

October 19, 1964

MEMORANDUM TO: The Commission on Community Relations
FROM: Field Division
SUBJECT: Police cases involving allegations of brutality

The Committee on Police-Community Relations in a report dated September 21, 1964, gave this evaluation of police discipline:

"The essential prerequisite to changing the image of the Police Department throughout our community, particularly when the attitudes are most anxious or negative, is to guarantee impartial investigation of reported discrimination and determination as to discipline resulting from investigation. The immediate priority requires implementation of our suggestion to modify the name, orders and responsibility of the present Community Relations Bureau to accomplish this objective."

Our position has consistently been that the Police Department should receive the first opportunity to rectify any malpractice in their department, and that the Civil Rights Commission acts as the reviewer of case decisions, subject to their own investigation. With this in mind, the Field Division has not been doing specific police complaint investigations. Such complaints are referred to both the Community Relations Bureau and the Civil Rights Commission. We analyze our role as being one of an advisor for city government. An example would be the written orders. Keeping in mind this quick review of our interest in "fair and impartial investigations" of complaints against the department, I would like to outline three recent cases of alleged police brutality.

1. The Barbara Jackson Case

Outline: Two officers claim they saw Barbara Jackson, a known prostitute, and a "white John" (a man from Canada) enter into an apartment building. They followed and when they entered the apartment the white man complained that he had been robbed. Miss Jackson was furious and denied the charge, and the officers brought her and the man to the station. Thus far the stories are fairly much in agreement.

At the station the police, who had handcuffed Miss Jackson, stated she slipped and fell on her face, causing severe bruising and swelling. Miss Jackson claimed she was intentionally thrown to the floor by one officer, pulled by the hair which was actually a wig, and kicked while on the ground.

She reported this to the NAACP who demanded an investigation, and Commissioner Girardin responded by ordering that this be done immediately. At this point Miss Jackson again was brought to headquarters. The police claim this was

voluntary; the NAACP and Miss Jackson claim that intimidation occurred. The police claim they were simply getting the facts; Miss Jackson claims they were attempting to bully her into changing her story. One thing is clear. Instead of the Community Relations Bureau being alone in its responsibility to investigate at least two other bureaus were in the act also.

As a result of a supposedly complete investigation, the department exonerated the two officers and closed the case.

Next, the NAACP came forth with a witness who has hesitantly volunteered his story. This witness, a deputy sheriff, substantiated Barbara Jackson's claim of brutality. Also, the NAACP indicated that a sergeant picked up her panderer and promised him a free hand in his illegal operation if he would say that Barbara Jackson had lied.

The statement from the new witness was passed on to the Mayor and the Police Commissioner. Now the department claims they have found a new witness, who substantiates their findings. This man is supposedly a building attendant at the Police Department. Essentially, the question we ask is based on the investigation of the complaint. Was it a fair investigation, or was it a whitewash? If it was fair and complete, how could the building attendant be missed when it would be logical to check with such personnel.

2. The Smith Case

Outline: August 19, subdued son. Cooperated until officers began a brutal assault. No arrests, and boy was taken to Providence Hospital by father. Orderly wouldn't let the father stay, but a police officer was allowed to go in.

Mr. Smith complained to the Community Relations Bureau the evening of that day. The two officers suddenly remembered that they had been assaulted by Mr. Smith and they later filed a complaint against Smith. Case was dismissed in Recorder's Court. Why had this case gone to trial? On the face of it, the charges were in serious doubt.

3. Rembert-Tyson Case

Clipping: New Trial Ordered in "Brutality" Case: Recorder's Court
Judge Joseph Gillis reversed the conviction of Cleveland Allen, Eugene Tyson, Leonard Tyson, Donna Tyson, and Ruth Rembert on Friday, October 9, 1964.

After conviction, the defendants sought the aid of the NAACP.

In the course of the trial before Judge Scallen, Joseph Tyson, 16, claimed that he had been beaten up in the police station. Judge Scallen adjourned the trial "to check into what he says . . . about the Youth Bureau beating him up in the precinct."

When Scallen reconvened the trial on August 12, he stated that he had checked the alleged claim of Joseph Tyson and since "he claimed it had happened at the 13th precinct, (it) was not an issue in this case."

The Judge failed to mention or include the result of his investigation in the official records of the proceedings and then found all defendants guilty. It was this error that caused Judge Gillis to order a new trial.

Rev. James Wadsworth, branch NAACP President, said in an interview "The Rembert - Tyson case is one of many police brutality cases that the Detroit branch is processing. It is like the recent Leo Smith case where also after the police brutally assaulted a citizen, they charged the citizen with attacking them."

The appeal to Judge Gillis, which resulted in the reversal of Judge Scallen's conviction, was handled by Bruce A. Miller, Chairman of the branch legal redress committee.

We believe the Community Relations Bureau orders will be changed, but from the above cases it should be apparent that it will be only the beginning. If the orders make it clear where responsibility lies, then we still must make sure that this responsibility is lived up to by the bureau.

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