

Catherine K. Broad



Col. Joseph Gasper
Director, Michigan State Police
P.O. Box 30634
Lansing, MI 48909

May 24, 2021

RE: **APPEAL**, FOIA Request CR-31218931

Dear Col. Gasper,

This is an appeal from your agency's response dated April 28, 2021 to my FOIA request of February 10, 2021. I requested the reports and DVDS prepared by Georgia Highway Patrol polygraphist Steve Duncan, who polygraphed John Hastings in the Oakland County child killer case in October 2009. I enclosed a copy of the MSP report prepared by D/Sgt. Garry Gray, (previously provided in a separate FOIA response) which detailed the existence of these reports and the DVDs provided by GHP to the MSP. I also asked for all other relevant MSP notes concerning these exams or interactions with the GHP on this issue.

On March 11, 2020, I paid a deposit of \$271.98 in response to your agency's estimated bill of over \$500 to procure, copy and mail these records to me, which included a labor estimate of some 20 hours. This included a 2 hour search by a sergeant and 18 hours by your assistant FOIA director.

The April 28 response from your agency contained the following "additional comments": "The Michigan State Police cannot locate copies of the DVD or the separate reports prepared by Duncan." Your agency "cannot locate" the materials in a case your agency claims to be an **open serial homicide case**.

My appeal is based on the following. First, your agency has a pattern of seeking to enrich itself in FOIA requests in the OCKK case. Rather than specifically identifying the nature of your unreasonably high cost to your agency of complying with this FOIA request, your agency simply lists 29 hours of manpower time in the estimate of March 11. I do not believe for one minute that anyone spent 29 hours looking for these materials from 2009, which, as part of an open serial homicide case, should have been properly filed. I can understand the need for greater fees when documents requested are from 45 years ago but these documents and the DVDs are a part of the record from after 2005, when your agency specifically reopened this investigation

and after it became known that there were already long standing evidentiary problems due to filing and storage of evidence in this case. My FOIA request included a copy of Gray's report which would clearly help narrow any search. You are asking me to pay for your agency's filing failures and general lack of organization in the OCK case.

More likely, those reports and DVDs were ditched along the way by Detectives Gray and David Robertson, who had sparred with a civilian over the information leading to this polygraph of John Hastings, as well as with Det. Cory Williams, then with Livonia PD. At the time this call came to the MSP from Steve Duncan, Cory Williams had been "kicked off" the task force by Gray. When Williams continued his work on this case and then was "invited back" to the task force, these two MSP detectives lied (at least by omission) to Williams and told them Hastings passed the polygraphs.

As you can see from the attached report by Gray, nothing could be farther from the truth. Duncan "advised that there was no question in his mind, whatsoever, that Hastings has some involvement with the murders of these children. He stated he didn't know to what degree of involvement he may have, whether did the murder or assisted, but he firmly believes he was involved."

Duncan further advised that "he and his supervisor who also witnessed the entire examination process, were so convinced that Hastings had involvement with these murders, that if he were to confess to him, his [] 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 believed that he thought Hastings "absolutely" knew Chris Busch. Gray's indicates Duncan "will be generating three separate reports as well of the pre and post interview information concerning his dealings with Hastings. Duncan also advised that he will be forwarding copies of all DVD's involved as well as the reports that have to do with Hastings and the polygraph process."

Yet these important observations by Duncan were never followed up on and now your agency is telling me they don't even have the DVDs or reports prepared by Duncan. This lead was never extinguished, this man is still alive and the MSP "can't find" the DVDs or reports.

Hastings, a neighbor of suspect Christopher Busch who was the same age as Busch and has been named by a living witness (who spoke with one of your detectives) as a "hanger on" with Chris Busch and as a "child hunter" for the pedophile ring operating in Oakland and Wayne Counties. Despite the Duncan's conclusions, documented in the materials your agency claims cannot be found despite an alleged search of 28 hours, no one has followed up on John Hastings and **he is still alive and while the time to lean on this man was October 2009, as suggested by Duncan, a competent detective could still get valuable information from interrogating him and his family.**

More importantly, your agency cannot have it both ways. You cannot claim this is an open case thereby protecting records in this and any FOIA request concerning the OCCK case and tell me that you are losing documents and other materials directly related to this investigation and clearly are doing nothing to advance the clearing of this case. I bet no one has lifted a finger in this case for well over two years.

Your records division then has the audacity to write back asking for another \$300 to send me the very documents I included as exhibits to my FOIA request which were designed to assist in locating the requested materials. If, after a 2-hour search (at a cost far less than my deposit), it was determined that the DVDs and reports by Duncan did not exist, what was left to "separate and delete"? Even if your assistant FOIA director pushed paper around and sent two emails at \$28.92 an hour, your agency comes out far ahead and is enriching itself at my expense.

