

Detroit cops are deadliest in U S

Shooting figures need context, officials say

May 15, 2000

**BY DAVID ASHENFELTER
and JOE SWICKARD**
FREE PRESS STAFF WRITERS

Detroit leads the nation's largest cities in the rate of fatal shootings by police, according to a Free Press analysis of FBI statistics.

The Motor City rate is nearly 2 1/2 times higher than New York's rate and more than 1 1/2 times Los Angeles' -- two cities sweating under the national spotlight amid scrutiny for police misconduct.

Detroit Police Chief Benny Napoleon and Wayne County Prosecutor John O'Hair contend that the figures don't take into account factors that might cause Detroit's rate to be so high. They said the rates need to be viewed in the context of violent crime rather than population.

"There is a very violent element in our city," O'Hair said in an interview earlier this month. "It's high-risk, and this is the element the police deal with."

But a national expert said Detroiters should be alarmed.

"As an ex-New York City cop, I have always been amazed at the great interest shown in NYPD shootings by people from cities whose cops are far less restrained with their guns," said James Fyfe, a criminal justice professor at Temple University in Philadelphia. Fyfe said Detroit's fatal shooting rate has dwarfed New York's at least since the 1980s.

Detroit, with nearly 1 million residents, averaged nearly 10 fatal police shootings a year in 1990-98. New York City, with 7.3 million residents, averaged 28 fatal shootings a year during the same period.

The Free Press sought to compare Detroit with other large U.S. cities and tapped into rarely used FBI statistics.

To make the comparison, the Free Press calculated fatal shootings on the basis of the FBI's standard measure, 100,000 residents. Detroit had a rate of 0.92 fatal shootings per 100,000 residents, towering over New York's rate of 0.39 and Los Angeles' 0.56. Houston ranked second with 0.68.

"These are Vietnam kind of numbers," said Detroit lawyer Juan Mateo, one of several lawyers, citizens and former police executives who blame Detroit's high fatal shooting rate on a failure by police brass to properly train officers or aggressively investigate and punish cops who shoot under questionable circumstances.

"Cops are shooting people and getting away with it."

Mateo and other critics told the Free Press during a four-month investigation of police shootings that the department's reluctance to hold cops accountable has destroyed lives and families, cost taxpayers millions of dollars in lawsuits, bred fear and mistrust of the police and undercut a 25-year effort to make the force more responsive to the public.

Police officials deny they're covering up bad shootings.

Nearly a dozen top police executives, the mayor's news secretary and deputy press secretary met with the Free Press on Thursday to review the findings.

During the meeting, they tried to allay concerns that Detroit officers were acting improperly or that the department was remiss in training and investigating.

"We investigate all of our shootings objectively and impartially," Napoleon said. He said officers who hesitate when confronted by a dangerous situation can wind up dead.

"About 120 officers every year make a bad decision in a fatal force situation and they get killed," Cmdr. Dennis Richardson, head of the major crimes division, said of the officers killed nationwide.

Police officials called in staff during the weekend to recalculate the Free Press' numbers in hopes of casting Detroit in a better light. The department, which had to use the Free Press' numbers because it couldn't obtain them from the FBI, planned to give the numbers to Detroit Mayor Dennis Archer on Tuesday to prepare him for an interview.

Lawyers who have sued the department in police shootings disputed the assertion that all is well.

Consider the case of Cora Bell Jones, a 79-year-old great-grandmother who was shot to death by police in August 1998 when she hobbled into her living room with a knife as officers fought to control a ruckus in her home.

Police showed up after her east-side home was shot up and dashed inside after a man with a rifle, according to court records, police reports and other documents. Inside, they took a pistol from Steven Grimes, her great-grandson.

Into the confusion rolled Jones' daughter, Ruby Grimes, in a wheelchair. Steven Grimes defied orders to stay put. Police grappled with him when he threw himself onto her lap. Ruby Grimes tumbled from her wheelchair.

During the fracas, Jones -- bent with arthritis and limited by deafness, poor vision and senility -- came at cops with a knife.

Just then, backup officers, including Anthony Johnson, arrived. Fearing for the other cops, Johnson shot Jones.

After reviewing the case, the police and the Prosecutor's Office called the shooting proper. But Jones' family said it was a whitewash and sued in 1998 in Wayne County Circuit Court.

Napoleon declined to discuss the case because of the pending suit. Johnson did not respond to an interview request.

"I'm angry, and I will be for a long time because they didn't need to shoot my mother," Ruby Grimes said.

The family's lawyer, David A. Robinson of Southfield, who worked 13 years as a Detroit policeman, said the killing was needless.

"Six cops against one 79-year-old lady?" he said. "They didn't have to shoot."

Robinson said the shooting of Hong Leong is just as bad.

Leong, a 40-year-old Detroit plant worker with a history of mental problems, had threatened his wife, been convicted of felonious and sexual assault and fired shots at a motorist moments before his drunken encounter with police.

But Detroit Police officers John Borgens and James Pratt knew none of that at 8:30 p.m., Nov. 18, 1997, when they spotted him squealing his tires while rounding a corner in southwest Detroit.

When they chased him onto a dead-end street, they said he climbed out with a 12-gauge shotgun, fired into the air and yelled, "Go ahead and shoot me!"

Police said they opened fire when he turned on them with the gun. He died of 12 to 16 shots to the back and the palm of one hand.

Homicide detectives and the Wayne County Prosecutor's Office said officers shot in self-defense.

Robinson questioned how the officers could have been shooting in self-defense when all the shots were to the back. "I think they executed him and the department covered it up," Robinson said. He said the officers should have been charged with a crime.

The officers did not respond to requests for interviews.

Napoleon declined to discuss the case because of the suit. But he reiterated that the department does not tolerate rogue cops.

"Investigations are conducted by the letter to arrive at the truth," he said.

Department rules on firearm use

May 17, 2000

The Detroit Police Department has rules governing firearm use by officers. Here are excerpts from Chapter 10 of the department's General Procedures:

Members must always bear in mind that the use of firearms shall be confined to life-threatening situations. The laws of this state and the rules of the department demand that members use only the minimum degree of force necessary to effect an arrest. Members must also consider that the maximum sentence imposed by our court system would result in neither death nor injury.

