Report and Recommendations to the East Lansing City Council on Community Oversight of Police

Part A: Report

by the Study Committee on an Independent Police Oversight Commission

May 27, 2021

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CHAPTER I:
Purpose of the Study Committee
and this Report to the City Council

1. The City Council’s purpose in establishing the Study Committee

On May 26, 2020, the East Lansing City Council unanimously adopted a resolution to establish a study committee on an independent police oversight commission. The resolution defines the purposes of the Study Committee as follows:

WHEREAS, The City Council of the City of East Lansing has, since 2016, had as a strategic priority the implementation of the six pillars of the Task Force on 21st Century Policing, including the recommendation that “Building trust and nurturing legitimacy on both sides of the police/citizen divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve.” Therefore, the City of East Lansing recognizes that the creation of an Independent Police Review Board is an important step in rebuilding a trusting relationship between the East Lansing Police Department and the East Lansing Community, especially in regard to racial biases in enforcement and disparities in the use of force.

WHEREAS, The City Council has determined to appoint a Study Committee on an Independent Police Oversight Commission to examine Police relations with the Community.

WHEREAS, The Study Committee will make recommendations to the City Council designed to enhance community relations by recommending policy and procedures including, but not limited to, how to create and implement an Independent Police Oversight Commission.

...  

IT IS FURTHER RESOLVED, The mission of the Study Committee shall be to take testimony, review evidence and examine the methods by which other communities review complaints of police misconduct with a special emphasis on racial and ethnic injustice, to review best practices based on national standards and to propose to City Council a framework for a Police Oversight Commission in East Lansing.

Excerpts from Resolution, with purposes shown in bold

[The complete resolution appears in Appendix A.]
On July 14, 2020, the City Council appointed an eleven-person group representative of the East Lansing community to serve on the Study Committee, as stipulated by their resolution. The members are alphabetically: Sadé Callwood, Kelli Ellsworth Etchison, Noel Garcia, Jr., Chuck Grigsby, Cedrick Heraux, Helen Josephson, Sharron Reed-Davis, Chris Root, Quentin Tyler, Erick Williams, Tonya Williams, and Council Liaison, Councilmember Ron Bacon. Chuck Grigsby and Tonya Williams were elected to serve as Chair and Vice Chair, respectively. Tonya Williams resigned in December 2020 due to her acceptance of a position with East Lansing Police Department (ELPD). She was replaced on the Study Committee by Kathleen Boyle. As Tonya Williams vacated the committee and her position as Vice-Chair, Chris Root was elected at the subsequent meeting to fill the position. [Short biographies of Study Committee members appear in Appendix B].

The following City staff served as resources to the Study Committee: City Manager George Lahanas, Police Chief Kim Johnson, Deputy Police Chief Steve Gonzalez, Human Resources Director Shelli Neumann, and Diversity, and Equity and Inclusion (DEI) Administrator Elaine Hardy. ELPD Administrative Assistant Diane Shafer ably served as Secretary.

The Study Committee conducted its meetings in accordance with the Open Meetings Act. Because of the East Lansing State of Emergency around Covid 19 and to ensure the safety of the Study Committee, all the meetings of the Study Committee were held virtually, in accordance with PA 228 and PA 254 of 2020. In addition to Diane Shafer assistance, Justin Drwencke provided expert technical help.

The resolution provided that the Study Committee “shall present to City Council a report containing its recommendations within six months of the first meeting of the Study Committee. If the Study Committee is not prepared to present their findings within 6 months, an extension of an additional six months can be granted by City Council.” The Study Committee held its first meeting on October 12, 2020, and it sought to complete its recommendations by the date of April 12, 2020. At its meeting on March 22, 2021, the Study Committee requested a two-month extension, in order to complete its recommendations and receive input from the City Attorney and labor attorney. The City Council approved an extension until June 12, on March 23.

The Study Committee held a special meeting on March 29 for the sole purpose of listening to comments, questions and concerns of members of community, including both East Lansing residents and people from surrounding areas. To the best of the Study Committee’s knowledge, this was the only City meeting that was held during the coronavirus emergency in an online Zoom format that was open to any and everyone to attend. Fifty-six people attended (not counting Committee members and staff), who responded to a series of questions in five small groups for which Study Committee members were both facilitators and note-takers. Additionally, eight community members made public comments at the end of the meeting. [See list of main ideas from this community meeting in Appendix C.] The Committee provided notice through various outlets, with assistance of the DEI Administrator and Communications staff. This included a City media release and Facebook post, a shareable Facebook Event, and outreach by many individual Study Committee members.
2. Purpose of this report

The members of the Study Committee unanimously approved the recommendations for establishing an oversight body in East Lansing contained in Part B of this report, after detailed consideration at nine meetings from January 25 to May 24, including considering input from the City Attorney and Labor Lawyer. These deliberations were enormously enriched by the diverse experiences and backgrounds of the people Council appointed to this committee.

This report was written entirely by the volunteer members of the Study Committee. In addition to the people who drafted the chapters of the report, Study Committee members also served on subcommittees that played important roles at various times in the Committee’s work – subcommittees that researched oversight models nationally, outlined and planned this report, and planned and facilitated the community outreach meeting.

Chapter II summarizes current information as it relates to interactions between police and the public in East Lansing, much of which was not publicly available until the Study Committee began its work. It reports on officer-initiated stops, arrests, and use of force by East Lansing Police Department officers – information collected from presentations by ELPD leaders to the Study Committee, follow-up questions, and independent research. These data show significant over-representation of Black people in all three types of interactions between officers and members of the community, which is of great concern to the Study Committee. This chapter also discusses some of the challenges involved in accessing and analyzing data about policing.

Chapter III summarizes the history of reporting on complaints about police officers by ELPD leaders to the Human Rights Commission (HRC) since January 2017. It describes the evolution of these reports, which have included more information over time. This chapter also discusses the two cases of similar use of force against two Black men by the same ELPD officer in Dec. 2019 and Feb. 2020, which led to greater awareness, concern, and criticism regarding over-policing of Black and Brown people in our community.

Chapter IV provides an overview of national trends and standards in police accountability and independent police oversight as well as practices of oversight in a number of cities. We did not attempt a comprehensive national overview of this enormous topic. Rather, this chapter highlights some local experiences, programmatic evaluations, and analyses and critiques by practitioners in the field. It provides context for many of the recommendations for the functions and structures the Study Committee made for police oversight in East Lansing.

We believe that Chapters II and III and the 15 appendices will provide a valuable foundation for the work of the oversight commission, when it is formed. This compilation of information also demonstrates the value of expanding information available to the public, by both the ELPD and an oversight commission.
CHAPTER II:
Oversight of Policing in East Lansing: Documenting Police Practices

The City Council stated that the purpose of establishing independent police oversight is to enhance relationships and rebuild trust and legitimacy between the police and the people in the community. The Council has also recognized the need to give special attention to racial and ethnic injustices and disparities in the use of force. [See Council resolution in Appendix A.] To design such a system of oversight, the first step is to understand who the police come into contact with and what their experiences are.

Very little information about East Lansing Police Department’s interactions with members of the community was available when the Study Committee began. There was almost no historical data in consistent formats that could be analyzed. Therefore, the Study Committee sought data about police interactions with people in the community – who are both residents of East Lansing and people who work in and visit the city – and focused particularly on police encounters with Black members of the community.

Publishing clear, understandable data about policing can increase accountability and build trust. One recommendation of the Study Committee is that the Oversight Commission compile an annual report about activities of the ELPD that impact the community and make it easily accessible to the Council and the public. This chapter can be used as a starting point by the new oversight commission for identifying data to include in such a report. We have included as much data about this group of topics as we were able to obtain in five months and also have documented the sources. A few of the many challenges in obtaining and interpreting data about policing are discussed briefly at the end of the chapter.

Baseline data also are needed in order to evaluate whether policing practices improve as a result of policy changes recently made by the City Council (such as revising the Disorderly Conduct code) and by the ELPD (such as ending license plate checks in the LEIN system unless there is an articulable reason).

The City Council also will need accurate, consistent reports and analysis of future data to use as a planning and evaluation tool to implement the “Resolution Declaring Racism as a Public Health Crisis in East Lansing” that it adopted on Nov. 24, 2020. The City Council resolved to “Promote equity through all policies approved by the East Lansing City Council and enhance educational efforts aimed at understanding, addressing and dismantling racism and how it affects the delivery of ... public safety” and to “Promote equity through all policies approved by the East Lansing City Council.”

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1 “Resolution Declaring Racism as a Public Health Crisis in East Lansing” is here: https://cityofeastlansing.civicweb.net/document/42375/Approve%20a%20Resolution%20Declaring%20Racism%20as%20a%20Publ.pdf?handle=5A9197EC1F164D3B8B3E9256D6C8E0E4
1. Calls for service and officer-initiated stops

The “Presentation on Police Realignment” submitted by City Manager George Lahanas to the City Council on July 14, 2020 reported that the ELPD received 17,894 calls for service during calendar year 2019. [See the statement in Appendix D.] These calls were of the following types:

<table>
<thead>
<tr>
<th>Calls for service by ELPD, 2019</th>
</tr>
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<tr>
<td>Crimes against Property</td>
</tr>
<tr>
<td>Crimes against Persons</td>
</tr>
<tr>
<td>Traffic Accidents</td>
</tr>
<tr>
<td>Public Order Crimes</td>
</tr>
<tr>
<td>Miscellaneous Service Calls</td>
</tr>
</tbody>
</table>

Chief Kim Johnson told the City Council on Jan. 12, 2021 that there were 12,600 calls for service during 2020, down from approximately 17,900 in the previous year.

Most types of interactions between ELPD officers and the public declined significantly in 2020 because of the COVID-19 pandemic. So, analysis of numerical data about all aspects of policing will need to recognize that 2020 and 2021 are highly abnormal years.

We have not had access to the number of calls for service of different types in recent years that can be compared. This information would be useful in order to assess the impact of ELPD’s recent hiring of Social Workers and Neighborhood Resource Teams and to consider possible further reallocation of resources in the future.

Officer-initiated stops: “Traffic stops are the most common interaction Americans have with police,” reports Marsha Mercer in an article in Stateline, an initiative of The Pew Charitable Trusts. Mercer cited a study using data from the Stanford Open Policing Project that found that white drivers were about 20% less likely to be stopped than Black drivers as a share of the population. Because of the predominance of traffic stops among contacts with police officers, such stops can significantly affect people’s views of police and of the existence of racial bias by police.

Measuring the exact extent to which police officers disproportionately stop Black people

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compared to white people is a topic of decades-long debate and controversy. The data collected by the ELPD in 2020, discussed below, is sufficient to acknowledge that East Lansing is not an exception to this national pattern. That being the case, the City can set goals, and plans, for reducing the disproportionate stops of Black people.

**Racial disparities in officer-initiated stops:** For many years, the ELPD did not collect data about the race or ethnicity of people stopped by officers. ELPD leaders said they did not want to require patrol officers to record the racial identity of individuals they stopped, as the Lansing Police Department had done for almost 20 years for its Management Analysis of Traffic Stops (MATS) program. ELPD leaders said there was a disadvantage of either guessing someone’s identity or asking for this information when it could increase the stress of an encounter.

Therefore, in 2018, when every officer had been assigned a body camera to use when on patrol, ELPD had a supervisor review all body camera footage from one randomly-selected day each month and assign a racial identity to people encountered by officers. ELPD leaders found that video from one day per month was too small a sample, so they increased their video review to two days per month. Still, small numbers of cases yielded sometimes misleading percentages. So, ELPD leaders dispensed with this system for assessing racial bias in officer-initiated stops.

In February 2020, ELPD began requiring officers to record the racial identity of people with whom they initiated contact. A year later, Chief Johnson shared a memo including data about officer-initiated stops in 2020 with the Human Rights Commission. Johnson’s memo said: “... [T]here were several months early in the year as well as during the last quarter of 2020 where the percentage of police contacts with people of color, specifically African Americans, were over 20 percent. This is a cause for concern for me and it is something we will be looking at more closely.”

Stops by ELPD officers during the last four months of 2020 (when police interactions picked up at a time when the COVID-19 restrictions were reduced somewhat) show that 24% of all stops were of Black people – the disproportion to which Chief Johnson referred. This information appears in the following table.

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4 In this report, following Study Committee member Sadé Callwood, we use the term Black, rather than African American “as the latter is not inclusive of those who identify as Afro-Caribbean, Afro-Latinx, African, mixed race, or any combination of ethnic/racial background with African descent.” Callwood, S. N. (2019). *Young Black men’s experiences of aggressive policing* [Unpublished doctoral project]. William James College. We use the term “African-American” when it is used in a report we cite.

5 Some data from body camera reviews are posted here: [https://www.cityofeastlansing.com/1028/Body-Worn-Camera-Reviews](https://www.cityofeastlansing.com/1028/Body-Worn-Camera-Reviews)


7 Access 2020 and 2021 monthly tables of officer-initiated stops from here: [https://www.cityofeastlansing.com/2151/Officer-Initiated-Contact-Reports](https://www.cityofeastlansing.com/2151/Officer-Initiated-Contact-Reports)
Table 2
ELPD officer-Initiated contacts (or stops), Sept. – Dec. 2020

<table>
<thead>
<tr>
<th>Race</th>
<th>Stops</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>627</td>
<td>62.8%</td>
</tr>
<tr>
<td>African-American</td>
<td>240</td>
<td>24.0%</td>
</tr>
<tr>
<td>Asian</td>
<td>34</td>
<td>3.4%</td>
</tr>
<tr>
<td>American Indian / Native Alaskan</td>
<td>5</td>
<td>0.5%</td>
</tr>
<tr>
<td>Pacific Islander</td>
<td>2</td>
<td>0.2%</td>
</tr>
<tr>
<td>Unknown</td>
<td>90</td>
<td>9.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>998</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Beginning in May 2020, the residence of the person stopped was added in these monthly reports (i.e., whether the person is a resident of East Lansing). This further detail, shown in the following table, reveals that nearly 70 percent of people stopped by ELPD officers in East Lansing (690 people of a total of 998 people) during that period were non-residents of East Lansing. This is a reminder that many people come to East Lansing every day to visit or work or just to drive through, and that ELPD officers’ impact extends well beyond the city’s residents.

Stops of East Lansing residents and non-residents of East Lansing are shown in this table.

Table 3
ELPD Officer-initiated contacts, by residency, Sept. – Dec. 2020

<table>
<thead>
<tr>
<th>Race</th>
<th>East Lansing residents</th>
<th>Non-E.L. residents</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Stops</td>
<td>E. Lansing</td>
</tr>
<tr>
<td>White</td>
<td>210</td>
<td>35,232</td>
</tr>
<tr>
<td>African-American</td>
<td>54</td>
<td>3,196</td>
</tr>
<tr>
<td>Asian</td>
<td>18</td>
<td>6,082</td>
</tr>
<tr>
<td>American Indian / Native Alaskan</td>
<td>1</td>
<td>122</td>
</tr>
<tr>
<td>Pacific Islander</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Unknown or Other</td>
<td>25</td>
<td>4,088</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>308</td>
<td>48,729</td>
</tr>
</tbody>
</table>

This disaggregated data makes it possible to accurately compare the likelihood of being stopped by ELPD officers facing Black and white people who are residents of East Lansing.
The 2010 U.S. Census reports the demographic makeup of East Lansing residents.

### Table 4

**Racial and ethnic makeup of East Lansing residents, U.S. Census 2019 estimate**

<table>
<thead>
<tr>
<th>Race or ethnic group</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caucasian</td>
<td>78.4%</td>
</tr>
<tr>
<td>Asian</td>
<td>10.6%</td>
</tr>
<tr>
<td>Black or African-American</td>
<td>6.8%</td>
</tr>
<tr>
<td>Hispanic or Latino of any race</td>
<td>3.4%</td>
</tr>
<tr>
<td>Two or more races</td>
<td>2.9%</td>
</tr>
<tr>
<td>Other races</td>
<td>1.0%</td>
</tr>
<tr>
<td>American Indian or Alaskan</td>
<td>0.3%</td>
</tr>
</tbody>
</table>

Whereas only 6.8% of the East Lansing population is Black, during September-December 2020, 17.5% of the stops of East Lansing residents by ELPD officers were Black people. The percentage of Black East Lansing residents who were stopped by ELPD was two and a half times higher than their percentage of the city’s residents. Another way to describe this situation is that Black East Lansing residents were about 2.75 times more likely to be stopped by ELPD officers than white East Lansing residents. These numbers confirm the personal experiences and anecdotes heard by many people in the East Lansing community.⁸

### 2. Arrests made by ELPD

To learn about arrests as an element of the interactions between ELPD officers and people in the community, we are interested in the number of people who are arrested, not the number of charges. Multiple charges (or violations, crimes, or file classes) may be brought against one individual for one incident, making for higher counts of charges than of people arrested.

Michigan Incident Crime Reporting (MICR)⁹ contains crime data that ELPD and other Michigan law enforcement agencies report to the Michigan State Police (MSP), and it “counts persons

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⁸ Study Committee member Kelli Ellsworth Etchison described her experience in September 2019 of being stopped by an ELPD officer while driving a car that “apparently is profiled.” See the *East Lansing Insider* podcast on March 3, 2021, beginning at minute 29:55: [https://eastlansinginfo.news/today-on-east-lansing-insider-kelli-ellsworth-etchison/](https://eastlansinginfo.news/today-on-east-lansing-insider-kelli-ellsworth-etchison/)

⁹ MICR ([http://www.micrstats.state.mi.us/MICR/Disclaimer.aspx](http://www.micrstats.state.mi.us/MICR/Disclaimer.aspx)) tables, starting in 2008, are organized by county, and then by local jurisdiction. Only 10 arrests in 2019 appear in the Clinton County portion of East Lansing in MICR, so we included in this document only the large portion of East Lansing that is in Ingham County. MICR did not yet include data for 2020 as of April 6, 2021.
arrested, not arrest charges.\textsuperscript{10} According to ELPD Deputy Chief Gonzalez, “MICR data is vetted at both the local and state level. This data should be reliable.”\textsuperscript{11} A number of MICR tables are available to the public online. For these reasons, we are reporting here information about total arrests, arrests by selected charges, arrests by age, and arrests by race from the MICR “Arrests By Offense, Age, Race and Gender” table. (Use of force data is not available to the public online in MICR.)

The following table shows a trend of ELPD making fewer arrests from 2015-2019. Even with an uptick in 2019, there were 35% fewer arrests in 2019 than in 2015.

\begin{table}[h]
\centering
\caption{Arrests by ELPD, 2015-2019}
\begin{tabular}{|c|c|}
\hline
Year & Count \\
\hline
2015 & 1,407 \\
2016 & 1,254 \\
2017 & 1,083 \\
2018 & 820 \\
2019 & 919 \\
\hline
\end{tabular}
\end{table}

To learn about the charges for which people are arrested by the ELPD, the table below shows the three most frequent charges in 2019. Together, they account for 83% of the 919 arrests.

\begin{table}[h]
\centering
\caption{Most frequent charges among arrests made by ELPD, 2019}
\begin{tabular}{|c|c|c|}
\hline
Charge & Count & Percent \\
\hline
Obstructing justice - 50000 & 353 & 38% \\
Disorderly conduct - 53001 & 251 & 27% \\
OUIL or OUID - 54002 & 155 & 17% \\
\hline
\end{tabular}
\end{table}

“Obstructing justice” includes violations such as Contempt of Court, Parole Violation, Probation Violation, Conditional Release Violation, Failure to Appear, Other Agency Warrant Assist, and Court Appearance. “OUIL or OUID” is operating a vehicle under the influence of either intoxicating liquor or drugs. (In this table, “percent” refers to arrests on a specific charge as a percentage of total arrests on all charges.)


\textsuperscript{11} Email message from ELPD Deputy Chief Gonzalez to Christine Root, March 17, 2021.
Because the City Council revised the Disorderly Conduct code on Dec. 1, 2020, three years of data for arrests for this charge are provided here as baseline information, recognizing that the impact of COVID-19 complicates analyzing trends.

Table 7

Disorderly conduct arrests made by ELPD, 2018-2020

<table>
<thead>
<tr>
<th>Year</th>
<th>Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>246</td>
</tr>
<tr>
<td>2019</td>
<td>259</td>
</tr>
<tr>
<td>2020</td>
<td>67</td>
</tr>
</tbody>
</table>

There has been particular interest in the specific disorderly conduct charge in section (18) “Assault, obstruct, resist, hinder, or oppose any member of the police force, any peace officer, or firefighter in the discharge of his/her duties as such” (ORD#26-52(18)). The City Council revised this subsection to read “(18) Physically obstruct, resist or hinder any member of the police force, any peace officer, or firefighter in the discharge of their lawful duties.”

We do not have the number of arrests for this specific section of the disorderly conduct ordinance, but the 54-B District Court in East Lansing provided the number of citations filed for Disorderly Conduct 26-52(18), noting that “offenses under the Disorderly Conduct ordinance are typically issued as appearance tickets, not requiring an arrest.” So, the number of citations reported by the court cannot be compared simply to the number of arrests reported by police departments in East Lansing. Here is information from the Court.

Table 8

Citations filed under ORD#26-52(18) in 54-B District Court, 2019-2020

<table>
<thead>
<tr>
<th>Year</th>
<th>Citations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>69</td>
</tr>
<tr>
<td>2020</td>
<td>18</td>
</tr>
</tbody>
</table>

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12 Minutes of Dec. 1, 2020 Council meeting show the revised version of the Disorderly Conduct code, here: [https://cityofeastlansing.civicweb.net/Portal/MeetingInformation.aspx?Org=Cal&Id=122](https://cityofeastlansing.civicweb.net/Portal/MeetingInformation.aspx?Org=Cal&Id=122)

13 These data are from “ELPD Case and Arrest Summary” for 2018 - 2020 for file class 5311 (Disorderly Conduct), provided by Deputy Chief Gonzalez in an email to Christine Root on March 17, 2021. Gonzalez wrote: “When working on revisions to the Disorderly Conduct Code the ELPD Case and Arrest Summary report may be a useful tool in that it can show an incident, with location, and all of the violations/reports with associated file classes and number of arrests that occurred. “

14 One reason for attention to the provision on obstructing or resisting a police officer is the decision by the City Manager to drop this charge against Uwimana Gasito in March 2020, when another complaint against the same officer for the same use of force six weeks earlier was made public. This is discussed in Chapter III. See: [https://www.cityofeastlansing.com/CivicAlerts.aspx?AID=1109&ARC=1949](https://www.cityofeastlansing.com/CivicAlerts.aspx?AID=1109&ARC=1949)

15 Email message from 54-B District Court Administrator Nicole Evans to Christine Root, March 12, 2021.
**Arrests made by ELPD by age:** Since East Lansing is a university town, one might expect that a significant proportion of people who are arrested by the city’s police are younger than the national average. That is indeed the case. In 2019, 43% of arrests by ELPD officers were people aged 18-23. Nationally, that percentage was 18%. (This does not mean that all people who are arrested in this age group are MSU students.)

The table below shows arrests by the ELPD by age, compared to national figures.\(^\text{16}\) These numbers (in the row of the table marked “Percent, EL”) are only arrests in East Lansing made by ELPD officers. They do not include arrests made by MSU Police Department officers, which also skew toward young people.\(^\text{17}\)

<table>
<thead>
<tr>
<th>Age</th>
<th>15</th>
<th>16</th>
<th>17</th>
<th>18</th>
<th>19</th>
<th>20</th>
<th>21</th>
<th>22</th>
<th>23</th>
<th>24</th>
<th>25-29</th>
<th>30-34</th>
<th>35-39</th>
<th>40-44</th>
<th>45-49</th>
<th>50-54</th>
<th>55-59</th>
<th>60 &amp; over</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrests, EL</td>
<td>4</td>
<td>4</td>
<td>18</td>
<td>33</td>
<td>57</td>
<td>77</td>
<td>78</td>
<td>94</td>
<td>44</td>
<td>30</td>
<td>191</td>
<td>82</td>
<td>53</td>
<td>36</td>
<td>33</td>
<td>37</td>
<td>27</td>
<td>20</td>
</tr>
<tr>
<td>Percent, EL</td>
<td>0.4%</td>
<td>0.4%</td>
<td>2.0%</td>
<td>3.6%</td>
<td>6.2%</td>
<td>8.4%</td>
<td>8.5%</td>
<td>10.2%</td>
<td>4.8%</td>
<td>3.3%</td>
<td>20.8%</td>
<td>8.9%</td>
<td>5.8%</td>
<td>3.9%</td>
<td>3.6%</td>
<td>4.0%</td>
<td>2.9%</td>
<td>2.2%</td>
</tr>
<tr>
<td>Percent, US</td>
<td>1.3%</td>
<td>1.7%</td>
<td>2.0%</td>
<td>2.8%</td>
<td>3.0%</td>
<td>3.0%</td>
<td>3.1%</td>
<td>3.1%</td>
<td>3.2%</td>
<td>3.6%</td>
<td>17.2%</td>
<td>14.6%</td>
<td>12.1%</td>
<td>8.2%</td>
<td>6.6%</td>
<td>5.3%</td>
<td>3.9%</td>
<td>2.0%</td>
</tr>
</tbody>
</table>

The percentages of arrests in East Lansing are higher than national figures for ages 18 through 25-29. For ages 30-65 and older, the percentages of arrests in East Lansing are lower than national figures. These differences are shown by comparing the bottom two rows of the above table for these age groups.

### 3. Racial disparities in arrests by ELPD

From 2015-2019, ELPD officers have arrested many more Black people than would be expected based on their percentage of the population of East Lansing, of the Lansing metropolitan area, or of Ingham County.

Here are some reference points from U.S. Census data. Black people make up approximately 7% of City of East Lansing residents, 8.5% of the Lansing-East Lansing Metropolitan Statistical Area, 11.5% of Ingham County, and 23% of the City of Lansing. Also, Black people were 7% of the MSU student population in fall 2020.

We know that who is present in East Lansing at any given time includes people who are visiting or working in the city or driving through, but live elsewhere, so we do not have exact

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\(^{17}\) Analysis of MSU PD data is beyond the scope of this report. Arrests by MSU PD by charge, age, gender, and race is available in MICR here: [http://www.micrstats.state.mi.us/MICR/Disclaimer.aspx](http://www.micrstats.state.mi.us/MICR/Disclaimer.aspx).
demographic data about everyone with whom ELPD officers might come into contact. Therefore, we do not make numerical statements about the exact extent of over-representation of Black people among those who encounter the ELPD in various ways unless we have demographic data that is disaggregated by residency (which ELPD currently reports about officer-initiated contacts).

Furthermore, law enforcement is just one institution among many that operates within “a heinous social system with multiple dimensions,” to quote from the Council’s resolution on Racism as a Public Health Crisis. Racial inequality does not begin at the moment of encounter between a Black person and a police officer, nor does it end there. By adopting this resolution, the City Council committed to work to dismantle racism in all systemic structures, including the police.

According to MICR “Arrests By Offense, Age, Race and Gender” tables for 2015-2019, the percentage of people who were arrested who are Black has ranged from about 30% to about 38% of total arrests. This is at least 4 times the percentage of Black people who live in East Lansing or about 3 times the percentage of Blacks people who live in Ingham County.

The percentage of people who were arrested who are white has ranged from about 45% to 54% of total arrests. The percentage of people who were arrested who are Asian was quite small – from about 1% to 3%.18 (Asians are 10.6% of the population of East Lansing.)

| Table 10 |
| Number and percentage of arrests made by ELPD by racial category, 2015-2019 |

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>% by race</th>
<th>2016</th>
<th>% by race</th>
<th>2017</th>
<th>% by race</th>
<th>2018</th>
<th>% by race</th>
<th>2019</th>
<th>% by race</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>761</td>
<td>54.1%</td>
<td>615</td>
<td>49.0%</td>
<td>579</td>
<td>53.4%</td>
<td>371</td>
<td>45.2%</td>
<td>433</td>
<td>47.1%</td>
</tr>
<tr>
<td>Black</td>
<td>439</td>
<td>31.2%</td>
<td>425</td>
<td>33.9%</td>
<td>327</td>
<td>30.2%</td>
<td>312</td>
<td>38.0%</td>
<td>312</td>
<td>33.9%</td>
</tr>
<tr>
<td>American Indian</td>
<td>5</td>
<td>0.4%</td>
<td>1</td>
<td>0.1%</td>
<td>1</td>
<td>0.1%</td>
<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Asian</td>
<td>16</td>
<td>1.1%</td>
<td>39</td>
<td>3.1%</td>
<td>26</td>
<td>2.4%</td>
<td>25</td>
<td>3.0%</td>
<td>15</td>
<td>1.6%</td>
</tr>
<tr>
<td>Unknown</td>
<td>186</td>
<td>13.2%</td>
<td>174</td>
<td>13.9%</td>
<td>151</td>
<td>13.9%</td>
<td>112</td>
<td>13.7%</td>
<td>159</td>
<td>17.3%</td>
</tr>
<tr>
<td>All races</td>
<td>1,407</td>
<td>100.0%</td>
<td>1,254</td>
<td>100.0%</td>
<td>1,084</td>
<td>100.0%</td>
<td>820</td>
<td>100.0%</td>
<td>919</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

(ELPD gave the Study Committee information from its “Arrest Race and Ethnicity Report” about the percentage of arrests by racial categories for three major categories of crimes. Data were provided first in a PowerPoint presentation on Oct. 26, 202019 and then in response to follow-

18 It is important not to misstate these percentages. For example, white people have been about 45% to 54% of total arrests; this does not mean that 45% to 54% of white people have been arrested.

up questions in a memo dated Dec. 11, 2020. Adding the number of arrests across the three categories is not appropriate; that sum is one-third higher than the arrests in the MICR table. So, as explained on page 5, we chose to use the MICR data, which are entered by ELPD, for our purpose of reporting information about the total number of people who were arrested.

The racial demographics of people arrested for each of the three most frequent charges (identified in Section 2 of this chapter) appears in the following table, with data from MICR.

Table 11

<table>
<thead>
<tr>
<th>Charge</th>
<th>Total</th>
<th>White</th>
<th>Black</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Count</td>
<td>Count</td>
<td>Count</td>
<td>Count</td>
</tr>
<tr>
<td>Obstructing justice - 50000</td>
<td>353</td>
<td>127</td>
<td>158</td>
<td>63</td>
</tr>
<tr>
<td>Disorderly conduct - 53001</td>
<td>251</td>
<td>151</td>
<td>55</td>
<td>42</td>
</tr>
<tr>
<td>OUIL or OUID - 54002</td>
<td>155</td>
<td>93</td>
<td>32</td>
<td>26</td>
</tr>
</tbody>
</table>

(In this table, “percent” refers to people of a racial category who are arrested on a particular charge as a percentage of all people arrested on that charge.)

A comparison of the data in the two tables above indicates that arrests of white people are particularly more frequent on charges of disorderly conduct and OUIL or OUID, while arrests of Black people are particularly more frequent on charges involving obstructing justice.

4. Use of force by East Lansing Police Department

ELPD officers have not discharged a firearm at a person in at least the 23 years he has been in the department, according to Deputy Chief Gonzalez. Nor has there been any large settlement by the City resulting from a death or serious injury caused by police, which would indicate a very serious incident. Little public attention was being paid to use of force by ELPD officers until 2020, when two highly visible incidents occurred (discussed in Section 4 of Chapter III).

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ELPD Deputy Chief Gonzalez gave a presentation about use of force policy, training, and data to the Study Committee on Nov. 23, 2020. The following table, compiled from this presentation, shows the types of use of force used that involve people, from most to least frequent. (Handgun and rifle use, likely used to put down injured deer and rabid racoons is excluded.)

### Table 12

Use of force by ELPD involving humans, 2017-2019

<table>
<thead>
<tr>
<th>Type of Use of Force</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Arrest Handcuffing</td>
<td>32</td>
<td>31</td>
<td>46</td>
</tr>
<tr>
<td>Physical Controls</td>
<td>37</td>
<td>30</td>
<td>29</td>
</tr>
<tr>
<td>Handgun Display</td>
<td>26</td>
<td>29</td>
<td>22</td>
</tr>
<tr>
<td>Rifle Display</td>
<td>12</td>
<td>20</td>
<td>11</td>
</tr>
<tr>
<td>Taser Display</td>
<td>11</td>
<td>14</td>
<td>9</td>
</tr>
<tr>
<td>Taser Use</td>
<td>3</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Pepper spray (PCA) Use</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>122</td>
<td>131</td>
<td>124</td>
</tr>
</tbody>
</table>

Types of use of force and the conditions under which they have been used vary widely, making a summary difficult. The ELPD has sent weekly reports to Council members that briefly describe each use of force incident, which is a useful source. [A compilation of reports of 77 incidents from June 11, 2020 to May, 16, 2021 is in Appendix E.] These reports started after the Council adopted a resolution to review and revise the use of force policy in East Lansing on June 9, 2020. The language of this resolution was promoted by the My Brother’s Keeper Alliance, which is linked to the Obama Foundation, in response to the murder of George Floyd by a police officer in Minneapolis on May 25, 2020. [The resolution is in Appendix F.]

Data about use of force by ELPD, by race, was provided by Deputy Chief Gonzalez in a Feb. 3, 2021 response to a request from the Study Committee.23

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22 “Use of Force Presentation,” East Lansing Police Department, Nov. 23, 2020

23 Memorandum from Deputy Chief Steve Gonzalez on “Study Committee Follow Up Questions—Part 2,” dated Feb. 3, 2021, is here:
The most notable observation from these compiled data is in the last column, which shows that more Black people than white people experienced use of force by ELPD officers in the four-year period from 2017-2020 – 184 Black people compared to 179 white people. If you exclude the “Unknown” category (discussed in the next paragraph), the percentage of use of force incidents involving Black people ranged from 41% to 56.4% each year, and was 50% over the four-year period as a whole. For white people, the range was from 42.6% to 57% each year, and 48.6% over the four-year period.

About 20% of the reports of use of force incidents list the race of the person involved as Unknown. This is partly because demographic data were collected in this reporting system only about people who were arrested, according to Deputy Chief Gonzalez. This excludes, for example, people to whom police respond who are having a mental health crisis, which is not a criminal situation leading to an arrest. Force has sometimes been used in these encounters, as defined in the ELPD’s “Response to Resistance” policy and procedure document.

We have not discussed Asian and Asian-Americans, American Indians, or Latinx people when reviewing data about racial demographics. Latinx is an ethnicity, not a race, and this information is not collected in most of the reports we have obtained. There may be important lessons to learn about the experiences Latinx as well as Asian and Asian-Americans and American Indians with the ELPD that deserve study. The scant numerical data we have on this subject thus far is not sufficient from which to draw conclusions.

