

## INTER-OFFICE MEMORANDUM

Office of the Chief Investigator

Date

June 2, 1975

To: Board of Police Commissioners

Subject: COMPLAINT OF GEORGE NEAL

Attached hereto is an interim report of subject complaint completed and reviewed in depth by this office. A copy of this report was provided the Chief of Police on May 29, 1975, in order that he may have ample time to cross-check the accurateness of the findings of the Chief Investigator's Office (CIO).

This investigation was undertaken by this office at the request of the Mayor's Office (Mr. George Bell) subsequent to their receipt of a recent communication from the complainant, GEORGE NEAL.

Summary of the Complainant's Allegation

The complainant's sister EVELYN NEAL was fatally shot by POLICE OFFICER LARRY CARTER on August 18, 1974. MR. NEAL alleges that POLICE OFFICER CARTER had had several contacts with EVELYN NEAL before August 18, 1974, and had stated his intention to kill her. MR. NEAL stated that he had obtained this information from several witnesses who were unwilling to have their names used. Subsequent efforts by the Board's Investigator to identify and have such witnesses come forth have proved to no avail.

Summary of Prior Investigative Results by the Police Department

Mr. George Bell of the Mayor's Office had previously requested that the old Citizen Complaint Section investigate a previous complaint made by MR. NEAL to the Mayor's Office on August 28, 1974. Although Mr. Bell requested an immediate response, the only record which the present Professional Standards Section (PSS) has concerning the shooting is Mr. Bell's memorandum request and a one-page memorandum from the Homicide Section dated September 26, 1974, summarizing the facts of the shooting. There is no record indicating whether the Citizen Complaint Section ever responded to MR. NEAL'S complaint.

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Summary of Action Taken by  
Wayne County Prosecutor's Office

On September 26, 1974, Wayne County Prosecutor William Cahalan determined that POLICE OFFICER CARTER was guilty of no crime in the shooting of MS. NEAL and ordered that no warrant be recommended.

Summary of Analysis of Investigation by  
Chief Investigator's Office (CIO)

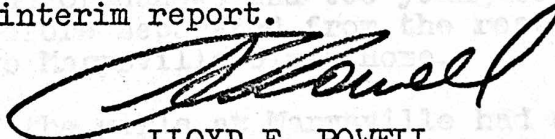
The investigation by the CIO has thus far uncovered no facts for attacking the conclusion reached by Prosecutor Cahalan.

However, the CIO's investigation has determined that POLICE OFFICER CARTER was apparently using unauthorized ammunition in his weapon at the time that he fatally shot MS. NEAL.

Analysis of CIO Investigator's Recommendations

The Chief Investigator concurs with the recommendations of Investigator John P. Quinn of this office with a modification of recommendation one to read simply that the Chief of Police take whatever disciplinary action he deems appropriate. Such disciplinary action will, of course, be subject to later analysis and review by the Board as to its appropriateness.

Investigator Quinn is commended for the professional thoroughness of this interim report.



LLOYD E. POWELL  
Chief Investigator  
Board of Police Commissioners

LEP:jj  
Enc.

cc: Executive Secretary  
cc: Chief of Police  
cc: Mr. George Bell, Mayor's Office  
cc: Investigator John P. Quinn

**INTER-OFFICE MEMORANDUM**  
Office of the Chief Investigator

Date

May 27, 1975

Chief Investigator Lloyd Powell  
Board of Police Commissioners

To:

Subject: GEORGE NEAL COMPLAINT

This is an interim report on this office's investigation into the fatal shooting of MS. EVELYN NEAL by POLICE OFFICER LARRY CARTER on August 18, 1974. The investigation is not yet completed, but enough information has been gathered to justify certain recommendations for action by the Board.

FACTUAL SUMMARY

EVELYN NEAL was born, the third of seven children, on January 1, 1924, in Weirton, West Virginia. Her father was a laborer; and in a day when unionization had not yet produced even a minimum of job security, the family moved frequently, following the labor market.

In 1931, when the family was living in Winston-Salem, North Carolina, and EVELYN was seven years old, her mother died. Since MR. NEAL was not able to work and care for his children at the same time, all of the children except the youngest were sent to Memorial Industrial School in Winston-Salem. About a year later, MR. NEAL remarried, and the reunited family moved to Steubenville, Ohio.

MR. NEAL'S second marriage ended in separation after seven years. Thus in 1939 the children were again left without a mother. EVELYN'S two older brothers were old enough to take care of themselves, and her two younger sisters and younger brother were sent to an orphanage. At 15, EVELYN was caught in between--too old for the orphanage and too young to be on her own. She was therefore separated from the rest of the family and consigned to Marysville Girls Home.

