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October 7, 2021

Kristen Clarke
Assistant Attorney General
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Re: Civil Rights Violations by the Taylor, Michigan Police Department

Dear Ms. Clarke:

The American Civil Liberties Union (ACLU) of Michigan requests that the Civil Rights Division of the United States Department of Justice investigate the police department that serves the City of Taylor, Michigan because of a suspected ongoing pattern and practice of excessive force. In addition, the particularly brutal treatment of several African Americans raises concerns about possible racial discrimination. Rights guaranteed by Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and the Fourth and Fourteenth Amendments to the United States Constitution may have been violated as to persons who have experienced misconduct by the Taylor Police Department.

Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. The Taylor Police Department is a department of the City of Taylor, which is a recipient of federal funds. Additionally, 42 U.S.C. § 14141, now codified at 34 U.S.C. § 12601, authorizes the Attorney General to seek declaratory or equitable relief to remedy a pattern or practice of conduct by law enforcement officers that deprives individuals of rights, privileges or immunities secured by the Constitution or federal law.

The conduct of officers employed by the Taylor Police Department has caused substantial injuries and has created an atmosphere of fear and intimidation that is a barrier to the enjoyment of full constitutional rights of many of Taylor's residents and those who visit or pass through the municipality.

This request for Department of Justice intervention highlights the following, among other things, as reasons for concern:

1. Twenty instances of alleged and documented acts of unconstitutional, extreme violence committed by Taylor police officers are referenced in this memorandum, prompting concerns about whether the use of excessive force is ingrained in the police department's institutional culture.

2. It appears that officers have repeatedly administered summary excessive, physical punishment for committing an offense that some observers refer to as “contempt of cop.” This refers to those occasions when an individual balks at compliance with a police order, or complies, but not quickly enough to satisfy an officer’s arbitrary and usually unreasonable expectations.¹
3. Officers appear to use physical force in ways that are widely acknowledged to be unacceptably dangerous or that are outside of governing laws and policies. Such methods include, among others, use of tasers to force compliance, and in at least one case, a chokehold.
4. The tone and substance of officers’ interactions with the public appear in some cases to be influenced if not determined by an individual’s racial identity.
5. Officers who engage in patent misconduct are sometimes shielded from civil liability by prosecutors’ practice of effectively blackmailing victims of excessive force into signing agreements that waive rights to pursue civil litigation against the city or the officer. These agreements are presented to excessive force victims in quid pro quo exchange for dismissal of any criminal charges that grew out of encounters with police officers.
6. The Taylor Police Department leadership has been unwilling or unable to contain the misconduct of its officers. Although the Department claims to have provided the officers with training, there is evidence that there is ignorance (willful or circumstantial) about the nature and gravity of the officers’ misconduct, and any training provided appears to have been ineffective.

Several of the events complained of were captured by video recordings. Hyperlinks to broadcast news reports containing video footage of several of these incidents are embedded in the text of this document. (A mailed hard copy of this document contains a USB flash drive containing all referenced videos.)

Background Information About Taylor, Michigan

Taylor is located in southeast Michigan in what is referred to as the “downriver” region. The reference is to its location on the banks of the Detroit River approximately 15 miles southwest of Downtown Detroit. It occupies a land area of about 24 square miles. Its population of 61,000 makes it the 17th most populated city in the state.

¹ In one such incident, Imani Ringgold-D’Abell, an African American man, was tasered at least three times while he was face down on the ground, fully subdued and surrounded by no less than four Taylor police officers. The man’s girlfriend and small daughter looked on in horror from the family’s vehicle.

Taylor is 78 percent white and 16 percent Black. The balance of the population consists of very small populations of other racial and ethnic groups. Nearly 25 percent of the population is under the age of 18, and 11 percent are below the poverty line.

Taylor's police department has 75 sworn officers in its employ. The department also maintains a volunteer auxiliary force. The department did not hire its first African American officer until 2012 when Dominic Diggs-Taylor, an auxiliary officer, was sworn into service. Information about the racial composition of the police department is, to our knowledge, publicly unavailable, but the best information available to us is that the police department hired only one other African American officer, and that officer resigned. To the best of our knowledge, Officer Diggs-Taylor remains as the only officer of color employed by the police department.

In the history of the department, there have been 10 individuals who have held the position of chief. All these individuals have been internal hires. John Blair, the current chief, served first as acting chief in 2017. He was later appointed to the permanent position. His employment with the department began in 1991.

Absence of Informed, Conscientious Leadership

John Blair was preceded as chief by Mary Sclabassi. She headed the department during the events in Ferguson, Missouri that caused many to focus on concerns about the relationship between law enforcement agencies and communities of color. Chief Sclabassi reacted in the following way to the Ferguson crisis:

As a law enforcement professional with more than 20 years on the job, I asked myself: Does our agency have the same issues as those of the Ferguson P.D.? How can I take what happened and use it as a chance to ensure that we are doing everything possible to be the best? **I chose to focus on the criticism not related to the shooting or investigation. I focused on their department's public affairs function and the criticism of their agency's representation of their community.** When I look internally at the TPD's public affairs abilities and readiness to tackle internal crisis, I like what I see. Long before 2014, we have had training in crisis communications and we have had events in Taylor that have certainly tested us. I also examined how we represent our population. An agency's ability to mirror their community happens via recruiting and hiring. In the last few years, I'm proud to say TPD has become more diversified. Are we perfect? Of course, not. We have a lot more to do—and we know it.² (emphasis added)

Implicit in this statement is an indifference to the actual police behavior in Ferguson, but concern instead about how that conduct played to the public. The Chief shows concern about that issue in Taylor as well without apparent regard for the extensive record of violent acts by Taylor police officers, and the possible racial implications.

² Taylor Police Department Annual Report – 2014, <https://www.cityoftaylor.com/DocumentCenter/View/649/TPD-Annual-Report-2014-PDF>.

Race and the Taylor Police Department

The ACLU of Michigan is unaware of incidents where Taylor police officers have made telltale racial comments or used racial slurs.³ However, we are compelled by the fact that the police force is almost all white, as well as historical circumstances and social context to seriously consider the possibility, if not likelihood, that much of the officers' misconduct is racially motivated. Such concerns are prompted by several facts.

First, the number of incidents of excessive force we have considered that involve Black persons is proportionally substantial given the percentage of African Americans who reside in Taylor. We also regard as highly significant the stark contrast in the tone and demeanor of Taylor police officers who confronted a young, uncooperative white man openly carrying an assault rifle in this video—<https://www.youtube.com/watch?v=x3KX8HNE504>—and the officers' attitudes when dealing with Black men in the videos at these links:

- <https://www.youtube.com/watch?v=DbBFaWzMHAQ>
- <https://www.youtube.com/watch?v=8xsGMRwQbJw>

During the encounter with the white, armed pedestrian, officers were not just deferential, they were obsequious. At the pedestrian's demand, supervisory officers were called, and the entire group of officers on the scene appeared to go out of their way to cater to all the young man's whims. There is no apparent reason other than race why the Black men, under very comparable circumstances, encountered intense hostility, intimidation, and violence.

