

NOTE TO COUNCIL: THIS MATTER WILL BE

BROUGHT INTO COMMITTEE

ON JUL 16 1979



Law Department  
City-County Building  
Detroit, Michigan 48226  
(313) 224-4550

Coleman A. Young, Mayor  
City of Detroit

July 11, 1979

HONORABLE CITY COUNCIL

Re: Curtis Crowell, Administrator of the Estates  
of Kim Crowell and Keith Crowell.  
Wayne County Circuit Court No. 77 710 904 NO

We have reviewed the above captioned lawsuit the facts and particulars of which are set forth in the attached memorandum. From this review, it is our considered opinion that a settlement in the amount of Four Hundred Thousand Dollars (\$400,000.00) is in the best interest of the City of Detroit.

We, therefore, request your Honorable Body to direct the Finance Director to issue his draft in the amount of \$400,000.00 payable to Curtis Crowell as Administrator of the Estates of Kim Crowell and Keith Crowell and Robert J. Wilson, their attorney, to be delivered upon properly executed General Release and Stipulation and Order of Dismissal approved by the Law Department.

Respectfully submitted,

THOMAS H. GALLAGHER  
Assistant Corporation Counsel

THG:jkg

Attachments

cc: Budget Department

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R E S O L U T I O N

BY COUNCILMEMBER \_\_\_\_\_

RESOLVED, that the Finance Director be and he is hereby authorized and directed to draw his warrant upon the proper fund in favor of Curtis Crowell as Administrator of the Estates of Kim Crowell and Keith Crowell and Robert J. Wilson, their attorney, in the sum of Four Hundred Thousand Dollars (\$400,000.00) in full payment of any and all claims which they may have against James Murphy, Philip Tannian, William Hart, James Bannon and the City of Detroit, jointly and severally, by reason of the shooting death of Kim and Keith Crowell and that said amounts be paid upon presentation of properly executed General Release and Stipulation and Order of lawsuit No. 77 710 904 NO approved by the Law Department.

APPROVED:

  
Acting Corporation Counsel  
m/s

M E M O R A N D U M

Re: Curtis Crowell, Admin. of the Estates  
of Kim Crowell and Keith Crowell  
Circuit Court No. 77 710 904 NO

Counsel for plaintiff and I met with the Honorable Patrick J. Duggan to discuss settlement of this case. Plaintiffs' attorney agreed to accept four hundred thousand dollars (\$400,000.00). Judge Duggan suggested that this is a reasonable figure and recommended that I submit it to your Honorable Body for consideration. I agree that the figure is appropriate and recommend that you approve settlement at that amount.

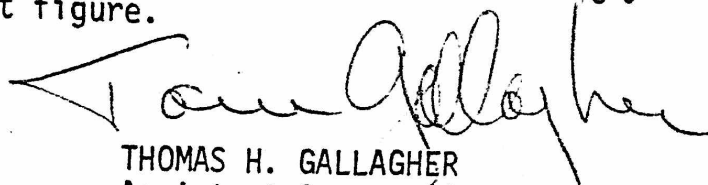
The facts of the case are: Officer James Murphy had completed his days duty at about midnight and about one a.m. of May 10, 1976, was walking his dog in Stoepel Park. He was in uniform except for his cap and was wearing a civilian jacket.

Officer Murphy states that he heard loud voices when he entered the park, looked in the direction of the voices and observed two white males. The two men shouted curses and obscenities at Murphy and started moving in his direction. Murphy retreated to the corner of Westwood and Eaton where there is a street light which the officer thought might deter the men from further pursuit. The men addressed other threatening remarks toward Murphy including "You're probably one of the ones who's always calling the cops". Murphy then told the men he was a police officer thinking this would influence the brothers to leave him alone. At this time Keith Crowell called Murphy's dog who went to him. Officer Murphy attempted to free his dog from the grasp of Keith Crowell. While Murphy was attempting to free his dog, Keith Crowell addressed other remarks to him including, "I could take you apart if I wanted to". At this time Kim Crowell grabbed Murphy by the throat and he felt a tugging at his holster and heard Keith Crowell say, "Get the gun". During the struggle the gun came out of the holster, Murphy holding the gun and Kim Crowell holding Murphy's wrist. At this time Murphy fired at Keith who was advancing toward him. The struggle with Kim continued after Keith fell and though Murphy broke away momentarily Kim followed saying "I'll kill you". Murphy then fired at Kim Crowell.

Keith Crowell was dead on arrival at Mt. Carmel Mercy Hospital and Keith Crowell died there about four hours later of the gunshot wounds. Murphy fired at least five shots.

HONORABLE CITY COUNCIL  
MEMORANDUM  
PAGE TWO

While there are defenses to the complaint, it is our experience that in death cases and those of serious injury a jury requires strong proof that an armed police officer has exhausted every possibility of self defense before firing his gun. I am of the belief that a jury would return a verdict in excess of \$400,000.00 and accordingly recommend settlement at that figure.

A handwritten signature in cursive script, appearing to read "Tom Gallagher", written in dark ink.

THOMAS H. GALLAGHER  
Assistant Corporation Counsel

THG:jkg