

**City of East Lansing  
Independent Police  
Oversight Commission  
Annual Report**

**2022**



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# Contents

<b>Executive Summary</b> .....	<b>4</b>
<b>Introduction</b> .....	<b>8</b>
<b>Section 1:</b> .....	<b>12</b>
Launching the East Lansing Independent Police Oversight Commission	
<b>Section 2:</b> .....	<b>18</b>
Complaints investigation and commission review	
<b>Section 3:</b> .....	<b>31</b>
April 25 Shooting at Meijer	
<b>Section 4:</b> .....	<b>39</b>
Use of Force by ELPD Officers	
<b>Section 5:</b> .....	<b>57</b>
Encounters with Individuals in Crisis	
<b>Section 6:</b> .....	<b>66</b>
Racial Disparities in Policing	
<b>Section 7:</b> .....	<b>74</b>
Community Input	
<b>Appendix</b> .....	<b>79</b>
Recommendations Compiled	



# Executive Summary

This is the first annual report of the East Lansing Independent Police Oversight Commission (ELIPOC). The report was written by the Commission's volunteer members and was approved at the Commission's April 5, 2023 meeting.

Each section of the report contains recommendations. In Appendix A, the recommendations are grouped by what body they are directed to: the East Lansing Police Department (ELPD) in conjunction with the East Lansing Independent Police Oversight Commission (ELIPOC) (six recommendations), the ELPD (twelve recommendations), ELIPOC itself (eleven recommendations), and the City Council (three recommendations).

## Section 1: Launching the East Lansing Independent Police Oversight Commission

The scope of the Commission's work is defined in Ordinance 1503 in the Purpose section (Sec. 2-472) and the wide array of duties in Section 2-476. Some tasks are required, such as reviewing each complaint investigation and making any request for additional investigation or recommendations before the final disposition is decided. The Commission may make recommendations to both ELPD and the City Council about ELPD policies and training, file complaints, conduct research, write reports, and reach out to the community.

The eleven-member commission created two committees, one on complaints and another on organizational matters including the website, annual report, and budget (\$10,155 in FY 2023).

To learn about ELPD operations, some ELIPOC members went on ride-alongs with ELPD officers, and the Commission also received a presentation on ELPD's Early Intervention System (EIS) begun in January 2022 using Guardian Tracking software. Some members responded to an invitation to attend use of force training, but this opportunity did not occur during 2022.

ELIPOC became an institutional member of the National Association for Civilian Oversight of Law Enforcement (NACOLE) in July 2022.

## Section 2: The Complaint Process

ELPD modified its complaints policy and procedures to comply with the provision of Ordinance 1503 that ELIPOC will review each complaint investigation and can make recommendations to ELPD before ELPD makes its final decision on the complaint. The Commission created a new online form people can use to file a complaint. It also became ELIPOC's responsibility to write summaries of complaints and their disposition, which appear on the ELIPOC website. Ordinance 1503 also stipulates that a complaint can be made about a policy or practice that would then be investigated by ELPD and, if a problem is found, the department must develop a "corrective action plan" which ELIPOC would review. No such policy complaints were filed in 2022.

In accordance with Michigan Public Act 563 of 2006, all statements from interviews with any involved police officers are excluded from the investigative report of a complaint given to



ELIPOC because the interview is involuntary (or “compelled”). This is a significant impediment to the commission’s oversight.

During 2022, ELPD received 12 complaints from the public. ELPD completed investigations of nine of them, and ELIPOC requested additional investigation about three of them. ELIPOC asked to see video or still images of evidence that was important to the disposition of a complaint. ELIPOC inquired how a complaint of racial discrimination was investigated and asked for body camera footage of the incident in question. It also asked for information (including racial demographic data) about previous similar incidents involving a search of a person that was found to have violated policy. (The Commission did not routinely request body camera video; it did so only in order to further investigate a particular element of a complaint.) On a third complaint, the commission asked why two officers were found to have violated policy involving an incomplete investigation of an individual before he was accused of a crime, while a third officer was not found to have violated that policy. The Commission was told the difference was based on the interview of the third officer, which ELIPOC did not have access to.

To be able to review patterns and trends of complaints and their disposition over time, ELIPOC recommends that ELPD and ELIPOC agree on definitions of types of complaints that will be meaningful to the public.

### **Section 3: April 25, 2022 Officer-Involved Shooting**

Two ELPD officers shot a young Black man, DeAnthony VanAtten, in the Meijer parking lot on April 25, 2022. It was the first officer-involved shooting by ELPD officers that anyone can remember. The Michigan State Police (MSP) completed an investigation that was given to Attorney General Dana Nessel, who exonerated the officers and filed multiple charges against VanAtten. Then ELPD began its investigation, for which it received the MSP report.

ELIPOC had not yet received the investigation report by the time it approved this annual report. Therefore, this annual report summarizes some of the media coverage, including information from the call to 911 and video from various body cameras and store security cameras. At its next regular monthly meeting after the incident, ELIPOC adopted several motions seeking additional information. This included asking the city manager to find out from MSP if it has any guidelines or policies for investigating shootings by officers in another department. MSP replied that it has no such guidelines, which is a shortcoming of the state’s oversight system.

ELIPOC also asked how the officers involved in the shooting were excused from the duty to write a report at the end of their shift. The Commission was told this was due to an MSP instruction. Reporting is crucial to police accountability, particularly regarding use of force. The Commission recommends that state laws should be adopted governing how officer-involved shootings are investigated and that officers should not be relieved of the duty of reporting in these encounters, since use of force is “the heart of the matter” of police accountability.

One goal of ELIPOC’s review will be to discern how to prevent similar incidents in the future.



## Section 4: Use of Force

The ELPD provided monthly narrative reports of each use of force incident to the ELIPOC as required by Ordinance 1503. In response to ELIPOC requests, ELPD made these reports more thorough and clearer. Reviewing these reports led ELIPOC to question whether all incidents were being included consistently (such as force used to keep someone on a stretcher) and which ways of holding a gun by an officer are considered a use of force.

Of the 144 use of force incidents in 2022, approximately one-quarter involved officers interacting with people experiencing a mental health crisis.

There were significant racial disparities in use of force during 2022: of the 167 people involved in use of force incidents 56% were Black, 36% were White, 5% were identified as other racial categories, and 3% were of unknown race. These disparities were very different from findings in the November 2021 CNA report, which was contracted for by the ELPD. This documented a much higher percentage (27%) as “Unknown,” “Other,” or missing data about race.

ELIPOC found that the use of force records that ELPD began entering in the Guardian Tracking system in January 2022 still have flaws that CNA noted about previous years: data is organized only by incident and not also by individuals who were affected or by individual officers. Reports by the District of Columbia Office of Police Complaints demonstrate that useful reporting of use of force requires data organized by all three of these categories. ELPD’s data management, reporting, and analysis still need improving, which could be done with input from ELIPOC to facilitate review in future years by the Commission and the City Council.

## Section 5: Encounters with People in Crisis

Ordinance 1503 requires the ELPD to report to the Oversight Commission every six months on encounters with people experiencing a crisis or homelessness and juveniles. The reports were written by social workers on the ELPD staff at the time. They documented 411 incidents in 2022 with people in crisis, including 38 people experiencing homelessness and 37 juveniles.

Creating crisis encounter reports was challenging, starting with how to define “individual in crisis” and how to select the encounters that involve such people in any role (such as person needing assistance, offender, victim, or witness). The reports contain synopses of each incident. Quantitative summaries in the reports did not always match information in the synopses, and what data was summarized differed in the reports of the first and second halves of 2022.

ELIPOC asked that information about referrals to ELPD social workers always be reported.

The Commission found that descriptions of use of force in encounter reports were not always consistent with what appeared in monthly use of force reports. Even the definition of type of force used was not consistent, such as “unholstered weapon” in an encounter report that was not identified as a taser or a gun, as is the case in the use of force reports.

Of the 38 individuals experiencing homelessness with whom officers had encounters in 2022, force was used in six incidents, involving grabbing an arm, tasing, and unholstering a gun. Officers had 35 separate encounters with 44 juveniles, including 27 considered offenders, seven experiencing a mental health crisis, four missing or lost, and three needing a ride. Force was



used against 17 of the 27 juvenile offenders, including handcuffs, leg sweeps, and display of a taser, handgun, or rifle. Two juveniles in crisis experienced use of force. All nine Black male juvenile offenders and the only Black male juvenile in crisis experienced use of force.

## **Section 6: Racial Disparities in Policing**

The City Council's direction to ELIPOC to give attention to racial disparities in policing flows from the Council's 2020 resolution declaring racism a public health crisis.

People in the community, as well as Police Chief Johnson, have expressed concern about racial disparities in traffic stops. CNA studied the one year of stops that includes racial demographic data. They found that Black drivers were stopped more frequently than White drivers but by a statistically insignificant amount. CNA used "veil of darkness" analysis, which compares the distribution of traffic stops by race during light and dark times of day, assuming that officers cannot see the driver's race before a stop during darkness. Black community members have told ELIPOC they believe police officers sometimes stop them because of the car they are driving. Researchers note that the "veil of darkness" approach does not account for this factor.