You need to be aware of the violations of the letter and the spirit of the Michigan Sunshine laws by your agency. Is it such a stretch for me to assume this evidence, instead of being properly and logically filed, was ditched, when the MSP was using encryption apps on work cell phones in a clear attempt to thwart FOIA laws earlier this year?

It is long past time for a court ruling that the OCCK investigation is no longer an open case such that the MSP can continue to hide information from the public by merely arguing "pending case" or "ongoing investigation." The burden is on your agency to show exactly how disclosure would harm a law enforcement proceeding. The MSP would not even circle back to Hastings after using the services of a polygraphist from the Georgia Highway Patrol, or attempt in any way to substantiate information given by living victims in recent years. Nothing is "proceeding," therefore there is nothing to harm. Your agency is acting in bad faith.

FOIA was designed to allow people insight into how our government does business. Your FOIA response certainly provides that kind of insight.

I would gladly discuss with you the MSP's apparent position that the OCCK case can be eternally open and ongoing simply because there is a refusal to work on the case and that it can continue to dissuade any inquiry with FOIA denials, excessive and unsubstantiated fees, and heavy redaction beyond what is provided by statute.

Either way, I look forward to your response to my appeal.

Very truly yours,

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

Catherine K. Broad

Attachments:

FOIA request dated 2-1-21 with supplemental MSP report dated 10-9-09

MSP request for more time, dated 2-25-21
MSP documents re: polygraph by Duncan
Initial MSP response dated 3-11-21
Response with estimated costs dated 3-11-21
Receipt for payment of \$271.98 deposit
MSP request for more time dated 4-22-21
MSP response dated 4-28-21
1977 photo of John Hastings with composite suspect drawing

Copies:

Attorney General Dana Nessel
Assistant Attorney General Danielle Hagaman-Clark
Oakland County Prosecutor Karen McDonald
Senator Gary Peters
State Senator Tom Barrett

Catherine K. Broad

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,



Catherine K. Broad

Michigan Department of State Police

SUPPLEMENTAL INCIDENT REPORT 0419

ORIGINAL DATE

Thu Feb 21 2008

INCIDENT NO.

021-0001787-08 (DB)

SUPPLEMENTARY DATE

Fri Oct 09 2009

MLH CLASS

09001

INCIDENT STATUS

Open

OAKLAND COUNTY CHILD KILLER INVESTIGATION

JOURNAL:

None

SUSPECT:

NAM:

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

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

ST:
ZIP:

RAC:
SEX:
DOB:
HGT:
WGT:
HAIR:
EYE:

EYE:
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.

PAGE

1 of 3

INVESTIGATED BY
DSGT GARRY S GRAY

REPORTED BY

REVIEWED BY

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

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 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,

PAGE 2 of 3	INVESTIGATED BY D/SGT GAREY S GRAY	REPORTED BY	REVIEWED BY
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ORIGINAL DATE Thu, Feb 21, 2008	INCIDENT NO. 021-0001787-08 (DB)
SUPPLEMENTARY DATE Fri, Oct 09, 2009	FILE CLASS 09001

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 if _____ 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

PAGE 3 of 3	INVESTIGATED BY DET GARRY S GRAY	REPORTED BY	REVIEWED BY
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11517

EX-200 (8-98)

MICHIGAN STATE POLICE



FAX

TRANSMITTAL

DRIVE MICHIGAN SAFELY

ATTACH TIP

DATE: 2-23-05

TIME: 10:00 a.m.

No. of pages (including cover): (13)

- URGENT
- FYI
- At your request

TRANSMITTED TO:

Agent: Mike Clayton GBI 706-348-4872
 FAX NO.
 FAX NO.
 FAX NO.
 FAX NO.

FROM: D/Sgt. Garry Gray
 Metro North Post #21 (248) 584-5774 (248) 584-5783
 TELEPHONE NO. FAX NO.

ADDRESS: 14350 Ten Mile Road Oak Park, MI 48237

NOTE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone. 248-584-5774

Thankyou

ACKNOWLEDGMENT REQUESTED: Yes No DATE: _____ TIME: _____

If YES is checked, please complete this section and FAX this sheet to the sender.