We note as well that in the aftermath of the trial of Derek Chauvin, a Taylor auxiliary officer named Kevin Leblanc called the verdict "bullshit" and tweeted: "Fuck Floyd. Appeal, appeal. Not a fair trial." See <https://www.youtube.com/watch?v=LXm171zk-nE>. Regardless of Leblanc's opinion about the fairness of Chauvin's trial, the gratuitous attack on George Floyd minimally betrays an indifference and insensitivity to the trauma endured by the countless people who identified with Floyd because of his race and their own experiences with law enforcement. If Leblanc expressed a sentiment that is widely shared among officers in the department, the concern about racial bias in the ranks is further heightened.

The cost of leaving racial issues unaddressed if they are present in the department is too high. The officers' racial attitudes and practices should be a focus of any investigation.

Significant Incidents of Police Violence

I. "Welcome to Taylor"

On April 1, 2020, Taylor police received a call alleging a domestic quarrel at a residence. As they arrived, they spotted 33-year-old Brendan Morgan, a Black man, driving away, and they followed him. A video recording appears to show the following sequence of events. Mr. Morgan

³ It is entirely possible that such incidents have occurred but have not come to our attention.

traveled at slow speeds (under 10 miles per hour). Within seconds of officers signaling him to pull over, he drove a short distance and came to a stop in a gas station parking lot. No less than eight officers then swarmed Mr. Morgan's vehicle and began shouting for him to exit as they were at the same time reaching through the windows attempting to violently pull him from the vehicle. Mr. Morgan shouted in response that he was trying to exit. After he had been fully extracted, the officers immediately pushed him to the ground where he lay face down with at least one arm beneath him. The officers beat him, and although they shouted for him to put his hands behind his back, he was unable to move his arm from under his body. Officers continued beating him and administered a taser shock. Mr. Morgan screamed in pain, even as the violence continued.

Although the entire episode was captured on a video recording (excerpts are included in a news report: <https://www.youtube.com/watch?v=8xsGMRwObJw>), the officers' report narrative falsely stated that after Mr. Morgan stopped his vehicle, he exited and began walking away. The narrative further states that officers "escorted" Mr. Morgan to the ground.

Conspicuously absent from the report, but present in the video recording, is the fact that as Mr. Morgan lay writhing in pain on the ground, one officer approached him and said, "Welcome to Taylor. You shouldn't play with the police, brother." Mr. Morgan was charged with two felony charges for fleeing and obstructing. Two and a half months after the incident, the charges were dismissed only after a judge was able to see the video of the incident. When asked, Chief Blair said there was nothing racial about the "Welcome to Taylor" comment even though he found it inappropriate.

Tyler Peake, one of the officers who assaulted Mr. Morgan, has been charged with assault and battery and misconduct in office.

II. Unnecessary Escalation

On April 16, 2016, Calvin Jones, a then-26-year-old African American man, was pulled over by Taylor Police Officer C. Vines. Mr. Jones' wife and younger brother were also in the car at the time of the stop. During the encounter, the investigating officer shattered Mr. Jones' driver's side car window and wrestled Mr. Jones from his vehicle. (A video of the encounter is available for viewing here: <https://www.youtube.com/watch?v=DbBFaWzMHAQ>.) In addition, a back-up officer held Mr. Jones in a chokehold until he claims he blacked out. After his arrest, Mr. Jones was stripped to his underwear, and detained in a cold holding cell.

In his report, Officer Vines claimed Mr. Jones ran a stop sign and he pulled him over for that reason. When asked for his license and registration, Mr. Jones refused and demanded an explanation for the stop. Officer Vines refused to provide an explanation, and the officer and driver engaged in a protracted debate about a driver's legal obligation to display driving credentials upon the request of a police officer. The exchange grew in its intensity, and Officer Vines threatened to arrest Mr. Jones. Had Officer Vines simply explained that Mr. Jones ran a stop sign, the entire encounter might have ended quickly and peacefully.

During the colloquy between Officer Vines and Mr. Jones, Candae Graham, the driver's wife and front-seat passenger, asked her husband to cooperate and hand over his driving

credentials. Later in the encounter when she was asked to exit the vehicle, she promptly complied. She held a cell phone in one hand and refused to surrender it when asked. She ultimately tossed it away. At the end of the encounter, she was placed in handcuffs and charged with “interference with police authority.” At the outset Ms. Graham demonstrated herself to be an ally of the officer. Had Officer Vines recognized that fact he could have politely drawn her into the initial discussion in a helpful way.

Eventually, Officer Vines called for back-up and gave Mr. Jones an ultimatum: “Either you give me your ID or you go to jail.” The officer then made efforts to open the car door, but after concluding that it was locked, put gloves on, grabbed the top of the partially opened driver’s side window and pulled until it shattered. He attempted to wrestle Mr. Jones from the car. The ultimatum set the stage for a showdown. If both parties are locked stubbornly into their positions, the likelihood of violence increases considerably, because the officer will have to use force (or at least the threat of force) to obtain cooperation.

Officer Vines’ report narrative states in part: “During the incident Calvin appeared to be attempting to grab for something in his center console.” (Mr. Jones said he was not reaching for a weapon. His seatbelt was fastened, and as officers were pulling violently on his body they were failing to move him out of the vehicle. Mr. Jones claims he was making his best efforts to facilitate his removal from the car by unfastening the restraint.) The officers were eventually able to remove Mr. Jones from the vehicle, but in the process, one of the officers appears to have placed him in a chokehold that Mr. Jones claims caused him to lose consciousness. The video recording shows Mr. Jones lying limp face down.

After reaching police headquarters, Mr. Jones claims he was placed in a holding cell and made to strip down to his underwear. He said for some period of time he lay face down on the floor at the officers’ direction. Even after he relocated himself from the floor, he remained undressed. Mr. Jones reports that the cell was very cold because of air conditioning adjusted to a very low temperature. He further reports that eventually an officer entered the cell and asked, “Have you cooled down enough for us to book you?”

III. Contempt of Cop

On September 13, 2019, Imani Ringgold-D’Abell, an African American man, was driving in Taylor with his girlfriend and his 3-year-old daughter. Police say he exceeded the speed limit and they pulled him over. Mr. Ringgold-D’Abell was an Illinois resident visiting family in Michigan and contemplating a relocation. At the time of the stop, Mr. Ringgold-D’Abell had neither his drivers license nor his insurance card in his possession. (He had been lawfully issued both documents, but they were not on his person.) His vehicle was also newly purchased and did not yet have permanent tags. Mr. Ringgold-D’Abell showed the officer a photograph of his drivers license on his phone. The investigating officers called for backup, and as many as half a dozen cars responded. Mr. Ringgold-D’Abell was asked to exit the vehicle. He asked for an explanation and the officers reached into the vehicle, opened the door and began to pull him from the car using physical force. What followed was a violent encounter during which an officer admitted to punching Ringgold-D’Abell in the upper torso several times. (Video excerpts are included in a news report: <https://www.youtube.com/watch?v=sznYn0qxXmw>.)

