

## Internal Investigation Report

Complaint 21-001

Start Date: 01/14/2021

Completion Date: 4/25/2021

### COMPLAINT SUMMARY

On 01/14/2021 Chief Ferguson received a phone call from witness [REDACTED] who advised that he would like to file a formal complaint reference the actions of an off-duty DCPD officer later identified as Ofc. Chad Vorce. According to [REDACTED], the incident occurred in the parking lot at the "Tailgaters" gas station located at 3955 Ernest Way, Lansing, MI 48906 at approx. 0715 on 01/14/2021. According to [REDACTED] the off-duty officer's actions were "unprofessional".

### DISPATCH REQUEST

On 01/14/2021 Chief Ferguson requested the CAD notes from dispatch reference any call that occurred on 01/14/2021 at approx. 0715 at or near "Tailgaters". Those notes were received via fax later the same day.

### CAD NOTE SUMMARY

CAD reported Incident #21003291 on 01/14/2021 at 0716 with an address of [REDACTED] with a primary responding unit of MSP 1119 (Trooper Shafer). According to the CAD notes, the caller later identified as off-duty Officer Chad Vorce, requested a marked police unit to check on a grey minivan driving backwards and "hanging" around near the above mentioned address. The notes also indicate that the license plate was unreadable and being driven by a black male. The notes then ID the caller as 7602 which is the DCPD call sign of Ofc. Chad Vorce and indicate that the suspicious vehicle tried to "ram 7602." The notes then indicated that the caller advised he was "going to fire shots if he is rammed again" and requested marked units priority. The 911 audio recording states "I'm going to go shots fired if he does it again." The CAD notes then indicated the vehicle was near the Airport Rd/Herbison Rd intersection, later turning into "Tailgaters/Sunoco". The notes then stated the vehicle is "doing donuts" and a short time later indicate that DCPD on-duty Officer C. Smith arrived on scene. The last note provided the MSP report number of 11-157-21.

\*The original CAD notes are included with this report.

#### **OFC. VORCE EMAIL**

On 01/14/2021 at 1213 Chief Ferguson received an email from Ofc. Vorce's DCPD assigned email address. The email indicated that it had also been sent to:

- [Lansingstatejournal@gannett.com](mailto:Lansingstatejournal@gannett.com)
- [REDACTED]
- [REDACTED]

The subject line was "Delivery Driver Issue." The body of the email detailed an incident that occurred between Officer Vorce while off-duty and an "LSJ delivery driver". The email was signed by "Chad Vorce Dewitt City PD"

\*The original email is included with this report.

#### **CONTACT WITH LT. SPEIGHTS**

- On 01/14/2021 Chief Ferguson received a phone call from Lt. Speights indicating of potential issues directed towards the City of DeWitt as well as MSP. For this reason MSP is assigning a detective to the case to ensure transparency as there may be racial issues.
- Lt. Speights informed Chief Ferguson a detective, later identified as detective Sergeant Singleton, will be reaching out shortly. Chief Ferguson indicated the city wants to help in any way so to let him know if anything is additionally needed.

#### **CONTACT WITH [REDACTED]**

- On 01/14/2021 Chief Ferguson returned [REDACTED] call and advised him that RO would be calling him to set up a formal interview.
- On 01/15/2021 RO made TX contact with [REDACTED] and scheduled the interview for 01/20/21.

#### **OFFICER C. SMITH REPORT**

As indicated in the CAD notes, Officer C. Smith was on-duty for DCPD at the time of incident and did respond to the suspicious vehicle incident as called in by off-duty Officer C. Vorce.

\*Officer Smith's original report (3291-21) is included with this report.

## **BODY CAMERA REVIEW**

On 01/14/2021 RO attempted to locate any audio/video captured by Ofc. Smith's body camera and in-car camera. RO would like to note that only several seconds of body camera footage was captured and it only depicts Ofc. Smith driving to the scene. There was however, a full length video recording captured by the in-car system without audio.

\*Those recordings are included with this report.

## **OFFICER VORCE LEAVE NOTIFICATION**

On 01/15/2021 Chief Ferguson, through Sgt. Stoltzfus, provided Officer Vorce with a formal memorandum indicating that he was being placed on paid administrative leave pending an investigation into the events surrounding this incident.

\*The original memo is included with this report

## **VIDEO/AUDIO REQUEST**

On 01/18/2021 RO requested any and all audio recordings from Clinton Co. Dispatch reference the incident.

\*Those recordings were received later that same day and are included with this report.