Also, East Lansing has many international residents, including people from Asia and Africa and other parts of the world who might be included in categories that do not match how they self-identify by race. Regarding all racial and ethnic groups, as well as other demographic categories, people’s identities are more complicated than categories used by various systems. Also, how diverse individuals are impacted by people operating in various institutions is influenced by people’s perceptions of the individual’s identity. So, analyzing data about demographic groups is complex.

Understanding more about the high number of Black people experiencing use of force by ELPD officers requires additional information about the incidents. Two very similar uses of physical force by a white police officer against two Black men are discussed in Section 4 of Chapter III.
Racial disparities in offenses reported by the 54-B District Court: Another source of information about racial disparities was released by the Ingham County Prosecutor’s office in February 2021, namely a breakdown of offenses reported during 2020 by each of the Ingham County District Courts. The following table shows data for the 54-B District Court in East Lansing. Offenses that come before this court are those that occur in East Lansing, regardless of where the suspect or defendant lives.

Table 14
Offenses reported by 54-B District Court, by race, 2020

<table>
<thead>
<tr>
<th>Race</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>233</td>
<td>47.0%</td>
</tr>
<tr>
<td>Black</td>
<td>197</td>
<td>40.0%</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>11</td>
<td>2.2%</td>
</tr>
<tr>
<td>Asian</td>
<td>16</td>
<td>3.2%</td>
</tr>
<tr>
<td>Unknown</td>
<td>37</td>
<td>7.0%</td>
</tr>
<tr>
<td>Total</td>
<td>496</td>
<td>99.4%</td>
</tr>
</tbody>
</table>

Overview of racial disparities by ELPD: What can be learned from reviewing all these data about racial disparities in officer-initiated stops, arrests, and use of force together?

The data available to us show that the percentages of Black people affected by various types of encounters with police and the court are 24% of officer-initiated stops, 36% of arrests, 40% of offenses reported by the 54-B District Court, and approximately 50% of use of force. These incidents are not all independent of each other, and some are intertwined. Some traffic stops lead to an arrest, while others do not. Making an arrest is the occasion for some uses of force, while there are also uses of force when there is no arrest. Not all offenses under the Disorderly Conduct ordinance that reach the court involve an arrest; typically, these are issued as appearance tickets, according to the Court Administrator.

Viewing these different types of data together, there is a clear and significant pattern of Black people being disproportionately affected by policing in East Lansing that warrants both immediate action plans as well as further study and monitoring.

5. Addressing challenges with accessing and using ELPD data

Managing data is difficult for police departments across the country. Many departments are awash in data and yet report very limited quantified information in a way that is useful to them or to their communities. Choice and control of data management systems, staffing constraints, and political decisions all affect whether data are made public and how useful they are.

As of March 2021, the ELPD was seeking to solve two problems with data of which the Study
Committee became aware. First, ELPD was seeking to expand the categories of office-initiated stops to make it more useful for the ELPD’s new emphasis on community policing. ELPD uses the records management system operated by the Michigan State Police. Gonzalez wrote in a March 18 email message, “the department is currently working with the state to restructure the officer activity daily [report] ... [to] allow us to provide data on traditional enforcement-oriented contacts i.e., traffic stops, officer observed violations, etc. along with community oriented policing contacts.”

Second, ELPD told the Study Committee that it cannot obtain a report from the Law Enforcement Information Network (LEIN) system that the Study Committee requested for this report. According to Deputy Chief Gonzalez, LEIN will not give ELPD a report of the number of license plate queries run by ELPD officers during a particular time-period. Nor can ELPD obtain that information “from the City’s side of the multibridge,” according to Gonzalez. ELPD is working with its software vendor to try to solve this problem so the department will be able to measure the impact of its change of policy on this matter made in July 2020.24

ELPD has committed to making improvements in its reporting and use of data as part of obtaining state accreditation from the Michigan Association of Chiefs of Police (MACP). ELPD applied on Dec. 15, 2020 to begin this two-year process.25 Among the 105 current MACP standards26 are several that will require ELPD to expand its collection and reporting of data.

Reporting use of force data is an issue that has needed improvement at ELPD. Analysis of data is only as accurate as the reporting on which it is based, starting with the information about an individual incident that the patrol officer enters into a records management system and supervisors regularly audit. Deputy Director Gonzalez told the Study Committee on Nov. 23, 2020, when asked, that the four steps in use of force reporting depicted in a PowerPoint presentation were almost all verbal. Verbal reporting is not reliable. ELPD acknowledged that initial reporting of use of force needed to be improved. One of the regular reports of use of force incidents to Council members (dated Jan. 13, 2021) noted, regarding two separate incidents: “our weekly audit found that the report did not contain a use of force file class. The Captain is addressing this with the reporting officer to ensure it is corrected.”

Another problem with ELPD use of force reporting is very different data appearing in different

24 The new policy states: “The indiscriminate running of license plates shall not be a practice of this agency or its agents. When an officer has an articulable reason to run a license plate, they may…” See: https://cityofeastlansing.civicweb.net/document/38633/DC%20Gonzalez%20responses%20to%20HRC%20Follow%20Up%20Questions%20f.pdf?handle=F674932F9DF041B793616AB24B4B4EC7 (page 5)
sources. The PowerPoint presentation made to the Study Committee shows many more use of force incidents in 2019 than appear in the Weekly Reports for that year, the source that is available to the public. (124 incidents involving use of force involving humans in 2019 were reported to the Study Committee, compared to 27 counted in Weekly Reports.) The large discrepancy was not fully explained, despite questions posed by the Study Committee seeking to understand the differences.

**Making information available to the public**: There is a move nationally for police departments to release more data to the public to increase both accountability and trust. There is also a wealth of organizations, resources, and models about how to expand publication of data. An evaluation of the Albuquerque Police oversight system by Eileen Luna and Samuel Walker, an expert on police accountability, argues that “providing detailed information about the police department and the complaint process is extremely valuable... The Consultants are not aware of any disadvantages with or criticisms of providing public information. The only caution is that public reports need to be sensitive to the privacy rights of both complainants and police officers where this information is potentially damaging and has not been otherwise publicly disclosed.”

Currently, very limited data is maintained on the ELPD’s website so it can be easily found by Council members, members of commissions, and the public.

ELPD’s Annual Report contains certain crime data, but no information about arrests, calls for service, officer-initiated contacts, complaints and their disposition, use of force, racial disparities in policing, or interactions involving mental health crises. This report could be made much more robust. Also, when each Annual Report is posted on the ELPD website, the previous year’s report has been removed.

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The ELPD “Case and Arrest Summary reports” (also called “Weekly Reports”)

31 has been the only source of arrest data available to the public. They contain valuable, though limited, records of arrests, mental / emotional health investigations, arrests due to warrants issued by other law enforcement agencies, traffic accidents, and more. However, the report contains no demographic data. These reports are difficult to use. Reports are posted as PDFs, not spreadsheets, a major obstacle to any analysis.32 Also, there has been a non-trivial amount of duplication of cases across some adjacent weeks. Therefore, users cannot use this source with confidence to accurately summarize and analyze police arrests and use of force. A significant problem with use of force entries in these reports is discussed above, on page 15.

Both the ELPD and the new oversight commission can play important roles in making data more available, understandable, and useful to the City Council and to members of the community.


32 FOIA request 79-21 submitted on Jan. 27, 2021 for these reports in Excel or CSV format was denied.
CHAPTER III:
Reviewing Complaints and Use of Force: Recent History

The Study Committee has developed recommendations about a new Oversight Commission based on researching approaches to police oversight from across the country. Developments in East Lansing beginning in 2016 are also an important backdrop to this current effort.

This chapter presents the history of review by the East Lansing Human Rights Commission (formerly the Human Relations Commission) of complaints against individual police officers, which is the most common element of public police oversight across the country.

The East Lansing Police Department initiated annual reporting about complaints to the HRC in January 2017. Then-Chief Jeff Murphy made this offer a few months after the City agreed to a court order that it must release complaint forms from the public in response to a request under the Freedom of Information Act (FOIA).

We review the evolution of this process by the HRC and ELPD over the five years of annual reporting through February 2021, in which the ELPD has released more information over time and reported more of the information in writing, in response to requests from the HRC.

A draft ordinance to create a new public body to review complaints about police came before the City Council in mid-2019. We report on the contents of that proposal and critiques of it from the public expressed to the HRC, in response to the Council’s request for comments. That ordinance was put aside, as the Council established the Study Committee to bring to the Council a new recommendation for the design and authorities of a new oversight body.

In 2020, the focus of police oversight moved to an unprecedented development in East Lansing: complaints by two Black men about the same use of force and resulting injury by the same white officer. The intense reaction to these complaints occurred at City Council meetings – on both sides of the courtroom divider – and at several protests outside City Hall and the police department. This experience, as well as the response to the murder of George Floyd in Minneapolis in May, 2020, color the consideration of police oversight in the city today.

1. ELPD reporting of complaints to Human Rights Commission, 2017-2021

Two events in 2016 set the stage for ELPD initiating a process of reporting complaints of police misconduct to the Human Rights Commission, starting in 2017.

Court order to release complaint forms: In May 2016, the City Council settled a lawsuit brought by Evan Stivers, represented by the MSU College of Law Civil Rights Clinic and the American Civil Liberties Union (ACLU) Fund of Michigan. This resulted in a court order requiring that the City release complaint forms from members of the public against ELPD officers, with specified redactions, in response to a Freedom of Information Act (FOIA) request.
The judge specified that identifying information about the complainant be redacted; however, the name of the police officer(s) against whom the complaint was filed is not to be redacted. In many other cities and states, there have been drawn-out political struggles to make public the names of police officers against whom a complaint is brought. Without access to this information, members of the public – or a public oversight body – cannot know whether complaints they are reviewing are single complaints against many police officers or multiple complaints against a small number of officers. In East Lansing, public access to this information is already assured by this 2016 court order.¹ [The court order is in Appendix G.]

**ELPD town hall:** ELPD hosted a public forum at the Hannah Community Center on Oct. 19, 2016 with three Black panelists who spoke about their experiences and their assessment of racially biased treatment of themselves or their family members by police in East Lansing.² Other community members in the audience also talked about being racially profiled by police officers and a lack of transparency on the part of ELPD.

ELPD Chief Murphy responded to community members’ concerns from the stage. He announced that the Department was purchasing body cameras for all officers to use whenever they interact with the public.

Chief Murphy also announced that he wanted the Human Relations Commission to play a role in reviewing complaints and that the ELPD would present information about complaints to that body once each year.

**Human Rights Commission annual reviews of complaints:** The evolution of the complaint review process carried out by the ELPD and the HRC, presented here, is relevant to designing a new independent police oversight system. Section 3, below, addresses the content of complaints and the ELPD’s findings about them.

Initially, reports about complaints to the HRC by three ELPD Chiefs (Jeff Murphy, Larry Sparkes, and Kim Johnson) and the Deputy Chief were largely oral, with an opportunity for HRC members to ask follow-up questions. Beginning in 2020, written reports are now the norm. All the reports have included both complaints received from the public and internally-generated complaints filed by an ELPD employee.

At the first presentation in January 2017, Chief Murphy described six complaints and their dispositions, and he distributed the “Complaint against Employee” policy.³ (ELPD began to post all Policy and Procedure documents on its website soon after this meeting.) Chief Murphy

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¹ Dreger, Alice, “City Settles FOIA Lawsuit on ELPD for $4K,” *East Lansing Info*, May 16, 2016. [https://eastlansinginfo.org/content/city-settles-foia-lawsuit-elpd-4k](https://eastlansinginfo.org/content/city-settles-foia-lawsuit-elpd-4k)


³ “Complaint Against Employee” and other Policy and Procedure documents are here: [https://www.cityofeastlansing.com/1790/Policies-Procedures](https://www.cityofeastlansing.com/1790/Policies-Procedures) [Note: The Complaint Against Employee policy on the website is the current one, not the one that was in effect in 2017.]
handed out the complaint forms concerning each complaint and then, as he left the meeting, he asked that they all be turned back in. However, non-confidential documents given to a public body become public, and these forms could be FOIAed, as well.

At the January 2018 HRC meeting, ELPD Chief Sparkes and Deputy Chief Gonzalez gave the second annual oral report of complaints, describing a total of 16 complaints from the public and initiated within the department. HRC members asked for demographic data about the complainants. The ELPD Chief reported that body cameras were now being worn by all officers and that the “Use of Force” and other Policy and Procedures were now posted on the ELPD website. ELPD Chief and Deputy Chief returned to the March HRC meeting and suggested that people could submit public complaint forms to the HRC, which the HRC would immediately turn over to the ELPD to investigate. The HRC did not take up this suggestion.

At the January 2019 HRC meeting, the ELPD Chief and Deputy Chief presented nine complaints. They answered questions from Commissioners about the racial identity of people who made complaints, including several complaints alleging racial bias, about which there was considerable discussion. The Chief handed out only the first page of a memo from the Deputy Chief titled “2018 Internal Complaint Audit.”

In December 2019, the HRC completed a list of documents and other information they would like to receive prior to the next annual report of complaints, which they sent to the Chief and Deputy Chief. The request included that documents be provided before the meeting, as is common practice for staff memos to City Commissions.

ELPD did send the “2019 Internal Complaint Audit” memo from the Deputy Chief to the Chief to the HRC before its February 2020 meeting. The report contained a narrative description of each complaint, information about the gender and race of both the complainant and officer, and the disposition. [See the memo in Appendix H.] After the meeting, the memo was added to the public agenda at the request of several people who were in attendance. As in the previous year, three complaints were about racial bias, which was again discussed at length, along with other issues concerning policy and training.

Following this meeting, the HRC sent written questions to the ELPD Chief on a wide range of topics that arose at the February meeting, including the demographics of ELPD sworn officers and other staff. Deputy Chief Gonzalez replied in two memos, dated Aug. 4, 2020 and Oct. 5, 2020. [Both memos are in Appendix I.]

Although HRC members did not receive the complaint forms submitted during 2019, a member of the public FOIAed them. [The 2019 complaint forms, including “any attachments to the complainant filed with the Complaint,” as required by the court order, are in Appendix J.]

The HRC received the fifth annual report of complaints in February 2021 when it met for the first time with Chief Kim Johnson, who had become Chief in October 2020. Chief Johnson opened with new information about the racial disparity in officer-initiated stops and a memo stating his concern about what the data show. (This topic is discussed in Chapter II, Section 1.)
The Chief and Deputy Chief did not present an oral summary about each complaint, which the HRC already had received in written form. [This memo is in Appendix K.] For the first time, this document reported the five-year history of prior complaints of the officers against whom a complaint had been filed in 2020. (The “prior complaints” in the report included the current complaint.) The two most significant complaints during 2020 were those about excessive use of force early in that year which had received a great deal of attention in the Council and the community soon thereafter. Also, the HRC had held a special meeting on March 4, 2020 at which they asked the Council to drop charges against Uwimana Gasito, which did happen a week later. Therefore, the HRC did not discuss these complaints at its February 2021 meeting.

HRC members focused their discussion less on the individual complaints and more on personnel management issues, including factors considered in performance appraisals. Chief Johnson said that this would be part of the upcoming contract negotiations with the Command Officers Association of Michigan (COAM) representing the East Lansing Supervisory Division.

2. Ordinance 1463 proposing a Public Safety Review Board

Emerging from the evolution of the reporting of complaints by ELPD to the HRC described above, an ordinance to establish a “Public Safety Review Board” was introduced at the City Council meeting on June 4, 2019. [Ordinance 1463 is in Appendix L.] It was evident to HRC members that the Commission had no authority to do anything after it heard a summary of complaints and asked questions about them. Council member Aaron Stephens (then the Council liaison to the HRC and now Mayor) suggested establishing a separate public body to have responsibility for police oversight whose members would have relevant interests and expertise, rather than giving this responsibility to the HRC, which has a broader mandate.

Ordinance 1463 was drafted by then-City Attorney Tom Yeadon after meetings that included City Manager George Lahanas, Police Chief Larry Sparkes, Fire Chief Randy Talifarro, Human Resources Director Shelli Neumann, Council member Stephens, and then-Chair of the HRC, Daniel Baum.

Summary of Ordinance 1463: Ordinance 1463 called for a review board with limited purpose and authority. Every quarter, a board would review dispositions decided by either the Police or Fire Department regarding complaints made by a member of the public or alleging inappropriate conduct toward the public. The board could “refer to the City Manager for investigation and review of any dispositions it determines meets” one of four specified criteria.

The Review Board would hear oral presentations from the Police Chief or Fire Chief and would be able to ask them questions. The Board and its members would not know the name of the complainant or the officer involved or any discipline that was imposed, and they would “not have the authority to review any portion of the investigative file.”

The Review Board described in the ordinance would be composed of five members, including one each from the HRC and the University Student Commission, with the other three being “residents who shall be representative of the population of the city, but preferably members with a law enforcement background.”
Critiques of Ordinance 1463 from community members: The City Council asked the HRC to provide feedback about this ordinance. At the June 5, 2019 HRC meeting, eight members of the public attended (and one written communication was received) that expressed these criticisms:

- The Review Board described in the draft ordinance would be prevented from seeing any written or video information, some of which any members of the public could obtain simply by making a FOIA request; making recommendations under the terms of the ordinance based only on oral information would be impossible;
- The Review Board would not be truly independent of the police if its membership was dominated by people with law enforcement experience;
- People who should be involved in designing a review body had not been at the table; a group designing a new structure must include people from parts of the community who feel vulnerable to over-policing or police mistreatment;
- The purpose and function of a new oversight structure should not necessarily be limited only to review of dispositions of complaints; and
- For these reasons, a fresh start should be made to obtain recommendations for the design of an independent oversight structure by a group with strong representation by groups within the community that are particularly affected by policing.

With this input, the HRC worked for several months (first in a subcommittee) to draft a new draft resolution for Council’s consideration that would create a temporary task force to research and recommend to Council a design for an independent police oversight commission – a design that presumably would be quite different from Ordinance 1463, which had proved to be controversial.

Resolution establishing the Study Committee: The Council redrafted much of the HRC resolution, but was informed by concepts in the HRC draft. The outcome of this process was the Council’s resolution creating the Study Committee on an Independent Police Oversight Commission, approved on May 26, 2020. [See Appendix A.]

In some ways, the five years of experience with ELPD reporting to the HRC and the public reaction to Ordinance 1463 has put the discussion in East Lansing about independent police oversight ahead of where it begins in some other cities.

The ELPD has already demonstrated its willingness to provide to a public commission, and to make public, some information about complaints (although this has not included added information from investigations). The extent of that information has expanded over the years because of requests from the Human Rights Commission and the response of the ELPD, and more of the information has been written instead of oral. The written information that the HRC currently obtains already goes beyond Ordinance 1463, which had proved to be controversial.

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4 The resolution submitted by the HRC at the Dec. 10, 2019 Council meeting is at https://cityofeastlansing.civicweb.net/document/8733.
could not learn the name of the officer about whom a complaint is made (ignoring the court order concerning release of complaint forms under FOIA) and required only oral communication by the ELPD.

3. Substance of complaints brought against ELPD employees and their disposition

It is not possible in a limited space to fully report the content of recent complaints against ELPD employees. Media coverage of the annual reports to the HRC and the Internal Complaint Audits for the years 2019 and 2020 (in Appendices E and H) are good places to start.

We provide here two summary tables. The table below summarizes the findings of complaints made by members of the public to ELPD from 2014 to 2020.6

Table 15
_findings on public complaints about ELPD officers, 2014-2020_

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Exonerated (employee was within policy)</td>
<td>5</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>21</td>
</tr>
<tr>
<td>Unfounded (the alleged act did not occur)</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>Not sustained (inconclusive evidence)</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Sustained (the alleged act occurred)</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Unfounded / Sustained</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total complaints</strong></td>
<td>7</td>
<td>5</td>
<td>4</td>
<td>9</td>
<td>4</td>
<td>6</td>
<td>6</td>
<td>41</td>
</tr>
</tbody>
</table>

There were 41 complaints from the public from 2014-2020, ranging from 4 to 9 per year.7 Of these 41 complaints, only two were sustained (both dealing with policy violations), and one (involving two personnel) was partially sustained and partially unfounded. Eighty percent of the complaints were either exonerated or considered to be unfounded.

The following table shows that it was predominantly Black people who made complaints about ELPD officers, and many of their complaints were about either racial discrimination (or bias) or

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5 _East Lansing Info_ reported extensively on each of the annual reports. Links to articles from 2017 to 2020 are at [https://eastlansinginfo.news/eli-reports-on-the-east-lansing-police-department-elpd/](https://eastlansinginfo.news/eli-reports-on-the-east-lansing-police-department-elpd/)

6 Data about complaints from the public from 2014 to 2019 are in a presentation by ELPD to the Study Committee on Dec. 7, 2020, which also explains the complaint procedure. Data about complaints in 2020 are from the memorandum from Deputy Chief Gonzalez, “2021 Human Right Commission Information Request,” dated Jan. 29, 2021, presented to the Human Rights Commission at its Feb. 3, 2021 meeting (which is in Appendix K).

7 The number of public complaints reported by ELPD to the HRC for the years 2016 – 2020 do not all match the numbers listed in the ELPD presentation to the Study Committee on Dec. 7, 2020. Some differences may be explained by complaints that were pending at the end of a year.
use of force. This table is for the period 2018-2020 – the years from which we have information about the demographic group of the complainants.

Table 16
Complaints showing race of complainant and type of complaint, 2018-2020

<table>
<thead>
<tr>
<th>Complaint #</th>
<th>Complainant race / ethnicity</th>
<th>Complainant gender</th>
<th>Officer race</th>
<th>Officer gender</th>
<th>Classification¹</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018 complaints (from ELi story) 1/22/19</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-1st</td>
<td>Black</td>
<td>Male</td>
<td></td>
<td></td>
<td>Discrimination</td>
<td>Unfounded</td>
</tr>
<tr>
<td>18-2nd</td>
<td>Black</td>
<td>Male</td>
<td></td>
<td></td>
<td>Discrimination</td>
<td>Unfounded</td>
</tr>
<tr>
<td>18-2nd (cont)</td>
<td>Black</td>
<td>Male</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18-3rd</td>
<td>Black</td>
<td>Male</td>
<td></td>
<td></td>
<td>Discrimination</td>
<td>Exonerated</td>
</tr>
<tr>
<td>18-4th</td>
<td>White</td>
<td>Male</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2019 Internal Complaint Audit, in memo dated 1/29/20</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19-1</td>
<td>White</td>
<td>Female</td>
<td>White</td>
<td>Male</td>
<td></td>
<td>Unfounded</td>
</tr>
<tr>
<td>19-2</td>
<td>Black</td>
<td>Female</td>
<td>White</td>
<td>Female</td>
<td>Discrimination</td>
<td>Not sustained</td>
</tr>
<tr>
<td>19-3</td>
<td>White</td>
<td>Male</td>
<td>White</td>
<td>Female</td>
<td></td>
<td>Not sustained</td>
</tr>
<tr>
<td>19-4</td>
<td>Black</td>
<td>Male</td>
<td>White</td>
<td>Male</td>
<td>Discrimination</td>
<td>Exonerated</td>
</tr>
<tr>
<td>19-5</td>
<td>Black</td>
<td>Female</td>
<td>White</td>
<td>Male</td>
<td>Discrimination</td>
<td>Unfounded</td>
</tr>
<tr>
<td>19-6</td>
<td>Hispanic</td>
<td>Male</td>
<td>White</td>
<td>Male</td>
<td></td>
<td>Unfounded</td>
</tr>
<tr>
<td>2020 Complaint Audit, in memo dated 1/29/21</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20-1</td>
<td>Black</td>
<td>Male</td>
<td>White</td>
<td>Male</td>
<td>Use of force</td>
<td>Exonerated</td>
</tr>
<tr>
<td>20-2</td>
<td>Black</td>
<td>Male</td>
<td>White</td>
<td>Male</td>
<td>Use of force</td>
<td>Not sustained</td>
</tr>
<tr>
<td>20-3</td>
<td>Middle Eastern</td>
<td>Male</td>
<td>White</td>
<td>Male</td>
<td>Discrimination</td>
<td>Exonerated</td>
</tr>
<tr>
<td>20-4</td>
<td>Black</td>
<td>Male</td>
<td>Hispanic</td>
<td>Female</td>
<td>Policy violation</td>
<td>Exonerated</td>
</tr>
<tr>
<td>20-4 (cont.)</td>
<td></td>
<td></td>
<td>White</td>
<td>Male</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20-5</td>
<td>Black</td>
<td>Female</td>
<td>White</td>
<td>Female</td>
<td>Policy violation</td>
<td>Unfounded</td>
</tr>
<tr>
<td>20-6</td>
<td>Black</td>
<td>Male</td>
<td>Black</td>
<td>Male</td>
<td>Discrimination</td>
<td>Unfounded</td>
</tr>
<tr>
<td>20-6 (cont.)</td>
<td>Black</td>
<td>Male</td>
<td>White</td>
<td>Female</td>
<td>Demeanor of employee (regarding race)</td>
<td>Sustained</td>
</tr>
</tbody>
</table>

This table shows that, of the 16 people who made complaints during 2018-2020, 11 were Black, one was Middle Eastern, one was Hispanic, and three were white. Eight of the 13 complaints from people who do not identify as white were about discrimination or racial bias by police officers; these were from seven Black people (five men and two women) and 1 Middle Eastern

¹ The “Classification” of complaints was included only in the ELPD report to the HRC for the year 2020. For the two previous years, the information entered in this column (shown in italics) is based on the ELPD’s oral description of the complaint or their answers to questions from the HRC.
man. Two other complaints by Black men were about excessive use of force; these are discussed in the next section.

A more recent complaint, made in February 2021 by Council member Lisa Babcock, concerns the arrest of a man identified by his attorney as “an American man of Arabic descent”; all charges against the man were dropped in February. “Babcock laid out six intertwined concerns,” according to extensive reporting of this complicated case by East Lansing Info, including about the claims made in the case report by Officer Jeff Thomas as well as “how the charges were brought, prejudicial media releases, problems of bias, and the treatment of accused individuals who have not been found guilty.” ELPD Deputy Chief Gonzalez told ELi that the complaint was sustained on two policy violations that “pertain to the current Media Relations policy and Code of Conduct policy.”

4. Complaints about excessive use of force in East Lansing

In most U.S. cities that have established a public oversight system, the impetus was a killing or serious injury caused by a police officer – all too often, it has been a case of violence against a Black person by a white officer.

As explained in section 1, in East Lansing, the initiative to create a new, independent layer of oversight evolved from several years of annual reporting of complaints to the HRC rather than from a single incident. However, at the end of 2019 and early in 2020 – before the Council considered a full proposal for an oversight body – two incidents of physical force causing injury by the same ELPD officer occurred, which drew anger and protest from many people in East Lansing and the City Council. The climate in which proposals for oversight are now being considered certainly has been affected by both these two local cases and the national outrage about the murder of George Floyd in Minneapolis on May 25, 2020, which, coincidentally, occurred the day before the Council enacted the resolution creating the Study Committee.

On Feb. 13, 2020, 19-year-old Uwimana (“Tito”) Gasito (using the name Tito Da Atm) posted on Facebook photographs showing injuries to his forehead, with this text: “If you don’t know, I was assaulted by the East Lansing Police Department on Saturday Night... While I was on the ground in handcuffs the officer was pushing my head into the ground scraping my forehead back and forth... This is the abuse I had to face this past weekend. Police brutality is real.”

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This was how people in East Lansing learned of the incident at the downtown 7-Eleven parking lot on February 9. In response to the Facebook post, then-Chief Sparkes decided to have the incident investigated as a complaint from a member of the public of excessive use of force.

On March 11, two weeks after the ELPD Chief determined that the complaint against Officer Andrew Stephenson was not sustained (i.e., there was insufficient evidence to either prove or disprove the allegation) and the ELPD made a special presentation to the Council about its investigation of this complaint, ELPD leaders made an unexpected disclosure. Each Council member was told privately that the same police officer had used the same physical force on another Black man on Dec. 28, 2019, and then a press release was issued. The Council and public were told that the investigation file on the complaint submitted on Jan. 3, 2020 about the prior incident had been lost within ELPD and reemerged only on or about March 10.

Many people in the community were profoundly upset about a white ELPD officer using the same physical force causing facial injuries against two Black men, within six weeks of each other. Many people spoke at Council meetings, and there were several public protests at City Hall and the Police Department.

Eventually, the Michigan State Police (MSP) exonerated Officer Stephenson regarding both incidents, all charges against both Gasito and Anthony Loggins were dismissed “in the best interest of justice,” Officer Stephenson was moved from a patrol position to the Detective Bureau, Ingham County Prosecutor Carol Siemon asked the Michigan Attorney General to assign an investigation of Officer Stephenson to a special prosecutor, and a special prosecutor reviewed the case and dropped the charges against him.

It is not possible to give a complete account here of these incidents and their aftermath. The investigations and videos of both complaints were FOIAd (one by East Lansing Info and the other by City Pulse), and the limited materials that were released are on the City’s website.

Here are a few observations based on reviewing these incidents, the outcome of the complaints, and the response of the Council and the public at the time.

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11 Nine articles about these cases published by East Lansing Info are linked to at: https://eastlansinginfo.news/eli-reports-on-the-east-lansing-police-department-elpd/ Articles after mid-March, 2020 are available from here: https://eastlansinginfo.news/tag/East-Lansing-Policing/.

**Review of use of force policy:** The physical force used in these two incidents appeared to many people who watched the videos to be unnecessary, excessive, and harmful – physical force that they thought should not be allowed under ELPD’s use of force policy.

Deputy Chief Gonzalez wrote to the Study Committee on Dec. 11, 2020 that “Head stabilization as trained at ELPD was found to be a technique that has a high likelihood of causing injury to an individual that is physically resisting arrest” – apparently a reference to the actions of Officer Stephenson in these two incidents. Gonzalez pointed out that new language on “Head Stabilization” has been added to the revised “Response to Resistance” policy. It reads:

A. Head Stabilization will only be used in the appropriate application of PPCT [Pressure Point Control Tactic]. ‘i.e. Counter pressure during use of pressure point application’.

B. Head Stabilization may be used if the offender is trying to use their head or mouth (i.e. Offending Appendage) as a, or in a assaultive nature against an officer. ‘Head butting / biting’

Deputy Chief Gonzalez did not answer the question from the Study Committee as to whether the tactic that Officer Stephenson used “is currently acceptable for an officer to use in such scenarios” as the incidents involving Gasito or Loggins. In other words, would the same use of force in similar circumstances be acceptable under the new policy if it happened today?

The City Council has yet to carry out its resolution of June 9, 2020 pledging to review and revise the police use of force policy. [That resolution is in Appendix F.] The Council may want to charge the new oversight commission with giving priority to thoroughly reviewing and making recommendations about this entire policy. Any review should take into account the extensive national discussion of use of force policy since Michael Brown was shot by a police officer in Ferguson, Missouri in 2014.

In September, 2020, more than 45 former investigators for the New York City Civilian Complaint Review Board made an unusual joint public statement about the limitations of public review of complaints, compared to changing policy: “... [C]ivilian oversight is only as meaningful as the standards on the books. Current policies allow, and even encourage, many of the upsetting tactics that have inspired these unprecedented protests across the country.” “... [T]he hard truth is that the actions described in many civilian complaints do not violate current police procedures. No amount of oversight will change that. Changing police procedures will.”

**Resisting and obstructing charges associated with use of force by an officer:** Both these cases of physical force used against Black men occurred during arrests for minor offenses. There was neither a significant crime or a serious risk to the officer on either occasion. The initial charge against Gasito was for “jostling,” a type of Disorderly Conduct which the Council removed from

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13 This statement was published in the *New York Daily News* of Sept. 10, 2020 under the title “Civilian Oversight Is Not Enough. It’s Time to Democratize the Patrol Guide.”

the code on Dec. 1, 2020. Resisting or obstructing was the second charge. Loggins was stopped for failure to use his turn signal when turning right out of a retail driveway. Loggins’ court file shows there was a warrant for a misdemeanor stop generated by the LEIN system. He was charged with a state felony of assaulting an officer, a charge that was later dropped.

The Council may want to monitor arrests under all of the newly-revised Disorderly Conduct code, in order to evaluate whether the changes the Council adopted have reduced arrests, and also give particular attention to offenses involving obstructing or resisting a police officer in section (18) of that code. (Both of these are discussed in Section 2 of Chapter II.)

**Release of information about complaints and use of force:** What records the police department releases to an oversight body is one of the most important policy issues about oversight. Clearly establishing this in the ordinance can significantly help the new commission to get underway and prevent delays, conflict, and frustration.

The uneven history of responses by ELPD and EL Fire Department to Freedom of Information Act (FOIA) requests and appeals provides examples of some of the problems of delayed and inconsistent release of information that would be beneficial to avoid with the new oversight body.\(^{14}\) The Study Committee addresses this issue in its recommendations to Council.

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\(^{14}\) A spontaneous discussion on this topic during the “Communications from the audience” period at the Council’s Nov. 10, 2020 meeting described several recent cases and different perspectives about them. See: [https://cityofeastlansing.civicweb.net/document/41476?split=true&media=true](https://cityofeastlansing.civicweb.net/document/41476?split=true&media=true)
Chapter IV: 
Models, Functions, and Evaluation of Police Oversight

1. Benefits of police oversight

Police oversight is generally viewed as being both preventive and corrective with respect to police policy and behavior. This work most often focuses on the quality and quantity of interactions between law enforcement agencies and various marginalized groups. In 2003, 84% of all municipal law enforcement agencies had written policy directives concerning interactions with juveniles, but only 62% had a written policy regarding racial profiling, 59% had a written policy for encounters with mentally ill individuals, and a mere 27% had a written policy for dealing with people who are homeless.\(^1\) By 2016, 81% of all municipal law enforcement agencies had a written policy regarding racial profiling (including 99% of the agencies of a similar size as the East Lansing Police Department), but the percentage with a written policy regarding mentally ill individuals lagged far behind at 69% (although this increases to 85% for agencies the size of the ELPD).\(^2\) This is of particular concern, as research consistently demonstrates that police officers often feel unprepared or inappropriately trained to deal with persons with a mental illness, despite the relatively high frequency of encounters with such individuals.\(^3\)

In helping law enforcement agencies prevent critical incidents from developing, oversight bodies can increase an agency’s standing within the community. Addressing concerns of officer misconduct or poor training can improve public understanding of the police role, ensuring that there are realistic expectations regarding types of incidents. While the subjects of police actions themselves may feel relatively satisfied when they believe that the police have acted with procedural fairness,\(^4\) the broader community may appreciate efforts taken to ensure that potentially volatile incidents are handled in a manner consistent with a mental health approach.

