

# **DETROIT POLICE DEPARTMENT**



## INVESTIGATION OF THE **MAJOR VIOLATORS CORRUPTION INCIDENT**

Public Report

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Chief of Police

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# INTRODUCTION

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## **BACKGROUND**

In April 2019, the Federal Bureau of Investigation (FBI) received a phone call from a narcotics dealer, identified as Dealer M., who accused a Detroit Police Officer, Member #16, of attempting to coerce money from him/her in exchange for ensuring that Dealer M. would not be prosecuted after a narcotic raid on his/her house. The FBI contacted the Detroit Police Department (DPD) to alert them of the allegations and their investigation. After a thorough investigation, Member #16 ultimately pleaded guilty in federal court to bribery and resigned pending further investigation from DPD.

Not satisfied in believing this bribery case was an isolated incident given the history of the Narcotics / Major Violators Unit (MVU), Chief of Police James E. Craig ordered a complete and exhaustive investigation into the unit beginning August 22, 2019. Specifically, Chief Craig directed that all records pertaining to narcotics investigations from 2009 through 2019 be removed from three different Departmental sites and co-located at the Detroit Police Professional Education and Training Center. In total, Internal Affairs investigators removed 55 file cabinets, 429 boxes and 61 bins filled with case files, payment vouchers, raid books, timesheets, and source information. Additionally, DPD and FBI computer forensic teams copied 55 MVU digital hard drives as part of the effort. Finally, Chief Craig invited the FBI to work collaboratively with DPD as part of a task force to investigate the practices of MVU. The FBI agreed and assigned numerous agents and staff to assist with this inquiry.

## **TASK FORCE**

Chief Craig immediately established a DPD-led multi-agency task force, the Operation Clean Sweep Task Force (OCSTF), to review and assess these records for evidence of criminality and/or Departmental misconduct. The task force consisted of the following personnel:

### **Detroit Police**

Director, Professional Standards Bureau  
Commander, Professional Standards Bureau  
Captain, Professional Standards Bureau  
Captain, Civil Rights Unit  
Lieutenant, Crime Intelligence Unit  
Four Sergeants, Internal Affairs  
Two Sergeants, Force Investigations  
Sergeant, Second Precinct Detective Unit

**Detroit Police (continued)**

Sergeant, Cyber Crimes  
Investigator, Federal Public Corruption Task Force  
Detective, Integrity Unit  
Crime Analyst, Crime Intelligence Unit  
Intelligence Specialist, Crime Intelligence Unit  
Administrative Assistant, Professional Standards Bureau

**FBI**

Supervisory Special Agent, Public Corruption  
Four Special Agents, Public Corruption  
Michigan State Police, Detective, Federal Public Corruption Task Force  
Office of Michigan Attorney General, Investigator, Federal Public Corruption Task Force  
Criminal Analyst

Due to the nature of and level of the criminal activity discovered, the personnel selected for the task force possessed a variety of knowledge and experiences, including the investigation of major and minor crimes and police misconduct cases. There were also personnel assigned for technical and analyst support. When this investigative team uncovered potential criminal misconduct, the following prosecuting entities reviewed this information for their prerogative and decision:

**Wayne County Prosecutor's Office**

Chief of Special Operations  
Three Assistant Prosecuting Attorneys

**United States Attorney's Office – Eastern District of Michigan**

Assistant United States Attorney

**THE BRIBERY**

In late March 2019, MVU Member #1 conducted surveillance at a suspected narcotics location within Detroit's 8<sup>th</sup> Precinct. According to the affidavit in support of his/her search warrant application, Member #1 stated that he/she had received information from a cooperating defendant that the location was a stash house for a heroin dealer. Member #1 obtained a search warrant for the location on April 2, 2019, and MVU members raided it the next day. The officers found over two kilograms of heroin, one kilogram of cocaine, six firearms, and \$1,500. Member #16 took a statement from Dealer M., in which Dealer M. confessed to possessing the narcotics. However, despite the fact that Dealer M. had previously been convicted of serious violent crimes, including assault with intent to murder, the MVU crew did not arrest Dealer M. and released Dealer M. at the scene.



Over the next few weeks, Member #16, both by telephone calls and text messages, attempted to “flip” Dealer M. into providing information about other drug dealers and locales. During one of these phone conversations, Dealer M. offered to pay Member #16 to make the case against him/her “go away.” Specifically, Dealer M. offered to pay Member #16 the sum of \$15,000 in cash in exchange for his/her signed statement from the DPD case file back and for Member #16 not pursuing charges. Member #16 agreed; however, unbeknownst to the officer, Dealer M. was recording this conversation. Dealer M. turned that recording over to his attorney who contacted the FBI’s Public Corruption Unit. On May 2, 2019, Member #16 collected a \$10,000 cash bribe from Dealer M., and, on May 23, 2019, Member #16 collected the final \$5,000 of the bribe and delivered Dealer M.’s signed, original confession with the FBI watching. The United States Attorney’s Office – Eastern District of Michigan subsequently indicted Member #16 on two counts of bribery on August 22, 2019.

### **OCSTF INVESTIGATION**

As a result of Member #16’s corrupt criminal actions, coupled with the bribery indictment, the OCSTF initiated its investigation by identifying and reviewing all the search warrants Member #16 prepared while assigned to MVU. The OCSTF investigators also reviewed Member #16’s reports for vague and duplicative language concerning narcotics raids. There was specific emphasis placed on offenders where there were large confiscations of drugs and money, without arrest or follow-up prosecution. The OCSTF team found many such instances within Member #16’s documents. Once these individuals were identified, the OCSTF investigators began interviewing them. In total, there were there were thirty (30) problematic affidavits of Member #16, from 2018-2019, assigned to the OCSTF investigators for further review.

Notably, around the same time, OCSTF investigators received information from a reliable source that MVU members were using the Source of Information (SOI) funds like an “open checkbook.” This lead gained additional credence when OCSTF investigators found over thirty (30) blank SOI payment vouchers with fingerprints and/or signatures of SOIs on them in document collection at the MVU base. With this lead, OCSTF investigators reviewed all SOI vouchers to identify patterns of abuse or suspicious payments. The investigators then began the interview process of several former SOIs.

The progress of the OCSTF investigation was slowed when the COVID-19 pandemic struck. While dealing with a national pandemic, the investigative process continued, but was seriously delayed while team members determined the best strategy to continue. Ultimately, OCSTF leadership made the decision to have the OCSTF investigators work remotely, inputting and assessing information and data, until they were able to return to work safely.

As you read this report, it is important to know the four (4) following definitions, as used by MVU members in their reports and search warrants:

- Confidential Informant (CI) = An unidentified person providing information regarding illegal criminal activity, to include narcotics activity
- Source of Information (SOI) = A registered and paid police informant who attempts undercover narcotics buys and provides police with information regarding illegal narcotics activity for a fee
- Flip = An unregistered individual, encountered during a drug raid, who MVU officers convince to provide information about other narcotic locations in exchange for not arresting or prosecuting the individual. These agreements were done without consulting with or obtaining the approval of the Wayne County Prosecutor's Office (WCPO).
- Cooperating Defendant = An individual, encountered during a drug raid, who provides information to obtain leniency on his/her sentence. These individuals are individuals were prosecuted by the WCPO and the agreements with them was done with the knowledge of prosecutors.

An early question that investigators endeavored to answer was whether there were certain threshold amounts of narcotics that MVU considered significant especially since one justification for "flipping" individuals was that MVU members were attempting to work up the chain to "major drug dealers." MVU defined a major narcotic seizure, one that required command notification, to be any amount equal to or more than:

- 125 grams / Cocaine
- 28 grams / Heroin
- 5 kilograms / Marijuana

Pursuant to permission from Chief Craig, the OCSTF investigators initiated a process of interviewing past and present MVU personnel to garner information to assist in resolving any corruption allegations and to gather ideas and recommendations to help improve MVU functions and operations for the Detroit community. The interviews were by special invitation by Chief Craig. MVU members had the choice of speaking with OCSTF investigators voluntarily or under the provisions of *Garrity* (a compelled statement that cannot be used against an individual in a criminal prosecution, but can be used in administrative hearings – See *Garrity v. New Jersey*, 385 U.S. 493 (1967)). Once the interviews began, most were voluntary, but some were under the provisions of *Garrity*, at a particular officer's choice. However, without union support, the interviews ceased. Therefore, not every past and current MVU member was interviewed in regards to this investigation [see Chapter 5 for a more complete discussion of the interview process].

Finally, while the investigation was ongoing, the Department had a leadership change. On June 1, 2021, former Assistant Chief James E. White was appointed to Interim Chief

of Police succeeding Chief Craig, and on August 23, 2021, he was appointed Chief of Police. Chief White met with the OCSTF investigators for an update and expressed the same level of importance for the OCSTF investigation and his support for the significant work of the task force.

# CHAPTER 2

## OPERATIONS - OCSTF

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Prior to the discussion of the OCSTF investigative findings, it is important to explain the investigative process and the information that was reviewed. Faced with a voluminous amount of information that spanned a decade, the task force identified areas of concern and formed their investigative strategies to focus on each issue in turn. Chapter 2 will discuss the types of information that OCSTF reviewed and how they were used to further the investigation.

### **DOCUMENT REVIEW**

As stated in the Introduction, once Chief Craig gave the order to secure the MVU files, a handpicked DPD team removed and cataloged all narcotic-related files from three Departmental sites and co-located them at a secure location within the Detroit Police Educational and Training Center. In total, the team removed 55 filing cabinets, 429 storage boxes and 61 bins filled with case files, payment vouchers, raid books, timesheets, administrative documents and registered source information from the MVU base, Prisoner Processing Unit and the DPD Records Section. In an effort not to disrupt the MVU day-to-day operations, the files that were considered current, March 2019 through August 2019, were not confiscated at that time.

The aforementioned were the pool of documents utilized to initiate and support the findings of this investigation. OCSTF investigators utilized these same files and documents to fill legal discovery requests.

### **INVESTIGATIVE CYCLE**

Prior to the onset of the OCSTF investigation, there was a discussion with DPD members and its investigative partners to determine the responsibilities, expectations and functions of MVU members while performing their official duties. During this audit and review, absent special circumstances, OCSTF investigators and their partners expected to observe the following when reviewing the MVU documents inside the case envelope:

- Court Case Envelope (evaluated for completeness, filed correctly, dated, numbered, retrievability, legibility, etc.)
- Introductory probable cause information for the target location. This is the information that brought a specific location to the attention of MVU members (i.e.

personal observations, 224-DOPE tip, police run information, tip from confidential informant or flip, tip from patrol, or tip from a citizen)

- Documentation of digital work-ups of the target location (i.e. Law Enforcement Information Network inquiry, LexisNexis/Accurint inquiry, CLEAR inquiry and Michigan Department of Corrections inquiry)
- Documentation and thoroughness of follow-up surveillance listing dates, times, locations, vehicles, personal observations and descriptions
- Surveillance notes thoroughly documenting officers' actions and observations
- Search warrant affidavit validity (i.e. completeness, thoroughness, verified, approved, signed, stamped and executed versus not executed)
- Search Warrant Risk Assessment Matrix listing the risk assessment of executing a search warrant at a particular location and assigning it a risk number
- Pre-raid safety briefing
- Primary police reports (reviewed for thoroughness, probable cause, crime elements, officers' actions taken, use of force, offenders arrested, offenders released, offender dispositions, original perspectives, individually prepared and reviewed by supervision)
- Interrogations records (reviewed for thoroughness, contents, questions, originality, completeness and confession obtained or refused)
- Search warrant returns listing confiscated items (evaluated for completeness, thoroughness, signed and copy provided or left at empty dwelling)
- Secondary police reports – i.e. forfeiture reports, lab analysis request reports, impounded vehicle reports, 24 Hour Information Sheets, SOI reports and Activity Logs (evaluated like police reports)
- Investigator's Reports (reviewed for completeness, offenders identified, offenders in custody or not-in-custody, thoroughness, originality, consistent with police reports, submitted versus not submitted and approved by supervision or management)

OCSTF investigators used interviews, DPD past and present experience, DPD emails, DPD institutional knowledge, DPD resources, databases and information, paired with law

enforcement investigative, social media and internet databases in an attempt to compare and verify the expected information.

### **INVESTIGATIVE DATABASES**

The following is a list of the investigative database used by the OCSTF investigators to compare, verify and validate the investigative information:

- DPD Management Awareness System
- DPD RMS Reporting Database
- DPD CRISNET Reporting Database
- DPD JMS Reporting Database
- DPD Integrated Justice Information System [inmate arrest photos (mugshots)]
- DPD Tracker Evidence System
- DPD Outlook Email System
- DPD GroupWise Email System
- All Star Investigative Management System (AIMS) (MVU enforcement database)
- City of Detroit Green Light Video
- License Plate Readers
- Law Enforcement Information Network/Talon
- Michigan Department of Corrections
- Wayne County Jail Inmate Information
- Wayne County Sheriff Electronic Monitoring (Tether) Tracking
- Wayne County Register of Deeds
- CLEAR Law Enforcement Database
- LexisNexis (Accurint) Database
- Third Circuit Court Odyssey System
- 36<sup>th</sup> District Court System
- 36<sup>th</sup> District Court Sign-In Documents
- CellBrite Software [cellular phone internal data]
- PenLink [cellular phone tower data]
- Various Federal Databases [accessed and used by the Federal partners]
- Internet Searches
- Social Media Searches

These databases, investigative tools, programs and information played an integral part of this investigation, assisting in locating officers, offenders and witnesses, as well as supporting or refuting the MVU information in question.

## FILING CABINETS

***MVU Workspace:*** Upon review, it was determined that the filing cabinets taken from the MVU workspaces contained the court file envelopes utilized by MVU members to keep track of their work. These filing cabinets were strategically placed throughout the MVU base, near the respective raid crews. The cabinets mostly contained file envelopes where search warrants had been executed; however, there were also some open files. Each individual envelope represented a MVU case and it was kept inside of a filing cabinet drawer. Each filing cabinet had either four (4) or five (5) separate drawers with each drawer holding anywhere from 150 to 175 MVU case envelopes, depending on the thickness of the envelopes. These envelopes kept all the recent documents that related to the actions taken by MVU members regarding the case, such as their police reports, arrest reports, search warrant affidavits, lab requests, search warrant matrix documents, interrogation documents, 24 Hour Reports, Forfeiture forms, etc.

***MVU Archive Room:*** There were other filing cabinets taken from the MVU archive room. These files contained the same type of envelopes and documents as the MVU workspace cabinets described above, but they were the older case files.

The MVU workspace and MVU archive room files were the main files OCSTF investigators reviewed to determine the progress and status of a particular MVU investigation. The information taken from these filing cabinets provided the foundation for the OCSTF investigation. Once a particular case became a focus based upon information garnered from the investigation, investigators located the file within the filing cabinets. OCSTF investigators then reviewed each document for its validity and worked to corroborate each detail of the case. When warranted, the investigator's corroboration efforts included internal and external digital work-ups, workbook comparisons [raid book, complaint book, and/or 224-DOPE book], site visits, telephone calls, interviews and search warrant requests.

***MVU Administrative Files:*** There were also administrative files taken from the MVU base. These files included timekeeping, overtime and source of information documents, as well as Use of Force reports, personnel files and Supervisor Investigative Reports. Depending on the type of documents, investigators distilled some of the information off these documents on to Excel spreadsheets or Smartsheets. This practice allowed investigators to quickly sort and analyze the timekeeping, overtime and source of information data.

***Prisoner Processing Unit Files:*** The Prisoner Processing Unit files contained the same type of envelopes and documents as the MVU workspace cabinets previously described. However, they were narcotic-related cases for the entire city of Detroit, including precinct cases. They also had the status and dispositions of the court proceedings documented on the exterior of their Court Case Envelopes (i.e. Pre-Exam Hearing, denied, waived

bound over, held bound over, etc.). The primary focus for the Prisoner Processing Unit was from 2017 through 2019, unless otherwise stated.

**Source of Information Files:** The source of information (SOI) files were kept in filing cabinets. These were extremely sensitive files, and thus were kept away from the main MVU workspaces and were secured under lock and key. Both the active and deactivated SOI files were inside the filing cabinets and they were labeled appropriately.

The SOI documents were kept inside of individual manila folders and were filed in sequential order by the SOI's identification/control number. Consistent with DPD policy [Special Order #08-14], the manila folder had the SOI registration information, a photograph of the SOI, a fingerprint card for the SOI, the SOI's signatures and background check documents for the SOI, and a Law Enforcement Information Network printout for the SOI. It also had an approval form identifying the handling officer and approving supervisor.

Once OCSTF investigators determined that a SOI was needed to corroborate information, they used these files to discretely identify, locate and interview concerned SOIs. Some SOI interviews were in person and others were completed via phone. In total, OCSTF investigators interviewed nineteen (19) SOI's. SOIs are further discussed in chapter 3 of this report.

### **BANKERS BOXES**

DPD used cardboard Bankers Boxes to store files of historical and archived files of MVU and Prisoner Processing Unit. OCSTF found Bankers Boxes of archived files at the MVU base, Headquarters (Prisoner Processing Unit), and the Archive Records Section. All of these boxes contained the exact same court envelopes, but older. There were no SOI files in the archives.

### **ADMINISTRATIVE FILES**

The Administrative files were taken from the MVU Administrative, Timekeeping and Fiscal Officer offices. There were also documents taken from the 36<sup>th</sup> District Court Sign-In room. In these instances, OCSTF investigators did not take the actual filing cabinets. Rather, they removed the contents from within the filing cabinets and secured them in bins and boxes. These were files such as overtime documents, court Appearance Notice documents, SOI payment and premium payment documents, supervisors' reports, leave day documents, MVU roster information and court sign-in sheets.

OCSTF investigators sorted and entered the information from these documents onto an Excel Spreadsheet or Smartsheets. Investigators then reviewed this information to identify dates when the MVU officers worked overtime, went to court, signed into court



and made SOI payments. The officers' times were documented on overtime forms [see Chapter 6 of this report], Appearance Notices [see Chapter 6 of this report] and on SOI payment forms [see chapter 3 of this report]. While reviewing these documents, OCSTF investigators found evidence of officer misconduct in the areas of court time and overtime fraud, when these documents were compared to cellular telephone records and data tower information.

### **LEDGER BOOKS**

MVU kept certain information in handwritten ledger books and binders, some of which was not backed up with a digital copy. They kept track of their raid locations, MVU case numbers, SOI payment information and their 224-DOPE tip information in these ledger books and binders. Therefore, OCSTF investigators either confiscated the ledgers/binders, or copied them when confiscation was not feasible to the MVU or Prisoner Processing Unit operations. OCSTF investigators utilized the following ledgers in this investigation:

- MVU Raid Books
- MVU Case Books
- MVU Property Books
- 224-DOPE Books
- SOI Payment Record Books
- Prisoner Processing Unit Case Books
- Prisoner Processing Unit No Case Books
- Prisoner Processing Unit Lock Seal Folder Books
- Prisoner Processing Unit Arrest Books
- Prisoner Processing Unit Lab Books
- Prisoner Processing Incident Books

The MVU ledger books, coupled with the information from the All Star Investigative Management System (AIMS) assisted investigators to identify, locate and retrieve the necessary investigative files and information, in most instances. The MVU file retrievals were challenging due to their filing system, but manageable [see Chapter 4 of this report]. However, some files were not located at all during this investigation. The Prisoner Processing Unit's information and file were more organized and easier to navigate. Therefore, unless the file was required for court, OCSTF investigators were able to locate and use the case information to assist in proving or refuting investigative information.

### **INVESTIGATIVE FINDINGS**

Document review was the backbone of the OCSTF investigation. Consequently, the investigative findings are spelled out throughout the subsequent chapters of this report.

## **COMPUTER HARD DRIVES**

At DPD, Department members use computers on a daily basis to input, store, and access information concerning day-to-day operations and investigations. More specifically at MVU, members use computers to create documents such as police reports, search warrant affidavits, overtime reports, Activity Logs, Investigator's Reports, SOI documents, etc. The computers are also used to distribute, retrieve and share Departmental information in the form of electronic mails (emails). All of these activities leave a digital trail and are retrievable.

Therefore, as part of this investigation, specialized Forensic Examiners from both DPD Cyber Crimes Team and FBI Computer Analysis Response Team (C.A.R.T.), assisted Internal Affairs by copying fifty-five (55) desktop and laptop computers' shared hard drives during the search of the MVU base on August 22, 2019. All of the computers were City of Detroit Property and utilized by MVU members to conduct their day-to-day operations and duties. It should be noted that by policy [DPD Manual 307.1-5.4], DPD members have no expectation of privacy while utilizing City of Detroit electronics systems to conduct their daily duties. Additionally, they are prohibited from sharing their DPD "Log on ID" and "Password."

After the information from the MVU hard drives was extracted and copied, it was then transferred and stored on external hard drives. To ensure the integrity of its contents, the external hard drives were secured at the Professional Education and Training Center, in a locked room with limited access, which was under 24 hours video-recorded surveillance.

During the investigation, members of the DPD Cyber Crimes Team and the FBI C.A.R.T. trained OCSTF investigators on how to interpret the digital data information copied from the computer hard drives.

## **HARD DRIVE EXAMINATION**

OCSTF investigators individually reviewed the data contents of the fifty-five (55) MVU computer hard drives. As expected, there were items such as department documents (search warrant affidavits, RMS police reports, overtime reports, SOI paperwork) and correspondence in both PDF and Microsoft Word forms. Additionally, there were photographs, emails, website addresses, and videos found on the hard drives. Investigators used this digital content to further investigations into particular search warrants and search warrant executions, as well as to formulate questions for the Department members during *Garrity* interviews.

Investigators were surprised not to find search warrant templates in their review of the hard drives. During the review of physical MVU case jackets, OCSTF investigators

determined that in many instances, MVU members used search warrant affidavits that contained repeated “cookie cutter” or stock language. Numerous search warrants were found to have the exact same general structure and verbiage (especially concerning sources of information), but then would have particular elements changed such as the address, cross streets, dates and slight variations in the circumstances to make the warrant applicable to the particular house in question. Based on that determination, investigators expected to find a digital search warrant template that allowed for only changing the information to fit the specific circumstances of a location. There was no evidence of those types of search warrant templates located in the computer hard drive reviews, which led investigators to believe the officers were using either USB thumb drives or external hard drives devices to prepare and store their documents. The DPD search team did not confiscate any USB thumb drives or external hard drives from the MVU base.

Finally, it is important to note that MVU computers were located openly throughout MVU members’ workspaces at the MVU base. The computers were shared with equal access amongst the MVU officers, that is, the MVU common computers were not specifically assigned to any one member, and all members, based upon availability, used the computers. Therefore, the information extracted from the computers was not necessarily specific to any one MVU member or his/her profile, but rather to each individual officer who signed-on with his/her profile and utilized the particular computer. For instance, there was a computer hard drive copied from the workspace area of Member #1, but it contained extracted information from members #1, #2, #5, as well as members assigned to IT.

### **INVESTIGATIVE FINDINGS**

There were fifty-five (55) MVU computer hard drives copied and their contents reviewed and analyzed by OCSTF investigators pursuant to this investigation. Investigators found numerous documents that assisted in identifying personnel assigned to MVU during particular periods and that corroborated various aspects of the investigation. Investigators also found documents and e-mails that assisted in forming inquiries during *Garrity* interviews of Departmental members. However, there was no direct digital evidence of wrongdoing found in the search of the hard drives.

## **ELECTRONIC MAIL**

As is common in all modern workplaces, Department members utilize electronic mail (email) as an efficient communication and data-gathering tool. DPD policy [DPD Manual 307.1] expresses that email provides opportunities for enhancement of productivity, is an effective means to communicate, can distribute records and documents for collaboration and can be used on a daily basis to transfer information rapidly. Departmental desktop and laptop computers are capable of accessing emails, as well as mobile digital devices and related electronic messaging devices.

Per DPD policy [DPD Manual 307.1], all Departmental electronic systems, to include emails, are of public record and subject to inspection and disclosure. Department members have no expectation of privacy in their use of Department email, even when marking their email correspondence “private.” Additionally, Department members are required to review their Department email and Administrative Messages once daily during their tour of duty, and are encouraged to check their email occasionally thereafter, unless the member is on furlough, leave, or otherwise separated from active duty.

After a preliminary review of the investigative information, OCSTF investigators requested access to the emails of twenty-four (24) current and former MVU members from 2009 through 2019, through the City of Detroit Department of Innovation and Technology for Public Safety & Cyber Security Division (IT). This request was for emails to/from command, supervisors and officers. IT was able to locate and grant access to emails of twenty (20) of the requested members. It is to be noted that DPD changed email service providers in April 2019. DPD switched from the GroupWise email system to the Outlook email system, and per IT, the information provided from the twenty (20) members requested was all the emails available for the members through both email systems, for the requested period.

OCSTF investigators examined the twenty (20) past and current members' DPD email accounts. Due to availability, the emails ranged from 2014 through 2020. OCSTF investigators recovered numerous emails documenting directives communicated from leadership to supervisors, assisting OCSTF investigators to establish timelines and expectations within MVU. It also shed insight into the process of leadership disseminating MVU guidance, information and orders. The topics of these emails included, but were not limited to the following: orders on properly completing and submitting Daily Activity Logs, overtime reporting, RMS reporting, updates on new and deactivated registered SOI's, changes and updates involving the Unit's SOP's, and Major Incident reporting. These emails support that leadership engaged with supervisors and officers via email to accomplish many of the administrative details of the job, thus using Department emails as a management communication tool.

MVU members' emails also contained other information to assist in daily work activities such as, officer-to-officer communications, subpoenas and court notices, citizen complaint information, WCPO requests, MVU administration information, and NIBIN and MSP Lab results.

### **EMAIL ACTIVITY - MISCONDUCT**

During the email review, OCSTF Investigators discovered overtime documents and court Appearance Notices that members forwarded to supervisors for approval, which contained fraudulent information. For example, investigators located copies of MVU members' Daily Activity Logs and overtime reports that were forwarded via email for approval for dates the members received monetary compensation for overtime. Another example OCSTF investigators found were emails where members submitted Appearance Notices requesting court pay in order to meet a Judge or Magistrate in person to obtain a signature on a search warrant affidavit, when in fact the signature was already secured electronically after the member had sent the search warrant to the judge or magistrate via email. The officer never actually went to court and obtained the signature for the warrant.

The email review also aided with a perjury investigation, by discovering the email communication string between Member #12 and an outside federal entity during the fall of 2017 where a narcotic suspect was identified by cell phone information and electronic tracker search warrants. A separate string of email communications also confirmed that Member #12 submitted search warrant affidavits with falsified confidential informant information to secure four (4) separate search warrants that resulted in the recovery of narcotics, guns and U.S. currency. However, because of fraudulent information and subsequent perjured testimony, the courts ultimately dismissed the pending criminal case against the suspect.

### **INVESTIGATIVE FINDINGS**

There were twenty (20) MVU members' email accounts reviewed and analyzed by OCSTF investigators pursuant to this investigation. There was information reflecting that leadership and management were communicating with supervision and vice versa, as well as officer-to-officer communication – the intended use of the email system. There were also emails located that showed MUV officers forwarding fraudulent documents and falsified affidavit information and information that assisted the OCSTF to identify a perjury situation with Member #12.

Email evidence will be found throughout this report, as relevant, to explicate the various investigative findings.

## **HOTLINE**

As part of the OCSTF investigation, Chief Craig announced the creation of the OCSTF hotline (313-596-3190) on October 14, 2019. The hotline allowed citizens a means to contact the OCSTF directly to give information on specific narcotic-related cases and to report possible corruption perpetrated by Narcotics or MVU members. Chief Craig broadcasted and repeated the hotline number through the media to ensure the public had knowledge and a direct line to call. OCSTF investigators were briefed on the importance of the hotline and for the first two (2) weeks, OCSTF investigators monitored the number twenty-four (24) hours a day, seven (7) days a week, to ensure all calls were received in a timely fashion. After the initial volume of calls subsided, OCSTF investigators monitored the number during regular business hours.

The OCSTF investigators received eighty-two (82) calls from citizens, their families and from Michigan Department of Corrections prisoners providing tips and information regarding occasions they believed constituted police malfeasance. During the hotline conversations, callers often expressed gratitude for the hotline, specifically for providing a place to call and report narcotics enforcement related issues, outside of the normal chain of Internal Affairs. Some callers expressed they did not trust or have confidence in Internal Affairs.

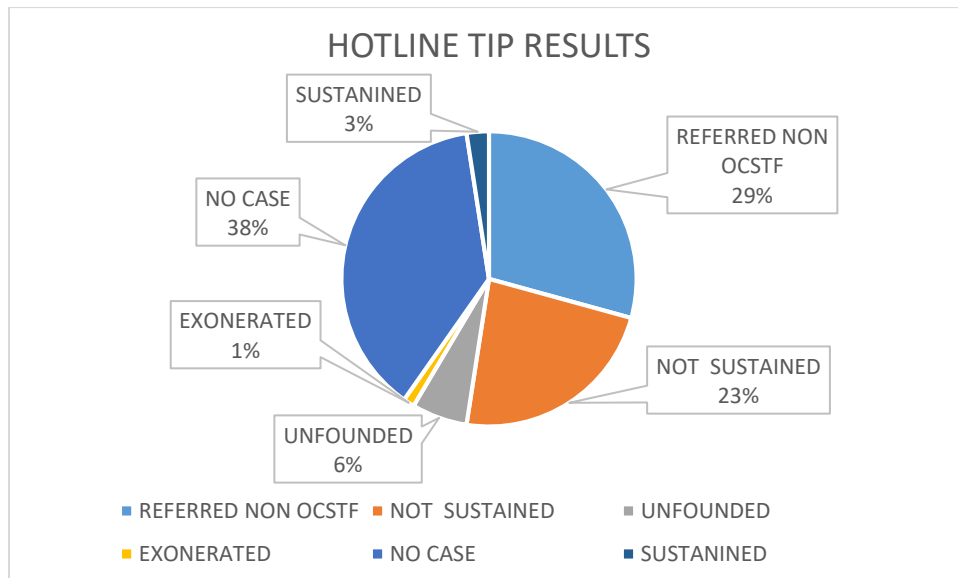
The hotline allegations ranged from larceny, false affidavits, perjury, false arrests, planting evidence and extortion. Given the seriousness of the allegations, OCSTF investigators conducted extensive investigations into every complaint filed.

Upon review of the complaints, the investigations resulted as follows:

- Twenty-four (24) complaints were referred to other DPD units or outside police agencies to be handled, because they did not fall within the scope of the OCSTF investigation [i.e. complaints involving non-MVU members (precinct special operations, patrol, etc.) or law enforcement from other municipalities].
- Nineteen (19) complaints were investigated and were found NOT SUSTAINED, meaning the OCSTF investigation could neither prove nor refute the allegation or information.
- Five (5) complaints were investigated and were found UNFOUNDED, meaning there was no information to support that the incident occurred as reported.
- One (1) complaint was investigated and was found EXONERATED, meaning that event occurred as alleged, but that the officers followed the proper protocol, procedures and policy.

- Thirty one (31) complaints were closed as NO CASE for various reasons [i.e. the call lacked specific information or allegation, the call was information regarding unrelated matters, the caller was merely seeking information, the call was deemed a prank call, etc.]
- Two (2) complaints were investigated and SUSTAINED, meaning a preponderance of the evidence showed that the alleged conduct occurred and the actions violated DPD policies, procedures or training.

See the following illustration chart for the hotline tip results:



During this investigation, one (1) of the most serious complaints was an allegation of a false affidavit by a MVU member, Member #16. A Michigan Department of Corrections prisoner called the hotline personally and reported that the search warrant underlying the search of his residence in March 2019 contained false information.

The OCSTF investigation revealed that Member #16 prepared and submitted an affidavit based on information a “reliable” confidential informant regarding illegal drug activity at a house in west Detroit. In his/her affidavit, Member #16 averred that the confidential informant, “has been very reliable, narcotics crew have confiscated narcotics, weapons, and US Currency in past do [sic] to confidential informant.” The information in the search warrant about the narcotic activity at the location was specific and detailed. A MVU crew executed a subsequent raid at the location and confiscated a large amount of heroin, marijuana, a weapon and money from the house. During the raid, the caller (Michigan Department of Corrections prisoner) was arrested and charged in 3<sup>rd</sup> Circuit Court, pled guilty and was sentenced to 3-20 years, plus an additional 5 years for the weapon possession.

OCSTF investigators were able to positively identify and interview the referenced confidential informant. The confidential informant stated he/she gave non-specific information regarding illegal narcotics activity at the aforementioned west Detroit house to the MVU member. He/she stated this information was the only time he/she provided information to DPD. Investigators were also able to pinpoint the date when the confidential informant initially came into contact with Member #16, which was very shortly before the subject raid, based upon Departmental records and Member #16's phone records. Comparing the confidential informant's statements to Member #16's averments, the affidavit deceptively bolstered and falsified the information given by the confidential informant. A review of other affidavits authored by Member #16 showed similar "cookie-cutter" language used to bolster confidential informants' histories, including the same typo identified above. Thus, OCSTF SUSTAINED a finding of false information being contained in this search warrant affidavit. OCSTF communicated its finding to the Wayne County Prosecutor's Office, who filed a motion to dismiss the case. A judge granted the motion and the Michigan Department of Corrections prisoner was subsequently released.

While only two (2) hotline tips resulted in a sustained finding of misconduct, OCSTF investigators found that the hotline tips provided valuable information. Investigators gained insight to information that would not have been obtained otherwise. While OCSTF investigators attempted to complete thorough investigations, several factors limited our ability to confirm or dispel the allegations, including age of complaint [most common], incomplete information and/or lack of evidence. In many cases, the OCSTF investigators were simply unable to garner the information and evidence needed to develop the matters past the initial allegations.

As a final note, while all hotline calls were received and processed, the OCSTF's primary focus were the narcotic enforcement related complaints and tips spanning from 2009 through 2019.



## **CELL PHONE RECORDS**

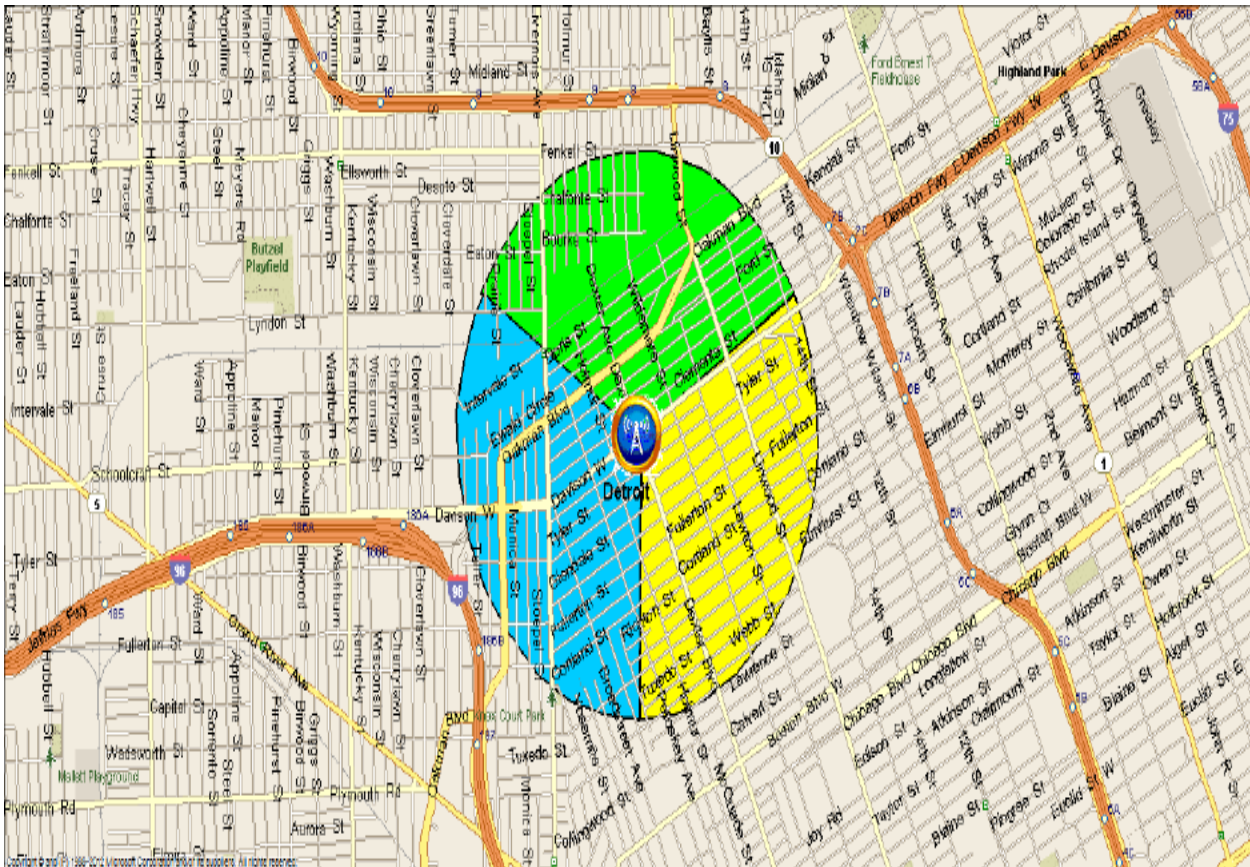
The use of cell phones has become commonplace in everyday life. Modern cell phones are capable of more than just sending and receiving phone calls. The cell phone has become an important communication tool used by people all over the world to keep in contact with each other at any time, to include police officers, and cell phones are constantly evolving.

## **CELLULAR TECHNOLOGY**

Whenever a cell phone makes or receives a call, the handset utilizes radio signals from the cell phone tower emitting the strongest signal to connect with the other phone. That tower normally is, but does not have to be, the nearest cell tower to the phone's location. Cell phone handsets either register with cell towers at the beginning or end of a call or at both points of a call. The service provider retains records of the tower being utilized in order to determine the volume of calls each tower receives and for other business interests. Investigators can obtain these records via search warrant, as well as maps of all of a service provider's cell towers, in order to determine the general location of a particular cell phone when it is in use. This tower data cross-indexes with the tower data from the call records and allows for analysis of the location of the handset / cell phone during call sessions.

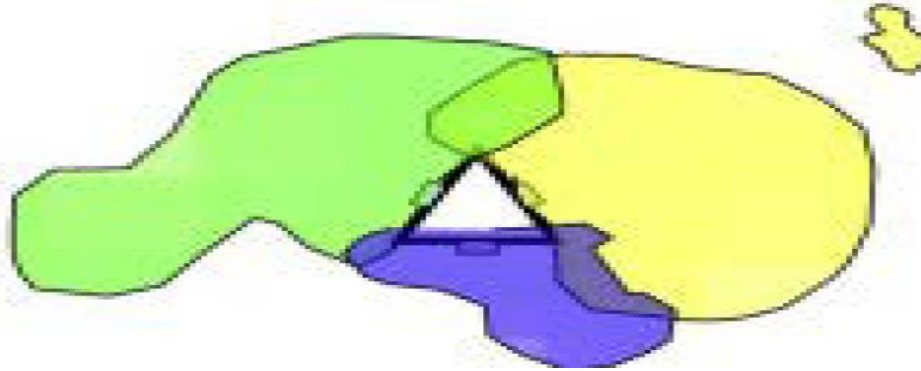
It is important to note that this mapping technique cannot pinpoint exactly where a cell phone is located within a particular cell tower's footprint. However, it can identify which cell tower is utilized to begin a phone call, approximately which general area within that tower's footprint the phone is located, and will show if the phone moved while the call was connected by showing the ending tower. With this information, a trained analyst can create maps showing where a particular cell phone is located when in use. Below is an example of such a map:

## CELL TOWER AND SECTORS (Mapped Example)



In this example, the cell phone tower is located near the corner of W. Davison and Dexter Boulevard in the city of Detroit. The radio waves from the cell tower go out in a 360° fashion from the tower and the service providers subdivide that pie into three 120° sections (sector #1 – green, sector #2 – yellow, and sector #3 – blue). Consequently, if the records reflect that a cell phone used this tower in sector #3, it is likely that the phone could be on Ewald Circle, but not likely on Linwood Avenue. Moreover, it is very unlikely that the phone was in downtown Detroit at Comerica Park given the amount of cell towers between this tower and downtown.

One final caveat about cell tower mapping. While the map above makes it appear that the radio waves spread out in an even manner away from a tower, external factors, such as elevation, buildings, or weather, can affect how the waves actually emanate away from the tower. Thus, in reality, the map above more likely looks like this:



Thus, it is impossible for anyone to pinpoint exactly a cell phone in a particular building or cross street. Yet, it is possible to put a phone in a general location and exclude areas where it is not.

### **USE OF CELL RECORDS BY OPERATION CLEAN SWEEP**

Cell phone call detail and tower records proved to be a useful investigative tool in the OCSTF investigation. With court-approved search warrants, the Task Force obtained seventeen (17) Departmental and personal cell phone records for the MVU members. The Task Force's ability to obtain these records was limited depending on each service provider's internal policies for maintaining their records. For instance, Verizon maintains cell tower data for a period of 18 - 24 months, while T-Mobile maintains their records for a period of up to 18 months. Thus, once the OCSTF's investigation had developed enough probable cause for a search warrant, it was limited going back 18 months from that date for a member who utilized T-Mobile as their service provider. Still, with those limitations, OCSTF investigators were able to gain generalized location information for a Member's device at a specific date and time from the mapping of cell phone records. The information the OCSTF investigators gathered from the cell phone records and mapping assisted the team in proving or refuting actions such as surveillance locations, overtime worked, and court appearances when compared with MVU documents seized from the MVU base on August 22, 2019.

Operation Clean Sweep used this cell phone mapping method for ten (10) different officers, totaling seventeen (17) cell phone numbers. Several officers came under investigation for different reasons such as time fraud, fraudulent search warrants, and surveillance activity. This method was used in an attempt to prove or disprove the information that was placed on Department forms documenting times, dates, and locations. Investigators selected search warrant affidavits and trained analysts from both DPD and FBI mapped the cell tower data in an attempt to prove or refute whether the claimed surveillance occurred at narcotic locations or the claimed overtime/court time was actually performed. On several occasions, it was determined that the surveillance listed on a run sheet was not completed; however due to the lack of information listed in the search warrant affidavits, OCSTF could not prove or refute the surveillance listed.

In addition to review of search warrant affidavits, OCSTF investigators analyzed and compared cell phone records to the overtime documentation of seven (7) MVU officers who were suspected of overtime fraud. For 2019, OCSTF investigators determined that the seven (7) officers submitted documentation and received overtime compensation on 470 different occasions (the most from a single officer being 113 occasions and least being 3). Records show that the suspected officers were compensated for a combined total of 2,245.5 hours of overtime, but cell phone records support that the officers only worked a combined 1,795.5 hours, a difference of 20%. It is important to note that the investigators provided the examined officers the presumption of innocence and if the cell phone records and data were incomplete or inconclusive, the officer was given credit for working.

An example of this behavior was Member #3. Member #3 was a senior member who had worked at MVU for a number of years. During 2019, Member #3 regularly requested to work overtime from 8:00 AM – 11:00 AM, ostensibly to conduct surveillance at suspected narcotics locations within Detroit. Utilizing cell phone location data, investigators were able to determine that on twenty-three (23) separate occasions, Member #3 failed to work the claimed overtime. In fact, the vast majority of the time, Member #3's cell phone consistently utilized his/her home towers in the western suburbs between 8:00 AM to 11:00 AM.

For instance, on March 26, 2019, Member #3's Activity Log showed that he/she arrived at the MVU Base starting at 8:00 AM, before conducting surveillance at four (4) different locations throughout Detroit until 10:35 AM. However, cell location data established that Member #3's telephone was using the cellular towers nearest his/her registered address (outside of Detroit) from 8:39 AM until 11:43 AM. Moreover, his/her phone did not begin using cellular towers in Detroit nearest the MVU Base until 12:36 PM, despite his/her duty day was supposed to start at 11:00 AM. Moreover, the fact that the phone began to use the cellular towers near the MVU Base supports the finding that Member #3 was in possession of the device. Finally, it should be noted, that the examination of cell tower data also showed that Member #3 was never in the areas indicated on his/her Activity Log. As a result, Member #3 was compensated monetarily for three (3) hours overtime (8:00 AM - 11:00 AM), and still showed up late for work on that day.

In terms of fraudulent courttime claims, while reviewing 2009-2020 court Appearance Notices, an OCSTF investigator discovered that Department Member #4 had received unearned financial compensation with fraudulent and forged documents. A review of this member's court Appearance Notices revealed that the member had handwritten times in the corresponding spaces, instead of the authorized clock punch. In fact, Member #4 displayed a pattern and trend of repeatedly using the specific handwritten arrival times of 9:20 AM and 9:40 A.M.; this was irregular and outside of DPD policy. The OCSTF investigator also noted that the Member often signed into court on the sign-in sheet out

of chronological order, indicating tardiness and that the arrival time on the Appearance Notice was inaccurate; this was also unusual. Additionally, OCSTF investigators determined that some of the documents were purportedly signed by DPD court personnel who were away on vacation, and by others who were away at training.

As a result of these observations, the OCSTF suspected Member #4 had falsified DPD documents, committed time fraud, and received monetary compensation for time not earned. An OCSTF investigator drafted a search warrant for the member's personal and DPD cell phone records, to include data tower, in an effort to identify the member's whereabouts during the times he/she was documented attending court. The search warrant was approved, and the data was subsequently obtained, mapped, and analyzed.

Once the cell phone tower data was analyzed, the records showed that Member #4 had been using cell phone towers nearest his/her home in suburban Detroit, on multiple days, when the Department documents show the member was allegedly attending court. A check of Department payroll records demonstrated that Member #4 received fraudulent monetary compensation for those dates. Based on the documentation, the OCSTF estimates Member #4 defrauded DPD and the City of Detroit over \$20,000 spanning over a five (5) year period. Notably, when the Member was transferred from MVU, this practice ceased immediately. After the transfer, the Member appeared in court as scheduled and followed the Department's court sign-in protocols.

Upon discovering Member #4's fraudulent activity, OCSTF expanded its records requests, pursuant to search warrants, to include phone records for additional officers on Member #4's team to see if time fraud was a common occurrence throughout the team. After their applicable cell phone records were requested and received, an OCSTF investigator analyzed the records for similar problematic patterns similar to the ones found with Member #4. After the records were analyzed, it was determined that Member #4 was the only person on that team operating in such a manner. No additional problems were identified with the cell phone records the OCSTF received, specific to court Appearance Notices.

During a separate document review of search warrant affidavits, the OCSTF team members observed improbable information and suspected that certain MVU members were not conducting their surveillances as documented and were committing time fraud. For example, in one instance Member #1 documented observing a narcotics dealer who was actually incarcerated in MDOC on the day of the surveillance. Other times, MVU members were purportedly on surveillance, but time and date stamped documents indicate they were at the MVU base utilizing a computer or in court. Glaringly, there were times when MVU were documented on surveillance, but also on leave. The MVU team members showed similar patterns in their search warrant and surveillance activities.

As a result of these observations, the OCSTF suspected Member #1, Member #2, Member # 3, Member #5, Member #16, Member #17, and Member #21 had falsified DPD documents, committed time fraud, and received monetary compensation for time not earned. OCSTF investigators drafted search warrants for each member's personal cell phone records, to include cell tower data, in an effort to identify each member's whereabouts during the times they documented conducting surveillance. The search warrants were approved, and the data subsequently obtained, mapped, and analyzed.

Once the cell phone tower data was analyzed, with the exception of Member #2 (inconclusive records), the cell phone tower data tower revealed that members had been using cell phone towers nearest their homes in suburban Detroit, on multiple days, when Department documents show those members were supposedly conducting surveillance in the City of Detroit. Payroll records showed that the members subsequently requested and received fraudulent monetary compensation for those dates. The OCSTF estimates these members collectively defrauded DPD and the City of Detroit over \$10,000 spanning over a one (1) year period.

It should be noted that although eight (8) officers have been highlighted above as displaying time fraud issues, the OCSTF investigators did review the claimed overtime of every officer assigned to MVU for concerning patterns. There were sixty-seven (67) members assigned to MVU from 2017 - 2019. In most cases, these reviews of the overtime documents supported the claimed time. However, when the reviews established probable cause for fraud, MVU members' cell phone records were requested, obtained, and analyzed. It is our conclusion that outside of the eight (8) mentioned officers, the vast majority of the MVU Members (88%) displayed no fraudulent issues with their overtime.

## **NARCOTICS TESTING**

A particular area of concern at the onset of the OCSTF investigation, based upon known past misconduct that occurred in the Narcotics Unit, was the handling of seized narcotics, specifically whether drugs were switched out or whether only a fraction were placed on evidence while keeping the rest. As a result, OCSTF investigators collaborated with the Michigan State Police Forensic Science Division to test narcotics MVU members seized and placed DPD evidence, to ensure the legitimacy of the handling of the narcotics and the chain of evidence.

## **STANDARD NARCOTIC PROCESSING**

When a DPD member seizes suspected narcotics, the member places the substance on evidence by putting it inside of a lock seal bag. The member then identifies the lock seal bag with an evidence number. The lock seal bag has an adhesive seal that maintains the integrity of the contents inside. This seal prevents the bag from being reopening, undetected, after a DPD member completes the next step in preliminary analysis.

Per DPD policy regarding narcotics testing, the Prisoner Processing Unit is the initial repository for narcotics evidence. Trained members assigned to Prisoner Processing Unit conduct preliminary analysis tests on suspected narcotics in cases identified as prosecutable. Therefore, the confiscating Department member is required to complete a Laboratory Service document (DPD form 320A) and convey the narcotics to Prisoner Processing Unit. Once Prisoner Processing Unit receives and tests the substance(s), the results of the tests are recorded on the 320A form. The form will indicate if a substance tested positive or not, and lists the approximate weight of the substance. This initial testing is important, because the results from these tests are commonly used at the Preliminary Examination level for court purposes. DPD does not conduct final testing.

After the initial processing, when applicable, the Prisoner Processing Unit submits the seized narcotics evidence to the Michigan State Police Forensic Science Division, Controlled Substance Unit for final testing by a forensic scientist. The Michigan State Police Forensic Science Division, by policy, does not test every piece of evidence submitted by DPD. The Michigan State Police Lab has the autonomy to test what the forensic scientist deems prudent, based on the circumstances. The assigned forensic scientist finalizes the report and laboratory returns the narcotics evidence back to DPD Property Control for safekeeping. DPD maintains the chain of evidence digitally in the DPD Evidence Tracker system.

During the OCSTF's review of this process, a flaw was identified, that is, DPD does not test seizures of suspected narcotics that are marked as "no case" nor are these seizures sent to the Michigan State Police Lab for final analysis. This process itself is not

necessarily problematic since it conserves resources and saves money. However, strict oversight over these “no case” seizures must be maintained to ensure that narcotics are not lost, misplaced, or stolen. During the relevant time investigated by OCSTF, investigators uncovered numerous times where a MVU crew, led by the Raid Commander (sergeant), unilaterally would make the decision at the scene to formally arrest a suspect or not and thus “no case” a particular raid. Via the established MVU practices, the raid crews had a great deal of autonomy to flip a suspect, submit a warrant request, take certain actions specific to their investigations or simply release a suspect. Additionally to making their own decision whether to “no case” a seizure, a MVU member could also call the Prisoner Processing Unit and a Department member there could also make a determination if the factual basis was sufficient to submit a warrant request to the Wayne County Prosecutor’s Office based off of information relayed by the MVU team. These Prisoner Processing Unit decisions are made either by a sergeant or more oftentimes than not, a member the rank of police officer. During the course of the telephone conversation, if in the Prisoner Processing Unit officer’s opinion, the case lacks probable cause, a warrant would not be submitted to the Wayne County Prosecutor’s Office, and it is considered a “no case.” These “no case” seizures were ultimately destroyed according to DPD policy, because narcotics evidence is only held for a specific period, depending on the case status. As a result, older historical cases were not be able to be tested pursuant to this investigation, since the narcotics were destroyed and are no longer available.

Narcotics files deemed “no case” investigations that lack proper oversight and supervision were problematic for a number of reasons. Members with integrity issues that engage in misconduct could potentially switch out the seized narcotics from a scene with a fake filler substance to replicate the same product, knowing that the seizure would not be tested, examined in court later and ultimately destroyed. For example, a crew or crewmember could take a kilogram of cocaine from the scene of a raid, arrange a deal, “flip” the offender and release him/her with an agreement to work of the case. Oftentimes these deals were arranged off the record and without the knowledge or involvement of the Wayne County Prosecutor’s Office, which in turn creates less oversight. Other examples include instances where a raid team executes a raid at a vacant house or when a crew is unable to prove possession at a scene. In all those instances, the vast majority of those cases would never be formally filed, thereby creating a situation where a MVU member could potentially switch out the narcotics and replace them with a fake substance, and place that fake substance on evidence. Then the original drugs could be sold back on streets or, like in some past-alleged instances, sold back to an illegal drug trafficker for redistribution. Since these matters are never tested, investigated further or prosecuted, the fake drugs on evidence would be just waiting to be destroyed. For obvious reasons, the flipped suspect would also not come forward to allege his/her drugs were switched, because he/she was released. Thus, this loophole must be closed. Our recommendation is to conduct random audits and testing on situations that are “no case.”



## **OCSTF NARCOTICS TESTING**

As an initial step, OCSTF investigators had all narcotics evidence stored inside of DPD Property Control preserved. The team issued this order on October 21, 2019 with the dual purpose of ensuring the integrity of the narcotics and that confiscated narcotics evidence would not be marked for destruction during the course of this investigation.

The process for narcotics evidence testing during Operation Clean Sweep proceeded as follows: when certain cases were identified that raised concerns, OCSTF investigators obtained the seized narcotics from those cases from DPD Property Control and submitted them to the Michigan State Police Lab for either initial testing or re-testing, whichever was appropriate. The identified cases included narcotics seized from identified off the books “flip” cases that lacked any disposition status, cases that were never submitted for prosecution, and cases that originated from hotline tips. Investigators also examined the chain of custody for each case to determine the proper handling of these narcotics. Finally, seizures from cases that were never initially tested by DPD were also sent to the Michigan State Police Lab for analysis.

In this investigation, to review the integrity of the system and the chain of custody, OCSTF investigators signed out more than twenty-five (25) items from DPD Property Control and submitted them to the Michigan State Police Forensic Science Division for testing or re-testing. There was a combination of heroin and cocaine submitted separately for testing. Some of the items signed out were never tested, some needed re-testing, and others were just physically examined for evidence of tampering to ensure no suspected narcotics were switched out after these items were previously tested and sealed by Michigan State Police Lab. In these cases, the forensic scientist examined the lock seal bag to determine if the inner seals of the lock seal on the evidence bag had been compromised.

