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FRONT PAGE

JURY CLEARS DETROIT COPS OF ABUSE

Feds couldn't prove police violated suspects' civil rights

BY DAVID SHEPARDSON
The Detroit News

DETROIT - Eight Detroit Police officers were acquitted Thursday of charges that they violated the constitutional rights of suspected criminals by planting evidence and writing phony reports.

The eight are among 19 officers accused by the U.S. Attorney's Office of lying in more than a dozen cases from 2000-03 to justify the arrests of suspected drug dealers and prostitutes.

U.S. Attorney Jeffrey G. Collins said he hasn't decided whether to go forward with plans to prosecute seven remaining officers scheduled to go to trial in October.

Three others pleaded guilty and charges were dismissed against one officer.

One of the jurors, Marianne Spear, told *The Detroit News* Thursday that the jury didn't believe many of the government witnesses, who had lengthy criminal records for drug dealing, prostitution and gun possession.

"We thought they were police officers doing their jobs," said the 39-year-old nurse's aide from Redford Township.

Spear said two or three jurors initially wanted to convict the officers, but ultimately agreed to acquit them. The jury deliberated 17 hours over four days.

"We kept focusing on reasonable doubt and finding it," she said.

It was unclear Thursday if the acquitted officers will return to their jobs. They may still face departmental disciplinary actions.

Detroit police officials declined to comment.

Wayne State University Law Professor Peter Henning, a former federal prosecutor in Detroit, said the government had a tough case to prove.

And jurors may have considered that even if reports contained false statements, they weren't necessarily criminal acts.

"All the cop shows on TV show the criminal justice system as a roadblock to police protecting honest citizens," Henning said.

"The jury (may have) thought, 'They wrote false reports to accomplish what? To get money? No. To get a bad guy off the streets?'"

Officers Celebrate

The acquitted officers, their lawyers and families celebrated with joyful tears and drinks at a downtown restaurant. They toasted each other and posed for pictures. All eight suspended without pay since last June said they looked forward to getting back to work.

"This malicious prosecution smacked of McCarthyism and the Salem Witch trials," said Officer Matthew Zani, 37, who spent six days in jail before he was released on bond last year.

"The truth finally prevailed."

Added Officer Christopher Ruiz, 29: "The jury believed us instead of crackheads, dope boys and other criminals."

Ruiz said the FBI was conned by a network of career criminals.

Officer William Melendez, 35, nicknamed "Robocop," praised the jury, too.

"This is a great day for law enforcement," Melendez said.

Also acquitted were Denny Borg, 32; Mark Diaz, 28; Timothy Gilbert, 28; Jeffrey Weiss, 32; and Jerrod Willis, 33.

Inquiry Opened in '02

The FBI investigation began in 2002, when a convicted felon arrested by Detroit police was referred to the U.S. Attorney's Office for federal prosecution.

The suspect confessed to illegally having a gun, but insisted that the Detroit police lied in their report about where he was arrested. Federal prosecutors claimed that officers routinely lied in reports to justify warrantless searches.

The officers claimed they personally witnessed drug deals or chased down fleeing suspects who dropped guns. That gave them the legal right to make arrests.

More than 100 witnesses testified during the 34-day trial that began Feb. 9. They included more than a dozen other officers who swore under oath that the reports written by the indicted officers were false. Testifying on their own behalf, some of the accused officers acknowledged making mistakes in their reports. But all insisted they never broke the law.

"We made mistakes. We were human. We didn't have the perfect recall of the drug dealers who testi-fied," said Officer Weiss, who will get married Nov. 20 in Livonia ? after twice postponing his wedding because of the trial.

Some of the government's witnesses filed civil suits against the police department, and many had confessed to the crimes they were accused of in the allegedly false reports.

During the trial, witness Clifton White, who allegedly was harassed by the indicted officers, was stopped in Detroit as a passenger in a stolen car.

Three Guilty Pleas

Before the trial of the eight began, three officers pleaded guilty in exchange for leniency and agreements to testify against their fellow officers with most working at the 3rd and 4th precincts.

In March, U.S. District Judge Avern Cohn dismissed charges against former officer Stephen Pardo.

The government now faces two other high-profile, local police corruption cases.

On June 8, four Mount Clemens police officers are scheduled to go to trial in charges they lied about beating up a 24-year-old University of Detroit Mercy college student. One officer pleaded guilty. In July, John Cole Sr., a former Detroit police evidence room employee, is to face charges he stole 222 pounds of cocaine from the police department's evidence room and replaced it with flour.

A Michigan State Police lieutenant and a Detroit police officer were also indicted in the case.

Thursday's acquittals come as the Detroit Police Department and Justice Department continue to be at odds over how the department operates.

Two days before the indictment last June, the Justice Department announced that it reached a consent decree with the Detroit Police Department, which had agreed to make widespread changes in the way it uses force, trains officers and houses prisoners.

The first two reports from a federal monitor show that the department has made little progress.

The Detroit Police Department has faced a string of corruption cases in recent years:

* In 2000, two 8th (Grand River) Precinct officers were convicted of drug charges. The pair approached another officer and told him they had stolen 2.2 pounds of cocaine while on duty and sold it to a drug dealer.

* In July 1999, two officers assigned to the department's narcotics section were caught by FBI cameras stealing cash from a drug raid in an FBI sting.

* In 1998, seven officers who worked at the 6th (Plymouth) Precinct were found guilty of corruption. The government said they kept money, guns and drugs seized from crack houses, planted phony evidence and falsified police reports.

* In 1998, three 5th (Jefferson) Precinct officers were convicted of plotting to rob a bookie in Southfield. They planned to simulate a police raid, the government said. All three were sentenced to at least five years in prison.

* In 1992, Police Chief William Hart was sentenced to 10 years in prison and fined \$2.3 million for looting a fund designed to pay informants and make drug buys.

What's Next

* U.S. Attorney's Office must decide whether to go ahead with plans to prosecute seven more officers on similar charges. Their trial is scheduled for October.

* The Detroit Police Department hasn't decided whether to immediately reinstate the officers, or to press departmental discipline charges.