

MEMORANDUM

May 19, 2022

TO: Kristen Clarke, Assistant Attorney General, U.S. Department of Justice
Cc: Dawn N. Ison, U.S. Attorney for the Eastern District of Michigan

FROM: Coalition for Police Transparency and Accountability (CPTA)¹

RE: Request for Department of Justice Investigation into Detroit Police Department Excessive Force, Killings and Racist Discrimination

INTRODUCTION

The Coalition for Police Transparency and Accountability (CPTA) requests a federal investigation of a pattern of killings and excessive force by the Detroit Police Department (DPD) and an institutional culture within the department that promotes violence and racial discrimination within the Department and against members of the community.

The mission of CPTA is to expose police misconduct in all its forms and thereby demand police transparency and accountability as well as garner community support for this effort. The Coalition was formed after the killing of Hakim Littleton in July 2020 by Detroit Police Department officers. CPTA's members include concerned community members and organizations² that demand an independent investigation into this killing as well as other instances of police misconduct in all its forms. The CPTA is committed to raising community awareness about police brutality, holding the DPD accountable for its actions, and demanding genuine transparency from the department.

POLICE VIOLENCE IN DETROIT – THE BACKGROUND

Police violence in Detroit is not a new problem. In every era of Detroit's history, the police have functioned as agents of repression, hostility and violence towards the African American

¹ Communications may be sent to CPTA in care of: Mark P. Fancher, ACLU of Michigan, 2966 Woodward Ave., Detroit, MI 48201 (313) 578-6822, mfancher@aclumich.org

² CPTA member organizations include: ACLU of Michigan; Black Legacy Coalition; Detroit and Michigan Chapter of the National Lawyers Guild; Detroit Council of Elders; Detroit Justice Center; Detroit Will Breathe; East Michigan Environmental Action Council; The Hush House Black Community Museum; James and Grace Lee Boggs Center to Nurture Community Leadership; Michigan Coalition for Human Rights; Michigan Liberation; Moratorium Now Coalition; National Conference of Black Lawyers, Michigan Chapter; Neighborhood Defender Service of Detroit; Riverwise Magazine; Wayne County Criminal Defense Bar Association; We The People of Detroit. The following organizations also join with CPTA in the coalition's call for DOJ intervention: Wayne State University Department of African American Studies; General Baker Institute; Rising Voices; and Michigan Poor People's Campaign.

community. Community outrage over police violence sparked the Detroit rebellion of 1967, and that same outrage ensured the election of the first African American mayor, Coleman A Young. During his tenure in office, Young instituted strong measures to rein in a police force known for its racism, corruption, excessive violence, and deadly undercover operations.

Despite Young's efforts, including appointment of an African American chief of police and more equitable promotion of African Americans within the force, the culture of the Detroit Police Department (DPD) remained menacing and combative toward the community. In a 1998 Detroit City Council public hearing, the Detroit Coalition against Police Brutality (DCAPB) documented the DPD's continuing practices of abusive arrests, harassment of young Black men, use of excessive force, and killings that had resulted in the city paying millions of dollars in settlements to families. Public outcry following that hearing and subsequent organizing by DCAPB led to a federal investigation and a federal consent decree from 2003 to 2016. Unfortunately, the consent decree failed to achieve lasting reforms with respect to many unconstitutional DPD practices. During former Police Chief James Craig's tenure and that of the current Chief, excessive brutality and unjustified killings continue to plague the DPD, all too often without accountability for those involved.

Police violence escalated during the recent period of Black Lives Matter (BLM) protests against the police murder of George Floyd. Detroit police mobilized tanks and other military hardware against the protesters, their first aid supporters, and legal observers, causing serious physical injuries to many. Police officers used toxic gas against the crowds, assaulted activists individually, and recklessly used a police vehicle for crowd control, endangering many. Over 400 demonstrators were arrested during the protests, some arrested multiple times, many of them subjected to police abuses during detention. Detroit Will Breathe (DWB), the leading grassroots organization involved in the demonstrations, filed a civil rights suit against the city, which is currently pending in the U.S. District Court. The 14 plaintiffs in the case recently submitted to depositions, as lawyers for the case pursue video footage, official emails and internal investigation files.

The entire spectrum of police conduct in Detroit, from the hundreds of grievances filed by citizens, to illegal stops and other harassment of African Americans, to killings of African American people that some would characterize as outright murder, is a record of oppression meted out daily and as a matter of course. No community must be expected to endure such ongoing, systematic violence. Police practices of this kind have been characterized as genocidal by multiple independent investigative agencies both domestic and international.

A CONTINUING PATTERN AND PRACTICE OF POLICE VIOLENCE AND KILLING

The Department of Justice expended considerable time (13 years) and resources monitoring DPD's compliance with a consent decree before departing in 2016, but they need to come back. The problems that prompted federal monitoring have not only persisted, but they have gotten worse.

On February 24, 2022, the independent news agency *Bridge Detroit* documented a rise in incidents of use of force by Detroit Police, reporting that force incidents, involving broken bones or death,

increased by 24% from 2020.³ Incidents that involved forcible handcuffing increased by 75%. Overall use of force escalated 23% during demonstrations against police violence in 2020.