A member shall not discharge a firearm in an attempt to apprehend a person on mere suspicion that a crime, no matter how serious, was committed or on mere suspicion that the person being pursued committed the crime. A member shall either have witnessed the crime or have probable cause to believe that the person committed an offense for which the use of deadly force is permissible in accordance with department directives.

Laws, rules keep cops from removal

Charges can't be brought if suspected felon is shot

May 17, 2000

**BY DAVID ASHENFELTER
and JOE SWICKARD**
FREE PRESS STAFF WRITERS

Sometimes, laws and regulations thwart officials when they try to get rid of a cop for a questionable shooting.

Detroit police executives and prosecutors agreed in 1995, for instance, that a rookie cop was wrong when he shot an unarmed teenager who was tampering with a car. But they couldn't kick him off the force or put him on trial.

"We fired him," Police Chief Benny Napoleon said. "The arbitrator gave him his job back."

The officer, Archie Arp, declined to comment.

On the night of Aug. 23, 1995, Arp was off duty and dropped in to visit his girlfriend at a bar on Joy Road near West Parkway. Arp, 45, had been a cop for a year.

Arp was in the bar a few minutes, police and court records show, when he was asked to check out the parking lot because a kid was seen messing with a car.

Moments later, gunshots were heard and 14-year-old Charles Clay lay dying on the street. Clay was about 90 feet from Arp, and a screwdriver with a 4-inch blade was near the youth's body.

Arp told investigators the youth ran but suddenly turned on him with a shiny object that Arp believed was a weapon. It was the screwdriver.

The autopsy showed that Clay had been shot in the middle of the back. The bullet's path through his body indicated that he may have been running when hit.

Even so, Sgt. Arlie Lovier of the special assignment squad, who was the officer in charge of the homicide investigation, said it was "a good shooting," with no violations of criminal law or department regulations.

The Wayne County Prosecutor's Office wanted to charge Arp, but couldn't. The office determined that a criminal case was impossible because a Michigan Supreme Court ruling said it was legal for anyone -- civilian or police officer -- to use deadly force to stop a fleeing felon. Assistant prosecutor Michael King said he regretted that he could not bring state charges, "but I feel bound" by the Supreme Court ruling.

However, prosecutors issued a news release indicating that the shooting could be a "civil violation of the deceased's federal rights to be free of unreasonable arrest."

In a September 1995 letter to the police department, county prosecutors said Arp's story wasn't supported by facts, and his use of deadly force appeared to violate department policy.

The police department held hearings and fired Arp, but the dismissal was overturned on appeal in 1998. Arp was suspended for six months, and is still with the department.

Clay's family sued in Wayne County Circuit Court in 1995. The city settled the case for \$1 million a year later.

Police chief: Cops get no free deals

Napoleon invites skeptics to ask U.S. government

May 16, 2000

**BY DAVID ASHENFELTER
and JOE SWICKARD**
FREE PRESS STAFF WRITERS

Detroit Police Chief Benny Napoleon is adamant that no bad cops get a free pass or special deals.

"Ask them if they think anybody threw them a lifeline," Napoleon said, pointing to a photo array of convicted officers in his office at police headquarters.

And Napoleon challenged anyone who thinks Detroit cops get wrapped in a protective blue curtain to complain to federal authorities.

"If they really believe that, why don't they go to the Justice Department and ask the FBI or somebody to come in and take a look at these investigations to determine if we've done something wrong?" he said. "And we would welcome that kind of scrutiny. We're not hiding anything."

He said a cover-up would be difficult because all fatal shootings are examined by homicide detectives, and reviewed by a board of senior officers and the prosecutor's office.

Detroit averages more than 100 nonfatal shootings that don't involve police per month, Wayne County Prosecutor John O'Hair said, "and we don't even count the misses." Against that backdrop, the number of shootings involving police is relatively small.

Napoleon, a lawyer, also scoffed at multimillion-dollar settlements and verdicts in civil suits against police, saying they aren't a true reflection of the cases. A justifiable shooting can be skewed by a skillful attorney who makes the cop look like the villain, he said.

"That's what lawyers do," he said. "That's what they get paid for ...to take the facts and twist them to fit whatever scenario they want them to fit so that they can prevail for their client."

He said lawyers spend years second-guessing officers who had only a fraction of a second to analyze a situation before firing.

Cmdr. Michael Falvo, head of the department's legal affairs division, said cases are often settled to avoid even bigger verdicts from overly generous jurors.

"It would be irresponsible to ignore the reality that in Wayne County, jury verdicts are higher than any other jurisdiction in this nation," he said.

The officials also cautioned the public not to make too much of claims by plaintiffs' lawyers that the cops are covering up unjustified shootings. The lawyers, they said, are in it for the money.

They said all shootings by police are investigated by the eight-member special assignment squad, which is part of the 62-member homicide section. Officials said the detectives are specially trained and have no qualms about investigating fellow cops.

"The best of the best are in SAS," said Deputy Chief Michael Hall of the department's Headquarters Bureau.

Although lawyers complain that SAS investigators barely question officers in some shootings and ask powder-puff questions, the brass said that's not true. And they said there are other equally reliable ways to get the facts, including physical and scientific evidence and other witnesses.

They said the officers can always be called in for additional questions if needed.

When an investigation is completed in a shooting case, the file is sent to O'Hair's office with a routine request for a warrant against the officer if police think that's needed. It's up to prosecutors to decide whether the officer will be charged.

Although police executives insisted that O'Hair's review is rigorous and backed by Michigan State Police investigators, O'Hair said he is forced to rely mainly on the legwork of homicide investigators.

O'Hair said it's not unusual for his office to ask police for further work. If needed, his staff questions witnesses; on rare occasions, he has asked the State Police to conduct an independent review.

In addition, Napoleon said, the police department has its own disciplinary reviews. Even if there are no criminal charges, Napoleon said, officers can face departmental sanctions, although critics say that seldom results.

There's a fine line between maintaining discipline and breaking the spirit of aggressive policing in a tough town, officials said.

"We have to be careful about the message we send," Falvo said. "We don't want to make a police officer so hesitant that it may cost him his life.

"No one wants a rogue cop on the street. We don't want to back a bad cop. But if someone pulls a gun on a cop and someone has to die, I don't want it to be the cop."

U.S. attorney monitors big rise in complaints

May 17, 2000

BY JOE SWICKARD

FREE PRESS STAFF WRITER

U.S. Attorney Saul Green is closely monitoring reports that Detroit police officers may be shooting citizens without proper justification and that the

department is mishandling its investigations of the incidents.

