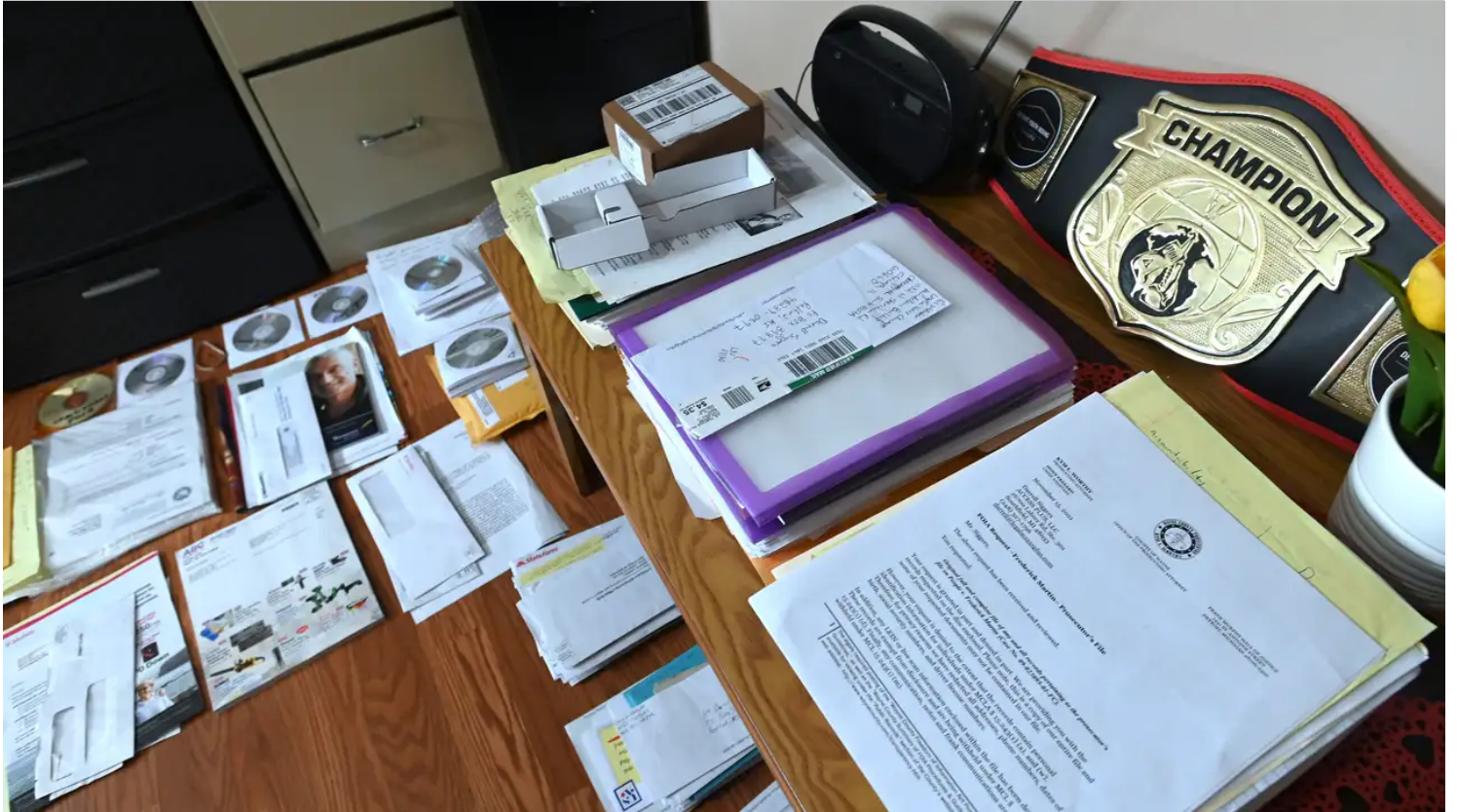


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'Serious liability issues': Detroit faces onslaught of lawsuits for wrongful convictions

George Hunter and Sarah Rahal The Detroit News

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Detroit — Darrell Siggers said he deserves to be compensated for the 34 years he spent in prison for a 1984 murder he didn't commit, but the 58-year-old insists he's seeking more than money.

