

CHICAGO DEFENDER

April 20-22

Gag order denied in police abuse trial

by Ryan Gallagher

A U.S. District Court judge decided on Thursday that First- Amendment rights outweighed the risk of tainting a future jury in the wrongful death suit of a Chicago man who died in police custody after his arrest in 2003.

Judge Ruben Castillo denied a gag order request by attorneys for the Chicago Police Department that would have prohibited family members of Frederick Grady and their attorneys from speaking to the media about the upcoming police abuse trial.

The lawsuit alleges that 12th district police officers beat Grady to death after he was arrested for criminal trespass on April 8, 2003. Police attorneys sought the gag order, claiming that Berve Power Jr., the attorney representing the Grady family, attempted to taint a future jury pool in the case by dispersing “propaganda” brochures to build public outrage against the department to create an unfair trial. “We want to try the case here [in court], not in the *Tribune*,” said Liza Franklin, attorney for the police.

Power maintains that all of the information in the brochure was obtained from court documents. He said the court’s decision to uphold the right to free speech proves that the information would not sway jurors, claiming that police attorneys were trying to stop adverse publicity of the department amid multiple police abuse allegations. “It’s absolutely an attempt to silence any more publicity that has the effect of exposing what these police officers are doing,” Power said.

Family members of Grady filed a wrongful death suit against the CPD after Grady was found dead in his jail cell hours after his arrest. Grady, a notable Chicago blues musician, was involved in a car accident earlier that night in which he declined medical treatment for minor cuts and bruises sustained in the accident.

He was arrested about two-and- a-half hours later for criminal trespass as he tried to retrieve tools from his van after it had been towed to a private lot. The lawsuit claims Grady was beaten to death by officers at the Monroe District police station after his arrest. Grady’s mugshot, taken at 10:35 p.m., shows no sign of any head injuries, but photos taken during his autopsy the next day show gashes and scrapes to the top of his head and forehead as well as bruises on his neck.

Ryan Gallagher is a reporter for Medill News Service.