Sept. 16, 2005, III17-III10, (p. 1486-1489 of TIRC-Compiled ROP).

⁴¹ See EXHIBIT 13, People v. Griffin, 00-CR-16901, Motion to Suppress Statements, Filed April 23, 2003, Denied November 4, 2003.

⁴² See EXHIBIT 17, Griffin Motion for Discovery, July 27, 2000.

⁴³ See EXHIBIT 30, Motion to Depose; see also EXHIBIT 18, People v. Griffin, 00-CR-16901, Handwritten Docket, 7/13/03 Entry.

⁴⁴ See EXHIBIT 13: People v. Griffin, 00-CR-16901, Motion to Suppress Statements, Filed April 23, 2001, Dismissed November 4, 2003.

⁴⁵ People v. Griffin, 00-CR-16901, Handwritten Docket, July 13, 2003 Entry.

Cummings and seven of his colleagues.⁴⁶ The complaint in that civil suit alleged officers struck Mr. Bell in the head and fabricated a confession on behalf of Mr. Bell.⁴⁷ At Attorney Herigodt's request, Investigator Bill Garmon interviewed Corethian Bell. In relevant part, Mr. Bell was presented with a photo array; Mr. Bell identified Detective Cummings and alleged that Det. Cummings had struck him in the head and threatened him while he was being interrogated at the Area 2 Police Station.⁴⁸ Ultimately, the court denied Griffin's motion for leave to depose Det. Cummings, ruling that there was no purpose in calling the officers in three times (once for depositions, once for the motion and once for trial).⁴⁹ The court also refused to allow the public defender investigator to testify about Bell's interview at the suppression hearing on the grounds of hearsay.⁵⁰

During Griffin's Motion to Suppress hearing, Detective Brownfield testified on direct examination that he and his partner, Det. Duckhorn, interviewed Griffin three times on June 15, 2000.⁵¹ Brownfield recalled three interrogation sessions and one lineup: the first interrogation session took place at 7pm and lasted approximately 30 minutes, the second interrogation session took place at 7:45pm. Brownfield recalled there was a lineup conducted after the second interrogation sometime after 7:45pm with one follow up interrogation occurring sometime after the lineup. Brownfield also indicated that there are no photographs of the lineup because it is Chicago Police Department policy not to photograph lineups where no identification is made. Brownfield noted that Petitioner's Exhibit 2 was a booking photograph of Griffin taken on June 17th, 2000. Brownfield also testified he'd asked all the questions during the interrogations and denied pushing or hitting Griffin in the forehead. During cross examination, Brownfield recalled that he'd asked Detectives Cummings to interrogate Griffin on June 16, 2000, while Brownfield visited Griffin's employer at McDonald's to investigate Griffin's work-related alibi. Brownfield also confirmed he spoke with Ms. Amy Harnett, the manager at McDonald's where Griffin worked. Brownfield explained he did not document Ms. Harnett's inability to find any documentation indicating Griffin was injured at work, but did include Griffin's timesheet⁵² in his record. (Griffin, in fact, said he was injured at his other job at Burger King in his confession, not at his McDonald's job.⁵³)

Detective Bartik also took the stand during Griffin's Motion to Suppress Hearing. During his direct examination, Bartik testified Griffin's polygraph exam was scheduled for 6pm on June 16, 2000 and was to be taken at 1011 South Homan Avenue. Bartik testified that Griffin gave a full confession during the pre-polygraph interview. Upon receiving Griffin's confession, Bartik testified he called Detective Cummings into the room and asked Griffin to repeat his confession for Det. Cummings. On cross-examination, Bartik acknowledged that he "might have" used the term "rough sex," in questioning Griffin, which the defense portrayed as Bartik creating Griffin's confession for him.⁵⁴

⁴⁶ See EXHIBIT 19: People v. Griffin, 00-CR-16901, Detective Cummings' Motion For Protective Order Due to Unrelated Litigation.

⁴⁷ See EXHIBIT 21: Corethian Dion Bell v. Chicago Police Detective M. Cummings (Star No. 21101); et. al., 02L008857, Civil Complaint, pages 7-8.

⁴⁸ See EXHIBIT 20: Cook County Office Of The Public Defender Reply To Investigation Request, September 30, 2003, Summary of Investigation.

⁴⁹ Record of Proceedings, August 27, 2003 Page VV11-VV12 (Pages 420-421 of TIRC-Compiled ROP)

⁵⁰ See ROP of Nov. 4, 2003, 26-33 (pp. 785-792 of TIRC-Compiled ROP).

⁵¹ See EXHIBIT 14: Transcripts of Motion to Suppress Hearing.

⁵² See EXHIBIT 9, Griffin's McDonald's Timesheet.

⁵³ See Video of Confession of Geoffrey Griffin, at 15:25.

⁵⁴ See Robert Bartik suppression testimony of Sept. 12, 2003, W-117 (P. 552 of TIRC-Compiled ROP)

Detective Cummings testified that his first conversation with Griffin took place at noon on June 16, 2000. Det. Cummings testified Griffin initially shared that he was in custody because of some “bull shit” because he’d had sex with Angela Jones on May 10, 2000. Det. Cummings testified that Griffin identified Jones from an arrest photo and presented an alibi for his whereabouts on May 12, 2000.⁵⁵

Detective Cummings testified his second interview with Griffin took place at 3pm on June 16, 2000 in the Area 2 police station interrogation room. According to Det. Cummings, Griffin alleged he’d been at work and at a drug counseling appointment on May 12th, 2000. According to Det. Cummings, Griffin also requested a polygraph exam. Cummings’ third conversation with Griffin took place between 6pm and 7:30pm at the polygraph exam office located at the Homan Square Police Facility in front of polygraph examiner Det. Bartik. According to Cummings, this third encounter is where Griffin confessed to Cummings and Det. Judge, and Det. Cummings subsequently asked Griffin to direct him to the scene of the crime. Griffin did so willingly.⁵⁶