"I'd hope these wrongful conviction suits would teach police and prosecutors to stop using dirty tricks to win cases," Siggers said. His \$150 million lawsuit against the city accuses a former Detroit police officer and a crime lab technician who has since died of providing false testimony that led to his conviction.

"I don't want anyone else to have to go through what I did," Siggers said.

Siggers is one of 17 exonerated ex-prisoners with pending federal civil rights lawsuits against the city, according to Detroit's interim Chief Legal Counsel Charles Raimi.

Raimi expressed concern during a recent Detroit City Council committee meeting that the suits could result in millions of dollars in payouts. Since last year, the city has spent about \$20 million settling wrongful conviction lawsuits.

The total compensation sought by exonerees in the pending suits is unknown, but lawsuits from Siggers and five other plaintiffs alone collectively seek \$625 million for 133 years spent in prison.

Even though the city generally settles wrongful conviction suits for far less than the initial demands, Raimi said he still was concerned the payouts could be huge.

Detroit Law Department officials declined a request for comment, although Raimi discussed his apprehension about the lawsuits during his March 14 presentation to the council's Budget and Finance Audit Standing Committee.

"What's happening over the last couple of years, I have never seen before," Raimi told the committee. "We now have 18 wrongful incarceration lawsuits that can amount (to) millions of dollars. Whereas in the first six years I was here, we had a total of two or three (lawsuits). They raise very serious liability issues for the city."

Raimi's comments came the day before the City Council approved a \$7.5 million settlement in the federal lawsuit brought by Davontae Sanford. Sanford was 14 years old when he says he was tricked by Detroit cops into confessing to a 2007 quadruple homicide.

Sanford's lawsuit settlement leaves the city with 17 outstanding wrongful conviction lawsuits.

'Very difficult cases'

Sanford's award followed a \$9.95 million payout last year to Mubarez Ahmed, who served nearly 20 years for a 2001 double homicide before he was exonerated in 2019. Ahmed's lawsuit was settled by an arbitrator.

LeDura Watkins, who served 41 years in prison for a 1976 murder until a judge vacated his sentence in 2017, settled his federal wrongful conviction lawsuit last year for \$3.35 million, said his attorney Wolfgang Mueller.

Both of last year's wrongful conviction settlements were for a small fraction of the initial demands. Ahmed's suit had asked for \$105 million, while Watkins sought \$168 million.

"They both got life-changing money, but it doesn't come close to compensating them for everything they lost sitting in prison all those years," said Mueller, who also represented Ahmed.

Sanford's lawsuit didn't list a monetary amount, although his attorney Julie Hurwitz told The News when the suit was filed in 2017 that she had sought at least \$1 million for each of the nearly nine years Sanford spent behind bars.

In addition to the millions of dollars that Raimi said could be paid to the 17 former prisoners left on the docket after the Sanford settlement, Raimi told the City Council committee the plethora of wrongful conviction lawsuits also "has put enormous strain on the law department."

That's costing even more taxpayer money, Raimi said.

"We've tried to handle as many as possible in-house, but it is not possible and we're seeking outside counsel to help," he said. "But it's getting expensive because they're very difficult cases."

Raimi said the cases are difficult to litigate because they often go back decades.

Siggers accused city attorneys of "stalling and trying to clog up the works, trying to grind a person down with a bunch of unnecessary appeals."

"They're milking the taxpayers," he said. "The city is already paying for the Law Department attorneys, and then they're contracting out with these other law firms to file all these ridiculous motions and appeals."

Aaron Salter, who is suing the city and Detroit police Detective Donald Olsen for \$75 million after serving 15 years for a murder he didn't commit, said city attorneys have been "acting like they're playing a game."

"They keep filing all these motions that don't make sense," he said. "It's almost like they're trying to wait us out to see if we'll die before they have to pay us."

In the Sanford lawsuit, which was filed in September 2017 in U.S. District Court for the Eastern District of Michigan, there were 426 motions filed.

"The city needs to start treating these cases like business decisions and getting them settled," said Mueller, who represents Siggers, Salter and several other exonerated ex-prisoners in their lawsuits.

