

## MEMORANDUM

To: Study Committee on an Independent Police Oversight Commission

From: Subgroup 2 on Study Committee report to City Council  
Sade Callwood, Noel Garcia, and Chris Root

Subject: Draft report outline for your consideration and several questions

Date: November 20, 2020

Subgroup 2 met via Zoom on November 20, 2020 to discuss an outline of the Study Committee's report to the City Council. Three people were present - Sade Callwood, Noel Garcia, and Chris Root.

Attached please find a draft outline of the Study Committee report, for discussion at Nov. 23 meeting.

This draft document does *not* include any suggestions about the substance of recommendations the Study Committee will make. The purpose of this document is twofold: (1) to help the Study Committee decide what to include in its report, and (2) to make it possible to draft some sections before the end of its deliberations.

These are the decisions that we suggest the Study Committee consider on November 23.

(1) Agree to broad outlines of a report to Council, starting with the attached draft.

(2) If a draft outline is agreed on, agree that Section I can be drafted soon, and decide who will prepare draft of this section.

Further ideas that arose from our meeting:

- It is important for the Study Committee to schedule and design a public input session; input from the public needs to be a part of the report to Council. December is probably too soon; could it be scheduled in January? If so, can a subcommittee begin thinking about format, discussion questions, and publicity?
- As you review the draft report to Council, consider what the Study Committee would like to communicate to the Oversight Commission, so this information can be included in the report to Council. (The Study Committee will no longer exist when a new Oversight Commission convenes.)

These questions arose from our meeting:

- The Study Committee would benefit from clarity about how it can draft and revise its report without violating the Open Meetings Act. We are aware that the Financial Health Review Team wrote a thorough, well-received report to the City Council. It would be helpful to learn about relevant provisions of the OMA as soon as possible.
- Two related questions: (1) Should the Study Committee recommend staff and budget needs for an Oversight Commission? (2) Will staff and budget needs be included in a draft ordinance creating an Oversight Commission, or will City Council take action on those separately?
- Will the Oversight Commission require Bylaws? If so, we do not propose that the Study Committee draft them, but we should find out whether the recommendation we make should include that Bylaws must be created.

## Draft outline of Study Committee report to City Council

*Submitted by Subgroup 2 (Root, Callwood, and Garcia) November 20, 2020*

Excerpt from resolution creating the Study Committee on an Independent Police Oversight Commission:

*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.*

### **SECTION I: Purpose of the Study Committee and its report**

Purpose: To present recommendations for an ordinance creating an Oversight Commission and rationale for them, with relevant background information

Council's resolution creating Study Committee and the committee's membership

Overview of Study Committee's work, information gathered, and research undertaken

Input from the community about oversight of policing

### **SECTION II: History and current practices of oversight of police in East Lansing**

History of oversight of East Lansing Police Department (ELPD), including:

ELPD reports of complaints to Human Relations Commission (2017-2020)

Ordinance 1463 establishing a Public Safety Review Board (May 2019)

How are complaints and use of force incidents currently handled?

Recent examples of complaint and use of force incidents that reveal usefulness of changes to oversight system

### **SECTION III: Models of oversight commissions, difficulties of evaluation, constraints, and trends**

National context: Models and trends

Issues of Best Practices and research on effectiveness; changes made to oversight bodies in some cities to address weaknesses and challenges

Legal and union context: Collective bargaining agreements and state laws

## **SECTION IV: Recommendations for ordinance to create Oversight Commission OR draft ordinance**

Rationale for the model proposed by Study Committee, based on research of national experiences

Possible sections of ordinance creating an Independent Police Oversight Commission (based on NACOLE guidebook and several ordinances in other cities):

- a. Purpose or mission of Oversight Commission
- b. Definitions
- c. Powers and duties of Oversight Commission
- d. Membership (e.g., number of commissioners, method of appointments (including vacancies), eligibility and qualifications, terms, volunteer status, training once on the Commission)
- e. Procedures of Oversight Commission
- f. Information the Oversight Commission will be able to receive and how it will be obtained
- g. Communication and outreach to community
- h. Meetings of Oversight Commission
- i. Role in reviewing complaints (including types of complaints)
- j. New mediation program – option for handling complaints (if chosen) (?)
- k. Role in reviewing and making recommendations concerning ELPD policies and procedures
- l. Report(s) required of Oversight Commission (e.g., annual report, reports of policy recommendations)
- m. Operation of Commission in compliance with City Charter, Open Meetings Act, other?

Staffing ?

Budget ?

### **Appendices**

Selected information obtained by Study Committee (e.g., Data about complaints, arrest, use of force, and police-initiated stops, all with demographic data; other)

### **References**

Selected literature used by Study Committee