Audrey Hubbard, risk management coordinator for Burger King, testified that her company had no reports of any injury to Griffin at work, but that her records were only as good as the people at the stores, and if an injury had not been reported, she would have no way of knowing of it.⁵⁷

Shirley Bailey, a Roseland Hospital Emergency Room Nurse, also testified at Griffin’s Motion to Suppress Hearing. Nurse Bailey testified she was working on June 14th, 2000 (the day before Griffin went into police custody) when her chart reflects she saw Geoffrey Griffin with complaints of shortness of breath. According to Nurse Bailey, Roseland Hospital intake includes an overall assessment which features a laceration chart. Nurse Bailey testified during cross examination that Griffin’s complaints about his difficulty breathing took precedent over any concerns about any marks on Griffin’s face; that without Griffin complaining about any head injury, Nurse Bailey would not typically pay attention to any marks on Griffin’s face. Nurse Bailey testified that although her bruise sheet noted no marks on Griffin’s forehead, she could not be sure about whether or not Mr. Griffin had a mark on his forehead on June 14th, 2000.⁵⁸

Geoffrey Griffin then testified.⁵⁹ Griffin largely maintained the claims put forth in the written motion, including that Brownfield had hit him in the forehead. Griffin also testified, “[Det. Cummings] continue[d] to ask me, and then he said ‘Your DNA was the only DNA that was found in this woman. Your DNA at the murder scene.’ And he said, ‘You cannot get out of this. You are not going anywhere.’ He pushed the pictures in my face, and I pushed the pictures back, and then he hit me. ... He hit me in my face. ... with a closed fist... [in] my jaw.”⁶⁰ The state on cross-exam pointed out that Griffin’s written motion to suppress identified the detective who struck him in his jaw only by a physical description and not by Cummings’ name, even though the written motion contained Cummings’ name elsewhere in connection with other conduct. Griffin also testified at the suppression hearing that he had not had sex

⁵⁵ See ROP of Sept. 24, 2003, Michael Cummings testimony, 7 (p. 578 of TIRC-Compiled ROP)

⁵⁶ *Id.*

⁵⁷ See October 29, 2003 testimony of Audrey Hubbard, AAA20 (p. 678 of TIRC-Compiled ROP).

⁵⁸ See October 29, 2003 testimony of Shirley Bailey, AAA6 (p. 654 of TIRC-Compiled ROP).

⁵⁹ *People v. Griffin*, 00-CR-16901, ROP of October 29, 2003, AAA-27 (p. 685 of TIRC-Compiled ROP).

⁶⁰ *People v. Griffin*, 00-CR-16901, ROP of October 29, 2003, AAA-46 (p. 704 of TIRC-Compiled ROP).

with Angela Jones, despite the semen found indicating he did.⁶¹ This testimony was later contradicted at trial by Griffin's own attorney, who argued Griffin had had consensual sex with Jones.⁶²

Judge Suria dismissed Griffin's Motion to Suppress his statements. As a preface to his ruling, Judge Suria acknowledged

*"... there have been enough cases in the news recently in which the police have, in fact, used coercion, duress, threats and or promises to obtain confessions. There is one in which is there is a special committee appointed in which a whole area of police officers are accused of using those tactics so many years ago. There is no question that it does occur. The question is did it occur in this case ..."*⁶³

Judge Suria opined that the laceration which Griffin claimed to have received from Det. Brownfield appeared to be "a relatively new injury [that] appear[red] to be, from the photograph ...in evidence, a healing process already occurring."⁶⁴ In short, Suria believed it a burn, not a cut from a handcuff punch. Judge Suria also noted that Griffin's confession directly contradicted Griffin's Motion to Suppress hearing testimony as it related to the source of the laceration on Griffin's forehead.⁶⁵ Judge Suria was candid about his reservations relating to Griffin's contradicting statements; Judge Suria could not deduce "when to believe" Griffin.⁶⁶

On September 13, 2004, Attorney Herigodt made a motion to re-open Griffin's Motion to Suppress hearing on the grounds that the state had just supplied to her the name of another witness, Joshua Cash, who claimed that Cummings had struck him during an interrogation.⁶⁷ That request was initially denied in a March 17, 2005 hearing, but reconsidered by Suria and reversed later during the same hearing. Assistant State's Attorney Robert Hovey on May 9, 2005 made a motion to reconsider the court's ruling allowing the re-opened suppression hearing. On June 13, 2005, Judge Suria reopened the suppression hearing, but without calling witnesses. Instead, he accepted the defense attorney's representation that she had two additional witnesses who would testify that Det. Cummings struck them during interrogations. Nonetheless, Judge Suria again found that Griffin had freely and voluntarily confessed to the crime. In so ruling, he stated that while Griffin had testified detectives told him to say on video that he had been injured at work, there was no evidence in the record that the detectives knew what job Griffin performed at work, and no evidence they would have been able to manufacture the story that Griffin provided on tape: that he had been changing a hot, overhead filter that fell on his forehead and burned him.⁶⁸ Although Judge Suria discussed during his ruling the allegation against Brownfield that Griffin had been punched in the forehead with a pair of handcuffs, he did not specifically discuss the

⁶¹ See October 29, 2003 testimony of Geoffrey Griffin, AAA67 (p. 705 of TIRC-Compiled ROP).

⁶² See Sept. 20, 2005, closing argument of Jean Herigodt, KKK-155 (p. 2031 of TIRC-Compiled ROP).

⁶³ People v. Griffin, 00-CR-16901, Nov. 4, 2003 Motion to Suppress Transcript, 105-106 (p. 864-869 of TIRC-Compiled ROP).

⁶⁴ People v. Griffin, 00-CR-16901, Nov. 4, 2003 Motion to Suppress Transcript, 107-108 (p. 870-871 of TIRC-Compiled ROP).

⁶⁵ Id.

⁶⁶ Id.