Green said Tuesday that his office has concerns anytime questions are raised about police conduct. "We, of course, have jurisdiction where police use excessive force," he said.

Complaints about police use of excessive force "have increased dramatically in the last five or six years," Green said. "I'm not talking about just the city of Detroit, but complaints from all over."

Green said it would be improper for him to discuss any specific cases that may have attracted federal interest.

"Cases can be referred to us because of concerned citizens or brought to our attention," he said. "And that could be as simple as looking at the newspaper. Something could be brought to our attention just by reading about it."

In a 4-month investigation, the Free Press found that Detroit officers have a higher rate of fatal shootings than any other of the biggest U.S. cities during the 1990s. The investigation also found that the city doesn't know how much it spends on shooting lawsuits and doesn't carefully track officers who fire their weapons. Police investigators often accept the word of officers over civilians, overlook witnesses with damaging evidence and fail to get basic, scientific tests.

Historically, federal authorities have stepped in when local law enforcement fails to police itself.

In an interview last week, Chief Benny Napoleon said critics of his department's performance were free to go to the U.S. Department of Justice or the FBI.

"And we would welcome that kind of scrutiny," Napoleon said. "We're not hiding anything."

Unlike the open hostility between Detroit police and federal authorities during the era of former Detroit Mayor Coleman Young, recent dealings have been marked by close cooperation.

Victim's weapon not found after shoot-out

May 16, 2000

It's the case of the missing handgun.

Around 12:30 a.m. on Oct. 23, 1998, police belatedly responded to a report of shots fired at a reputed dope house in the 12000 block of Roselawn on Detroit's west side.

When police banged on the front door, Liquory Hines, 16, a Mackenzie High School sophomore, and friend Darryl Thrash, 19, panicked and began running around the house, according to police and court records.

Five minutes later, Hines opened the back door as Thrash ran for the attic.

Police Officers Anthony Jackson and Jeffery Manson, crouched in the darkness, said the back door opened and a handgun was aimed at Jackson.

Jackson ordered Hines to drop the weapon, the records show. When Hines didn't, Jackson said, he fired, dove for cover and fired again. Manson fired, too.

Neither officer was hurt. Hines, grazed in the neck, was dragged out of the house. After being treated, Hines, a juvenile, was interrogated at the Homicide Section without a parent or lawyer, a violation of police procedure, his attorney said. He was held for six days by juvenile authorities.

But there were problems with the case. Three searches failed to produce the gun allegedly held by Hines. And the officers couldn't agree on what kind of gun Hines supposedly was holding. One called it nickel-plated, the other blue steel. The Wayne County Prosecutor's Office refused to charge Hines, and he was freed.

The officers were cleared. They did not respond to interview requests.

Hines sued the city, which settled the case for \$70,000.

"There was no gun," Southfield attorney David A. Robinson said. "Rather than take the heat for their foul-up, they chose to blame the dumb powerless kid."

Hines, who dropped out of school for a while and now is an 11th-grader at Mackenzie, said he no longer trusts the police. "If I ever needed them, I don't think I could call them. I wouldn't know if they were going to hurt me or help me."

Archer takes homicide off the case

May 16, 2000

BY COREY DADE
FREE PRESS STAFF WRITER

Detroit Mayor Dennis Archer on Monday stripped homicide detectives of the responsibility for investigating police shootings after the Free Press reported that Detroit cops lead the nation's largest cities in per capita fatal police shootings.

Archer said his decision to transfer the task to the department's internal controls division was not intended as a slap at the homicide section, despite a 4-month Free Press investigation that raised questions about homicide's handling of several shootings. Critics say homicide investigators are covering up bad police shootings.

The newspaper presented its findings Thursday to top police brass and representatives of the mayor's office and published the second installment of its findings today.

Archer said he is restoring authority to the internal controls division to "give more focus, more attention" to the use of deadly force.

"It would be wise for us to allay any fears or concerns," Archer said.

Police Chief Benny Napoleon will decide whether homicide will have any role in future investigations, said mayoral press secretary Greg Bowens.

The former head of the internal controls division, Clinton Donaldson, hailed the decision, saying the unit's personnel are better equipped for the task because of their mind-set to investigate fellow officers.

Until a department reorganization in 1994, the division investigated nonfatal police shootings.

But Donaldson, a retired commander, said the department's challenge will be using investigators who are beyond reproach and highly regarded by the rank-and-file.

"It's an excellent way of correcting the problem," Donaldson said. "However, the unit will have to be manned by experienced, well-trained people who have the capability of investigating their peers."

The Detroit City Council also responded Monday to news about police shootings, halting budget hearings for more than 45 minutes.

The council blamed poor department oversight and an ineffective board of police commissioners for helping create a climate for the shootings.

Council members unanimously supported a request from Councilman Nicholas Hood III for a list of all officers named in lawsuits against the department in the last 10 years. The council wants reports on officers' training levels and whether they were disciplined.

Members said they are concerned that some officers may be repeat targets of lawsuits and department complaints. The department must improve its monitoring of officers who develop such patterns, council members said.

Councilwoman Kay Everett said the department needs to establish a threshold for behavior that could lead to dismissal.

The department has a risk-management division that is supposed to work to limit the city's liability in police actions, Bowens said. Risk-management officials are also supposed to track settlements paid in suits brought against police.

The council has final authority to approve lawsuit settlements.

The council has periodically questioned settlements in which plaintiffs accuse police of excessive force or unlawful arrests. Many incidents involve behavior of police while off duty.

"In cases I've seen where the city has paid money in settlements, many of the shootings or physical confrontations are personal arguments that escalate," Hood said. "The city has paid out a lot of money for that."

Hood and other council members are considering a ballot initiative that would rearrange the board of police commissioners to give it more authority over department procedures.

The city charter empowers the board to establish departmental policies with approval from the mayor, who appoints its five members. The board has the final say in disciplining police employees.

But council members say Archer's power to appoint -- and dismiss without cause -- any commissioner does not encourage the board to act independently. Hood suggested that the council and residents should share appointment power with the mayor.

"These are political appointments," Hood said. "In actuality, the commission seems to defer to the chief ...If you had a more independently selected body, accountable to more than one individual, then what happens is you don't get a rubber stamp."