## **INVESTIGATIVE FINDINGS**

The results from the Michigan State Police Laboratory did not reveal any pattern of misconduct by members of MVU. The items that were never tested were shown to be narcotics. The test results for those substances previously tested were consistent with prior tests. For some of the items that were previously tested, new tests were not conducted, but the packages were examined to ensure the inner and outer seals of the lock seal bags were not broken. If the seals were not broken, then the integrity of the contents inside the evidence bag were not considered compromised. The intact inner seals provide evidence that shows the contents were not handled after Michigan State Police performed the requested test. Four (4) of the outer seals did have a seal that had a partially opened section. A further examination of those items confirmed that the inner seals were still intact and there was no evidence of mishandling. It appears the partially opened seals were just damaged while in storage or transport and not as the result of any

criminal intent. At this time, the OCSTF investigation has not garnered any additional evidence that suggest mishandling of narcotics evidence occurred.

As a final note, it should be known that DPD does not have a dedicated crime lab to test narcotics evidence, because in 2008 an audit uncovered “serious errors” in firearms and ballistic evidence testing. As a result, the Interim Mayor [Kenneth Cockrel Jr.] and Chief of Police [James Barren] ordered the crime lab permanently closed. At that time, it was decided that all future cases would be sent to the Michigan State Police Lab, and that is still the process for DPD evidence testing in 2021. The partnership with the Michigan State Police Forensic Science Division has proven to be beneficial and successful for the last thirteen (13) years. This partnership separates and compartmentalizes the handling of DPD narcotics evidence. At the same time, it adds a layer of objectivity and enhances the integrity of the testing process and chain of custody and due to the separation; thereby decreasing the chances to encounter conflict of interest instances.

However, due to the seriousness of narcotics trafficking and with the technology advancements and transparency in today’s law enforcement, there is a better way to determine to outcome of a narcotics confiscation case than a phone call with a police officer. To ensue DPD follows the best police practices and to combat illegal narcotics trafficking in the Detroit community, it is strongly recommended that the call circumstances relayed to the Prisoner Processing Unit officer be reviewed by supervision.

# CHAPTER 3

## MVU – INVESTIGATIVE FINDINGS

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Prior to the discussion of the OCSTF investigative findings, it is important to explain the investigative process and the information that was reviewed. Faced with a voluminous amount of information that spanned a decade, the task force identified issues of concerns and formed their investigative strategies to focus on each issue in turn. Chapter 3 will discuss the types of information that OCSTF reviewed and how they were used to further the investigation.

### **WORK PRODUCT ANALYSIS**

This OCSTF corruption probe and audit was a DPD initiated and led investigation, and included investigators from DPD, FBI, and the State of Michigan. Chief Craig tasked OCSTF investigators with conducting an analysis of the MVU work activity and its prior cases, including search warrants and the affidavits in support of those warrants. Additionally, Chief Craig tasked OCSTF with identifying patterns and trends within the MVU culture, and to recommend any modifications to DPD policies and procedures after reviewing best law enforcement practices whether local, state or federal. Finally, OCSTF worked in consultation with both the Wayne County Prosecutor's Office and the United States Attorney's Office – Eastern District of Michigan when potential criminal misconduct was identified.

### **METHODOLOGY**

Once the OCSTF secured the files at the Detroit Police Educational and Training Center, the audit and review process began in earnest. As stated previously in Chapter 1, the initial work of the investigation team was data input of SOI information to allow for analysis. Once patterns and trends were identified, OCSTF investigators started to identify specific MVU officers' case files, in addition to Member #16's affidavits, for follow up investigative work.

The OCSTF investigators were from different agencies and possessed a variety of investigative backgrounds yet worked as a united team to accomplish the task force's goals. To best utilize the varied skills sets, a DPD OCSTF investigator was paired with a Federal partner, and each team developed their own individual method of interviewing and gathering information. However, each investigative team received the same set of instructions and work material to ensure uniformity.

The OCSTF teams were assigned with auditing the cases and work product of thirty-eight (38) current and former MVU officers. The audit consisted of the thirty-one (31) officers assigned when the investigation started and an additional seven (7) officers due to information uncovered during the course of the investigation. The period for the audit stretched from January 2009 through August 22, 2019. However, due to time constraints, records availability and the complexity of the task, OCSTF investigators focused primarily on 2017 through 2019, although other years were referenced and major events reviewed. During the entire audit, OCSTF investigators maintained working relationships with various Federal, State, County and DPD entities for assistance, data and information.

As suspicious cases were uncovered, the investigative teams were given initial data and statistics, arrest packages and background information [personal and professional] for officers, suspects and witnesses. The work product audit included the following material, although not every document was applicable to every case file:

- Case numbers
- Police reports
- Arrest reports
- Evidence and evidence analysis reports
- Search warrant affidavits and search warrant returns
- Surveillance notes (when available)
- Activity Logs (when available)
- Suspect interview forms
- Source of information documents and reports
- Prosecutorial information (when available)
- Court information (when available)
- Cellular telephone data (when applicable)
- Overtime reports
- Court Appearance Notices
- DPD computer hard drive information and data
- DPD emails records
- DPD personnel information

The assigned OCSTF investigators audited the work product of each MVU officer. The analysis was completed and for this report, the findings for some of the Department member with problematic behavior is summarized below.

The OCSTF teams audited the work product focusing on trends, patterns and inconsistencies in the following areas:

- Civil rights violations
- Validity of search warrant affidavit information

- Use of SOI information
- Use of SOI funds/Bonus (premium) payments
- Suspect interviews
- 224-DOPE tip line use
- Suspect arrests
- Suspect releases [flips]
- Allegations of theft
- Surveillance tactics
- Report writing and approvals
- MVU files
- Raid scene activity and supervision
- Criminal allegations

## **MVU CULTURE**

Prior to delving into the MVU work product, an examination of the institutional culture of the unit is beneficial to understand the backdrop of individual member's actions. OCSTF investigators discovered that MVU had its own unique culture that have developed over the course of time and became its own entity within DPD. Some facets of MVU culture had been present for more than three (3) decades. The MVU culture was strong and influenced the way MVU officers related to each other and enforced the law. New Department members who transferred in from outside of the MVU family had to build trust, which was not surprising considering the level of inherent danger of narcotics enforcement. Once the trust was built, the new member was forced to adopt and acclimate to the MVU culture or face rejection from other crewmembers.

During the OCSTF investigation, after interviewing MVU members and reviewing the MVU work patterns and habits, investigators identified several factors of MVU culture that were consistently displayed throughout the investigation. The four (4) following areas of concern were noted and assessed:

- Relaxed Supervision
- Entitlement
- Vague Documentation
- Constantly Engaged (Too busy)

## **ORGANIZATIONAL CULTURE DEFINITION**

It is important to define and categorize culture. MVU culture is a type of organizational culture. The Cambridge Dictionary defines organizational culture as, "the types of attitudes and agreed ways of working shared by the employees of a company or organization." During the OCSTF investigation, the defined behavior was evident in the

MVU members, especially within the individual raid teams. On many levels, the raid team officers' work, their patterns and habits, and their work methods were predictably similar and oftentimes interchangeable. MVU officers also received the same basic narcotics enforcement training. MVU officers shared the same unique responsibilities and their working methods and philosophies are similar. Therefore, it is understandable that they shared some of the same attitudes and ways or methods of working.

### **RELAXED SUPERVISION**

After dozens of OCSTF interviews and reviewing thousands of MVU search warrant packets, reports and documents, it became clear that MVU's culture operated with relaxed, and in some instances non-existent, supervisory oversight. This investigation revealed that MVU maintained a culture where MVU officers were largely self-managed – whether it was handling a felony drug offender as a “flip;” or working unsupervised surveillance in their personal vehicles; or conducting SOI transactions; or submitting search warrant affidavits – these activities were oftentimes done without supervisory oversight. Granted, due to the nature of the job, MVU officers work out in the community and away from the base; and thus, their positions came with certain amounts of trust and autonomy. However, the routine lack of oversight led to both dangerous (working without the knowledge of supervision and Communications) and corrupt practices (altering their Appearance Notice starting times in order to be compensated for court pay; or submitting incomplete Appearance Notices for compensation).

Supervisory and managerial oversight is important in law enforcement, and the relaxed culture of MVU supervision created an avenue for sloppy documentation of critical police activities. Grammatical errors are understandable; they are expected and are subject to be part of every written document, to include law enforcement documents. However, this investigation revealed that MVU members made obvious mistakes with recording things such as their months, dates, and years on several documents, to include court related documents, such as search warrant affidavits and Appearance Notices. There were documents that lacked the required signatures, including DPD payroll documents, and there was inconsistent and falsified information contained on official documents and reports. With proper reviewing and editing, many of errors were easily correctable by supervision and management. It is troubling, because many of these documents require supervisory review, but were either not reviewed or carelessly done.

### **MVU ENTITLEMENT**

During the investigation, MVU members displayed an attitude and culture of entitlement. The Merriam-Webster dictionary defines entitlement as, “belief that one is deserving of or entitled to certain privileges.” The MVU culture of entitlement was evident in the way MVU officers and supervisors easily circumvented policy regarding overtime, Appearance Notices, surveillance and body worn camera use. MVU members operated as if certain

rules did not apply and supervision turned a blind eye and ignored certain policy violations, allowing MVU officers to operate as if they were entitled or had privilege to Department perks, such as extra time or money.

MVU overtime statistics from 2016 through 2019 show that MVU members participated in some form of overtime activity every other day and every day in some instances. MVU members logged over 35,000 overtime hours in a three (3) year period. The unit and members were no strangers to overtime.

Via OCSTF interviews, investigators determined that supervisors did not heavily scrutinize MVU overtime, until the late spring of 2019, and MVU members expected to work overtime. Reviewing MVU payroll documents revealed that multiple MVU members in the rank of police officer, who were scheduled to earn approximately \$60,000 per year, were earning in excess of \$100,000 by working overtime. Working overtime became part of MVU culture and MVU members operated as if they were entitled to the overtime, whether they actually worked it or not. This finding is supported by systematic overtime fraud discovered in MVU during 2019. Overtime apparently became more of a “right” versus a privilege at MVU. The MVU overtime documentation was often haphazardly completed and submitted. These documents were missing evidence of supervisory review, signatures and supporting documentation like Activity Logs and Daily Details. Even more problematic, officers who did not work were on the overtime documents and were compensated for overtime. See Chapter 6 for a fuller conversation about Overtime and Court Appearance abuses and misconduct.

Allowing MVU members to operate in this manner may possibly have been viewed as a way of repaying the officers, because of the dangerous and demanding nature their work. However, it is important that all DPD members follow policy and protocols up to Department standards, regardless if the job assignment is demanding, dangerous or difficult.

The last MVU cultural area covered under entitlement was the use of DPD technology, specifically, the body worn camera. By policy [DPD Manual 304.6], all DPD members are required to wear and activate their body worn cameras prior to initiating, or as soon as practical after initiating, police actions, such as “execution of search/arrest warrants.” Furthermore, once the body worn camera is activated, the device shall remain on until the event is completed to ensure the integrity of the recording.

OCSTF investigators reviewed some MVU body worn camera footage and discovered the culture of MVU officers was to turn off their body worn camera devices once entry was made and the raid locations were deemed secure. There are legitimate reasons to turn off a body worn camera during a raid, most importantly being the security for an individual who wants to provide further intelligence on other narcotic locations or the narcotics found in the location being searched. However, there are many tasks to

complete after the location is made safe before the event is completed which expose an individual member and the Department to liability and also present possible temptations, including physically searching the location, locating and confiscating contraband and valuables and counting money.

Exacerbating the entitlement attitude was the fact that there seemed to be a lack of disciplinary action taken against MVU members. This investigation found numerous examples of policy and Department violations throughout the studied period. However, there was sparse documentation of a first-line supervisor taking any corrective action for any MVU officer, giving OCSTF investigators the impression that the matters were handled “in-house,” if handled at all.

### **VAGUE DOCUMENTATION**

During the investigation, OCSTF investigators found repeatedly that MVU documentation to be vague, incomplete and prepared in careless fashion, i.e. brief, “cookie cutter” search warrant affidavits and police reports. There were some clerical errors, as expected. Yet, this audit revealed there was a culture of wide scale inconsistencies with MVU documentation, or an altogether lack of documentation.

While the importance of search warrants and raids at MVU have been thoroughly documented throughout this investigation, it became additionally concerning during the reviews of the search warrant packets when MVU members displayed a culture and practicing habit of not keeping surveillance notes regularly. This practice existed across each raid crew and over an extended period, as far back as 2015. Even the few packets that contained surveillance notes, had notes that were not standardized with a lack of formatting and oftentimes were just written down on scrap paper.

OCSTF investigators found a similar pattern during its audit of MVU Activity Logs. While MVU Activity Logs were found in the Administrative office and were filed logically and sequentially by date, MVU officers prepared these documents and the MVU culture of inconsistently shone through when investigators discovered incomplete, non-specific, missing, unendorsed Activity Logs, as well as Activity Logs that documented vague blocks of time versus specific ones. These patterns were consistent throughout each crew, dating back as far as 2016, and the Activity Logs were inconsistent with DPD policy. By policy [DPD Manual 201.2 - 7. 1], the purpose of the Activity Log is to provide an accurate and complete record of all activities which occur during a tour of duty, including overtime. All members who are required to complete an Activity Log shall only utilize it to document their daily activities. Members are prohibited from creating different variations of the Activity Log unless approved by the proper authority. MVU officers were required to complete Activity Logs, and while there was no evidence of its members creating different variations, MVU officers and supervisors failed to ensure an accurate and complete Activity Log was created.



One explanation to explain the Activity Log inaccuracies could be that it is clear that one officer completed the Activity Log, but the entire crew signed it. This MVU procedure was discovered via interviews and a review of the documents themselves. This practice may be acceptable when the crewmembers were all busy on the same raid, because their activities were the same. However, it becomes problematic on the days of surveillance, street enforcements and SOI operations, where different crewmembers were performing different tasks. When comparing and contrasting the information on the search warrant affidavits with the information on the Activity Logs, the information did not match up and could not be corroborated, especially in the area of surveillance.

The culture of vagueness was also discovered in the MVU police reports. Their police reports were unreasonably brief to the point where officers failed to describe the actual sequence of events. For example, on a major felony arrest, it was not surprising to see the initial report (usually prepared by the affiant) gave a reasonable account of the raid. Then the next five (5) or six (6) reports, completed by the remaining raid crew, would literally only describe the offender and what the specific officer confiscated, if anything, and nothing else. There were other cut and paste reports that read exactly the same, to include the officers' observations. The only difference would be the officers' names and badge numbers. The MVU police reports were non-specific to the raid at hand, followed a "cookie cutter" format and sloppily lacked pertinent facts and basic police information and details.

When the actions of MVU officers are questioned later, these types of activities hinder the Department's ability to review and report transparently the MVU officers' activities. This vagueness is troubling, because this facet of MVU culture harms the City of Detroit financially when it attempts to defend subsequent lawsuits.

### **CONSTANTLY ENGAGED (TOO BUSY)**

Many of the deficiencies discussed above are often justified by MVU members with a recitation of their numerous activities and a statement that they were "too busy" to properly document or perform their duties pursuant to policy. Consequently, OCSTF decided to conduct an analysis of the MVU workload to understand whether quantity was affecting quality.

The full analysis of the MVU workload is found later in Chapter 3. The basic findings were that, while MVU/Narcotics has been a very active, fast-paced unit over the decade reviewed, MVU's workload has steadily decreased since 2014 and in particular declined sharply between 2017 – 2019. Thus, for four of the final six audited years, the numbers do not support that the workload was the cause of the laxness in supervision or the poor documentation found in MVU.

## **INVESTIGATIVE FINDINGS**

The investigation uncovered information and evidence that MVU had established its own unique culture. Interviewing and observing the MVU members, there is a sense of pride and confidence displayed by their members. This sense is well-deserved for the work they accomplish and it is a positive outlook for the unit, the Department and the Detroit community. DPD supports the officers taking pride in themselves, their units and their assignments, which is good for the Department morale and increases comradery.

This investigation uncovered information that MVU had developed its own culture and partly operated as an entity unto itself. The MVU members routinely operated outside of DPD policy, and essentially functioned with little or no supervisory oversight. MVU culture also displayed that its members were close, tightly knit and reluctant to share information regarding one another with members outside of their unit. The MVU culture is strong, so strong that at times MVU members had to acclimate to be accepted or risk being alienated. The strength of this culture became problematic when officers became more committed to the goals and values of their fellow members than those of the Department and the Detroit community.

Historically, the MVU culture has been strong and it was the same at the time of this report. It was readily apparent during the course of this investigation. Having and maintaining a strong culture is a positive asset for an organization, especially if it is the culture desired by the organization. For the most part, MVU culture is positive and instills a sense of well-deserved pride, confidence and comradery in its members. Unfortunately, certain portions of MVU culture were not, allowing MVU members to operate outside of policy. In these instances, MVU culture became contributing factors to MVU corruption. This investigation also revealed that MVU members, to include management, operated with the belief that because it was “too busy,” it was okay to circumvent certain Department policies. Therefore, regardless of the strength of MVU culture, it is imperative for supervision, management and leadership to ensure its members are operating within parameters of legislation established by the state of Michigan and the city of Detroit, as well as DPD policy.

## **INDIVIDUAL OFFICER’S WORK PRODUCT**

During the review and audit of the officers’ work product, it is import to realize that each officer assigned to MVU is an individual with unique characteristics and they were audited in that manner. While all OCSTF investigators began with a consistent set of instructions and work materials, as the information, data and evidence were gathered for each MVU member, the MVU officers’ individuality became evident. At that point, investigators followed each investigation based on the relative information, data and leads that were gathered versus following a specific investigative template. Therefore, as this report is read, the reader must bear in mind that not every officer review will read the same. The

review will be unique to the officers' actions and the investigative discoveries. Some reviews will be longer and more in-depth than others will, but all the reviews were thoroughly undertaken.

Pursuant to Department confidentiality policy and agreements, as well as federal and local statutes and laws, an employee's personal information including medical, disciplinary, and employment records are confidential [DPD Teletype #21-0530]. Therefore, the Department must protect the identity of the reviewed officers. Consequently, safeguards have been taken to protect this information in the report. We were also cognizant of one's ability to piece information from one part of this report together with another and draw conclusions to identify certain officers and their actions. Therefore, regardless of rank or position, the focus officers are simply referred to as Member #1 through Member #36. The use of numbers helps protect the officers' identities, but also allows the reader to discern patterns and concerns.

OSCTF investigated each officer assigned to MVU on August 22, 2019, plus seven (7) previously assigned officers, based on allegations and investigative circumstances. While each officer assigned was investigated, the vast majority of them had no issues outside of what was covered in this report under MVU Culture. However, several officers had serious and egregious misconduct, sometimes rising to the level of potential criminality. This reports utilizes the phrase "potential criminality" because the Department recognizes that it is the prerogative of the prosecutor's office whether to charge someone with a crime, as well as the legal principle of innocent until proven guilty beyond a reasonable doubt. The reasonable doubt standard for criminality differs from the preponderance of evidence standard under which this administrative investigation is being performed.

OCSTF identified fifteen (15) MVU members who were found to have serious misconduct allegations. To keep this report concise, OCSTF will highlight only some of the MVU member's work product below. A complete list and description of alleged misconduct has been forwarded to the Wayne County Prosecutor's Office for their review on possible implications of the officers' actions and that Office's disclosure obligations under *Brady v. Maryland*. However, we believe that the following examples are representative of the misconduct uncovered or refuted by OCSTF:

## **MEMBER #1**

**MVU Experience:** Member #1 was hired in 1997 and worked assignments at Narcotics and Major Violators that totaled approximately thirteen (13) years. Member #1 was part of Member #2's enforcement crew.

**Search Warrant Affidavit Review:** OCSTF investigators reviewed and audited ninety (90) case files, from 2016 through 2019, listing Member #1 as the affiant. The majority of Member #1's search warrant affidavits followed an overall similar structure and wording. The affidavits were detailed, elaborate and contained many elements to establish probable cause by using a combination of SOIs, cooperating defendants, surveillance, DPD patrol officers and undercover buys in the affidavits. There was no evidence or pattern of overt use of "cookie-cutter" type affidavits.

The audit showed Member #1 mainly used information from SOIs or a cooperating defendant to establish probable cause, followed by three (3) to five (5) separate instances of surveillance, where he/she documented dates and timespans (i.e. 45 minutes, 30 minutes, 1 hour), but never documented specific times (i.e. 11:00 AM, 3:00 PM, 4:30 PM). Member #1 observed suspected drug activity in every instance of surveillance documented and there is some cellular telephone location data to support that Member #1 was oftentimes in the vicinity of the documented surveillance locations during 2018 and 2019. However, the documentation lacked specifics and due to the lack of specific times, there is no information to support the surveillance lengths.

This review of Member #1's affidavits began to show a pattern of inconsistencies with his/her additional MVU documentation, or lack thereof. While Member #1's affidavits are detailed, Member #1's remaining supporting documentation were vague at best, i.e. minimal surveillance notes, and any notes that were present were unformatted and not uniformly completed. Member #1's Activity Logs were missing, incomplete, non-specific, unendorsed and their documented times were vague. Police reports were brief, non-specific, cookie cutter, copied and lacked pertinent and basic details. This pattern seen in Member #1's supporting documentation quickly became very familiar to the OCSTF investigators as it was wide spread throughout MVU, to the point that it can be identified as part of the culture.

One concerning pattern identified in Member #1 affidavits was repeated references to unsuccessful undercover SOI buy attempts. Across the 90 affidavits reviewed, Member #1 documented twenty-one (21) unsuccessful undercover buy attempts. However, despite these unsuccessful attempts, Member #1's affidavits always included details from the failed attempts that still supported probable cause. For instance, Member #1's affidavits included information such as the SOI reported smelling burnt marijuana, or observing packaged narcotics ready for sale, or reporting the target offender stated they were sold out or the SOI being told to come back later with someone they recognize.

Member #1 used these types of details as part of the probable cause analysis indicating that narcotics were being sold at the location every time. Still, despite what appeared to be convenient details that assisted with probable cause, each unsuccessful buy was followed up with additional surveillance and the majority resulted in a raid with successful drug confiscations.

Even more concerning, however, were certain claims about SOI activity and several unexplained inconsistencies in reported surveillance activities where Member #1 documented certain observations on the affidavit that did not mesh when compared to the Activity Logs and surveillance notes documentation. Some differences could be attributed to errors and mix-ups. However, some could not be easily so assigned. For example, below are two examples where the discrepancies indicate alleged false statements on the behalf of Member #1:

1. Member #1's affidavit documented SOI #3025 provided information regarding a subject and location on Detroit's far northeast side (14000 block of Alma) on October 1, 2018 and surveillance began on October 4, 2018. However, via the Activity Logs, Member #1 was already conducting surveillance at the location in September 20, 2018, which was eleven (11) days prior to the date he purportedly received the SOI's information.

OCSTF investigators interviewed SOI #3025 who frequently worked with Member #1. SOI #3025 acknowledged working with Member #1 and that their working relationship ended in September 2017 – a full year before the information Member #1 included in this affidavit was allegedly given to him by #3025. SOI #3025 specifically denied giving any information about this location. A review of the SOI payment vouchers support SOI #3025's timeline since payments to him/her stop in September 2017. In fact, SOI payment vouchers show zero payments made to SOI #3025 for information received in 2018. Moreover, a review of the extensive information provided by SOI #3025 detailed that the overwhelming majority of narcotic locations he/she identified for Member #1 were on the west side of Detroit, predominantly in the Tenth and Second Precinct areas (two precincts that abut one another and share boundary lines), with only one or two locations east of Woodward Avenue. SOI #3025 had never provided information about any drug location within miles of the location that was the subject of this investigation.

Additionally, Member #1 wrote in his/her search warrant affidavit that he/she utilized SOI #3083 in an attempted buy of narcotics, but that the attempt was unsuccessful because the sellers told SOI #3083 that "everyone knows we sell weight here." Member #1 also wrote that SOI #3083 also reported that there was "a strong odor of unburnt marijuana" coming from inside the

location and that the sellers were upset with the source for showing up there since no one was supposed to know about this location. OCSTF interviewed SOI #3083 and drove him/her past several houses that he/she had allegedly made narcotic buys. SOI #3083 remembered several of the houses and the type of drug that were bought at those locations. Yet, SOI #3083 did not remember the Alma location, or being told that only weight was sold there. Pictures of the identified narcotic dealers from that location were shown to him/her and the source did not recognize either person. Finally, SOI #3083 stated that he/she had stopped working with DPD in October 2018 due to being in rehab at that time. While OCSTF could not confirm whether the source was in rehab in October 2018, SOI payment vouchers show the last payment made to SOI #3083 in 2018 was on September 6, 2018. Given both sources' lengthy history with working with DPD and willingness to discuss other locations they assisted with, this affidavit strained credibility, and points to outright fabrication.

2. On October 18, 2018, Member #1 requested a LEIN inquiry of an alleged narcotic subject prior to conducting surveillance at a particular location on Detroit's west side (22000 block of Tireman). The LEIN inquiry and Michigan Department of Corrections records both show the alleged subject had been incarcerated since 2014 and was still incarcerated on October 18, 2018. Yet six days later, on October 24, 2018, Member #1 swore to an affidavit that during surveillance, the incarcerated subject was "possibly" observed walking out of the location, listing the alleged subject's lengthy narcotic history as part of the probable cause section. This scenario would be impossible – and Member #1 knew it since he had confirmed the subject's incarceration status just a few days before. Further undercutting Member #1's credibility in this matter was the fact that the LEIN inquiry lists the requestor's name, as well as the time and date when the database was accessed for the information. According to the printout in the case file, Member #1 ran the suspect's name at the time he was supposed to be out on surveillance according to his/her Activity Log. So not only was Member #1 reporting that he/she was seeing a person that he/she knew could not be at the location, but the printout itself calls into question whether Member #1 was conducting surveillance on October 18 as sworn to in the affidavit.

Investigators audited Member #1's SOI usage by using affidavits found in case files, SOI payment vouchers and records, Activity Logs, call history data and records, and interviews conducted by OCSTF investigators. This information was used to identify SOI use frequency and patterns, payment histories, payment discrepancies, and large bonus payments. Records show that Member #1 utilized the SOI funds on 383 different occasions, from 2009 through 2019 and paid out \$3,460 for evidence and \$24,280 for

services, to include bonus payments. Member #1 demonstrated proficiency with utilizing the SOI process.

The single largest payment remitted by Member #1 was a \$3,000 bonus payment allegedly paid to SOI #3025 on October 5, 2016. However, when SOI #3025 was interviewed, he/she emphatically denied receiving this bonus payment, although he/she did state that he/she had received a \$500 bonus and a \$400 bonus that OCSTF were able to confirm. Due to the denial, there was a follow-up investigation initiated. Ultimately, investigators were unable to find evidence to prove or refute that this particular \$3,000 bonus payment was remitted, but the SOI documents submitted by Member #1 contained the required fingerprint and signatures from SOI #3025 for the payment.

The SOI audit revealed that Member #1 falsely included information in his/her affidavits by bolstering a SOI's credibility through exaggerating the number of times he/she had successfully worked with a specific SOI. For example, documentary evidence shows Member #1 initially encountered SOI #3123 on October 11, 2018, during a narcotics raid. On October 13, 2018, two (2) days after that encounter, Member #1 prepared an affidavit documenting he/she received information from SOI #3123 regarding a narcotics location on Detroit's west side, citing using SOI #3123, "in over four (4) narcotics investigations," with credible information, that resulted in "felony and misdemeanor arrests and the confiscation of all types and quantities heroin, cocaine, MDMA, marijuana, weapons, US currency and vehicles." This credibility bolstering was false information, since it was impossible for Member #1 to use SOI #3123 in over four (4) narcotics investigations that resulted in any multiple arrests and confiscations of several different substances in the two (2) days between meeting the source and signing the affidavit. OCSTF investigators checked the MVU raid book and the AIMS system and confirmed that no MVU crew executed narcotics raids between October 11 and October 13, 2018. Moreover, SOI #3123 was NOT a registered SOI on October 13, 2018, as reported in an affidavit. SOI #3123 was not approved as a registered SOI until October 23, 2018, which is ten (10) days after the fact. Nor can Member #1 claim ignorance of this fact, because he/she was the registered handler of SOI #3123. Simply put, there was insufficient time, opportunity and activity to support Member #1's documented "history" with this SOI.

As stated above, Member #1 frequently used SOI #3025, who was also registered as #2566. Member #1's use, or alleged use, of #3025 also proved to be problematic. Records show that #3025 received sixty-eight (68) SOI payments from 2013 through 2014 and then 2015 through 2017. Member #1 was the sole user of this source. The records show a consistent record of payments for #3025, up until September 16, 2017. This date is important, because interview statements made by #3025 revealed he/she stopped working with Member #1 around September 2017, due to money disputes. Despite this clear cut ending of the paid SOI relationship, Member #1 used #3025 in five (5) additional affidavits as the source of information in 2018, with no record of payment, which is very unlikely. In an interview with investigators, #3025 acknowledged the payments prior to

2018, to include two (2) bonuses, but disputed the level of money received compared to the inherent danger. However, #3025 emphatically denied receiving the \$3,000 bonus payment and providing information to any DPD officer after 2017. Given the serious deficiencies in one of those five (see Alma location above) and the lack of payment for a source who was only assisting DPD for the money he was receiving, the other four affidavits from 2018 where Member #1 purportedly used #3025 must be called into serious question.

This investigation also revealed that Member #1 reported using #3025 in tandem with SOI #3083, who did the actual undercover buys, in his/her affidavits on numerous occasions. Like the Alma location example above, Member #1 used this tandem three (3) different times on search warrant affidavits after their last dates of payment activity. Via OCSTF interviews, both SOIs claimed to be inactive and no longer working with MVU, which is corroborated with the fact that there is no record of SOI payment for any of these four cases. It should be noted that the four times #3083 was used by Member #1 in 2018, each "attempted" undercover buy was unsuccessful and there was no record of SOI payment. However, in each of those instances, #3083 conveniently provided Member #1 with probable cause information to support narcotics were being sold, i.e. allegedly #3083 was told to come back later with a known person, #3083 smelled marijuana, or the dealer had sold out and told #3083 to come back later. This pattern was discovered in each of Member #1's unsuccessful buys.

Even during times where SOI #3025 was active, factual discrepancies were found in Member #1's affidavits. For example, in February 2017, Member #1 wrote and swore out two (2) search warrant affidavits, one for a location on the 17000 block of Birwood and one for a location on 17000 block of Griggs. According to Member #1 in both affidavits, SOI #3025 provided information about narcotics trafficking and SOI #3083 attempted to buy the drugs. These two raids caught OCSTF investigators' attention since DPD SOI records showed that #3025 as being paid \$500 bonuses for each of these locations, despite the source's statement that he had only been paid \$500 one time and that was for information relating to the arrest of a fugitive.

1. For the Birwood location, Member #1 wrote that he received information from #3025 on February 12, 2017. Department records show that Member #1 was off and on leave that day and phone records show no contact between Member #1 and #3025 on February 12, 2017 (although it is important to note that the phone records show no contact in 2017 between Member #1's phone and #3025's known phone numbers, despite #3025 telling investigators that he/she was in frequent contact with Member #1 via phone). According to the affidavit, #3083 attempted a controlled buy that was unsuccessful because the seller was unfamiliar with the source. The raid ended up netting a minimal amount of narcotics and some cash: 20 grams of cocaine, .2 grams of heroin, 37 grams of marijuana, and \$8,853.



SOI #3083 was not paid for his/her effort, but Member #1 put #3025 in for a \$500 bonus. When asked about any bonuses he/she had received, SOI #3025 did not identify this situation as one that he/she had received a large bonus.

2. Identical to the Birwood location, Member #1 wrote that he received information about the Griggs location from #3025 on February 12. According to the affidavit, #3083 attempted a controlled buy that was unsuccessful because the seller was unfamiliar with the source and told him/her to come back with someone he/she knew. This time the raid was very successful: an adult was arrested on a felony charge and seven (7) firearms, 191 grams of marijuana, 250 pills and \$7,200 were confiscated. SOI #3083 was not paid for his/her effort, but Member #1 put #3025 for a \$500 bonus. When asked about any bonuses he/she had received, SOI #3025 told OCSTF investigators that he had received one \$500 bonus for information leading to an arrest of a fugitive. He/she did not identify this situation as one that he/she had received a bonus.

These two incident juxtaposed together demonstrate the issues with several of Member #1's affidavits – facts that could not be corroborated and after investigation appear to be made up out of whole cloth to justify probable cause.

During the investigation, OCSTF members also located a blank SOI voucher that contained a SOI signature and fingerprint, inside a case file where Member #1 was the affiant. The form did not specify the SOI number and it did not contain any operational information (i.e. address, date, time, case number or specific amount of money to be paid to the SOI). This is problematic because this form authorizes SOI payment and supports the allegation that MVU officers were using the SOI funds as an open checkbook. However, there was no information or evidence that Member #1 used, or attempted to use, that specific blank voucher to receive payment.

The audit and investigation determined that Member #1 had contact with several SOIs from September through December 2019, after transferring from MVU and during the timeframe of this investigation. Phone records show that SOI #3123 contacted Member #1 moments after speaking with the OCSTF investigators regarding this investigation; this contact is reflected in Member #1's RMS Daily Activity Report. Member #1 had similar contact with SOI #3095 and SOI #3048. Based on the analysis, it was apparent that Member #1 contacted these SOIs regarding this investigation, which is troubling.

**Overtime Review:** Member #1 worked 135 separate instances of overtime for 677 hours, from 2016 through 2019. Member #1 worked overtime on search warrant requests and executions, various details and on surveillance. OCTF investigators utilized the cell tower data compared to Activity Logs (both paper and digital), Time and Attendance sheets,

Daily Details, and Overtime cover sheets, from March 20, 2019 to July 31, 2020 (the time recoverable by the cellular telephone carrier).

During the review, OCSTF investigators identified that Member #1 was claiming to perform overtime during the early morning hours, prior to the start of the shift at 11 AM. Initially, these hours caught the investigators' attention given the early morning hours being on their face counterintuitive to expected narcotic activity hours. However, as the investigators interviewed several MVU members, it was pointed out that the nature of heroin addiction usually compelled users to purchase that drug early in the morning to maintain the high from the drug.

During the audit, OCSTF investigators found Member #1 normally partnered with various members of his/her enforcement crew to conduct surveillance – a combination of Member #3, Member #16, Member #17, Member #5 or Member #2 for these early morning overtime hours. Activity Logs and overtime reports always claimed Member #1 began his/her surveillance activity at the MVU base before traveling around the city to suspected narcotic locations. In total, Member #1 claimed to have worked overtime on forty-two (42) days during 2019.

Based on the preliminary analysis of his/her telephone cell site data, Member #1 engaged in a pattern of deliberate fraudulent use of overtime funds. Of those 42 dates, based on the available records, twenty-nine (29) days appeared to be problematic and falsified. During the surveillance times, Member #1's cell tower data showed that he/she was not in the city of Detroit, but rather near his/her home tower in suburban Detroit. This preliminary analysis was later verified through the certified use of the PenLink mapping system. Therefore, the OCSTF investigators audited a sample of nineteen (19) overtime instances of early morning overtime, that were mapped via PenLink. Records show that Member #1 received monetary compensation for sixty-five (65) overtime hours he/she failed to work, thereby defrauding the City of Detroit \$2,893.54.

Due to the amount, OCSTF investigators expanded the audit to the total overtime-scheduled hours for Member #1 in 2019. It was determined that Member #1 was scheduled to work 239 overtime hours; however, cell phone data records show he/she only worked 151 hours, for a difference of 88 hours. Therefore, Member #1 was monetarily compensated for approximately \$10,486.75, when he/she only earned \$6,622.19. The final analysis showed a difference of \$3,862.42 of overtime stolen from the City of Detroit.

While the analysis concluded that Member #1 falsified overtime documents and failed to conduct surveillance as documented, it should be noted that none of these non-existent overtime surveillance appeared in any of his/her search warrant affidavits in 2019. One final caveat is that the above analysis accounts for when Member #1 last used the tower nearest his/her home. The member was given credit for working if he/she was within the

limits of the City of Detroit, regardless if he/she was at a specific surveillance location or not. If the cell phone evidence was not compelling, Member #1 was afforded the benefit of the doubt, or the information was not identified as problematic.

In October 2020, during the pendency of this investigation, Member #1 retired from DPD.

## **MEMBER #2**

***MVU Experience:*** Member #2 was hired in 1993 and served three (3) different stints at Narcotics/Major Violators as both an officer and raid commander, totaling more than fifteen (15) years.

Member #2 was assigned as a raid commander and was responsible for those duties as well as the duties assigned to a DPD Sergeant. This is true for all the supervisors reviewed in this report. Both the raid commander and sergeant duties can be found in the MVU SOP and DPD Manual 101.10 and 203.7, respectively. Prior to the execution of a warrant, the raid commander is responsible for operational measures, including but not limited to formulating a specific plan to achieve the objective, supervising the raid activity, issuing all orders and making any necessary assignments, making tasks and adjustments in the plan, briefing officers on their duties and placement and controlling equipment. While executing a warrant, the raid commander is responsible announcing the authority and purpose to the occupants, demanding that the door be opened, ensuring a protective sweep is conducted, establishing ownership or legal occupant, controlling and safeguarding property, contraband and money, and ensuring safety of all involved officers and citizens. Finally, after the search, the raid commander is responsible for ensuring all the necessary reports are prepared.

Member #2's team, from 2018 – 2019, was shown to be the most problematic enforcement crew in terms of misconduct and non-arrests of drug dealers. When Chief Craig initiated this investigation, Member #2 was the raid commander of the following team:

- Member #1 [Alleged Time Fraud/False Affidavits]
- Member #3 [Alleged Time Fraud/False Affidavits]
- Member #16 [Alleged Bribery/Time Fraud/False Affidavits]
- Member #17 [Alleged Time Fraud]
- Member #28 [Alleged False Affidavits]
- Member #29

In the audit and review of MVU documentation, it was apparent that members assigned to Member #2's crew had little to no direct supervisory oversight or direction. This investigation revealed obvious mistakes with months, dates and years on several documents, to include court documents. There was a lack of proper documentation and

careless recordkeeping and filing discovered. The team’s police reports were “cookie cutter” and lacking basic police information. There were documents that did not have the required signatures, to include payroll documents. Most troubling, there was a consistent pattern of falsified information contained in search warrant affidavits and reports.

MVU records show that between 2012 and 2019, Member #2 served as the raid commander for 1,715 narcotics enforcement actions, which include search warrants, street enforcements, vehicle investigations and buy and bust operations. More specifically, in that period there were 1,177 search warrants executions with Member #2 serving as the raid commander. Officers assigned to Member #2’s crew prepared hundreds of affidavits in support of search warrants with Member #2 as supervisory oversight. The enforcement actions and search warrants breakdown follows:

<b>YEAR</b>	<b>ENFORCEMENT ACTIONS</b>	<b>SEARCH WARRANTS</b>
2012	356	173
2013	346	149
2014	217	131
2015	280	256
2016	226	198
2017	173	162
2018	72	62
2019	44	44

As the data indicates, beginning in 2015 through 2019, Member #2’s enforcement team began to focus more on search warrant executions than on street enforcement actions. However, the crew’s pattern showed steady declines in both enforcement actions and search warrant executions during this same period.

During an audit of the search warrant executions from 2017 through 2019 only, records show that Member #2’s team made it a regular practice to release narcotic and weapon felony offenders from the scene, after the subjects were encountered during raids. Member #2 released thirty-eight (38) offenders in 2017, thirty-six (36) offenders in 2018 and fifteen (15) offenders in 2019.

The thirty-eight (38) alleged felony offenders released in 2017 breakdowns as follows:

- 8 = Health/medical reasons [one (1) offender was hurt at the scene and evaluated by medical personnel and transported to St. John’s Hospital]
- 1 = Advised of NIC warrant
- 7 = Future investigation
- 1 = Location was empty (felony arrest documented)

- 5 = Target offender was not home (felony arrest documented)
- 15 = No reason documented
- 1 = Misdemeanor ordinance issued

The thirty-six (36) alleged felony offenders released in 2018 breakdowns as follows:

- 6 = Health/medical reasons [two (2) offenders were hurt at the scene and evaluated by medical personnel prior to being released]
- 16 = Advised of NIC warrant
- 3 = Future investigations
- 2 = Location was empty (felony arrest documented)
- 1 = Target offender was not home (felony arrest documented)
- 8 = No reason documented

The fifteen (15) alleged felony offenders released in 2019 breakdowns as follows:

- 1 = Health/medical reasons
- 1 = Advised of NIC warrant
- 1 = Future investigations
- 3 = Location was empty (felony arrest documented)
- 2 = Target offender was not home (felony arrest documented)
- 7 = No reason documented

OCSTF investigators determined that when Member #2's team released felony offenders "pending future investigation" or for "health/medical reasons," these were oftentimes cooperating defendants who were actually "flips." When offenders were flipped, they were interviewed and immediately released from the scene, with the promise of providing future information on other narcotics locations and persons.

OCSTF investigators focused on twenty-one (21) of these cases to ascertain specifics of the investigation/raid and whether not-in-custody warrants were ever sought. Of those cases, WCPO had no record of not-in-custody warrants being submitted in fifteen (15) of the twenty-one (21), or 71%.

**Offender Arrest and Reporting Review:** 2017 through 2019 records show that Member #2's team practiced a pattern of releasing felony and overinflating arrest statistics by reporting more arrests than his/her crew had taken into custody. This area is more thoroughly covered in Chapter 5 – Management & Supervision. Briefly, MVU offender arrest records show the following for Member #2:

YEAR	RAIDS	FELONY ARRESTS	RELEASED	PERCENTAGE RELEASED
2017	162	110	38	34.5%
2018	62	49	36	73.4%
2019	44	27	12	44.4%

The pattern of releasing felony offenders was practiced by every MVU raid commander reviewed, but none to the extent of Member #2.

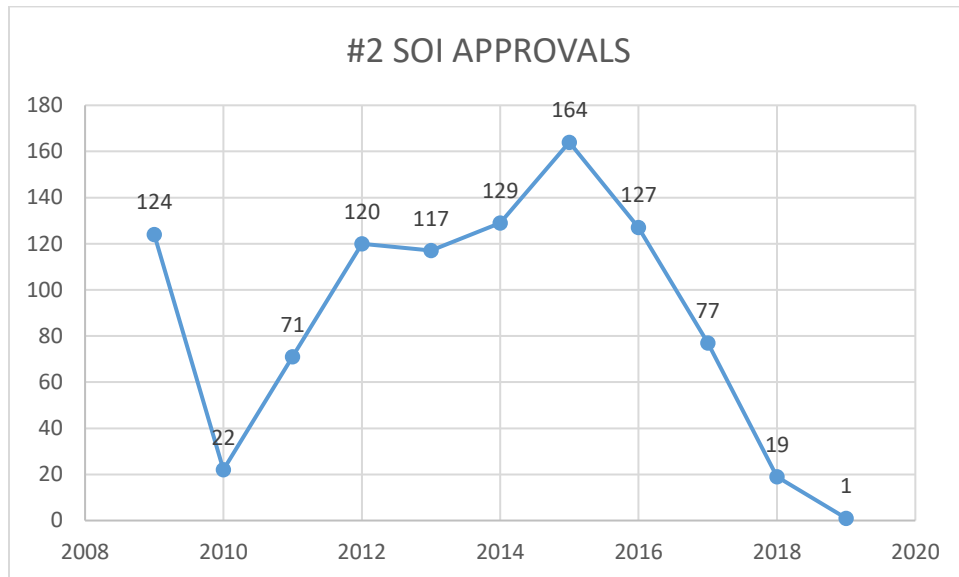
Essentially, OCSTF found that Member #2's team routinely allowed confirmed narcotic dealers to remain unarrested and in the neighborhoods of Detroit. There were multiple times identified where individuals were caught with large amounts of narcotics or firearms and were not arrested. Nor was there any evidence that these individuals provided Member #2's crew with information that allowed them to work "up the ladder" to some larger narcotic distributor. Rather, the review showed that as long as these individuals gave some information that led to another search warrant (however large the seizure), their debt was repaid in the crew's assessment. Based upon a review of their documentation, Member #2's team repeatedly put false information in official DPD reports to justify these releases.

**SOI Review:** OCSTF also audited Member #2's SOI approvals. Member #2 was the authorizing supervisor of 1,129 SOI transactions. The yearly SOI transactions ranged from one (1) to 164. A yearly breakdown of the transactions follow:

Member #2's SOI Approvals

2009 = 124 transactions	2015 = 164 transactions
2010 = 22 transactions	2016 = 127 transactions
2011 = 71 transactions	2017 = 77 transactions
2012 = 120 transactions	2018 = 19 transactions
2013 = 117 transactions	2019 = 1 transaction*
2014 = 129 transactions	(* ) = use through August 22, 2019

### Member #2's SOI Approval Chart



Reviewing the data, beginning in 2015 through 2019, Member #2's raid crew's pattern showed a steep decline in SOI use. Based upon a review of the crew's search warrants, the affidavits began to reference "confidential informants" rather than identified registered SOI's. Clearly, Member #2's crew pivoted away from SOI use in favor of releasing and flipping offenders and making unauthorized backroom deals with them.

This practice proved to be incredibly problematic for several reasons. First, this method left no way to identify who the confidential informant was for a particular affidavit since MVU members kept no record of who they had used as the source for a particular affidavit. Second, by deviating from the SOI vetting process, Member #2's crew failed to complete any of the necessary background checks that allows DPD to ascertain a source's reliability. Finally, and most importantly, this method resulted in numerous false affidavits as several of Member #2's crewmembers lied to bolster their "confidential informants" credibility by making up how many times he/she had provided information in the past and/or the quantity of drugs seized based on information allegedly received from that informant.

**Overtime Review:** Member #2 submitted 157 overtime reports between 2016 and 2019, working a combination of overtime for surveillance, Operation Triple Play search warrants and work-ups, recall, DPD search warrant executions and special details. MVU management approved the overtime. In total, Member #2 worked 768 overtime hours during the audited period.

During this investigation, the OCSTF investigators established that four (4) officers assigned under Member #2's span of control had allegedly stolen money by claiming they were working scheduled overtime prior to the start of their shifts, when in fact they were

not. The officers were fraudulently compensated for overtime hours they had not worked and documentation shows that Member #2 authorized the overtime on numerous occasions. Investigators made the discovery while entering data, then by reviewing, comparing and contrasting Activity Logs, Time and Attendance sheets, Daily Details, overtime reports, overtime cover sheets and finally cellular telephone tower data records.

Notably, Member #2's overtime requests showed the same patterns as his/her span of control officers. As a result, the personal and departmental cellular telephone records and tower data were requested and received for Member #2, from only January – July 2019, due to the known availability of these records from the particular provider. Investigators analyzed Member #2's movements via cellular telephone data compared with his/her Activity Logs, Time and Attendance sheets, Daily Details, and Overtime cover sheets, with emphasis placed on any early morning overtime from 8:00 AM – 11:00 AM, conducted prior to the assigned shift. The overtime documents themselves claim that Member #2 was at either the base or monitoring (without a specific location) his/her officers' overtime. However, because of his/her home proximity to the MVU base and large gaps in the cell phone tower data information due to no cell phone activity, Member #2's overtime whereabouts could not be proved or refuted.

***Digital Communications Review:*** During the investigation, investigators reviewed Member #2's Department computer files and available emails communications. The email communications had a heavy emphasis on major narcotics confiscations. There were reports, instructions, and email communications to and from MVU management and leadership. Some emails showed leadership's involvement with review of Member #2's work, with one in particular taking Member #2 to task about his/her lack of video audits. No further misconduct was detected during the email review.

In November 2020, during the pendency of this investigation, Member #2 retired from DPD.

### **MEMBER #3**

***MVU Experience:*** Member #3 was hired in 1999 and worked assignments at Narcotics and Major Violators that totaled approximately four (4) years. Member #3 was part of Member #2's enforcement crew.

***Search Warrant Affidavit Review:*** OCSTF investigators reviewed and audited fifty-seven (57) case files, from 2015 – 2019, listing Member #3 as the affiant. OCSTF analyzed these case files for accuracy, patterns in SOI and CI use, types of probable cause established, surveillance conducted, utilization of the 224 DOPE complaints and overall wording and structure of the warrants. Outcomes of each raid were also compiled to establish arrests, not-in-custody or "NIC" warrants, and "flips" of the target offenders



connected to each case. The analysis was tracked in a comprehensive spreadsheet to identify patterns and inconsistencies.

The audit revealed that the majority of Member #3's search warrant affidavits followed the same overall structure. The affidavits showed a careless pattern of repetitiveness and lacked specific changes, frequently using the same words and phrases to describe events in his/her affidavit. For example, Officer #3 repeatedly used the phrase, "the informant was used several times with information resulting in several felony arrest for drug possession, firearms recovered and cash seizures," in his/her affidavits.

The affidavits did not include a great amount of detail and there was not an extensive use of surveillance listed. Member #3's affidavits usually followed this pattern: he/she obtained information and conducted one (1) to three (3) instances of surveillance. After the analysis, this pattern appeared to be repetitive. The lack of many changes in the wording and structure suggests the use of a template, or "cookie-cutter" affidavit, as seen throughout this investigation with other MVU members. Furthermore, many of the same spelling mistakes or mix-ups such as using the words "confidential informant" when an SOI was used, were seen on several affidavits, supporting the finding that many of the affidavits had contents copied and pasted, but not properly edited.

In the majority of Member 3's affidavits, thirty-three (33) or 58%, probable cause was established by information from an anonymous 224-DOPE complaint. Sometimes he/she reported an attempted undercover buy to establish probable cause, specifically in twenty-six (26) or 46% of his/her affidavits. Fourteen (14) or 24% of the affidavits established probable cause via information from a confidential informant. Member #3 only used a registered SOI for specific information in five (5) affidavits and, even then, he/she only utilized SOI #3058. Finally, three (3) affidavits used a Neighborhood Police Officer for information, and an accompanying SOI to do an undercover buy.

According to his/her affidavits, Member #3 conducted an average of two (2) instances of surveillance per location. Surveillance was indicated in the affidavits by the surveillance date, but there were no times (i.e. time of day) or duration of the surveillances conducted. Member #3 always documented observing and describing two (2) to three (3) "activities consistent with narcotic trafficking and sales." The affidavit information followed the same structure; however, the details were found to be varied and appropriate for each location.

Member #3's personal and departmental cellular telephone records and data were requested and obtained via search warrant. OCSTF investigators analyzed the available phone records and cellular tower data to confirm Member #3's whereabouts during surveillance documented on sixteen (16) affidavits from June 2017 through August 2019. The data confirms that Member #3 was usually present in the area of the surveillance locations, purportedly conducting some fashion of the surveillance documented in his affidavits. The cellular tower data locations placed Member #3 close enough to the

addresses listed in the majority of instances to support this conclusion. However, the duration or type of surveillances could not be shown, due to the large gaps in the phone activity or because there was no tower information, which made it difficult to analyze Member #3's movements and validate that surveillance was conducted.

Overall, these records support the information listed in the search warrant affidavits, but in many instances, there was problems corroborating Member #3's surveillance actions. For example, in one particular case, Member #3 documented conducting surveillance at an address on the west side of Detroit during the pre-shift overtime that was shown to be false with cellular phone tower data. Member #3 was not at the location during the times claimed, yet used the date to help establish probable cause in the affidavit. While this investigation confirmed that Member #3 had not conducted the claimed surveillance during the pre-shift overtime shift, this investigation could not confirm if Member #3 conducted the claimed surveillance at that location at a different time, later on the same date due to the large gaps in cell tower data given that the surveillance times and durations were not included in the affidavits. This problem was consistent across multiple search warrant affidavits when attempting to corroborate Member #3's surveillance actions.

The majority of Member #3's case files did not include surveillance notes to help confirm surveillance was conducted on the dates that were listed in his/her affidavit. However, the level of specific details and surveillance observations documented in the affidavits support that dated surveillance notations were being completed, but not included in the packets.

Nor did Member #3's Activity Logs assist in corroborating each date entered in Member #3's affidavits. Several Activity Logs were missing or incomplete; therefore, the listed surveillance locations and dates could not be confirmed. The Activity Logs that were located lacked specificity, instead listing large blocks of time instead of listing the times and activity spent at each location. For example, an Activity Log would indicate 11:00 AM – 3:00 PM surveillance at three separate locations for multiple MVU members. This practice was consistent throughout the OCSTF investigation. As a result, a large portion of Member #3's surveillance activities cannot be verified.

**SOI Use:** OCSTF's data analysis shows that Member #3 used SOIs on fifty-two (52) occasions and paid a total of \$2,815 to nine (9) different SOIs, from 2014 – 2019. Fifty (50) occasions were operational and one (1) was for information. Member #3 followed MVU established practices of paying the SOI \$10 for evidence and \$40 for the services on successful buy attempts. Additionally, Member #3 paid one additional bonus payment of \$1,500 to a SOI, for a grand total of \$4,315.

Investigators used Member #3's search warrant affidavits, SOI payment records, call history records, and OCSTF interviews to identify the most frequent SOI contacts,

patterns in usage, discrepancies in payments, large bonus payments and to corroborate and confirm dates of SOI contact. Member #3 utilized several different SOIs to conduct undercover buys, to establish probable cause. The most used SOI for buys was #3003, who was used twenty (20) times beginning in 2014 through 2015; the second most at thirteen (13) was #3083 with eleven (11) of those instances in 2017. During his/her interview with OCSTF investigators, #3083 identified Member #3 as one of five MVU officers he/she worked with. He/she also identified Member #3's picture by his/her nickname and stated that he/she worked with Member #3 twice between April – June 2019.

Finally, there were nine (9) blank SOI forms with authentic thumbprints and signatures found in Member 3's workspace, two (2) of which were for SOI #3083. Again, this is concerning and problematic, because the presence of these blank forms strongly suggests that some SOI information is false and because the signature and thumbprint authorizes the SOI payment. These forms could easily be used by Member #3 to embezzle SOI monies, which supports the original information of the SOI fund being used as an open checkbook.

**224-DOPE Review:** Records show that Member #3 persistently utilized the 224-DOPE complaint database to establish probable cause. This was a problematic component of Member #3's affidavits. Thirty-three (33) or 58% of Member #3's search warrant affidavits written between 2015 and 2019 utilized a 224-DOPE complaint as the initial basis for establishing probable cause. Member #3 used these complaints as the initial source of information regarding the addresses, and probable cause was supported by an undercover buy and follow-up surveillance. There was no claim that the complaints were new or "current," but each affidavit included the date Member #3 became aware of the complaint or the complaint was received. This knowledge was immediately before, if not the day of, the first incident of surveillance or undercover buy. Member #3 also included information of the anonymous complaints such as target offenders, type of activity, and additional complaints for the same address.

