



Victory in Detroit Black Lives Matter protester cases!!

Jan 14, 2021: Today, Detroit's 36th District Court Judge Larry Williams, Jr., dismissed without prejudice all criminal cases on his docket against all Black Lives Matter protesters arrested during this past summer: a total of over 40 cases involving 30 protester defendants. Most of these cases involved protesters arrested during the initial weekend of protests following the police murder of George Floyd (May 29, 30 and 31; June 1 and 2), but also included are protesters arrested on other dates during the summer; and also some protesters arrested for blocking Detroit school buses, to prevent them from picking up school children for dangerous in-person school sessions during the pandemic. Most of these cases involved misdemeanor charges of Disorderly Conduct or Loitering.

Twenty-eight of these Defendants have been represented by the Detroit Coordinated Defense Coalition, a coalition of the National Lawyers Guild; the Detroit Justice Center; the National Conference of Black Lawyers; the Neighborhood Defender Service of Detroit; the Wayne County Criminal Defense Bar Association, and Michigan Liberation. Also dismissed were cases involving two defendants represented by attorneys who were not part of our coalition, but who joined in our motion to dismiss.

Although the City of Detroit Law Department tried to conceal this information, we finally realized that the Detroit Police Department did not have a system in place to identify the arresting police officers for hundreds of arrested protesters. After their arrests, busloads of protesters were taken to one of three staging areas, where police officers who did not have personal knowledge of the facts leading to the arrests filled out and signed the citations. In response to our requests for discovery, we expected to obtain the names of the actual arresting officers and a copy of each officer's bodycam video. Instead, we got no names, and we were given copies of hundreds of hours of bodycam videos that had nothing to do with the protesters who had been arrested. So we filed Motions to Dismiss for Failure to Provide Discovery.

The Detroit Law Department, realizing that we were in a good position in the litigation, offered to settle these cases by dismissing the charges against all Defendants who were willing to stipulate there was probable cause for their arrests. The city extended this offer to all the protesters except the 12 named plaintiffs in the federal court civil rights lawsuit that the National Lawyers Guild has filed against the City of Detroit. The hundreds of protesters represented by our Coalition turned this offer down. They acted in solidarity with the 12 named plaintiffs; and did not want to waive their civil claims for illegal arrests.

Judge Williams accepted our arguments that, in most cases, the Detroit Law Department did not know the identities of the arresting officers and had no way to identify them. Further, Judge Williams recognized that a recently enacted state statute requires the Police Department to preserve all bodycam videos taken when arrests are made until the conclusion of the legal proceedings. The City Attorney argued that they could identify the arresting officers for arrests after June 2; and also argued that the Court should not dismiss Civil Infraction cases (non-criminal violations) for failure to provide discovery. Judge Williams astutely noted that all of the cases (whether criminal or civil) could only be prosecuted with the testimony of a police officer with personal knowledge of the facts. He ruled that the City could move to reinstate cases if it could identify the actual arresting officer and provide some explanation for the status of the officer's bodycam video, if any.

We have already filed or are in the process of filing identical motions to dismiss several hundred more cases that are pending before approximately ten other Judges of this Court. Our legal team is optimistic that the other Judges can be persuaded to accept the logic of Judge Williams' ruling.

John Royal

*Detroit Coordinated Defense Coalition, Criminal Representation Team Member
National Lawyers Guild, Detroit & Michigan Chapter President*