

March 4, 1957

5'10" to 5'11" in height, and weigh between 165 and 175 pounds. Both of these witnesses disagree on many other details. Barbara admits that her original statement to the Prosecutor was wrong and that she dreams a lot. It is unfair to ask this Board or any honest observer to rely on this type of evidence.

Mr. George Bobo, Mr. Mitchell's passenger, who came from the bar after being informed of the fracas, saw no blows struck with the exception of one officer whom he claimed poked Mr. Mitchell in the back with a night stick as he was entering the scout car. Mr. Dodson claimed that Mr. Mitchell ended up on the floor of the car. This is not even claimed by Mr. Mitchell himself and is contradicted by other witnesses.

Patrolmen Jenkins and Banks who were called to the scene and who drove all parties to the precinct station saw no blows and describe the entire incident as routine. Mr. Mitchell testified that enroute to the precinct station he was told by one of the officers that "he would get more of the same". This was denied by all four officers in the car.

Mrs. Eloise Rahaman who also made a statement to the Prosecutor, which apparently was further basis for the withdrawal of the Recorder's Court proceedings, denied being close enough to describe the details. She called the scout car and didn't even know that police officers were involved in what she described as a fight.

Several witnesses, police officers and Receiving Hospital attendants, heard Mr. Mitchell state that the incident was his own fault and that he should have been more cooperative. To Patrolman Jerry Cody, Mr. Mitchell stated that "I wouldn't let them search me on the street. If they wanted to do it, they were going to take me to the station to do it." At the conclusion of an interview with Detective Kovacich who was in charge of the investigation, Mr. Mitchell in the hallway of the precinct station, became emotional and stated, "Some day I will have to learn to control my temper."

Both of the accused officers, young and comparatively new in the department, who have excellent records with no previous demerits or Trial Board charges, testified substantially the same. They were attracted to Mr. Mitchell's car by a defective headlight. They had been assigned to the Special Patrol Force, created as a special crime fighting division, and as a result of it, had been cautioned to be particularly alert to possible crime in the area.

They were patrolling an intersection described by Mr. Mitchell and Mr. Bobo as a "hot corner". They noticed, as every alert police officer should notice, that a man had left a car and entered a bar; that the car remained stopped in front of the bar with the motor running. This would normally create a suspicion sufficient to alert any police officer.

On questioning Mr. Mitchell, to them he appeared nervous, uncooperative, hostile and in a hurry. On checking over the call box, they found an outstanding warrant for a Robert F. Mitchell. Although at the time they were not certain that it was not this Robert F. Mitchell, it turned out to be another. According to their testimony, in the midst of being questioned, Mr. Mitchell suddenly started his car and moved it a distance described by several witnesses as anywhere from 30 to 82½ feet.

Mr. Mitchell claims the officers ordered him to curb his car. The officers deny this, and Officer Lessnau claims he was dragged or pulled by the abrupt movement of the car as it started, and while he was talking to Mr. Mitchell, he disengaged himself from the car after grabbing the license and registration card from Mr. Mitchell's hands.



Decision of Police Trial Board  
Re: Mitchell Case

March 4, 1957

To any trained and alert police officer, such a series of incidents was ample to raise sufficient suspicion and to create adequate reason, both legal and practical--if not a necessity--for a search and for further questioning. Mr. Mitchell resented the extensive questioning and the search on the street. This is a natural and justifiable resentment. In his own mind he knew that he had not committed a crime, neither was he a criminal. The officers, however, did not know this at the moment and had cause to believe otherwise. Had he been more of an understanding citizen and conscious of the duties of a police officer, he would have recognized that the officers did not know this, and that in their own mind they were justified in stopping, questioning and searching him in view of the physical facts, his attitude and the information they had received.

Although it is humiliating to be searched on the street, and although it is not the practice of this department to promiscuously search every individual on a public thoroughfare, at times it becomes necessary in the performance of efficient police work, and as it was most appropriately stated by one of the witnesses, "Some officers have been killed by their failure to do so."

If Mr. Mitchell resisted the search and the arrest, which under the circumstances the Board finds was proper and legal--and this Board also finds that he did resist--, then the officers did not exceed their authority. Even though the arrest was legal, if Mr. Mitchell then became the victim of excessive force, then the officers would have exceeded their authority.

However, no fair minded, reasonably intelligent person, in the light of the testimony presented, could honestly conclude in all good conscience that the officers indulged in excessive, inhuman, or brutal treatment of Mr. Mitchell. Neither this Board nor the Detroit Police Department for one moment will condone the use of excessive force or brutality. Contrary to the opinion of some, this policy is known and is adhered to by every good officer of this department.

Too often police officers are the victims of unjustifiable criticism by unthinking citizens who otherwise mean well. Too often there are some of us who refuse to recognize that a police officer's sworn duty, of which he is constantly reminded, is to protect and defend and not to persecute or abuse. Too often some of us forget that every time a police officer steps on the street he puts his life on the line, and that tragedies frequently result from instances which originally appear to be minor or commonplace. For this, he makes untold and seldom recognized personal sacrifices, in return for which he too often receives insufficient respect and an abundance of ready criticism.

For this slightest infraction of departmental rules, he suffers the humiliation of Trial Board proceedings, jeopardizes his job and the possible security of his family and himself.

The Detroit Police Department in this case and in all others believes that a fair, thorough and complete hearing of all charges should be had at all times. This belief is shared by a number of good citizens in the community who, following this incident, visited the department and requested such a hearing. To the credit of these citizens, their fairness and their civic-mindedness urged them to ask for nothing more than a thorough and fair hearing, and for a decision based solely on the facts. This has now been done.

A hearing of these facts was originally scheduled before the Recorder's Court. This hearing has been recommended by the Prosecuting Attorney and all parties and all witnesses were prepared to proceed. It is regrettable that these proceedings were abruptly withdrawn. As the result, the Police Department in accordance with its policy of insisting on a fair, full and complete hearing, had no alternative but to



Decision of Police Trial Board

March 4, 1957

Re:

institute these Trial Board proceedings. Not to have done so in the face of the withdrawal of the Recorder's Court proceedings--although we cannot believe that the Prosecutor in his good judgment intended it so, in view of his obvious lack of knowledge of all of the facts--could have left a mistaken public impression, and could have by inference indicted the officers involved without the benefit of a fair hearing. It likewise prevented Mr. Mitchell from having the opportunity of proving his innocence.

The Police Department in the past three years has conscientiously endeavored to build good public relations among all segments of our community and to extend fair treatment to everyone. No one in the community can conscientiously and honestly deny this. Progress has been made and will continue to be made. The practice, however, of preventing a fair trial in a proper court, with the unfair inferences possibly resulting from such a practice, can create misunderstanding and could become an obstacle to the efforts of the Detroit Police Department in building public respect and efficient police service.

This Board has listened diligently and patiently to these proceedings. This Board has acted fairly and honestly and has arrived at its conclusion free from any other influence except the influence of the facts presented at the hearing.

On the basis of the facts, this Board finds Patrolman Davis and Patrolman Lessnau not guilty.

MEMBERS OF THE TRIAL BOARD:

- COMMISSIONER - Edward S. Piggins, Chairman
- SUPERINTENDENT - Jack Harvill
- CHIEF OF DETECTIVES - Marvin G. Lane.