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Wrongful Convictions Litigation Database: Chicago



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Introduction

The Challenge

Currently, there is a lack of data-driven understanding of the impact of Section 1983 civil rights litigation in Chicago on Black and Brown communities and the overall cost to taxpayers. Our challenge is to better understand the data underlying these types of cases to meaningfully advance equitable outcomes for the victims of police misconduct, develop strategies for efficiently resolving these cases, and reduce the cost to City of Chicago taxpayers.

Background

The Truth, Hope & Justice Initiative (“Truth Hope and Justice”) is a national nonprofit organization that was created by civil rights attorney Andrew M. Stroth in 2016. Truth, Hope and Justice aims to highlight the experiences and stories of mothers who have lost loved ones to police violence and individuals wrongfully convicted with objective, data-driven analysis to save lives, drive police reform and improve the outcomes and impact of civil rights litigation in the United States. Over 1,000 individuals are killed by the police each year in the United States, while countless others have their lives and liberties harmed by police brutality, wrongful convictions, and other civil rights violations. However, a comprehensive, nationwide database tracking these cases and related litigation does not currently exist.

To address this problem, Truth, Hope and Justice partnered with the Law Firm Anti-Racism Alliance (“LFAA”) and Ropes & Gray to launch this data project in 2021. The project aims to create a comprehensive, proprietary, and easily searchable database comprising information on Section 1983 civil rights lawsuits against the City of Chicago and personnel from the Chicago Police Department that captures the parties’ demographics, the underlying facts of each case, and litigation outcomes. The database will be updated on an on-going basis and provide a historical and real-time view into how courts have adjudicated—and are currently processing—cases. Using this database, both plaintiff attorneys and defense attorneys who litigate these cases will be able to better understand the monetary costs resulting from attorney’s fees, jury awards, and settlement amounts to the City of Chicago as these parties work together to improve the litigation process and drive reform. The key insights from this data will serve as a powerful tool in reducing prolonged civil litigation and advance police reform to decrease unjustified police violence and the use of excessive force, especially in communities of color.

The data project started with cases brought against the City of Chicago and currently contains information on over 1,700 police misconduct civil actions that resulted in verdicts or settlements against law enforcement agencies between 2000 and 2022. The focus of this specific report highlights a subset of approximately **300** cases brought by individuals wrongfully convicted in the City of Chicago in which they allege civil rights violations during their underlying criminal prosecution (the “Wrongful Convictions Database”) between March of 2000 and March of 2023. This subset of data was compiled from publicly available information by a group of over 40 volunteers from Truth, Hope and Justice, Ropes & Gray, LFAA and Aon. The volunteers included attorneys, data scientists, law clerks, and paralegals.

Methodology

Information in the *Wrongful Convictions Database* was drawn from the following sources: (1) the National Registry of Exonerations, an online database operated by the University of California Irvine, Newkirk Center for Science and Society, the University of Michigan Law School and Michigan State University College of Law; (2) the Citizens Police Data Project operated by the Invisible Institute; (3) the City of Chicago Department of Law; (4) Westlaw Dockets; and (5) records from the U.S. District Court for the Northern District of Illinois and the Circuit Court of Cook County, Illinois.

With these sources and tools, researchers collected information that included the following:

- Demographics of the plaintiffs and defendants;
- Plaintiff's underlying conviction and the basis for reversal or vacation of this conviction (e.g., civil rights violation, DNA evidence, actual innocence, ineffective assistance of counsel, mistaken witness identification, etc.);
- Length of incarceration;
- Whether a Certificate of Innocence was issued to the plaintiff;¹
- Court case proceedings, such as resolution by dispositive motions, jury verdicts, and awards, appeals and/or settlements;
- Pendency of litigation; and
- Amount spent by the City of Chicago on outside counsel to defend against these lawsuits.

Through a series of Freedom of Information Act ("FOIA") requests to the City of Chicago's Law Department ("Law Department"), researchers obtained each individual invoice the Law Department had received included in the *Wrongful Convictions Database*. This process allowed researchers to view the name of the law firm who submitted the invoice, the amount of each invoice, and the date on which each invoice was submitted. Because the Law Department provides invoice data based on what has been submitted to the City of Chicago at the time a FOIA request is filed, researchers will biannually resubmit FOIA requests for both pending and recently closed cases to ensure every invoice is captured.