An officer's record: 6 years, 9 shootings

3 people killed, review pending, but cop defends all of his actions

May 17, 2000

**BY DAVID ASHENFELTER
and JOE SWICKARD**
FREE PRESS STAFF WRITERS

Most Detroit police officers serve an entire career without taking the ultimate police action -- fatally shooting someone.

But Officer Eugene Brown is no ordinary cop.

In six years on the street, the former bodyguard for Detroit Mayor Dennis Archer has killed three people and wounded a fourth in nine shootings.

Even off duty, Brown doesn't hesitate to fire his weapon. He chased down shoplifters who fled a Southfield toy store in January and opened fire on them after he said they tried to run him down.

Though Brown has been cleared in all the fatal cases, the relatives of the dead, their lawyers and some law enforcement officials are shocked that Brown was allowed to rack up such a deadly record.

Maybe they shouldn't be.

Police officials, who recently took Brown off the streets pending a top-level review, weren't even sure what the record was. Until the Free Press told them, they were unaware of how many times Brown had fired his weapon.

"Something's wrong with this picture," said Juan Mateo, who is suing Brown in the fatal shooting of a 33-year-old machinist at a motorcycle club in January 1999. "It's way beyond normal ...This is a guy with a lot of notches on his gun."

Top police executives said Brown has been involved in more shootings, fatal and nonfatal, than anyone else on the force. "Quite frankly, I've never seen anything like this," one longtime executive said, speaking on condition of anonymity for fear of repercussions.

The executive added that Brown's partners never felt threatened enough to use deadly force.

Brown insists that every shooting was in self-defense.

"My actions were justified," he said in an interview in late April.

He also said he's baffled and disillusioned by what he sees as a betrayal by the department: "I'm getting to the point of asking why I'm out here busting my tail when it seems like no one is in my corner for doing a good job."

The recent events differ from the city's previous staunch defense of Brown's actions.

"Eugene Brown had a right and duty to meet deadly force with deadly force," a city lawyer argued in January in a lawsuit resulting from the 1996 fatal shooting of Lamar Grable. "He also had a right to continue shooting until the threat of serious injury and/or deadly force no longer existed."

But relatives of people killed by Brown say he's a stark example of the department's failure to control trigger-happy cops, who lead their counterparts in other big cities in the rate of fatal police shootings. They say Brown should have been taken off the street long ago.

"It seems like he's always in the wrong place at the wrong time where he has to draw his weapon," said Roosevelt Carrington Jr., whose brother, Roderick Carrington, was killed by Brown. "He's a loose cannon in this community, and he needs to be dealt with."

Unlike the portrayal of cops on television and in movies, experts say, it is rare for an officer to kill someone.

"The average Detroit cop could expect to be in a fatal shooting once in 300 years," said Temple University professor James Fyfe, a former New York City police officer who has studied police shootings in major cities.

Background: Former Archer bodyguard

Brown, 33, an imposing 6-foot-5, 200-plus pounder, is a teetotaling Baptist who grew up on Detroit's east side. After graduating from Kettering High School in 1985, he worked as a church janitor, then joined the Marines. During a 6-year tour, Brown was a tractor-trailer operator who hauled nuclear weapons and attained the rank of corporal.

After his discharge in 1991, Brown worked briefly as a security guard at Eastland Mall before entering the Detroit Police Academy. After graduating in September 1993, he became a patrol officer at the 10th (Livernois) Precinct. The next year, he was transferred to the executive protection unit and guarded Archer while the mayor was still living in his private residence.

Three months later, after Archer moved into Manoogian Mansion, Brown returned to 10th Precinct patrol. In May 1996, he worked for the harbor masters unit on Belle Isle, then moved in mid-1998 to the tactical services section to patrol the entire city.

Brown's shooting history was compiled from interviews, court records and his testimony in lawsuits.

The records show Brown has been sued six times for aggressive actions. Three were for the fatal shootings. The others were for alleged assaults, including one in which an off-duty Detroit cop accused Brown pulling a gun and assaulting him in 1996 for refusing to move his car from a blocked intersection as Brown was on a run.

When served with a complaint in one suit, Brown threatened to arrest the process server for littering. "I'm not some dog," he told the server, according to records in the suit. "You don't treat me like that."

Brown has been reprimanded for wrecking police cars, hanging up on an irate citizen and failing to keep accurate records. Brown said most of the complaints didn't stand up on appeal. He said he has never been disciplined in any fatal shooting.

Brown couldn't remember how many citizens have filed complaints against him because, as he explained in a 1998 deposition, "I lock up a lot of people." And his memory about the number and details of his shootings has gotten fuzzy over time.

First shooting deadly; lawsuit later tossed

His first shooting happened about 2:10 a.m. on Feb. 8, 1995, a cold and windy Thursday.

Brown's version goes like this: He and his partner, Craig Stewart, spotted a car without a license plate entering a gas station at West Grand Boulevard and Grand River. Brown said it appeared that the man was casing the station for a robbery in a stolen car.

The driver, Roderick Carrington, a 30-year-old security guard, circled the gas pumps and drove to a pay phone at the rear of the station. The officers decided to investigate.

When they pulled up and asked him about the missing plate, they said Carrington told them he had just bought the car and had left the temporary tag and paperwork at home. The car, in fact, was not stolen.

Brown said Carrington thrust his hands into his pockets and started backing away when asked to step up to the scout car.

"He was digging for something," Brown said in a deposition. "I told him to take his hand out of his pocket. He didn't. He still was edging toward the Grand River side and at that point, I drew out my weapon."

Brown said Carrington pulled out a knife and refused to drop it.

"No, I'm not putting it down, and no, I'm not going anywhere," Brown quoted Carrington as saying.

Carrington lunged, Brown said, so he fired. The .40-caliber bullet was stopped by a Bible Carrington had in his breast pocket. After lurching backward, Brown said, Carrington regained his balance, pulled a second knife and resumed the attack.

Brown fired two more shots, and Carrington crumpled in the street.

During an investigation of the shooting, Brown was put behind a desk, which is routine. A psychiatrist interviewed him and pronounced Brown fit for duty. Homicide investigators, a police trial board and the Wayne County Prosecutor's Office all agreed that Brown shot in self-defense, and he returned to the street.

But Carrington's brother sued Brown in Wayne County Circuit Court, accusing him of an unlawful use of deadly force.

The suit was dismissed in 1998 after Roosevelt Carrington's lawyer, Ernest Jarrett of Detroit, was unable to produce witnesses to dispute the officers' version.