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2. **Background of police oversight**

Prior to developing recommendations regarding a specific form of oversight to make to the East Lansing City Council, the Study Committee reviewed the current state of affairs with respect to oversight around the country. To this end, it collected data about recent trends both nationally and among Michigan cities of a similar size that are considered PA 312 comparable jurisdictions. In addition, several “model” jurisdictions were identified as examples of the various systems of oversight.

**National Trends:** While the general concept of civilian oversight has a long history in the United States, it is only over the last two decades that there has been significant growth in the implementation of such systems. Indeed, as of 2000, only 100 municipalities had a civilian review board or similar oversight ability. In 2016, of the roughly 17,000 law enforcement agencies in the US, the National Association for Civilian Oversight of Law Enforcement (NACOLE) estimates that there were more than 200 oversight entities.

The Law Enforcement Administration Statistics (LEMAS) data collection tool from the Bureau of Justice Statistics provides an overview of how various accountability measures have slowly increased in usage over time, although comparisons between years are difficult due to changes in the survey form. From 2007 to 2016, written policy directives regarding use of deadly force, use of non-deadly force, and pursuit driving have moved from being present in 87% of agencies to 97% of agencies, with 100% of all agencies the same size as the East Lansing Police Department having them. There has been a parallel increase in the requirement for external investigations of discharge of a firearm, use of force resulting in serious bodily injury or death, and in-custody death not due to use of force, but these have notably not resulted in increased adoption of civilian review.

In 2007, the first year that LEMAS documented oversight bodies, while 31% of all agencies required external review for all complaints, only 8% of agencies had a civilian review board to respond to such complaints, and in only 4% of agencies did that body have subpoena power. For agencies similar in size to the ELPD, only 3% had a civilian review board, and in only 1% of

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7 Hickman, Matthew and Reaves, Brian (2003) *supra*.

8 Brooks (2020) *supra*. 
those did that oversight body have subpoena power. As of 2016, those numbers for agencies of the same size as the ELPD had increased to 8.2% with a civilian review board and 2.5% with that body having subpoena power, although only for certain complaints. Only 1.3% of agencies similar in size to the ELPD had a civilian review board with subpoena power for all complaints.¹⁰

In the year since George Floyd’s murder by Minneapolis police officer Derek Chauvin on May 25, 2020, many jurisdictions have responded by developing oversight bodies, including smaller cities. Ballot initiatives in the November 2020 elections also showed growing political momentum for expanding independent oversight, among other types of police reform. In November, voters approved new or strengthened existing oversight measures in Oakland, California; Columbus, Ohio; Kyle, Texas; Portland, Oregon; and Philadelphia.¹¹

Many cities look to NACOLE for resources about police oversight, since NACOLE is the preeminent national civilian oversight association. Its introductory document, “Community Oversight Paves the Road to Police Accountability,” lists essential principles of independent oversight as well as pitfalls to avoid. [This document is in Appendix M.] NACOLE also has a broad perspective; following Floyd’s murder, NACOLE released a statement urging structural changes in state laws and agency policies that would reduce some of the constraints that keep oversight bodies from becoming more effective. [See Media Release in Appendix N.]

Comparable Jurisdictions: The East Lansing City Manager provided the Study Committee with a summary of police oversight in ten cities in Michigan considered to be “comparable jurisdictions” for municipal purposes under PA 312. Of those, four currently have some measure of civilian oversight, with the earliest (Muskegon) established in 1998 and the most recent (Ann Arbor) established in 2018. [This table is in Appendix O.] The remaining municipalities all rely on an internal affairs unit/office for oversight, apart from Battle Creek, which has an Office of Professional Standards. Thus, 40% of similarly-situated agencies around the state have moved to some form of civilian oversight to improve accountability.

The Study Committee was also provided with information regarding agencies serving other cities housing Big Ten Athletic Conference universities. Although these jurisdictions vary widely in size, they are comparable in that the law enforcement agencies present must deal with the unique situation of a student population that may rival the size of the towns themselves.

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¹⁰ Brooks (2020), supra.

Among these ten cities, six currently have some measure of civilian oversight, with the earliest (Lincoln, NE) established in 1970 and the most recent (Madison, WI and Columbus, OH) having been established only in 2020 following a summer of civil rights protests around the country. As with the PA 312 comparables, the remaining municipalities all have oversight only in the form of an internal affairs unit/office. It is notable that, while over 60% of other Big Ten jurisdictions have established civilian oversight bodies, all of these serve significantly larger populations with much larger numbers of personnel in these police agencies.

3. Models of police oversight

Although civilian oversight bodies have been used since the early 20th century, they remain limited in their prevalence around the country. The fact that no two jurisdictions have established or utilized such bodies in the same way makes things even more difficult. However, despite such differences in implementation there is agreement that civilian oversight generally falls into one of the following categories: (A) investigatory systems, (B) review systems, (C) monitoring or auditing systems, and (D) policy and process advisory systems. Recent efforts at reform, such as President Obama’s “Task Force on 21st Century Policing” have noted that hybrid models, combining characteristics and functions of several systems, may be most appropriate when considering the specific needs of each community.

(A) Investigatory Systems: Investigatory systems are perhaps what the average person has in mind when thinking of a civilian review board. In this model, independent investigators are responsible for receiving complaints and then conducting a thorough investigation, including interviewing witnesses, gathering evidence, and preparing a report. The investigator’s report is then provided to the oversight board for review, after which there is a vote and a recommendation made to the top police executive. In some instances, rather than an oversight board, there is an oversight executive director who serves the same function. Even in cases where the oversight body conducts independent investigations, these often operate in parallel to those conducted by the agency’s own internal affairs unit/office.

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12 Although there are fourteen universities in the Big Ten Athletic Conference, Ann Arbor is excluded here because it is also a PA 312 comparable. Urbana-Champaign, IL (University of Illinois) and Minneapolis-St. Paul (University of Minnesota) are excluded due to their unique jurisdictional nature across adjacent municipalities.

https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977

The primary advantage of the investigatory system is its independence, as this model has the greatest degree of separation from the law enforcement agency. Investigators are individuals who are not sworn law enforcement officers, and they are generally full-time, paid professional employees of the municipality. In cases where an oversight board reviews these reports, the members of the latter are most often drawn from a diverse array of occupations and organizations, and perform their duties on a volunteer basis. In the instance of an oversight executive director, that person is typically in the employment of the municipality, either on a salary or a contract basis.

The disadvantages of the investigatory system are two-fold. First, law enforcement officers (and their unions) are skeptical of the ability of civilians to understand the nuances of policing. Nationally, although 83% of the American public believes that they understand the risks and challenges faced by the police “somewhat” or “very well,” only 13% of American law enforcement officers agree with that assessment.\(^\text{15}\) Second, given the lack of experience of the average civilian, this model emphasizes the necessity of hiring trained investigators, which results in significant cost to the municipality. This increased financial outlay is necessary, as it is noted that “lack of expertise in police tactics, strategy, and policy [among civilians] has prevented many review boards from effectively overseeing the police, and has often resulted in boards agreeing with the police department 90% or more of the time.”\(^\text{16}\)

**Example:**

The San Francisco Department of Police Accountability\(^\text{17}\) (formerly the Office of Citizen Complaints) is a large investigatory body, budgeted for 22 permanent line investigators, five senior investigators, a deputy director/chief of investigations, and a director. Established in 1983, the DPA is a civilian-staffed local governmental agency whose director is appointed by the San Francisco Police Commission. The latter body is responsible for setting policy and conducting disciplinary hearings of police misconduct filed by either the Chief of Police or the director of the DPA. Thus, the DPA is responsible for receiving, investigating, and delivering findings regarding civilian complaints of on-duty misconduct. During the investigation, the DPA has the power of subpoena (established in the revised San Francisco City Charter in 2016, as well as SFPD General Order 2.04\(^\text{18}\)) for witness testimony, department records, medical records, and any relevant evidence such as footage from a body-worn camera (BWC). Allegations sustained by investigation are then heard for discipline by either the Chief of Police or the Police Commission, based on the recommendation of the DPA.

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\(^{16}\) Bobb (2005), *supra.*

\(^{17}\) City and County of San Francisco Department of Police Accountability, https://sfgov.org/dpa/

\(^{18}\) San Francisco Police Department General Orders, https://www.sanfranciscopolice.org/your-fpd/policies/general-orders
(B) **Review Systems:** Review systems focus on reviewing completed internal affairs investigations. In this model, investigators from the law enforcement agency’s internal affairs unit/office are responsible for receiving complaints and conducting the investigation. The report is then provided to the oversight board for review, after which that body may request an additional investigation or vote and make a recommendation to the top police executive. In addition to this recommendation, the oversight body is also responsible for providing feedback to the internal affairs unit/office and holding public meetings for community input regarding the investigation.

There is an additional form of the review system in which the entire process (receiving the complaint, conducting the investigation, disposing of the complaint) takes place within the internal functioning of the law enforcement agency. In this model, the oversight body only becomes involved when a complainant appeals the original disposition of the complaint by the agency. At that point, the process is initiated as in the “pure” review system.

The primary advantage of the review system is that it provides a robust degree of transparency to all parties. In maintaining a line of communication with the agency, the oversight body can exert influence on the complaint process via positive and negative feedback and is able to motivate change by requiring additional investigations. Through consistent public meetings, the oversight body can ensure that community members have access to the process and are aware of all legally-available information. Given that review systems do not conduct independent investigations, they are also significantly less costly.

The considerable disadvantage of the review system is that it lacks a degree of independence from the law enforcement agency, as the entire investigatory process is internal to that agency. This means that the oversight body lacks considerable power and very often only has a limited purview over the handling of complaints. In addition, these bodies often suffer from limited resources and are typically staffed by volunteers who may have limited expertise in police behavior. Finally, as they focus on reviews of individual investigations, these oversight bodies typically fail to address large-scale systemic problems within agencies or officers.

**Example:**

The Albany Community Police Review Board\(^{19}\) is a medium-sized body staffed by 1 coordinator and 5 monitors, also receiving support from the Government Law Center at the Albany Law School (which is affiliated with the State University of New York at Albany - SUNY-Albany). Established in 2000 by city ordinance (amended in 2004 and again in 2018), the CPRB is an independent oversight body with the authority to review and provide feedback on completed investigations of alleged officer misconduct. The CPRB provides a finding regarding the complaint as investigated internally by the Albany Police Department to the Chief of Police, who then makes a final determination regarding status.

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\(^{19}\) City of Albany Community Police Review Board, [https://www.albanycprb.org/](https://www.albanycprb.org/)
and discipline (if applicable). The CPRB also maintains responsibility for making recommendations to the Mayor and Common Council of Albany regarding policies and procedures related to police-citizen relations, the use of discretion, and the complaint process.  

**(C) Monitoring and Auditing Systems:** Monitoring and auditing systems focus on regular reviews of the complaint process. While complaints are received, investigated, and reach their disposition entirely within the agency, the monitor or auditor is responsible for numerous activities designed to consistently evaluate the complaint process. Accordingly, that individual will assess compliance with policy and law, evaluate the integrity of process and outcomes of the internal accountability mechanism, and make regular public reports. As monitors are often initially appointed by the Department of Justice as part of a settlement agreement or consent decree action, members of these oversight bodies may actively participate in open internal investigations. 

The advantage of the monitor or auditor system is that it provides a comprehensive evaluation of the entire complaint and investigatory process. In examining both process and outcome on a regular basis, this model allows jurisdictions to undertake timely, necessary change. Ideally, this results in greater integrity and effectiveness. These bodies also tend to have well-developed public reporting practices, thus achieving significant transparency.

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20 On February 12, 2021 the CPRB, as part of a citywide police reform initiative, delivered its final report to the City of Albany Common Council recommending that the oversight body be given the power to initiate investigations, subpoena documents and testimony, and impose discipline on police officers. (See “Final Report of the City of Albany Police Reform and Reinvention Collaborative,” [https://www.albanyny.gov/641/Police-Reform-Reinvention-Collaborative](https://www.albanyny.gov/641/Police-Reform-Reinvention-Collaborative) This would effectively change the CPRB from a Review System to an Investigatory System body. On March 1, 2021, the Common Council voted to adopt the proposal, which the Albany Police Officers Union has indicated they will litigate. (See [https://cbs6albany.com/news/local/local-law-j-gives-albany-community-police-review-board-subpoena-power-disciplinary-power](https://cbs6albany.com/news/local/local-law-j-gives-albany-community-police-review-board-subpoena-power-disciplinary-power))

21 In 1994, Congress passed the Violent Crime Control and Law Enforcement Act (42 U.S.C. § 14141), which, under Title XXI (State and Local Law Enforcement), Subtitle D (Police Pattern or Practice) “prohibits any governmental authority, or any agent or person acting on behalf of such authority, from engaging in a pattern or practice of conduct by law enforcement officers that deprives persons of their constitutional or Federal rights [and] authorizes the Attorney General to bring a civil action against such officers to eliminate such practices.” Such “pattern-or-practice” cases are investigated, litigated and resolved by the Special Litigation Section of the Civil Rights Division of the United States Department of Justice. If a pattern or practice of misconduct is discovered, the DOJ issues a public finding letter describing its conclusions. This results in a negotiated reform agreement, which may take the form of one or more of the following: (1) a technical assistance letter, (2) a settlement agreement, or (3) a consent decree, overseen by a federal court and an independent federal monitor.

22 DeAngelis et al. (2016), *supra*.
The clear disadvantage of the monitor or auditor system is that it requires extensive data collection and analysis, which can be both costly and time-consuming. There is a significant level of expertise associated with systematic policy and data evaluation, which necessitates the presence of highly-trained staff. In addition, the independence of these individuals varies considerably, as the monitor or auditor may be a city employee reporting to an oversight committee (or other similar body), the director of a municipal agency reporting to the city council, or even a private attorney operating on a fixed-term contract.

Example:
The San Jose Independent Police Auditor\textsuperscript{23} is a small office staffed by an auditor, an assistant auditor and three analysts. Established in 1993 by city ordinance, the office was made permanent in 1996 by an amendment of the city charter. The Office of the IPA is responsible for conducting annual reviews of San Jose Police Department investigations of complaints against officers in order to determine if those investigations were complete, thorough, and objective. In addition, the IPA is tasked with making recommendations regarding department policies and procedures, as well as conducting public outreach to inform the community about those policies and procedures, particularly with respect to the process of investigations of complaints. The Office of the IPA answers to the Mayor and City Council of San Jose, thus ensuring some independence from the SJPD, whose Chief of Police answers to the San Jose City Manager.

\textbf{(D) Policy and Process Advisory Systems:} Policy and process advisory systems focus largely on prevention with respect to accountability. This model engages the oversight body in shaping and managing policy regarding the hiring process, current best practices, and evaluations of agency needs. In order to accomplish these goals, the oversight body is an active participant in drafting legislation and preparing position papers to disseminate information, both to the agency and to the public.

The advantage of a policy and process advisory system is that it is relatively low-cost and efficient. The analyses involved in this model are often conducted on an ad-hoc basis, thus avoiding some of the issues associated with more permanent oversight bodies. Rather than an ongoing effort, a periodic review is much less time-consuming in the long-term.

The clear disadvantage of a policy and process advisory system is that such an ad-hoc system does a relatively poor job of dealing with immediate needs that may be attached to individual incidents. Moreover, this model tends to rely on generalists within the existing personnel of the municipality, meaning that the specific expertise necessary for oversight work is often lacking.

\textsuperscript{23} City of San Jose Independent Police Auditor,\n\url{https://www.sanjoseca.gov/your-government/appointees/independent-police-auditor}
Example:
There are currently no jurisdictions known to be using a purely policy and process advisory system. Any oversight bodies engaging in such an advisory process are also involved in other aspects of oversight, thus indicating that they are more properly defined as being within a hybrid system.

(E) Hybrid Systems: As noted, hybrid systems are increasingly common across the United States, gaining particular attention after the recommendation that, rather than a specific form, oversight bodies should be defined in form and structure by the needs of the community.\(^\text{24}\) Thus, an emphasis on overall function, discussed next, is the most appropriate lens through which to view police oversight and accountability.

4. Functions of police oversight

Regardless of structure, these systems require consideration of a number of factors, including: (a) the types of complaint over which the oversight body will have jurisdiction (e.g., on- vs. off-duty, alleged criminal behavior, alleged bias); (b) the ability to compel witness testimony via subpoena power; (c) the types of data to which the oversight body will have access; (d) legal issues regarding representation, due process, and statutes of limitation; and (e) timelines for investigation and/or disposition recommendation completion.\(^\text{25}\)

When considering the functions of police oversight, a great deal of emphasis must be placed on procedural legitimacy. That is, all stakeholders must believe that the process and outcome, “in any individual case or in general...[is] fair, reasonable, and based on thorough and dispassionate investigation.”\(^\text{26}\) Thus, there should be an “open, accountable process for accepting misconduct complaints, with swift and thorough investigation.”\(^\text{27}\) This transparency must also extend to data regarding police activities being shared with the public. Finally, the oversight body should also seek to engage in prevention measures so that critical incidents do not arise.

Independent Investigations: Although independent investigations are not the most common form of oversight (occurring in only 34% of agencies with such a body),\(^\text{28}\) it is consistently noted

\(^\text{24}\) President’s Task Force on 21st Century Policing (2015), supra.


as the most important function of those bodies with respect to achieving legitimacy.\textsuperscript{29} There is significant variation in the nature and scope of investigations, such that it is possible to have nominal authority but relatively little power, particularly if the ability to subpoena is limited.

**Community Outreach:** One of the most important functions of any type of oversight body is to inform the public about the complaint process, including how dispositions are handled, as well as to solicit information regarding citizen concerns. In addition, the oversight body must provide the public with information about the purpose and functioning of the body itself. This necessitates consistent communication with various stakeholders, particularly within marginalized communities. Active outreach programs generally involve taking into consideration the needs of various constituencies, such as recent immigrant groups and non-English speakers, who may be much less familiar with operations of the criminal justice system. Consideration should also be given to the fact that definitions of “community” and the “public” may not correspond neatly to geographic neighborhood and city boundaries, as the city of East Lansing services many individuals outside of its residents.

**Public Information:** In addition to providing information to the public about the oversight process itself, the oversight body also serves the important function of acting as both a source and a repository of data. There is a particular emphasis on issuing public reports regarding: (a) the number, type (e.g. use of force, unprofessional conduct), and disposition of complaints; (b) the geographic distribution of complaints; (c) the demographic characteristics of complainants and officers receiving complaints; (d) lawsuits filed against the agency for alleged officer misconduct; (e) the number of stops, detentions, citations, and arrests, along with their geographic distribution and the demographic characteristics of those involved; and (f) the number and type of use of force incidents, along with their geographic distribution and the demographic characteristics of those involved.\textsuperscript{30} In addition, oversight bodies that perform policy review often publish reports detailing their recommendations for policy revisions. Many oversight bodies provide quarterly reports to various government bodies (e.g., the City Manager, the Mayor, the City Council, the Police Department, or the Human Relations Commission) that are made available to the public, while also holding an annual meeting for discussion of an annual report on these topics.

**Policy Review:** In more than two-thirds of oversight bodies,\textsuperscript{31} staff seek to identify areas in established police policy that may result in undesirable outcomes. Traditionally, this has meant a focus on the following: (a) pursuit driving, (b) domestic violence incidents, and (c) use of force (lethal and non-lethal). Use of force policy has evolved over time to also include conversations regarding: (a) firearm display, (b) firearm discharge, (c) in-custody injury or death, and (d) mandatory external investigations of certain use of force incidents. More recently, there has


\textsuperscript{30} NACOLE (2016), supra.

\textsuperscript{31} Walker and Luna (1997), supra.
also been consideration of policies related to: (a) special populations (e.g., juveniles, homeless people, and emotionally disturbed persons), (b) racial profiling and bias-free policing, and (c) use of technology (dashboard cameras and body-worn cameras). Finally, in some instances, oversight bodies also have been responsible for reviewing policies regarding hiring and discipline, although this remains relatively rare. Most importantly, active review consists of making recommendations for corrective action to improve police operations, thus improving the relationship between the police and the community.

**Early Warning Systems / Early Intervention Systems:** EWS/EIS are designed to identify law enforcement officers who may need corrective action based on either a pattern of behavior or a significant critical incident. These systems serve as an informal, non-punitive intervention outside of the normal disciplinary process. Such a system is important because a relatively small number of officers in any jurisdiction typically account for a disproportionate percentage of all complaints.32 There are a variety of proprietary data management systems available to law enforcement agencies, many of which combine an EWS/EIS with reporting functionality for other issues also relevant to oversight.

EWS/EIS often collect data on a variety of performance indicators and associated factors, some of which may not be reflected in current ELPD practice. Performance indicators that are most often defined include: (a) use of force incidents, (b) officer-involved shootings, (c) vehicle pursuit incidents, (d) on-duty traffic accidents, and (e) complaints/corrective action from a number of sources (e.g., involvement in a tort claim, civil suit, internal affairs investigation). Occasionally, these systems also include other information, such as: (a) officer activity (e.g., citations, pedestrian stops, vehicle stops, arrests), (b) charges of assaulting or resisting an officer, (c) commendations (e.g., department awards, citizen compliments), (d) workload (e.g., voluntary overtime worked, discretionary time off used, sick time used), (e) training history, and (f) involvement in critical incidents.

5. **Implementing effective police oversight bodies**

The most substantial obstacles to successfully implementing police oversight are lack of support from government officials, lack of independence, and lack of adequate funding. Regarding support for implementation, there is clearly such from the City of East Lansing, as well as from the executive level of the ELPD. This is vitally important, as it demonstrates a willingness to discuss these important issues. However, “oversight can be undermined in many ways, such as by appointments of ineffective...managers or board members, cuts in funding, inadequate authority, or failure to obtain support for [the oversight body’s] recommendations and findings.”33


33 Attard and Olson (2013), *supra*. 
In order to ensure effectiveness, the oversight body must maintain a high degree of independence, both structurally and legally, from the police department and local government, while also receiving proper support. Structural independence may be accomplished by establishing an oversight body that is overseen by a different political entity than that which oversees the police department. As an example, if the police department is overseen by a City Manager, an oversight body should be overseen by a level of governance separate from that of the City Manager, such as the City Council. Legal independence of the oversight body may be authorized by passage of an ordinance or amendment to a city charter.

An effective oversight body must have both an adequate operating budget and adequate staffing. Investigative systems require far more funding than review systems; only 13% of the former have a budget of less than $100,000, while 79% of the latter have a budget in that range. With respect to staffing, only 12% of investigatory bodies were fully staffed by volunteers, while 88% of review had no paid staff.34

With respect to evaluations of effectiveness, the largest concern is lack of authority to implement positive change. As with evaluation of any policy, the oversight body must take steps to carefully define its outcome measures. It is crucial that prior to full implementation, all relevant stakeholders have a common understanding of what it will mean to have achieved “success” in terms of oversight. Process and outcome evaluations are necessary to assess the oversight body and enact strategic improvements.35

The Study Committee on an Independent Police Oversight Commission in East Lansing was initiated in the belief that establishing an oversight body for the ELPD was an appropriate programmatic response to community concerns about policing. The work of the Study Committee has been to essentially conduct a process evaluation addressing: (a) a comparison of alternatives and (b) education of stakeholders (via public meetings). It is incumbent upon the police oversight commission, once established, to continue that process evaluation with respect to: (a) recommending informed program improvements, (b) monitoring program integrity, and (c) assessing overall effectiveness. The latter represents an outcome evaluation, which measures: (a) whether defined program goals are being met, (b) effects of the program on stakeholders (e.g., improved satisfaction with the police), (c) whether there have been any unintended effects of the program, and (d) what modifications can be made to the program to increase effectiveness. Both process and outcome evaluations require careful collection and use of data from a variety of sources.

34 DeAngelis, Joseph, et al. (2016), supra.

6. Summary

Police oversight bodies, while increasingly common in the United States, are still a relative rarity. However, in cities of a size similar to East Lansing (as well as those larger) there has been a concerted effort, particularly since 2012, to implement such bodies as a measure of police accountability. The preventive and corrective nature of an oversight body, coupled with a high degree of transparency, can significantly improve community satisfaction with how it is policed. The Study Committee’s careful evaluation of the various models of oversight, discussion of the functions of such bodies, and considerations of process and outcome evaluations have resulted in recommendations for an Independent Community Police Oversight Commission presented in Section V of this report.
City of East Lansing, Michigan

RESOLUTION ESTABLISHING A STUDY COMMITTEE ON AN INDEPENDENT POLICE OVERSIGHT COMMISSION

May 26, 2020

WHEREAS, The City Council of the City of East Lansing has, since 2016, had as a strategic priority the implementation of the six pillars of the Task Force on 21st Century Policing, including the recommendation that “Building trust and nurturing legitimacy on both sides of the police/citizen divide is the foundational principle underlying the nature of relations between law enforcement agencies and the communities they serve.” Therefore, the City of East Lansing recognizes that the creation of an Independent Police Review Board is an important step in rebuilding a trusting relationship between the East Lansing Police Department and the East Lansing Community, especially in regards to racial bias in enforcement and disparities in the use of force.

WHEREAS, The City Council has determined to appoint a Study Committee on an Independent Police Oversight Commission to examine Police relations with the Community; and

WHEREAS, The Study Committee will make recommendations to the City Council designed to enhance community relations by recommending policy and procedures including, but not limited to, how to create and implement an Independent Police Oversight Commission.

NOW THEREFORE BE IT RESOLVED, The City Council of the City of East Lansing hereby establishes a Study Committee on an Independent Police Oversight Commission comprised of eleven members appointed by the Mayor subject to approval by the City Council as follows:

1. Two (2) members of the Michigan State University Student Body, one of whom shall also be serving on the East Lansing University Student Commission;
2. Two (2) members from the City’s Human Relations Commission;
3. One (1) member affiliated with the American Civil Liberties Union;
4. One (1) member affiliated with another civil rights-oriented organization such as NAACP, Black Lives Matter, etc.;
5. One (1) member with expertise in law enforcement standards who is not an active duty police officer;
6. Four (4) additional residents of the City of East Lansing or individuals with pertinent expertise; and,

7. One (1) councilmember to serve as liaison to the Study Committee.

To the greatest extent possible, the Study Committee should include individuals from affected communities such as African Americans, Latinos, Muslims, and immigrants and people whose professional experience will lead to better understanding of appropriate policing methods for de-escalation and enhanced community relations.

IT IS FURTHER RESOLVED, To the extent the Study Committee membership is unable to be filled with individuals identified in numbers 1 through 5 of the above paragraphs within 60 days of the passage of this resolution, the Mayor (subject to approval of the city council) shall appoint East Lansing residents to fill those positions, to the greatest extent possible, with individuals from the affected communities as described above.

IT IS FURTHER RESOLVED, The Study Committee, through the City Council representative, is authorized to utilize authority set forth in Section 4.9 of the City Charter.

IT IS FURTHER RESOLVED, The mission of the Study Committee shall be to take testimony, review evidence and examine the methods by which other communities review complaints of police misconduct with a special emphasis on racial and ethnic injustice, to review best practices based on national standards and to propose to City Council a framework for a Police Oversight Commission in East Lansing.

IT IS FURTHER RESOLVED, The City Manager shall provide such staff support as is reasonably necessary to assist the Study Committee in achieving its mission.

IT IS FURTHER RESOLVED, The Study Committee shall present to City Council a report containing its recommendations within six months of the first meeting of the Study Committee. If the Study Committee is not prepared to present their findings within 6 months, an extension of an additional six months can be granted by City Council. After the presentation to City Council, the Study Committee shall disband without further action by the City Council of The City of East Lansing.

IT IS FURTHER RESOLVED, The Study Committee shall conduct its business in accordance with:

1. Ordinances of the City of East Lansing applicable to the operation of its boards and commissions; and,

2. the Michigan Open Meetings act; and,
3. records shall be public records governed by the Michigan Freedom of Information Act.

__________________________________  ______________________________
Ruth Beier, Mayor                   Jennifer Shuster, City Clerk

Approved May 26, 2020
Brief Biographies of Members of the Study Committee on an Independent Police Oversight Commission

Kathleen Boyle is a retired labor lawyer who has, in the past, served as Labor Counsel for the Michigan State Police Troopers Association and also worked with the Michigan Education Association and the Michigan Nurses Association. She has lived in East Lansing for 35 years and during that time, she has served on the City Council, the Housing Commission and the Planning Commission. Prior to the move to East Lansing, she worked as an Assistant Prosecuting Attorney in Tuscola County, Michigan.

Sadé Callwood (Psy.D.) received her doctorate in clinical psychology with an emphasis on African and Caribbean mental health. Her expertise includes psychotherapy with historically disenfranchised, marginalized and oppressed groups. She also completed her dissertation on young Black men's experiences of aggressive policing.

Kelli Ellsworth Etchison is LAFCU’s chief marketing officer and chief diversity officer. She is charged with strategic initiatives through results-oriented campaigns; she is also responsible for establishing diversity, equity and inclusion as shared values within LAFCU and the community. Ellsworth Etchison has served a variety of organizations, including Lansing Community College Foundation, the Dr. Martin Luther King Jr. Commission of Mid-Michigan, Lansing Promise Foundation, and the YMCA of Metropolitan Lansing where she was the first Black female selected as board chair. She was recently appointed to serve on Governor Whitmer’s Black Leadership Advisory Council.
Noel Garcia, Jr. Noel Garcia retired from Lansing Police Department after 25 years of service with the rank of Lieutenant seven years ago. He is now an instructor at the Wilson Talent Center through Ingham Intermediate Schools. He was instrumental in recruiting and fighting for fair treatment for minority officers. He developed Lansing Police Department’s current recruiting task force and fought to diversify the work force by recruiting multi-racial officers and female officers. He also helped reshape the department’s disciplinary process as it was found to be disparate towards minority officers. Garcia served two terms on the Governor-appointed Hispanic Latino Commission of Michigan, chairing the commission for three years.

Chuck Grigsby has lived in East Lansing for 4 ½ years with his wife and son. Grigsby chairs the Human Rights Commission (HRC). He calls himself the community busy body and gives priority to mentoring young people, by working with Primetime Mentoring, Tutoring Educational Services, tutoring in East Lansing schools, and volunteering at the East Lansing Public Library’s Teen After-School Program.

Cedrick G. Heraux (Ph.D.) is an Associate Professor in the Department of Sociology and Criminal Justice at Adrian College, whose areas of expertise include police behavior and research methods/statistics. He has conducted observational research on police in Albany (NY), St. Petersburg (FL), Detroit, Flint, Lansing and East Lansing through several hundred hours of ride-alongs."

Helen Josephson is currently a Michigan State University Undergraduate Senior studying Criminal Justice with a minor in Law, Justice, and Public Policy. She has relevant work experience with criminal justice organizations such as the MSU Police Department as a Parking Enforcement Supervisor and with the Michigan State Troopers through volunteer work. She also serves on another city commission, the University Student Commission.
**Christine Root** began her political work in the anti-apartheid movement concerning South Africa, including serving as Associate Director at the Washington Office on Africa from 1973-1981. When she moved to East Lansing in the mid-1980s after earning a Master’s Degree in Economics, she worked at the House Democratic Research Staff for two years. She has observed and written about policing in East Lansing since 2016.

**Quentin R. Tyler** (Ph.D.) is an Associate Dean and Director for Diversity, Equity and Inclusion at Michigan State University. He is also in the role of Acting Director of MSU Extension and served as Acting Associate Dean for Faculty Affairs and Administration. He has been a part of the East Lansing community for the past three years and also serves on the Human Rights Commission. Dr. Tyler has also provided diversity, equity and Inclusion trainings for national organizations, including Police Departments across the country.

**Erick Williams** is a 20-year resident of East Lansing. He is an administrative law judge with the State of Michigan where he handles professional licensing cases. Williams is a member of the Lansing American Civil Liberties Union (ACLU).
Input from Community Members at March 29, 2021 Meeting

The Study Committee convened a special meeting to update people in the community about our work and obtain their input. Fifty-six people attended. Some highlights of the responses and suggestions from community members are collected in this table.

Questions on four topics about police oversight discussed in small group sessions

| Questions on four topics about police oversight discussed in small group sessions |
|---------------------------------|-----------------------------------------------------------------------------------|
| 1. ACCOUNTABILITY | Some proposed activities of the Police Oversight Commission will be to review public complaints about police misconduct, make policy recommendations, and report findings to the community. Are there other areas of accountability practices the police oversight commission should consider? |
| 2. TRANSPARENCY | One of the success outcomes of the Police Oversight Commission will hinge on transparency to the public. The Commission could ensure that complaints and findings about police misconduct and data as it relates to racial bias are reported to the community in a timely manner. What other ways might the oversight commission provide transparency? |
| 3. COMMUNITY | The Police Oversight Commission will be comprised of members from the community. The community will have an opportunity to provide annual input as well as make recommendations about policy changes. Are there other ways you would like to see the community engaged? |
| 4. TRUST | A foundational principle of the Police Oversight Commission will be to build trust between the community and the East Lansing Police. From your perspective, what can be done to achieve that end? |

Ideas about police oversight shared by participants

<p>| Ideas about police oversight shared by participants |
|---------------------------------|-----------------------------------------------------------------------------------|
| 1. ACCOUNTABILITY | Recommend the city gets rid of qualified immunity in cases of excessive force. |
| QUALIFIED IMMUNITY | Recommendations to review what types of arrests ELPD is making: are the types of arrests different for different racial and ethnic groups? And why? |
| TRANSPARENCY | Concerns on whether officers will speak out against fellow officers. |
| When the Chief and Deputy Chief attend the Human Relations Committee (HRC), the complaint process disclosure never discloses what discipline has been given to the officer. | |
| There is a concern that the ELPD and the union will hide behind confidentiality to avoid transparency. | |</p>
<table>
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<tr>
<th><strong>POLICIES</strong></th>
<th>ELPD should seek best practices on particular issues, for example, policies about LGBTQ folks. Reach out to departments, such as Los Angeles and others on west coast, to see what they have done, so East Lansing doesn’t have to go through growing pains of making the same mistakes. Benchmarks with other folk’s policies: is it the same, or is it different? And why?</th>
<th>Commission needs to study best practices about policies that are outdated. Policies are being changed by public perception. My concern – is police department not in step with what the public wants? We can say there is accountability, but if the policies are not in the best interest of the community, we’re not there yet.</th>
<th>Review policies - When we see or hear about something in the news about behavior of the police – what gave them the authority to do so? It almost always goes back to what policy is on the books.</th>
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<td></td>
<td>The Oversight Commission should have the power to make policy recommendations to the ELPD. This would be very valuable and help make the public feel that the Commission isn’t just for responding to individual incidents.</td>
<td>The Oversight Commission should be able to have data on patterns of “borderline” behavior from individual officers. It’s possible that we can’t identify a violation (of law or policy) in any individual incident, but that officer might have a pattern of behavior that is troubling, even if it doesn’t rise to the level of discipline.</td>
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<tr>
<td><strong>COMPLAINTS</strong></td>
<td>Having accountability for the complaint process. Complaints in the past seemed to not get addressed.</td>
<td>Oversight Commission should know about a complaint as soon as it is made</td>
<td>Do not want the Oversight Commission to FOIA to get complaint form.</td>
</tr>
<tr>
<td><strong>COMPLAINTS</strong></td>
<td>Human Rights Commission (HRC) is charged once a year to go over police complaints. It’s shocking how few there are. 90% of the time complaints are not found to be valid. Is it easy to make a complaint? Will it make a difference? Do people trust that something will be done?</td>
<td>Concerns about reporting to the Police Chief and offered suggestions to include the City Council and City Manager in the process.</td>
<td></td>
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<tr>
<td><strong>POLICE CAMERA</strong></td>
<td>When can Oversight Commission look at the video? Can police officer look at video before they make their statement?</td>
<td>A research question: has MSP ever found a use of force to be excessive?</td>
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### DATA

| | There are concerns about the Oversight Commission only having access to aggregated data, which would make it very difficult, if not impossible, to identify repeat offenders. | The Oversight Commission needs to be able to identify trends of escalating behavior before it gets too late. |

### 2. TRANSPARENCY

#### FILING COMPLAINTS
- Make it clear/easy
- Make it Public

#### EVIDENCE
- Establish a reasonable timeline
- Will it be redacted?

#### WEBSITE
- Create a Dashboard (# of Incidents, Interactions, Did out come result in arrests/discussion/was person released)
- List training on de-escalation
- List Racial demographics on people having contact with ELPD
- Information needs to be easily accessible for the average person by a few clicks.

