Report on the Status of the Ingham County Prosecutor's Office
By Gretchen Whitmer, Ingham County Prosecutor
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Executive Summary and Findings

I accepted the interim appointment as Ingham County Prosecutor with one goal in mind: to restore the great trust and confidence that the people of Ingham County should have in the Ingham County Prosecutor’s Office after the resignation of Stuart J. Dunnings III.

To that end, I immediately and aggressively set out to determine to what extent, if any, the charges brought against Mr. Dunnings extended beyond Mr. Dunnings to the important work done in the office he controlled.

I conducted over 100 meetings and interviews during my due diligence. These were comprised of personal interviews with Ingham County Prosecutor’s Office (ICPO) attorneys and support staff, with Michigan's Attorney General Bill Schuette and his team, the Ingham County Sheriff Gene Wriggelsworth, every police chief for every jurisdiction in Ingham County, a number of defense attorneys who frequent Ingham County courtrooms and any others offering relevant information.

I have concluded that neither the Assistant Prosecuting Attorneys (APAs) nor support staff at the Ingham County Prosecutor's Office had personal knowledge of Mr. Dunnings' alleged criminal activities. Accordingly, I have full confidence that any problem that had existed in this office, left with Mr. Dunnings.

Facts About the Office

The Ingham County Prosecutor’s Office is the 7th largest in the state of Michigan. The office is organized with all authority resting with the Prosecutor. There is a Chief Assistant Prosecutor and a Deputy Chief Assistant Prosecutor.
The office has 8 divisions, all of which have a lead APA. Those divisions are: Circuit Court, District Court, Family Court, Family Support, Appeals, Child Criminal Sexual Conduct//Domestic Violence, Metro/Violent Crimes Initiative, and Screening. In total there are 31.5 APAs in addition to the Prosecutor and 29 support staff. Together, they work with 13 local law and state enforcement agencies plus federal agencies such as the Federal Bureau of Investigation (FBI) and the Drug Enforcement Agency. The office has a total annual budget of $7,128,804.

The office prosecutes over 9,000 adult criminal and juvenile delinquency cases a year. This is in addition to all of the work the ICPO does on abuse and neglect cases, family support enforcement, the handling of appeals, the initial intake of cases, Personal Protection Orders and Mental Health Hearings.

Further, APAs attend meetings and participate in work groups based on their particular legal assignment. For example, APAs are assigned to the Violent Crime Initiative, Capital Area Sexual Assault Response Team (CASART), Child Death Review and many others. This is no small order for APAs assigned to 3 District Courts (Lansing, East Lansing and Mason) and the Circuit Court, General Trial and Family Division. Many APAs are in court up to four days a week and spend well in excess of the typical 40 hour work week, preparing cases for trial, speaking with witnesses and advocating on behalf of victims. Each APA is assigned a caseload and the Chief Assistant oversees not only all of the APAs, but the support staff, as well.

I have come to appreciate that the ICPO is much more than the person’s name that appears on the door. Far from it. It is a 60+ person law firm of hard working public servants. Like many public servants they could earn a bigger paycheck in the private sector but choose to make this their life’s work. They help victims and their survivors get justice, they answer the call of the woman who has been beaten, they help those minor offenders get back on track as productive members of our community, they volunteer in our community, and in many circumstances they are integral to victims and their families who keep in touch long after the legal work is done.
Investigatory Process

On July 2, 2016, I became the Ingham County Prosecutor after being unanimously appointed by the Ingham Circuit Court Judges. The vacancy was created by the resignation of the elected Prosecutor, Stuart J. Dunnings III, after his arrest on various charges earlier this year.

As Prosecutor, my mission is to restore public confidence in the Prosecutor's Office. The citizens deserve a swift, independent and thorough review of the office and its employees to determine whether anyone had personal knowledge of Mr. Dunnings' alleged illegal activities and whether Mr. Dunnings' alleged activities compromised any cases prosecuted by employees of the ICPO.

