



TO: Members of Troy City Council
FROM: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
Gary Mayer, Police Chief
DATE: December 28, 2009
SUBJECT: Mark Havas

Mr. Mark Havas has appeared at the last two City Council meetings, and has made allegations that the City has allegedly failed to fulfill its legal responsibilities by prosecuting his parents for an alleged possession of a stun gun. Although we have previously refrained from publicly detailing the investigative information in an effort to protect the privacy of the individuals involved, a brief response is required to refute the statements given by Mr. Havas in the public comment portion during the last two City Council meetings.

Mr. Havas sent a letter to the City of Troy (City Attorney with a copy to the Police Department) on April 25, 2006. In this letter, which has already been forwarded to you by Mr. Havas, Mr. Havas indicates that he has personally seen Taser in the possession of his parents. He further states that he is willing to "testify under oath" that his parents illegally possess Tasers.

The Troy Police Department initiated an investigation of April 28, 2006. Mr. Havas' father voluntarily discussed this matter with the police officers investigating the case, and voluntarily turned over one stun gun, after being informed that although stun guns are legal in other states, such as the one where it was purchased, they are illegal in Michigan. At that time, the City did not issue any felony criminal charges against Mr. Havas' father, taking into account all of the circumstances. The City also did not pursue obtaining a search warrant for the home or the business or the cars of Mr. Havas' parents, since there were some concerns that the required probable cause could not be established.

Mark Havas' letter was also sent to the Oakland County Prosecutor's Office and also to the Oakland County Sheriff, the Michigan State Police, and the Michigan Attorney General. Mark Havas had previously been informed, due to other contacts with the City, that these other public entities have jurisdiction to pursue a criminal prosecution, as requested by Mr. Havas. These entities have similarly not provided Mr. Havas with his requested relief, after reviewing all of the circumstances of the case.

Mr. Havas, through his public comments, is now again urging a felony prosecution of his parents for an incident that occurred more than three years ago. The Oakland County Prosecutor's Office has recently declined to issue a warrant, and the City Attorney's Office does not have jurisdiction over felony prosecutions.