The factors chosen for analysis in the *Wrongful Convictions Database* were selected for relevancy to the eventual verdict or settlement, as well as usefulness to the attorneys litigating these types of cases, the judiciary, and criminal justice reform advocates. The methodology was conducted through an initial phase where core team members conducted research on three test cases. Then, together with the help of experienced litigators from Ropes & Gray, the core team worked to distill the factors most pertinent to analyze the impact of the data.

Once complete, the core team held a research training for all volunteers focusing on how to use the collaboration software and general research standardization practices, such as how to input certain information to streamline the quality control process on the back end. Other than the FOIA requests to the City of Chicago, which required a staggered submission, the full initial round of research was complete within four weeks. Then, core team members took a combined subsequent four weeks and reviewed each case entry for both format and substance.

¹ The Illinois Petition for Certificate of Innocence is a legal document filed by an individual who has been convicted of a crime, in the state of Illinois, and believes they have been wrongly convicted. The petitioner files their Petition for a Certificate of Innocence in the court with jurisdiction over the case which led to their incarceration. To prevail on a Petition for Certificate of Innocence, the standard of proof for the petitioner is a preponderance of the evidence. If granted, the Certificate of Innocence is a formal declaration by the circuit court of the petitioner's innocence regarding the crime for which they were unjustly found guilty. 735 ILCS 5/2-702.

Database Architecture

This database was built on a proprietary Software as a Solution platform designed to improve collaborative productivity within legal workspaces. Volunteer researchers accessed civil complaints for the plaintiffs and entered relevant detail into the database.

Exoneree Name (required)

Civil Docket Number (required)

Civil Case Disposition

Awarded Amount

Our team then collated the dataset into visual representations set forth below and in the next section.

Exoneree Name	Civil Docket Number	Volunteer Assignee	Civil Case Disposition	Awarded Amount	Conviction Location	Year of Birth	Year of Conviction	Age at Conviction
Armando Serrano	17CV2869	Sue Patino	Settlement	10,250,000.00	Chicago	1973	1994	21

This dataset may be sorted and searched based on any tracked criteria.

Exoneree Name

Civil Docket Number

Civil Case Disposition

- Settlement
- Summary Judgment
- Complaint Dismissed w/ Prejudice
- Complaint Dismissed w/o Prejudice
- Jury Verdict
- N/A (Case Ongoing)
- Select all

Awarded Amount

Data Summary

The below statistics are based off individually researched cases compiled into one database. The cases were reviewed for quality control by Truth Hope & Justice and Ropes & Gray to ensure accurate data entry for individual records. Civil complaints in the dataset range from 2000 to 2023. Annualized figures were calculated by dividing the tracked dollar amount in question (settlement, jury payout, or invoice amount) by the number of years an exoneree was wrongfully incarcerated, then averaging those totals out across the entire dataset.

Average Duration of Civil Proceedings

41.8 months

Average Settlement Amount

\$ 5,828,538.46

Average Jury Award

\$ 11,364,267.57

Shortest Duration of Civil Proceedings

4 months

Lowest Settlement Amount

\$60,000.00

Lowest Jury Award

\$409,746.00

Longest Duration of Civil Proceedings

118 months

Highest Settlement Amount

\$17,500,000.00

Highest Jury Award

\$27,000,000.00

For every year an individual is wrongfully incarcerated,

\$ 359,389.67

is paid out in settlements by the City of Chicago

For every year an individual is wrongfully incarcerated,

\$ 781,246.10

is awarded by a jury and paid out by the City of Chicago

For every year an individual is wrongfully incarcerated,

\$ 69,249.47

is invoiced to the City of Chicago by defense counsel

Financial Highlights

The below statistics are based off individually researched cases compiled into one database. The cases were reviewed for quality control by Truth Hope & Justice and Ropes & Gray to ensure accurate data entry for individual records. Civil complaints in the dataset range from 2000 to 2023. Annualized figures were calculated by dividing the tracked dollar amount in question (settlement, jury payout, or invoice amount) by the number of years an exoneree was wrongfully incarcerated, then averaging those totals out across the entire dataset. The dataset was filtered based on select criteria where appropriate (e.g., averaging annualized totals across records where Certificates of Innocence were/were not issued). Total dollar figures were reached by summing up the relevant figure across all records.