COMMENTS OR INSTRUCTIONS: Mike, I'm not sure who I spoke with several months ago from GBI, HOWEVER, HERE is some information on a suspect we were looking at back in 1976-77 regarding the murders of 4 children in Michigan. A tipster discovered this guy has since moved to Georgia. SUSPECT: has been investigated in our case, however he can still be considered a suspect. (OUR intell. unit ran him, and found out that he moved or established a residence in GA. in October of 1997, the same month and year of your homicide. Hope this infor works out for you, and if you suspect he was involved in our case please call, and we'll fly down to interview him. My direct line is 248-584-5774-----

GOOD LUCK

FAXED BY: *Garry Gray*

MICHIGAN DEPARTMENT OF STATE POLICE
 D/SGT. GARRY GRAY
 Field Detective Bureau

Michigan Department of State Police
SUPPLEMENTAL INCIDENT
REPORT 0017

ORIGINAL DATE Thu, Feb 21, 2008	INCIDENT NO. 021-0001787-08 (DB)
SUPPLEMENTARY DATE Wed, Sep 23, 2009	FILE CLASS 09001

INCIDENT STATUS
Open

OAKLAND COUNTY CHILD KILLER INVESTIGATION

JOURNAL:

9-3-09 D/Sgt. Gray Still going back and forth with phone messages with Investigator Duncan of the Georgia State Patrol, regarding setting [redacted] up for a polygraph.

INFORMATION:

On September 21, 2009, the undersigned made telephonic contact with Investigator Duncan from the Georgia State Patrol located in Atlanta GA, reference the polygraph on [redacted]. Duncan advised that he would be more than happy to accommodate the Michigan State Police with the request, however he advised that he would first need a summary of the investigation involving [redacted] and a request from the MSP for said examination to be conducted by GSP.

On September 23, 2009, the undersigned sent via certified mail through the U.S. Post Office the following documents:

1. MSP generated report, (21-1854-09), supplemental report #41, [redacted] s investigation. The supplemental report consisted of the DNA sample assistance provided by Georgia Bureau of Investigation.
2. MSP generated report, (21-1787-08), supplemental report #15, Interview of [redacted] s which took place on August 10th 2009 in Atlanta Georgia.
3. Copy of transcribed interview of [redacted] by Detectives Gray and Williams LPD, along with the actual CD to listen to as well.
4. Departmental Correspondence requesting said actions to conduct the polygraph examination and followup procedures.
5. List of suggested polygraph examination questions used in the past by prior examiners regarding the Oakland County Child Killer investigation.

The undersigned made telephonic contact with Investigator Duncan prior to sending the above material. Duncan advised that he will review said materials and call the undersigned regarding his plan of action in examining [redacted]. Duncan further advised that he believes there will be no problems from his department to conduct the exam, however he will have to officially get approval prior to.

Duncan further advised that he would have to adhere to Georgia's policies and procedures for polygraph examinations and some changes will most likely be made to the list of tentative questions that were supplied by the undersigned officer.

PAGE 1 of 3	INVESTIGATED BY D/SGT GARRY S GRAY	REPORTED BY	REVIEWED BY
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BLK 01498

Michigan Department of State Police
SUPPLEMENTAL INCIDENT
REPORT 0017

ORIGINAL DATE Thu, Feb 21, 2008	INCIDENT NO. 021-0001787-08 (DB)
SUPPLEMENTARY DATE Wed, Sep 23, 2009	FILE CLASS 09001

Investigator Duncan was advised that he would have full autonomous control of setting the examination questions per the laws governing the state of Georgia and the rules and regulations set forth under his training.

Investigator Duncan further advised that he may have to meet with and or examine F several times. He did however, also advise that he will make this request a priority and try to get to it as soon as possible.

ATLANTA POLIGRAPHER:

NAM: INVESTIGATOR-- STEVE DUNCAN
P.O. Box/Building: GEORGIA STATE PATROL
NBR: 959 DIR: E
STR: CONFEDERATE
SFX: AVENUE
CTY: ATLANTA
ST: GA TX-cell / Office: 404-624-7460
ZIP: 30316

ADDITIONAL INFORMATION:

On September 22, 2009, at approximately 3:15 PM, the undersigned made telephonic contact with _____ was advised when he was interviewed on August 6, 2009, at the Newaygo post, he stated he would be willing to back up the statements he made to the detectives, regarding Christopher Busch physically taking him in his car to a location where one of the victims was abducted from, by taking a polygraph examination. When asked how he would do, _____ stated that he would pass the test. When asked why, _____ said he would pass, because it was the truth.

_____ was asked again if was still willing to take a polygraph examination to back up what he told officers August 6th. _____ was further advised that by taking and passing the polygraph test where he said Christopher Busch did as he said he did, (by physically pointing to where one of the victims was taken from in a parking lot), would only bolster the fact that "IT DID HAPPEN AS HE SAID IT DID". _____ said, "Sure I'll take the test if that's all it's about".

