

NEWS

FOR RELEASE

FINDINGS PRESENTED IN KENNETH JOHNSON POLICE HEARING

1000 CADILLAC SQUARE BUILDING, DETROIT, MICHIGAN 48226 • PH 222-1722

- IMMEDIATE -

DETROIT, August 23--In upholding a finding of unlawful racial discrimination against the Detroit Police Department for harassment of Negro patrolman Kenneth Johnson, the Michigan Civil Rights Commission cited the department's "Blue Curtain" code today as injurious and unfair to the public and an encroachment upon an individual's Constitutional rights, particularly the freedom to tell the truth without intimidation.

A panel which heard testimony in a public hearing held May 7 and 14 on the charge, defined the "Blue Curtain" in its report to the Commission as an unofficial, unwritten code within the department which prohibits an officer from making any official statement that would expose the misconduct of a fellow officer.

The report of hearing commissioners Julian A. Cook, Jr., George E. Gullen, Jr., and Mrs. Frank W. Mylie, said that Johnson breached the "Blue Curtain" when he testified in a department Citizen's Complaint Bureau investigation and an MCRC investigation to alleged acts of brutality by Patrolman Jimmie Parker against a Negro youth, Howard King.

Testimony presented at the hearing indicated that Johnson was continually harassed by fellow officers because he gave a true version of the incident, and the only action taken by his superiors to stop the harassment was to transfer him several times from one precinct to another.

The Commission instructed that a formal order be prepared ordering the police department (1) to cease and desist from unlawful discrimination, (2) to restore to Patrolman Johnson 15 leave days which had been taken from him as a result of disciplinary action and (3) to remove that action from his record. A final finding, reflecting the changes in language requested by Commissioners will be prepared at the same time.

The acts of violence and harassment by fellow officers against Johnson described in this case "appear to be clear and obvious acts of racial antagonism, stemming from his violation of the 'Blue Curtain' practice," said the hearing panel.

The hearing commissioners cited the failure of those in command in the police department to help Johnson, except grant his requests for transfer. Johnson reported the incidents of harassment to his immediate supervisors and to those on higher levels in the department.

"The 'Blue Curtain'," said the panel, "is not only injurious and patently unfair to the public in general, but, when applied to the case at hand, it has subjected Johnson to (1) receiving unwarranted and unjustified retaliatory measures, as well as the wrath, scorn and ridicule of his fellow officers, (2) sustaining an undetermined amount of damage to his own private personal property, and (3) being the sole recipient of

disciplinary action of all the persons involved for the falsification of an official report."

Johnson, employed with the department since 1963, according to his testimony at the hearing, was one of a number of policemen who assisted in the arrest in 1965 of King and several other Negro youths accused of fighting. During this incident, Johnson and other officers witnessed the alleged acts of brutality by Patrolman Parker in the garage of the second precinct station.

In the Citizen's Complaint Bureau and MCRC investigations, Johnson and other officer witnesses gave statements which were vague and did not make reference to the alleged acts of brutality according to the testimony. Johnson was directed by then Commissioner Girardin to submit a second report.

Johnson said he was assured by CCB investigators that his second statement would be kept confidential for fear of retaliation by his fellow officers. The Negro officer then submitted a detailed version of the Parker-King incident, describing the use of excessive force by Patrolman Parker upon King while the youth was handcuffed. Of the nine officers and two sergeants involved, only Johnson was Negro.

The contents of Johnson's second statement indirectly reached a Detroit newspaper which ran an article on Johnson's account of the Parker-King incident.

Harassment, subtle and otherwise, began when the news article was posted on the second precinct bulletin board by an unknown person where all of the officers could read it, said the hearing report. Johnson denied, when questioned by his precinct superiors, having cooperated with the newspaper; however, he was transferred without prior notice to the seventh precinct.

At the seventh precinct, according to Johnson's testimony, derogatory names were placed beside his name on the daily assignment sheet, one of his automobile tires was cut while the car was parked in the police parking lot, and he was given lesser assignments in spite of seniority rights. He also had a fight with one officer over the Parker-King incident.

At the tenth precinct, he testified, a representative of the Detroit Police Officers Association, in addressing the officers during roll call a few days after Johnson's transfer there, warned the officers to "be wary of new men, and be careful of what you say and do around these people." Subsequently, he said he was called names such as "spy" and had his rear tires flattened when he drove over sharp metal objects that were deliberately placed under his tires while his car was parked in the police parking lot.

After submitting oral and written reports of the harassment to the precinct inspector, Johnson was transferred to the Record Bureau where he is presently working and reported that he is getting along fine after what he termed some "harassment" in the sense that

... constantly watched for about six months.

In January, 1967, a trial board hearing was held and Johnson was found guilty of submitting a false report as his first statement to the CCB, and a forfeiture of 15 leave days was ordered along with a written reprimand.

The hearing panel states that Johnson was not afforded equal treatment because of his race, throughout the period of this incident. When he submitted his second report to the CCB, he was not accompanied by a superior officer, as is the practice in the department when an officer is directed to make an official statement, said the panel. Five other officers submitted second reports with the benefit of a precinct representative present.

Only Johnson, among the six, changed his story and related what is now considered to be the true version of the Parker-King incident, said the report. However, only Johnson was disciplined for having submitted a false report. The panel noted that of five other "false report" disciplinary actions taken by the department since January, 1960, none involved statements involving the conduct or misconduct of a fellow officer.

The Commission will prepare a final finding and order in this case, based on the recommendations made in the findings of the hearing panel.

####

PL/rem