"There are too many cases out there with the potential for astronomical damages," said Mueller, who said he's handling about a dozen active federal wrongful conviction lawsuits. "It boggles my mind how the city keeps kicking the can down the road, and they're going to end up with a bottleneck of these cases coming to trial."

Detroit attorney Ven Johnson, who represents four people in wrongful conviction lawsuits against the city, said municipal law departments often delay cases for years.

"To be fair, it's not just happening in Detroit," Johnson said. "If you look at the Midland flood case, or Flint water case, they push these cases down the line so that someone else in government has to pay for it.

"Nobody wants their hands dirty, so they keep kicking these cases down the road."

'Significant concerns'

Many of those suing Detroit, including Siggers, Salter and Ahmed, were freed from prison following investigations by the Wayne County Prosecutor's Office Conviction Integrity Unit.

The unit was created after the releases of Sanford and other high-profile exonerees including Watkins, who was the longest-serving inmate in the United States to have his sentence vacated at the time of his discharge.

Most of the integrity unit's cases have been Detroit police homicide investigations from the 1970s into the 2000s. Many wrongful conviction claims come from the period leading up to three 2003 federal consent judgments that were signed after federal authorities accused the Detroit Police Department of systemic civil rights abuses.

Since the unit was formed in 2018, prosecutors have asked judges to grant relief in 33 convictions based on CIU investigations.

During a March 31 Detroit Board of Police Commissioners meeting, Raimi said he had concerns about some of the integrity unit's decisions in what he called "reverse conviction cases."

"Some people call them wrongful incarcerations; I call them reverse convictions because it's not always at all clear that there was a wrongful incarceration," Raimi told the police board.

"What is clear is that somebody at the prosecutor's office has decided to reverse the conviction, which is, and I'm speaking in public so I want to be a little careful, but we have significant concerns about some of the decisions made to reverse those convictions."

Wayne County Prosecutor's spokeswoman Maria Miller replied in an email: "There is no such thing as a reverse conviction in this context. The CIU reverses a miscarriage of justice.

"Prosecutor (Kym) Worthy created the unit to review cases of actual innocence and determine whether there was a wrongful conviction," Miller said. "In some cases, the person is found to be innocent of the charges and exonerated. The charges are then dismissed.

"In other cases, the person is granted the relief of a new trial because of a significant issue that arose causing a miscarriage of justice. Sometimes due to the age of the case, we are unable to re-try it and the case must be dismissed."

Decades of issues

Some of the former prisoners were released from prison after police officials, prosecutors or independent experts acknowledged problems with individual officers or entire units that the exonerees say impacted their wrongful convictions.

Alexandre Ansari, who was convicted in 2013 of killing a 15-year-old girl, was freed in 2019 after the former detective in charge of his case, Moises Jimenez, reportedly told Conviction Integrity Unit attorneys that he'd withheld information about the case because he feared a Mexican drug cartel would kill his family.

Detroit police submitted a warrant request for criminal charges against Jimenez, but Michigan Attorney General Dana Nessel's office denied the request, citing a lack of evidence.

Jimenez, who is a defendant in Ansari's federal lawsuit, was slated to be disciplined by Detroit police for withholding evidence in the 2012 murder case when he retired last year. Police officials said they recently reopened an internal investigation into the former detective after getting new information about the case.

Siggers' lawsuit and at least one other pending suit involve evidence that was processed by employees of the former Detroit Crime Lab, which was shuttered in 2008 after a Michigan State Police audit found rampant problems with evidence. Auditors randomly selected 200 cases and found problems with 10% of them.

When the decision was made to close the lab, police and prosecutors said they were bracing for a flood of lawsuits involving the myriad issues that had been uncovered.

During Siggers' 1984 trial in which he was charged with the murder of 25-year-old James Montgomery, Detroit

crime scene had been fired from the same weapon.

Retired Michigan State Police firearms expert David Townshend in 2015 issued a report that said Houseworth's testimony was "unbelievable" and "highly unlikely."

Townshend's report, along with witnesses who said they'd heard another man bragging about killing Montgomery, led to the prosecutor's Conviction Integrity Unit filing a motion in 2018 to vacate Siggers' conviction.

