

TABLE 1.—Arrests in Detroit for 10-year period, by year, 1947 through 1958¹

Arrests	(1) 1947	(2) 1948	(3) 1949	(4) 1950	(5) 1951	(6) 1952	(7) 1953	(8) 1954	(9) 1955	(10) 1956
Arrests resulting in prosecution: Taken to court.....	26,577	24,140	30,074	26,939	27,464	28,145	28,124	28,386	28,732	27,396
Arrests on formal charge: Dismissed by police.....	2,452	3,593	2,529	3,685	4,129	3,985	3,943	4,362	4,620	4,608
Miscellaneous arrests: Turned over to Federal, State, or county authorities, circuit court, juvenile department, probation department, discharged on writ of habeas corpus.....	1,618	1,837	2,490	2,415	2,927	2,717	2,683	2,818	2,720	2,736
Arrests for investigation.....	18,110	20,160	22,823	23,092	21,152	18,917	22,437	23,180	22,477	26,696
Arrests for "drunk golden-rule".....	13,600	14,162	13,625	12,187	9,303	8,064	8,592	7,249	6,626	5,865
Total arrests.....	62,357	63,901	71,541	68,318	65,975	60,827	65,779	65,995	64,814	67,301

¹ These data do not include arrests for violation of road and driving laws, parking violations, or other traffic or motor vehicles laws, but do include arrests for driving while intoxicated. These data do not include traffic ordinance violations or ordinance violations other than traffic.

AMERICAN CIVIL LIBERTIES UNION EXHIBIT 2

STATEMENT OF AMERICAN CIVIL LIBERTIES UNION, METROPOLITAN DETROIT CHAPTER

PROPOSING THE ESTABLISHMENT OF A PUBLIC POLICE REVIEW BOARD IN DETROIT

A. Introduction

Several recent cases of the alleged misconduct on the part of personnel of the Metropolitan Detroit Police Department have served to call public attention to certain aspects of the problem of police-citizen cooperation.¹ The 4,000 police officers of Detroit cannot effectively perform their duty of protecting the lives and property of 2 million citizens of Detroit without effective police-citizen cooperation. It is the view of many that one major deterrent to securing a higher degree of citizen police cooperation is the belief that an appreciable amount of wrongful conduct by police officers exists in Detroit and that thus far measures to deal with this problem have been inadequate.² The wrongful conduct complained of includes allegations as to brutality, unnecessary use of force, unlawful arrest and detention, illegal search and seizure, and discrimination based upon race, religion or national origin.³

We are mindful that the mayor has taken official cognizance of some aspects of this particular problem in relation to a larger focus upon crime prevention in the city of Detroit. He has appointed two citizens groups to conduct studies and make recommendations. These are a Citizens' Advisory Committee on Police Procedures, and the Mayor's Study Committee on Crime and Crime Prevention. While these committees in time may make recommendations in many areas and may suggest appropriate methods by which the Detroit community may deal more fairly with allegations of wrongful conduct by police personnel, the present mandates of these committees do not create jurisdiction for the investigation, hearing and determination of complaints.

B. Recommendations

The American Civil Liberties Union, Metropolitan Detroit Chapter, recommends to the Honorable Louis C. Miriani, mayor of Detroit and to the Citizens Advisory Committee on Police Procedures and to the Mayor's Study Committee on Crime and Crime Prevention the following:

1. The creation of a public police review board composed of private representative citizens, to investigate, hear and determine complaints by citizens, public officials and civic groups of alleged misconduct to private citizens by personnel of the Detroit Police Department.

2. The promulgation of duties, regulations, and procedures substantially similar to the duties, regulations and procedures of the Police Review Board of the City of Philadelphia.

