

From: [Nathan Andrus](#)
To: [City Council](#)
Cc: [Alice Dreger at ELi](#); [Nicole Mosteller](#); [Aaron Stephens](#); [George Lahanas](#); [Christine Root](#)
Subject: ELPD FOIA Appeal 79-21
Date: Tuesday, May 11, 2021 1:50:00 PM

Members of Council,

I have been attempting to receive data through the Freedom of Information Act from the East Lansing Police Department and I have become increasingly frustrated in my attempts to obtain these public records.

To give you some background on this, I submitted a request on January 29th, 2021. My original request was as stated *"I hereby request a Case and Arrest Summary Report for all of 2017, 2018, 2019, and 2020 in excel or CSV formats. Additionally, I request a report identifying all incidents of Use of Force, including case/report number, for all of 2019 and 2020."* East Lansing Info also values this information so that we are able to provide more accurate reporting to the citizens of East Lansing.

A ten-day extension was issued on this request (79-21) on February 3rd, 2021.

On February 17, 2021, Adrian Ojerio of the East Lansing Police Department, informed me of the fee of \$41.52.

On February 19, 2021, I submitted an appeal to your City Manager, Mr. George Lahanas, in his position as FOIA coordinator for the East Lansing Police Department, requesting to have the fee waived, citing the need for information regarding Use of Force to be released to the citizens of East Lansing.

On March 5, 2021, Mr. Lahanas responded saying *"The City is not granting the waiver under Section 4 because the City is not required to treat requests from the press differently than other requests."*

On March 15, 2021, I paid the fee of \$41.52.

On March 18, 2021, I received notice that my request was denied in part and granted in part. This is the first time I was made aware that any portion of the request was being denied.

The notice, dated February 17, 2020, stated:

"The East Lansing Police Department does not have records that you are requesting in excel or CSV format. This letter served as a certificate that the requested document does not exist under the name provided by you or another name that is reasonably known to the city. A. Per the State of Michigan FOIA Handbook, AG Dana Nessel Pg 8 - the public body is required to provide public records in the format requested if the records exist within the public body in that format - Farell v Detroit, 2029 Mich App; 530 NW2d105 (1995) - ELPD does not have the requested documents in Excel or CSV format."

While the city was able to provide a link to reports currently placed on the City of East Lansing website, I find that these reports can be inaccurate. Specifically, I will note an incident on February 9th, 2020, where there was a Use of Force incident at 311 Grove St. While the incident was reported in the Weekly ELPD Case and Arrest Summary, the report failed to note the Use of Force. It has been over a year since this incident and the public records that the city is pointing me to fail to be accurate.

On March 18, 2021, I submitted a request to Mr. Lahanas requesting a refund for the fees that I had paid. While a portion of the request was granted, I didn't feel that the fees paid corresponded with the staff time that would have been spent to generate the report. Especially when I was being pointed to inaccurate records on the city website. I copied Mayor Aaron Stephens on this correspondence to Mr. Lahanas.

On April 1, 2021, I received a notice from Mayor Stephens that the city was in receipt of my appeal and was issuing an extension for not more than 10 business days.

On April 15, 2021, I received notice from Mayor Stephens, dated April 14, 2021, that the city would be refunding a portion of the fees paid. In his response, it was noted that the fee associated with labor was correct and that it had actually taken additional time that was not changed. The FOIA Coordinator had spent time searching for records, reviewing records to confirm whether the City has the records in the requested format.

On April 15, 2021, I responded stating that *"...a portion of the request still remains unfulfilled."*

The portion that I point to is providing a Case and Arrest Summary Report for all of 2017, 2018, 2019, and 2020. As I stated, the current records that the city has pointed me to on the City of East Lansing, are inaccurate. East Lansing Police utilized force against Uwimana Gasito on February 9, 2020, as I'm sure you are all aware.

I'd have a hard time believing that there aren't other incidents where Use of Force was used but went unrecorded by the time the weekly Case and Arrest Summary Report for the week was uploaded to the city's website.

In fact, [we know that information missing from these reports has been an issue in the past](#). Specifically, there was an issue in October of 2019 when a former city employee had stolen a laptop from the lost and found in the parking department. The laptop theft occurred on September 14, 2019, and was then reported to police on September 24, 2019.

When an inquiry by ELi was made to the East Lansing Police about why the laptop theft wasn't included on the weekly reports, Deputy Chief Steve Gonzalez commented saying that "there are legitimate reasons why a report may be delayed in getting picked up in the weekly Case and Arrest Summary we publish." He said that "this most often occurs when an officer or civilian employee is still working on the report. This causes the report to be in an 'in progress' or 'transcription' status and therefore

will not be picked up and included when a weekly Case and Arrest Summary is generated."

To correct the issue, the East Lansing Police had begun releasing the Case and Arrest Summaries on Wednesdays instead of Mondays. Allowing for two additional days for reports to be completed.

While the two additional days certainly help, there are times when information is still missing from reports. Again, I will point to the incident on February 9, 2020, at 311 Grove. In this case, where we have much of the recent information, as we have been tracking police incidents for the last year, we are looking for greater accuracy in the historical information.

On April 30, 2021, I received notice from Mayor Stephens, dated April 29, 2021, that *"...Case and Arrest Summaries do not cross reference the Use of Force reports. These are two separate reports. Therefore the City does not have the records that you believe exists or should exist."*

I don't understand why I am receiving this notice. Not only does it misrepresent my original request that I have clearly stated many times over the last three months, but Use of Force has literally been identified on the Weekly Case and Arrest Summary Reports for years.

You claim that these reports don't exist, yet somehow, they are published weekly. As I have already made clear, based on information from city staff, these reports are sometimes inaccurate as information is added after the report has already been published.

To put it simply, I'd like the public records and I'd like them to be accurate. Providing accurate records shouldn't be this much of an issue.

It is extremely concerning to see that this administration does not value government transparency. I strongly suggest that you review your FOIA policies to ensure that the city is providing fast and accurate information to the public.

Additionally, this notice serves as yet another appeal to obtain the records originally requested three months ago.

Public records belong to the public.

Nathan Andrus
Chief Data Analyst
East Lansing Info