The video recording shows that Mr. Ringgold-D'Abell was taken to the ground and pinned by multiple officers while face-down. He was then tasered three times in quick succession. The first two taser applications were with probes and the third was by drive-stun. He was ultimately charged with obstructing and resisting offenses.

A law enforcement professional who reviewed the body camera footage of the encounter suggested that the treatment the officers gave Mr. Ringgold-D'Abell was driven by his having committed the offense of "contempt of cop" when he questioned the order to exit the vehicle. (The officer's frame of mind was likely "Do it at the speed I want, or I'm justified in using force.") Of particular concern is the fact that as he was pinned to the ground by multiple officers and fully subdued, a taser was used multiple times. Under Sixth Circuit law, tasers cannot be used to force compliance. See *Austin v. Redford Twp. Police Dep't*, 690 F.3d 490 (6th Cir. 2012). In this case the officers claim Mr. Ringgold-D'Abell was refusing their order to put both hands behind his back for cuffing. After the first taser application he was given no opportunity to regain his composure and comply but was instead administered additional taser applications as his toddler daughter watched in horror. A civil lawsuit has been filed against the officers involved and it is currently pending, as are the criminal charges against Mr. Ringgold-D'Abell.

IV. Human Rights Violations

Henry Doe (an alias) was 26 years old in March, 2017 when he led Taylor police on a car chase. When he was apprehended, he was pulled from his car, taken to the front of the police car, and in view of the dashboard camera, his wrists were cuffed behind his back. Mr. Doe claims that the officer jerked his cuffed wrists upward. Mr. Doe cried out in pain and was then dragged out of the view of the camera. Mr. Doe claims he was then beaten. The officers' report narratives claim that Mr. Doe attempted to escape on foot, and that police gave chase and apprehended him. (The video recording's audio includes no statements or comments by officers or others that might suggest an escape attempt.)

Mr. Doe claims that when he was taken to the Taylor jail, he was beaten and tasered multiple times. He was then left in the cell for several days. Mr. Doe claims the extended isolated detention caused him to become what some characterize as "stir crazy." Although the Taylor jail cells are under constant video surveillance there is only a relatively brief recording of Mr. Doe's stay in the jail that survives. It shows Mr. Doe completely naked after having apparently thrown off a suicide vest. He engages in protracted animated gyrations and he is in constant motion. The recording contains no audio, but apparently officers attempted to conduct a remote court proceeding. At various times officers pressed documents against the glass wall of the jail cell to allow Mr. Doe to review them. Mr. Doe was oblivious to all proceedings and clearly made no attempt to review the displayed documents. The officers showed no signs of concern whatsoever.

Mr. Doe claims he endured additional tortures in the jail, but the police department claimed no other video footage of Mr. Doe's stay in the jail was preserved. They further claim that the footage that was made available was preserved only because of an order by the judge who conducted the remote hearing, who was reportedly concerned about Mr. Doe's behavior. Police

explain Mr. Doe's behavior as the result of narcotics, but apparently no meaningful medical or psychiatric intervention was sought for Mr. Doe until he was transferred to the Wayne County Jail.

V. Front Yard Beating

Cody Meredith is an African American man who was beaten by Taylor police officers in his mother's front yard. On March 29, 2016, Mr. Meredith was followed by police officers into his mother's driveway purportedly for failing to use a turn signal. When Mr. Meredith exited his vehicle and walked towards his home, officers ran behind him and grabbed his arms. (Video excerpts are included in a news report: <https://www.youtube.com/watch?v=TLBhMgcZ3bU>.)

The video shows that officers threw Mr. Meredith to the ground and attempted to handcuff him. Mr. Meredith claims the officers provided him with no information about why they stopped him, and neither did they request his identification, insurance information, or his vehicle registration. The video shows that as Mr. Meredith was being forced to the ground, officers beat him with their hands and knees. Mr. Meredith claims they also drive-stunned him in the back with a taser. Ultimately, Mr. Meredith was handcuffed and secured. Mr. Meredith alleged in a lawsuit that one of the officers kicked and kned him even after he was handcuffed and secured. (This officer has a history of excessive force and was previously sued.) Another officer searched Mr. Meredith's vehicle without probable cause or a warrant. Mr. Meredith was arrested, booked and jailed. After his release he went to the hospital and was diagnosed with trauma, concussion, facial contusions, neck and upper and lower back strain, and multiple bruises.

VI. Terror and Intimidation

On May 7, 2020, Lukisha Patton was stopped by Taylor police officers and accused of speeding. She complained and accused the officers of racial profiling. After the officers denied the accusation, they issued her a ticket. After the officers pulled out, Ms. Patton began to tail one of the officer's cars. The officer radioed and said he intended to stop Ms. Patton again for "following too closely." What happened next is detailed in the following narrative from a motion Ms. Patton's attorney filed with the court:

To get behind Ms. Patton, Sgt. Cox turned into the Gilead Church parking lot off of Colony Avenue. Ms. Patton turned into the parking lot also. After doing a donut around the lot, Sgt. Cox got behind Ms. Patton's vehicle. Sgt. Cox then turned on his lights and sirens to effectuate a traffic stop for following too closely. As Ms. Patton was exiting the church parking lot, before she even had time to pull over, a separate Taylor Police SUV cut across Telegraph to stop her in her tracks. An unidentified Taylor Police officer jumped out of the front passenger seat of the SUV and pointed his gun straight at the driver's side window of Ms. Patton's car. Within seconds, Sgt. Cox pulled up behind Ms. Patton, ran out of his patrol car with his firearm drawn, and yanked the front door handle of Ms. Patton's vehicle in an attempt to grab her. Sgt. Cox banged on Ms. Patton's vehicle screaming, "I'm gonna bust the window . . . open the door . . . [and telling his fellow officers] if you got something to bust it, do it!" With their guns at the ready, Corp. Wellman and a fourth unidentified Taylor Police officer joined in the frenzy. As a slim black

woman surrounded by armed white police officers, Ms. Patton was terrified for her life. She tried to call 911. She tried to record a video of the officers' rampage. But the officers grew in number and rage. Staring down the barrel of a gun, Ms. Patton pulled onto the curb to avoid being shot. She drove approximately ¼ of a mile up Telegraph and turned into the Michigan State Police Metro South Post parking lot where she thought she might be safe. The officers continued their reckless pursuit. At this point, at least five or six patrol cars were on scene. They surrounded Ms. Patton's vehicle in the Metro South Post parking lot, pounded on her windows, and shouted things like "get out!" and "bust that window!" Corp. Wellman flung open the door and dragged Ms. Patton out of her out of the vehicle. Two officers pressed the front of Ms. Patton's body against her vehicle, while Corp. Wellman handcuffed her. They arrested her without further incident. She spent three days in custody.