Unlike EVELYN, most of the girls at Marysville had committed some act which labeled them as "wayward girls." The home was essentially a reformatory. No one knows all that EVELYN experienced and learned during her two years at Marysville. But when her brother GEORGE returned from the Civilian Conservation Corps in 1941 and reunited the family, the 17-year-old EVELYN was a noticeably tougher and less trusting person than she had been two years earlier.

At this point, all of the children joined their father, who had married again, in Detroit. EVELYN had grown away from the rest of the family. Beginning in 1944, when GEORGE entered the Army, EVELYN NEAL was entirely on her own.

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MS. NEAL was arrested for the first time in August, 1945, on a drunkenness charge. Between that time and March of 1969, she was arrested nearly one hundred times. About one-third of the arrests led to convictions, and six of the convictions were on felony charges. In nearly half of her arrests, MS. NEAL was simply caught in a dragnet along with several other "known" prostitutes.

Until 1955, MS. NEAL'S involvement with the police revolved around intoxication and prostitution. In that year she was arrested twice for larceny from a person, but no prosecution resulted. During 1956-58 she was arrested twice for armed robbery and twice for larceny from a person, but still not prosecuted. In 1958 she served six months at the Detroit House of Correction after being convicted of felonious assault. Again in 1965 she was charged with armed robbery and attempted murder and was convicted of attempt larceny from a person.

MS. NEAL was first arrested on a narcotics charge in October, 1956. Her only narcotics conviction occurred in 1959 when she was sentenced to two to five years for attempted possession. When she died in 1974, the Assistant Medical Examiner found both old and recent needle track marks on both arms.

On August 18, 1974, at about 9:00 or 9:30 p.m., MS. NEAL met a man named HUBERT HEDDEN somewhere in downtown Detroit. According to MR. HEDDEN, this was his first encounter with MS. NEAL. However, GEORGE NEAL alleges that MR. HEDDEN had known his sister for at least six months, after having been introduced by PAUL SECORA, a close friend of MS. NEAL. Efforts to locate MR. SECORA in order to verify MR. NEAL'S allegation have thus far proven fruitless. MR. HEDDEN states that he never knew anyone named PAUL SECORA.

MS. NEAL and MR. HEDDEN went to the CHESHIRE BAR at Randolph and Macomb where they found ROSETTA AUSTIN, who had known MS. NEAL for some time. MS. AUSTIN later told Homicide investigators that she did not know whether MR. HEDDEN and MS. NEAL had met before that evening but that she judged from their conduct that they had known one another for some time.

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MR. HEDDEN and the two women drank together at the bar until about 10:30. At that time all three left the bar together.

They walked together until they arrived at the northwest corner of Michigan and Griswold. What happened there is somewhat unclear. It appears that MR. HEDDEN attempted to back out of an agreement to engage in a sex act for which MS. NEAL was to receive payment and that the two women attempted forcefully to collect the money due MS. NEAL under the agreement. Both women were carrying knives, and one or both of them inflicted several slash wounds on MR. HEDDEN'S face, neck, and right forearm. MR. HEDDEN'S pants pocket was torn in an effort to take his wallet, but no money was obtained from him.

MR. HEDDEN fled into KINSEL'S DRUG STORE, and the two women followed him, still threatening him and demanding money. A private guard ordered the women to leave, and they complied. The night manager of KINSEL'S, MR. MICHAEL MELLEN, called the police and watched the women as they walked toward the corner of Michigan Avenue and Washington Boulevard.

At about 10:50 p.m., TMS Scout 8-14, manned by OFFICERS LARRY CARTER and LLOYD JONES, arrived at Michigan and Griswold. MR. MELLEN approached the car and pointed out MS. NEAL and MS. AUSTIN walking on Michigan Avenue. He identified them as the perpetrators of a stabbing. The officers invited MR. MELLEN to accompany them in the back seat of the car.

The three men proceeded west on Michigan Avenue. As they were crossing Washington Boulevard, MR. MELLEN again pointed out MS. NEAL and MS. AUSTIN, who were then crossing Washington Boulevard and nearing the median. OFFICER CARTER, who was driving, pulled the car to the curb and all three men got out. MR. MELLEN stood near the car, and the officers approached the two women, who were now on the median.

MS. AUSTIN still had a knife in her hand. One or both of the officers ordered her to drop it, and she complied. OFFICER CARTER handcuffed MS. AUSTIN and placed her in the back seat of the scout car.

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Meanwhile, OFFICER JONES noticed about two inches of knife handle protruding from MS. NEAL'S waistband. He ordered her to remove the knife from her waistband and drop it to the ground. She refused. According to written statements by both officers, MR. MELLEN, and three other witnesses who appear to be disinterested, MS. NEAL then removed the knife from her waistband and approached OFFICER JONES, brandishing the knife (a hunting knife with a 6-inch blade) in a threatening manner. One witness, ANTHONY BASSO, stated that he heard MS. NEAL threaten to cut OFFICER JONES. MS. AUSTIN, who by this time was seated in the back of the scout car, later stated that she had seen MS. NEAL with the knife in her hand and had heard OFFICER JONES say "Drop your knife" as he backed away.