Total City of Chicago Spend on Wrongful Convictions Litigation	\$675,653,387.82
- Total amount awarded through settlements and jury awards	\$ 537,954,746.00
■ Total awarded through settlement	\$378,855,000.00
■ <i>Average award per year of incarceration</i>	\$359,389.67
■ <i>Per year if issued Certificate of Innocence</i>	\$428,054.12
■ <i>Per year if not issued Certificate of Innocence</i>	\$295,026.86
■ Total awarded through jury verdict	\$159,099,746.00
■ Average award per year of incarceration	\$781,246.10
■ Per year if issued Certificate of Innocence	\$712,821.70
- Total amount spent on private outside counsel	\$137,698,641.82
■ <i>Average cost of outside counsel for each case</i>	\$462,075.98

Landmark Jury Awards and Settlement Amounts

March 2000 – September 2023

Adam Gray v. City of Chicago, et al. ² – Jury award entered on May 25, 2023	\$27,000,000.00
Eddie Bolden v. Pesavento, et al. ³ – Jury award entered on October 29, 2021	\$25,200,000.00
Armando Serrano v. Guevara, et al. & Jose Montanez v. Guevara, et al. ⁴ – Settlement entered on May 5, 2022	\$20,500,000.00
Tyrone Hood v. City of Chicago, et al. ⁵ – Settlement entered on September 21, 2023	\$17,500,000.00
Daniel Taylor v. City of Chicago, et al. ⁶ – Settlement entered on February 7, 2022	\$14,250,000.00
Kevin Bailey v. City of Chicago, et al. & Corey Batchelor v. City of Chicago, et al. ⁷ – Settlement entered on January 21, 2022	\$14,000,000.00

² Gray v. City of Chicago, No. 18 C 2624, 2019 WL 3554239 (N.D. Ill. Aug. 1, 2019) (Plaintiff Adam Gray arrested in 1993, at the age of 14, for arson and the murder of two people who died as a result of the fire. After spending 24 years wrongfully incarcerated, he was released and granted a certificate of innocence by the state of Illinois.)

³ Bolden v. City of Chicago, 293 F. Supp. 3d 772 (N.D. Ill. 2017) (Plaintiff Eddie Bolden was arrested in 1994 and convicted of double murder. After spending 22 years in prison, Bolden's convictions were vacated and later received a certificate of innocence by the state of Illinois.)

⁴ Serrano v. Guevara, 17 CV 2869, 2020 WL 3000284 (N.D. Ill. June 4, 2020) (Plaintiffs Armando Serrano and Jose Montanez spent over 20 years in prison after being wrongfully convicted for the murder of Rodrigo Vargas in 1993. The state of Illinois later vacated their convictions upon their release.)

⁵ Hood v. City of Chicago, 16 C 1970, 2020 WL 13890273 (N.D. Ill. Oct. 5, 2020) (Plaintiff Tyrone Hood was convicted of the 1993 murder of Marshall Morgan, Jr. In 1996, Hood was sentenced to 75 years in prison and, in 2015, was exonerated and released from prison.)

⁶ Taylor v. City of Chicago, 14 C 737, 2015 WL 5611192 (N.D. Ill. Sept. 22, 2015) (At the age of 17, Plaintiff Daniel Taylor was charged and convicted of a double homicide. Taylor spent over 20 years in prison before being exonerated of the crimes he did not commit.)

⁷ Bailey v. City of Chicago, 19 CV 0197 (N.D. Ill. Jan. 10, 2019) (Plaintiffs Kevin Bailey and Corey Batchelor were only 19 years old when they were convicted of the 1989 murder of Lula Mae Woods. Bailey and Batchelor served a combined 43 years before being released and having their convictions overturned.)