⁶⁷ See EXHIBIT 16: Motion to RE-Open Motion to Suppress; see also Sept. 13, 2004 Transcript, TTT3 (p. 1289 of 2180 of TIRC-Compiled ROP).

⁶⁸ People v. Griffin, June 13, 2005 transcript, EEEE8-EEEE10 (pp. 1429-1431 of TIRC-Compiled ROP).

allegation that Cummings had punched Griffin in the jaw. Suria also ruled that, in order for the pattern witnesses against Cummings to be admitted at trial, Griffin would have to testify.⁶⁹

Trial Proceedings

Griffin's bench trial began September 16th, 2005 before Judge Suria, Jr. Griffin and the State agreed to combine the trials concerning Griffin's alleged murder of both Beverly Burns and Angela Jones, allowing the cases to be tried separately but simultaneously.⁷⁰ Griffin did not testify at trial.⁷¹ During trial, Griffin's attorney alleged Griffin's videotaped confession was inaccurate, not properly vetted by ASA Mahoney, and coerced by investigating officers.⁷² Attorney Herigodt repeatedly referred to Griffin's videotaped statement as a false, coerced, confession throughout the bench trial proceeding.⁷³ Detective Brownfield denied committing the torturous acts Griffin alleged coerced his confession.⁷⁴ Trial testimony of several witnesses produced evidence contradicting aspects of Griffin's allegedly coerced statement, including:

- Testimony confirming that victim Angela Jones likely did not ingest cocaine "just prior" to her death. However, the medical examiner noted that cocaine continues to metabolize after death and cocaine metabolites were found in her blood.⁷⁵
- A pathologist's opinion that Angela Jones' injuries were much more severe than that which would have been caused by the conduct as outlined in Griffin's statement.⁷⁶
- Factual discrepancies related to the narrative details in Griffin's statement.⁷⁷
- Detective Brownfield's testimony that Amy Harnett, the manager of the Olympia Fields McDonald's where Griffin worked, could not confirm Griffin was injured while at work. Further, Det. Brownfield acknowledged on the stand that this detail was omitted from his police report.⁷⁸

⁶⁹ *Id.* at EEEEE11 (p. 1432 of TIRC-Compiled ROP).

⁷⁰ People V. Griffin, 2000-CR-16901, Bench Trial Transcript of Sept. 16, 2005, IIII-3 – 5; (p. 1482 of TIRC-Compiled ROP)(See Also, People V. Griffin 2001 CR 30140)

⁷¹ People v. Griffin, 00-CR- 16901, Bench Trial transcript, KKKK 148 (p. 2024 of TIRC-Compiled ROP).

⁷² People v. Griffin, 00-CR-16901, Bench Trial Transcript of Sept. 20, 2005, Closing Argument, KKKK 151-172, (pp. 2027-2048).

⁷³ People v. Griffin, 00-CR-16901, Bench Trial Transcript of Sept. 16, 2005, Opening Statement, IIII 30-31, 26, (pp. 1502-1511 of TIRC-Compiled ROP).

⁷⁴ People v. Griffin, 00-CR-16901, Bench Trial Transcript, IIII-151 to 227 (p. 1630-1706 of TIRC-Compiled ROP (Detective Brownfield denies ever yelling at Griffin, striking Griffin, pushing Griffin, or telling Griffin he could never leave the station).

⁷⁵ See People v. Griffin, 00-CR-16901, Bench Trial Transcript Sept. 16, 2005, IIII 30-31, 100-101 (pp. 1509-1510, 1579-1580 (testifying that the cocaine in the victim's body had metabolized; that the victim likely had not ingested cocaine near the time of her death.)

⁷⁶ See People v. Griffin, 00-CR-16901, Bench Trial Transcript Sept. 16, 2005, IIII 30-32; IIII 90-93(pp. 1509-1511 of TIRC-Compiled ROP) (explaining that in Dr. Nancy Jones' opinion, Angela Jones' injuries were so severe as to be akin to injuries sustained in a car accident, not "rough sex").

⁷⁷ See People v. Griffin, 00-CR-16901, Bench Trial Transcript Sept. 16, 2005, IIII at 180, 211-213, and 217-219 (1659, 1690-1692 and 1696-1698 of TIRC-Compiled ROP. (Det. Brownfield testifying that method of entry into the crime scene was via a loose board in the back porch wall, not the back door as Griffin had stated; and that Griffin's supervisor could not confirm Griffin had been injured at work.)

⁷⁸ People v. Griffin, 00-CR-16901, Bench Trial Transcript Sept. 16, 2005, IIII 213 (p. 1692 of TIRC-Compiled ROP).

Audrey Hubbard's suppression testimony reporting she had no record of Griffin being injured at Burger King was also admitted as evidence. In addition, new, stipulated testimony of Griffin's Burger King supervisor Sandra Ruffin was introduced.⁷⁹ Ruffin's stipulation was that Geoffrey Griffin was a porter/maintenance worker at the restaurant she supervised in June of 2000. Ruffin also testified Griffin's job included responsibility for "taking down filters which are above the grill where hamburgers are made".⁸⁰ According to Ruffin's testimony, "if the filters are not allowed to cool, they will be hot and they will be hot enough to burn some[one]."⁸¹ Ruffin also noted in her stipulated testimony that she had no knowledge of Griffin suffering an injury at work.⁸²

Also introduced was the evidence deposition of William Carter, who testified that when he was questioned by police on May 17, 2000, he was not threatened or hit by two African-American plain-clothes officers who questioned him over two-and-a-half days, but that they did ignore his requests for an attorney. He also testified that police had questioned him about other murders, including the murder of Roberta McKinney.⁸³ Contrary to police reports, Carter testified he *did* take a lie-detector test, even identifying the Homan Square location near the old Sears building as the location where he was tested.⁸⁴ He estimated he was held for two to three days.⁸⁵

