

From: [Lazarus, Howard](#)
To: [*Police Department](#)
Cc: [Fournier, John](#); [Wondrash, Lisa](#)
Subject: Notice of Administrative Leave
Date: Friday, February 7, 2020 4:47:17 PM

To all AAPD Officers:

I am writing to inform you that I have placed Chief Cox in an administrative leave status pending resolution of a personnel matter. Deputy Chief Forsberg will serve as the Acting Chief.

Howard S. Lazarus

City Administrator
City of Ann Arbor
301 E Huron Street
Ann Arbor, MI 48104
734-794-6110 x 41101
hlazarus@a2gov.org
www.a2gov.org

From: [Lazarus, Howard](#)
To: [Ronewicz, Eric](#)
Subject: RE: Sorry
Date: Tuesday, February 18, 2020 1:48:37 PM

Eric:

Thank you for your thoughts. Our relationship proves that people can disagree without being disagreeable. I wish you good luck, good spirits, and good fortune in the future.

Howard S. Lazarus

City Administrator
City of Ann Arbor
301 E Huron Street
Ann Arbor, MI 48104
734-794-6110 x 41101
hlazarus@a2gov.org
www.a2gov.org

From: Ronewicz, Eric <ERonewicz@a2gov.org>
Sent: Tuesday, February 18, 2020 12:35 PM
To: Lazarus, Howard <HLazarus@a2gov.org>
Subject: Sorry

Sir,

I wish to express my apologies to you about what I just read in the Ann Arbor News about tonight's council meeting. I hope the City Council will do the right thing.

I want to express a sincere thank you for working with the AAPOA as well as all the work you have done to assist and protect the police department.

Respectfully,

Eric

From: [Smith, Chip](#)
To: [Ronewicz, Eric](#); [Taylor, Christopher \(Mayor\)](#); [Ackerman, Zach](#); [Grand, Julie](#)
Subject: Re: Thank You
Date: Wednesday, February 19, 2020 12:21:06 PM

Eric,

Thank you for your note. It is much appreciated. I would encourage you to share these thoughts with the rest of my colleagues.

Chip Smith
Ann Arbor City Council - Ward 5
734-709-2022

Emails sent and received by me as a Council member regarding Ann Arbor City matters are generally subject to disclosure under the Freedom of Information Act (FOIA).

From: Ronewicz, Eric <ERonewicz@a2gov.org>
Sent: Wednesday, February 19, 2020 11:51 AM
To: Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Smith, Chip <ChSmith@a2gov.org>; Ackerman, Zach <ZAckerman@a2gov.org>; Grand, Julie <JGrand@a2gov.org>
Subject: Thank You

Sirs and Mam,

I wish to thank you for your actions during and after the City Council meeting in regards to our City Administrator. I do concur with the joint statement that was issued by Mr. Smith, Mr. Ackerman and Ms. Grand.

Even though Mr. Lazarus and I have our difference of opinion, I still respect him and the work he has done. He is the first administrator, in my 22 years of service to the City, that has reached out to the police union to gain knowledge of the department from a different perspective. He continuously has thought about the betterment of the City staff and implemented changes for their behalf which has not been done before.

Thanks again,

Eric Ronewicz- President of the Ann Arbor Police Officers Association

From: [Grand, Julie](#)
To: [Ronewicz, Eric](#); [Taylor, Christopher \(Mayor\)](#); [Smith, Chip](#); [Ackerman, Zach](#)
Subject: Re: Thank You
Date: Wednesday, February 19, 2020 1:44:55 PM

Eric,

These are powerful words and I sincerely thank you for them, as well as for your years of service to our community.

Kind regards,
Julie

From: Ronewicz, Eric <ERonewicz@a2gov.org>
Sent: Wednesday, February 19, 2020 11:51 AM
To: Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Smith, Chip <ChSmith@a2gov.org>; Ackerman, Zach <ZAckerman@a2gov.org>; Grand, Julie <JGrand@a2gov.org>
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Eric Ronewicz- President of the Ann Arbor Police Officers Association

From: [Ackerman, Zach](#)
To: [Grand, Julie](#); [Ronewicz, Eric](#); [Taylor, Christopher \(Mayor\)](#); [Smith, Chip](#)
Subject: Re: Thank You
Date: Wednesday, February 19, 2020 1:45:59 PM

Hi Eric,

This means a lot. Your voice carries a lot of respect.

Best,
Zach

Zachary Ackerman
Ann Arbor City Council
Ward 3

Emails sent to or from this address could be subject to public disclosure under the Freedom of Information Act (FOIA).

From: Grand, Julie <JGrand@a2gov.org>
Sent: Wednesday, February 19, 2020 1:44 PM
To: Ronewicz, Eric <ERonewicz@a2gov.org>; Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Smith, Chip <ChSmith@a2gov.org>; Ackerman, Zach <ZAckerman@a2gov.org>
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Thanks again,

Eric Ronewicz- President of the Ann Arbor Police Officers Association

From: [Ronewicz, Eric](#)
To: [Fournier, John](#); [Koch, Heather](#); [Radabaugh, Margaret](#)
Subject: PERA Request
Date: Tuesday, February 25, 2020 9:31:00 AM

Ann Arbor Police Officers Association PERA Request

This request is made pursuant to the Public Employment Relations Act (PERA), MCLA 423,201 et.seq. Under PERA, labor organizations as well as public employers have an obligation to provide information relevant to the bargaining process, including information needed for contract administration, grievance adjustment and related arbitration proceedings. Furthermore, it is an *unfair labor practice* to refuse to furnish such information in a reasonable amount of time.

The Ann Arbor Police Officers Association is requesting copies of the following information:

Grievance	
Name:	AAPOA
Current Date:	February 25, 2020
Information Requested:	The AAPOA is requesting a copy of the whole independent investigation performed by Miller Canfield in regards to the complaint filed against Chief Michael Cox as well as the internal Memo on this subject that was drafted by City Attorney Postema which was given to city council. Chief Michael Cox has disciplinary powers over every member of the AAPOA and the AAPOA should be able to review/have a copy of the investigation. The AAPOA has to ensure that all of its members are or will be treated fairly if a complaint is lodged against them. Furthermore, the AAPOA has to make sure that if a complaint is lodged against one of its member is similar or the same, that our membership will be treated consistent with how Chief Cox is being treated. We also should know what the conduct of the Chief was as we pattern our code of conduct from our leaders. If his conduct is deemed inappropriate, we need to know in order to change ours.

Eric Ronewicz
President- Ann Arbor Police Officers Association

From: [Radabaugh, Margaret](#)
To: [Ronewicz, Eric](#)
Cc: [Fournier, John](#); [Koch, Heather](#); [Forsberg, Jason](#)
Subject: RE: PERA Request
Date: Thursday, February 27, 2020 10:27:00 AM
Attachments: [AAPOA Cox PERA.pdf](#)
[Norris Report-final redacted.pdf](#)

Officer Ronewicz,

Attached please find the response to your PERA.