A Toxic Culture of Policing

The violence described above is encouraged and sustained by a culture marked by callous indifference ranging toward cruelty. An example is found in the case of Dale Bryant, an African American man who is a quadriplegic and legally blind. He purchased a full-blooded German Shephard puppy with an expectation that the animal will one day become a service dog.

Late one evening, Mr. Bryant heard "King," his five-month-old puppy, in distress. Mr. Bryant immediately went to King's aid and found him tangled in his lead line in his crate. Concerned for his puppy, Mr. Bryant called the police for assistance. Instead of lending a helping hand, the police took the puppy into custody and charged Mr. Bryant with animal cruelty. They cited him as well for not having given the dog rabies shots and failing to obtain a license, notwithstanding that the puppy was too young for the vaccination and could not be licensed without first being vaccinated. When the dog became old enough for the shots, he was in the Taylor dog pound. Meanwhile, for two months, Mr. Bryant attempted to get his dog back. The City of Taylor refused, and he was being fined \$50 for each day King was in the custody of animal control. By the time Mr. Bryant first appeared in court, the City of Taylor said he owed more than \$2,000 in fees, and the City would not waive the fees unless he agreed to forfeit his puppy to the City of Taylor.

Abuse of Young People

Law enforcement professionals should be sensitive to the inexperience and developmental challenges faced by young members of the community. Interactions with such individuals should, when possible be corrective rather than punitive. However, Taylor police officers have engaged in abusive conduct that has caused immeasurable damage to the victims. Two examples are summarized below:

- Joseph Rolka alleged in court papers that in 2015, when he was a minor and while riding a dirt bike, he was pursued by Taylor police. He further alleged that once apprehended, he was tasered multiple times, cursed at, beaten and handcuffed. His mother found him handcuffed to a hospital bed covered in blood. The child suffered a fractured jaw, black eye, closed head injury and severe laceration of the arm.

- In 2016, Chris Saul, a then-18-year-old, was pulled over for speeding. The officer did not exit his vehicle but remained parked behind Mr. Saul's vehicle on the shoulder of the road. The officer sounded his horn six times. Mr. Saul was momentarily confused, but then interpreted the blasts as a signal that he was free to leave. He pulled out slowly and continued to drive at a slow rate of speed. The officer pulled out as well and trailed Mr. Saul for a short distance before pulling him over again. Back-up officers arrived almost instantly and swarmed Mr. Saul's vehicle yelling and cursing. The young man was removed from the vehicle by force, and he found himself with five pistols aimed at his head. He was charged with and convicted of fleeing and eluding, a felony that has critically damaged Mr. Saul's opportunities for education and employment. (A news report of the incident is at this link: <https://www.youtube.com/watch?v=Fdccn46qLyk>.)

Blackmailing Victims of Police Brutality

Further evidence of Taylor's knowledge and tolerance of police misconduct is found in its practice of charging victims of police violence with crimes and then presenting them with the prospect of dismissal of charges in exchange for a waiver of all potential claims. The standard agreement form used for this purpose is included as an exhibit to this memorandum. The form states in part:

"... this Release is intended to cover all actions, claims, causes of action, lawsuits, Michigan Department of Civil Rights complaints, and demands and damage, loss, injury or claim, known or unknown, which may be traced either directly or indirectly to the incident."

The document further requires agreement to the following statement:

"I fully acknowledge and understand that I can never bring a lawsuit against the City of Taylor or its police department, officers, agents, servants, employees, or any members thereof for anything that occurred including any and all injuries and/or violations of state and/or federal laws during my arrest and detention on the above charges."

In *Town of Newton v. Rumery*, 480 U.S. 386 (1987), the Supreme Court held that while a court may enforce release-dismissal agreements, the validity of each agreement is determined by the substance of the agreement itself and surrounding facts.

In *Coughlen v. Coots*, 5 F.3d 970 (6th Cir. 1993), the Sixth Circuit Court of Appeals adopted three factors set forth in Justice O'Connor's concurring opinion in *Rumery* that are to be considered when evaluating the enforceability of an agreement. A court should not enforce such an agreement unless (1) the agreement was voluntary, (2) there is no evidence of prosecutorial misconduct, and (3) enforcement of the agreement would not adversely affect public interests. *Id.* at 974.

In certain cases, courts have ruled that enforcing these agreements when there have been acts of police misconduct adversely affects public interests. In *Friebis v. Kifer*, 47 F. App'x 699 (6th Cir. 2002), the Sixth Circuit affirmed a district court's decision not to enforce an otherwise voluntary release agreement in the face of evidence of police misconduct. The district court denied pre and post-verdict motions for dismissal that relied on a release agreement. The court explained:

... Officer Kifer violated the constitutional rights of Becky Friebis. Accordingly, it would be inconsistent with *Rumery* and *Coughlen* if we did not take that conclusion into consideration when determining whether the public interest is served by enforcement of the release-dismissal agreement. Given the jury's verdict [that Officer Kifer had used excessive force when arresting Becky Friebis], we affirm the district court's decision not to enforce the release-dismissal agreement.

Id. at 703–04.

In *Oliver v. City of Berkley*, 261 F. Supp. 2d 870 (E.D. Mich. 2003), the court initially concluded an agreement was entered into voluntarily. However, the court ultimately decided public interests outweighed enforcement because the prosecutor who negotiated the plea-dismissal agreement did not know that the officer who arrested Oliver allegedly sexually assaulted her upon arrest. *Id.*

To the extent that agreements used in Taylor are intended to hide police misconduct, they too should be regarded as invalid and unenforceable because in significant ways they adversely impact public interests. But regardless of how a court might rule, for purposes of this petition, the practice of effectively blackmailing victims of police misconduct provides considerable grounds for alarm and investigation.

While the release agreements are clearly intended to prevent litigation, the City of Taylor has been sued repeatedly for police misconduct, notwithstanding the waiver of claims gambit. These lawsuits include cases by Joseph Rolka, Brendan Morgan, Imani Ringgold-D'Abell, and Cody Meredith, whose experiences are summarized above. Additional cases are summarized below. One must wonder how many additional disturbing incidents would have come to light absent Taylor's practice of using release-dismissal agreements to blackmail victims of police violence.

Civil Claims Against the Department

Notwithstanding the blackmail practice described above, the actions of Taylor's police officers have prompted the filing of a significant number of lawsuits. A few of the many actions that have been filed in the U.S. District Court for the Eastern District of Michigan include the following:

Jon Bibb v. City of Taylor, et al., Case No. 20-cv-1902 (9/15/20)

(A 30-year-old passenger in an auto pulled over for bad plates was allegedly made to exit the vehicle, whereupon Taylor police officers kicked his legs from under him, and thereafter kicked him and struck him repeatedly with fists and knees.)

Nicholas Coffey v. Carroll, et al., Case No. 16-13081 (8/16)

(During an arrest, Taylor police officers allegedly punched the plaintiff in the face and dragged him across the ground.)