On September 21, 2005, Judge Fred Suria, Jr. found Geoffrey Griffin guilty of the first degree murder of Angela Jones, primarily citing DNA evidence and the questionability of Griffin's alibi.⁸⁶ Griffin was found not guilty of the first degree murder of Beverly Burns, primarily because Judge Suria found the evidence inconclusive as to whether Burns had been killed before or after Griffin's arrest.⁸⁷

Appeals and Post-Conviction Proceedings

Attorney Herigodt's motion for new trial was denied October, 19, 2005.⁸⁸ In his 2009 direct appeal of the trial court's decision, Griffin argued the State failed to satisfy the requisite burden of proof, the trial court erroneously denied his motion to suppress, and that his mittimus should be corrected to reflect a single conviction.⁸⁹ The appellate court ruled that the evidence at trial was sufficient to prove beyond a reasonable doubt that Griffin had committed the crime in question. The appellate court reasoned, "although [Griffin] points to inconsistencies in the evidence, it is not this court's duty to retry

⁷⁹ See Trial Transcript, Sept. 20, 2005 ROP, KKKK 116 (p. 1992 of TIRC-Compiled ROP).

⁸⁰ Id.

⁸¹ Id.

⁸² Id.

⁸³ See September 10, 2004 deposition of William Carter, 47 (p. 1163 of TIRC-Compiled ROP)

⁸⁴ See September 10, 2004 deposition of William Carter. This testimony about taking the polygraph at Homan Square around May 17, 2000 would also seem to conflict with police testimony and reports that the polygraph exam room moved from the CPD's 11th and State location to Homan Square on June 15, 2000 when Griffin was in custody.

⁸⁵ Id. at 44 (p. 1160 of TIRC-Compiled ROP)

⁸⁶ People v. Griffin, 00-CR-16901 Bench Trial Transcript Sept. 21, 2005, LLLL 3- 4 (pp. 2074-2075 of TIRC-Compiled ROP)

⁸⁷ Id. However, at sentencing, an evidence technician testified that large swatches of Burns' blood had been found on Griffin's clothes and he ruled that indicated some form of violence had been committed upon Burns by Griffin. See ROP of Oct. 19, 2005, MMM1 (p. 2109 of TIRC-Compiled ROP).

⁸⁸ People v. Griffin, 00-CR-16901 Bench Trial Transcript of Oct. 19, 2005, MMMM 3-4 (pp. 2111-2112 of TIRC-Compiled ROP).

⁸⁹ See EXHIBIT 28, *People v. Griffin*, First District, Fourth Division, No. 1-05-3778, Feb. 5, 2009,

the defendant by resolving conflicts or giving weight to the evidence⁹⁰ Defendant has not clearly established that he was injured while in police custody; the State, therefore, need not meet the heightened burden of clear and convincing evidence in order to overcome defendant's motion to suppress."⁹¹ The trial court's ruling was affirmed and Griffin's mittimus was corrected to reflect only one murder.

Griffin filed a pro-se post-conviction petition on March 7, 2014.⁹² In it, Claimant Griffin argued: (1) his confession was the product of physical torture. (2) Griffin alleged his interrogation was unconstitutional and featured torture at the hands of Det. Brownfield who pushed him against a wall and hit him in the head with handcuffs causing an injury to his forehead. (3) Griffin also alleged he was struck by Det. Cummings. (4) Finally, the pro-se petition alleged Griffin's buccal swab was taken as a result of "coercive police tactics". On May 15, 2014, Griffin was subsequently appointed a public defender by Judge Joseph Claps. In September 2015, attorney Bruce Landrum filed an amended petition for postconviction relief on behalf of Geoffrey Griffin. The Amended Petition alleges Griffin was denied effective assistance of counsel where his appellate counsel failed to appeal the trial court's ruling keeping evidence of systematic torture of other suspects by Cummings out of the suppression hearing. The amended petition also alleges that newly discovered evidence of widespread police brutality corroborated Griffin's long-standing claim that his confession had been coerced.⁹³

TIRC Investigation

TIRC Claim Form, Correspondence, and Interview

On or about May 22, 2013, Griffin wrote a letter⁹⁴ to the Commission explaining he'd recently learned that Detective Brownfield and Detective Cummings were subordinates of Officer Jon Burge.⁹⁵ The letter went on to allege that he'd been tortured at the hands of these detectives. Specifically, Griffin wrote "I have valid proof that [Detective Brownfield] tortured me and as a result my confession [was] coerced."⁹⁶ On or about May 23, 2013, Commission staff responded to Griffin by providing him with a formal claim form.⁹⁷

On or about May 27, 2013, Geoffrey Griffin lodged a claim with the Commission. (*See* EXHIBIT 1, Claim Form) In his claim form, Griffin alleged he was tortured by Detectives Brownfield and Cummings on or about June 16, 2000 in the Area 2 Police Station. Griffin claimed he was pushed into a wall, hit in the face with a closed fist, and hit with hand cuffs in the head. Griffin noted in his claim form that his claim could be supported by Cook County court records, Cermak Health Services records, and Roseland Hospital records.

Commission staff interviewed Griffin July 11, 2018.⁹⁸ Griffin's allegations were largely identical to the allegations he'd made during his motion to suppress hearing. Mr. Griffin noted that when officers

⁹⁰ *Id.* At page 13, citing *Campbell*, 146 Ill. 2d at 375.

⁹¹ *Id.* at page 14-15. Citing *Case*, 218 Ill. App. 3d at 155.

⁹² *See* EXHIBIT 22: Griffin Post-Conviction Petition Docket.

⁹³ *See* EXHIBITS 23 and 28: Post Conviction Petition filings and Appellate Opinions, respectively.

⁹⁴ *See* EXHIBIT 2a, May 22, 2013 Letter from Geoffrey Griffin

⁹⁵ Brownfield was; Cummings was not.

