

Detroit is soft on killer cops - Department focuses on justifying shootings, not truth, critics say.

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Author: The Detroit News ; David G. Grant, Norman Sinclair, Ronald J. Hansen and David Shepardson

DETROIT -- **Detroit** police investigations of officers who kill or injure are often inadequate and geared toward clearing them of wrongdoing, a study of court records by The **Detroit** News found.

Investigators for the department focus **on** justifying the shootings rather than determining what happened, and the conclusions often vary little from the officers' accounts, say former police executives and attorneys.

Investigators also have failed to interview eyewitnesses and ignored evidence that contradict officers' claims they shot in self-defense.

The city has paid a total of \$8.6 million since 1995 to settle six lawsuits in which the department cleared officers who shot citizens.

Of the 40 fatal shootings by police in **Detroit** in the past five years, 35 officers were exonerated. Four were charged with misdemeanors. The other was convicted and **is** in prison.

In two dozen cases, officers claimed they were in fear for their lives when they opened fire. In six cases, unarmed suspects were shot in the back fleeing police, according to internal department records. In eight cases, officers said they fired because people came at them with weapons, but autopsies found the victims were shot in the back.

Among the more controversial shootings by police:

* Hong Junior Leong, 40, was killed after he was shot up to 16 times in the back by officers John Borgens and James Pratt **on** Nov. 18, 1997, after a chase that began when Leong squealed his tires **on** an east-side street.

The officers said a drunk Leong got out of his pickup, fired a shotgun blast into the air and turned toward them. He then pointed the firearm, refused to drop it and invited them to kill him, the officers said. But police evidence technicians found the shotgun had been fired inside Leong's truck.

* LaMar Grable, 20, was fatally shot eight times **on** Sept. 21, 1996, by Officer Eugene Brown.

Three wounds to the chest were at close range, and two struck him in the back. Brown was also cleared in the shooting deaths of Roderick Carrington, 30, and Darren Miller, 33, killed **on** Feb. 8, 1995, and Jan. 22, 1999, respectively.

* Lamont Hemphill, 21, was killed by a shot in the back by Officer Steven Howell, who was chasing him **on** foot. Howell said he saw Hemphill pull a shiny object the officer thought to be a gun from his pocket. Hemphill was unarmed. Near his outstretched hand where he died lay condoms in an aluminum-foil packet, two small packets of cocaine and a wad of money.

Four months following the shooting, and after Howell was cleared, Homicide Insp. William Rice notified prosecutors that the police investigation erroneously concluded Hemphill was shot in the abdomen. The autopsy report showed he was shot in the back.

* Roy Hoskins, 14, was shot to death by Officer James Wood **on** April 20, 1997. Wood and his partner were **on** patrol when they said they saw Hoskins walking down a street **on** the city's west side carrying a gun. Wood's partner chased Hoskins when he took off running. Wood headed him off with the scout car and fired one shot from inside the car. Wood said the youth turned toward the scout car and pointed the gun at him. Two police reports said Hoskins was shot in the chest. But the Wayne County Medical Examiner said he was shot in the back.

* Christopher Welch was 16 when he was shot in the face by Officer Mark Burke **on** April 7, 1994. Burke and his partner, in street clothes and driving an unmarked car, responded to a report about several young people fighting and shots fired in a fast-food restaurant parking lot. With his gun in one hand and a flashlight in the other, Burke jumped out of the car and ordered the group over to the car. Welch kept walking away, and Burke fired twice at him, striking him in the jaw. Burke said he thought Welch, who was holding chili fries, was reaching for a gun.

Procedure questioned

The **Detroit** police's investigations of these and other shootings were neither thorough nor objective, said retired **Detroit** Police Cmdr. Clinton Donaldson, testifying as an expert witness in several lawsuits against the department.

"These investigations demonstrated a consistent pattern where the investigators consistently and intentionally overlooked facts and cleared the officers of any improper actions," said Donaldson, the commanding officer of the Internal Controls Bureau, which investigated shootings by police, from 1986 to 1994.