Maurice Lucas v. Taylor, et al., Case No. 2:17-cv-11414 (5/3/17)

(Plaintiff was allegedly yanked by Taylor police officers from a vehicle, thrown to the ground, and then punched, kicked and beaten repeatedly. Criminal charges were dismissed.)

John McParland v. Taylor, et al., Case No. 03-72509 (9/03)

(During an arrest, plaintiff was allegedly kicked by a Taylor police officer who then repeatedly pounded the plaintiff's head on the back of a police car.)

Michael Michalski v. Sonstrom, et al., Case No. 2:17-cv-10307 (1/31/17)

(Plaintiff was allegedly beaten and tasered by Taylor police officers.)

Christopher Miller v. Taylor, et al., Case No. 2:19-cv-10298 (1/30/19)

(Plaintiff alleged that a Taylor police officers approached him for no reason, twisted his arm, threw him against a wall, tackled him, tasered him multiple times and then beat him.)

Jasmine Nowden v. Taylor, et al., Case No. 2:17-cv-10723 (3/7/17)

(Plaintiff alleged that while she was in handcuffs a Taylor police officer repeatedly slammed her head on the trunk of a police car. Criminal charges against her were dismissed.)

Henry Parker v. Taylor, et al., Case No. 2:15-cv-10113 (1/12/15)

(Plaintiff, a then 71-year-old man, alleged that while he was at the Taylor police department's headquarters to bail out his son, he was approached by several officers in the parking lot and beaten. Criminal charges against him were dismissed.)

James Provenzino, et al. v. Taylor, et al., Case No. 2:16-cv-13481 (9/26/16)

(Plaintiff, a then 78-year-old man, alleged that Taylor police officers hit him in the face, slammed him on the hood of his vehicle, threw him to the ground, kicked him in the kidneys and dragged him across the ground. He was released without charges.)

Shawn Thomas v. Wietfeldt, et al., Case No. 2:16-cv-12063 (6/7/16)

(Plaintiff alleged he was racially profiled by Taylor police officers, subjected to a pre-textual stop, tasered multiple times, beaten, dragged and kicked before he was placed in the back of a police car where a bag was placed over his head.)

Robert Waddell v. Minard, Case No. 4:07-cv-10581 (2/8/07)
(Plaintiff alleged he was questioned and taken into custody with excessive force by Taylor police officers, all without probable cause.)

The ACLU of Michigan offers no comment on the viability or merits of the referenced lawsuits but does suggest that the nature of the allegations considered in the context of video records of the police department's violence provides additional good grounds for investigation.

Taylor's Response to Request for Reform

The ACLU of Michigan's attention was drawn to the Taylor Police Department by the brutal arrest of Calvin Jones (summarized above). In response to that encounter, the ACLU of Michigan directed to the police department's leadership a thoughtful, documented analysis of the incident that offered both criticism and recommendations for reform. That memorandum is appended to this complaint. In response, the city's lawyer sent a lengthy letter (attached) dedicated almost entirely to attacking the actions of Calvin Jones and justifying the actions of the police officers involved. Implicit in its tone was a strong disinterest in further discussion of potential reform.

Conclusion

It is possible, if not likely, that violent misconduct comparable to that exhibited by Taylor police officers can be found in other police departments. However, in many departments, including troubled ones, there are genuine efforts to transform the institutional culture and implement new policies and practices that are consistent with a modern, progressive vision for law enforcement.

The Taylor Police Department appears to be stuck in an approach to policing that is from a bygone era. Notwithstanding seemingly appropriate reactions by police administrators to media inquiries about alleged misconduct, the objective evidence suggests no meaningful efforts are being made to bring about reform. Such evidence includes the following:

- The failure to hire an African American officer until 2012;
- Consistent hiring of police chiefs from within the ranks of a troubled department;
- Acts of violence by more than a few officers (some of whom are multiple offenders) that reflect a pattern and that demonstrate that such behavior is not limited to a few rogue officers;
- A response to the abuse of Calvin Jones that provided no hint of curiosity or concern about even the possibility that officers may have been responsible for the violence; and that instead attributed blame to Jones;
- A demonstrated attitude among officers that is comparable to that possessed by soldiers who are members of an occupying force in a war zone. The

demonstrated hostility, intimidation, impatience, and quick resort to violent tactics is inconsistent with continuing national efforts to promote de-escalation during encounters between law enforcement and members of the public.

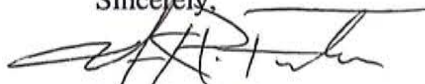
- The blackmailing of criminal defendants into waiver of civil claims, which effectively communicates to officers that potential consequences for misconduct will be negotiated away.

The observations presented in this document are based on information obtained from court filings and other materials available to the public. From that information emerges a highly alarming portrait of the Taylor Police Department. Concerns for the safety of those within the police department's jurisdiction compel an investigation that probes documents not available to the ACLU of Michigan; requests by the Department of Justice for these materials, and interviews with police department personnel and Taylor residents, are critical next steps.

Beyond an investigation and potential legal action, it seems apparent at this juncture that the problems within the Taylor Police Department are so deep and firmly entrenched over an extended period that measures frequently employed to prompt the reform of law enforcement agencies with records of chronic excessive force may be ineffective, or at least less than fully effective, in Taylor. To the extent that the practices complained of have become inextricably intertwined with the very fabric of the department's culture, it may be necessary to fundamentally restructure the police department and terminate the employment of officers with records of chronic misconduct. If Department of Justice authority does not extend to making such institutional changes, then such changes might nevertheless become a condition for the municipality's continuing receipt of federal funds.

Regardless of whatever actions may ultimately be appropriate, we strongly urge you to act at this time to help restore public safety in Taylor, and to promote development of an environment and culture in which civil rights and civil liberties are respected and valued. The reasons for concern about the Taylor Police Department are apparent from all available information, and federal intervention is respectfully requested.

Sincerely,



Mark P. Fancher
Staff Attorney – Racial Justice Project
ACLU of Michigan
2966 Woodward Ave.
Detroit, MI 48201
(313) 578-6822
mfancher@aclumich.org

cc: Susan DeClercq, Assistant U.S. Attorney

EXHIBIT A
Traffic Stop of Calvin Jones



State Headquarters
2966 Woodward Avenue
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Phone 313.578.6800
Fax 313.578.6811
Email aclu@aclumich.org
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Legislative Office
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West Michigan Regional Office
1514 Wealthy SE, Suite 242
Grand Rapids, MI 49506
Phone 616.301.0930
Fax 616.301.0640
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www.aclumich.org

May 23, 2017

Commander Richard Hopper
Taylor Police Department
23515 Goddard Road
Taylor, MI 48180

Re: Traffic Stop of Calvin Jones

Dear Commander Hopper:

The American Civil Liberties Union (ACLU) of Michigan has obtained and reviewed Taylor Police Department records of a traffic stop of motorist Calvin Jones that occurred on or about April 16, 2016, on or near Park Village Boulevard in Taylor. The conduct of the officers involved is troubling, and we request not only an investigation, but also policy revisions, re-training, and any appropriate discipline. Further, we urge a review of other cases involving Taylor police officers to determine the scope and frequency of behavior that is inconsistent with best practices for law enforcement officers.