OCSTF investigators utilized the AIMS database to confirm the existence of the complaints mentioned, the dates they were received and entered into the AIMS system, and the contents of the anonymous complaint. Based the analysis, it was determined that Member #3 utilized unsupported 224-DOPE claims in his/her affidavits (i.e. citing claims that did not exist in the AIMS database, citing claims with incorrect dates, and including information from the complaints that was inconsistent with the information found in AIMS). First, there were no 224-DOPE complaints received or entered on the cited day in eighteen (18) or 32% of Member #3's affidavits. In eleven (11) of those instances, there were either no complaints at all or none close enough to the time of the affidavit to be relevant. Another five (5) had no complaints in the database at all or the complaints that were listed occurred after the date of the affidavit (meaning when the affidavit was written there were no complaints at the relevant address). Several others had complaints

that were months, or years prior to the date claimed by Member #3. For example, Member #3 claimed to be notified of a 224-DOPE complaint on October 6, 2015, but a check of AIMS concluded the most recent AIMS complaint for that address was from 2005. In another example, Member #3 claimed to be notified of a 224-DOPE complaint on June 15, 2017, but a check of AIMS concluded there were no complaints made for that address. In yet another, Member #3 claimed to be notified of a 224-DOPE complaint on June 25, 2018, but a check of AIMS concluded the only complaints for that address were received after the date of the raid. Finally, investigators checked the actual 224-DOPE ledger book for the supporting documentation of these addresses for the corresponding days. The review revealed that these addresses were not found either on the listed day or in the few days before or after. Regardless, all of these dates were included in Member #3's affidavits to support his/her probable cause to obtain narcotics search warrants.

In addition to the date received and the addresses, the AIMS database logged information from the complaints such as the offender description, type of narcotic sales, and details on the activity (i.e. being sold from the side door). Member #3 included these details in his/her affidavits. Investigators identified the specific 224-DOPE complaint referenced and attempted to corroborate this information. It was determined that in twenty-four (24) or 42% of the affidavits audited, the information in the AIMS 224-DOPE complaint, did not match the information Member #3 documented in his/her affidavits. The information Member #3 documented in the affidavit was either contradictory or included additional information not found in the 224-DOPE complaint. For example, in one case the AIMS complaint documents that marijuana and crack were being sold out of the front and side door. Yet, Member #3's affidavit documented that heroin was being sold at the location. In another case, Member #3 claimed cocaine was being sold from the location, but there is no mention of a specific type of narcotic in the AIMS complaint. Similarly, in the last example, there was a case where there was no mention of cocaine sales in AIMS complaint, but it was documented in the affidavit. This false information directly led to narcotic search warrants being authorized.

It is highly unlikely given the number of unsupported claims that were found, but possible that legitimate 224-DOPE complaints were received, but were never entered into the AIMS database or 224-DOPE ledger book. This investigation established that MVU members would occasionally receive physical Narcotics Activity forms and immediately begin working the case, prior to the information being entered in the AIMS system. Thus, it is possible these complaints were received, but never formally documented beyond that. Due to the lack of documentation, and inconsistent practices of MVU and PPU in regards to the administration of the 224-DOPE complaints, investigators found it very difficult to confirm some of these details. Regardless, if Member #3 received additional or contradictory information regarding these complaints, there is no documentation to indicate so. Moreover, of all of the MVU officers OCSTF investigated, none of them had

a similar pattern of 224-DOPE complaints that failed to match up with the information in the affidavits that Member #3 so prolifically did.

During this audit, it was determined that Member #3 repeatedly used 224-DOPE complaints as the first source of information to identify an address for further investigation and then to establish probable cause. Member #3 showed a pattern of bolstering the validity of the 224-DOPE complaints cited in his/her affidavits, whether they were legitimate or not. Many of these claims made in the affidavits were not supported by the AIMS database, but were used to suggest that the 224-DOPE complaints were more relevant and current than they were. This type of use of the 224-DOPE complaint information is highly problematic, because if these 224-DOPE complaints and the information included were falsified, then the subsequent probable cause is in question as well.

**Cell Phone Records Analysis:** The cellular telephone records and tower data for Member #3's personal and Departmental cellular phones were received via search warrants. Both records were analyzed to identify frequent callers, call patterns, contact with known SOIs and flips, and possible contact to the 224-DOPE tip line. Known dates of contacts with SOIs from the affidavits were compared to the call records and unidentified numbers were run through CLEAR database to establish the registered owners. The records showed extensive call and text history.

There was series of limited text messages obtained for Member #3's personal phone from June – August 2020. The content, images, and contacts of these messages were reviewed and the majority of the information did not pertain to this investigation, and the period of the records could not be applied to the information contained in affidavits or overtime forms. However, there were messages between Member #3 and other former MVU members regarding the OCSTF investigation and the notice for a *Garrity* interview served to Member #1. Member #3 and other members, via a group text, discussed what occurred during the Member #1's *Garrity* interview, which members have been the subject of this investigation, and what information was discussed, specifically referencing Appearance Notices. Member #3 was also in contact with Member #2 regarding this investigation and advised Member #2 to seek out a concealed pistol license "in case you're next."

**Overtime Review:** Based on information garnered through this investigation, Member #3 was suspected of stealing overtime. Member #3 worked 174 separate instances of overtime for 873 hours, from 2107 – 2019. Member #3 worked overtime on search warrant requests, executions and approvals, various details, 224-DOPE and on surveillance. Member #3's overtime was analyzed by OCTF investigators utilizing cell tower data compared to Activity Logs, Time and Attendance sheets, Daily Details, and Overtime cover sheets, from March 20, 2019 to December 31, 2019 (the time recoverable by the cellular telephone carrier).

In the audit, emphasis was placed on the early morning overtime, which tended to be from 8:00 AM – 11:00 AM or 9:00 AM – 11:00 AM, for Member #3. Member #3 was normally partnered with a combination of Member #1, Member #16, Member #17, Member #2 and/or Member #5. Documentation shows Member #3 initiating his/her overtime by conducting surveillance or at the base.

Preliminarily, Member #3's surveillance activity was established by analyzing the cell tower data provided for call and text history. Based on the preliminary analysis, it was apparent that Member #3 engaged in a pattern of deliberate fraudulent use of overtime funds, usually prior to the start of the scheduled shift. There were fifty-seven (57) days of early morning overtime analyzed. Of those, thirty-nine (39) or 68% of the days appeared to contain falsified overtime, where Member #3 documented working overtime. Contrarily, cellular tower data showed Member #3 near his/her home in suburban Detroit during the claimed overtime. Additionally, cellular evidence shows that Member #3 would arrive late to work and leave early. This pattern of misuse was seen from January – December 2019. This preliminary analysis, which was expanded to include all documented overtime for 2019, was later verified through the certified use of the PenLink mapping system.

Although #3 was normally partnered as described above, records indicate that Member #3 initiated a pattern of falsifying overtime in early 2019. As the year went on, Member #3 would do so with other members of the crew. For example, in January 2019, Member #3, Member #17 and Member #2 were the only members of the crew who collected overtime for early morning hours. However, by March 2019, Member #1 was included, and in May 2019, when Member #1 was unavailable, Member #3 continued this pattern with Member #17. Records show when Member #1 became available again in October 2019, the pattern was continued with a combination of Member #1, Member #3 and Member #17.

From January – December 2019, Member #3 documented working fifty-two (52) separate incidents of early overtime. A subsequent analysis mapped via PenLink showed that Member #3 was scheduled to have worked 198 hours overtime. However, cellular tower records showed Member #3 only worked 84.5 or 43% of those hours, for a difference of one hundred thirteen and a half (113.5) hours. Therefore, Member #3 was monetarily compensated for \$8,458.66 when he only earned \$3,826.84, for a difference of \$4,631.82 of overtime compensation stolen from the City of Detroit.

After learning that Member #3 was not working his/her claimed early morning overtime in 2019, investigators expanded the analysis to all overtime hours Member #3 worked in 2019. The analysis shows that Member #3 was scheduled to work 534 overtime hours; however, cell records show he/she only worked 359 or 67% of those hours, for a difference of 175 hours. Therefore, Member #3 was monetarily compensated for

\$25,862.48 when he/she only earned \$16,603.91. The final analysis showed a difference of \$9,258.57 of unearned overtime compensation paid by the City of Detroit. It should be noted that the analysis accounts for when Member #3 began using towers within the City of Detroit and was given credit for working if he/she was within the limits of the City of Detroit, regardless if he/she was at a specific surveillance location or not. If the cell phone evidence was not compelling, Member #3 was afforded the benefit of the doubt, or the information was not identified as problematic.

**Appearance Notice Analysis:** During a review and audit of Member #3's Appearance Notices, investigators noted that three (3) notices from 2019 appeared questionable. The three (3) Appearance Notices noted had handwritten "IN" and "OUT" times by Member #5. Member #3's cellular telephone analysis showed that in each of the three (3) dates analyzed, Member #3 was not present in the area of the court house as claimed in the documents. However, Member #3 was compensated for court pay for each date.

Records show that Member #3 submitted 140 Appearance Notices between 2015 and 2019, and received paid compensation for 419 hours of court pay. Member #3 went to court for a number of reasons (i.e. for preliminary exams, hearings and trials, to have warrants signed, depositions, etc.). Member #3's Appearance Notices were audited for signs of fraud. Outside of the three (3) aforementioned notices, the Appearance Notices appeared to contain valid court stamps, signifying he attended court. There is cellular telephone data that supports Member #3 was in court as documented. The Appearance Notices were signed and approved by supervision. Conversely, on a few occasions, Member #3 punched into court after he/she was already on duty, or several minutes before the start of the assigned shift, but still received full court pay, which was determined to be a fault in supervision or a Timekeeping error.

In October 2020, during the pendency of this investigation, Member #3 retired from DPD.

#### **MEMBER #4**

**MVU Experience:** Member #4 was hired in 1989 and worked assignments at Narcotics and MVU that totaled approximately seventeen (17) years.

Member #4 was an officer, a supervisor and raid commander while assigned to Narcotics and MVU. Member #4 was a sergeant and raid commander when this investigation was initiated. Therefore, the audit will review Member #4's supervisory duties and responsibilities. Member #4 was the raid commander of the following team:

- Member #6
- Member #8
- Member #10

- Member #32
- Member #33
- Member #34
- Member #35

In the audit of MVU documents, it was apparent that members assigned to Member #4's crew received a relaxed supervisory oversight style with little direction. As consistent with other crews, this investigation revealed obvious mistakes with months, dates, and years on several documents, to include court documents. There was a lack of proper documentation and careless recordkeeping and filing discovered. The team's police reports were "cookie cutter" and lacking basic police information. There were documents that lacked the required signatures, to include payroll documents, and there was inconsistent information contained on official documents. Many of these documents were to be reviewed by supervision, but were not reviewed or carelessly done so. However, while each span of control officer assigned was investigated, no officer had any issues identified outside of what was covered in earlier in this chapter under MVU culture.

MVU records show that from 2012 – 2019, Member #4 served as the raid commander of 2,035 narcotics enforcement actions. More specifically, in that period there were 1,581 search warrants executed with Member #4 serving as the raid commander. The enforcement actions and search warrants breakdown follows:

YEAR	ENFORCEMENT ACTIONS	SEARCH WARRANTS
2012	442	271
2013	366	299
2014	161	147
2015	344	297
2016	282	253
2017	194	163
2018	180	119
2019	66	32

**Offender Arrest and Reporting Review:** 2017 through 2019 records show that Member #4 practiced a pattern of releasing felony and overinflating arrest statistics by reporting more arrest than his/her crew had taken into custody. This area is more thoroughly covered in Chapter 5 – management & supervision. Briefly, MVU offender arrest records show the following for Member #4:



<b>YEAR</b>	<b>SEARCH WARRANTS</b>	<b>FELONY ARRESTS</b>	<b>RELEASED</b>	<b>PERCENTAGE RELEASED</b>
2017	163	77	24	31.1%
2018	119	87	28	32.1%
2019	32	32	16	50.0%

The pattern of releasing felony offenders was practiced by every MVU raid commander reviewed. One of most concerning releases was the release of a repeat felony offender while Member #4 was serving as the raid commander.

MVU records show that Member #4 and crew encountered “Dealer DM” in March 2019. Dealer DM, who was a convicted felon, was apprehended with over 200 grams of cocaine, 125 grams of heroin, a firearm and nearly \$3,000 in US currency, which is a major confiscation. It was revealed that Dealer DM had eight (8) prior felony convictions, to include narcotics related charges, at the time of the raid. Dealer DM was released from the scene, “pending further investigation.” There were no explanation or circumstances documented for Dealer DM’s release.

This particular release was concerning, because the search warrant affidavit very thoroughly documents observing Dealer DM repeatedly conducting transactions consistent with selling drugs. The affidavit information is five (5) pages long and bulleted with thirty-three (33) points of detailed observations and information; the observations lasted for more than a month. The affidavit identified Dealer DM by name and Dealer DM’s drug houses and vehicles are described. Therefore, MVU officers either knew or at the very least, should have known Dealer DM’s background and criminal history. Due to the amount of drugs confiscated, coupled with Dealer DM’s conviction history, Dealer DM is not a candidate to be released pending further investigation, unless there were exigent circumstances.

If arrested and prosecuted, Dealer DM faced multiple years of incarceration, which would have potentially removed him from the Detroit community. This is important because in 2020, shortly after being released by MVU, the RMS system revealed that Dealer DM was named as the offender in three (3) separate cases of a violent nature. For example, Dealer DM, who is over 50 years old, engaged in a sexual relationship with a minor, who became pregnant. The relationship became physically abusive when Dealer DM beat and kicked the minor. Current records show this matter was “inactive” at Special Victims Unit at the time of this report, because the minor and parent refused to cooperate. In a separate example, Dealer DM brandished a weapon and threaten to shoot a neighbor who was suspected of calling the police and reporting Dealer DM’s drug activity.

There is no evidence a MVU member contacted the WCPO prior to releasing Dealer DM and there is no current criminal court case pending against Dealer DM for the narcotics and weapon Dealer DM possessed in March 2019.

***Appearance Notice Review:*** In this investigation, the most problematic area for Member #4 was in Appearance Notices. In total, Member #4 submitted 417 Appearance Notices from 2014 – 2019 and received paid compensation for 1,280 hours of court pay. Member #4's Appearance Notices were audited for signs of fraud and during the investigation. OCSTF investigators discovered that Member #4 was reporting to court and receiving financial compensation with forged and fraudulent notices.

Due to the variances in signatures and lack of court authorized stamped notices, it became apparent that Member #4 was forging the court officer's signature on to official court documents in order to receive monetary compensation from the City of Detroit. After reviewing 282 of Member #4's Appearance Notices, OCSTF investigators determined that 171 of the documents reviewed were questionable and appeared forged.

As is further explained in Chapter 6, under the applicable union contract, when attending court off-duty, a DPD Member is entitled to a minimum of three (3) hours at time and one-half rate compensation, if that appearance begins more than forty-five minutes prior to their scheduled shift, commonly referred to as either "4.5" or "court time" at DPD. However, the Member is only entitled to straight time or compensatory time compensation if the court appearance is less than forty-five minutes before a prescheduled shift. In order to ensure transparency in the process, DPD assigned a Court Liaison Officer to verify the time members punched in and out of court with an authorized time clock. Essentially, in order for Member #4 to receive three (3) hours of extra overtime pay, he/she had to arrive in court prior to 10:15 AM since his/her normal shift began at 11:00 AM.

An audit of Member #4's Appearance Notices revealed they contained numerous handwritten times in the corresponding spaces, instead of the authorized clock punch. Investigators observed Member #4 using a pattern of repeatedly using the specific handwritten arrival times of 9:20 AM and 9:40 A.M. The handwritten times were irregular and outside of DPD policy and the consistency of always arriving at the same times was suspicious. Documents show that Member #4 often signed into court on the Sign-In Sheet, but out of chronological order, which indicated tardiness and that the arrival time on the Appearance Notice was inaccurate.

Due to the unusual pattern of handwritten times, OCSTF investigators requested Member #4's personal and departmental cellular phone records, to include tower data, via search warrants. This was done to corroborate Member #4's whereabouts during the times he/she was purportedly attending court. The search warrant was approved and the data was subsequently obtained and analyzed via PenLink. It should be noted that the window

to obtain the cellular phone tower data was limited to twelve (12) to eighteen (18) months for Member #4's service providers. Therefore, this limited the scope of the investigation.

Once the cellular phone tower data was received and analyzed, it showed that Member #4 was utilizing cellular towers nearest his/her home in suburban Detroit on multiple days, when documentation shows Member #4 allegedly in court receiving monetary compensation. For example, on February 12, 2018, Member #4's Appearance Notice indicates Member #4 was in court at 9:20 AM [handwritten], until 11:05 AM [court stamp]. However, cellular telephone tower data shows Member #4 utilizing cell towers near his/her suburban Detroit home up until 9:29 AM. Additionally, the "IN" and "OUT" signatures are purportedly the same person, but the "IN" signature is obviously a forgery. A second example shows that on November 12, 2018, Member #4's Appearance Notice indicates Member #4 was in court at 9:35 AM [handwritten], until 10:50 AM [court stamp]. However, cellular tower data shows Member #4 utilizing cell towers near his suburban Detroit home up until 9:47 AM.

Due the obvious differences in authorized court signatures, OCSTF investigators conducted follow-up interviews with officers assigned to the Court Liaison Section. The interview revealed the officers had not signed Member #4's Appearance Notices and allowed investigators to establish that Member #4's Appearance Notices contained forged signatures and falsified times. It was determined that of the 282 notices reviewed, 164 or 58% of the notices from 2015 – July 2020 contained fraudulent signatures. For example, Member #4 submitted an Appearance Notice allegedly signed by a court member when the particular court member was actually not working and away on furlough; there was another example where the member submitted an Appearance Notice signed by a court member who was away at annual training. Follow-up interviews determined that both of these Appearance Notices were fraudulent.

OCSTF investigators calculated that over the course of five (5) years, Member #4 allegedly defrauded the City of Detroit of over \$20,000 with these false Appearance Notices. It should be noted that Member #4 was transferred from MVU in August 2019. A follow-up review of Member #4's Appearance Notices after the transfer revealed that the handwritten times and forged signatures ceased.

Member #4 also repeatedly signed the "IN" and "OUT" times of MVU members on their Appearance Notices, without verifying their court attendances. Records show that Member #4 authorized both "IN" and "OUT" times on 419 different occasions, which is the most of any supervisor. These actions helped facilitate MVU members being paid for court time. As covered in Chapter 6 of this report, by supervisors signing members' "IN" and "OUT" times, there were no court officials or counter signatures to verify if an officer actually attended court versus just turning in a fraudulent Appearance Notice.

In July 2020, during the pendency of this investigation, Member #4 retired from DPD.

## MEMBER #5

**MVU Experience:** Member #5 was hired in 1994 and worked assignments at Narcotics and MVU totaling approximately eight (8) years.

Member #5 was a sergeant, supervisor and raid commander while assigned to Narcotics and MVU, to include when this investigation was initiated. Member #5 was the raid commander of the following team:

- Member #14
- Member #23
- Member #24

In the audit of MVU documents, it was apparent that Member #5 provided his/her span of control officers and others relaxed supervisory oversight and directions. As consistent with other crews, this investigation revealed obvious mistakes with months, dates, and years on several documents, to include court documents. There was a lack of proper documentation and careless recordkeeping and filing discovered. The team's police reports were brief, "cookie cutter" and lacking basic police information. There were documents that lacked the required signatures, to include payroll and overtime documents, and there was inconsistent information contained on official documents. Many of these documents were to be reviewed by supervision, but were not reviewed or carelessly done so. Each span of control officer assigned was investigated. With the exception of Member #14 (covered later in this report), no officer had any issues identified outside of what was covered in this chapter under MVU culture.

MVU records show that between from 2009 – 2012, and then from 2015 – 2019, Member #5 served as the raid commander of 982 narcotics enforcement actions. More specifically, in that period there were 805 search warrants executed with Member #5 serving as the raid commander. The enforcement actions and search warrants breakdown follows:

<b>YEAR</b>	<b>ENFORCEMENT ACTIONS</b>	<b>SEARCH WARRANTS</b>
2012	239	112
2013	NA	NA
2014	NA	NA
2015	318	291
2016	212	204
2017	80	74
2018	74	68
2019	59	56

**Offender Arrest and Reporting Review:** 2017 – 2019 records show that Member #5 practiced a pattern of releasing felony and overinflating arrest statistics by reporting more arrests than his/her crew had taken into custody. This area is more thoroughly covered in Chapter 5 – management & supervision. Briefly, MVU offender arrest records show the following for Member #5:

YEAR	SEARCH WARRANTS	FELONY ARRESTS	RELEASED	PERCENTAGE RELEASED
2017	74	39	18	46.2%
2018	68	44	24	54.5%
2019	56	32	16	50.0%

The pattern of overinflating arrest statistics and releasing felony offenders was practiced by every MVU raid commander reviewed, to include Member #5.

**38 Kilograms of Cocaine:** An OCSTF investigator identified an incident that occurred in March 2018, where a patrol unit received a radio run and was dispatched to a west side Detroit residence call for service to investigate shots fired with a black male running from the location. When the patrol unit arrived, the side door of the residence was open, so the officers entered to check on the well-being of anyone inside of the house. Upon entering and checking the interior, the officers observed a large amount of packaged kilos of cocaine and a fired handgun. In the end, there were thirty-two (32) duct-taped packages containing thirty-eight (38) kilos of suspected cocaine. As a MVU supervisor, Member #5, was contacted, responded to the location and directed the recovery of the evidence. The suspected cocaine was transported to Prisoner Processing Unit and filed as a “no case.” It was then delivered to DPD Property Control. The case was then assigned to the same responding MVU supervisor for follow- up.

Reviewing the Evidence Tracker Chain of Custody Log, one (1) duct-taped package was submitted to the MSP lab for testing, where it tested positive for cocaine, before it was ultimately returned to Property Control. OCSTF investigators had this same package submitted for re-testing and confirmation. The Michigan State Police Crime Laboratory tested the suspected cocaine and the results were positive. The remaining thirty-one (31) packages of suspected narcotics were secured in the DPD Property Control vault on the date of the incident and were not removed. There was no evidence of misconduct for switching out the narcotics identified and OCSTF investigators returned the narcotics to DPD Property Control.

Upon inquiry, OCSTF investigators were unable to locate any MVU file associated with the location. There was no case file number assigned in the MVU complaint book. There were also no RMS case tracking notes added to detail any progress in the investigation by the Member #5 or any other MVU officer. Months later, the case status was changed to inactive in RMS. OCSTF investigators noted that in the original police report, a

neighboring house had cameras and the owner offered access to them; however, there was no indication that the cameras were requested, reviewed or preserved.

Numerous investigative steps could have been taken to investigate the matter more thoroughly. For example, the residence could have been placed under surveillance, a covert sting operation could have been arranged, the kilo packages and weapons could have been submitted for fingerprinting; a street canvass or even the neighbor's cameras could have helped identify the occupant(s) of the house; a property tax search could have identified the owner, etc. The size of the seizure was clearly associated with high-level drug trafficking. In 2018, this was by far the largest cocaine seizure recorded by MVU. By comparison, the next largest cocaine seizure was 7.5 kilos that year. It is unknown what investigative steps were ever taken, if any. There is no documentation of follow-up. It is important to realize that some work may have been completed and not documented, and therefore not reflected. However, it appears that the multiple kilos of cocaine were recovered and placed on evidence, but not investigated. If this assessment is true, then this is a failure with the MVU oversight of investigative and administrative practices.

**Appearance Notice Review:** In total, Member #5 submitted 237 Appearance Notices from 2014 – 2019 and received paid compensation for 732 hours of court pay. Member #5's Appearance Notices were audited for signs of fraud. There were no signs of fraud detected. However, OCSFTF investigators discovered that Member #5 repeatedly signed the "IN" and "OUT" times of MVU members' Appearance Notices, whether Member #5 was the span of control supervisor or not. There were 227 of these authorizations located in the records, the second most of any supervisor assigned to MVU.

Member #5's signature on Appearance Notices authorized MVU members to be compensated. His/her authorizing signature facilitated MVU members being paid court time regardless if they appeared in court or not. There was no verification process for these signatures. In at least three (3) instances when Member #5 signed the "IN" and "OUT" times for Member #3, without verifying, the Appearance Notices proved to be fraudulent.

**Overtime Review:** Based on the information garnered in this investigation, Member #5 was suspected of stealing overtime. Member #5 worked 196 separate instances of overtime for 1,037 hours, from 2016 – 2019, for various narcotics related reasons. Member #5's overtime was analyzed utilizing cell tower data compared to Activity Logs, Time and Attendance sheets, Daily Details, and Overtime cover sheets, from March 20, 2019 – October 2020 (the time recoverable by the cellular telephone carrier).

Based upon the previously described review of MVU early morning surveillance overtime hours, OCSTF investigators identified Member #5's records as worth review. During the audit, Member #5 was normally the span of control supervisor for a combination of Member #1, Member #3, Member #16 and/or Member #17. Activity Logs and overtime

reports showed Member #5 allegedly monitoring the surveillance activity from the base. Similar to the officers' patterns, records showed that during the surveillance times, Member #5's cell tower data showed that he/she was not in the city of Detroit, but rather near his/her home tower in suburban Detroit. This preliminary analysis was later verified through the certified use of the PenLink mapping system.

Preliminarily, Member #5's surveillance monitoring activity was established by analyzing the cell tower data provided for call and text history. There were sixty-four (64) days of overtime analyzed. OCSTF investigators identified eleven (11) problematic overtime instances of early morning overtime. They were mapped via PenLink. Records show that Member #5 received monetary compensation for 23.3 overtime hours he/she failed to work, thereby allegedly defrauding the City of Detroit \$1,369.89. Additionally, the analysis concluded that Member #5 falsified overtime documents and failed to monitor surveillance as documented. It is important to know that the analysis accounts for when Member #5 last used the tower nearest his/her home. The member was given credit for working if he/she was within the limits of the City of Detroit, regardless if he/she was at a specific surveillance location or not. If the cell phone evidence was not compelling, Member #5 maintained the presumption of innocence and he/she was afforded the benefit of the doubt, or the information was not identified as problematic.

In October 2020, during the pendency of this investigation, Member #5 retired from DPD.

### **MEMBER #8**

***MVU Experience:*** Member #8 was hired in 2010 and worked at MVU for approximately four (4) and a half years.

***SOI Use:*** MVU data showed that in total, Member #8 used SOIs on 219 occasions and paid \$1,980.00 for services and \$13,920.00 for narcotics, to fourteen (14) different SOIs, from 2015 – 2019. Member #8 followed MVU established practices of paying the SOI \$10 for evidence and \$40 for the services on successful buy attempts.

SOI records showed that Member #8 mainly utilized SOI 3064 to conduct controlled buys. Member #8 utilized #3064 on one hundred forty-five (145) times or 66% of the occasions. By comparison, the next closest was SOI #3003, who was used twenty-two (22) times or 11% of the occasions.

OCSTF investigators interviewed five (5) SOIs utilized by Member #8, pursuant to this investigation: SOIs #3003, #3021, #3064, #3098 and #3125. With the exception of #3064, none of the SOI's stated they observed Member #8 become involved in any sort of criminal misconduct. Four of five stated that Member #8 followed policy and procedures during their operations.

The information garnered during the interview with SOI #3064 was inconsistent with the other SOIs. Notably, #3064 made serious criminal allegations against Member #8. SOI #3064's allegations included but were not limited to MVU members skimming money off the top to provide SOI payments, #3064 providing his/her own drugs on controlled buys, fingerprinting blank vouchers, receiving undocumented bonuses and selling drugs on behalf of Member #8's crew. Additionally, #3064 alleged possessing knowledge of other drug dealers selling narcotics for members of #8's crew, Member #8 breaking the source's cellphone because it contained incriminating evidence and MVU raiding locations although the undercover buy was not successful. Finally, SOI #3064 alleged he/she had knowledge of planted drugs, drinking alcohol with on-duty MVU members in a undercover vehicle during controlled buys, hanging out in gentleman clubs and getting lap dances paid by MVU officers, and witnessing an MVU officer receive oral sex from a prostitute while on-duty.

As OCSTF began delving into his/her claims, investigators discovered SOI #3064's work as an SOI stopped abruptly in 2017, after MVU members handcuffed and placed #3064 in the back of a scout car. SOI #3064 thought it was some type of ruse to conceal his identity as a source, but then Member #4 yelled and threatened to arrest him/her. SOI #3064 was released, but never used again by a MVU member and he/she does not know what caused the abrupt stop. There was no DPD documentation located for this particular interaction.

Due to the serious nature of the allegations, #3064 was interviewed several times. While attempting to corroborate or refute the misconduct allegations against Member #8, #3064 stopped voluntarily providing information to OCSTF and stressed he/she was risking his/her life and needed to be compensated by assisting him/her to obtain his/her driver's license. On several occasions, #3064 promised to hand over valuable key information that could prove the allegations. After several months, #3064 met OCSTF investigators, displayed, and then subsequently turned over a cellular telephone device purportedly containing proof of Member #8 committing criminal misconduct. The device was placed on evidence. It should be noted that there was no compensation provided to #3064 by any OCSTF member.

A forensic analysis was completed on the device. The device contained limited data and had no evidence of misconduct by any MVU member or any DPD member. The phone did contain text message content between #3064 and Member #8. This text evidence points in the opposite direction, because all the conversations showed a narrative that Member #8 was conducting narcotic enforcement related investigative work, clarifying intelligence and coordinating schedules to conduct lawful police work. Based on the contents of the text messages, there was no suggestion that police corruption was occurring.



SOI #3064 was contacted for clarification and after learning that his/her device did not contain evidence, #3064 claimed it must have been on one of his/her other older phones. #3064 said he/she would search for his other phone; however, to date, #3064 has yet to reach back out with the sought device or any other evidence to support the allegations.

These allegations were very serious and outside of the normal parameters of MVU allegations under investigation. As a result, OCSTF investigators conducted a thorough investigation into the information provided. Investigators conducted follow-up interviews with the SOI; performed a critical review and analysis of MVU documents; showed the SOI MVU line-up photographs; drove the SOI around Detroit in an attempt to point out locations; conducted a forensic search of the cellular phone evidence provided; reviewed computer communications; and compared the MVU member's cell phone calls, contacts and cell tower data. The efforts failed to uncover any evidence to support a MVU member was involved in any of the specified misconduct. Additionally, there was no pattern of activity that suggests Member #8, or any MVU Member, was involved in the described types of misconduct.

Based on the investigation and due to #3064's inconsistent statements and actions, investigators questioned his/her credibility, motivation and intent. MVU records show that #3064 was a registered, paid informant with a long history of being paid when assisting MVU. At the time of OCSTF interviews, #3064 was unemployed, but was familiar with the process of collecting payments for assisting law enforcement. Initially, #3064 put forth efforts to assist OCSTF investigators. However, once #3064 learned there would be not compensated from OCSTF investigators or the FBI, #3064 stopped providing information. As the investigation progressed, when #3064 learned he could potentially receive assistance in obtaining a driver's license, he/she appeared again and turned over a phone whereas the data contradicted his claims. When confronted, #3064 attempted to provide excuses after previously claiming to be holding valuable evidence. OCSTF investigators made it clear to #3064 there was no assistance coming from DPD if his/her claims lacked sufficient credible evidence. After he learned that the evidence provided was not fruitful and the allegations were baseless, #3064 stopped all communication.

An assessment of the information #3064 provided revealed that he/she made contradictory statements when he/she stated he sold mid-level weight for Member #4's crew, but later claimed that he/she did not remember ever making that statement. SOI #3064 also made inconsistent statements regarding Member #8 destroying one of his/her cell phones. #3064 claimed Member #8 ordered him/her to break his/her cell phone because it contained "too much dirt," and Member #8 paid \$100 to replace the phone. However, #3064 later admitted that Member #8 did not have him/her break the phone; rather the phone fell on the cement and broke. SOI #3064 claimed that Member #8 gave him/her money to help out, but had no part in breaking the phone.

#3064's allegations were serious; but in the end, there was no supporting information or evidence to support #3064's information. It became difficult for investigators to rely on #3064's information and as a result, #3064's information was deemed not credible. It is important to know that Member #8 was interviewed regarding #3064's allegations. Member #8 vehemently denied any involvement.

**Overtime Review:** Member #8 worked 199 separate instances of overtime for 1,178 hours, from 2106 – 2019. Member #8 worked overtime on search warrant executions, various details and on surveillance. Member #8's overtime was reviewed and analyzed. There were no information or evidence to signal there was any type of misconduct.

However, Member #8 submitted numerous Activity Logs documenting "uncompensated overtime," while off-duty, for such activities as surveillance, report writing and vehicle maintenance. MVU records supports that compensation was not requested nor received in these instances. Although this overtime was not forced upon Member #8, it was accepted by MVU command. There are liability concerns for conducting law enforcement functions while off-duty hours. Allowing these actions also hinders the ability to supervise the member's activity properly.

In sum, despite the serious allegations made by SOI #3064, OCSTF's review did not uncover any criminality or egregious misconduct involving Member #8.

## **MEMBER #12**

**MVU Experience:** Member #12 was hired in 2011 and worked at MVU for a little over five (5) years.

**SOI Use:** OCSTF became aware of a pre-existing Internal Affairs investigation into perjury and false affidavit allegations against Member #12. The alleged perjury involved the use of a cooperating defendant, disguised as an "unregistered confidential informant." Therefore, Member #12's SOI usage was audited to identify any troubling patterns of usage.

Member #12 utilized the SOI funds on 28 different occasions, from 2011 – 2018 and paid \$270 for evidence and \$1,250 for services and information. Most of Member #12's SOI fund usage followed MVU patterns.

Investigators identified two issues concerning Member #12 and his/her interactions of SOI #3003. SOI #3003 was a prolific source for MVU for a number of years and he/she stated that he/she had a falling out with his/her main DPD contact, Member #13, over a payment in June 2017. SOI payment vouchers showed that SOI #3003 did in fact stop receiving payments as of June 2017 with one notable exception. Several months after ending the relationship with DPD, SOI #3003 appeared in two search warrant affidavits and on two

payment vouchers on September 11, 2017. Member #12 wrote one of the affidavits and his/her partner, Member #11, wrote the other. Investigators asked #3003 about the two locations [on Smart and Elder Streets, respectively] and the source stated that neither location sounded familiar. Investigators then drove the source past the location on Smart Street. SOI #3003 did not recognize the location nor any of the details about the seller Member #12 had put into the affidavit, including denying that he/she ever made a controlled purchase of marijuana for the location. The second location on Elder Street, the source did remember when investigators drove him/her by the location. Given the conflicting information provided by SOI #3003 about ending his/her work in June 2017, and remembering performing at least one of the controlled buys claimed on September 11, 2017, but not the other, investigators were unable to clearly establish the veracity of the warrant affidavit written by Member #12 in relation to the location on Smart Street.

Second, SOI #3003 alleged Member #11 and Member #12 picked him/her up one time to provide thumbprints and signatures on documents, without performing any work. The officers allegedly promised to take care of #3003 later, although he/she claimed that a payment was never received. The source could not provide a definitive time for when this alleged act had occurred, only that there was a large gap in time from when he/she last did work and the time of the blank voucher meeting. A review of SOI payment vouchers indicated that #3003 worked with Member #11 several times in 2015, with Member #12 one day in 2016 (September 9) and both Member #11 and Member #12 on one day in 2017 (September 11). Investigators found no evidence of either Member #11 or Member #12 possessing blank fingerprinted vouchers. Yet again, investigators could not develop enough information to confirm or deny this allegation.

***Search Warrant and Perjury Review:*** Investigators audited forty-seven (47) case files, from 2015 – 2019, listing Member #12 as the affiant. While several of Member #12's search warrant affidavits were suspicious, investigators focused on the five (5) affidavits that were already the target of the Internal Affairs investigation.

In February 2018, Member #12 prepared four (4) simultaneous affidavits for separate locations in Detroit and the suburbs. In the affidavits, Member #12 cited using information from an "unregistered confidential informant" he/she had used several times in the past. Because of the results of the four (4) affidavits, Member #12 used the same information from the "unregistered confidential informant," to obtain a fifth search warrant for a suburban Detroit home as part of the same investigation. As a result of the execution of the five (5) search warrant affidavits, MVU arrested three (3) offenders, and confiscated a weapon, containers of marijuana, kilograms of cocaine and over \$96,000 from the five (5) locations. WCPO subsequently charged the three offenders.

While at the preliminary examination, Member #12 testified regarding the "unregistered confidential informant" who he/she identified as a female named "Cherry," but also testified that he/she did not know "Cherry's" real name, address, or any other details about

“Cherry.” After a several week adjournment, when pressed, Member #12 identified a woman he/she claimed to be “Cherry.” However, that woman denied being an informant or even knowing Member #12, nor did that woman come close to matching the physical description that Member #12 had given about “Cherry.” After another several week continuance, Member #12 provided a phone number for “Cherry” that did not appear in the defendant’s cell phone records. Based upon all of these inconsistencies, the Court dismissed all charges against the offenders, finding that Member 12 lacked credibility.

The Department launched an immediate Internal Affairs investigation. OCSTF assisted with that inquiry, and investigators positively identified the “unregistered confidential informant.” Via phone records, interviews and MVU documents, OCSTF investigators established that Member #12 had actually utilized a known cooperating defendant from another investigation that he/she had conducted in late 2017, but attempted to keep that source’s identity hidden by making up the “unregistered confidential informant,” Cherry. To be clear, there is no “Cherry” as described by Member #12. In fact, OCSTF has identified and interviewed the cooperating defendant, a male, who confirmed that he was the person who provided information to Member #12. Thus, Member #12 clearly lied both in his sworn affidavit and sworn testimony about the identity of his/her source.

Investigators also audited remaining forty-two (42) case files, from 2015 – 2019, listing Member #12 as the affiant. OCSTF identified several affidavits as containing questionable information. For example, Member #12 claimed to have conducted surveillance on a particular day, yet his/her Activity Log for that same day does not include said surveillance. Another example, Member #12 wrote in his/her affidavit that information was received from an “unregistered informant” for a particular location; but when compared with the SOI payment vouchers, SOI #3003 was allegedly paid for the information.

In October 2020, during the pendency of this investigation, Member #12 resigned from DPD.

#### **MEMBER #14**

***MVU Experience:*** Member #14 was hired in 1994 and worked assignments at Narcotics and MVU totaling more than twenty-one (21) years. Member #14 was part of Member #5’s enforcement crew.

***SOI Usage:*** Investigators reviewed 257 SOI transactions by Member #14, completed between 2009 and 2019. The 257 transactions totaled \$37,725. Investigators noted that Member #14’s payment for services was consistently 20% higher than the usual payment for services. Based upon OCSTF’s review of thousands of SOI vouchers, the usual payment for services and product was \$40 and \$10 respectively. These payments stretched across supervisors and enforcement teams. However, in the 230 instances

where Member #14 paid SOI's for services and product, he/she usually paid \$50 for services and a combination of \$10 or \$20 for product, broken down as follows:

- \$40 = 7 transactions or 1%
- \$50 = 151 transactions or 66%
- >\$50 = 72 transactions or 32%

Member #14 paid in excess of the normal \$40 in 99% of his/her transactions. This anomaly was unusual and unexplained. Member also paid \$100 to \$500 for information more frequently than other officer did on the crew. Records show that there were twenty-six (26) transactions for information.

Finally, investigators found nine (9) blank SOI vouchers with fingerprints in Member #14's work areas.

**Search Warrant Affidavit Review:** Investigators reviewed seventy-four (74) case files where Member #14 was the affiant. Investigators found Member #14's affidavits to be the least thorough and most bare-boned affidavits of any they reviewed. In more than a dozen of his/her affidavits, Member #14 did nothing more than literally recite his/her professional background and experiences, training, and historical knowledge and document a controlled buy with an SOI. There was no description of the circumstances that led Member #14 to the target locations or any reason or rationale behind Member #14 attempting a controlled buy at the locations. Prior to the SOI buy, there were no personal observations, surveillance or surveillance observations, SOI or informant information, anonymous complaints or 224-DOPE tips.

Additionally, OCSTF investigators noted that Member #14 used a "cookie-cutter" style approach in his/her search warrant affidavits, there was minimal follow up, if any, and some affidavits contained surveillance observations while Member #14 was on scheduled leave days.

Simply put, Member #14's affidavits were not up to policy standards for search warrants [DPD Manual 202.3], which requires more descriptions. Still, it should not be discounted that Member #14 presented these warrants to both the Wayne County Prosecutor's Office and the 36<sup>th</sup> District Court for review and subsequent approvals.

In January 2021, during the pendency of this investigation, Member #14 retired from DPD.

## **MEMBER #16**

***MVU Experience:*** Member #16 was hired in 2000 and worked assignments at Narcotics and MVU totaling more than eleven (11) years. Member #16 was part of Member #2's enforcement crew.

***Search Warrant Review:*** OCSTF investigators identified numerous problems with Member #16's search warrants, including dissembling about surveillance and "confidential informants." In one such example, Member #16 initially encountered an individual during a search warrant execution and "flipped" him/her. Three days later, that individual provided Member #16 with a vague identification regarding a non-specified house located on the west side of the City of Detroit, only providing the street and generic description of the house in question. However, in a search warrant affidavit, Member #16 described this informant as "very reliable, narcotics crew have confiscated narcotics, weapons, and US Currency in past do [sic] to confidential informant." This statement was patently not true, since this individual had never been used in the past and only known to Member #16 for three (3) days at the time of his/her drafting of the affidavit. The search warrant affidavit also contained a specific address and a named defendant, which the individual had not provided, because he/she did not know it. Member #16 swore to this affidavit and approved by a judge. Narcotics and weapons were found at that location and an individual was charged and convicted. After OCSTF investigators identified the false information contained in the search warrant affidavit to WCPO, the prosecutor decided to dismiss all charges in that case.

***Overtime Review:*** Member #16 worked 165 separate instances of overtime for 815 hours from 2016 – 2019, for various duty related reasons. OCTF investigators analyzed and audited Member #16's overtime by utilizing cell tower data compared to Activity Logs, Time and Attendance sheets, Daily Details, and Overtime cover sheets from January 2019 – December 31, 2019 (the time recoverable from the cellular telephone service provider).

During the review, OCSTF investigators identified Member #16 as conducting early morning hours of surveillance overtime with Member #1, Member #3, Member #17, Member #2 or Member #5. Documents showed Member #16 claiming to have initiated his/her overtime by conducting surveillance or at the MVU base. During the surveillance times, Member #16's cell tower data showed that he/she was not in the documented areas of Detroit, but rather near his/her home tower in Detroit. This preliminary analysis was verified through the certified use of the PenLink mapping system.

Preliminarily, Member #16's surveillance monitoring activity was established by analyzing the cell tower data provided for call and text history. There were fifty-six (56) days of overtime analyzed. OCSTF's analyst identified thirteen (13) problematic overtime instances of early morning overtime. These dates were mapped via PenLink, where it

was shown that Member #16 was scheduled working 47 hours overtime. However, cellular tower records showed Member #16 only worked 16 or 34% of those hours, for a difference of 31 overtime hours he/she failed to work, thereby allegedly defrauding the City of Detroit of \$1,321.53.

Investigators then expanded the analysis to all overtime hours Member #16 worked in 2019. The analysis shows that Member #16 was scheduled to work 259 overtime hours; however, cell records showed he/she only worked 220 or 84.9% of those hours, for a difference of 39 hours. Therefore, Member #16 was monetarily compensated for \$11,050.69, when he/she only earned \$9,388.21. The final analysis showed a difference of \$1,662.48. In sum, Member #16 received \$2,984.01 from the City of Detroit without his/her working for that money.

It should be noted that the analysis accounts for when Member #16 began using towers different from the ones he/she used nearest his/her registered Detroit address. Member #16 was given credit for working if he/she was within the limits of the documented activities, regardless if he/she was at a specific surveillance location or not. If the cell phone evidence was not compelling, Member #16 was afforded the benefit of the doubt, or the information was not identified as problematic.

In August 2019, as this investigation was beginning, Member #16 resigned from DPD. In August 2021, Member #16 was sentenced to 18 months in the Federal prison.

### **INVESTIGATIVE FINDINGS**

OCSTF investigators audited the current and historical cases and the work product of thirty-eight (38) current and former MVU officers. The goal was to identify problematic patterns and trends in the unit and highlight solutions consistent with best police practices, state and federal law, and DPD polices and standards.

These officers MVU experience ranged from seventeen (17) years to six (6) months. The majority of the MVU officers' work product reviewed proved to be on par with DPD standards; however, investigators uncovered a variety of problematic areas. Investigators found many instances of questionable activities, such as "cookie cutter" affidavits, abuse of Department funds and resources (i.e. 224-DOPE tips, overtime pay, court time pay, etc.), and questionable SOI use, to name a few.

The most concerning matter of this investigation was when investigators uncovered that MVU officers engaged in a combination of filing false affidavits and police reports, perjury, bribery, overtime fraud, Appearance Notice fraud and forgery. In total, OCSTF identified fifteen (15) MVU members who were found to have serious misconduct allegations. Representative samples of the misconduct is described above. Upon learning they were subjects of the investigation, twelve (12) of these members voluntarily separated from the

Department by way of resignation or retirement. DPD has communicated the complete list of officers and description of the alleged misconduct to the WCPO for their review in relation to that Office's constitutional responsibilities under *Brady v. Maryland*. In the appropriate instances, OCSTF has submitted criminal warrant packets to the WCPO for their consideration and prerogative. Those packets are still pending at the time of this report.

It is important to know that the misconduct uncovered by this investigation does not take away from the hard work and dedication by the majority of the MVU officers. However, when situations of serious concern arise, it is important for the Department to address them quickly, to deter similar instances. At the time of this report, the Department has already taken positive action and implemented changes to the MVU processes in order to eliminate or at least deter many of the practices discovered in this investigation.



## **“PRICE OF DOING BUSINESS”**

During the interviews of suspected narcotics dealers, the OCSTF investigators discovered that there was an air of acceptance amongst the alleged drug dealers that their money being taken by MVU members for their immediate freedom with the promise to provide future information [being flipped] was for all intents and purposes “the price of doing business” in Detroit.

Initially, the OCSTF team decided to concentrate on Member #16, given his recent bribery case, and the instances where there were large confiscations of drugs and money made without any prosecution or follow-up. OCSTF identified thirty (30) offenders that matched the criteria and eight (8) more were identified from the Hotline tips. Several of the released offenders, sixteen (16) in total, alleged that MVU officers took their money, when they were interviewed by OCSTF investigators. However, they failed to report the theft, sometimes citing several reasons including that such theft was “the price of doing business,” it was their word against the officer’s word or they just did not feel like dealing with the police. The range of money allegedly stolen from these narcotics dealers ranged from hundreds to several thousands of dollars. There was no standard amount allegedly taken. In essence, if these allegations are true, it is deeply concerning to this organization because this is larceny, regardless of the source of income.

The OCSTF investigators found that there were challenges to investigate these type of larceny allegations effectively. Ultimately, the OCSTF investigators were unable to prove or refute the larceny allegations. The allegations were several years old and there was no physical, audio or video evidence. Moreover, the offenders strictly dealt in cash and there is no investigative methods of effectively tracking cash, without the bills being marked, catching the suspect red-handed in the act, knowing the serial numbers on the bills or preparing an advance sting operation to recover the money. None of those avenues were available to the OCSTF team.

It was also difficult for the OCSTF investigators to investigate these larceny allegations, because they were unable to establish a focal point or pattern to how the alleged larcenies occurred. The allegations varied. There were allegations of some money taken from closets, some from nightstands, some from bedrooms, some from safes, etc. The MVU money confiscation decisions at the scene and record keeping were inconsistent. Some crewmembers recovered money, while on other crews, only the raid commander recovered money. Some money was reported forfeited, while other times the money was reported to be retained by the owners. Some records were handwritten and illegible. Some separate police reports of the same incident reflect different amount of money confiscated, either intentionally or unintentionally. Statistically, of the sixteen (16) larceny allegations, six (6) offenders were arrested and ten (10) released from the scene. The one constant found was that all the offenders were African-American and mostly male.

In essence, there is no discernable pattern shown for when, where or how the money was taken.

In one instance, one offender reported the larceny to DPD IA, but only after his/her initial release from jail, and it was reported seemingly in a retaliatory fashion. This offender was caught with a substantial amount of narcotics, but agreed to cooperate and was subsequently flipped. The offender provided MVU members narcotic-related information on several occasions. However, in the end, this offender was unable to provide sufficient information, and was subsequently charged and arrested for his/her original charges. The offender did not come forward with his/her complaint until after being released on bond, which was more than a year later, and also after the flip did not work out in their favor. It should be noted that this matter was investigated by DPD internal Affairs, but the results were NOT SUSTAINED specific to the larceny complaint.

Furthermore, in all but a single instance, the larceny allegations were not specific to an individual MVU officer stealing money, rather the offenders would state they were “missing” money versus clearly stating, for example, “Officer Jones stole my \$600 from my coffee table.” This is plausible, because OCSTF investigators determined it was standard practice for MVU members to secure and stage all occupants in one room, facing the walls, while they conducted their searches. Therefore, there were no witnesses to the search recoveries or alleged larcenies. The one instance where a MVU member was specifically identified was in the above example when the offender was flipped. In that instance, the offender alleged the officer took his/her money and placed it in a uniform pocket. In that case, the offender and officer had become familiar with each other since after they met, they maintained constant telephone contact.

There were different times when the offenders alleged the money confiscated and recorded on the forfeiture forms did not match the amount of money allegedly confiscated by the officers. Yet, the offenders still signed the forfeiture forms. Purportedly the offenders protested at the time, but ultimately these type of allegations also went unreported. Additionally, many times the raiding officers were wearing hoods, facial scarfs and facial bandanas while raiding, and therefore their identities were unknown.

### **INVESTIGATIVE FINDINGS**

During raids and subsequent searches, MVU individuals frequently had direct access to large sums of money, where the highest level of supervision was the raid commander, who is a sergeant. The raid commander also served as the crew’s direct supervisor over their day-to-day operations and activities. Through the OCSTF investigation, the MVU teams have proven to be very tight knit and show a propensity to stick together, so it is unlikely that one would turn against another.

Still, the sheer number of larceny allegations are concerning, especially given certain corrupt Detroit narcotics officers have bowed to temptation and accepted bribes and stolen drug money through the years. These allegations are also concerning because several different, separate and independent individuals who were caught dealing drugs had the same types of allegation. These allegations shared similar circumstances. These offenders were from different geographical locations of Detroit, both the east and west sides, which increases the likelihood of the allegations bearing some truth. Finally, Member #2's raid team (with Member #16 as the crew chief) was the one raid team that came up the most often concerning these allegations.

Unlike in the past, DPD now has Body Worn Cameras. These cameras record officers' activities. At the time of this report, there is a mandate for MVU officers to wear their Body Worn Cameras while raiding. They do, but experience shows that MVU officers attach their Body Worn Cameras to their outer raid vests. They use their camera to enter and secure the raid locations. Once the location is secure and called clear, they remove their outer vests, with the cameras still attached, and store them in the raid van while they search the raid locations for contraband. This is against DPD policy [DPD Manual 304.6], because the camera did not remain activated until the event was completed. It is highly recommended that MVU officers follow the established DPD policy and keep their Body Worn Camera activated until the events are completed. This should help reduce the larceny allegations.

## **FLIPS**

The number one practice at MVU that led to the exposed corruption was that of “flipping” narcotic defendants at the scene of a narcotics raid. A “flip” is defined as a situation where police encounter and detain an offender, usually for a felony controlled substance or firearm offense, and an officer approaches that offender and offers him/her an opportunity to provide information on other criminality to avoid arrest and future criminal charges. This practice was sometimes also referred to as an “option.” If the offender’s information became fruitful, MVU officers never submitted a warrant request to the WCPO for prosecution.

Flipping drug offenders was common at MVU. During the OCSTF interviews with DPD personnel, MVU command officers, managers, supervisors and officers all acknowledged certain offenders were flipped.

## **AUTHORITY**

In our criminal justice system, there are important separation of duties in that the police collect the evidence and the prosecutor decides how best to address the criminal misconduct. In Michigan, the county prosecutor is the person who decides who and what to charge. This concept is known as prosecutorial discretion. The police’s role is to investigate facts and submit those facts in a warrant request to the county prosecutor. This warrant request can be prepared with a suspect in custody or can be submitted as a not-in-custody warrant. This division of responsibility assists in ensuring even application of the law and guards against corruption and bribes for police officers. Thus, if a person is arrested or detained during a drug raid and seeks to mitigate his criminal exposure by cooperating with the police, the police must consult with representatives of the county prosecutor in order to make any agreement that would affect whether and what type of criminal charges will be issued. While OCSTF did find at least one instance where the Wayne County Prosecutor’s Office was tangentially aware of a criminal defendant being “flipped” for information, the vast majority of the time, there was no official indication or documentation that an Assistant Wayne County Prosecutor participated in or approved these arrangements.

By taking this prosecutorial authority unto themselves, MVU crewmembers became the sole decision-making authority as to which narcotic offenders would be prosecuted. This section will examine the motives of why MVU made flipping a practice; but regardless of the reasons, it is important to note that it corrupted the system and steadily moved MVU further away from its intended purpose.

According to its Mission Statement, found in the 2014 Standard Operating Procedure (SOP), MVU was committed to the ongoing enhancement of the quality of life for all of Detroit’s citizens and neighborhoods, by utilizing all legal and effective tactics, to enforce

aggressively the Controlled Substance Act and other pertinent state laws and local ordinances. However, during the course of the OCSTF investigation, investigators discovered that MVU members repeatedly acted outside the scope of this Mission Statement.

### **THE HISTORY OF FLIPPING**

Based upon several DPD member interviews, OCSTF investigators were able to construct a chronology of how the practice of flipping narcotic offenders evolved at MVU through the years. Initially, the Narcotics Unit was built to deal with citizens' quality of life issues, that is, responding to citizen complaints concerning narcotics dealing and shuttering narcotics distribution houses. However, that vision changed in the early 2010's, under one span of DPD leadership, who wanted to change the philosophy of how to address best the narcotic distribution in the City of Detroit.

The thought of that particular deputy chief was to shift DPD's focus to identifying and arresting the narcotic suppliers, thus disrupting the smaller sellers, and in-turn resolving the quality of life issues in the neighborhoods. During this span (2009 – 2011), the Narcotics Unit operated what was described as "mini conspiracy crews." At that time, the officers were encouraged to climb the narcotics ladder, to catch the larger suppliers and distributors. The paradigm called for using the leverage of a narcotics arrest to encourage cooperation and identification of that individual's narcotics supplier. Despite this change in philosophy, the OCSTF investigation found little or no evidence of MVU members arresting large suppliers from information gained from flipped offenders. The practice of flipping offenders continued and became common practice at MVU.