CNA recommended analyzing ELPD data not only for racial disparities in which drivers are stopped but also whether the vehicle is searched, contraband is found, and a citation is given. ELPD has not yet compiled (or made public) these data for analysis. ELIPOC recommends that ELPD report and analyze racial disparities in both traffic stops and use of force regularly.

## **Section 7: Community input**

During its first year, ELIPOC became known to the community mostly through its monthly open meetings and media reporting on these meetings.

ELIPOC held one special meeting at the request of ELPD Chief Johnson three days after the officer-involved shooting on April 25. Family members of DeAnthony VanAtten, who was shot on April 25, and community members spoke about their expectations of ELPD, and ELIPOC formulated a request that the ELPD post on its website unedited video footage of the incident. Also, community members learned the names of the officers involved from ELPD's monthly use of force report that was submitted to ELIPOC before its May 9 meeting.

ELIPOC is required to hold an annual meeting specifically designed to receive community input, which it did on November 2. People made useful critiques of the Commission's website and asked for more user-friendly written documents, social media posts, and on the website about how to file a complaint and the work of the commission. Thirty-two different people spoke at the ELIPOC meetings from November 2021 through December 2022.



# Introduction

One year after George Floyd’s murder at the hands of Minneapolis police in May 2020, the East Lansing City Council adopted an ordinance to create the East Lansing Independent Police Oversight Commission.

In its new work of police accountability, the Commission is up against mighty constraints. Although we are called an “oversight” commission, the oversight we exercise is light. We are an advisory body made up of community members. Nonetheless, we are to oversee a police department that is shaped by national and state history, culture, and laws. The Commission is made up of eleven appointed individuals who are volunteers, with day jobs, meeting once a month. Nonetheless, we are tasked with overseeing a department with full-time employees and a budget of millions. We have no managerial authority or inside knowledge. We can make recommendations but lack the power to enforce them. We can ask questions, but we don’t always get the information we ask for.

These constraints make the Commission’s work difficult. But the goal is compelling. Police accountability is a project we can’t afford not to pursue.

In its first months, the Commission’s most regular activities have been to review complaints from community members and use of force and encounter reports compiled by the East Lansing Police Department. Our review of that material leads us to ask questions and make recommendations.

Prior to the creation of the Oversight Commission, the police department had a process for handling complaints, and the Human Rights Commission had a small review role once a year. When the Oversight Commission was created, it was given a more detailed review role of each individual complaint.

Ordinance 1503 gives the Commission two innovative tools for handling complaints – the ability to make pre-disciplinary recommendations and the ability to reframe complaints as matters of policy.

In the complaint review process, labor law complicates our work. Police officers are employees with rights embodied in several state labor laws. Michigan has a proud history of strong labor laws. People who file complaints against the police are often frustrated by laws and policies, inside and outside the police department. As an example, once the police chief decides to take punitive action against an officer, the grievance process kicks in, and it is impossible for an injured civilian to participate. The ability to make pre-disciplinary recommendations is a way to allow the Oversight





Commission to provide recommendations before the police chief decides to take punitive action in the first place and thus before the grievance process kicks in.

Labor laws can at times interfere with the Commission's access to information. The police department denies us access to interviews of police officers, claiming that state labor laws render them confidential. A blacked-out section of a complaint investigation that we reproduce on page 21 shows how confidentiality laws can restrict our access to evidence. Reviewing a complaint without the ability to read the officer's statement is a shortcoming from the point of view of an injured person seeking redress.

The other innovative tool in the hands of the Commission is the ability to treat a complaint as an inquiry into organizational policy and practice, rather than as a complaint against an individual employee. Treating a complaint as a "policy" complaint avoids direct challenge to employee rights and gives the Commission more access to the underlying information about police operations.

Reframing a disciplinary complaint as a policy complaint puts a focus on the organization. Any substantial improvement in an organization must come from a change in the system, and management is responsible for this system. Excessive police violence is not necessarily caused by rogue cops; it is more often caused by shortcomings in the system and more effectively addressed by changing police operations. We could stand to focus more on transforming the police system.

In its first months, the Oversight Commission has made use of both of its tools for reviewing complaints - that is, the ability to make pre-disciplinary recommendations as well as the ability to reframe complaints as matters of policy. As we review more complaints and gain experience, we can become more effective. Regardless of the outcome of any particular complaint, the review process is a valuable source of information. It can identify strengths to be noted as well as shortcomings in the police system that need to be corrected.

All stakeholders in the police system seek to minimize violence by reducing the use of force.

Police departments have been reporting use-of-force data for many years through a system managed by the federal and state governments. Prior to the creation of the oversight commission, the East Lansing Police Department gave periodic reports to the City Council and some reports to the Human Rights Commission describing occasions when officers used force against civilians.

When the Oversight Commission started its work, our first efforts were to improve the detail in these use of force reports so that they showed the dynamics of the encounters when force was used. The police department cooperated, and now the more detailed



monthly use of force reports appear on the Commission’s website. There is still room for improvement.

Every encounter between an officer and an individual carries the potential for violence. For this reason, the system should minimize unnecessary encounters between civilians and armed officers.

The constricted social welfare system, overburdened mental health system, and growing disparities of income in the United States produce endless arrays of distressful situations in homes, businesses, and in the public arenas. As disparities increase, there is an increase of individuals in crisis due to unmet basic human needs, unemployment, substance abuse, or domestic disputes. When distressful situations erupt, with nowhere else to turn for support, people call the police.

The “traditional” attitude of police officers encountering “traditional” criminal activity is to take control of the situations and people they encounter, sometimes aggressively. Officers train with weapons and coercive tactics, a kind of training that encourages them to see members of the public as either good guys or bad guys. Officers tend to respond to disorderly people with the forceful tools they are trained to use which can include a gun, taser, and handcuffs.

Though there is a need for more nuanced training for police officers in this area, no on-the-job training will ever convert officers into professional social workers. Departments are recruiting professional social workers, including more recently Lansing and East Lansing, but few social workers are eager to walk into situations that might become violent.

The drafters of the East Lansing’s police oversight ordinance focused on three vulnerable sub-populations – individuals experiencing homelessness, people in crises, and kids (including adolescents and teens). The ordinance requires the Police Department to generate information about encounters with those sub-groups so this can be studied more closely.

The relevant questions are along these lines: Are officers using force? Are officers using their human behavior training? Are officers working in collaboration with social workers? Are there some officer contacts where armed responders should not be dispatched?

One of the Commission’s purposes is to give priority to addressing racial inequities in policing. To reduce one source of racial profiling, which can have lethal consequences, the City Council has prohibited racially biased 911 calls. The Oversight Commission also attempts to track racial disparities, such as in traffic stops and uses of force.



Until April 2022, East Lansing Police Department had no known history of an “officer involved shooting.” About six months after the commission started its work, East Lansing had a police officer shooting at the Meijer store on Lake Lansing Road. The incident was prompted by a 911 call that raised many questions.

Ironically, incidents like the Meijer shooting – incidents that no one wants to experience, no one wants to see, and no one wants to repeat – reveal much about how the policing system works. The oversight commission is one of several entities responding to the Meijer shooting.

One thing we have learned is that there are no Michigan laws that govern how police shootings are investigated – a major shortcoming in the way our state regulates the police profession. Another thing we have learned is the vital importance of insisting that officers file reports at the end of their shifts.

Ferretting out shortcomings of the police system and correcting them is hard work, facing many constraints. In the future, the work may need to be redesigned. It may require more resources. But it is work we can’t afford to abandon. Police accountability is an essential part of making East Lansing a safer place to live, work, and visit.



# Section 1: Launching the East Lansing Independent Police Oversight Commission

The East Lansing Independent Police Oversight Commission (ELIPOC) was established by City ordinance on July 13, 2021. The East Lansing City Council unanimously approved Policy Resolution 2021-14 and Ordinance 1503 to establish the 11-member commission. This adoption came after seven months of discussion, research, and community outreach by the Study Committee on an Independent Police Oversight Commission, which submitted its “Report and Recommendations to the East Lansing City Council on Community Oversight of Police.”<sup>1</sup>

The Commission’s creation demonstrated the Council’s understanding of the importance of independent community oversight in maintaining a balance between the need for public safety and the rights of individuals who interact with police. The Commission’s oversight approach has prioritized communication, collaboration, and robust commitment to transparency and accountability.

In its first year, the Commission created two committees to facilitate its work: a Complaints Committee and an Organization Committee.

The Complaint Committee has conducted an initial review of complaint investigations and made recommendations to the full Commission concerning some complaints. It is also responsible for writing summaries of each complaint that are posted on the ELIPOC website when the investigation and review are completed.

The Organization Committee worked with the staff liaisons on the initial design of the ELIPOC website ([www.cityofeastlansing.com/2227/Independent-Police-Oversight-Commission](http://www.cityofeastlansing.com/2227/Independent-Police-Oversight-Commission)) and the creation of the annual budget. It also coordinated the work on the annual report. The ELIPOC website launched in the summer of 2022, allowing citizens to interact with the Commission digitally, whether through filing a complaint or complimenting ELPD officers, reviewing the minutes and agendas from past meetings, or reading reports and recommendations from the Commission.