Thank you,

Margaret P. Radabaugh, Senior Assistant City Attorney

City of Ann Arbor | Guy C. Larcom City Hall | 301 E. Huron, 3rd Floor · Ann Arbor · MI · 48104
734.794.6173 (O) | Internal Extension 41870
MRadabaugh@a2gov.org | www.a2gov.org

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From: Ronewicz, Eric <ERonewicz@a2gov.org>
Sent: Tuesday, February 25, 2020 9:32 AM
To: Fournier, John <JFournier@a2gov.org>; Koch, Heather <HKoch@a2gov.org>; Radabaugh, Margaret <MRadabaugh@a2gov.org>
Subject: PERA Request

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Eric Ronewicz
President- Ann Arbor Police Officers Association



**City of Ann Arbor
Human Resources Services
301 E. Huron St., PO Box 8647, Ann Arbor, MI 48107
Phone: (734) 794-6120 Fax: (734) 994-5961**

February 27, 2020

To: Eric Ronewicz, President, Ann Arbor Police Officers Association

Re: PERA Request – Independent Investigation into Chief Michael Cox

Officer Ronewicz,

We are in receipt of an information request from AAPOA, dated on or around February 25, 2020. This request has been made pursuant to PERA.

Please see the following responses to the requested information:

1. **“[T]he AAPOA is requesting a copy of the whole independent investigation performed by Miller Canfield in regards to the complaint filed against Chief Michael Cox...”**

See attached.

Information redacted is withheld based on the following:

- Attorney-Client Privilege.
 - FOIA exemption: “Information of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.”
2. **“...as well as the internal Memo on this subject that was drafted by City Attorney Postema which was given to city council.”**

Denied. This document is protected by attorney-client privilege.

Respectfully,

Heather Koch
HR Analyst
(734) 794-6135



ATTORNEY-CLIENT PRIVILEGE

TO: Stephen Postema
FROM: Megan P. Norris
RE: Police Department Investigation
DATE: February 20, 2020

Assignment:

On February 10, 2020, Stephen Postema, the Ann Arbor City Attorney, asked Miller Canfield to undertake an investigation into complaints made against Michael Cox, the City's Chief of Police. Specifically, Miller Canfield was asked to review the Chief's behavior related to two internal investigations and whether the Chief had created an abusive or hostile work environment (including potential retaliation).¹

On February 12, 2020, after all conflicts were cleared, the parties entered into a retention agreement regarding the investigation. Beginning on February 12, and continuing throughout the investigation, the City Attorney provided Miller Canfield with requested documents, including Police Department policies, internal notes and memoranda from potential witnesses, and information regarding the particular investigations at issue. Miller Canfield also reviewed public statutes and ordinances.

In the course of the investigation, an additional issue regarding potential insubordination by the Chief arose, and Miller Canfield was provided with the documents it requested on that issue.

Witnesses were interviewed on February 13, 14, 15 and 18, and all witnesses, including the Chief, cooperated fully in the investigation. For the most part, there is no dispute regarding the material facts. Therefore, this report generally does not identify the specific individual(s) or document(s) from which each item of information was obtained. On a few matters, there is a dispute between the Chief and other witnesses, and such incidents are identified. Where credibility was assessed, the basis for the conclusion reached is explained.

¹ The phrase "hostile environment" is used generally, and not specifically as a legal charge, which is limited to a hostile environment based on a protected classification, such as race, sex, age, religion, etc. No witness specifically alleged, and the investigation did not reveal, any action by the Chief based on a protected classification, and the potential retaliation was similarly not based on a complaint regarding discrimination based on a protected classification.

Summary of Findings:

There is no support for the allegation that the Chief has no right to play any role in an internal investigation. By policy, the Chief has the right to do so, and many of the actions to which employees took offense were understandable and legitimate. However, there is ample evidence that the Chief's comments appeared to attempt to convince people not to conduct an investigation into a supervisor, to excuse conduct in clear violation of policies, and to convince an investigator not to conclude that a supervisor was lying.

There is no evidence that the Chief was behaving in such a way (yelling, etc.) as to create a hostile work environment. However, there is evidence that people feared retaliation by the Chief, and they had a legitimate basis for that fear, whether or not that was the Chief's intent.

There is evidence that the Chief was insubordinate both in not following an order to stay out of a particular investigation until it was concluded and in not following an order to stay away from employees after he was placed on administrative leave.

Background:

On October 29, 2019, the Chief Financial Officer for the City of Ann Arbor informed a member of the City Attorney's office that there were reports that an individual was repeatedly parking in front of the Ann Arbor City Hall, and that there were a number of voided tickets for one car. The matter was turned over to the Police Department for investigation. Although the matter appeared to involve both a parking officer (who reports through the Police Department) and his girlfriend (a City employee outside the Police Department), it was agreed that the Police Department would investigate the matter, and it was assigned to the appropriate Lieutenant ("Investigation #1).

The Lieutenant found that the parking officer had taken a number of actions to help his girlfriend not have to pay for parking, including:

- Allowing her to use the placard given to parking officers so that they can park in front of City Hall for a short period of time at the beginning and end of their shifts, before they go to the parking garage to begin their rounds;
- Calling other parking officers to direct them away from the meters where the girlfriend was parking; and
- Getting officers to void any tickets they issued.

During the investigation, the Lieutenant was told that parking officers had complained to their supervisor about the parking officer's actions, and that on one occasion, when an officer refused to void a ticket he had properly issued, the supervisor then ordered him to void the ticket.

In the course of Investigation #1, the Lieutenant had a number of conversations with the Chief of Police, as did other Department and City personnel, as discussed more fully below. The Lieutenant ultimately issued a complete factual report, a separate document summarizing the report and providing a recommendation that the parking officer be terminated, and a disposition sheet noting that the allegations were "Sustained."

As is the practice, the Lieutenant turned her report over to the Deputy Chief for Support Services, who then issued her own recommendation, which was consistent with the Lieutenant's, and specifically noted that this matter involved allegations of untruthfulness by the parking officer. Because the proposed discipline was a termination, the Deputy Chief turned the report, recommendation, and proposed disposition over to the Chief, who also affirmed the findings.² The parking officer was terminated on November 25, 2019.³

On December 2, 2019, after discussions with the City Administrator and Assistant City Administrator, the Chief directed the Lieutenant to conduct an investigation into the parking supervisor (Investigation #2). Again, the Chief had numerous discussions with the Lieutenant and other Department and other City personnel regarding this issue.

The Lieutenant again conducted a thorough investigation. However, because of the signals she had been getting from the Chief since the first time the supervisor's involvement had been identified in the course of Investigation #1, the Lieutenant was afraid to conclude that the parking supervisor, whom the Lieutenant found to have lied, should be terminated.⁴ The Lieutenant talked to the City Attorney's office as the investigation was unfolding, and the attorney to whom she spoke advised [REDACTED]. The Deputy Chief would then make a recommendation for the Chief to review.

The Lieutenant then issued her report in which she concluded that the supervisor lied when she denied instructing a parking officer to void a ticket he had written for the accused's personal vehicle and that she lied when she denied knowledge of the misconduct of the parking officer at issue in Investigation #1. However, the Lieutenant issued a disposition form that concluded "NOT SUSTAINED" and noted that there should be a policy review. When she gave the report to the Deputy Chief, the Lieutenant said that the proposed disposition did not match what she thought should occur. The Deputy Chief was concerned that the Lieutenant seemed to feel pressured to reach a result other than where the investigation led her.

On February 6, 2020, the Assistant City Administrator spoke with the Lieutenant directly and asked what conclusion she would have reached if she had not felt pressured by the Chief. The Lieutenant was then asked to review her report and issue whatever report she thought was appropriate.