The report makes clear that the Department and the Police Commission have not established effective procedures for ensuring police accountability through timely investigation of grievances accompanied by disciplinary measures for officers who abuse their authority or use excessive force.⁴ Presently the Police Commission has a backlog of 780 citizen complaints against the DPD for harassment, illegal searches and arrests, and use of force. The Chief Investigator, whose office processes the grievances, attributed the backlog to loss of staff during the pandemic, and indicated there is an effort to hire new staff. An investigator's annual salary range is \$100,000, a very heavy cost given the Commission's failure to ensure public accountability.⁵

CPTA has gathered the following information concerning killings by Detroit police in recent years. CPTA makes no judgments about whether each of these killings and others were unjustified or justifiable, as the facts available to us are from media reports that in most cases are based on accounts provided by police. We note only the *disturbing and concerning frequency* of the police department's use of deadly force, particularly in those cases where there are apparent extenuating circumstances such as the *victim's mental instability*, or events suggesting the *availability of non-fatal alternatives* to the deadly force that was employed.

May, 2015- Caso Jackson (25) was killed by the police after he barricaded himself and hostages in a home. Hostages included Jackson's wife and four of her family members. Police claimed gunfire was exchanged after Jackson jumped from the porch and began shooting at police officers. Jackson later died in the hospital.⁶

August 3, 2016 – Bradley Carey, a 54-year-old man armed with a knife was shot in a hotel in Detroit. Officers from multiple law enforcement agencies were attempting to arrest him on a warrant. Police said Carey lunged toward the officers with a knife. There is no body cam recording.⁷

³ Bryce Huffman, *Bridge Detroit*, February 24, 2022 <https://www.bridgedetroit.com/incidents-of-use-of-force-by-detroit-police-continue-to-climb/>

⁴ *Id.*

⁵ <https://www.bridgedetroit.com/police-complaint-backlog-means-fewer-detroit-residents-being-heard/>

⁶ <https://www.clickondetroit.com/news/2015/05/23/hostage-situation-on-detroits-west-side-ends-in-exchange-of-fire/>

⁷ <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>

February 13, 2017 - Raynard Burton, an unarmed 19-year-old man was shot and killed by DPD officer Jerold Blanding in a backyard of an abandoned home while fleeing. Police claim Blanding fired a fatal shot into Burton's chest when Burton, who was unarmed, attempted to grab the officer's gun. The actual shooting wasn't captured on video.⁸

April 30, 2017 – James Edward Ray, Jr., a 46-year-old man armed with a gun, was shot by a DPD officer. In July 2020, the estate of Mr. Ray filed a wrongful death federal lawsuit against the City of Detroit and two unnamed officers claiming that Detroit police officers killed Mr. Ray and planted a gun on his body to cover up the wrongful death.⁹

Sept. 14, 2018 - Detric Driver, 46, of Detroit was shot several times during an early morning Detroit police raid at his home on the city's west side.¹⁰

October 24, 2018 – An unidentified 45-year-old man was shot and killed by DPD as “he reached for a holstered gun.”¹¹

June 3, 2019 – Kevin Pudlik, an unarmed 41-year-old man, was shot and killed while a passenger in a fleeing vehicle.¹²

⁸ <https://www.wxyz.com/news/region/detroit/man-shot-by-police-identified-as-19-year-old-with-juvenile-history-of-domestic-assault-battery>
<https://www.mlive.com/news/detroit/2018/04/after-being-cleared-in-teens-s.html>
<https://www.fox2detroit.com/news/prosecutor-worthy-unloads-murder-misconduct-charges-on-police-officers>

⁹ <https://www.clickondetroit.com/news/2017/05/01/man-suspected-of-shooting-detroit-police-officer-identified-as-james-edward-ray/>
<https://www.detroitnews.com/story/news/local/detroit-city/2020/07/07/lawsuit-detroit-police-framed-accused-cop-killer-james-edward-ray-jr/5390523002/>

¹⁰ <https://www.freep.com/story/news/2018/10/03/detroit-police-fatal-shooting-muslim-man-detric-driver/1423205002/>
<https://www.freep.com/story/news/local/michigan/2018/11/30/police-involved-fatal-shootings-michigan/2140694002/>

¹¹ <https://www.freep.com/story/news/local/michigan/detroit/2018/10/25/officer-involved-shooting-leaves-man-critical-condition/1759688002/>
<https://www.detroitnews.com/story/news/local/detroit-city/2018/10/25/assault-suspect-shot-detroit-police/1758831002/>

¹² <https://www.fox2detroit.com/news/driver-charged-with-death-in-detroit-police-chase-bound-over-on-all-charges>
<https://www.fox2detroit.com/news/driver-involved-in-detroit-police-chase-charged-with-murder>

December 13, 2019- Louis Patrick Veal (65) was shot and killed by police after he killed two women and fled. Police later found his vehicle and tracked him to a bar. When Veal was approached, police claim he opened fire and the officers returned fire, killing him.¹³

