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July 20, 2020

Via email

Kerene Moore
Michigan Department of Civil Rights
Cadillac Place
3054 West Grand Boulevard, Suite 3-600
Detroit, MI 48202

Brandon Davis, Director
Office of Oversight and Public Accountability
300 Monroe Ave NW
Grand Rapids, MI 49503

**Re: Additional Information Related to Complaint Regarding
Jury Tampering by Grand Rapids Police Department
Detective**

Dear Ms. Moore and Director Davis,

We are writing to follow up on our letter dated July 16 concerning a complaint of jury tampering by a Grand Rapids Police Department detective. Based on what we knew at the time, it was our understanding that the Kent County Prosecutor's Office had not conducted an investigation into this matter and, to our knowledge, the detective had not been disciplined in any way. We have since learned that the Kent County Prosecutor's Office referred the matter to Ottawa County for investigation, and that the detective was disciplined internally within the GRPD for violating department policy. We are writing to correct the record by providing this additional information that we have recently learned, and to reiterate what we are seeking: for your offices to review the matter and recommend further actions, including necessary policy changes and training.

When we first learned about the incident, legal staff and members of our volunteer legal committee reached out to individual prosecutors, local defense attorneys and the defense attorney in this case to try to find out more information. Few people were willing to provide any information at all, and we were never told that the matter had been referred for a criminal investigation. So, it was our understanding that no action had been taken. We also called Kent County Prosecutor Christopher Becker the day before our letter went out, as we try to be as transparent as possible about our work. Unfortunately, we could not reach him, missed his call when he returned it, and again did not reach him when we called back. Once we learned more information, we contacted the news outlets that had been in touch with us to inform them that we were now being told that an investigation had in fact been done. We also shared that additional information in the interviews ACLU attorneys did on the matter. We are now writing to you to correct the record as well.

We are glad to learn, and to share with you, that the matter was referred for a criminal investigation by the Kent County Prosecutor's Office and that apparently there was also some internal investigation within the Grand Rapids Police Department that resulted in some form of discipline. However, we remain deeply troubled that an experienced detective responsible for training other officers was texting with a sitting juror, discussed the need for her to vote guilty, and—after hearing that another juror was allegedly emotional and obnoxious—asked whether the other juror was Black.

We are also troubled by the fact that, when the media learned through our letter of this disturbing incident, responsible law enforcement officials—from what we have seen—did not condemn what occurred, or even acknowledge that the detective's conduct was inappropriate. Instead, they tried to blame the ACLU for not knowing about an investigation that apparently never saw the light of day. In our view, an incident that is this serious should have been immediately made public when it occurred, and the results of the investigations made public when they were completed. We hope that now that the public is aware of the incident, the results of both the criminal and disciplinary investigations will be made public, as the GRPD has sometimes done in response to other widely-publicized instances of alleged officer misconduct. We also ask that your offices push for the GRPD to make non-privileged information about disciplinary and criminal investigations available online as a matter of course, so that the public can know whether and what action is being taken to respond to misconduct allegations. The absence of such a system makes it difficult, as this case shows, for the public to know whether allegations of misconduct are being appropriately addressed, or whether they are just being quietly swept under the rug. Community trust requires transparency.

We recognize that neither of your offices are responsible for criminal charges, and that apparently the Ottawa County Prosecutor to whom the matter was referred concluded that criminal charges are not warranted. That does not change what we asked for, which is that both of your offices look into this matter, including whether appropriate discipline was imposed, and recommend further actions, including necessary policy and procedure changes, as well as training, at the GRPD to prevent any further such instances. For the Office of Oversight and Public Accountability, this should include a review of whatever internal affairs investigation was done. For the Michigan Department of Civil Rights, this review should include consideration of the racial comments made by the detective when texting with the juror as part of the MDCR's investigation into alleged systemic civil rights abuses by the GRPD.

Particularly in this time, it is critical that both of your agencies, and the public, receive accurate information about policing in this community, which is why we are writing this follow-up letter to correct the record, emphasize where our concerns lie, and clarify the requests that we are making. We are committed to transparency and reform, which is why we wrote our letter in the first place. We hope your agencies will take the necessary steps to ensure that something like this never happens again.

Sincerely,

Miriam Aukerman

Elaine Lewis

ACLU of Michigan

Anthony Greene

ACLU of Michigan Cooperating Attorney

cc: Mark Washington, Grand Rapids City Manager
Eric Payne, Grand Rapids Police Chief
Anita Hitchcock, Grand Rapids City Attorney
Christopher Becker, Kent County Prosecuting Attorney