OFFICER JONES had his revolver drawn but did not fire. He later stated that his reason for not firing was that there was vehicular and pedestrian traffic in his line of fire. Instead, he retreated and attempted to knock the knife from MS. NEAL'S hand with his flashlight, while she continued to slash and stab at him. He repeatedly ordered her to drop the knife, to no avail.

OFFICER CARTER also shouted several orders for MS. NEAL to drop the knife. As MS. NEAL continued to advance on OFFICER JONES, OFFICER CARTER maneuvered into a position from which he could fire at MS. NEAL without endangering others. He then fired one shot from his privately owned, department-approved Smith and Wesson .357 magnum revolver. The bullet, a soft point, partially jacketed slug manufactured by Super Vel, Inc., entered MS. NEAL'S back near her left shoulder, passed through her left lung, her aorta, and her right lung, and lodged beneath the skin of her right breast. MS. NEAL dropped the knife, turned toward OFFICER CARTER, took a few steps, and fell to the sidewalk. She was conveyed by EMS Unit No. 8 to Detroit General Hospital where she was pronounced dead on arrival at 11:45 p.m.

On August 19, 1974, Chief of Police Philip G. Tannian appointed Commander Russell P. Gallaway to chair a Board of Inquiry into the shooting. The other members of the Board were Inspector Rufus Anderson and Inspector Bruce Kennedy. The Board of Inquiry reported to Chief Tannian on September 3, 1974, recommending that OFFICER CARTER be exonerated of all fault in the shooting of MS. NEAL.

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On August 28, 1974, Mr. George Bell of the Mayor's office requested that the Citizen Complaint Section investigate a complaint by GEORGE NEAL concerning the shooting of his sister EVELYN. Mr. Bell requested an immediate response. Aside from Mr. Bell's memorandum, the only record which the Professional Standards Section has concerning the shooting is a 1-page memorandum from the Homicide Section dated September 26, 1974, summarizing the facts of the shooting. There is no record indicating whether the Citizen Complaint Section ever responded to MR. NEAL'S complaint.

On September 26, 1974, Wayne County Prosecutor William Cahalan determined that POLICE OFFICER CARTER was guilty of no crime in the shooting of MS. NEAL and ordered that no warrant be recommended.

In an interview conducted by a member of the Board's investigative staff on May 5, 1975, GEORGE NEAL stated that OFFICER CARTER had had several contacts with EVELYN NEAL before August 18, 1974, and had stated his intention to kill her. He said he had obtained this information from several witnesses who were unwilling to have their names used. Subsequently, it was requested of MR. NEAL that he attempt to obtain permission from one or more of these witnesses to use their names, and he agreed to do so. Thus far no witnesses' names have been provided.

#### ANALYSIS

On the basis of facts uncovered thus far, there is no ground for attacking the Prosecutor's conclusion that no crime was committed in the shooting of MS. NEAL. However, the Board of Inquiry's conclusion that OFFICER CARTER was entirely free of fault in the shooting is clearly erroneous.

Accepting the facts as developed by the Homicide Section and the Board of Inquiry, it appears that at least one aspect of OFFICER CARTER'S conduct in the shooting of MS. NEAL violated department rules and regulations. This violation of departmental rules was obvious to the members of the Board of Inquiry, but they failed to report it to the Chief of Police or to take any other appropriate action. It further appears that there is real confusion within the department on the question whether the rule in question actually states departmental policy or is merely eyewash for public consumption.

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The Assistant Medical Examiner who performed the autopsy on the body of EVELYN NEAL concluded that she died of a wound made by a "large caliber, brass jacketed deformed lead slug" which was recovered from her body. The Assistant Medical Examiner delivered the recovered slug to an officer from the Homicide Section who conveyed it to the Scientific Lab for ballistics examination.

The slug was described by the firearms examiner as a ".357 (38) 5 lands & grooves, right twist soft point metal jacket bullet." It was positively identified as having been fired from POLICE OFFICER CARTER'S department approved .357 magnum Smith & Wesson Model 19-3 revolver. This was consistent with POLICE OFFICER CARTER'S admission that he had "fired one shot at (MS. NEAL), inflicting the fatal wound."

All members of the Board of Inquiry signed a report to the Chief of Police indicating that they had examined OFFICER CARTER'S statement, the autopsy report, and the slug which inflicted the fatal wound. According to General Order 72-20 (B), the members of the Board of Inquiry were "responsible for prompt and thorough investigation" of the shooting. Certainly, a thorough investigation would have included an examination of the ballistics report which identified the fatal slug as a soft point, metal jacketed bullet.

