

May 11, 1973

MEMORANDUM TO: Commission on Community Relations

FROM: Field Division Staff

SUBJECT: Police Department Trial Boards of Patrolmen Gerald Joseph, Glenn Walker, Curtis Burton.

I. INTRODUCTION

On April 13, 1973, Patrolman Gerald Joseph, a white officer, was taken to a Trial Board for allegedly mistreating a black prisoner on July 22, 1972, in the 5th Precinct station. On April 25, 1973, Trial Boards were also held for Patrolmen Glenn Walker and Curtis Burton, both black, for actions stemming from the same incident. Testimony at both trials was largely in agreement as to what happened prior to the incident.

On the night of July 22, 1972, a 5th Precinct scout car made a run to the Canfield-McClellan area in response to a call relating to the behavior of some youths. The officers responding to the call observed a group of seven youths. Curtis Lewis, age 14, was observed in actions which were later charged as desecration of the flag.

In attempting to talk with the youths, the officers allege they were greeted with obscenities and some physical assault. (Patrolman Fred Zaharoff alleged he was kicked in the shins by one of the youths.) They also alleged that 5-7 adults appeared on the scene and advanced on them with canes and sticks. They called for assistance and two cars responded, one from the 5th Precinct and one from the nearby 15th Precinct, containing Walker and Burton.

The officers met with obscenities and threats and, as a result, three members of the Lewis family were taken into custody. These were Gilbert Lewis, father, James B. Lewis, his brother and Curtis Lewis, son of Gilbert Lewis. All three were conveyed separately to the 5th Precinct station. Patrolmen Burton and Walker conveyed James B. Lewis in their car. Subsequent occurrences were a matter of dispute at the Trial Boards.

II. TRIAL BOARD PROCEEDINGS

The Trial Boards stemmed from a fight which took place in the 5th Precinct garage between white and black officers, allegedly over the mistreatment of the three prisoners. Joseph was charged with mistreatment of a prisoner. Burton and Walker with conduct unbecoming an officer.

The Trial Board Hearing of Patrolman Joseph was convened on April 13, 1973. CCR Staff was present throughout the hearing which lasted nearly four days. From the outset the entire trial was marked by conflicting and contradictory testimony of all witnesses. The differences which arose largely concerned either the particular officer's role in the incident or his location in the garage at the time of the events.

Facts which did emerge from the testimony:

- 1) All three prisoners were injured and required medical treatment.
- 2) The prisoner, (James B. Lewis), conveyed to the station by Burton and Walker, was knocked or thrown down by Patrolman Joseph.
- 3) Patrolman Joseph admitted in his testimony that he threw the prisoner to the floor and put his foot on the prisoner's neck to subdue him.
- 4) The fight between the black and the white officers began when Burton shoved Joseph off the prisoner. He was immediately jumped by 4 or 5 white officers and thrown onto the hood of a car. Walker, in going to Burton's aid was subdued in like manner.
- 5) Burton and Walker apparently did not pull their guns on other officers as some witnesses alleged. Evidence of Burton's torn holster shows it may have been torn when another (unidentified) officer grabbed the gun out of the holster.
- 6) A more serious revelation was the inadequacy of the inquiry into the incident which the precinct command officers conducted.
 - a) Their report did not show any real knowledge of the prisoner beatings or the fight between police officers.
 - b) They did not conduct any inquiry as to how Patrolman Burton lost his weapon which was turned in at the desk by one of the white officers. They apparently did not take the events particularly seriously despite the mistreatment of the prisoners and the involvement of the firearms in the fracas. This problem was, of course, not dealt with in either of these proceedings.

III. CONCLUSION

On May 1, 1973, Patrolman Gerald P. Joseph was found guilty of mistreating a prisoner and was suspended from duty for 30 days with loss of pay and benefits.

Much of the same testimony was given at the Burton and Walker Trial Board as was given at the Joseph hearing. On May 1, 1973 Patrolmen Burton and Walker were exonerated and cleared of all charges in this matter and returned to full duty.

No further Trial Boards are known to be scheduled for any of the other participants at this time.