However, in 2015, a command officer noticed and overtly questioned the practice of flipping. At the time, the raid commanders (sergeants) pushed back and stated that flipping was a normal course of business and used regularly to apprehend major drug dealers. The raid commanders also warned that narcotics enforcement numbers would decrease without this practice. The command officer noted that flipping was not covered in the 2014 MVU SOP. More to the point, the command officer did not believe the practice was being performed correctly and that the practice could lead to future trouble without the proper approvals. The command officer temporarily halted the practice of flipping and presented the matter of flipping to Chief Craig for a decision whether to continue this procedure.

It is important to note that while this debate was happening, the commander told the raid commanders to cease and desist the practice. Specifically, a subordinate command member provided OCSTF investigators with a copy of an email, dated May 11, 2015, where the raid commanders were instructed, "Please remember that we are not flipping suspects for the time being until this gets straightened out." After being briefed on the issue, Chief Craig also did not believe the practice of flipping was being handled correctly,

denied the request for its continued use and directed the command officer to discuss the matter with the Wayne County Prosecutor's Office. Per Chief Craig's direction, the command officer presented the matter to the Wayne County Prosecutor's Office for input. After repeatedly discussing the matter, an Assistant Wayne County Prosecutor refused to approve the matter. In the end, it was determined that in order to flip an offender, the issue would need to be taken up beforehand with the Wayne County Prosecutor's Office, and that it would be prosecutors, and not DPD, who would work out the deals with the offenders, for tracking and liability purposes. While the issue was resolved, the decision was not memorialized in writing and flipping remained unaddressed in the MVU SOP.

A turning point in the use of flipping at MVU came on April 11, 2016. On that date, the Organized Crime Unit captain and MVU lieutenant were promoted and moved to different positions and the Organized Crime commander transferred to a precinct command. The transition was not seamless. Initially, a new Organized Crime captain was identified, but no new Organized Crime commander was installed. Rather, all of Organized Crime's responsibilities were temporarily shifted to the Major Crimes commander. In addition, a new MVU lieutenant was not identified or assigned until August 1, 2016. OCSTF found no evidence of a handover briefing for the new command team.

It was during this interregnum period that the practice of flipping was continued. The raid commanders who had initially pushed back on the no flipping order remained at MVU. However, there was no memorialized institutional knowledge about the flipping issue and the new captain and temporary commander did not seem aware of the recent history surrounding this practice. At some point, the raid commanders all began utilizing flips again.

The OCSTF investigation found that, during the years 2017 – 2019, these actions were not unique to one raid crew – all raid crews practiced flips. Based upon review of numerous such situations, police officers negotiated deals at the scene where flipped offenders could “work off” their original charges with the raid commander's overt or tacit approval. OCSTF did not find an overt approval for the flipping practice by the lieutenant or command officers. However, it appears that management and command officers should have been aware of these practices given the number of flips. A more detailed analysis of each raid commander's record in terms of arrests, releases and confiscations is found in Chapter 5 – raid commander review.

Still, Member #2's crew once again stood out in the sheer volume of flips. In 2018, Member #2's crew actually flipped an astounding 73% of narcotic suspects – meaning that this crew released 7 out of every 10 felony drug dealers back into community. This team predominantly flipped narcotics dealers and weapons offenders at the scene while noting in the reports that these offenders were “pending future investigations,” “pending not-in-custody [not-in-custody] warrants,” and for “health/medical reasons.” Through OCSTF interviews with these released offenders, it was determined that these were code

words, normally used to signal offender as flips. However, the practice became so common on Member #2's team, they were comfortable enough to sometimes even handwrite, "Flip" under the offenders' names, directly on the outside of the court case envelope files.

### **THE FLIP CYCLE**

The OCSTF investigators identified and interviewed twenty-four (24) flipped offenders. Investigators found it difficult to track who were actually flipped offenders, because on the search warrant affidavits, MVU officers would list flips as "confidential informants." OCSTF found no documented tracking system or matrix to track the identity or work product of confidential informants, whether flips or not.

OCSTF investigators determined that MVU officers interviewed offenders at the scenes at the time of the raid. As stated above, police officers negotiated deals at the scene where flipped offenders could "work off" their original charges. These were the times and locations when it was established that an offender wanted to cooperate (flip) and work with the MVU officers. This investigation revealed that raid commanders were authorizing flips and allowing the release of narcotics and weapons offenders from the scene, despite the offenders confessing to being narcotic dealers.

Via interviews, investigators learned that when offenders wanted to work, MVU members opted to do a not-in-custody warrant and release the new flip from the scene for safety reasons. Many MVU officers articulated the release was that an arrest could potentially endanger the flipped offender's life, because other participants in the drug trafficking community would know the offender's location was raided and he/she encountered the police. If the flipped offender was taken into custody after he/she provided MVU officer with information, and MVU followed up with an immediate raid of the next location, the drug trafficking community would figure the flipped offender tipped off the police. There is oftentimes a hefty penalty in the drug community for cooperating with the police. Therefore, the flipped offenders were released to safeguard their lives.

The handling officers, not the raid commanders, were responsible for tracking and working their flips. The flipped offenders kept in contact with their handling officer and provided him/her information via cell phone. On numerous occasions, OCSTF investigators confirmed contacts between the handling officer and the flip through cell phone records.

Depending on the MVU crew, if the flip was unable to "work off" (provide enough information) their case, a not-in-custody warrant was sometimes submitted for his/her arrest for the original charge(s). This decision was a responsibility expected to be handled by the raid commanders, who were the highest-ranking individual at the raid location; but it was oftentimes delegated to the handling officers. OCSTF found no matrix or measure

of tracking the MVU not-in-custody warrant submissions. The OCSTF investigators noted that on occasions, the 3<sup>rd</sup> Circuit Court records sometimes helped identify flipped subjects when comparing the incident dates with the dates of the not-in-custody warrant submission. In those cases, the warrants were found to be submitted anywhere from three (3) to nine (9) months later, or even longer in some cases.

Via OCSTF interviews, MVU officers stated that flipped offenders were worked for 2x the product they were caught with. For instance, if the offender was caught with one (1) kilo of cocaine, he/she would have to provide information for a different person with a minimum of two (2) kilos of cocaine to work off his/her case. However, there is no documented tracking system or matrix to track the return investment of the information provided by the flip. OCSTF investigators found zero evidence of MVU members working up the narcotics ladder towards larger drug dealers or a “bigger fish.”

### **CAUSES FOR CONCERN**

As stated above, the practice of flipping undermines the criminal justice system by the police officer on the street becoming the sole arbiter of who are arrested, charged and ultimately convicted. OCSTF identified multiple serious and habitual offenders who MVU officers caught with significant amounts of narcotics who were never prosecuted.

For instance, Member #2’s crew flipped an offender who possessed marijuana, cocaine, two handguns (one with a defaced serial number) and money. He/she also provided a full confession to narcotic sales and possession of the weapons. That offender, who was a habitual fourth offender, was released from the scene pending “further investigation.” Initially the offender did not want to cooperate, but was convinced by a MVU member, who became his/her handling officer. The offender provided information to the handling officer and later received a call back indicating the information provided was good and they were done. There was no not-in-custody warrant submitted for the offender.

However, to show how the cycle of flipping and no arrest endlessly continued, the information provided by the person described above led to a search warrant of another suspected narcotics location where a major seizure of cocaine (well over 400 grams), heroin and several thousand dollars of cash was seized. MVU officers released the offender in that situation due to “health issues.” OCSTF investigators found that offender who confirmed that he/she had no health issues. There was no not-in-custody warrant submitted for this offender either.

In yet another separate incident, Member #2’s crew flipped an offender who possessed a major seizure (large amount) of cocaine and heroin, as well as a weapon and money. The offender confessed to possession of both the narcotics and weapon. MVU released this offender from the scene without specifying a reason for the offender’s release. The offender provided his handling officer, Member #1, with information regarding a location



that sold marijuana on a large scale and a different location on a small scale. When speaking to the OCSTF investigators, the flipped offender referred to Member #1 by code name and kept in contact with Member #1 by cell phone, which the offender lied and stated he no longer had. However, OCSTF obtained Member #1's phone records and noticed that the records showed the offender called Member #1 almost immediately after the OCSTF interview. It should be noted that investigators caught this offender in several proven lies, and therefore were unable to rely solely on his/her information. There was no not-in-custody warrant submitted for the offender.

Notably, in some instances, flips were released from scenes but were not contacted by a MVU member requesting information on other drug dealers. Furthermore, there was no not-in-custody warrant submitted for them.

The practice also exposes officers to the possibility of corruption and bribery. Many of the flipped offenders told OCSTF investigators that MVU officers stole their money. The offenders alleged they were missing hundreds to thousands of dollars. They allegedly did not report the theft because they were not arrested and they considered it just "the cost of doing business" with the police in the City of Detroit. These claims proved impossible to investigate since the claimed money was money obtained from crime (no receipts) and was all non-serialized U.S. currency. Still, flipping either exposed the MVU officers to multiple claims of theft or exposed them to the temptation of theft to which they succumbed.

The practice also led to false sworn statements and lies in Department reports. First, on numerous occasions, flipped offenders were not physically taken into custody, but nevertheless counted as an arrest statistic. It was often reported that flips were "arrested, but released at the scene;" thereby artificially inflating the raid crews' arrest numbers and giving a false narrative for enforcement action. Additionally, OCSTF investigators determined that MVU raid commanders were authorizing the release of flips due to "health or medical issues" without any documented medical evaluations. However, except on rare occasions, there was no information documenting the offenders' specific health or medical issues. Moreover, during interviews with the flips, the offenders stated they had no health or medical issues of concern, and none that they discussed with MVU members.

For example, MVU #2's crew (under the supervision of Member #4 for the day) flipped an offender who possessed a small amount of heroin and a weapon. MVU released the offender from the scene for "medical reasons." The offender, who did not disclose any medical condition to the officers at the time, provided information regarding a location that sold marijuana in the neighborhood. He/she kept in contact with the handling officer, Member #16, by cell phone, which the offender was able to display Member #16's cellular number from his/her cell phone. Afterwards, Member #16 told the offender he/she was okay and they had no further contact. There was no not-in-custody warrant submitted for this offender holding him/her responsible for their crimes.

OCSTF investigators identified and interviewed flipped offenders. During the interviews, some offenders, to include repeat offenders, revealed that they initially agreed to cooperate and provide information on the day of their arrest; however, they failed to follow through and provide the promised information. Not-in-custody arrest warrants were issued for some flips, but there was no evidence of follow-up for others. Additionally, several repeat offenders were flipped and released after only providing minimal information, as opposed to information that led to larger suppliers.

### **INVESTIGATIVE FINDINGS**

Over the course of the task force's work, OCSTF investigators identified and interviewed dozens of flipped offenders. DPD MVU members caught these drug dealers distributing illegal narcotics and in most cases, released them back into the Detroit community without any follow-up prosecution. As a police agency, it is imperative that we take the proper legal actions when opportunities are presented. These negative actions, i.e. flipping and releasing drug and weapons offenders, have a costly impact on public safety. At the time of this report, years have passed and many of the MVU members who were practicing flipping offenders have separated from the Department. Therefore, there is no viable way to revisit the old cases and attempt to arrest and charge these drug dealers for their previous crimes. The methods MVU members utilized for handling flipped offenders led to a significant lack of criminal prosecutions for armed and repeat drug dealers in the City of Detroit.

It is important to note that at the time of this report, MVU leadership has ceased the practice of flipping.

## **SOURCE OF INFORMATION (SOI)**

DPD recognizes that community involvement is essential to maximizing law enforcement efforts. Information, or “tips,” from residents are oftentimes an important first step in focusing law enforcement efforts to combat illegal sales. Some citizens take on a more sustained and formal relationship with the Department’s as Sources of Information (SOI). SOI’s are integral in law enforcement’s effort to deter illegal narcotic sales since they assist in establishing probable cause for search warrant affidavits and successfully prosecuting perpetrators [Special Order #08-14DPD]. When dealing with narcotic-related crimes, the use of SOI’s is important, because they possess specific narcotics activity information and intelligence not readily available to Department members. They are also able to go easily into places that Department members simply cannot. The work is dangerous and it is sometimes allowable for these SOI’s to receive financial compensation for their information and services through Secret Service Funds, commonly referred to as SOI funds, after the SOI is properly registered.

### **SOI REGISTRATION**

The 2014 MVU SOP for SOI Files and DPD Special Order #08-14DPD detail the established process DPD has for becoming a registered SOI. These policies are from 2014 and 2008, but are the latest policies on file at the time of this investigation. An overview of the registration process follows:

- The SOI candidate must go through an interview with a crew sergeant;
- After that interview, the candidate goes through a verification process and period where their information is examined for reliability by the crew sergeant; and
- Once a SOI candidate is deemed reliable, the crew sergeant must ensure a thorough and comprehensive investigative background packet is completed and submitted through channels to MVU management.

The forms in the packet include informational forms, statement of understanding, rules, signature form, arrest records, CCH, LEIN printout, probation/parole check, interrogation form, photographs and a fingerprint card. If the SOI candidate is on probation or parole, the person’s probation or parole officer must grant permission. Additionally, permission must be obtained from the command officer and WCPO if the candidate has a felony charge pending. Planning and Analysis, the keepers of the SOI records, audit the files semiannually.

Once the necessary packet and permissions are obtained and the candidate is approved, the candidate is issued a four (4)-digit identification/control information number. The custodian securely maintains the SOI identification number and the SOI file in a locked cabinet. After receiving their SOI number, the SOI is eligible for compensation. Depending on the level of the compensation, per the 2014 MVU SOP DPD allows various

levels of the chain of command to authorize the SOI payments: a crew sergeant can authorize up to \$150; a lieutenant up to \$400, the Commanding Officer up to \$500; the Deputy Chief from \$500-\$5,000 [bonus payment]; and Chief of Police \$5,000+ [premium payment].

Once a MVU officer pays a SOI for their services rendered, a Secret Service Expenditure report must be prepared. The report must be submitted with a voucher that contains the SOI's thumbprint and signature. The crew sergeant shall review the report for accuracy, sign upon approving the report and submit it to the fiscal officer for reimbursement and processing.

### **SOI RECORDS**

On August 22, 2019, OCSTF members confiscated SOI identification files, SOI payment vouchers and SOI ledgers. Given the incredibly important need to keep SOI under the highest level of security, OCSTF secured these files in bins with tamper proof tape to ensure integrity. The bins were moved to the 11<sup>th</sup> Precinct's archive area and then finally to the Professional Education and Training Center, where they were secured in a room with a separate lock and key before the intact tamper proof tape was removed. The room had limited access and was constantly video recorded.

A review of the records showed 833 SOIs with numbers, spanning from 1989 – 2019. The numbers began at #1308 and went up to #3134. The SOI numbers were sequential, but there were groups of numbers missing. The bulk of the populated entries were from #2317 – #3134. To assist in the review of this SOI process, OCSTF investigators entered the SOI active and recently de-activated identification files onto an Excel spreadsheet. Due to the extreme sensitivity and need to protect SOI identities, the Task Force's federal partners performed all digital entries of their identifications and the Excel document was password protected. The access was limited and the password was only provided to the Director and OCSTF OIC.

Upon the initiation of the OCSTF investigation, there were ninety-eight (98) active SOIs. Shortly thereafter, the SOI program was halted and eventually all 98 active SOIs were deactivated at once per Chief Craig. At the time of this report, the program has restarted with stringent new procedures, specifically a SOI has to be vetted through channels through a Deputy Chief and up to the Assistant Chief of Police. At the time of this report, there was one (1) registered DPD SOI. He/She has been utilized twice since being registered and his/her compensation was less than \$100. Additionally, MVU has submitted requests to have two (2) potential SOIs registered. The requests are pending executive approval.

The OCSTF team members entered the data from the SOI payment vouchers onto an Excel spreadsheet and Smartsheets. This step allowed investigators to quickly sort and analyze the data. There were approximately 9,750 SOI Excel voucher entries from 2009 – August 2019.

OCSTF investigators audited MVU member's SOI usage by using affidavits found in case files, SOI payment vouchers and records, Activity Logs, call history data and records, and interviews conducted by OCSTF members. OCSTF used this information to identify SOI use frequency and patterns, types of payments, payment histories, payment discrepancies, and large bonus payments.

Once the SOI voucher data was entered, it was determined that the total amount paid for information, bonuses and SOI services totaled \$1,326,016.00. Afterwards, a federal analyst identified the top fourteen (14) SOIs who received the highest payments. The highest single payment was \$250,000.00, which was a onetime premium payment for a single transaction (this transaction will be discussed later in this chapter). For comparison, the next closest and most frequently used SOI was paid \$84,980, for more than 1,875 separate transactions.

### **BLANK SOI VOUCHERS**

During the data entry process, OCSTF members found thirty-nine (39) blank vouchers that contained only thumbprints and signatures; the remainder of the forms were not completed, i.e. address, date, time, case number or specific amount of payment. A combination of nine (9) different officers had these blank SOI vouchers. The blank vouchers were found in MVU officers' workspace areas, filing cabinets and inside of actual case files. With assistance from DPD Latent Prints, OCSTF members were able to confirm that the blank vouchers contained the actual thumbprints of the relative registered SOIs. These discoveries were extremely concerning, because on their face these documents claim that a particular SOI has been informed of the amount of payment and money has been exchanged. A MVU officer could fill this blank form with any amount of money, and essentially pocket the money with no one being the wiser. These blank vouchers corroborated the tip that MVU officers were using the SOI funds as an open checkbook.

It should be noted that only one of the nine (9) officers identified to be associated with blank vouchers remain an active member of DPD at the time of this report. OCSTF identified a single signed and printed voucher for the current active member. OCSTF then interviewed that officer, but the interview failed to shed light on the subject.

MVU leadership and management has taken positive steps in acknowledging and addressing blank SOI vouchers in the proposed 2020 SOP. The SOP was pending

executive approval at the time of this report, but the SOP prohibits pre-signed SOI vouchers. The policy reads:

“All signatures and thumbprints shall be affixed only at the time payment is rendered. Members shall not, under any circumstance[s], request or permit a SOI [to] pre-sign or affix their thumbprint to a blank form. Witnessing members shall not pre-sign SOI forms. This applies to both SOI buys and bonus payments. Any SOI pre-signing forms or vouchers shall be immediately deactivated. Members found to be in violation of this policy will be immediately removed from the Major Violators unit and subject to disciplinary action.”

### **SOI FUND MANAGEMENT**

At MVU, all payments to SOIs were made in cash. By DPD policy, the Fiscal Officer was responsible for the overall security, distribution, auditing and reconciliation of the SOI fund pool. At MVU, each raid commander was allotted \$1,000 in SOI funds and the Fiscal Officer was responsible for issuing and replenishing the raid commanders \$1,000. Once issued, the raid commander's assumed responsibility to manage, dispense and record their SOI funds to their crewmembers to conduct their daily SOI operations as necessary. Each raid commander kept a ledger book to track their SOI funds transactions and their ledger books were audited quarterly. OCSTF investigators reviewed the raid commanders' and the Fiscal Officer's ledgers and no issues were found.

Fund security was lacking. On the date the MVU files were confiscated, investigators determined that the raid commanders kept their money secured in their locked offices, by various methods. For example, one raid commander had a keyed metal box, one had a safe and one kept the SOI money in a coat pocket, inside of an open locker. Since that time, the Department has provided all raid commanders with safes and directed them to utilize them to safeguard these funds.

On several instances, OCSTF members discovered successful SOI buy operations, but no evidence of follow up search warrants or raids. The vouchers were completed as required and reflected that the SOI received compensation. It is unknown if the handler and the crew became busy or refocused or if this was a means to cover up stealing narcotics SOI funds. Quite simply, there is no evidence to prove or refute misconduct in these situations. However, at the very least, there is a better way to utilize SOI funds and this matter requires attention.

During the SOI interviews regarding bonus payments, several SOIs repeatedly stated they received 10% of the confiscation value. There was even a SOI who called and threatened DPD personnel, because their 10% payment was not received. OCSTF found no official DPD policy that stated SOIs would receive 10% of the confiscation value. In

fact, DPD policy documents that in order not to compromise the legitimacy of information provided and the integrity of potential criminal cases, under no circumstances shall informants be promised any specific amount of compensation for information. Instead, informants may be advised they might be compensated at the discretion of the Department depending on the value of information provided.

An audit of the highest SOI bonus payments over the years showed no clear set percentage for bonuses relative to money or drugs seized:

<b>YEAR</b>	<b>BONUS</b>	<b>SEIZURE</b>
2009	\$10,000	\$170,035
2010	\$250,000	\$2,100,190
2011	\$12,000	\$23,500 + 8,600 grams cocaine + 809 grams marijuana + 2 guns
2012	\$5,000	\$26,162 + 250 grams cocaine + 2.3 kilos marijuana
2013	\$7,000	\$157,725 + 125 grams cocaine
2014	\$10,000	\$91,435 + 175 grams cocaine + car
2014	\$10,000	\$101,420 + 1900 pills + jewelry + classic car
2015	\$6,000	\$66,845 + 648 grams cocaine
2016	\$7,000	\$39,734 + 98 grams heroin + 27 grams cocaine + 6 guns + 2 cars
2017	\$6,000	\$29,337 + 384 grams cocaine + 344 grams heroin + 352 grams marijuana
2018	\$5,000	\$15,278 + 834 grams cocaine

Clearly, one premium payment immediately stood out as a complete outlier. DPD documents showed that on August 14, 2010, DPD paid SOI #2449 a \$250,000 premium payment for “specific information.” While premium payments were regular occurrences at Narcotics/MVU, this particular payment was by far the largest premium payment recorded to a SOI from 2009 through 2019. For comparison, the closest and next highest premium payment recorded was \$12,000.

The information provided by SOI #2449 was specific and in July 2010, led Narcotics Conspiracy crewmembers to the surveillance and subsequent traffic stop of a semi-trailer truck on the east side of Detroit. The semi-trailer truck had an out of state license plate. During the traffic stop, the crew located large duffel bags within the crew cab containing several individually plastic wrapped brick shaped packages of U.S. currency, consistent with narcotics money and packaging, believed to be approximately \$2,000,000 and a tally sheet. The crew detained the lone truck driver and out of an abundance of caution conveyed the driver to the police station for safety. The packaged money was transported to the property room, where it was removed from its packaging and inventoried. The initial DPD count totaled \$2,100,190.

As a result of the confiscation, Narcotics Conspiracy Team #2913 requested and initiated the approval process for a premium payment for SOI #2449, requesting a premium payment of \$250,000. After SOI #2499 met and spoke with then Chief of Police Ralph Godbee directly, and being satisfied SOI #2449 was the individual responsible for providing the information that led to the seizure, Chief Godbee approved the premium payment request. Afterwards, four (4) DPD Narcotics officers met SOI #2449 at a hotel room in suburban Detroit and paid SOI #2449 the \$250,000 premium payment in cash. Chief Godbee later testified in court that he regarded the \$2,000,000+ cash seizure the largest in DPD history.

Yet, that was not the end of the story for that payment. The Narcotics officers who worked with SOI #2449 were PO Arthur Leavells, PO Bryan Watson, and PO David Hansberry. All three came under investigation by the FBI and were subsequently federally indicted for extortion and conspiracy to commit extortion on drug dealers they arrested. During that investigation, the FBI received information that although there was approximately \$2,000,000 confiscated and turned into DPD property, the semi-trailer truck reportedly had \$3,000,000 prior to the traffic stop. While the specific allegation of larceny from that seizure was never established, all three officers were convicted in federal court (one by plea and two were found guilty by jury). SOI #2449 was also indicted and served time in the federal prison system for his/her own crimes. There is no information to indicate there was an attempt to recover the \$250,000 premium payment.

### **SOI INTERVIEWS**

OCSTF investigators were able to locate and interview six (6) of the fourteen (14) highest paid SOIs. The OCSTF investigators also located and interviewed thirteen (13) different SOIs for various aspects of this investigation. In total, OCSTF interviewed nineteen (19) SOIs. Interviews with those SOIs provided numerous insights into the SOI process. The typical operation was as follows:

- Telephone contact was initiated by either the MVU officer requesting assistance or the SOI seeking work;
- A pick-up point was established and the officers (always two or more) picked up the SOI;
- The target locations and safety rules were established and reviewed;
- The SOI was given purchase money;
- The officers dropped off the SOI at the target location(s) and the SOI attempted to make a buy and returned to the vehicle;
- The SOI would normally work until they had three (3) successful buys;
- Once the buys are completed, the SOI fingerprinted and signed the forms and received compensation for his/her successful buys only.



The SOI was then returned to the pick-up location. Notably, with the exception of one (1) SOI, none reported being searched prior to or after the buy. This revelation was troubling, since in numerous sworn search affidavits across the various enforcement crews, MVU officers swore that the SOIs were searched prior to a controlled buy to ensure that the SOI did not covertly bring narcotics to the buy location. Thus, if no searches were done, this would be yet another example of false information included by MVU in affidavits.

OCSTF attempted to confirm or refute information provided during these SOI interviews. In some cases, allegations made by certain SOIs were confirmed and are discussed throughout this report. In other instances, certain SOI's allegations were refuted upon further investigation (see discussion concerning Member #8 above).

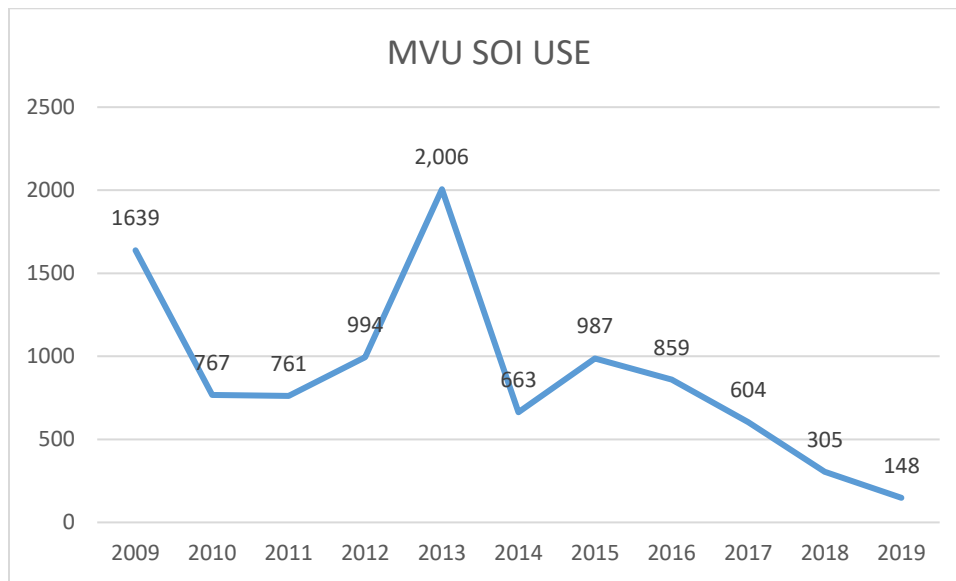
### **SOI DOCUMENT ANALYSIS**

OCSTF found no information, in either the 2014 MVU SOP or the 2014 SOI SOP, setting a specific payment amount for information or services provided by a SOI. However, OCSTF investigators were able to establish, through SOI interviews and data analysis of the payment vouchers, that by practice, the standard payment was \$10.00 for the narcotic product and \$40.00 for the SOI services per successful transaction only.

During his/her interview, when asked about the payment rates, the most frequently used SOI replied, he/she always received \$40 for services – “40 dollars is 40 dollars.” That same SOI, whose span ran from 2009 through 2019, also admitted to frequently providing thumbprints on blank vouchers at officers' requests, although he/she considered the request suspicious. The SOI stated that officers would come to his/her home, request and receive his/her thumbprint on blank vouchers. The SOI related, “I suspected something. I suspected that they might be keeping some of the money.” The SOI did not report the suspicious activity to any supervisor and provided the thumbprints because the officer requested them. OCSTF investigators found that this SOI's signature on payment documents vastly varied and some were obvious forgeries. Upon further questioning, although the SOI recalled and recognized several MVU officers, when this SOI spoke of the aforementioned suspicious thumb printing activity, the SOI was referring to the past and could only remember one specific officer requesting his/her thumbprint on blank SOI forms. The SOI identified this officer by name, and a DPD personnel inquiry revealed that the identified officer worked at Narcotics from February 2010 through March 2013. This member separated from the Department in January 2015, and is since deceased. Therefore, there was no further investigation into this allegation or follow-up action taken to hold this former officer accountable.

An analysis of the SOI usage from 2009 – 2019 shows that the years 2009 and 2013 recorded the most transactions at 1,639 and 2,006 transactions, respectively. Otherwise, beginning in 2012, the use of SOIs declined. Notably, in 2014, when Narcotics was disbanded and MVU was created, there was a huge drop in SOI use. During that time,

the use declined from 2,006 to 663 transactions, which was by far the largest one time reduction. The SOI use recovered in 2015, up to 987 transactions. Then the use gradually went down until 2019, when it was only used in 148 instances through August 2019. The analysis indicates there was a shift away from MVU officers using registered SOIs. See the following illustration chart:



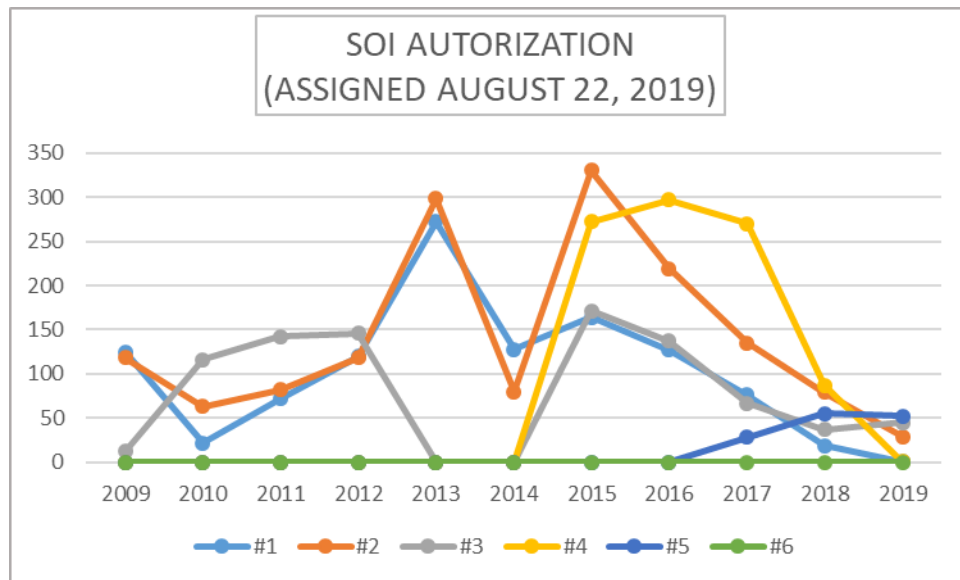
Further analysis showed irregularities when MVU officers described their working relationship with a particular SOI in search warrant affidavits. It was common for MVU officers repeatedly to use the same SOI, probably for reasons of ease, comfort, reliability, trust or handler obligation. However, there were clear instances found when officers deceptively bolstered the validity of SOIs in search warrant affidavits by intentionally inflating the number of times they had successfully worked with a specific SOI. For instance, claiming to have used a SOI 15+ prior times, when in fact the officer had utilized that SOI on far fewer occasions. OCSTF investigators proved the information false via SOI interview, SOI and MVU documents, counting search warrant executions, reasonable deduction and via the simple lack of time.

Additionally, OCSTF investigators found that MVU officers used SOI information in search warrant affidavits when DPD documents and OCSTF SOI interviews showed the SOI was inactive and had ceased working. In a particular instance, SOI #3025, who had been consistently paid dozens of times in the past from January 2013 – September 2017, told investigators that he/she had stopped working with Member #1 in September 2017 over a dispute of the amount of money received. The SOI felt the amount received was too small and not worth the risk. The vouchers indicated that Member #1 was the sole user of this SOI and showed no payment activity after September 2017. Notably, call data records and search warrant affidavits indicated that Member #1 attempted contact with #3025 until October 2018. Yet, OCSTF investigators found five (5) separate search

warrant affidavits where Member #1 identified #3025 as the source of information in 2018. These raids were successful, but there were no records of SOI compensation, which is extremely unlikely given how seasoned this SOI was, and how the entire reason SOI #3025 stopped working was over a money dispute. When asked directly in an interview, the SOI denied providing information to Member #1 after September 2017, which is when the payments ceased, and the SOI also emphatically denied receiving a bonus payment from Member #1 of \$3,000, which was allegedly paid in October 2016.

### **MVU SOI USE TREND**

OCSTF investigators reviewed and audited the SOI authorizations of the six (6) supervisors who were assigned to MVU on August 22, 2019. The audit period was from 2009 – 2019. While the records showed a fluctuation in SOI activity, with a peak in 2015, a significant trend away from registered SOI use is clear from 2017 – 2019. See the following illustration chart:



### **CONFIDENTIAL INFORMANT (CI)**

Although this chapter mainly focuses on registered SOIs, a brief discussion of MVU’s use of confidential informants is also necessary. As stated previously in Chapter 1, a confidential informant is an unidentified person providing information regarding illegal criminal activity, to include narcotics activity. When examining MVU’s search warrant affidavits, OCSTF investigators identified a rise in the use of “confidential informants” that corresponded with the ebbing of the use of SOIs. As pointed out earlier, there are several problems with the preferential use of confidential informants over sources of information. First, there is no DPD registration or vetting process for a confidential informant. Second,

DPD has no formal identification process for confidential informants. Finally, confidential informants are not compensated and there is no description, definition or protocol on how to use confidential informants in the 2014 or the 2020 MVU SOPs.

To be clear, DPD policy [DPD Manual 202.3] allows for the use of “unnamed informants,” which are essentially confidential informants, when a member is obtaining a search warrant. That policy documents that to substantiate the credibility and information of an unnamed informant, the member is to list information such as: information supplied on past cases that led to trial or conviction; a statement as to the credibility of the informant and the information supplied and the results of any independent investigations which tend to establish the truthfulness of the informant's statement. During OCSTF interviews, it was determined that the practice of using confidential informants, while not specifically covered under MVU policy, was an acceptable source of information at MVU. There were instances documented in affidavits where MVU officers attempted to legitimize the confidential informant's information by stating the number of instances an informant's information had been utilized successfully to confiscate narcotics and contraband.

For example, particular MVU members cited using a certain confidential informant in excess of five (5), ten (10) or fifteen (15) occasions, without the ability to offer the identity of the confidential informant or proof of credibility, which is inconsistent with DPD policy. Essentially, many of MVU's “confidential informants” were flips with police having little or no basis on which to establish their credibility. Thus, OCSTF investigators found multiple instances where MVU members would provide false information to bolster these “confidential informants” credibility.

### **INVESTIGATIVE FINDINGS**

OCSTF investigators found significant evidence that points to theft of SOI funds by MVU members including pre-fingerprinted blank payment vouchers, questionable signatures on SOI vouchers, statements from SOI denying certain bonus payment were ever paid to them, and, in one instance, a clear pattern of “paying” more money to SOIs than every other MVU member paid. In addition to possible theft, investigators found numerous questionable practices that led to false information included in search warrant affidavits such as: SOIs not being searched before or after operations, alleged SOI contact and use of dormant individuals, false bolstering of multiple CI's histories, and declining use of SOIs and rising use of CIs. In sum, MVU's SOI program was at the center of corrupt police misconduct. However, due to the time span of several years and the cash nature of using the SOI fund, there was no logical path for OCSTF investigators to use to follow the money trail of the suspicious identified transactions.

DPD recognizes the impact illegal narcotics trafficking has on the Detroit community and its citizens. DPD also recognizes that when dealing with narcotics enforcement, SOIs are especially important when managed correctly, because they possess critical narcotic

activity information and are able to infiltrate and frequent locations not easily accessible by Department members. Their unique knowledge, information and services are invaluable and assists MVU members in removing narcotics, weapons and felons from the Detroit community. Policy and practice supports that it is allowable for these SOIs to receive payment for their services, which is fair for the risk they take. However, to make this program work, proper supervision and checks must be in place to curb abuse. Yet again, the misconduct found in this investigation was able to fester due to a lack of supervisory oversight. For instance, the sergeant should have early on identified the fact that Member #14 was consistently paying SOIs more than everyone else in MVU. Thus, while it is crucial that DPD re-implement the SOI program, the Department must do so with stricter parameters and management oversight and guidelines, to include a periodic external financial audit.

As a starting point, an update to the SOI SOP or Special Order is warranted. The most current policy specifically governing DPD officers' use of SOIs is from 2008 – Special Order #08-14. Much has changed in narcotics trafficking and enforcement since 2008 such as technology, equipment, tactics and resources. Therefore, it is recommend that DPD Special Order #08-14 be revisited and updated to reflect current narcotics information and enforcement trends. As an additional measure, it is recommended that MVU leadership review the SOI policy and instill limits to ensure the amount paid to SOIs is consistent across each MVU member and consider instilling an overall limit amount, regardless of the information garnered or products confiscated. It should be noted that MVU's current management is aware of this recommendation and is compiling national data and information to update the Special Order to reflect best police policies and practices.

## **SURVEILLANCE**

In addition to the overtime fraud of individual members discussed above, OCSTF investigators also noted concerns in how MVU conducted its surveillances of narcotic suspect. These practices must be corrected to further officer safety and to prevent future allegations of corruption.

### **SURVEILLANCE DEFINITION**

The Cambridge Dictionary defines surveillance as the careful watching of a person or place, especially by the police or army, because of a crime that has happened or is expected to happen. This definition is important because surveillance and its observations and activities were a major part of the sequence of events listed in a large percentage of the MVU officers' search warrant affidavits. MVU officers often used surveillance to gather intelligence to support their probable cause prior to preparing search warrant affidavits. OCSTF investigators reviewed more than 900 search warrant affidavits and MVU files that current and past MVU members prepared, and in many instances, the surveillance observations and activities were the primary basis of MVU officers' probable cause.

### **SURVEILLANCE POLICY REVIEW**

MVU surveillance is not audio or video recorded; therefore, the means to qualitatively measure and assess MVU surveillance was limited. To review the MVU surveillance, OCSTF investigators conducted interviews, re-visited surveillance sites to determine lighting, angles and visibility, reviewed the surveillance circumstances listed in search warrants and assessed the methods MVU officers used to document their surveillance. Additionally, due to the importance of surveillance at MVU, OCSTF investigators reviewed the 2014 MVU SOP and DPD Manual and compared them to MVU actions to determine if MVU officers were conducting surveillance, as it was documented and consistent with DPD policy.

The 2014 MVU SOP initially mentions surveillance, but only when coupled with a push-off operation. This is non-specific to narcotics information gathering surveillance. Later in the SOP, under "Duties, Functions and Responsibilities," it documents that it is the sergeant's duty to care for the surveillance equipment and the completion of assignments requiring the gathering of intelligence information or conducting surveillance, including the necessary forms and reports. The officers are responsible for gathering intelligence information and conducting surveillances. The 2014 MVU SOP regarding surveillance is generalized, vague and absent specific information on how surveillance is expected to be conducted and documented.

OCSTF investigators compared the 2014's MVU SOP with Vice Enforcement, because Vice shares the same 2014 SOP as MVU, and while they share the same SOP, there are noticeable differences regarding surveillance. The Vice section pertaining to surveillance is also not very descriptive, but it does define when surveillance is required, for example, in drag racing areas, prior to a blind pig raid and prior to offer to engage in prostitution operations. The Vice section also points out that assigned personnel shall be trained in both stationary and mobile surveillance techniques. Notably, while the techniques of performing surveillance are not described (i.e. how and where to stage, the use of visual aids, the staging of back up, type of cars required, etc.), neither SOP describes or refers to the surveillance policy in the Department manual for reference.

Surveillance is covered and described in DPD Manual 203.6. The manual gives instructions that are more detailed. The manual covers fixed surveillance, notifications, abilities, relevancy, training, supervision and planning. The manual covers safety, vehicles, equipment, contacts with patrol and back up and it mandates a two (2) person minimum when performing surveillance.

Through interviews, OCSTF investigators determined that it was the officers' belief, akin to an unwritten rule, that at least two (2) separate occasions of surveillance were necessary before an Assistant Wayne County Prosecutor would sign a search warrant affidavit. Upon reviewing the MVU search warrant affidavits, there are at least two (2) surveillance occasions documented on the majority of the search warrant affidavits. This belief was corroborated through MVU officers' interviews and was consistently noticed throughout the MVU search warrant affidavits reviewed. OCSTF investigators determined that MVU members conducted a mixture of stationary/fixed, moving, pre-raid, drive-by and digital Green Light surveillances, in support of their search warrant affidavits.

### **SURVEILLANCE CONCERNS**

During the OCSTF review, investigators learned that certain MVU members were utilizing unsafe practices while conducting surveillance, both stationary and mobile. It was uncovered that some MVU members were often conducting surveillance alone, while traveling to and from work, off-duty, in their personal vehicles, outside of the knowledge of DPD Communications, and without direct supervisory oversight. While these types of surveillance are not authorized, supervisors knew these practices were happening and did nothing to discourage them. These unsafe practices are troubling and a violation of DPD policy which clearly states in part, "[a] minimum of two (2) two-officer units should be assigned to an outside fixed surveillance area in a position where they can immediately respond if needed. No less than two (2) officers shall be assigned to inside fixed surveillance [DPD Manual 203.6 – 3.1]." It is the supervisor's responsibility to provide physical oversight and ensure policy compliance. A supervisor is also responsible for visiting the surveillance locations to ensure officers are properly deployed and equipped.

Additionally, OCSTF investigators found that MVU officers were conducting moving surveillance and following offenders. The DPD manual regarding surveillance only covers fixed and stationary surveillances, not mobile surveillance. However, via interviews and reviewing search warrant affidavits, it is apparent that MVU officers were following individuals in cars and practicing mobile surveillance. There are additional risk with mobile surveillance; however, in order to ensure safety, consistency and uniformity, it is important that DPD either provide moving surveillance training and establish the proper guidelines and policies, or ensure the current policy is enforced and moving surveillance is restricted.

Another deficiency identified was the failure to complete surveillance notes on a regular basis. OCSTF investigators determined that there was no established protocol regarding the use of surveillance notes and the MVU practice of failing to complete surveillance notes on a regular basis became problematic. Of the files reviewed, a few MVU officers had surveillance notes, but the majority did not. When there were surveillance notes, they were mostly handwritten on scratch paper; one was even written on a paper napkin and placed in the file. When present, the surveillance notes were minimal, without any consistent format and they did not include the surveillance times, with the exception of a lone file that was prepared for a trial in federal court. This lack of documentation became problematic during the course of the investigation due to the number of lawsuits and hotline tips challenging the surveillance documented in their search warrant affidavits and calling the officers' actions into question. With the information available, or lack thereof, it was difficult to support or refute these objections.

Of the hundreds of search warrant affidavits reviewed, there were no specific times associated with any documented surveillance activity. In some instances, MVU members' Activity Logs did document some surveillance times; however, there were large generalized blocks of time. For instance, the Activity Log would list several different surveillance activities or locations from 1:00 PM through 4:00 PM, instead of listing each instance separately with at specific time. Therefore, even with cell tower data, there was no way to corroborate the surveillance and surveillance times with the alleged offender activity when compared to the information in the search warrant affidavit.

Finally, OCSTF investigators discovered that certain MVU members were not conducting the surveillance as documented on their search warrant affidavits, Activity Logs and overtime reports, leading to instances of fraud. There were red flags raised when 2018 - 2019 cell phone tower data alerted OCSTF investigators to the fact that MVU officers were not conducting overtime surveillance contrary to the information documented on their overtime reports, but received financial compensation. Via the DPD documents cited above, it was determined that on thirty (30) different occasions, six (6) MVU members (members #1, #3, #5, #16, #17, and #21) documented they were working overtime conducting surveillance, usually in tandem, when cell phone data evidence shows that they were not. The officers' normal working hours were 11:00 AM to 7:00 PM, but



indicated they had worked surveillance, usually in Detroit, from 8:00 AM to 11:00 AM on their overtime reports on the days in question. However, cell phone tower data placed the officers' devices near their respective homes between 8:00 AM and 11:00 AM. The same officers and devices usually arrived at the MVU base between 10:00 AM and 11:00 AM, according to their cell tower data. Conservatively, these MVU members collectively defrauded the City of Detroit of approximately \$8,700. Therefore, Investigator's Reports have been forwarded to the Wayne County Prosecutor's Office for criminal review based on the members' alleged fraudulent actions. A response from Wayne County Prosecutor's Office is still pending at the time of this report.

It is interesting and important to note that during the timeframe reviewed, none of the aforementioned claimed fraudulent overtime surveillance activity appeared on any MVU officers' search warrant affidavits written during that same timeframe.

### **SURVEILLANCE TRAINING**

Based upon the OCSTF's review, surveillance is clearly the foundation of DPD's narcotic search warrant affidavits. After reviewing the MVU search warrant affidavits and conducting interviews, OCSTF investigators determined that there was no formalized surveillance training for MVU members. It became obvious the surveillance training was a tactic learned over time via on the job training, i.e. by just shadowing other MVU officers and then performing similar acts of surveillance yourself. There was no set standard to conduct surveillance found. Since surveillance is an intricate part of narcotic investigations and their search warrant affidavits, it is imperative that MVU members be formally trained on how to perform and document surveillance correctly.

### **SURVEILLANCE FOLLOW-UP**

It is important to know note that a follow-up discussion with current MVU management, in August 2021, revealed that there were significant changes made to the MVU surveillance process. At the time of the inquiry, it is now required that all surveillance notes and updates be entered into DPD's RMS reporting system, in the Narcotics Intelligence Module. This Module is secure and has limited access. MVU officers are required to de-conflict with High Intensity Drug Trafficking Areas (HIDTA) and notify DPD Communications of their general surveillance areas, for safety and accountability. Additionally, a MVU supervisor is required to be present with the MVU officers during all surveillance activities.

## **INVESTIGATIVE FINDINGS**

OCSTF found numerous problematic, and even criminal, practices pertaining to surveillance. The identified non-criminal surveillance deficiencies lie directly at the feet of the MVU sergeants. They approved solo surveillances. They signed off on Activity Logs with little details, including which MVU member was at which location, and no surveillance notes (for a fuller description of Activity Logs – see Chapter 4 – Filing System). The practices put officers' safety in danger, led to verification concerns, and allowed fraud to occur. DPD has already begun to address these deficiencies by updating our protocol to include requirements to document every surveillance digitally and for supervisors to provide physical oversight during surveillance activities, to include overtime surveillance. In addition to these improvements to monitoring, it is further recommended that MVU institute standardized surveillance training for its members and adopt a moving surveillance policy to provide its members with clear guidance.

## **SEARCH WARRANTS**

The Fourth Amendment of the U.S. Constitution guarantees every citizen the right to be secure in their persons, houses, papers, and effects against unreasonable search and seizures. Therefore, law enforcement entities, to include DPD, must obtain legal search warrants in order to enter and search these residences to confiscate the illegal narcotics and contraband. Search warrants and search warrant executions are covered in the DPD Manual 202.3.

It is important to note the three (3) following key terms regarding search warrants:

- ***Affidavit*** – A written declaration or statements of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a judge having authority to administer such oath (DPD Manual 202.3).
- ***Search Warrant*** – A written order, in the name of the people, signed by a magistrate or other judicial authority, directing a peace officer to search for specified personal property and bring it before the magistrate (DPD Manual 202.3).
- ***Affiant*** – One who swears to an affidavit (Webster Dictionary).

OCSTF investigators reviewed more than 900 search warrant affidavits and MVU files that current and past MVU members prepared. The search warrant affidavits were examined to determine their completeness, quality and compliance compared with the Department and court standards. This audit included supervisory and management oversight of this important process.

## **SEARCH WARRANT POLICY REVIEW**

By DPD policy [DPD Manual 202.3], the search warrant affidavit must contain the following:

- A precise accurate description of the place to be searched, which shall be broad enough to justify a search for easily concealable items;
- A complete description of the things to be seized;
- The source of the information; the name, if known, of the occupant of the premises to be searched;
- The facts of the observation which led to a conclusion that a crime has taken place on the premises;

- A statement as to the credibility of the informant and the information supplied, supported by facts, including any previous occasions when the informant's assistance resulted in arrests, convictions, etc.;
- The results of any independent investigations which tend to establish the truthfulness of the informant's statement; and
- Any and all information, which could strengthen the probable cause, since only facts placed on the affidavit, may be used at any court hearing.

During OCSTF's review, investigators were unable to identify a standardized MVU search warrant affidavit format. However, it became clear that once an officer prepared a search warrant affidavit, that officer utilized the same format as well as "cookie cutter," canned verbiage and language, over and over in his/her future search warrant affidavits. There were multiple instances where investigators had to literally line up separate search warrant affidavits and hold them up to the lights in order to identify the subtle differences. In regards to cookie cutter affidavits [and police reports], while they may be timesaving, they are oftentimes absent enough specific information to refresh an officer's memory when the information is required in court, for a deposition or even to update the command staff. These affidavits and reports can also be perceived as a "fast food or assembly line" process that opens the officers and the Department to potential problems by depriving suspect and arrestees of a thorough and detailed investigation, oftentimes making it easy to overlook important information that are specific to arrests.

Cookie cutter reports spanned throughout all the MVU crews, and their search warrant preparation patterns were found to be passed from one officer to another within the crews. This led to computer cut and paste errors, whereas the affiant failed to update and change certain portions of the pasted document. For example, investigators found there were more than a dozen search warrant affidavits that specifically documented, in part, "Affiant, knows in his training and experiences," but the affiant was a female. Or again, several affidavits contained the following typo with the word "due," "narcotics crew have confiscated narcotics, weapons, and US Currency in past do [sic] to confidential informant." These types of errors are a regular occurrence in an organization, but they are normally corrected with supervisory oversight and reviews. Yet, these corrections did not occur at MVU.

It was evident on certain members' affidavits, that the officers used pre-typed search warrant affidavits, because some of the search warrant language remained the same over the course of the years. It was also evident because members typed a portion of the document in bold, capitalized fonts, while the remainder of the document was in regular sentence font. A further and closer review revealed that the only information that changed from affidavit to affidavit was the information in bold, capitalized font.

The MVU officers' search warrant affidavits varied in length from a couple of paragraphs to five (5) or more pages, depending on the specific officer, their experiences and the particular circumstances. Some officers were elaborate, specific and detailed in their affidavits and others more were basic and general. It should be noted that, regardless of the length, format or language, a judge or magistrate had approved the search warrants reviewed by the OCSTF investigators, to include warrants that were not executed.

The OCSTF investigators identified that MVU officers used the following eight (8) basic steps when having a search warrant affidavit approved:

- Perform the work necessary to obtain probable cause, i.e. 224-DOPE tip, surveillance, SOI information, controlled buy, undercover operation, etc.;
- Type up the search warrant affidavit listing what is to be searched, the officer's experience, the source and the circumstances;
- Have the search warrant affidavit reviewed and approved by a Wayne County Prosecutor;
- Sign and present the search warrant affidavit to a judge or magistrate and swear and affirm to the contained information, then have the search warrant affidavit signed;
- Obtain a warrant number and a court seal;
- Conduct a Pre-Raid Briefing, to include the Search & Arrest Risk Assessment Matrix form;
- Execute the search warrant; and
- Once the search warrant is executed, file a copy of the warrant return at the 36<sup>th</sup> District Court.

### **PROSECUTORIAL AND JUDICIAL REVIEW**

Prosecutorial review is a step in the search warrant affidavit approval process. The MVU search warrant packets required the review and acknowledgement of a member of the Wayne County Prosecutor's office, prior to being submitted to a judge or magistrate for approval.

At MVU, this step was usually completed via telephone, which is acceptable and within DPD policy [DPD Manual 202.3 – 5.3]. In those instances, the prosecutor was contacted

by phone and the circumstances were explained verbally. The prosecutor would make his/her assessment and if the information was sufficient, the prosecutor's name and "P" number were affixed to the affidavit, with the description, "Via telephone" attached.

After the prosecutor's review and approval, the search warrant packet was taken to a judge or magistrate for approval and signatures. Once signed, the search warrant can be served at that point; however, in most instances, the MVU officers took the additional steps to have the warrant packages stamped with a control number and court seal.

### **SEARCH WARRANT SOURCES**

OCSTF investigators determined that the main sources for MVU officers' search warrant affidavit information initiated from SOIs, unnamed confidential informants, cooperating defendants, active police officers and from 224-DOPE complaints. However, outside of determining that some flipped offenders were used as confidential informants, there was no other discernable pattern regarding the use of these particular sources. Afterwards, surveillance and/or controlled undercover buys were normally conducted to confirm the information. The majority of the search warrant affidavits were professionally prepared and achieved the desired goals, but there were some concerning issues uncovered as has been previously discussed in the Individual Officer's Work Product and SOI sections of this chapter.

### **FALSE SEARCH WARRANT AFFIDAVIT INFORMATION**

Much has been written already in this report about false averments in search warrants. Suffice to say here, OCSTF investigators discovered several issues in the following five (5) areas:

- False information about calls into the 224-DOPE tip line
- False information about surveillances conducted
- False information about the backgrounds and reliability of confidential informants
- False information to disguise flipped defendants as "confidential informants"
- False information about SOI usage

### **SEARCH WARRANT SUPERVISORY REVIEW**

OCSTF investigators determined that at MVU, members holding the rank of police officer solely prepared the search warrant affidavits. Through interviews and review of the MVU work product, OCSTF investigators found that the MVU officers' search warrant affidavits

were not reviewed by supervision or management prior to submission to the Wayne County Prosecutor's Office and courts, meaning there was a lack of supervisory oversight in this area. The officers were solely responsible for the legal content, circumstances, elements, grammar and the overall structure of their search warrant affidavits. Additionally, MVU officers were responsible for making the determination on the validity of their own probable cause. Due to the importance of the search warrant affidavit, this was a huge responsibility for a police officer. The search warrant affidavits were not reviewed by supervision until the pre-raid safety briefing, which would be after it was processed through the judicial system and approved. This practice was outside of DPD policy, [DPD Manual 202.3-5], which states, "The Wayne County Prosecutor's search warrant packet, consisting of affidavit and search warrant, shall be reviewed and approved by a supervisor before being presented to the court having jurisdiction of the case."

It should be noted that some stray search warrant affidavits packets were located in the desk areas of MVU officers that were typed, submitted and approved, but never executed. This discovery highlighted that MVU had no system in place to track a search warrant unless it is actually served. Since there were no allegations of misconduct surrounding un-served search warrant affidavits, OCSTF did not conduct follow-up investigations concerning those files.

