

they have the discretion as to whether or not they would enforce the law?

Mr. NICHOLS. Certainly. In fact, in many instances we advise them not to enforce the law. We admonish our officers not to get involved in neighborhood disputes, for example, by direct order.

Mr. RANGEL. I am surprised by the differences between your regulations and those which govern police conduct in New York City.

Mr. CONYERS. Well, Mr. Commissioner, are you certain about the remarks you just made to the acting chairman?

Mr. NICHOLS. I think I am. I might be uncertain in the way they were interpreted, but I am certain about what I said.

Mr. CONYERS. I just wanted to make certain because it seemed a little unusual to me. But let's continue with my question of how many investigations are being conducted concerning the STRESS unit and officers which lead into questions such as violations of the constitutional rights of citizens.

Mr. NICHOLS. To the best of my knowledge there is that investigation conducted by the common council; there is an independent investigation being conducted by an ad hoc committee of which we have no knowledge; there have been applications made to the Federal Bureau of Investigation. I do not know what status that investigation is in, if in fact it is being conducted. I would assume that there are isolated complaints of other STRESS offices under investigation by our citizens complaint bureau, and possibly by the commanders of STRESS itself.

Mr. CONYERS. Now, how many citizens have been killed as a result of the STRESS unit?

Mr. NICHOLS. Since when, sir?

Mr. CONYERS. How long has STRESS been in existence?

Mr. NICHOLS. Since January of 1971. I think about 15, I am not certain.

Mr. CONYERS. Would 18 possibly be a correct number?

Mr. NICHOLS. Eighteen might be a valid number of individuals who have been killed by officers assigned to STRESS, but not necessarily on the STRESS operation. That would include the matter under which we have just had the discussion, which was not a STRESS operation. That was the only point I was trying to make.

Mr. CONYERS. Are you aware—and perhaps I should direct this to Officer Martin—that even associations of Detroit policemen have voiced some criticism of the operation of STRESS?

Mr. MARTIN. The association?

Mr. CONYERS. I said some associations of Detroit policemen have voiced criticism of the way STRESS has operated.

Mr. MARTIN. If you are talking about the Guardians of Michigan, in which the membership is primarily suburban departments, black officers of suburban departments, which there is very few number of Detroit policemen working, which I don't belong to, they may voice their opinions against STRESS. But the majority of those policemen are not Detroit policemen.

Mr. CONYERS. When you say suburban departments of the police department, what do you mean?

Mr. MARTIN. Inkster, Royal Oak, places like that.

Mr. CONYERS. Well, the Guardians is one of the units that I was referring to, and it is composed primarily of black police officers.

Mr. MARTIN. That is correct, sir.

Mr. CONYERS. And it is your suggestion, that most of them are suburban police officers?

Mr. MARTIN. Yes, sir. When I say suburban, outside of the city of Detroit, plus Wayne County sheriff's deputies, which most of those belong to.

Mr. CONYERS. Do you have any idea how many of them are Detroit police officers?

Mr. MARTIN. I have no idea; sir; but I have come in contact with most Detroit police officers who stated they don't belong to them. But I can't give an accurate number.

Mr. CONYERS. Well, let me ask you about one of the incidents that created a great deal of unfavorable publicity relating to STRESS in which you were involved. This is in connection with a shootout between the Wayne County Sheriff's Department deputies and STRESS officers. I presume you recall that incident?

Mr. MARTIN. Yes, sir.

Mr. CONYERS. It resulted in the death of a sheriff's deputy and the injury of several others?

Mr. MARTIN. Yes, sir.

Mr. CONYERS. It was the result of a mistake on the part of STRESS unit's officers?

Mr. MARTIN. No, sir. I beg your pardon, sir?

Mr. CONYERS. It was intentional?

Mr. MARTIN. No, it was not intentional. It was an accident and it was a mistake.

Mr. CONYERS. Correct. You agree that it did create a great deal of unfavorable publicity?

Mr. MARTIN. Yes, sir; it did.

Mr. CONYERS. And there are a number of other incidents from which citizens complaints have arisen including illegal breaking and entering into homes with less than the proper legal credentials?

Mr. MARTIN. You are asking me another question?

Mr. CONYERS. Yes, I am.

Mr. MARTIN. There have been many complaints, sir. There has been a lot of adverse publicity, but if these complaints are substantiated that is another question.

Mr. NICHOLS. May I be permitted to complicate the question, sir?

Mr. CONYERS. By all means.

Mr. NICHOLS. I think at the point in time these complaints were made, the Michigan State law specifically defined the right of an officer to enter a place where he believed an individual for whom he held a felony warrant resided or lived or may have been in hiding, after having announced himself, gave him the right to break the door. This was on this premise that many of these complaints and allegations were raised.

A later circuit court decision said, in essence, that the department should have gotten a search warrant. This case is still up for appeal and I submit that we have to objectively view the officer plus his conduct in terms of what the law appeared to be at that particular time, sir.

Mr. CONYERS. Thank you. Now, of course, a police department's reputation cannot stand too many fatal errors, can it, Officer Martin? For

example, the one in which Wayne County and Detroit law enforcement agencies had a shootout between each other?

