

DETROIT POLICE DEPARTMENT  
Police Trial Board

March 4, 1957

DECISION OF THE TRIAL BOARD IN THE MATTER OF CHARGES AGAINST:

PATROLMAN JAMES R. DAVIS, #12 Precinct  
and  
PATROLMAN ROBERT J. LESSNAU, #2 Precinct

COMMISSIONER PIGGINS: Patrolman Robert Lessnau and Patrolman James Davis are charged on the complaint of Mr. Robert F. Mitchell with conduct unbecoming an officer, "assaulting a citizen", in violation of Chapter 10, Section 130, Subsection No. 7 of the Detroit Police Manual.

This Trial Board in accordance with the requirements of the Charter consisted of the Commissioner, the Superintendent of Police acting as Chief Inspector, and the Chief of Detectives. In addition to Counsel for the Police Department and Counsel for the officers charged, Mr. Thomas H. Healy, Jr., Assistant Attorney General for the State of Michigan was present throughout the hearing as an observer. In addition, Mr. Julian Rodgers, Jr., Counsel for Mr. Mitchell was present throughout the entire proceedings, produced witnesses and exhibits, and was permitted to examine and cross examine witnesses.

The Board has listened carefully to all of the testimony offered by all interested parties. Every available witness has been procured and has testified. The Board has thoroughly reviewed all of the testimony and has examined all of the exhibits. In rendering this opinion, the Trial Board does not believe it necessary to repeat all of the testimony submitted. The Board does believe, however, that it is necessary to repeat some of the important and significant facts upon which it bases its opinion.

The complainant, Robert F. Mitchell, is an educated, intelligent and personable individual. He is a family man, a former Marine Corporal and a business owner operating a Class C bar on Tireman Avenue. He is of good standing in the community.

He testifies in substance that he was jerked from his automobile by the officers on trial, improperly and illegally searched on a public street, and then unjustifiably and excessively beaten with night sticks and fists.

With the exception of admitting that he was driving with a defective headlight for which he expected to receive only a violation notice, he contends that there was absolutely no provocation for the police action. He denies that he offered the slightest resistance to the search, the beating, or the arrest. As he testified, he merely preferred to be searched in the station rather than on the street. His preference, however, he testified was not expressed in the form of violence or objection, but rather in the form of a passive suggestion or plea.

He stresses particularly the seriousness of the injuries which he claims to have sustained, testifying that he was struck "closer to fifty" times, sustained a serious scalp wound and a fractured bone in his hand, suffered cuts and bruises about his head and over his entire body, sustained slit, torn and bleeding gums, the loss of a false tooth affixed to a partial plate, and serious damage to other teeth. He contends also that his eyes, lips and face were beaten and swollen.

In substantiation of this contention insofar as damages are concerned, he offers the testimony of Dr. Edward Anderson and Dr. Leon Dickson, physician, both reputable professional men. Dr. Anderson testified that Mr. Mitchell's false tooth was