Within the past two years alone there have been a number of deaths caused by Detroit police officers under questionable circumstances, not the least of which was the killing of Hakim Littleton. These deaths include, among others:

January 3, 2020 – Detroit police pursued a suspect in a high-speed chase without activating either lights or siren and caused a fatal car crash. It was determined that the failure to use lights and siren was deliberate because of the officers’ awareness that activating them would trigger the video recording of the pursuit. The officers’ actions were characterized as an “unethical coverup.”¹⁴

July 16, 2020 – A Black youth was killed in the ninth precinct by an officer assigned to the gang surveillance unit after a car chase. Police allege the victim had a gun in his hand. Video records were not released.¹⁵

July 19, 2020- An unidentified man was killed by the police after he and accomplices killed an 18 year-old man. The men fled, police followed, and a car chase ended when the suspects’ car crashed into a tree. The suspects ran, and police claim the victim pointed his gun at an officer and the officer shot and killed him.¹⁶

July 23, 2020 – Detroit police officers fatally shot a man.¹⁷

July 30, 2020 - Police killed a Black man alleged to have been wielding a sword and knife.¹⁸

¹³ <https://www.clickondetroit.com/news/local/2019/12/16/police-identify-double-murder-suspect-killed-in-shootout-with-detroit-officers/>

¹⁴ <https://www.wxyz.com/news/local-news/investigations/a-crash-then-a-coverup-how-a-questionable-detroit-police-chase-ended-in-a-young-womans-death>

¹⁵ Tresa Baldas, *Detroit Free Press*, July 23, 2020

¹⁶ <https://www.detroitnews.com/story/news/local/detroit-city/2020/07/27/detroit-chief-address-third-police-shooting-month/5517284002/>

¹⁷ <https://www.detroitnews.com/story/news/local/detroit-city/2020/07/23/man-fatally-shot-detroit-police-investigating-shooting/5499049002/>
<https://www.detroitnews.com/story/news/local/detroit-city/2020/07/27/detroit-chief-address-third-police-shooting-month/5517284002/>

¹⁸ Mara MacDonald, *Local Fox News*, July 30, 2020

October 30, 2020- A man was killed by the Detroit police after a mental health crisis (related to bipolar disorder) caused the man to hold his girlfriend hostage while pointing a gun at her. A standoff between the man and the police lasted for nine hours. Police claimed they decided the man was a serious threat to the hostage's life and he was shot and killed by a police sniper.¹⁹

November 4, 2020 – Another man with mental illness was killed after being released. "He was at the Detroit Receiving Hospital earlier that day asking for help. He's schizophrenic and they let him leave without giving him any medicine, it's a crisis center," said the man's sister.²⁰

December 1, 2020- Kevin Fox was killed by the Detroit Police after he arrived at the Fifth precinct and opened fire at the station. The night before, Fox had killed his girlfriend, Shavon Mitchell. Fox fled, went to a parking lot near the precinct and sat in his SUV. A standoff ended with an exchange of gunfire that left Fox dead.²¹

February 8, 2021 - Respected attorney Cliff Woodards was killed by a Detroit police officer in a car crash. The officer was charged with involuntary manslaughter.²²

March 1, 2021 – Police fatally shot an armed man at a motel.²³

April 19, 2021 – Detroit police fatally shot an armed man.²⁴

¹⁹ <https://www.freep.com/story/news/local/michigan/detroit/2020/10/31/barricaded-gunman-killed-detroit-police/6103972002/>

²⁰ <https://www.fox2detroit.com/news/man-shot-dead-by-detroit-police-was-just-released-from-crisis-center-after-checking-himself-in-family-say>

²¹ <https://www.clickondetroit.com/news/local/2020/12/01/shots-fired-at-detroit-police-when-officers-respond-to-grocery-store-break-in-standoff-ongoing/>
<https://www.fox2detroit.com/news/murder-victim-of-man-killed-by-detroit-police-suffered-from-domestic-abuse-family-says>

²² <https://www.freep.com/story/news/local/michigan/detroit/2021/06/24/detroit-police-charged-cliff-woodards/5333334001/>

²³ <https://www.freep.com/story/news/local/michigan/detroit/2021/03/07/ohio-triple-homicide-suspect-dies-shootout-detroit-police/4620007001/>

²⁴ <https://www.freep.com/story/news/local/michigan/detroit/2021/04/19/gunfight-detroit-police-shooting/7282099002/>

April 20, 2021 - A "knife-wielding" man suffering a "mental health crisis" was shot and killed by Detroit police officers.²⁵

August 8, 2021 - Michael Contrell Adams, an unarmed man, was shot and killed by Detroit police officers after his vehicle collided with an unmarked police vehicle.²⁶

December 20, 2021 - Though Nakita Williams, a 33-year-old woman undergoing a mental health crisis, caused harm to no one as she waved an airsoft pistol at persons present at a gas station, police shot and killed her.²⁷

December 25, 2021 - Detroit police officers killed 62-year-old Dwayne McDonald, who was a suspect in the murder of a woman and child.²⁸

February 25, 2022 – An armed man fleeing in a vehicle was shot and killed by police.²⁹

THE HAKIM LITTLETON CASE: REFUSAL OF MICHIGAN OFFICIALS TO CONDUCT AN APPROPRIATE INVESTIGATION

It was the police killing of 21-year-old Hakim Littleton on July 10, 2020, that prompted the formation of the CPTA, as Black Lives Matter demonstrations occurred around the world.

