



City Won't Pay \$6 Million Awarded to Man Wrongfully Imprisoned for Decades

Plus: how a pesticide ban hurt Sri Lanka, how Japanese reality TV reveals deficiencies in American parenting, and more...

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City won't pay after wrongful conviction. Qualified immunity allows law enforcement officials to get away with all manner of bad deeds. Now, the city of Durham, North Carolina, is proving that even if you overcome that obstacle, it won't necessarily be enough to get justice.

After a Durham detective fabricated evidence, Darryl Howard was wrongfully convicted of murder and imprisoned for more than two decades. A jury awarded Howard \$6 million in the ensuing lawsuit, but the city is refusing to pay it.

Worse yet, the city is asking Howard to pay the legal fees of two city employees dismissed from the suit.

"I proved my innocence. I went through every court. Every judge says what this was, even the governor," Howard told the *Raleigh News & Observer*. "Now I have to fight again."

Back in 1995, Howard was convicted on two counts of second-degree murder and one count of arson. (Former *Reasoner* Radley Balko has more background on the case here.) In 2016, the convictions were vacated and the local district attorney dismissed the charges. In April 2021, Gov. Roy Cooper officially pardoned Howard.

And in December, a federal jury found former Durham detective Darrell Dowdy had fabricated evidence and conducted an incomplete investigation. The jury awarded Howard \$6 million in damages.

The city spent more than \$4 million fighting Howard's civil rights lawsuit, which originally included the city and several employees as defendants but ultimately just included Dowdy. Now the city says it won't indemnify Dowdy, whom it employed for 36 years. That means it won't pay the \$6 million the jury awarded Howard.

The twisted reasoning here seems to be that the city will only pay out if its cops and other employees were acting in good faith, not maliciously. Since the officer that framed Howard was found to be acting in bad faith, the city won't pay.

More from *The News & Observer*:

A city resolution establishes a uniform standard in addressing claims against the city and outlines a policy to defend officers and employees against civil claims and judgments, city attorneys have said.

Unless the city has evidence or information to indicate otherwise, "the city generally proceeds under the presumption that, however conduct may have been portrayed in a complaint, the employee was engaged in the good faith execution of their duties on behalf of the city and was, thus, entitled to a defense," Rehberg wrote.

The City Council decided not to pay the judgment during closed session meetings between December and February, Rehberg wrote. The meetings were closed for attorney-client consultation to respond to demands made by Howard's and Dowdy's attorneys.

The city's resolution states that it's in the public interest to settle judgments against the city "if the facts and circumstances of the claim or the suit in which the judgment is entered show that the officer or employee was engaged in the good faith performance of his duties on behalf of the City when the act or omission giving rise to the claim or suit occurred," wrote Rehberg in an email, in which she added an emphasis on good faith. "A jury of Mr. Dowdy's peers determined that Mr. Dowdy engaged in fabrication of evidence and a bad faith failure to investigate," she wrote.

A lawyer for Dowdy told the paper "the city has known all along what Captain Dowdy did and decided to defend him on that basis."

FREE MINDS

What a Japanese reality series can teach America about parenting. "Americans have over-rotated on protectiveness in the past few decades and need to reconsider letting their kids do more by themselves," suggests *New York Times* parenting writer Jessica Grose. Grose is responding to *Old Enough!*, a Japanese TV show that is now streaming on Netflix. The series features children learning to run errands on their own.

Grose posits that the show's premise wouldn't fly in the U.S. because American parents coddle kids much more than our counterparts in other countries do:

It's not just Japan. In much of the rest of the world, kids are allowed to do more solo at earlier ages. Dan Kois, who wrote a book about traveling the world with his 9- and 11-year-olds, said, "Our experience in most of the places we lived in the course of that year, children, especially middle-grade children, were given enormous amounts of freedom that were totally incomprehensible" to the average American. In the Netherlands, for instance, Kois said that kids rode their bikes to school by themselves.

Though I knew American parents were more protective than some parents in other countries, I was surprised at the extent of the protectiveness. According to a 2012 analysis of a survey conducted by the Centers for Disease Control and Prevention, the mean age at which American adults believed a child could be left at home alone was 13, bathe alone was 7 and a half, bike alone was around 10.

FREE MARKETS

The Sri Lankan government banned synthetic fertilizers and pesticides. It's been a disaster, decimating some of the country's formerly booming agricultural industries.



Walter Olson @walterolson

The ban on agricultural chemicals, taken "on the advice of environmentalists in the name of sustainable agriculture," has proved a thorough disaster.

Polemic Paine @PolemicTMM
Sri Lanka's switch to organic farming.. oops.
[thetimes.co.uk/article/2a0824...](https://www.thetimes.co.uk/article/2a0824...)

How Sri Lanka's shift to organic farming left it in the manure

Ignoring its own advisers, the government banned agricultural chemicals. The result has been an economic catastrophe

7:58 PM · Apr 17, 2022

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"Long-term use of synthetic fertilisers had helped Sri Lanka become not only food-secure but a major agricultural exporter," reports the London *Times*:

To replace synthetic with organic fertiliser, as the the government claimed it planned to do, five to seven times more animal manure would be necessary to provide the same amount of nitrogen to Sri Lankan farms as was delivered in 2019. Even accounting for the over-application of synthetic fertilisers, which is clearly a problem, and other uncertainties, there is almost certainly not remotely enough land in this small island nation to produce that much organic fertiliser....

Today, Sri Lankans face routine food shortages and power outages as long as 13 hours during the hottest time of the year. The country should be celebrating its New Year—but with widespread food shortages, India is supplying wheat, sugar and rice. Prices are soaring, people have to wait in long queues to fill their cars up with petrol and hospitals have been forced to cancel routine surgeries (critical medicines are also in short supply).

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