

[Statement from Ingham County Prosecutor Carol Siemon, June 11, 2020]

Events over the past months both locally and nationally have shined the light on the kinds of contacts that police officers have with community members and the consequences- sometimes fatal- of use of force. Recent events demonstrate the need for clearer policies and practices, both by police and prosecutors, to ensure that public safety needs are met without unnecessary harm to community members. Our local police agencies are working together to develop consistent and appropriate use of force policies and we will be working together as a county to facilitate that a consistent, fair review of any alleged criminal activities by police officers occurs.

There are many levels of potential review if a police officer is alleged to have committed improper acts. There may be a local agency supervisor or other administration/disciplinary action. There may be personnel issues, including suspension or firing. There could be potentially civil lawsuits by individuals alleging their rights were violated. None of those types of actions involve the prosecutor's office. Our office reviews warrant requests for possible criminal prosecution, including when a warrant request may be submitted for a police officer's actions.

The community is now familiar with use of force complaints involving two individual and the East Lansing Police Department. A warrant request was submitted and issued charging Anthony Loggins with Resisting and Obstructing a Police Officer from a traffic stop occurring on December 29, 2019. When we reviewed the warrant request for Mr. Loggins, it was done based on the police report, which did not include information that Mr. Loggins had filed a use of force complaint. Our office requested the body camera video on May 29, 2020 and upon a review of all the circumstances, determined that the charges would be dismissed and a dismissal was requested on June 3, 2020.

This case helps highlight the need to have a heightened level of review in cases involving resisting and obstructing warrant requests, whether or not a use of force complaint against the officer exists. Nationally, it has been seen that what may appear to be appropriate and even innocuous on its face has a different interpretation when all evidence is viewed before a warrant is authorized. "Resisting arrest" or "resisting and obstructing" charges arising from police contacts involving minor offenses or due to an individual's situation, such as homelessness, intoxication, or mental illness, are particularly concerning.

Therefore, the Ingham County Prosecutor's Office will be developing and implementing a heightened review of resisting and obstructing warrant requests and looking into the circumstances in more detail before authorizing charges. Factors to be considered include, the nature of the original contact, whether the situation was one where services or community engagement might more appropriately deal with any issues, what the behaviors of the subject were, and what response(s) the police officer made. If there are body camera or other video evidence or there is a known use of force complaint at the time a warrant review is submitted, that evidence will be reviewed before issuing charges. It is our hope and expectation that our county law enforcement reduce the number of low-level police contacts and seek to address issues with a referral to social service agencies, instead of escalating the police contact, when such a referral would best serve the public interest.

Following developing best practices involving local reviews of use of force, the Ingham County Prosecutors Office will refer cases involving an “officer involved shooting” (OIS) or death of an individual in police custody directly to the Attorney General’s Office for review. I spoke with Attorney General Dana Nessel yesterday about how statewide practices may be evolving as attention is focused on the need for reform. For other cases involving non-shooting/non-fatal use of force by police officers, the Ingham County Prosecutor’s Office will exercise discretion and consider referring cases for a special prosecutor to review those use of force cases involving potential charges against a police officer. Having a case reviewed by an elected prosecutor from another jurisdiction, one who does not work with the agency whose officer may have committed a criminal offense, can provide an extra layer of credibility and public confidence.

A warrant request for this office to review involving the December 2019 actions of Officer Andrew Stephenson was submitted to our office on Wednesday, June 10, 2020 for his interaction on December 29, 2019 with Anthony Loggins. Today, I filed a petition with the Attorney General’s Office asking to have this warrant request reviewed by a special prosecutor.

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