Mr. Littleton was present when Detroit officers arrested another young man. Littleton fled and when pursued by officers, was overtaken and subdued, but in the end killed. Police claimed Mr. Littleton fired a gun at a pursuing officer.

CPTA's suspicions that Police Chief James Craig manipulated video footage of the killing led to the organization's analysis of the footage and credible questions about whether the multiple police officers involved had the option to arrest Littleton rather than kill him. CPTA's appeals to state

²⁵ <https://www.usnews.com/news/best-states/michigan/articles/2021-04-20/man-fatally-shot-by-detroit-police-after-attack-on-officer>

²⁶ <https://www.fox2detroit.com/news/lawsuit-alleges-man-who-detroit-police-say-pointed-gun-at-undercover-officers-was-unarmed-when-killed>

²⁷ <https://www.clickondetroit.com/news/local/2021/12/21/family-mourning-after-mother-of-4-shot-killed-by-detroit-police/>

²⁸ <https://www.fox2detroit.com/news/suspect-down-after-shooting-by-detroit-police-officer-on-citys-east-side>

²⁹ <https://www.fox2detroit.com/news/2-dead-after-detroit-police-fatally-shoot-home-invasion-suspect-following-fatal-crash>

and local offices³⁰ for an independent investigation into this case were denied, with Wayne County prosecutor Kym Worthy subsequently exonerating the officers involved. Within days of Littleton's death, Detroit police had shot three additional young African American men, one critically, two fatally.³¹

After the killing of Hakim Littleton, Police Chief James Craig immediately went public with videos and a narrative that not only purported to exonerate the officers involved, but also highlighted what appeared to be an unsuccessful effort by Littleton to shoot an officer. The CPTA examined the same video evidence closely and discovered gross discrepancies in recorded observable actions of the officers and the narrative provided by Chief Craig. These contradictions concerned, among other things, the number of officers involved, the total number of shots fired, and the number of shots fired by individual officers and Mr. Littleton.

Most disturbing is that the video footage clearly shows Mr. Littleton face down, disarmed and fully subdued by officers when an officer approaches him, takes aim, and fires a fatal shot into the young man's head. [See: <https://www.youtube.com/watch?v=kT33YARjZWc&t=18s>] CPTA's reasonable request has been for those with authority to investigate this killing. Our requests for an investigation were for the most part met with either disturbing silence or dismissal.

Specifically, CPTA sent a letter requesting an independent investigation of the Littleton killing to Michigan Attorney General Dana Nessel on August 3, 2020. The letter was copied to Detroit Mayor Mike Duggan, members of the Detroit City Council, and members of the Detroit Police Commission. No response was provided to the letter, but CPTA was advised by a journalist that a spokesperson for the Attorney General had commented that Ms. Nessel would not investigate the killing.

In a letter to the Governor, CPTA reported the Attorney General's failure to respond to CPTA. The Governor declined to substantively respond directly to CPTA, and instead passed the letter off to the Attorney General. Notwithstanding the referenced journalist's account of the Attorney General spokesperson's public comment about the CPTA request, in a letter dated February 3, 2021, a Deputy Attorney General stated:

“I can assure you that the Attorney General meant no disrespect by our failure to respond to your letter. Rather, I had a search conducted of our files and we could find no record of having received the Coalition's request in the first instance.”

The letter went on to say that the Attorney General would decline to investigate because the killing was under review by the Wayne County Prosecutor. On April 7, 2021, the Wayne County

³⁰ CPTA directed requests for independent investigations into the killing of Hakim Littleton: to Michigan Attorney General Dana Nessel, on August 3, 2020, with copies to: Detroit Mayor Mike Duggan; Members, Detroit City Council; Members, Detroit Police Commission. A separate request was directed to Michigan Department of Civil Rights Director James White on September 21, 2020; and to Michigan Governor Gretchen Whitmer on January 22, 2021.

³¹ Tresa Baldas, *Detroit Free Press*, July 23, 2020; *Fox 2*, July 27, 2020; *News 4*, July 30, 2020

Prosecutor Kym Worthy announced the results of her investigation, and for CPTA, her findings raised more questions. Notably, her press presentation did not feature the same police video of the incident that had been presented by Police Chief James Craig at his press conference soon after the incident. Rather she presented what she called a “compilation of still shots,” and announced that she would not bring charges against the police officers involved. Prosecutor Worthy’s “compilation of still shots” left out the most significant moment of the incident: the moment when one of the police officers deliberately circled Hakim Littleton’s body and fired a shot into the back of his head, carrying out a close-range execution.