As the Commission began its work, it recognized that independent oversight was not limited to just investigations of police misconduct. It ensured that meaningful improvements in policing and policy, supported by data, research, and community input were at the core of its work. These are the areas that are necessary for positive and sustainable change that benefits the community and the police department.



## **ELIPOC's Purpose**

A summary of the purpose of the Commission appears at the beginning of Ordinance 1503:

The purpose of this Commission is to increase accountability of the East Lansing Police Department and to strengthen conditions leading to trust in the police department by the community that it is pledged to serve. Because the City Council is committed to the goal of racial equity, the Commission will give priority to addressing racial inequities as well as the use of force in policing. The Commission will enable community members to participate in reviewing and making recommendations about police department policies, practices, and procedures. It will provide means for prompt, impartial, and fair review of complaints brought by individuals against police officers or the Police Department.

## **ELIPOC's Duties**

The Commission's duties are defined in Section 2-476 of Ordinance 1503. The Commission may investigate matters within its scope, including citizen and officer complaints, by collecting information from the City and other sources. As defined by the ordinance in section 2-493, the Commission's role in reviewing ELPD investigations of complaints from the public and possibly requesting or recommending additional investigations. From its findings, the Commission may make recommendations to the City Council and/or Police Department regarding policy and practice changes, ELPD training, and other topics.

In addition to reviewing complaints, the Commission's duties include outreach and communication with the public, research and investigations, and making recommendations to the Police Department and the City Council.

The ordinance acknowledges the limited time and resources available to the Commission and the enormity of its task asked of the Commission. Therefore, it provides that "the Commission may prioritize its work and shall report its priorities to the City Council and the public."

At the direction of the City Council, the Commission developed Rules of Procedure that define how it will operate.<sup>2</sup>

## **ELIPOC's commissioners**

On Oct. 5, 2021, the City Council appointed 11 people to the Commission from among 30 people who were interviewed. To fulfill a requirement of the ordinance that created



the Commission, appointees included two social workers and one psychologist who are “engaged in helping people experiencing a crisis, homelessness, mental illness, substance use disorders, or domestic abuse.” Members were appointed for one-, two-, and three-year terms to create staggered terms in the future. The City Council reappointed three commissioners at its Dec. 6, 2022, meeting.

Members of the Commission as of December 2022 were:

- Ernest Conerly
- Kath Edsall
- Robin Etchison
- Shawn Farzam
- Ron Fink
- Noel Garcia
- Sharon Hobbs
- Amanda Morgan
- Christine Root
- Jamie White
- Erick Williams

Nine of these 11 members were original appointees. Christine Root was appointed on Feb. 8, 2022, to replace Gwen Dobrowolski, who resigned. Jamie White was appointed on Sept. 20, 2022, to replace Benjamin Hughes, who resigned.

At its first meeting on Nov. 9, 2021, the Commission elected Erick Williams as Chair and Kath Edsall as Vice Chair. At its organizational meeting for the new year on Feb. 14, 2022, the Commission re-elected Erick Williams as Chair and elected Christine Root as Vice Chair; Edsall did not wish to continue as Vice Chair because of other obligations.

## **Staff and Council liaisons**

The city manager named Shelli Neumann, Director of Human Resources, as the staff liaison to the Commission. She continued in this position until she retired in October 2022. At that time, Elaine Hardy, Director of Diversity, Equity, and Inclusion (DEI), became the staff liaison; Hardy had attended all meetings since the Commission began. DEI Administrative Assistant Akua Ekye-Addai provided administrative support and worked on agendas and minutes.

Both Mayor Ron Bacon and Councilmember Dana Watson served as Council liaisons to ELIPOC.

Police Chief Johnson informed the Commission that Captain Chad Pride is his representative to ELIPOC. He attended all meetings of the Commission in this capacity.



## 2022 ELIPOC meetings

East Lansing Independent Police Oversight Commission held its first meeting on Nov. 8, 2021. It continued to meet on the second Monday of every month at 6:00 p.m. in the Hannah Community Center through May 2022 and then changed to the first Wednesday of every month through the end of the year. The meeting dates were as follows: Feb. 14, March 14, April 11, May 9, June 1, July 6, Aug. 3, Sept. 7, Oct. 5, Nov. 2, and Dec. 7.<sup>3</sup>

## ELIPOC's budget

Under Sec. 2-481 of Ordinance 1503, the Commission adopted a budget to recommend to the City Council for its consideration as part of the overall Fiscal Year 2023 budget (which ends on June 30, 2023). The city manager is to recommend a budget for ELIPOC that is “sufficient financial support for the Commission’s activities, including:

- A. Investigations and complaints
- B. Research and evaluations
- C. Public outreach and recommendations
- D. Publication production, website and social media
- E. Commission member education”

Section 2-490b of Ordinance 1503 provides that “[w]ith the consent of the City Council, the Commission may retain a professional investigator to investigate a complaint alleging misconduct or unethical conduct, by the Police Department or a department employee, affecting a member of the public.” ELIPOC’s annual budget is not intended to cover the cost of a professional investigator. Instead, the Council would approve an expenditure for this purpose as part of its decision to consent to an investigation that ELIPOC proposed.

ELIPOC recommended the following budget for FY 2023 at its meeting on April 11, 2022:

Facility Rental	\$2,355
Training & Membership	\$2,000
Investigations	\$3,600
Outreach	\$500
Research	\$1,000
Website	\$700
Total	\$10,155

The initial design of the website, using a template consistent with the City’s website, cost \$2,993. The annual fee for the website is \$683.



## Education of Commission members

Section 2-479 of the ordinance suggests three types of education for commissioners. Some opportunities were provided during 2022 of each of these types.

**Latest practices in the field of police accountability:** The initial members of the Commission were given the book “The New World of Police Accountability” by Samuel E. Walker and Carol Archbold.

**Suitable training and activities of the East Lansing Police Department:** The Police Department invited commissioners to participate in ride-alongs, use of force trainings, and the Jan. 24 - Apr. 18, 2023 Citizens’ Police Academy. At least two commissioners have gone on ride-alongs to get first-hand experience of a day in the life of an ELPD patrol officer. Several commissioners asked to participate in use of force trainings but they were not informed of specific trainings that they could attend. No commissioners joined the 20-hour Citizens’ Police Academy.

The Commission asked for an introduction to the Guardian Tracking early warning system that ELPD began using in January 2022. ELPD arranged for a representative of Guardian Tracking to give a presentation and answer questions at ELIPOC’s meeting on April 11, 2022.

**Membership and training opportunities from organizations with a scope similar to that of the Commission:** ELIPOC became an organizational member of the National Association for Civilian Oversight of Law Enforcement. (NACOLE) in July 2022. NACOLE describes its mission as working “to create a community of support for independent civilian oversight entities that seek to make their local law enforcement agencies, jails, and prisons more transparent, accountable, and responsive to the communities they serve.”

## Recommendations

**Recommendation 1:1** – *To ELIPOC:* Set priorities for the upcoming year as recommended in the ordinance.

**Recommendation 1:2** – *To ELIPOC:* Discuss further training for its members about policing and police oversight.

**Recommendation 1:3** – *To ELIPOC:* Take advantage of its membership in the National Association for Civilian Oversight of Law Enforcement (NACOLE) to participate in training seminars and the annual conference.





**Recommendation 1:4** – To *ELIPOC*: Determine the scope of the commission’s research agenda for the year 2023.

## Endnotes

1. The Study Committee’s Report to the City Council (Part A) is available at [www.cityofeastlansing.com/DocumentCenter/View/10838/Study-Com-Part-A-Report-5-27-21-PDF](http://www.cityofeastlansing.com/DocumentCenter/View/10838/Study-Com-Part-A-Report-5-27-21-PDF). The Recommendations for an Ordinance (Part B) is available at [www.cityofeastlansing.com/DocumentCenter/View/10837/Study-Com-Part-c-5-27-21-PDF](http://www.cityofeastlansing.com/DocumentCenter/View/10837/Study-Com-Part-c-5-27-21-PDF).
2. The ELIPOC Rules of Procedure are attached to the minutes of the Feb. 14, 2022 ELIPOC meeting, at: [cityofeastlansing.civicweb.net/document/75949/Rules%20of%20Procedure%20Final.pdf?handle=67E99EF6168548F591B0536244CED909](http://cityofeastlansing.civicweb.net/document/75949/Rules%20of%20Procedure%20Final.pdf?handle=67E99EF6168548F591B0536244CED909)
3. Agendas and minutes from each meeting can be found at: [cityofeastlansing.civicweb.net/Portal/MeetingInformation.aspx?Id=921](http://cityofeastlansing.civicweb.net/Portal/MeetingInformation.aspx?Id=921)



# Section 2: Investigation of Complaints and Commission Review

## A. Changes in the Police Department Complaint Process

In 2021, the City Council adopted the police oversight commission Ordinance 1503. In 2022, the East Lansing Police Department (ELPD) made several changes to the way it handles complaints. The changes brought the procedure more in line with the ordinance.<sup>4</sup>

A person who wishes to file a complaint need not visit the Police Department. Complaints can now be filed at various offices within the city government:

- Independent Police Oversight Commission
- City Clerk
- City Manager
- Director of Human Resources
- Diversity, Equity, and Inclusion Administrator
- Police Department

Even though a complaint may be dropped off at a different City office, all complaints are sent to the Police Department for investigation. When a complaint gets to the Police Department, it goes first to the Police Chief who appoints an investigator.

