

Detroit officer's dismissed manslaughter charge baffles police commissioners

Judge Kenneth King said officer's punch was not excessive force

Posted at 5:05 PM, Jan 24, 2024 and last updated 7:57 PM, Jan 24, 2024

DETROIT (WXYZ) — In his ruling last Thursday, 36th District Court Judge Kenneth King dismissed all charges against Detroit police officer Juwan Brown, accused of involuntary manslaughter in the death of 70-year-old Daryl Vance.

“It’s a very difficult situation because I do have a 70-year-old man who’s now deceased,” Judge King said last week. “But the question is: did he cause his own peril?”

Vance died after being taken off life support following an altercation with officer Brown in September.

Body cam video from that day showed he was punched in the face by Brown, then fell backwards and struck his head on the pavement.

The video was played publicly for the first time last week in the judge’s courtroom.

Police were called to the Garden Bowl in Midtown just after 6 PM. Vance was drunk and belligerent, staff said, and refused to leave.

A witness described Vance as smelling of alcohol and unsteady on his feet. At the beginning of their interaction, officer Brown is calm, but as Vance continues to be uncooperative, the officer pulls out his taser.

At one point, officer Brown tells Vance: “I’ll light you up!” as he points his taser at him. Both men traded expletives.

7 Action News shared the video with Dennis Kenney, a professor of criminal justice at John Jay College in New York.

“De-escalation involves a lot of things. None of them are what I saw on the video that I looked at,” Kenney said.

“The subject was difficult, he was certainly being problematic. But that’s not new for the police. They’re used to that and they’re trained and are expected to be able to deal with that.”

As more time passes, officer Brown appears more impatient. At one point, he pushes Vance into a man walking down the street.

Seconds later, Brown puts his hand out to touch Vance and, a few seconds later, he does it again.

Not long after that, officer Brown assumes a fighting stance, lunges towards Vance and delivers a punch to his face.

Vance fell backwards, laying motionless in the street after striking his head on the pavement. He would later die from his injuries.

After watching the video, Judge King said the prosecution hadn’t met its burden.

“I don’t know if I’m ready to concede that that’s excessive, in light of the circumstances,” King said. “I don’t think that’s excessive force.”

But at least two Detroit police commissioners who viewed the video said otherwise.

“Did it look like excessive force to you?” Jones asked police Commissioner Ricardo Moore.

“Absolutely,” he said.

“I strongly disagree with the judge’s ruling,” said Commissioner Willie Bell. “That was extreme excessive force.”

Both disagreed with the judge’s ruling, and what he said he saw on video. ‘

In court, Judge King said the officer’s actions were justified because he didn’t throw the first punch. Daryl Vance did.

“I saw a punch thrown,” King said, referring to Vance. “I know I’m not seeing things.” Assistant prosecutor Max Baisel said the video showed otherwise, and the commissioners agreed.

“I do not see a punch being thrown by Mr. Vance,” said Commissioner Moore.

“There was no punch thrown by the man, period,” said Commissioner Bell.

Professor Dennis Kenney agreed.

“I didn’t see any physical attack on the officer, it appeared much more that the officer was doing the more aggressive moves,” he said.

In a statement, officer Brown’s attorney Steve Fishman said the judge was correct in his ruling.

“Any police officer who watched that video and believes that Officer Brown did not act in self-defense obviously has problems with their vision,” he said.

“When citizens call police officers to a scene, they expect them to do something, and that is exactly what officer brown did. Judge king was correct in his analysis and he will be affirmed if the prosecution decides to appeal.”

Contact 7 Investigator Ross Jones at ross.jones@wxyz.com or at (248) 827-9466.