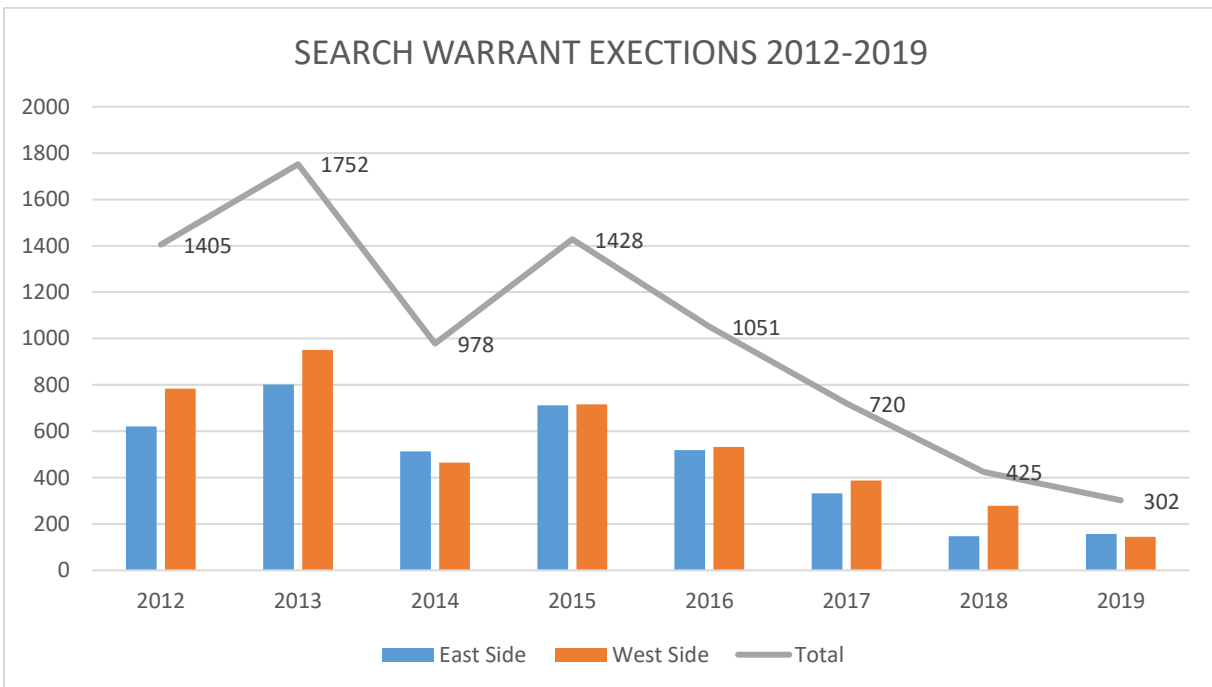
### **INVESTIGATIVE FINDINGS**

At MVU, the primary responsibility of preparing and processing a search warrant was left to the abilities of the individual officers. Certain officers took shortcuts in the preparation of their affidavits (i.e. cut and paste, cookie cutter language, grammatical errors, pre-typed affidavits, etc.). Investigators found several affidavits that contained false information. As a Department, it is fundamentally important to ensure these documents are reviewed by supervision and management prior to submission for a judge or magistrate's approval. MVU has already taken steps to correct this lack of supervision. At the time of this report, MVU now requires all search warrant affidavits be reviewed up through the chain of command, to the deputy chief level, prior to submission to a judge or magistrate. MVU members are adhering to this directive, which was corroborated through DPD command and leadership interviews, and with inquiries with MVU management.

Additionally, in light of the fact that there were approved search warrants found that were not executed, it was important that the Department establish a system, preferably digital, to identify and record the statuses of all search warrants, whether they are served or not, to assist in the tracking and auditing process.

## SEARCH WARRANT EXECUTION TRENDS

OCSTF investigators audited the All Star Management System data for the search warrant executions, commonly referred to as raids. The review focused on eight (8) years, from 2012 – 2019, to determine the Narcotics and MVU workloads. The raids were broken down geographically in the All Star Management System, by the east and west sides of Detroit. The data shows that, collectively between 2012 and 2019, all raid teams executed 8,061 raids, which averages to approximately 1,007 raids per year. However, averages in this case proved to be deceiving. Investigators found a downward trend in the total number of search warrants executed in the City of Detroit over the eight (8) years. The following illustration chart maps out the number of raids per year:



The data shows that the most raids were executed in 2013 [1,752], while the least were executed in 2019 [302]. It is shown that, with the exception of 2014 and 2019, there were consistently more raids conducted on the west side of Detroit. Overall, there were 4,259 raids executed on the west side, compared to 3,802 raids conducted on the east side, a difference of 457 raids.

Upon further review of the search warrant execution data, a clearer picture was painted. It was determined that 3,157 or 39.1% of the raids were executed in the first two (2) years of the audit, 2012 and 2013. During those two (2) years, Narcotics had five (5) raid teams separated by Districts. At the time, there was a raid team for Eastern District, a separate raid team for the Western District, a different raid team for the Northwestern District, and so on. In 2014, there were five (5) raids teams, and an additional Conspiracy team



conducting raids sporadically. Notably, the Sergeant Hansberry and Officer Watson federal indictment occurred in 2014, and Chief Craig disbanded Narcotics and created MVU in July 2014. For a while in July 2014, there was no Narcotics or Conspiracy team raid activity occurring. As a result, the search warrant execution numbers predictably went down. In 2012 and 2013, there were 1,405 and 1,752 raids, respectively, while 2014 saw raids decrease to 978. The data shows that 703 raids were executed prior to Chef Craig disbanded Narcotics and 108 raids after MVU was created.

According to the data, in 2015 MVU personnel was boosted up from two (2) raid teams to four (4) raid teams and a Conspiracy team. In that year, the number of search warrant executions increased back up to 1,428 raids. MVU consistently maintained four (4) raid teams and a Conspiracy team from 2015 – 2019. Despite maintaining the same number of raid teams, the amount of raids trended downward dramatically.

As a final note, while the OCSTF investigation was initiated on August 22, 2019, the statistics above cover the entire year of 2019. There was a two (2) week slowed period after August 22, 2019, but the raid activity resumed September 2, 2019. There were 272 raids prior to August 22, 2019, and 30 afterwards.

### **SEARCH WARRANT EXECUTIONS AVERAGES**

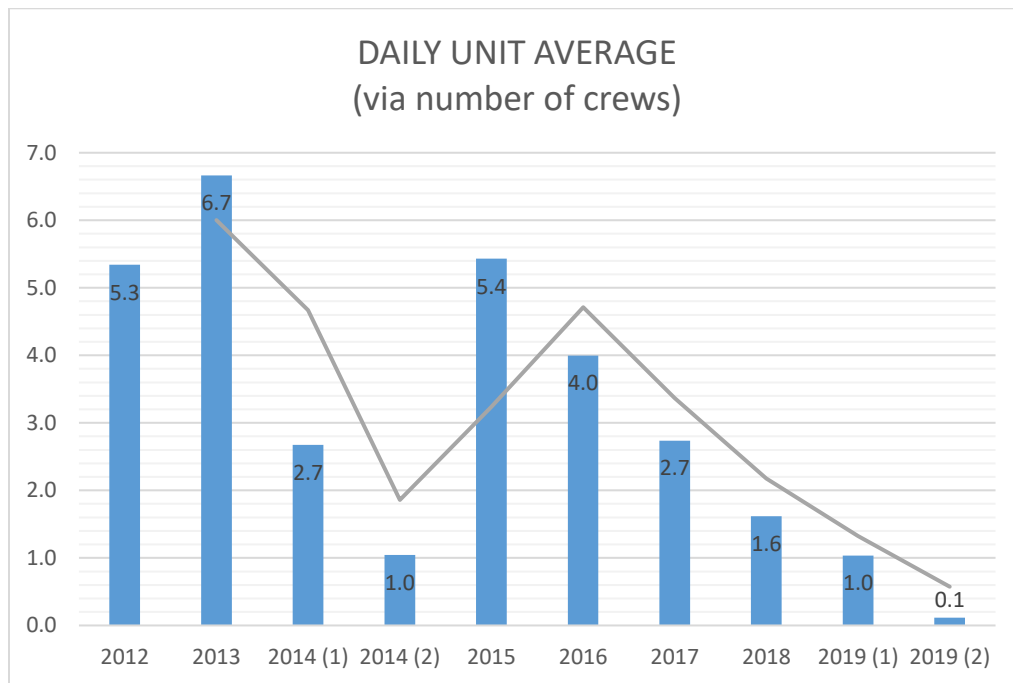
**Daily Unit Averages:** OCSTF investigators also utilized the All Star Management System data to review the averages of the total number of search warrants executed. There are 52 weeks in a year, and absent leap years, 365 days. MVU is an elite and unique unit and operates as required, so they are subject to work anytime. However, mostly their schedule was Monday through Friday, from 11:00 AM to 7:00 PM, with some changes to include some weekend days, but definitely not all of them. Therefore, of the 365 calendar days per year, 102 of those days are weekends or at least off days for MVU members. Consequently, on average, Narcotics/MVU worked approximately 263 days per year.

Calculating averages using 263 working days, the data showed that as an overall unit Narcotics averaged more than two raids per day. From 2012 through 2014, Narcotics averaged 4.9 raids per day over that three (3) year period. Later, in 2014 when MUV was created, the average decreased. Then the unit averaged 2.6 raids over five (5) years, 2014 through 2019. Neither average takes into account the days where Narcotics and MVU members were legitimately not conducting raid activities, like surveillance days, special details, training days or administrative duty days.

Conspiracy teams' raid activity was less intense and less frequent. Thus, for these calculations, when there was a Conspiracy team assigned to the unit, the raids teams were reduced by one (1). For example, in 2015, there was four (4) raid teams and a

Conspiracy team; therefore, in the calculations there would only be four (4) raid teams in the unit reflected, not five (5).

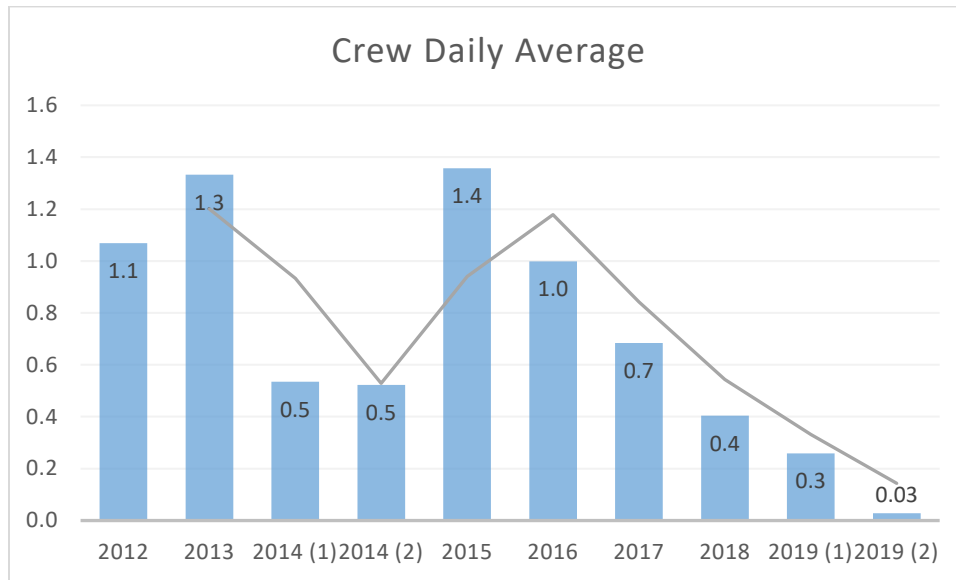
See the following illustration chart of unit averages, based solely on the overall number of crews assigned to the unit:



**Daily Crew Averages:** Utilizing the same All Star Management System data and the 263 working days number, investigators calculated the average raids executed by specific crew number. There were five (5) actual raid crews in 2012, 2013, part of 2014. There were only four (4) actual raid crews from 2015 – 2019. There was only a short time where there were two (2) crews in July 2014.

Calculating averages using same 263 working days, then the data shows that the specific crews, both Narcotics and MVU members, averaged less than two raids per day. By the numbers, the singular Narcotics crews averaged one (1) raid per day over three (3) years, 2012 through 2014. The singular MVU crews averaged less. MVU crews averaged approximately ½ raid per day over five (5) years, 2014 through 2019. Neither average takes into account the days where the members were legitimately not conducting raid activities, like surveillance days, special details, training days or administrative duty days.

See the following illustration chart of the crew averages:



Thus, by the numbers, a particular MVU enforcement team was averaging 2.0 and 1.5 raids per week in 2018 and 2019, respectively.

### **INVESTIGATIVE FINDINGS**

In this audit, the data shows there was a major decline in the number of warrants executed in the City or Detroit, either by default or by design. Otherwise, OCSTF investigators did not discover any particular reason to explain the downward trend in MVU search warrant executions.

Judging by the expectations of the historical two raids per day standard (see Chapter 5 for a fuller discussion of that metric), any notion that that requirement remained in place, especially after 2016 is not supported by the data. To be fair, during the course of this investigation, investigators found raid crews executing two warrants during a duty day. However, this practice appears to be more of a preference than a requirement of management. This data analysis also debunks the overall impression that MVU members were busy performing two raids per day, every workday, and thus, too busy to complete accurate paperwork or meet Department policy expectations.

# CHAPTER 4

## MVU ADMINISTRATION

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Prior to the discussion of the OCSTF investigative findings, it is important to explain the investigative process and the information that was reviewed. Faced with a voluminous amount of information that spanned a decade, the task force identified issues of concerns and formed their investigative strategies to focus on each issue in turn. Chapter 4 will discuss the types of information that OCSTF reviewed and how they were used to further the investigation.

### **FILING SYSTEM**

MVU has an important responsibility within the DPD organization and to the Detroit community. Their work is valuable and their documents serve as a permanent record of their actions. MVU has a high volume of work; it is dangerous and fast paced. In the performance of their duties, MVU members enter and search citizens' homes, seize property, interview and arrest felons, take confessions, and oftentimes deal with contraband and large sums of cash money. As a result, they attend court to testify on a frequent, if not daily, basis, and are an integral part of offenders receiving probation, jail, and even prison time. Therefore, it is important that MVU maintain a good and efficient filing system. It is advantageous to MVU and the overall Department if the filing system is centralized, logical, consistent, easy to navigate and use, protects the documents and files and is secure.

### **FILE CONFISCATION**

As stated previously, once Chief Craig gave the order to secure the MVU files, OCSTF investigators removed 55 filing cabinets, 429 storage boxes and 61 bins filled with case files, payment vouchers, raid books, timesheets, administrative documents and registered source information from MVU. During the confiscation, thousands of City of Detroit – 31 Court Case Envelopes (case files) were taken from multiple locations within the MVU base. The case files were located in filing cabinets (centralized and non-centralized), on and inside desks and inside lockers and boxes. Once collected, the files were transferred to a central location, where only OCSTF investigators had unrestricted and immediate access. Then OCSTF investigators marked the files according to their locations and labels for ease and identification purposes. For instance, files confiscated from MVU were sequentially numbered and marked with blue tape; files confiscated from DPD Headquarters - Prisoner Processing Unit were sequentially numbered and marked with green tape; and files confiscated from the DPD archives were sequentially numbered and marked with pink tape.

## FILE REVIEW

During and throughout the OCSTF investigation, recordkeeping was identified as an area of concern. Upon continuous review of the files, it was determined that the MVU filing system lacked consistency and simplicity. Oftentimes the activities and statuses of investigations and arrests were not recorded in the files properly, if recorded at all. All Organized Crime entities, including MVU, consistently used the following gold City of Detroit – 31 Court Case Envelopes to maintain their case files; these envelopes have been used by the Department for years:

Side #1 (Front):

DEFENDANT		RACE	SEX	AGE	IDENT. NO.	MUGGED	IN CUSTODY	LEIN	COMMAND FILE NO.	
1)						<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> IN <input type="checkbox"/> OUT		
	LAST NAME	FIRST NAME				<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> IN <input type="checkbox"/> OUT	WARRANT NO.	COMPLAINT NO.
2)						<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> IN <input type="checkbox"/> OUT	OFFICER IN CHARGE OF CASE	
3)						<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> IN <input type="checkbox"/> OUT		
COMPLAINANT		ADDRESS				HOME PHONE NO.		WORK PHONE NO.		
CHARGE	ARRESTED BY		COMMAND	DATE	DENIED BY A.P.A.	C.R.T.P.	C.F.T.A.	DATE CAPIAS ISSUED	DATE SET ASIDE	
1)										
2)										
3)										
ARRAIGNMENT DATE	JUDGE	PLEA	BOND	EXAM DATE	JUDGE	DISPOSITION	BOND			
1)										
2)										
3)										
TRIAL DATE	ADJOURNMENTS	JUDGE	JURY	PLEADED TO	VERDICT	SENTENCE DATE	SENTENCE			
1)	-----		<input type="checkbox"/> YES <input type="checkbox"/> NO							
2)	-----		<input type="checkbox"/> YES <input type="checkbox"/> NO							
3)	-----		<input type="checkbox"/> YES <input type="checkbox"/> NO							
WARRANT REQUESTED BY	ARRAIGNMENT OFFICER	EXAM OFFICER	TRIAL OFFICER	ATTORNEY	TRIAL WITNESSES NOTIFIED BY	DATE				
1)										
2)										

Side #2 (Back):

WITNESS FOR EXAM			EVIDENCE		NARCOTICS
NAME	NOTIFIED BY	DATE	TAG NO.	ARTICLE	LOCK SEAL FOLDER NO.
					CHEMICAL ANALYSIS NO.
					EVIDENCE TO CHEMIST BY
					CHEMIST RECEIVING
					CHEMICAL ANALYSIS BY
					RESULTS
					TO PROPERTY ROOM BY
					BOARD OF HEALTH NOTIFIED

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DETROIT  
DEPARTMENT  
POLICE

COURT CASE ENVELOPE

Reviewing the front and back of the Court Case Envelope, there are sufficient areas to log case information and status during each stage of the investigation. OCSTF investigators determined that there was no standard in completing the information on the exterior of the envelope; for instance, most crews handwrote the dates and the raid addresses on the upper portion of the envelope, outside of the margins. Some crews used the case numbers and some did not; some crews used report numbers and some did not; some crews used the defendant's names and some did not; some crews listed the OIC and others did not; etc. The Court Case Envelopes were mostly kept inside metal filing cabinets.

### CASE FILES

During the course of this investigation, OCSTF investigators had to fulfill requests to support current MVU operations and court appearances by providing them with case files. In the MVU filing system, file retrieval was difficult. At times, it became challenging for investigators to locate physical MVU files within the MVU filing system, even after being

provided all of the pertinent retrieval information; some of the files sought were never located, not even when MVU personnel were allowed to look for files themselves. When the files were initially confiscated, there was no digital method of tracking MVU cases. The MVU cases were listed and maintained in a bound ledger book marked, "Complaint Book," followed by the respective year(s). The ledger book entries were handwritten and the handwriting varied, indicating that multiple individuals were entering information. In the book, the files were listed in sequential order and contained preliminary information, like the case number, date, location, scout car area, affiant, raid commander, etc. Each case number in the ledger book contained data and there were no skipped numbers, but there was also no reference to where the file was physically located or maintained. Additionally, while there were no skipped numbers in the ledger book, there were skipped numbers in the filing cabinet that held the physical files.

OCSTF investigators noted that there were three (3) different filing systems between the raid commander, the Lieutenant or Command File (the terms are used interchangeably) and the Prisoner Processing Unit File for the same file. Some individual officers even maintained their own separate file. For example, the raid commander kept the file for John Doe filed by the date of the raid, while the Command File kept a separate file for John Doe filed by the complaint book number, but Prisoner Processing Unit kept yet another separate file for John Doe filed by its own Prisoner Processing Unit number, which is different than the complaint book number. Moreover, there was no numbering system to cross-reference MVU and Prisoner Processing Unit file numbers.

The three separate files, four if you count the officers' individual files, proved to be perplexing and problematic because they all contain different information inside. The most complete file was the raid commander's – it contained the original documents and the most pertinent information. The command file was a snippet of the raid commander's file, mostly only containing the search warrant affidavits, the RMS reports, and the 24 Hour Reports. The Prisoner Processing Unit file was an entire copy of the raid commander's file, but rarely had any fresh or updated investigative information. The Prisoner Processing Unit file did not contain any information of events that occurred after the date it was submitted to Prisoner Processing Unit. The officer's file appeared to be auxiliary files the officers used to store current information while they built or performed additional work on their cases, and those were kept in the individual officer's desks. In sum, the MVU filing system was confusing, inefficient, and costly. The average MVU file had approximately fifty (50) different documents. Therefore, the paper duplication in three or four files for the same raid location is financially costly to the Department. This is not cost effective and it would be beneficial for the Department to take measures to reduce the repetitiveness.

Finally, OCSTF investigators discovered that some information, such as addresses on Daily Officer Reports and confidential informant personal information was not documented intentionally. While this is understandable, this practice is problematic later

when sorting out what happened at a particular location to respond to inquiries from either criminal or civil court proceedings. While DPD recognizes the need for information and investigations to be safeguarded, as an organization we must still maintain a level of accuracy and allow for information recovery and accountability upon demand. The Department has systems in place with the capabilities to restrict the access to those not privy to the information. For example, DPD's current record system in RMS allows for placing restricted access rights on certain cases. It is important we maintain these records and they become readily available when requested or required. However, intentionally not documenting the information at all is not the recommended process.

### **FILE AUDIT**

During the audit of the case files, it became extremely difficult for investigators to find case and offender dispositions. Oftentimes the initial reports were vague, either intentionally or unintentionally, and lacked basic information. The files and court envelopes contained little to no notes or dispositions. It was difficult to determine if a crew was neglectfully failing to follow up on an investigation or if the cases were ever submitted to the Wayne County Prosecutor's Office for review. At times, the police report was routed and assigned to a member in RMS. Afterwards, supervision changed the case status in RMS to inactive or the case was not updated at all. Rarely were RMS case notes found. MVU members should be maintaining their current active case profiles within RMS. Failing to maintain the disposition of cases creates many challenges for the Department. For instance, when members separate from the department, they may hold the sole knowledge of what happened on certain cases. The information is inaccessible if not maintained elsewhere. Therefore, it is vital that information and records be garnered and maintained by the Department.

Nor was there a centralized filing system for the raid commanders. Each raid commander independently maintained separate filing cabinets and there was no filing standard. The case numbers were filed non-sequentially. The apparent system was to file the case first by raid commander, then by date of search warrant execution, regardless of the case number, followed by the address of the search warrant execution. Some raid commanders filed from most recent to the oldest dates and some the opposite. Sometimes, the file were apparently carelessly placed in the file drawers and even this order was inaccurate and still out of sequence, oftentimes forcing OCSTF investigators to search the entire filing cabinet case by case to locate specific files. These types of issues created challenges for OCSTF investigators to audit and retrieve files efficiently and it creates challenges for MVU supervision to ensure accountability for files.

As previously stated, there were also differences in how the court envelopes were completed. This variance was problematic, because all MVU crewmembers pulled from the same set of preliminary numbers to initiate their case files. At times, for a number of reasons (i.e. furlough, court, sick calls, large-scale operations, etc.), members would work



under different raid commanders. In those instances, without one centralized filing system, one had to know the affiant of the warrant and the MVU member's raid crew for the day in question to locate the particular file.

To increase efficiency, there should be one filing system in place for the raid commanders that stores all files by numerical order, regardless of case status or disposition. This location should be centrally located and accessible to all crews. It was hard for OCSTF investigators to determine what happened with some cases, because large numerical gaps were found in the raid commanders' filing systems. A large number of files were discovered in the personal desks of many members, which would have been eliminated had the file been returned and filed in numerical order upon the completion of the investigation, regardless if the case resulted in a search warrant execution or not. Then, if a raid commander or crewmember transfers, is on furlough, is unavailable or separates from the Department, the next raid commander or crewmember will be able to access the file easily, to continue the investigation.

This investigation revealed that the Command files were filed in sequential order, simple to navigate and the filing cabinets were clearly marked with the appropriate file numbers. Those files were separated by years and consistently ran from smallest to largest. However, although they were in sequential order, some of the numbers were sporadically missing. Believing the numbers were misplaced or misfiled, OCSTF investigators contacted MVU management and supervision for an explanation. Per MVU management and supervision, sometimes case numbers are assigned and a case is initiated. Afterwards, a preliminary inquiry is conducted. Once the preliminary inquiry is complete, and does not rise to the level of a raid execution, the file number is discarded. Those case numbers are not placed in a filing cabinet, neither in the raid commander nor in the Command file. There is no way to account physically for these files. However, the numbers of those discarded files remain logged in the Complaint Book.

Prisoner Processing Unit handled and maintained narcotics cases citywide, to include MVU cases. Therefore, MVU members turned over their cases to Prisoner Processing Unit for submission to the Wayne County Prosecutor's Office. Prisoner Processing Unit did display a more organized filing system. However, Prisoner Processing Unit maintained its own set of case file numbers, which is a separate and different system from MVU. Thus, an investigation had one number at MVU, but would have a different number at Prisoner Processing Unit. Due to volume, the Prisoner Processing Unit case number will always be higher than the MVU case number. For example, Mr. John Doe's MVU case number would be #20-0105, but John Doe's Prisoner Processing Unit case number would be #20-0175, due to the volume of cases citywide. Neither entity, MVU nor Prisoner Processing Unit, had a system in place to cross-reference the two (2) different case numbers.

The Prisoner Processing Unit files were centralized and filed in sequential order. They were separated by years and consistently ran from smallest to largest, as expected. The files were neatly arranged, clearly labeled, and easy to navigate numerically. Moreover, the Court Case Envelopes were completed more thoroughly. There were a few Prisoner Processing Unit case files missing, but that seemed consistent with the level of them being used in court. Prisoner Processing Unit also used a bound ledger book, but in every instance reviewed, their ledger book was consistent with their filing system. In certain instances, OCSTF investigators were forced to use Prisoner Processing Unit files to fulfill MVU file requests. The MVU file simply could not be located within their filing system and this became critical, because the file was being requested to review the pending release of a narcotics prisoner from MDOC, who filed a subsequent lawsuit.

At times during the investigation, it was difficult for investigators to determine if MVU turned a case over to Prisoner Processing Unit or not, which would indicate a warrant had been submitted, because there were no tracking notes listed. Neither Prisoner Processing Unit nor MVU utilized RMS tracking notes to track their case file numbers, which would have made it easier to reference and locate specific case information and files.

### **ACTIVITY LOGS**

The Activity Logs from 2015-2018 were reviewed. MVU administrative staff, and not the raid commander, maintained the Activity Logs. These documents were more organized and filed chronologically, starting with the most recent, as expected. They were neatly arranged in a filing cabinet, each date was separated by a manila envelope and they were easy to navigate. They were efficiently retrieved upon request. However, there were numerous Activity Logs missing. It is unknown if they were not completed or completed but not filed – the OCSTF investigation was unable to account for the missing Activity Logs. Additionally, at the time of the confiscation, there were hundreds of Activity Logs retained as far back as 2013, which is well past the Department's three (3) years retention period. Unless they were being held for pending litigation, these records should be destroyed expeditiously, to be consistent with DPD policy.

Additionally, while reviewing the contents documented in the Activity Logs and comparing that information to the information documented in MVU members' search warrant affidavits, investigators discovered that surveillance activities often were not listed and those listed were vague. Another concerning facet of MVU Activity Logs was that it appeared that it was a standard operating practice for MVU members working on the same crew to fill out one Activity Log for the entire crew, regardless if the crewmembers were all performing the same activities. For example, an Activity Log from October 2018 for member #4's crew listed six (6) different crewmembers. This Activity Log failed to identify the preparer and was for a day when the crew conducted surveillance. The Activity Log documented surveillance at seven (7) different location stating, "Member on

surveillance narcotic activity observed case continued.” However, it did not identify which member made the observation and what specific narcotics activities were observed. This Activity Log, which was merely one (1) example of hundreds of vague entries, was endorsed by supervision.

In a second example, an Activity Log from December 2018 for member #22’s crew, assisted by member #2 and crew, listed eleven (11) different crewmembers, but did not identify the preparer. The Activity Log documented surveillance at nine (9) different location and stated the crewmembers were busy at all the locations on surveillance looking for narcotics activity. This entry was followed by an address and then the word, “Activity,” i.e. [1234 Main Street – Activity], for each of the nine (9) locations. Again, the Activity Log did not identify which member made the observations and what specific “activity” was observed. Nevertheless, supervision endorsed this Activity Log. It should be noted that this same Activity Log documented that a crewmember became involved in a vehicular accident and the preliminary information and notifications were thoroughly documented, indicating the members were cognizant of how to document incidents.

These types of actions severely hindered the Department’s ability to say with any certainty what actions an individual member performed based on the Activity Logs. While no Activity Log will capture every detail throughout a day, it is critical that supervisors ensure events with major substance are documented accurately.

In 2019, MVU changed over to digital Daily Officer Reports in the RMS system. Despite this change, there was no real improvements in the quality of the information logged. It was just more of the same, minus the signatures giving them plausible deniability – especially when questioned about their overtime activities. Nor did it solve the problem of missing Activity Logs; however, the ones that were completed, were easy to find in the RMS system.

### **RAID BOOK**

MVU relied on physical ledger books to keep track of their operations. One series of ledger books reviewed were the MVU Raid Books. These books spanned from 2009 through 2019. The entries were handwritten and the handwriting varied, indicating that multiple individuals were entering information. The books were arranged in sequential date order and no numbers were skipped. The books contained preliminary raid activity information such as the time, date and address of the raid, the raid commander (supervisor), the radio code, the precinct of the raid and persons notified (Communications and precinct personnel). Notably, beginning in 2014, the entries included case numbers.

There were no glaring issues or evidence of misconduct in regards to the raid books. OCSTF investigators digitized the information and entered it onto an Excel spreadsheet,

allowing investigators to quickly sort, filter and analyze the data. Digitally, compared to the handwritten entries, investigators found inconsistencies in the raid book such as double entries, entries not supported by police reports, some raid executions not logged in the books and certain information, such as dates and times, differing from AIMS information.

According to MVU management, MVU was in the processing of consolidating their filing system and changing their entire system over to a digital system. With the advances in computers and technology, a digital system is within the capabilities of DPD. This process, if not completed by the time of this report, should be implemented immediately.

### **INVESTIGATIVE FINDINGS**

The OCSTF review of the MVU filing system determined that several changes to the filing system are needed to improve security, efficiency and to make it more user friendly. The files were decentralized, redundant, incomplete, lacked simplicity and were only partially reliable. There were files and file numbers discarded and some were lost and not found, which is problematic. MVU files are crucial to their operations and successful court resolutions. Therefore, a more centralized and consistent filing system needs to be established.

Notably, as MVU moves to its digital filing system, the discarding of preliminary file numbers should cease immediately. For record keeping purposes, this practice is unacceptable for a police department, especially a major Department like DPD. File numbers where preliminary inquiries fail to rise to the level of a search warrant execution and warrants no further investigation, should be placed in the filing cabinet sequentially, with a status report attached, even if the report is negative. Once filed, it should be logged digitally.

As a final note, as the Crime Analyst position has become more visible at DPD, it is strongly believed that the assigning of a Crime Analyst to assist MVU members in file consolidation and reconciliation, as well as identifying links, connections, trends and patterns of offenders, would be beneficial to MVU, the Department and the Detroit community.

## **STANDARD OPERATING PROCEDURES (SOP) REVIEW**

During the OCSTF investigation, investigators conducted a review and audit of MVU's Standard Operating Procedures (SOP) published from 2009 – 2019. The audit's purpose was identify the guidance and protocols given to MVU members in how to conduct their job of enforcing narcotic laws. OCSTF investigators were able to identify three such SOP's: 2014 MVU SOP, 2020 MVU SOP (Proposed) and a 2014 SOI SOP. The OCSTF investigation included a review of MVU's adherence to the policies outlined in the SOPs, or lack thereof, in an effort to analyze the daily operations and functionality of MVU.

When the OCSTF investigation began, the most current MVU SOP was from September 15, 2014. The proposed 2020 SOP is still a work in progress and not final at the time of this report. The SOI SOP is dated July 31, 2014. The 2014 MVU SOP is digital (MS Word) and is 129 pages. Both MVU and Vice Unit share the same SOP. The first seventy-seven (77) pages are dedicated to introductions and MVU and last fifty-two (52) pages are dedicated to Vice and Vice Enforcement. While this investigation will review and summarize the applicable units in general, the focus is on MVU Enforcement.

Specific to MVU, the 2104 MVU SOP is separated in the Table of Contents by topics and page numbers. The MVU SOP covers the following topics:

- Mission Statement
- MVS Staff
- Resource Control
- Fiscal Officer
- MVS Enforcement
- Push Off Procedure & Division Blitz
- Forfeiture
- Multi-Jurisdictional DEA/USMS/ATF & BI TF
- Prisoner Processing Unit
- Planning and Analysis Unit
- 224-DOPE

Reviewing the contents, the substance is descriptive and easy to follow and there was a specific emphasis on the Fiscal Officer and SOI procedures, which also has its own SOP and Special Order 08-14 for additional guidance.

## **MISSION STATEMENT**

The 2014 MVU SOP contained two (2) main mission statements. The main MVU mission statement is as follows:

“Major Violators Section (MVS) [MVU] is committed to the ongoing enhancement of the quality of life for all of Detroit’s citizens and neighborhoods. Utilizing all legal and effective tactics, MVS will aggressively enforce the provisions of the Controlled Substance Act and other pertinent state laws and local ordinances.”

There is also the MVU Enforcement secondary mission statement:

“To apprehend those persons involved in the selling and/or distribution of narcotics to lower level dope dealers and to attempt to encourage those in the illegal use of narcotics to seek help and rehabilitate themselves.

To attempt to gain additional informants to assist the MVU Enforcement Crews in combating upper echelon drug dealers as well as gain the support of the city’s citizens in the fight against illegal narcotics.”

While both mission statements support each other, the MVU Enforcement mission statement is more specific and narrowly directed towards the unit’s basic philosophy on how to combat illegal narcotics.

## **MVU**

Per the 2014 MVU SOP, MVU is a sub-entity of the Organized Crimes Bureau and is responsible for coordinating and directing the Department’s efforts to enforce the Controlled Substance Act. MVU also assists in the analysis, proper storage, security, and destruction of confiscated controlled substances as well as liaison with other local, state and federal agencies. MVU is structured as follows:

- **MVU Staff**
  1. Administration
  2. Drug Education and Training
  3. Resource Control/Timekeeping
  4. Fiscal

- **MVU Enforcement**

1. Forfeiture
2. Intelligence Surveillance
3. Narcotics PPU
4. Planning and Analysis
5. 224-DOPE

- **Task Force Administration**

1. Multi-Jurisdictional Task Forces
2. General Assignment Unit

### **MVU STAFF**

The MVU staff is responsible for the efficient flow of documents emanating from the units, preparing required reports and ensuring proper notifications on major incidents are made regarding significant narcotic and/or monetary seizures, among other tasks. The unit is designed to be staffed by a lieutenant, a sergeant and two (2) police officers.

The MVU staff's sergeant maintains and secures the SOI files and ensures the established SOI procedures are followed when MVU members recruits and establishes new SOIs. The sergeant also assigns SOI numbers to candidates and audits the SOI files semi-annually.

Notably, there is a section titled, "Drug Education and Training," but there is no information in the SOP regarding the topic.

By design, Resource Control is to be staffed by one (1) sergeant and two (2) police officers. All the unit's responsibilities are listed. In short, this is the unit responsible for administering the Secret Service Fund (SOI funds), vehicle maintenance funds, lease vehicle account, flower fund and budget operations, amongst other responsibilities. This unit also includes Timekeeping.

At the time of the investigation, MVU had one (1) police officer assigned as the timekeeper. The timekeeper was responsible for timekeeping matters and payroll issues for multiple units and dozens of members (i.e. MVU, Vice, Task Force Administration and Gang Intel).

MVU timekeeping records are consistent with DPD practices and are completed manually, either with a computer or by paper and pen, which are antiquated methods of keeping payroll records. When reviewing the MVU timekeeping records, OCSTF investigators found evidence of errors, such as entering overtime for the wrong shift,

entering time and affording credit for court pay versus regular overtime pay for court appearances, MVU members missing overtime during the specific pay period and compensating the MVU member for the wrong amount of hours. Investigators also found numerous overtime documents were missing. Some overtime documents were unendorsed and others were endorsed in various stages, i.e. signed by the sergeant only, signed by the sergeant and lieutenant, but no command officer or some signed by the sergeant and initialed by the timekeeper. For a fuller discussion of Overtime, see Chapter 6.

While there was evidence of timekeeping errors and mistakes, there was no evidence of the timekeeper acting in concert with the MVU officers to commit a crime or any evidence of the timekeeper being involved in intentional misconduct.

Separately, the fiscal officer is responsible for the reimbursement and recording of expenditures, but only upon receipt of the properly completed reports. The fiscal officer is responsible for the issuance of the confidential funds, to include Secret Service Funds, and submission of reports detailing the utilization of those funds, which is also covered in DPD Manual 103.1. The fiscal officer is also responsible for maintaining the vehicle maintenance fund and the lease vehicle expenditure, and preparing and recording the applicable reports.

Per SOP, the fiscal officer is responsible for issuing funds to the crews and for submitting vouchers received from the crews for reimbursement. Upon review, OCSTF investigators did not find any inconsistencies in the fiscal officer's duties and found they were performed up to DPD standards.

Additionally, the fiscal officer distributes the section accounts (the individual crews' cash accounts). Upon review, OCSTF investigators did not find inconsistencies on how the funds were recorded. However, there were inconsistencies found on how the funds were stored, managed and disbursed by the MVU sergeants. As previously stated in this report, this investigation revealed that some SOI funds were stored in safes, wardrobe closets and even in coat pockets, which was concerning and must be far more uniform and secure.

Furthermore, while according to MVU members there was no set disbursement amount defined for SOI transactions, OCSTF investigators determined that by practice, the going SOI transaction rate was \$10 to purchase the product and \$40 to the SOI's for services. In the reviews, investigators found that at times, additional monies were disbursed for SOI transactions (i.e. \$20 for the product and \$50 for the SOI's service) without reason.

In summary, OCSTF investigators reviewed the applicable MVU administration work product. Outside of the aforementioned deficiencies and errors, MVU administration



operated within DPD standards and there were no glaring issues or evidence of misconduct detected by members assigned to the unit.

### **MVU ENFORCEMENT UNITS**

As previously stated, MVU Enforcement had its own mission statement, which support the overall MVU mission statement. However, this investigation determined that MVU members were operating outside the scope of their mission statement.

The MVU Enforcement section, coupled with DPD Manual 101.2, lists the responsibilities of the assigned lieutenant, sergeants and police officers. In reviewing the responsibilities, there were exceptions, but sergeants neglectfully failed to supervise their officers, whether the oversight entailed their conduct, investigations or warrant packages. The sergeants failed to instruct their officers on police policies and procedures and became enablers when it came to dealing with releasing drug and weapons offenders at raid locations. Police officers were given the autonomy to release these offenders and arrange deals to work them for information regarding other offenders. The officers also became responsible for managing and submitting warrant requests for those same individuals, without supervisory oversight. As a result, there was no follow-up and there were numerous instances where warrants were not sought for individuals who should have been prosecuted. It should be noted that at the time of this report, the search warrant submission process had been changed at MVU. The search warrants now require approval by the unit's deputy chief prior to submission to the WCPO. The warrants are also tracked digitally via a Smartsheet.

The responsibilities for the police officers were general. Police officers were responsible for conduct such as developing and taking SOIs to make purchases, keeping abreast with complaints, writing concise reports, making undercover purchases, attending training and performing various duties at raids. There was evidence these directions were followed. However, the duties outlined were general and lacked specificity when compared to the duties the officers actually performed, like surveillance and surveillance notes, preparation of search warrant affidavits and file and equipment management. It is worth noting that the 2014 MVU SOP identified one of the officers' responsibility was to "attend undercover surveillance class," but this same responsibility was not included in supervision's responsibilities.

From 2014 – 2019, there have been four (4) lieutenants assigned to MVU. Of those four, only one individual remains with the Department. That former MVU lieutenant was interviewed and his/her perception was acknowledged, assessed and reflected in this report; however, the other three (3) additional lieutenants were not available for interviews. Therefore, the OCSTF investigators were unable to gain a consensus of MVU operations from the management perspective.

The remainder of the MVU Enforcement section describes location, hours of operation and the allocated work force. It also briefly describes the three (3) focuses of MVU Enforcement, described as the following:

- Complaint – responsive investigation of information received from citizens
- SOI – responsive action taken as a result of information derived from an SOI
- Visible Trafficking – dealing with violations of the Controlled Substance Act coming to the attention of an officer

Additionally, MVU Enforcement responsibilities are identified as the mid-level echelon drug traffickers utilizing buy/bust and narcotic search warrants.

The SOP also describes the various operations that MVU Enforcement officers are expected to conduct, such as Push-Offs and Blitzes. It describes the expectations during forfeitures and evidence processing, to include detainee interviews, which “shall” be done at the Detroit Detention Center. Furthermore, the interviewers are instructed not to narrow their focus to the narcotics cases on which they are working, but should inquire about other violent crimes in an effort to glean information. There is no evidence whatsoever that this is occurring at MVU. The vast majority of the detainee interviews occurred at the scene. These interviews were handwritten, extremely narrowly focused and scripted to their specific case. Essentially, there were five (5) basic interview questions asked regarding “who, what, when, why and where.” This was a constant trend noted throughout the MVU interviews. It is OCSTF’s recommendation that MVU officers and sergeants be sent for additional training on interrogation techniques and tactics.

It is important to note that OCSTF investigators interviewed several former and present MVU members during the investigation. It became concerning when the members interviewed all stated that they had not received a copy of the MVU SOP when they transferred into the unit.

### **NARCOTICS PRISONER PROCESSING UNIT**

Generally, Prisoner Processing Unit is a twenty-four (24) hours operation that is responsible for preliminary testing of the suspected illegal substances confiscated by all DPD officers, to include MVU. The Prisoner Processing Unit is designed to be staffed by one (1) lieutenant, three (3) sergeants and fourteen (14) police officers. The SOP describes the duties of lieutenant, the sergeants and the officers.

In the SOP descriptions, supervision is tasked with providing oversight, but then goes on to identify the Case Coordinators-Police Officers, who hold the rank of police officer, as having the responsibility of determining and documenting whether arrest or enforcement activities will be processed as a “case” or “no case,” normally after receiving information via a telephone conversation. Prisoner Processing Unit officers have this responsibility

for all narcotics related substances for the entire city of Detroit. This is a huge undertaking and responsibility for police officers, who are not trained as supervisors. Prisoner Processing Unit officers also prepare both in-custody and not-in-custody warrants and appear in court as the officers in charge (OICs) for narcotics related cases.

The Prisoner Processing Unit processes and responsibilities are thoroughly explained in step-by-step, systematic instructions in the MVU SOP. OCSTF investigators reviewed and assessed the case files and records confiscated from PPU. The files and information reviewed were prepared and stored within the guidelines of the SOP. It should be noted that of the cases confiscated during this investigation, the PPU files were the most orderly and reliable by far.

### **PLANNING AND ANALYSIS**

Planning and Analysis is responsible for supporting MVU members and is tasked with receiving, evaluating, processing, cross-indexing and distributing all incoming complaints and information pertaining to narcotic-related activities and locations. Planning and Analysis is also tasked with keeping data and statistics and documenting the same. The unit is designed to be staffed by one (1) sergeant and five (5) police officers.

OCSTF investigators determined that Planning and Analysis primarily operates, maintains and populates the data from the 224-DOPE tip line and the AIMS computer system. The AIMS computer system is an independent program that maintains a comprehensive database of all narcotic-related activity in the city of Detroit back as far as 2006. Its information played an important part of the OCSTF investigators retrieving, interpreting and understanding MVU narcotics activity, by placing the compiled data in one location. The information is password protected and the access is limited. The AIMS system also compiles and maintains data from precinct narcotics activity and 224-DOPE complaints. At the time of this report, the AIMS system was unsupported [DPD IT was unable to assist in updating user permissions] and the program's creator is deceased and no longer available.

### **224-DOPE**

The 224-DOPE tip line is extensively covered in Chapter 7 of this report.

### **TASK FORCE ADMINISTRATION**

This investigation did not confiscate, review or audit the documents or operations of the Task Force Administration.

## **OVERVIEW AND COMPARISON**

To ensure DPD was current with the best police practices, OCSTF investigators extended requests for narcotics specific SOPs from seven (7) different police departments of large cities with a racial demographic comparable to that of the City of Detroit. In response, three (3) entities – the Los Angeles, California Police Department; the Jacksonville, Florida Sheriff's Office; and the New Orleans, Louisiana Police Department – responded and sent copies of their SOP manuals to assist with our efforts to improve divisional integrity.

OCSTF investigators also gathered information from four (4) additional police departments from internet searches. Information was obtained from the websites of Atlanta, Georgia; Denver, Colorado; Miami, Florida; and Milwaukee, Wisconsin Police Departments. Notably, via the internet, there were other target law enforcement SOPs available, but none specific the narcotics enforcement.

OCSTF investigators reviewed and assessed how their narcotics enforcement units collectively operated. This review showed that DPD's 2014 SOP, even with some of the identified deficiencies, was on par with, and in some areas, more detailed and comprehensive than the other cities. Of note, some of the specific terminology differed between the various SOPs, such as the term source of information for DPD equated to confidential informant for Denver PD/Jacksonville SO/New Orleans PD and the term confidential informant for DPD equated to confidential source for Jacksonville SO/ LAPD/ New Orleans. OCSTF does not view this terminology difference as problematic; however, it recommended that DPD's new SOP include specific definitions for the terms: source of information, confidential informant, and cooperating defendant. OCSTF found consistently that MVU members used these terms interchangeably, leading to confusion as to who was being referred to in search warrant affidavits and whether the information being relayed about those individuals was accurate. Finally, while OCSTF would suggest that the new MVU SOP should be a standalone SOP specifically for that unit, the 2014 DPD model that also included Vice, was similar to Miami, Denver and Jacksonville's SOP.

Overall, the policy review did not lead to identifying any significant shortcomings for DPD when compared with other municipalities.

## **INVESTIGATIVE FINDINGS**

In the audit, OCSTF investigators found that although the MVU SOP being utilized was dated [2014], DPD did have written guidelines and protocols specific to narcotics enforcement in place to outline how the unit's mission is expected to be accomplished. However, OCSTF did find that when interviewing several MVU members, they consistently stated they had not received a copy of the SOP. It is difficult to build institutional knowledge without articulating to the members what is expected of them.

This failure to promulgate the SOP is a factor to the lack of adherence to the written protocols and a culture of officers operating outside of the scope of the MVU mission statement and guidelines. This is front line supervisory neglect, because it is incumbent upon the sergeants and lieutenants to ensure policy is implemented and followed. This lack of oversight resulted in an environment lacking in the work standards required for law enforcement to provide proper level of services to the Detroit citizens.

There were various deficiencies identified with the 2014 MVU SOP. In August 2021, MVU management provided OCSTF with a copy of their 2020 SOP, with revisions. All of the identified deficiencies are being addressed in the 2020 revised SOP. The 2020 SOP has been submitted and it was pending executive approval. It should be noted that the members involved in the preparation of the 2014 SOP were not listed or identified; therefore, investigators were unable to establish its origins. However, a deputy chief, commander, captain and lieutenant assigned to MVU have been involved and are identified in the preparation of the 2020-revised SOP.

However, despite these minor deficiencies, DPD's MVU SOP was equivalent to many major cities. Clearly, the problems at MVU were not due to a lack of policy. The problem was the culture of the unit:

*“There’s an old saying, ‘Organizational culture eats policy for lunch.’ Any law enforcement organization can make great rules and policies that emphasize the guardian role, but if policies conflict with the existing culture, they will not be institutionalized and behavior will not change.” See President’s Task Force on 21<sup>st</sup> Century Policing. 2015. *Final Report of the President’s Task Force on 21<sup>st</sup> Century Policing*. Washington, DC: Office of Community Oriented Policing Services, p. 11.*

In sum, it is clear that several MVU members were operating outside the scope of the MVU mission statements. In the main mission statement, members are instructed to, “[u]tiliz[e] all legal and effective tactics, MVS will aggressively enforce the provisions of the Controlled Substance Act...” As is documented throughout this report, multiple MVU members used illegal tactics in their attempt to enforce the narcotics laws, including swearing to false affidavits, submitting false police reports and perjury. Or again, it is policy “[t]o apprehend those persons involved in the selling and/or distribution of narcotics to lower level dope dealers and to attempt to encourage those in the illegal use of narcotics to seek help and rehabilitate themselves.” Yet, there were numerous examples of MVU crewmembers not apprehending, but flipping and releasing narcotic dealers, without any follow-up prosecution. The culture of the unit undoubtedly trumped policy. See Chapter 3 for a fuller discussion of the MVU culture.

## **MVU RECRUITING**

Within DPD, MVU is considered by many to be an elite unit. DPD leadership expects MVU officers be hard working, and aggressively enforce all provisions of the Michigan Controlled Substance Act and other pertinent state and local laws and ordinances. For those reasons, the road to working at MVU should differ from the road to working in a precinct.

## **RECRUITING PROCESS**

In the event of turnover, either large or small scale, MVU will occasionally need new talent and personnel. When this occurs, MVU utilizes the Department transfer process. A member desiring to transfer the MVU starts by submitting a Transfer Request Seniority Exempt (Blue Slip Entities) (DPD402SE) to the member's commanding officer for approval and that request is eventually routed to the commanding officer of the command to which the transfer is sought; MVU in this case. MVU conducts a background investigation. Once approved, the request is forwarded to Police Personnel, where the individual will be placed on a list of qualified persons, to be maintained for one (1) year. Transfers into Seniority Exempt (Blue Slip Entities), such as MVU, shall be at the sole discretion of the Chief of Police.

OCSTF found that the background investigation for selection to work at MVU is the same basic background investigation completed if an officer wants to transfer to a precinct or any other DPD entity. The process is basically a check of the member's Management Awareness System profile, disciplinary history and sick time. Afterwards, if the review is satisfactory, there is a command approval and the member is assigned to work at MVU at the appropriate time. As is discussed throughout this report, MVU is different place to work with its own unique culture. MVU is dangerous, fast-paced, exciting, enticing, aggressive, competitive and a proven avenue for temptation. Therefore, MVU candidates should be thoroughly vetted and the background checks need to be more stringent.

OCSTF investigators identified that there were different routes to take an assignment to work at MVU. Generally, when a position become open, the position is posted and DPD MVU command initiates and disseminates a teletype via the department email system. This email notifies officers of immediate MVU openings, which allow officers an opportunity to prepare a blue slip for consideration of an assignment to MVU. Another path is officers can self-initiate a blue slip request to transfer. Self-motivated officers, who aspire to work an assignment at MVU, can simply submit the blue slip transfer paperwork, regardless of the unit's personnel needs. This action alerts MVU leadership of that person's desire to work at the unit. Finally, some officers are personally recruited to join MVU based their prior training, knowledge, skills, abilities and/or prior work experience. Additionally, certain officers are recruited to work at MVU based on personal or professional relationships, their acquaintances and their affiliations.

Multiple members expressed that, due to danger associated with MVU operations, experience and comfort level between each member were valued when determining who stayed in the unit and who was brought into the unit.

### **MVU PERSONNEL**

When the unit was Narcotics, the average time spent working at the unit was 6.8 years, with 18 years being the longest time and 6 months being the shortest. After Chief Craig reorganized and established MVU, the average time spent working at the unit decreased to 5.1 years, with 14 years being the longest time and 6 months being the shortest.

Based upon a review of organizational charts, OCSTF noticed a migration back of officers who had left during the reorganization in 2014. During an interview, OCSTF investigators learned that after Narcotics closed down and reopened as MVU, the unit went through a period of reduced production and it was difficult to deter large-scale narcotics. The unit was smaller. As a result, there was a decision to “beef up” MVU and bring more members on board. At that time, MVU command officers began to recruit, to include former MVU members. Relying on institutional knowledge, MVU command officers recruited Member #4 to return, due to his/her perceived integrity, past performance and positive results. There was a negotiation process with Member #4 and he/she stipulated that in order to return to MVU, the member’s entire crew would have to return. The command agreed, and shortly thereafter, Member #4 and crew were returned to MVU.

By DPD policy, transfers into Seniority Exempt (Blue Slip Entities) such as MVU are at the sole discretion of the Chief of Police. However, it is important to know that the Chief of Police does not oversee the day-to-day operations of police personnel transfers. At MVU, DPD largely relies on the recruiting process via institutional knowledge, word of mouth recommendations and via professional and personal affiliations. While the current recruiting process is not necessarily a bad way to acquire new MVU personnel, it has a potential to create conflict of interest situations, i.e. the supervision of friends or family; working at a location incompatible with one’s financial situations and interests; or working at a location incompatible to one’s maturity and experience levels.

To ensure DPD follows the best police practices for MVU, OCSTF investigators contacted other larger police departments for information on how they recruited their narcotics enforcement teams compared to DPD. There were three (3) responses. Each of the three (3) forwarded a copy of their narcotics enforcement SOPs; there were four (4) additional SOPs obtained and reviewed from Google searches. After reviewing all of the information and contents, there was no information specific to recruiting narcotics enforcement personnel found.

## **INVESTIGATIVE FINDINGS**

In the DPD MVU recruiting process, the unit relies heavily on institutional knowledge, word of mouth and past MVU members with experience. While reliance on these areas is necessarily problematic in and of themselves, the recruitment process would be improved with a more stringent background investigation. This investigation should be specific to MVU, and with union cooperation, should include an initial financial disclosure, revisiting the candidate's personal history similar to Police Recruiting, conducting an exhaustive review of candidate's DPD file and conduct in-person interviews with the candidate, as well as his/her prior supervision.

## **TRAINING**

During the OCSTF investigators' interviews of MVU members of different positions and ranks, several MVU members stated that they had not received any training outside of initial raid entry training given by DPD Special Response Team (SRT). Training is important to help increase members' knowledge and skills and to assist officers in keeping pace with current strategies, trends and terminology. Therefore, due to the interview responses, OCSTF investigators conducted a review and audit of the training received by a combination of sixty-six (66) current and previously assigned MVU members from 2016 through 2019 (nine (9) supervisors, fifty (50) raid members and seven (7) support staff members) assigned during the pertinent timeframe. In this chapter, it is revealed that only thirty-nine (39) MVU members received primary training. Therefore, in the OCSTF investigators' assessment, the statement of not receiving training outside of the initial training raises valid concerns.