Since the killing, the public has been given three conflicting official stories of the incident: Chief Craig presented one set of “facts” at his press conference immediately following the killing on July 10. On August 5, in statements to the *Detroit News*, Chief Craig presented a different set of “facts.” Then, Prosecutor Worthy presented a third, different set of “facts.” There are multiple contradictions and inconsistencies among these three sets of “facts.” Our enduring question is: Did the group of police officers involved in the incident have the option to apprehend Hakim Littleton rather than kill him? Did they choose excessive violence over arrest?

Any of the public officials copied on CPTA’s initial letter to the Attorney General could have sought answers to our questions, but they all remained silent. Then, during the last quarter of 2020, CPTA had renewed hopes when James White, a former Detroit Police Department administrator was appointed director of the Michigan Dept. of Civil Rights. CPTA challenged him to overcome community suspicions that he was biased toward police by investigating the Littleton killing. CPTA was instead directed to the Michigan Civil Rights Commission (MCRC).

MCRC’s response to CPTA was cold and false. Stacie Clayton, the MCRC chair, stated that investigating the police killing “...is not within the scope of the Elliott-Larsen Civil Rights Act, and therefore, not under our jurisdiction...” In response, CPTA explained:

Section 302 of the Elliott-Larsen Civil Rights Act (ELCRA) prohibits the denial of ‘full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a [...]public service because of [...] race, color [or] national origin.’ MCL 37.2302(a). Furthermore, a department or agency “owned, operated, or managed by or on behalf of ‘the state or a local government is a public service under the statute. MCL 37.2301(b). The Detroit Police Department is a public service under ELCRA because it is a department or agency ‘owned, operated, or managed by or on behalf of ‘ the City of Detroit. It is not only CPTA’s opinion that police misconduct is within MCRC’s jurisdiction, the Commission itself is already actively engaged in these issues. The Michigan Department of Civil Rights is investigating allegations of civil rights violations by the Grand Rapids Police Department...

In the end, Michigan officials have shirked their responsibility to conduct an appropriate investigation, and CPTA now turns to the federal government.

POOR LEADERSHIP, RACIST TARGETING, AND REPRESSIVE POLICE CULTURE

Many of the current problems in the Detroit Police Department are directly attributable to a firmly entrenched police culture that has roots in the era of slavery.³² It is a culture that regards law enforcement agencies as paramilitary organizations at war against communities of color because of inaccurate conclusions that these communities commit more crimes than white communities.³³ It is a culture that emphasizes the use of fear and intimidation, along with displays of force - excessive force when convenient.³⁴ Racism figures prominently in this culture with hostility, violence and discrimination directed both within and without the police department.³⁵ Such a culture has existed in many law enforcement agencies, but unlike many police departments which have made serious efforts at progressive, enlightened cultural transformation, the Detroit Police Department has remained mired in destructive, discredited practices.

Failed Leadership

Among the many factors that contribute to the department's lack of progress is a failure in leadership. Former Police Chief James Craig's failure to grapple with racism in policing stretches back to his employment with the Los Angeles Police Department. Although he is African American, in the aftermath of the highly publicized police beating of Rodney King, Craig parted ways with other officers of color in the police department who charged that the LAPD was highly racist. To the dismay of these officers, Craig publicly said: "I believe that there are individuals who have racist attitudes, but racism is not widespread throughout the Department."³⁶

Craig's denial of racism within the culture of policing set the tone for much of the rest of his career. He developed a reputation as a tough "law and order" old-style cop for whom racial problems were of no special concern.³⁷ He was appointed to the position of chief of police by Kevyn Orr, an emergency manager who was appointed by the Governor to improve the city's finances.³⁸ The business community was so thrilled by his appointment that they took up a private collection to

³² "How You Start is How You Finish? The Slave Patrol and Jim Crow Origins of Policing," Connie Hassett-Walker, ABA Human Rights Magazine (Jan. 11, 2021).

³³ "Policing Different Racial Groups in the United States," Ronald Weitzer and Rod K. Brunson, Cahiers Politistudies (2015-2) p. 135.

³⁴ "What the Police Really Believe," Zack Beauchamp, Vox (July 7, 2020).

³⁵ *Id.*

³⁶ "How James 'Hollywood' Craig hoodwinked Detroit," Violet Inonomova and Tom Perkins, Detroit Metro Times (Aug. 4, 2021).

³⁷ *Id.*

³⁸ "Cincinnati Police Chief to become Detroit's New Chief," Dave Bartkowiak, Jr., WDIV (May 14, 2013).

supplement his salary.³⁹ The police union, which has notoriously played a role in preserving negative police culture, publicly lauded Craig's arrival.⁴⁰ In the years that followed the expectations of these forces were fully met.

Racist Targeting in Concealed Weapons Cases

In 2014, Craig gained national notoriety when he urged Detroit residents to arm themselves by obtaining licenses to carry concealed weapons. He said: "Good Americans who are responsible with concealed weapons can make a difference," Craig told CNN in a 2014 interview. "I don't care what city you're talking about in America, (the police) cannot be everywhere." Craig said that possession of concealed pistol licenses "translates into crime reduction."

