

## MEMORANDUM

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

FROM: Coalition for Police Transparency and Accountability (CPTA)<sup>1,2</sup>

DATE: April 23, 2024

RE: Request for Department of Justice Investigation into Detroit Police Department Excessive Force, Killings, Racist Discrimination, Misconduct, and Ineffective Oversight by the Detroit Board of Police Commissioners

## INTRODUCTION

The Coalition for Police Transparency and Accountability (CPTA) *reiterates* its requests for a federal investigation of a *pattern of killings, excessive force, and misconduct 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 *oversight mechanisms in place continue to fail* to address these urgent conditions.

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 organizations<sup>2</sup> 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 is not a new problem. Please reference CPTA's memorandum to the DOJ dated May 19, 2022 for more details.

<sup>1</sup> 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

<sup>2</sup> 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.

## **CONTINUED PATTERN AND PRACTICE OF POLICE VIOLENCE, KILLING, AND MISCONDUCT PERPETRATED ON THE PUBLIC AND THEIR OWN FAMILIES**

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. Please reference CPTA's memorandum to the DOJ dated May 19, 2022, which referenced 24+ killings by Detroit police. *This follow-up memorandum is intended to inform you that the conditions have not improved, and a DOJ investigation is still needed.*

CPTA has gathered the following information concerning *additional killings, criminal activity and misconduct* 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.

**September 1, 2023** - Daryl Vance (71) was punched in the face by Officer Juwan Brown, causing the victim to hit his head on the concrete, resulting in his death.<sup>3</sup>

**August 30, 2023** - Officers assault young man in front of his home, caught on body worn camera and home camera. Assistant Chief reports to media it was a traffic stop; later a different Assistant Chief told the Board that it was a pedestrian terry stop.<sup>4</sup>

**July 29 and 30, 2023** - 2 officers charged in 2 separate incidents – one for criminal sexual conduct, the other for brandishing a firearm in road rage.<sup>5</sup>

**June 19, 2023** - Assaultive Rant/severe profanity in residents' home. Officer placed on administrative duty and returned to full duty (on the streets) while investigation remained in progress. Only returned to administrative duty after the Office of the Chief Investigator brought the matter to the Commissioners and public's attention in a meeting.<sup>6</sup>

**May 4, 2023** - Potentially illegal vehicle search and attempt to obscure video capture by positioning of the subjects of the search.<sup>7</sup>

**January 2, 2023** - Disregard for an animal, shot without cause.<sup>8</sup>

<sup>3</sup> <https://www.fox2detroit.com/news/detroit-police-officer-charged-in-fatal-punch-that-killed-71-year-old-man>

<sup>4</sup> <https://www.clickondetroit.com/news/local/2023/09/01/video-captures-detroit-police-officers-allegedly-roughing-up-man-without-cause/> and [https://detroitmi.gov/sites/detroitmi.localhost/files/events/2023-09/BOPC%20Meeting%20Transcript%20%20%2009-07-2023\\_0.pdf](https://detroitmi.gov/sites/detroitmi.localhost/files/events/2023-09/BOPC%20Meeting%20Transcript%20%20%2009-07-2023_0.pdf) (pages 9-20)

<sup>5</sup> <https://www.clickondetroit.com/news/local/2023/07/31/2-detroit-police-officers-arrested-in-separate-incidents-both-face-felony-charges/>

<sup>6</sup> <https://www.wxyz.com/news/local-news/investigations/thats-why-youre-getting-your-a-beat-detroit-officer-sidelined-after-crude-rant> and <https://detroitmi.gov/sites/detroitmi.localhost/files/events/2023-07/BOPC%20Meeting%20Transcript%20%20%2007-20-2023.pdf> (pages 3-11)

<sup>7,8</sup> <https://detroitmi.gov/sites/detroitmi.localhost/files/events/2023-07/BOPC%20Meeting%20Transcript%20%20%2007-20-2023.pdf> (pages 3-11)

**October 2, 2022** - Porter Burks (20) killed by police while in mental health crisis.<sup>9</sup>

**July 31, 2021** - Officer punches a man in Greektown, knocking him unconscious.<sup>10</sup>

**January 3, 2020** - Police chase coverup ends in crash killing a woman. Officer had history of misconduct that the department failed to address. Behavior not addressed until 3 years later.<sup>11</sup>

**July 21, 2017** – Mark Twain Gaddis was shot by police. The motion for summary judgement was denied citing multiple examples demonstrating a pattern and practice/culture.<sup>12</sup>

## INEFFECTIVE OVERSIGHT

The Board of Police Commissioners is intended to be a civilian 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 Board has not established effective procedures for ensuring police accountability through proactive auditing or timely investigation of grievances followed by disciplinary measures for officers who abuse their authority or use excessive force.

**March 14, 2024** - Per the 03092024-03152024 OCI Weekly Inventory Report, there were 1,958 outstanding citizen complaints to be investigated. The OCI remains understaffed to handle incoming and the backlog of citizen complaints; closing less than half as many cases as are coming in each month. In the Office of the Chief Investigator report at the March 14, 2024 meeting<sup>13</sup>, 280 complaints had to be re-opened due to being closed without investigation per the Office of the Inspector General report “Potential Fraud in Administrative Closure of OCI Files” OIG File No. 23-0005-INV.<sup>14</sup>

<sup>9</sup> <https://abcnews.go.com/US/detroit-police-fire-38-shots-seconds-killing-black/story?id=91030791> and [5 Detroit officers fire 38 shots, killing man with knife during mental health check -- what we know \(clickondetroit.com\)](https://www.clickondetroit.com/news/38-shots-killing-man-during-mental-health-check)