The criminal investigation into Mr. Dunnings' alleged conduct was performed by the Sheriff's office, the FBI and the Michigan Attorney General's Office (AG). Since it is an ongoing investigation, with all relevant agencies citing a judicial “gag order,” I am not privy to Mr. Dunnings' conduct which has led to these agencies' allegations. It is not within my purview to investigate Mr. Dunnings' conduct and I will leave that to the investigating agencies and a jury of his peers.

My inquiry into the ICPO involved over 100 interviews. One of my first calls upon my appointment was to the Michigan Attorney General, Bill Schuette. When we spoke, I indicated that, to the extent appropriate, I would appreciate a briefing on any and all matters surrounding the investigation into Mr. Dunnings. We scheduled a meeting and met on June 15, 2016. While Mr. Schuette was not present for the duration of the meeting, he did drop in to say hello and acknowledge his team that was present: Carol Isaacs, Matthew Schneider, Laura Moody, and Rick Cunningham.¹ In response to my inquiries, I was told that they were unable to share any information because of the existence of a judicial “gag order.”²

Since I have not been privy to the specific facts of the alleged conduct, my investigation of the ICPO is based on the following:

¹Chief Deputy Attorney General, Chief Legal Counsel, Division Chief for the Criminal Appellate Division, and Division Chief for the Criminal Division, respectively.
²I was instead encouraged to speak with Sheriff Wriggelsworth, who they noted, would not be held to the same standard as the AG and might be more free to speak. However, when I called Sheriff Wriggelsworth, he informed me that in the interim, the AG's office called to let him know I would be calling and reminded him he was subject to the "gag order". Unfortunately, he was unable to discuss the specifics of the case.
● Interviews of each of the Assistant Prosecuting Attorneys and support staff (60) at ICPO;
● Conversations with all District and Circuit Judges before whom the APAs appear (17);
● Calls or meetings with all law enforcement police chiefs in Ingham County and the Ingham County Sheriff (14);
● Interviews of a number of attorneys in the defense bar;
● Conversations with anyone who reached out with information;
● A meeting with the Attorney General and his Assistant Attorneys General (5);
● A review of each case that the Chief Assistant recused the ICPO from after Mr. Dunnings' arrest for issues that are alleged to be related to his conduct;
● A review of news reports surrounding the criminal allegations and case law regarding the Attorney General's duty.

Due Diligence and Initial Findings

In the course of my due diligence, it became clear that I needed to focus both on the inner workings of the ICPO as well as the perceptions of other officers of the court regarding the execution of the ICPO's duty.

A. Internal Operations

1. Assistant Prosecuting Attorneys

I conducted individual interviews with every APA in the ICPO.

The APAs all vividly recall March 14, 2016, and where they were on "the Monday of infamy," as one referred to it. Some were in court, others in the office, some were in offsite meetings and one was on a plane returning from a trip. Every single one expressed shock, a sense of betrayal and anger that their reputations were thrown into question. Naturally, the pride with which they served was shaken. As APAs, their names are on every pleading with that of the Prosecutor and their professional reputation and integrity are thus closely linked. After interviewing all of the APAs it was clear that although Mr. Dunnings was frequently absent from the office, he was generally available via cell phone. Mr.
Dunnings drifted in and out of the office, sometimes without the staff even knowing. One APA even referred to him as an “absentee landlord.”

What was immediately apparent from all the interviews was that the APAs were never asked to compromise a case or look the other way. More importantly, they would not have stood for that type of conduct. The APAs take their legal and ethical obligations very seriously and handled all cases with the utmost care. They never questioned Mr. Dunnings’ whereabouts and they took him at his word.

Due to the physical configuration of the office, the executive suite is isolated. It is in a corner that is not generally accessible as a regular traffic pattern, thus creating a “destination office.” It was an office to which the door, a heavy fire door, remained closed and people had to knock to gain entry to the vestibule staffed by Mary Greener. The whole ICPO spans two floors. The executive suite has its own bathroom and an egress stairwell and an elevator a few feet from the aforementioned fire door. Accordingly, it was unusual to happen upon Mr. Dunnings even when he was in the office.