Although Craig made this call to arms, and many Detroit residents heeded it, in April 2021, in the midst of a pandemic, Detroit police officers were making between 60 and 100 concealed weapons arrests per week.⁴¹ Craig boasted of the arrests and complained that judges were too lenient. "[They] are getting arrested for carrying weapons illegally and they're getting these low bonds, no bonds and tethers."⁴² Apparently, the fact that many gun owners may have been "illegal" because of their inability to renew their registration because of pandemic delays played no role in Craig's thinking.⁴³

By 2022 conditions were worse. The Neighborhood Defender Service conducted a study and published alarming findings. Their news release stated:

Data from the court system publicly-available arrest data, and data from Neighborhood Defender Service (NDS) together expose a legal system targeting Black Detroiters for arrest and prosecution, advocates explained at a press conference today. The number of arrests on CCW charges has quadrupled since March 2020, and 97 percent of those with the crime charged are Black. The volume of these prosecutions is targeting vulnerable Detroit communities and slowing the legal system to a crawl. Arrests for CCW-only offenses have quadrupled since the pandemic began. Between January 1, 2018 and March 2020, DPD arrested an average of 256 people on CCW-only charges per quarter. That number has surged to 1017 arrests for CCW-only per quarter. The arrest rate for CCW-only offenses

³⁹ "Detroit Police Union: Thanks Kevyn Orr for hiring James Craig as our new Chief," Gus Burns, MLive (May 22, 2013).

⁴⁰ *Id.*

⁴¹ "Detroit Police Crackdown on Illegal Concealed Guns, 103 Arrests Last Week," Justine Lofton, MLive (April 20, 2021).

⁴² *Id.*

⁴³ "Concealed Pistol License Wait is 9 Months Long in Wayne County," Randy Wimbley, Fox 2 (October 20, 2020).

has more than doubled in every area of the city, but the rise is especially concentrated in the midtown, downtown, and Greektown neighborhoods, where enforcement is up almost 700 percent. The spike in arrests has coincided with a surge in prosecutions. Before the pandemic, roughly six percent of cases charged by the WCPO in the 3rd Circuit Court were CCW-only charges. In August 2021, that number stood at nearly 30 percent – around the same time that Kym Worthy lamented the “inhumane” caseload her staff decided to prosecute. These prosecutions are racially disparate. NDS represents people in 25 percent of the felony cases filed in Wayne County. Since March 11, 2020, NDS’ referral rate for Black clients facing CCW-only charges has risen 205 percent; the referral rate for all non-Black clients facing the same charge decreased by 8 percent. Today, 32 out of every 33 CCW-only prosecutions in Detroit are Black people, according to Third Circuit Court data.

When confronted with the statistics, Wayne County Prosecutor Kym Worthy blamed Chief Craig's administration for the problem. She said: “Their mandate was: ‘Let’s go out and get as many CCW arrests as we can. In fact, let’s even ask all of Detroit to arm themselves,’” Worthy added: “We tried to try to advise against some of the arrests that were made...”⁴⁴

Craig, who is no longer police chief, is running for governor. In response to Worthy and others who accuse him of the CCW arrest crisis, he said:

Any inference that I, or my office, directed officers to make illegal CCW arrests is a flat out lie. Whenever my team was made aware of an alleged illegal CCW arrest, it was my expectation that an internal investigation be immediately launched by the department's professional standard section. In fact, I went outside the department and brought in a former U.S. Attorney, to oversee our internal reviews. We worked with Prosecutor Worthy's office on arrest warrants to remove dangerous felons and their illegal guns from the streets in order to improve the safety of some of Detroit's most high-crime areas.⁴⁵

Racist Discrimination Directed Internally and Externally

Racially discriminatory CCW arrests are not the only racial issues that marked Craig’s tenure as chief. Complaints about officers’ racial misconduct in the Sixth Precinct prompted an “environmental audit” that reported the following among many other things:

In February 2019, reports surfaced that a member of the Department had posted video on “Snapchat,” a social media site. The video showed a very disturbing sequence of events. Two members of the Detroit Police Department initiated a traffic stop on a vehicle operated by a black female. During the course of the traffic stop, the motorist had to walk home by herself in freezing temperatures while the

⁴⁴ “Surge in nonviolent Wayne Co. gun arrests harms people of color, advocates say,” Ross Jones, WXYZ (January 10, 2022).

⁴⁵ *Id.*

vehicle she had been driving was impounded. As this occurred, one of the involved members began recording the incident on his cell phone. As the incident was being recorded, the officers were heard mocking the motorist as she walked away. The commentary included statements such as, “Priceless” and “Bye Felicia.” The video was edited to include a caption containing the words “What black girl magic looks like” and “Celebrating Black History Month.” The post was picked up by a number of news and radio stations and soon went viral.