CONTACT MSP POLIGRAPHER, HARRIS EDWARDS:

On 9-22-09, the undersigned called and left a message for Lt. Harris Edwards of the Grand Rapids office polygraph section, regarding the polygraph in question for the below listed subject,

NAM: :

NBR: :	DIR: :	RAC: :	ETH: :
STR: :		SEX: :	OPS: :
SFX: :		DOB: :	SSN: :
CTY: :	ST: MI	HGT: :	SID: :
TXH: :	ZIP: ..	WGT: :	FBI: :
TXW: :		HAI: :	MNU: :
MB: /		EYE: :	PRN: :

PAGE 2 of 3	INVESTIGATED BY D/SGT GARRY S GRAY	REPORTED BY	REVIEWED BY
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BI K 01499

Michigan Department of State Police

SUPPLEMENTAL INCIDENT
REPORT 0017

ORIGINAL DATE Thu, Feb 21, 2008	INCIDENT NO. 021-0001787-08 (DB)
SUPPLEMENTARY DATE Wed, Sep 23, 2009	FILE CLASS 09001

CONTACT CRIME LABS:

On Tuesday, September 22, 2009, the undersigned contacted Dr. Constance Fisher of the FBI Crime Lab in Quantico VA regarding

STATUS:

Open, pending Atlanta Polygraph on _____ MSP polygraph with _____, and analysis results from the crime labs in Quantico and MSP Northville trace unit.

PAGE 3 of 3	INVESTIGATED BY D/SGT GARRY S GRAY	REPORTED BY	REVIEWED BY
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STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
EAST LANSING



COL. PETER MUNOZ
DIRECTOR

JENNIFER M. GRANHOLM
GOVERNOR

September 22, 2009

Investigator Steve Duncan
Georgia State Patrol
959 E. Confederate Ave. S.E.
Atlanta, Georgia 30316

Dear Investigator Duncan

I would first like to thank you for offering your assistance regarding a cold case homicide that we've been investigating for many years, known in Michigan as: "The Oakland County Child Killer Investigation" dating back to the mid 1970's. Enclosed with this correspondence, is a brief overview regarding the children's murders along with our subject of interest.

I, along with another investigator on the task force, flew to Atlanta Ga. to re-interview this subject, _____, on August 10, 2009. Although I _____; has denied any culpability whatsoever, we would like to further confirm/deny this with a polygraph examination. Our initial interview with _____ had to do with whether or not he knew a person, (who is currently our main suspect, Christopher Busch, "deceased"). _____ had been investigated back in 1991 and a thorough investigation had been conducted in which he was cleared, however, he was never questioned about his possible relationship with Busch.

I believe the best course of action concerning a polygraph examination, would be to ask him specific question regarding the murders of the 4 children. I've consulted with Michigan State Police, (MSP) polygrapher, Lt. Robert Dykstra and a short list of questions that have been asked of many prior examinees, would be appropriate.

If _____ happens to fails said examination, you have permission from the MSP to fully interrogate him regarding his possible involvement. Also, per our conversation regarding expenses and costs that may be associated with this investigation, and the slight possibility that you may be needed for any legal proceedings, rest assured that all costs associated with same would be paid for by the State of Michigan.

Please review the attached documents and if you have any questions at all, feel free to either call my partner D/Sgt. David Robertson, or myself.

Respectfully submitted

D/Sgt. Garry S. Gray
Michigan State Police
14350 Ten Mile Rd.
Oak Park, MI 48237
248-584-5774 or 5773

APPROVED BY

COMMANDER



COPY

Department of Public Safety

Post Office Box 1456
Atlanta, Georgia 30371-2303

WAIVER FORM

Date: 10/08/09 Time: 3:30 PM Place: GSP HQ

My name is: _____

My address is: _____

I have completed 4 yrs college years of schooling.

I know that Steve Duncan is a law enforcement officer of the Department of Public Safety, Georgia State Patrol.

This officer told me that:

1. I have a right to remain silent.
2. Anything I say can be used against me in a court of law.
3. I have the right to talk to a lawyer and have him present with me while I am being questioned.
4. If I cannot afford to hire a lawyer, one will be appointed to represent me before any questioning, if I wish.
5. I can decide at any time to exercise these rights and not answer any questions or make any statements.

I understand my rights. Having these rights in mind, I am willing to talk to this officer. I have not been threatened. I have not been promised anything.