#### OBTAINING INFORMATION
- Reveal to the public when the commission is having trouble obtaining info from ELPD
- Racial demographics of people being pulled over for pretextual stops
- A list of FOIA's that have been submitted to ELPD
- Getting timely & clear data request from ELPD
- When a report or a recommendation is concluded it should also go to the City Council, City Attorney, City Manager, along with the Chief of Police.
- Concerns about the redactions in policies made available to the public on the website; how can the public identify inappropriate behavior if the full policy isn't available?

#### COMMUNICATION PLAN
- How often will updates to the public be made? Weekly? Monthly?

#### TRAINING
- PAL program to allow for interactions with people from different races.

#### HIRING PRACTICES
- Where are people being hired from, are they from up north where they do not have experiences with people outside their race?

#### BUDGET
- The commission having its own budget to be sustainable
- Come from the city's general fund
- Having outside counsel in the budget
<table>
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<tr>
<th>POLICIES</th>
<th>Ban the use of tear gas/pepper spray</th>
<th>Concerns about the redactions in policies made available to the public on the website; how can the public identify inappropriate behavior if the full policy isn’t available?</th>
</tr>
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</table>

| 3. COMMUNITY |  |
| --- | --- | --- |
| PARTNERSHIPS | East Lansing must be a partner with MSU as to what is happening with the Commission on a semester basis. | Look for community leaders in other areas to reengage people who do not feel welcomed in East Lansing. You will have to communicate with people who THEY trust, to try to get them to reengage. We can have all the festivals we want, but we need to recognize that we are not siloed here. It takes the whole region, economically. | Target parent/teacher group at the high school to engage youth. |
| PARTNERSHIPS | Would like more transparency from the police union | Identify who are the important constituents for the work of the Oversight Commission. |  |

<table>
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<tr>
<th>WEBSITE</th>
<th>Report meetings, minutes, etc.</th>
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<p>| FUTURE COMMUNITY INPUT SESSIONS | Have an avenue to submit concerns for those who cannot attend community input forums. | Oversight Commission can communicate using Zoom sessions | Commission could look at where most arrests are made and where most complaints are made – and seek input especially from people in those hot-spots. |
| --- | --- | --- |
| FUTURE COMMUNITY INPUT SESSIONS (cont.) | Have regular monthly meetings that the community can weigh in on policing. |  |
| COMPLAINTS | Submit a complaint without being in person | Send a QR code to scan to take you to place where they can voice their concerns; or send a Facebook or Instagram or Twitter link. |  |
| NEW MODELS | Look at different models of policing - difference between cops on horse, on bike, on foot, in cars. |  |</p>
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<tr>
<th>POLICIES</th>
<th>Commission to make policy recommendations on hiring and police code of conduct</th>
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<tbody>
<tr>
<td>OBTAINING INFORMATION</td>
<td>Oversight Commission does not need FOIAs to receive police documentation in order to review policy and complaints.</td>
<td></td>
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<tr>
<td>COMMUNICATION PLAN</td>
<td>Communication needs to be more proactive.</td>
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<tr>
<td></td>
<td>The City Council sends out email updates and has Dialog E-newsletter. The Oversight Commission should use these or similar resources to keep the community updated on what they and the ELPD are doing on regular basis.</td>
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| **4. TRUST**          |                                                                                 |---|
|-----------------------|                                                                                 |---|
| **COMPOSITION OF COMMISSION** | Student representation is important for this type of group. | Have a separate investigator commissioned on the committee. | Police Oversight Commission consist of a majority of BIPOC citizens as well as people who have diverse backgrounds and skill sets that reflect the community. |
| **DIFFERENT POLICING MODELS** | Use of social workers or mental health professionals. Do not always need someone with a badge and a gun. | Doing something like community-based policing. Would like to see policing relabeled as community service. |  |
| **COMMUNITY INPUT**   | Have forums with police officers as well.                                       |  |
| **TRANSPARENCY**      | The committee should work in the best interest of the community first and foremost and not for City Council or City Manager. |  |
| **COMMUNICATION PLAN**| Commission should have own social media outlet on Facebook and Instagram.       |  |
| **COMPLAINTS**        | Website to file complaints.                                                      |  |
| **POLICIES**          | Review policy and make recommendations.                                         | Concern over pretext stops and racial profiling. There need to be policy changes related to these. | Concern over the abuse of discretion. Identify what makes people feel safer in their own communities. Educate the public on when to call the police and how to interact with police, so that negative situations can be avoided. |
| POLICIES (cont.) | Maybe the best option is to start with a blank slate on policies and build from the ground up. |  |
|------------------|---------------------------------------------------------------------------------------------------------------------------------|  |
| HIRING PRACTICES | Hire more minorities.                                                                                                           |  |
| COMMUNITY RELATIONSHIPS | If police officers live in the city and go to grocery stores, churches or local organizations, and people see them out of uniform. Nothing beats actually being a citizen within in city you are sworn to protect. Seeing somebody at barber shop or salon. That builds the trust. Seeing each other as regular folks. | Opportunities for police officers to engage in the community. In some communities they patrol on foot or on bikes. Interacting with individuals in a positive way, versus waiting for something to happen that is negative. Police officers are part of the community and therefore they need to engage with the community and give them the opportunity to do that. That’s how you build trust. | Many community organizations (churches, civic groups) that the police could meet, talk and interact with. Things change when people get to know each other. |
| DATA | Data is a great place to have conversations and move the needle forward. |  |
| BUDGET | Commission have the opportunity to have some authority on the budgets of the police department and make recommendations on spending? That would show an investment that police are willing to put money toward community programs. |  |
| EFFECTIVENESS OF COMMISSION | Concerned the Oversight Commission will not have any real power to address police reform. | The ELPD and the Oversight Commission need to build a process that is consistent and transparent. |
MEMORANDUM

TO: City Council
FROM: George Lahanas, City Manager
DATE: July 14, 2020
SUBJECT: Visioning 2020

Our country and our community are questioning our nation’s historical landscape pertaining to racial equity and inclusion across all systems and structures. It is imperative that the City of East Lansing examine what changes can be made to our organization to make it an even more accepting, welcoming place to live, work and visit for everyone. These changes will take time and resources, and an on-going commitment, and we are confident that we can improve equity and reduce bias. We are committed to making changes within our organization.

Purpose

Recently, City Council requested our vision, specifically, for the future of the East Lansing Police Department. What follows is a preliminary plan which emphasizes problem solving, alternative dispute resolution and linking individuals to services as opposed to a more traditional emphasis on enforcement. The purpose is to provide for greater racial equity and solve community problems through the lowest possible level of intervention by the City. As we consider police reform, we are mindful of the serious responsibility and balancing that must occur. That balancing is between the need for reimagining what community-based, equitable policing should look like in the future, with the need to maintain safety and security for the community in the present.

Areas of Focus and Considerations

This document offers general recommendations in several areas: police officer staffing, alternative problem-solving positions, reducing traffic enforcement and lesser enforcement issues, training, data collection and, finally, changing the overall organizational culture to promote greater diversity, equity and inclusion within the City of East Lansing. These areas are intended to offer broad ideas and outline-level detail in order to facilitate a policy-level conversation with City Council, ultimately leading to final decisions and implementation. Further exploration, research, collaboration and legal review are necessary in order to validate our ability to implement. These could include a labor law review, conversations with unions, research into best practices for reform in other departments, criminal and civil legal review and, possibly, state level lobbying efforts.
Staffing – Sworn Officer Positions

In FY21, the East Lansing Police Department is staffed at 52 sworn positions. During budget preparation discussions, the department was budgeted for 54 sworn positions. The current reduction has resulted in the elimination of 2 supervisory positions.

The police department will maintain an acceptable level of minimum staffing in the Patrol Division based on calls for service and current expectations of the department’s service level. East Lansing is a unique community with the presence of Michigan State University. The ebb and flow of student population directly impacts the police department’s calls for service. In CY 2019 the police department received 17,894 calls for service. On average, our police officers responded to 49.02 calls per day. Calls range from minor complaints that can be resolved quickly, to major emergencies and investigations that consume several hours of an officer’s time.

The following call types were received and responded to by the department in CY 2019:
- Crimes against Property: 1,610
- Crimes against Persons: 860
- Traffic Accidents: 1,696
- Public Order Crimes: 3,979
- Miscellaneous Service Calls: 9,749

These calls for service do not account for follow up investigations nor traffic enforcement undertaken by police officers and detectives.

Community Assistance and Proactive Services (CAPS)

There is a significant level of infrastructure missing within the regional community regarding mental health response, persons in crisis, homelessness, and quality of life issue resolutions. Frequently, police officers are required to respond to such incidents despite their non-criminal nature due to the limited appropriate community resources. We recognize that a uniformed sworn police officer may not be the most appropriate person to handle these situations. In the past, the law enforcement community attempted to bridge this gap by providing officers training in crisis intervention and de-escalation. While these efforts are worthy, they have been met with limited success due to the inability of providing long-term, lasting resolutions that only a subject matter expert can facilitate.

The data shows a clear need and value in staffing a resource that can provide the care that is required in our community. In CY 2019 approximately 11% of the calls for service received by ELPD would have been eligible for an alternative response. These calls include suspicious persons, persons requiring treatment (mental health), suicidal subjects, welfare checks, runaways, and juvenile complaints. While some of these calls involve suspected criminal activity or safety concerns that require the response of a police officer, many of them are in response to a person experiencing homelessness, mental health crisis, or a family-related problem.

We propose the creation of a Community Assistance and Proactive Services Division (CAPS) within the existing structure of the police department. This unit will consist of licensed social
workers and Neighborhood Resource Specialists that can focus on community based long-term solutions to non-criminal matters.

Social Workers
Through the utilization of two existing vacant police officer positions, we will hire two City of East Lansing dedicated social workers. In working with Jan Bidwell (LMSW) of the Lansing Police Department, we have learned that the purpose of her position works to accomplish the goal of reducing “law enforcement reactions with persons that have mental health, substance abuse, and homelessness issues by increasing the quality of life for these individuals through referral recommendations.” Ms. Bidwell provided us with a comprehensive document containing recommendations that can be implemented at the East Lansing Police Department. This document has been attached for your review.

The addition of mental health professionals to the police department is in line with Governor Gretchen Whitmer’s proposal for police reforms released June 29, 2020. Among many reforms, Governor Whitmer proposes the “Department of Health and Human Services Mental Health Diversion Council make recommendations on best practices and training for police departments when responding to situations involving persons with mental illness.”

Neighborhood Resource Specialists (NRS)
Neighborhood Resource Specialists will be utilized to address civil quality of life issues that are traditionally handled by police officers. Neighborhood Resource Specialists (NRS) will provide a non-enforcement means of service to our community. These employees will mediate peaceful disputes, facilitate resolutions and give direction or resources for individuals in need of assistance. These individuals will work independently, but in conjunction with other city departments (Police, Parks & Rec., etc.), to have access and knowledge of resources available.

We propose undertaking a unique effort to recruit for these positions. Opportunities exist through the AmeriCorps Vista programs and Michigan State University School of Social Work to fill these positions with non-law enforcement minded individuals.

Very few governmental bodies have employed or developed a position like this. Traditionally, sworn law enforcement officers have absorbed these duties and tasks. It will be imperative to consistently evaluate the effectiveness of the positions to ensure the desired outcomes are being achieved. By integrating law enforcement, social workers and Neighborhood Resource Specialists in a comprehensive approach and response, the City of East Lansing will be taking a strong, distinct step forward reforming and improving safety and service to the community.

Proposed Neighborhood Resource Specialist Structure:

- Four (4) Part-time Employees (maximum 1,000 hours a year/employee)
- Neighborhood Resource Specialists report to a police supervisor
- Due to the nature of dispute resolution, safety is a paramount concern. As such, the specialist and a police supervisor will collaborate on whether a joint response to a call is necessary.
Neighborhood Response Specialists will be outfitted in “soft” functional work attire, identifying them as City employees.

Primary Responsibilities:
- Civil/Neighbor Disputes
- Nuisance Complaints (skateboarding, drones, minor noise complaints…)
- Animal Complaints
- Facility Issues
- Neighborhood Association Meetings
- Parking Disputes
- Community Events/Coordination
- Documentation Duties for Non-Criminal Reports
- Work in conjunction with City staff on reoccurring issues for long-term solutions
- Work in conjunction with ELPD Social Worker in identifying and rendering service to those in need

As the Community Assistance and Proactive Services (CAPS) unit becomes functional, City leadership will be kept apprised of its activities and success. An evaluation will be undertaken to determine the call load assumed by the unit and associated reduction of calls handled by police officers as a transfer of responsibility occurs. If supported by the data an opportunity exists for a 10% sworn staffing reduction through attrition.

Reduced Enforcement

As discussed in previous City Council meetings, the City of East Lansing’s code of ordinances is quite vast and warrants re-examination. Furthermore, the City of East Lansing has adopted the Michigan Motor Vehicle Code for use in traffic enforcement efforts. The decriminalization of current misdemeanor violations and revocation of certain ordinances may prove beneficial in ensuring individuals are not overcharged for certain behaviors and enforcement does not lead to unintentional equity issues.

The effort to reduce proactive policing of minor infractions must be an organizational wide push. Leadership from City Council in the form of ordinance reform will communicate a clear level of intent to the police department and thereby alleviate any ambiguity at the enforcement level. Command staff within the police department will be responsible for communicating Council’s intent and implementing measures to ensure the objective is being met. This will require extra vigilance of first-line supervisors to intervene when officers are dispatched to low level issues that can be safely handled by non-enforcement personnel.

With the reduction of order style policing tactics an opportunity to exists for the department to further develop an effective organizational culture change. The U.S. Department of Justice Community Oriented Policing Services (COPS) Office discusses this in their Law Enforcement Best Practices publication. A recommendation exists that community policing measures be built into a police officer’s performance appraisal. The current performance appraisal is defined in the collective bargaining agreement with both the COAM and POAM Union. We propose to work
with the bargaining groups to implement a new performance appraisal that is reflective of the desired organizational change. While professional standards should remain, a new assessment of an officer’s problem-solving skills, relationship building, and focus on problem oriented policing strategies be considered. In doing so the organization reinforces the priorities of change and importance of community relationship building.

We have also identified an opportunity to reduce the possibility of bias-influenced policing using the Michigan Law Enforcement Information Network (LEIN). Current LEIN rules allow a user to run a query on a license plate for any legitimate law enforcement purpose. This allows for the near indiscriminate use of LEIN in running vehicle license plates. East Lansing Police Department policy will be updated to limit this ability to an articulable and non-biased investigatory or public safety reason.

Data Collection

Data collection and usage continues to evolve within law enforcement. The Department of Justice Community Oriented Policing Office emphasizes the employment of quality data to accurately guide executive level decision making practices and guard against the dissemination of inaccurate information. With the current information on officer-initiated contact data, we propose pursuing a comprehensive academic-level study to determine the existence of any racial bias in our department’s proactive policing efforts.

Many methods for establishing accurate benchmarks exist. These benchmarks can be determined by analysis of traffic crash data, direct observation, or creation of an algorithm that accounts for the demographics of the driving public. The expertise and time commitment needed to establish these benchmarks and undertake a concise study far exceed the in-house capabilities of the police department. It is under this guidance that we recommend a formal study be undertaken.

In order to avoid undue influence and provide a high level of legitimacy to a study’s results we recommend that the City Manager make a recommendation to City Council regarding the commission of this study.

Training

Law enforcement training must expand to meet the expectations of the community. Expanded de-escalation training will partially meet the goal of less force employed by police officers. The police department currently has one de-escalation trainer on staff. This will be expanded by three in the fall of 2020. As begun in 2019, de-escalation training will continue to be dovetailed into current use of force scenario training sessions. The overarching goal of this format is to allow officers the opportunity to practice their de-escalation skills in scripted scenarios that they are likely to encounter in real life. If employed correctly, the scenario script may de-escalate and allow the officer to resolve the situation peacefully.

Continued implicit bias and diversity training is also being pursued. In addition to this year’s department fair and impartial policing sessions, we plan to continue having officers tour the Jim Crowe museum at Ferris State University. These field-based training efforts will also be
expanded to include the Charles H. Wright Museum of African American History in Detroit, MI. Future efforts shall include working with Ms. Elaine Hardy, the City of East Lansing’s Diversity, Equity, and Inclusion Administrator to develop a comprehensive, recurring diversity and equity training program tailored directly to law enforcement.

Adequate time for training must also be present in the police department’s schedule for it to be truly effective. As of 2016 approximately 80% of a police officer’s shift was dedicated time to their duties. This leaves very little time for effective training. With the previous proposal of the use of Neighborhood Resource Specialists, Social Workers, and reduced enforcement of minor infractions we surmise that more on shift training time will be feasible.

Lastly, Governor Whitmer’s policing reforms also notate the requirement of in-service training for officer to maintain licensure. These in-service training mandates will likely come through the Michigan Commission on Law Enforcement Standards. A dramatic shift in policing strategies will allow the department to adopt and implement future training requirements.

**Conclusion**

We are at a pivotal time in our country’s and organization’s history, when we must make meaningful change in our law enforcement response in order to provide equitable service to every community resident and guest in our City. We are prepared to make significant changes to the current way we police our community. By creating a Community Assistance and Proactive Services Team (CAPS), which adds social workers and Neighborhood Resource Specialists to the department’s response options, we will offer an appropriate, expanded resource to meet our community members’ needs. With strengthened diversity and implicit bias training for police department staff and clearly established and communicated directives regarding policing strategy, we are confident that our responsive and professional police personnel will continue to deliver excellent service. Additionally, we will commission a study to gain greater insight to discern areas of possible bias and drive future change. By implementing the steps within this plan and continuing to make incremental progressive changes, and with City Council’s support, we are confident that we can implement a transformative approach to law enforcement in our community.
Reports about Use of Force Incidents to the City Council from East Lansing Police Department, mid-2020 to mid-2021

These reports were obtained in response to FOIA requests from East Lansing Info (ELi). No redactions were made from these reports. Information is provided about 77 incidents between June 11, 2020 and May 16, 2021. Polite closings of many emails have been excluded for efficient use of space. George Lahanas said at the Council meeting on Nov. 10, 2020 that weekly reports have been made to Council members since the Council adopted a resolution on June 9, 2020 pledging to review and revise the Use of Force policy.

To: Aaron Stephens <astephens@cityofeastlansing.com>; Mark Meadows <mmeadows@cityofeastlansing.com>; Nicole Bartell <nbartel@cityofeastlansing.com>; Ruth Beier <rbeier@cityofeastlansing.com>; Lisa Babcock <lbabcock@cityofeastlansing.com>; Jessy Gregg <jgregg@cityofeastlansing.com>
Subject: Fw: Gun Related Calls
FYI
From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Thursday, June 11, 2020 8:50 AM
To: George Lahanas <glahana@cityofeastlansing.com>
Subject: Gun Related Calls
Hi George- During the overnight our officers responded to two gun related calls that I wanted to make you aware of.

1. We responded to a large fight at the 7-11 on Grove street just after 2:30am. Officers were informed that a subject had displayed a handgun, chambered a round, and began a verbal argument with a second party. Upon arrival most of the people involved had already left the scene. However, Lieutenant Vedder was flagged down by a witness who directly pointed out the person whom had brandished the handgun. Officers contacted this person on the first level of the Grove ramp. Due to the nature of the call the officers had displayed weapons, but no other use of force was employed. The subject began reaching into his pockets several times, but the officers were able to control that with verbal direction. He was temporarily handcuffed while patted down for weapons. Once the scene was safe the officers conducted an investigation speaking with several witnesses. There was one witness that directly identified the subject we contacted as the person with the gun. We also located surveillance video showing the same. The gun was never aimed at someone, so this does not rise to a Felonious Assault crime but, it is a clear cut brandishing case. As such the subject was released from the scene and we will be seeking the appropriate charges. The gun was recovered from behind a pillar near Hopcat.

2. Our officers responded to a subject off Coolidge passed out in a car. Upon contact they found the subject in that condition and were able to wake him up. He possessed a loaded handgun that was sitting on the passenger seat next to him. The subject had passed out from a Heroin overdose and was ultimately transferred to ELFD and the hospital for medical care. He did not
possess a Concealed Pistol License and therefore was violating the CCW law. We will be seeking the appropriate charges at later point in time.

From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Wednesday, August 19, 2020 11:16 AM
To: Nicole Mosteller <nmostel@cityofeastlansing.com>
Cc: George Lahanas <glahana@cityofeastlansing.com>
Subject: Use of Force Synopsis
Hi Nicole- Here is a synopsis on the two incidents from this week:

8/15/2020 – 808 Michigan Avenue: Our officers were dispatched to assist the Fire Department on an intoxicated person at this location. The individual’s blood alcohol content was above the hard threshold that requires the Paramedics to transport the person to the ER per Tri-County Medical protocols. This person was belligerent and uncooperative with the Medics refusing to get into the ambulance. Our officers assisted the Medics in picking up the subject and sitting him on their cot. No strikes or other subject control measures were used. The officers’ actions were documented in this police report.

8/17/2020 – 501 Pine Forest #201: Our officers assisted Meridian Township Police on a potential kidnapping case that originated in their jurisdiction and culminated in an East Lansing apartment complex. Meridian Police were investigating a domestic assault with forced entry, upon their arrival the victim could not be located. They were able to track both the victim and suspect to an East Lansing address. Meridian Police established enough probable cause to apply for and receive a search warrant to enter the apartment. Lacking cooperation from the suspect, officers made forced entry into the apartment and placed the suspect under arrest. The victim was located in the apartment and indicated that she was fearful of the suspect and the officers “likely saved her life”. Meridian Detectives are pursuing Home Invasion, Kidnapping, and Unlawful Imprisonment charges against the suspect. While making entry to the apartment our officers had their firearms at the ready based on the circumstances which constitutes a weapon display and requires documentation in a police report.

From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Wednesday, August 26, 2020 9:35 AM
To: George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>
Subject: Weekly Use of Force Report
Hello- Below is a synopsis of our use of force reports as noted in today’s weekly case and arrest summary. Please note that item 1 is a carry over that was reported on last week…

8/18/2020 – 6152 Farrington: One of our K9 Officers was requested to assist Meridian Township Police on a Home Invasion in progress in their jurisdiction. Dispatch had advised that an individual was allegedly using an axe to break down a door and gain entry to an apartment.
Our officer was the first on scene due to her proximity to the call. Upon arriving, she observed the suspect engaged in an argument with others and called out to him. He retreated into the apartment and refused to come out. Our officer waited for Meridian units to arrive at which point they entered the apartment where the suspect was taken into custody without further incident or force used. The criminal case is being handled by Meridian. Due to the presence of an axe and an in-progress felony crime our officer had her handgun unholstered at the “low ready” constituting a weapon display and documented in this report.

On a side note, you’ll notice Health and Safety Violations begin showing up on this report...

From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Wednesday, September 2, 2020 1:46 PM
To: Nicole Mosteller <nmostel@cityofeastlansing.com>; George Lahanas <glahana@cityofeastlansing.com>
Subject: Weekly Use of Force Report
Hello-

I only have one use of force to report for this week. The report stems from an activation of the Ingham Regional Special Response Team (IRSRT). As a point of context, IRSRT is a multi-agency tactical team that is responsible for responding to high risk situations that exceed the capabilities of a patrol officer...fancy name for SWAT. The team is comprised of officers from East Lansing, Meridian Township, Michigan State University, and Ingham County Sheriff’s Office. The incident summary is below:

8/28/20 – Firearm Display: IRSRT was activated by the Ingham County Sheriff’s Office on this date for the apprehension of an assault suspect in Aurelius Township. The suspect was allegedly armed with a firearm and knife and had barricaded himself in a garage. After a series of negotiations with the suspect it became clear that he was unable to come out of the garage due to a self-inflicted wound. The team entered the garage and was able to secure the scene without incident. The scene and medical care of the suspect was turned over to the Ingham County Sheriff’s Office and responding fire department. As a member of the entry team our officer had his firearm displayed and documented this action in this report.

From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Wednesday, September 9, 2020 9:37 AM
To: George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>
Subject: Use of Force Report
Good Morning-  We have one use of force to report from the previous week.
9/4/20: Officers were dispatched to a liquor establishment in the downtown area for a missing person. Officers spent a couple hours attempting to locate the subject through a variety of means. They then received a 911 call of a person who was causing problems at a second liquor establishment downtown. Upon arrival they observed the missing person acting aggressively towards the bar’s staff; he was under restraint by a couple of “bouncers”. When the officers arrived they let go of the subject and he immediately lunged at the bar staff and then ran away. The officers caught up to him a couple blocks away where he continued to exhibit extreme signs of intoxication and aggressiveness while standing in the middle of the road. He would not respond to any verbal direction nor calm himself down. Based on his physical condition the officers called for an ELFD medic for evaluation who determined the subject needed transport to the ER for medical care. He was handcuffed due to his aggressive behavior and officers maintained control of him with a PPCT wrist lock. He was then seated on the cot. Once in the ambulance the subject stood up and continued his aggressive behavior. He was reseated on the cot and physically restrained with the cot’s seatbelt style straps. An officer was required to ride in the ambulance with the medics during the hospital transport. He was turned over to medical staff, no criminal charges.

From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Thursday, September 17, 2020 9:04 AM
To: George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>
Subject: Weekly Use of Force Report

Good Morning- We have two use of force incidents to pass on from the past week. They are summarized below:

9/12/2020: One officer was sent to Meijer’s on a medical assist for a person suffering from a seizure; the officer arrived prior to ELFD getting on scene. As the person came out of the seizure they became combative with the officer and bystanders. The person pulled a Meijer’s employee down to the ground and shoved the officer away when she tried to intervene. Other officers and paramedics arrived. The officers attempted to gain control of the person through a PPCT wrist lock and pulling his arms into a handcuffing position. No strikes were used. The person was subsequently handcuffed and placed on the ambulance cot. It was clear his assultive behavior was a direct result of his medical condition. Therefore the officers did not pursue any type of criminal charges.

9/13/20: An officer responded to an unlawful entry at an apartment complex; a subject had walked into an occupied apartment. The officer was provided an accurate description and located the subject in the parking lot. He was extremely intoxicated and cooperative with the officer’s direction. He was compliantly handcuffed while the officer investigated his actions in the apartment. It became clear that the person had entered the apartment by mistake due to his level of intoxication. He did not have any criminal intent in doing so. He was subsequently released.
From: Adrian Ojerio aojerio@cityofeastlansing.com  
Sent: Friday, October 9, 2020 11:00 AM  
To: Diane Shafer <dshafer@cityofeastlansing.com>  
Cc: Chad Connelly <cconnel@cityofeastlansing.com>; Kim Johnson <kjohnson@cityofeastlansing.com>; Steve Gonzalez <sgonzal@cityofeastlansing.com>  
Subject: Re: Use of Force Report

10/01 - 2036402684 - Use of Force = non arrest handcuffing. Subject's mother was the caller about suicidal statements made by adult son. He was ordered by a Sparrow doctor to come in for a mental health evaluation, subject refused to be compliant and was handcuffed and TOT Sparrow for mental health order / PRT [Person Requiring Treatment].

10/04 - 2036402719 - Use of Force = PPCT iron wrist lock take down. Subject had been kicked out of multiple other establishments for being intox and causing disturbances. Subject was contacted multiple times by police and advised to go home. Subject tried to walk past officer and enter another establishment which was closed and they had asked him to leave. Subject resisted disorderly arrest with active resistance and was spitting at officers after the arrest.

From: Steve Gonzalez <sgonzal@cityofeastlansing.com>  
Sent: Wednesday, October 14, 2020 9:42 AM  
To: Nicole Mosteller <nmostel@cityofeastlansing.com>; George Lahanas <glahana@cityofeastlansing.com>  
Cc: Kim Johnson <kjohnson@cityofeastlansing.com>  
Subject: Weekly Use of Force Report  
Good Morning- We have one use of force incident to report this week. A summary is below:

634 MAC: Officers were dispatched to this location at the request of Community Mental Health (CMH). CMH stated that they had a court order for a mental health evaluation on an individual living at this location. CMH staff advised the officers that the person was refusing to comply with the court order and was physically combative. Officers contacted the individual and attempted to gain verbal compliance from him, he continued to refuse going to the hospital. During this exchange the subject swung a punch at an officer’s head. The officer was able to avoid the punch and gained control of the arm and fist. The subject was guided down to the ground where he was handcuffed without further struggle. The individual was transported to the ER pursuant to the court order. No physical injuries were sustained by the officer nor the subject. No criminal charges being sought.

From: Steve Gonzalez <sgonzal@cityofeastlansing.com>  
Sent: Wednesday, October 21, 2020 5:41 PM  
To: Nicole Mosteller <nmostel@cityofeastlansing.com>; George Lahanas <glahana@cityofeastlansing.com>  
Cc: Kim Johnson <kjohnson@cityofeastlansing.com>  
Subject: Weekly Use of Force Report
Hello- A little later in the day than I like to get this to you. However, below is a summary of our weekly use of force reports.

10/12/20: This incident is a repeat on the summary that was reported on last week. This incident involved the person who attempted to punch an officer during a mental health response call.

10/18/20: Officers were dispatched to a residence in response to a subject that had attempted to end her life by taking 20-50 prescription medicine tablets. When the officers arrived they found the individual laying on a bathroom floor and unresponsive. ELFD Paramedics arrived and began to assess the person. At that point, she stood up and began to try walking away from the Paramedics and Officers. In doing so, the individual shoved one of the officers. The officer placed the person in protective custody and used a wrist lock to attempt to handcuff her so she could be safely transported to the ER; she resisted. The officers placed her on the ground to get her handcuffed without further force. She was then placed on a cot and transported by ELFD to the ER for medical and mental health treatment. Officers completed a Person Requiring Treatment Petition at the hospital. No criminal charges being sought.

From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Thursday, November 5, 2020 8:59 AM
To: Nicole Mosteller <nmostel@cityofeastlansing.com>; George Lahanas <glahana@cityofeastlansing.com>
Cc: Kim Johnson <kjohnson@cityofeastlansing.com>
Subject: Weekly Use of Force Report
Good Morning- One use of force report to pass on this week.

10/31/20: Officers were dispatched to the 200 block of E Grand River for a Retail Fraud that had just occurred. The caller indicated that the individual had stolen several items from the store and provided a comprehensive description and direction of travel. Officers located the person in the downtown area and made contact. The subject had an active arrest warrant out of Lansing Police and admitted to stealing the items. Officers compliantly handcuffed the subject during their investigation and contacted Lansing Police to inquire if they wanted to pick the person up on their warrant; they declined. The person was issued a citation for Retail Fraud and released from the scene. Outside of the application of handcuffs there was no further force used.

From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Thursday, November 12, 2020 11:25 AM
To: George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>
Cc: Kim Johnson <kjohnson@cityofeastlansing.com>
Subject: Weekly Use of Force Report
Good Morning- A day late due to the Holiday, but here is our weekly use of force report.

**11/5/20:**
1. Officers were sent to a location where a brick had been thrown through a window. Officers had previous information that a subject had threatened to “shoot up” the location. Upon arrival they found that the hole created in the window was large enough for a person to gain access to the interior. Officers determined it necessary to search the building in case a suspect had entered inside after breaking the window. In accordance to procedure officers searched the building with their handguns unholstered and in the ready position. The officers encountered two persons inside. These individuals were compliantly handcuffed until the officers could determine that they had permission to be inside.

2. Officers were sent into Lansing Township for a mutual aid request on a shots fired call. Officers were sent to a suspect location and operated in a back up mode to Township officers. While on scene officers had their patrol rifles displayed in a slung and ready position until it was determined that there was no suspect present at the location.

**From:** Steve Gonzalez <sgonzal@cityofeastlansing.com>
**Sent:** Wednesday, November 18, 2020 1:22 PM
**To:** George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>
**Cc:** Kim Johnson <kjohnson@cityofeastlansing.com>
**Subject:** Weekly Use of Force Report

Good afternoon - There are two use of force incidents to report on from this week’s case and arrest summary.

**11/14/20:** Officers responded to a person lying unclothed and bleeding in the middle of the road in the 200 blk of Delta. Upon arrival they were told by one of the bystanders that the person had punched one of them when they tried to give assistance. Officer contacted the subject and it was clear that he was under the influence of some type of intoxicant. He required medical treatment and ELFD was summoned to the scene. Based on the subject’s assaultive behavior he was compliantly handcuffed and transported to the ER by the Paramedics. Medics requested he remained constrained while an officer rode in the ambulance to the hospital with them. The subject who was punched did not want to file any charges nor was he injured.

**11/14/20:** Officers responded to two subjects passed out / sleeping in a running vehicle. Upon making contact they immediately recognized an empty handgun holster sitting on the front console. The occupants, once woken up, told them there was a gun in the back seat. The officers asked them to step out of the vehicle. While doing so, an officer noticed the grip of a handgun sticking out of the passenger’s coat pocket. The subject was compliantly handcuffed and firearm secured for safety.
Only two use of force incidents to report for the week **11/18/20-11/25/20**:

1. Officers were dispatched to a bus stop in the 200 block of E Grand River Ave. to assist a Lansing Police Detective. The Detective had located a Lansing homicide suspect standing at a bus stop. The officer contacted this individual and placed him into custody for the Detective. He was compliantly handcuffed and handed over to LPD for transport and lodging for the Homicide charge. No other force used.