2. Support Staff

I also met with every current support staff person.

Universally, staff comments reflect the sentiment of the APAs'. Even the staff who came from law enforcement said that they had never heard anything negative about Mr. Dunnings. He was not around very much nor did he engage on a personal level when he was. Many support staff observed that they had little interaction with Mr. Dunnings. One longtime employee said “if the AG’s allegations are accurate, then Stuart was leading a secret double life.” In fact, one of the longest serving employees stated she “would go weeks without laying eyes on him.”

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3 “Destination office” meaning that it is a dead end hallway and unless the executive suite was your destination there would be no reason to be in the vicinity.

4 The configuration is that the executive suite is on 4R and is tucked in a corner and has a desk for the Executive Assistant and the office of the Prosecutor with a bathroom wholly inside it. Both have heavy fire doors that were almost always closed. There is an elevator and stairwell just outside the suite. The corner is not a typical corner as it is shut off on one side. The APAs and support staff on 3R of the building are in a secure suite and everyone who enters must log in. Accordingly, there is very little regular interaction with the people who work on 3R.

5 I did not meet with Mary Greener, who was Mr. Dunnings’ executive secretary, as her employment ended when mine officially began.
When he was there, Mr. Dunnings was known to be detached on a personal level. Many of the support staff felt he did not even know their names. An 11-year employee commented: “I wasn’t really sure if, when the two of us were in an elevator, he knew I worked for him.” Another employee stated that he had been interviewed, unbeknownst to anyone else in the office, by the investigators about Mr. Dunnings’ conduct regarding a diversion case prior to his arrest. It is unclear if that case is part of the AG investigation, but regardless, the employee’s conduct does not appear to be at issue.

Initial Finding: Universally, the employees of the ICPO were shocked by the allegations against Mr. Dunnings. The atmosphere in the ICPO was one of a hardworking group of professionals who were given great autonomy. Accordingly, Mr. Dunnings’ absence and personal detachment neither raised suspicion nor impacted the execution of the duties of the ICPO.

B. Professional Reputation of the ICPO

1. Judiciary

I reached out to all the District and Circuit Judges before whom the APAs appear. Universally, members of the bench were stunned by the charges against Mr. Dunnings. They voiced no misgivings about the ethical responsibilities of the APAs. Most, if not all, had reviewed their cases and had no concerns.

Two cases were brought to my attention. Both were identified out of concern about parties thereto, not due to uneasiness about ICPO conduct. And not because of any wrongdoing of an APA. **People v Purnell** has already been recused by this office and I have also referred the other case to the investigators to determine if there was any connection to Mr. Dunnings’ charges. If so, I will swiftly recuse our office. It should be made clear that the Judges’ concerns were based on the type of the charges and whether the witnesses were somehow related to the Dunnings’ case. Without knowing the specific allegations, we will continue to err on the side of caution. Aside from those two cases, the Judges stated they had high confidence in the ICPO and APAs’ conduct. Although not a concern at the time, one judge observed that Mr. Dunnings previously attended a civil proceeding, which was unusual.

The office is respected and thought to operate with “high integrity.” An observation made by many of the judges was that Mr. Dunnings went so far as to
not park in the secure parking reserved for judges and elected officials located under the building. It was universally suspected that this was to avoid knowledge of his comings and goings.

2. Law Enforcement

Because they are critical partners in the execution of our duties, I personally spoke with all of the police chiefs of all the law enforcement agencies within Ingham County, as well as the Ingham County Sheriff, the Commander of the Michigan State Police Post, and the DHS Child Welfare director.

