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Wrongful Conviction Prompts Detroit Police to Videotape Certain Interrogations

By JEREMY W. PETERS

The Detroit Police Department, whose image has been marred for years by complaints of wrongful detentions, the excessive use of force to obtain confessions and other civil rights abuses, has agreed to videotape interrogations of all suspects in crimes that carry a penalty of life in prison without the possibility of parole.

Detroit's police chief, Ella Bully-Cummings, said she viewed the new policy as a way to reform her department, which is operating under two consent decrees with the Department of Justice.

The videotaping, part of a settlement of a lawsuit brought by the family of a mentally ill man who spent 17 years in prison after confessing to a rape and murder that he did not commit, is expected to be in place within six months.

"Number one, it keeps cops honest," Chief Bully-Cummings said. "It's a protection for the citizen that's being interrogated. But from a chief's point of view, I think the greatest benefit is to police because what it does is provide documentation that they didn't coerce."

Chief Bully-Cummings said the department had installed equipment so it could begin taping interrogations once the final settlement was worked out and approved by the City Council and Judge Gerald E. Rosen of Federal District Court here.

A decade ago, the only states to require videotaped interrogations were Minnesota and Alaska. But in recent years, as DNA testing has led to the release of scores of prisoners and raised concerns about the prevalence of coerced confessions, more and more states and municipalities have begun recording interrogations. At least 450 police departments across the country now do so, said Thomas P. Sullivan, a former United States attorney in Chicago who has studied interrogation procedures.

"When you put it all on videotape, it gives you no leeway," he said. "You can watch it. I can watch it. The jury can watch it. I always say it's like having an instant replay so you know whether the guy went out of bounds in a football game or whether the tennis ball went out of the court."

Advocates for the wrongfully convicted applauded Detroit's decision.

"Detroit in this case has real symbolism to it," said Barry C. Scheck, a lawyer who helped negotiate the new policy with the city on behalf of the family of the wrongfully imprisoned man, Eddie Joe Lloyd. "It sends a message to other police chiefs that even in the most difficult departments, this is something you can get done. That's the significance of this."

As part of the consent decrees, which have been in place since 2003, Detroit agreed to overhaul its arrest, interrogation and detention policies.

Mr. Lloyd died in 2004 at age 54, two years after he was released from prison. Though disabled by a circulation problem in his leg and suffering from heart disease, he spent his final years, family and friends said, convinced that his case could serve as an impetus for change.

Mr. Lloyd traveled across the country as a speaker for the Innocence Project, a program at the Benjamin N. Cardozo School of Law at Yeshiva University founded in part by Mr. Scheck that works to free the wrongfully convicted. Mr. Lloyd's customary sound bite, often uttered in interviews and speeches, was: "DNA is God's signature. God's signature is never a forgery, and his checks never bounce."

Ruth Lloyd Harlin, 56, Mr. Lloyd's younger sister, said the new policy brought "a sense that the wrong has been righted."

"It would have saved Eddie many years of being incarcerated if it had been in place when he went away," Ms. Harlin said. "We can't change that. The only thing we can look forward to now is that it won't happen to anyone again."

The Lloyd family is in the process of finalizing the settlement, reportedly worth more than \$4 million, with the City of Detroit and state and county agencies in Michigan, lawyers involved with the case said.

In early 1984, Mr. Lloyd, a patient at the Detroit Psychiatric Institute who suffered from delusions that he had a special ability to solve crimes, sent a letter to the police saying he wanted to help in the investigation of the killing of Michelle Jackson, 16, the latest victim in a rash of several dozen rapes and murders. It was similar to other letters he had written, falsely claiming he knew things that would allow the police to solve heinous and well-publicized cases.

But this time, the police said, the letter mentioned details of Ms. Jackson's murder that had not been made public, and Mr. Lloyd quickly shot to the top of the list of suspects.

Mr. Lloyd's lawyers have said the police interrogated him at the hospital, fed him details of the crime and convinced him that confessing would help them find the real killer. At his sentencing, Judge Leonard Townsend of the Circuit Court in Wayne County said he regretted that Michigan had abolished the death penalty. He sentenced Mr. Lloyd to the maximum, life in prison.

After listening to Mr. Scheck discuss the value of DNA testing in criminal cases on the talk show "Donahue" in 1995, Mr. Lloyd wrote to him and asked for help.

By that time, most of the files had disappeared. But a pair of semen-stained long johns, which Mr. Lloyd said he had wrapped around Ms. Jackson's neck, had survived, and DNA testing determined that the stains had not come from him.

Acknowledging her department's tarnished image, Chief Bully-Cummings said the settlement in the Lloyd case was a step forward. "I'm in charge of a department that's under two consent decrees," she said. "So it's important for me as a chief to be proactive."

Of the videotaping, she said, "I just thought this was the best practice for us."