Because of concerns that the Chief had inappropriately interfered with the investigation such that it appeared that the Lieutenant had initially issued a disposition that she did not believe in, on February 7, 2020, the City Administrator placed the Chief on paid administrative leave to

² The Chief always receives the final report, but where the proposed discipline is less than suspension or termination, the Deputy Chief is usually the final decision-maker so that the Chief can be the decision-maker at Stage 1 of a union grievance.

³ His girlfriend had resigned from her position with the City on November 7, 2019, the day after the parking officer was suspended.

⁴ The basis for this fear is discussed more fully below. Regardless of whether one finds that the fear was well-founded or not, there is no question that the Lieutenant was afraid. She made statements to a number of people in real time, and the Chief himself noted that she was very uncomfortable.

allow the investigation to be completed unimpeded. The Chief was specifically directed, “you are not to ... have any contact with City employees, including any employees of the Police Department.”

The Lieutenant subsequently re-issued her report with a conclusion of “SUSTAINED” and a recommendation of separation.⁵ The Deputy Chief reviewed the report, concluded that there was evidence that the parking supervisor had a clear intent to deceive, and recommended termination. On February 19, 2020, the Acting Chief agreed with the Lieutenant’s conclusions.

Allegations of Misconduct by the Chief:

As indicated above, the allegations of misconduct by the Chief fall into three categories: (1) inappropriate interference with an investigation, (2) creation of an abusive or hostile work environment/retaliation, and (3) insubordination. The following actions gave rise to these allegations:

A. Inappropriate Interference With An Investigation

1. Investigation #1

In evaluating the claim of interference, it is important to understand the context in which the alleged actions occurred from the viewpoints of both the Chief and the Department.

Historically, the practice in the Department has been to allow the investigating Lieutenant, whomever that might be, to conduct his or her investigation unimpeded. There have been several reasons for this practice. The Department has wanted investigations to be conducted without pressure to reach a particular result. But in addition, the City of Ann Arbor has an Independent Community Police Oversight Commission, which by Ordinance has the authority to review actions taken by the Police Department (including internal investigations) and, in most circumstances, to hold public sessions regarding the Oversight Commission’s findings. As a result, the Department has set up a process under which a Lieutenant can say that there has been no interference whatsoever in the investigating officer’s ability to conduct a full and impartial investigation. The Chief was, at minimum, insensitive to these concerns. He initially denied knowing about any oversight, then acknowledged that there was a Commission but thought that it was brand new and hadn’t really done anything. Upon further questioning, the Chief acknowledged awareness of the Independent Community Policy Oversight Commission, but thought that the only way anything would become public was through a FOIA request. Ultimately, the Chief acknowledged that the Department’s actions may be subject to public review, and that having an independent investigation could be important in that regard.

As described below, some of the Chief’s statements could be interpreted as suggesting that no investigation of the parking supervisor take place. Ann Arbor Police Policy and Procedure Oder 052-001(IV)(2)(c) states that “all personnel complaints” will be investigated. In addition, the Chief believes that he effectively has no boss when it comes to policing. While he acknowledges that he reports to the City Administrator for purposes of budgeting and other

⁵ The parking supervisor was eligible for retirement, and the Lieutenant was in contact with the supervisor’s union so that the supervisor could leave voluntarily rather than being terminated.

administrative matters, he believes that nobody can tell him how to run the Police Department. Section 5.1(b) of the City Charter clearly states, “It shall be the duty of the City Administrator to: Direct, supervise, and coordinate the work of the Police Department . . .” And Section 5.8(a) states, “The Police Department shall be in the immediate charge of the Chief of Police, who shall be responsible directly to the City Administrator.”

On the other hand, all of the other individuals interviewed, both within the Police Department and in City Administration, perhaps because of the longstanding practice, believe that a Chief is prohibited from having any involvement in an investigation whatsoever. This belief is not supported by the City’s own policies. Ann Arbor Police Policy and Procedure Order 052-001 (IV)(1) states, “The office of the Chief bears the ultimate responsibility for the direction and control of the complaint process and for the professional standards of the department.” The Chief comes from a much larger police department, and he expressed legitimate concerns about having just one person involved in investigations. He also understandably views his role as helping to coach and guide members of the Department. There is nothing inherently wrong with the Chief asking an employee how an investigation is going, asking questions about what the investigator is finding in the course of the investigation, or making suggestions, so long as the Chief is not interfering with the investigator’s ability to accurately and honestly report what he or she is finding. And everybody admits that once the Chief receives a report, he has the absolute right to reject its findings and/or its recommendation. So while it is understandable that everybody wants the report to reflect the Lieutenant’s findings, the Chief is not ultimately required to accept them. As such, the Chief asking legitimate questions about the status of an investigation, where he is the ultimate decision-maker, is not undue interference.

On November 4, 2019, early in the course of Investigation #1, the Chief attended a meeting that included the Lieutenant and representatives from Human Resources, the City Administrator’s office, and the law department. In the course of that meeting, the Chief made comments such as “this is just a parking officer,” “voiding tickets is normal,” “are we sure this warrants discipline,” and “people might be misremembering things.” The Chief does not deny these statements. Rather, he says that he uses the Socratic method, so he asks a lot of questions and challenges people to think about what they are doing and where their actions might lead. That is very possibly true. However, the number of questions asked over the course of two investigations, and the context in which they were raised, challenge this assertion.

When, in the course of the investigation, the Lieutenant realized that a supervisor might be involved in the parking issue, she went to the Deputy Chief’s office. Several other people, including the Chief, were present. When the Lieutenant reported that a parking officer said that the supervisor had ordered him to void a ticket, the Chief said, “What’s wrong with that? Supervisors can’t tell people to void tickets?” When it was pointed out that there is a policy about when tickets can be voided, the Chief responded, “Supervisors can void tickets – that’s part of the job.”⁶ In the same meeting, the Chief made comments such as “we don’t want to be going down rabbit holes, chasing other trails,” “don’t believe everything an employee says about their boss,” and “[REDACTED] – how can we expect her to remember what happened 7 months ago?”

⁶ Policy and Procedural Order 082-011 allows a supervisor within the Police Department to void tickets for three reasons: officer error, emergency situation, and official business. None of these apply to the situation at issue in Investigation #1.

The Chief admits all of these statements except the “going down rabbit holes, chasing other trails” comment, which was reported by the other attendees in the meeting. However, he explained that these are the kinds of questions he typically asks to help an investigator reach well-supported conclusions. That may be true. However, in the context of the information provided by the Lieutenant, it is clear that none of the exceptions applied. The Chief’s statements could reasonably be interpreted as suggesting that the Lieutenant ignore the actions of the supervisor, either because parking tickets are no big deal, supervisors shouldn’t be challenged, or it is too difficult to make a case when the allegation is lying. The Chief again explained that some of this is his use of the Socratic method. He also reiterated in his interview that proving dishonesty is difficult. However, he acknowledged that he had approved the termination of another employee, unrelated to the parking issues, for dishonesty, and that if a supervisor is lying, “that would be really bad.”