### **MANAGEMENT AWARENESS SYSTEM TRAINING PROFILE ACCURACY**

This review and audit was conducted from training information extracted from the Management Awareness System. Therefore, OCSTF investigators made inquiries with Training Center and Management Awareness System personnel to access the accuracy and reliability of the DPD members' training profiles. With the two (2) units' assistance, it was quickly determined that once a Department member attends training, regardless if it is Departmental, in state or out of state, DPD members' training profiles are compiled and updated in the following manner:

- The information is reported to the Training Center
- Training Center personnel enters the information into the Michigan Information Tracking Network (MITN)
- Michigan Commission on Law Enforcement (MCOLES) accesses the information from MITN and assess the training for certification



- After the information is certified, Management Awareness System personnel extracts the information from MCOES monthly and populates the respective member profiles

It should be noted that outside of the initial data entry by the Training Center personnel, the entire process is automated. Therefore, when the Training Center receives and enters the training information and it is subsequently certified by MCOLES, then the information is automatically extracted and entered onto the member profiles every month. However, the training that is not certified by MCOLES will not appear on the member's training profile.

### **PRIMARY TRAINING**

Prior to reviewing the specialized training, OCSTF investigators wanted to establish the benchmark for the training received upon being assigned to MVU. Therefore, this review will begin with the review of the primary training provided by DPD SRT to MVU members. Reviewing the MVU members' training documented on the Management Awareness System (MAS), it revealed that SRT offered four (4) different types of primary, specialized training to MVU members. A list of the SRT training and the years these trainings were offered are as follows:

- SRT Entry (2011 and 2015)
- SRT Tactical Entry (2007, 2010, 2011 and 2015)
- SRT Building Room Clearing (2018)
- SRT Raid Training (2013 – 2017 and 2019)

DPD Management Awareness System records show that thirty-nine (39) or 59% of MVU members participated in SRT training in the following breakdown: eight (8) members, including supervisors and MVU support staff, received the entry training, sixteen members (16) members received the tactical entry training, seven (7) members received the room clearing training and twenty (20) members attended the raid training.

The Management Awareness records show that of the MVU members audited between 2016 and 2019, no MVU member attended all four (4) initial trainings offered by SRT. The records show that two (2) members received a combination of three (3) types of SRT trainings; three (3) members received a combination of two (2) types of SRT trainings; and twenty-nine (29) members received a single type of the SRT training. Finally, and most concerning, twenty-seven (27) or 41% of the sixty-six (66) members, a mixture of veteran and newly assigned officers, had not attended the SRT training at all. It should be noted that the MVU support staff was included in this assessment, because when there are shortages, MVU staff personnel assist the raid crews and they are expected to perform up to standards.

## **SPECIALIZED TRAINING**

MVU officers were occasionally afforded opportunities to attend specialized training that available outside of DPD training. The audit of specialized training shows that twenty-three (23) or 35% of the sixty-six (66) MVU members had received at least one (1) instance of specialized narcotics enforcement related, such as undercover and covert surveillance schools; gangs, drugs and guns; managing narcotics informants; Mexican drug cartel; and introduction to narcotics terrorism, to name a few. Still, that left forty-three (43) or 65% of MVU members had not received any outside specialized narcotics training at all.

## **MVU TRAINING FOCUS**

Reviewing the overall training, MVU's training focus and emphasis was primarily placed on the tactical aspects of entering and raiding narcotics locations and prisoner control. Contrarily, there was little training on the members' investigative techniques. MAS records show that twenty-one (21) or 32% of the members received training to enhance their investigative related knowledge and techniques.

The majority of the officers' investigative courses observed were the courses taught to the entire Department as a part of the annual 40-hour block of instructions. While this is adequate training generally for all officers, it is not specialized, especially for MVU activities. The lack of specialized training left the MVU officers to receive on the job training from senior officers in regards to investigative techniques. Obviously, this type of type of training is not standardized and makes investigative consistency and proficiency more difficult to obtain, because it relies heavily on past practices and individual institutional knowledge to teach and train current and new officers. Notably, in the 2014 SOP, there is a "Drug Education and Training" section, which demonstrates the unit is aware of the importance of training. However, there was no follow-up descriptions, outlines or directions in regards to the type of education or training, if any, was provided.

## **MUV TRAINING IMPROVEMENT RECOMMENDATIONS**

At the time of this report, MVU leadership had taken positive action and the training deficiencies were addressed in the 2020 SOP. MVU members are currently required to attend the following departmental trainings prior to participating in the executions of search warrants or any undercover operations:

- MVU SOP
- UC Operations
- Surveillance Operations
- SOI Management
- SS Fund Procedures

- Case Preparation
- Raid/Entry training (MCOLES Certification)
- Advanced Patrol Rifle (MCOLES Certification)
- Advanced Pistol
- Benelli Shotgun Familiarization (optional)
- Low Light Weapons

The training is instructed by a combination of MVU administration, DPD staff, SRT and Firearms Training. Additionally, the 2020 SOP documents and specifies that without the aforementioned training, new MVU members may only observe search warrant executions until the training is completed.

### **SURVEILLANCE TRAINING**

While on the subject of MVU training, the importance of surveillance training should not be overlooked. While entry, raid and specialized trainings are important at MVU, surveillance training is equally important. As previously discussed in Chapter 3 of this report, surveillance is a foundation and a primary step of MVU search warrant affidavits. While the subject of surveillance is touched upon in the 2014 SOP, the 2020 SOP mandates that MVU officers complete surveillance operations training. This is definitely a positive change for MVU and going forward, it can be expected that MVU surveillance will be standardized, supervised, and conducted in a consistent and organized fashion.

### **SUPERVISORY AND MANAGEMENT TRAINING**

A review of the MAS records show that all MVU supervisory personnel had supervision and leadership training through the annual 40-hour block of instructions. This is important because supervisors have the responsibility of direct and physical oversight of the MVU officers assigned under their span of control.

### **SEARCH WARRANT EXECUTION BRIEFING TRAINING**

Outside of the normal Department scheduled training, the MCOLES training, the specialized training and the occasional follow-up training, MVU officers received constant training by way of search warrant execution pre-raid and after actions briefings. MVU officers executed hundreds of search warrants per year and prior to and after each of those executions, they received a briefing and instructions directly from MVU supervision. The training was informative and tactical in nature. The officers were given clear instructions on their assignments and they had the opportunity to ask questions and make comments. Additionally, there was a de-briefing conducted after each search warrant execution. Narcotics enforcement is dangerous and it is critical that MVU members operate as a cohesive team. Therefore, this type of training is important and cannot be discounted.

## **TRAINING FOLLOW-UP**

An inquiry with MVU management in August 2021 regarding training revealed that while MVU officers are not always able to attend formal MCOLES certified training classes, training is important and the officers regularly attended informal, DPD-led training.

MVU officers have earmarked quarterly training days on their calendars. MVU officers have participated in local informal training with the DPD Special Response Team and the Homeland Security Special Response Team. The MVU officers have attended local ranges to conduct refreshers with simulations and participated in firearms drills in stress-induced scenarios. They have also been trained using “dry drills” to evaluate their tactics, utilizing DPD buildings at MVU base. MVU officers received informal refresher training on building entries, room clearing, and tactical team movement. MVU management used DPD Cyber Crimes to instruct MVU members on cell phone analysis. They also conducted random mock surveillance training days. However, this training was not captured in MAS and therefore not covered in the audit.

## **INVESTIGATIVE FINDINGS**

Training, both primary and specialized, is essential to all DPD members – police officers, supervisors, management and leadership alike. Training helps to enhance and improve upon the techniques of the police profession. Furthermore, training is necessary for members assigned to an ever-evolving specialized criminal investigative unit, so members may cohesively utilize current techniques and multi-complex skills to combat crime and criminal elements, where the opportunities for evading detection and capture are rapidly changing.

In this review, OCSTF investigators found a high rate of MVU members were not receiving training outside of the initial SRT entry training, or primary training. Due to the dangerous nature of the job they are required to perform, it is important that MVU officers receive primary training, for the safety and security for all involved.

Regarding specialized narcotic-related training, OCSTF investigators were able to identify and compile more than twenty (20) separate specialized narcotics enforcement related trainings that were attended by twenty-three (23) DPD MVU members. Due to time and fiscal constraints, not every DPD officer can attend every training offered; however, the Department utilizes the train-the-trainer method, meaning when an officer receives specialized training that is beneficial to the community and the Department, he/she is expected to give a presentation to his/her co-workers to share the training knowledge that he/she learned. An inquiry with MVU management reveals that they participate in the train-the-trainer method, when applicable. So while, not every MVU officer has the opportunity to attend the in-person training, the information is made available to him or

her. Still, moving forward, it would be beneficial for MVU officers to seek and continue to seek updated narcotics enforcement training.

While training, or lack thereof, was verbalized as a problem by MVU members past and present, if MVU leadership simply enforces the guidelines described in their 2020 SOP proposal, this matter will resolve itself. In the 2020 SOP, there are currently ten (10) training requirements to be completed prior to any MVU member conducting search warrant executions. Moreover, while interviewing the current MVU leadership, it was demonstrated that training is now a unit priority at MVU.

To be fair, law enforcement experience dictates that attending training is oftentimes an officer's personal preference. Some officers are simply more receptive to training. These officers are willing to self-initiate finding and scheduling training; therefore, they attend training more often. This report cannot reflect if individual officers were willing, but not able to attend training or if the officers were able to attend training, but were not willing. Regardless of the officers' preference, a certain level of standardized training is currently mandated. It is recommended that MVU leadership reviews the training received by its officers and ensure they attend the required training and ensure it is updated and documented in their respective Management Awareness System files, if applicable.

# CHAPTER 5

## MANAGEMENT/SUPERVISION

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OCSTF was also tasked with reviewing the management and supervision processes that were in place at MVU. Chapter 5 will assess the chain of command structure, the productivity of the raid commanders and review the supervisory processes of MVU.

### **LEADERSHIP, MANAGEMENT AND SUPERVISION REVIEW**

Leadership, management and supervision are key and play important roles in any successful organization. For purposes of this report, leadership equates to Commanders, management to Captains and Lieutenants and supervision to Sergeants. Based on the needs of the community and the Department, the leaders are the members responsible for setting expectations; management is responsible for ensuring the MVU members are empowered to meet those expectations. OCSTF investigators reviewed the guidance MVU leadership, management and supervision provided to the members assigned to MVU. OCSTF investigators were also tasked with determining the steps taken to detect and prevent corruption between 2009 through 2019.

### **METHODOLOGY**

OCSTF investigators reviewed the document, interview, and digital information accumulated through this investigation to identify MVU management and supervisory areas of concern, if any. Once those areas were identified and analyzed, this information assisted investigators in the next step of interview process. Investigators began the interview process by interviewing leadership, management and then supervision, preferably in that order. Afterwards, the final step would be to prepare a summary of findings outlining the findings.

### **INTERVIEW PROCESS**

The interviews of leaders occurred toward the end of the OCSTF process, after investigators were confident that the majority, if not all, criminal misconduct had been found and investigated. The purpose of the interviews was to allow the Department to gain the MVU members' insight, knowledge and perspective so the Department could improve moving forward. To increase the chances of obtaining candid, unfiltered responses, Chief Craig decided that MVU members would be invited to an interview with OCSTF investigators without the concerns of repercussions. Via a signed letter, Chief

Craig personally invited each MVU member of concern to participate in an interview regarding the time spent at MVU. Chief Craig's letter read as follows:

"Please be advised that you are being requested to participate in an interview pursuant to the Operation Clean Sweep Task Force's Departmental investigation. This interview is related to your time spent at Narcotics/Major Violators Unit between 2009 through 2019. You are NOT the focus of the investigation.

The purpose of the interview is to garner information regarding cultural, environmental, personnel, operational, supervisory, management, oversight and leaderships matters that occurred at the Unit during the relevant period. This information will be used to assist the Department in learning from our past to improve and safeguard our present and future procedures.

The investigative team will work with you to identify a time and location this is convenient for you and your schedule, and it will be audio recorded for accurate recordkeeping purposes. During the interview, you can expect to be asked a series of questions regarding your knowledge, experiences, observations, and actions. You are encouraged to bring notes, memorandums, emails, or any other supporting documentation you believe to be relevant.

Union and legal representation is not required for this interview, but your right to ask for either/both representation will be respected at any time you request it."

In total, OCSTF interviewed thirty (30) Department members. Sixteen (16) Department members were interviewed directly pursuant to Chief Craig's invitation. The remaining fourteen (14) were interviewed regarding matters pertinent to the OCSTF investigation, but not as direct result of the Chief's letter. Notably, once the interview process began, the unions objected and the Department and the unions entered into an agreement to discontinue interviewing members the rank of lieutenant and below.

Additionally, it should be noted that investigators were unable to interview all the prior concerned command, management and supervisory members assigned to MVU between 2009 and 2019, due to availability. Many retired, were geographically unavailable, their whereabouts were unknown, or did not wish to cooperate with this investigation. Sadly, one Department member who served in a managerial role has passed.

**Leadership Review:** OCSTF investigators, led by the Director of the Professional Standards Bureau, conducted interviews with current and former MVU leadership.

Collectively, MVU leadership were shown to provide high-level oversight of the unit's overall goal, i.e. by communicating their expectations and doing periodic spot checks of particular enforcement actions. They also maintained administrative oversight over the unit. They were not "hands-on," nor did they oversee the day-to-day MVU operations. MVU was one of many units assigned under their commands and they were forced to split duties to ensure compliance all around, not just MVU.

MVU leadership was frequently changed; sometimes their tenure was mere months and some MVU leadership changes were major. Changes at top of the chain of command, creates changes at the end of the chain. There were four (4) leadership changes at MVU between 2016 and 2019. The changes equated to four (4) different commands with four (4) different mindsets and philosophies, in three (3) short years. Specifically in April 2016, as previously discussed in Chapter 3, there was a changeover of the entire command staff. The lieutenant and the captain were promoted, and the commander was transferred. This occurred on the same day, and as a result, there was an entirely new command team inserted into MVU. Neither of the two (2) new promotees returned to MVU. While the promotions were an overall positive outlook for the Department, the promotions removed all of the current command level institutional knowledge from MVU at the same time.

During the interviews, MVU leadership collectively articulated concerns on how transfers, or "hand-offs," in and out of MVU were conducted. With the exception of two (2), the incoming command officers were new to MVU, so the transitional hand-off was important to the future success of the unit. MVU is a dynamic unit; therefore, it is important to know where you stand, so you can calculate where you want to be in the future. However, outside of a casual conversation, there was no formal transfer from one command officer to the next. The newer command officers were forced to rely on their prior police experiences and use their institutional knowledge and learn via reviewing the SOP.

It is important to know that while MVU leadership acknowledged the historical "two per day raids," no command officer interviewed stated that he/she enforced it while MVU was under their command. However, each command officer still required a quality work product from the MVU members. They also acknowledged flips, but collectively agreed that they should be managed through the Wayne County Prosecutor's Office. Each command officer interviewed stated that they addressed and "ceased" the practice of flips with MVU supervision during their tenure, even though MVU supervision pushed back each time. This essentially meant, that during each command change, either MVU supervision never stopped flipping offenders, or they restarted it each time the command changed. Regardless, MVU leadership believed that MVU officers were hardworking, dedicated and performing great work for the Detroit community.

MVU leadership was aware, concerned and acknowledged that certain Narcotics and MVU officers may feel entitled to take advantage of overtime. However, it was not until



after the initiation of OCSTF, that leadership ensured there were processes put in place to deter theft, such as pre-calling in your enforcement activities into Communications, preparing trackable digital overtime forms, making overtime Body Worn Camera announcements, and executive review of overtime documents.

One practice directly tied to leadership was the mantra “two raids per day.” Although OCSTF found no official documentation of such a requirement, investigators heard from multiple MVU members that through the years there was an official/unofficial “two raids per day” minimum expectation or quota. Several former MVU officers believed they were pressured to achieve this minimum, and those failing to meet this minimum were faced with being reassigned or transferred out of MVU. “Two raids per day” was an unwritten rule that became part of MVU culture, dating back as early as the early 1990’s.

Through interviews, investigators learned that, in the past while working at Narcotics, there was an initial expectation of the raid crews to conduct “two raids per day,” but over the years [the specific timeline was undetermined] this philosophy was switched from two raids to two narcotics enforcement actions per day. Examples of narcotics enforcement actions are search warrant executions, traffic stops with drug confiscations, street enforcement of illegal narcotics activity or crack pipe confiscations from offenders in vacant homes. Two enforcement actions per days were pushed down from the top level, through each level in the chain of command, down to the enforcement officers. It was also part of MVU culture that after the two raids or two narcotics enforcement actions were completed, regardless of the length of time used to achieve the goals, the MVU crews were allowed to leave early and receive credit for working an entire day. This act of allowing officers to leave early became recognized in the Department as “slide time” at DPD. This practice was used as a rewards system, for members achieving desired work results. It is important to note that “slide time” is no longer officially practiced within the DPD organization.

During the interviews, investigators learned that MVU members felt “top-down” pressure from departmental leadership when the raid crews failed to meet the “two a day raid” standard or when the enforcement numbers dropped below a certain level. MVU tracked volume of work completed, the money confiscated, and the number of raids conducted. The unit was responsible for providing detailed explanations and valid reasons to leadership and Compstat if their overall baseline enforcement numbers were down.

It is important to note that due to the structure and nature of their work, Narcotics and MVU personnel had autonomy and operated with very little oversight. The majority of their work was performed out in the community and away from the base. Therefore, the operational theory behind two per day was initially established for leadership and management to ensure the raid crews were busy and out working, akin to a “method to pay the rent,” earning their keep. It was thought that one successful narcotics raid, without complications (i.e. critical discharge of a firearm, injured prisoner, injured officer, etc.)

lasted approximately three (3) hours. Doubled, two (2) successful raids would last for six (6) hours. Considering those six (6) hours coupled with travel time, briefings and reporting times, the two per day mindset was thought to be a way to keep crews active and productive for an entire eight (8) hour shift. All members interviewed pursuant to this investigation acknowledged the “two per days” and some members knew and shared their interpretations of the philosophies behind them. However, no member interviewed knew the actual origin of the two per day standard.

OCSTF investigators determined that more recent commands were aware of the two per day standard, and that the unit’s enforcement numbers were stressed. However, after unit executive level discussions, the unit’s leadership decided NOT to stress the unit’s enforcement numbers and “two per days” like past administrations. This command considered it more important to “make things count, rather than counting things.” At that time, the emphasis changed to quality of work over quantity. However, if it took two (2) or three (3) raids in a day to accomplish the goal satisfactorily, there were two (2) or three (3) raids performed. This rejection of any residual “two a day” philosophy can be seen in the reduction of raids seen in 2017 – 2019, as documented in Chapter 3, Search Warrant Execution Trends.

**Management Review:** MVU management had the responsibility of providing physical oversight as well as overseeing the day-to-day operations of the entire unit. It was shown that management, similar to leadership, also had a number of units under its span of control, not just MVU; they even had an entity housed in a completely different building. Due to that fact, while being responsible for physical oversight, management had mainly administrative oversight over MVU. This left the direct and physical oversight to MVU supervision.

During the interview with MVU management, investigators were left with the impression that MVU’s workload was heavy and the members were extremely busy, to the point where the work was overwhelming and unmanageable. There were management concerns such as insufficient MVU staffing to cover the entire city of Detroit, heavy workloads (i.e. 224-DOPE complaints, Chief’s complaints, raid responsibilities), split duties, administrative duties coupled with court responsibilities, as well as staff meetings and community concerns and responsibilities, to name a few.

During the investigation, it was difficult for investigators to quantify the impact of the MVU workload on management, because there were several former members who were unavailable to share their points of view and experiences. Investigators determined that while a major contributor to the management team during the audited period was unavailable due to unforeseen circumstances, there was digital document evidence of that member managing certain situations (i.e. overtime, SOI processes, Court Appearance Notices and administrative processes) with MVU members. There was also document evidence of him/her providing physical oversight by occasionally conducting

surveillance, pre-raid surveillance and by assisting on search warrant executions. These documented actions cannot be discounted, because it supports that MVU managers occasionally have time to provide their members with physical oversight.

MVU management also acknowledged that due to the nature of the work, MVU members are mostly away from the base. They were mobile and out in the field in the community, as per expectations. Therefore, it was challenging to track and manage their activities. As a result, the members were afforded a certain amount of trust and latitude and management relied on supervision to ensure daily compliance and accountability.

It should be noted that current MVU management worked with OCSTF investigators to provide follow-up information and documents. During the process, there were conversations regarding MVU changes and improvements. There was evidence that MVU was working towards solving their issues internally, like the changes to the search warrant process; the changes to the overtime process; the changes to the 224-DOPE process (covered in Chapter 7) and the changes to the surveillance process.

**Supervision Review:** At MVU, the first line supervisor may have the largest impact on the MVU officers. The supervisors spend the most time with the MVU officers. They communicate with the officers on a daily basis, brief, raid, prepare reports and attend court with the officers and receive and approve the officers' many administrative documents (i.e. overtime, court time, leave days, legal representation and furlough days). With the MVU lieutenant spread thin, MVU supervisors have a huge responsibility and it is imperative that they stay engaged with their crews and monitor their officers' work performance, as well as hold them accountable when their work is not up to Department standards.

Outside of the corruption, there were some additional supervisory concerns uncovered in the investigation that pointed towards MVU officers being ineffectively supervised. There was evidence the MVU officers conducted solo surveillance in their personal vehicles, conducted surveillance without supervision, prepared "cookie cutter" search warrants, prepared vague and incomplete reports, released and flipped felony offenders, and submitted search warrants affidavits to the courts without supervisory review. These discoveries supported the theory that MVU officers operated as though they were self-managed and MVU supervision needed to provide stricter supervision and oversight.

While law enforcement personnel, to include DPD, historically handles supervisory matters "in-house," there is usually certain documentation of corrective actions. If that is the case with MVU, it was not regularly completed digitally in the Management Awareness System as per Department protocol. Outside of the required investigations (i.e. vehicular accident, use of force, injury/illness reports, lost or stolen equipment reports), there was only evidence of three (3) digital supervisory related reports being generated by MUV supervision between 2017 through 2019. Notably, two (2) were positive Administrative

Counseling Registers created by Member #4 and one (1) negative Administrative Counseling Register created by Member #21.

The assigned MVU supervisors were soft spoken and found to have had a non-rigid, laid-back and relaxed demeanor. Sometimes, this leadership style is needed and can work very well. However, their relaxed supervision style shone through in their officers' work product and attitudes. When working at a unit like MVU, officers work in situations that have the potential to place them in ethically compromising positions. These officers deal with illegal drug traffickers and drug users, they enter barricaded homes protected by vicious dogs, they enter and search these homes, which are normally unkempt, on a daily basis. As a result, these officers will sometimes be confronted with genuine integrity related situations (i.e. bribe attempts, encountering large sums of drug money or small valuables and other items consistent with the lavish lifestyles of the drug trafficking industry). These supervisors' relaxed demeanor made them enablers for the MVU officers. As a result, the officers felt comfortable enough to commit police misconduct, thereby leading to this investigation and probe.

Therefore, MVU officers need exceptionally strong and competent supervisors to follow. MVU leadership stated that raid commanders and supervisors needed to be engaged and manage the enforcement and administrative process; however, there is no evidence that occurred at MVU. It is a fact that DPD is currently a younger Department and the experience and MVU tenure is less than in years past. Therefore, it is critical that MVU has supervision in place that coach, mentor and train the younger MVU officers.

**Crew Chief Review:** In the area of supervision, each raid team had a crew chief. The crew chief was usually the most senior police officer and operated like a second crew sergeant. The MVU sergeants delegated some of their duties to their crew chiefs and they operated with "unsupervised freedom." Unfortunately, investigators were not able to interview any officer who identified as the crew chief. OCSTF investigators were not able to find a job description or list of responsibilities for this position. The only reference to the position of crew chief found in the MVU SOP [2014 and 2020], were instructions to contact the crew chief regarding the "correction of paperwork." However, there is no other explanation of a crew chief or his/her assigned duties or responsibilities.

In the interviews, it was learned that the primary theory behind having a crew chief was for the raid commander to have a backup, in case something happens during the execution of a search warrant that would require the raid commander to leave the scene or become incapacitated. If the raid commander is incapacitated, the crew chief is expected to take command and organize a plan to either complete the mission or abort it and have the raid team extracted safely. The crew chief should also be able to communicate with the officers to assist the raid commander make the right personnel recommendations and decisions. Conversely, MVU leadership cited that the crew chief should not be delegated sergeants' duties since he/she is absent the proper training and

the crew chief does not have to be the most senior person, but the individual with the best skill set for the job. Additionally, the crew chief should be supervised.

## **RAID COMMANDER ACTIVITY REIEW**

The MVU raid commander plays an integral part in search warrant executions. The raid commander is the leader and organizer and most often the highest member at the scene of a raid. Their range of responsibility is wide as they are responsible for the safety of all involved, officers as well as the citizens they encounter. The MVU raid commanders establish and maintain control of their raid scenes and are entrusted to make the final decisions, to include when to arrest or release an offender. The raid commander also make the decision when to flip an offender and allow him/her to work off their case. The MVU raid commander has autonomy and sets the tone and operational work plans for their respective MVU crews. While there are several raid commanders assigned to MVU, they all work independently for each other, unless they team up for a specific assignment.

Therefore, as expected, there were work variances found. The following assessment will review the type of work being produced by each raid commander, compared to his/her peers. This assessment will also review the crews' major confiscations.

## **METHODOLOGY**

The information for this report came from reviewing data from the All-Star Investigative Management System (AIMS). The AIMS was a MVU data entry program that contains a comprehensive collection of all Major Violators enforcement activity, to include the activities of Narcotics Enforcement, Gang Intelligence and Vice Enforcement. The data listed categories such as case numbers; OIC and crew responsible for enforcement action; type of enforcement actions taken and offenders' information [personal/vehicle]. The data also listed information of persons arrested and persons who were released; search warrant execution addresses and dates; tip line information (224-DOPE); risk assessment information; types and amounts of narcotics, contraband and property confiscated; personnel responsible for entering the data and case dispositions. Personnel assigned to Planning and Analysis entered the data and information. It should be noted that at the time of this report, the AIMS System was no longer supported by either the host or DPD Information and Technology.

OCSTF investigators obtained "read only" access to the AIMS System, meaning investigators could freely access the AIMS information, but not change any of it. A former MVU member provided investigators an AIMS tutorial. At the conclusion of the tutorial, an annual AIMS Reports from 2012 – 2020 was prepared and entered onto an Excel spreadsheet. The spreadsheet contains calculated comprehensive MVU enforcement data and the data was separated by individual year.

OCSTF investigators reviewed the 2019 AIMS Report (January 1, 2019 – August 22, 2019), as well as the data from the years 2017 and 2018. Investigators compared the information from the AIMS Report with the information from the Raid Books, MVU warrant packets, Prisoner Processing Unit Records, the RMS Reporting System, the JMS Reporting System, the DPD Property Tracker system and the Search DPD Mugshots system. Investigators also reviewed and compared AIMS information with the 36<sup>th</sup> District Court Records, 3<sup>rd</sup> Circuit Court Odyssey System, and the Michigan Department of Corrections System.

### **2019 DATA REVIEW**

The 2019 annual AIMS Report, for the dates audited, documented that MVU took enforcement action on 289 occasions. There were 275 search warrants executed, twelve (12) instances of street enforcement, and two (2) vehicle searches. Eight (8) actions were missing specific location information, but that data was located and verified by the OCSTF team. The AIMS data showed that all MVU members combined confiscated \$268,206 in currency, 145 firearms, 31 vehicles, 7,350 grams of cocaine, 8,317 grams of heroin, 25,530 grams of marijuana and 2,694 pills.

In terms of arrests, the AIMS data showed that all MVU officers combined arrested 348 adult misdemeanor violators. They investigated and released 370 adults and an additional 67 juveniles. These releases ranged in activity such as ordinances issued and offenders released; the offenders were advised and released for the misdemeanor violations; persons who were present where no narcotics were located when the search warrant was executed; or the MVU team was unable to establish the owner of the dwelling or narcotics. These numbers also include the people who were present during the search warrant execution, but were only identified for documentation purposes.

The AIMS data shows that during the 289 enforcement actions, the MVU personnel reported that they arrested 167 adults and one (1) juvenile for felonies on a series of drugs and weapons related offenses. However, only 89 or 53% of those offenders were taken into custody and processed through the Detroit Detention Center. Therefore, there were 78 or 47% narcotics and weapons related felony offenders released at the scene. This is problematic. Studies show that a small percentage of individuals are known to be responsible for committing a large portion of the crime. Releasing offenders responsible for committing narcotic and weapon related offenses, without any legal consequences for their initial actions will neither stop nor deter their future actions.

OCSTF investigators found that it was commonplace for raid commanders to report that an offender was arrested and confessed to felony narcotics and/or weapons charges, but advise that offender that a not-in-custody warrant would be sought for their arrest, and then release him/her at the scene. Thus, the team could take credit for a felony arrest statistically. Technically, the OIC is correct, because a person is under arrest when

he/she is no longer free to leave, so he/she could have been considered under arrest. However, the arrest statistic was misleading and inflated the overall felony arrests, because a reasonable person would expect the offender caught committing a felony, especially for narcotics and weapons offenses, to be taken into custody and conveyed to the Detroit Detention Center for processing for that crime.

During the investigation, the OCSTF investigators found it was difficult to determine if an offender was taken into custody and transported to the Detroit Detention Center. Oftentimes, the disposition of the offender was not documented in the initial report, leaving the investigators to go a through three (3) to five (5) different systems and databases to determine if an offender was taken into custody. This practice was followed by each MVU team and made it difficult to audit.

As stated in Chapter 3, OCSTF investigators determined that raid commanders released numerous offenders “pending future investigations” and for “health/medical reasons.” Through interviews, it was determined that these were terms were codes, normally used to signal offender “flips.” Although some flips became registered Sources of Information for MVU (records show that there were seven (7) SOIs registered in 2019), there was no matrix located to indicate or chart the validity of the released offenders’ information, the steps taken as a result of the information or outcomes of the cases where information was given. There was also no indication or documentation that a Wayne County prosecutor was advised of these arrangements. Judging by the offenders released for “pending future investigations” and for “health/medical reasons,” there were nineteen (19) potential flips.

This investigation revealed that combined, the raid commanders released eleven (11) offenders from scene for health and medical reasons. There were no indications that medical personnel evaluated these medically released offenders prior to their release. There was also no specific description or explanation of the offenders’ medical conditions. These offenders were released with the promise of a not-in-custody warrant being sought later. Of the eleven (11) offenders released, the 3<sup>rd</sup> Circuit Court system showed proof of not-in-custody warrants sought for three (3). Similarly, the raid commanders released eighty-nine (89) other offenders at the scene, with the promise of a not-in-custody warrant for their arrest being sought later. The 3<sup>rd</sup> Circuit Court system showed proof that only thirteen (13) or 15% of not-in-custody warrants were sought for the released offenders.

### **2019 RAID COMMANDER FELONY ARREST REVIEW**

Using the 2019 AIMS data, OCSTF investigators compared the performance and enforcement of each individual raid commander’s felony activity. During 2019, there were five (5) raid commanders assigned to MVU: Member #2, Member #4, Member #5, Member #21 and Member #22.

**Member #2:** The AIMS data shows that Member #2 was the raid commander of forty-four (44) combined enforcement actions. With the exception of Member #21, Member #2 had the least number of enforcement actions. All forty-four (44) of his/her enforcement actions were search warrant executions. Member #2 documented twenty-seven (27) combined felony arrests; however, only twelve (12) or 44% of the offenders were taken into custody and processed at the Detroit Detention Center; thereby releasing fifteen (15) felony offenders. Member #2 had the lowest percentage of felony offenders (44%) taken into custody of any raid commander assigned. The breakdown of release reasons follows:

- 1 = Health/medical reasons
- 1 = Advised of NIC warrant
- 1 = Future investigations
- 3 = Location was empty
- 2 = Target offender was not home
- 7 = No reason documented

This investigation determined that of the fifteen (15) offenders released, there were not-in-custody warrants requested in the 3<sup>rd</sup> Circuit Court Odyssey system for just two (2) [13%]. There was no evidence of not-in-custody follow-up activity for thirteen (13) [87%].

**Member #4:** The AIMS data showed that Member #4 was the raid commander of 66 combined enforcement actions: sixty-six (60) search warrant executions, five (5) street enforcements and one (1) vehicle search. Member #4 documented thirty-two (32) combined adult felony arrests; however, only sixteen (16) or 50% of the offenders were taken into custody and processed at the Detroit Detention Center; thereby releasing sixteen (16) felony offenders. The breakdown of release reasons follows:

- 1 = Health/medical reasons
- 9 = Advised of NIC warrant
- 1 = Location was empty
- 1 = Target offender was not home
- 2 = No reason documented
- 2 = Further investigation

This investigation determined that of the sixteen (16) offenders released, there were not-in-custody warrants requested in the 3<sup>rd</sup> Circuit Court Odyssey system for three (3) or 19%. There was no evidence of not-in-custody follow-up activity for thirteen (13) or 81%.



**Member #5:** The AIMS data showed that Member #5 was the raid commander of 59 combined enforcement actions: fifty-six (56) search warrant executions and three (3) street enforcements. Member #5 documented thirty-one (31) combined felony arrests; however, only seventeen (17) or 55% of the offenders were taken into custody and processed at the Detroit Detention Center; thereby releasing fourteen (14) felony offenders. The breakdown of release reasons follows:

- 3 = Health/medical reasons
- 3 = Advised of NIC warrant
- 1 = Location was empty
- 1 = Target offender was not home
- 4 = No reason documented
- 2 = Pending further investigation

This investigation determined that there was no evidence of not-in-custody follow-up activity in the 3<sup>rd</sup> Circuit Court Odyssey system for any of the fourteen (14) released offenders.

**Member #21:** The AIMS data shows that Member #21 was the raid commander of three (3) search warrant executions. Member #21 had not arrested or released any adult or juvenile felons.

**Member #22:** The AIMS data showed that Member #22 was the raid commander of 117 combined enforcement actions. Member #22 had the highest enforcement action of any raid commander assigned. He/she was responsible for one-hundred and twelve (112) search warrant executions and five (5) street enforcements. Member #22 documented seventy-seven (77) combined felony arrests; however, forty-four (44) or 57% of the offenders were taken into custody and processed at the Detroit Detention Center; thereby releasing thirty-three (33) felony offenders. Member #22 had the highest percentage of felony offenders (57%) taken into custody of any raid commander assigned. The breakdown of release reasons follows:

- 6 = Health/medical reasons
- 10 = Pending a NIC warrant
- 3 = Future investigations
- 3 = Issued ordinance and released
- 9 = Target offender was not home
- 1 = Location empty
- 1 = No reason documented

This investigation determined that of the thirty-three (33) offenders released, there were not-in-custody warrants requested in the 3<sup>rd</sup> Circuit Court Odyssey system for eight (8) or

24% of the offenders. There was no evidence of not-in-custody follow-up activity for twenty-two (22) or 66% offenders. There were three (3) instances where the raid commander took credit for a felony arrest, but there were only misdemeanor ordinances issued.

### **2018 DATA REVIEW**

The 2018 annual AIMS Report documented that MVU took enforcement action on 523 occasions. There were 425 search warrants executed; ninety-two (92) instances of street enforcement; five (5) vehicles searches and one buy and bust operation. There were twenty-four (24) actions included in the calculations that were missing specific location information. While that data and statistics was included, it could not be verified by the OCSTF investigators.

The 2018 AIMS data showed that all MVU members combined confiscated \$1,594,122 in currency, 233 firearms, 88 vehicles, 17,910 grams of cocaine, 10,180 grams of heroin, 1,216,409 grams of marijuana and 10,959 pills. The combined MVU officers arrested two (2) juvenile felons and 365 adult misdemeanor violators. They investigated and released 801 adult offenders and an additional 151 juvenile offenders.

The AIMS data shows that during the 523 enforcement actions, the MVU personnel reported that they arrested 307 or 63% adult felons for a series of drugs and weapons related offenses. However, only 192 or 61% of those offenders were taken into custody and processed through the Detroit Detention Center. Therefore, there were 115 or 37% felony offenders released at the scene.

Records showed that there were twenty-three (23) SOIs registered in 2018. However, like in 2019, there was no matrix located to track the validity of the released offenders' information, the steps taken as a result of the information or outcomes of the cases where information was given. Judging by the offenders released for "pending future investigations" and for "health/medical reasons," there were twenty-five (25) potential flips. This investigation revealed that combined, the raid commanders released seventeen (17) offenders from scene for health and medical reasons in 2018. With the exception of three (3), there were no indications that these medically released offenders were evaluated by medical personnel prior to their release. Furthermore, of the (17) offenders released, the 3<sup>rd</sup> Circuit Court Odyssey system showed proof of not-in-custody warrants sought for seven (7) or 41%.

This investigation revealed that combined, the raid commanders released one hundred and nineteen (119) offenders at the scene with the promise of a not-in-custody warrant being sought. The 3<sup>rd</sup> Circuit Court Odyssey system show proof that seventeen (17) or 14% of not-in-custody warrants were sought for the released offenders.

## 2018 RAID COMMANDER FELONY ARREST REVIEW

Using the 2018 AIMS data, OCSTF investigators compared the performance and enforcement of each raid commander's felony activity. During 2018, there were five (5) raid commanders assigned to MVU: Member #2, Member #4, Member #5, Member #22 and Member #30. It should be noted that Member #22 succeeded Member #30 in June 2018.

**Member #2:** The AIMS data showed that Member #2 was the raid commander of 72 combined enforcement actions. He/she had the least number of enforcement actions. Member #2 was responsible for sixty-two (62) search warrant executions, eight (8) street enforcements and two (2) vehicle investigations. Member #2 documented forty-nine (49) combined felony arrests; however, only thirteen (13) or 27% of the offenders were taken into custody and processed at the Detroit Detention Center; thereby releasing thirty-six (36) felony offenders. Member #2 had the lowest percentage of felony offenders taken into custody of any raid commander assigned. The breakdown of release reasons follows:

- 6 = Health/medical reasons [two (2) offenders were hurt at the scene and evaluated by medical personnel prior to being released]
- 16 = Advised of NIC warrant
- 3 = Future investigations
- 2 = Location was empty
- 1 = Target offender was not home
- 8 = No reason documented

This investigation determined that of the thirty-six (36) offenders released, there were not-in-custody warrants requested in the 3<sup>rd</sup> Circuit Court Odyssey system for three (3) or 8%. There was no evidence of not-in-custody follow-up activity for thirty-three (33) or 92%.

**Member #4:** The AIMS data showed that Member #4 was the raid commander of 179 combined enforcement actions (the highest number of enforcement actions): one hundred and nineteen (119) search warrant executions; fifty-eight (58) street enforcements and two (2) vehicle searches. Member #4 documented eighty-seven (87) combined adult felony arrests; with a total of fifty-five (59) or 68% of the offenders being taken into custody and processed at the Detroit Detention Center; thereby releasing twenty-eight (28) felony offenders. Member #4 had the third highest percentage of offenders taken into custody of any Raid Commander assigned. The breakdown of release reasons follows:

- 1 = Health/medical reasons
- 16 = Advised of NIC warrant
- 1 = Location was empty

- 1 = Target offender was not home
- 2 = No reason documented
- 3 = Further investigation
- 4 = VCCSC ordinances issued

This investigation determined that of the twenty-eight (28) offenders released, there were not-in-custody warrants requested in the 3<sup>rd</sup> Circuit Court Odyssey system for eleven (11) or 39%. There was no evidence of not-in-custody follow-up activity for seventeen (17) or 61%.

**Member #5:** The AIMS data showed that Member #5 was the raid commander of 74 combined enforcement actions: sixty-eight (68) search warrant executions and six (6) street enforcements. Member #5 documented forty-four (44) combined felony arrests; however, only twenty-four (24) or 55% of the offenders were taken into custody and processed at the Detroit Detention Center; thereby releasing twenty (20) felony offenders. Member #5 had the second lowest percentage of felony offenders taken into custody of any raid commander assigned. The breakdown of release reasons follows:

- 2 = Health/medical reasons
- 10 = Advised of NIC warrant
- 2 = Location was empty
- 2 = Target offender was not home
- 3 = No reason documented
- 1 = Could not be located in RMS

This investigation determined that of the twenty (20) offenders released, there were not-in-custody warrants requested in the 3<sup>rd</sup> Circuit Court Odyssey system for three (3) or 15%. There was no evidence of not-in-custody follow-up activity for sixteen (16) or 80%. There was one (1) incident where the circumstances could not be located in the RMS system.

**Member #22:** The AIMS data showed that Member #22 was the raid commander of 100 combined enforcement actions: ninety (90) search warrant executions; eight (8) street enforcements; one vehicle investigation and one buy and bust operation. He/she documented sixty-five (65) combined felony arrests; fifty-three (53) or 82% of the offenders were taken into custody and processed at the Detroit Detention Center; thereby releasing twelve (12) felony offenders. Member #22 had the highest percentage of felony offenders taken into custody of any raid commander assigned. It should be noted that both Member #22 and Member #30 claimed credit for arresting the same offender once, so that offender was not released; therefore, Member #22's released number stands at twelve (12). The breakdown of release reasons follows:

- 4 = Health/medical reasons [one (1) offender was hurt at the scene and evaluated by medical personnel prior to being released]
- 1 = Pending a NIC warrant
- 1 = Future investigations
- 1 = Issued ordinance and released
- 2 = Target offender was not home
- 2 = No reason documented
- 1 = Could not be located in RMS

This investigation determined that of the twelve (12) offenders released, there were not-in-custody warrants requested in the 3<sup>rd</sup> Circuit Court Odyssey system for 3 or 25% of the offenders. There was no evidence of not-in-custody follow-up activity for eight (8) or 67%. There was one (1) incident where the circumstances could not be located in the RMS system.

**Member #30:** The AIMS data showed that Member #30, who last served as the raid commander June 13, 2018, was the raid commander of 96 combined enforcement actions: eighty-five (85) search warrant executions and eleven (11) street enforcements. Member #30 documented sixty-two (62) combined felony arrests; forty-three (43) or 70% of the offenders were taken into custody and processed at the Detroit Detention Center; thereby releasing nineteen (19) felony offenders. Member #30 had the second highest percentage of felony offenders taken into custody of any raid commander assigned. The breakdown for release reasons follows:

- 4 = Health/medical reasons
- 9 = Advised of NIC warrant
- 1 = Misdemeanor ordinance issued
- 1 = Future investigations
- 1 = Location was empty
- 1 = Target offender was not home
- 2 = No reason documented

This investigation determined that of the nineteen (19) offenders released, there were not-in-custody warrants requested in the 3<sup>rd</sup> Circuit Court Odyssey system for five (5) or 26%. There was no evidence of not-in-custody follow-up activity for fourteen (14) or 74%.

## **2017 DATA REVIEW**

The 2017 annual AIMS Report documented that MVU took enforcement action on 802 occasions. There were 720 search warrants executed; seventy-four (74) instances of street enforcement; two (2) vehicles were searched and two (2) buy and bust operations.

The 2017 AIMS data showed that all MVU members combined confiscated \$716,687 in currency, 315 firearms, 137 vehicles, 18,668 grams of cocaine, 5,973 grams of heroin, 1,317,741 grams of marijuana and 3,868 pills. The AIMS data shows that combined MVU officers arrested 611 adult and four (4) juvenile misdemeanor violators. They investigated and released 1,073 adult offenders and an additional 251 juvenile offenders.

The AIMS data showed that during the 802 enforcement actions, the MVU personnel reported that they arrested 434 adult felons for a series of drugs and weapons related offenses. However, only 271 or 62% of those offenders were taken into custody and processed through the Detroit Detention Center. Therefore, there were 163 or 37% felony offenders released at the scene.

Records show that there were fifteen (15) SOIs registered in 2017. However, there was no matrix located to track the validity of the released offenders' information, the steps taken as a result of the information or outcomes of the cases were information was given. Judging by the offenders released for "pending future investigations" and for "health/medical reasons," there were eighteen (18) potential flips. The raid commanders combined released ten (10) offenders from the scene for health and medical reasons. With the exception of one, there were no indications that these medically released offenders were evaluated by medical personnel prior to their release. There is also no specific description or explanation of the offenders' medical conditions. These offenders were released with the promise of a not-in-custody warrant being sought later. Of the (10) offenders released, the 3<sup>rd</sup> Circuit Court Odyssey system showed proof of not-in-custody warrants sought against four (4).

This investigation revealed that combined, the raid commanders released 163 offenders at the scene with the promise of a not-in-custody warrant for their arrest being sought later. The 3<sup>rd</sup> Circuit Court system showed proof that fifty-one (51) or 31% of not-in-custody warrants were sought for the released offenders later.

## **2017 RAID COMMANDER FELONY ARREST REVIEW**

Using the 2017 AIMS data, the OCSTF investigators compared the performance and enforcement of each raid commander's felony activity. During 2017, there were seven (7) raid commanders assigned to MVU: Member #2, Member #4, Member #5, Member #22, Member #30 and two (2) additional members who had not earned OCSTF

investigative numbers. They will be recognized as Additional Member #1 and Additional Member #2 for the purposes of this report.

**Member #2:** The AIMS data showed that Member #2 was the raid commander of 173 combined enforcement actions. He/she was responsible for 162 search warrant executions and eleven (11) street enforcements. Member #2 documented 110 combined adult felony arrests; however, only 71 or 65% of the offenders were taken into custody and processed at the Detroit Detention Center; thereby releasing 39 felony offenders. The breakdown of release reasons follows:

- 8 = Health/medical reasons [one (1) offenders were hurt at the scene and evaluated by medical personnel and transported to St. John's Hospital]
- 1 = Advised of NIC warrant
- 7 = Future investigations
- 1 = Location was empty
- 5 = Target offender was not home
- 15 = No reason documented
- 1 = Misdemeanor ordinance issued
- 1 = Counted as double

This investigation determined that of the 39 offenders released, there were not-in-custody warrants requested in the 3<sup>rd</sup> Circuit Court system for seven (7) or 18%. There was no evidence of not-in-custody follow-up activity for 32 or 82%.

**Member #4:** The AIMS data showed that Member #4 was the raid commander of 194 combined enforcement actions (the highest number of enforcement actions): one hundred and sixty-three (163) search warrant executions; twenty-nine (29) street enforcements and two (2) vehicle searches. Member #4 documented seventy-seven (77) combined adult felony arrests; fifty-three (53) or 69% of the offenders were taken into custody and processed at the Detroit Detention Center; thereby releasing twenty-four (24) felony offenders. The release reason breakdown follows:

- 5 = Advised of NIC warrant
- 2 = Location was empty
- 3 = Target offender was not home
- 11 = No reason documented
- 3 = Misdemeanor Ordinance Issued

This investigation determined that of the twenty-four (24) offenders released, there were not-in-custody warrants requested in the 3<sup>rd</sup> Circuit Court Odyssey system for nine (9) or 38%. There was no evidence of not-in-custody follow-up activity for fifteen (15) or 62%.

**Member #5:** The AIMS data showed that Member #5 was the raid commander of 83 combined enforcement actions: seventy-four (74) search warrant executions and nine (9) street enforcements. Member #5 documented thirty-nine (39) combined adult felony arrests; however, only twenty-one (21) or 54% of the offenders were taken into custody and processed at the Detroit Detention Center; thereby releasing eighteen (18) felony offenders. The breakdown of release reasons follows:

- 4 = Advised of NIC warrant
- 3 = Location was empty
- 2 = Target offender was not home
- 5 = No reason documented
- 1 = Pending future investigation
- 1 = Child care issues
- 1 = Assisted Federal partners
- 1 = Double stat (an arrest counted twice)

This investigation determined that of the eighteen (18) felony offenders released, there were not-in-custody warrants requested in the 3<sup>rd</sup> Circuit Court Odyssey system for two (2) or 11%. There was no evidence of not-in-custody follow-up activity for fifteen (15) or 83%. There was one (1) incident handled by the Oakland County Prosecutor's Office.

**Member #22:** The AIMS data showed that Member #22 was the raid commander of 44 combined enforcement actions: forty-one (41) search warrant executions and three (3) street enforcements. Member #22 documented twenty-eight (28) combined adult felony arrests; however, fourteen (14) or 50% of the offenders were taken into custody and processed at the Detroit Detention Center; thereby releasing fourteen (14) felony offenders. The breakdown of release reasons follows:

- 5 = Pending a NIC warrant
- 1 = Issued misdemeanor ordinance and released
- 1 = Location empty
- 7 = No reason documented

This investigation determined that of the fourteen (14) offenders released, there were not-in-custody warrants requested in the 3<sup>rd</sup> Circuit Court Odyssey system for four (4) or 29%. There was no evidence of not-in-custody follow-up activity for ten (10) or 71%.

**Member #30:** The AIMS data showed that Member #30 was the raid commander of 293 combined enforcement actions: 273 search warrant executions, eighteen (18) street enforcements and two (2) buy and bust operations. Member #30 documented 167 combined adult felony arrests; 99 or 59% of the offenders were taken into custody and processed at the Detroit Detention Center; thereby releasing sixty-eight (68) felony offenders. The breakdown of release reasons follows:



- 2 = Health/medical reasons
- 30 = Advised of NIC warrant
- 5 = Target offender was not home
- 30 = No reason documented
- 1 = Counted as double

This investigation determined that of the sixty-eight (68) felony offenders released, there were not-in-custody warrants requested in the 3<sup>rd</sup> Circuit Court Odyssey system for twenty-nine (29) or 43%. There was no evidence of not-in-custody follow-up activity for thirty-nine (39) or 57%.

It should be noted that Additional Member #1 and #2 both served as raid commanders for fourteen (14) search warrant executions, six (6) and eight (8) respectively. They combined for fourteen (14) adult felony arrests. AIMS documented that eight (8) of those arrests were turned over to the DEA and six (6) were turned over to Westland PD.

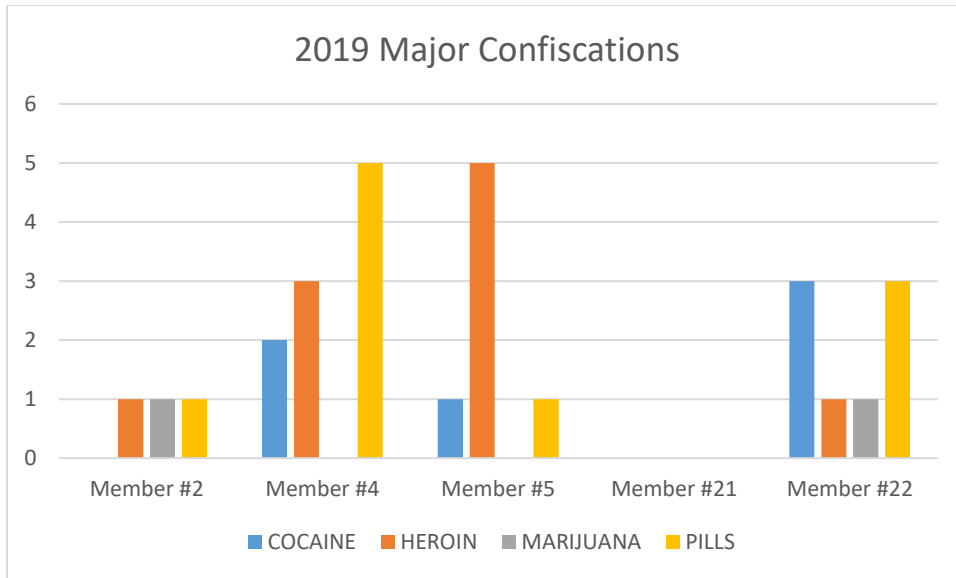
During the execution of the aforementioned search warrants, the documentation showed that although offenders were released from the scene, the raid commanders confiscated their contraband, money and personal property as evidence. The released offenders' personal property was also forfeited, when applicable.

