

# Cops Continue Park Hassle

Joe Check

1969

The Stoepel Park Incident of Sunday, August 24 was not an isolated instance of police harassment [see "Pigs Riot in Park," FE #87, September 4-17, 1969]. On-duty and off-duty, legally and illegally, police harassment of the young people who gather in Stoepel Park continues. But the latest round has been won by the kids.

On September 4<sup>th</sup> the Corporation Counsel of the Mayor's Office ruled that tickets issued to the kids for "loitering in a public park after dark" were "improvidently issued" and should not be prosecuted.

In the Sunday incident, off-duty police officers and other men attending an Ever-Seven Neighborhood Association picnic charged and beat a number of young people who were also in the park, while on-duty officers watched and did nothing. As a result of this attack Scott Zerlack, 15, was hospitalized for over a week with a concussion and a broken jaw.

Scott and the other young people attacked have filed complaints with the Citizens Complaint Bureau, an arm of the police force, but neither Scott, his mother who is faced with the hospital bills or the other kids who were attacked expect that anything will be done.

They hang in the park and are faced daily with the realities of the situation rather than with the bureaucratic rhetoric regarding "professionalism in law enforcement" from Police Commissioner Spreen's office.

They know that the DPD has the power to hassle them any time it wants because it has the guns, the clubs, and the courts all on its side. But after the recent ruling of the Corporation Counsel they also know that they have the right to use the park and the police do not have the right to throw them out at will just because they are young people.

In the past they have regularly been forced to leave the park by police officers who claimed that the park was closed after dark. At times police have returned two and three times a night to throw out the kids and jaywalking and loitering tickets have been a significant weapon in their arsenal of harassment.

A loitering ticket for a juvenile is not like a traffic ticket, you cannot mail in the fine and forget about it. A juvenile must appear in court to receive a fine or sentence from a Juvenile Court judge.

One of the judges in Traffic Court has told one of the kids from Stoepel Park who appeared before him that his policy will be to issue no fines, that everyone from the park will get a straight 90 days in DeHoCo for any ticket in the park. So for the young people a loitering ticket can be a frightening form of harassment.

Between August 19 and August 30, officers Maurice O'Reilly and Dennis O'Neil issued at least 5 loitering tickets in the park and the kids were getting scared.

They contacted the Ad-Hoc Action Group, which checked with the Department of Parks and Recreation and the Mayor's office and found out that Stoepel Park does not close at night.

Ad-Hoc then posed to Corporation Counsel the question, "How does one legally loiter in a park?" since loitering defines what one does in a park and is what parks are theoretically built for.

On September 4 the Corporation Counsel ruled that the tickets were illegal, sending the following letter to Mr. John Kurland of Juvenile Court with a copy to the 16<sup>th</sup> Precinct:

"Pursuant to our telephone conversation of this morning, I am supplying you with the names of the five juveniles who were given tickets between August 19 and August 30, charging them with loitering in a public park after dark contrary to Detroit's Municipal Code, Section 42-1-20.

"We are requesting that no further action be taken against these juveniles because this ordinance can only be violated when the Parks and Recreation Commission has ordered the park closed after a given time. Stopel (sic) Park, the park in question, has never been ordered or posted closed after certain hours by the Parks and Recreation Commission and, therefore, the tickets were improvidently issued."

Sincerely,

Robert Reese

Corporation Counsel

Now the kids know that at least they are not totally without rights and cannot be made to leave the park at the discretion of officers who make and interpret their own laws. But they also know that further harassment will probably be forthcoming now that they have decided to stand up for their rights.

For the moment the situation is slack because many of the kids have returned to school and the weather has turned cool. But it could become tense again at any time, especially on the weekends.

The young people are planning to leaflet the park in order to inform everybody that hangs out there that they cannot legally be removed for loitering and this may trigger further harassment.

# **fifth Estate**

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