C. Reasons for recommendations

1. *Confidence*.—There would be increased confidence by the public in the police department. There is presently a trial board set up within the Detroit Police Department composed exclusively of members of the department. Its primary

¹ Two reporters reported seeing citizens in custody being beaten by police officers at the Vernor Station, Detroit Free Press, Sept. 11, 1959. Police Commissioner Herbert Hart issued the following statement: "The investigation of alleged police brutality following Thursday night's gang fight at Sixteenth and Magnolia has been completed. After taking statements from the police officers, prisoners, and two witnesses, we have found no evidence to substantiate any charges of brutality. There is no cause for action against any police officer. As far as I am concerned, the case is closed." Detroit Times, Sept. 12, 1959. The Secretary of the Detroit chapter of the NAACP stated, "For years we have attempted to impress upon the police administration that the function of police is not to mete out punishment. In Thursday evening's altercation, the youth may have been definitely guilty of a crime but it is the function of the courts to mete out punishment rather than the police." Detroit News, Sept. 12, 1959.

² Commissioner Hart issues new rules to reduce number of investigative arrests. Detroit News, March 6, 1959.

³ See resolution of Michigan State Bar Association, State Bar Journal, Sept. 1949, pp. 18-22. Report of the Detroit Bar Association Committee on Civil Liberties on Detroit Police Department policy of "Arrests for Investigation." Harold Norris, "Arrests Without Warrant: A Study of Detroit Police Arrest Practices, 1947-1956," Crisis Magazine, October 1958; "Police Brutality, Study of Complaints in Detroit," by Detroit Branch, NAACP, Crisis Magazine, October 1958. Confessions and police detention hearings before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, United States Senate, 85th Congress, 2d Session, pursuant to S. Res. 234, A Study of the Constitutional Aspects of Police Detention Prior to Arraignment and of Confessions Obtained From Suspects During Such Detention, March 7 and 11, 1958.

function is to make findings of fact and recommendations on charges of breach of departmental discipline and orders. Over a period of time, several civilian complaints have been referred to and heard by the trial board. Almost invariably the board has found for the policeman. Many believe the trial board is more desirous of "backing up and whitewashing the police officer" and according greater recognition to the hazards of police work than in a dispassionate and searching appraisal of the facts relating to wrongful conduct. With a Public Police Review Board composed of representative citizens, independent of the department, there would be a greater likelihood that considerations relating to the constitutional and civil rights of citizens would be given appropriate weight.

2. *Experience in Philadelphia.*—The experience of the Police Review Board of the City of Philadelphia after one year of operation indicates that both the concerns of the police and of the citizen are given fair and firm consideration. Of 28 complaints filed in 1958, 17 were processed; in 10 cases the board found the charges directed against the policeman unfounded or not supported by the evidence; in 8 cases the board found the charges against the policeman were sustained in whole or in part. Fifteen of the complaints were concerned basically with excessive or unnecessary force; 10 complaints fell within the problem area of illegal search or arrest. In all cases, the recommendations of the police review board were adopted by the Philadelphia commissioner of police. The first annual report of the police review board of the city of Philadelphia is attached.

3. *"Safety valve."*—The mere fact of the existence of such a public police review board operates as a "safety valve," a salutary restraint and caution upon the police and citizens to approach the problem of wrongful conduct of police with greater respect for the facts.

4. *Respect for law.*—The creation of the public police review board, operating as an immediately available, prompt, thorough and fair method of determining the existence of wrongful police conduct in a given case would promote greater respect and regard for law and law enforcement officers. It would help reduce the understandable cynicism toward law enforcement officers in those areas where community support for law enforcement is most needed.

D. Conclusion

In short, the creation of a public police review board, would give the public a fairer means of appraising allegations of wrongful police conduct, protect both the citizen and the police officer, promote greater citizen-police cooperation, promote greater respect for law and law enforcement and help to reduce group and racial tension in Detroit.

We strongly believe government has a duty to set an example of fairness, by providing the means by which fairness is available to all, police officers and citizens alike. There can be no other course in "a government of laws not of men."

We believe, moreover, that the protection of the constitutional rights of all people, not hinders, effective law enforcement. It is doubtful whether, in the long run, law enforcement is furthered by unresolved allegations of wrongful conduct by police officers. Where community support is lacking, and respect and cooperation are replaced by suspicion and cynicism, law enforcement is retarded. But if the constitutional rights of all the people are scrupulously observed, while some crimes might go unsolved and some criminals avoid apprehension, police win respect, confidence, and trust. In such an atmosphere of mutual trust, law enforcement is less difficult, the police officer's job less hazardous and civic unity is enhanced.