Under the circumstances, it is totally understandable that the Lieutenant and others interpreted the Chief’s comments as a suggestion that the Lieutenant drop the investigation or conclude that there was no violation. The Chief may not have meant this. But his explanations – there are circumstances where parking tickets can be voided, people’s memories may not be perfect, and the like – do not make sense where he knew the underlying matter (a parking officer had parking tickets voided and there was a complaint that the supervisor was aiding and abetting this practice), the situations in which voiding a parking ticket would be allowed were wholly inapplicable, and the supervisor had affirmatively denied any involvement.

Another statement which the Chief made repeatedly was “we need to land the plane.” The Chief’s explanation of this is credible: this is a phrase he uses to say that a matter needs to be wrapped up and brought to conclusion. There is nothing wrong with that statement; even if he is wholly supportive of an investigation, he can push his people to get it done in a timely manner. Others interpreted this as a suggestion that the investigation be aborted. Based on the above, it is understandable that they would be sensitive about this issue, but there is nothing inherently wrong with the Chief’s use of the phrase, and nobody asked him what he meant by it.

At the point that the Lieutenant had completed her investigation and was in the process of writing her report, there was another meeting with the Chief, the Deputy Chief, and several administrators. In that meeting, the Chief again made comments about the mention of the supervisor’s actions in the upcoming report of Investigation #1: “When you start doing that, everybody’s going to get questioned.” However, the Chief did not direct anybody to change the report, and when such information was included in the report that was ultimately given to him, he did not change it, although he had that right.

The Lieutenant alleges that after the completion of Investigation #1 (but before the report was finalized), the Chief said to her, “What was that all about? You turned on me like a Doberman.” The Chief admits this comment but has a believable explanation. According to the Chief, he often talked to the Lieutenant late in the day because she was a hard worker and usually the only person left in the office. In the course of one of the conversations, which we now know was one where the Lieutenant felt that she was being pressured, the Lieutenant reacted negatively and the Chief noticed it. He thought the conversation had been friendly, and it suddenly became much colder, so he wondered what had happened. The Lieutenant interpreted the statement as the Chief saying that she had somehow betrayed him by reaching the

conclusions she had in Investigation #1. This is one of a number of situations where both parties are almost certainly telling the truth; in separately relating the interaction and responding to questions, they were highly credible. The Lieutenant was in a high state of discomfort, confirmed by her contemporaneous statements to others, and, for the reasons set forth above, understandably believed that the Chief was trying to pressure her. She therefore reasonably believed that the “Doberman” statement was the Chief expressing unhappiness with her actions with regard to the investigation. But the Chief was unaware of both the fact that he was significantly departing from past practice and that the Lieutenant was as a result very afraid. His questioning of what caused the Lieutenant to suddenly change was legitimate, albeit perhaps not worded in the most sensitive way.

The Chief is adamant that he did not really care what happened in Investigation #1, and that he accepted the Lieutenant’s and Deputy Chief’s findings without hesitation. This may be true. However, all of the witnesses stated that the Chief was more involved in this case than other much more serious investigations, and when it came time to terminate the parking officer, the Chief attended the meeting but did not actually conduct the termination, which was done by the Assistant City Administrator. This is one instance where there are no other witnesses and there is a factual disagreement. The Chief said he expected the Assistant City Administrator to communicate the termination. The Assistant City Administrator said that in his Human Resources role he always attends termination meetings, but he has never before terminated someone from the police department, and the Chief told him, “this was YOUR approach, so you get to do it.”

2. Investigation #2

On December 2, 2019, the Chief met with the several administrators, including the City Administrator. Although the Chief denies it, all others present confirm that the Chief was resistant to beginning a second investigation to follow up on the allegation that the parking supervisor ordered a parking officer to void a ticket that had been issued to the girlfriend of the subject of Investigation #1. According to others present, the Chief was told that if he did not want the Police Department to conduct the investigation, Human Resources could do it because the supervisor was not a sworn officer. The Chief ultimately agreed that the Police Department would conduct the investigation (Investigation #2).

The Chief then had a 15-20 minute conversation with the Lieutenant in which she alleges he said a number of things that she interpreted as discouraging her from doing an investigation, such as “apparently my investigator decided to put all kinds of details in the report that they had a lot of questions about next door,” “there were lots of little red flags that were picked up on,” and “I guess you can go ahead and fuel the plane back up.” The Chief admits having a conversation with the Lieutenant in which he directed her to start Investigation #2 and using the “plane” analogy, with the same meaning described above. He denies that he discouraged the Lieutenant in any way. It is undisputed that the Lieutenant felt pressure to either not pursue the investigation or to sweep the allegations under the rug, but it is important to note that the Chief formally directed that the investigation go forward.

During Investigation #2, the Lieutenant had a number of conversations with the Deputy Chief regarding the investigation, including updates on what the witnesses were saying and seeking permission to interview the parking supervisor a second time. There is no evidence that

the Deputy Chief was in any way trying to interfere with the results of the investigation, but these communications undermine any argument by many witnesses that the Chief was inappropriate simply because he also asked questions.

During the second investigation, the Chief made a number of comments to the Lieutenant that were understandably difficult for her to interpret. For example, he told her the story of an officer who worked for him in Boston who accused the Chief of corruption, and another story about a kid playing with matches. The Lieutenant had no idea what the Chief was driving at and wondered if he was saying that she was accusing him of something or that she was playing with fire by continuing the investigation. A number of witnesses reported that the Chief sometimes speaks obliquely and has said that he does so, dropping hints or joking, so that he can avoid saying anything directly, but that he expects people to pick up on his hints and that his jokes are not always really jokes. Whether the Chief has made such a comment regarding the intent of his statements is in dispute. But it is not in dispute that he told the Lieutenant these stories with no context, at a time when she was already very sensitive to him being displeased with her, and the stories make no sense except in a negative way.

The Chief also continued to make comments to suggest that he did not think having a parking supervisor lie about voiding parking tickets was a big deal, continued to make comments about how it is reasonable that she might not remember things (“You know [REDACTED], and you expect her to remember things back in April”), that lying is difficult to prove, and “this whole parking thing is more City Hall’s issue.” The Chief does not deny these comments but again explains that he does legitimately believe that “lying” cases are difficult to prove, although he also recognizes that they can be the most important cases when they involve the police department. The Lieutenant reports that the Chief said he thought the whole thing ought to be handled as a policy issue (which is one of the choices for a disposition). The Chief denies this, but in fact the Lieutenant originally wrote her report as a recommendation that policies be reviewed because that is what she thought the Chief wanted, so her allegation on this issue is credible.

However, the Chief also made comments to try to make the Lieutenant more comfortable, asking if she was okay, whether she was upset with him, and the like. He was aware that she seemed unsettled, and it is clear that he did not at any time mean to upset her in any way. And during this time, the Chief gave the Lieutenant a very favorable evaluation. Both in the fact that he was asking the questions of her and in his demeanor during the interview, the Chief seemed genuinely surprised at how his comments had been taken and the effect they had on the Lieutenant. There is no evidence that he was intentionally trying to make her feel threatened or was unreasonably critical of her work.

3. Conclusion

Ultimately, the Chief allowed both investigations to go forward, and he approved the termination of the parking officer implicated in Investigation #1.⁷ And, as discussed above, there was nothing inherently wrong with the Chief asking for progress reports regarding the investigations, asking questions regarding the Lieutenant’s approach, or making suggestions.