⁹⁶ *See* EXHIBIT 2a: May 22, 2013 Letter from Griffin to TIRC

⁹⁷ *See* EXHIBIT 2b, May 23, 2013 Letter from TIRC to Griffin

⁹⁸ *Hear* EXHIBIT 10, July 11, 2018 TIRC interview of Geoffrey Griffin, Parts I and II.

met him at his home, he was not under the impression that he was being arrested. Griffin explained that he was asked to accompany the officers in order to comply with his parole officer's request for a DNA sample. This particular detail is noticeable in that it differs from Griffin's contention at his Motion to Suppress Hearing that he was asked for a DNA sample during his custodial interrogation, not at his home.

Mr. Griffin also recalled that not only was he shown photos of the victim, but those photos were shoved in his face. In order to clarify how this may have occurred, TIRC Staff asked Mr. Griffin to detail how the interrogation room was set up. Mr. Griffin took an unusually long pause before describing that one detective was directly across from him at a table and Brownfield was to his left; that to his immediate right, there was a wall; and he was shoved into that wall adjacent to him. Mr. Griffin explained that when the photos were being forcefully shoved in his face, he began to rise up from his chair and motioned with his hand to move the photos out of his face. At that moment, Griffin explained, that he was pushed and then punched in the forehead with handcuffs (used in a fashion akin to brass knuckles), and as he fell backwards, he was pushed into the wall adjacent him. He also repeated his allegation that Cummings punched him. In his TIRC interview he did not initially mention that the punch occurred after Griffin had pushed back toward Cummings pictures that Cummings had shoved at him.⁹⁹ However, questioned as to whether this was the case, he acknowledged that picture-pushing had occurred before the punch from Cummings also.¹⁰⁰ He denied his pushing or rising could have been interpreted as aggressive, and described it as more defensive than anything. He noted that when Cummings punched him, he was still handcuffed.

TIRC Interviews with Dr. Kaufman¹⁰¹

Dr. Michael Kaufman, a forensic pathologist, was asked to review Griffin's booking photo taken at 3:20 a.m. on June 17, 2000 and a still photograph pulled from Griffin's videotaped confession, which was taken at 2:15 a.m. on June 17, 2000. In his Motion to Suppress, at trial, and during his TIRC interview, Griffin alleged that the mark above his left eyebrow in his booking photo was an injury sustained from being punched by Detective Brownfield with handcuffs less than 33 hours prior to the photograph being taken. In the alternative, the State contended, and Judge Suria agreed, this laceration was a burn incurred at work on June 12, 2000 and was in the process of healing at the time these photos were taken. To reconcile these conflicting accounts, Commission staff asked Dr. Kaufman his professional opinion of the laceration: whether it was a burn or a cut, and how old the mark was at the time the photo was taken. Dr. Kauffman opined that, medically speaking, the photographs were inconclusive. However, the mark lacked any sign of the redness, swelling or puss that one would expect to see with a handcuff strike, which made him personally feel it was a burn. Again, however, he stressed that his professional medical opinion was that the evidence was inconclusive. On April 16, 2019, TIRC staff sent Dr. Kaufman a second print of the booking photo it had obtained as well as the Cermak bruise sheet and a jail nursing report made about 12 days after Griffin was incarcerated. On April 17, 2019, staff re-interviewed Kaufman about both the previously reviewed evidence and the new documents. Kaufman again said that, without an examination of the wound at the time, his professional medical opinion was that the evidence was inconclusive. However, he stated he leaned toward a burn due to the presence of some scabbing and healing, which made the possibility of the wound being just 33 hours old less likely.

⁹⁹ *Hear* TIRC interview with Griffin, Part I, 38:50

¹⁰⁰ *Hear* TIRC interview with Griffin, Part II.

¹⁰¹ *See* EXHIBITS 26 and 27: TIRC Letter to Dr. Kaufman and Attorney Jenkins Report on Dr. Kaufman's Opinion.

Dr. Kaufman concluded that his professional opinion was that the evidence was inconclusive, but stated “If I had to bet the farm, I would say it was a burn.”.

American Medical Experts’ Forensic Pathologist’s Opinion

TIRC also retained a second licensed forensic pathologist to review Griffin’s photographs and medical records regarding the mark on the forehead. Noting the quality of the photographs and a lack of scale to gauge the size of the injury, that expert noted that “[t]he etiology of that injury cannot be determined with reasonable medical certainty.” He added that “[h]owever, it appears that it is a healing wound, covered partially with dry scab and periphery of the wound is healed. * * * It is more likely than not that this injury occurred approximately 4-5 days prior to taking the photographs of Mr. Griffin and more likely due to exposure to a hot, blunt object than a punch with a metal fist/knuckle.”¹⁰²

Cermak Health Services Records

TIRC staff subpoenaed records from Cermak Health Services including a bruise sheet from Griffin’s Cook County Jail intake process. The bruise sheet, dated June 18, 2000, indicates Griffin participated in a physical exam one day after Griffin’s videotaped confession. The bruise sheet is titled, “Physical Exam Record”; it notes Griffin’s appearance was fair and that there was a sore on Griffin’s forehead. Listed on the bruise sheet are ten descriptions for the intake nurse to choose from when describing any marks on the examinee. The ten descriptors included: Bruise, Cut, Swelling, Sore, Amputation, Bandage, Cast, Scar, Tattoo, and Birthmark. No additional notes about the nature of the mark are included on the bruise sheet.

Pattern and Practice Evidence¹⁰³

Griffin has alleged Detectives Steven Brownfield, Michael Cummings, and Daniel Judge were involved in his arrest or abuse. Each of these officers was employed at Area 2 at the time of Mr. Griffin’s alleged abuse, and at least one, Brownfield, was supervised by Former Police Commander Jon Burge at one point in his career.

