

Four Officers Charged In Beating of Suspect; Colleague Reported Pr. George's Incident

[FINAL Edition]

The Washington Post (pre-1997 Fulltext) - Washington, D.C.

Author:	Jon Jeter
Date:	Dec 14, 1994
Start Page:	d.01
Section:	METRO
Text Word Count:	660

Four Prince George's County police officers who were turned in by a colleague were charged with assault and misconduct yesterday for allegedly using excessive force to subdue a burglary suspect in October.

Prosecutors took the unusual step after a fifth officer at the scene filed a formal complaint accusing the four of severely beating Henry L. Gray with slapjacks even after he had been handcuffed.

Officers Melvin Proctor and John Warhurst and Cpls. Kurt Godfrey and Donna Stuehmeier are charged with assault and battery and misconduct, both misdemeanors, in the Oct. 14 arrest of Gray outside a Suitland pizzeria.

The officers have been suspended with pay pending resolution of the criminal case, Prince George's Police Chief David B. Mitchell said yesterday.

Accusations of brutality rarely lead to criminal charges against county police officers, said Mitchell and Beverly K. Woodard, chief of felony trials for the state's attorney's office. The case represents the first time in his five years as chief that a county officer has been charged with assault, Mitchell said. Woodard said she can recall only one other Prince George's police officer being charged with assault in her eight years as a prosecutor.

Gray, who was indicted on burglary charges, said at the time of his arrest that he was severely beaten by the four officers, who caught him breaking into the Shakey's restaurant in the 5700 block of Silver Hill Road. Gray said that he tried to surrender when the officers arrived but that one of them ordered him to stay inside and told him, "There's a canine coming in."

Gray said that he tried to avoid the dog by escaping through the same window he broke when entering the restaurant and that he was punched by one of the officers. Gray fled toward Pennsylvania Avenue, but the officers soon caught him and beat him repeatedly with their fists and slapjacks, he said. A slapjack is a blunt, leathery instrument 12 to 16 inches long.

Gray, who was treated at Prince George's Hospital Center for a shoulder fracture, rib fractures and facial injuries, said he thought he "was going to be killed."

The officer who complained, Kenneth Garland, has transferred out of road patrol to the department's community relations division at his request.

In Maryland, misdemeanor assault and battery is defined as any illegal touching of a person. Prosecutors concluded that in subduing Gray, the four officers broke that law by using what the state's statute calls an "amount of force greater than reasonably necessary."

Prosecutors opted for misdemeanor rather than felony charges because they could find no evidence the officers intended to maim, disable or kill Gray, Woodard said.

In a written statement released yesterday, attorneys for Gray said they believe that the beating merits felony rather than misdemeanor charges. "Nevertheless," said Terrell N. Roberts and Christopher A. Griffiths, "we are hopeful that the charges which were brought will be prosecuted vigorously."

Should the case go to trial, the officers would be tried by a District Court judge rather than a jury. Misdemeanors do not carry any minimum or maximum penalties. But because the charges are sequential, a judge probably would have to convict an officer of both charges or acquit an officer of both charges.

For many years, the county police department had a poor reputation in the county's black neighborhoods, but since Mitchell's appointment as chief in 1989, there has been a marked improvement, according to civil rights groups.

Three of the accused officers are white and one is black. Gray is black. "I don't believe race is the issue," Roberts said.

More than half of the sworn officers on the Prince George's force are black, and Mitchell said the department, the 44th largest in the United States, averages one complaint for every 225 arrests.

"Most of those are for pushing or shoving or handcuffs that are too tight," Mitchell said. "We do not have a runaway brutality problem."

[Illustration]

PHOTO-MUG CAPTION: CHIEF DAVID B. MITCHELL

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.