2. Officers were discharged to a Retail Fraud; store security had a complaint person in custody for attempting to steal merchandise. The suspect also had an arrest warrant out of Lansing. Officer compliantly handcuffed the suspect while they confirmed the status of the warrant and whether or not LPD wanted the person. LPD could not pick up and asked the officers to advise and release the subject on the warrant.

**11/28/20**: On this date an officer initiated a traffic stop for a motor vehicle code violation. When the officer identified the driver the LEIN system advised he had a valid outstanding arrest warrant from Rochester, MI. The officer compliantly handcuffed the driver and detained him pending confirmation of the warrant. Rochester did not want to pick the subject up and requested he be advised and released on the warrant. The driver was released with no local charges here in EL.
Good Morning- Below are ELPD’s use of force incidents for 12/21-12/28:

1. Officers responded with ELFD Paramedics on a person that had intentionally overdosed on prescription medications. Upon arrival the officers began to administer first aid to the unconscious person. The individual regained consciousness and care was turned over to ELFD. Due to his medical status he was required to be transported to the ER for advanced care under Tri-County medical protocols and placed into protective custody. The individual became aggressive with the paramedics and attempted to get off the cot. Officers held the subject to the cot by the arms/shoulders and legs while he was secured. He was transported to the hospital without further incident.
   i. Subject: Hispanic Male
   ii. Officers: White Males

2. Officers were dispatched to a city parking ramp for a subject spray painting on a wall and glass window. The officers arrived and found the subject actively spray painting on an upper level. He was told that he was going to be placed under arrest for malicious destruction of property and given verbal direction to place his hands behind his back. Upon applying the first handcuff the subject pulled away from the officers and continued to refuse verbal direction. They were able to pull him to the ground where he continued resistance. After more verbal commands he placed his hands behind his back and was fully handcuffed.
   i. Subject: White Male
   ii. Officer: White Male

3. An officer responded to a car deer accident. The deer received a fatal injury, but was still alive when the officer arrived. The officer used his handgun to put the deer down.

4. Officers were dispatched to a closed office building during the overnight hours. A cleaning crew found an individual in the building that was not supposed to be there. Officers made contact with the person on the second floor. He indicated that he was looking for a place to “smoke”. The LEIN system indicated that the subject had active warrants for his arrest. An officer compliantly handcuffed the subject while the warrants were confirmed and the holding agency contacted. The agency declined pick up. Prior to release the subject told the officers that he had consumed some prescription pills and was afraid he had taken too many. ELFD was summoned and the subject was voluntarily transported to the hospital.
   i. Subject: White Male
   ii. Officer: White Male

5. Officers were dispatched to an apartment complex parking lot for a vehicle that was occupied for an extended period of time with the trunk open. Upon arrival the officers contacted the occupants. The LEIN system indicated that one of the occupants had multiple warrants out for his arrest. He was compliantly handcuffed while the warrants were confirmed and holding agency contacted.
   i. Subject: White Male
   ii. Officer: White Male
From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Wednesday, January 6, 2021 2:02 PM
To: George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>
Cc: Kim Johnson <kjohnson@cityofeastlansing.com>

Good Afternoon - With the Holidays behind us we will be back on schedule with Wednesday use of force reporting each week. For the period of 12/28/20–1/4/21 we have three incidents to pass on:

1. Officers responded to a retail store for a shoplifting call. Upon arrival, the officers contacted management and the alleged shoplifter. The officers established facts to support enough probable cause that the person they were in contact with was in fact responsible for the theft of several items. The suspect was compliantly handcuffed while being detained. The officers issued a citation for Retail Fraud and released the suspect from the scene.
   Subject: Black Male
   Officer: White Male

2. Officers responded to a 911 call at a private home. One of the residents reported that a family member was having a mental health crisis and becoming extremely violent. The 911 caller had barricaded themselves inside a room and the family member was attempting to get in. While on the way to the scene the officers were informed that the subject had a screwdriver and was using the tool to try and gain access to the caller. Once they arrived the officers could hear yelling and banging coming from inside the home. They entered through an unlocked door with one officer having an unholstered Taser due to the presence of a weapon. The officers encountered the subject and were able to subdue them through gaining control of their arms and legs. The subject was handcuffed and turned over to ELFD Paramedics for transport to the hospital and further evaluation.
   Subject: Unknown Female
   Officer: White Male & White Female

3. Officers responded to a 911 call of a subject threatening suicide and holding a knife to their throat. The officer arrived and made contact with the subject. Due to the presence of a knife one officer had an unholstered Taser, the other an unholstered firearm. Once the subject was contacted they were able to handcuff them without further incident and turn them over to ELFD for medical care and transport to the hospital.
   Subject: Black Male
   Officer: White Female & White Male

From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Wednesday, January 13, 2021 12:46 PM
To: Nicole Mosteller <nmostel@cityofeastlansing.com>; George Lahanas <glahana@cityofeastlansing.com>; Kim Johnson <kjohnson@cityofeastlansing.com>
Hello- There are four use of force incidents to report for the time period of 1/4/21 to 1/11/21. They are as follows:

1. Livingston County Sheriff’s Deputies, Officers from the Brighton Police Department, and Michigan State Police were involved in a vehicle pursuit with suspects from an armed robbery of a cell phone store in the City of Brighton. During the robbery a handgun was seen by the victim. The pursuit was terminated by these agencies just prior to entering the City of East Lansing. However, the stolen phones were tracked via GPS to the area of Bainbridge and Loree. East Lansing Officers were requested to assist with a search of the neighborhood for the suspects. The above agencies and East Lansing Officers began a foot search of the area and were pointed in the direction that residents had witnessed the suspect run through various yards. 2 East Lansing Officers had their weapons unholstered as they searched for the suspects. Two suspects were located hiding in the yards in this area. They were taken into custody without further force and turned over to Livingston and Brighton officers for charge proceedings.
   i. Subjects: Two Black Males
   ii. Officers: Two White Males

2. Officers were dispatched to an apartment where a subject was assaulting a person they used to be in a relationship with. The subject was also damaging property within the apartment. The officers arrived and met with the caller outside of the apartment. It was not known whether the subject was still in the apartment or not. The officers entered the apartment to clear the residence with their handguns unholstered. The subject was not in the apartment, but they did encounter a roommate hiding in a closet. No force used related to this person.
   *Please note that this report appears on the weekly case and arrest summary, but our weekly audit found that the report did not contain a use of force file class. The Captain is addressing this with the reporting officer to ensure it is corrected.
   i. Subject: Unknown Female
   ii. Officers: White Male / White Female

3. Officers were dispatched to a robbery at an apartment. The suspects had left prior to the first officer’s arrival. The officer began the investigation with the victims and directed other units to perimeter points for a K9 track. The officer ran with the K9 handler on the track and had his rifle slung constituting the display. The suspects were not located.
   *Please note that this report appears on the weekly case and arrest summary, but our weekly audit found that the report did not contain a use of force file class. The Captain is addressing this with the reporting officer to ensure it is corrected.
   i. Subjects: 2 Unknown Males
   ii. Officer: White Male

4. Officers were dispatched to an apartment for a domestic disturbance. The caller was moving out of the apartment after ending a relationship with the other subject. This subject was extremely upset and began to make statements indicating they wanted to harm themselves.
The subject told the officers that they wanted to commit suicide and wanted the officers to shoot her. Based on these statements and irrational actions the officers were required to take the subject into protective custody as a person requiring treatment. The subject was handcuffed, the officers held on to her arms and escorted her over to ELFD personnel for transport to the hospital.

i. Subject: White Female
ii. Officers: Two White Males

From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Wednesday, January 20, 2021 3:00 PM
To: George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>
Cc: Kim Johnson <kjohnson@cityofeastlansing.com>
Subject: Use of Force 1/11/21-1/18/21
Hello- The 1/11/21-1/18/21 Case and Arrest Summary report contains three use of force incidents to pass on today. They are as follows:

1/11/21: This is a repeat from last week’s report. This incident is detailed in item #4 on last week’s email...

1/13/21: A homeowner called for an officer because a deer was significantly injured lying in their yard. The officer determined that the injury was non-survivable for the deer and had to put it down constituting a firearm discharge.

1/14/21: An officer observed a vehicle that was stolen out of Meridian Township. While attempting to catch up to it and initiate a traffic stop the vehicle attempted to evade the officer. The vehicle pulled into a driveway attempting to hide. As the officer pulled up to the vehicle the occupant got out and began to run. The subject refused to obey commands to stop and a lengthy foot pursuit ensued. Officers found the subject attempting to hide near a building. At one point the subject would not show his hands to the officers. Based on the circumstances the officers had an unholstered Taser, handgun, and patrol rifle displayed while providing verbal commands to the subject. The subject eventually complied with the verbal direction and was handcuffed without further force.

Suspect: White Male
Officers: White Male x 2, Hispanic Female, Black Male, White Female

From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Wednesday, January 27, 2021 4:17 PM
To: George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>
Cc: Kim Johnson <kjohnson@cityofeastlansing.com>
Subject: 1/18/21-1/25/21 Use of Force Report
Hello- One use of force incident to pass on from the past week:
1/24/21: Officers were dispatched to an apartment to conduct a welfare check on a visitor to the residence; the caller was a resident of the apartment. When officers made contact with the caller they indicated that their visitor had begun acting strange and they wished him to leave. Officers spoke with the visitor and noticed out of the norm behavior, but nothing rising to the level of a Person Requiring Treatment (PRT). He was compliant in leaving the apartment and officers were working out another location to give him a ride to, i.e. hotel, another friend etc. It was at this time that he began exhibiting symptoms of a mental health crisis, anxiety, paranoia and hallucinations. The officers requested ELFD paramedics to the scene; it was determined he now met the criteria for further medical evaluation. He was compliant in getting into the ambulance. However, after a short time he jumped out of the ambulance and tried to run away. The officers gained control of him by holding on to his arms through a “bearhug”. He calmed and they were able to gain his compliance of getting back into the ambulance without further force. He was taken to the ER for evaluation and PRT.

Subject: Hispanic Male
Officers: White Male & White Female

From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Tuesday, February 9, 2021 1:49 PM
To: Nicole Mosteller <nmostel@cityofeastlansing.com>
Cc: Kim Johnson <kjohnson@cityofeastlansing.com>; George Lahanas <glahana@cityofeastlansing.com>
Subject: Use of Force Report 2/1/21-2/8/21
Hello- There is one use of force incident to report for 2/1/21 through 2/8/21:

2/8/21: Officers were dispatched to a residence for an alleged stolen vehicle. The caller indicated that her boyfriend had stolen her vehicle. When the officers arrived they contacted the caller and were informed that the boyfriend had stolen her vehicle, he was on his way back to the residence, often has needles and heroin in the vehicle, and is often violent. While speaking with the caller the boyfriend walked into the residence. The officers handcuffed the boyfriend and detained him during the investigation; he was sat in a patrol car. An interview was conducted with the boyfriend after Miranda Rights were given. The owner of the vehicle authorized a consent search of the vehicle. The boyfriend indicated he had permission to take the vehicle. The information learned by the officers did not support an arrest nor criminal charges. The boyfriend was released at the scene.

Suspect: White Male
Officers: White Female, White Male

From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Wednesday, February 17, 2021 4:22 PM
To: George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>
Cc: Kim Johnson <kjohnson@cityofeastlansing.com>
Subject: Use of Force Report 2/8/21-2/15/21
Hello- Here is our weekly use of force report for 2/8/21 through 2/15/21:

2/11/21: Officers were advised of a weapons complaint in the Ingham County Sheriff’s Office jurisdiction. Dispatched indicated that a driver had pointed a gun at another driver. The suspect’s vehicle description and license plate was provided to the officers. The suspect was last seen driving towards East Lansing. Officers located the suspect vehicle and initiated a traffic stop. Due to the presence of an alleged gun the officers unholstered their handguns and ordered the driver to show their hands. The driver complied. The driver told the officer he had a gun. The officer had the suspect step out of the vehicle and was handcuffed. A gun was recovered from the car. A Sheriff’s Deputy responded to the scene, the case was turned over to them as they had original jurisdiction.
   Suspect: Black Male
   Officers: White Males X2, Black Male

From: Chad Connelly <cconnell@cityofeastlansing.com>
Sent: Wednesday, February 24, 2021 1:01 PM
To: Kim Johnson <kjohnson@cityofeastlansing.com>; George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>
Subject: ELPD Weekly Use of Force
Hello, Here is the breakdown of our weekly Use of Force for 2/15 through 2/22 of 2021.

2/19/21: Our officers assisted Lansing Township Police with a track for a suspect wanted for UDAA / Flee & Elude. The K-9 on scene tracked to an apartment and our officers assisted in locating/arresting the suspect who was hiding in the mailbox storage area. Our Officer did have his duty sidearm drawn while searching for the Felony suspect. Once he was located, the LTPD Sgt. tased him due to him being aggressive and screaming for the cops to shoot him.
   Suspect: W/M
   Officers: W/M x3

2/20/21: An officer responded to a noise complaint in the 1000 Block of W. Grand River. Upon arrival, the officer witnessed two subjects fighting. As the aggressor got up to go back after the victim, our officer intervened by physical holding/pushing the suspect back and arresting him.
   Suspect: W/M    Victim: W/M    Witness: W/F
   Officer: W/M

2/21/21: Our officers did conduct a Felony Stop on a suspect in a Felonious Domestic where an edged weapon was used. The male victim did sustain a cut to his hand, which needed medical attention. Our officer did point their duty weapons at the suspect in her vehicle as they conducted a Felony Stop due to the severe nature of the crime as it involved an edged weapon.
   Suspect: W/F
   Officers: W/F & H/F
Hello, Here is the breakdown of our weekly Use of Force for 2/22 through 3/02 of 2021.

2/26/21: Our Officers responded to multiple calls of subjects who had been in a fight and one was now armed with an assault rifle. ELPD Officers did locate the group of young males and did have their duty weapons drawn while controlling the suspects. One subject was carrying a rifle at the time of contact (BB Gun Replica upon inspection)

Suspects: W/M x 4  
Suspect: B/M  
Officers: W/M x3 & W/F

2/27/21: Officers responded to a complaint of a subject armed with a knife who had threatened the reporting party. The suspect was located and a machete was found on his person. Officers did display their duty sidearm and Tazer while taking control of the scene and subject.

Suspect: W/M  
Officer: B/F & W/M

3/3/21: Our Officers came into contact with an injured extremely intoxicated subject. He required medical care and eventually became agitated and assaultive toward ELFD Staff. Our officers did have to use physical controls to restrain and get the subject to comply with being transported to Sparrow for treatment. He was found bleeding from the mouth and with his pants down in the East Lot upon initial contact. His friend became agitated as well and had to be escorted out of the sally port after repetitive verbal commands and orders to stay back.

Suspect: W/M  
Other: W/M  
Officers: W/M x2 H/F x1

3/5/21: Officers responded to a Felonious Assault where a subject was cut with a knife. Upon arrival the officers had contact with the victim, and did make contact with the suspect as well who was in mental distress and sent for Medical / Mental treatment and evaluation. Officer did have their issued weapons drawn for safety reasons upon making contact with the suspect.

Social Worker Referral completed
Suspect: W/M  
Victim: W/M  
Officer: W/F, B/F, W/M & B/M

3/6/21: Our officers did respond to a juvenile in mental distress who was armed with an edged weapon. Officers were able to disarm him by swatting the knife out of his hand. Social Worker responded, subject was sent for treatment.
  Suspect: U/M  
  Officers: W/F, B/F & W/M x2

From: Chad Connelly <cconnel@cityofeastlansing.com>
Sent: Wednesday, March 17, 2021 11:11 AM
To: Kim Johnson <kjohnson@cityofeastlansing.com>; George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>
Cc: Steve Gonzalez <sgonzal@cityofeastlansing.com>; Chad Connelly <cconnel@cityofeastlansing.com>
Subject: Use of Force Report for 3/8 - 3/15
Here is the breakdown of our weekly Use of Force for 3/8 through 3/15 of 2021.

3/11/21: Our officers did draw their duty weapons as they made entry into a house where the resident called stating someone was possibly breaking in. They did locate an open door at the rear of the house and clear the residence. No one was located in the residence other than the resident.
  Resident: W/M  
  Officers: W/M x2 B/M x1

3/13/21: Officers responded to a subject in mental distress and the subject was sent for Medical /Mental evaluation. Officers did have to handcuff the subject for safety reasons upon making the decision to PRT the subject.
  Subject: W/M  
  Officer: W/M

From: Chad Connelly <cconnel@cityofeastlansing.com>
Sent: Wednesday, March 24, 2021 10:43 AM
To: George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>; Kim Johnson <kjohnson@cityofeastlansing.com>
Cc: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Subject: Use of Force Summary 3/15/21 - 3/22/21
Good Afternoon,
Here is a breakdown of the all of ELPD’s Uses of Force for the last calendar week.

3/20/21: Officers responded to a call for a female subject who threatened the male home owner with a knife. Upon arrival and contact with the female suspect officers did draw their
duty weapon (not pointed at suspect) and tazer (pointed at suspect) when the female subject came around the corner with items in her hands against their directions, and initially refused to comply with order. She was secured and searched she still had an edged weapon on her. She was transported to Sparrow for mental health issues and not transported to ELPD. *On the weekly report this will show up as two Uses of Force due to one officer drawing a sidearm and one officer drawing a Tazer.*

- **Victim:** B/M
- **Suspect:** W/F
- **Officers:** W/M, H/M & B/F

**3/20/21:** A officer did use physical restraint of holding onto a subject after apprehending him after a short foot chase. The suspect was witnessed Urinating in the Grand River/Abbot area and immediately fled on foot prior to contact. He tripped on his own accord allowing the officer to catch up and take him into custody.

- **Suspect:** W/M
- **Officer:** W/M

**3/22/21:** Officers responded to a call about a subject possibly assaulting another subject at Alton Park. The person reported to have committed the assault was handcuffed at his request but later released due to the initial reported crime not occurring in East Lansing. During the investigation it was determined that the initial assault did not occur in East Lansing. A secondary alleged assault may have though. The suspect was released and ELPD is investigating the second allegation.

- **Suspect:** B/M
- **Victim/Caller:** B/F
- **Officers:** W/F & W/M x2

**3/22/21:** Officers did locate and take into custody a suspect who was in a stolen car and in possession of methamphetamine. Duty issued sidearms were pointed at the occupant during the course of the high risk (Felony Stop).

- **Suspect:** W/M
- **Officers:** W/F, H/F, W/M x3

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From: Steve Gonzalez <sgonzal@cityofeastlansing.com>
Sent: Wednesday, March 31, 2021 12:55 PM
To: Kim Johnson <kjohnson@cityofeastlansing.com>; George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>

Hello- There are four use of force incidents to report this week. They are as follows:

1. Officers were dispatched to Patriarche Park regarding an individual who had spit on the caller’s vehicle and was also seen striking a child. Upon arriving, the officers made contact with the caller who pointed out the person who spit on her vehicle and allegedly struck the
child that was with him. Bystanders at the scene also pointed the suspect out to the officers as the person responsible for these acts. The Officers approached the suspect to speak with him when he immediately began yelling at the officers to handcuff him. He laid down on the ground and presented his hands for cuffing. The officers compliantly handcuffed the suspect while they determined the facts of incident. After speaking with the victim, the suspect, witnesses, and the child involved, they determined that there was not enough probable cause to support a warrantless arrest of the suspect. The suspect was released, and the case has been referred to our detective bureau and child protective services for further investigation.

a. Demographics:
   i. Officers: W/M & W/F
   ii. Suspect: B/M

2. Officers located a known stolen vehicle from the City of Lansing in the parking lot of a business. The vehicle was occupied by one person. As the officers were developing a plan to safely contact the driver he began to leave the lot. The officers stopped the vehicle in the parking lot and conducted a modified felony stop due to the positioning of the vehicle. During the felony stop, the officers had their weapons unholstered per protocols. The suspect complied with commands and was taken into custody without further force. The appropriate charges for being in possession of the stolen vehicle and narcotics are being sought with the Ingham County Prosecutor’s Office.
   a. Demographics
      i. Officers: H/F, W/F, 3 W/M
      ii. Suspect: W/M

3. Officers were dispatched to a fight/assault that was occurring at a private residence. While on the way to the scene, the officers were notified that a subject had a gun and had fired a round into the ground. The officers were provided with a possible suspect vehicle that was leaving the scene at a high rate of speed. Officers located that vehicle as it was leaving the area and performed a felony stop on the vehicle. The officers had their weapons unholstered per protocols and compliantly handcuffed the occupants of the vehicle without further force. While none of the occupants were identified as being the person who fired the gun, they were identified as being involved in the assault. They were identified and released at the scene. The appropriate charges are being sought.
   a. Demographics
      i. Officers: H/F, W/F, 3 W/M
      ii. Suspects: 3 W/M

4. Officers were dispatched to a mental health facility to take a person into protective custody per a court order. The officers had prior experience with the subject who had attempted to assault the officers. The officers contacted the person and talked with him regarding the court order. The person was verbally non-compliant, yelling at the officers and telling them he was not going to go to the hospital with them. The officers were able to talk with him for a period of time, eventually gaining compliance. Due to his past and current behavior, the officers compliantly handcuffed the person for safety reasons. He was transported to the hospital.
without incident or further force.
        a. Demographics:
           i. Officers: 2 W/M
           ii. Person: A/M

From: Chad Connelly <cconnel@cityofeastlansing.com>
Sent: Wednesday, April 7, 2021 11:17 AM
To: Steve Gonzalez <sgonzal@cityofeastlansing.com>; Kim Johnson <kjohnson@cityofeastlansing.com>; Scott House <shouse@cityofeastlansing.com>; George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>
Cc: Chad Connelly <cconnel@cityofeastlansing.com>
Subject: Use of Force Summary 3/29 to 4/5

Hello,

On **3/29/21** Use of Force covered last week by DC Gonzalez.

On **3/31/21** Officers had contact with a female subject from a traffic stop. A subject involved was arrested for open alcohol in a Motor Vehicle. She resisted officers, they did have to use physical controls to get her in the police vehicle after being placed under arrest. She attempted to damage the backseat area by trying to kick the door open. No damage resulted to the vehicle, and she was transported without incident, uninjured to the jail. Later during booking, it was determined she needed medical assessment due to being extremely intoxicated (4 x the legal limit for driving). Medics determined she had to go to the hospital. Once inside the ambulance, she refused to be seat belted in. The Medics decided to belt her down to the gurney with restraints. This led to her resisting again. While securing her to the gurney, she kicked a paramedic and bit a police officer. This resulted in officers physically restraining her again.

   Suspect – W/F
   Officers – W/F, B/M, 2 W/M

On **4/1/21** Officers responded to a domestic assault which involved a female subject with a knife. Officers on scene did display various weapons (Tazer/Sidearm) while taking control of the situation. Once the threat was no longer present, the suspect began to make claims that she wanted to harm herself. She was eventually turned over to ELFD Medics for transport and treatment. Once on the medic cot, she became assaultive toward medics and Officers. They then had to use physical controls to restrain her from the assaultive behavior, while being restrained to the medic cot. This incident resulted in two police reports, there are a number of listed Uses of Force on the weekly report for this one call for service.

   Suspect – W/F
   Officers – 3 W/M, 1 B/M, 1 W/F
Hello, here is a breakdown of each Use of Force for the listed week:

On **4/7/21** Officers were sent to deal with a Court Ordered PRT (Person Requiring Treatment). They found the subject walking on Abbot and were able to make contact with him. He did not want to comply, but officers on scene were able to deescalate the situation enough to get him secured. He was transported for evaluation.

  Subject: B/M
  Officers: W/F & W/M

On **4/8/21** Officers responded to a report of a stolen car from a home in East Lansing. With some investigation, they were able to use On-Star to locate the vehicle. The vehicle was stationary within a mile of the victim’s home. The responding officer located the car and the suspect fled from the drivers seat. After a brief foot chase, the suspect went to the ground on his own accord and officers did point their issued sidearm / tazer at him while taking him into custody.

  Suspect: B/M
  Officers: B/M & W/M

On **4/11/21** Officers responded to a fight call. After some investigation, it was determined that the male subject contacted was potentially in violation of a conditional bond release. Officers secured him for safety reasons, and after interviewing subjects on scene and gathering better information, it was deemed that there was no violation. He was uncuffed and released.

  Subjects: W/M & 3 W/F
  Officers: 2 W/M

On **4/11/21** Officers responded to a reported Domestic Assault. The accused was located and handcuffed for safety reasons. As the investigation continued, it was determined that there were conflicting stories. It was deemed appropriate in this case to seek through the prosecutor for a number of reasons in lieu of making an arrest. The subject was uncuffed and released.

  Subjects: B/M & B/F
  Officers: B/F & W/M
Subject: Use of Force Summary 4/12 - 4/19

Hello,

On 4/16, Officers responded to a call for a subject in mental crisis who was suffering from delusions and paranoia. He had to be taken into protective custody and was sent to the hospital for treatment. Officers did use physical controls within our policy to restrain him and place him in handcuffs for transport by ELFD.

Subject – W/M
Officers – 2 W/M, O/M & H/F

On 4-17, Officers were dispatched to a subject passed out in the driver’s seat of a vehicle in a drive through of restaurant. The car was in gear and Officers observed a handgun in the car near the subject. An Officer did draw their firearm while they were trying to wake the subject and get him away from the weapon. The subject was eventually removed from the car and secured for safety reasons.

Subject – B/M
Officers – 2 W/M

On 4-17, Officers stopped a vehicle. The driver was a valid CPL (concealed pistol license) holder but told the Officers he did not have a weapon with him. Upon a search of the vehicle, a handgun was located in the vehicle. The subjects were secured (handcuffed) until the situation was resolved.

Subject – Unk/M
Veh. Owner – W/F
Officers – 3 W/M

Capt. Chad Connelly

From: Chad Connelly <cconnel@cityofeastlansing.com>
Sent: Wednesday, April 28, 2021 10:21 AM
To: Kim Johnson <kjohnson@cityofeastlansing.com>; Steve Gonzalez <sgonzal@cityofeastlansing.com>; George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>
Subject: Use of Force Summary 4/19 to 4/26

Good Afternoon,

On 4-21-21 Officers were dispatched to a subject who entered a home illegally and was stealing the car at the residence. Upon leaving in the car, the subject struck the house with the vehicle as well. Officers located the suspect in the car and performed a Felony Stop on the subject. He was ordered out of the car at gun point and was handcuffed. He was compliant after being handcuffed.

Suspect: B/M
Officers: W/F & 2-W/M
On 4-21-21 Officers were dispatched to assist Lansing Police on a suicidal subject. Upon arrival, the subject was screaming that he wanted to kill himself with a knife nearby. Officers were able to deescalate him and did handcuff him for safety purposes.

Subject: B/M
Officers: W/M & W/F

On 4-22-21 Officers were dispatched to a report of a assault. While on the way there, they were informed that an involved party did have 3 warrants for his arrest. They did handcuff him upon making contact with him. It was determined during this encounter that he had an injury to his left hand and he requested medical attention. He was turned over to medics for treatment and released. The injury to his hand occurred prior to any contact with ELPD.

Suspect: B/M
Officers: 2 W/M

On 4-23-21 Officers were dispatched to a report of 2 Black Males who had entered a house party and were stealing wallets. After a short search, a subject was detained and later released pending further investigation. The force used was simply grabbing a hold of him as he tried to walk away from the officers making contact. The subject who is known to police was not cooperative, it was determined through investigation and camera review the subject was involved in this incident.

Subjects: 2 B/M (only one contacted)
Officers: B/M, 4 W/M

On 4-24-21 Officers were dispatched and responded to a call for a subject who had brandished a handgun and threatened to shoot people at a house downtown. The vehicle he was in was stopped and officers did display their issued firearms as is protocol for a “Felony Stop.” After conducting the stop, a BB Gun was located in the car and the described suspect was as well. The car was occupied by multiple subjects who ranged in age from 15-17. They were all detained.

Suspect: Unk/M
Subjects: 3 B/M’s, 1 Unk/M
Officers: 3 W/M’s, 1 W/F, B/M

On 4-24-21 Officers were dispatched to an apartment downtown for a subject who was pointing a gun at people. Upon arrival, an officer spotted the suspect exiting the building and grabbed his arm as the accused tried to walk by him. The suspect had a handgun in his waist band, (gun was determined to be stolen).

Suspect: B/M
Officers: 2 W/M, B/M, W/F

On 4-24-21 an ELPD Officer was dispatched to assist a neighboring jurisdiction on a K-9 Track for a suspect who had shot at a Police Officer, and was wanted for attempted murder. Once arriving, the Officer assisted in locating the subject. He did point his duty issued sidearm at the subject once he was located.
From: Chad Connelly <cconnel@cityofeastlansing.com>
Sent: Wednesday, May 5, 2021 9:37 AM
To: George Lahanas <glahana@cityofeastlansing.com>; Kim Johnson <kjohnson@cityofeastlansing.com>; Steve Gonzalez <sgonzal@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>
Subject: Use of Force Summary 4/26/21 to 5/3/21

On 4/30/21, multiple officers were dispatched to a subject in crisis who was armed with a knife. Officers did make contact with the subject in mental crisis and did handcuff him for security until the scene was stabilized. Once the scene was stabilized and it was determined the subject was not armed, the handcuffs were taken off and he was sent for medical treatment. Some officers did have their duty issued weapons out but never pointed them at the subject.

  Subject: W/M
  Caller: W/F
  Officers: 2 W/F, 2 B/M, 4 W/M

On 5/1/21, a subject with a Felony Warrant was handcuffed on a traffic stop. Once it was determined the issuing agency did not want custody of the subject, he was uncuffed and released.

  Subject: W/M
  Officers: 2 W/M

From: Chad Connelly <cconnel@cityofeastlansing.com>
Sent: Wednesday, May 12, 2021 9:31 AM
To: George Lahanas <glahana@cityofeastlansing.com>; Kim Johnson <kjohnson@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>; Steve Gonzalez <sgonzal@cityofeastlansing.com>
Subject: Use of Force Summary 5/3/21 - 5/10/21

Hello, Here is the summary for all uses of force by ELPD personnel for the week running 5/3 – 5/10, 2021.

On 5/4/21, Officers and Medics were dispatched to two individuals sleeping in a car in the Meijer parking lot. Upon medics trying to wake them up, they took off in the car and went into an adjacent parking lot. ELPD Officers found them there in the car and made contact. The driver was run through evaluations for operating under the influence and was eventually arrested for suspected Operating Under the Influence of Drugs. Once Officers tried to handcuff him, he began to physically resist. Officers did forcibly place his hands behind his back and secure him.

  Suspect: B/M
  Subject: B/M
  Officers: W/M x2
From: Chad Connelly <cconnel@cityofeastlansing.com>
Sent: Wednesday, May 19, 2021 9:50 AM
To: George Lahanas <glahana@cityofeastlansing.com>; Nicole Mosteller <nmostel@cityofeastlansing.com>; Kim Johnson <kjohnson@cityofeastlansing.com>; Steve Gonzalez <sgonzal@cityofeastlansing.com>
Subject: Use of Force Summary 5/11 - 5/17

Good Morning, Here is a list of the our Uses of Force for the week. Please feel free to reach out if you have any questions...

On **5/15**, Officers were *dispatched* to a subject banging on a door late at night. While Officers were on the way to the scene, dispatch advised the subject was now forcibly trying to kick in the door. The first officer to arrive did give verbal commands to the subject which were ignored by the suspect. He eventually did point his taser at the suspect and advised he would tase him if he continued to ignore his commands. The suspect then complied and was handcuffed. The subject was found to be extremely intoxicated and was sent for medical evaluation.

- **Suspect** – W/M
- **Ofc.** – W/M

On **5/16**, an Officer performed a traffic stop on a driver with multiple warrants for his arrest. The driver of the car was secured pending warrant confirmation and issuing agency response. The issuing agencies deemed they did not/could not pick the suspect up on the warrants so he was released without issue.

- **Suspect** – B/M
- **Ofc.** – W/M & B/M
City of East Lansing

RESOLUTION TO COMMIT TO ACTION TO REVIEW, ENGAGE, REPORT AND REFORM POLICING POLICIES IN THE CITY OF EAST LANSING

June 9, 2020

WHEREAS, the killings of George Floyd, Breonna Taylor, Ahmaud Arbery, and the loss of far too many Black lives to list, have left our nation anguished and outraged; and,

WHEREAS, more than 1,000 people are killed by police every year in America, and Black people are three times more likely to be killed than White people; and,

WHEREAS, we can take steps and make reforms to combat police violence and systemic racism within law enforcement; and,

WHEREAS, together, we can work to redefine public safety so that it recognizes the humanity and dignity of every person; and,

WHEREAS, Mayors and other City Council officials are uniquely positioned to introduce common-sense limits on police use of force.

THEREFORE, BE IT RESOLVED, that the East Lansing City Council commits to the following actions:

1. REVIEW our police use of force policies.
2. ENGAGE our communities by including a diverse range of input, experiences, and stories in your review.
3. REPORT the findings of your review to your community and seek feedback.
4. REFORM our community’s police use of force policies.
STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

EVAN STIVERS,  
Plaintiff,  

v  

CITY OF EAST LANSING, a Michigan municipal corporation, 

Defendant.

File No. 16-188-CZ  
Hon. Rosemarie E. Aquilina

Daniel E. Manville (P39731)  
Attorney for Plaintiff  
610 Abbot Road  
East Lansing, MI 48823  
(517) 336-8088 X 1137

Thomas M. Yeadon (P38237)  
Attorney for Defendant  
601 Abbot Road, PO Box 2502  
East Lansing, MI 48826-2502  
(517) 351-0280

Daniel S. Korobkin (P72842)  
Attorney for Plaintiff  
2966 Woodward Avenue  
Detroit, MI 48201  
(313) 578-6824

STIPULATION

NOW COME the parties, by and through their respective attorneys, and hereby stipulate and agree as follows:

RECITALS

WHEREAS, Plaintiff filed with the City of East Lansing a request under Michigan's Freedom of Information Act, being MCL 15.231, et seq, seeking all citizen complaints filed against certain police officers of the East Lansing Police Department; and
WHEREAS, the City of East Lansing denied the request for disclosure of the records as exempt pursuant to MCL 15.243(1)(b)(i) for the reason that certain complaints were still pending disposition, and pursuant to MCL 15.243(1)(s)(ix) for the reason that the public interest in disclosure did not outweigh the public interest in nondisclosure in instances where the complaints have not been sustained or the officers have been exonerated; and

WHEREAS, Plaintiff appealed the denial to the City Manager for the City of East Lansing; and

WHEREAS, the City Manager upheld the denial of the records as exempt; and

WHEREAS, the Plaintiff subsequently filed this litigation with attorneys for the Michigan State University College of Law Civil Rights Clinic and the American Civil Liberties Union Fund of Michigan representing him; and

WHEREAS, the parties wish to resolve this case and avoid future litigation over similar requests, pursuant to Michigan’s Freedom of Information Act, for copies of citizen complaints and related documents that have been filed with the City of East Lansing against East Lansing police officers.