Officer Steven Brownfield- Officer Brownfield has only three complaints registered against him with the Office of Professional Standards or its successor, the Independent Police Review Authority.¹⁰⁴ Of CR-199664, CR-246045, and LOG 1026367, none of these three complaints against Brownfield were ruled as sustained. Anthony Pressley alleged in CR199664 that Brownfield lied before a grand jury. A related civil suit was dismissed. Kenneth Pettigrew alleged in CR 246045 that Brownfield held him without cause for 8 hours. Log 1013091 reiterated the complaints made in a civil suit by Larry Scott. Scott sued Brownfield and other detectives, alleging Brownfield was aware that other detectives were denying him medical treatment for heroin withdrawal and a painful ankle infection to induce a confession. Scott was initially convicted but his conviction was reversed and confession suppressed on the grounds that his arrest had no probable cause. In doing so, the appellate court ruled that “the purpose and flagrancy of police misconduct” factor weighed in Scott’s favor. Scott filed a civil suit alleging his confession was

¹⁰² See EXHIBIT 32: Report of American Medical Experts’ licensed forensic pathologist on Griffin evidence.

¹⁰³ See EXHIBIT 24: Officer Complaint History Summaries.

¹⁰⁴ CR 199664. See Also, CR 246045. See Also, LOG 1026367.

coerced and he was maliciously prosecuted. A jury denied the coerced confession claim, but awarded \$400,000 for the malicious prosecution claim.

Brownfield has faced additional allegations of coerced confessions in motions to suppress and lawsuits.

Clarence Trotter alleged in his suppression hearing that Brownfield bagged him before several officers beat him in an interrogation. Trotter's motion alleging an involuntary confession was denied, but the appellate court reversed his conviction on separate Miranda grounds, finding that Trotter's attorney had notified police they were not to question his client. Trotter was retried without the confession and reconvicted. Robert Smith alleged that Brownfield and another detective threatened to 'slam [his] [racial epithet] ass all over this room,' and that Detective McWeeny punched Smith in the sides with handcuffs wrapped around his fist. In 2013, the appellate court granted Smith the chance to file a post-conviction petition and TIRC referred his claim to court. His hearing was in the discovery phase as of September, 2019.¹⁰⁵

Officer Michael Cummings – Officer Cummings' Complaint Registers and lawsuits feature 32 complaints, including seven alleging physical abuse during interrogation or arrest. Many complaints allege Officer Cummings used racial slurs as a form of intimidation during arrests. Allegations of physical abuse also occurred regularly throughout Officer Cummings' complaint registers. Most notably, a Cook County Public Defender attempted to substantiate the claim of a juvenile complainant. Specifically, the complaining Public Defender noted that Detective Cummings departed from CPD protocol on several occasions. Finally, complaints against Officer Cummings also featured grievances regarding Officer Cummings' behavior at a bar, McNally's Pub. Complainants alleged Cummings owned the pub, was illegally hosting gambling sessions and, on one occasion, cleared out the bar because he was upset by the large number of black patrons present. Those complaints were not sustained, but Cummings was issued a 90-day suspension for acting as an "agent" of the bar for setting up a band performance and paying the band on behalf of the bartender. (Participation in owning or running a bar is not allowed for Chicago Police Officers.)¹⁰⁶

Most significantly, Corethian Bell alleged Cummings and other officers isolated him for 50 hours, lied by telling him he had failed a polygraph, and struck him in the head. Charges were dropped against Bell after DNA results indicated the presence of another man's blood at the murder scene, and that defendant was charged. Bell went on to win a \$1 million settlement in a civil suit against Cummings and the Chicago police department.

This Commission last December also referred the claims of Raymond Lee and John Mitchell to court after finding sufficient evidence of torture meriting judicial review. Each of those defendants accused Cummings of beating and threatening them.¹⁰⁷

Officer Daniel Judge- Officer Judge's Complaint Register history featured 13 complaints. Of those 13 complaints, six alleged Officer Judge verbally assaulted complainants either with vulgarity or with racial slurs. None of the complaints allege Officer Judge physically hit or otherwise harmed any of

¹⁰⁵ See EXHIBIT 24C: Summary of Complaints Against Det. Steven Brownfield.

¹⁰⁶ Log 1067677.

¹⁰⁷ See EXHIBIT 24A: Summary of Complaint Registers for Officer Michael Cummings.

the complainants. However, one of the complaints alleges Officer Judge was present while his partner slapped complainant Juan Maldonado. The remaining complaints allege Officer Judge entered homes without a search warrant and/or failed to inventory complainants' property. None of the complaints against Officer Judge was sustained.¹⁰⁸

STANDARD OF PROOF

Section 40(d) of the Illinois Torture Inquiry and Relief Act permits the Commission to conduct inquiries into claims of torture. 775 ILCS 40/40(d).

“Claim of torture’ means a claim on behalf of a living person convicted of a felony in Illinois asserting that he was tortured into confessing to the crime for which the person was convicted and the tortured confession was used to obtain the conviction and for which there is some credible evidence related to allegations of torture.” 775 ILCS 40/5.

If five or more Commissioners conclude by a preponderance of the evidence that there is sufficient evidence of torture to merit judicial review, the case shall be referred to the Chief Judge of the Circuit Court of Cook County. If fewer than five Commissioners conclude by a preponderance of evidence that there is sufficient evidence of torture to merit judicial review, the Commission shall conclude there is insufficient evidence of torture to merit judicial review.

The Commission is not tasked by the General Assembly to conduct full, adversarial, evidentiary hearings concerning the likelihood of torture, or even to make a final finding of fact that torture likely occurred. That remains the role of the courts. Instead, the Commission has interpreted Section 45(c), through its administrative rules, as not requiring that it be more likely than not that any particular fact occurred, but rather that there is sufficient evidence of torture to merit judicial review.¹⁰⁹

¹⁰⁸ See EXHIBIT 24B: Summary of Complaint Registers for Officer Daniel Judge.

¹⁰⁹ Although this claim involves a former Burge supervisee (Brownfield), in 2016, the legislature expanded the Commission's jurisdiction to all Cook County convictions and beyond only those cases connected to Burge. See P.A. 99-688.