Taking a complaint to the Police Chief is a change from the department's old practice where complaints went first to the officer's supervisor, who did an investigation.

Under the new practice, the Chief decides whether each complaint should be treated as a complaint against an individual officer (which may culminate in disciplinary action) or a complaint about a policy or practice of the department (which may culminate in a change in operations).

Under the old system, the only kind of complaint the department dealt with was a complaint against individual employees. Under the new system, people can challenge policies and practices within the department, which is an improvement. When the Police Department investigator finds a problem with a department policy or practice, the investigator is required to develop a "corrective action plan" which the Commission will review.



Obviously, not everything that goes wrong in an organization is the responsibility of an individual employee. Treating a complaint as a policy complaint can avoid scapegoating employees - assigning blame to individuals when management is really responsible.

When an investigation is finished - a process that normally takes two or three months - the Police Department turns over its investigation file to the Oversight Commission, and the Commission has an opportunity to ask for more investigation, to conduct its own investigation on particular points, or to challenge the findings of the investigation. Then the matter goes to the Police Chief for a final decision.

The ordinance does not change who runs the Police Department. The Oversight Commission collects information, releases to the public the information it collects, and makes recommendations to the Police Chief and the City Council, but it does not manage the Police Department.

If the Oversight Commission disagrees with the Police Chief's finding on a complaint investigation, the Commission has the right, under the ordinance, to appeal to the city manager, who would make a final decision. The revised ELPD complaints policy is silent on this matter. In its first full year of operation, the Oversight Commission has not yet appealed to the city manager regarding the outcome of any complaint.

## **B. Reviewing complaints: investigation materials and legal constraints**

By adopting Ordinance 1503, the City Council directed the new Oversight Commission to give considerable priority to reviewing complaints about incidents with police officers or police policy that impact the public. While the ordinance identified many purposes of the Commission, reviewing complaints is a required task.

Indeed, in its first year, reviewing complaints consumed a great deal of ELIPOC's time and attention in both meetings of the Complaints Committee each month from June to December (except in July) and in the regular meetings of the full Commission.

In some other cities, a subgroup of members of an oversight commission has responsibility for reviewing complaints, and they conduct this work largely (or completely) out of sight of the public. The East Lansing ordinance, however, goes in the other direction, maximizing information that is made public to ELIPOC and the community and minimizing what investigatory records some Oversight Commission members will see but the public will not. Furthermore, the ordinance requires that the full Commission must decide on any requests for additional investigation or recommendations about complaints, so these decisions must be made at open meetings.



Under provisions of Ordinance 1503, the Commission receives a redacted version of the investigation report on each individual complaint. (According to Captain Chad Pride, who conducts complaint investigations for ELPD, this is the same investigation report that is given to the Police Chief, without redactions.)

ELPD complaint investigation reports were never before made public until the Oversight Commission was established. Studying and discussing these reports has given the Commission a window into certain practices of the ELPD to which complainants have called attention. This has enabled the Commission to raise some issues of policy and practices, in addition to a complaint about individual police officers made by a member of the public.

A complaint investigation report, which may be from approximately 20 to 140 pages, contains the Complaint Form and any attached written statement or email message from the complainant and a four-to-seven-page summary of the complaint and the investigation. The summary describes the complaint and evidence about issues raised in the complaint and subsequently in the investigation. It also recommends the finding or disposition on any ELPD policies in the complaint and any others that may have been uncovered during the investigation.

Depending on the nature of the complaint, attachments to the investigation report may contain the following documentation, any of which may contain redactions made by the ELPD:<sup>5</sup>

- A report about the complaint entered into the Guardian Tracking data management system, which ELPD uses as an Early Intervention System (EIS)
- ELPD Case Report on the incident
- ELPD Officer Daily report of each officer involved in the complaint
- Incident Detail Report
- e-mail messages between Captain Pride and the complainant
- transcript of interview with the complainant
- email messages and possibly interview transcript with any witnesses
- documentation of training completed on relevant policies by officer(s) involved in the incident
- photographs relevant to the investigation

The investigation report also includes email messages from Captain Pride to each officer involved in the complaint for the purpose of scheduling an interview. This message includes the following text, indicating that the officer is compelled to be interviewed for an internal investigation of a specific complaint:

This letter is to inform you of an internal investigation in which you are named as the focus of. As the focus of this investigation, you are entitled to Union Representation as discipline may occur if the complaint is found to be sustained.

... Please report to my office on [date], at [time] to be interviewed on this matter. As this is an Internal Investigation, I am compelling you to speak with me regarding this incident. Garrity does apply due to this compulsion.

The investigation report does not contain any part of interview transcripts with police officers who were involved in the incident or any information divulged in such interviews. The result is investigation summaries with sections like this that contain little more than redactions:

After interviewing Officer Wright, she advised that [REDACTED]  
[REDACTED] Officer Wright did advise that [REDACTED]  
[REDACTED] Officer Wright did state that [REDACTED] Jimmy Johns is  
attached to the strip mall with Dominoes. Officer Wright stated [REDACTED]  
[REDACTED] Officer Wright  
did state that [REDACTED]  
[REDACTED] Officer Wright did state that [REDACTED]  
[REDACTED] Officer Wright advised that [REDACTED]  
[REDACTED] Officer Wright stated [REDACTED]  
[REDACTED] The employees did advise them that [REDACTED]  
[REDACTED] Officer Wright stated that [REDACTED]  
[REDACTED]

After interviewing Officer Kingsbury, Officer Kingsbury [REDACTED]  
[REDACTED] Officer Kingsbury stated [REDACTED] Officer Kingsbury stated [REDACTED]  
[REDACTED] Officer Kingsbury stated [REDACTED]  
[REDACTED] Officer Kingsbury indicated that [REDACTED]  
[REDACTED] Officer Kingsbury stated that [REDACTED]

ELIPOC learned quickly that the prohibition on the Commission and the public viewing involuntary statements by police officers is a very significant impediment to the Commission's ability to understand what occurred in an incident that is the subject of a complaint and why a certain finding is reached. This is a weakness of any model for police accountability that gives a public commission any oversight of police complaint investigations.<sup>6</sup>



The legal basis for a police officer’s “involuntary” (or “compelled”) statement being confidential, with limited exceptions, is the Disclosures by Law Enforcement Officers Act, Act 563 of 2006. It provides, in part:

15.391 Definitions. Sec. 1.

1. As used in this act: (a) “Involuntary statement” means information provided by a law enforcement officer, if compelled under threat of dismissal from employment or any other employment sanction, by the law enforcement agency that employs the law enforcement officer. ...

5.393 Use of involuntary statement by law enforcement officer in criminal proceeding; prohibition. Sec. 3. An involuntary statement made by a law enforcement officer, and any information derived from that involuntary statement, shall not be used against the law enforcement officer in a criminal proceeding.

15.395 Confidential communication; exception. Sec. 5. An involuntary statement made by a law enforcement officer is a confidential communication that is not open to public inspection. The statement may be disclosed by the law enforcement agency only under 1 or more of the following circumstances: ... (c) To officers of, or legal counsel for, the law enforcement agency or the collective bargaining representative of the law enforcement officer, or both, for use in an administrative or legal proceeding involving a law enforcement officer’s employment status with the law enforcement agency or to defend the law enforcement agency or law enforcement officer in a criminal action. However, a person who receives an involuntary statement under this subdivision shall not disclose the statement for any reason not allowed under this subdivision, or make it available for public inspection, without the written consent of the law enforcement officer who made the statement.

- Excerpt from the Michigan code quoted in memo from Captain Pride to ELIPOC, Oct. 17, 2022

## **C. Complaints made in 2022 and ELIPOC’s observations and actions**

During 2022, ELPD notified ELIPOC of 12 complaints made by members of the public. These complaints were filed in April (2), May (2), July (3), August (2), September (1), October (1), and December (1). The incidents that were the subject of these complaints occurred anywhere from one day to just over one year before the complaint was filed. The complaints were made either in writing, using the online form created by ELIPOC, or by phone to the Police Department.

In addition, on Aug. 29, ELPD opened a complaint about the officer-involved shooting incident that occurred in the Meijer parking lot on April 25 and asked for the Michigan



State Police investigation report to use in its internal investigation. This ELPD complaint was initiated just after Attorney General Dana Nessel decided not to bring criminal charges against any officers involved in this incident.