Top 10 Settlement Amounts Overall

March 2000 – September 2023

Plaintiff	Docket ID	Years Incarcerated	Settlement Amount	Amount per Year of Incarceration
Armando Serrano & Jose Montanez	17CV2869 17CV4560	23 22	\$20,500,000.00	\$445,652.17 \$465,909.09
Tyrone Hood	16CV1970	19	\$17,500,000.00	\$921,052.63
Harold Richardson	12CV9184	16.5	\$16,800,000.00	\$1,018,181.82
Juan Johnson	05CV1042	12	\$16,400,000.00	\$1,366,666.67
Michael Saunders	12CV9158	15	\$16,080,000.00	\$1,072,000.00
Vincent Thames	12CV9170	14	\$16,080,000.00	\$1,148,571.43
Daniel Taylor	14CV737	21	\$14,250,000.00	\$678,571.43
Kevin Bailey & Corey Batchelor	19CV197 18CV8513	28 17	\$14,000,000.00	\$250,000.00 \$411,765.71
Terrill Swift	2012-L-012995	14	\$13,600,000.00	\$971,428.57
Alton Logan	09CV5471	26	\$10,250,000.00	\$394,230.77

Top 10 Jury Awards Overall

March 2000 – September 2023

Plaintiff	Docket ID	Years Incarcerated	Jury Verdict	Amount per Year of Incarceration
Adam Gray	18CV2624	24	\$27,000,000.00	\$1,125,000.00
Eddie Bolden	17CV417	22	\$25,200,000.00	\$1,145,454.55
Thaddeus Jimenez	09CV8081	16	\$25,000,000.00	\$1,562,500.00
Nathson Fields	10CV1168	17	\$22,000,000.00	\$1,294,117.65
Jacques Rivera	12CV4428	21	\$17,175,000.00	\$817,857.14
James Newsome	96CV7680	15	\$15,000,000.00	\$1,000,000.00
Deon Patrick	14CV3658	21	\$13,345,000.00	\$635,476.19
Daniel Anderson	16CV1963	27	\$7,600,000.00	\$281,481.48
Stanley Wrice	14CV5934	30	\$5,200,000.00	\$173,333.33
Seneca Adams	06CV4856	<1	\$1,170,000.00	\$1,170,000.00

Outside Counsel Expenditure

Every amount reflected below was obtained through FOIA requests submitted to the City of Chicago Department of Law from March 16, 2023 – July 31, 2023. For each wrongful convictions case submitted, the City provided the date and amount of every invoice available through its online invoicing system, as well as the law firm which sent the invoice. Thus, the below reflects the amount each law firm invoiced the City, not necessarily the amount paid by the City.⁸ Additionally, only a fraction of total outside counsel spend is represented below for 2023 because the data obtained through FOIA requests is only complete as of the date it was returned.

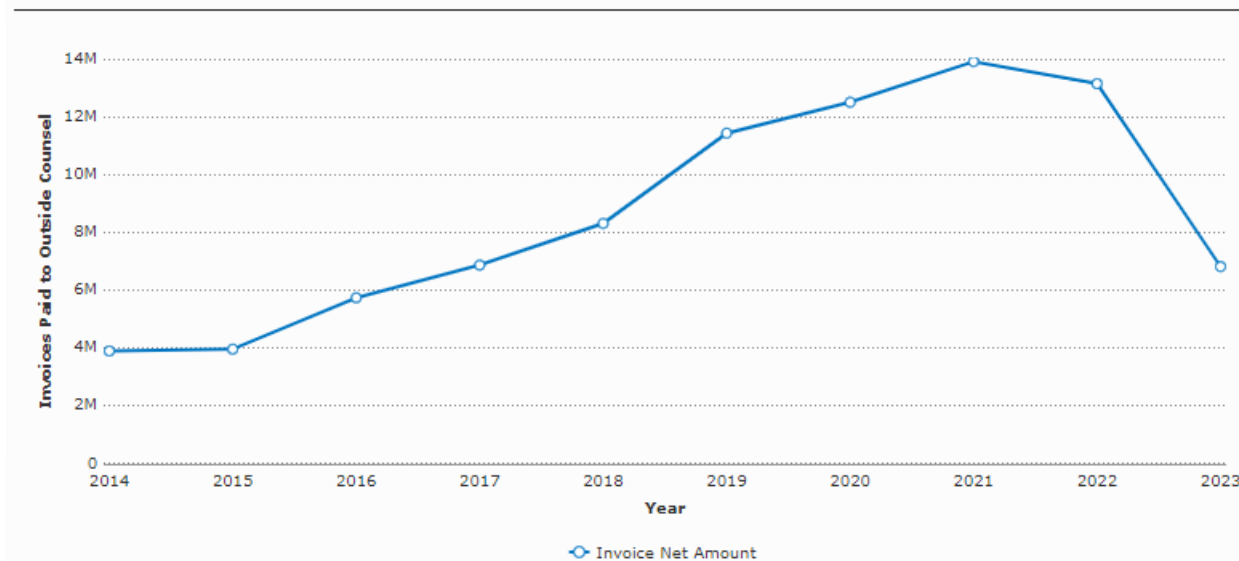
Total Outside Counsel Invoices on Wrongful Conviction Civil Actions Issued to City of Chicago