The Traffic Stop and Arrest

Calvin Jones, a then-26-year-old African American man, was pulled over by Taylor Police Officer C. Vines. Mr. Jones' wife and younger brother were also in the car at the time of the stop. Of special concern to us is the fact that during the encounter, the investigating officer shattered Mr. Jones' driver's side car window and wrestled Mr. Jones from his vehicle. In addition, a back-up officer held Mr. Jones in a chokehold until he claims he blacked out. After his arrest, Mr. Jones was stripped to his underwear, and detained in a cold holding cell.

Police records of the traffic stop are enclosed. Dashboard video records of the incident can be viewed at:

<https://www.youtube.com/watch?v=VtujSLtfwSk&feature=youtu.be>.

https://www.youtube.com/watch?v=f30NceS_eFQ&feature=youtu.be

These records show the following:

The Stop

1. *Officer C. Vines claimed Mr. Jones ran a stop sign and he pulled him over for that reason. When asked for his license and registration, Mr. Jones refused and demanded an explanation for the stop. Officer Vines refused to provide an explanation, and the officer and driver engaged in a protracted debate about a driver's legal obligation to display driving credentials upon the request of a police officer. The exchange grew in its intensity, and Officer Vines threatened to arrest Mr. Jones.*

[video record at: <https://youtu.be/0Kxy7TvDUko>]

Comment: Officer Vines is correct about Mr. Jones' legal obligation to produce driving credentials on demand, but according to law enforcement experts, it is unnecessary for the officer to win the debate. One expert suggests the following:

At the beginning of the stop, inform drivers why they were stopped. This is utmost in the driver's mind. Communicate slowly and clearly. This will alleviate those concerns where individuals felt that they were stopped for some reason other than a traffic offense. Avoid asking drivers for their license and vehicle registration before telling them the reason why you stopped them. This creates unnecessary tension and it gives the driver an opening to question you, instead of you asking the questions.¹

The recommended approach was not taken in this case and the encounter escalated unnecessarily. Had Officer Vines simply explained that Mr. Jones ran a stop sign, the entire encounter might have ended quickly and peacefully.

Treatment of Mr. Jones' Wife

2. *During the colloquy between Officer Vines and Mr. Jones, Candae Graham, the driver's wife and front-seat passenger can be heard in the video record prevailing upon her husband to cooperate and hand over his driving credentials. Later in the encounter when she was asked to exit the vehicle, she promptly complied. She held a cell phone in one hand and refused to surrender it when asked. She ultimately tossed it away. At the end of the encounter, she was placed in handcuffs and charged with "interference with police authority."*

[video record at: <https://youtu.be/LDsq6YwR8Oc>]

Comment: The arrest of Ms. Graham was an unfortunate, unnecessary development. At the outset Ms. Graham demonstrated herself to be an ally of the officer. Had Officer Vines

¹ "Tips for Conducting Professional Traffic Stops," James J. Onder, Ph.D., International Association of Chiefs of Police .<http://www.iacp.org/ViewResult?SearchID=998> (first published in Police Chief Magazine (2001)

recognized that fact he could have politely drawn her into the initial discussion in a helpful way. For example, the officer could have said:

Sir, I'm not here to cause a problem for you and I believe both your passenger and I understand that we can handle this best if we all cooperate. Ma'am, may I ask your name? Ms. Graham, may I also ask how you are related to this gentleman? Well sir, I think your wife makes good sense when she suggests that you give me your papers. Wives usually make good sense. At least that's what my wife tells me. So, how about it? Can I take a look at your license and registration?

Gentle conversation, a smile and a touch of humor can ease tension and break down barriers. It is remarkable that Ms. Graham remained cooperative even after witnessing the violent arrest of her husband. She exited the vehicle promptly in response to a police command. Her refusal to hand over her video record of what she regarded as unlawful police conduct is understandable and should not have resulted in an arrest. She was instead placed in handcuffs and charged with a misdemeanor.

The Arrest

3. *Eventually, Officer Vines called for back-up and gave Mr. Jones an ultimatum. "Either you give me your ID or you go to jail." The officer then made efforts to open the car door, but after concluding that it was locked, put gloves on, grabbed the top of the partially opened driver's side window and pulled until it shattered. He attempted to wrestle Mr. Jones from the car. Officer Vines' report narrative states in part: "During the incident Calvin appeared to be attempting to grab for something in his center console." The officers were eventually able to remove Mr. Jones from the vehicle, but in the process, one of the officers appears to have placed him in a choke hold that Mr. Jones claims caused him to lose consciousness. The video recording shows Mr. Jones lying limp face down.*

[video records at: <https://youtu.be/xSSZCcAiLDc> ; and <https://youtu.be/Me0hPlko6Ys>]

Comment: An ultimatum sets the stage for a showdown. If both parties are locked stubbornly into their positions, the likelihood of violence increases considerably, because the officer will have to use force (or at least the threat of force) to obtain cooperation. It is under those circumstances when an officer may wish to create for the citizen a way to save face. The officer could have said the following, or something comparable:

Hey, I'm not perfect, and you could be absolutely right. I understand that you don't want to get out of the car if I'm in the wrong. But I think you will agree with me that if I screwed up, you can't get this before a judge and possibly win if you just sit there. I don't want to arrest you, but the way you get this before a judge is to let me do my job. If I take you in and I'm wrong, I'll be in trouble, not you.

The shattering of the car window was violent and terrifying and had the potential to endanger all present. The sudden, frightening destruction of the window could have caused Mr. Jones to panic, perceive that his life was threatened and then react in a way that placed the officer in jeopardy. In short, the use of a tactic that was clearly intended to cause fear and intimidation was not only unnecessary here, but it was also inappropriate given the absence of any evidence that Mr. Jones had even the slightest interest in engaging in violence.

The apparent presumption that Mr. Jones would react violently apparently led Officer Vines to make a more specific incorrect presumption that was in fact counterproductive. The officer's narrative states: "During the incident Calvin appeared to be attempting to grab for something in his center console." Mr. Jones said he was not reaching for a weapon. His seatbelt was fastened, and as officers were pulling violently on his body they were failing to move him out of the vehicle. Mr. Jones claims he was making his best efforts to facilitate his removal from the car by unfastening the restraint. The officers' aggressive approach succeeded only in making their job more difficult. Chokeholds are at least disfavored if not prohibited in many law enforcement agencies.² If Mr. Jones was in fact choked unconscious, that is clear evidence of why the hold should not be used.

