

Green
Court

Lawyer surprised officer is on force

Cop in beating case sued in '73 slaying

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Jeffrey Mallon was stunned to learn from television news that Detroit Police Officer Larry Nevers reportedly was involved in the fatal beating of Malice Green.

"I couldn't believe this guy was still on the force," Mallon said Monday.

The Birmingham lawyer had assumed that Nevers was fired after Mallon collected a \$275,000 settlement from the City of Detroit in a lawsuit resulting from the fatal shooting of Jewell Denise Gant Davis in 1973.

The suit was one of several the Free Press examined Monday involving officers suspended after Thursday night's fatal beating of Green. None of the officers could be reached for comment.

In Mallon's 1973 case, Davis, then 21, was shot by officers assigned to STRESS, the controversial police decoy unit, during what police described as an armed robbery of a fried chicken outlet in the 18700 block of Wyoming. Police said they shot her when she turned toward them and brandished a handgun.

Mallon said court evidence showed that Davis had been shot in the back and that the gun found near her body did not contain any smudges or fingerprints — an indication, he said, that it had been planted at the scene by police.

Mallon said Davis did not rob the store, but was given \$300-\$350 by the store manager in a scheme between the two to embezzle money. Instead, the manager tipped police that she would try to rob the store. STRESS officers were waiting for her when she showed up for the money, Mallon said.

Nevers spent about 11 months in the STRESS squad in the 1970s. He was one of five police officers involved in the woman's shooting death. It could not be determined Monday if he was disciplined in the case.

The city settled the case in 1979 for \$275,000. The bulk of the money went to Davis' daughter, Crystal Gant, who was 19 months old at the time of her mother's death.

Nevers was not charged in the case. "It wasn't a robbery, she didn't have a gun, and she wasn't facing the officers when she was shot," Mallon said, claiming the shooting was tantamount to murder.

"I couldn't believe it when I heard his name" on the air Friday night, Mallon said. "I was shocked that any of those guys were still on force."

In another case, Nevers allegedly attacked Robert Clark, then 18, while the Detroit man was waiting in a car for companions who were trying to steal a car near Tiger Stadium in July 1990.

Clark's attorney, Alexander Benson of Detroit, said Nevers pulled Clark from the car without provocation and beat him, breaking Clark's arm. The city recently agreed to settle the lawsuit out of court, but Benson would not disclose the amount.

Bill Day Detroit Free Press

comparing... turns out to be disappointing... flash lamp (1908): a lamp for producing of light used esp. for taking photographs

flash-light \flash-'lit\ (1886) 1: a flash of light or varying brightness in a lighthouse 2a: a sudden bright artificial light used in taking photographic pictures b: a photograph taken by such a light

4: a large battery-operated portable electric light

3: a small battery-operated portable electric light used by police as a nightstick to knock on African-American heads



Flashlight

1: an abnormal electrical discharge from a high-voltage source through the air to the ground from a highly conducting portion of a dielectric when it becomes ionized

"Nevers admitted in a deposition that my client didn't try to flee or resist," Benson said. "What really makes this outrageous is that my client weighs about 140 pounds, is insulin-dependent, and is very thin and frail. He's not the kind of guy who would look for trouble."

Benson said he was not told whether Nevers had been disciplined.

Nevers' codefendant in that case was Officer Walter Budzyn, who was one of the officers suspended Friday in the fatal beating of Green. Benson said Budzyn was arresting one of the alleged car thieves when Nevers was assaulting Clark.

In yet another case, Budzyn and another officer allegedly assaulted Joseph Hauska in 1986 during an altercation at a crowded downtown bar in 1984. Budzyn denied assaulting Hauska. The city settled the lawsuit for \$10,000.

Police officials last week said Nevers and Budzyn had more than 25 complaints lodged against each of them during their careers but the charges had not been sustained.

"It's frustrating to see that it takes this long for the city to react after countless occurrences," Benson said.

City Councilman Mel Ravitz is frustrated, too.

Since 1990, he has repeatedly asked Detroit Police executives to tell him what steps they have taken to reduce city losses in police misconduct lawsuits.

Ravitz said the fatal beating of Green should force police executives to take stronger steps to counteract misconduct. "This case should be the fulcrum for doing something."

Staff Writers Tina Lam and Zachary Ball contributed to this report.

IN OUR OPINION

POLICE BEATING

City must address problems of entire department

Once something as tragic and wrong as the beating death of Malice Green at the hands of Detroit police has occurred, all the mayor and the police chief can do is to try to atone for the wrong, control the damage, and seek punishment for the guilty. That they have moved quickly to do those things helps limit the tragedy that occurred late last week.



But as grateful as we are and should be that Detroit has responded directly and firmly to this outrage, that isn't enough. Clearly, the department has unresolved problems of discipline and control. The evidence that at least some of the seven police officers now suspended were way out of line and used plainly unjustified force is simply overwhelming.

The Police Department, the prosecutor and the courts will have to establish which officers were violent and to what degree. But the bare facts of the arrest, the beating and the death are too nearly incontestable

to think this was anything but unnecessary force and an unnecessary death.

The Detroit Police Department has done a lot in the past to try to clear up and correct the problems that make such outrages possible and even likely. The department, though, has been rocked

by a scandal that has sent its former chief and a deputy chief to prison. The evidence of a decline in morale and effectiveness has been strong and worrisome. The fears about corruption in the department have to have taken their toll.

What must be done now, therefore, is for the mayor and the department to face up to just how much of a problem they may have. They owe it to the citizens and to the hundreds of officers out there trying to do their jobs and play by the rules.

There is far too much violence in the city for any of us to tolerate police who become part of the problem of violence instead of being a part of the solution.