

AMERICAN CIVIL LIBERTIES UNION

METROPOLITAN DETROIT CHAPTER

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STATEMENT PROPOSING THE ESTABLISHMENT
OF A PUBLIC POLICE REVIEW BOARD
IN DETROIT

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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 two 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,

^{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, September 12, 1959.

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

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 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 white-washing 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

^{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, Eighty-Fifth Congress, Second 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.

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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.

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 citizen 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 helps, 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 officers job less hazardous and civic unity is enhanced.

Detroit, Michigan
November 12, 1959