Donaldson's former boss, retired **Detroit** Deputy Chief Daniel McKane, said the department's problems with investigations of police shootings followed the decision of then-Executive Deputy Chief Benny Napoleon and former Chief Isaiah McKinnon to disband the special team of detectives in the Internal Control Bureau that looked into them and assign the task to the homicide section.

McKane said he and Donaldson agreed the Homicide Section's Special Assignment Squad did not have the personnel with the temperament to handle the assignment or to keep up with the details needed for sensitive investigations.

"It takes a special kind of officer to investigate other **cops** . You must have not only the investigative skill, but the investigative will to get the job done," McKane said.

McKinnon said he decided to transfer responsibility for the investigations because "in reality, the initial part of a shooting investigation begins with Homicide.

"They are the people with the knowledge in that area, and it made sense that they should do it," he said.

Napoleon declined to comment **on** the shootings or his department's handling of them, citing lawsuits against the city pending in Wayne Circuit Court.

But Insp. William Rice, who runs the Homicide Section, defended the work of his investigators.

They rely **on** physical evidence as well as statements from witnesses involved or connected with shootings, Rice said. Prosecutors then review the detectives' findings and decide whether or not to charge or absolve an officer.

In addition, all shootings are examined by a review board of three senior officers, he said.

Inadequacies cited

But the investigation into the Oct. 5, 1998 shooting of Johnny Larry Crenshaw illustrates the main shortcomings in the department's approach to police shootings: a failure to interview key witnesses and a bias in favor of the officers by those who investigate shootings, Donaldson said. Crenshaw **is** suing the city and the department in Wayne Circuit Court.

The department's policy **on** the use of firearms bans officers from shooting at suspects **on** the mere suspicion they were involved in a crime. They can use their firearms only in self-defense or to protect others from significant threat of death or life-threatening injury.

None of those elements were present in the Crenshaw case, said Donaldson and David E. Balash, a retired Michigan State Police firearms and crime-scene expert who **is** testifying for Crenshaw.

The shooting occurred about 10 p.m. when Crenshaw, then 40, and his girlfriend, Glenda Webb, tried to use an automated teller machine at a bank **on** Joy Road in the city's west end.

Crenshaw had difficulty using the machine. When another car pulled up to the machine **on** the other side, Crenshaw got out of Webb's dark green minivan and asked the woman for help.

As the young woman helped Crenshaw withdraw cash, Webb moved her van to allow another vehicle -- a dark blue Suburban driven by off-duty officer Jerold Blanding -- to use the cash machine. Crenshaw did not notice Webb had moved her van. Concentrating **on** the cash, wallet and bank card in his hands, Crenshaw inadvertently approached the dark-colored Suburban. He opened the door and, realizing his mistake, said he was sorry, quickly shut the door, and began backing away, according to his account in court records.

In their statements to police, Blanding and his passenger, Tracey Elledge, also a **Detroit** officer, said Crenshaw jerked open the door, grabbed Elledge and announced a robbery.

Blanding pulled his 9mm, 16-shot Glock automatic gun and shot through the rear passenger window, striking Crenshaw in the hand and shoulder. He then jumped out of the truck and continued firing at Crenshaw.

Crenshaw and Webb told police Crenshaw was backing away, his hands in the air holding a \$20 bill, his wallet and his cash machine card, pleading for Blanding not to shoot.

Blanding shot Crenshaw as he bent over to pick up the card and wallet that had fallen out of his hands. He shot him again as he tried to get into Webb's van. Blanding told investigators Crenshaw was trying to flee and that he had an object in his hand.

Court records show that Sgt. Samuel Quick, who investigated the incident, helped Blanding in his interview.

"The black object you saw in the complainant's hand, did you think it was a gun?" Quick asked.

That prompted Crenshaw to respond: "I thought it was a weapon."

Police never tried to find the woman who helped Crenshaw withdraw money. But she was easily found by Crenshaw's lawyer, David A. Robinson of Southfield. She confirmed the account Crenshaw and Webb gave of the incident.

Blanding faced no department discipline. Three years earlier, however, he was reprimanded for using his Glock to shoot a pigeon.

While acknowledging the dangers that **Detroit** police officers often face, Wayne County Prosecutor John O'Hair said officers sat **on** the Crenshaw shooting investigation for nearly a year before forwarding the case to his office.