\$ 137,698,641.82

Outside Counsel Invoices on Wrongful Conviction Civil Actions Issued to City of Chicago Since 2013

\$ 91,915,097.75

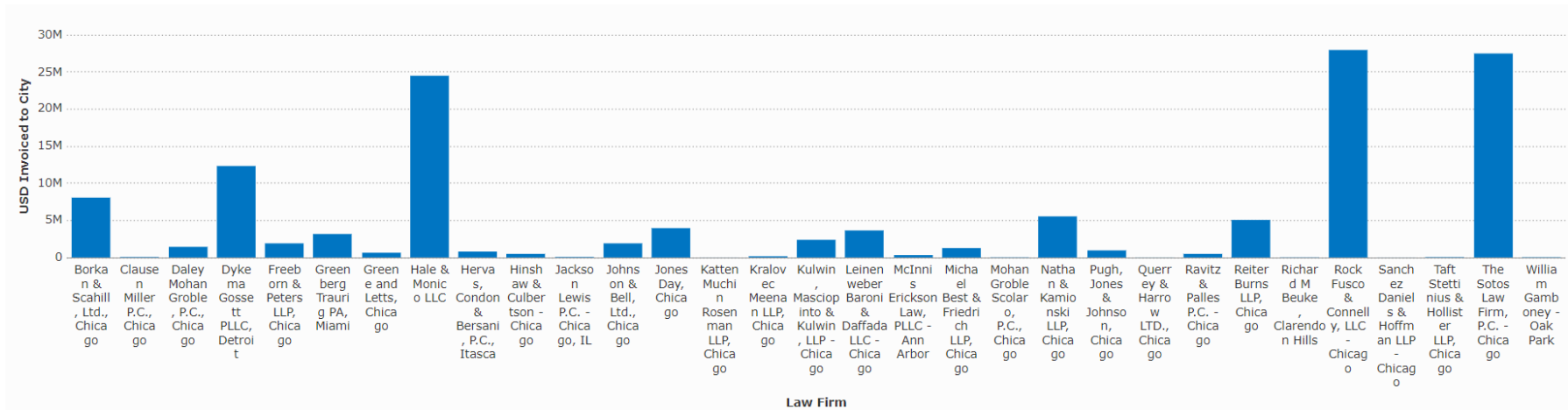
Outside Counsel Spend by Year



⁸ Law Firm Antiracism Alliance, Outside Counsel Spend Dashboard, (last visited December 1, 2023), <https://www.lawfirmantiracismalliance.org/lfaa/siteHomePage.action?metaData.siteID=946&metaData.homePageID=113&navMenuId=1594>.

During the past two decades, a select group of law firms have defended wrongful convictions cases on behalf of the City of Chicago.

OUTSIDE COUNSEL SPEND BY PRIVATE DEFENSE LAW FIRM



The top three law firms and the amounts (rounded to the nearest dollar) invoiced by each for the captured cases in the *Wrongful Convictions Database* are as follows:

- Rock Fusco & Connelly - \$28,000,000.00
- Sotos Law Firm - \$28,000,000.00
- Hale & Monico - \$25,000,000.00

Insights

As of September 2023, the Database houses 190 ongoing Section 1983 wrongful convictions cases filed in the U.S. District Court for the Northern District of Illinois.

