

# Detroit victim of police violence files suit over brutal beating

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David Bivins, 23, has filed a lawsuit in connection with an assault by an off duty Detroit City Police officer at a Meijer grocery store at the intersection of 8 Mile and Woodward in Detroit on October 8. At the time, Bivins was waiting for his fiancée to return from the bathroom. It was the couple's first outing since the birth of their daughter six days earlier.

After an investigation, the Detroit Police Department (DPD) said it would seek charges against officer Lonnie Wade in connection with the assault. The entire incident was recorded on video. Both Wade and Bivins are black.

Wade and a pair of store security officers stopped Bivins and his fiancée as they were preparing to leave the Meijer store after purchasing their groceries. Bivins' fiancée, Hillary Ross, had stopped to use the restroom in the main lobby of the store as Bivins was rearranging the items in their cart to make them easier to take on the bus. The couple had made purchases from different stores and had made sure to separate the purchases in order be clearly visible to store security.

Surveillance footage released by the Detroit Police Department to the local press on October 12 shows how the violent encounter unfolded. Loss prevention officers, who are private security under the employ of the retailer, accompanied by Wade, suspected the couple of shoplifting and began to question Bivins as he was waiting for his fiancée. When she returned, the officer began to question them further, even after Bivins had produced the receipt for his purchase.

Ross, indignant at the accusations by the officer, left to return all of the purchased items and demanded a refund. At that point the officer reached around the shopping cart and grabbed Bivins by the collar, pulling, and forcibly detained him.

The officer dragged Bivins by his shirt toward the

center of the lobby and struck him several times with his baton. The officer then proceeded to drag the victim outside to the store entrance where the beating continued. Onlookers recorded the incident on their cell phones.

Bivins later gave a full account of the incident to Detroit's NBC affiliate, Local 4 WDIV. "He's just continually swinging at me." He continued, "I'm asking, 'Why? Give me a reason. Why are you doing this?' The whole time he's just shouting, 'I told you. I told you. You know what you did.'"

As Wade continued to assault him in the doorway and outside of the front entrance, the officer struck Bivins with such force that he knocked out several of his teeth, while chipping others. "My entire front, from canine to canine, are gone," Bivins reported. "I am missing a tooth on the bottom. They're fractured. They still feel like they're loose and might fall out. I don't know."

Bivins was taken into custody for disorderly conduct.

The couple hired prominent Detroit attorney Geoffrey Fieger to handle their case. The lawsuit names Meijer, DPD officer Lonnie Wade, three Meijer security guards, and other DPD officers. It was reported by MLive that while the officer was officially off duty at the time of the attack, he is stationed at the Meijer location in a support capacity in a secondary job that is sanctioned by the police.

Detroit Police Chief James Craig initially attempted to justify the use of force against Bivins. In a statement to the press October 9 he claimed that Bivins was "very agitated." He sent requests for warrants to the Wayne County Prosecutor's Office for charges of disorderly conduct and resisting, which were returned. After preliminary examination of the security footage, Chief Craig revised his statement and recommended that Bivins not be charged, deeming that Wade had used

excessive force.

“There was no indication at the initial contact with the officer that the subject was hostile.” Craig said. “He had his hands down to his side. We don’t know what he was saying. He could have been using profanity. That in and of itself does not warrant an officer using force.” The lawsuit being filed on behalf of the couple is claiming wrongful arrest, assault and battery, negligence, and slander.

While criticizing the conduct of the officer, the DPD continued to seek criminal charges against Bivins. However, the Wayne County Prosecutor’s Office declined to pursue the case.

Just this past week, the Prosecutor’s Office reported that DPD was submitting a second warrant review request seeking criminal charges against officer Wade.

Bivins’ trauma is fairly typical of the police violence that is currently rampant across the US. In the vast majority of cases the perpetrators of police violence are never charged and even fewer officers convicted.

In another recent case in Detroit, in August, a Michigan State trooper tased 15-year-old Daemon Grimes while he was riding his ATV on the east side of the city, causing him to crash into the rear of a pickup truck. Grimes died in the crash. Fieger has also filed a lawsuit in relation to that incident. The officer involved in the tasing later resigned his post.



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