AMERICAN CIVIL LIBERTIES UNION EXHIBIT 3

FIRST ANNUAL REPORT OF THE POLICE REVIEW BOARD OF THE CITY OF PHILADELPHIA

September 15, 1959.

To: The Honorable Richardson Dilworth, Mayor of the City of Philadelphia, Philadelphia, Pa.

Last fall, pursuant to authority conferred upon you by the Philadelphia City Charter, you established the Police Review Board of the City of Philadelphia, consisting of five citizens. The board members are: Dr. Thorsten Sellin, chair-

man; Clarence Pickett, vice chairman; William T. Coleman, Jr., secretary; Monsignor Edward M. Reilly and William Ross.

This board was charged with the responsibility of considering citizens' complaints against the police where the charge involved brutality, false arrest, discrimination based upon race, religion, or national origin, or other wrongful conduct of police personnel toward citizens. So far as we have been able to ascertain, this is the first such board, consisting entirely of citizens, created in any city in the United States.

This board herewith renders its first annual report.

The board has so far received 29 complaints against police conduct alleged to be within its jurisdiction as set forth in paragraph 2 above. These complaints have come from either the citizens involved, their counsel, government officials, including members of city council and the Commission of Human Relations, a bystander or some interested civic organization, such as the National Association for the Advancement of Colored People, the American Civil Liberties Union, or the National Conference of Christians and Jews. Of the 29 complaints, the board has completed investigation and rendered decisions in 18 of these cases. Of the remaining 11, 6 are in the process of investigation, 1 public hearing was continued in order to take further testimony, in 2 of the cases public hearings have been held and only the board's decision is pending, and there are 2 other cases on which the board is about to hold a public hearing. Of the 18 cases completed, the board in 8 cases found that the charges against the policemen were sustained in whole or in part, and in 10 cases found the charges directed against the policemen unfounded or not supported by the evidence.

In order to dispose of its work and keep its docket current, the board has met at least once every 4 weeks. Evening meetings have often been scheduled to accommodate the convenience of the complainant.

The board has adopted the following procedure to handle the complaints before it.

1. When a complaint falling within the province of the board has been presented, the board contacts the police commissioner to see whether he is aware of the incident and, if so, what action has been taken. The police commissioner, if he has not previously done so, orders an investigation, and a written report of the results of such investigation are submitted to the board.

2. Unless, after examining these results, the board is completely satisfied that there is no cause whatsoever for the citizen's complaint, the board orders a public hearing at which time all interested parties are given an opportunity to present all relevant material to allow for a fair adjudication. In fact, the board has ordered a public hearing in every case in which the citizen has indicated that he is dissatisfied with the results of the police investigation.

3. At the hearing the policeman has counsel and often the citizen complainant has counsel. The Fraternal Order of Police has requested, and the board has complied with the request, that the policeman involved be supplied with a copy of the written charge.

4. At the conclusion of the hearings, the board notifies the involved parties of the disposition of the case and sends its recommendations to the commissioner of police, with copies to the mayor and the managing director, as well as to the city solicitor. In each case, so far, the commissioner has accepted the recommendation and acted thereon as suggested by the board.

The board has now embodied the above procedure in a set of rules and regulations which it is publishing concurrently with the issuance of this report, a copy of which is attached hereto for your information.

The 18 complaints which are closed have been disposed of in the following manner: In three cases the complainants voluntarily dropped their complaint; in three other cases the complainants refused to reply to the investigator's questions or in other ways obviated a consideration of the facts; five cases were decided according to the recommendation of the police investigator without a public hearing and seven public hearings were held.

In five instances involving public hearings, the board recommended punitive action for the police officer and in three of these cases the discipline was harsher than that recommended by the investigating officer. The punishment ranged from a departmental reprimand to a 5-day suspension, the latter for striking the complainant without cause with a night stick. In cases where there was an unjustified arrest, the board has ordered the removal of the record of arrest and any fingerprints taken in connection with it. It has also suggested in

certain cases that a written apology be sent to the complainant by the police commissioner or the police officer involved.

