

U.S. NEWS

Government corruption and negligence drive most wrongful convictions, report finds

“If Black lives matter, then how is this still going on?” one lawyer said.



Exonerations provide a glimpse into the ways misconduct tarnishes the criminal justice system.

Anuj Shrestha / for NBC News

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Sept. 14, 2020, 3:40 PM EDT

By Jon Schuppe

In the hallway of a Chicago public housing complex in the summer of 2008, a young man came face to face with a police sergeant known for planting drugs on people.

Sgt. Ronald Watts asked for money, and the man, George Almond, 28 at the time, said he didn't have much, according to court documents and [a synopsis of the case](#) compiled by the National Registry of Exonerations. Then, Watts, who is Black, arrested Almond, also Black, for drug possession – and produced several small bags of heroin as evidence of a crime that hadn't happened. Faced with the near-impossible task of proving the drugs had been planted, Almond pleaded guilty and spent 16 months in prison.

The wrongful conviction, and the corruption that caused it, likely would have remained hidden if not for a federal investigation of Watts that resulted years later in the sergeant's pleading guilty in an unrelated case to stealing from an informant. The investigation led to exonerations of more than 70 of Watts' victims, including Almond – a list that [continues to grow](#).

Those tainted cases, which damaged many lives and the public trust, are just a small fraction of more than 1,000 tallied in a new nationwide study by the registry that measures the role of government misconduct in wrongful convictions – and how that misconduct falls heaviest on Black exonerees.

The study, published Tuesday, examined 2,400 cases from 1989 through February 2019 in which people were absolved of criminal convictions, and it found that 54 percent involved corruption or negligence by police, prosecutors, lab workers or other government employees.

The tally is very likely a vast undercount of the actual number of instances in which misconduct has led to the convictions of innocent people, according to researchers at the registry, which is a project of the Newkirk Center for Science & Society at the University of California, Irvine, the University of Michigan Law School and the Michigan State University College of Law.

The 188-page report was limited to cases in which people challenged their convictions and were cleared by a judge or a government agency. Untold numbers of Americans who've been wrongly convicted – including many who pleaded guilty to relatively low-level crimes – do not have the resources or lawyers needed to challenge their convictions, researchers say.

The report, therefore, provides just a glimpse of how misconduct tarnishes the criminal justice system, the report's authors said.

"This is all trying to see through a crack in a wall," said Samuel Gross, a University of Michigan law professor.

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said.

[Prior research](#) by the registry found that Black Americans, about 13 percent of the nation's population, account for 48 percent of all known exonerations. Black people are also imprisoned at [five times the rate of white people](#), according to the Council on Criminal Justice.

The new report found that Black exonerees were slightly more likely than white exonerees (57 percent to 51 percent) to be the victims of official misconduct. The gap is much greater in murders (78 percent to 64 percent) and drug cases (47 percent to 22 percent), the report said.



— Former Chicago police Sgt. Ronald Watts was sentenced to 22 months in prison in 2013.

Phil Velasquez / Chicago Tribune via Getty Images file

The drug cases described in the report, including those involving Watts and a crew of officers who worked with him, have mostly come to light as so-called “group exonerations” – people whose convictions [have been dismissed en masse because they were linked to police graft](#). These cases typically involve victims who served relatively short terms in prison or were on probation. They also often do not attract much public notice, and researchers are still trying to document them.

The victims are often disbelieved or ignored, which was the case with those targeted by Watts, who worked out of a housing project whose residents were predominantly Black – as were Watts’ victims.

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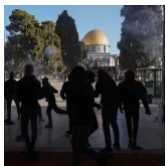
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Josh Tepfer, who represents Almond and many of Watts' other victims, said his clients were wrongfully convicted despite warnings from police whistleblowers, residents and defendants about the shakedowns and planted drugs.

"If Black lives matter, then how is this still going on?" Tepfer asked.

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He added: "This was allowed to happen because officers were corrupt and the victims were not cared about. They were forgotten and were viewed as disposable."

The registry found that just 17 percent of cases involving official misconduct resulted in someone getting disciplined or punished. Most of the cases that did were related to Watts, his partner, Officer Kallatt Mohammed, and another notorious Chicago officer, [Jon Burge](#), who was accused of using beatings and torture to coerce false confessions.

Watts and Mohammed both resigned before pleading guilty to stealing from a federal informant and were sentenced to prison; Watts has given no public statements on the allegations against him, while Mohammed said at his sentencing [that he was following Watts' orders](#).

Burge was fired in 1993 and was prosecuted only for lying in a civil case. He served more than four years in prison and died in 2018. In 2015, he [was quoted in a blog](#) disparaging those who said he'd tortured them and dismissing efforts to provide reparations to them.

[Several additional officers](#) who worked on Watts' team have been accused by people they arrested of participating in the corruption but have not been charged and [remain on the force](#).

The Chicago Police Department said in a statement that "there is absolutely zero tolerance for misconduct and/or illegal activity" within the department.

The fabricated evidence at the heart of the Watts case is one of five categories of official misconduct described in the registry's report. The most common was concealing evidence that benefits a defendant, which is typically committed by prosecutors. The other categories of misconduct are witness tampering, improper interrogations and improprieties at trial.

The causes of official misconduct are largely systemic, the product of law enforcement agencies that permit or reward bad behavior, suffer from poor leadership and don't have enough resources to properly train people to conduct high-quality investigations, the report said.

"Misconduct is a way to do things cheaply," Gross said.

Accordingly, reform requires changing law enforcement culture and overhauling investigative procedures, Gross and his co-authors said. They include some relatively simple fixes, such as recording both interrogations and the identifications of suspects by witnesses.

Reform efforts could also benefit from leadership from the Justice Department, which in the past has investigated and forced reforms of local police departments and sought to improve the use of forensic science. But under the Trump administration, the Justice Department has stepped away from both efforts, saying that forced reforms vilified the police and [threatened agencies' sovereignty](#) and that scientists [should not have oversight of how law enforcement agencies use forensic techniques](#).

"At the highest level, these are the types of things that won't change until there is a change in culture where police and prosecutors work," Gross said.



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