

OMAN S. GRIBBS
Mayor

REV. DANIEL P. BOGUS
Chairman

JESSIE M. DILLARD
Vice Chairman

REV. ROY A. ALLEN
NELSON JACK EDWARDS
MAE R. FARR

LILLIAN MUSSAF
VERY REV. THOMAS RUFFIN

JESSIE P. SLATON
O'NEIL D. SWANSON
CONSTANCE WINEMAN
NORTON N. WISOK
JOSEPH WYTRWAL

City of Detroit

COMMISSION ON COMMUNITY RELATIONS

FOURTH FLOOR

150 MICHIGAN AVENUE
DETROIT, MICHIGAN 48226

224-4950

DENISE J. LEWIS
Secretary-Director

RICHARD V. MARKS
Assistant Director

May 6, 1971

MEMORANDUM TO: Police-Community Relations Committee

FROM: Field Staff

SUBJECT: Physical Abuse Complaint of David Tate - 14918 Steel

Witnesses to the arrest of David Tate, who were interviewed by CCR staff, indicate in their statements that Mr. Tate was repeatedly struck with fists and weapons by a number of Detroit police officers and that more force was used than was required to subdue him or take him into custody.

Mr. Tate was stopped on April 15, 1971, near Seven Mile and Meyers Road by Officers Glenn Wright and James Martin for speeding. The officers then arrested him for two outstanding traffic warrants, and decided to take him into custody, although he presented bond receipts for both warrants.

Mr. Tate states that the officers approached him as he entered a parking lot next to a cleaners and asked for his identification. He gave it to them and subsequently gave them the bond receipts. He states that when they told him he was under arrest, he turned to take his clothes into the cleaners and was grabbed and spun around by the smaller officer (tentatively identified as Wright), who asked the other officer to give him a flashlight. Witnesses corroborate Mr. Tate's statement that both officers (Wright and Martin) held him by the arms, while the smaller one struck him a number of times with the flashlight. The Police Department reports that officer Wright was struck once in the chest in the initial scuffle. Mr. Tate says that he did not strike either officer at any time.

A number of scout cars and one motorcycle officer converged on the scene, apparently in response to an "officer in trouble" call. A group of bystanders also gathered and witnessed the entire incident, except the initial encounter. A total of nine persons, in addition to Mr. Tate, were interviewed by CCR staff. The witnesses all state that Mr. Tate was held by the officers and was struck repeatedly. The motorcycle officer (Frederick Protas is the only MTB officer reported to have been on the scene.), without asking any questions, reportedly walked up and began striking Mr. Tate on the face and head while other officers held Mr. Tate's arms. Mr. Tate states that he was struck with the butt of a long gun carried by an unidentified officer. Witnesses verify that one officer carried a long gun and on one occasion pointed it directly in Mr. Tate's face.

Witnesses say that Mr. Tate was pushed a distance of 30-40 feet toward the arresting officers' car and in the process was constantly pummeled by the officers, who seemed to be interfering with each other's attempts to handcuff him. Between 12 and 20 officers were participating by this time. Witnesses stated that the officers' efforts did not seem to be directed toward getting Mr. Tate into the car, and that they continued to strike him after he had been effectively physically restrained. The witnesses also note that at no time did they see him take any offensive action against any of the officers. His efforts were confined to covering his head with his arms and twisting his body in an attempt to protect himself from the blows.

Mr. Tate was arrested for "resisting and obstructing a police officer" and was taken to Detroit General Hospital and subsequently to Wayne County Jail. He says he is still under a physician's care. Mr. Tate was released the same afternoon on a habeas corpus writ by Judge Robert Colombo, who stated that he questioned whether there was any reason for the arrest in the first place. The following day he was arraigned by visiting Judge James N. McNally III, and was released on \$500 bond.

CCR staff, with the assistance of 12th Precinct Inspector John E. Brown and Citizen Complaint Section Inspector Paul F. Choiniere, made arrangements to interview the officers involved, but each of the five officers who was interviewed said that he would not make any statements without his attorney. Attorney Norman Lippitt, representing the Detroit Police Officers Association, told staff that no officers would give statements under these circumstances to anyone except their superior officers, and that it was unlikely that any public statement would be made.

Before staff can complete the investigation and make appropriate recommendations, interviews with the officers involved are required. Assistance has been requested from the Mayor's office in securing the cooperation of the Police Department to have the officers submit to an interview. CCR staff would conduct these interviews with the officers' attorneys present and make a full transcript of the proceeding.

M I N U T E S

Police-Community Relations Committee Meeting

DATE: Friday, May 7, 1971
TIME: 10:00 A.M.
PLACE: Commission on Community Relations' Conference Room
PRESENT: Commissioners

Rev. Roy A. Allen, Chairman
Fr. Daniel P. Bogus

Committee Members

Melvin E. Byrd, Michigan Civil Rights Commission
Ruth Hughes, CCHR
Rev. R. L. Jordan, United Christian Church
Ernest Mazey, ACLU
David Rambeau, Project BAIT

Staff

Mrs. Denise J. Lewis
Lonnie Saunders
Burke Fossee
Mary Johnson
Irving Kempner

I. MINUTES

The minutes of the April, 1971, meeting were unanimously adopted.

II. PHYSICAL ABUSE COMPLAINT OF DAVID TATE

Mr. Fossee summarized the report for the Committee. (See attached report.) He reported that staff had questioned a number of the police officers involved in the incident, but had been consistently told that officers would not answer questions without DPOA attorneys being present. The report has been forwarded to the Mayor's Office with a request for assistance in securing interviews. The Committee asked for a report on the response of the Mayor's Office.

Mr. Fossee also reported that the criminal charge of resisting and obstructing an officer against Mr. Tate was dismissed on the ground that he had the right to resist an illegal arrest. Mr. Tate reports that he is still under a physician's care and plans to file a damage suit against the police.

III. IMPLEMENTATION OF THE NEW DETROIT POLICE-COMMUNITY RELATIONS PROJECT COMMITTEE RECOMMENDATIONS

Mrs. Johnson summarized Mr. Raymond Owens accomplishments to date in implementing the New Detroit Police-Community Relations Study's recommendations. (See attached report.)