Fifteen of the complaints are concerned basically with excessive or unnecessary force; 10 fall within the problem area of illegal search and arrest. Recently the board has been faced with cases in which the arrest was alleged to have been based on the interracial nature of group or couple. The board feels that such practice, if condoned, would be intolerable. Fortunately, there is no evidence that this is general police policy. The board has requested the commissioner to send to all police officers a directive specifically pointing out that no arrest or police action should be taken or commenced solely because of the fact that there is an interracial group or couple.

The board originally felt that it should await action until any associated criminal proceedings had been completed, but this was soon found to be infeasible in that it seemed to be standard police procedure to charge a person with resisting arrest or disorderly conduct wherever the person charges the police with brutality. So the board now proceeds independently.

A closely related problem has arisen in a case where a white off-duty policeman allegedly beat severely a Negro porter in a Lintons' Restaurant. The policeman was charged with, held for court and indicted for, assault and battery and breach of the peace. This action was in part recommended by the police department itself. In view of this, the board postponed its hearings. Later the police officer was acquitted both in criminal court and before the police trial board. We were concerned as to whether we could still hear the complaint against the police officer, but in light of the strong recommendation for punitive action on the part of the police investigator and our belief that the complaint might have substance, we decided to hold police hearings which will be scheduled shortly.

Another concern of the board has been the possibility of intimidation of complainants. Recently one was arrested at the completion of the hearing and there was some evidence that another had been harassed previous to his hearing. This is obviously a very real danger to the successful function of the board. The board immediately contacted you and once the facts were brought to your attention, you ordered the police commissioner to see to it that such practices were immediately discontinued. The police commissioner has complied with your request.

The workload of the board is increasing. The reason for the increase is not that unlawful conduct among policemen is increasing, but that the work of the board is becoming more widely known.

This increase in work has placed a burden on the citizen members of the board, and as will be set forth further under recommendations, this burden could be considerably lightened if the board had the services of a full-time, paid worker. Fortunately, this summer we have had available to us on a volunteer basis the conscientious, resourceful and brilliant services of Thomas Harvey, Jr., a second-year law student at the University of Pennsylvania.

The board is impressed and gratified with the support and cooperation of everyone in the police department, as well as the managing director and several persons in his office who have given freely of their time to help with the clerical work. The board is also impressed and is thankful for the cooperation of the Fraternal Order of Police, including its president, as well as the city solicitor, who has consulted with us whenever requested.

We should point out that the first year's operation has revealed no general pattern whatsoever of officially condoned police brutality or discrimination based upon race, creed, or national origin. The police department has cooperated fully in an attempt to determine whether individual policemen have exceeded the bounds of their authority or have otherwise engaged in unlawful conduct against private citizens. We have also been impressed with the investigations which have been made by the police authorities, particularly Inspector Allan Ballard. His investigations and written reports have been invaluable, not only for their perspicacity and inclusiveness, but for their fairness.

RECOMMENDATIONS

The board herewith submits the following recommendations:

1. That the functions of the board should be continued. We think in a large city such a board serves an invaluable purpose.
2. The board should have a full-time paid assistant to help it in its discharge of its work.

3. The existence and functions of this board should be widely publicized so as to alert citizens to the fact that they have recourse to this board.

Once again, the members of the board would like to thank you for the opportunity to be of service in this important field.

Respectfully submitted.

THE POLICE REVIEW BOARD OF THE
CITY OF PHILADELPHIA,
CLARENCE PICKETT, *Vice Chairman*,
THOBSTEN SELLIN, *Chairman*,
WILLIAM T. COLEMAN, Jr., *Secretary*,
RT. REV. MGR. EDWARD M. REILLY,
WILLIAM ROSS.

AMERICAN CIVIL LIBERTIES UNION EXHIBIT 4

The Police Review Board of the City of Philadelphia

REGULATIONS AND PROCEDURES

The police review board of the city of Philadelphia, hereinafter referred to as "the board," adopts the following regulations and procedures to govern its discharge of the duties and functions conferred on it by the mayor of the city of Philadelphia:

I. Authority and responsibility of the board

(a) Investigate, hear and determine complaints by citizens, civic groups or public officials or employees of alleged misconduct to private civilians by the personnel of the police department. The term "misconduct" shall include, but not be limited to, mistreatment, abusive language, false arrest, unreasonable or unwarranted use of force, unreasonable search and seizures, denial of civil rights or discrimination because of race or religion or national origin.