In general, the approach the Commission has taken is akin to the concept of “probable cause;” that is, there must be enough evidence that the claim should get a hearing in court. See FAQ No. 8, <https://www.illinois.gov/tirc/Pages/FAQs.aspx/>. The Illinois Appellate Court has noted that “the Commission is asked to determine whether there is enough evidence of torture to merit judicial review, the circuit court is asked to determine whether defendant has been tortured. These are two different issues determined by two different entities.” See *People v. Christian*, 2016 IL App (1st) 140030, ¶95. The court compared the Commission to a court deciding whether a postconviction petition can advance to the third stage. *Id.* at ¶99.

Although Section 55(a) of the TIRC Act (775 ILCS 40/55(a)) makes Commission decisions subject to the Administrative Review Law, Commission decisions do not concern “contested cases” as defined in the Illinois Administrative Procedure Act (5 ILCS 100/1-30) because TIRC proceedings do not require an opportunity for a hearing. See 775 ILCS 40/45(a): “The determination as to whether to conduct hearings is solely in the discretion of the Commission.”

ANALYSIS

Factors Supporting Griffin's Torture Claim

- Griffin alleged early and often that he'd been tortured into confessing to the murder of Angela Jones. Griffin communicated his allegations to his trial attorney as early as his Motion to Suppress, and he or his attorney repeated his allegations frequently at the pre-trial, trial and post-conviction stages.
- Detective Brownfield testified he'd failed to include notes regarding his interview with Griffin's supervisor Amy Harnett. Brownfield testified that Amy Harnett could not confirm Griffin had sustained an injury while at work. The failure to include in reports investigation favorable to the defense suggests a willingness to hide other information favorable to Griffin.
- Police reports and Det. Cummings' trial testimony verify the timeline Griffin outlined in his torture allegations.
- Contradictions between evidence introduced during the state's case-in-chief and the facts included in Griffin's allegedly coerced confession. Those contradictions include:
 - William Charles Carter's testimony that he'd last seen the victim at approximately 10am on May 12, 2000. According to Griffin's confession, the victim would have been dead at or around 2am on May 12, 2000. Judge Suria decided Carter was mistaken and the workman who discovered the body at 9 a.m. was a more reliable witness.
 - No supervisor or company official at either fast-food restaurant where Griffin worked could corroborate the story that he had been burned at work.
- Detectives Cummings and Brownfield were involved in Griffin's interrogation and each have had a notable number of police misconduct allegations against them. This weighs in Griffin's favor.
- Griffin's suppression motion allegation that polygraph examiner Robert Bartik suggested a story to him is somewhat buttressed by Bartik's admission that he "may have" used the term 'rough sex' in questioning Griffin.
- Police failed to document a lineup conducted on June 16, 2000, which would have provided a photograph taken closer to the time Griffin alleges he was punched in the forehead.

Factors Detracting from Griffin's Torture Claim

- Two separate forensic pathologists indicated that the mark on Griffin's forehead was more likely the result of a days-old burn rather than an hours-old punch with handcuffs. Although they could not determine the cause of the mark to a medical certainty, these experts pointed to persuasive

evidence in drawing their conclusions: the lack of redness, swelling or pus, and the presence of scabbing and healing. Given the likelihood that the injury is a burn, it suggests that Griffin manufactured out of whole cloth the allegation that Brownfield used a pair of handcuffs like brass knuckles to strike him in the forehead. This willingness to fabricate evidence also throws his allegation against Detective Cummings into doubt.

- Although Griffin has been consistent with his allegations in his testimony and post-conviction filings, we think it highly significant that his original written motion to suppress, although it named Detective Cummings in another context, did not name him as the detective who had struck him in the jaw. Because Griffin clearly knew who Cummings was, there was no reason not to name him in that context as well. This suggests a manufactured story that was later assigned to Cummings as the responsible party.
- News articles and William Carter's testimony confirm that, even prior to Griffin's arrest, police believed that another murder and a sexual assault may have been committed by the same person who killed Angela Jones. Yet detectives did not secure a confession from Griffin to the Roberta McKinney murder or any other crimes —only the Jones case, where very solid DNA evidence existed. Griffin gave his confession to Jones' murder well before the 48-hour detention mark. If detectives were willing to torture him to secure one confession, it seems likely that they would have done so to get a confession to the other murder as well. Securing just one confession to multiple crimes does not fit the pattern of at least some other cases TIRC has referred to court where multiple confessions for different crimes were secured in the same custodial setting. *See* Gregory Nash, Tony Anderson and George Anderson referrals.
- The Physical Examination record from June 18, 2000, characterizes the mark on Griffin's forehead as a "sore" despite the option to characterize the forehead mark as a "bruise, cut, swelling, amputation, bandage, cast, scar, tattoo, [or] birthmark." There was no option to describe the mark as a "burn." The handcuff-punch injury described by Griffin seems that it would be more representative of a cut than a sore.
- Judge Suria reviewed Griffin's abuse allegations on three occasions. On all three occasions, Judge Suria, a judge widely known for his impartiality and fairness, did not find them credible. Griffin is not making any claims that are different from those he lodged before Judge Suria on three occasions. The Commission must at least consider the opinion of the original fact finder in its credibility determination of the claimant. Suria noted that the mark on Griffin's head appeared to be in the process of significant healing, and he found it was more likely a burn from work. He also doubted that detectives would have known enough about fast-food operations to manufacture the story about the hot filter, and instead would have come up with something more basic, such as Griffin falling or getting into a fight.
- Like Suria, the booking photo appears to the Commission's untrained eyes to be more indicative of a several-days old burn than a recently administered handcuff strike.
- Griffin did not file any OPS or IPRA complaints.