When the charges against Mr. Dunnings' were first announced, many undertook a review of the cases on which they had worked, or were working, to ensure that no case was compromised. None cited a concern. Many expressed confidence in the office stating: "even during the interim period, we felt confident" and "our confidence is strong in the office." All shared the general sentiment that they had "no concerns about any cases." In fact, two days after Mr. Dunnings' arrest, Meridian Township Chief David Hall sent a letter of support to Ms. McCormick stating:

"Lisa,
Just sending you a note to say we here at Meridian have been thinking of you during this difficult time. We recognize that what you are going through now is difficult but "this too shall pass" and become a memory. What remains is the fact that all the staff at the Ingham County Prosecutor's office are top notch. They are professional hardworking people - people of integrity. I especially appreciate the hard work (and more of it) you are doing to lead the prosecutor's office on. The work you do is appreciated and my fellow chiefs would agree."

3. The Defense Bar

To ensure a well-rounded inquiry, I also surveyed a handful of defense lawyers who regularly appear as opposing counsel in the courtroom. None felt that Mr. Dunnings' alleged conduct compromised actions of the APAs prosecuting cases. Many shared the sentiment that although Mr. Dunnings has been absent for quite awhile, the office has not lost a step. He was "the figurehead and the APAs do the prosecuting."
Initial Finding: As a general matter, the ICPO enjoys a strong professional reputation due to the solid work and “high integrity” of the APAs and the support staff. Based on all of my interviews, I found no evidence that any APA’s or staff members’ conduct was compromised. I will work to continue to preserve and enhance that reputation through an open dialogue in our community to ensure the public can have the same confidence in the office that I now have.

C. The Attorney General

It is important to review how the investigation was handled by the Attorney General and the Sheriff as it relates to the knowledge of the employees.

It is clear that during the course of the investigation, which presumably went on for months if not a year, the agencies involved in the criminal investigation of Mr. Dunnings did not inform any APA of the alleged improprieties.

This is important for my inquiry because the investigating agencies would have been legally and ethically obligated to act if they thought there were improprieties at the Prosecutor’s Office that would affect the outcome of cases. Certainly, these agencies would not allow criminal defendants to be prosecuted if they thought there was an APA handling cases improperly. If they had proof of any improprieties by an APA or other staff member they had both the authority and more importantly the ethical duty, to take over control of the office to ensure the integrity of the criminal justice system. This did not occur.

At the time of the Mr. Dunnings’ arrest, the agencies involved had an opportunity to address any concerns with the Chief Assistant or any member of the staff if they felt that an APA was mishandling cases, that any case should be reviewed or the office should be recused. This did not occur either. In fact, the only recusals that occurred were after the date of Mr. Dunnings’ arrest and were made by the Chief Assistant on her own motion based on information she received after the arrest.6

6 *Furnell:* Defendant was convicted on many counts and was pursuing an appeal. An APA read the affidavit in Mr. Dunnings’ case and believed it might involve some of the same women in this case. The Dunning’s affidavit did not actually identify the women, but in an abundance of caution, the APA informed the defense attorney and asked him if he wanted us to recuse. At that time, the Court of Appeals had already denied the defendant’s application. The defendant, acting as his own lawyer, then sought appeal to the Supreme Court and in his letter, among a litany of reasons for his appeal, he included allegations about Mr. Dunnings. Therefore, Ms. McCormick recused. *Winbush:* On the eve of trial, the defense attorney said the client had information of Mr. Dunnings doing favors for a prostitute and her family. The APA reported this to Ms.
Also a review of the public statements, made at the March 14, 2016 press conference held jointly with the AG, confirm that the investigating agencies had confidence in the ICPO. When the Sheriff was specifically questioned about the ICPO his response below confirms this:

**Reporter (unidentified):** How much confidence do you have in the County Prosecutor’s Office at this point, moving forward?

**Sheriff:** The Ingham County Prosecutor’s Office has got a great staff of hard-working, dedicated prosecutors who I have the greatest faith in, in terms of prosecution, presenting our cases. I would never equivocate, even today. They’re great people...I have great faith in the Assistant Prosecutors that are there, that they will do their job.

Based on my due diligence, he was not alone in his viewpoint. This confirms my conclusion that ICPO employees were not aware of Mr. Dunnings’ conduct leading to the allegations against him. They continued to, as they have always done, advocate for the public they serve ethically and responsibly.