Steve Duncan
Officer's Name

Witness' Name

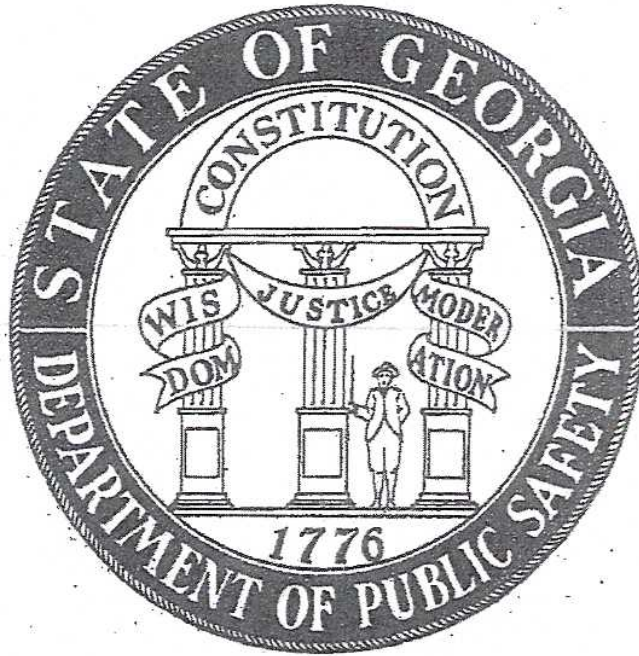
21-1787-08

BLK 01507

085
STEBBINS

Department of Public Safety
Special Investigations Division

Polygraph Unit



21-1787-08

OFFICIAL REPORT

BLK 01509



STATE OF GEORGIA
DEPARTMENT OF PUBLIC SAFETY
POLYGRAPH SERVICES UNIT

09-OS-085

OFFICIAL REPORT

FULTON
COUNTY

DATE 10-08-09

ISSUE: Allegation of being involved in abduction and suffocation of Douglas Stebbins in February, 1976 in Michigan.	INVESTIGATOR: D/SGT GARY GRAY MICHIGAN STATE POLICE
VICTIM: DOUGLAS STEBBINS	POLYGRAPHER: STEVEN D. DUNCAN
SUBJECT(S):	

Based upon the polygraph chart recordings of subject(s) ___ it is the polygraphist's opinion that physiological responses which are indicative of deception WERE NOT NOTED when subject(s) answered relevant questions regarding the issue.

Based upon the polygraph chart recordings of subject(s) ___ it is the polygraphist's opinion that physiological responses, which are indicative of deception, WERE NOTED when the subject(s) answered relevant questions regarding the issue.

Based upon the polygraph chart recordings of subject(s) ___ it is the polygraphist's opinion that chart recordings were not adequate to form a definite opinion, therefore an INCONCLUSIVE opinion is rendered.

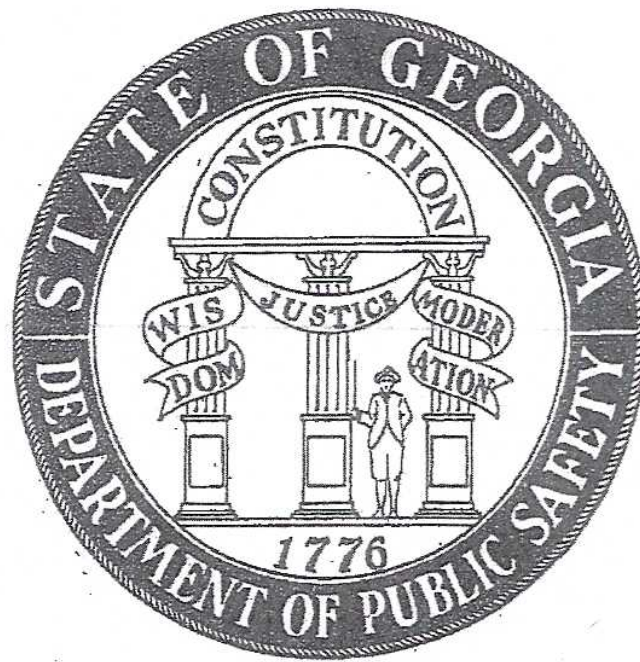
The following Relevant Questions were among those asked during the examination:

21-1787-08

#086
Robinson

Department of Public Safety
Special Investigations Division

Polygraph Unit



21-1784-08

OFFICIAL REPORT

BLK 01511



STATE OF GEORGIA
DEPARTMENT OF PUBLIC SAFETY
POLYGRAPH SERVICES UNIT

09-OS-086

OFFICIAL REPORT

FULTON
COUNTY

DATE 10-08-09

ISSUE: Allegation of being involved in abduction and shooting of Jill Robinson in December, 1976 in Michigan.	INVESTIGATOR: D/SGT GARY GRAY MICHIGAN STATE POLICE
VICTIM: JILL ROBINSON	POLYGRAPHER: STEVEN D. DUNCAN
SUBJECT(S):	

Based upon the polygraph chart recordings of subject(s) ___ it is the polygraphist's opinion that physiological responses which are indicative of deception WERE NOT NOTED when subject(s) answered relevant questions regarding the issue.

Based upon the polygraph chart recordings of subject(s) ___ it is the polygraphist's opinion that physiological responses, which are indicative of deception, WERE NOTED when the subject(s) answered relevant questions regarding the issue.