A police officer's routine presumption of all suspects' violent intentions can lead officers to assume a violent or aggressive posture. This is consistent with what is referred to in some law enforcement circles as a "warrior" mindset. This approach to policing is increasingly viewed with disfavor. Professor Seth Stoughton explained how officers lure themselves into a fantasy of ubiquitous danger:

Under this warrior worldview, officers are locked in intermittent and unpredictable combat with unknown but highly lethal enemies. As a result, officers learn to be afraid. That isn't the word used in law enforcement circles, of course. Vigilant, attentive, cautious, alert, or observant are the terms that appear most often in police publications.³

Professor Stoughton goes on to explain that officers who regard themselves as warriors are perpetually in survival mode.

Officers learn to treat every individual they interact with as an armed threat and every situation as a deadly force encounter in the making. *Every* individual, *every* situation – no exceptions. Because the enemies' identities are unknown, everyone is a threat until conclusively proven otherwise.⁴

The dangers that flow from that mindset are real, and that approach to policing certainly works against the development of a positive relationship with the community.

² A chokehold administered to merchant Eric Garner in 2014 by New York police officers caused his death and inspired new concerns about the safety of the tactic. In its 2017 report titled: "The Civil Rights Division's Pattern and Practice Police Reform Work: 1994 – Present," The U.S. Department of Justice explains: "The [Civil Rights] Division's reform agreements frequently contain policies prohibiting the use of neck holds, also known as chokeholds, or head strikes with hard objects, except in situations where lethal force is authorized."

³ *Law enforcement's "Warrior" Problem*, Seth Stoughton, 128 Harv. L. Rev. F. 225 (2015)

⁴ *Id.*

Either through formal training or informal example, officers learn to both verbally and physically control the space they operate in. It is essential to set the proper tone for an encounter, and the tone that best preserves officer safety is widely thought to be one of “unquestioned command.” Even *acting* friendly, officers may be told, can make them a target. But like the use of physical force, the assertive manner in which officers set the tone of encounter can also set the stage for a negative response or a violent interaction that was, from the start, unavoidable.⁵

The tragedy of the present case is that the violence and hostility were entirely avoidable. The officers’ aggressive approach apparently stemmed from presumptions that Mr. Jones was a dangerous threat.

The Detention

4. *After reaching police headquarters, Mr. Jones claims he was placed in a holding cell and made to strip down to his underwear. He said for some period of time he lay face down on the floor at the officers’ direction. Even after he relocated himself from the floor, he remained undressed. Mr. Jones reports that the cell was very cold because of air conditioning adjusted to a very low temperature. He further reports that eventually an officer entered the cell and asked, “Have you cooled down enough for us to book you?”*

Comment: On the most basic level this type of treatment of a detainee is cruel and clearly intended to cause physical discomfort and humiliation. It is also contrary to conventional policies and practices. Standard 23-3.5(b) of the American Bar Association’s Standards on Treatment of Prisoners provides:

Correctional authorities should provide prisoners with clean, appropriately sized clothing suited to the season and facility temperature and to the prisoner’s work assignment and gender, in quantities sufficient to allow for a daily change of clothing. Prisoners should receive opportunities to mend and machine launder their clothing if the facility does not provide these services.

Confiscation of articles of clothing may occur on occasion because of fears of suicide or comparable concerns, but usually the items taken are limited to shoelaces or belts because of how these articles can be used to cause self-harm. It is unnecessary to confiscate pants and shirts – unless a jail uniform will be provided in exchange.

Race

Mr. Jones survived his encounter with the police, and there have certainly been numerous incidents around the country where police violence was far more severe and in too many cases fatal. But Mr. Jones’ case has been highlighted because in a period when the relationship between the law enforcement community and the African American community is very tense, it is important for law enforcement officers to be aware of the risks of violence they can

⁵ *Id.*

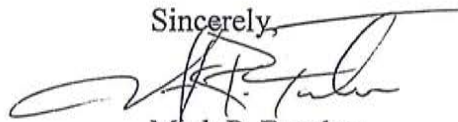
inadvertently create. For example, the apartment complex where Mr. Jones was stopped has a substantial number of African American residents. Officer Vines appeared to be staked out in an apartment complex parking lot until moments before Mr. Jones was stopped. It may not have been his plan to stop drivers on the basis of race, but if patrolling decisions are the result of deliberate or subconscious presumptions about the likelihood of crime in communities of color, then racially disproportionate records of stops are likely to occur anyway. When that happens, these communities come to believe that law enforcement targets them without justification. This does not contribute to a healthy relationship between the police and the community.

To further evaluate Taylor Police Department practices, pursuant to the Michigan Freedom of Information Act ("FOIA"), MCL 15.231 *et seq.*, the American Civil Liberties Union of Michigan ("ACLU") hereby requests "records," as that term is defined to the fullest extent under FOIA. Records requested herein include documents in all forms, including, but not limited to: written reports, recordings, computer disks, medical records, affidavits, investigative records, videotapes, digital video discs, correspondence, memoranda, court documents and records, purchase orders, invoices, transcripts, telephone logs, photographs, news clippings and other preserved media reports, complaint forms, e-mail messages, activity logs, incident reports, daily reports etc. We specifically request the following:

1. All records that in any way concern traffic stops made by Officer C. Vines on Park Village Blvd. between April 1, 2016 and April 15, 2016.
2. All records that in any way concern traffic stops made by Officer C. Vines at any location between April 8, 2016 and April 11, 2016.
3. All records that reflect any policy, research, investigation or plan regarding surveillance of apartments and streets located at or within a ¼ mile radius of Eureka Road and Park Village Blvd. for any period between February 1, 2016 and May 1, 2016.

The ACLU requests limitation and waiver of fees pursuant to FOIA which provides for such limitation and waiver where searching for or furnishing the records can be considered as primarily benefiting the general public because it is likely to contribute to public understanding and is not in the commercial interests of the ACLU. See MCL 15.234(2). If this request for waiver of fees is denied and it will cost more than \$100 to process the request please contact the undersigned before proceeding. Please respond within the time period mandated by the statute. If the request is denied in whole or part please justify all deletions by reference to specific exemptions under FOIA. Separate any exempt material from non-exempt material and make the non-exempt material available. Direct all responses to the undersigned. If there are any questions or you require further information about this request, please contact me at (313) 578-6822. Thank you for your courtesies and cooperation.

Sincerely,



Mark P. Fancher

Staff Attorney – Racial Justice Project

Howard & Howard

law for business

Ann Arbor

Chicago

Detroit

Las Vegas

Los Angeles

Peoria

direct dial: 248.723.0356

Mark W. Peyser

email: mwp@h2law.com

August 14, 2017

Mark P. Fancher, Esq.
Staff Attorney – Racial Justice Project
ACLU
2966 Woodward Avenue
Detroit, MI 48201

Re: Traffic Stop of Calvin Jones

Dear Mr. Fancher:

Please be advised that the undersigned and this office represent the interests of the City of Taylor. Your letter of May 23, 2017 addressed to Commander Richard Hopper of the Taylor Police Department regarding the traffic stop of Calvin Jones has been forwarded to our office for review. Please allow the following to serve as a response to your correspondence.

