

Survall

CITY OF DETROIT
MAYOR'S OFFICE

January 31, 1980

136 McLean Street
Highland Park, MI. 48203

DATE DUE: _____

FEB 11 1980

ASSIGNED TO: *Erma*

FILING INST: _____

Honorable Coleman Young
Mayor of the City of Detroit
City County Bldg., Detroit

Dear Mr. Mayor,

If you are sincere about investigating the 12th (Palmer Park) Precinct following the arrest of your neice by officers assigned there, I think you should know that I was also a victim of their brutal tactics.

The incident occurred on Dec. 11, 1978. I was sitting in an automobile on Goldengate (off Woodward) waiting for the driver to return from a house nearby, when four police officers approached. Both car doors were snatched open and I was ordered out. When I asked why, his nasty reply was "because I said so." Seconds later he (Officer Richard McCarty) yanked me out of the car by my hair. Another officer forced my hands behind my back while Officer McCarty repeatedly bumped my head against the car. In an effort to protect myself, I managed to get one arm free and struck him. One of them put handcuffs on me. While being forced into the scout car, Officer McCarty hit me in the stomach with his fists.

On the way to the precinct in the same car with all four men, I felt cold and told them. Two of them laughed and the other pair ignored me.

In the parking lot of the 12th Precinct, I was repeatedly kicked and knocked to the ground, in addition to being the victim of verbal abuse (such as dirty whore bitch), before finally being dragged inside by my hair.

It was assumed by "Detroit's finest" that I was a prostitute, merely because I did not have identification.

Following a search by a female officer, I was taken to a cell. I was not allowed to make a phone call until two officers came to take me Downtown.

As has been the case historically in such episodes involving citizens and police officers, I was charged with a crime - interfering with a police officer in the performance of his duty - while my charge against them of police brutality was dismissed following an alleged investigation.

Despite letters to various civic leaders in Detroit, including your office, I now have a criminal record while the real criminals are free "enforcing" the law.

I think it is unfortunate that brutal police officers in the city can only be investigated following an attack on one of your relatives. Nevertheless, I hope that something will now be done about such officers. I would be happy to cooperate with the investigation in order to see that justice is done.

Please don't hesistate to contact me by mail or phone. My address is listed above. You may call me at home on 883-2059, or at the office 594-1360. I await your earnest reply.

Respectfully yours,

Donna P. Stallings

cc: Honorable Erma Henderson

MEMO

Alexander N. Luvall

February 18, 1980

TO: Chief William L. Hart
 FROM: Alex Luvall
 RE: Attached Complaint

Attached letter of complaint from Ms. Donna Stallings is being forwarded to you for investigation and report. Also, please draft a response for the Mayor's signature.

Thank you.

Attachment

Response due by March 18, 1980.

The investigation clearly reveals that although force was used it was force that was necessary to prevent further injury to an officer and to effect an arrest.

The procedure followed by the officers upon observing a vehicle stopped in the middle of the street with the motor running and without a driver, was proper. The altercation that followed, resulting in plaintiff's arrest was due to her obstreperous behavior.

MEMO

Date

April 23, 1979

Section (Through Channels)

STANDARDS COMPLAINT REPORT
 2/22, 136 MC LEAN,
 BEING OBJECTIONABLE FORCE,
 OFFICER RICHARD MCCARTY.

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Sergeant Andrea Jackson
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 by her own witness, Mr.
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 to the plaintiff's

INTER-OFFICE MEMORANDUM
TWELFTH PRECINCT

Date

April 23, 1979

Commanding Officer, Professional Standards Section (Through Channels)

DISPOSITION REPORT REGARDING PROFESSIONAL STANDARDS COMPLAINT REPORT #08079, INITIATED BY MS. DONNA STALLINGS, B/F/22, 136 MC LEAN, HIGHLAND PARK, MICHIGAN, PHONE 883-2059, ALLEGING OBJECTIONABLE FORCE, PROCEDURE AND DEMEANOR AGAINST ON DUTY POLICE OFFICER RICHARD MCCARTY, BADGE #885, ASSIGNED TO THE TWELFTH PRECINCT.

Command review of the investigation report and other pertinent facts indicate that Sergeant Earl Buglo has conducted a complete and thorough investigation of Ms. Donna Stallings complaint. All known and available witnesses have been contacted.

CONCLUSION OF FACTS:

There has been no credible evidence presented which would substantiate the allegations of undue force, improper procedure or objectionable demeanor.

The plaintiff was approached December 11, 1978 at 2:40 a.m., when the Cruiser officers observed a vehicle parked in the middle of the street with the motor running and no driver. Officer McCarty questioned plaintiff regarding the owner of the vehicle and her own identification, and she was uncooperative. When ordered out of the vehicle, plaintiff lunged at Officer McCarty and scratched his face. A struggle ensued and the Cruiser crew used only that force necessary to handcuff and place plaintiff in the scout car. As a result of plaintiff's struggle with the officers she struck her head on the parked vehicle.

At the precinct, plaintiff complained to Sergeant Andrea Jackson that she had been repeatedly beaten and kicked all over her body by the officers. Sergeant Jackson conducted a complete search and did not observe any injuries, nor did plaintiff request medical attention.

Ms. Stallings alleges she was beaten, kicked and verbally abused, but these allegations are not substantiated by her own witness, Mr. Edward Dortch, nor by the examination for injuries conducted by Sergeant Jackson. Mr. Dortch interpreted plaintiff striking her head on his vehicle during the struggle with officers as "banging her head against the car," but this can be attributed to the plaintiff's resistance.

The investigation clearly reveals that although force was used it was force that was necessary to prevent further injury to an officer and to effect an arrest.

The procedure followed by the officers upon observing a vehicle stopped in the middle of the street with the motor running and without a driver, was proper. The altercation that followed, resulting in plaintiff's arrest was due to her obstreperous behavior.

The allegation of objectionable demeanor on the part of the officers is unsubstantiated in any statement made by persons at scene.

APPLYING RULES AND POLICY:

1. Force - Disposition Determination #1 - Proper Conduct: The allegation is substantiated, but the action of the department or its member was consistent with departmental policy, and the complainant suffered no harm without justification.

2. Procedure - Disposition Determination #1 - Proper Conduct: The allegation is substantiated, but the action of the department or its member was consistent with departmental policy, and the complainant suffered no harm without justification.

3. Demeanor - Disposition Determination #5 - Unfounded Complaint: The allegation is unsubstantiated and/or uncorroborated by witnesses.

APPROPRIATE ACTION:

No improprieties were found, therefore no disciplinary action is warranted.

On April 23, 1979, Ms. Stallings was contacted and advised of the findings and recommendation and she was not satisfied.

It is the recommendation of this writer that this matter be considered closed.

Patricia Johnson

Patricia Johnson
Lieutenant, L-86
Twelfth Precinct

APPROVED

APR 25 1979

Imp. Luther McDaniel
COMMANDER-12th PRECINCT

RECEIVED

APR 27 1979

PROFESSIONAL
STANDARD SECTION