⁷ The Chief was on leave at the conclusion of Investigation #2.

However, there is strong evidence that the Chief made a number of comments which could reasonably be construed as saying that he did not think matters involving parking tickets warranted discipline, that he was unhappy that the matter did not end with Investigation #1, that he was not happy that the Lieutenant mentioned the supervisor in Investigation #2 such that it was required that Investigation #2 go forward, and that he was discouraging of a finding against the supervisor based on the fact that she lied. Given the policy that all complaints are investigated and the seriousness of having a supervisor in the Police Department both knowingly violate the parking ticket policy and lie about it, this was understandably alarming.

B. Abusive/Hostile Environment Work Environment/Retaliation

There is no question that many employees within the Police Department, as well as administrative employees who work with the Police Department, were made very uncomfortable by the Chief's actions and that they fear retaliation.

As discussed above, some of this comes from a misunderstanding or overreaction to the Chief's involvement in the investigation process – something that was not historically done but is well within the Chief's purview. However, some of this also comes from statements the Chief made that don't make sense except in a threatening way. For example, telling a noticeably nervous subordinate about playing with matches or comparing her to someone who accused the Chief of corruption would understandably make the employee fearful.

In addition, the Chief "joked" a lot, and it was often interpreted as belittling. In his interview during the investigation, the Chief was absolutely professional. But during the interview he did make statements regarding individuals he thought might be participating in the investigation in an attempt to undermine what they might have said, whether questioning ██████████ or their motives. Because almost everything alleged by the witnesses was admitted by the Chief, these allegations by the Chief are unfounded; there is no evidence that anybody was making up anything. The allegation that the Chief might try to use various tactics to pressure people into a certain result is credible under the circumstances.

There is no evidence that the Chief has actively retaliated against any employee in the sense of taking an adverse action against them (such as discipline). However, the Chief was very interested in knowing who made the allegations against him. If the Chief is allowed to return from leave, it will be imperative to understand that this investigation was not instigated by one or two people, but by a number of people, in a number of different positions, who had similar, credible, and often admitted, experiences with the Chief.

C. Insubordination

When he was placed on administrative leave, the Chief was specifically instructed not to have any interaction with City employees, including employees in the Police Department. After being told he was on leave, the Chief went back to his office to get his things. During that time, he called the two Deputy Chiefs into his office and made a number of comments about what was going on. The Chief denies the allegation that he raised his voice and denies that he was there for quite some time, but he admits many of the statements alleged and that he had a substantive conversation with the Deputy Chiefs. Quizzing the Deputy Chiefs regarding the reasons for his

being placed on leave, arguing about the accusations against him, and venting about the situation are in violation of the directive.

In addition, while reasonable minds can differ regarding the role of the Chief in an investigation, as discussed above, once concerns were raised, the Chief was given a specific directive not to interfere. The Chief admits he got that directive but does not believe the City Administrator had the authority to tell him what to do, and in fact ordered that the City Administrator not interfere with him. The City Administrator had the power to issue the directive, and the Chief violated the directive. This is insubordination.

35295715.1\088888-00010

From: [Lazarus, Howard](#)
To: [*All Employees](#)
Subject: Best Wishes
Date: Friday, February 28, 2020 5:38:49 AM

To all of my A2 Colleagues:

As most of you are aware, today is my last working day with A2Gov. I want to thank each of you for working in support of the Ann Arbor community over the past (almost) four years, and helping to guide the City government in its never-ending quest to provide dynamic and compassionate services. It has been my honor and privilege to serve as your City Administrator, and the time has been transformative in how I view the role of local government. I have always been outcome focused, but it is only through our work together over the past 44 months that I have grown to appreciate how much we are guided by our values. This perspective is a gift that you have given to me, and it is something that will always be in my mind as I contemplate what the next 30 years will bring.

I wish you all good health and good spirits as you continue in your pursuits of public service excellence. All my best,

Howard S. Lazarus

City Administrator
City of Ann Arbor
301 E Huron Street
Ann Arbor, MI 48104
734-794-6110 x 41101
hlazarus@a2gov.org
www.a2gov.org

From: [Forsberg, Jason](#)
To: [Ronewicz, Eric](#)
Subject: Fwd: Chief Cox's Response
Date: Friday, February 28, 2020 4:43:22 PM
Attachments: [Chief Cox response to investigator's report - 02-26-2020.pdf](#)
[ATT00001.htm](#)

Jason Forsberg

Deputy Chief of Police
Ann Arbor Police Department
[301 E. Huron St.](#)
[Ann Arbor, Michigan 48104](#)
[734.794.6910](#)
jforsberg@a2gov.org
www.a2gov.org/police

Begin forwarded message:

From: "Radabaugh, Margaret" <MRadabaugh@a2gov.org>
Date: February 28, 2020 at 2:24:04 PM EST
To: "Crawford, Tom" <TCrawford@a2gov.org>
Cc: "Fournier, John" <JFournier@a2gov.org>, "Metzer, Aimee" <AMetzer@a2gov.org>, "Forsberg, Jason" <JForsberg@a2gov.org>
Subject: Chief Cox's Response

Tom,

Per your request, I am attaching Chief Cox's written response to the investigation, and copying John and the Deputy Chiefs.

Thanks,
Margie

Margaret P. Radabaugh, Senior Assistant City Attorney

City of Ann Arbor | Guy C. Larcom City Hall | 301 E. Huron, 3rd Floor · Ann Arbor · MI · 48104
734.794.6173 (O) | Internal Extension 41870
MRadabaugh@a2gov.org | www.a2gov.org

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disclosure, dissemination, distribution, or copying of this communication or its contents is strictly prohibited.

Michael Cox
Chief of Police, City of Ann Arbor
301 E Huron St.
Ann Arbor, MI 48104

February 26, 2020

Ann Arbor City Council
300 E Huron St.
Ann Arbor, MI 48104

RE: Police Department Investigation

Dear Council Members:

Allow me to thank you for the opportunity to discuss the recent allegations that led to my administrative leave. I have studied the thoughtful report of Miller Canfield. I appreciate the investigator's involvement in this matter. Her review of my staff, and the observations recorded, has been illuminating. I would like to offer a response for your consideration.

First, I was gratified that the investigator recognized what I have consistently maintained:

- (1) that I did not intend to interfere with the internal investigations regarding the parking situation;
- (2) that I allowed both investigations to go forward;
- (3) that I had the inherent right under city policy to "direct and control the complaint process;" and
- (4) that I took no retaliatory actions against the employee.

I also would like to assure the citizens of Ann Arbor that I take seriously the Police Department's duty to investigate all allegations of misconduct by both civilian and sworn personnel. The allegation that I tried to influence a police investigation is so fundamentally inconsistent with my morality, my intentions, and my long experience in policing, that even the contention was devastating. Please allow me to reflect, therefore, in this letter as I did in person, that I never intended to influence any investigation, but only to participate in it. I sincerely apologize to the City Administrator, the Mayor, City Council, and those members of my department who took my comments as an intention to influence the outcome of the investigation.

Accordingly, I must painfully acknowledge that my words and actions during the parking investigations were not clearly communicated, that my subordinate was affected, and that the concerns were brought to Human Resources. As Chief, I take complete ownership of how my words and actions are interpreted by those who work for me. I never want any employee to come away from an interaction with negative impressions.