Mr. MARTIN. You are correct on that, sir; but we didn't start that shootout.

Mr. CONYERS. I see. Can you describe to us the circumstances under which this very tragic mistake took place?

You don't have to look to the commissioner. You know more about it than he does.

Mr. MARTIN. It is a matter of record.

Mr. NICHOLS. It has been tried in court. I think the members of the committee should know this. The officer has been to court. He has been tried by a jury. Every facet of the case has been explored. We have no aversion at all if the officer cares to detail it in great detail.

Mr. RANGEL. Thank you so much, Commissioner.

Mr. NICHOLS. You would like to hear it?

Mr. CONYERS. No; I don't want to retry the case. These are not adversary proceedings. What we are trying to do is find out how efficient or effective the STRESS unit is in comparison with other anticrime units that are conducted in urban police forces across the Nation. This kind of tragedy, which has no equal in other similar units inside police departments that we know of, certainly requires some discussion while you are here before this committee.

Mr. MARTIN. That night, sir; the crew I was working with was not on a STRESS detail. We were doing routine undercover plainclothes police work. At approximately 12:05 a.m., of March 9, my crew, which was three of us in the car at that particular time, observed a black male in an alley. We turned the corner and pulled up a little closer to the man and observed this man was wearing plain clothes and was carrying a nickel-plated revolver in his hand.

We had an obligation to the occupants of that building and to the city of Detroit and our department to try to get to that individual.

We stopped our car. We watched the man climb the flight of iron stairs to the second floor, a motel-type building. He entered the apartment at the top of the stairs. We didn't think to apprehend him on the stairs or on the porch because we were on the lower level, which would give him an advantage over us.

We reached the top flight of the stairs and glanced in. I glanced in as I passed the door and saw this man in the living room with this gun in his hand. I saw several other individuals in the living room, which was just a glance as I passed the door. My partner immediately was following me, behind me, coming up the stairs.

I stepped to the left of the door and my partner opened the door and announced himself as a police officer. He had his badge and his gun in his hand.

This door was a storm door—glass—and the wooden door was ajar, we could see.

At that point, shots rang out, my partner backed out, down the stairs. I ran to my left, which was the end of the porch, which at that time I thought it was an apartment at the end, but there was a door to an enclosed stairwell. I thought I was trapped on the porch. This man, or a man, which I never could identify, came to the door, fired out into the courtyard.

I fired one shot from, not a service revolver, but my privately owned Cougar, and the type of ammunition I was using jammed after the

first shot. The man then made a quick step onto the porch, fired two shots at me, one shot ricocheting off the brick about 5 inches from my head and the other shot going through my legs and embedding in the door behind me.

I fired more shots.

The driver of our car at that time was radioing on the radio that a police officer was shot. He then ran to the top of the stairs. He saw me, and at the top of the stairs is the door to the apartment. He glanced in and heard a commotion. He yelled, "They are going out the back." My partner opened the door.

I know a man just fired out that door at me and into the courtyard. I had to cover my partner.

Mr. CONYERS. So, it was a terrible series of mistakes.

Mr. RANGEL. May I inquire? Would you yield?

Mr. CONYERS. Yes, Mr. Chairman.

Mr. RANGEL. This person you are talking about with this pistol, was he walking the street with the pistol in his hand?

Mr. MARTIN. When we saw him he was in the alley in the rear of the apartment building. We assumed he just got out of the car. The car was parked in the rear there. We had no idea that he was a deputy; we had no idea what his intentions were, other than the fact he may have been going up there to rob individuals.

Mr. RANGEL. I can understand that; but my question is, "Did this deputy have a silver-coated or silver-plated pistol in his hand in the alley?"

Mr. MARTIN. Yes, sir.

Mr. RANGEL. Could you describe what he was doing with it in the alley?

Mr. MARTIN. He was walking with it in his hand, sir. And if I was a law enforcement officer on foot, by myself, in an alley, in that neighborhood, I would also carry my gun in my hand. But I didn't know he was a law enforcement officer.

Mr. RANGEL. It never entered your mind?

Mr. MARTIN. Not the way he was dressed, sir.

Mr. RANGEL. Were you dressed as a law enforcement officer?

Mr. MARTIN. I was dressed in plainclothes but I was with a police car.

Mr. RANGEL. But if you were in the alley, you wouldn't have looked like a police officer to him.

Mr. MARTIN. That is correct.

Mr. RANGEL. Was he black?

Mr. MARTIN. He was black.

Mr. CONYERS. Now, out of this tragedy, Commissioner Nichols, have we learned anything that can assure our citizens that this will not occur again and further corrode the reputation of the STRESS unit?

Mr. NICHOLS. We have learned, I think, Congressman Conyers, a great deal. We have made a great many modifications and a great many changes in the STRESS operation, based first upon our own continuing evaluation, and, second, upon input and citizen concern.

I think the fact that the acting chairman raised brought about another change in the STRESS operation, in the rephotographing of all of our officers and a specific reflectorized identification card, so if an