

AUG 17 1960



**City of Detroit**

DEPARTMENT OF POLICE

DETROIT 31, MICHIGAN

HERBERT W. HART  
*Commissioner*

August 12, 1960

Mr. Arthur L. Johnson,  
Executive Secretary  
National Association for the  
Advancement of Colored People  
606 East Vernor Highway  
Detroit 1, Michigan

Dear Mr. Johnson:

On October 24, 1957, the then Commissioner of Police established a procedure whereby the department would investigate complaints received from the N.A.A.C.P. and supply a written report of our findings, after which any questions concerning the complaint would be reviewed by the executives of the department.

This procedure was established in order that progress could be accomplished in the field of community relations in our city and to build better understanding on the part of all citizens, particularly those of minority groups.

However, in connection with your request of June 20th, 1960, I note that the complaint submitted covering the case of John Charles Turner, specifically requests information surrounding the incident in order that an attorney can sue the Palmer Park police station.

Likewise, in the case of the complaint of Nathaniel Leigh, reference is made concerning legal redress. At this time, felony charges against Mr. Leigh have been heard and he has been found guilty of the charge of breaking and entering an automobile. He is now awaiting sentence by Recorder's Court.

Further, in the case of the complaint of Leonard Cargill, reference is made in your report form to the effect that Mr. Cargill desires to file suit against the police department because of his son's treatment.

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I do not believe it was ever the understanding of the Commissioner or the department when our liaison was established to improve community relations that this exchange of information was for the purpose of starting litigation either by the police or the citizen. For this reason, in the cases involving John Charles Turner, Nathaniel Leigh and Leonard Cargill, we are not submitting written reports. However, our investigation of each of these complaints has failed to indicate any misconduct on the part of the officers concerned.

The remaining cases included in your request of June 20th are as follows:

1. Mr. Willie Davis, 18143 Maine. Complaint of his mother, Mrs. Jean Davis, alleges that her son was picked up by two Negro policemen for "tickets"; that he was taken to Davison Station and badly beaten. Reference is made to an officer "Bond" as one of the arresting officers.

Our investigation discloses that on May 7, 1960 at approximately 4:40 a.m., two of our officers (neither of whom is named "Bond") investigated two men at the corner of Nevada and Ryan, one of whom was Willie Davis. Both men had been drinking. Mr. Davis' companion--a Mr. Cortez--was allowed to go on his way after interview on the street. However, Willie Davis, who was drunk, became very loud and belligerent and was transported to the Eleventh Precinct Station as a common drunk. There was no difficulty whatever on the way to the station, but when Mr. Davis was to get out of the scout car, without any provocation he attempted to assault one of the officers. At this time he was struck on the left arm with a nightstick by the officer.

When Davis was brought before the desk officer, he again became belligerent and attempted to assault the officer and force was used to subdue him. He was then registered as a drunk for court. At 6:35 a.m. the same morning, Davis complained of a sore arm. He was conveyed to the Receiving Hospital for treatment, and diagnosis of the injuries at the hospital indicates "swelling of the tissue of the left elbow". X-rays taken disclosed no fracture, and further treatment was unnecessary. He was discharged from the hospital at 11:45 a.m. the same date--a Sunday morning--taken to court the following day where he was found guilty by the Honorable Elvin Davenport, Judge of the Recorder's Court, and sentenced to pay a fine of \$50 or serve 60 days in the Detroit House of Correction.

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It should be pointed out that the defendant continued to display a belligerent attitude even during his appearance in court.

Mrs. Jean Davis was contacted during the investigation and apprized of these facts. She told our investigating officers that she now realized there were two sides to the altercation and was pleased with the action taken by the department in making the investigation and explaining the entire incident to her.

The investigation does not disclose the use of any unnecessary force by the officers assigned to the case. Had Mr. Davis been cooperative at the scene, more than likely he would have been told to go on his way, as was Mr. Cortez. Incidentally, Mr. Cortez, when he was interviewed during the course of our investigation, stated that our officers were courteous when they stopped Mr. Davis and Mr. Cortez on the street.

2. Kenneth Brookins, 2698 Pasadena. Complaint filed by Mrs. Brookins--Kenneth's mother--indicates that scout car officers stopped her son for carrying a BB gun on the street; that he asked the officers to take him home, but that the officers told him they would take him to the Juvenile Home; that when the officers attempted to handcuff Kenneth, he kicked one of the officers, and when Mrs. Brookins appeared on the scene and attempted to stop the tussle, the officer ignored her and hit Kenneth in the eye with his fist. Reference is also made to the fact that the parents have not been able to see Kenneth at Receiving Hospital, or get any information about their son's condition from the hospital or the police station.