- Griffin said that both alleged punches came as he was engaged in physically pushing pictures away from his face, and in one of those cases pushing them as he began to rise from his chair. We have previously noted we believe the medical evidence strongly disputes the Brownfield punch allegation, and we have grave doubts about the Cummings punch allegation. Although Griffin is adamant that his pushing of pictures back toward Cummings, while handcuffed, could not be interpreted as aggression toward Cummings, the fact that there was a physical altercation before the alleged punch leaves open the possibility that Cummings interpreted it differently, and believed he was engaged in defensive conduct to subdue a prisoner. We point this out not to excuse any excessive use of force, but because TIRC regulations require that abuse be administered with the intention of eliciting a confession, rather than for some other purpose, like subduing a perceived threat, real or imagined, to constitute torture.¹¹⁰
- Besides the burn/punch allegation, Griffin exhibited credibility problems in other respects, even contending on the stand to say that he had not had sex with Angela Jones, even though he already knew his semen had been found inside her. Later, at trial, his attorneys conceded that he had had sex with her. Lying about such a clearly established fact makes it more likely that he would lie about events more subject to interpretation.
- The confession did not occur immediately after the alleged punches. It did not occur for a period of hours after the last alleged punch, until after Mr. Griffin was transported to the CPD Homan facility, where he at first continued to deny his guilt. According to Mr. Griffin's testimony at the suppression hearing, he only confessed after the polygrapher took the wires and argued that Mr. Griffin would fail the test. This casts into question whether the statutory requirement that a claimant "was tortured into confessing" was met. 775 ILCS 40/5.

Neutral or Inconclusive Factors

- The severity of Ms. Jones' injuries did not match the more subdued conduct Griffin described in his confession. His attorney portrayed this as proof of its falsehood, while prosecutors portrayed it as Griffin seeking to minimize his conduct.

¹¹⁰ See 20 Ill. Admin. 2000.10, defining "torture" as "any act by which severe pain or suffering * * * is intentionally inflicted on a person *for the purpose of obtaining from the person a confession to a crime.*" (Emphasis added.)

Weighing the Evidence

The bulk of the torture allegations in this case come down to two punches. Regarding the first, the alleged punch by Brownfield with handcuffs, the Commission finds the burn explanation more likely. While no one could testify they saw the mark before Griffin was taken into custody, no one could say they were certain it wasn't there either. The booking photograph in this instance seems to us to be significantly scabbed and healing, representative of a days-old burn, just as it did to Judge Suria. We also question whether a seasoned Detective (Brownfield) who came up under Jon Burge, a commander who allegedly tutored his disciples not to hit suspects in the face, would be so careless to leave such a prominent mark on an interrogee.

Regarding the alleged punch by Cummings, we cannot dispute his troublesome history. Nor was Cummings' alleged punch discussed at length by Judge Suria, who focused more on the forehead mark. But Griffin's credibility, in light of the Brownfield burn/punch evidence, is sorely wanting. He also severely damaged his credibility in testimony on the stand contending he did not have sex with Jones, even in the face of already-known DNA evidence that identified his semen inside her.¹¹¹ . The evidence about sex was so clear that even his own attorneys conceded at trial he'd had intercourse with Jones. Lying about something already known to be provably false makes much more likely that he would have no difficulty lying about a more closely-contested matter (i.e., the alleged Cummings punch).

The written motion to suppress also bothers us. There is no explanation as to why, if Cummings had punched Griffin, the motion would not have named Cummings as doing so when the same motion went to great lengths to call Cummings out by name for other alleged conduct. It suggests that Griffin's first story to his lawyers was a fabrication against an unnamed detective that Griffin later assigned onto Cummings.

Finally, while we doubt the two-punches stories, Griffin described both punches in his TIRC interview as coming immediately after he physically pushed pictures back at the detectives, and in one case was also standing up in response. If this scenario did occur, while it leaves much to be desired for the Detectives' honesty and use of appropriate responding force, it does not suggest physical force administered in an attempt to extract a confession, but for another purpose such as defense or to subdue a prisoner. TIRC definitions do not characterize as torture force administered for another purpose.¹¹²

On balance, we do not find sufficient evidence of torture meriting judicial review.

CONCLUSION

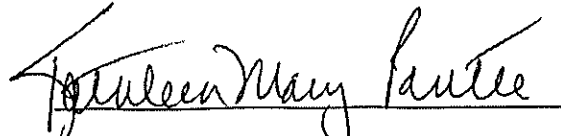
The Commission finds that there is insufficient credible evidence of torture to refer this matter to the Circuit Court. The Commission dismisses the claim and instructs its Executive Director to notify Mr.

¹¹¹ Illinois State Police Forensic Scientist and Crime Lab Analyst Donald Parker testified that the semen found in Angela Jones' rectum matched that of Griffin's DNA profile, and the profile would only be found to occur in one in 13 quadrillion black, unrelated individuals; one in 7.1 quintillion white, unrelated individuals; and one in 9.4 quintillion Hispanic, unrelated individuals. See ROP of JJJ38-42 (pp. 1744-1748 of TIRC-Compiled ROP).

¹¹² See 20 Ill. Admin. 2000.10, defining "torture" as "any act by which severe pain or suffering * * * is intentionally inflicted on a person *for the purpose of obtaining from the person a confession to a crime.*" (Emphasis added.)

Griffin of the dismissal and of his right to judicial review under the Illinois Administrative Review Law, as set forth in 775 ILCS 40/55.¹¹³

Dated: February 19, 2020


Kathleen Mary Pantle, Chair

¹¹³ See 775 ILCS 40/55(a). Although this determination does not concern a “contested case” as defined in Section 1-30 of the Illinois Administrative Procedures Act (5 ILCS 100/1-30) because no opportunity for a hearing is required under the TIRC Act (See 775 ILCS 40/45(a)), the Commission notes that the rules of the Commission do not require any motion or request for reconsideration before appeal under the Administrative Review Law, and notes that the service address of interested parties is listed in the Notice of Filing certificate that accompanies the filing of this determination with the Court.

