



CITY OF DETROIT
LAW DEPARTMENT

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September 18, 2017

Carter Sherman
49 South 2nd Street
Brooklyn, NY 11249

RE: Freedom of Information Act Request No. A17-04753 Concerning Detroit Police Department Records Related to Officer-Involved Shootings Both Fatal and Non-Fatal Dating Back to 2010

Dear Mr. Sherman:

This letter serves as the City of Detroit's response to the above-referenced matter. Your request was received at the City of Detroit Law Department Freedom of Information Act Section, via email, on August 1, 2017. Because your request was received by electronic transmission, pursuant to Section 5(1) of the Michigan Freedom of Information Act (the "Act"), MCL 15.235(1); it is deemed to have been received at the Law Department on the next business day, August 2, 2017. In accordance with Section 5(2)(d) of the Act, MCL 15.235(2)(d). Therefore, your request will be granted, denied, or granted in part and denied in part on or before August 23, 2017. Thank you for your patience regarding this matter.

Your email requests:

"... a copy of the following information be provided to me:

Documents related to all Detroit Police Department officer-involved shootings — both fatal and non-fatal — dating back to 2010. Specifically, I am looking for the following information regarding each incident:

- incident's time and date
- incident's location
- incident complaint number
- officer name (pursuant to privacy concerns)
- officer rank
- officer race
- subject name (pursuant to privacy concerns)
- subject race
- subject weapon (if any)
- outcome of incident (fatality, injury, etc.)
- summary or narrative of each incident."



Carter Sherman
September 18, 2017
Page 2

Based on information provided by personnel from the City of Detroit Police Department (DPD), it is our understanding that due to the scope of your request, the City would incur significant labor costs in retrieving the records responsive to your request. Therefore, in the event you wish for the City to proceed with your request, we require that you submit a deposit payment pursuant to Section 4(8) of the Act, MCL 15.234(8).

In order to process your request, it is our understanding that DPD personnel would have to manually search multiple sources to retrieve the records responsive to your request. Therefore, to complete the search and the retrieval process for this request, they estimate that it would take approximately 3,120 hours.¹ The hourly wage rate of the lowest paid DPD personnel capable of performing such task is \$24.85 [\$17.74 per hour + \$7.11 in fringe benefit (40.084% of \$17.74)]. Therefore, the DPD alone will incur approximately Seventy-Seven Thousand Five Hundred Thirty-Two and No/100 Dollars (\$77,532.00) [\$24.85 per hour x 3,120 hours] in labor costs.

Accordingly, should you wish for the City to proceed with your request, we require that you submit a deposit payment in the amount of **Thirty-Eight Thousand Seven Hundred Sixty-Six and No/100 Dollars (\$38,766.00)**, which reflects one-half of the total estimated labor costs to be incurred by the DPD, no later than close of business, **October 16, 2017**. Please submit your payment, via check or money order, made payable to the "City of Detroit". We do not accept cash or process credit/debit card payment. Upon receipt of the deposit payment, we will direct the DPD to commence its search and retrieval process.

Upon receipt of the records from the DPD, a Law Department personnel will review the records to separate the exempt from the non-exempt information, such as individuals' personal and private information pursuant to MCL 15.243(1)(a) and (w); and any other information which would be exempt from disclosure pursuant to MCL 15.243(1)(b) and (s).²

Therefore, **depending on the volume of records received from the DPD, we will be providing you with an additional labor costs estimate for the Law Department.** The hourly wage rate of the lowest paid Law Department personnel who is capable of separating the exempt from the non-exempt information pertaining to the records at issue is \$26.93 [\$19.23 per hour + \$7.70 in fringe benefit (40.084% of \$19.23)]. In addition, we will also be providing you the total labor costs which was incurred by the Health Department. **Upon receipt of the balance of payment of the DPD's labor costs and a deposit payment for the Law Department's labor costs, we will commence the separation of the exempt from the non-exempt information.**

¹ Because the DPD does not have the necessary personnel who can devote this amount of time on one (1) FOIA request; and because we cannot disrupt the DPD's regular course of business we would only be able to dedicate one 1-2 hour per business day for this request. Therefore, to complete the process, it would take anywhere between 1,560 business days to 3,120 business days for the DPD to complete its task.

² The City of Detroit reserves its right to claim any additional exemption, after we have completed our review.



Carter Sherman
September 18, 2017
Page 3

Lastly, in the event you require a copy of the record, please note we charge \$0.10 per page. Therefore, after the completion of the Law Department's review, we will submit a final bill to your attention. No record will be released until the City receives its labor costs pursuant to MCL 15.234.

Please note that pursuant to Section 10 and 10a of the Act, MCL 15.240 and 15.240a, a person receiving a written denial of a request, or receiving a letter to submit the labor costs may do one of the following:

- 1) Submit a written appeal to the head of the public body denying the request. Such appeal, if submitted, should specifically state the word "appeal" and identify the reason or reasons for reversal of the disclosure denial. MCL 15.240(1)(a) and 15.240a(1)(a); or
- 2) Commence an action in the circuit court to compel the disclosure of the public records within 180 days after the public body's denial of the request, MCL 15.240(1)(b), or within 45 days after the public body's request for labor costs, MCL 15.240a(1)(b). If a court finds that the information withheld by a public body is not exempt from disclosure, or that the labor costs requested by the public body exceeds the amount permitted, the requesting party may receive the requested record and, at the discretion of the court, reasonable attorney fees and /or costs. MCL 15.240(6) and (7), and 15.240a(6) and (7).

When contacting our office regarding this request, please include the request number listed in the subject line above. **For your information, please note that a public summary of City of Detroit FOIA procedures and guidelines is available on the City's website, www.detroitmi.gov, under "How Do I . . ." and "File".**

Very truly yours,

Ellen Ha
Chief of Staff
City of Detroit Law Department

EH/