Based upon the polygraph chart recordings of subject(s) ___ it is the polygraphist's opinion that chart recordings were not adequate to form a definite opinion, therefore an INCONCLUSIVE opinion is rendered.

The following Relevant Questions were among those asked during the examination:

POLY 7
(Rev. 4/97)

21-1787-08

BLK 01512

TT 001
Mittelich

Department of Public Safety
Special Investigations Division

Polygraph Unit



21-1787-08

OFFICIAL REPORT



STATE OF GEORGIA
DEPARTMENT OF PUBLIC SAFETY
POLYGRAPH SERVICES UNIT

09-05-087

OFFICIAL REPORT

FULTON
COUNTY

DATE 10-08-09

ISSUE: Allegation of being involved in abduction and suffocation of Kris Mihelich in January, 1977 in Michigan.	INVESTIGATOR: D/SGT GARY GRAY MICHIGAN STATE POLICE
VICTIM: KRIS MIHELICH	POLYGRAPHER: STEVEN D. DUNCAN
SUBJECT(S):	

Based upon the polygraph chart recordings of subject(s) ___ it is the polygraphist's opinion that physiological responses which are indicative of deception WERE NOT NOTED when subject(s) answered relevant questions regarding the issue.

Based upon the polygraph chart recordings of subject(s) ___ it is the polygraphist's opinion that physiological responses, which are indicative of deception, WERE NOTED when the subject(s) answered relevant questions regarding the issue.

Based upon the polygraph chart recordings of subject(s) ___ it is the polygraphist's opinion that chart recordings were not adequate to form a definite opinion, therefore an INCONCLUSIVE opinion is rendered.

The following Relevant Questions were among those asked during the examination:

POLY 7
(Rev. 4/97)

21-1787-08

BLK 01514



Colonel Bill Fitchens
Commissioner

Department of Public Safety
Post Office Box 1456
Atlanta, Georgia 30371-1456
Phone: (404) 624-7523

Angie M. Holt
Special Investigations Director

10/21/09

Detective Sergeant Gary Gray
Michigan State Police
Metro North Post #21
Oak Park, Michigan 48237

Sergeant Gray,

Please find attached documentation of my phone conversation with person of interest
per our phone conversation.

Respectfully,

Steven D. Duncan
Investigator / Polygraph Examiner

21-1787-08

BLK 01515

COPY

GEORGIA STATE PATROL
SPECIAL INVESTIGATIONS DIVISION
SUPPLEMENTAL REPORT

Case #(s): 09-OS-085, 09-OS-086, 09-OS-087
Investigator: Steven D. Duncan, Special Investigations Division *SD*
Date: 10/15/2009

On 10/15/2009, Investigator Steven D. Duncan received a voice mail message (left on 10/12/2009) requesting contact from _____ who Duncan had previously Polygraphed regarding several cases for Michigan State Police.

On 10/15/2009 at approximately 8:30 AM, Duncan established phone contact with _____. _____ advised he had been thinking about one of the questions from the Polygraph Examination he wanted to discuss, but he was driving at the time and would call back.

Duncan contacted Detective Sergeant Garry Gray with the Michigan State Police and advised him of the contact.

_____ called back at approximately 11:30 AM, but Duncan was not able to establish contact until approximately 1:05PM.

_____ Duncan told _____ stated it had been 20 years since he had read the book (Duncan assumed he meant the book about the murders) and he said "I really can't say anything". _____ further stated: "I'm pretty sure ...ah... positive I answered the way I feel". _____ indicated that was all he wanted to talk about. Duncan reiterated the offer to talk with _____ if he wanted to call back.

Duncan contacted Gray regarding the contact. Gray requested the information be documented for the Case file.

21-1787-08

MSP-Records

FW: Michigan State Police Records Request Response - 31218931

February 25, 2021 at 9:08 AM



Please see attached.

Thank you,
MSP Records Resource Section



DEPARTMENT OF STATE POLICE

2/25/2021

CATHERINE BROAD

Subject: CR-31218931

Dear CATHERINE BROAD:

The Michigan State Police (MSP) has received your request for public records under the Michigan Freedom of Information Act (FOIA), MCL 15.231 *et seq.*

In order to determine the extent of any responsive records, we are extending the time for responding to your request by ten (10) business days, as permitted under MCL 15.235, Section 5(2)(d). Therefore, a written notice will be issued to you on or before 3/11/2021.

The MSP's FOIA procedures and guidelines and written public summary can be accessed by visiting www.michigan.gov/msp and selecting the FOIA link at the bottom of the page.