### **RAID COMMANDER MAJOR CONFISCATON REVIEW**

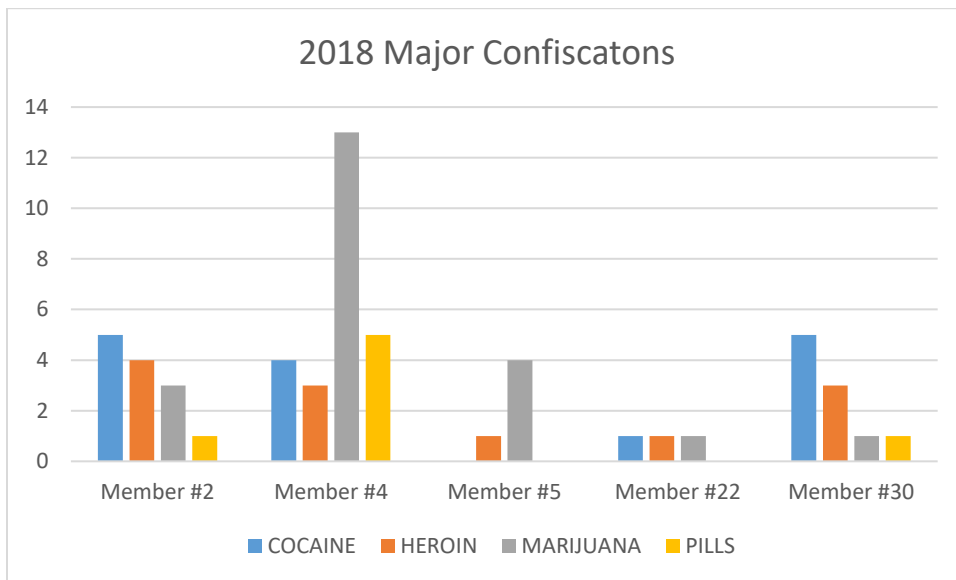
Using the 2019 AIMS data, up until August 22, 2019, as well as the 2017 and 2018 data, OCSTF investigators compared the major narcotic confiscations performance and enforcement of the five (5) raid commander's activity. Major narcotic confiscations were defined by MVU management as:

Cocaine	125 grams
Heroin	28 grams
Marijuana	5,000 grams
Pills	100 Count

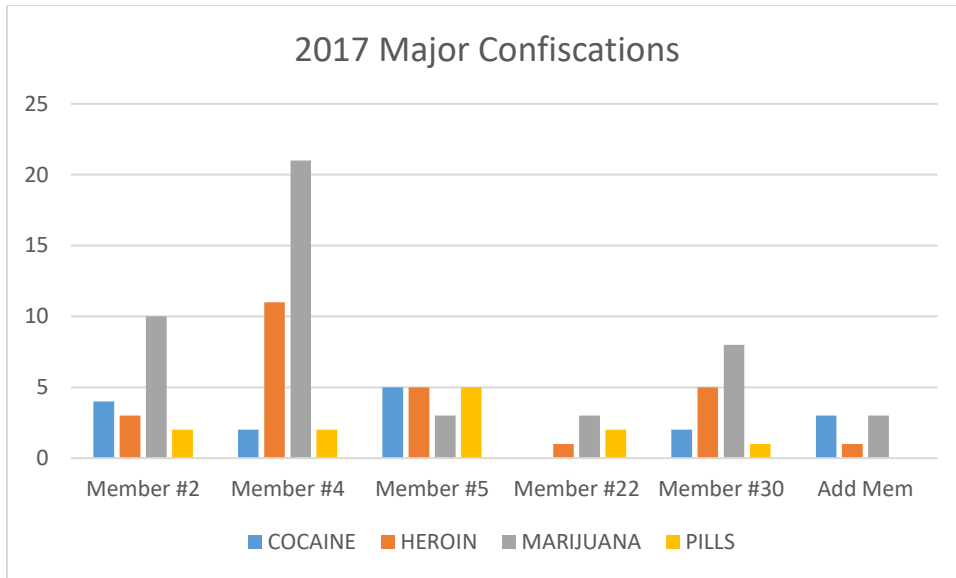
In 2019, out of the 289 enforcement actions, all five (5) raid commanders combined had 26 or 9% major narcotics confiscations. The type of narcotic for each major confiscation breaks down as follows: six (6) cocaine, ten (10) heroin, two (2) marijuana and ten (10) pills. See the following illustration chart:



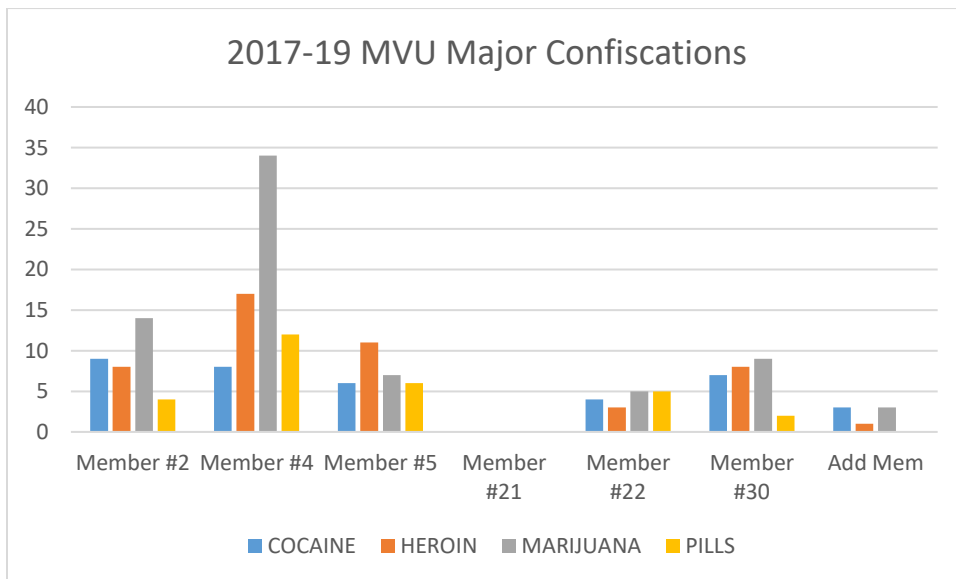
In 2018, out of the 523 enforcement actions, all five (5) raid commanders combined had 56 or 11% major narcotics confiscations. The type of narcotic for each major confiscation breaks down as follows: fifteen (15) cocaine, twelve (12) heroin, twenty-two (22) marijuana and seven (7) pills. See the following illustration chart:



In 2017, out of the 802 enforcement actions, all six (6) raid commanders combined had 112 or 14% major narcotics confiscations. The type of narcotic for each major confiscation breaks down as follows: fifteen (15) cocaine, twelve (12) heroin, twenty-two (22) marijuana and seven (7) pills. See the following illustration chart:



In total from 2017 – August 22, 2019, the seven (7) combined MVU raid commanders were in charge of and responsible for 1,614 narcotics enforcement actions. There were 186 or 12% major confiscations. See the following illustration chart:



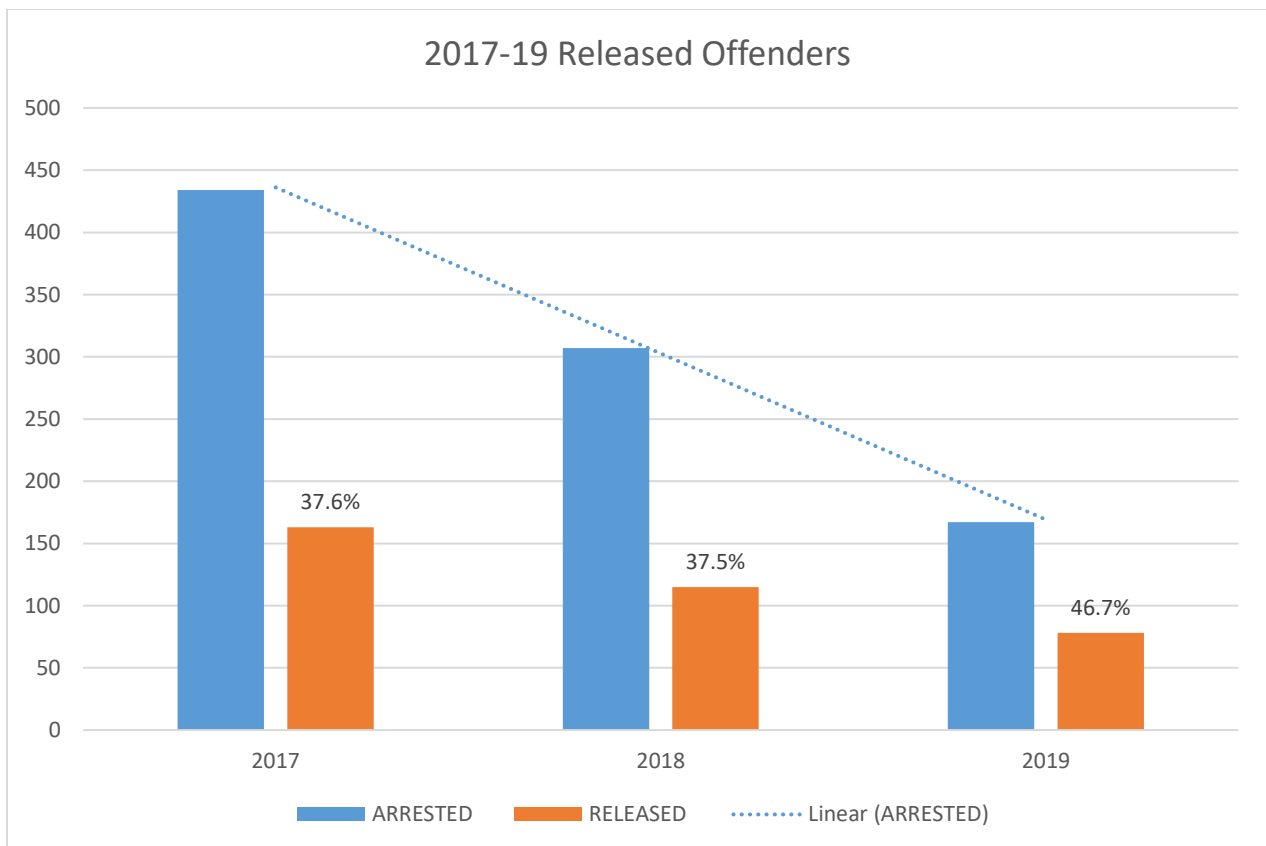
Reviewing the chart, with the exception of cocaine confiscations, Member #4 had the highest levels of major confiscations.

## RAID COMMANDER MAJOR FELONY OFFENDER RELEASE REVIEW

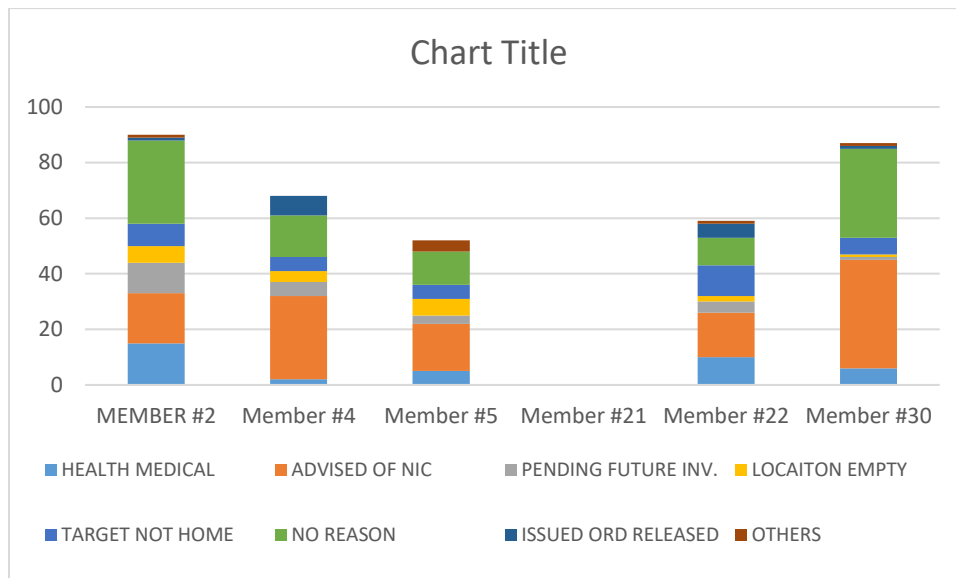
Using the 2019 AIMS data, up until August 22, 2019, as well as the 2017 and 2018 data, OCSTF investigators compared the major narcotics felony offender releases of each raid commander.

The decision to release felony offenders from the raid scene were typically the responsibility of the raid commander, since he/she was the highest member at the raid and scene and he/she was in charge.

The data showed that MVU's trend was to arrest less felons year over year, directly corresponding to the increased practice of flipping suspects. Based upon the data, coupled with the interviews of several flipped offenders, MVU personnel seemed more concerned with getting into the next location, rather than arresting drug dealers dealing in felony amounts of drugs:



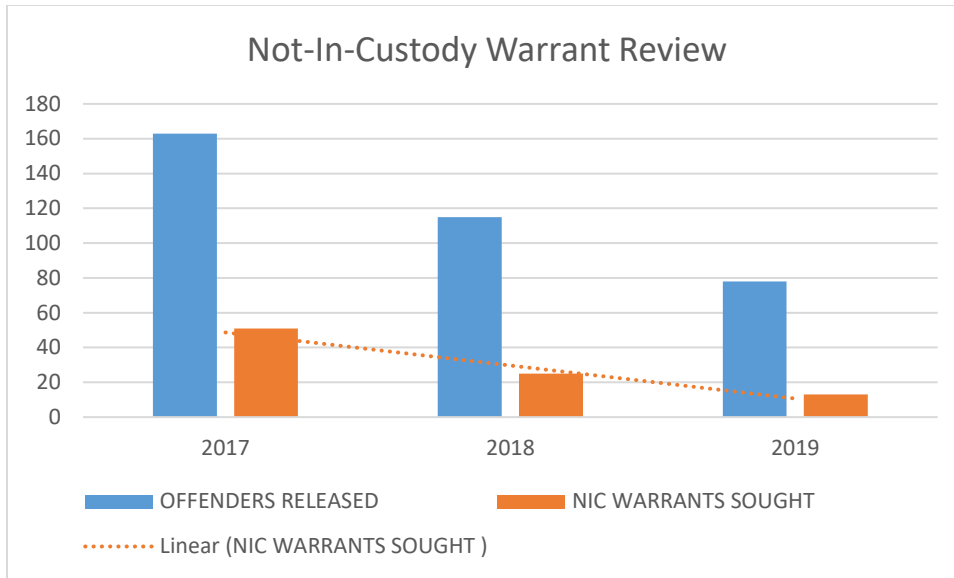
Further analysis was conducted into the raid commanders' documented reasons for releasing the felons in 2017 through 2019:



The data showed that MVU's trend was that all raid commanders, with the exception of Member #21, released felons at a fairly high rate. The data also supported what OCSTF had uncovered anecdotally – Member #2's team was engaged in the most flipping and releasing of suspects. Further corroborating this team's extensive use of flipped offenders, Member #2 was shown to release the most offenders for "health and medical reasons." These releases were particularly concerning, because in most instances there was no evidence of a medical evaluation meaning that Member #2 or members of his/her crew lied in an attempt to cover up this practice.

### **RAID COMMANDER NOT-IN-CUSTODY WARRANT REVIEW**

Throughout this investigation, it was shown that many flips went without criminal prosecution. There were several documented examples of felons caught with major levels of illegal drugs being released with zero evidence of follow-up or pending criminal prosecution. Using the 2019 AIMS data, up until August 22, 2019, as well as the 2017 and 2018 data, combined with the information garnered through this investigation, OCSTF investigators identified felony offenders who were released by each raid commander. Then investigators compared that information with the information in the 3<sup>rd</sup> Circuit system, coupled with information from the Wayne County Prosecutor's Office. While investigators documented there were 356 felony offenders released from 2017 through August 22, 2019, there were only 89 or 25% not-in-custody warrants sought. See the following illustration chart:



### **INVESTIGATIVE FINDINGS**

Throughout this investigation, MVU officers articulated that MVU released narcotics offenders to work up the ladder to “catch the big fish.” However, investigators could not identify a matrix or chart to measure the MVU return on the information received after releasing offenders. Moreover, this theory was not supported by the data. In the years audited, raid commanders conducted thousands of narcotics enforcement activities. They spearheaded hundreds of arrests and released hundreds of felony offenders. The data shows that an average of 40% of their arrested felony offenders were released, but in return, the level of major confiscations was a little more than 11%. If the unit were keeping track of its progress or working with the Wayne County Prosecutor’s office, it would have been apparent that releasing this high percentage of felony offenders was not resulting in larger narcotics seizures.

In fairness, OCSTF recognizes that not every raid can result in an arrest or a large seizure. However, it is OCSTF’s intent to allow the readers to review the data and statics in order to point out areas of potential improvement to aid the unit in better allocating resources to be more beneficial to the Detroit community. While these problems were glaring during the OCSTF investigation, MVU leadership has already taken positive steps to rectify the matter. Currently, at the time of this report, there were several safeguards put in place. A lieutenant is required to be at every MVU raid for physical oversight. There were updates made to the MVU SOP, the practice of flipping is no longer allowed, certain paperwork is sent up the chain of command to the deputy chief for review, and the MUV administration is more automated and is easily trackable.

## **SPAN OF CONTROL**

It is the policy of DPD [DPD Manual 101.10] to provide adequate supervision for members deployed to perform police functions in the field and in the community, thereby providing the members with the benefit of appropriate supervisory time and attention and ensuring that urgent and immediate concerns of citizens are addressed. DPD supervisors, regardless of rank or classification (sworn or non-sworn), are accountable for the day-to-day administration, supervision, guidance, deployment, and coaching of each member assigned under their direct control.

DPD has identified the optimum number of officers that may report to any one supervisor as a maximum of ten (10). This 10:1 formula is important because it helps ensure that the designated supervisor is capable of adhering to Department standards and efficiently responding to scenes and situations where their officers are deployed.

OCSTF investigators determined that MVU members operated within the Department guidelines regarding span of control. It was common for each raid crew to be staffed with one sergeant and six (6) to eight (8) police officers per day, which is well within the ten (10) member maximum. This ratio varied depending on scheduling and complexity of certain investigations. For the more complex investigations, the crews occasionally combined to handle larger tasks, to include combining two (2) sergeants and twelve (12) to sixteen (16) officers for the specific operation. This grouping allowed the crews to delegate and compartmentalize portions of the larger investigation, while still continuing to operate within the required span of control.

MVU documentation and MVU work product support that each sergeant had direct oversight and supervised the day-to-day functions of his/her crew. The sergeant was also often the highest-ranking member at the scene of a raid. In those instances, the sergeant assumed the position of the raid commander. As the raid commander, the sergeant ultimately had the responsibility and full control to make decisions at the scene. In the more complex investigations where sergeants were combined, there was still only one raid commander and that sergeant assumed responsibility of the raid, while the other sergeant acted in a supervisory support role.

It is important to know that that during the timeframe of the overtime fraud (2018-2019) and case mishandlings (flips, released felony offenders, questionable SOI deals, etc.) there was only one lieutenant assigned to Organized Crime. At MVU, each of the five (5) sergeants fell under the direct span of control and reported directly to the MVU lieutenant. There were five (5) other sergeants assigned to Organized Crime who also reported directly to the MVU lieutenant, for a total of ten (10), which was on par with the maximum span of control. While within policy for the span of control, this single lieutenant had oversight responsibility over MVU, Planning and Analyst, Prisoner Processing Unit, Fiscal and Resource Management, Gang Intelligence and Vice Enforcement. The lieutenant

had a great deal of responsibility and this lieutenant's attention was spread out over six (6) separate and different units with unique job functions and tasks, with MVU commanding a large chunk of the attention. The MVU lieutenant's responsibility was stretched even further, because Prisoner Processing Unit was physically located in a different building. Essentially, the MVU lieutenant only had the ability to extend administrative oversight to the units, versus physical oversight, because it is impossible to be in two different places at once.

During the investigation, the amount of units reporting to one lieutenant is concerning, because investigators recognized that it would be extremely difficult for that lieutenant to manage and provide both the proper administrative and physical oversight to six (6) separate units. Therefore, a great deal of trust and responsibilities were placed in sergeants to ensure tasks are being completed correctly and within DPD policy. However, there were instances where the sergeants failed to perform their duties and provide the proper oversight to members assigned under their direct span of control. As a result, MVU officers were able to operate freely without oversight ushering in the illegal occurrences of bribery, overtime fraud and police misconduct (false affidavits) committed by certain MVU officers.

Many of the pitfalls (instances of misconduct and corruption) throughout the OCSTF investigation had a direct nexus to a break down in front line supervision. With the proper supervision, many of the failures and criminal occurrences may have been prevented at the sergeant level. The number of officers that were under a sergeant's span of control was less than ten (10), within DPD policy and reasonable for proper supervision. Under normal circumstances, by virtue of being present and raiding at the same locations, the officers worked directly under the sergeant's control and oversight. The officers bear individual responsibility and are responsible for his/her own actions, so it is unfortunate a select group of officers chose to take advantage of the system when it lacked proper supervision, management and oversight. Furthermore, this environment of corruption continued to grow when a select group of sergeants either turned a blind eye or decided to engage in misconduct themselves. A culture developed where policies were repeatedly broken and careless reporting and recordkeeping frequently occurred. It created an image where the result was purely focused on numbers of raids conducted versus the quality of the investigation.

### **SPAN OF CONTROL REVIEW SUMMARY**

Proper oversight and leadership are paramount for law enforcement organizations. Proper checks, balances, and safeguards are needed to aid in the effective supervision and management of a unit. Assessing the span of control situation, while a maximum of ten (10) members who are performing similar jobs and have similar responsibilities is manageable, managing six different units with unique jobs and tasks may be asking too much of any one individual. In this case, the lieutenant assigned to Organized Crime



during the specified timeframe was unable to be interviewed; however, it was apparent that the lieutenant's duties were spread too thin to manage six (6) different units effectively. Therefore, for the good of the Department and the Detroit community, prior to the conclusion of this investigation, it was recommended that an additional lieutenant be assigned to Organized Crime to ensure better accountability and greater oversight, both administrative and physical, are being provided to the supervisors and officers.

### **INVESTIGATIVE FINDINGS**

Make no mistake, the criminal and serious misconduct that occurred at MVU was directly due to poor moral choices by the officers and sergeants involved. However, proper supervision could have discovered and stopped the false affidavits, non-existent surveillance and overtime fraud. Sergeants signed off on Activity Logs that made little or no sense and were impossible to discern what actions took place and when. Sergeants failed to review and identify cookie cutter language within search warrants, ask questions about how SOI's were being managed, or identify the false bolstering information about known flips. Sergeants, lieutenants and captains failed to ensure not-in-custody warrants were submitted, the failure of which allowed numerous drug dealers to remain free on the streets of Detroit. Sergeants, lieutenants, captains, and commanders signed off on alleged overtime surveillance. The permissive culture and lack of oversight provided fertile ground for criminal and serious misconduct.

There is a question as to whether the workload each leader, manager and supervisor shoulders in MVU allows the type of oversight necessary in this type of unit. One recommendation from the OCSTF investigators is to allow the MVU lieutenant to focus exclusively on MVU and to take away the additional responsibility of managing the Vice Unit, especially given Chief Craig's guidance that a lieutenant or above must be present at every narcotic raid. However, since Operation Clean Sweep began, DPD has reduced the size of MVU, slowed down its operations and pushed some of the responsibility of narcotic enforcement to precinct special operations. These changes should allow the lieutenant to retain the responsibilities currently assigned. However, if the Department increases MVU's workload, having a lieutenant solely dedicated to MVU should allow for the oversight necessary to avoid corruption from seeping back into MVU.

At the same time, it is incumbent upon the Department to audit periodically the work product being completed by the precinct's special operations to ensure they are properly trained and are performing up to Department standards and free from corruption.

## **MAJOR VIOLATORS PERSONNEL CHANGES**

As part of its review, OCSTF examined why some of the previous reforms of the Narcotics unit did not curb the misconduct from re-occurring within this unit. As stated previously, following a federal corruption investigation in 2014, Chief Craig disbanded Narcotics, reassigned the personnel, to include leadership, and created MVU. OCSTF found that after the unit was disbanded, many of the same personnel who were reassigned from Narcotics returned to the new MVU. Records show that sixteen (16) of the thirty-seven (37) or 43% of the members who were initially reassigned returned. Of those sixteen (16), six (6) of the returned members' actions came under scrutiny and were focus subjects of the OCSTF investigation.

Due to the size of DPD, members have opportunities to transfer between commands regularly. Pointedly, while the Chief of Police oversees the administration and the day-to-day operations of DPD, the chief does not track the movement of each individual officer; nor is the chief expected to do so. Therefore, in order to determine the origins of when and how the separated officers returned to the new MVU, OCSTF investigators traced and tracked the personnel movement of members assigned and re-assigned to Narcotics and MVU from 2010 – 2019.

In the past, records show that Narcotics was a larger unit. For comparison, in 2010, there were fifty-nine (59) raid team members assigned to Narcotics. There was one lieutenant with four (4) raid teams, consisting of a sergeant with a mix of nine (9) and ten (10) officers apiece. There was one additional lieutenant with two (2) conspiracy teams, consisting of a sergeant and an investigator who both led seven (7) and six (6) officers apiece respectively.

Forward to April 2014, prior to being disbanded, Narcotics records show that there were only forty-seven (47) raid team members assigned, which was a reduction of twelve (12) team members. There was one new lieutenant with five (5) raid teams, consisting of one a sergeant and a mix of six (6) and seven (7) officers assigned to each team. The same lieutenant was also responsible for a conspiracy team, which consisted of a sergeant with eight (8) officers assigned, with an additional three (3) partnered with the DEA. Notably, although the unit was reduced, twenty-nine (29) of the fifty-nine (59) from 2010 remained.

In July 2014, large-scale personnel changes occurred. MVU records document that, when the unit was disbanded there were forty-seven (47) members assigned to the unit. There were thirty-two (32) officers, four (4) sergeants and the lone lieutenant were reassigned from Narcotics. This was a total reduction of thirty-seven (37) officers or 79% of the unit. When those members were reassigned, the unit was left with two (2) sergeants and eight (8) officers assigned.

Shortly afterwards, Chief Craig created MVU adding ten (10) new officers and a new lieutenant. Thus, MVU was staffed by a lieutenant, two (2) sergeants and eighteen (18) officers. Chief Craig also replaced the unit's leadership at the time, assigning a commander and changing the captain.

MVU records showed that fifteen (15) months later, in September 2015, the lieutenant who was reassigned in 2014 was returned to MVU, bringing a previously assigned sergeant and eight (8) previously assigned officers. There was also a new commander assigned during this time. This span was when the majority of the separated officers returned. That influx of returning officers was combined with two (2) new sergeants and nine (9) additional new officers. Notably, the lieutenant only stayed for a month until October 2015, until his/her retirement. Then, for the six months, until April 2016, only one officer was added to MVU.

Through OCSTF interviews, investigators learned that, during this period, due to inexperience, the unit's members struggled relating with SOIs, get major drug busts and seemed overwhelmed with 224-DOPE complaints. It also did not help that MVU supervision and leadership was new. As a result, it was ultimately decided that the MVU staff size would be increased, due to these struggles and because MVU was not large enough to effectively cover the entire City of Detroit. It was during this time that Member #4, and his/her entire crew, were recruited to return to MVU, as described in Chapter 4 – Recruitment.

### **INVESTIGATIVE FINDINGS**

In summary, in 2014, after learning of a federal corruption investigation that involved multiple members of the Narcotic Unit, Chief Craig took immediate action and disbanded Narcotics in an effort to curtail any future corruption. At the time, the majority of the unit (79%) was reassigned. Chief Craig then reorganized the unit, to include the leadership, and introduced the new MVU. Over the span of approximately two (2) years, 43% of the members who were initially reassigned from Narcotics returned due to inexperience and decreased production.

In 2019, a second federal corruption investigation revealed that an officer assigned to MVU was involved in bribery corruption; this officer was charged criminally. This federal investigation invoked the OCSTF investigation where six (6) of the officers who returned to MVU became subjects of the OCSTF investigation and five (5) of those voluntarily separated from DPD.

When Chief Craig decided to disband Narcotics and reassigned its personnel, it was done for a specific purpose. Chief Craig created a new unit with new leadership in order to take the unit in a new direction. During the change, there was a period of lowered productivity and high turnover, which was to be expected at a new unit until the unit had

an opportunity to gel and gain its stability. OCSTF investigators determined that during these times, MVU began recruiting and returning officers who had been previously assigned the Narcotics as a quick fix to the inexperience and lowered production problems. OCSTF found no evidence that Chief Craig was consulted on particular returning members and DPD has no automated method of actively tracking members' transfers. Therefore, in essence, these recruiting efforts eroded Chief Craig's initial purpose of disbanding Narcotic and moving the officers.

Currently, DPD relies on internal recruiting process, personal and professional relationships, word of mouth and institutional knowledge to recruit members to MVU and other specialized DPD entities. However, it is strongly suggested this be paired with an automated system to ensure any pertinent information is considered, or at least known, when considering a member for an assignment to a specialized unit.

# CHAPTER 6

## ADMINISTRATIVE RECORDS

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### OVERTIME

The City of Detroit has its share of illegal drug trafficking, just like many other large metropolitan cities. To that end, MVU members are tasked with improving the quality of life for Detroit's citizens by enforcing the controlled substances law. There are no shortage of drug traffickers in Detroit, so there is no shortage of work for MVU members, creating plenty of legitimate opportunities to work overtime at MVU. Overtime at DPD is paid at a rate of one and a half time of the normal pay rate. Working overtime is not only a way to give extra service to the Detroit citizens; it is a way for officers to earn extra money and can be very lucrative. Consequently, overtime must be supervised and managed effectively to ensure the system is not abused.

OCSTF investigators sorted and entered MVU overtime information data into Excel spreadsheets and Smartsheets, allowing for quicker sorting and analysis. According to the data, there were more than 6,200 MVU overtime request documents between 2016 through 2019, which totaled 35,367 hours of overtime worked by MVU members. There were an average of 35 members assigned to MVU between 2016 and 2019. Therefore, on average, MVU members worked approximately 1,010 overtime hours apiece during the audited span or approximately 289 hours per year for each individual. The average overtime compensation per occurrence was a little over five and a half (5.5) hours.

MVU documents detailed that members' overtime was mainly gained by working in the following manners: by working surveillance before and/or after regularly scheduled shifts of 11:00 AM to 7:00 PM, by attending off-duty court via court subpoena and by obtaining off-duty search warrant approvals via Appearance Notices. Additionally, but less frequently, MVU members gained overtime by working special operations, special programs, special details, 224-DOPE tip complaints and if narcotic raids ran long. MVU members also worked on their leave days and their furloughs to gain overtime.

This review also showed that the process for having MVU overtime approved and paid after working overtime was as follows: an Activity Log explaining the specific overtime activity was prepared by the crew members wishing to work overtime with an overtime request which was then forwarded up the chain for approval by the sergeant, lieutenant, captain and commander. Notably, OCSTF investigators found it concerning that there were numerous duplicate overtime request documents for MVU members for the same date and activity. Those documents contained different stages of signatures. For

example, one request had the sergeant's signature only; a second request for the same date will contain the sergeant and lieutenant's signatures, but no command officers; yet a third request for the same date will have the sergeant's signature and a mark from the timekeeping officer, but no other signatures. Some approving signatures were electronic, where any officer may have typed it in for approval, and some were not. Some approval documents were kept in a shared folder and some were not. These were important payroll documents and there was no consistency in how they were managed and stored. The process of maintaining multiple documents without authorized signatures could easily lead to payroll fraud and payroll errors.

### **SURVEILLANCE OVERTIME**

MVU's overtime documents reflect that its members conducted surveillance before scheduled shifts and after search warrant executions. On occasion, large scale prolonged investigations were opportunities for MVU members to work surveillance overtime, to include on leave days. In these instances, overtime surveillance activity earned MVU members anywhere from three (3) to eight (8) hours per day, and sometimes more if needed. There was no established threshold for time spent on surveillance, but generally MVU officers documented spending anywhere from an half an hour up to two (2) hours surveilling a location, making observations. It should be noted that OCSTF investigators were unable to confirm the time MVU officers spent on search warrant affidavit overtime, because no MVU search warrant affidavit or Activity Log indicated the exact time surveillance started or ended.

As documented earlier in Chapter 3 with individual MVU members, OCSTF investigators identified a pattern and trend of MVU officers working early overtime prior to the start of the shift that was initially believed to be problematic. The overtime surveillance usually began at 8:00 AM, and the initial investigative theory was that was too early to surveil for narcotics activity in the City of Detroit. However, following a review of AIMS complaints, conducting DPD interviews, and determining that certain narcotic users required an early morning "fix," specifically heroin addicts, there could be a plausible reason for the early surveillance. Additionally, most of the area methadone clinics open early in the morning to aid addicts in their illness and recovery, which supports that there is a market for narcotics early in the morning, so it was eventually determined that there were legitimate reasons for MVU members to conduct early morning surveillance.

However, during the course of this investigation, OCSTF investigators determined that several MVU officers took advantage of these legitimate early overtime surveillance opportunities and fraudulently obtained financial compensation. There were six (6) officers, Members #1, #3, #5, #16, #17, and #21, who showed a pattern and trend of purportedly working early morning overtime, when it was demonstrated that they were not. For example, these members documented they were working early overtime conducting surveillance at suspected narcotics locations throughout the City of Detroit,

usually from 8:00 AM until 11:00 AM and they subsequently received overtime compensation. However, cell phone tower data evidence showed that they did not, and it was apparent the officers never left their home areas during the stated hours, and the officers did not go to the surveillance locations. Cellular phone tower data also demonstrated that supervision participated in the fraudulent activities and failed to provide their MVU officers with any physical monitoring or oversight. Moreover, with the exception of one occasion, none of the activities from these early overtime instances appeared in any search warrant affidavits or resulted in any enforcement actions, which raises the question why this type of overtime allowed. After a few weeks of approving this requested overtime should have prompted the question whether this strategy was working. A review at any point would have revealed zero return for large amounts of overtime paid. Regardless of whether the actual fraud was uncovered, this morning surveillance should have been stopped on the mere fact that it was wholly unproductive.

Additionally, OCSTF noted that on occasion when MVU members also documented working overtime after their shifts ended, evidence showed them headed towards and at their home areas, and not conducting surveillance in the City of Detroit. At the time of this report, those matters have been referred to the Wayne County Prosecutor's Office for their review and consideration.

### **COURT SUBPOENA OVERTIME**

Attending court while off-duty via court subpoena, which is then transferred to an Appearance Notice [DPD Form 422 (Rev. 5/11)], is a legitimate method of earning extra overtime compensation at DPD. Court Appearance Notices are covered later in this chapter. OCSTF investigators determined that court appearances were a different avenue to garner overtime compensation, but with little to no supervisory oversight. Normally the courts generate subpoenas, not DPD, and once transferred to an Appearance Notice, they only require a supervisor's signature, before and after the court appearance. Unless they receive a subpoena for the same case or date, supervisors do not monitor officers while they attend court. Under the applicable union contract, when attending court off-duty, a DPD member is entitled to a minimum of three hours at time and one-half, if the member appears more than forty-five minutes prior to their scheduled shift, no matter the duration of their court stay. For example, if an off-duty officer is subpoenaed to court for a 9:00 AM hearing, and that officer clocks in at 8:30 AM, contractually that officer will receive three (3) hours at an overtime rate, regardless of how long that officer remains at court. This is commonly referred to as either "4.5" or "court time" at DPD. At MVU, police officers account for the majority of these types of appearances. These court appearances equates to approximately \$125.00 for an officer for merely appearing in court, and even more for a sergeant.

MVU members maintained a culture where they worked in a manner where each crewmember would receive an Appearance Notice for court from the same operation to

earn court time. For example, during a raid, one crewmember could observe a suspect hide contraband. That same crewmember would leave the contraband hidden, apprehend the suspect, but direct a different crewmember to recover the hidden contraband. Then later, when it is time to appear in court, both officers are required, because one observed the suspect hide the contraband and then the other officer actually recovered the hidden contraband. However, in all actuality, one officer was capable of doing both, observing the contraband hidden and recovering it once the time was right. If that were the case, then only one officer would be needed to testify in court. This was a common and accepted practice at MVU. Members would use these types of actions to justify filling out Appearance Notices. While this practice is not prohibited, it is an inefficient means of creating unnecessary overtime.

DPD has orders and guidelines in place for members to follow when signing in and out of court [see DPD Manual 202.5]. A review of MVU members' Appearance Notice showed that many members would by-pass the established procedures concerning court appearances. By policy, all members are required to report to the sign-in room and present their notices for a supervisor's stamp and then sign the Court Sign-In Sheet. Members were also required to sign out of court in the same manner. Many MVU members have shown they operate outside of the established guidelines concerning signing in and out of court. MVU supervisors occasionally signed an officer both in and out of court; rather than the officially sanctioned course where the officer reports to the sign-in room for an authorized time stamp. This practice is problematic since there is no way to verify if the officer actually attended court or if the officer simply prepared a fictitious notice and had the supervisor sign it. There were instances found where the official court dispositions did not match what was documented on the Appearance Notices; there were instances found where the official courtrooms did not match the rooms documented on the Appearance Notices; and there were instances where the defendants' names did not match. A further review determined that some of these were careless errors, but in other instances, it is apparent that the officers showed a blatant disregard for the established policy.

OCSTF investigators determined that some MVU members displayed signs of deception, because there were also instances where certain MVU members turned in Appearance Notices with forged signatures and received monetary compensation. This became apparent to OCSTF investigators while processing and reviewing Appearance Notices. For example, OCSTF investigators noted that Member #4 repeatedly turned in Appearance Notices for financial compensation that contained handwritten times (usually 9:20 AM or 9:40 AM), versus the authorized court stamp. Further examination of these instances revealed that Member #4 repeatedly turned in forged documents and received financial compensation, while hiding the fact that he/she continuously arrived at court late. This was supported by cell phone tower data and MVU documentation. For a fuller discussion of Member #4's abuse of the court appearance system, see Chapter 3. At the



time of this report, this matter had been referred to the Wayne County Prosecutor's Office for their review and consideration.

### **SEARCH WARRANT APPROVALS OVERTIME**

Another method of gaining overtime with an Appearance Notice was for the affiant to have a search warrant affidavit approved and signed while off-duty. Again, while off-duty, a member is entitled to 4.5 court time compensation. In this instance, MVU officers are appearing at court just prior to the start of their regular shift, usually between 9:00 AM and 10:00 AM, to have a search warrant signed and approved. In the process of having a search warrant affidavit approved, it must be reviewed by a prosecutor and then signed by a judge or a magistrate, and finally stamped with a control number and sealed. Most times, the search warrant approval process usually takes less than an hour, as evident on the times entered on the MVU Appearance Notices.

MVU officers used five (5) basic steps when having a search warrant approved:

- 1) Perform the work necessary to obtain probable cause, i.e. 224-DOPE tip, surveillance, SOI, controlled buy, undercover operation, etc.
- 2) Type up the search warrant affidavit
- 3) Have the search warrant affidavit reviewed and approved by a Wayne County Prosecutor
- 4) Present the search warrant affidavit to a judge or magistrate and swear and affirm to the contained information, then have the search warrant affidavit signed
- 5) Obtain a warrant number and a court seal

MVU documentation supports that normally the initial authorization of the search warrant affidavit by the Wayne County Prosecutor is done via telephone. This step is usually followed by a trip to 36<sup>th</sup> District Court to obtain a signature from a judge or magistrate and then a warrant number and court seal to complete the process. Although the search warrant affidavit approval is sometimes coupled with other court activities, the documents and data reflect that from 2016 through March 2019, search warrant affidavit approvals account for approximately 23% of Appearance Notice overtime, which is approximately 2,030 of the nearly 8,650 notices entered. Considering the majority of affiants are the rank of police officer, using the aforementioned \$125.00 average, over the course of three (3) years, DPD paid nearly \$253,750.00 for this type of activity.

MVU is an independent unit and there is no intelligence or data to indicate if search warrant affidavits approvals can be completed while their members are on-duty. However, in the past DPD precincts investigative operations and other entities have search warrant affidavits processed while on-duty, and incurs no extra cost to the Department. In addition, when this type of activity is completed off-duty, it is regular overtime versus court time, and only paid a rate of normal time plus one half time for the time spent in court. For instance, if a detective from the precinct has a search warrant affidavit signed while off-duty and it takes an hour, the detective receives an hour at an overtime rate, instead of 3 hours of overtime court pay. It is recommended that this method should be visited by MVU.

It must be pointed out that the Appearance Notice document itself has a section titled, "Purpose." One of the purposes of the form is "Sign Warrant." Therefore, in some form or fashion, the Department allows this type of activity. However, there is no specific policy how the "Sign Warrant" section should be used. Additionally, during interviews one philosophy to support this type of overtime was that for obvious reasons all members are required for the pre-raid safety briefing. Therefore, it is prudent to have the search warrant processed and approved prior to the briefing, so that each member may attend.

### **SPECIAL ASSIGNMENT/SPECIAL DETAIL OVERTIME**

For interested members, there are Department-wide special assignments and details where members can earn legitimate overtime. These assignments were mostly after work hours and worked on a voluntary basis. Documents show that mostly all of the MVU officers chose to work special assignments and details at one time or another. The officers picked up overtime work assignments including Greektown, the Auto Show, the Fireworks, the Cinco de Mayo parade, the Downtown Festivals and the drag racing details. The MVU officers also worked overtime assisting other DPD and non-DPD entities, such as Homicide, Vice, Tactical Mobile and DEA.

OCSTF investigators completed an analysis and review of these documents and data. There was nothing of concern uncovered, but the review identified the officers who were more apt to seize the opportunities to work overtime. Notably, while mostly all of the MVU officer participated in this type of overtime at one time or another, none of OCSTF focus officers were shown to frequently work special assignment or detail overtime.

### **224-DOPE TIP LINE OVERTIME**

While the 224-DOPE tip line is mentioned in this chapter, it will be fully covered in Chapter 7 of this report.

The 224-DOPE (313-224-3673) phone number is a tip line DPD provided for citizens to call anonymously and report local narcotic activity within their Detroit communities. MVU

members used these tips for follow-up investigations to assist in increasing quality of live issues. The 224-DOPE tip line is active and manned 24 hours a day and 7 days a week. MVU ledger book records show that MVU receives an average of 3,712 calls per year, approximately ten (10) per day. Therefore, there is no shortage of work regarding the 224-DOPE tip line and it is an approved source of MVU overtime.

During the OCSTF investigation, it was determined that surveillance played an important part of assessing 224-DOPE complaints, because the tip itself is not probable cause. Rather, it is initial information that needs to be developed by MVU officers to establish their own probable cause required to obtain a search warrant; surveillance is merely the first step in the process. This is important because there were six (6) MVU officers who came under scrutiny due to purportedly working early morning overtime, when evidence showed they were not. The 224-DOPE complaints consisted of a portion of that fraudulent overtime. For example, members #2 and #3 documented working overtime on surveillance on several different instances for 224-DOPE complaints, when cell phone tower data evidence indicated they were not. The OCSTF investigation also showed that these specific overtime hours were worked with a lack of supervisory oversight.

MVU members worked 224-DOPE overtime infrequently, recording only seventy-three (73) occasions or less than 1%. OCSTF investigators conducted a complete analysis of MVU 224-DOPE overtime and while there was evidence of other MVU officers working 224-DOPE overtime, outside of the six (6) aforementioned members, there was no other misconduct found associated with working overtime on 224-DOPE matters.

### **TRIPLE PLAY OVERTIME**

In July 2015, MVU initiated an initiative titled "Operation Triple Play" to combat narcotics activity. Reviewing the request provided by MVU, Operation Triple Play was a MVU overtime program designed to last for six (6) months from July through December 2015. The operation sought to allow MVU members to combat illegal narcotics activity in the city of Detroit on overtime. When the plan was initiated in July 2015, MVU was receiving nine and half (9.5) 224-DOPE complaints per day and had received more than 1,500 calls. The request cited that due to technology, it was increasingly difficult to pinpoint and combat illegal narcotics effectively. The focus of Operation Triple Play was as follows:

- 1.) Reduce the number of narcotics complaints;
- 2.) Increase the number of Detroit Land Bank locations that are processed through forfeiture; and
- 3.) Improve the quality of life in the neighborhoods by eliminating nuisance narcotics sales.

At the time, Operation Triple Play was designed to be funded with forfeiture funds and the estimated cost of the six (6) months operation was \$307,107. The Operation Triple Play hours of operation explained that the MVU officers were tasked with completing their regular shift duties from 11:00 AM until 7:00 PM, before working Operation Triple Play for four (4) hours overtime, from 7:00 PM to 11:00 PM, twice a week. The Operation Triple Play proposal provided to OCSTF by MVU was an unsigned and unapproved request. The signed and approved request could not be located. A follow-up request to the Office of the Chief of Police revealed that the approved copy was unavailable, because the files had been purged as per the Department's record retention policy.

It should be noted that when the OCSTF investigation began in 2019, MVU members were still identifying Operation Triple Play as the funding source for their overtime. Once investigators discovered that the intended period for the operation was six (6) months but was still being claimed four (4) years later, OCSTF investigators conducted an inquiry to locate the current source of funding, to confirm if the operation was actually funded with forfeiture funds. Personnel assigned to the Office of Departmental Financial Services determined the operation was NOT funded with forfeiture funds. The matter was discussed between MVU and DPD top leadership and Operation Triple Play was officially halted in the early part of 2020. However, an overtime program is important in combating illegal narcotics in the community, so a new program was subsequently restarted with the members being paid with normal overtime funds.

### **RAID OVERTIME**

During the relevant period, the majority of the overtime worked by MVU members was associated with raid activity. Raid activity overtime, which includes Operation Triple Play, accounted for 3,702 occasions or 59.4%.

When the raid activity overtime was compared to the cell phone tower data, OCSTF investigators determined there were occasions where MVU members #1, #3, #5 and #17 were observed heading towards their respective home towers while still being compensated for overtime. For example, in April 2019, Member #3 indicated that after working the regular shift from 11:00 AM until 7:00 PM, he/she worked overtime 7:00 PM until 11:00 PM, assisting on a search warrant execution in suburban Detroit. However, this was not true because member #3's cellular telephone tower data disclosed he/she was last near the MVU base at 5:15 PM. Then, cellular telephone tower data disclosed that member #3's device was using cellular telephone towers nearest his/her registered address in the suburbs west of Detroit, beginning at 5:50 PM through 10:04 PM. Member #3 requested and was received monetarily compensation for four (4) hours overtime from 7:00 PM until 11:00 PM, that were not worked. Notably, at the time of this report, those matters have been referred to the Wayne County Prosecutor's Office for their review and prerogative.

OCSTF investigators observed that there were other instances of MVU overtime worked, such as pre-scheduled overtime to address work force issues, station security overtime, and some motivated MVU members worked overtime on their leave days and their furloughs. However, there were no issues noted regarding those type of overtime occurrences.

### **SUPERVISION OF OVERTIME**

During this investigation, the available MVU sergeants, current and former, were interviewed regarding the overtime process. Supervisors should be present during surveillance activities to provide physical oversight and to ensure the officers are conducting their activities safely and within Department policy. During the interviews, the sergeants expressed that the MVU officers were “trusted” to carry out their overtime duties, especially in the area of surveillance overtime. It confirmed that the sergeant rarely, if ever, provided physical monitoring or oversight during surveillance overtime, which is contrary to DPD policy [DPD Manual 203.6], which states in part “[g]enerally, a supervisor shall visit the surveillance location and ensure that the officers are properly deployed and equipped.” This supervision was not occurring, as evident in the fraudulent early morning overtime incidents.

Supervision is tasked with monitoring their officers during overtime activities. Instead of using trust, it is incumbent upon supervisors to use verification via physical oversight to ensure their members are performing their duties as documented, as per Department policy.

Due to unforeseen circumstances, the pertinent lieutenant could not be interviewed pursuant to this investigation. While the pertinent lieutenant was unavailable for interview, OSCTF investigators were able to gain access to his/her Department email account. While reviewing those emails, it became obvious that the lieutenant and commanding officer perceived issues with the documentation and submission of overtime within Organized Crime, to include MVU. As a result, in April 2019 and again in May 2019, the lieutenant sent emails to each of the twelve (12) sergeants under his/her span of control. In the emails, the lieutenant instructed the sergeants on the operational changes, the format of the overtime report and requirement to prepare digital RMS Daily Reports, instead of paper Activity Logs. The Activity Log were no longer acceptable.

In April 2019, after explaining he/she was responsible for several units, the lieutenant instructed the sergeants on the authorizing authority for overtime, and attached an example. Specifically, the lieutenant provided instructions for the sergeants to prepare the proper overtime forms, i.e. the overtime request, the Activity Log and the Daily Detail, scanned separately in PDF format, in order to preserve Department resources. The lieutenant also instructed the sergeants to be mindful of the misspelling of names prior to submitting them for approval.

Approximately one (1) month later, in the May email, the lieutenant re-instructed the sergeants to submit the completed overtime forms directly to either himself/herself or the MVU timekeeper, only. The overtime reports were no longer allowed to be sent directly to the captain or the commanding officer. The lieutenant also informed the sergeants that all enforcement crews were to complete the "Activity Summary and Significant Event," daily, regardless if the crew conducted any enforcement or not. These reports would eliminate the "Weekly Report." The lieutenant reminded the sergeants that the commanding officer wanted to capture all the statistics from each crew daily, to reflect the work being done.

Furthermore, the lieutenant directed the sergeants whose personnel were working overtime on narcotic complaints, i.e. 224-DOPE complaints, to document their surveillance activity through both the Computer Aided Dispatch (CAD) system and the RMS Daily Activity Report. The lieutenant specifically documented, "[t]he Commander is NOT accepting, 'Surveillance in the area of Main St. and 1<sup>st</sup> St.'" for an estimated time of 60 mins.,' with no evidence of activity in CAD, etc." The lieutenant cited that failure to adhere to the described procedures would result in the overtime request(s) being returned without payment. Additionally, the lieutenant addressed supervisors' administrative overtime in the email. The sergeants were reminded to monitor the submission of their administrative overtime, because the commanding officer indicated that four (4) or more hours completing reports, emails, etc. is excessive and questioned that future activity. Therefore, the sergeants were directed to document their administrative overtime activity in a more detailed manner to encompass their operational activities. The lieutenant thanked the sergeants and reminded them that once everyone is on the same page the, process would get easier.

These emails, which were sent to each sergeant, support that MVU management and leadership recognized issues with the documentation and submission of overtime and took corrective measures to deal with the situation.

### **OVERTIME REVIEW FOLLOW-UP**

A discussion with MVU management in August 2021 revealed that changes have already been made to the MVU overtime process. At the time of this report, it is now required that all overtime, to included overtime prior to the start of the shift, require Body Worn Camera introductions and end of overtime exit notices. The overtime is now managed using a Smartsheet, which is reviewed by MVU management. Additionally, a MVU supervisor is required to be present with the MVU officers during their overtime activities.

## **INVESTIGATIVE FINDINGS**

In summary, there was no shortage of work for MVU officers and plenty of legitimate opportunities to work overtime combating illegal drug trafficking. Overtime is paid at a premium rate; therefore, it must be supervised and managed effectively. It is just as important to document and record that overtime accurately. This investigation showed that there were inconsistencies in how MVU overtime documents were maintained and processed for payroll. MVU overtime also lacked consistent and direct supervisory oversight. The supervisors utilized “trust,” instead of direct oversight. Therefore, certain “trusted” officers were able to use these deficiencies to their advantage, by way of purportedly working early morning overtime, when in fact they were not. A member even attempted to hide the fact he/she was routinely tardy for court hearings by forging court documents, but still received overtime in the form of court pay. These practices showed an attitude of greed and entitlement.


While there were some significant problems uncovered with MVU overtime, the vast majority of the members proved to have no issues at actually working their overtime properly. While not every issue rises to the level of MVU leadership, overtime compensation is important, and bringing this matter to their attention should bring awareness and cause an increase in supervisory oversight, and consistent documentation of overtime. Due to this investigation, the MVU overtime process has changed with more management oversight, by way of Body Worn Camera introductions and the use of Smartsheets. These new monitoring strategies should address and resolve the any future outstanding overtime issues.

## APPEARANCE NOTICES

During the investigation, OCSTF investigators conducted a review and audit of MVU members' Court Appearance Notices (DPD Form 422). The Appearance Notice is a Department authorized form. After receiving notification to appear in court, this is a document to be completed by the individual officer. The form is downloadable from the DPD intranet. This form can be either typed or hand written. There are spaces for introductory information such as the officer's name, rank and unit, as well a space for the officer to indicate if he or she would like paid compensation or compensatory time compensation. There are spaces for the corresponding case information, such as the defendant's name, date, case number, court location, courtroom number and for the purpose of the court appearance. There are also spaces for the judge's name, a case synopsis, for courtroom verifications and for the court dispositions. All DPD officers, to include MVU officers, utilize the Appearance Notice (DPD Form 422) to document their officers' appearances in court, per Department policy.

See the following example Appearance Notice document, DPD Form 422 (front and back):

**[Front]**

 <h1 style="margin: 0;">APPEARANCE NOTICE</h1>		<input type="checkbox"/> SECONDARY EMPLOYMENT <input type="checkbox"/> COMPENSATORY TIME <input type="checkbox"/> PAY		<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	
Officer [REDACTED]		Rank [REDACTED]	Badge [REDACTED]	Platoon [REDACTED]	Unit [REDACTED]
Defendant [REDACTED]			Court Date [REDACTED]	Time [REDACTED]	<input type="checkbox"/> AM <input type="checkbox"/> PM
Location <input type="checkbox"/> Recorder's Court <input type="checkbox"/> S.O.S. License Appeal Board  <input type="checkbox"/> 36 <sup>th</sup> Dist. Ct., Traffic & Ord. (Citation Issue Date) - [REDACTED]  <input type="checkbox"/> M.L.C.C. Hearing <input type="checkbox"/> Other [REDACTED]			Room No. [REDACTED]	Purpose <input type="checkbox"/> Sign Warrant <input type="checkbox"/> Exam  <input type="checkbox"/> Evidence Hearing <input type="checkbox"/> Trial  <input type="checkbox"/> Other [REDACTED]	
Officer in Charge of Case [REDACTED]			Unit [REDACTED]	Court File No. [REDACTED]	
Signature of Notifying Officer			Date	Signature of Officer	Date
--IN	Time Stamped by (Signature/Rank)		Signature of Court Officer Verifying Time Out of Courtroom		
			Name/Rank	Time	
--OUT	Time Stamped by (Signature/Rank)		Actual Time	Converted Time	

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DPD 422 (Rev. 5/11)



**[Back]**

SYNOPSIS OF APPEARANCE

Signed Warrant                       Examination                       Trial                       Evidence Hearing  
 Other \_\_\_\_\_

Judge/Referee/Other Official \_\_\_\_\_

Case Disposition \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Officer \_\_\_\_\_ Appearance Date \_\_\_\_\_

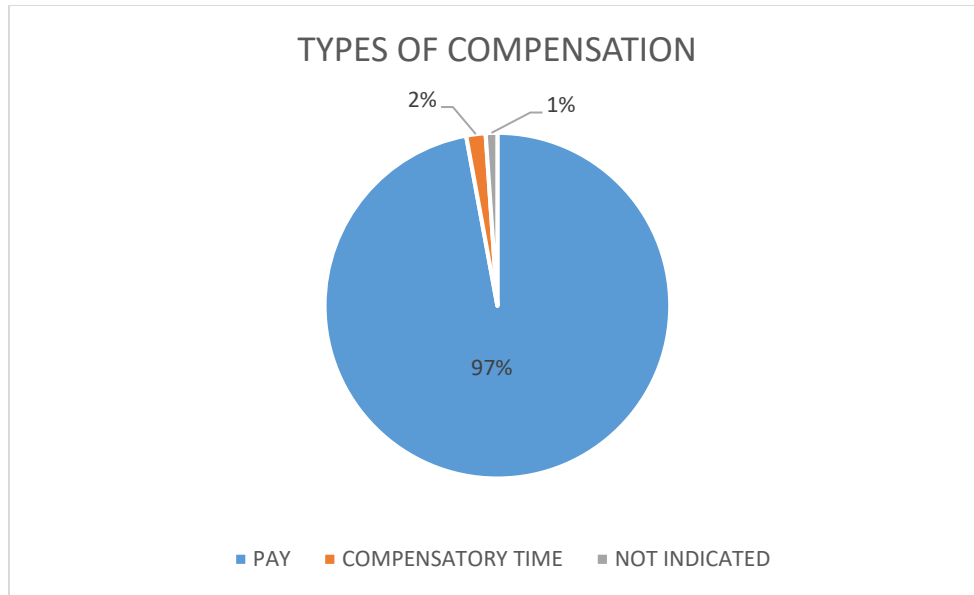
Signature of Supervisor Receiving Notice \_\_\_\_\_ Date \_\_\_\_\_

NOTE: Failure to comply with Departmental written directives regarding the completion and deliverance of this Notice may result in officer not being credited for appearance.

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OCSTF investigators located, sorted and logged 9,457 MVU officers' appearance notices from 2014 through 2019, totaling 29,523.6 court appearance hours (an average of 5,904 hours per year), and entered the data onto an Excel spreadsheet, thereby allowing investigators to quickly sort and analyze the data.

When done correctly, these Notices were completed by MVU officers, reviewed and endorsed by court personnel and supervision and then ultimately submitted by the individual officer for either pay or compensatory time. In comparison, records show that 9,183 notices indicated the "PAY" option, 171 notices indicated the "Compensatory Time" option and 103 notices were not specified. The trend numbers support that MVU officer most often elected to receive paid compensation for attending court. Unlike regular overtime, which requires command approval, the highest level of approval required for an Appearance Notice is a sergeant. See the following illustration chart for the break down for the types of compensation chosen by MVU officers:



During the audit review period, it was shown that MVU officers conducted hundreds of narcotics enforcement actions on a yearly basis. They requested and executed search warrants; encountered, interviewed and arrested narcotics related suspects; seized illegal narcotics and property; and prepared reports. Because of the type of work they performed, MVU officers were frequently required to attend court. MVU officers often attended court daily, for reasons such as such as trials, exams, depositions, formal and informal hearings, ordinance hearings, and to have search warrants signed.