(b) Consult with and advise the police commissioner and other responsible public officials concerning methods, techniques, policies, procedures and regulations for making effective the city policy against police brutality.

(c) Publish reports from time to time on its work and recommendations.

(d) Adopt and promulgate such rules and regulations and utilize such procedures, methods and techniques it finds necessary or desirable to accomplish its function.

II. Membership of the board

(a) The board shall be composed of five members; three members shall constitute a quorum.

(b) The officers of the board shall consist of the chairman, vice chairman and secretary. These officers shall be chosen by the members. In case both the chairman and vice chairman are absent, a temporary chairman shall be appointed by the members.

III.

The board shall meet from time to time as may be required. Special meetings may be called on the request of any one member.

IV. Publicity

(a) The Chairman, or someone designated by him, shall be the sole spokesman for the committee and responsible for obtaining sufficient publicity of the Board's work so as to increase citizen awareness of this new resource.

V. Form of complaint

(a) Each complaint must:

1. Specify the alleged police misconduct.
2. Identify the police officer involved.
3. Give the date of the alleged incident.
4. Give any information known of police action aimed at alleviating the situation.

5. The complaint must be submitted to the board or other city authorities within 90 days of the incident to be eligible for consideration unless there is a reason which the board considers valid to justify the lateness.

*Dr. Sellin is in Europe at present.

(b) None of the above specifications shall in any way be interpreted to thwart what otherwise would be a just adjudication and may be waived by the board when, in its opinion, justice so requires.

VII. Action on the complaint

(a) The board shall consider all complaints which it receives concerning police misconduct including, but not limited to, those from civilians, the police department, city and civilian agencies.

(b) The board, upon receipt of a complaint, if any one member believes action is warranted, may order a police investigation and/or conduct an independent investigation using any means it considers advisable.

(c) Before the board may recommend punitive action, the police officer involved shall be entitled to a public hearing.

(d) When investigation discloses reasonable cause does not exist to believe that an incident occurred within the jurisdiction of the board, a written report setting forth its findings shall be sent to the commissioner of police and the complainant, but if the complainant still is not satisfied, he may demand a public hearing.

(e) The fact that civil or criminal proceedings arising out of an incident within the jurisdiction of the board are pending or contemplated shall not be the basis for the postponement of any proceedings before the board, nor shall a decision from a police trial board, court or other like body affect the jurisdiction of the board.

VII. Hearings

(a) Written notice of all hearings shall be sent to the complainant, the police personnel involved and the counsels of both and the commissioner of police.

(b) The complainant and the police personnel involved shall have the right of representation, may offer testimony themselves or by witnesses and shall have the right of cross-examination.

(c) The board shall not be bound by strict rules of evidence, reports of its investigations or the reports of the investigations of the police department.

(d) Upon making a decision, the board shall send its recommendations to the commissioner of police, complainants and policemen involved.

(e) The board will also make available to any interested party an opinion stating the basis for its decision.

VIII.

Amendments can be made to these regulations and procedures by a vote of the majority of the members then in office.

POLICE REVIEW BOARD OF THE
CITY OF PHILADELPHIA,
CLARENCE PICKETT,
Vice Chairman.

STATEMENT SUBMITTED BY SOL I. LITTMAN, MICHIGAN REGIONAL DIRECTOR, ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

[From Rights, Vol. 3, No. 3, September 1960]

ADL REPORTS ON SOCIAL, EMPLOYMENT, EDUCATIONAL AND HOUSING DISCRIMINATION—GROSSE POINTE

In the Spring of 1960, the Grosse Pointes—suburbs of Detroit—made headlines throughout the world because of a civil suit in the Circuit Court in Port Huron, Mich. Detroiters refer to a complex of five municipalities as the Grosse Pointes. The five are Grosse Pointe, Grosse Pointe Park, Grosse Pointe Farms, Grosse Pointe Woods and Grosse Pointe Shores, and constitute the residential area of the Detroit environs which houses the wealth, the might and the elite of the community.