The environmental audit also stated:

With respect to Captain C, one member alleged that he, “Don’t like blacks, and damn sure do not like black women.” Another member stated an officer had stated in the direct presence of Captain C, “We are about to go lock up some ‘N****ers’ and ‘A-rabs’” to which the captain laughed it off. When confronted by the member, the captain stated he didn’t hear the comment, then went on to say the officers were just joking. In a separate incident, Captain C was responsible for reviewing a Use of Force report prepared by Officer Garrison following a situation where there was a clear display of excessive force used against an elderly female and where the officer struck a man around the head and neck area while handcuffed in the backseat of his squad car. Captain C deemed this action acceptable as a “Category 3” use of force. In another incident, during a locker audit, Captain C provided a white officer advanced notice before cutting off locks from lockers and taking property away.

While Craig’s initiation of the audit and his public condemnation of the behavior reported might appear to be commendable, his actions should be considered in context. Craig’s first race-oriented initiative was the Committee on Race and Equality (CORE). The group conducted a department-wide study of race relations within the police department ranks.⁴⁶ The CORE report states:

Our research revealed numerous incidents which involved some direct or indirect involvement of Command staff members in discriminatory practices, which included intimidation and retaliatory behavior. The committee therefore determined that there were enough incidents to conclude that the department has a growing racial problem. As an example, the department, which is 67% African American, has certain units such as Crime Analysis, 30 series, Cease Fire/Gang Intel and other Task Force units that are not seniority based which are segregated. These units have been historically, overwhelmingly staffed by white male officers.

The report goes on to state:

African American officers reported incidents of disparate treatment, where calls were made to the personal cellphones of white officers by white Command Officers, in some cases while black officers were present, where it was suggested that the white officer put in for training or for job openings that had become

⁴⁶ “Investigative Summary with Recommendations from the Committee on Race and Equality (CORE), (August 2016).

available in those segregated units. Excuses were made or retaliation was expressed in other ways such as leave day request and transfer denials, etc. if black officers were to complain. African American officers reported retaliatory tactics aimed at those officers who saw bias in the process of appointments to the rank of Detective. A few white Command Officers were blatant in their attacks against black officers who voiced their dissatisfaction with the exam or sought redress through the collective bargaining process. There were common threads in all of the testimony given; repeat offenders amongst the white Command Officers.

The report further states:

...[O]f great concern are the imbedded racial attitudes and behavior exhibited by some in the Command Staff. Throughout the fact-finding process, which included one on one interviews, private conversations and discussions at the committee table it was determined that the problems within the department were [not]⁴⁷ isolated cases of officer to officer but more wide-spread, centralized in terms of distribution, or top-down entrenched discriminatory practices. Simply put, the racism that exists in the department trickles down from the Command Officers to the rank and file.

While these observations should have prompted a public expression of alarm and concern, Craig instead dismissed the value of the report in the media saying that it was all based on rumor and innuendo.⁴⁸ The net effect of his dismissal of the complaint was a message to white officers that when presented with evidence of racism, Craig takes no action. This was a greenlight for the types of occurrences that were chronicled in the Sixth Precinct environmental audit, and which are believed to occur throughout the police department.

Ineffectiveness of Citizen Oversight

The Detroit Police Commission (also known as the Board of Police Commissioners) is intended as a citizen check on police department irregularities. In fact, it is regarded by many as having more authority than many civilian review boards throughout the country. However, this body has failed to prevent or end many of the problems described in this document. The commission's problems may rest in part in its rules and composition. For example, former law enforcement officers are eligible for election or appointment, creating the potential for the compromise of the body's credibility, objectivity and independence. In fact, recent commission chairs have been former law enforcement officers.

In addition, the commission's practices have sometimes been indistinguishable from the police misconduct the body is charged with monitoring and correcting. For example, Commissioner Willie Burton (an outspoken critic of the Detroit Police Department) alleges at the July 11, 2019

⁴⁷ The word "not" does not appear in the text of the CORE report but is included here because of a good faith belief that its omission was a typographical error.

⁴⁸ "Detroit Police Chief Suspends Race Committee amid Backlash over finding on Race Problems," Violet Ikononova, Metro Times (Jan. 17, 2017).

commissioners weekly meeting, then Commission Chair Lisa Carter (a former law enforcement officer) ordered Burton's arrest after he raised procedural questions. Commissioner Burton claims he was brutally taken down, arrested, and placed in a police cruiser, and he sustained a concussion and other injuries. Also, according to media reports, three commissioners accused Commission Chair Willie Bell (a former Detroit police officer) of shutting down commissioners when "when he disagrees with their views and signs documents behind their backs, violating board rules."⁴⁹

No Observed Improvement with New Leadership of Chief James White

Craig's relatively recent departure from his position as chief of police, and the ascendancy of his replacement James White might suggest to some the possibility that any problems in the department might be resolved, or at least addressed by new leadership. Although Chief White has a different public relations style and has implemented initiatives that many might characterize as reforms, CPTA has serious concerns. When federal oversight ended in 2016, it was expected that DPD would, on its own, maintain required policy changes and continue a course of reform. In fact, then-Assistant Police Chief White claimed that DPD was a "much more organized, constitutional police department" as a result of the oversight, and that the required reforms were now "embedded in our force"⁵⁰ However, during his tenure as Chief, the racialized CCW arrests discussed earlier continued. In addition, DPD officers have killed at least three additional members of the community.