At the outset, I want you to know that on several occasions within days of the City forwarding me your letter I tried to reach you unsuccessfully. I left several voice mail messages and sent several emails (which were returned rejected for reasons unknown), but I never received a return call.

I want to assure you that the City of Taylor and its Police Department take all matters of public concern seriously especially as it relates to any alleged improper police conduct. Following receipt of your letter, the Taylor Police Department immediately conducted a thorough investigation into the concerns your correspondence raised. The investigation has recently concluded, and thus, we are responding to your correspondence.

A review of the entire incident from the in-car camera clearly depicts that Mr. Jones' vehicle did not stop at the stop sign, traveling well past the stop sign into the intersection. As such, Officer Vines effectuated a traffic stop for Mr. Jones' failure to comply with MCL 257.612. Further, the video clearly depicts Mr. Jones, being asked *on several occasions* to produce his license and vehicle information, but he clearly refused to do so – instead raising the question why he was stopped. Despite being provided with several opportunities to provide the requested license information, and even after his wife pleaded with him to give the information to the officer, Mr. Jones refused to produce the information.

As you know, all licensed drivers are under a statutory duty to comply with MCL 257.311, which reads in pertinent part,

"the licensee shall have his or her operator's or chauffeur's, or the receipt described in section 311a, in his or her immediate position at all times when operating a motor vehicle, and shall display the same upon demand of any police officer, who shall testify himself or herself as such." (Emphasis added)

So it is undisputed that Mr. Jones *failed* to stop for the stop sign; *failed* to display his operator's license upon demand of Officer Vines; and *failed* to comply with Officer Vines' instructions to step out of his vehicle. Accordingly, Officer Vines actions in placing Mr. Jones under arrest was lawful and proper.

Certainly, if Mr. Jones had complied with the officer's request the situation would have never escalated to the extent that it did. While it is unfortunate that Mr. Jones decided to *resist* the officer's commands to produce his license, reasonable minds would conclude that Mr. Jones blatant failure to comply with the Officer's demand required the officer to take further action. For you to assert that had the officer explained to Mr. Jones the basis for the stop "...the entire encounter might have ended quickly and peacefully" is incredulous and speculative as even his wife pleaded with him to produce his information and he chose not to do so.

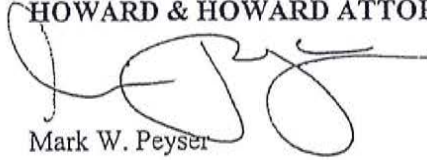
As you know, in recent times there have been many well publicized traffic stops captured on video which started out to be "routine" and the next thing the officer knows he/she is being assaulted, run over, shot at and/or placed in an immediate life threatening situation as a result of the citizen not complying with a lawful order but being defiant towards the officer. In fact, one such stop recently occurred in Taylor. So when a citizen resists an officer's lawful command it places the police officer on an alert status not knowing what action(s) the citizen may take that may place the officer in a potentially dangerous and life threatening. It is unfortunate that in today's world police officers are sometimes faced in making "split second" decisions when faced with a citizen who is resisting an officer's lawful command and who may present a threatening situation to the officer.

Notwithstanding Mr. Jones' failure to comply with Michigan law, after completing an investigation and reviewing the video in detail, we can assure that the Taylor Police Department has been proactive in responding to any perceived deficiencies in its training policy as it involves contact with citizens. All police officers for all shifts have been instructed to advise all individuals who are stopped by way of traffic stop, the basis for this stop. In addition, the department has provided mandatory training to help increase awareness in the officers' actions and demeanor when dealing with citizens to avoid confrontational situations if possible. While that in and of itself may not avoid a confrontation with any particular citizen, it is important to remember that if citizens follow the law and complies with the police officer's demands as it relates to the production of their identification during a traffic stop, this does facilitate an orderly and non-confrontational stop. It also prevents a situation from quickly escalating to one of contempt as displayed by Mr. Jones.

We thank you for your inquiry.

Very truly yours,

HOWARD & HOWARD ATTORNEYS PLLC

A handwritten signature in black ink, appearing to read 'Mark W. Peyser', written over the printed name.

Mark W. Peyser

MWP/klw

EXHIBIT B
City of Taylor Release of Claims Form

RELEASE OF ALL CLAIMS

IN CONSIDERATION of the dismissal of Case No. _____, in the 23rd District Court by the City of Taylor, a municipal corporation,

I release, discharge and agree not to sue the City of Taylor, any of its officers, agents, servants, employees, and/or members of the Taylor Police Department for any claims, alleged injuries, alleged damages and/or consequences involving the incident in which I was charged with the following:

It is understood and agreed by me that the dismissal of the criminal action by the city is not an admission of liability on the part of the City or its officers, employees, agents and/or servants, but that such dismissal is to settle my claim(s). It is understood that the City and its officers, employees, agents and/or servants deny and dispute my claims, alleged injuries, alleged damages, and/or the consequences of the incident in which I was charged.

This release is being given by me voluntarily, and it is not based on any representations or statements of any kind made by the City, the prosecutors, the City's officers, agents, representatives, servants, employees and/or members of the Taylor Police Department. Furthermore, there has not been any representations or statements of any kind made by anyone as to the merits, legal liability, or value of my claim(s) or any other matter relating thereto.

Further, I understand that I can consult an attorney prior to entering into this agreement and have been advised of such and (check one)

_____ (a) have done so. _____ (b) have voluntarily and knowingly chosen not to.

It is further understood by me/us that this Release is intended to cover all actions, claims, causes of action, lawsuits, Michigan Department of Civil Rights complaints, and demands, any damage, loss, injury or claim, known or unknown, which may be traced either directly or indirectly to the incident.

I fully acknowledge and understand that I can never bring a lawsuit against the City of Taylor or its police department, officers, agents, servants, employees, or any members thereof for anything that occurred including any and all injuries and/or violations of state and/or federal laws during my/our arrest and/or detention on the above-charges. I further dismiss my Michigan Department of Civil Rights Complaint. I am knowingly and voluntarily waiving all rights to bring a lawsuit under this agreement.

I further agree to indemnify and hold harmless and pay for the defense of the City of Taylor and its officials, officers, agents, servants, employees and/or volunteers from any and all alleged claims resulting from alleged injuries and/or alleged damages or alleged losses sustained by me arising out of my arrest and/or detention.

I acknowledge that I am not in custody at this time and that I have had ample time to consider this agreement before voluntarily signing it. I further acknowledge that I am willing to sign this agreement and that the agreement is clear on its face.

I further acknowledge that this Release of All Claims was fully explained to me by _____ and I fully understand the contents of this agreement and the effect of the relinquishment of rights waived.

IN WITNESS WHEREOF, I have hereunder set my hand and seal this _____ day of _____, A.D., 20_____.

Address _____

SIGNED SEALED AND READ IN THE PRESENCE OF:

WITNESS

Address _____

WITNESS

Address _____