The Oversight Commission reviews a complaint when it receives ELPD's investigation report. Of the 13 complaints in 2022, ELPD completed nine investigations during that calendar year, and ELIPOC completed its review and action on seven of them by its Jan. 4, 2023, meeting. This ELIPOC 2022 annual report covers the nine complaints on which ELPD completed its investigation.<sup>7</sup>

ELIPOC observed ELPD's practice of conducting a thorough investigation of every complaint made by a member of the public, without any prejudice as to its contents or importance. ELIPOC also was thorough in its review of each complaint and investigation report. Each complaint was discussed by the Complaints Committee before being brought to the full Commission for further discussion and any request for additional investigation or recommendation.

Ordinance 1503 gives ELIPOC responsibility for posting a summary of each complaint on its website within 60 days of the Police Chief making a final decision on the disposition of issues raised in a complaint and investigation.<sup>8</sup> The summaries list each policy that the complainant believed had been violated, any other policy violations that the investigation uncovered, and the finding on each policy. This annual report does not repeat all the policy issues and findings on each complaint.

The focus here is largely on observations and responses of ELIPOC as it reviewed the complaints and their investigation and outcomes. This review begins with complaints on which ELIPOC requested additional information or made recommendations for further action, followed by complaints on which ELIPOC decided not to take further action.<sup>9</sup>

### **Complaints on which ELIPOC asked ELPD for further information or investigation**

In complaint number 420, a person complained that an ELPD officer fabricated a statement on a UD-10 State of Michigan Traffic Crash Report. The report stated that the officer observed paint on the complainant's vehicle from another vehicle with which he had reportedly been in a collision. The complainant stated that the officer could not have seen the paint there because the officer never saw his car. The investigation found that the officer saw the paint on this vehicle in a video of the incident, not in person looking at the car itself. The finding on this complaint was that the officer had not falsified a police report, but he had neglected his duty and mishandled evidence. ELIPOC asked to see the video recording or a screen capture from it that showed the paint on the vehicle, which Captain Pride provided. ELIPOC members pointed out that the



Commission should be able to see an image of actual evidence used to make the determination about a complaint, if possible, and not be expected to rely solely on a description of the evidence.

ELIPOC gave considerable attention to complaint number 522, in which a man who had suffered a seizure had his bag searched by two ELPD officers. The search was conducted before the officers and East Lansing Fire Department paramedics put him in an ambulance and transported him to a hospital. The complainant, who was a family member of the person involved in the incident, said this search was illegal and he believed the search was performed because the person was “a young black male that looks a certain way.” The ELPD investigation found that the two police officers did violate policy; at the time of the search, the person was not having an active medical emergency (he had come out of the seizure) and “there was no crime afoot or reasonable suspicion of a weapon involved.” ELIPOC expressed concern that both police officers violated this policy.

The Commission asked for additional information about the basis of the investigator’s finding that the search was not due to racial profiling of the individual. They were told that this finding was based on statements in the interviews with the officers and the complainant, which the Commission could not have access to.

As a next step, ELIPOC asked to see body camera footage of the incident. Thus far, this is the only complaint from the public on which ELIPOC made this request. The Commission had decided not to ask to see body camera footage concerning every complaint, since doing so would require ELPD staff time to redact the footage and time of commissioners to view it. Viewing the video in this incident did not give conclusive evidence of whether racial profiling was involved.<sup>10</sup>

Continuing its review of possible racial profiling, the Commission then asked ELPD for information about the most recent 100 cases of ELPD officers assisting with ambulance transports to the hospital, with information about the race of the individual and whether a search was done. The basis for this request was a decision in July 2022 by the Michigan Department of Civil Rights (MDCR) to conduct a formal hearing on two complaints of racial discrimination against Black people by Grand Rapids Police Department (GRPD) officers because the GRPD had been unable to show that they had ever treated a White person similarly in a similar situation.<sup>11</sup>

Watching the video of the incident led the Commission to raise another issue – that force was used during the incident but was not documented. ELIPOC adopted a motion asking that ELPD arrange for an external, outside-agency review as to whether a use of force report should have been made about this incident. The motion pointed out that this incident seemed similar to incidents on Dec. 7, 2021, Feb. 13, 2022, March 15, 2022, and April 29, 2022, for which use of force reports were created. (These cases were in



the monthly use of force reports given to the Commission.)

Complaint number 663 involved ELPD officers requesting that a charge of Assault and Battery be filed against a man based on the statement of a walk-in complaint, without interviewing the accused person or verifying some consequential facts as part of the investigation. The City Attorney also failed to notice that the accused had not been interviewed, and the complainant was charged with this crime. The complaint was that an officer's dereliction of duty led to his wrongful arrest and accompanying high legal costs, stress and emotional suffering, and loss of reputation. The complaint also said that the officer involved had not been held accountable for his error. The original report was taken on Feb. 6, 2022, the warrant was signed by the City Attorney on Feb. 22, the first arraignment date was March 2, and the charges were dropped on May 6 with an order of nolle prosequi (a formal notice of abandoning prosecution of the charge).

The investigation found that the officer who took the complaint did not complete a thorough investigation of the case and failed to try to interview the suspect; the complaint of Neglect of Duty was sustained. The officer had sent his report to the on-duty patrol shift supervisor for review, a process that ELPD calls "workflowing." The supervisor reviewed his report and workflowed it, deciding to send the report to the detective bureau because the officer who started the report was going to be on five days of leave. The investigation reported stated, "Due to the options [the supervisor] had as the on-duty patrol supervisor for work-flowing police reports, I find [the supervisor] EXONERATED and did not violate policy and procedure." The investigation also found that the supervisor of the detective bureau did not assign the case to a detective for further investigation and therefore also violated policy regarding Neglect of Duty.

The Complaints Committee asked for an explanation of workflowing and was told that it does include review of the work that has been done before it is passed on. With this understanding, some commissioners raised the question of whether the findings about three officers were fair, since two officers were found to have violated policy but the supervisor who passed on the work between these two was exonerated. Captain Pride was asked whether the patrol supervisor communicated to the detective bureau supervisor (who had been in that position for only a few weeks) that further investigation was needed. Captain Pride answered that the workflow report definitely would show that the report had been sent to the detective bureau but that he would have to check to see whether the data management system included any more information. Later in the same ELIPOC meeting, he said that the decision to exonerate the supervisor was made because of statements the supervisor made in his interview, which the Commission may not see. At the following meeting, ELIPOC adopted a motion to recommend to the Police Chief that he commend Lieutenant Adam Park for his communication that aimed to correct the problem that the investigation had not been completed.



## **Complaints on which ELIPOC decided to take no action**

Complaint number 475 was initiated by a woman who called the ELPD on April 27, 2022. The investigator, Captain Pride, contacted her on numerous occasions, but she said that she needed more time to complete the complaint. The complainant agreed that the complaint could be closed, given that she could choose to reopen it at a later time. Because the complainant did not complete the complaint, ELIPOC did not review it. Had the complainant approached an appropriate City staff person outside of the Police Department, that person may have been able to assist her with filing a complaint so ELPD could investigate it. ELIPOC recognized that it has not sufficiently publicized to the community the various ways people can make a complaint, and the Commission plans to work on this.

Complaint number 487 alleged that an ELPD police officer “shouted antisemitic slurs” at a group of Jewish residents while patrolling in an East Lansing neighborhood. The ELPD investigator found that persons named as the complainant and as a witness knew nothing about this complaint, so it was dismissed as a false complaint. The investigation included seeking information from the Automatic Vehicle Location (AVL) system to determine whether any ELPD vehicles were in this neighborhood at the time. However, the AVL system used by ELPD was down for about three days, including the date on the complaint form, so no evidence was available to determine whether or not an ELPD vehicle was in this neighborhood at the time.

Complaint number 644 concerned a man who was arrested outside a downtown establishment that had denied him entry. The complainant said he had been wrongfully accused, should not have been arrested, and excessive force had been used resulting in his wrist being injured. He also complained that he had been racially profiled. He gave an extensive interview to the ELPD investigator; five police officers and several witnesses were interviewed, also. The complaints made by the person who was arrested were not sustained; however, a jail officer was found to have violated policy by not recording the man’s complaints of a wrist injury in the jail activity log, where it could be followed up. ELIPOC requested no further investigation of this complaint. It was noted that this investigation report redacted some statements by witnesses, without stating a statutory justification for doing so.

Complaint number 662 was made by a person who came to the Police Department twice to get his fingerprints taken because of a court order and there was no one present at either time to provide this service. Employees who were on duty at the time could not use the fingerprinting system because ELPD has a contract that limits the number of employees licensed to access the system. Captain Pride told ELIPOC that ELPD developed a procedure aimed at avoiding this problem in the future: ELPD would post the telephone number people should call to arrange a time to be fingerprinted in



several locations and on its website. (The phone number is now listed at: [cityofeast-lansing.com/2318/33497/Fingerprints-and-Notarization](https://cityofeast-lansing.com/2318/33497/Fingerprints-and-Notarization).) ELIPOC requested a memo about this change in procedure; the Commission encourages improvements in policies and procedures in response to complaints.

