

THE COUNT CONTINUES - Houston Police Department Officer Punches Handcuffed Man in Face

Written by Jeffrey L. Boney

Wednesday, 23 January 2013 00:00



The 2012 calendar year was a challenging one for the Houston Police Department (HPD) and many of its officers. The Houston Forward Times had been following and reporting on many stories involving HPD throughout the year.

In an article dated October 17, 2012, called “Houston, the Wild Wild West!,” we reported that many Houstonians were alarmed to learn of the news that HPD officers were involved in four shootings, three being fatal, of an unarmed person in a 3-month timeframe.

Many Houstonians had become increasingly concerned about their safety, after hearing about these incidents; many of them seeking to find ways to keep themselves out of the line of fire and remain safe.

Fast forward to 2013, and within the first month of this New Year, the Houston Police Department and Houston, Texas, is on the map for yet another controversial incident and has now become the subject of another FBI investigation.

A HPD police officer is under investigation after he punched an African-American suspect in the face while the man was handcuffed. And, as in another high profile case that rocked the city of Houston, the incident was all caught on camera.

ADD TO THE LIST

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As the pending investigations concerning HPD and the six cases being investigated by the U.S. Department of Justice are in process here in the city of Houston, a new incident has come to the light that is sure to be added to the top of the stack.

Community activists and many members of the Houston community are outraged at the recently released video footage of a Houston man being punched in the face by a Houston police officer.

It was just after midnight on Monday when officers detained 28-year-old Lucious Davis outside his southeast Houston home. According to Davis' girlfriend, Myisha Carrion, and Davis' sister, Latosha Davis, they were backing out of their driveway when police lights started flashing behind them.

"We were on our way to Wal-Mart," said Davis' sister, Latosha.

Latosha states that they had kids in the car with them and everyone was making a late-night run to Wal-Mart for some items when the family's home surveillance cameras caught Davis, Latosha and Myisha being handcuffed. It was on that tape, that an HPD officer is seen striking Davis once in the face and possibly a second time in the side.

The family quickly filed a complaint with HPD's Internal Affairs Division after Davis was arrested and placed in the Harris County Jail.

Houston Police Chief Charles McClelland released a statement saying, "An internal affairs investigation has been opened and I will refrain from making further comments on the case until the investigation is concluded."

THINGS GET TRICKY

According to Davis' girlfriend, Myisha Carrion, the HPD officers pulled up behind their vehicle as

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they backed out of their driveway on their way to Wal-Mart and told them to pull back into the driveway.

As they pulled back into the driveway, surveillance video shows Davis approaching the door of his home and being grabbed by HPD officers and placed on the car.

On the tape, it appears as if Davis is struggling with the officers who stopped him from going into his house after getting out of his vehicle. Latosha says that Davis was trying to avoid being placed on the hot hood of the car and because they had the handcuffs on extremely tight. It is then, that the HPD officer is seen trying to choke Davis and then eventually striking Davis once in the face and possibly a second time in the side.

After several minutes passed and things seemed to calm down, community activist Quanell X tells the Houston Forward Times that the officers went into Davis' home without a search warrant and came out with a shotgun that they claim belongs to Davis. Authorities charged him with being a felon in possession of a weapon and criminal mischief. According to court records, Davis was accused of kicking the window and door of a patrol car. His sister and girlfriend were later released and not charged.

"These officers beat this young man up," said Quanell X. "They went into this young man's home without a search warrant. They search this young man's home without a search warrant. Then they come out of this young man's home with a shotgun. Then they assign this young man a shotgun charge. This has got to stop."

But the question that has come up in the whole situation is why were the HPD officers at Davis' home at that time of the night and what did they suspect Davis of?

Latosha told reporters, "The only thing they told me was this is a known drug-type of area."

According to court records, Davis does have a criminal past, but he has never been charged with any violent crime. The records show him with past charges of driving with a suspended license and possession of marijuana.

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“It doesn’t matter about his background,” said Carrion. “Everybody should be treated equally and fair.”

Chief McClelland released a statement saying, “The officer has been relieved of duty pending the outcome of the investigation. In addition, he says he immediately gave a copy of the recording to the Harris County District Attorney’s Office and the FBI.”

