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Michigan State Police
Attn: Records Resource Section
P.O. Box 30634
Lansing, Michigan 48909-0634

February 10, 2021

Re: FOIA Request

Dear Madam/Sir:

This letter is a Freedom of Information Act request for copies of the three separate reports, the pre and post interview information and DVDs concerning the polygraph of John Hastings, referred to in the attached supplemental incident report dated October 9, 2009, and prepared by D/Sgt. Garry S. Gray in the Oakland County child killer investigation. As described in the enclosed incident report, previously obtained in response to a FOIA request concerning the OCCK investigation, Investigator Steve Duncan of the Georgia Highway Patrol, polygraphed Hastings at the request of the Michigan State Police. As described, Duncan prepared the reports and DVDs and forwarded copies to your agency. The reports and DVDs were provided to the MSP around or after October 9, 2009.

While the name of John Hastings is redacted in the enclosed report, it was provided in a FOIA response from the MSP in a section of documents with a cover sheet entitled "John Hastings." This was, in fact, a polygraph conducted on John Hastings.

Pursuant to FOIA I therefore request copies of:

1. The three separate reports prepared by Duncan in the Hastings polygraphs.
2. Pre and post-interview/polygraph notes prepared by Duncan.
3. All DVDs (presumed to be three) of the polygraph exams conducted by Duncan.
4. Any other relevant MSP file notes concerning these exams or interactions with the Georgia Highway Patrol on this issue.
5. The written policy and procedure manual or any written guidelines used by the MSP when responding to FOIA requests.

While the MSP has failed to clear this case in any fashion and refers to it as an "open" investigation, be advised that I will appeal any denial of these requests. FOIA has a pro-disclosure history and purpose. The burden is on the MSP to demonstrate with specific

facts how release of any of this information would--not could--interfere with a specific prosecution. The Michigan Penal Code provides that all records created by or received in any office of the state or its political subdivisions are public property. MCL s. 750.491.

In anticipation of a claim of "information of a personal nature," I would note again that although Hastings' name was redacted in the supplemental report, his name is not only not redacted in numerous documents previously supplied by the MSP in the FOIA response which included this report, Hastings' name appears on numerous cover sheets throughout the 3,500-page response. The information collected on people suspected of being involved in criminal activity is not covered under any exemption to FOIA because such people are not technically considered to be the subjects of investigations, but simply part of a compiling of information. Furthermore, the passage of time and the release of information about this polygraph and John Hastings since 2009 makes this information more public knowledge and than of a personal nature.

Furthermore, information must pertain to confidential, intimate details of one's private personal life before it may be considered "private" for FOIA purposes. Information which is merely embarrassing does not meet this standard for exemption. By contrast, information concerning crime and how police respond to it, is quintessentially public information. "Indeed, . . . it is difficult to conceive of an area of greater public interest than law enforcement." Porter v. City of Royal Oak, 214 Mich App 478, 489; 542 NW2d 905 (1995).

As explained, I do not believe any of the items I am requesting copies of involve records specifically restricted by FOIA. If you can establish exempt materials based on case law, I would ask that the nonexempt be segregated and provided to me. I will consider excessive charges to be a constructive denial of my request.

Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'C K Broad', written in a cursive style.

Catherine K. Broad

Michigan Department of State Police

SUPPLEMENTAL INCIDENT REPORT 0019

ORIGINAL DATE Thu, Feb 21, 2008	INCIDENT NO. 021-0001787-08 (DB)
SUPPLEMENTARY DATE Fri, Oct 09, 2009	FILE CLASS 09001

INCIDENT STATUS

Open

OAKLAND COUNTY CHILD KILLER INVESTIGATION

JOURNAL:

None

SUSPECT:

NAME:

John M. Hastings, Jr
(DOB 10-11-49)

NBR:
STR:
SFX:
CTY:
TXE:
TXW:
MB:

ST:
ZIP:

RAC:
SEX:
DOB:
HGT:
WGT:
HAIR:
EYES:

BTH:
OPS:
SSN:
SID:
FBI:
MNU:
PRN:

GEORGIA HIGHWAY PATROL/POLYGRAPH:

On Tuesday, October 6, 2009, the undersigned received a voicemail message from Investigator Steve Duncan of the Georgia Highway Patrol, (Polygraph Unit), regarding Monday's October 5th polygraph examination of the above subject.

