For Immediate Release

Decision Announced in Death of Ecorse Jail Inmate

Statement of Wayne County Prosecutor Kym Worthy

Prosecutor Kym Worthy said, “After a thorough investigation of this case, we have determined that the actions of the officers do not support the issuance of criminal charges. Frank Porter did not appear to be under the influence of drugs when he was arrested, or when he was placed in his cell. He did not appear to have a medical issue that should have been addressed. The evidence supports that Mr. Porter died quickly from fentanyl that he ingested unbeknownst to the Ecorse Officers. Mr. Porter’s final resting position was upright and did not imply any distress. The officers should have noticed that Mr. Porter did not move in his cell. However, the focus of this investigation and decision in this case is on the primary issue of criminal culpability. Based on our thorough investigation, we have determined that the delay in finding Mr. Porter did not ultimately contribute to his death and no criminal charges will issue.”

Facts of the Case

On June 6, 2017, Frank Porter, the decedent in this case, walked away from a heroin addiction rehab facility in Petoskey, Michigan. On June 9, 2017, at approximately 9:00 p.m., Mr. Porter was observed asleep in his wife’s car at a gas station located in the 150 block of Southfield Road in Ecorse. The police were called. Upon arrival, the police found Mr. Porter awake, sniffing, and sitting up in the car. They investigated Mr. Porter’s nose and mouth, as well as the vehicle, for evidence of narcotics use. Nothing was found. Mr. Porter told the officers that he had some beers, but had not taken drugs and was just tired.

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When the officers placed his name in the state law enforcement data base, they discovered a misdemeanor from Lincoln Park and the outstanding felony warrant from Emmet County. Mr. Porter was placed under arrest.

Based on his interactions with Mr. Porter at the gas station, an arresting officer completed a booking form indicating "yes" for alcohol and "no" for drugs. The body camera of the officer showed that Mr. Porter’s property was placed in an evidence bag. Although he can be seen nodding occasionally, the behavior was consistent with Mr. Porter’s representation that he had worked a long day and had two beers. In all of his statements, Mr. Porter denied having any medical conditions or needing any medical treatment. At 11:02 p.m., Mr. Porter was then lodged in a cell at the Ecorse Jail by himself. Mr. Porter is seen on video in the cell. There is a short period of time when he is out of range of the camera.

The watch commander on the midnight shift has the responsibility to ensure the safety of prisoners as well as answer and dispatch any 911 calls. The watch commander’s desk contains video monitors displaying all of the cells in the lock-up. According to Ecorse Police Department regulations edited in 2012, prisoners are to be checked on every 30 minutes. There is no distinction in the regulations, or in practice, whether this needs to be by video or in person.

The video of Porter’s cell shows him moving for approximately 22 minutes, but at certain points, being out of view of the camera. The cell video indicates that at 11:24 p.m., he is sitting down with his head in his hands, staring at the floor. Mr. Porter never moves from this position. At approximately 11:30 p.m. the video surveillance shows a brownish fluid beginning to pool around the drain in his cell.

Another officer served breakfast to the prisoners at the beginning of his shift at 7:00 a.m. He left a breakfast bun and a glass of water in the pass-through slot of Mr. Porter’s cell before he went out on patrol. He observed Mr. Porter seated with his head down and believed he was sleeping. Although a brownish fluid appeared on the surveillance video, it was impossible to see the drain with the cell door closed when he was serving breakfast. The medical examiner who conducted the autopsy in this case indicated that the fluid pooling into the drain after Mr. Porter became still was most likely “purge fluid.” Purge fluid is discharged through the mouth and nose after death when the circulatory system fails to move the fluid through the body.

When the same officer returned to serve lunch at 2:25 p.m. on June 10, 2017, he saw Mr. Porter in the same position. The officer went into the cell to look more closely, and found Mr. Porter deceased. Mr. Porter had been in the same position for approximately 15 hours and 10 minutes.

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**Cause of Death**

According to the Wayne County Medical Examiner, the cause of death was from heroin and fentanyl toxicity. This would be consistent with Mr. Porter dying within moments of sitting down and becoming motionless at approximately 11:24 p.m.

**Warrant Denial**

Mr. Porter was awake and alert when police officers investigated him at the gas station. In response to his sniffing, an Ecorse officer checked his nose and mouth for the presence of narcotics and found no indication that Porter had ingested anything. Further, when asked directly, Porter denied taking narcotics. He was speaking normally and able to walk and follow commands. A search of his person and his vehicle likewise revealed no indicia of narcotics. When Mr. Porter was booked, he denied he had any medical issues. He answered questions appropriately and did not behave in any way consistent with that which would cause a person of ordinary caution any concern for his well-being.

Mr. Porter’s final resting position was upright and did not imply any distress. He did not appear to have a medical issue that should have been addressed. The officers should have noticed that Mr. Porter did not move in his cell. However, the investigation and decision in this case focused on the primary issue of criminal culpability. WCPO has determined that the delay in finding Mr. Porter did not ultimately contribute to his death. These actions are not criminal given the totality of the circumstances and the warrant has been denied.

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