In particular, I apologize to the complainant for the misunderstanding I unintentionally inspired. I have the utmost respect for people such as the complainant who have the courage and personal rectitude to call out injustices wherever and whenever they occur. To the extent I ever gave this person or any other person in my department concerns about retaliation, please rest assured that this was and is the furthest thing from my mind, and not part of my makeup. As many know, I have personally lived through injustice, and I will not tolerate, condone, or ever knowingly perpetuate this on anyone. I insist on candor and will do everything within my power to protect those with the moral tenacity to rise to that challenge. It was never my intention to telegraph anything other than this.

Leaving aside my sworn obligation to discharge the laws of Michigan and the United States (which I consider sacrosanct), I certainly had no investment in the outcome of the investigation whatsoever. As Miller Canfield observed, I would have been well within my rights to reject the recommendations. I would not and did not, but this fact should certainly suggest that I had nothing to gain personally, politically, or professionally by influencing the investigation.

As you know, I'm new to the job and was candidly unaware that my management style was perceived negatively by some employees. Some of this discontent obviously goes with the job; but this observation goes only so far. I commit to becoming more sensitive to the concerns of my subordinates, and not only encourage but also insist that members of the Ann Arbor Police Department feel free, safe, and inspired to state their concerns about me and the department so that they may be addressed productively and openly. I completely understand and respect the fact that I simply cannot transpose my Boston experience perfectly into the important work you have entrusted to me, and will work to create a new path in Ann Arbor.

This is a difficult job, as I'm sure you all appreciate. There are important and intransigent issues that the department is endeavoring to tackle, and the most productive way to do that going forward is as a team. That is both my goal and commitment.

Teamwork requires leadership, and as you know from the process that resulted in my engagement I have long and commendable experience in that regard. Leadership also requires trust, with strong understanding of procedural justice. Respectfully, suspending the Chief of Police over these allegations, before I had a chance to respond, undermines that trust and unfairly calls into question my leadership. I must now work harder to earn trust. The kind of feedback provided by Miller Canfield confirms that forcefully and articulately.

That said, for the Ann Arbor Police Department to run efficiently and strive to maintain the excellence that this department has achieved for years, thoughtful leadership is mandatory. I have done that and will continue to do so, with the help and assistance of the excellent department you've placed under my leadership.

As for the claim of insubordination, I sincerely apologize. Candidly, I did not read the letter placing me on administrative leave until after I had already violated its conditions. Certainly, I was willing to obey that directive, but I suffered a lapse in judgment facilitated by my profound confusion and disappointment over the City Administrator's decision. Miller Canfield's observation that "the chief admits he got the directive but does not believe the City Administrator had the authority to tell him what to do, and in fact ordered the City Administrator not to interfere with them," misses the mark somewhat, as I have explained above.

The issue does raise, however, an existential point that requires some consideration. Some concern was raised that I did not fully appreciate the role of the Independent Community Police Oversight Committee (ICPOC). Be assured that I truly understand the power and importance of ICPOC created by City Ordinance. I have been on record since before my arrival, to have acknowledged ICPOC's importance and critical role in providing independent oversight of the Ann Arbor Police Department and will continue to do so going forward.

I'll close by again taking ownership of my need to better communicate. I sincerely regret any action on my part that offended anyone. As a leader I strive to learn every day. I will do better with my communications and follow recommendations from Council offered to assure my success. If given the opportunity, I look forward to years of service, and am confident that I will be an instrument of improvement during what I hope will be a long tenure.

Sincerely,



Michael Cox
Chief of Police
Ann Arbor Police Department

From: [Ronewicz, Eric](#)
To: [Forsberg, Jason](#); [Fournier, John](#); [Radabaugh, Margaret](#); [Koch, Heather](#)
Subject: I sometimes like to gloat
Date: Saturday, February 29, 2020 10:36:12 AM

This sounds like something I have been begging and fighting for.

Roumel said he had constructive conversations with Lazarus and City Council in the aftermath of the investigations, adding that the city should review its **administrative leave policies** “**to clarify what the nature of the leave is.**”

Sent from [Mail](#) for Windows 10

From: [Forsberg, Jason](#)
To: [*Police Department](#)
Cc: [Crawford, Tom](#)
Subject: Fwd: Notice of Administrative Leave
Date: Saturday, February 29, 2020 12:42:00 PM

Good morning,
Please see the below message from Mr Crawford.

Jason Forsberg
Deputy Chief of Police
Ann Arbor Police Department
[301 E. Huron St.](#)
[Ann Arbor, Michigan 48104](#)
[734.794.6910](#)
jforsberg@a2gov.org
www.a2gov.org/police

Begin forwarded message:

From: "Crawford, Tom" <TCrawford@a2gov.org>
Date: February 29, 2020 at 12:38:59 PM EST
To: "Forsberg, Jason" <JForsberg@a2gov.org>
Subject: **Fw: Notice of Administrative Leave**

Acting Chief Forsberg,

I am not able to send to the Police Department distribution list at this time.
Please forward my message below to the department.

Thanks,
Tom Crawford

To all AAPD Officers:

My apologies for not getting a note to you all prior to an article being published online.

For those who haven't seen it, the independent investigation and report has been completed and City Administrator Lazarus is ending Chief Cox's administrative

leave on Monday at 9 a.m. Since I will be assuming Mr. Lazarus's responsibilities, this will allow Chief Cox to attend my staff meeting and then start returning to his duties.

I have been with the City for over 15 years and worked with a number of Police Chiefs. I know the AAPD to be an exceptional department with officers dedicated to providing ethical and equitable service to the community. The last couple of weeks has raised issues that need and will be addressed. As with any challenge, how we handle it can either make us stronger or weaker. As we start to look forward, please join me in working toward building a positive outcome and an even stronger department.

On Monday night City Council has a regularly scheduled meeting, and I anticipate some comments from both the Independent Community Police Oversight Commission and a resolution from City Council on the agenda. Since I am not aware of the full contents of these items, I'm including a link to the agenda for your reference ([file:///Users/crawford/Downloads/Agenda%20\(30\).pdf](file:///Users/crawford/Downloads/Agenda%20(30).pdf)).

Thanks,
Tom Crawford
Acting City Administrator
734-794-6511

From: Lazarus, Howard <HLazarus@a2gov.org>
Sent: Friday, February 07, 2020 4:47 PM
To: *Police Department <PoliceDept@a2gov.org>
Cc: Fournier, John <JFournier@a2gov.org>; Wondrash, Lisa <LWondrash@a2gov.org>
Subject: Notice of Administrative Leave

To all AAPD Officers:

I am writing to inform you that I have placed Chief Cox in an administrative leave status pending resolution of a personnel matter. Deputy Chief Forsberg will serve as the Acting Chief.

Howard S. Lazarus
City Administrator
City of Ann Arbor
301 E Huron Street

Ann Arbor, MI 48104
734-794-6110 x 41101
hlazarus@a2gov.org
www.a2gov.org

From: [Dennis, Shane](#)
To: [*City Council Members \(All\)](#); [Postema, Stephen](#); [Crawford, Tom](#); [Fournier, John](#)
Cc: [Ronewicz, Eric](#); [Fox, Earle](#)
Subject: AAPOA and COAM Response to Miller-Canfield Report
Date: Monday, March 2, 2020 9:14:51 AM
Attachments: [COAM Response.pdf](#)
[AAPOA Response.pdf](#)

To All,

Please see the attached memos from the COAM and the AAPOA regarding our concerns after reading the Miller-Canfield Investigation. Feel free to contact us with any questions or concerns.