General Order 72-50 (F) provides that "the use of any hollow point, half-jacketed or partially jacketed ammunition (by members of the department) is prohibited." The slug which killed EVELYN NEAL was half-jacketed, and this fact would be obvious to any knowledgeable police officer who examined the spent slug, the autopsy report, and/or the ballistics report. It follows that the members of the Board of Inquiry knew that OFFICER CARTER had violated General Order 72-50 (F) by using half-jacketed ammunition. Their failure to include this fact in their report to the Chief of Police violated Sections K. 1. (neglect of duty), K. 7. (false written report), and K. 49. (neglect to report known misconduct by a department member) of General Order 72-17 (R).

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There is some evidence indicating that the rule against half-jacketed ammunition has not been consistently or vigorously enforced in the department. The lack of enforcement may be due to a belief by the department's firearms experts and executive officers that the rule is unwise. Indeed, there exists respectable authority for the proposition that half-jacketed or hollow point ammunition, perhaps with a relatively low muzzle velocity, is the most appropriate police ammunition. For example, Dr. W. U. Spitz, the Wayne County Medical Examiner, is a strong proponent of half-jacketed ammunition and has stated a willingness to make his views public before the Board.

Doubts as to the wisdom of the rule on half-jacketed ammunition may justify reexamination and perhaps even repeal of the rule, but they do not justify sporadic enforcement or non-enforcement while the rule remains on the books. Such a two-faced approach is unfair both to police officers and to the public. Police officers have a right to know exactly what is expected of them, and citizens have a right to expect that the Police Department really is governed by the rules by which it claims to govern itself.

The handling of MR. NEAL'S complaint by the Citizen Complaint Section raises serious questions. The General Order by which the Board has defined the responsibilities of the Professional Standards Section makes that section responsible for conducting or reviewing investigations of all citizen complaints. It makes no exception for complaints which deal with police shootings. The cursory manner in which MR. NEAL'S complaint was handled evidences a very narrow reading of Professional Standards Section's responsibilities with regard to police shootings. Of course, MR. NEAL'S complaint was made long before the current PSS orders went into effect, but the Commanding Officer of PSS has recently indicated to a member of the Board's investigative staff that he still believes that PSS should take a hands-off approach to police shootings.

#### RECOMMENDATIONS

It is recommended that the Board:

1. Direct the Chief of Police to take appropriate disciplinary action against OFFICER LARRY CARTER for use of half-jacketed ammunition and against COMMANDER RUSSELL GALLAWAY, INSPECTOR BRUCE KENNEDY and INSPECTOR RUFUS ANDERSON for neglect of duty, filing a false written report, and neglect to report known misconduct by a department member.

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2. Direct the Executive Secretary to issue a department-wide publication advising all members that the provision of General Order 72-50 (F) which prohibits the use of hollow point, half-jacketed or partially jacketed ammunition is still in effect and will be vigorously enforced until such time as the Board might modify or repeal it.
3. Undertake a thorough reexamination of departmental policy concerning the use of various types of ammunition. The Board's staff should be directed immediately to begin organizing and scheduling the fact-finding portion of that reexamination.
4. Clarify the responsibilities of the Professional Standards Section with reference to complaints having to do with police shootings. The Board's staff should be directed to begin discussions with the Chief of Police and executives of the Internal Controls Bureau for the purpose of developing specific proposals for Board action.
5. Direct its investigative staff to study the training currently provided department members to determine whether adequate attention is given to the development of techniques and skills for disarming knife-wielding assailants by non-lethal means. No purpose is served by Monday morning quarterbacking the work of OFFICERS JONES and CARTER to determine whether, with better training, they could have disarmed MS. NEAL without killing her. Nonetheless, the shooting of EVELYN NEAL does raise the issue of non-lethal disarming of assailants by police officers, and the issue should be faced frankly.

The Board's investigative staff will continue its investigation of MR. NEAL'S complaint with special attention to the allegation that OFFICER CARTER had threatened MS. NEAL before August 18, 1974. The truth or falsity of this allegation may have little

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bearing on the propriety of OFFICER CARTER'S conduct in the shooting of MS. NEAL in light of all the circumstances. Nonetheless, it should be thoroughly investigated if for no other reason than to assure the people of the city that the Board will not tolerate vindictiveness by police officers and will take all necessary steps to discover instances of such conduct.

The investigation will include a review of OFFICER CARTER'S activity logs for several months before the shooting, an interview with OFFICER CARTER, and interviews with any witnesses whom MR. NEAL might identify.

*John P. Quinn*

JOHN P. QUINN  
Investigator  
Board of Police Commissioners

JPQ:jj