On 01/18/2021 RO requested and surveillance footage from the Sunoco parking lot from the time and date of incident. RO was advised that the footage had already been requested by and turned over to the Michigan State Police.

## **██████████ INTERVIEW**

On 01/20/2021 RO met with ██████████ at DCPD. That interview was recorded and a summary was completed.

\*The summary and recording is included with this report.

## **CONTACT WITH DIGITAL ALLY**

On 01/21/2021 made contact with Digital Ally technical support and requested that they search our system for the complete recording from Ofc. Smith's body camera. Digital Ally could not locate any additional footage and did provide RO with an email stating that the loss of footage did not appear to be intentional by Ofc. Smith but rather was a technical error within the body camera.

\*The email is included with this report.

#### **DISPATCH REQUEST**

On 01/21/2021 RO contacted Clinton Co. Central Dispatch and requested contact information for the additional caller identified on the CAD notes as reporting a "mini-van doing donuts in the parking lot" Dispatch was able to provide me with the phone number of the caller. RO identified that number as belonging to [REDACTED]

#### **[REDACTED] INTERVIEW**

On 01/27/2021 RO conducted an interview via TX with [REDACTED] A summary of that interview was completed.

\*That summary is included with this report.

#### **CONTACT WITH LT. SPEIGHTS**

On 01/28/2021 Chief Ferguson was contacted by MSP Lt. Speights via email. In that email, Lt. Speights requested a TX from Chief Ferguson. Chief Ferguson made contact with Lt. Speights later that same day. According to Lt. Speights, Ofc. Vorce had decided to pursue charges against Hamilton and therefore, MSP had decided to turn the criminal investigation over to Detective Sgt. Singleton from trooper Shafer. At that point DCPD postponed any further internal investigatory actions pending the outcome of the criminal investigation.

#### **CONTACT WITH DET/SGT. SINGLETON**

On 02/18/2021 Chief Ferguson was contacted via email by MSP Detective Sgt. Singleton. Singleton advised that he would be conducting a criminal investigation into this incident and would be examining potential criminal actions by both involved parties. Singleton also requested a summary of witnesses and body/in-car video that DCPD had collected during our investigation. Those documents were subsequently turned over to Detective Sgt. Singleton.

On 03/12/2021 Chief Ferguson was contacted by Detective Sgt. Singleton reference this incident and advised that he had received word that Ofc. Vorce no longer wished to pursue charges against Hamilton. After speaking with Hamilton, Detective Sgt. Singleton also concluded that he did not want to pursue charges against Ofc. Vorce either. Detective Sgt. Singleton advised due to the fact that there were no cooperating victims, he would not be pursuing the criminal investigation and DCPD could continue with the internal investigation.



#### **OFC. SMITH INTERVIEW**

On 03/17/2021 RO conducted an interview with DCPD Ofc. Clyde Smith. That interview was recorded and a summary was completed.

\*Please see the included interview summary for details.

#### **MSP TROOPER SHAFER INTERVIEW**

On 03/25/2021 RO conducted an interview with Trooper Shafer. That interview was recorded and a summary was completed.

\*Please see the included interview summary for details.

#### **DET/SGT SINGLETON REPORT**

On 03/25/2021 RO received Detective Sgt. Singleton's report. As stated above, neither involved party wished to pursue charges however, Detective Sgt. Singleton sent the report to the Clinton Co. Prosecutor's office for review "for any charges that would not require a cooperating victim" That report also included Trooper Shafer's report, CAD history of prior crimes near Ofc. Vorce's home address as well as Trooper Shafer's body mic/in-car recording and surveillance footage from the Sunoco gas station.

#### **CLINTON COUNTY PROSECUTOR RESPONSE**

On 03/26/2021 RO received the Prosecutor Authorization Report from the Clinton County Prosecutor's Office. In that report it lists Officer. Chad Vorce as the "Defendant" and is signed "Denied" with Prosecutor Tony Spagnuolo's initials. In the report he cites, "Prosecutor Discretion", "Proof Issue" and Victims don't want to prosecute" as the reasons for denial.

\*Please see the included prosecutor authorization report for details.