SETTLEMENT

1. Except as provided in paragraph 2 below, it is therefore agreed that in this case and in response to future requests, unless and until there is a relevant change in the statute governing such requests or a relevant published appellate opinion, the Defendant, City of East Lansing, shall release, pursuant to the procedures set forth in Michigan’s Freedom of Information Act, the following records when a request is made for records pertaining to complaints against East Lansing Police Officers:
A. Copies of all citizen complaints against East Lansing police officers regardless of the nature of the complaint or the disposition. For purposes of this settlement, the “Complaint” means the filled out form attached hereto as Exhibit A (or any comparable form subsequently used by the East Lansing Police Department). The Complaint may be redacted pursuant to paragraph 2 A.

B. Any attachments to the complainant filed with the Complaint. The attachments may be redacted pursuant to paragraph 2 A.

C. The disposition of the Complaint as shown by the marked box on Exhibit A (or any comparable form subsequently used by the East Lansing Police Department). If a disposition is not shown on the form, the City will provide copies of any other documents that show the disposition.

2. Notwithstanding the provisions of paragraph 1, above, this settlement agreement does not require the disclosure of the following records or portions of records in instances where Defendant, City of East Lansing, determines that such information is exempt, pursuant to the procedures set forth in Michigan’s Freedom of Information Act:

A. The name and address and any other identifying information of the complainant or victim (if other than the complainant).

B. Complaints where the investigation is still pending (until such time as the investigation is concluded).

C. Interviews with complainants and officers, witness interviews and witness statements, along with the investigating officers’ opinions and commentary regarding these statements.

D. Internal complaints against officers filed by other employees of the East Lansing Police Department.

3. It is further stipulated and agreed that the City of East Lansing will pay Four Thousand Dollars ($4,000.00) to Plaintiff’s attorney, Daniel E. Manville (P39731), within 30 days following entry of the order in this case, and that said payment shall constitute a full and complete satisfaction of any all monetary claims that were or could have been brought under this
action, including, but not limited to, all claims for actual or compensatory damages, punitive damages, attorney fees, costs and disbursements.

4. It is further stipulated and agreed that the Court shall enter an order requiring Defendant’s compliance with the terms and conditions of this Stipulation, and that the parties hereto, their attorneys and the interests they represent, agree that compliance with terms of this Stipulation is consistent with the current state of the law.

Attorneys for Plaintiff:
Daniel E. Manville (P39731)
Michigan State University College
of Law Civil Rights Clinic
Dated: May 11, 2016

Attorney for Defendant:
Thomas M. Yeadon (P38237)

Dated: May 11, 2016

Daniel S. Korobkin (P72842)
American Civil Liberties
Union Fund of Michigan
Dated: May 11, 2016
East Lansing Police Department
Complaint Against Employee

| COMPLAINT MADE BY: [ ] PERSON [ ] PHONE [ ] MAIL | DATE RECEIVED: | TIME RECEIVED: |
| COMPLAINANT'S NAME: | HOME PHONE: | CELL PHONE: |
| COMPLAINANT'S ADDRESS: | CITY: | STATE: | ZIP: |
| VICTIM: (IF OTHER THAN COMPLAINANT) | HOME PHONE: | CELL PHONE: |
| VICTIM'S ADDRESS: | CITY: | STATE: | ZIP: |
| EMPLOYEE(S) NAMED: | |

| LOCATION OF INCIDENT: | TIME OCCURRED: | DATE OCCURRED: |
| DESCRIPTION OF INCIDENT: | |

| REPORTING SUPERVISOR'S NAME: | POLICE ADMINISTRATION NAME: |
| ASSIGNED TO INVESTIGATOR: | DATE ASSIGNED: |
| INTERNAL #: | COMPLAINT #: |
| DISPOSITION: [ ] UNFOUNDED [ ] EXONERATED [ ] NOT SUSTAINED [ ] SUSTAINED [ ] POLICY REVIEW |

[ ] ORIGINAL [ ] COPY FOR COMPLAINANT
STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM

EVAN STIVERS,

Plaintiff,

v

CITY OF EAST LANSING, a Michigan municipal corporation,

Defendant.

File No. 16-188-CZ

Hon. Rosemarie E. Aquilina

Daniel E. Manville (P39731)
Attorney for Plaintiff
610 Abbot Road
East Lansing, MI 48823
(517) 336-8088 X 1137

Thomas M. Yeadon (P38237)
Attorney for Defendant
601 Abbot Road, PO Box 2502
East Lansing, MI 48826-2502
(517) 351-0280

Daniel S. Korobkin (P72842)
Attorney for Plaintiff
2966 Woodward Avenue
Detroit, MI 48201
(313) 578-6824

ORDER

At a session of said Court, held in the Ingham County Circuit Court, Lansing, Ingham County, Michigan, on ____________, 2016.

PRESENT: HONORABLE ROSEMARIE E. AQUILINA, Circuit Judge

This matter having come before the Court upon the stipulation of the parties, and the Court otherwise being fully advised in the premises;

IT IS HEREBY ORDERED as follows:

That except as required below, in this case and in response to future requests, unless and until
there is a relevant change in the statute governing such requests or a relevant published appellate opinion, the Defendant, City of East Lansing, shall release, pursuant to the procedures in set forth in Michigan’s Freedom of Information Act, the following records when a request is made for records pertaining to complaints against East Lansing Police Officers:

A. Copies of all citizen complaints against East Lansing police officers regardless of the nature of the complaint or the disposition. For purposes of this order, the “Complaint” means the filled out form attached hereto as Exhibit A (or any comparable form subsequently used by the East Lansing Police Department). The Complaint may be redacted pursuant to paragraph A below.

B. Any attachments the complainant filed with the Complaint. The attachments may be redacted pursuant to paragraph A below.

C. The disposition of the Complaint as shown by the marked box on Exhibit A (or any comparable form subsequently used by the East Lansing Police Department). If a disposition is not shown on the form, the City will provide copies of any other documents that show the disposition.

IT IS FURTHER ORDERED as follows:

Notwithstanding the above provisions of this order, this order does not require the disclosure of the following records or portions of records in instances where Defendant, City of East Lansing, determines that such information is exempt, pursuant to the procedures set forth in Michigan’s Freedom of Information Act:

A. The name and address and any other identifying information of the complainant or victim (if other than the complainant).

B. Complaints where the investigation is still pending (until such time as the investigation is concluded).

C. Interviews with complainants and officers, witness interviews and witness statements, along with the investigating officers’ opinions and commentary regarding these statements.
D. Internal complaints against officers filed by other employees of the East Lansing Police Department.

IT IS FURTHER ORDERED that the City of East Lansing shall pay Four Thousand Dollars ($4,000.00) to Plaintiff's attorney, Daniel E. Manville (P39731), within 30 days following entry of this order in this case and that said payment shall constitute a full and complete satisfaction of any all monetary claims that were or could have been brought under this action, including, but not limited to, all claims for actual or compensatory damages, punitive damages, attorney fees, costs and disbursements.

IT IS FURTHER ORDERED that this is a final order that resolves the last pending claim and closes the case.

ROSEMARIE E. AQUILINA, Circuit Judge

Drafted by:
Thomas M. Yeadon (P38237)
Attorney for Defendant
PO Box 2502
East Lansing, MI 48823

Approved as to form:

Danielle E. Manville (P39731)
Attorney for Plaintiff and Michigan State University College of Law Civil Rights Clinic
## East Lansing Police Department
### Complaint Against Employee

**COMPLAINT MADE BY:** [ ] PERSON  [ ] PHONE  [ ] MAIL  
**DATE RECEIVED:**  
**TIME RECEIVED:**  
**COMPLAINTANT'S NAME:**  
**HOME PHONE:**  
**CELL PHONE:**  
**COMPLAINTANT'S ADDRESS:**  
**CITY:**  
**STATE:**  
**ZIP:**  
**VICTIM: (IF OTHER THAN COMPLAINANT)**  
**HOME PHONE:**  
**CELL PHONE:**  
**VICTIM'S ADDRESS:**  
**CITY:**  
**STATE:**  
**ZIP:**  
**EMPLOYEE(S) NAMED:**  

**LOCATION OF INCIDENT:**  
**TIME OCCURRED:**  
**DATE OCCURRED:**  

**DESCRIPTION OF INCIDENT:**

**REPORTING SUPERVISOR'S NAME:**  
**POLICE ADMINISTRATION NAME:**  

**ASSIGNED TO INVESTIGATOR:**  
**DATE ASSIGNED:**  
**INTERNAL #:**  
**COMPLAINT #:**  

**DISPOSITION:**  
[ ] UNFOUNDED  [ ] EXONERATED  [ ] NOT SUSTAINED  [ ] SUSTAINED  [ ] POLICY REVIEW

[ ] ORIGINAL  [ ] COPY FOR COMPLAINANT

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EXHIBIT A
MEMORANDUM

TO: Chief Larry Sparkes
FROM: Deputy Chief Steve Gonzalez
DATE: 1/29/20
SUBJECT: 2019 Internal Complaint Audit

In 2019 the East Lansing Police Department received six complaints from the public regarding ELPD employee conduct. By comparison, the department received four public complaints in 2018 and eight public complaints in 2017.

All complaints were assigned to investigators to determine the facts surrounding the complaint and to determine if any employee misconduct occurred during the incident. The investigation report and findings were then turned over to the Chief of Police for review and final determination of the investigation’s disposition.

In order to capture additional information and further increase the department’s transparency a change was made to the complaint form effective July 1, 2019. Race and sex information was added to the form for both the complainant and victim. This revised form was first used in complaint 19-5.

Effective February 1, 2020 the police department will begin tracking demographics on all officer-initiated contacts. This effort will capture the race, sex, and reason for contact on every interaction that an East Lansing Police Officer initiates without a dispatched call for service.

Investigation Findings

Sustained (The alleged act occurred): 0
Not Sustained (Inconclusive evidence): 2
Unfounded (The alleged act did not occur): 3
Exonerated (Employee was within policy): 1
Pending Investigation: 0
Complainant / Officer Demographics

<table>
<thead>
<tr>
<th>Complainant</th>
<th>Officer</th>
</tr>
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<tr>
<td>Hispanic Male:</td>
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Investigation Summaries:

19-01

Finding: Unfounded
Race of Complainant: White
Sex of Complainant: Female
Officer Race: White
Officer Sex: Male

This complaint was filed via email to the Chief of Police. The complainant alleged that two ELPD employees violated both the Code of Conduct and Complaint Against Employee policies.

The investigator conducted in person interviews with the complainant, employee, and a witness. Further, the investigator reviewed documents from another law enforcement agency relating to this complaint. The completion of the investigation determined that no policies were violated in this incident. The allegations stemmed from a relationship that ended poorly and culminated with the employee obtaining a Personal Protection Order against the complainant. The circumstances surrounding this relationship occurred off duty and outside of ELPD’s jurisdiction. This information was reviewed by the law enforcement agency and prosecuting attorney having jurisdiction. It was determined that no criminal acts occurred.

With regards to the alleged violation of the Complaint Against Employee policy the investigator found written evidence from the complainant that directly refuted this claim.
19-02

Finding: Not Sustained
Race of Complainant: Black
Sex of Complainant: Female
Officer Race: White
Officer Sex: Female

The complainant alleged that the officer involved in this incident affected a traffic stop solely due to her race.

The investigator assigned this complaint conducted in-person interviews with both the complainant and officer, viewed fleet and body worn camera footage, and reviewed documents to include the police report, citation, and LEIN paperwork related to the complainant’s traffic stop.

The investigation determined that the officer observed the complainant making an overt movement to shield her face from the officer while stopped in traffic. This action drew the officer’s attention to both the complainant and vehicle. The officer ran the license plate of the vehicle in the LEIN system and found that the registration came back “no record on computer”. The information also showed that the vehicle did not have any proof of insurance on file with the Secretary of State’s Office. A valid traffic stop was made on reasonable suspicion of the traffic violations. Upon making contact with the complainant it was learned that the vehicle was uninsured and the complainant possessed both a suspended and expired driver’s license. Enforcement was taken in the form of an arrest for the misdemeanor violation and citation for the civil infraction violation.

19-03

Finding: Not Sustained
Race of Complainant: White
Sex of Complainant: Male
Officer Race: White
Officer Sex: Female

The complainant alleged that the officer named in this complaint was driving carelessly when making a traffic stop on another vehicle. Specifically, the complainant stated that the officer was exceeding the speed limit, cut him off when changing lanes, and left the patrol car driver’s door open after exiting.

The investigator conducted interviews with the complainant, his passenger, and the officer involved. Furthermore, the investigator reviewed both body camera and fleet video of the incident.
It was found that the officer exceeded the speed limit in a reasonable manner in order to catch up to another vehicle that was speeding. When doing so, the officer passed the complainant on the left to get behind the speeding vehicle. Due to the position of the body worn camera and fleet camera video footage does not exist to substantiate if the officer did in fact cut the complainant off. During the interview the officer claimed that she activated her turn signal and merged safely in front of the complainant. The video does capture the officer closing the driver’s side door disproving the complainant’s claim that it was left open to impede traffic.

While not sustained, the officer’s direct supervisor discussed and documented the requirement to drive with due care and caution while on patrol. This is also noted in the Chief of Police’s close out letter to the officer.

**19-04**

**Finding:** Exonerated  
**Race of Complainant:** Black  
**Sex of Complainant:** Male  
**Officer Race:** White  
**Officer Sex:** Male

The complainant was stopped in their vehicle due to the passenger headlight not being illuminated when it was required to be so. After the completion of the traffic stop the complainant contacted the police department and claimed that the light was operable and the officer fabricated the reason for the traffic stop.

The investigator spoke with the complainant, the complainant’s passenger, the named officer, and the officer’s Field Training Officer. Additionally, the investigator reviewed body worn camera and fleet video. The investigator also located surveillance video from a nearby business that captured the incident.

The review of the video confirmed that the officer did indeed have a valid reason to stop the complainant. All three sources of video confirmed that passenger side headlight of the complainant’s vehicle was not illuminated.

The complainant’s passenger was also concerned that the officer requested her identification. She thought that this request was unreasonable. The investigation determined that this request was within legal and acceptable standard police practices. The passenger was under no legal requirement to provide identification.
19-05

Finding: Unfounded
Race of Complainant: Black
Sex of Complainant: Female
Officer Race: White
Officer Sex: Male

The complainant stated that the only reason the officer stopped her was due to her race.

The investigator conducted interviews, reviewed body worn camera and fleet video, and reviewed LEIN logs to determine the facts of this incident.

The complainant stated that the officer looked over at her as she approached his patrol car while travelling in the same direction. She stated that he then pulled in behind her and immediately pulled her over.

The investigation found that video footage shows the complainant’s vehicle in front of the officer in an adjacent lane. The officer states that he was running license plates to confirm insurance compliance. The LEIN logs show that the officer ran four plates in the 14 minutes leading up to traffic stop involving the complainant. The three plates prior to the traffic stop all showed insurance compliance/coverage. However, the fourth plate run was the complainant’s. This plate did not show compliance leading to reasonable suspicion for a traffic stop. Lack of insurance coverage was confirmed during the traffic stop.

Video footage the during the 30 seconds preceding the traffic stop the officer is approximately 50 feet behind the complainant and in the adjacent lane. The video never shows the officer parallel to the complainant. Body worn camera shows that the officer is professional and courteous during the traffic stop. The officer explains the reason for stop which is supported by the complainant’s lack of proof of insurance documentation.

19-06

Finding: Unfounded
Race of Complainant: Hispanic
Sex of Complainant: Male
Officer Race: White
Officer Sex: Male

The complainant was stopped for failing to wear a seatbelt when required and expired vehicle registration. The complainant indicated that the officer did not have a valid reason to initiate a traffic stop.
When the investigator followed up with the complainant to obtain a full statement, the complainant told the investigator he did not want to follow through with the complaint. Despite this fact, the investigator continued looking into the matter with a review of video footage, LEIN information, and an interview with the officer involved.

The officer stated that the complainant’s vehicle had an expired registration on the date of the traffic stop. LEIN logs show that the officer confirmed this fact. The registration had expired two days prior to the traffic stop and was not renewed until several weeks later.

The officer indicated that the complainant was not wearing his seatbelt when he was required to do so. No independent video footage exists showing this fact.
MEMORANDUM

TO: Shelli Neumann, Human Resources Director
FROM: Steve Gonzalez, Interim Chief of Police
DATE: August 4, 2020
SUBJECT: Human Relations Commission Follow Up

In February of this year Chief Larry Sparkes and I attended a Human Relations Commission meeting to present on the 2019 Citizen Complaint investigations and findings. This presentation resulted in several follow up questions pertaining to complaint trends, officer-initiated contact information, and staff demographics. Due to COVID 19 impacts we have been unable to attend a follow-up meeting to answer these questions. This memo serves as a step to providing responses and maintaining an open dialog between the police department and the commission.

Staff Demographics

The commission inquired as to the demographics of our sworn (police) and non-sworn personnel. The breakdown of our demographics is noted in the below tables.

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Citizen Complaint Review

The commission requested more frequent presentation and review of citizen complaints rather than waiting to the end of a calendar year. While such reviews are best done in person, a current standing of our complaints for 2020 is as follows.

Complaints 20-1 and 20-2 are the highly publicized and discussed excessive force complaints involving the same officer.

Complaint 20-3 was filed by an individual that expressed concern over being followed by different police officers, numerous times over a period of years while driving his car. The complainant provided a 50% certainty of one of the officers involved, but the investigation found that the officer was out on Family Medical Leave when the complainant alleged that he was followed by this person.

The investigation did find that the complainant’s license plate was run in the Law Enforcement Information Network (LEIN) system, but a traffic stop was not affected pursuant to this query. Michigan State Police LEIN rules allow for a license plate to be run for any “law enforcement purpose”. This rule allows an officer to indiscriminately run license plates to check for expiration, valid registration, and current insurance without a traffic violation or criminal investigative purpose. We find that this practice is open to abuse and bias influence if utilized improperly. Therefore, a policy change was enacted in July of this year to eliminate the indiscriminate running of license plates. Officers are now required by department policy to have an articulable reason to run such a query and document those reasons in a police report or activity log.

Complaint 20-4 was recently filed with our department and remains under investigation. Upon completion we can provide a summary of the findings to the commission.

2019 Citizen Complaint Trends

The commission requested complaint trends against individual police officers in 2019. Throughout 2019 two police officers received two complaints against them. The remaining complaints involved a variety of officers without a pattern emerging.

Of the two officers with two complaints, one officer’s complaints were found “Not Sustained” indicating there was not enough evidence to prove or disprove the allegations. The other officer’s complaints were found “Unfounded” and “Exonerated”.

Officer Initiated Contact Statistics

The commission requested an update pertaining to the statistics and demographics with regards to officer-initiated contacts. These statistics have been tracked since February of this year and are reviewed and updated on a monthly basis. The numbers are shared with the City Manager’s office and posted to the police department’s website. The current statistics through June of this year are attached to this memo. The July numbers have not yet been compiled. Please understand that due to COVID 19 prevention measures, the number of officer-initiated contacts are significantly down.
Passenger Identification Discussion

The commission requested further discussion on why an officer might ask for identification of a vehicle’s passenger despite no requirement to comply with the request. A discussion on this issue is difficult to summarize in written form. However, traffic stops can pose significant risk to an officer’s safety. Requesting identification of passengers is a means to allow an officer knowledge of who they are in contact with. It is not uncommon for officers to encounter persons with violent pasts triggering an “officer safety caution” notice in the LEIN system. When encountering such a situation, officers can adjust to the changing environment and thereby ensure their safety.

This is a deep diving discussion and we look forward to further input from commission members as we move forward with law enforcement services in East Lansing.

Please don’t hesitate to contact me with any further questions.
MEMORANDUM

TO: Shelli Neuman, Human Resources Director
FROM: Steve Gonzalez, Deputy Chief of Police
CC: Elaine Hardy, Diversity, Equity Inclusion Administrator
Ron Bacon, East Lansing City Council Member
George Lahanas, City Manager
Kim Johnson, Chief of Police

DATE: 10/5/20

SUBJECT: HRC Questions Response

On September 23, 2020 the HRC forwarded a series of questions for the police department. These questions contained follow up on specific 2019 complaints against officers and in-service training initiatives and programs. The questions and answers are outlined below:

1. Identity of the police officers involved in complaints?

   The police department tracks allegations/complaints against officers and the dispositions of those complaints. This allows the department to identify trends of similar allegations against an officer and intervene accordingly.

   With a Police Review Board on the horizon the department will plan to discuss how best to share this information with the board in a manner that provides the needed information for that Committee to fulfill their role, but also takes into account the provisions of the collective bargaining agreements.

2. In the complaint in which the subject was shielding their face and a stop was initiated, does the officer have other complaints? Of what nature?

   The officer received one other complaint during their entire employment with ELPD. A citizen filed a complaint against the officer for careless driving. The officer’s driving was captured on fleet camera and refuted the complainant’s claims. The complaint was not sustained.
3. Describe ELPD’s protocol, and any data you may have, regarding asking a passenger for ID. How often is a passenger asked for ID? Is it protocol to inform the passenger that they do not need to show ID? What rationale do officers use to ask for ID? What are the trends?

A discussion on this issue is difficult to summarize in written form. Requesting identification of passengers is a means to allow an officer knowledge of who they are in contact with. It is not uncommon for officers to encounter persons with violent pasts triggering an “officer safety caution” notice in the LEIN system. When encountering such a situation, officers can adjust to the changing environment and thereby ensure their safety.

Officers are trained to ask for ID from passengers beginning in the police academy. This occurs during their basic training of conducting traffic stops. Officers are allowed discretion on when to ask for ID from a passenger. As officers gain experience in the field, they exercise that discretion based on experience and training.

Officers are not legally bound to notify passengers that they do not need to produce ID. However, officers will explain this if questioned by the passenger. It is important to point out that asking for ID from a passenger is a request, not an order by the officer.

4. Brief summary of recent Fair & Impartial Policing departmental training.

This training was conducted by Victor Green, Director of Community Relations at Wayne State University. Mr. Green is a Certified Diversity Professional with the National Diversity Council and lectures on labor studies, diversity and inclusion, ethics, and communications.

The course overview states:

“The objective of this course will examine the issues and/or concerns related to unconscious bias (implicit bias) in policing. This class will discuss the latest research in the cognitive sciences on how police officers make decisions. Participants will define and describe how implicit bias impacts law enforcement from command staff to patrol to the citizen(s). Lastly, we will review and discuss methods to disrupt biases to improve officers’ decision making. The overall goal is to reduce agency-citizen friction, reduce stress, and improve citizen and police officers’ safety”.

Learning outcomes included:

- How implicit bias appears in daily life and on the job.
- Defining unconscious bias and its characteristics.
  - Confirmation bias
  - Category bias
  - Framing bias
  - Hindsight bias
• Define/Discuss micro-aggressions and micro-assaults and how they impact policing.
• Challenges facing law enforcement regarding generational divide from co-workers to the community.
• Strategies for effective generational communication.
• Strategies and tips for overcoming biases in law enforcement and improved decision-making abilities.

5. Does/will the department have a measurement tool to use to measure training impact pre and post assessment?

The fair and impartial policing training was conducted by a 3rd party vendor. The training did not encompass a measurement tool. This training course was not a one-time effort. The instructor will be invited back during an upcoming department wide training to continue this program.

6. Detail current comprehensive officer training topics. If available, provide qualitative and/or quantitative feedback.

Officers have attended the following trainings in CY 20 to date:
• Department Wide Training
  o 2020 In-Service
    ▪ Legal Update
    ▪ Autism Awareness
    ▪ Standardized Field Sobriety Testing Re-Certification
    ▪ Naloxone Administration
    ▪ CRP/First Aid Re-Certification
    ▪ Safety Training
    ▪ Use of Force
    ▪ Emergency Vehicle Operation
  o Use of Force Annual Training Cycle / Certification
    ▪ Firearms
    ▪ Physical Controls
    ▪ Taser
    ▪ Policy/Legal Update
    ▪ Scenario based responses
  o Fair and Impartial Policing (see question 4)
• Individual/Group Training Courses with Number of Officers Attended
  o Legally Justified, but was it avoidable? (1)
  o Crisis Intervention Training (2)
  o LEIN Coordinator Certification (Records Management) (2)
7. What special trainings has the department offered regarding special populations? (The example of a recent training on the topic of how to deal with autistic contacts was offered, as an example.)

Special population training has been focused on both Autistic persons and those in mental health crisis. These are the most frequent special populations that our officers interact with. Department wide in-service training during the 2019/2020 winter contained a session on law enforcement’s interaction with autistic persons. During the previous few years, we have trained several officers in mental health crisis intervention.

8. Regarding complaint #19-02, the officer was randomly running license plates. What was the race of the drivers of the other three license plates run? Why does the department randomly run plates?

The state LEIN system does not include race on license plate owners, therefore we do not know the races of those individuals.

Under Michigan State Police LEIN rules an officer can randomly run a license plate for any law enforcement purpose, i.e. checking registration / insurance information, ensuring the vehicle is not listed as stolen, ensuring the proper plate is on a vehicle.

In July of 2020 we re-examined this procedure and recognize that it allows for intentional/unintentional bias to occur when running license plates. A policy change was
implemented that was more restrictive than the state rules. Random license plate checks are no longer allowed. The new policy language reads as follows:

“The indiscriminate running of license plates shall not be a practice of this agency or its agents. When an officer has an articulable reason to run a license plate, they may. When an officer runs a license plate in LEIN, this activity shall be documented on the officers’ daily activity log. The entry should log the plate and the reason for inquiry. Officers may run plates based on current articulable knowledge, information shared through Law Enforcement networks or prior to making a traffic stop on a vehicle for a valid offense.”

9. Chief/DC stated that ELPD was beginning to run data regarding gender/race/reason for stops. Has this happened? Where is that information?

Yes, this effort began in February of this year. The stats are captured monthly and are reviewed by police administration.

The information is posted to the police department webpage. Currently the webpage contains stats through May of 2020. The page will be updated in the coming weeks to reflect the stats through September.

10. Is/where is the body cam review data posted?

CY 2018 data is posted to the website. Reviews were stopped in June of 2020 as we are now tracking demographics on all officer-initiated contacts.

11. Is the department participating in the FBI use of force data?

Yes, we report as required by the program.

12. What is the status of the Michigan Association of Chief’s of Police Accreditation Project?

This is an expensive and lengthy project. This project was put on hold this spring until a new Chief was hired. With Chief Johnson’s approval we intend to push forward with accreditation.
# East Lansing Police Department
## Complaint Against Employee

**COMPLAINT MADE BY:** ☐ PERSON ☐ PHONE ☒ MAIL

**COMPLAINTANT'S NAME:** [Redacted]

**COMPLAINTANT'S ADDRESS:** [Redacted]

**VICTIM: (IF OTHER THAN COMPLAINANT):** [Redacted]

**VICTIM'S ADDRESS:** [Redacted]

**EMPLOYEE(S) NAMED:** Scot Sexton / [Redacted] (Proc Admin)

**LOCATION OF INCIDENT:** 409 Park Ln

**DESCRIPTION OF INCIDENT:** Policy Violation / Code of Conduct

**TIME OCCURRED:** 12:50

**DATE OCCURRED:** 10/23/18

**CLOSED ON:** 1-18-19

**REPORTING SUPERVISOR'S NAME:** Chief Spears

**POLICE ADMINISTRATION NAME:** Chief Spears

**ASSIGNED TO INVESTIGATOR:** Capt. Connors

**DATE ASSIGNED:** 1-14-19

**INTERNAL #:** 19-1

**COMPLAINT #:** 114

**DISPOSITION:** ☒ UNFOUNDED ☐ EXONERATED ☐ NOT SUSTAINED ☐ SUSTAINED ☐ POLICY REVIEW

**HOME PHONE:** ☐ ☐ ☐

**CELL PHONE:** ☐ ☐ ☐

**CITY:** ☐ ☐ ☐

**STATE:** ☐ ☐ ☐

**ZIP:** ☐ ☐ ☐

**DATE RECEIVED:** 1-12-19

**TIME RECEIVED:** 1:41 PM

**HOME PHONE:** ☐ ☐ ☐

**CELL PHONE:** ☐ ☐ ☐

**CITY:** ☐ ☐ ☐

**STATE:** ☐ ☐ ☐

**ZIP:** ☐ ☐ ☐

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**POLICE ADMINISTRATION NAME:** Chief Spears
Larry Sparkes - IMMEDIATE ATTENTION REQUIRED: Officers Failure to Comply With Procedure

From: <sparke@cityofeastlansing.com>
To: <sparke@cityofeastlansing.com>
Date: 1/12/2019 1:41 PM
Subject: IMMEDIATE ATTENTION REQUIRED: Officers Failure to Comply With Procedure
Cc: 

Chief Sparkes,

I am writing this email to inform you of a situation that has resulted in emotional, financial and mental duress due to the failure of one of your officers to comply with standard procedure. This electronic correspondence is for the sole purpose to convey the lack of action taken by Lt. Scot Sexton, any other information that is provided is only done as background information for the situation and is to be used at your discretion as you see fit. To clarify, this e-mail is in no way an attempt to 'file a complaint against' and any information provided regarding is purely incidental due to a Mutual Restraining Order/Contract between and myself.

On the afternoon of October 23, 2018, I went into the City of East Lansing Police Department to file a complaint against one of your officers. The complaint was in accordance with The East Lansing Police Department Policy and Procedure Code of Conduct (provided at www.cityofeastlansing.com). At that time, I had reviewed, extensively, both the Code of Conduct as well as the Complaint Against Employee procedures that are also provided online and brought them with me, as well as a lot of documentation and evidence that I felt was necessary to show the serious nature of the complaint.

As stated in the East Lansing Police Department 2017 Annual Report: — In response to feedback gathered at the East Lansing Police Department's (ELPD) Police Community Forum last October, all of ELPD's departmental policies have been posted online. "ELPD's policies have been posted on our website in an effort to increase transparency with the East Lansing community," said ELPD Lt. Steve Gonzalez. "The citizens we serve are entitled to know and understand the guidelines by which we operate and the standards we hold ourselves to as officers serving in the City of East Lansing."

Unfortunately, neither this Code of Conduct nor the standard operating procedure for filing a Complaint Against an Employee/Officer were followed. Due to this breach in simple procedure I have been victim to retaliation by one of your officers and I feel that if Lt. Scot Sexton would have handled the original complaint in the way that he was supposed to I would have been spared much financial, emotional and mental duress.

The complaint was valid and one of a very sensitive criminal sexual nature. The decision to file the complaint was made after several attempts, over a month’s time, to try to have correct the situation outside of taking this measure with no avail.

After consulting with legal counsel and weighing my options, I felt that filing a complaint seemed to be the least damaging option for all parties involved. Unfortunately, due to the fact that when I attempted to file the complaint, Lt. Scot Sexton, did not follow the standard
procedures as outlined in "Complaint Against an Employee" the situation then escalated far beyond what it ever should have.

On the afternoon of October 23rd 2018 at around 12:34pm I went into the East Lansing Police Department and asked to speak to [redacted] to file the complaint. I was then told to wait for Lt. Scot Sexton. Lt. Sexton then attempted to discuss the matter with me in the front waiting room, to which I told him that the matter was of a sensitive nature and I requested a private room. We then went into an office and I explained the issues that I had been having with [redacted]. Lt. Sexton then urged me to not file an official complaint, he assured me that he would speak to [redacted] about the situation and have it personally corrected and assured me he would have [redacted] send me written verification that the issue was taken care of.

Upon returning home I received an email from [redacted] stating that [redacted] had taken care of the situation weeks prior (this email proved to be a lie due to actions a few days later - further misconduct as well as insubordination).

At this point, due to Lt. Sexton NOT following the proper procedure, [redacted] then retaliated by filing a civil PPO (which I had to then file a termination for, hire an attorney, pay (so far, I've been billed) $6,000 in attorney fees, get a Civil Restraining Order/Contract against [redacted], after I dropped the PPO just prior to the hearing) and [redacted] that has since been thrown out. In addition to these false and ridiculous charges, also brought in copies of the items that [redacted] was ordered to destroy by Lt. Scot Sexton and that [redacted] had stated destroyed in the email a few days prior. (The items that I was trying to get [redacted] to destroy were photos and videos that [redacted] had taken of me without my consent or knowledge and were of sexual nature, this was by far, one of the most horrible days of my life. At this point I had knowledge of the videos existing but I had not actually viewed them.

On that day [redacted] I was also told by [redacted] that [redacted] had also brought in an American Greeting Card and stated that I had entered their home without permission and placed the card in a drawer two weeks prior, however, I gave this card in February (I have a copy of the receipt that was saved in my Mperks app on my phone) and it was given to the same day that I purchased gift cards as a late Valentine's Day/early Birthday gift, [redacted] knew this, knew [redacted] was lying and accused me of a felony. I have record of both the gift cards and the purchase of the same greeting card being purchased the same day in February.

It has taken [redacted] from the time I was aware of the false criminal charge, allegations and PPO to finally be sorted out (I am still waiting on my attorney to finalize the Restraining Order/Contract so it's STILL not over). This should have stopped the moment that I attempted to file the complaint and I feel that if procedure would have been followed by Lt. Sexton I would not have been faced with such extreme humiliation, financial stress and emotional duress. I don't know what unstable and unfit motivation is for doing ANY of these things to me, however, it is very clear that I am very concerned, disappointed and down right scared for my safety.

In light of everything that the City of East Lansing is currently going through with the Nassar case, the current political climate and the #metoo movement I would think that any allegation of this nature (especially one where the allegation came with so much evidence to prove its validity) would have been taken seriously and procedure would have been followed to the letter. On the contrary, instead of getting help, I was further humiliated, made to feel like a criminal and robbed of months of time and a substantial amount of money due to false allegations from [redacted].

file://C:/Users/lsvarke/...
and lack of the ability of another to follow simple procedure! This is absolutely unacceptable and there needs to be accountability.

