

STATE OF MICHIGAN



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Deputy Attorney General

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OFFICE OF
FRANK J. KELLEY
ATTORNEY GENERAL
LANSING

JUL 25 1963

July 24, 1963

Mr. Arthur L. Johnson
NAACP
13118 Dexter
Detroit, Michigan

Dear Mr. Johnson:

This office has completed its investigation of the circumstances surrounding the shooting of Miss Cynthia Scott of Detroit.

A careful review of the facts and the law does not reveal justification for intervention by this office. There are, indeed, grave questions concerning the judgment of the police officer involved which, I am sure, will be considered by the Police Department in any future assignment he may have. However, since law enforcement in Michigan is primarily a local responsibility, I cannot substitute my judgment for that of the local prosecutor, but can intervene only where there is a clear abuse of discretion on his part. I do not find such abuse in this case.

I am deeply concerned, however, about the uncertainty on the part of some law enforcement personnel and the public concerning the amount of force which may be used by a police officer to effect an arrest. As chief law enforcement officer of this State, I will, therefore, issue a formal advisory opinion setting forth the current status of the law on this subject. This opinion will be made available to Michigan's entire law enforcement community.

I would like to take this opportunity to express my appreciation to you for your concern and cooperation in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Frank J. Kelley".

FRANK J. KELLEY
Attorney General