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All Sections

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5 cops caught in lies on witness stand, judge says**In a 'Perry Mason' moment, a video played in court contradicts police officers who testified their drug arrest was proper**

April 15, 2014 | By Steve Schmadeke, Tribune reporter

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One by one, five police officers took the witness stand at the Skokie courthouse late last month for what would typically be a routine hearing on whether evidence in a drug case was properly obtained.

But in a "Perry Mason" moment rarely seen inside an actual courtroom, the inquiry took a surprising turn when the suspect's lawyer played a police video that contradicted the sworn testimony of the five officers — three from Chicago and two from Glenview, a furious judge found.

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Cook County Circuit Judge Catherine Haberkorn suppressed the search and arrest, leading prosecutors to quickly dismiss the felony charges. All five officers were later stripped of their police powers and put on desk duty pending internal investigations. And the state's attorney's office is looking into possible criminal violations, according to spokeswoman Sally Daly.

"Obviously, this is very outrageous conduct," a transcript of the March 31 hearing quoted the judge, a former county prosecutor, as saying. "All officers lied on the stand today. ... All their testimony was a lie. So there's strong evidence it was conspiracy to lie in this case, for everyone to come up with the same lie. ... Many, many, many, many times they all lied."

All five are veteran officers. Glenview Officer Jim Horn declined to comment Monday, while the other four — Sgt. James Padar and Officers Vince Morgan and William Prunte, all assigned to narcotics for Chicago police, and Glenview Sgt. Theresa Urbanowski — could not be reached for comment.

Legal experts in Cook County differ on how much of a problem perjury by police officers represents.

"Police officers are just like anybody — just because they're wearing a badge and carrying a gun does not give them more credibility," said Cook County Public Defender Abishi Cunningham Jr., a former Chicago prosecutor, defense attorney and judge. "Some officers approach it as a game of cops and robbers," he said. "This is anything but a game."

"I've heard some police officers say in a social setting, 'If (the defendant's) going to lie to beat the case, why can't I lie too?'" Cunningham said.

But Pat Camden, spokesman for the Fraternal Order of Police, the union representing rank-and-file officers, said the overwhelming majority of officers are truthful.

"Obviously perjury isn't something that is condoned by the FOP or anybody in the Police Department," Camden said. "These are allegations, and an investigation is taking place."

County prosecutors said judges occasionally don't believe an officer's version of events, but it's rare for a cop to be called out for lying on the stand.

A University of Chicago law student in the late 1980s and early 1990s studied police perjury in the Cook County system, interviewing dozens of courtroom veterans as well as narcotics officers. Myron Orfield, now a University of Minnesota law professor, found that most police officers, judges and public defenders believed officers at least shaded the facts to support their arrest.

"Sometimes the officers were just lazy," Orfield said last week in an interview. "Sometimes they stretched things to get the bad guy."

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Criminal defense attorney Steven Goldman, a regular in Cook County's criminal courts, said he believes police frequently bend the truth, particularly in drug cases involving minority suspects. Without the video, his client, Joseph Sperling, 23, was likely headed for prison because of several prior drug arrests and a 2010 drug conviction, Goldman said.

"In most people's minds, the ends justify the means," Goldman said. "So because they get the bad guy off the street or the drugs out of their hands, everybody's happy."

Stuart Goldberg, another veteran criminal defense lawyer, said he recalled once hearing the late Judge Earl Strayhorn, concerned that a police officer testifying in his courtroom during a drug case was lying, interrupt the testimony to read him the Miranda rights given to criminal suspects.

Goldberg said a recent client who was accused of grabbing a police officer's vest was acquitted of aggravated battery after photos taken at the scene by bystanders showed the officer wasn't wearing a vest.

In the Glenview arrest in June, the Chicago narcotics officers had Sperling, a restaurant worker, under surveillance and asked for help from local police in making a traffic stop with a marked squad car, according to testimony at the hearing.

The five officers testified that Sperling was caught with up to a pound of marijuana in a black backpack lying openly on the back seat of his car after he failed to use his turn signal and was pulled over at East Lake Avenue and Tall Tree Road, a few blocks from his home.

In his testimony, Sperling admitted he had the marijuana but contended he had hidden the backpack under a seat. He also disputed that he hadn't used his turn signal.

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