DEPARTMENT OF JUSTICE IN HOUSTON

Since late last year, the U.S. Justice Department has been actively investigating six cases that have taken place in Houston over the last two years in which Houston police officers either allegedly used excessive force against or fatally shot several unarmed individuals.

The Houston Forward Times has written about many of these cases in previous articles. One of the most recent cases involved the September 2012 fatal shooting of Brian Claunch, 45, a mentally ill one-armed, one-legged man in a wheelchair. Two Houston police officers responded to the call and arrived at the scene. One of the two Houston police officers, five-year veteran Officer Matt Marin, entered the home and fatally shot Claunch in the head, saying that he was cornered by Claunch’s wheelchair and he thought his partner was being threatened by what turned out to be a ballpoint pen.

The other fatal shooting federal officials are investigating is the July death of 54-year-old Rufino Lara during an assault investigation. Authorities said Lara failed to follow officers’ commands in English and Spanish to stop and show his hands and that he tried to pull a concealed object from his waistband that turned out to be a can of beer. Two witnesses have said Lara had his hands in the air when he was shot.

The other cases being investigated by the Justice Department are:

- The March 2010 beating of Chad Holley during his burglary arrest. The incident was caught

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on surveillance video. Four officers were fired and later indicted on various misdemeanor charges. The first officer to be tried was acquitted in May.

- The July 2011 punching of a robbery suspect by ex-police officer Angela Horton. A television crew filming from a helicopter captured Horton punching the 16-year-old suspect in the face after he had been arrested and was handcuffed. Horton was later fired.
- The October 2011 arrest of Anthony Childress, who claims he was beaten by several officers while he was out riding his bicycle. Childress was charged with cocaine possession. No officers were disciplined.
- The January arrests of Annika Lewis and her husband, Sebastian Prevot. Lewis claims she was beaten by police as she tried to record with her cellphone what she described as the brutal arrest of her husband in front of their home. Police say Prevot had failed to pull over during a traffic stop. Lewis was not charged, while Prevot was charged with evading arrest. Two officers were disciplined for not using sound judgment, but they were not relieved of duty.

Upon welcoming the DOJ investigation, Houston Police Chief Charles McClelland said in a statement that he was confident that HPD's policies and procedures followed or exceeded the best practices in law enforcement.

Houston Mayor Annise Parker stated, "No agency is perfect. I reiterate that the chief actually started the process by stating to the public he was going to invite the DOJ in to see how we handled these cases."

Civil rights groups applauded the DOJ investigation, but the police union and union President Ray Hunt, expressed confidence that the DOJ would find that the officers were simply doing their jobs and that each incident was just a tragic accident.

A Justice Department spokeswoman has not been available for an update on the status of these pending investigations.

WILL THINGS CHANGE?

Activists, community and civil rights groups hope that this incident and the outcomes of the other six cases being investigated by the DOJ, lead to the implementation of an Independent Civilian Review Board with subpoena power.

Minister Quanell X is demanding that the Justice Department look into this latest incident and believes that the time is over for HPD to self-police themselves.

“We are the ones who sent the tape to Houston Police Department,” said Quanell X. “They knew they had to do something because they knew what I was going to do with the tape. We can’t sit idly by and allow these people to have a field day beating and killing unarmed civilians.”

Many activists have been calling for an Independent Civilian Review Board with subpoena power since the Chad Holley incident and they believe that this the only way to deal with the issues involving the use of excessive force at the Houston Police Department.

“We are asking for two things,” said Quanell X. “First, we in the community would like to see the Justice Department actively take over all these investigations, because the Houston Police Department cannot and will not self-police themselves. Secondly, we would like for our current mayor and our current police chief to openly come out in support for the implementation of an Independent Civilian Review Board with subpoena power. In addition to that, we want the mayor to hire a lobbyist to lobby the state legislative body to make that a law, because the State legislature is the only people that can make that happen.”

The Houston Forward Times will continue to monitor the status of the Department of Justice investigations and how Mayor Annise Parker and Chief Charles McClelland will respond to the requests from Quanell X.