

MICHIGAN SUPREME COURT

People v. Harris, 499 Mich. 332

885 N.W.2d 832 (2016) · No. Nos. 149872, 149873, and 150042 · Decided June 22, 2016

SUMMARY

The Michigan Supreme Court held that the Disclosures by Law Enforcement Officers Act protects information provided under threat of employment sanctions, including false statements, from use against the officer in a subsequent criminal proceeding. Because the officers' statements were the sole basis for the obstruction-of-justice charges, the Court reversed the Court of Appeals and reinstated the district court's dismissals. The Court distinguished the broader statutory protection from the Fifth Amendment, which does not protect false statements.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Justice Brian K. Zahra; Chief Justice Robert P. Young, Jr.; Justice Stephen J. Markman; Justice Bridget M. McCormack; Justice David F. Viviano; Justice Richard H. Bernstein; Justice Joan L. Larsen
JURISDICTION	Michigan
DECIDED	June 22, 2016
DOCKET	Nos. 149872, 149873, and 150042
DISPOSITION	reversed
PROCEDURAL POSTURE	The prosecution appealed the district court's dismissal of obstruction-of-justice charges. The circuit court affirmed, but the Michigan Court of Appeals reversed and remanded for reinstatement of the charges. The Michigan Supreme Court granted defendants' applications for leave to appeal.
STANDARD OF REVIEW	De novo review of constitutional issues and statutory-interpretation questions.
PRECEDENTIAL VALUE	Published, precedential Michigan Supreme Court opinion; decided before the entire bench.
PARTIES	Sean Harris, William Little, Nevin Hughes v. People of the State of Michigan

TOPICS

statutory interpretation

criminal procedure

fifth amendment

constitutional law

PRACTICE AREAS

criminal procedure

constitutional law

statutory interpretation

police misconduct investigations

QUESTIONS PRESENTED

1. Whether the Fifth Amendment bars the use of false statements made by police officers during a compelled internal investigation in a subsequent obstruction-of-justice prosecution.
2. Whether the Disclosures by Law Enforcement Officers Act, MCL 15.391 et seq., protects false or inaccurate information provided under threat of dismissal or another employment sanction from use in a subsequent criminal proceeding.
3. Whether the obstruction-of-justice charges had to be dismissed because the officers' protected statements were the only basis for those charges.

HOLDINGS

1. The Fifth Amendment does not bar the use of false statements made by a law enforcement officer in a subsequent prosecution for obstruction of justice.
2. Under the DLEOA, any information provided by a law enforcement officer under threat of dismissal or another employment sanction is protected from use against the officer in a subsequent criminal proceeding, regardless of whether the information is true or false.
3. The obstruction-of-justice charges must be dismissed because the officers' false statements were protected by the DLEOA and constituted the only basis for the charges.

KEY QUOTATIONS

“The act does not distinguish between true and false statements. Although the Legislature is free to amend the DLEOA to change the policy enacted, we are not.” (at 1)

“The plain language of the DLEOA controls our resolution of this dispute and compels us to agree with defendants.” (at 9)

“Accordingly, we conclude that the Legislature intended the word “information,” as used in MCL 15.391, to include no inherent requirement of veracity, but instead to include statements that may be true or false.” (at 18)

“The plain language of the DLEOA protects all statements given by officers under compulsion.” (at 24)

FACTUAL BACKGROUND

Detroit police officer Nevin Hughes assaulted Dajuan Hodges-Lamar while on duty, while officers Sean Harris and William Little were nearby. During a compelled internal investigation conducted under threat of employment sanctions, all three officers made statements denying or minimizing the incident; a video later contradicted those statements. The prosecution charged the officers with obstruction of justice based on their

statements, and the district court dismissed those charges because the statements were protected under the DLEOA.

PROCEDURAL HISTORY

The 36th District Court dismissed the obstruction-of-justice charges after determining that defendants' compelled statements from an internal police investigation were protected by the Fifth Amendment and the Disclosures by Law Enforcement Officers Act. The Wayne Circuit Court affirmed. The Court of Appeals reversed, holding that neither the Fifth Amendment nor the DLEOA barred use of the officers' false statements. The Michigan Supreme Court reversed the Court of Appeals and reinstated the district court's dismissal orders.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Court of Appeals judgment was reversed to the extent it permitted use of the false involuntary statements, and the district court orders dismissing the obstruction-of-justice charges were reinstated.

CASES CITED

- People v. Allen, 15 Mich. App. 387, 166 N.W.2d 664 (1968)
- People v. McIntire, 461 Mich. 147, 599 N.W.2d 102 (1999)
- Garrity v. New Jersey, 385 U.S. 493, 87 S. Ct. 616, 17 L. Ed. 2d 562 (1967)
- United States v. Wong, 431 U.S. 174, 97 S. Ct. 1823, 52 L. Ed. 2d 231 (1977)
- United States v. Apfelbaum, 445 U.S. 115, 100 S. Ct. 948, 63 L. Ed. 2d 250 (1980)
- People v. McKinley, 496 Mich. 410, 852 N.W.2d 770 (2014)
- White v. Ann Arbor, 406 Mich. 554, 281 N.W.2d 283 (1979)
- Coleman v. Gurwin, 443 Mich. 59, 503 N.W.2d 435 (1993)
- People v. Zajackowski, 493 Mich. 6, 825 N.W.2d 554 (2012)
- Robinson v. Detroit, 462 Mich. 439, 613 N.W.2d 307 (2000)
- Farrington v. Total Petroleum, Inc., 442 Mich. 201, 501 N.W.2d 76 (1993)
- Paselli v. Utley, 286 Mich. 638, 282 N.W. 849 (1938)
- Malloy v. Hogan, 378 U.S. 1, 84 S. Ct. 1489, 12 L. Ed. 2d 653 (1964)
- Johnson v. Recca, 492 Mich. 169, 821 N.W.2d 520 (2012)
- Frank W. Lynch & Co. v. Flex Technologies, Inc., 463 Mich. 578, 624 N.W.2d 180 (2001)
- In re Certified Question from the United States Court of Appeals for the Sixth Circuit, 468 Mich. 109, 659 N.W.2d 597 (2003)

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