Complaint number 697 was the second complaint received in 2022 that stated that an ELPD officer had entered incorrect information into a Traffic Crash Report. This collision concerned the impact on passengers and resulting bills for medical treatment. Because the complaint was made just over a year after the incident, ELPD had deleted the body camera footage in accordance with its policy, so the video could not be consulted for the investigation. The ELPD investigator spoke with the driver of the other vehicle and photographed the vehicle, which was consistent with the vehicle identified in the crash report. A smaller error was discovered in that the location of a passenger in that vehicle was misidentified in the report. ELIPOC requested no further investigation.

Complaint number 738 concerned a complainant calling 911 to report subjects gambling in the parking lot of a business. The complainant stated that police officers should not have identified him as the person who made the 911 call to people in the business establishment and that the officer had lied when they told the complainant that they had not identified him. The investigation found that the officer's body camera was not turned on during part of this incident, so there was no proof about whether the officer had made a promise not to mention the complainant's name. The complainant was advised that it is possible to make a complaint anonymously if they do not wish their name to be known. The investigation found that the officer violated the body worn camera policy. ELIPOC requested no further investigation.

In the Commission's first year, access to information has emerged as a persistent issue. The oversight ordinance provides that all information in the hands of the Oversight Commission is available to the public. But the Commission has not been able to see all the information it wants to see. Some information is not available, and some documents contain redactions. The Commission and the Police Department sometimes struggle about what information the Commission (and the public) get to see.

## **D. Reporting on patterns and trends in complaints**

It is good practice for both police departments and complaint review or oversight commissions to report annually on complaints received by the department and the disposition of these complaints. This helps to identify patterns and trends as well as possible policies and practices of concern.

Of course, ELIPOC's public review of each complaint, based on a redacted investigation report that was made public, was a major change in 2022. The more detailed, public



review process made people aware of complexities in the findings about complaints. Many complainants raised more than one issue, and multiple officers were sometimes involved who took different actions, leading to some being exonerated and others being found to have violated policy. Also, in several cases, the ELPD investigator discovered actions of officers that were not raised by the complainant at all, but which resulted in findings of officers violating a policy.

Therefore, it is difficult to summarize dispositions of complaints in a way that is at once accurate and complete and also clear and meaningful to both the department and the public.

In March 2022, Commissioner Root shared with the Commission several summary tables of complaints and their dispositions from 2016 to 2021.<sup>12</sup> Updating tables about complaints with information from 2022 is more complicated than in previous years, and it requires new decisions about useful categories of complaints and ways of recording dispositions on multiple issues raised in individual complaints. Reviewing complaint reports from other cities could also be useful. One such report is the 2022 Annual Report of the City of Albany Community Police Review Board, while recognizing that this is a considerably larger, staffed Board. (See: [www.albanycprb.org/wp-content/uploads/2023/02/2022-CPRB-Annual-Report-Approved-by-CPRB.pdf](http://www.albanycprb.org/wp-content/uploads/2023/02/2022-CPRB-Annual-Report-Approved-by-CPRB.pdf).)

## Recommendations

**Recommendation 2:1** – *To ELIPOC and ELPD:* During 2023, consider the contents and timing of annual reporting about complaints by both ELPD and ELIPOC, including ways to ensure consistency and improve coordination. This review should include agreeing upon categories of complaints that are informative to the public so patterns and trends can be studied over time.

**Recommendation 2:2** – *To ELPD and ELIPOC:* Improve the flow of information between ELPD and ELIPOC. Develop and document systems for transmitting various types of information.

**Recommendation 2:3** – *To ELPD:* ELIPOC supports Recommendation 55 in the CNA report: “ELPD should review the records and patterns of the behavior of officers with high levels of complaints to understand why they are involved in complaints more frequently than typical, and if necessary, refer officers for appropriate interventions, including refresher training.”<sup>13</sup> This recommendation is based on CNA’s finding that “eighteen percent of ELPD officers were involved in three or more complaints during the period analyzed.” Data provided by ELPD to ELIPOC about complaints in 2021 and 2022 continued to show a small number of officers with more complaints than the average.



**Recommendation 2:4** – *To ELPD*: ELIPOC supports Recommendation 41 in the CNA report: “ELPD should strengthen ELPD Policy 300-22 (Mobile Video Recorder) to include more details for important operational procedures and to address disciplinary actions in cases of noncompliance.” ELIPOC notes that ELPD’s investigation of one of the complaints made during 2022 found that officers were not following the department’s policy on use of body worn cameras.

**Recommendation 2:5** – *To ELPD*: For complaints on which ELPD decides that an officer has violated a policy, ELPD should regularly inform ELIPOC of any instances when an officer takes a disciplinary case to arbitration and the result of the arbitration. This is part of ELIPOC’s oversight of the entire complaints process.

**Recommendation 2:6** – *To ELIPOC*: Improve the information ELIPOC provides to the public about how and with whom complaints can be filed, while also making it clear that all complaints are investigated by ELPD. Improvements should include at least the following: (1) add text about procedures to the online complaint form; (2) add webpage to ELIPOC website with explanatory text that will appear before link to the online form; (3) create and distribute a clearly written brochure about how to make a complaint against a police officer, patterns or practices, or police policy; and (4) use social media to publicize information about how to file a complaint.

## Endnotes

4. The new ELPD Complaint Intake and Management Policy and Procedure, signed on Nov. 3, 2022, is at: [public.powerdms.com/elpolice/tree/documents/1903722](https://public.powerdms.com/elpolice/tree/documents/1903722).

5. The investigation document about complaint number 420 contains examples of these components. [cityofeastlansing.civicweb.net/document/80397/Summary%20REDACTED%20420.pdf?handle=03C594AE81E14482B99A2E3491B3464A](https://cityofeastlansing.civicweb.net/document/80397/Summary%20REDACTED%20420.pdf?handle=03C594AE81E14482B99A2E3491B3464A) and [Investigation supplementary documentation https://cityofeastlansing.civicweb.net/document/80396/Redacted%20INTERNAL%20Final%20420.pdf?handle=3B4BA-FA1A7FF412BB0746BD6CC6DD936](https://cityofeastlansing.civicweb.net/document/80396/Redacted%20INTERNAL%20Final%20420.pdf?handle=3B4BA-FA1A7FF412BB0746BD6CC6DD936).

6. Some statements by involved police officers may appear in an investigation report. According to Captain Pride, these are statements that may be picked up by an officer’s body worn camera during the incident. Such statements are not “compelled.”

7. The three complaints from members of the public for which the ELPD investigation was not completed in 2022 (numbers 722, 892, and 1093) will be covered in the 2023 ELIPOC annual report.



8. These summaries appear at [www.cityofeastlansing.com/2332/Reports-from-the-Commission](http://www.cityofeastlansing.com/2332/Reports-from-the-Commission).

9. ELPD also is responsible for producing an annual report of complaints that includes “the nature of the complaint and the outcome.” At the time ELIPOC drafted its annual report, Commission members had not seen ELPD’s report about 2022 complaints.

10. All commissioners were given access to the body cam video, but with some delay. Delays included a brief reversal of the decision to release the video to ELIPOC that was then overturned followed by a slow process of City staff deciding what technology to use to share the video files.

11. July 25, 2022 MDCR press release: [www.michigan.gov/mdcr/news/releases/2022/07/25/mdcr-files-charges-in-two-discrimination-complaints-against-the-grand-rapids-police-department](http://www.michigan.gov/mdcr/news/releases/2022/07/25/mdcr-files-charges-in-two-discrimination-complaints-against-the-grand-rapids-police-department). Also, on Dec. 22, 2022, MDCR announced that it had brought formal charges in two other cases on similar grounds. See: [www.michigan.gov/mdcr/news/releases/2022/12/14/mdcr-charges-grpd](http://www.michigan.gov/mdcr/news/releases/2022/12/14/mdcr-charges-grpd).

12. Memorandum: “Summary tables about Complaints to ELPD updated with data from 2021,” dated March 9, 2022 [cityofeastlansing.civicweb.net/document/74127/Complaints%20Memo%20and%20Tables%20with%202021.pdf?handle=A55D36F29936446F96115ECFB0E6464A](http://cityofeastlansing.civicweb.net/document/74127/Complaints%20Memo%20and%20Tables%20with%202021.pdf?handle=A55D36F29936446F96115ECFB0E6464A). Another historical account of review of ELPD complaints is Chapter 2 of “Report and Recommendations to the East Lansing City Council on Community Oversight of Policy” by the Study Committee on an Independent Police Oversight Commission, May 27, 2021 [www.cityofeastlansing.com/DocumentCenter/View/10838/StudyCom-Part-A-Report-5-27-21-PDF](http://www.cityofeastlansing.com/DocumentCenter/View/10838/StudyCom-Part-A-Report-5-27-21-PDF).