Respectfully,

D/Sgt Shane Dennis, Vice President COAM and Ofc Eric Ronewicz, President AAPOA

TO: Ann Arbor City Council Members, Tom Crawford, Stephen Postema and John Fournier

FROM: Ann Arbor Command Officers Association

RE: Chief Michael Cox

DATE: 02/28/2020

After reviewing the Miller-Canfield Police Department Investigation and reading Chief Cox's rebuttal letter to the council we feel we must respond to share our concerns. In the Summary of Findings it states "there is ample evidence that the Chief's comments appeared to attempt to convince people not to conduct an investigation into a supervisor, to excuse conduct in clear violation of policies, and to convince an investigator not to conclude that a supervisor was lying." This is obviously alarming. How can the Command staff have the respect of its subordinates if they believe they aren't held to the same standard as they are? How can the public believe their complaints against a supervisor would be fully investigated and not swept under the rug? As command officers we know we are held to a higher standard and should be, that comes with our job and responsibilities. This undermines our ability to lead.

Under the Summary of Findings it also states "there is evidence that people feared retaliation by the Chief, and they had a legitimate basis for that fear, whether or not that was the Chief's intent." We should not have to fear retaliation for doing our jobs and doing the right thing, this is no way to run a police department or any type of organization for that matter. We should be able to come to work every day and not have to worry about upsetting the boss for doing the jobs we swore to do.

The last finding states "There is evidence that the Chief was insubordinate both in not following an order to stay out of a particular investigation until it was concluded and in not following an order to stay away from employees after he was placed on administrative leave." When you have the highest ranking member of the department being insubordinate to their boss (whether they think they have one or not) how can the Command officers expect their subordinates to treat them with respect when that is the example set by their Chief? Going forward how can anyone be disciplined for insubordination as long as they just say they didn't realize they were being insubordinate and apologize as Chief Cox did?

It was shocking to read that Chief Cox stated "He initially denied knowing about any oversight, then acknowledged that there was a Commission but thought that it was brand new and hadn't really done anything. Upon further questioning, the Chief acknowledged awareness of the Independent Community Policy Oversight Commission, but thought that the only way anything would become public was through a FOIA request." We are dumfounded that he could make statements like that when members of the Oversight Committee sat on a panel during his interview process for the position of Chief of Police and he was supposed to be meeting with them on a regular basis. The Independent Community Police Oversight Commission plays an

important role for the Ann Arbor Police Department in building community relations and fostering trust. If the Chief of Police initially denies their existence and then minimizes their role, what kind of message is that sending to his department and the public in regards to the importance of the Commission?

Many of the comments that are attributed to the Chief that he does not deny saying such as "this is just a parking officer," "voiding tickets is normal," "are we sure this warrants discipline," and "people might be misremembering things" is concerning. Voiding parking tickets or any tickets is a very serious matter. Many officers in this country have lost their jobs in ticket fixing scandals. The Miller-Canfield report states that Chief Cox "says he uses the Socratic method, so he asks a lot of questions and challenges people to think about what they are doing and where their actions might lead." This method might work in a teaching environment like in law schools where it is often used and they are aware it is being used, but in law enforcement we need clear directives so we can help carry out the Chief's vision. To this point we have not been given a clear idea on what the chief's vision is for our department. We are not afraid of change, (as some people have alleged) he just hasn't given us any direction other than Community Policing. The thing is, the Ann Arbor Police Department has been doing Community Policing for over 25 years. We use to have one of the largest Community Policing units in the state. We use to have over 200 officers and more than 20 of them were assigned as Community Policing Officers assigned to various neighborhoods and beats in the city. We are now down to 124 officers and only have one Officer assigned to the downtown business area and one sergeant and two officers assigned to our Community Engagement Unit which is woefully understaffed. It's not that we don't want to do Community Policing, it's that we currently don't have the resources to do it effectively.

In Chief Cox's rebuttal letter he notes that the Miller-Canfield Investigation supported his assertions that (1) he did not intend to interfere with the internal investigation regarding the parking situation. On the contrary, as stated earlier the report states "there is ample evidence that the Chief's comments appeared to attempt to convince people not to conduct an investigation into a supervisor, to excuse conduct in clear violation of policies, and to convince an investigator not to conclude that a supervisor was lying." (2) That he allowed both investigations to go forward but the report states "Although the Chief denies it, all others present confirm that the Chief was resistant to beginning a second investigation to follow up on the allegation that the parking supervisor ordered a parking officer to void a ticket that had been issued to the girlfriend of the subject of Investigation #1. According to others present, the Chief was told that if he did not want the Police Department to conduct the investigation, Human Resources could do it because the supervisor was not a sworn officer. The Chief ultimately agreed that the Police Department would conduct the investigation (Investigation #2)" so it appears he only "allowed" the second investigation to go forward after being told it was going to happen one way or another. (3) That he had the inherent right under city policy to "direct and control the complaint process;" but the report also states "some of the Chief's statements could be interpreted as suggesting that no investigation of the parking supervisor

take place. Ann Arbor Police Policy and Procedure Oder 052-001(IV)(2)(c) states that “all personnel complaints” will be investigated. In addition, the Chief believes that he effectively has no boss when it comes to policing.” And (4) that he took no retaliatory actions against the employees but as the report points out, “There is no question that many employees within the Police Department, as well as administrative employees who work with the Police Department, were made very uncomfortable by the Chief’s actions and that they fear retaliation.” It also states “The Chief was on leave at the conclusion of Investigation #2” so he’s giving himself credit for not retaliating when he wasn’t even in a position to do so, yet.

Chief Cox’s assertion that “he does legitimately believe that lying cases are difficult to prove” is puzzling since that’s what our job is to do in many criminal cases. If we believe a suspect is lying to us should we just give up on the investigation because it will be too hard to prove? If an officer lies during an internal investigation should they be cleared since it will be too hard to prove? We use to have a term at the department that was “if you lie, bye bye” meaning that if you were caught lying you were terminated. That speaks about the history of the integrity of the Ann Arbor Police Department. Chief Cox’s statement undermines all of that now.

In Chief Cox’s rebuttal letter he states “Teamwork requires leadership, and as you know from the process that resulted in my engagement I have long and commendable experience in that regard. Leadership also requires trust, with strong understanding of procedural justice.” To this point we have not seen this leadership he claims. As to his second point, “Leadership also requires trust, with strong understanding of procedural justice” we could not agree more, unfortunately after this incident it will be almost impossible for Chief Cox to regain that trust. Although the chief was given a chance to rebut the Miller-Canfield investigation no one else was which is disheartening. Chief Cox claims the Lieutenant “misunderstood” what he wanted but it should be clear to anyone that read the Miller-Canfield report that what the chief wanted was for the second investigation into the parking supervisor to go away.

We would be more than happy to meet with you as a group or any of you individually to answer any questions you may have about our concerns.

