

The article was on the front page of the metro section of the
tribune:

Family says cops beat man to death

Jazz musician's '03 death in jail cell is subject of lawsuit

By Maurice Possley
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In the space of a few hours on the last day of his life, Frederick
Grady, a
noted local jazz drummer, had a flat tire on his van, was in two
separate
traffic accidents, and then was arrested for trespassing.

Taken into police custody about 8:45 p.m. on April 8, 2003, Grady was
handcuffed
and driven to the Monroe District police station, 100 S. Racine Ave.

There he was fingerprinted, photographed, searched and placed into cell
No. 2 to
await the routine checks making sure he was not wanted for other
crimes. At 1:50
a.m., shortly before he was to be released on bond, Grady, 49, was
found dead on
the floor of his cell.

Chicago police and the Cook County medical examiner's office contend
Grady
suffered a fatal heart attack.

Family members and their lawyer filed a federal civil rights lawsuit
and now
contend he was beaten while in custody at the station--a charge police
deny.

A Cook County grand jury investigated the death, and, according to a
spokesman
for State's Atty. Richard Devine, no charges were filed. An
investigation by the
police department's Office of Professional Standards found no
wrongdoing by
police.

But in sworn depositions, police officials and Fire Department
paramedics have
given widely disparate versions of what occurred during the hours
leading up to
Grady's death in the station's lockup.

At issue are two abrasions on Grady's forehead and a gaping wound on
his right
hand.

There were no abrasions on his head when he was brought to the station, according to the booking photo there.

Further, a police officer in the lockup and the detention aide who fingerprinted him there said Grady had no injury to his hand when he came to the jail.

"Mr. Grady's family believes that he was beaten to death in the [Monroe] police station, and there is ample evidence to support that belief," said Berve Power, attorney for the family.

"If foul play was involved in his death, the family hopes that this lawsuit will prompt a thorough investigation of his death by the proper authorities and bring any and all wrongdoers to justice."

Jennifer Hoyle, spokeswoman for the city corporation counsel's office, which is defending the lawsuit, noted that two separate autopsies determined the cause of death was a heart attack.

"There is nothing in any of the medical reports that supports the family's contention that he was murdered," she said. "None of the bruises found were anything but superficial, and they were not consistent with the claim that he was beaten."

"There are minor differences in the testimony of these individuals [the paramedics and lockup workers] due to the fact of passage of time. We believe this is a memory issue. It's two years after it happened."

Grady, a lifelong Chicagoan, was a carpenter by day and a drummer by night. Over the years he had played with artists such as John Lee Hooker, Buddy Guy, Otis Clay, Charlie Musselwhite and Eddie Clearwater.

On the day he was arrested, Grady was involved in a fender-bender about 4 p.m. with a truck on the Eisenhower Expressway. The truck driver said Grady was not injured and that after waiting 30 minutes, Grady drove off with a flat tire, according to police reports.

At about 6:30 p.m., police were summoned to the scene of a two-vehicle crash accident near 18th and Clark Streets. Carmilla Kupritz told police her

vehicle
was struck from behind by Grady's van and the van rolled over.

Fire Department paramedics John Kaveny and Renee Sanchez were summoned and later filed a report saying in part that Grady had "No open wounds. No visible active bleeding."

But at the end of the report, obtained by the Tribune from the Fire Department, the paramedics also stated Grady refused to be taken to a medical facility, but that while the refusal was being documented Grady received a laceration on his right hand.

The report states that Sanchez bandaged his hand. After Grady's death, however, Kaveny told police detectives that he, and not Sanchez, had bandaged Grady's hand, according to a report filed by the detectives.

The van was towed to a private lot in the 1900 block of South Jefferson Avenue, according to records obtained by Power. It was in that lot, at 8:45 p.m. police say, that Grady was arrested for trespassing after he went there to get the tools he used for his day job--construction.

In a deposition under oath, Chicago Police Officer Leo Morales said that after a neighbor telephoned the owner of the lot to report Grady's presence, he and his partner, Luis Garza, responded.

Morales said he handcuffed Grady, who said he was there to retrieve his tools.

Morales also said he recalled a bandage on Grady's hand, but he did not document any wound in the arrest report.

Grady was taken to the station and placed in the lockup about 10:30 p.m. There, Grady was searched, photographed and fingerprinted.

Donald Tuleja, the police officer in charge of the lockup that night, testified in his deposition that when Grady came in, he was not bleeding from his hand, had no bruises and no abrasions on his head.

Joseph Palmstone, a civilian detention aide, testified in his deposition that he held Grady's hands, one after the other, to take his fingerprints and

that he
would not have fingerprinted him if his hand was bleeding.

After the fingerprinting was done, Grady was placed in a cell while the prints were checked, Palmsone said. He testified he told Grady that if there were no outstanding charges or warrants, he would be allowed to leave on bond.

Palmsone said he made rounds of the cells every 15 minutes and that Grady was sleeping for most of the next two hours, but that at 1:30 a.m., he found Grady awake and sitting on the bench in his cell.

"He asked me if it was time for him to leave," Palmsone testified. "I told him 'No.'"

When he returned at 1:45 a.m., Palmsone said, he found Grady lifeless on the floor. The paramedics that responded were Kaveny and Sanchez--the same team who had responded to the traffic accident hours before. Both have testified in depositions that they tried to revive Grady, but were unsuccessful.

Dennis Waller, a former Ripon, Wis., police chief hired by Power as an expert witness in police procedures, examined records in the case and concluded the police investigation of Grady's death was "abbreviated, incomplete, superficial and inconsistent with nationally accepted standards of law enforcement practice. ... City personnel have attempted to dodge accountability for the significant injuries to, and the death of, Mr. Grady."

Further, Waller, in his report obtained by the Tribune, said, "Mr. Grady was either injured while in police custody or Mr. Grady received injuries prior to his incarceration which were not appropriately documented."

An autopsy performed by the Cook County medical examiner's office concluded Grady died of a heart attack. Dr. Michael Kaufman, from the department of pathology at Evanston Hospital, performed another autopsy at the request of Grady's family.

Kaufman, in his deposition, said Grady suffered from serious heart disease and also concluded he died of a heart attack.

At the deposition, Power asked Kaufman, "If Mr. Grady had been sitting on a bench and he suffered this sudden heart attack and fell over, are these abrasions to the head consistent with his head hitting the floor?"

"I don't think so," Kaufman said.

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