"There were so many problems out of that crime lab," said Siggers, who operates Legal Access Plus, a nonprofit that helps inmates with wrongful conviction claims. "The MSP's own investigation found that this stuff was going on for years. What happened to me happened to a lot of guys."

Authorities said they expected more lawsuits after Detroit police internal affairs officers raided the police department's own narcotics unit in August 2019.

Following the raid, police officials said they'd uncovered alleged corruption that included drug cops planting evidence, lying to prosecutors in search warrant affidavits, robbing dope dealers and embezzling funds.

One of Johnson's clients, Darell Chancellor, spent seven years in prison on drug charges before he was released in 2020. Prosecutors said Detroit narcotics Officer Stephen Geelhood had fraudulently submitted evidence in Chancellor's case.

Prosecutors also requested that a judge vacate the drug conviction of Darrell Richmond, whose case also was based on what Worthy said were lies by crooked Detroit narcotics cops.

"These are the first cases that deal directly with fraudulent search warrant affidavits and other activities by highly unethical and compromised narcotics police officers," Worthy said in a statement after Chancellor and Richmond were freed.

After Worthy's statement, Detroit police Director of Professional Standards Christopher Graveline said the department launched an internal investigation. Graveline said the probe found no wrongdoing by Geelhood, who is still on the police force.

Detroit Police Commissioner Ricardo Moore, a former Detroit police officer, said taxpayers are footing the bill for decades of problems in the police department.

"It starts with a lack of checks and balances, and a lack of proper supervision," Moore said. "Supervisors can't be so rooted in the subculture of policing that they just want to close cases, no matter what. They can't look the other way when problems come up.

"If they do that, everyone is going to pay in the end."

Burden of proof

Although many of the plaintiffs in the lawsuits were released from prison after officials acknowledged problems

In civil cases, the burden of proof is on the plaintiff. To be successful in federal lawsuits, plaintiffs must prove an intentional violation of civil rights, as opposed to just sloppiness, University of Detroit Mercy emeritus law professor Larry Dubin said.

"In a typical complaint brought in a civil lawsuit of this type, the lawyer would have to allege and then be able to prove at trial that the client encountered an official who acted in such a way as to violate that person's constitutional rights," Dubin said in an email. "These cases are frequently settled before trial."

Mueller said the cases can take years.

"In every one of these cases, the lawyers for the defendant will first file a motion for summary judgment saying the officer is protected by qualified immunity," Mueller said.

Under qualified immunity, police and other government employees aren't held personally liable in lawsuits claiming civil rights violations unless the official violated "clearly established statutory or constitutional rights of which a reasonable person would have known," according to a 1982 United States Supreme Court ruling.

"If qualified immunity gets denied, the city will just kick the can down the road and go to the (Michigan) Court of Appeals," Mueller said. "If the Court of Appeals says the case is going to trial, unless there's a settlement, then you have to convince a jury. And that's not always easy."

"We may have good evidence that says there's crooked cops, but you may have witnesses who have credibility problems with the jury," Mueller said. "Sometimes your witnesses are guys who've been in and out of prison, and those don't always make the best witnesses."

"That makes it risky for both sides to try a case," Mueller said. "If the jury doesn't believe your witnesses who have baggage you could lose the case. If the jury doesn't believe the city's witnesses — the cops — the potential for a big verdict increases."

As they await the outcome of their lawsuits, Siggers, Salters and most of the others are receiving money from the 2016 Michigan Wrongful Imprisonment Compensation Act, which pays exonerees \$50,000 for each year they spent in prison.

One of the stipulations of the Michigan statute is that exonerees must pay back any state money they received if they're awarded larger sums in their federal lawsuits.

"I mean, I'm not getting rich off that (state) money," said Salter, who runs Innocence Maintained, a nonprofit that helps people get settled after leaving prison. Salter recently purchased a house near Woodward and Seven Mile for recently released prisoners to stay until they can find permanent quarters.

"Fifty grand a year is nothing for spending 15 years in prison," Salter said. "There's no dollar amount you can put on that, man."

ghunter@detroitnews.com

(313) 222-2134

Twitter: @GeorgeHunter_DN