Sincerely,

Records Resource Section



STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
LANSING, MICHIGAN 48909

OFFICE OF THE ATTORNEY GENERAL
LANSING, MICHIGAN 48909

OFFICE OF THE ATTORNEY GENERAL
LANSING, MICHIGAN 48909

3/11/2021

CATHERINE BROAD

1150 HARRIS DRIVE
BIRMINGHAM, MI 48621
SUBJECT: CR 191210001

Dear CATHERINE BROAD:

The Michigan State Police (MSP) has received your request for public records under the Michigan Freedom of Information Act (FOIA), MCL 15.231 et seq.

Your request is granted as to existing, non-exempt records in the possession of the MSP that fall within the scope of your request. To process your request, the MSP estimates a FOIA processing fee of \$539.96 to search for, retrieve, review, examine, and separate exempt material, if any.

If your request was submitted via the Records Request Portal, you may pay the deposit of \$269.96 in the portal by selecting "Request Details" for the request number (CR) indicated in the subject line above. All other requestors can make payment using the online payment center (<http://michiganpolicepmts.state.mi.us/crsearch>). Users of the online payment center will need to provide the request number (CR) listed above to utilize the online payment option. Please note there is a \$2.00 processing fee for online payments.

If you prefer, you can mail a check or money order, made payable to the State of Michigan, to Michigan State Police, Cashiers Unit, P.O. Box 30266, Lansing, Michigan 48909. To ensure proper credit, please enclose a copy of this letter with your payment.

As set forth under section 4(14) of the FOIA, MCL 15.234(14), if a fee appeal has not been filed under section 10a of the FOIA, MCL 15.240a, the MSP must receive the required deposit within 45 days after your statutory-determined receipt of this notice, which is 4/28/2021, otherwise the FOIA request will be considered abandoned and the MSP will not be required to fulfill the request.

Upon receipt of the deposit, the MSP will complete the processing of your request. You will be notified of the balance due before release of the records, and of the statutory basis for the exemption of any records or portions of records, and of your statutory remedial rights, if applicable. The MSP estimates a processing time of 30 business days after receipt of payment.

Under the FOIA Section 10a you have the right to appeal the fee to the head of this public body.

The MSP's FOIA procedures and guidelines and written public summary can be accessed at www.michigan.gov/msp.

Sincerely,

Records Resource Section

MSP-Records
FW: Michigan State Police Records Request Response - 31218931
March 11, 2021 at 9:55 AM
 For: CATHERINE BROAD



Please see attached.

Thank you,
 MSP Records Resource Section



DEPARTMENT OF STATE POLICE
 LANSING

MICHIGAN STATE POLICE
FREEDOM OF INFORMATION ACT
FEE CALCULATION FORM

File Number: 31218931

Requester Name: CATHERINE BROAD

Estimated Costs

Category	Cost	Hours	Total
Labor (Search, Locate, Examine)			
Labor (Separate/Delete)	Cost	Hourly	Total
Assistant FOIA Coordinator	\$28.22	18.50	\$519.22
Labor (Contractor)	Cost	Hourly	Total
Labor (Duplication)	Cost	By/Minute	Total
Nonpaper Physical Media	Cost	Per/Unit	Total
Flash Drive (BGB)	\$3.30	1	\$3.30
Paper Copies	Cost	Per/Unit	Total
Indigent Waiver	Cost		Total
Other Fees	Cost	Unit	Total
Meeting	Cost	Flat/Fee	Total
Plain Paper Envelope	\$1.40	1	\$1.40
Media Meeting	\$0.24	1	\$0.24
Adjustment	Cost	Flat/Fee	Total
Estimated Total			\$519.96
50% Deposit:			\$259.98
Applied Payments:			\$0.00
Total Balance Due:			\$259.98

As set forth under section 4(1)(4) of the FOIA, if a fee appeal has not been filed under section 10a of the FOIA, the MSP must receive the required deposit within 45 days after your statutorily-determined receipt of this notice, which is indicated in the within notice, otherwise the FOIA request will be considered abandoned and the MSP will not be required to fulfill the request.

*Costs include hourly wages and an additional 50% to partially cover the cost of fringe benefits.

**Actual cost does not exceed for the state minimum hourly wage.

***Must provide proof of indigence.

****Once payment is received, the MSP will process your request.



Michigan State Police



MICHIGAN.GOV
Michigan's
Official
Website

Payment Information

Thank you for your payment. This transaction will post to your statement as 'MI State Police Pmts.'

Payment Result: Payment Successful

Payment Date: 3/11/2021

Amount Paid: \$271.98

Confirmation Number: 21031132938533

[Return to the FOIA Site](#)

[Michigan.gov Home](#) | [MSP Home](#) | [State Web Sites](#) | [Contact MSP](#)
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Goodwin, Bethany (MSP)
FOIA CR-31218931
April 22, 2021 at 8:53 AM



Good Morning,

I am currently processing your Freedom of Information Act (FOIA) request and I am writing to inform you that additional time is needed. Responsive records will be sent to you on or before April 29, 2021. Please confirm that you have received this correspondence at your earliest convenience.

