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# Detroit police investigated

## Bogus arrests for murder seen in FBI statistics

By Jan Hall  
Globe Staff Writer

DETROIT — Mayor Dennis Archer has launched an investigation into possible civil rights violations made by city police officers, who have been accused of routinely arresting and jailing people who are not criminal suspects in order to force them to make statements as witnesses.

Two homicide detectives admitted to the practice in court during a wrongful-arrest lawsuit that cost the Motor City \$300,000 in 1997. Police Chief Benny Napoleon and other city officials say the bogus arrests have been halted, but crime statistics gathered by the FBI show the city still reports arresting almost three times as many people for murder as there are murders. In most cities, murder arrests roughly approximate the number of reported murders.

For instance, in 1999, Boston reported 31 murders and 23 arrests for murder, while Detroit reported 415 murders and 1,152 arrests.

Attorney Michael Kriger asserts the wholesale arrests are "absolutely routine," an "epidemic" so widespread he recently filed a class action lawsuit to halt the practice.

"I think it's been a policy for a number of years that they've been getting away with," said David Romano, a lawyer in Detroit.

"It's extraordinary," he said. "It's not as outrageous as beating people, or not as outrageous as sodomizing with a broomstick... but taken altogether, it's outrageous. But given the extent to which it was being done, and how systematic it was, that makes it... horribly objectionable."

Annex International regional director Adam Ortiz says his office in Chicago has received an unusual number of complaints about Detroit police. "It's an egregious human rights situation... The department does not meet basic international standards for protecting citizens from police brutality and mistreatment," he said.

Three months ago, Ortiz sent Archer a letter recommending ways to detect police misconduct; the city never replied, Ortiz says. A spokesman for Archer said he knows nothing of the letter.

Ortiz said he has formed a Detroit chapter of Annex International to help combat the situation.

## Bogus murder arrests

Crime statistics gathered by the FBI show that nearly three times as many people were arrested for murder in Detroit as there were murders. In most other cities, murder arrests roughly equal the number of reported murders.

### How some cities compare

1999 figures

	Boston	Detroit	Los Angeles	New York	Philadelphia
Population	557,887	978,000	3,650,138	1,429,263	1,485,362
Murders	31	415	425	654	292
Arrests	23	1,152	289	748	272
Cleared of charges	14 (48.2%)	189 (45.9%)	204 (49%)	552 (83.1%)	221 (75.7%)

SOURCE: THE FBI

Archer has launched his own investigation into the matter. "If they engage in that type of behavior, they will get caught and be disciplined," said Archer, a former justice of the state Supreme Court known for his support of civil rights.

FBI spokeswoman Maryvictoria Pyne says the agency has dropped Detroit statistics for 2000 from its crime-trend calculations.

"When we see numbers that might upset the trends, we do what's called 'Take It Out of Trends,'" she said. The numbers are removed so they "won't skew the national numbers... Remember, we have to maintain the reasonableness of the national data."

City officials blame the high arrest figures on incorrect entries and other clerical errors, not a dragnet. But defense attorneys say a large number of those arrested for murder are really witnesses, who are hauled in to make statements, and are not formally charged.

Romano describes the case of Justina Tobe as an example. Tobe, 25, was arrested for murder and detained for nearly four days in 1997 because police thought she had overheard someone talking about a drive-by shooting that killed two people and wounded three others.

She was arrested at her apartment, where she was taking care of her two children. After threatening to take her children away, Romano said, the police forced her to leave the 3-year-old and 8-month-old with a teenage neighbor she barely knew, then took Tobe to headquarters without allowing her to call family members.

When she objected and told them she didn't know anything about the case, police locked her up and refused to let her call friends or an attorney, Romano said.

The next morning she was released, only to be arrested again about an hour later. When she became belligerent and refused to talk, police officers put her in jail for the weekend. She was eventually released after repeating her earlier denial, according to Romano.

During a deposition, Romano asked Sergeant Reginald Harvel, one of the officers involved in the arrest, "What probable cause did you have to arrest her for murder?"

"I felt she was obstructing the investigation," Romano said Harvel replied. He said the officer admitted that Tobe had been held in custody only so police could get a statement from her. Even so, officers filled out a fingerprint card accessible to other police agencies that noted Tobe had been arrested for murder.

"Is there a procedure in the Detroit Police Department for taking into custody people that aren't suspected of homicide, but you believe may have information?" Harvel was asked under oath.

"It happens, yes," he said in the deposition.

Later, during court proceedings, Romano asked Harvel, "You're comfortable with having violated someone's rights?"

"Yes," Harvel replied.

"And you'd do it again, wouldn't you?" the lawyer asked.

"Yes," said Harvel.

In his own deposition, fellow homicide investigator Sergeant Isaiah Smith testified in the same case that such arrests were common practice, that detectives held witnesses overnight "probably every other day."

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# DPD Dragnet scandal Reginald Harvel

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diane\_bukowski  
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