**Initial Finding:** Although the investigating agencies are bound by a judicial “gag order” and I am not privy to all of the information leading to the allegations against Mr. Dunnings, taking into account their apparently lengthy investigation combined with their ethical duty to ensure the pursuit of justice was not compromised and comments made to the press and to me, I have concluded that any problem that existed with this office left with Mr. Dunnings.

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McCormick, who sought a recusal immediately. She also highlighted this case during weekly case review as a lesson for APAs about what might come up and how to handle it ethically. The AG kept the case. **Griffin:** Defendant wrote a letter to the office on June 17, 2016, indicating that Mr. Dunnings was unethical. The bulk of the letter alleges improprieties by his defense counsel and that the lawyers conspired to coerce the plea. It is only at the end that he alleges Mr. Dunnings is unethical. Since we did not know what, if anything, Mr. Dunnings did involving the plea, Ms. McCormick recused. While the defendant did not make any specific allegations about Mr. Dunnings, we recused anyway. **In re Xxxxx:** this is a neglect/abuse/termination of parental rights that involves minor children.
Conclusions

It became evident during the course of my inquiry that Mr. Dunnings left the day-to-day operations in the hands of the Chief Assistant. Whether or not you agree with that structure, Ms. McCormick ran the office with the highest of standards. Even facing the difficult days and weeks following Mr. Dunnings’ arrest, she continued to run the office and support the APAs and staff because “we had a job to do for the citizens of Ingham County.” Some may try to argue that the staff ‘should have known’, but all of the evidence in my inquiry speaks for itself. Even Sheriff Wriggelsworth, who could not speak about the investigation, confirmed his belief that Ms. McCormick knew nothing about his alleged criminal activity.

Therefore, I have concluded that no current employee of the ICPO had knowledge of Mr. Dunnings’ allegedly illegal conduct. The ICPO enjoys a strong professional reputation due to the solid work and “high integrity” of the APAs and the support staff. Based on all of my interviews, I found no evidence that any APA’s or staff member’s conduct was compromised by Mr. Dunnings’ alleged illegal conduct. I will work to continue to preserve and enhance that reputation through an open dialogue in our community to ensure the public can have the same confidence in the office that I now have.

Although the investigating agencies are bound by judicial “gag order” and I am not privy to all of the information leading to the allegations against Mr. Dunnings, taking into account their apparently lengthy investigation combined with their ethical duty to ensure the pursuit of justice was not compromised, as well as comments made to the press and to me, I have concluded that any problem that existed with this office left with Mr. Dunnings.

Moving Forward

While the criminal case against Mr. Dunnings proceeds, this office will continue to cooperate with investigating agencies to the extent they have any requests or needs from the ICPO. Additionally, we will continue to make use of the recusal process if and when a legitimate question of conflict arises in a particular case.
Now that I have concluded my due diligence, in the interest of a proactive agenda for the people of Ingham County, I wanted to take the opportunity to let citizens know how I am continuing to dedicate my immediate efforts during my tenure as Prosecutor:

- I have already established a dedicated Domestic Violence (DV) unit. APA Aylsh Gallagher has been assigned to review and prosecute all Felony DV cases in the City of Lansing. She will handle a caseload of approximately 20-30 cases. We have established this as a pilot program and hope to expand it to all the courts in the future.
- I have requested that the Ingham County Board of Commissioners expand our Diversion Program to increase our efforts toward rehabilitating 1st time offenders and give them the opportunity to keep a clean record and become productive members of society.
- I am working with Eaton County Prosecutor Doug Lloyd, Chippewa County Prosecutor Dennis McShane, Former Judge and Ingham County Prosecutor Peter Houk, Frank Ochberg and victim families to ensure that the convicted serial killer, Don Miller, is denied parole.
- I will collaborate with the Prosecuting Attorneys Association of Michigan to assist and strategize our efforts during the lame duck legislative session at the end of this year.
- I intend to keep the citizens well-informed of the work at the Prosecutor's office, to regain their trust and confidence in this office. I am eager to communicate the important work that is happening each and every day in our Prosecutor's office.