Respectfully,



D/Sgt Shane Dennis

COAM Vice President

On Behalf of the Ann Arbor Command Officer’s Association

TO: Ann Arbor City Council Members, Tom Crawford, Stephen Postema and John Fournier

FROM: Ann Arbor Police Officers Association

RE: Chief Michael Cox

DATE: 02/28/2020

It comes with great displeasure and hesitance that we author this memorandum to each of you, but we must do what we believe is right, regardless of the consequences that we will endure. Right and wrong is a fundamental principal that we believe in and we believe we must honor that by authoring this email.

We reviewed the Miller Canfield investigation into Chief Cox's actions, his personal response to the allegations along with former City Administrator Howard Lazarus's recommendations.

Please keep in mind, the Miller Canfield report is "vanilla" as it does not contain all the information nor statements of City employees.

A fundamental and imperative trait of a Police Chief, as is any police officer, is integrity. It is clear from the investigation that Chief Cox's behavior and statements calls into question his integrity. We believe that a reasonable and prudent person would come to the same conclusion as us after reading the Miller Canfield report.

Examples of a lack of integrity could be concluded from these statements listed from the report. "Chief made comments such as "this is just a parking officer," "voiding tickets is normal," "are we sure this warrants discipline," and "people might be misremembering things." When the Lieutenant reported that a parking officer said that the supervisor had ordered him to void a ticket, the Chief said, "What's wrong with that? Supervisors can't tell people to void tickets?" When it was shown that there is a policy about when tickets can be voided, the Chief responded, "Supervisors can void tickets – that's part of the job." Even more alarming is this statement from Howard Lazarus's recommendation. "During these discussions, Chief Cox expressed concern about these types of investigations "mushrooming" and drawing in AAPD leadership, to which I replied that the investigation must be allowed to go to its full conclusions"

We will not compromise our beliefs and the Community Standards Officers/Supervisors actions were inherently wrong. The practice of voiding tickets etc. without justification may have been an acceptable practice in the Boston Police Department, but we do not believe it is acceptable in the Ann Arbor Police Department. Our core beliefs differ than Chief Cox's and we believe that is very problematic.

When reading the investigation, it is clear to us, that, even though the Chief has the right to discuss, have knowledge etc. of the investigation, he used his power to influence the outcome

of investigation number 2. For example, the Lieutenant would never have changed her conclusion from policy failure to a sustained complaint if the Chief were not interfering in the investigation prior to being on administrative leave. This leads into the question, why was Chief Cox so involved with this internal investigation and not others. Did Chief Cox influence other investigations? Will Chief Cox in the future influence other investigations?

The most compelling trait of an effective leader is communication. Keep in mind, we were involved in the hiring process and witnessed his interview with us as well as the televised interview with council. We had initial concerns about his interview, as his interview skills did not reflect his resume. We kept an open mind after the interviews and anticipated his employment with us when he accepted the position. We eagerly believed he was going to move our department forward in a positive direction and looked forward to working with him and for him.

Chief Cox's communication skill, since he became our Chief, is the same as we witnessed in the interviews. He has a difficult time conveying his thoughts and directives to us, which prevents us from understanding him. The Miller Canfield report is supportive of our conclusion. Chief Cox is deficient in comprehending what we discuss with him and he is unable to properly come to the correct understanding. For example, during a departmental field-training officer meeting with Chief Cox, he was unable to understand our concerns. Even though everyone in the meeting understood what we said, he was the only person that could not. When Chief Cox spoke to us about what he heard, it was most evident that he was unable to comprehend. Not one person in the meeting came to the same conclusion as him. To make matters worse, Chief Cox then went to the next patrol shift briefing to discuss his faulty understanding of the meeting with other officers, which caused confusion to those officers that were not in the FTO meeting. Did Chief Cox retaliate against his Field Training Officers by discussing his ill formed conclusions of what he said in the meeting during the patrol briefing? Did his ill formed reasoning lead to misunderstanding with members of the department and create controversy?

Chief Cox's ability to comprehend clear issues is evident when he wrote this statement. "Respectfully, suspending the Chief of Police over these allegations, before I had a chance to respond, undermines that trust and unfairly calls into question my leadership." How can Chief Cox ascertain that he was suspended when he was given a memorandum informing him why he was placed on administrative leave? How can Chief Cox come to that conclusion with 30 plus years of experience at every level in law enforcement, which provided him with experience of administrative leave and suspension?

Chief Cox indicates that his personal speaking style uses the "Socratic Methods". We were unaware that he used that style. Chief Cox does not properly use of the "Socratic Methods" as he does not provide direction. Howard Lazarus's recommendation supports our belief. "The ambiguous nature of his questioning is problematic and may be properly construed as a means to avoid providing clear direction." This parlays into his "breadcrumbs" theory.

Chief Cox mentioned that he likes to leave “breadcrumbs” when discussing his vision for the police department. He does this so he can say that when he implements change, he told us about it. How can a person know what his vision is if he does not clearly convey it or conveys it with a small piece of information here and there? What if we misinterpret his unclear statements? How can we buy in/support his plan if it is not articulated? Even when we ask for clarification, Chief Cox will talk in circles, which never answers our questions. Again, this was supported by Howard Lazarus’s recommendation.

We find this statement from the investigation very alarming. “Chief believes that he effectively has no boss when it comes to policing. While he acknowledges that he reports to the City Administrator for purposes of budgeting and other administrative matters, he believes that nobody can tell him how to run the Police Department.”

We are at a loss to understand the conduct of our Chief in this internal parking ticket investigation. In our opinion, the internal investigation was being administered properly and how the public would envision us to. Our former City Administrator affirmed our belief. He wrote, “Significantly, the appearance of the Chief acting to protect a supervisor undermines public confidence in AAPD’s integrity and ability to investigate itself. My discussion with the Chief clearly stated that concern, and that actions that cloud the transparency of police matters were a primary reason for the formation of the ICPOC.” If the public had doubts about the Ann Arbor Police Departments ability to conduct honest internal investigations, the Chief, by himself, just reaffirmed their doubts with his behavior.

If we emulate the Chief’s behavior, will we receive the same outcome as he did? We do not plan to follow his behavior, as we are very confident that we would be held to a higher standard. History has shown us that.

It has been reported that employees of the police department are upset over Chief Cox implementing change and hence the reason for the Administrative Leave. That belief/statement is so misguided and not factual. First off, we have never been provided with the Chief’s vision of change. We must watch City Council/ICPOC meetings and read MLive in order to learn about what will or may transpire in our department. Secondly, the Chief continuously talks about us moving in the direction of community policing. The Chief though never explains what he believes community policing and informs us that we do not do community policing in Ann Arbor. Thirdly, if we were against his change, why would the two most senior AAPOA board members volunteer for an assignment in community policing without the Chief even mentioning it to us or asking us to support it?

We personally, professionally and regretfully believe that the actions and statements of Chief Cox in his daily and this internal investigation have diminished his ability to continue to lead the Ann Arbor Police Department. It is clear to us that the standards of the Ann Arbor Police Department conflict with the personal standards of Chief Cox.

We are more than willing to discuss honestly and openly our beliefs about the concerns that are contained in this email, the Miller Canfield investigation and the former City Administrator's recommendation with the officials of the City of Ann Arbor as well as our City Council members.

Respectfully,

A handwritten signature in black ink, appearing to be 'ER', with a large, sweeping flourish extending to the right.

Eric Ronewicz-President of the Ann Arbor Police Officers Association