- Of these 190 cases, the following are against **three** common defendants:

- Jon Burge: 2



Former Police Commander Jon Burge served the City of Chicago Police for 22 years, between 1970 and 1993. Burge became widely known for his involvement in allegations of police misconduct, leading to a significant number of legal proceedings.⁸

- Ronald Watts: 156



Former Sgt. Ronald Watts served on the 2nd District tactical team in the City of Chicago Police Department for 18 years. Watts went on to lead the tactical team for almost a decade until 2012, after being alleged to routinely frame people at the former Ida B. Wells public housing complex.⁹

- Reynaldo Guevara: 11



Former Detective Reynaldo Guevara served 29 years after joining the City of Chicago Police Department in the mid-1970s. He became a gang crimes specialist before becoming an Area 5 Police detective. To date, 39 individuals framed by Guevara have had their convictions overturned.¹⁰

⁹ *Jon Burge*, https://en.wikipedia.org/wiki/Jon_Burge#Police_career.

¹⁰ *Chicago Police Sergeant Ronald Watts' Convictions Overturned: 'He Framed Me For Everything'*, CBS CHICAGO, <https://www.cbsnews.com/chicago/news/chicago-police-sergeant-ronald-watts-convictions-overturned-corruption-framed/>.

¹¹ Patrick Fazio, et al., *Man Still in Prison After 27 Years Says Former Chicago Detective Framed Him for Murder*, NBC CHICAGO, <https://www.nbcchicago.com/news/local/man-still-in-prison-after-27-years-says-former-chicago-detective-framed-him-for-murder/3100454/>.

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- As these 190 ongoing cases move through the court system, our research can help to predict the expected settlement or jury verdict award.
 - *E.g.*, Gibson v. City of Chicago, et al., 19-cv-04152
 - Filed case on June 20, 2019
 - Spent 29 years, 4 months, and 7 days in prison
 - Certificate of Innocence issued
 - *Monell* allegations claimed¹²
 - Estimated **jury verdict and settlement** for Gibson case:
 - Based on 20 years of historical verdict data = \$25,962,752
 - Based on Adam Gray (\$27 million in 2023) and Eddie Bolden (\$25.2 million in October 2021), estimated jury verdict in Gibson's case is >\$32 million
 - Estimated settlement amount for Gibson case based on data since 2000 = \$13,388,570
 - Estimated settlement amount for Gibson case based on data since 2020 = \$20,671,829

When calculating the above estimated values, we compared closed cases similar to James Gibson's case in that the plaintiff spent 20 or more years in prison, received a certificate of innocence, and named Jon Burge as a defendant. Once these similar cases were isolated, we (i) split them into two categories based on whether concluded through settlement or awarded a jury verdict; (ii) calculated the award amount per year of incarceration for each individual case; (iii) calculated the average award amount per year of incarceration in each category; and (iv) multiplied this value by the number of years James Gibson spent in prison.

¹² The *Monell* doctrine is a legal action brought against a municipal entity, asserting that said entity's policies or practices resulted in the violation of an individual's constitutional rights. See *Monell v. Dep't of Social Services of the City of N.Y.* (1978).

Recommendations

Based upon the analysis of wrongful convictions data in Chicago, we have developed the following recommendations to improve litigants' approaches to Section 1983 wrongful convictions litigation. We believe a strategic and thoughtful approach to this litigation will demonstrate respect for the victims of wrongful convictions by streamlining the litigation process and, at the same time, serve the fiduciary duty owed to City of Chicago taxpayers.

1. Conduct a risk assessment analysis for the City of Chicago regarding wrongful convictions cases currently pending in federal court by leveraging historical outcomes to perform predictive analytics to better understand the financial exposure of pending cases. We will collaborate with Aon's data scientists and risk analysts to better analyze the implications of the historical data, identify high-priority issues and cost-efficient solutions. Part of this analysis includes evaluating the City's self-insured retention history and coverage provided by third-party carriers including Argo, Allied World Assurance Company, Westchester Surplus Lines Insurance Company, and First Specialty Insurance Corporation.
2. Recruit and build a new, highly capable, experienced, and specialized wrongful convictions unit within the City of Chicago Department of Law. We recommend recruiting and hiring more qualified in-house attorneys and building a pathway to train and supervise attorneys in civil rights litigation. There is also an opportunity to integrate senior leadership within the Department of Law and outside counsel with expertise in high-stakes litigation. As part of this plan, the City should develop an effective network of high-integrity, diverse outside law firms committed to adjudicating wrongful convictions cases and serving the fiduciary interests of City of Chicago taxpayers. All current law firms should go through an updated evaluation process based on their historical performance and capabilities to manage and litigate wrongful convictions cases.
3. Develop an early assessment mediation platform to effectively evaluate the facts and law of each case and explore mutually beneficial resolution of wrongful convictions cases. Priority should be given to cases where the plaintiff has a Certificate of Innocence and has made *Monell* allegations.
4. Create a Justice Fund for Victims of Wrongful Convictions to affirmatively acknowledge the harm done by Chicago police officers.
5. Collaborate with the Invisible Institute and leverage data insights to develop an early warning and detection system for identifying Chicago police officers with high-risk/patterns of excessive force and potential legal exposure.