#### **SUMMARY OF MICHIGAN STATE POLICE INVESTIGATION**

This incident occurred on January 14<sup>th</sup>, 2021 when off-duty officer Chad Vorce observed a van parked alongside the road, drive back and forth and stop again near his home in Clinton County. Vorce had no law enforcement authority to investigate in this situation, nor did he immediately request mutual aid from the Clinton County Sheriff Department. Instead, Vorce approached the driver. His stated reasoning was recent vehicle larcenies and a stolen vehicle near his home with similar suspect

descriptions to the driver of the van. Captured on MSP's dashcam Stream 0, Vorce states, "I think a black male is going to be breaking into a house in the same subdivision." There was no evidence provided in the information that was reviewed in this complaint that a crime had taken place or was about to take place. Specifically, Vorce witnessed no crime taking place nor any criminal activity. Vorce approached the young African-American male, later identified as Alexander Hamilton, who was later determined to be delivering newspapers. Vorce asked Hamilton what he was doing, Hamilton responded "I'm just doing me". This answer didn't satisfy Vorce so he began to follow Hamilton. Vorce contacted Clinton County Central Dispatch and asked for assistance from Dispatch. After being followed by Vorce, Hamilton attempted to back up toward Vorce to explain that he was delivering papers but each time, Vorce would back up as well. In his final attempt to make contact with Vorce, Hamilton tried turning his vehicle around to let him know he was just delivering papers. Vorce considered this move as Hamilton trying to ram his vehicle which led to Vorce to pull his off-duty weapon and point it at Hamilton. At the sight of the handgun, Hamilton began to leave the area. Hamilton went to a Sunoco station down the road, as Hamilton believed he was going to be shot and he wanted it to be in public. Vorce was dressed in civilian clothing, had no identification visible, was driving his personal vehicle and had nothing identifying himself as a police officer.

Hamilton drove around the gas station in a lighted area trying to stay away from Vorce who was pursuing him with his emergency lights (wig wags) activated as captured on MSP's stream 0 footage. Instead of waiting for officers that he was told was on the way, Vorce decided to drive head-on towards Hamilton forcing him to stop. Vorce then got out of his vehicle with his hand gun pointed it at Hamilton and ordered him to stop and get out of the vehicle. The Sunoco station was fully lit up, there were customers at the pump, and Vorce's son was in his vehicle. Officer Smith from the City of Dewitt Police Department arrived on scene and pulled alongside Hamilton's vehicle. Vorce began yelling and cursing loudly at Hamilton. MSP trooper Shafer then arrived and began to sort out the situation. According to trooper Shafer, Vorce would not de-escalate himself and he had to repeatedly ask him to step away. MSP trooper Shafer conducted his investigation at the scene, obtaining statements from Vorce and his son, Hamilton and other witnesses at the gas station. Trooper Shafer obtained video from the Sunoco station and had his in car camera and audio recording during the interviews. At the conclusion of his interviews, trooper Shafer contacted his command and post detective to advise them of the situation. Based on their instruction, Shafer advised no arrests were to be made. As trooper Shafer was explaining this to both parties, Vorce made the comment to Hamilton that, this is Clinton County and he is a responsible gun owner, someone else may have shot him for doing that.

## **POLICY VIOLATIONS**

- Based on all information collected, RO concludes the below DCPD policies were violated.
  1. City of DeWitt Section 19: Social Media Policy
    - a. By sending an email to the Lansing State Journal using his City of DeWitt email account, identifying himself as a City of DeWitt Police Officer for an off duty incident.
  2. City of DeWitt Police Department Rules and Regulations 4.2-General Conduct

- a. Vorce's investigation and pursuit of Hamilton was outside his jurisdiction and police authority.
- b. Vorce's use of force was unjustified and excessive. Use of force incidents are to be judged based on what is necessary and reasonable. Vorce violated that standard by restricting Hamilton's movement when he used his vehicle to block him in and when he used his off duty weapon to order Hamilton out of his vehicle.
- c. Vorce's tone and demeanor was excessive and his inability to de-escalate the situation brought discredit to himself and the department.
- d. Vorce put his son, the community and responding officers at risk when he stated to Clinton County Dispatch that the officers should respond priority because he "was going shots fired" as he pursued Hamilton to the Sunoco station.
- e. Vorce's conduct and behavior on the morning of 01/14/21 brought disrespect to himself and the DeWitt City Police Department.

## Complaint Summary

Complaint: 21-001

Internal Investigator: Sgt. Dave Stoltzfus (DCPD)

### Officer under investigation:

- Ofc. Chad Vorce

- [REDACTED]
- [REDACTED]

### Complainant:

- [REDACTED]

- [REDACTED]
- [REDACTED]

### Witness:

- [REDACTED]

- [REDACTED]
- [REDACTED]

### DCPD officers present:

- Ofc. Clyde Smith

- [REDACTED]

### Evidence:

- Ofc. Smith body cam video
- 911 call recording
- 911 dispatch recording
- Ofc. Smith In-car video