Investigation discloses that on May 16, 1960, at approximately 9:15 p.m., a scout car assigned to the Tenth Precinct received a radio run to Lawton and Pasadena, "boy with BB gun". Upon arrival at the scene, the officers noticed a boy, later identified as Kenneth Brookins, carrying a BB gun under his coat. Upon questioning, the boy gave two different addresses, at which time he was told to get in the scout car. He then refused to do so, and an attempt was made to place him in the car. The boy began to kick, swing his arms, yell and scream, and while being placed in the car managed to wedge himself in a position between the front seat and the rear panel--half in, and half out of the vehicle--which made it impossible for the officers to do anything other than to attempt to remove the boy from that position and to handcuff him in order to prevent injury to himself.

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In doing so, the boy began to kick, and landed a severe kick to the groin of one of our officers, causing the officer to bend over suddenly from shock and pain. As the officer arose from this position, he did strike the boy in the area of the left eye with his hand. Investigation discloses that citizens who were at the scene substantiate these facts. A supervising officer who responded to this incident immediately directed that the boy as well as the injured officer be taken to the Receiving Hospital. Hospital records indicate that final diagnosis of Brookins' injuries was contusion of the left eyelid and fracture of maxilla. He was admitted to the hospital at 9:53 p.m., May 16th and discharged at 12:25 p.m., May 20th. Patrolman Danto, who was the officer injured by Kenneth's kick, was also treated at Receiving Hospital and disabled for a period of three days.

There is no question that the officers had to use a certain amount of force in order to carry out their purpose. However, had the boy followed the directions of the officer to get into the scout car, he would have been taken to the precinct station where proper disposition would have been made. It is not the practise of this department in cases where firearms or air rifles are involved to dispose of the matter on the street since the weapon can cause serious damage or malicious destruction of property, and normally these cases are processed by having all persons involved brought into the station, where in some cases the weapon may be confiscated or in some cases returned to the owner.

Subsequent investigation by detectives who interviewed Kenneth Brookins at Receiving Hospital revealed that the reason Kenneth resisted the officers was because he did not want to have his parents pick him up at the police station again, as they had done on two previous occasions during the current year. He stated to our detectives that he did not remember kicking the officer but did recall that he was trying to get away.

As to the allegation that the parents were unable to see Kenneth at the hospital or get any information as to his condition as of the date of the filing of their complaint (May 18th), our investigation reveals that Kenneth's father accompanied the boy to Receiving Hospital and that his mother was permitted to visit her son later in the evening of May 16, 1960.

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3. Mr. Edward J. Brown, 16825 Inverness. In his complaint of April 25, 1960 Mr. Brown states that when stopped by police and requested to show identification, he could not produce his driver's license, following which one of the officers attempted to search him, and that such search was unwarranted. He states the officer found a three-inch knife and a wrench; that he and a companion, Gerald Crittendon, were then placed under arrest, taken to the police station, held about forty-five minutes, and issued a ticket for driving without an operator's license.

Our investigation discloses that at approximately 12:15 a.m. on April 26, 1960 a scout car crew from our Tenth Precinct Station stopped an automobile driven by Mr. Brown for investigation. The officers learned that Mr. Brown did not have an operator's license, and informed him that it would be necessary to go to the station, which is the regular procedure under such circumstances.

Because of the lateness of the hour--12:15 a.m.--and the fact that the officers were charged with the responsibility of transporting two men in the scout car, in accordance with our regular procedure the officers patted down the two men for possible weapons, as a precaution for their own safety. In doing so, one of the officers felt an object which he took to be a knife of some sort, and asked the party to remove the same. It proved to be a knife and wrench.

Upon arriving at the station, Mr. Brown and Mr. Crittendon were interrogated by the lieutenant on desk duty who explained the procedure. There was nothing irregular in bringing persons into the station for failing to have operator's license. After further investigation, a traffic violation ticket was given to Mr. Brown for driving an automobile without an operator's license. Mr. Crittendon was informed that as the owner of the car, he could likewise receive a ticket for allowing a person without an operator's license in immediate possession to drive his automobile.

The investigation does not disclose any unnecessary force being used in this case; further, the officers in no way usurped the letter of the law in effecting their purpose.

Very truly yours,

  
Commissioner