Next Steps

- Develop a broad plan to engage key stakeholders and address the current situation regarding wrongful convictions litigation.
- Share data with a multi-disciplinary group of business, civic and community leaders to develop and execute practical solutions to the wrongful convictions problem in Chicago.
- Discuss data highlights, insights and recommendations with City of Chicago leadership including:
 - City of Chicago's Mayor's Office
 - City of Chicago Department of Law
 - Chicago Police Department
 - City of Chicago City Council
 - City of Chicago's Office of the Inspector General
 - City of Chicago's Civilian Office of Police Accountability
- Discuss data highlights, insights and recommendations with key civic organizations, business leaders and stakeholders including:
 - Civic Federation of Chicago (www.civicfed.org)
 - Economic Club of Chicago (www.econclubchi.org)
 - World Business Chicago (www.worldbusinesschicago.com)
 - Democratic National Committee for the 2024 Convention
- Discuss data highlights, insights and recommendations with academic institutions and public interest organizations committed to advancing social justice including Northwestern University School of Law Center on Wrongful Convictions, the MacArthur Justice Center, The Exoneration Project at the University of Chicago Law School, the Illinois Innocence Project, and others.

Acknowledgements

We are profoundly grateful for the commitment and dedication of the multi-disciplinary team of professionals who worked to compile, analyze, and build this unprecedented data project. Our mission critical is to utilize the insights from this project and work collaboratively with key stakeholders in Chicago and across the country to drive objective, data-driven decisions, address issues related to wrongful convictions litigation and advance social justice and police reform in our world.

Andrew M. Stroth

Founder – Truth, Hope and Justice Initiative

www.truthhopejustice.org

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About the Truth, Hope and Justice Initiative

The Truth, Hope and Justice Initiative (Truth, Hope and Justice™) is a non-profit organization founded by civil rights attorney Andrew M. Stroth. The organization is committed to advancing social justice and racial equality by publishing stories of mothers impacted by unjustified police brutality and individuals wrongfully convicted in America. Truth, Hope and Justice has also formed a strategic alliance with Ropes & Gray, the Law Firm Anti-Racism Alliance, and Aon to develop and build an unprecedented database project tracking Section 1983 civil rights litigation in Chicago, Philadelphia, and other jurisdictions across the country.



About Ropes & Gray

Ropes & Gray, a preeminent, global law firm, has been ranked in the top-three on The American Lawyer's prestigious "A-List" for seven years and is ranked #1 on Law.com International's "A-List" in the U.K.—rankings that honor the "Best of the Best" firms. The firm has approximately 1,500 lawyers and legal professionals serving clients in major centers of business, finance, technology, and government in Boston, Chicago, Dublin, Hong Kong, London, Los Angeles, New York, San Francisco, Seoul, Shanghai, Silicon Valley, Tokyo and Washington, D.C. The firm has consistently been recognized for its leading practices in many areas, including asset management, private equity, M&A, finance, real estate, tax, antitrust, life sciences, health care, intellectual property, litigation & enforcement, privacy & cybersecurity, and business restructuring.



About the Law Firm Anti-Racism Alliance

The Law Firm Antiracism Alliance: The Law Firm Antiracism Alliance is a nonprofit organization created for the purpose of achieving racial equity in the law. The LFAA is a collaborative effort of 300 law firms that are located in all 50 states. These Alliance Firms, in partnership with legal services organizations and key stakeholders, dedicate their pro bono resources to initiatives that identify and address systemic racism in the law.



About Aon

Aon plc exists to shape decisions for the better — to protect and enrich the lives of people around the world. Our colleagues provide our clients in over 120 countries and sovereignties with advice and solutions that give them the clarity and confidence to make better decisions to protect and grow their business.