13. A report from the CNA consulting firm was delivered in fulfillment of a contract with ELPD and presented to the City Council on Dec. 6, 2022. The report, “Fair and Impartial Policing Assessment of the East Lansing Police Department, November 2022,” is at: [cityofeastlansing.civicweb.net/document/88479/Fair%20and%20Impartial%20Policing%20Study%20Presentation%20.pdf?handle=27F6273931F44E-0D9784417A11C153F3](http://cityofeastlansing.civicweb.net/document/88479/Fair%20and%20Impartial%20Policing%20Study%20Presentation%20.pdf?handle=27F6273931F44E-0D9784417A11C153F3).



## Section 3: Shooting in the Meijer Parking Lot on April 25, 2022

There was a shooting in the East Lansing Meijer parking lot on April 25, 2022. Two East Lansing police officers, Jose Viera and Jim Menser, fired at DeAnthony VanAtten after he left the store. VanAtten was hit twice, but he survived the shooting.

The Michigan State Police, the Michigan Attorney General, and the East Lansing Police Department investigated the incident. Investigation reports were released to the public in April 2023, about a year after the incident.

### A. Media accounts

Several stories covering the incident and its aftermath have appeared in the press:

Kara Berg and Bryce Airgood, “Here’s What We Know So Far About The Police Shooting At The Lake Lansing Meijer,” (Lansing State Journal, April 26, 2022) [www.lansingstatejournal.com/story/news/2022/04/26/east-lansing-police-shooting-meijer-lake-lansing-injury-shot-arrest/7451202001/](http://www.lansingstatejournal.com/story/news/2022/04/26/east-lansing-police-shooting-meijer-lake-lansing-injury-shot-arrest/7451202001/)

Bryce Airgood, “More Questions Than Answers: Meeting About Police Shooting At East Lansing Meijer Draws Critics,” (Lansing State Journal, April 28, 2022) [www.lansingstatejournal.com/story/news/2022/04/28/east-lansing-meijer-police-shooting-special-meeting-draws-crowd/9572483002/](http://www.lansingstatejournal.com/story/news/2022/04/28/east-lansing-meijer-police-shooting-special-meeting-draws-crowd/9572483002/)

Kyle Kaminski, “BLM: Local Cops ‘Kidnap’ Lansing Man Shot At Meijer: Activists Demand Lansing Man’s Release From County Jail,” (Lansing City Pulse, May 3, 2022) <https://www.lansingcitypulse.com/stories/blm-local-cops-kidnaplansing-man-shot-at-meijer,20773>

Bryce Airgood and Jared Weber, “Family of Man Shot By East Lansing Police Criticizes Attorney General Dana Nessel for Charging Him,” (Lansing State Journal, Sept. 8, 2022) [www.lansingstatejournal.com/story/news/2022/09/09/deanthon-y-vanatten-east-lansing-police-shooting-criminal-charges-dananessel-investigation/66721960007/](http://www.lansingstatejournal.com/story/news/2022/09/09/deanthon-y-vanatten-east-lansing-police-shooting-criminal-charges-dananessel-investigation/66721960007/)

Jared Weber and Ken Palmer, “Man Shot by Police at East Lansing Meijer Ordered to Stand Trial,” (Lansing State Journal, Oct. 6, 2022) [www.lansingstatejournal.com/story/news/2022/10/06/manshot-by-police-east-lansing-meijer-ordered-to-standtrial/69544680007/](http://www.lansingstatejournal.com/story/news/2022/10/06/manshot-by-police-east-lansing-meijer-ordered-to-standtrial/69544680007/)



The following is a summary of those articles.

### **April 26, 2022 story**

On April 26, 2022, Kara Berg and Bryce Airgood reported that a man was in the hospital after being shot by East Lansing police Monday night. The Michigan State Police were investigating. Two East Lansing police officers were on paid administrative leave.

The reporters learned from the police that someone called the police at about 6:30 p.m. and said a man with a gun had just walked into the store.

Dispatchers relayed the following information to officers:

I have a caller that advised for a 20-year-old Black male, he was wearing a yellow and black jacket with a mask covering his whole face except his eyes, pulled a gun out of his car and went inside the store, caller's advising that the accused walked in through the grocery side. He's not threatening anybody with it, just walked inside the store.

One of the officers in the store told dispatchers they had seen a man who matched the description, and he had run.

The officers chased the man through the store and parking lot, where many shoppers were getting in or out of their cars or loading groceries into the trunk.

Within 30 seconds, one of the officers shot twice at the fleeing man, he told dispatchers over the radio.

A woman sitting in her car posted on Facebook that she had seen an officer chase a man who did not have a gun. The officer dropped a taser in front of her car, pulled out his gun and shot the man. The man had his hands up. The police handcuffed the man on the ground and searched him; they did not find a gun.

In a press release the East Lansing police said, "the officers encountered the subject and shots were fired." Officers found a weapon at the scene.

### **April 28, 2022 story**

On April 28, 2022, Bryce Airgood reported that, according to the East Lansing Police Chief Johnson, officers responded to the call saw a man who "matched the description" the caller had provided and chased him from the store into the parking lot. The officers encountered the subject and fired at him.





### **May 3, 2022 story**

On May 3, 2022, Kyle Kaminski reported that after being shot, VanAtten was taken to Sparrow Hospital where he was shackled to his bed. The hospital staff prevented him from contacting his family. On May 2, VanAtten was taken from Sparrow Hospital to the Ingham County jail.

According to the police, the 911 caller reported that a man had pocketed a gun from inside his car and entered the store. After being chased out by police, the officers encountered the subject, and shots were fired. Eleven shots were fired at VanAtten.

### **Sept. 8, 2022 story**

On Sept. 8, 2022, Bryce Airgood and Jared Weber reported that Michigan Attorney General Dana Nessel had charged VanAtten with several felonies and cleared the officers, Jose Viera and Jim Menser, of wrongdoing.

The shooting happened after police responded to a 911 caller's report of a man with a gun entering the Meijer store on Lake Lansing Road. The caller told a dispatcher the man was Black and was wearing a mask that covered "every bit of his face except for his eyes." Police chased VanAtten from inside the store to the parking lot, where Viera and Menser fired rounds at him after an officer yelled the suspect had a gun. VanAtten was shot in the leg and abdomen.

The Lansing State Journal article of Sept. 8, 2022 contains a still shot showing a person (presumably VanAtten) coming out of the store carrying a bag of groceries.





*Lansing State Journal, Sept. 8, 2022*

### **Oct. 6, 2022 story**

On Oct. 6, 2022, Jared Weber and Ken Palmer reported on testimony from Officer Menser at VanAtten’s preliminary examination. Menser testified that he pursued VanAtten through the parking lot, first with his taser, before taking out his gun when he said he saw the 20-year-old reaching for a gun. “When he ducked behind the car, he still had the gun firmly in his hand, gripping it,” Menser testified. “And then he ducked behind the bumper of the car. It was my fear that he was gonna pop up and start firing rounds at me because he had that gun when he went for his cover.”

After Menser fired his weapon twice at the car VanAtten was crouching behind, the officer shouted “shots fired” to his fellow police officers. Menser did not say who had fired the shots. Viera then fired six more shots. The two officers shot a total of eight bullets at VanAtten. VanAtten, 20, was shot once in the abdomen and once in the leg in the parking lot.

A gun was later found beneath a parked car. VanAtten’s fingerprints were later found on the gun.

A district court judge ordered VanAtten to stand trial after the preliminary examination.

## B. The goal of prevention

One of the goals of the Oversight Commission is to prevent violent outcomes. The incident at Meijer may have been preventable.

Bringing a gun into a store in Michigan is not a crime. The dispatcher did not suggest that immediate action was necessary. The police may have had time to respond in a more intelligent way, that is, to gather more information before taking action.

It is not clear that VanAtten created a disturbance inside the store. The photo published in the Sept. 8 story raises questions. The fact that VanAtten left the store with a bag of groceries suggests that he may have gone through a checkout line in the normal course of business — implying that he may not have created a disturbance inside the store.

If the photo and the media accounts are accurate, the incident might have been prevented with more careful and less hasty responses at the dispatch stage, inside the store, or in the parking lot. The police might have used approaches that kept the situation under more control — to avoid sending officers into situations where they might feel they need to shoot somebody.

## C. Motions adopted by ELIPOC on May 9, 2022

East Lansing Police Chief Johnson came to a special public meeting of the Oversight Commission on April 28. He announced that he had agreed for the Michigan State Police and the Attorney General to take over the investigation. Chief Johnson responded to questions from the Commission and the audience.

At its meeting on May 9, 2022, the Commission adopted a series of formal motions seeking information about the incident.

**Law governing the investigation:** The Commission asked the mayor and city manager to ask the MSP to describe how officer-involved shootings are adjudicated in Michigan. Who is the official generally responsible for officer-involved shooting investigations? Who does the planning for how investigations are conducted? How are local governments involved in that planning? How can East Lansing have input into that planning? What is the scope of an investigation? Do any manuals, guidelines, protocols, policies, general instructions or similar documents exist that govern investigations of officer-involved shootings? Are there any intergovernmental bodies or groups that develop plans or protocols about how officer involved shootings are to be investigated? If so, are city governments involved in those groups?