The plaintiff in the suit, John A. Maxwell, a former resident of Grosse Pointe, sought the recovery of property which was being held under lien by Grosse Pointe Properties, Inc. Maxwell also sought to dissolve an agreement with the defendant which gave the corporation the power to "screen" prospective buyers of the unfinished Maxwell mansion in Grosse Pointe Park. Besides Grosse Pointe Properties, Inc., defendants in the suit are the Grosse Pointe Property Owners Association; Grosse Pointe Brokers Association; Maxon Brothers, Inc., a realty firm;

Paul Maxon, the firm's president; H. Gordon Wood, an attorney; Incorporated Properties, Inc.; Paul R. O. Marden; and the National Bank of Detroit.

During the past year, there were rumors in the Detroit area of "some Englishman who was policing the sale of Grosse Pointe property." The rumors brought attention into focus on the Maxwell civil action and disclosed the details of the now notorious Grosse Pointe screening system. The "Englishman" was revealed to be Paul Marden, a former executive secretary of the Grosse Pointe Property Owners Association, who, by the time of the suit, had been succeeded by Orville F. Sherwood. Under questioning by the plaintiff's attorney, Peter E. Bradt, Sherwood went through a "point system" of screening prospective purchasers in an attempt to show Maxwell was an "undesirable." The disclosure of the existence of the "point system," why it was designed and how it operates, followed.

A "score card" used to grade a prospective buyer was made an exhibit in the case and the method in which it was used was described. A prospective buyer's name was submitted by a real estate broker to the Grosse Pointe Property Owners Association. The association engaged a private detective to fill out the questionnaire. The filled-out report was then turned over by the association to a committee of brokers which tallied up the scored points and sent it back to the association. They made the final evaluation as to whether or not the prospective buyer had made a passing grade. Significantly, even passing grades were based upon a sliding scale. Sherwood testified that out of the maximum possible 100 points, Poles would pass with 55 points, southern Europeans with 75, Jews with 85. Negroes and orientals were not even eligible for consideration; their disqualification was automatic. Sherwood said that "a person with a very swarthy complexion would probably get a low rating."

The rating sheet filled out by the investigator is in two pages and divided into four alphabetical categories with notations of maximum point potential. Section A asks "Is family American?", "Americanized?", and lists eight questions to be answered. These are:

- (1) What descent. Mr? _____ Mrs? _____
- (2) American born. Mr? _____ Mrs? _____
If not, how long in U.S.A.? Mr? _____ Mrs? _____
- (3) Is way of living American?
(a) What is his occupation? _____
Typical of his own race? _____
- (b) Are his friends predominantly American or otherwise?
Specify type 14. _____
- (4) Appearance:
Mr. Swarthy Very _____ Medium _____ Slightly _____ Not at all _____
Mrs. Swarthy Very _____ Medium _____ Slightly _____ Not at all _____
- (5) Accent:
Mr. Pronounced _____ Medium _____ Slight _____ None _____
Mrs. Pronounced _____ Medium _____ Slight _____ None _____
- (6) Names typically American? Mr. _____ Mrs. _____
Typical of own race? Mr. _____ Mrs. _____
- * (7) Ages and number of persons in family _____

The first section of the questionnaire, it will be seen, accounts for 50 of the possible 100 points. Question 8 which follows has a marginal instruction for the investigating detective: "Do not grade this question."

8. What persons (if any) other than the subject and children: (a) Occupy present residence? (b) Will occupy future residence?

There follows a "Note to executive secretary's office: If there are to be occupants in new home other than subject and his children, and if subject passes, complete additional reports should be secured on other occupants." Section B, which begins page 2 of the investigatory form, is titled "General Standing," and asks six questions:

- (1) (a) If in a company, what is his position as distinguished from his occupation? (as given in A-3a above) _____
- (b) How does above position and type of occupation stand in public estimation? High _____ Medium _____ Poor _____
- (2) Have his dealings been considered reputable? _____
- (3) How has his family been thought of in previous neighborhoods?
Highly _____ Medium _____ Of bad repute _____