Although Chief White's creation of a new "risk management unit" to identify and discipline problem officers might normally be regarded as commendable, particularly given White's boast that the unit identified 128 "high risk" officers, the unit's true purpose and the circumstances leading to its development concern CPTA greatly. According to reports, the unit was not created until a series of media reports alerted the public to a number of officers who are reported to have histories of outrageous, improper conduct. One of these officers was 25-year veteran Sgt. William Zeolla. He was promoted last year notwithstanding his having been the subject of more than 93 citizen complaints. Of Zeolla, the media organization that brought his conduct to light said:

Stanley Perkins says he's been pulled over by Zeolla on four separate occasions. The first time was in 2015, just as he was leaving work. 'The first thing he said was, 'Do you got any drugs or guns on you?' Perkins recalled. "And I was like, 'I'm just getting off work.' The situation escalated quickly, Perkins said, when Zeolla pulled him from the car. '(He) snatched my door open, pulled me out the vehicle, walked me to the back, cuffed me (and) put me in the back of the scout car,' he said. Perkins said Zeolla searched his entire SUV without finding anything. He said he was rude and aggressive throughout the stop. 'He called me a b****. Back and forth, different kind of names,' Perkins said. Perkins said Zeolla never told him why he stopped him in the first place, but believes it's because he was profiled. 'I'm a black man in a BMW,' he said. Perkins was let go, but would see Zeolla again when, six months

⁴⁹ <https://www.freep.com/story/news/local/michigan/detroit/2020/10/08/detroit-police-willie-bell-removal/5911227002>

⁵⁰ Tresa Baldas, *Detroit Free Press*, (March 31, 2016)

later, he was pulled over again. This time, he says the officer claimed it was over a bad headlight. This stop felt just like the first, he said. 'Snatched my door open, pulls me out the car again,' Perkins recalled. 'I'm like, here we go.' Another search of his car, just as before, yielded nothing. Perkins was neither arrested nor charged, but after both run-ins he filed complaints against Zeolla alleging he was harassed. In one case, he said he waited hours at a precinct to lodge the complaint. Both were closed without any discipline. 'I think he thought I was a drug dealer,' Perkins said. 'I'm a businessman so I like nice cars, I buy nice cars because I work hard for it. It doesn't mean I'm a drug dealer because I got a nice car.'⁵¹

It is significant that Zeolla, and evidently scores of other officers like him have been allowed to function not only without discipline, but also with promotions until the media called Chief White to account. Also, it is telling that the problems in the department are considered from a "risk management" perspective rather than from a concern about the public's safety. Implicit in the language and the approach is a desire to protect the police department from liability rather than to protect the public from unconstitutional policing, racial profiling, and excessive force.

If, for the sake of discussion, Chief White has the best of intentions, he must tilt against a departmental culture that is deeply embedded and unlikely to be dislodged by the exertions of a lone chief. For example, a primary concern during the period of oversight was the brutal treatment of detainees. However, during the 2020 demonstrations against police violence, DPD officers were accused of, among many other things, intentionally overcrowding buses filled with arrested demonstrators during a pandemic and without any precautions, targeting leaders of the demonstrations for direct abuse, retaliating against demonstrators, and directly attacking legal observers and medics. In essence the culture of abuse identified during federal oversight has continued, shifting its location, but reflecting the same attitudes.

As federal oversight ended, DPD was to maintain, for purposes of accountability: (1) "an audit team, staffed with sworn and civilian auditors to conduct department-wide audits to track the performance of all aspects of the DPD;" (2) an Inspection Unit, compliance liaison officers and a Force Investigation Section "to perform intensive inspection of police practices from the precinct to the command levels." If DPD has followed through with the creation and activation of these units, their efforts have failed as evidenced by all the outrages chronicled in this document. Neither a new chief nor internal accountability units have been sufficient to eliminate a deeply embedded culture of abuse.

⁵¹ Detroit Police scrutinizing sergeant that racked up 93 complaints, 12 lawsuits (<https://www.wxyz.com/news/local-news/investigations/detroit-police-scrutinizing-sergeant-that-racked-up-93-complaints-12-lawsuits>)

CONCLUSION

In various ways, citizens are promised that government will account for its bad acts, errors and omissions. To facilitate accountability, structures, policies and procedures have been presumably established for the receipt and processing of citizen complaints with an expectation that the issues raised will be effectively addressed. CPTA has scrupulously directed its concerns and requests to government actors and agencies in Michigan charged with addressing the issues regarding policing that the coalition has raised. Nevertheless, there has been no meaningful, effective response, leaving CPTA with the sole remaining option of requesting federal intervention. Thus, it is respectfully requested that Department of Justice officials investigate not only the ongoing police killings, escalating violence and racial discrimination perpetrated by and within the Detroit Police Department, but also the institutional culture that inspires and sustains such misconduct.

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