MVU members were required to appear for these proceedings at different locations, such as 36<sup>th</sup> District Court, 3<sup>rd</sup> Circuit Court, Federal Court, State of Michigan facilities for Parole Board hearings, Probation offices for hearings, Juvenile Court, Detroit Police – Law Department and other cities and municipalities. Notably, the vast majority of these court appearances, over ninety percent (90%), were for 36<sup>th</sup> District and 3<sup>rd</sup> Circuit Courts. Both courts are located in downtown Detroit.

DPD policy [DPD Manual 205.5-5.5 and 205.5 5.6] gives clear instructions on how a member is to have his/her Appearance Notice processed. The policy explains detailed, step-by-step instructions on having the Appearance Notices processed at 36<sup>th</sup> District Court with the appropriate staff, which also processes 3<sup>rd</sup> Circuit Court appearances. In summary, DPD members reports to the sign-in room. They present their Appearance Notice for the proper time clock stamp and authorized signature from court personnel. Afterwards, the officer will sign the Court Sign-In Sheet and then report directly to the specified courtroom to either the OIC or the prosecutor. Upon completion of the appearance, the member shall immediately return to the sign-in room and have their Appearance Notice stamped and signed out by the appropriate supervisor or court personnel, and then they must sign out on the Court Sign-In Sheet. There are several different signatures and approvals required in order to ensure policy is followed.

The process for having MVU Appearance Notice approved is:

- A subpoena, court summon, request for legal representation or deposition notice is sent to an officer's supervisor via email or directly by documentation.
- The supervisor notifies the officer and either prepares an Appearance Notice or directs the officer to prepare the Appearance Notice.
- On the date of the scheduled event, the officer appears and follows the aforementioned policy outline to have the Appearance Notice properly completed and endorsed.
- After the scheduled hearing has concluded, the endorsed Appearance Notice is presented to a supervisor, normally a sergeant, for review and approval.
- Once the sergeant reviews and signs approval of the Appearance Notice, then notice is forwarded to the timekeeper for the proper compensation (pay or compensatory time).

The sign-in room for court hearings is physically located in the front of the 36<sup>th</sup> District Court, near the front door, and it is manned by DPD officers. An officer has to walk past the sign-in room to attend court. Once the hearing has concluded, an officer has to walk past the sign-in room again to exit the courthouse. Therefore, there is no legitimate reason for an officer who attends court at 36<sup>th</sup> District not to sign in or out of court. For matters held at the 3<sup>rd</sup> Circuit Court, an officer has to cross the street and follow the sign-in process for the 36<sup>th</sup> District Court.

During the audit and review process, it became clear that MVU members were operating outside of DPD policy and guidelines regarding Appearance Notices. Investigators discovered that Appearance Notices were often not fully completed or not completed within the standards and guidelines set forth by DPD policies. This failure to adhere to policy was done by both MVU supervision and the MVU officers.

OCSTF investigators found that it was also common for members to fail to sign in or out of the courtroom and rarely had a signature of the officer verifying time out of court. It was also common for MVU supervisors to sign their members both "IN" and "OUT" of court, and handwrite in unconfirmed times as to when the member arrived and left from court. It should be noted that by the supervisor signing their members "IN" and "OUT" times, there were no court officials or counter signatures to verify if an officer actually attended court versus just turning in a fraudulent Appearance Notice. Nor was there a good reason for this practice since the officer who attended court had to walk physically past the sign-in room to enter and exit the courthouse. Additionally, officers were

presenting supervisors with Court Notices absent critical times, i.e. the arrival time, the time indicating how long an officer spent in courtroom and the court departure times. Essentially, officers were presenting supervisors with blank forms and the responding supervisor's actions [signatures] helped ensure the officers were paid for appearing in court, without verification, although the members failed to follow the established policy and court protocol. Thus, Court Appearance Notices became yet another example of how lax supervisory behavior enabled officer misconduct at MVU.

DPD policy and expectations were for the Appearance Notice to be filled out in its entirety. However, it was common for MVU members to be missing information on their Notices. Being aware that mistakes and errors occur, an overall review of the Appearance Notices showed carelessness and sloppiness on the parts of MVU officers and supervision when preparing the document. For example, the examination of the Appearance Notice data revealed more than 1,000 errors, which were easily correctable. The data revealed that MVU officers failed to indicate their choice of compensation on 103 notices; failed to identify the specific courthouse on 746 notices; and failed to indicate the reason for attending court on 484 notices. The MVU officers also failed to obtain signatures having a court officer verify their times out of courtroom on virtually all of their notices. Although, these errors were glaringly present, supervision still endorsed, approved and submitted the Notices for compensation. DPD records show that the officers were compensated for their appearances, without any evidence of supervision having the officers correct the problems. In fact, the supervisor's notices showed the same patterns.

OCSTF investigators did not find evidence of MVU officers attending court on false or fictitious cases. However, it was determined that a supervisor was using forged Appearance Notices to defraud the City of Detroit and in another instance, a supervisor helped an officer claim unearned compensation by falsely reporting the amount of time the officer spent in court, by extending the officer's hours.

### **FORGERY**

While reviewing 2009 – 2020 court Appearance Notices, OCSTF investigators discovered that Member #4, a Department supervisor, reported to court and received financial compensation using alleged forged and fraudulent documents. Member #4 frequently acted outside of Department policy and failed to follow the established guidelines for reporting to court. These alleged forged Court Appearance Notices allowed Member #4 to allegedly illegally receive monetary compensation from the City of Detroit on 171 separate occasions.

Under the applicable union contract, when attending court off-duty, a DPD member is entitled to a minimum of three hours, at time and one-half, if that appearance begins more than forty-five minutes prior to their scheduled shift, commonly referred as either "4.5" or "court time" at DPD. However, the member is only entitled to straight time or

compensatory time payment if the court appearance is less than forty-five minutes before a prescheduled shift. The normal working hours at MVU was 11:00 AM to 7:00 PM; therefore, for the member to receive maximum compensation of three (3) hours overtime, the member needed to arrive at court no later than 10:15 AM. In order to ensure transparency in the process, DPD assigned a Court Liaison Officer to verify the time members punched in and out of court; there is an authorized time clock. There is also a Sign-In sheet for members to write in their own arrival and departure times.

A review of member #4's court Appearance Notices revealed the notices had handwritten times in the corresponding spaces, instead of the authorized clock punch. This member used a pattern and trend of repeatedly using the specific handwritten court arrival times of 9:20 AM and 9:40 A.M. on his/her notices. Additionally, Member #4 often signed into court on the Sign-In sheet out of chronological order, indicating tardiness and that the arrival time on the Appearance Notice was inaccurate.

As a result, an OCSTF investigator submitted a search warrant for the member's personal and DPD cell phone records, to include tower data, to ascertain Member #4's whereabouts during the times he/she was purportedly attending court. The search warrant was approved and the data analyzed. Notably, the window to obtain cell phone tower data is twelve (12) to eighteen (18) months from the date of the search warrant, so this limited the scope of the OCSTF's investigation. Once analyzed, the data showed Member #4's cell phone utilizing the towers nearest his/her home in suburban Detroit, on multiple days, when documentation show the member in court receiving monetary compensation. Mapping of the tower locations on specific dates provided evidence the Appearance Notices times and signatures were falsified for the member to receive compensation from the Department.

The cell phone data and subsequent interviews with officers assigned to the Court Liaison Section allowed the OCSTF investigators to establish that the member's court Appearance Notices contained falsified times to hide late court arrivals and forged signatures. For example, the member submitted Court Appearance Notices "signed by" court personnel when the court personnel was actually not working and away on furlough or where the member submitted an Appearance Notice signed by a court member who was away at annual training. Needless to say, both of these Appearance Notices were fraudulent. There were other occurrences where the member used an unauthorized time clock on his/her Appearance Notices.

The OCSTF investigators also determined that Member #4 recorded court appearances when not scheduled, and in some cases, the member failed to attend court, but received monetary compensation. Based upon the investigatory work, Member #4 allegedly defrauded DPD and the City of Detroit an estimated \$20,000 over a five (5) year period. At the time of this report, this matter is under consideration by the Wayne County Prosecutor's Office for charges.

OCSTF investigators suspected additional instances of Appearance Notice forgery when it was discovered that on January 26, 2018, three MVU members all submitted Appearance Notices with different handwritten times and signatures for Member #4. All of these Appearance Notices displayed a glaring different style and format from the known signature of Member #4. Furthermore, according to Department records, Member #4 was on leave and did not attend court.

In an separate suspected instance of Appearance Notice forgery, on February 8, 2019, a member submitted an Appearance Notice where Member #4 had signed him/her in at 9:40 A.M. and out at 11:00 A.M. The signatures did not match known samples for Member #4 nor was Member #4 in court according to Department documentation. Furthermore, Department records show that Member #4 was on leave and did not return to work until February 11, 2019, three (3) days later. Member #4 separated from DPD during the course of the OCSTF investigation and declined to participate in this investigation.

### **FRAUDULENT APPEARANCE NOTICE USE**

Investigatoers also discovered that Member #3 submitted Appearance Notices that reflected falsified times. Member #5 then approved the Notices by signing the “IN” and “OUT” times, without verification, which resulted in Member #3 being compensated for court pay he/she had not earned. For example, in May 2019, Member #3 submitted an Appearance Notice indicating he/she was at 36<sup>th</sup> District Court at 9:00 AM for a “Preliminary Examination” for a narcotic-related case until 11:00 AM. However, cellular telephone tower data showed Member #3’s phone using towers nearest his/her suburban Detroit home from 8:00 AM until 11:24 AM, when he/she reported to the MVU Base. Member #5 signed for approval of the notice, although Member #5 did not attend court that day either.

In a second example, in July 2019, Member #3 submitted an Appearance Notice indicating he/she was at Court 36<sup>th</sup> District Court at 9:00 AM, for a “Preliminary Examination” for a narcotic-related case until 11:00 AM. However, cellular telephone tower data showed Member #3’s phone using towers nearest his/her suburban Detroit home from 9:22 AM until 11:20 AM, when he/she reported to the MVU Base. Again, Member #5 signed for approval of the notice, although Member #5 did not attend court that day.

Member #3 separated from DPD during the course of the OCSTF investigation and declined to participate in this investigation, so investigators were unable to interview Member #3 regarding this alleged fraudulent behavior. It should be noted that these types of examples of fraudulent Appearance Notices were not found to be spread throughout MVU. However, these examples show how when supervision signs both the “IN” and “OUT” times, without verification, it enables the officers to subvert policy and collect undue

compensation.

### **SEARCH WARRANT APPROVALS**

Search warrants are an important and necessary part of MVU's operations and they require the review of a prosecutor and the signature and approval from a magistrate or judge. MVU officers utilize Appearance Notices to have search warrants endorsed while off-duty. MVU officers earn an overtime rate of pay when having search warrants signed while off-duty. OCSTF investigators determined that this had been an accepted practice for years. A review and assessment revealed that from 2016 through 2019, search warrant approvals account for approximately 23% of Appearance Notice overtime, which is approximately 2,030 hours and is estimated to cost the Department more than \$253,000 in those three (3) years.

When the MVU files were initially confiscated, investigators found stray search warrant packets located in the desk areas of MVU officers. These stray search warrant packets had been typed, submitted and approved by a judge or magistrate, but they were never executed. There were dozens of these approved, unserved search warrants found in the officers' workspaces. These approved search warrant packets were years old, from 2015 through 2018, and when they were confiscated, had no chance of being executed without being re-investigated and refreshed. This discovery raised the question why would an officer go through the trouble of having a search warrant approved during off-duty times, when there is no plan to actually execute the warrant. OCSTF investigators were unable to answer whether these search warrant packets represent sloppy time management, inattentiveness, or another scheme to collect money via Appearance Notices.

Search warrant approvals are an intended use of the Appearance Notice document within the Department. It is listed right on the front of the document under "Purpose." Still, while it was a permissible way to obtain search warrant authorizations, it was clearly not acceptable to obtain authorizations for search warrants that MVU never intended to execute.

### **SECONDARY EMPLOYMENT**

Secondary Employment is another intended use of the Appearance Notice document. There was no allegation, information or evidence that MVU members were abusing the Secondary Employment process. Therefore, there was no inquiry into MVU members' use of Appearance Notices for Secondary Employment.

## **QUESTIONABLE APPEARANCE NOTICE USE**

During the investigation, OCTSF investigators noted that known signatures of MVU supervisors sometimes varied on the Appearance Notices. The differences were obvious, raising the inference that the documents were forged. Additionally, OCSTF investigators found that Appearance Notices were utilized by officers and supervisors for miscellaneous tasks such as to fax search warrants, deliver DVD's to the Wayne County Prosecutor's Office, drop off body worn camera video, return evidence to the property room, revoke a Concealed Pistol License, meet with prosecutors and defendants, and fill video requests. On their face, it is conceivable that these tasks could have been completed while the members were on-duty, yet each of these occurrences were approved by supervision and the member was compensated for court time pay, which is three (3) hours at a time and a half rate. In some instances, for reasons unknown, supervisors sometimes signed approval of their own Notices.

The aforementioned were some examples of wasteful overtime via Appearance Notices, which has less supervisory oversight and scrutiny than regular overtime. In some of these instances, the members should have completed a regular overtime request versus an Appearance Notice, if it was deemed that it was necessary for the tasks to be completed prior to the officer's on-duty times. This would enable the Department to save the court pay and because the regular overtime requires command approval, it allows for the better management of overtime.

## **INVESTIGATIVE FINDINGS**

This investigation showed that some MVU officers, with the assistance of their supervision (authoring signers), were allowed to circumvent policy and garner court pay compensation fraudulently and with forged documents. The MVU officers were also allowed to freely conduct questionable activities and collect court pay, when overtime pay was more appropriate (i.e. fax search warrants, to deliver DVD's to the Wayne County Prosecutor's Office, to drop off body worn camera video, etc.), thus inappropriately inflating their court pay.

The integrity of the Appearance Notices, for the sake of court records and remission of court pay, must be preserved. It is remarkable how some MVU officers comfortably cut corners and evaded Department protocol in regards to the Appearance Notices in many instances, yet they still were compensated for court pay. Unfortunately, MVU supervision acted as enablers and allowed the practices to continue. Supervisors were the final authority to review Appearance Notices in its entirety, yet they were shown to sign notices with blank times, fill in blank times without verification, sign incomplete notices, sign notices where questionable activities were performed and engaged in similar activities. This is a supervisory failure, which led to alleged criminal misconduct (i.e. forgery and court pay fraud).



Experience has shown that attaching a court subpoena or notification directly to the Appearance Notice is a good practice to verify if a member should be or should have been in court. Some units throughout this Department already follow this practice. In fact, it is practiced by Vice, who falls under the same management span of control as MVU. Therefore, in order to deter Appearance Notice abuse instances by MVU members, it is recommended that MVU follow the Vice procedures and adopt the procedure of attaching their official court notice directly to their Appearance Notices.

Finally, there must be repercussions to members electing not to follow the established policies and protocols regarding Appearance Notices. Supervision is most often the highest level of review for the Appearance Notices and they must hold members accountable for failing adhere to Department protocol. Realizing that not every error or oversight on an Appearance Notice is intentional, not every situation calls for counseling or discipline. In most matters, a supervisor simply not signing or approving incomplete Notices can resolve the issue. When this occurs, the officer is unable to receive compensation. This single action will send a clear message to officers that the supervisors are watching and they are not accepting subpar, incomplete Notices.

# CHAPTER 7

## 224-DOPE TIP LINE

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DPD provides the 224-DOPE (313-224-3673) phone number as tip line for concerned citizens to call anonymously and report narcotic activity within their neighborhoods. The citizens have the choice of remaining anonymous or identifying themselves on the tip line.

Per the MVU SOP, the primary responsibility of the 224-DOPE unit and its members are to receive citizens' complaints of narcotic activity and generate Narcotic Activity Reports for follow-up investigations. The 224-DOPE unit is directly responsible to the commanding officer with a sergeant as the OIC. The 224-DOPE unit maintains an office at the MVU base and the tip line is active and manned by DPD personnel 24 hours a day and 7 days a week, depending on the available work force. During normal business hours, Planning and Analysis members monitor and accept calls from the tip line. After hours and on weekends, Prisoner Processing Unit members monitors and receives the calls from the tip line. The 224-DOPE tip line and MVU also handle narcotic-related complaints from other sources, such as the Office of the Chief of Police, the Ombudsman's office, patrol and from emails to name a few.

Once a tip is received, the information is handwritten onto an in-house Narcotic Activity Sheet and then handwritten in the 224-DOPE ledger book. The physical 224-DOPE ledger books contain basic information such as case number, date, location, type of narcotics and precinct of occurrence. Planning and Analysis personnel also screen and review these Narcotic Activity Sheets for entry into the All-Star Information Management System (AIMS). The AIMS system maintains a comprehensive database of all narcotic-related activity conducted by MVU as well as narcotics related raids conducted by precinct personnel. The database compiles and maintains 224-DOPE complaint information, dates, MVU case numbers, names and addresses of offenders and their associates, types of contraband and evidence confiscated, and the raid OIC. The AIMS database is searchable and the information is easy to retrieve and reference. However, the 224-DOPE ledger book and in the AIMS system entry dates are often inconsistent with each other. For example, the ledger book reflects one date of entry for a tip, but the AIMS data for the same tip will reflect a different entry date.

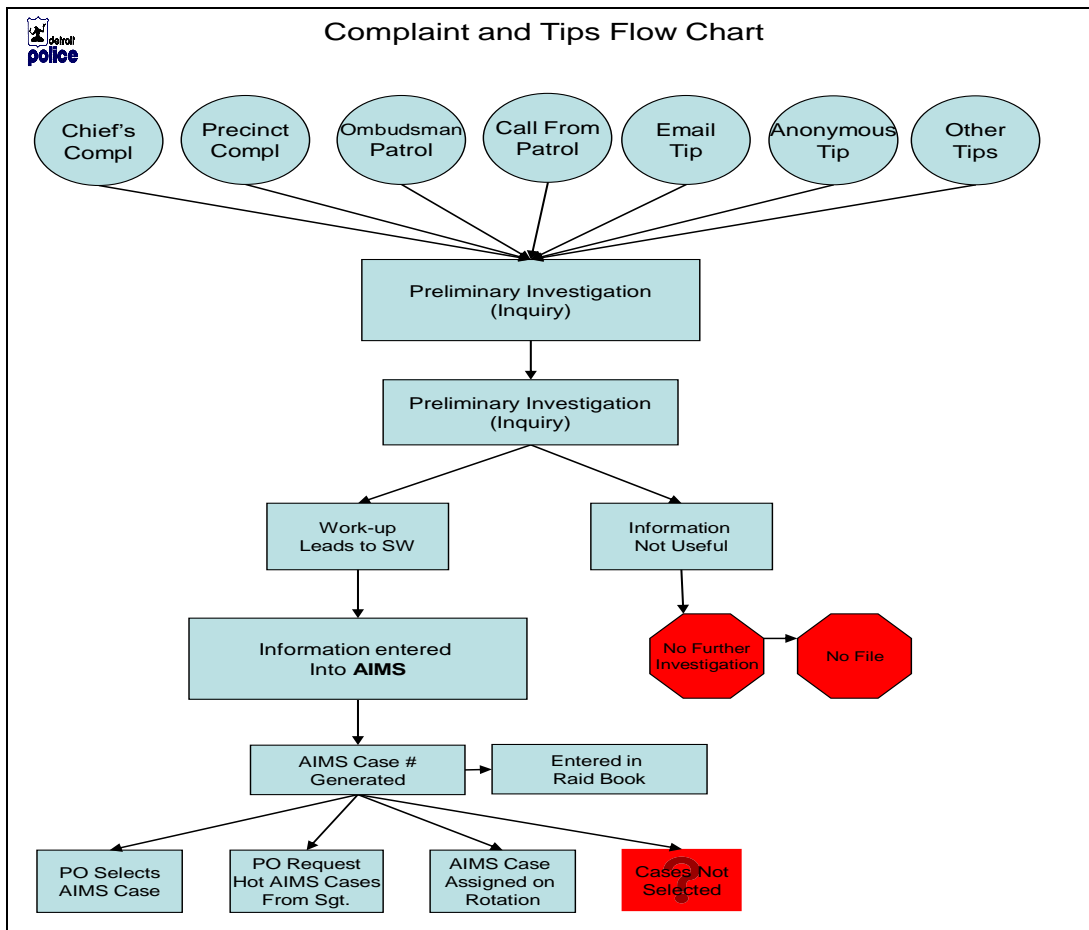
### **224-DOPE PROCESS**

Via interviews with 224-DOPE administrators, OCSTF investigators learned that the AIMS system records data from 224-DOPE complaints [prefixed in the AIM system with an "A"], as well as raid activity from MVU personnel [no prefix] and precinct personnel [prefixed in

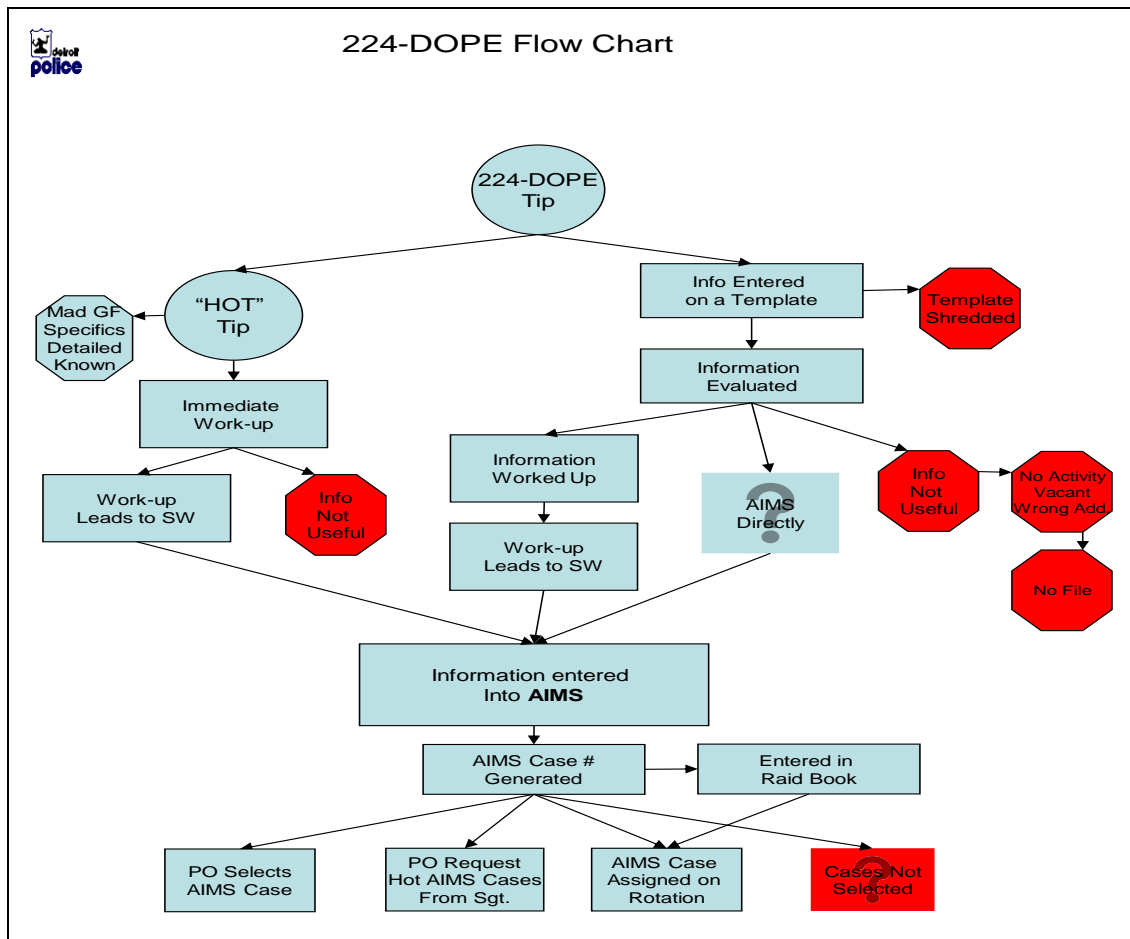
the AIM system with a “P”]. In addition to 224-DOPE, narcotic complaints are received specifically through Department Outlook emails and via a portal from the Prisoner Processing Unit. The AIMS system generates the “Event ID# Number” or tracking number, which is utilized by MVU. Additionally, AIMS cases are closed after surveillance has been completed when a raid is executed or if there is no action found at the location.

With the assistance of MVU management, OCSTF investigators ascertained the workflow of the 224-DOPE line. The tip line functions as described by the following flow charts:

Complaints and Tips Flow Chart



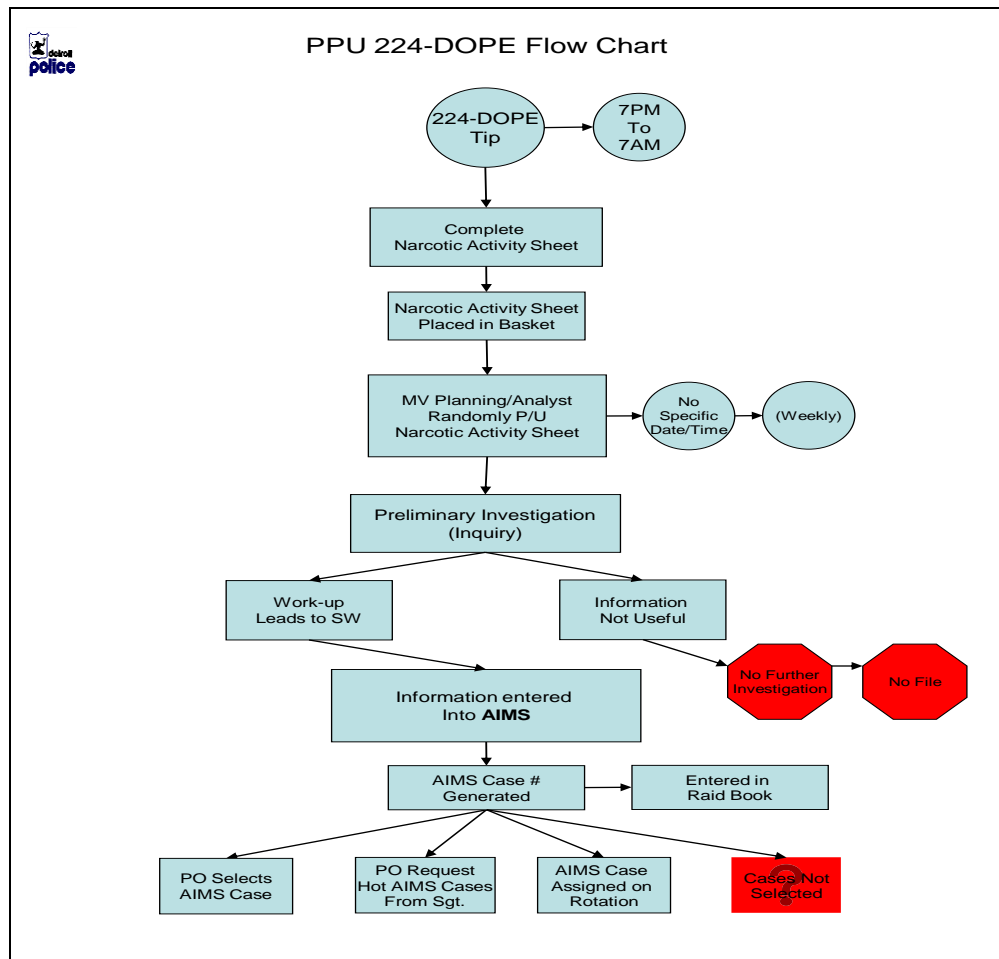
## 224-DOPE Flow Chart



- The tips are received 24 hours a day and 7 days a week
- The tips are documented and evaluated by MVU members
- The tips are memorialized in a ledger book
- A preliminary work-up is performed
- Some information is entered directly into AIMS
- Useful information that leads to search warrants is entered into AIMS
- Information deemed not useful is NOT recorded or maintained
- AIMS information is assigned to crews on a rotational basis
- Officers with access to AIMS (not supervisors) self-assign cases
- Hot Tips (information with apparent validity) are immediately assigned
  - Information from an angry girlfriend/boyfriend/spouse
  - Information with very specific details
  - Information on known narcotics locations
- Some cases are assigned by officer or supervisor requests
- Some AIMS cases are not assigned
- Tips in the AIMS system are maintained comprehensively

Certain aspects of the 224-DOPE workflow proved problematic in terms of tracking tips received. For example, there were no records or dispositions for “hot tips” that were deemed not useful or for information that was evaluated but determined not beneficial. Nor were there dispositions for AIMS cases not selected or assigned. Like many MVU records, it was nearly impossible, or only possible with significant effort, to trace the history of certain tips called into the 224-DOPE line.

### Prisoner Processing Unit Flow Chart

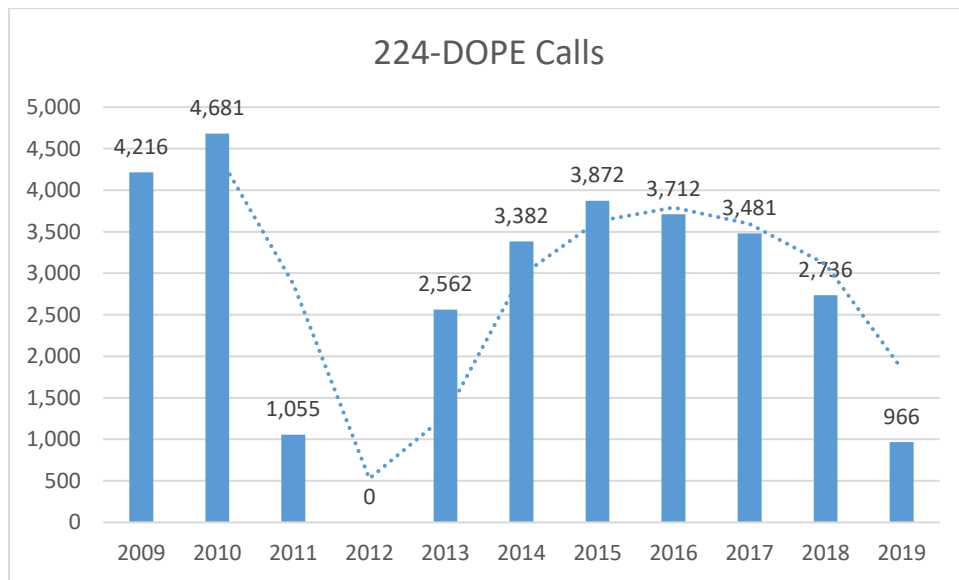


- PPU members accept 224-DOPE calls after hours and on weekends
- PPU members writes the tip information on a pre-printed form
- The completed pre-printed form sits in a basket until periodically picked-up by MVU personnel
- The completed pre-printed form is NOT filed or maintained
- Once the tips are received they follow the 224-DOPE flow chart

## **224-DOPE STATISTICS (LEDGER BOOKS)**

MVU ledger books show that from 2009 through 2019, MVU recorded receiving an average of 3,712 calls to the 224-DOPE tip line per year, not to include 2011-12 [partially missing] and 2019 [incomplete]. The 224-DOPE tips peaked in 2010 with 4,681 calls and again in 2015 with 3,872 calls, before the tip line use began to trend downward. There were 966 calls in 2019, prior to August 21, 2019. All ledger books are handwritten. The incoming phone numbers were not recorded, and thus the total number of calls and average cannot account for the number of repeat callers. See the following illustration chart:

**224-DOPE Yearly Calls**



## **224-DOPE INQUIRY**

Near the onset of the investigation, OCSTF received information that MVU officers were calling their own tips into the 224-DOPE line in order to bolster the probable cause of narcotic search warrants. Upon review of some of the information in the ledger books and AIMS, an additional working investigative theory developed that MVU officers were calling the 224-DOPE line for statistical purposes, as a way of showing the crew “worked” a narcotics complaints despite an actual complaint never existing. Finally, investigators also suspected that MVU officers might have been calling the 224-DOPE tip line to create easy overtime, by checking on falsely created tips since the unit was authorized to work overtime to check 224-DOPE complaints.

Based on that information, pursuant to a subpoena request from the OCSTF FBI partners, on or about November 19, 2019, AT&T provided a copy of the telephone records for the

224-DOPE line from January 1, 2010 through November 1, 2019. There were more than 250,000 calls to and from the line during that time.

A copy of the records were provided to DPD support and the data was converted to Excel spreadsheet format. Once the files were converted, OCSTF investigators were able to quickly sort the data and subsequently perform an analysis of the records to identify the contacts made by any members assigned to MVU.

OCSTF investigators identified calls where MVU members assigned to raid crews used both their personal and assigned department phones to call the 224-DOPE tip line. There were twenty-nine (29) past and present members identified. The records show that MVU members contacted the line 552 times over the decade. It is important to note that not all calls were connected and some were connected after being automatically rerouted and transferred, but they still counted as a contact on the AT&T phone records. For example, a member may have contacted 224-DOPE once and the same call will automatically transfer to an open line and then seconds later, automatically transfer to a different open line before the call is finally answered. In that case, the records will reflect three (3) contacts, but it is actually one (1) call. In total, the 552 contacts converted into 212 calls to the line.

Still, even with these caveats, investigators discovered that two (2) MVU members in particular called the 224-DOPE far more than any other Department members did. Both of these MVU members worked on Member #2's crew and served for periods as crew chiefs. Combined, the two (2) members used their cell phones to contact the line 250 times. The first member, Member #36, contacted the line 111 times from 2014 – 2015, which converted to 31 calls. The second member, Member #16, was the most frequent caller. Member #16 contacted the line 139 times from 2015 – 2019, which converted to 45 calls. For comparison, the next highest contacts by members of enforcement crews were 38 times, which converted to 31 calls from Member #4 and 34 contacts, which converted to 10 calls, from Member #22 respectively. Member #16 took over as Member #2's crew chief when Member #36 left DPD in 2018.

Moreover, this volume of calls was also concerning due to a MVU member stating to investigators that Member #16 gave the advice to call in his/her own 224-DOPE tip, and admitted hearing rumors of members calling in their own 224-DOPE tips in the past. The member took the information as a joke. However, the records review showed that these two members contacted the line at various dates and times with no discernable pattern of their calls. Both of the aforementioned members separated from DPD prior to this investigation; therefore, neither were available for interview regarding their use of the 224-DOPE tip line.

Once OCSTF investigators identified the calls placed by MVU members, they compared those numbers to the 224-DOPE ledger book, Activity Logs, AIMS database and to

several members' cell phone records and their cell tower data. While there were hundreds of calls placed to 224-DOPE by MVU members, the OCSTF investigators were unable to prove any of those calls were used to call in tips to support probable cause to obtain search warrants due the type of information recorded in the ledger books and AIMS database. For instance, neither the ledger nor the AIMS system contained the times the tips were received. The ledger and AIMS system contained dates, but they proved to be the dates the calls were entered into the ledger and system, rather than the dates the tips were actually called into MVU. Consequently, there was no correlation between the date and time of the call in the AT&T records with the dates recorded at MVU. Nor were the 224-DOPE lines recorded. Therefore, OCSTF investigators were unable to determine the exact date and time the tip was called into MVU.

Notably, OCSTF investigators determined that one call placed to 224-DOPE by Member #16, (supported by Member #16's outgoing T-Mobile and the incoming AT&T telephone records), coincided with a March 2019 raid of a west side Detroit home. There was an anonymous AIMS complaint entered. The call was completed using the tower nearest the MVU base at the time and Member #16 was the affiant on the search warrant affidavit; however, Member #16 did not reference the AIMS complaint in the affidavit. OCSTF investigators did a thorough investigation into this particular warrant and search due to facts uncovered once the confidential source used in the warrant was identified and provided evidence that contradicted Member #16's affidavit. The investigation ultimately resulted in a prisoner being released from MDOC. Yet, there was no evidence that Member #16 illicitly called his/her own tip on the narcotics location.

The OCSTF investigators worked to determine a plausible explanation why any MVU member would be calling the 224-DOPE multiple times. Through a consensus explanation during the OCSTF interviews, it was offered that:

- 1.) MVU officers sometimes contacted the 224-DOPE line to reach a Planning and Analysis member at the base or for an AIMS background check of a specific target location;
- 2.) MVU officers dialed 224-DOPE as a way to avoid calling directly to the MVU base's office number [313-596-1580]; or
- 3.) MVU officers possibly shared a specific relationship with the person answering the 224-DOPE line.

It should be noted that OCSTF investigators considered that a possible explanation was that legitimate 224-DOPE complaints were received, but never entered into the 224-DOPE ledger book or the AIMS database. Based on this investigation, it was established that MVU members occasionally received physical Narcotic Activity Sheets or 224-DOPE complaint forms and immediately begin working the case. Thus, it is possible these



complaints were never formally documented beyond that, based on the preliminary outcomes. However, due to the lack of documentation, and inconsistent practices of MVU and PPU's administration of the 224-DOPE complaint documents, these details could not be confirmed.

Finally, after spending significant time with the records, OCSTF investigators were able to prove that certain calls were placed by phone numbers registered to neighbors near the respective narcotics locations. These actions support the intended use of the 224-DOPE tip line.

### **224-DOPE REVIEW**

As stated above, there were thousands of 224-DOPE tips received yearly from 2009 through 2019, approximately 3,712 per year, or approximately ten (10) calls per day, every day including weekends. The consensus of the members assigned to MVU was that the volume of 224-DOPE tips and complaints were overwhelming and unmanageable with the MVU unit and crew sizes.

OCSTF investigators determined that via the AT&T telephone records, there were more than 3,300 unknown calls connected to the 224-DOPE tip line, where numbers were hidden by using tools such as \*67. It should be noted that most of the unknown calls, approximately 2,500, were prior to 2014.

At the time of this report, the AIMS system is operational and populated with the past narcotics activity information. However, this was a program specially made for DPD years ago and is no longer supported by its creator. The support discontinued over three (3) years ago. Additionally, not even DPD DoIT department can access the AIMS system. MVU management is in the process of finding a different database to capture the crucial narcotics activity information, with one solution possibly being the RMS reporting system.

Additionally, due to the method the 224-DOPE calls are recorded and maintained (i.e. no recorded times, inconsistent dates and discarded documents), OCSTF investigators were unable to conduct an analysis to determine the peak times for 224-DOPE calls and activities. This information would be helpful to ensure the correct labor force is present to handle the tips sufficiently.

Finally, the aforementioned in-house Narcotic Activity Sheet utilized by PPU is very rudimentary and only contains very basic inquiry information, where DPD has a more complete form on its intranet, the Narcotics Activity form (DPD11A). Some of the same information is captured on both forms, but it should be pointed out that the DPD11A is more detailed and complete.

## **224-DOPE FOLLOW-UP**

OCSTF investigators spoke with MVU management in August 2021 about the 224-DOPE line. The discussion revealed that the 224-DOPE process was revamped and made to be more efficient. MVU management relayed that the 224-DOPE forms are now digital and are managed in the RMS System. The in-house Narcotic Activity Sheet is no longer used to record tips and the AIMS system is no longer used to input and store data – although it is still used to retrieve historical data. 224-DOPE tips are now recorded on a trackable digital form that is managed by Planning and Analysis with a database. Presently, when tips are received and after they are digitally completed, an email is generated and forwarded to supervision and selected crewmembers. The information is also entered in the RMS system, in a Narcotics Intelligence Module.

Once the tip information is entered into the Intelligence Module, either Planning and Analysis or MVU management [there is limited access to the 224-DOPE RMS system files] assigns the tips to MVU crews for dispositions. MVU management currently requires that the status of each case, along with the case and surveillance notes be entered into the corresponding Intelligence Module, for every complaint regardless of the outcome.

Once the disposition is received, Planning and Analysis is responsible for updating the database with the appropriate case status. The entire 224-DOPE process is now digital and trackable – a significant improvement.

## **INVESTIGATIVE FINDINGS**

In this investigation, there was information offered that MVU members were calling the 224-DOPE tip line to call in their own tips to facilitate their probable cause to serve narcotic search warrants, as well as suspicions that the officers were calling the 224-DOPE line for statistical purposes and to generate overtime opportunities.

OCSTF investigators conducted an audit of the tip line and while there was proof, via telephone records, that MUV members contacted the 224-DOPE tip line with their personal and Department phones, there was no way to determine if the officers contacted the tip line fraudulently to call in a tip.

Investigators did uncover that the 224-DOPE process was antiquated, inefficient and ineffective. As a result, the aforementioned 224-DOPE tip line upgrades were initiated. These updates make the process smoother and more manageable. The updated system should improve the service given to the Detroit citizens and alleviate any suspicion of corruption.

# CHAPTER 8

## FINAL SUMMARY AND RECOMMENDATIONS

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DPD Narcotics and MVU were tasked with addressing quality of life issues for the Detroit citizens in the area of illegal narcotics enforcement. Overwhelmingly, members of DPD, to include MVU members, are a group of hardworking and dedicated officers who serve the Detroit community and its citizens professionally on a daily basis. Unfortunately, after a thorough review of ten (10) years of the MVU records and data, investigators determined that approximately a dozen MVU officers decided to engage intentionally and purposely in misconduct.

In summary, in April 2019, a covert investigation and sting conducted by the FBI uncovered that Member #16 entered into a bribery agreement with a narcotics dealer to return that dealer's written confession and not to submit a criminal warrant. As a result, Member #16 was federally indicted, pled guilty to bribery, and resigned from DPD.

Member #16 was a major reason the OCSTF investigation was initiated. Chief Craig was not satisfied this incident was Member #16's first instance of misconduct and that there was a strong possibility that he/she had potentially committed similar types of corrupt acts. Therefore, Chief Craig ordered a full historical investigation into the former Narcotics Section and current MVU from 2009 through 2019. The MVU records were confiscated and ultimately staged at the Training Center. The OCSTF was formed and enlisted assistance from the FBI, Michigan State Police, Michigan Attorney General's Office, the Wayne County Prosecutor's Office, and the United States Attorney's Office. A subsequent criminal investigation, audit and review ensued.

The investigation and review process occurred for over 27 months. The investigation uncovered facts that showed DPD members engaged in misconduct specifically in the areas of court and overtime fraud, forgery, false affidavits and perjury, which resulted in four (4) sergeants retiring, two (2) corporals retiring, two (2) police officers retiring and another four (4) police officers resigning [12 total]. An additional officer's employment was terminated by the Department, but he/she was returned to DPD by via binding arbitration. Furthermore, pursuant to the OCSTF investigation, eight (8) criminal warrant packages, covering nine (9) officers, were prepared and submitted to the Wayne County Prosecutor's Office for review for criminal charges. The warrant packages remain under prosecutorial review at the time of this report.

During the investigation, OCSTF investigators interviewed dozens of registered and unregistered SOIs, confidential informants, charged and uncharged defendants and co-defendants, home and property owners, Michigan Department of Corrections prisoners,

identified witnesses, as well as current and past DPD officers. Furthermore, with the establishing of a tip line directly into the OCSTF base, an additional 80 calls were received.

During the investigation and review, there were numerous areas of concern identified. There were potential criminal charges and departmental violations observed. These concerns prompted policy updates and changes. The main areas of concern identified follows:

#### **False Search Warrant Affidavits**

- Multiple search warrant affidavits containing false information have been identified.
- Lying about surveillances conducted.
- Lying about the background and reliability of unproven informants.
- Lying to bolster defendants as “confidential informants” in order to secure their next search warrant affidavits.
- No supervisory review of search warrants.

#### **Unauthorized Release of Felony Offenders**

- Unauthorized “flipping” of defendants.
- Failure to follow up with criminal prosecution on flipped offenders.
- Several flipped offenders were released after providing little to no information.
- No evidence of working up the narcotics ladder toward larger drug dealers.

#### **Overtime and Court Time Fraud**

- Submitting overtime surveillance documentation for compensation, but not working the overtime, resulting in over 200 hours of alleged fraudulent overtime. Based on the cell phone records and the properly endorsed supporting timekeeping documentation the OCSTF had on hand, OCSTF can conservatively state that the officers combined for approximately \$9,000 in fraudulent overtime. That total is based on giving every benefit of the doubt to the involved officers. However, a review of the officers’ patterns and trends, compared with cell phone records, payroll documents and submitted overtime documents, it is estimated that the accused officers combined for approximately \$23,000 in fraudulent overtime.
- Submission of forged court documents from 2015 through 2020 for financial compensation, resulting in more than \$20,000 of taxpayer money being allegedly stolen.
- Supervisors and officers were working in concert to commit alleged Appearance Notice fraud.

### **Source of Information Voucher Fraud**

- There were thirty-nine (39) blank SOI vouchers located that were pre-printed with sources' signatures and thumbprints. These documents are ready for payment remission.
- Use of SOI information in affidavits after the SOI stopped working for DPD.
- SOI's stating that they did not receive certain large bonus payments that they were recorded as having received.
- Consistent SOI payments greater than established DPD standard.
- Incidents of using a third party to conduct narcotic buys, instead of the confidential informant as reported in the sworn search warrant affidavit.

These discoveries, along with the multiple allegations of theft (unproven), were extremely troubling.

Outside of the aforementioned concerns, there were additional departmental command level concerns identified. The areas of concern identified follows:

- Inadequate overall supervision.
- Lack of search warrant and surveillance supervisory oversight.
- Lack of follow-up on not-in-custody warrant submissions.
- Poor record and data keeping regarding the tracking of locations, defendant arrests, charges and court dispositions.
- Poor case filing system (discarded files number, multiple files, no file tracking, inconsistent filing system).
- Improper usage of departmental Body Worn Cameras (discontinuing video feed prior to the conclusion of the incident).
- Discarding official 224-DOPE police documents.
- Preparing inadequate, cookie cutter police reports.

Historically, there has occasionally been means and opportunity for Narcotics and MVU officers to procure monies and property over the years while conducting raids. However, the vast majority of the hundreds of hardworking DPD Narcotic and MVU officers and supervisors had to proper levels of integrity conduct their jobs in the proper manner.

Combating, deterring and preventing police misconduct and corruption is the responsibility of each member at every level of the chain of command, from the individual officers to the chief of police. This investigation shows that in this instance, MVU first line supervision were the members responsible for holding MVU member accountable on a day-to-day basis. They were in the best positions to curb the officer's corrupt actions. It is important to bear in mind that even the most comprehensive corruption prevention measures would not stop an individual from committing a crime once that individual has the will to do so. However, supervision failed to ensure the MVU officers adhered to DPD protocols, which led to the officers comfortably conducting corrupt activities; the

supervisors even participated in the same types of corrupt activities. This made the supervisors complicit and therefore in no position to take the action potentially to deter, prevent or discourage the officers' misconduct. This was an overall failure in supervision.

The overtime theft and forgery incidents equated to MVU officers stealing taxpayer money. This type of police behavior erodes public trust and hampers police community relations at a time and era when public trust is most important. Therefore, going forward it is critical that DPD strive to attain and maintain a corruption-free organization. Via the information obtained through this investigation, to ensure DPD does not visit this same arena in the future, the OCSTF investigators prepared the following list of suggestions and recommendations to deter and curtail future corruption:

### **RECOMMENDATIONS**

Throughout the investigation, a number of practices were identified that hindered the effective and efficient operation of MVU. Based on the information garnered via this review and audit, the following sixteen (16) suggestions that put safeguards in place and allows for better transparency and accountability to assist in improving MVU operations:

1. It is recommended that MVU implement and enforce a three (3) to five (5) year MVU assignment limit. It should be tracked to easily identify officers who already served their MVU stint.
2. It is recommended that MVU consider creating a stricter recruiting process, to include an exhaustive background investigation and only allowing officers with three (3) years police patrol experience to be allowed to request to transfer to MVU. Additionally, upon initial assignment, it should be under the Department's Career Enrichment Program so both management and the individual officer can gauge if MVU the desired place to work.
3. It is recommended that the Department should require MVU members to submit annual personal financial disclosures. Such a requirement comports with the best practices of several other police departments and certain federal partners and could identify officers who may be living beyond their means.
4. It is recommended that the 2020 SOP be reviewed, edited and approved expeditiously. Once approved, it is further recommended that the update be discussed between MVU management, supervision and the MVU officers. Then the 2020 SOP should be electronically distributed to each individual member assigned to MVU, with proof of receipt. Afterwards, the SOP policies should be strictly enforced.

5. It is recommended that DPD should consider installing an embedded Assistant Wayne County Prosecutor at Organized Crime, which could eliminate the flipping issues and provide additional search warrant preparation and review assistance.
6. It is recommended that MVU should maintain a single filing system accessible at their base, with no file numbers missing or skipped. In the event a file does not result in a case, the file should be maintained with all corresponding documents (i.e. notes, reports, warrants, video evidence, digital evidence, etc.), for accountability and future investigations if needed.
7. It is recommended that MVU consider establishing its own Detective Bureau. This will help separate and compartmentalize MVU duties. Then the MVU members could concentrate on narcotics investigations, developing probable cause and executing search warrant executions when warranted. The Detective Bureau would be specialized and capable of handling the follow-up investigations when warranted, including the interviews, identifying drug trafficking connections and warrant submissions. This division of labor would also add additional checks and balances to ensure the best police product is being produced.
8. It is recommended that the Department consider adding a Crime Analyst to MVU to build a platform to recognize connections, patterns, and complete analytical work ups to assist in leveraging technology enhanced with Compstat data, to better combat illegal drug trafficking in the City of Detroit.
9. It is recommended that the Department establish a method of periodically conducting random testing audits of those “no-case” incidents. Such audits will reduce the chances of an officer being tempted to tamper with or switch the narcotics.
10. It is recommended that the Department establish a method of periodically conducting a financial review audit of the MVU, to ensure compliance and consistency. This should be completed by an outside auditing unit.
11. It is recommended that SOI monies are distributed and maintained by an outside unit, and preferably a unit outside of Organized Crime’s span.
12. It is recommended that MVU leadership and management periodically rotate crewmembers between supervisors. Such movement will ensure MVU members are cross-trained and able to work under various supervisors and conditions. It will also reduce the window to allow for corruption, by changing the level of personal comfort within the crews.

13. It is recommended that MVU adopt the Vice Unit's practice of attaching a court subpoena or notification directly to the Appearance Notice in order to deter Appearance Notice abuse.
14. It is recommended that MVU leadership, management and supervisors stress the need to avoid the cookie cutter mentality of report writing. Although they may save time, those types of reports are rarely specific enough to refresh an officer's memory in court, to include DPD officers.
15. It is recommended that MVU officers and supervisors be sent for additional training on suspect interrogation techniques and tactics, to enhance their interview skills.
16. It is recommended that since Operation Clean Sweep began, DPD has reduced the size of MVU and pushed some of the narcotic enforcement responsibility to the precinct's special operations. Therefore, it is recommended that the Department periodically audits the precinct's special operations work product to ensure they are properly trained and are performing up to Department standards and are free from corruption.

### **MVU UPDATES AND IMPROVEMENTS**

Throughout the OCSTF investigation, after learning of certain critical findings, MVU leadership has taken steps to rectify the identified shortcomings. MVU leadership and management updated operational protocols and policy to deter temptation and to come in line with best nationwide police practices. In the area of improvement, MVU has implemented the following ten (10) strategies to improve the unit:

1. Search warrants affidavits are now required to be reviewed up through the chain-of-command, all the way up to the deputy chief for approval. This internal review must be done prior to submitting the affidavit to the Wayne County Prosecutor's Office for review.
2. When working overtime prior to the start of the shifts, MVU members are now required to make a Body Worn Camera announcement of their purpose, as well as their on-duty and off-duty times. Notifications are required and a supervisor must be physically present to oversee the surveillance activities.
3. MVU overtime is now managed digitally with a Smartsheet. MVU management is required to review the officers' overtime through the Smartsheet.
4. MVU surveillance notes are now entered, updated and stored in the RMS system, in the Narcotics Intelligence module.



5. The practice of releasing and flipping felony drug and weapon offenders has ceased at MVU.
6. The 224-DOPE process was revamped and made to be more efficient; it is digital, trackable and managed in the RMS System in a Narcotics Intelligence module. When tips are received and digitally completed, an email is generated and forwarded to supervision and selected crewmembers for action. The information is also entered in the RMS system. The in-house Narcotic Activity Sheet and the AIMS system are no longer used to input and store data.
7. SOI verifications now have to be verified up the chain of command through the deputy chief and to the assistant chief of police.
8. The arrest warrant status of each offender is now digitally tracked with a Smartsheet; thereby allowing MVU management to instantly know offender statuses at a glance.
9. Organized Crime now has three (3) lieutenants assigned, versus one (1). Therefore, the MVU lieutenant has less responsibility and additional time to manage MVU and PPU more effectively.
10. MVU now requires a member the rank of lieutenant or above be present at every raid.
11. The "2-a-day" standard at MVU has been eliminated and it should remain that way. However, leaders and managers should still demand and expect a quality work product.

In conclusion, this investigation underscores the point that when supervision fails to hold members accountable and up to Department standards on a daily basis, it becomes easy for officers to comfortably circumvent the system and take advantage of opportunities. OCSTF investigators discovered that clear instances of police misconduct occurred, but either went unnoticed or, in some cases, even received supervisory assistance.

## **ACKNOWLEDGEMENTS**

Along with Detroit Police Chief of Police James E. White and former Detroit Police Chief of Police James E. Craig, the Detroit Police Department would like to express their deepest gratitude and sincere appreciations to all our federal, state, and county partners. Throughout this report, the participants and officers largely remained nameless and therefore no individual will be named; however, that same gratitude and appreciation also extends to each individual who assisted along the way in this monumental investigation.

The Detroit Police Department is a world-class policing agency and our officers' actions are recognized across the Nation. To date, this is the first investigation of this type and arguably the most in-depth intra-departmental investigative inquiry in recent Department history. Therefore, it is important that this information be transparently shared so that it may inform both the police community and the community at large, to assist in deterring future similar incidents. Every law enforcement officer's action matters and each one has the potential to change the outlook of the entire profession. If you do not think so, just look at what occurred in Minneapolis, Minnesota in the summer of 2020.

Each OCSTF investigator worked diligently and tirelessly to bring this matter to a fair, impartial, transparent and successful resolution and closure. It is the task force's sincerest hopes that this investigation sheds light into some of the compromised areas of narcotics enforcement and corruption in the City of Detroit, and resolves them to ensure that DPD narcotics enforcement will be a positive asset and set the standard in narcotics enforcement activity in the Detroit community for years to come.