Although a video camera at a gas station across the street recorded the shooting, Jarrett said, the owner told Jarrett he inadvertently recorded over the tape months afterward.

Jarrett said a station attendant who initially acknowledged witnessing the shooting later recanted. Jarrett said another witness demanded money for her testimony, but Jarrett refused to pay. The witness told police that Carrington was yelling and waving his hands at the officers, but made no mention of any knives.

Roosevelt Carrington said there is no way his brother's body could have wound up in the second lane of Grand River if he was charging Brown in the parking lot, as Brown described. Carrington can't imagine his brother making a suicidal knife attack on a cop with a drawn gun.

Neither could Brown.

"It was bizarre that someone with a knife would challenge someone with a gun, yet this is what he did," Brown said during the lengthy interview with the Free Press at his home. He said he accepted a psychologist's assessment that the shooting was a case of "suicide-by-cop."

Carrington's brother says police didn't conduct a thorough investigation.

Brown agreed on that point, too. In a deposition in 1996, he said he was surprised homicide investigators had so few questions. The questioning wasn't "a real interview," Brown testified, not "like anything that I would expect."

In fact, Brown said he was barely questioned by homicide investigators in any of the fatal shootings because Brown filled out such complete reports.

He also said he had put Carrington's name out of his mind: "I chose not to remember it."

Police officer Eugene Brown

May 17, 2000

NAME: Eugene Brown

BADGE NUMBER: 714

AGE: 33

BACKGROUND: Grew up on Detroit's east side, graduated from Kettering High in 1985 and joined the Marine Corps. He spent two years in Okinawa, Japan, the other four years in the United States. In the corps, he boxed and drove a tractor-trailer, hauling nuclear weapons. He was discharged at a rank of corporal in October 1991.

EMPLOYMENT: After returning to Detroit, Brown collected unemployment before landing a job as a security guard at Eastland Mall during the Christmas holidays in 1992. In May 1993, he joined the Detroit Police Department, spent 4 months at the police academy and was assigned Oct. 1 of that year to the 10th (Livernois) Precinct as a patrol officer. In July 1994, he transferred to the executive protection unit to guard Detroit Mayor Dennis Archer. When Archer moved into Manoogian Mansion three months later, the department downsized the bodyguard detail, and Brown returned to 10th Precinct patrol. In May 1996, he was assigned to the harbor masters unit on Belle Isle. He joined the tactical services section in May 1998.

DISCIPLINE: Brown has been reprimanded for wrecking two police cars, hanging up on an irate citizen, failing to keep accurate paperwork and allowing his scout car to roll into the rear of a supervisor's vehicle. He said most of the reprimands were overturned on appeal.

CITIZEN COMPLAINTS: Brown said he has been accused of mistreating citizens several times, but wasn't sure of the exact number. "I lock up a lot of people," he said. Brown said he was reprimanded in some of those cases, but most were overturned on appeal.

PERSONAL: Brown, 6-foot-5, 248 pounds, is single. He's also a Baptist, is a licensed plumber and is attending Eastern Michigan University to earn a degree in public safety administration. He said he is in line to be promoted to sergeant.

Brown's 9 shootings, 1995-2000

1995

1. Feb. 9: Fatally shot Roderick Carrington, 30, who Brown said attacked him with knives at a gas station at Grand River and West Grand Boulevard.

2. May 20: Says he accidentally fired his gun while climbing a fence, which collapsed, during the chase of a suspected car thief. No one was hurt.

3. Summer or fall: Fired at a suspected car thief who charged him, he said, with a screwdriver or antitheft steering wheel lock. No one was hurt.

1996

4. Jan. 2: Exchanged shots with a fleeing car thief during a foot chase near Hogarth and Dexter on the west side, according to police reports. The suspect got away.

5. Sept. 21: Fatally shot Lamar Grable, 20, who Brown said shot at him during a foot chase near Field and Kercheval.

1999

6. Jan. 22: Shot Darren Miller, 33, who Brown said attacked him with a sledgehammer when Brown intervened in an alleged domestic assault at a motorcycle club near Detroit City Airport.

7. Summer: Says he accidentally fired into the ground when he tripped getting out of his scout car after chasing a motorist near Jos. Campau and Davison.

8. Nov. 4: Fired when, he said, a motorist tried to run him over at the end of a car chase near Alter and Warren on Detroit's east side. The driver was wounded, but recovered.

2000

9. Jan. 12: Shot at shoplifters who allegedly tried to run him down at the end of a car chase near Tel-Twelve Mall in Southfield. No one was hurt.

Litany of lawsuits

Detroit Police Officer Eugene Brown has been sued six times in Wayne County Circuit Court, including three times for fatal shootings. Here's a look at who sued and the reasons why:

Jeffrey Pernel: Sued Brown for allegedly breaking his nose in a 1994 confrontation on a Detroit street. Pernel received \$45,000 in binding arbitration.

Roosevelt Carrington: Sued Brown for fatally shooting his brother, Roderick Carrington, in 1995. The case was dismissed.

Arnetta Grable: Sued Brown for fatally shooting her son, Lamar Grable, in 1996. The case is set for trial this month. Mediators have twice recommended that the city settle for \$750,000.

Lorenzo Jones: Sued Brown for allegedly pulling a gun and assaulting him in 1996 because Jones, an off-duty cop, didn't move his vehicle from a blocked intersection near Belle Isle while Brown was on a police run. The case was dismissed.

Ranier Calloway: Sued Brown and another officer for allegedly roughing him up during a 1996 traffic stop. Calloway collected \$5,000.

Sandra Miller: Sued Brown for fatally shooting her husband, Darren Miller, at a biker club near Detroit City Airport last year. The case is pending.

Shootings minus answers place justice in jeopardy

May 16, 2000

BY DAVID ASHENFELTER AND JOE SWICKARD
FREE PRESS STAFF WRITERS

A learning-disabled bank customer withdraws \$20 from an ATM and mistakenly opens the car door of an off-duty cop. The officer fires.

And nearly kills him.

Two patrol officers spot a 14-year-old carrying a gun and chase him. The youth emerges from an alley. One cop fires.

And kills the youth with a shot to the back.

A high-schooler leaves a coney island as police arrive to break up a fight. A cop yells "halt." The teen turns, dropping an order of chili fries. The officer fires.

And shoots the unarmed teen in the face.

