

7.102  
X

# City of Detroit

DEPARTMENT OF POLICE  
DETROIT, MICHIGAN 48231

September 30, 1970

PATRICK V. MURPHY  
Commissioner

To the Honorable  
The Common Council  
City-County Building  
Detroit, Michigan 48226

Subject: The Balduck Park Case

Gentlemen:

There is no pleasure involved in submitting this kind of report to the city government and citizens of Detroit, which involves recognition of police misconduct--by a few, out of Detroit's 5,000 good policemen and women. It is a sad commentary on today's society that the community, as well as the police, could not avoid certain kinds of situations that are a breeding ground for impropriety--both on the part of some police, and some citizens.

The "Balduck Park Case" of the summer of 1970 could serve almost as a classic example of the citizens-youth-police disharmony which has been so much a matter of public concern in recent years. In its development, it reflects almost every current social tension except racial. All those involved are white.

As a result of intensive investigation by the Police Department, it seems clear that the events in Balduck Park this summer, which reached their climax during the week of July 26-31, included:

1. Misconduct by some park users.
2. Misconduct by some police officers.

As far as the police role in this case is concerned, there are action steps which the department has begun--

- a. To speed up the resolution of major, complicated citizens' complaint cases such as this one.
- b. To take appropriate disciplinary action against certain individual police officers whose misconduct seems proven beyond a reasonable doubt. As far as I can

Murphy #102  
10/15/70



determine from the evidence to date, at least three officers will be involved, and possibly more. Some of the instances of alleged police misconduct seem so serious to this department that criminal warrants are being requested.

- c. To tighten supervisory control over police actions in instances where evidence of police misconduct is available, but the identification of those specifically guilty is uncertain.
- d. To remind police officers again--and again--that no matter what the provocation, whether curbstone insolence or even physical abuse, police response must be within clearly defined legal and moral limits.

#### Dimensions of the Case

The "Balduck Park Case" with which this report is concerned is an accumulation of complaints by citizens alleging police misconduct in connection with the enforcement of a special curfew at Balduck Park on the city's far east side, on the four evenings of Sunday through Wednesday, July 26 through 29, 1970.

A total of 24 persons claim to have been the victims of police misconduct involving either personal injury, property damage or other forms of improper action. Some individuals reported more than one type of complaint.

The number and types of complaints follow:

Physical abuse of varying degrees	--	15
Verbal abuse	--	2
Malicious destruction of property	--	11
Improper police procedure	--	1
TOTAL		29

#### Investigative Procedure

Monday, August 3, the case was assigned to one of the Citizens' Complaint Bureau's seven teams of investigators, and given top priority. In the intervening weeks, this team has devoted virtually all its time to the Balduck Park case, of necessity postponing completion of 11 other cases in its current portfolio.



September 30, 1970

The officers have interviewed more than 70 persons, including all complainants and witnesses who voluntarily came forward, as well as some who didn't, and almost all police officers associated with the case. In addition, they have conducted a systematic search, lead by lead, and even house by house in the vicinity of the park, for other possible witnesses.

#### Some General Conclusions

The investigation indicates that the Balduck Park case built up gradually, over a period of months; that there was crowd disorder, verbal abuse directed at police, and the throwing of rocks, bottles and possibly other missiles at police.

It is understandable, regrettable, ironic--but nevertheless inexcusable--that one police officer who seems to have been involved in several complaints, happened to be one of those struck by a flying missile that could have caused him serious personal injury.

During the few days that brought everything to a head, nine civilians claimed injury; three police officers were hit by missiles. Seven civilians actually required hospital treatment.

This investigation, although not fully completed either to my satisfaction or that of the Citizens Complaint Bureau, leads me to conclude that there are legitimate grounds to suspect police of malicious destruction of property in connection with damage to ten automobiles and a camera. In some but not all of these complaints, we believe sufficient identification has been obtained to start disciplinary action against specific officers.

Of the complaints of injury, genuine injuries attributable to the action of police officers can be substantiated in five instances. The key questions, of whether the police action was "justifiable" because the subjects were unlawfully resisting legal arrest, and of positive identification of the individual officers involved, have not been totally answered in all cases by the evidence and testimony produced to date.

Most of this difficulty has resulted from a scarcity of "disinterested" witnesses, discrepancies in testimony both among complainants and their supporting witnesses, and police and their supporting witnesses, plus the fact that darkness limited visual identification.



OFFICE OF THE POLICE COMMISSIONER

the Honorable Common Council - 4 -

September 30, 1970

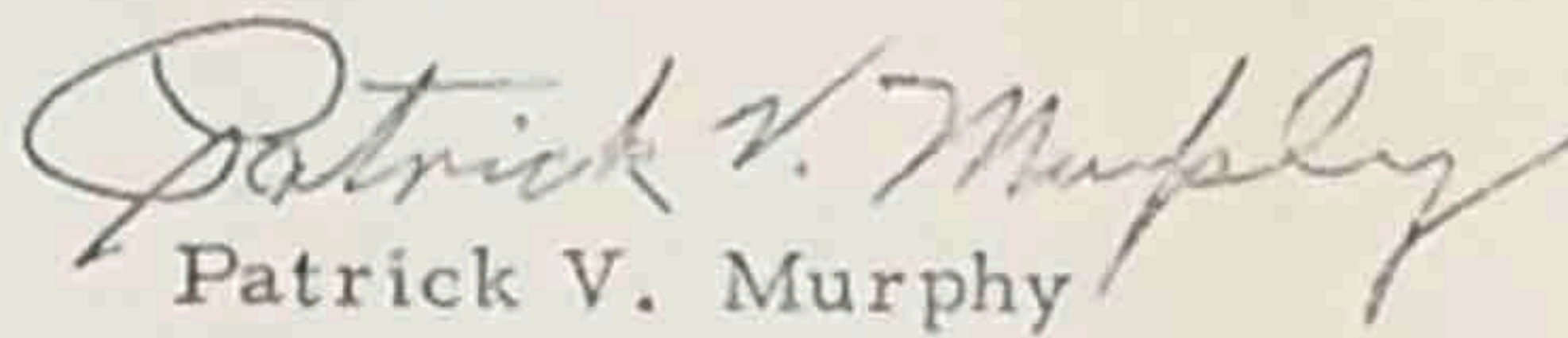
The action that helped to turn the Balduck Park case into a "confrontation" between police and young people was the submission of a petition signed by 86 residents in the park neighborhood, complaining of misconduct by park users. The petition requested an earlier park closing time, and other restrictions on traffic and parking. It was addressed to the Common Council, the Department of Parks and Recreation, and the police. It was dated July 10, and the police copy was received July 14.

An earlier curfew was posted and announced that same day by police, with Parks department approval. Two weeks later the case reached the confrontation stage.

Complaints by park users of police misconduct began July 29, and Council hearings were held July 30 and August 5.

Attached for your information is a map and description of Balduck Park, a chronology of events leading up to the case, and a summary of individual citizen complaints against police.

Respectfully submitted,

  
Patrick V. Murphy  
Commissioner

PVM:mn

Enclosures: Progress Report on the Balduck Park Complaints