What I have gone through was a nightmare, a nightmare that could have been avoided. Justice has NOT been served and I WILL not stop until this behavior and gross misconduct is corrected. Not only did Lt. Scot Sexton fail to do his job but he made a choice at that moment to commit a crime. He decided at that moment to become an accessory after the fact. His actions also allowed to file a false police report (accusing me of both a misdemeanor and a felony, all of which were thrown out), Falsely and Maliciously accusing another of a crime, Retaliation, Perjury other than court proceeding, tampering with evidence, lying to a police officer, interfering with crime report ... and the list goes on.

This is now YOUR problem. Lt. Sexton failed to do his job and I have had to pay for it in many ways. This is a break down within the East Lansing Police Department and it is extreme. There are black and white policies that were not followed. If I don’t feel that this is being dealt with in the manner that it should be and in the time frame that I feel it deserves I WILL go to the press. I have been humiliated to the point that I no longer care and I just want to see justice.

This is your department and it is your job to fix what has happened to me at the hands of your officer.

I expect this to be handled swiftly. I will comply with any investigation and I do believe an investigation is definitely in order. I have record of EVERYTHING and am willing to comply with anything you need to make sure this doesn’t happen to someone else. Again, I will not stop until I feel this is handled appropriately. I will be waiting on your response but I will not be patient.

Respectfully,

Cc: The Office of The City Manager
George Lahanas  
eseide@cityofeastlansing.com

Police officers are Foot Soldiers of the Constitution due to their role in preserving society’s norms and values. It is this sense of “constitution” that prevents ethical breakdowns and strengthens a police officer’s resolve to do right.

As General Colin Powell once said:

"I took an oath to support and defend the Constitution of the United States . . . Our Constitution, and our national conscience demand that every American be accorded dignity and respect, and receive the same treatment under the law."

Having a personal constitution to live by, or taking an oath, acts as a solemn promise to behave predictably in certain situations — and it should be reviewed regularly.

The “Law Enforcement Oath of Honor,” developed by the International Association of Chiefs of Police Committee on Police Ethics.

OATH OF HONOR

On my honor,

I will NEVER betray my badge, my integrity, my character or the public TRUST.

I will ALWAYS have the COURAGE to hold MYSELF and OTHERS ACCOUNTABLE for our actions. I will always uphold the Constitution and the community I serve.

file:///C:/Users/lsparke/AppData/Local/Temp/XPgrpwise/5C39EE8ECHALLCHALLPO1... 1/14/2019
### East Lansing Police Department
#### Complaint Against Employee

<table>
<thead>
<tr>
<th>COMPLAINT MADE BY:</th>
<th>DATE RECEIVED:</th>
<th>TIME RECEIVED:</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERSON ☑ PHONE ☐ MAIL ☐</td>
<td>5/9/19</td>
<td>11:00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLAINTANT'S NAME:</th>
<th>HOME PHONE:</th>
<th>CELL PHONE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Redacted]</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>COMPLAINTANT'S ADDRESS:</th>
<th>CITY:</th>
<th>STATE:</th>
<th>ZIP:</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Redacted]</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>VICTIM: (IF OTHER THAN COMPLAINANT):</th>
<th>HOME PHONE:</th>
<th>CELL PHONE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Redacted]</td>
<td></td>
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<table>
<thead>
<tr>
<th>VICTIM'S ADDRESS:</th>
<th>CITY:</th>
<th>STATE:</th>
<th>ZIP:</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Redacted]</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>EMPLOYEE(S) NAMED:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Doc. Kathy Harrison</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOCATION OF INCIDENT:</th>
<th>TIME OCCURRED:</th>
<th>DATE OCCURRED:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Lansing/Perry Rd</td>
<td>10:33 AM</td>
<td>3/28/19</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DESCRIPTION OF INCIDENT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainant indicated that Doc. made a U-turn in an unmarked vehicle and racially profiled her before handing her the traffic stop.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REPORTING SUPERVISOR'S NAME:</th>
<th>POLICE ADMINISTRATION NAME:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sr. Chris Jaffe</td>
<td>Capt. Alex Avery</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ASSIGNED TO INVESTIGATOR:</th>
<th>DATE ASSIGNED:</th>
<th>INTERNAL #:</th>
<th>COMPLAINT #:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lt. Noff</td>
<td>5/10/19</td>
<td>19-2</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DISPOSITION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☒ UNFOUNDED</td>
</tr>
<tr>
<td>☒ EXONERATED</td>
</tr>
<tr>
<td>☑ NOT SUSTAINED</td>
</tr>
<tr>
<td>☐ SUSTAINED</td>
</tr>
<tr>
<td>☐ POLICY REVIEW</td>
</tr>
</tbody>
</table>
I would like to file a complaint that I was racially profiled while sitting at a red traffic light on Harrison and Lake Lansing Rd. Headed Westbound in traffic and the arresting officer Kaye Harrison was sitting at the farthest lane closer to the curb at Harrison Rd and Lake Lansing Rd traveling Eastbound in traffic. As we both proceeded through the traffic light when it turned green I noticed officer Kaye Harrison give me a long stare out of all the traffic traveling besides and behind me she immediately profiled me. I was not violating any traffic laws at the time so I continued to proceed Westbound. As I was approaching Lake Lansing and Cooley by looking in my rear view mirror and noticed that officer Kaye Harrison had somewhere turned around and redirecting her route as was now headed Westbound instead of Eastbound in the same direction I was traveling. I noticed that she was switching from left to right lanes to get around other vehicles traveling Westbound in traffic. By the time I cross Cooley and
was driving westbound on the overpass.

As I crossed over the highway, I recognized

that the same officer, Kasey Harrison,

had now followed me after she stopped me
down in traffic at Harrison and Lake

Lansing Rd. I was now trying to get

around a black pickup truck that was

traveling behind me eastbound and we

were all traveling in the left lane. The

pickup truck put his blinker on and got in

the far right lane. I then put my blinker

on and got in the farthest right lane

at the light of Preyde and Lake Lansing

and officer Kasey Harrison got behind me in

the same lane as well. As I proceeded to

turn right on Preyde Blvd. that is where

officer Kasey Harrison put on her

Patrol lights to initiate a traffic stop

on me and the vehicle I was driving in

alone. I then pulled into Champs Sports

Bar so that I wouldn’t be blocking

incoming traffic. As I was sitting in

the vehicle in a parking spot legally parked

officer Kasey Harrison approached the

Driver's side window. I rolled it down and

that’s when she asked for insurance

and registration. Before I got and looked
for the documents, I asked Officer Kate Harrison what was her reason for pulling me over when I recognized her traveling eastbound and I was traveling westbound. She said her reason for turning around and getting behind me out of all the vehicles traveling with me westbound was that “I looked suspicious and I looked I was trying to hide my face from her.” As I was gathering all my documents, I told Officer Kate Harrison that I was test driving the vehicle to purchase it for my 17 year old son who needed a car due to his demanding schedule, and the prior to traveling westbound that I had dropped all my children off at the schools in East Lansing and that afterwards I had went and got my Allergy Shot at Doctor [REDACTED] Allergy Clinic office, and that my left eye was red and irritated due to me being allergic to just about everything. I had my Cellphone out and was trying to record our conversation and that’s when Officer Kate Harrison instructed me to put my Cellphone down and turn it on. I asked her could I call my Children’s Aunt and
AAA to cover the tow of the vehicle. Officer Katy Harrison instructed that I could make the call to their aunt while she walked back to her vehicle. By this time another Patrol SUV pulled up and a female officer got out. I recognized they both were conversing and then they both walked up to my driver's side and asked me to step out of the vehicle that I was being arrested for driving while license suspending. That went into effect on 03/20/2019. 2 days prior to this arrest. I did as commanded and got out of the car and put my hands behind my back to get handcuffed. Officer Katy Harrison then told me if I had $200 on me I could get released out of jail immediately. That's when I responded that my money was at home and that I didn't get paid until the next day Friday 03/29/20. As I sat in the patrol SUV at Champs Sports Bar that's when Officer Katy Harrison apologized that her intentions and suspicions she had of me were wrong but that she has reasons to pick people out of traffic and pulled them over.
If he/she looks suspicious to her. I declare that this statement is true to the best of my knowledge from 03/28/20.

Respectfully,

65/09/2017

Complaint #

Contact Number
**East Lansing Police Department**

**Complaint Against Employee**

<table>
<thead>
<tr>
<th>COMPLAINT MADE BY:</th>
<th>DATE RECEIVED:</th>
<th>TIME RECEIVED:</th>
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<tbody>
<tr>
<td>PERSON ☑ PHONE ☐ MAIL ☐</td>
<td>05.25.19</td>
<td>14:45</td>
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<table>
<thead>
<tr>
<th>COMPLAINTANT'S NAME:</th>
<th>HOME PHONE:</th>
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<tbody>
<tr>
<td>[Redacted]</td>
<td>[Redacted]</td>
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<table>
<thead>
<tr>
<th>COMPLAINTANT'S ADDRESS:</th>
<th>CITY:</th>
<th>STATE:</th>
<th>ZIP:</th>
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<tbody>
<tr>
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<table>
<thead>
<tr>
<th>VICTIM: (IF OTHER THAN COMPLAINANT)</th>
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<th>CELL PHONE:</th>
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<tbody>
<tr>
<td>[Redacted]</td>
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<table>
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<tr>
<th>VICTIM'S ADDRESS:</th>
<th>CITY:</th>
<th>STATE:</th>
<th>ZIP:</th>
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<tbody>
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<table>
<thead>
<tr>
<th>EMPLOYEE(S) NAMED:</th>
<th>REPORTING SUPERVISOR'S NAME:</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFFICER KATEY HARRISON</td>
<td>LT. TRESHA K. NEFF #117</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOCATION OF INCIDENT:</th>
<th>TIME OCCURRED:</th>
<th>DATE OCCURRED:</th>
</tr>
</thead>
<tbody>
<tr>
<td>COOLIDGE &amp; ABBEY</td>
<td>05.25.19</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>DESCRIPTION OF INCIDENT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADJ. OFFICER HARRISON CUT HIM OFF WHILE MAKING A TRAFFIC STOP WHERE THE LEFT TURN LANE ENDS ON COOLIDGE AND DIDN'T TURN HER LIGHTS ON UNTIL SHE PASSED HIM. WAS SPEEDING.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DISPOSITION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ UNFOUNDED  ☐ EXONERATED ☑ NOT SUSTAINED ☐ SUSTAINED ☐ POLICY REVIEW</td>
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</table>

<table>
<thead>
<tr>
<th>POLICE ADMINISTRATION NAME:</th>
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</thead>
<tbody>
<tr>
<td>Gen. Chris Lunny</td>
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<table>
<thead>
<tr>
<th>ASSIGNED TO INVESTIGATOR:</th>
<th>DATE ASSIGNED:</th>
<th>INTERNAL #:</th>
<th>COMPLAINT #:</th>
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<tbody>
<tr>
<td>LT. NEFF</td>
<td>5/28/19</td>
<td>19-3</td>
<td></td>
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</table>
**East Lansing Police Department**

**Complaint Against Employee**

<table>
<thead>
<tr>
<th>COMPLAINT MADE BY:</th>
<th>DATE RECEIVED:</th>
<th>TIME RECEIVED:</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ PERSON □ PHONE □ MAIL</td>
<td>6/24/19</td>
<td>10:00 HRS</td>
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<table>
<thead>
<tr>
<th>COMPLAINANT'S NAME:</th>
<th>HOME PHONE:</th>
<th>CELL PHONE:</th>
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<tbody>
<tr>
<td>[Redacted]</td>
<td>[Redacted]</td>
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<table>
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<tr>
<th>COMPLAINANT'S ADDRESS:</th>
<th>CITY:</th>
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<th>ZIP CODE:</th>
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<table>
<thead>
<tr>
<th>VICTIM: (IF OTHER THAN COMPLAINANT)</th>
<th>HOME PHONE:</th>
<th>CELL PHONE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Redacted]</td>
<td>[Redacted]</td>
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</table>

<table>
<thead>
<tr>
<th>VICTIM'S ADDRESS:</th>
<th>CITY:</th>
<th>STATE:</th>
<th>ZIP CODE:</th>
</tr>
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<tbody>
<tr>
<td>[Redacted]</td>
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<td>[Redacted]</td>
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<table>
<thead>
<tr>
<th>EMPLOYEE(S) NAMED:</th>
<th>REPORTING SUPERVISOR'S NAME:</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFF. MATT HEFFELINGER</td>
<td>SGT. PORCH O'BERIO</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOCATION OF INCIDENT:</th>
<th>TIME OCCURRED:</th>
<th>DATE OCCURRED:</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRAND RIVER NEAR SHELTER</td>
<td>APPROX. 2300 HRS</td>
<td>6/21/19</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DESCRIPTION OF INCIDENT:</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOTH OCCUPANTS CALLED TO FILE A COMPLAINT</td>
</tr>
</tbody>
</table>

**DISPOSITION:**

- UNFOUNDED
- EXONERATED
- NOT SUSTAINED
- SUSTAINED
- POLICY REVIEW

**Distribution:** Pink Copy To Complainant; Canary Copy To Investigator, Original Copy To Administration.
# East Lansing Police Department
## Complaint Against Employee

<table>
<thead>
<tr>
<th>Citizen initiated complaint:</th>
<th></th>
<th>Date Received:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>07/14/2019</td>
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<table>
<thead>
<tr>
<th>Complainant name:</th>
<th>Race and Sex:</th>
<th>Home phone:</th>
<th>Cell phone:</th>
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<tbody>
<tr>
<td>[redacted]</td>
<td>[redacted]</td>
<td>[redacted]</td>
<td>[redacted]</td>
</tr>
</tbody>
</table>

| Complainant address: | | City, State and Zip: |
|----------------------| |----------------------|
| [redacted]           | | [redacted]           |

<table>
<thead>
<tr>
<th>Victim name (if other than complainant):</th>
<th>Race and Sex:</th>
<th>Home phone:</th>
<th>Cell phone:</th>
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<table>
<thead>
<tr>
<th>Victim address:</th>
<th>City, State and Zip:</th>
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</thead>
<tbody>
<tr>
<td>[redacted]</td>
<td>[redacted]</td>
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</tbody>
</table>

Employee(s) named:
Matthew Heffelfinger #193

<table>
<thead>
<tr>
<th>Location of incident:</th>
<th>Date occurred:</th>
<th>Time occurred:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grand River Ave / Charles St</td>
<td>07/14/2019</td>
<td>1929</td>
</tr>
</tbody>
</table>

Alleged misconduct:
- [ ] Code of Conduct violation
- [ ] Policy Violation
- [ ] Excessive Force
- [x] Unprofessional conduct

Narrative:
Traffic Stop was made based on race.

<table>
<thead>
<tr>
<th>Complainant's e-mail:</th>
</tr>
</thead>
<tbody>
<tr>
<td>[redacted]</td>
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</table>

<table>
<thead>
<tr>
<th>Reporting supervisor name:</th>
<th>Reviewing administrator name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sgt. Adrian Ojerio</td>
<td>[redacted]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assigned to investigator:</th>
<th>Date assigned:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sgt. Ojerio / Lt. Smith</td>
<td>7-17-19</td>
</tr>
</tbody>
</table>

Disposition:
- [x] Unfounded
- [ ] Exonerated
- [ ] Not sustained
- [ ] Sustained
- [ ] Policy review
At around 7:30 pm on 7-14-19, I was driving down graduate and a police car was to the left of me, in front. As I approached his vehicle, he looked over at me and suddenly he hit his brakes and was now going about 5-10 miles. Eventually he almost came to a complete stop. He then proceeded to switch lanes to now get behind me. He then immediately put his lights on.

I watched the officer almost stop what he was doing. When he locked over and saw me, he had several cars in front of him. When I questioned him why he stopped me, he said you don't have insurance. That's showing up. I than said did you run the cars in front of me? I also said to him that he almost stopped dead in the street when you saw me. He then told me that he ran all the others in front of me. I feel that I was pulled over because I am black. The officer was in front of me and when I caught up to his car he almost came to a complete stop, when he saw me.
He claims to have run all the cars that were directly infront of him. I feel this stop was racially motivated.

I would like to have this matter looked into. I would also like a copy of the dash camera from the car and body
East Lansing Police Department
Complaint Against Employee

Citizen initiated complaint: ☑ Yes ☐ No

Date Received: 08/29/2019
Time Received: 1010

Complainant name:
Race and Sex: 
Home phone: 
Cell phone: 

Complainant address:

City, State and Zip: 

Victim name (if other than complainant):
Race and Sex: 
Home phone: 
Cell phone: 

Victim address:

City, State and Zip: 

Employee(s) named:
Officer Andrew Stephenson

Location of incident:
Hagadorn/Shaw

Date occurred: 08/28/2019
Time occurred: 1110

Alleged misconduct:
☑ Code of Conduct violation ☐ Policy Violation ☐ Excessive Force ☐ Unprofessional conduct

Narrative:
Officer Stephenson stopped [redacted] for expired registration and no seatbelt. [redacted] doesn't believe Officer Stephenson had a valid reason for the stop.

Reporting supervisor name:
Lt. Tresha K. Neff

Reviewing administrator name:

Assigned to investigator: Lt. Neff

Complaint number: 19-6
Date assigned: 8-29-19

Disposition:
☑ Unfounded ☐ Exonerated ☐ Not sustained ☐ Sustained ☐ Policy review
MEMORANDUM

TO: Kim Johnson, Chief of Police
FROM: Steve Gonzalez, Deputy Chief
DATE: 1/29/21
SUBJECT: 2021 Human Right Commission Information Request

In 2020 the East Lansing Police Department received six complaints against employees from members of the public. During this same time period the police department initiated four administrative inquiries to address individual employees’ behavior regarding policy and procedure violations.

All complaints and administrative inquiries were assigned to police supervisors for investigation of the facts surrounding the incident. Upon completion, the investigations were referred to the Chief of Police for review, a final determination of the investigation’s disposition, and any necessary disciplinary actions. Please note that two complaints were referred to the Michigan State Police for criminal investigation on excessive use of force allegations. These investigations were subsequently reviewed by a Special Prosecutor by way of the Washtenaw County Prosecutor’s Office.

The Human Rights Commission has requested several points of data and information that is outlined below.

Annual Reporting of ELPD Complaints to the Human Relations Commission

The following are guidelines in order to ensure a report process that achieves clarity, consistency, and transparency.

Submit a complete written annual report of complaints as well as redacted complaint forms.

- Submit these forms to the HRC staff liaison 48 hours in advance of the meeting as per HRC accessibility guidelines.
- Separate Complaints into two categories: complaints initiated by the public and internal complaints.
- Summarize complaints from public that include a complaint of racial profiling or another other violation of a protected class.
- Include demographic information about the complainant and the police officer.
EAST LANSING POLICE DEPARTMENT
Quality Services for a Quality Community

○ Indicate any complaint that is about an individual about whom there have been other complaints in the same year or in the previous 5 years.

Submit an annual report of body camera footage that was reviewed from the days each month randomly selected by an HRC member.

Submit a report of any complaints filed against ELPD with the Michigan Department of Civil Rights.
○ Report the number of complaints filed and their disposition, with a report of those complaints that have been settled.

Report on the percentage of officers and staff that underwent bias trainings or other trainings involving protected classes the previous year.

Citizen Complaint Investigation Summaries

20-1

Complaint Classification: Use of Force
Disposition: Exonerated
Race of Complainant: Black
Sex of Complainant: Male
Officer Race: White
Officer Sex: Male
Officer 5-year (2020-2015) Complaint Trend (all): 5
  • Use of Force (2)
  • Policy Violation (1)
  • Discrimination (2)
Officer 5-year (2020-2015) Admin Inquiry Trend (all): 0

The complainant was stopped for a traffic violation when the primary officer learned that the complainant was operating on a suspended and expired driver’s license. Two back-up officers arrived to assist the primary officer with an arrest of the complainant for the misdemeanor license violation. The complainant resisted arrest requiring the officers to use force to take him into custody. During this altercation the complainant was placed on the ground and received an abrasion to his forehead. He alleged that one of the back-up officers used excessive force during the arrest which resulted in the injury.

While an internal investigation was completed by an East Lansing Police supervisor, the decision was made to refer this incident for review and investigation by the Michigan State Police. The Michigan State Police investigation found that the officer’s use of force was not excessive and was acceptable under Michigan Commission on Law Enforcement Standards guidelines. Several months after this finding the Ingham County Prosecutor’s Office requested a Special Prosecutor be assigned to conduct another review of this
incident. The Washtenaw County Prosecutor’s Office (WCPO) was assigned this case for review. Upon completing their review and analysis of this incident WCPO did not find evidence of unwarranted or excessive force and declined prosecution of the officer.

This incident involved a complex investigation that cannot all be captured within this memorandum. The investigative report was published to the City of East Lansing’s website early in the year.

20-2

<table>
<thead>
<tr>
<th>Complaint Classification:</th>
<th>Use of Force</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposition:</td>
<td>Not Sustained</td>
</tr>
<tr>
<td>Race of Complainant:</td>
<td>Black</td>
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<tr>
<td>Sex of Complainant:</td>
<td>Male</td>
</tr>
<tr>
<td>Officer Race:</td>
<td>White</td>
</tr>
<tr>
<td>Officer Sex:</td>
<td>Male</td>
</tr>
<tr>
<td>Officer 5-year (2020-2015) Complaint Trend (all):</td>
<td>5</td>
</tr>
<tr>
<td>• Use of Force (2)</td>
<td></td>
</tr>
<tr>
<td>• Policy Violation (1)</td>
<td></td>
</tr>
<tr>
<td>• Discrimination (2)</td>
<td></td>
</tr>
<tr>
<td>Officer 5-year (2020-2015) Admin Inquiry Trend (all):</td>
<td>0</td>
</tr>
</tbody>
</table>

The complainant was arrested for Disorderly Conduct following a physical altercation with another individual. During the arrest the complainant resisted and was placed on the ground. It was during this time that the complainant received an abrasion on his forehead. The complainant alleged that excessive force was used by the officers during his arrest.

It is important to note that the officer involved in 20-1 was also involved in this complaint. A complex investigation was completed by the East Lansing Police Department and reviewed in a public presentation with the East Lansing City Council. The investigative documents were also published on the City of East Lansing’s website. Due to similarities of injuries and involvement of the same officer the Michigan State Police (MSP) were requested to investigate and review this incident also. The MSP investigation did not find any conclusive evidence of excessive force during their review.

Body worn camera angles and lighting conditions at the scene did not allow for a direct view of how the injury to the complainant occurred. In consideration of the totality of the investigative findings the complaint was closed with a not sustained disposition.

Policy Change

While complaints 20-1 and 20-2 did not result in any excessive force findings, the investigations did find that the use of head stabilization of a resistive subject close to the
ground presents a possibility of injury. The East Lansing Police Department’s Response to Resistance policy was updated regarding the use of any head stabilization technique. Head stabilization may only be used in two circumstances. One, to apply counter pressure for an approved Pressure Point Control Tactic pressure point. Two, if the head is the offending appendage during an assault of an officer.

20-3

Complaint Classification: Discrimination
Disposition: Exonerated
Race of Complainant: Middle Eastern
Sex of Complainant: Male
Officer Race: White
Officer Sex: Male
Officer 5-year (2020-2015) Complaint Trend (all): 4
  - Use of Force (2)
  - Policy Violation (1)
  - Discrimination (1)
Officer 5-year (2020-2015) Admin Inquiry Trend (all): 0

The complainant filed a complaint with the police department stating that he has been followed by East Lansing Police Officers on multiple occasions while driving his car. He stated that these incidents occurred between 2017 and May 2020. The complainant alleged that he felt harassed and racially profiled by the police officers that followed him.

The investigation was conducted by a police supervisor to determine the facts of these incidents. To identify any officers involved in this complaint, the supervisor showed the complainant a composite photograph of current ELPD police officers. The complainant identified two officers with 50% certainty that they were involved within a certain timeframe. The investigator found that neither officer was working when the complainant said he was followed. One was off on Family Medical Leave, while the other was assigned to the opposite shift and not on duty.

The investigator identified a third officer, not selected by the complainant, that queried the complainant’s license plate in the Law Enforcement Information Network (LEIN) system. An interview was conducted with this officer to determine the circumstances behind running the complainant’s license plate. The officer did not specifically recall the complainant’s plate number nor what spurred him to run the plate number. No traffic-stop or contact with the complainant was found.

Only one officer was identified during this investigation. It was concluded that the officer ran the license plate in accordance with State of Michigan LEIN rules and no policy violation had occurred.
**Policy Change**

In response to the national and local conversation regarding policing reforms. The East Lansing Police Department LEIN policy was updated regarding the arbitrary querying of license plates. While state rules allow for a license plate to be queried for any law enforcement purpose, the ELPD policy was further restricted in this matter as we recognize that arbitrary queries can allow for racial and socioeconomic bias to factor into these decisions. The updated policy language only allows license plate queries to be conducted for articulable law enforcement investigations that can be documented by the officer. Random license plate queries are no longer allowed.

20-4

<table>
<thead>
<tr>
<th>Complaint Classification:</th>
<th>Policy Violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposition:</td>
<td>Exonerated</td>
</tr>
<tr>
<td>Race of Complainant:</td>
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</tr>
<tr>
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<td>Officer 2 Sex:</td>
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</tbody>
</table>

Officer 1 5-year (2020-2015) Complaint Trend (all): 1
- Policy Violation

Officer 1 5-year (2020-2015) Admin Inquiry Trend (all): 0

Officer 2 5-year (2020-2015) Complaint Trend (all): 1
- Policy Violation

Officer 2 5-year (2020-2015) Admin Inquiry Trend (all): 0

Officers were dispatched to an incident where a 911 caller indicated that a subject had threatened her with a handgun during a verbal dispute; the suspect then left the scene in a vehicle. An initial responding officer arrived on scene, met with the victim, and provided the officers involved in this complaint with a detailed vehicle and suspect description.

The officers located a vehicle and suspect matching the description they were given at a nearby gas station. The officers began to explain why they were contacting the complainant. He alleged that he was being harassed and requested to speak to a supervisor. The officers called for a supervisor who arrived on scene shortly thereafter. The complainant and supervisor spoke. The complainant still felt he was being harassed and the officers had no reason to stop him. The complainant filed a formal complaint.

The investigator conducted interviews with the involved officers and complainant. A review of the radio traffic, body worn camera footage, and dispatch information was undertaken as well. The investigator concluded that the officers had established enough
facts to lead to a reasonable suspicion under Terry v. Ohio to justify an investigative contact with the complainant. The officers did not handcuff nor physically detain the complainant. The officers did not display any weapons when contacting the complainant. No unprofessional conduct was found by the investigator.

20-5

Complaint Classification: Policy Violation
Disposition: Unfounded
Race of Complainant: Black
Sex of Complainant: Female
Officer Race: White
Officer Sex: Female
Officer 5-year (2020-2015) Complaint Trend (all): 2
  • Policy Violation (1)
  • Demeanor (1)
Officer 5-year (2020-2015) Admin Inquiry Trend (all): 1
  • Policy Violation

The complainant alleged that the officer allowed a domestic dispute suspect to push her while the officers were present and working to resolve the confrontation. The investigation found that the officers were facilitating the complainant’s wishes by having the other party leave the complainant’s apartment. The complainant had provided the officers permission to allow the other individual to retrieve some items from the apartment. The officers explained to both parties to cease their argument so the exchange of items could occur peacefully. When the complainant and second party came within view of each other a verbal argument re-occurred. It was during this time that the alleged push was allowed to occur.

The investigator interviewed the complainant, the officers, and reviewed body worn camera footage. The camera footage did not support the complainant’s allegations; the footage showed that the complainant was not pushed by the other party.

20-6

Complaint Classification: Discrimination / Demeanor
Disposition: Unfounded / Sustained
Race of Complainant: Black
Sex of Complainant: Male
Officer Race: Black
Officer Sex: Male
Employee Race: White
Employee Sex: Female
The complainant was arrested for trespassing at a private residence. He alleged that the only reason the police officer arrested him was due to his race. He also alleged that a Jail Service Officer made an offensive comment to him while he was lodged at the ELPD jail.

The investigation found that the residents of a house contacted ELPD to report the complainant as a trespasser. Upon arriving, the officer observed the residents telling the complainant to leave; he was refusing to do so. When the officer made verbal contact with the complainant he retreated further onto the property as opposed to leaving. The complainant was arrested and transported to the East Lansing Jail where he was lodged for the trespassing violation. During this time period the complainant had a conversation with the on-duty Jail Service Officer (J SO). During this conversation the complainant asked the J SO how they would feel if their kids were in this situation. The J SO responded by saying their kids would not be in a similar situation because they know how to act. When presented with the allegation that the complainant had only been arrested because of his race, the J SO responded by telling him not to play the race card and his actions were responsible for his arrest.

The investigation found that the commission of a misdemeanor (trespassing) in the officer’s presence existed thereby providing legal cause for the officer to make an arrest of the complainant. The investigation deemed that the comments made by the J SO were unprofessional in nature and did not live up to ELPD expectations. This portion of the complaint was sustained with resulting disciplinary measures for the J SO.

**Administrative Inquiry Summaries**

20-1

<table>
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<tr>
<th>Complaint Classification:</th>
<th>Policy Violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposition:</td>
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<td>Officer 5-year (2020-2015) Complaint Trend (all): 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Policy Violation (1)</td>
</tr>
</tbody>
</table>
An ELPD police officer reported to a department supervisor that an officer improperly deployed her OC spray towards another officer while in the Report Room of the police department. An Administrative Inquiry was initiated with the following facts being determined.

Interviews with several employees corroborated the facts surrounding this incident. While working on various items of paperwork several police officers were in the ELPD Report Room. During this time period the officers began to joke with each other in a good-natured manner. The officer who is the subject of this inquiry removed her OC spray and deployed a small amount of the spray in the direction of another officer. The spray was aimed at and landed on the officer's pant leg.

The investigation specifically looked into whether this action was related in any way to hazing or harassment of the officer impacted by the spray. On all accounts, those directly involved and those that were present indicated that this was not a hazing incident. Both officers have a good relationship and the act was done in direct result of the joking around that was occurring.

The inquiry was sustained as a policy violation with resulting disciplinary personnel action.

20-2

Two Officers approached an ELPD supervisor with concerns regarding another officer. They were concerned because of extremely angry verbal and text comments made by the officer regarding the ongoing policing reforms at ELPD and on being counseled after being told to terminate a vehicle pursuit. Based on the information brought forth an Administrative Inquiry was initiated to determine the facts of these incidents.
The investigation involved interviews with the subject officer and witnesses, a review of text message conversations, and observation of physical evidence.

The subject of the inquiry had initiated a vehicle pursuit that was quickly terminated by the on-duty supervisor because it did not meet the threshold to continue per department policy. The officer was counseled by the shift supervisor on the pursuit policy and the counseling was documented in accordance with employee management practices. During the investigation the fleet video and body worn camera of the pursuit was reviewed, the investigator concurred with the manner that the shift supervisor addressed the policy violation. However, the video also showed a level of anger on the officer’s part after he was directed to terminate the chase by the supervisor. While he followed the order, he lashed out by striking the steering wheel of the patrol car with his hand. An inspection of the patrol car found that the officer struck the steering wheel hard enough to significantly bend it.

With respect to the officer’s statements and text messages the investigation found that they were made in private to fellow officers. The statements all concerned the lack of the aggressiveness of law enforcement in general. The officer clearly did not support the national and local policing reforms being enacted at ELPD. These frustrations manifested in his actions and statements found during the investigation.

The inquiry was sustained as a policy violation with resulting disciplinary personnel action. Unrelated to the disciplinary action, this officer has resigned from ELPD.

20-3

Complaint Classification: Policy Violation
Disposition: Sustained
Employee Race: Hispanic
Employee Sex: Female
Employee 5-year (2020-2015) Complaint Trend (all): 1
- Policy Violation (1)
Employee 5-year Admin Inquiry Trend (all): 1
- Policy Violation (1)

A Parking and Code Enforcement (PACE) Officer left work approximately 30-40 minutes prior to her shift ending. The inquiry found that the officer had not gained permission from a supervisor to do so nor had she been relieved by another employee. Further, it was found that the officer did not use any type of leave time to account for her absence; she submitted for pay during the time she was not on duty.

This inquiry was sustained with accompanying personnel disciplinary action.
20-4

Complaint Classification: Policy Violation
Disposition: Closed
Employee Race: White
Employee Sex: Male
Employee 5-year Complaint Trend (all): 0
Employee 5-year (2020-2015) Admin Inquiry Trend (all): 1
  • Policy Violation (1)

An ELPD supervisor found that a Jail Service Officer (J SO) had submitted for overtime that was not worked. An Administrative Inquiry was begun to determine how much time was submitted for and the circumstances surrounding this occurrence.

The inquiry found that the J SO had submitted for approximately 30-45 minutes of overtime that was not worked. This is supported by both time sheet paperwork and video of when the J SO went off duty. Upon being notified that this inquiry was being conducted and an investigative interview with him being scheduled, the J SO resigned his position and no longer works for ELPD.

2019 Administrative Inquiry Summaries

19-1

Complaint Classification: Policy Violation
Disposition: Sustained
Officer Race: White
Officer Sex: Male
Officer 5-year (2020-2015) Complaint Trend (all): 0
Officer 5-year (2020-2015) Admin Inquiry Trend (all): 1
  • Policy Violation (1)

A police officer was on administrative leave for a medical issue when he notified Police Administration that he had been arrested for drunk driving. An inquiry was begun to determine the facts of the matter.

The inquiry found that the officer was in northern Michigan when his vehicle became stuck in a ditch. The police agency having jurisdiction of the area responded to a call of the accident and contacted the officer. The responding Sheriff’s Deputy established enough probable cause to support an arrest for Operating While Intoxicated (OWI). The officer was arrested and transported to the county jail in accordance with the agency’s OWI protocols.
The inquiry was sustained as a policy violation with resulting disciplinary action. This officer resigned from ELPD in 2019.

19-2

Complaint Classification: Policy Violation
Disposition: Policy Review
Employee Race: White
Employee Sex: Female
Employee 5-year (2020-2015) Complaint Trend (all): 0
Employee 5-year (2020-2015) Admin Inquiry Trend (all): 1

Policy Administration was made aware that a civilian employee had inadvertently disseminated two unredacted police reports to the public when they were meant to remain private.

The inquiry found that the employee had collated two police reports and intended to email them to the East Lansing City Attorney’s Office per normal operating procedures. However, the employee mistakenly sent the police reports to a media email distribution list. The employee took immediate steps to contact those that received the police reports and request that they delete the information.

The inquiry determined that the employee did not publicize these reports with any malicious intent. The inquiry was closed with a Policy Review disposition to ensure that a mistake such as this does not occur again. The revisions taken in the aftermath of this include:

1. All complaint and warrant or sensitive information was to be printed and sent to the City Attorney’s Office in the daily mail run.
2. Auto fill for email addresses was disabled on Records Staff’s PCs.
3. A send prompt was added to all Records Staff’s PCs.
4. Staff was instructed to review their attachments and email recipients prior to sending information.