In each case, the officer was exonerated. But were all these shootings reasonable force?

A 4-month Free Press review found that police shootings in Detroit have become a cause for deadly concern.

Authorities are quick to clear officers in some shootings -- lethal or not -- that cost taxpayers millions of dollars from lawsuits. But more than that, the Free Press found that the system intended to monitor police shootings has become a scale out of balance.

The city doesn't know how much it spends on shooting lawsuits and doesn't carefully track officers who fire their weapons. Prosecutors hesitate to second-guess the police. And investigators often accept the word of officers over civilians, overlook witnesses with damaging evidence and fail to get basic, scientific tests to evaluate some shootings.

Critics say the department's reluctance to aggressively investigate and discipline officers encourages lethal force in Detroit, which leads the nation's largest cities in per capita fatal police shootings.

Police Chief Benny Napoleon said the department, with about 4,200 officers, doesn't gloss over questionable shootings to protect its own.

"There is no blue curtain within the Detroit Police Department," Napoleon said last week, noting that numerous officers have been jailed on various charges during his two years as chief. "Ask any of these people whether there's a blue curtain.... We put anybody in jail who violates the law.

"But, we are not going to railroad some innocent person, whether they're civilian or a police officer. If the evidence supports it, we take them to court. If the evidence doesn't, they won't go. It's just that simple."

But a former police executive said the department tolerates excessive force.

Retired Police Cmdr. Clinton Donaldson, who ran the internal controls division from 1986 to 1994, said in a statement for a lawsuit in February that investigators ignored incriminating evidence against officers.

"The Detroit Police Department has created a custom of failing to objectively and thoroughly investigate cases of excessive force by members of the department," said Donaldson, who provided an affidavit in a suit filed in Wayne County Circuit Court by Johnnie Crenshaw, who was shot at the ATM.

"The failure of the Detroit Police Department to discipline its officers," Donaldson said, "is intentional and deliberately indifferent to the rights of the citizens."

No one would quarrel that being a Detroit cop is dangerous work and that officers sometimes must make split-second decisions, or risk becoming victims.

As a reminder of sacrifices made on the job, the names of slain officers are carved into a wall at police headquarters. A year rarely goes by when a Detroit officer isn't killed.

In February 1999, Richard Scalf, 26, became the latest victim: the 207th Detroit officer to die in the line of duty. He was shot when a prostitution sting went awry. Scalf's partner was seriously wounded.

To critics, though, the department's mindfulness about danger causes investigators and prosecutors who review shootings to lean too quickly toward siding with those in blue. There's always the potential that an officer made an innocent mistake in a tense moment.

"Police officers tend to get the benefit of the doubt -- and I don't have a problem with that," said Juan Mateo, a Detroit lawyer who has sued for police shootings. "But this is more than a benefit. It's a quick interview and absolution."

Trip to ATM leaves man shot, wary of police

Benefit of the doubt.

That's more than Jerold Blanding gave Johnnie Crenshaw.

Blanding, an off-duty narcotics cop, pulled up to a bank teller machine at Joy and Appoline, on the near west side on Oct. 5, 1998. It was just before 10 p.m.

Crenshaw, 45, a learning-disabled factory worker, was already there to withdraw \$20. He was with a friend, Glenda Webb, also 45.

But Crenshaw had trouble working the ATM. After leaving to call his sister for instructions, he and Webb returned and tried again. They still couldn't work the machine.

So Crenshaw, whom his lawyer described as trusting and naive, walked to the next machine and asked customer Dnesi Bonner for help.

After Bonner got over the initial fright of being approached at night by a stranger at a bank machine, she helped. Crenshaw gave her his bank card and personal identification number to make the withdrawal for him.

According to court records and depositions, Crenshaw then headed back to his van, holding his wallet, the \$20 bill and his credit card. But unbeknownst to Crenshaw, Webb had moved the van so Blanding could use the ATM.

When Crenshaw opened the front passenger door of Blanding's new Chevy Suburban, he was greeted by a scream from Police Officer Tracey Elledge, 28, who was out with Blanding, 29.

Crenshaw said he jumped back with his hands in the air. Blanding drew his .40-caliber Glock pistol and fired at Crenshaw, records show. Blanding later told investigators he feared for his life.

After shooting out the right rear window of his Suburban, court records show, Blanding went after Crenshaw in the parking lot, shooting as he went. Crenshaw, wounded in the hand, side, neck and shoulder, collapsed next to his friend's van.

"I was on the ground," Crenshaw said in a deposition in November. He said he asked Blanding to let him get up and Blanding replied: "If you get up, I'm going to finish you here."

When police showed up, Blanding told them: "This guy tried to rob me and I shot him."

Blanding, a 4 1/2-year member of the force, said Crenshaw, holding a dark object, tried to pull Elledge out of the vehicle. Blanding said he thought Crenshaw was armed and went after him with his gun to apprehend him.

Crenshaw was released from the hospital and police dropped the investigation of him. The Police Department and the Wayne County Prosecutor's Office -- after two reviews -- cleared Blanding because they were convinced that he was pursuing a bandit.

Later, Crenshaw sued Blanding in Wayne County Circuit Court, alleging assault and false arrest. The case is pending.

Crenshaw said he still has nightmares of the shooting: "My life were a living hell."

Crenshaw's lawyer, David A. Robinson of Southfield, said police conducted a superficial investigation.

Robinson, who served 13 years as a Detroit police officer, said detectives never bothered to contact the only independent witness to the shooting. That was Bonner, the woman who helped Crenshaw at the ATM.

Bonner said in sworn statements for the lawsuit that once Crenshaw realized he was getting into the wrong vehicle, he "immediately raised his hands up over his head and began backing away, yelling over and over that he was very sorry."

As Crenshaw backed across the lot "screaming for forgiveness," Blanding stalked him, Bonner said.

As shots rang out, a terrified Bonner sped off with her two children.

When she heard Crenshaw described in newscasts as a would-be robber, she told her mother the cops had it wrong. But she and her mother decided not to come forward, saying they feared retribution from police.

Police knew about Bonner, but never contacted her.

Under the department's deadly force policy, Blanding was supposed to stop shooting after Crenshaw raised his hands in surrender.

Robinson said the department's protective blue curtain surrounded Blanding. Before being questioned by police, Blanding met with a Detroit Police Officers Association lawyer, who typed his shooting report, Robinson said.