Duncan advised that I

Duncan further advised he didn't polygraph on the King child due to a previous polygraph already given on this victim in 1992.

NOTE:

Duncan received the packet of information previously supplied by the undersigned regarding [redacted] and his possible connections with the Oakland County Child Killing Investigation. The undersigned along with (Now retired D/Sgt.) Cory Williams of the Livonia Police Department, traveled to Atlanta Ga. to interview [redacted]. During this interview, [redacted] advised that he would be willing to take a polygraph examination to once and for all clear himself in all of the child killings. (Note) [redacted] was given a polygraph at the request of Investigator Donald Studt of the Birmingham Police Department, April 9, 1992. The sole test issue regarding this particular examination only dealt with the kidnap/murder of victim # 4 of the Child Murders, Timothy King.

TELEPHONIC CONTACT WITH INVESTIGATOR DUNCAN:

On 10-6-2009, at approximately 9:00 AM, the undersigned and Detective Robertson conducted a conference call with investigator Duncan. Steve Duncan advised the following information:

Duncan advised that he initially wanted to meet with [redacted] in the early morning hours to conduct the interview and examination, however [redacted] advised him that he works during this time and a much later appointment would work with his schedule much easier.

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A meeting was then scheduled for 3 PM this date. Duncan advised that when [redacted] did in fact show up for the 3 PM interview/examination, he was upset and advised that he had to leave by 6 pm and he appeared to be very agitated. Duncan advised that while speaking with [redacted] during the pre-test interview, [redacted] was very concerned and made a big deal out of the only four polygraph questions and that they, (Gray and Williams) lied to him. Duncan advised that he told [redacted] that this examination had to do with him, and the test was needed to clear him. [redacted] was then read his Miranda rights from Duncan and had no problems with this.

Duncan stated that in Georgia, Polygraphs are done somewhat different than in Michigan. He advised he tested [redacted] on the three other victims of the killings, Stebbins, Robinson and Mihelich, and did so in this exact order. Duncan said he did the one pretest and Miranda for all exams, (3) which were each done individually. Duncan advised he DVD recorded all examinations and interview with [redacted] and will do separate reports for each also.

Duncan advised that [redacted]

[redacted] On the third test involving Mihelich, Duncan stated that [redacted] appeared to be exhausted and couldn't continue. During the Mihelich exam, [redacted]

Duncan said after the tests were given, he took a break to score all of the charts and went back in the room to confront him with the results. At first, [redacted] never denied anything but just sat there and listened to him he believed that [redacted] almost resigned himself to the fact that he was involved, but recouped and then started the denial of the exams.

Duncan stated [redacted] made some very strange statements to him and said more than once, "I can't tell you", and then he would catch himself and what he was saying, and then followup by saying, "Because that's not the truth".

Duncan advised the undersigned that he and his supervisor who also witnessed the entire examination process, were so convinced that [redacted] had involvement with these murders, that if he were to confess to him, his [redacted] involvement, they already had a plan in place where they would hold him for the officers in Michigan to obtain a warrant. He said they were that convinced.

Duncan advised that there was no question in his mind, whatsoever, that [redacted] has some involvement with the murders of these children. He stated he didn't know to what degree of involvement he may have, whether knowledge, did the murder or assisted, but he firmly believes he was involved. Duncan stated that in polygraph, you can't just pull out one part, and hang your hat on it. Duncan did however state again, that there is no question in his mind that he is involved with these murders.

In regards to the first two polygraphs with Stebbins and Robinson,

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During the post test interview, Duncan said it lasted about twenty minutes and that _____ knew that he had to do this as part of taking the examination. Duncan said that he didn't think _____ would speak with him again, however he did try to end the examination process on a positive note. In regards to how receptive _____ would be for another interview, possibly by the undersigned officers, Duncan feels that _____ may be receptive. _____ did advise he may consult with an attorney.

At the end of the conversation with Investigator Duncan, the undersigned asked him is _____ I knew our current two main suspects, Christopher Busch and Gregory Greene. Duncan said that Busch did bring up the guy who committed suicide (Busch), and when asked if he thought that _____ knew Busch, he stated absolutely.

Investigator Duncan advised that he will be generating three separate reports as well as all of the pre and post interview information concerning his dealings with _____. Duncan also advised that he will be forwarding copies of all DVD's involved as well as the reports that have to do with _____ and the polygraph process.

STATUS:

Open

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