"If his defense attorney could find her, the **Detroit** Police Department should have been able to," he said.

Prosecutors eventually spoke with her, but they did not change their decision to clear the officer.

Webb, Crenshaw's girlfriend, said one thing **is** clear: "The shooting should have never happened."

Steps taken elsewhere

Other cities tainted by complaints of excessive police force have taken a more aggressive approach to ensure shootings are thoroughly investigated.

In New York, every police shooting **is** presented to a grand jury regardless of the circumstances. Since last year, the U.S. Justice Department has been reviewing all shootings by the Metropolitan Police Department in Washington. Philadelphia has its Internal Affairs Bureau review shootings by officers.

"We don't treat the fact that nobody was hurt or killed any differently," Officer David Yarnell of the Philadelphia Police Department said. "We process each shooting as a homicide scene."

Between 1995 and 1999, homicides in New York fell 44 percent, and more aggressive street-level policing, similar to **Detroit** , **is** often cited as a reason. Slayings by New York police officers fell at the same time from 41 in 1990 to 26 in 1995 to 11 last year.

Philadelphia agreed to aggressive, court-monitored reforms in September 1996 after several officers were convicted of making false arrests, filing false reports and robbing drug suspects.

In Washington, Chief Charles H. Ramsey asked in January 1999 for the Justice Department to review police shootings after the Washington Post in November 1998 showed the city's officers shot and killed more people per capita than any department in the nation. Ramsey also created an internal Force Investigation Team to review every instance where an officer fired a shot, whether anyone was hit or not.

"In the old days, if a police officer shot and missed, it was no big deal," Capt. Joshua Ederheimer of the Force Investigation Team said. "Now, we conduct a comprehensive review of every shooting whether it was fatal or not. It has instilled a sense of restraint in our officers."

Before the changes, the department had problems training and supervising officers, as well as investigating cases and disciplining officers.

The renewed focus **on** limiting deadly force by officers had a rapid and significant impact. In 1998, Washington, D.C., officers killed 12 and wounded 21. In 1999, four people were killed and seven wounded by police.

Proper methods taught

The commander of the **Detroit** Police Academy insisted that officers are properly trained in how and when to use deadly force.

Officers nationwide rarely need to use to deadly force, according to a 1999 report by the National Institute for Justice and Bureau of Justice Statistics. That year officers used firearms in only 5 percent of the arrests needing force. Overall, 99.8 percent of arrests did not involve use of guns, the report found.

Cadets get 10 days of firearms training that includes an extensive section **on** the use of deadly force, Insp. Krystal Harris said. They undergo field simulations where they are graded **on** how and when they use deadly force and take written tests **on** the subject.

"What's enough training? We try to give cadets the best possible training we can give," Harris said. "We want to do everything we can to prevent the tragic shootings that sometimes occur."

Police training also uses a computer simulator called Range 2000. They are also lectured extensively by the department's legal officers **on** state laws and department policy covering the use of deadly force.

Defensive tactics and the use of pepper spray are also **on** the curriculum. Officers are required to be recertified **on** the weapons range every year.

Police no longer are issued batons for defense, a recent change in departmental policy, Harris said. Officers haven't been issued heavy metal flashlights since soon after the November 1992 Malice Green incident, in which two officers were convicted of beating the unarmed motorist to death. The city paid Green's family \$5.2 million to settle potential lawsuits.

"Nobody from the chief **on** down wants citizens shot indiscriminately," Harris said. "But we also want police officers to be safe. So we have to strike a balance, between restraint and the appropriate use of deadly force."

Killings by police from 1995-99

Detroit Population: 985,000 Total homicides: 2,224 Killings by officers: 40

New York Population: 7,350,000 Total homicides: 4,228 Killings by officers: 106

Philadelphia Population: 1,450,000 Total homicides: 1,904 Killings by officers: 28

Washington Population: 537,000 Total homicides: 1,546 Killings by officers: 57*

* Figure **is** for 1994-1998

Police department and FBI records

Caption: Former senior officials with the **Detroit** police department, its headquarters **on** Beaubien shown here, say the protocol for investigating shootings by officers has resulted in bias and a failure to interview key witnesses.

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