By contract, union lawyers are summoned to meet with officers before they make their written report. The lawyers often type the report and sit with them during questioning. They sometimes tell officers not to say anything beyond their written report.

Although ordinary citizens can ask for a lawyer, police officers don't even have to make the request. One is automatically provided.

Crenshaw's lawyer contends that investigators helped steer Blanding through the investigation. While questioning him, a homicide sergeant asked if

Blanding thought Crenshaw was holding a weapon. Robinson said the question was designed to throw Blanding a lifeline. The detective should have asked simply what happened and let Blanding answer, Robinson said.

Although investigators cleared Blanding in the Crenshaw shooting, they weren't so forgiving when he shot at a pigeon.

He was officially reprimanded for careless use of a firearm in 1995 when he fired on the pigeon that flew out of a closet as he searched an abandoned apartment.

The bird escaped injury.

"An officer can literally get away with murder so long as he recites the magical incantation of 'fearing for my life,' or hides behind the magical talisman of the 'dark, shiny object,'" Robinson said.

Blanding and others with the department declined comment because of the litigation.

Crenshaw said in an interview Sunday at the teller machine where he was shot: "I thought cops help people. I don't hate him. He was just wrong. He just did me wrong."

Suspicious shooting comes at high price

A man is left paralyzed; city pays millions in settlement

May 18, 2000

**BY DAVID ASHENFELTER
and JOE SWICKARD**
FREE PRESS STAFF WRITERS

Like a wild cop thriller, the story of Shawnnto Walton and Detroit Police Officer Michael Martel began with sirens, a dangerous chase and cries in the night. By the time it was over, Martel had made a fateful, split-second decision to fire his weapon. Walton lay paralyzed from a bullet to the back of the neck. And justice began to unravel, with police more concerned about getting their story straight than with getting an ambulance for the victim. The night, Walton's lawyers would later say, became a tragedy woven with lies, excessive criminal charges against Walton and a cooked-up commendation for bravery for Martel.

This single Detroit police shooting -- one of dozens during the 1990s -- is a \$3.2-million example of what can go wrong when the police try to protect their own instead of finding out why an officer shot someone, critics say.

"This is a lesson that those who are steamrolled by the system are not disposable people," said attorney Milton Greenman of Southfield, who represented Walton in a suit against the city. "All of the evidence was orchestrated to protect the police and not to find the truth."

Martel said he is convinced he acted properly and faced down a gun that night. He said of having to shoot: "I'm not happy over how it went down. No police officer likes to shoot anyone."

Inspector William Rice, the head of homicide, said he was satisfied with the department's handling of the case.

"It's a matter of interpretation from where you sit," he said.

Detroit was still picking itself up on that Sunday -- July 6, 1997 -- after killer windstorms raked the metro area, damaging homes, toppling trees and knocking out power. The Police Department responded by putting every available officer it could on the streets.

Martel and Martin Singleton, police academy instructors who rarely worked the streets, paired for the night. After a briefing in the academy auditorium near the Fox Theatre, they set out to patrol the 9th (Gratiot) Precinct on the city's far east side.

The two got along well enough, although Singleton, then 42, later testified in a deposition that he had complained to supervisors and coworkers several times that Martel was too aggressive. Singleton never elaborated and declined to be interviewed for this story.

Martel, if nothing else, was a man of soldierly form.

After graduating in 1987 from Notre Dame High School in Harper Woods, he enlisted in the Navy and helped launch jets from aircraft carrier flight decks. Later, he joined the Navy reserves and then the Army National Guard, where he served as a military police officer.

In 1993, Martel joined the Detroit Police Department. He was an impressive cadet at 6-foot-3 and 260 pounds. By 1995, he served as a physical education instructor at the academy, and taught defensive tactics and patrol techniques. He also was an expert shot with his department-issued .40-caliber Glock semiautomatic pistol.

Walton, by contrast, was drifting day to day at age 23. He was a Denby High School dropout and hadn't held a steady job since he quit washing dishes in 1993 at Emanuel Steward's Place, a restaurant on East Jefferson, because he was tired of "being wet."

Sometime after midnight, as Martel and his partner cruised in their scout car, Walton borrowed a friend's 1976 Chevy Impala, a two-door hardtop with crank windows, and headed to pick up his girlfriend, Nakil Gordon. Walton had spent the day smoking marijuana, drinking cognac and fixing up a house on Pelkey that he planned to share with friends.

Walton had reasons beyond the drinking and smoking to be wary of police. He had no driver's license.

And he was a wanted man.

Walton, who wound up in a corrections bootcamp and on lifetime probation after a series of minor felony drug convictions, had failed to report to his probation agent for more than 6 months. If the police pulled him over, his next stop would be jail.

The beginning: High tension, speed

As Walton got in the car, he spotted a friend, Donnell Colbert, walking in the rain. Walton offered a lift, and they picked up Walton's girlfriend.

At 12:40 a.m., with the three of them in the car, the Impala wheeled onto Seven Mile near Hoover in front of Martel's scout car.

Martel thought the car was speeding. He turned on the emergency lights to pull them over. The Impala bolted. Martel hit the siren.

Several blocks later, the Impala slowed, then roared off again. The two cars raced through residential streets, hitting speeds of 70 m.p.h.

Inside the Impala, Walton's passengers screamed at him to pull over. He refused.

"I panicked," Walton testified later. "I was scared."

Tensions were high in the scout car, too.

Martel yelled to Singleton that something had just been thrown from the driver's side window of the Impala. It looked like a gun, he said.

As the cars careened through the streets, Martel and Singleton radioed in that they were in a hot pursuit. Back over the radio came a report that the brown Impala matched the description of a car sought earlier in a drive-by shooting.

Eventually, the Impala started circling the 13600 block of Glenwood as more police cars and a helicopter joined the chase.

"I knew I couldn't get away," Walton said.

Walton slammed on the brakes in front of his mother's house and bailed out. But instead of surrendering, he dashed between houses and onto Linnhurst.

As other officers took Walton's passengers into custody, Martel jumped out of his car and sprinted after Walton. At Linnhurst -- where street lights were still out from the storm -- Walton cut left, ran down the sidewalk and across the street.

An angry crowd, a frantic call

What happened during the next few seconds on the dark street has been the subject of nearly three years of legal wrangling in Wayne County's criminal and civil courts. But records gathered by Walton's lawyers -- Greenman, Thomas Loeb of Southfield and William Dobreff of Warren -- show that things were not what they seemed.