Thanks,

Bethany Goodwin
FOIA Analyst
Executive Operations
Records Resource Section
7150 Harris Drive
Dimondale, Michigan 48821
TX: 517-284-3131
Fax: 517-241-1935



STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
LANSING

GRETCHEN WHITMER
GOVERNOR

COL. JOSEPH M. GASPER
DIRECTOR

4/28/2021

CATHERINE BROAD

Dear CATHERINE BROAD:

The Michigan State Police (MSP) has received your request for public records under the Michigan Freedom of Information Act (FOIA), MCL 15.231 *et seq.*

Your request is granted in part and denied in part. Portions of your request are exempt from disclosure based on provisions set forth in the FOIA. Please see the comments on the next page. Under the FOIA, Section 10, you have the right to appeal to the head of this public body or to a judicial review of the denial. Please pay the amount of \$362.80. Once payment is received the documents will be provided to you. Under the FOIA, Section 10a, you have the right to appeal the fee to the head of this public body.

For requests that were granted or granted in part and for which a balance is owed:

If your request was submitted via the Records Request Portal, you can make payment in the portal by selecting "Request Details" for the request number (CR) indicated in the subject line above. All other requestors can make payment using the online payment center (<http://mistatepolicepmts.state.mi.us/crsearch>). You will need to provide the request number (CR) listed above. Please note there is a \$2.00 processing fee for online payments.

If you prefer, you can mail a check or money order made payable to the State of Michigan to Michigan State Police, Cashiers Unit, P.O. Box 30266, Lansing, MI 48909. To ensure proper credit, please enclose a copy of this letter with your payment.

The MSP's FOIA procedures and guidelines and written public summary can be accessed by visiting www.michigan.gov/msp.

Sincerely,

Records Resource Section



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
LANSING

COL. JOSEPH M. GASPER
DIRECTOR

Denial of Records:

Denial is based on the following provision(s) of the Freedom of Information Act, MCL 15.243, Sec. 13(1). Exemptions that apply are displayed below.

(a) Information of a personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy:

- address(es)
- date(s) of birth
- driver license number(s)
- other
- physical characteristics
- telephone number(s)
- name(s)
- Personal Details

(b) Investigating records compiled for law enforcement purposes, but only to the extent that disclosure would do any of the following:

- Disclose law enforcement investigative techniques or procedures.
- Constitute an unwarranted invasion of personal privacy.

(d) Records or information specifically described and exempted from disclosure by statute:

- MCL 28.214 C.J.I.S. Policy Council Act (LEIN information)
- MCL 338.1728 Forensic Polygraph Examiners Act 295 of 1972

(w) Information or records that would disclose the social security number of any individual.

To the best of the department's knowledge, information, and belief, under the information provided by you or any other description reasonably known to the department, the public records do not exist within the department. Please see additional comments below.

Additional comments: The Michigan State Police cannot locate copies of the DVD or the separate reports prepared by Duncan. The MSP's FOIA procedures and guidelines and written public summary can be accessed at www.michigan.gov/FOIA-MSP.

MSP-Records

FW: Michigan State Police Records Request Response - 31218931

April 28, 2021 at 6:15 PM



Please see attached.

Thank you,
MSP Records Resource Section



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377d-e...61f.pdf



DEPARTMENT OF STATE POLICE

MICHIGAN STATE POLICE
FREEDOM OF INFORMATION ACT
FEE CALCULATION FORM

File Number: 31218931

Requestor Name: CATHERINE BROAD

Actual Costs

Category	Cost	Unit	Total
Labor (Search, Locate, Examine) Sergeant	\$85.41	Hourly 2	\$170.82
Labor (Separate/Delete) Assistant FOIA Coordinator	\$26.82	Hourly 14	\$375.48
Labor (Contractor)	Cost	Hourly	Total
Labor (Duplication)	Cost	ByMinute	Total
Newspaper Physical Media	Cost	PerUnit	Total
Paper Copies	Cost	PerUnit	Total
Indigent Walker	Cost		Total
Other Fees	Cost	Units	Total
Mailing Flat Rate Envelope	Cost \$1.45	FlatFee 1	Total \$1.45
Adjustment	Cost	FlatFee	Total
Total:			\$632.76
Applied Payments:			\$269.98
Total Balance Due:			\$362.88

*Costs include hourly wage and an additional 50% to partially cover the cost of fringe benefits.
**Actual cost does not exceed the state minimum hourly wage.
***Must provide proof of indigence.



**Composite drawing of suspect
seen talking with Tim King
before he was abducted.**

John Hastings circa 1977