

GOODMAN HURWITZ & JAMES, P.C.

ATTORNEYS AND COUNSELORS
1394 E. JEFFERSON AVENUE
DETROIT, MI 48207
(313) 567-6170 / (313) 251-6068 FAX

WILLIAM H. GOODMAN
bgoodman@goodmanhurwitz.com
JULIE H. HURWITZ
jhurwitz@goodmanhurwitz.com
KATHRYN BRUNER JAMES
kjames@goodmanhurwitz.com
MELISSA BROWN
mbrown@goodmanhurwitz.com

GENERAL INQUIRIES:
mail@goodmanhurwitz.com

WWW.GOODMANHURWITZ.COM

June 3, 2021

Merrick B. Garland, Attorney General
United States Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530 – 001

Pamela S. Karlan
Principal Deputy Assistant Attorney General
United States Department of Justice
950 Pennsylvania Ave., N.W.
Office of the Assistant Attorney General, Main
Washington, D.C. 20530

Re: No-knock Raid on Flint Michigan Family – 4/21/2021

Dear Attorney General Garland and Principal Deputy Karlan:

We are three civil rights lawyers in Michigan. Between us, we have considerable experience in civil rights law and litigation, having written, taught, and lectured throughout Michigan and the United States on these matters. As well, one or more of us have litigated civil rights cases, going back as far as 1965, have served as a state assistant attorney general, and as legal counsel for a governor. Our cases have been litigated in federal courts, district and appellate, throughout the United States.

We write on behalf of a Flint, Michigan family – a grandmother, mother, and three young children: Renee Dunigan (56 yrs.), Michelle Colston (28 yrs.) and Ms. Colston's three minor children, ages 14, 10 and 3. Renee and her daughter, Michelle have lived in their rental home located on Garland Street in Flint's 'Northend,' a predominantly Black neighborhood, for the past ten years, and have lived on Garland Street for the past 14 years. Renee is an autoworker and Michelle works at a bank. Together they raise Michelle's three children. This upstanding and law-abiding family has no record of arrest, let alone conviction. Until April 21, 2021, they had thrived at work and in school.

However, on that date, late in the evening (about 10:45 pm), an all-White Michigan State Police-led SWAT team smashed in their front door without any notice, while effectuating a "no-knock" warrant. They roused the family at gunpoint, literally from shower, sleep, and bed, and forced them to sit together for about one hour - in Michelle's case unclothed, having just stepped out of the shower – while approximately 50 officers tore the house apart.

The police task force involved consisted of several law enforcement agencies but was led by the .

Michigan State Police ("MSP"). The family has learned that the police obtained the 'no-knock' warrant to break into their home by falsely asserting in a warrant request that a car, in a driveway that was shared with their neighbor, belonged to the Dunigan/Colston family. That information was obtained from an unreliable confidential informant ("CI") who told the State Police that a car parked in the *shared* driveway belonged to the Dunigan/Colston household. In fact, the car in question belonged to the neighboring house. It appears the police did no pre-raid investigation regarding the Dunigan/Colston home prior to smashing in their front door and never even bothered to confirm the name and registration for the car in question. Nor did they even attempt to learn who resided at our clients' home on Garland Street. The family has also learned that the CI provided this false information to protect the neighboring house.

During the time that this entire family -- including the children -- was held at gunpoint and traumatized - they were screamed at, not allowed to speak to one another, not allowed to make or answer telephone calls, and they were denied access to their family and community, including Ms. Dunigan's son, a respected minister, who was standing outside not knowing whether his family was dead or alive inside the house. In other words, they were terrorized and humiliated, during which time the police did nothing to determine whether they were in the right house. When the police officers finally realized that they were in the wrong house, they left abruptly, making no attempt to clean up the mess that they had made of the house. They never even bothered to apologize. Not more than twenty minutes after they left the Dunigan/Colston home, they conducted a raid on the neighboring house.

There can be little doubt that had Northend been a white neighborhood, far more care and attention would have been paid before seeking the extreme means of a no-knock warrant on the wrong house. Nor can there be any doubt that had the Dunigan/Colston family been a white family, they would never have been treated in the threatening and degrading way in which these white officers treated them.

In fact, this is not the only example of lack of concern by the MSP for the well-being of Flint's Northend residents. Since 2014, the State Police have patrolled Flint and have had broad discretion as to the initiation of high-speed vehicular chases. This practice has resulted in several very serious collisions, death, and terrible injuries to a number of completely innocent persons that did not occur in white neighborhoods. These problems diminished only when, in 2017, the MSP changed its policy and reduced the amount of officer discretion (i.e. implicit bias) in initiating such dangerous actions. As a result of this change, the number of collisions, serious injuries and deaths were dramatically reduced.

The same reckless attitude toward Northend residents was evident in the raid directed against our clients. By its failure to communicate to the judge who issued the warrant for the Dunigan/Colston home, the shaky and uncertain basis for its issuance, the MSP initiated an unreasonable seizure within the meaning of the Fourth Amendment. Due to its indifference to the rights of the Dunigan/Colston family and to Flint's Northend neighborhood, the State Police also violated the family's right to equal protection, as secured by the Fourteenth Amendment.

Merrick B. Garland/Pamela S. Karlan
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Consequently, we request an independent federal civil rights investigation by your Department of the policies, training, and supervision of the MSP and their partner police agencies, particularly as they relate to and impact minority communities throughout the State of Michigan. On behalf of the Dunigan/Colston family, we thank you for your time and attention.

Very truly yours,

GOODMAN & HURWITZ, P.C.

William H. Goodman



Julie H. Hurwitz



**LAW OFFICES OF TERESA A.
BINGMAN**

Teresa Bingman