As Martel chased Walton, several other officers converged on the scene, including Victor Jones and Sharon Bouyer, whose stories would be pivotal.

Residents, drawn to their doors and windows by the sirens and circling helicopter, heard shots ring out. Martel had opened fire on Walton as Walton ran down Linnhurst.

He crumpled to the ground, instantly paralyzed below the neck from a .40-caliber slug that shattered his spine.

Recordings of 911 phone calls and police radio traffic show that police at the scene ordered a resident to call for medical help, rather than radioing it in themselves.

The caller, Mark Mieczkowski, became frustrated when the 911 operator kept pressing for details about the shooting.

"I have no idea, lady," Mieczkowski told her. "I mean, geez, can't the police come and do this? They're the ones who shot him."

The operator retorted: "You're the one that's calling."

Exasperated, Mieczkowski snapped: "They asked me to call EMS."

As an angry crowd gathered at the scene, Mieczkowski called back and sounded even more agitated as he urged the 911 operator to alert Isaiah McKinnon, then the police chief: "Lady, I hate to get involved in this, but you better call Chief McKinnon 'cause there's gonna be a war out here in a minute."

Meanwhile, a police dispatcher -- Officer Beaulah Jackson -- spoke to cops at the scene, trying to find out what had happened. She was told that an officer had chased a fleeing suspect on foot. But instead of hearing details, Jackson instead heard a male voice over the air:

"Radio, we need 977 over here ASAP."

Realizing that officers were requesting a supervisor, Jackson immediately asked if there had been a shooting.

"There appears to be," an officer radioed back.

Jackson pressed for more details -- information that officers are supposed to provide immediately after a police shooting. But the officers told her their portable radios, called preps, were malfunctioning.

"I need to know who did the shooting. What officer?" Jackson asked. "I need the badge number. I'm sure the preps are bad units, but I need to know a badge number and how many shots. But we need EMS, right?"

Her questions went unanswered.

Eventually, officers told her the suspect had been shot, but weren't providing the required information.

"I understand we all have bad preps," Jackson said, but insisted, "I need you to talk to me."

Rather than answer her questions, the officers asked for a union representative to be sent to the scene. By contract, a union steward from the Detroit Police Officers Association must be sent to every police shooting to keep the officer from saying too much until he's talked with a union lawyer. The union steward accompanies the officer to the homicide section at police headquarters and stays with him as reports are prepared.

Protecting Martel seemed to be a priority, Greenman said, noting that several supervisors who had arrived at the scene failed to take charge as required by regulations.

Instead, Greenman said, they seemed to be waiting for the arrival of Martel's commanding officer at the academy, Lt. Barbara Kelley.

Greenman also was troubled by officers' comments on the police dispatch tape that indicated some police were using cellular telephones, which allowed them to communicate without their conversations being overheard -- or recorded.

After emergency medical workers arrived, they took Walton -- handcuffed -- to St. John Hospital, in critical condition.

Higher-level action needed, critics say

Police capable of investigating own shootings

May 18, 2000

**BY DAVID ASHENFELTER
and JOE SWICKARD**
FREE PRESS STAFF WRITERS

Detroit Mayor Dennis Archer's decision to give internal affairs detectives the power to investigate all police shootings is a good first step to ensure that cops can't hide behind a protective blue curtain in questionable cases, experts and critics agree.

But they say it is only a first step.

Until the department rebuilds the internal controls section -- and moves it higher up the department's pecking order -- the section won't have the stature to carry out its critical new assignment, they say.

On Monday, Archer announced that he was transferring police shooting investigations from homicide detectives to internal controls to allay public concerns about the quality of those investigations.

Police Chief Benny Napoleon has a record of going after corrupt cops. Departmental observers said Napoleon can demonstrate the same energy and will when dealing with questionable police shootings -- and sort out the justifiable ones from the bad.

The experts said internal controls, which investigates police wrongdoing, was damaged by a 1994 departmental reorganization that put more officers on the streets at the expense of the unit.

They said the department can do the job if it's given the staffing, training and power. They also said the unit needs to be run by a deputy chief, rather than an inspector as it is now, to give it more clout.

"It takes a special officer to investigate other police," said Daniel McKane, a deputy chief who retired last year.

McKane, a former internal affairs investigator who ran the unit in 1974-75, said "even some of the best officers do not like investigating their own."

McKane and others say most shootings by police are justified and that officers should not be treated like criminals every time they use their weapon. But the shootings should be investigated as thoroughly and objectively as shootings by civilians.

Critics contend that the homicide section's special assignment squad was failing to do an aggressive job of investigating fellow officers by ignoring evidence, witnesses and other information that should have raised questions about officers' accounts of the shootings.

Inspector Richard Shelby, who runs internal controls, said Wednesday he has been told not to comment.

McKane and Clinton Donaldson, who ran internal controls from 1986-94, said the department is capable of investigating itself.

"I'm in total agreement with the mayor," Donaldson said Wednesday. "We don't need an outside agency to investigate police shootings. The department can definitely police its own, but it needs qualified people to do it -- and getting them is going to take some time."

The Rev. Wendell Anthony, president of the Detroit branch of the National Association for the Advancement of Colored People, said he is "very concerned about the level of police shootings in the city of Detroit."

"Police work is a dangerous job, and we respect that, but we cannot tolerate police officers who misuse or abuse their authority," he said. "There can be no safe haven from scrutiny in a blue uniform."

Here are other steps the city can take, according to police officials, civic leaders, lawyers and other experts:

- **Early warning system:** After a decade of City Council demands for a system to identify problem-prone officers, the department finally is creating a computer system to do so. It will cross-reference officers by lawsuits, citizen complaints, injured prisoners, shootings and disciplinary problems, among other things.
- **Better record keeping:** The city Law Department should track the cost of lawsuit settlements and judgments by department and type of incident -- and make them publicly available -- so people can review the Police Department's performance. The city also needs to compile basic statistics on the number of officers who are disciplined or charged in shootings and make the information available to the public.

- **More openness:** The findings and results of police shooting investigations should be open.
- **More cooperation:** The police and law departments need better communication so police can learn from mistakes that result in legal losses. The Law Department should routinely share settlement memos and case assessment information -- already provided to City Council -- with the police department.

Send mail to webmaster@theppsc.org with questions or comments about this web site.