<sup>10</sup> <https://www.wxyz.com/news/conduct-unbecoming/a-detroit-cop-faced-firing-for-greektown-punch-until-eastpointe-gave-him-a-badge>

<sup>11</sup> <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> and <https://www.wxyz.com/news/local-news/investigations/chief-moves-to-fire-detroit-cop-who-engaged-in-improper-fatal-chase>

<sup>12</sup> <https://law.justia.com/cases/federal/district-courts/michigan/miedce/2:2018cv13763/334616/160/>

<sup>13</sup> [https://cityofdetroit.zoom.us/rec/play/5PIN5nkqtEDK9o3Am7JJ2W\\_fhbKgi2EE-wP\\_3X2DStgydKSafAVj54AR5S0CLgi-OPndaMf37cZsAsW6.60j1ng5hNVb6mAUu?canPlayFromShare=true&from=share\\_recording\\_detail&continueMode=true&componentName=rec-play&originRequestUrl=https%3A%2F%2Fcityofdetroit.zoom.us%2Frec%2Fshare%2FHFD1TPcqnd23b2nH52ngM4oVZ5yMELxhsFokhukBWRq6Rgbrk1E-LoSmMksttA18z.6DRP2xLKv5-YkiZc](https://cityofdetroit.zoom.us/rec/play/5PIN5nkqtEDK9o3Am7JJ2W_fhbKgi2EE-wP_3X2DStgydKSafAVj54AR5S0CLgi-OPndaMf37cZsAsW6.60j1ng5hNVb6mAUu?canPlayFromShare=true&from=share_recording_detail&continueMode=true&componentName=rec-play&originRequestUrl=https%3A%2F%2Fcityofdetroit.zoom.us%2Frec%2Fshare%2FHFD1TPcqnd23b2nH52ngM4oVZ5yMELxhsFokhukBWRq6Rgbrk1E-LoSmMksttA18z.6DRP2xLKv5-YkiZc)

<sup>14</sup> [https://detroitmi.gov/sites/detroitmi.localhost/files/2024-02/FINAL%20Report%20of%20Findings\\_23-0005-INV\\_29Feb24\\_REDACTED%20BINDER%20%282%29.pdf](https://detroitmi.gov/sites/detroitmi.localhost/files/2024-02/FINAL%20Report%20of%20Findings_23-0005-INV_29Feb24_REDACTED%20BINDER%20%282%29.pdf)

**February 2024** - Sergeant remains on the force in leadership role after 85 complaints, multiple lawsuits for misconduct, and listed as high risk by the department.<sup>15</sup>

**January 2024** - Police Commissioners did not heed the red flag of 56 Citizen Complaints, and promoted Officer Scott Hall to Sergeant. Just several months later he is arrested for domestic violence.<sup>16</sup>

**March 3, 2023** - Police Commissioners vote to promote a Detective to Sergeant who had been accused of domestic violence on 3 separate occasions by 3 different women. Charges were dropped because victims didn't testify. Some Commissioners claim they didn't know. (Vow more scrutiny, but in subsequent promotions, Commissioners continue to argue that they should "trust the chief" and not deny promotions for citizen complaints and discipline history.)<sup>17</sup>

**February 3, 2023** - Officer with history of domestic violence collected pay while in jail. Board of Police Commissioners were notified by the media rather than by the department.<sup>18</sup>

**November 18, 2022** - Officer with history of misconduct ranging from profanity with the public to unnecessary force remained in the department. Finally suspended after arrest for brandishing a weapon and driving drunk.<sup>19</sup>

**November 2022** - Officers charged with assaultive crimes stays in the department.<sup>20</sup>  
128 High Risk Officers identified by DPD. Many are *still on the force*.<sup>21</sup>

Former officer involved in alleged body cavity searches that resulted in \$349k in settlements is *currently DPD's Chief of Staff*.<sup>22</sup>

<sup>15</sup> <https://www.wxyz.com/news/local-news/investigations/detroit-pays-2m-to-settle-latest-lawsuit-against-troubled-sgt-hit-with-85-complaints>

<sup>16</sup> <https://www.wxyz.com/news/local-news/investigations/detroit-police-captain-demoted-following-domestic-violence-charge-in-birmingham>

<sup>17</sup> <https://www.wxyz.com/news/local-news/investigations/dpd-watchdogs-didnt-know-they-promoted-cop-accused-repeatedly-of-domestic-abuse> and <https://www.wxyz.com/news/local-news/investigations/this-is-embarrassing-commissioners-vow-more-scrutiny-after-troubled-cops-promotion>

<sup>18</sup> <https://www.wxyz.com/news/local-news/investigations/after-third-assault-case-detroit-police-officer-collected-pay-from-jail>

<sup>19</sup> <https://www.wxyz.com/news/local-news/investigations/before-drunken-arrest-with-firearm-detroit-officer-had-troubling-pattern-of-misconduct>

<sup>20</sup> <https://www.wxyz.com/news/local-news/investigations/these-detroit-police-officers-abused-women-children-citizens-and-still-kept-their-badges>

<sup>21</sup> <https://detroitcpta.org/detroit-police-department-identifies128-high-risk-officers/>

<sup>22</sup> [https://www.mlive.com/news/detroit/2009/08/detroit\\_secretly\\_paid\\_349k\\_boo.html](https://www.mlive.com/news/detroit/2009/08/detroit_secretly_paid_349k_boo.html)

## CONCLUSION

In various ways, citizens are promised that the 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, *CPTA 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 of the Department and the Board of Police Commissioners that inspires and sustains such misconduct.*