19-3

Complaint Classification: Use of Force
Disposition: Sustained
Officer Race: White
Officer Sex: Male
Officer 5-year (2020-2015) Complaint Trend (all): 1

Officer 5-year (2020-2015) Admin Inquiry Trend (all): 1
A police supervisor notified administration that a use of force violation occurred during an arrest of a subject. Administration began an inquiry to determine the facts of the violation.

An officer had arrested an individual for attempted theft of a moped and was in the process of placing him in the backseat of a patrol car. The subject was handcuffed behind his back and ran from the officers just prior to getting into the patrol car. The officers pursued him on foot. Once close enough to the subject one officer deployed his Taser. The probes struck the subject and caused him to fall to the ground resulting in injury.

The inquiry found that the officer violated training guidelines and was sustained. The officer received resulting disciplinary action.

19-4

Police Administration became aware of a social media post to Twitter accusing an officer of threatening to hang a subject by his neck. The post was accompanied by a video. An immediate inquiry was started.

The administrative inquiry found that the officer did not make this threat per the audio from the posted video. However, the officer did say “I will hold on to your neck”. The circumstances leading up to the confrontation involve the detainment of the subject for a weapons violation. While in the backseat of the patrol car, handcuffed behind his back, the subject was attempting to use his cell phone. The officers moved to intervene and stop the subject from making the call. While the officer was retrieving the phone from the subject he was holding onto his “shoulder/trap muscle area”. The inquiry did not find any use of force policy violations.
Michigan Department of Civil Rights Complaint

Complaint Classification: Policy Violation
Disposition: Dismissed
Officer Race: Unknown
Officer Sex: Unknown
Subject’s Race: Black
Subject’s Sex: Male

The police department received a notice of complaint from the Michigan Department of civil rights. The complainant stated that on or about April 1, 2018 he was the subject of racial profiling by an East Lansing police officer. He stated that he was parked at an unspecified gas station while the police officer repeatedly patrolled around his car. The complainant stated that the officer circled the area in an attempt to pull him over if he drove. The subject indicated that he had to spend the night in his vehicle. There was no direct contact between the complainant or an officer.

The police department reviewed daily activity reports, reviewed camera footage, and spoke with officers working around the date indicated by the complainant. No evidence of this behavior could be found.

In communication with the East Lansing City Attorney’s Office a response was provided to the Michigan Department of Civil Rights.

Upon the completion of the investigation the police department received a Notice of Disposition and Order of Dismissal. The notice stated:

“This complaint alleges that the respondent discriminated against the claimant in violation of civil rights laws.

The investigation of this complaint included a review of all information obtained during the investigation. Based upon all the evidence in the file, e.g. any applicable statements of witnesses, analysis of comparatives and review of documents, the department determined there is insufficient evidence to proceed.

It is therefore ordered that this complaint is dismissed.

The complaint was dismissed on January 4, 2019. The notice was mailed January 18, 2019.
Body Camera Review/Officer-Initiated Contact Data

The Human Right Commission has been providing ELPD with 2 random dates monthly for the department to review body worn camera footage to collect demographic data on contacts officers were making. In February 2020 ELPD began collecting demographic and reason for contact data on all officer-initiated contacts. Collecting officer-initiated contact data and conducting body worn camera reviews to collect data became redundant. Being that collection of data on all officer-initiated contacts is much more comprehensive coupled with the labor intense process of video review the decision was made to cease the camera footage review. These reviews ceased in summer June 2020.

Attached to this memo is the February 2020 – December 2020 officer-initiated contact report.

Fair and Impartial Policing / Diversity Training

In summer of 2020 ELPD hosted department wide training on fair and impartial training. This training focused on implicit biases and they interplay with how officers interact with the community.

44/52 (84.6%) of sworn officers attended this training with the balance scheduled to attend a future session.

Additionally, the following individual training courses were attended by the corresponding number of officers in 2020:

- Legally Justified, but was it avoidable? (1)
- Crisis Intervention Training (2)
- Dynamics of Officer / Citizen Encounters (4)
- 17th Annual Images and Perceptions Diversity Conference (8)
- Certificate in Diversity Leadership (1)
- De-escalation Instructor (3)
- Reimagining Community Engagement (2)
East Lansing Police Department
Complaint Against Employee

Citizen initiated complaint: [☑] Yes  [□] No
Date Received: 01/03/2020
Time Received: 1230

Complainant name: [Redacted]
Race and Sex: [Redacted]
Home phone: [Redacted]
Cell phone: [Redacted]

Complainant address: [Redacted]
City, State and Zip: [Redacted]

Victim name (if other than complainant):
Race and Sex: [Redacted]
Home phone: [Redacted]
Cell phone: [Redacted]

Victim address: [Redacted]
City, State and Zip: [Redacted]

Employee(s) named:
Austin Nelson

Location of incident:
Lake Lansing/ Coolidge
Date occurred: 12/29/2019
Time occurred: 0134

Alleged misconduct:
[☑] Code of Conduct violation  [☐] Policy Violation  [☑] Excessive Force  [☐] Unprofessional conduct

Narrative:
[Redacted] was arrested by Officer Austin Nelson for DWLS, and Disorderly-Resist/Obstruct/Hinder ELPD was issued Misd citation which I have attached to this report.

[Redacted] said that the Officers involved used Excessive Force while arresting him and caused a head injury. [Redacted] provided me with medical records that I have attached to this report. Austin Nelson, Andrew Stephenson, and Evan Siemen were involved in the arrest of [Redacted]. Body camera and in-car video is available for this incident.

Reporting supervisor name:
Det/Sgt James Phelps

Reviewing administrator name:
[Redacted]

Assigned to investigator:
Sgt. Blanch

Complaint number: 20 - 1
Date assigned: 1-3-20

Disposition:
[☐] Unfounded  [☑] Exonerated  [☐] Not sustained  [☐] Sustained  [☐] Policy review
# East Lansing Police Department
## Complaint Against Employee

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<th>Citizen initiated complaint:</th>
<th>Yes</th>
<th>No</th>
<th>Date Received:</th>
<th>2/14/20</th>
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<table>
<thead>
<tr>
<th>Employee(s) named:</th>
<th>Ofc. Stephenson</th>
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<tbody>
<tr>
<td>Location of incident:</td>
<td>7-11 Grove Street Parking Lot</td>
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<tr>
<td>Date occurred:</td>
<td>2/9/20</td>
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<td>Alleged misconduct:</td>
<td>Code of Conduct violation □</td>
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<tr>
<td>Narrative:</td>
<td>See attached Facebook post from complainant.</td>
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<table>
<thead>
<tr>
<th>Reporting supervisor name:</th>
<th>Chief Larry Sparkes</th>
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</thead>
<tbody>
<tr>
<td>Reviewing administrator name:</td>
<td>Chief Larry Sparkes</td>
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<tr>
<td>Assigned to investigator:</td>
<td>Capt. Chad Connelly</td>
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<tr>
<td>Complaint number:</td>
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# East Lansing Police Department

## Complaint Against Employee

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### Employee(s) named:

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### Alleged misconduct:

| ☑ Code of Conduct violation ☐ Policy Violation ☐ Excessive Force ☐ Unprofessional conduct |

### Narrative:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Complainant made a complaint that he was followed on four separate occasions in the COEL by ELPD Officers. These incidents made him feel harassed and racially profiled.</td>
<td></td>
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### Reporting supervisor name:

<table>
<thead>
<tr>
<th>Sgt. Travis Bove</th>
<th>Reviewing administrator name:</th>
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<tbody>
<tr>
<td></td>
<td>Capt. Chad Connelly (5/21/20)</td>
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### Assigned to investigator:

<table>
<thead>
<tr>
<th>Lt. Chad Pride</th>
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### Date assigned:

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### Disposition:

| ☐ Unfounded ☑ Exonerated ☐ Not sustained ☐ Sustained ☐ Policy review |

<p>| | |</p>
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[Signature]

[Signature]
**East Lansing Police Department**  
**Complaint Against Employee**

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<th>Victim name (if other than complainant):</th>
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</thead>
<tbody>
<tr>
<td>same as above</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Victim address:</th>
<th>City, State and Zip:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employee(s) named:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer Monroe and Officer Fergason</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location of incident:</th>
<th>Date occurred:</th>
<th>Time occurred:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Haslett East Lansing MI 48823</td>
<td>7/6/2020</td>
<td>2305</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Alleged misconduct:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code of Conduct violation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Narrative:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainant states that officers harassed him and had no reason to stop him. Complainant stated he could not write out a written statement.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reporting supervisor name:</th>
<th>Reviewing administrator name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>LT. Pride</td>
<td>CAPT. Connors</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assigned to investigator:</th>
<th>Complaint number:</th>
<th>Date assigned:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sgt. Park (7-9-20)</td>
<td>20-4</td>
<td>7-9-20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Disposition:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unfounded</td>
</tr>
</tbody>
</table>

*Originally was assigned to LT. Pride. Opted for it to be done at admin level.*
## East Lansing Police Department
### Complaint Against Employee

<table>
<thead>
<tr>
<th>Citizen initiated complaint:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Received:</td>
<td>09-18-2020</td>
<td>Time Received: 2230</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complainant name:</th>
<th>Race and Sex:</th>
<th>Home phone:</th>
<th>Cell phone:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainant address:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Victim name (if other than complainant):</td>
<td>Race and Sex:</td>
<td>Home phone:</td>
<td>Cell phone:</td>
</tr>
<tr>
<td>Victim address:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employee(s) named:</th>
<th>Katelynn Bennett</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location of incident:</td>
<td>Pin Oak</td>
</tr>
<tr>
<td>Date occurred:</td>
<td>09-18-2020</td>
</tr>
<tr>
<td>Time occurred:</td>
<td>2129</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Alleged misconduct:</th>
<th>Code of Conduct violation</th>
<th>Policy Violation</th>
<th>Excessive Force</th>
<th>Unprofessional conduct</th>
</tr>
</thead>
</table>

### Narrative:

- stated that a female officer that responded to her residence for altercation. stated the officer was unprofessional and let the complainant get pushed while suspect was gathering his belongings so he could leave.

<table>
<thead>
<tr>
<th>Reporting supervisor name:</th>
<th>Reviewing administrator name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Set. Young</td>
<td>Capt. Connolly</td>
</tr>
<tr>
<td>Assigned to investigator:</td>
<td>Lt. Verder</td>
</tr>
<tr>
<td>Complaint number:</td>
<td>Date assigned:</td>
</tr>
<tr>
<td>20 - 5</td>
<td>9-21-20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Disposition:</th>
<th>Unfounded</th>
<th>Exonerated</th>
<th>Not sustained</th>
<th>Sustained</th>
<th>Policy review</th>
</tr>
</thead>
</table>

Disposition: Unfounded
### East Lansing Police Department

**Complaint Against Employee**

<table>
<thead>
<tr>
<th>Citizen initiated complaint:</th>
<th>Yes</th>
<th>No</th>
<th>Date Received:</th>
<th>10-17-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainant name:</td>
<td></td>
<td></td>
<td>Race and Sex:</td>
<td></td>
</tr>
<tr>
<td>Complainant address:</td>
<td></td>
<td></td>
<td>Home phone:</td>
<td></td>
</tr>
<tr>
<td>Victim name (if other than complainant):</td>
<td></td>
<td></td>
<td>Race and Sex:</td>
<td></td>
</tr>
<tr>
<td>Victim address:</td>
<td></td>
<td></td>
<td>City, State and Zip:</td>
<td></td>
</tr>
</tbody>
</table>

| Employee(s) named:           | Sgt. J. Young / JSO K. Johnston |
| Location of incident:        | Abbot  |
| Date occurred:              | 10-17-20 |
| Time occurred:              | 0046 HRS |

**Alleged misconduct:**

- Code of Conduct violation
- Policy Violation
- Excessive Force
- Unprofessional conduct

**Narrative:**

- Felt targeted because he is black and everyone else at the party was white.
- Also said that JSO Johnston told him not to play the race card and her kids wouldn't be in this position because her kids know how to act.

<table>
<thead>
<tr>
<th>Reporting supervisor name:</th>
<th>K. Khoury</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reviewing administrator name:</td>
<td>Act. Connely</td>
</tr>
<tr>
<td>Assigned to investigator:</td>
<td>Lt. Scot Sexton</td>
</tr>
<tr>
<td>Complaint number:</td>
<td>20-6</td>
</tr>
<tr>
<td>Date assigned:</td>
<td>10/19/20</td>
</tr>
<tr>
<td>Disposition:</td>
<td>Sgt. Young</td>
</tr>
</tbody>
</table>

**Disposition rendered:**

- Unfounded
- Exonerated
- Not sustained
- Sustained
- Policy review

[Signature]

11/25/20
CITY OF EAST LANSING
ORDINANCE NO. ____

AN ORDINANCE TO ADD DIVISION 12 TO ARTICLE V -
BOARDS AND COMMISSIONS - OF CHAPTER 2 -
ADMINISTRATION - OF THE CODE OF THE CITY OF EAST
LANSING TO ESTABLISH AN INTERNAL INVESTIGATIONS
REVIEW BOARD.

THE CITY OF EAST LANSING ORDAINS:

Division 12 and Sections 2-481 and 2-482 are hereby added to Article V of Chapter 2 of the Code of the City of East Lansing to read as follows:

Division 12. Public Safety Review Board

Sec. 2-481. Purpose; membership.

(a) The Public Safety Review Board of the City of East Lansing is hereby created to review Public Safety Department dispositions with regard to internal investigations of members of the Departments pursuant to the duties set forth in this Division and to refer to the City Manager for investigation and review of any dispositions it determines meets the criteria set forth in this Division.

(b) The Public Safety Review Board shall consist of five members. One member shall be a member of the Human Relations Commission and one member shall be a member of the University Student Commission. The three remaining members shall be residents who shall be representative of the population of the city, but preferably members with a law enforcement background. Of the three residents appointed, one shall initially be appointed for a partial term of one year and the other two shall initially be appointed for a partial term of two years. The appointee of the Human Relations Commission shall be appointed for a full three year term and shall remain a board member so long as he or she remains a member of the Human Relations Commission.

Sec. 2-482. Duties and Procedures.

(a) It shall be the duty of the Public Safety Review Board to review dispositions of internal investigations of members of the Public Safety Departments within the City, as provided by the Chiefs of those departments or their designees, that were;
(1) made by a member of the general public; or

(2) made by an employee of the City of East Lansing alleging inappropriate conduct toward a member of the public.

(b) The Chiefs of the Police Department and Fire Department, or their designees, shall meet quarterly with the Public Safety Board of review and advise the Board of the following:

(1) All pending complaints falling within the categories set forth in subparagraph (a) of this section and the allegations involved in the complaint and whether the complaint was made by a member of the public or an employee.

(2) The dispositions of any and all pending complaints since the previous meeting of the Board, which shall include a summary of the complaint, how it was generated, the basic factual findings of the Department, the final determination made by the Department and whether the complaint resulted in any discipline. The Board shall not be advised of the name or identifying information of any complainant or witness, the name or identifying information of any employee that was investigated or the nature of any discipline that was imposed. The Board and individual Board members do not have the authority to review any portion of the investigative file but may ask questions of the Chief or the Chief’s designee consistent with this provision.

(c) The Public Safety Review Board may refer to the City Manager for additional review any matters in which there has been an internal investigation disposition in which there has been a disposition of unfounded, exonerated, or not sustained and in which the Board determines by majority vote of a quorum that:

(1) There was competent, material and substantial evidence to support a different determination; or

(2) There is significant material information missing from the investigation to warrant review of the determination; or

(3) The determination was not based on proper procedures, or

(4) The determination was not based on a proper interpretation of the existing laws, policies or procedures; or

(d) Upon receipt of a referral from the Public Safety Review Board, the City Manager shall review the matter, including all or any portion of the investigative file the City Manager deems appropriate, and make the decision to either:

(1) Sustain the determination made by the Department; or
(2) Refer the matter back to the Department for further investigation with specific instructions as to what additional information is necessary for a proper determination and/or what procedures need to be corrected, if any; or

(3) In situations in which the City Manager determines that there is competent, material and substantial evidence to support a different determination or the determination was not based on a proper interpretation of existing laws, policies or procedures, instruct the Department to change the determination.

(e) The City Manager shall advise the Board and the Department, by memo, of the City Manager’s decision in all matters referred to the City Manager for review. In circumstances in which the City Manager refers the matter back to the Department for further investigation, that matter shall go back through the review process as a pending investigation as set forth in paragraph (b) of this section.
Community Oversight Paves the Road to Police Accountability

https://www.nacole.org/community_oversight_paves_the_road_to_police_accountability

In the United States, law enforcement operates under a shroud of secrecy with far less democratic accountability than our other public institutions. Police Oversight Bodies are limited in power under most state laws. Police departments are able to control the Oversight Bodies’ access to the data, evidence, witnesses, and personnel files that they need for meaningful oversight.

A first step: The Congress discussed some critical legislation, but it didn’t pass. However, state legislatures and municipalities, can and should pass legislation permitting localities to establish Civilian Oversight Bodies. Localities should be able to give these bodies subpoena power to compel the production of documents and witnesses, allowing them to investigate, gather, analyze, and review information; produce public reports; and to make informed recommendations related to policing issues of significant public interest. Localities should also be able to empower these bodies to make the final decisions on disciplining officers, adjudicating use of force, recruiting practices, and creating policies. Localities can empower these bodies with the independence that is necessary to have a lasting impact.

A FIRST STEP

Oversight is an important first step toward police accountability and transparency in our communities.

PROACTIVE

- Not just reviewing misconduct complaints.
- Can include independent analysis of police data related to Use of Force, Stop-and-Frisk, or other procedures; financial auditing and recommendations; review of policies, independent investigations, and proposals to address systemic issues; and more.
INDEPENDENT

- Must be independent authorities, not subsidiaries of the police departments they oversee.
- Must be independent from political processes.
- Must be independent and permanently secured financially.
- Must have independence of voice. Oversight should not keep secrets for law enforcement.

INDIVIDUALIZED

- For each locality based on specific needs of the community.
- This requires broad (not prescriptive) enabling legislation for each municipality to establish a structure that meets their unique needs.

COMMUNITY-DRIVEN

- Oversight should be conducted—in part or in whole—by the people most impacted by policing in their communities.

EMPOWERED

- Subpoena (witnesses) and subpoena duces tecum (documents) authority.
- The statewide repeal of laws that prevent public access to and publication of police records on discipline and other matters of public concern.
- Final decision-making authority on:
  - disciplinary matters,
  - adjudicating use of force,
  - recruiting practices, and
  - creating policies.

TRANSPARENT

- All meetings and reports should be public and all operations should be transparent.

AN INVESTMENT IN OUR COMMUNITIES

- Financial and administrative support (as requested by the individual oversight body) by municipalities is critical to the success of police oversight.

AN ITERATIVE PROCESS

- Meaningful civilian oversight faces numerous hurdles in the United States due to the overwhelming protections law enforcement officers have, including statutory procedural guarantees when faced with discipline or firing that no other public official enjoys, qualified immunity, and more. Oversight will change as these landscapes change.
Pitfalls to Avoid

OVERSIGHT IS NOT A ONE-STEP SOLUTION FOR ALL POLICING ISSUES

OVERSIGHT IS NOT SOLELY A REACTIVE “CIVILIAN REVIEW BOARD”

- “Civilian Review Board” indicates that the only power an Oversight Body has is to “review” individual complaints. It leaves out the ability independently investigate (rather than relying on the police department’s records) and to engage in work focused on systemic problems.

OVERSIGHT IS NOT CHOSEN OR HOUSED BY POLICE DEPARTMENTS

- Appointees should not be chosen by the Chief of Police.
- Oversight bodies should be independent of the Police Department in all ways.

OVERSIGHT IS NOT A STATEWIDE BODY

- A statewide Oversight Bodies overseeing all law enforcement agencies in the state would disregard best practices identified by the National Association of Civilian Oversight of Law Enforcement (“NACOLE”).

OVERSIGHT IS NOT DONE FROM THE TOP-DOWN

- Localities should be encouraged and empowered to create strict Oversight Bodies membership criteria based on the history and patterns of local policing to ensure that communities most impacted by policing are represented.

OVERSIGHT IS NOT PERFORMATIVE

- State laws already afford extraordinary protections to law enforcement officers and conceal extensive information regarding their work from the public. Civilian oversight bodies must be given real power or else they risk being performative political statements with no actual “teeth” or power.

OVERSIGHT IS NOT SECRETIVE

- This is a public-facing process and all efforts should be made by the Legislature and localities to ensure that policing matters are able to be discussed in public settings and all reports are made public.

OVERSIGHT IS NOT SOLELY VOLUNTEER-BASED

- Staff can and should be able to be hired by localities, with statewide and/or local permanent financial support.
OVERSIGHT IS NOT A QUICK FIX

- Community-Police distrust is not new. We are at a critical moment in our nation’s history and, as Civilian Oversight Bodies become more widespread, additional statewide legislative pushes may be needed to ensure meaningful oversight and community legitimacy of the oversight process.
CIVILIAN OVERSIGHT OF LAW ENFORCEMENT NECESSARY FOR MEANINGFUL REFORM

June 2, 2020 - The National Association for Civilian Oversight of Law Enforcement (NACOLE) and its members are angry and grieving after yet another senseless, unjustified death of a human being at the hands of those sworn to protect and serve. The death of George Floyd, captured on video, caused by the actions of a seemingly calm, armed, and uniformed officer, now charged with murder, is devastating for all of us, and we must continue to speak up, protest, and diligently work to end the systemic racism that plagues our criminal justice system – and indeed our entire society.

NACOLE was founded on the belief that policing should be fair and consistent, and that independent civilian oversight leads to more effective policing and safer communities. We applaud the thousands of professionals practicing civilian oversight of law enforcement nationally, who have dedicated their lives and careers to accountable policing. We support agencies such as the Office of Police Conduct Review and the Police Conduct Oversight Commission in Minneapolis. Despite the progress law enforcement oversight agencies across the country have made, much work remains if we hope to achieve lasting and meaningful law enforcement and criminal justice reform.

To start, NACOLE strongly recommends that the U.S. Department of Justice once again conduct systematic and thorough pattern-or-practice investigations.

We strongly recommend that legislatures repeal laws that conceal police disciplinary records from public view.

We strongly recommend changes to state licensing laws and the mandatory use of a national de-certification index to prevent bad officers, terminated from one police force, from getting a job at another.

We strongly recommend that state and local laws and law enforcement policies and procedures require the greatest possible transparency of internal processes, community inclusion, and strong accountability mechanisms.

We strongly recommend that oversight entities have unfettered access to department data and records, personnel files, and police, jail, and prison facilities, so that they can carry out their existing mandates.

We strongly recommend that oversight agencies have the authority to investigate, take testimony, audit or review internal investigations or processes, and make policy recommendations that will allow law enforcement departments to begin to serve communities in a truly just and unbiased way.
Established in 1995, NACOLE is a nonprofit organization that works to build accountability, transparency, and community trust in law enforcement. In the United States, NACOLE is the preeminent civilian oversight association and our membership, board of directors, and staff consists of leading experts in the civilian oversight field. Our training events bring together the growing community of civilian oversight practitioners, law enforcement officials, community advocates, and other accountability experts to meet and exchange information and ideas about issues facing civilian oversight and law enforcement. In addition, NACOLE provides member support and training throughout the year with regional training opportunities, pertinent and ongoing research and outreach, and advises jurisdictions on creating oversight and reviewing the authority of civilian oversight agencies.

More information and resources can be found at NACOLE.org

###

https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/80/attachments/original/1591134549/NACOLE_Floyd_Press_Release_FINAL_20200602.pdf?1591134549
# Survey of Oversight Structures: Michigan PA 312, Big Ten, and Other Cities

*Note*: Data about PA 312 and Big 10 jurisdictions were collected by an intern in the City Manager’s office before the Study Committee met. Data about other cities were collected by members of a subcommittee of the Study Committee in fall, 2020. Not all information is up-to-date. For reference, East Lansing’s population is 48,729 (U.S. Census 2019 estimate), and the number of ELPD sworn officers is 48 (as of May 2021).

<table>
<thead>
<tr>
<th>City</th>
<th>Population</th>
<th>PD Size (Sworn)</th>
<th>Citizen Oversight</th>
<th>Oversight Body</th>
<th>Year Formed</th>
<th>Oversight Body Type</th>
<th>Appointment Process</th>
<th>Additional Info</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jackson</td>
<td>32,704</td>
<td>46</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bay City</td>
<td>33,188</td>
<td>49</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Holland</td>
<td>33,366</td>
<td>57</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Muskegon</td>
<td>38,131</td>
<td>74</td>
<td>Yes</td>
<td>Citizen’s Police Review Board</td>
<td>1998</td>
<td>Review</td>
<td>By City Commission; 9 members (3 from minority org; 3 from neighborhood assc; 1 LEO from different jurisdiction; 2 at-large)</td>
<td>Annual report contains no info on complaints or internal investigations</td>
</tr>
<tr>
<td>Midland</td>
<td>41,950</td>
<td>46</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portage</td>
<td>48,816</td>
<td>54</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michigan State University</td>
<td>49,809</td>
<td>85</td>
<td>Yes</td>
<td>Police Oversight Commission</td>
<td>2012</td>
<td>Review</td>
<td>Elected; 9 members (3 faculty; 2 staff; 3 student; 1 ex-officio from MSU DPS)</td>
<td>Commission appears dormant; process is thoroughly confidential with minimal public involvement</td>
</tr>
<tr>
<td>Battle Creek</td>
<td>51,286</td>
<td>109</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Office of Professional Standards; complainant may appeal to City Manager</td>
</tr>
<tr>
<td>Ann Arbor</td>
<td>113,394</td>
<td>125</td>
<td>Yes</td>
<td>Independent Community Police Oversight Commission</td>
<td>2018</td>
<td>Investigative</td>
<td>By City Council liaisons to HRC and approved by full; 11 members</td>
<td>Task force recommended community police commission with access to all relevant evidence to issue report about action/changes</td>
</tr>
<tr>
<td>City</td>
<td>Population</td>
<td>PD Size (Sworn)</td>
<td>Citizen Oversight</td>
<td>Oversight Body</td>
<td>Year Formed</td>
<td>Oversight Body Type</td>
<td>Appointment Process</td>
<td>Additional Info</td>
</tr>
<tr>
<td>-------------------</td>
<td>------------</td>
<td>-----------------</td>
<td>------------------</td>
<td>---------------------------------------------------</td>
<td>-------------</td>
<td>--------------------</td>
<td>----------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lansing</td>
<td>116,896</td>
<td>188</td>
<td>Yes</td>
<td>Board of Police Commissioners</td>
<td>2016</td>
<td>Review</td>
<td>By Mayor and approved by City Council</td>
<td>Includes Fire Department</td>
</tr>
<tr>
<td><strong>BIG TEN COMPARABLES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>College Park (MD)</td>
<td>32,303</td>
<td>N/A</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Receives police services from LEAs with overlapping jurisdiction (PG County Police; MD State Police; U of MD Police)</td>
</tr>
<tr>
<td>State College (PA)</td>
<td>42,430</td>
<td>60</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Internal Review Board for investigations, reviewed by Chief of Police Internal Affairs Office for investigations</td>
</tr>
<tr>
<td>West Lafayette (IN)</td>
<td>46,269</td>
<td>50</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Internal Affairs Office for investigations</td>
</tr>
<tr>
<td>New Brunswick (NJ)</td>
<td>57,073</td>
<td>139</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evanston (IL)</td>
<td>74,756</td>
<td>150</td>
<td>Yes</td>
<td>Citizen Police Review Commission</td>
<td>2019</td>
<td>Review</td>
<td>By Mayor and approved by City Council; 9 members</td>
<td>Citizen Police Complaint Assessment Committee recommended commission with access to all relevant evidence from complaint</td>
</tr>
<tr>
<td>Iowa City (IA)</td>
<td>75,798</td>
<td>82</td>
<td>Yes</td>
<td>Community Police Review Board</td>
<td>1997</td>
<td>Review</td>
<td>By City Council; 5 members</td>
<td>May request/conduct additional investigation with subpoena power</td>
</tr>
<tr>
<td>Bloomington (IN)</td>
<td>84,981</td>
<td>103</td>
<td>Yes</td>
<td>Board of Public Safety</td>
<td>1983</td>
<td>Review</td>
<td>By Mayor; 5 members</td>
<td>Oversees all DPS functions; includes Fire Department</td>
</tr>
<tr>
<td>Ann Arbor (MI)</td>
<td>- see above</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Madison (WI)</td>
<td>255,214</td>
<td>461</td>
<td>Yes*</td>
<td>Independent Monitor</td>
<td>2020*</td>
<td>Audit/Monitor</td>
<td>TBD*</td>
<td>MPD Policy and Procedure Ad Hoc Committee made 177 recommendations about current commission and police practices</td>
</tr>
<tr>
<td>City</td>
<td>Population</td>
<td>PD Size (Sworn)</td>
<td>Citizen Oversight</td>
<td>Oversight Body</td>
<td>Year Formed</td>
<td>Oversight Body Type</td>
<td>Appointment Process</td>
<td>Additional Info</td>
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</tr>
<tr>
<td>Lincoln (NE)</td>
<td>284,736</td>
<td>325</td>
<td>Yes</td>
<td>Civilian Review Board</td>
<td>1970</td>
<td>Review</td>
<td>7 members</td>
<td>Directly-filed complaints result in informal meeting between complainant and officer(s)</td>
</tr>
<tr>
<td>Columbus (OH)</td>
<td>879,170</td>
<td>1,848</td>
<td>Yes*</td>
<td>Independent Civilian Review Board</td>
<td>2020*</td>
<td>TBD*</td>
<td>TBD*</td>
<td>Community Safety Advisory Commission recommended creation after evidence of racial bias in police use of force</td>
</tr>
<tr>
<td>OTHER CITIES (&quot;NON-COMPARABLES&quot;)</td>
<td></td>
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<tr>
<td>Albany (NY)</td>
<td>97,856</td>
<td>300</td>
<td>Yes</td>
<td>Citizen Police Review Board</td>
<td>2000</td>
<td>Review; Monitor</td>
<td>By Mayor or by City Council; 9 members</td>
<td>May request/conduct additional investigation with subpoena power</td>
</tr>
<tr>
<td>Albuquerque (NM)</td>
<td>560,218</td>
<td>853</td>
<td>Yes</td>
<td>Civilian Police Oversight Agency</td>
<td>2014</td>
<td>Investigative</td>
<td>By City Council; 9 members</td>
<td>Federal consent decree required giving full investigative/ subpoena power to oversight body; makes policy change recommendations</td>
</tr>
<tr>
<td>Berkeley (CA)</td>
<td>121,643</td>
<td>181</td>
<td>Yes</td>
<td>Police Review Commission</td>
<td>1973</td>
<td>Investigative</td>
<td>By Mayor and approved by City Council; 9 members</td>
<td>Commission has full investigative/ subpoena powers; makes policy change recommendation</td>
</tr>
<tr>
<td>Eugene (OR)</td>
<td>171,245</td>
<td>200</td>
<td>Yes</td>
<td>Civilian Review Board</td>
<td>2006</td>
<td>Investigative</td>
<td>By City Council; 5 or 7 members</td>
<td>May request/conduct additional investigation</td>
</tr>
<tr>
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<td></td>
<td>Police Auditor</td>
<td>2007</td>
<td>Monitor</td>
<td>By City Council; 1 auditor</td>
<td>Monitors internal affairs investigations</td>
</tr>
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<td></td>
<td>Police Commission</td>
<td>2007</td>
<td></td>
<td>By Mayor and approved by City Council; 12 members (2 Council; 1 HRC; 1 CRB; 8 citizens)</td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>Population</td>
<td>PD Size</td>
<td>Citizen Oversight</td>
<td>Oversight Body</td>
<td>Year Formed</td>
<td>Oversight Body Type</td>
<td>Appointment Process</td>
<td>Additional Info</td>
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<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Los Angeles (CA)</td>
<td>3,999,000</td>
<td>9,974</td>
<td>Yes</td>
<td>Office of Inspector General</td>
<td>1992</td>
<td>Auditor; Review; Investigative</td>
<td>Hired by Board of Police Commissioners; 1 IG</td>
<td>May request/conduct additional investigation with subpoena power</td>
</tr>
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<td></td>
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<td></td>
<td>Board of Police Commissioners</td>
<td></td>
<td></td>
<td></td>
<td>Oversees OIG and sets LAPD policy</td>
</tr>
<tr>
<td>San Francisco (CA)</td>
<td>883,305</td>
<td>2,178</td>
<td>Yes</td>
<td>Department of Police Accountability</td>
<td>1982</td>
<td>Investigative</td>
<td>Hired by City Controller's Office; 35 staff (2 director, 24 investigator)</td>
<td>Office has full investigative/subpoena powers; makes policy change recommendations; Imposes discipline exceeding a 10-day suspension</td>
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<td></td>
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<td></td>
<td>Police Commission</td>
<td></td>
<td></td>
<td></td>
<td>Imposes discipline exceeding a 10-day suspension</td>
</tr>
<tr>
<td>Atlanta (GA)</td>
<td>498,044</td>
<td>1,733</td>
<td>Yes</td>
<td>Citizen Review Board</td>
<td>2007</td>
<td>Investigative</td>
<td>By City Council; 11 members</td>
<td>Board has full investigative/subpoena powers; makes policy change recommendations</td>
</tr>
<tr>
<td>Inglewood (CA)</td>
<td>109,419</td>
<td>186</td>
<td>Yes</td>
<td>Citizen Police Oversight Commission</td>
<td>2002</td>
<td>Review</td>
<td>By Mayor and City Council; 11 members</td>
<td>Purely advisory role; meets inconsistently; heavily criticized</td>
</tr>
<tr>
<td>East Haven (CT)</td>
<td>28,699</td>
<td>50</td>
<td>Yes</td>
<td>Board of Police Commissioners</td>
<td>2014</td>
<td>Review</td>
<td>By Mayor; 4 members</td>
<td>Board has hiring/firing authority; makes policy change recommendations</td>
</tr>
<tr>
<td>Ferguson (MO)</td>
<td>20,730</td>
<td>48</td>
<td>Yes</td>
<td>Civilian Review Board</td>
<td>2015</td>
<td>Review</td>
<td>By City Council; 9 members</td>
<td>May request additional investigation; makes policy change recommendations</td>
</tr>
<tr>
<td>Warren (OH)</td>
<td>38,382</td>
<td>70</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Federal consent decree 2012-2019; no official oversight body has been put into place</td>
</tr>
</tbody>
</table>