**Duty to write end-of-shift reports:** The Commission asked the police department to report how the officers involved in the Meijer incident came to be excused from the duty to write reports. Who excused them? Under what authority were they excused? Is there a higher authority that supersedes the department's policy on report-writing? The Commission asked the City Council to investigate whether the Police Chief violated City law by relieving officers of the duty to write end-of-shift reports following the Meijer incident. The Commission asked the City Attorney to investigate how the officers involved in the VanAtten case were excused from the duty to write reports.

**Danger of shooting in crowded places:** The Commission asked the police department to report what policy, procedure, or instructions the officers were following when they opened fire at targets where bystanders were nearby. Can a behavioral rule be developed to cover those situations? What training had the officers received in responding to dispatch messages like those on April 25. Did the officers follow that training? Should the department have set up an incident command to collect intelligence and plan a more organized response? What were the tactical alternatives to firing gunshots with bystanders nearby? Should the officers have called for backup before using force?

**Blaming the victim:** The Commission asked the police department how VanAtten came to be arrested. Did incident investigators leak information or recommend charges against VanAtten leading to his arrest? If so, were those communications authorized? Improper? Did VanAtten violate any laws as he entered Meijer, while he was in the store, or after he left the store?

**Applicable policies:** The Commission asked the police department for the full texts of policies and procedures relevant to the Meijer incident.

The Commission received some responses to some of its inquiries articulated in the motions adopted on May 9. Importantly, commissioners learned that there are no laws, guidelines, protocols, policies, manuals, general instructions or similar documents that govern investigations of officer-involved shootings.

As this report went to press, almost a year after the incident, the Commission received investigation reports authored by the Michigan State Police and the East Lansing Police Department as well as several ELPD policies that were added or amended in the months after the Meijer shooting. ELIPOC will continue to study all this information and move forward.

### **Request to drop charges against VanAtten**

In an Aug. 24, 2022, press release, Attorney General Dana Nessel announced that she and the MSP had completed their investigation of the Meijer incident. The Attorney



General exonerated officers Jose Viera and Jim Menser, and she charged DeAnthony VanAtten with several crimes. The Attorney General announced that she would not release “additional materials or evidence related to the investigations.”

At its September 2022 meeting, the Commission recommended that the City of East Lansing ask the Attorney General to drop the charges against VanAtten or, at least, to release the file. The Commission argued that VanAtten’s alleged criminal activity had been discovered only after he was shot, and a criminal trial against the shooting victim tends to cloak the investigatory file in secrecy and makes it difficult to conduct a thorough post-mortem of the April 25th incident with a view to preventing future incidents. On Sept. 28, 2022, Mayor Ron Bacon transmitted that request to Attorney General Nessel. As of this writing, the Commission has not received a response.

#### **D. End-of-shift use of force reports**

The aftermath of the April 25th incident reveals a problem in the way police officer use of force is tracked. Michigan has no laws or manuals governing how police shootings are investigated. That is a shortcoming of Michigan’s oversight system.

Immediately after the shooting, the East Lansing Police Department and the MSP agreed that the MSP would take over the investigation of the incident. MSP then instructed the East Lansing officers not to submit their customary end-of-shift reports regarding the incident. The instruction not to generate end-of-shift reports following the April 25th incident conflicts with the police department’s policy (35-14) requiring officers to file end-of-shift reports whenever they use force during a work shift. The instruction also conflicts with the oversight ordinance (2-485) which requires the police department to submit monthly use-of-force reports to the Commission. The MSP had apparent authority to issue that instruction because that agency was in charge of the investigation, and there are no laws preventing the MSP from issuing such an instruction.

The instruction should not have been given or agreed to.

The April 25, 2022, incident revealed a loophole in the use of force documentation system that should be addressed. Officers should document a use of force by the end of the work shift when the use of force occurs. No person should be relieved of that duty. No outside agency has the legal authority to relieve a person of that duty..



## Recommendations

**Recommendation 3:1** – *To ELIPOC:* Advocate for the establishment of laws governing how investigations of officer-involved shootings are conducted.

**Recommendation 3:2** – *To City Council:* Specify by ordinance that police officers must write end-of-shift reports describing their encounters with civilians. An officer should not be relieved of the duty to write an end-of-shift report merely because the incident – or the officer – is under investigation.

**Recommendation 3:3** – *To ELIPOC:* Study the April 25th incident at the Meijer parking lot to discern ways in which similar incidents can be prevented in the future

## Section 4: Use of Force by East Lansing Police Department Officers

Use of force by police is an issue of national concern and a priority that the City Council identified in Ordinance 1503 for the new Independent Police Oversight Commission. The issue claimed the attention of people in the East Lansing community during the Oversight Commission's first year because of the shooting by East Lansing Police Department officers on April 25, 2022, which ELPD Chief Johnson described as the first-ever "officer-involved shooting" in the history of the department.<sup>14</sup>

ELIPOC gave attention to ELPD officers' use of force throughout the year, receiving monthly reports from the ELPD on use of force incidents.

The Commission sought to analyze data in ELPD's reports about use of force in 2022.<sup>15</sup> Some new quantitative information is presented here, but further analysis was stymied by problems with the data, which are discussed in part E of this section. A model for reporting information about use of force is presented along with observations about how data management needs to change in order to permit meaningful analysis and reporting.

In late 2022, ELPD received a report from the CNA consulting firm with analysis and recommendations about a number of issues, including ELPD use of force during 2016-2021. The report's findings on racial disparities in use of force and traffic stops are discussed in this section and in Section 6. During 2023, the Commission will continue to discuss with ELPD implementation of some of the recommendations in the CNA report.

### A. ELPD monthly use of force narrative reports

Section 2-485 of Ordinance 1503 on "Use of Force Incident Summaries" states: "The report shall include at a minimum, a brief description of the incident and the names and demographic data about the officers and members of the public involved in the incident." ELPD first report, for October 2021, did not include officers' names, and Commission members reminded ELPD that this did not comply with the ordinance. In its first few meetings, the Commission also asked ELPD to provide fuller descriptions of the incidents. The November 2021 report included officers' names, but not the type of force each of them used.

By December 2021, the monthly reports included more informative narratives about the variety of situations in which police officers are using different types of force and who is affected by it, along with the names of officers and the type of force each used.<sup>16</sup> These



reports have become much more useful than previous, shorter ones that had been provided to City Council members since June 2020, following George Floyd's murder by a Minneapolis police officer.<sup>17</sup>

Narratives can convey much more than statistics alone. However, use of force incidents are always dynamic, and even a detailed narrative cannot fully capture the order, timing, interactions, and intensity of resistance and of use of force.

Of course, use of force reports do not describe all police interactions with the public, and incidents in which officers use force against members of the public are not representative of all their interactions. The Commission focuses on these incidents because it was directed to do so by the ordinance adopted by the City Council.

The uses of force in these monthly reports were discussed at most, but not all, ELIPOC meetings. Sometimes the Commission must devote considerable time to reviewing and taking action on a complaint from a member of the public, which it must do as promptly as possible since ELIPOC meets only once per month. However, the Commission has discussed selected use of force incidents and has requested further information or an investigation of some incidents, as provided for in the ordinance.

The use of force report of the April 25th shooting of DeAnthony VanAtten by two police officers in the Meijer's parking lot was important because it was how community members learned the names of the officers at this incident. Some community members had demanded this information at the April 28 special meeting of ELIPOC, and Commission members reminded ELPD administrators that ELIPOC members expected it to be included in the monthly use of force report at its May 9, 2022, meeting. Because a system for making this information public was in place, this is what happened.

Possible inconsistencies and missing use of force incidents: The Commission has pointed to two incidents in which it believes force was used but that were not included in monthly use of force reports. This conclusion is based on similarities seen between these events and incidents that are included in these reports. This has raised a concern about whether other use of force incidents may be missing from these reports.

At several meetings following the April 25th incident, commissioners raised the issue that the narrative report of this incident did not include an officer's interaction with the woman who was in the vehicle that VanAttan drove into the parking lot. After VanAtten was shot twice and was lying on the ground, an officer questioned this woman about whether she had a gun or whether a gun was hidden in her baby's car seat. The officer was displaying his gun during this interaction. Displaying a gun is recorded as a type of force in 45 of 144 (31%) use of force incidents in 2022.



Captain Pride said he had checked with Deputy Chief Chad Connelly about the display of a handgun while the officer was talking with this woman and was told that this gun display was not considered a use of force.

Minutes of the August ELIPOC meeting recorded: “[Commissioner] Edsall followed up on a previous inquiry regarding whether ELPD un-holstering their gun was considered a use of force... Edsall advised that per what [Commissioner] Hughes presented in July meeting about Use of Force definitions, any unholstering of the gun would be considered use of force. Captain Pride advised that per policy 12-11, removing the handgun out of the holster and holding it against their body is not considered use of force. Pride advised that there is a subjective interpretation to policy that can occur. Edsall advised that the policy should be clarified to remove space for misinterpretation.”

Another incident that the Commission reviewed because a use of force was not reported despite similarity with incidents that were reported involved officers using physical force to place or keep someone on a stretcher to be transported in an ambulance to the hospital.

The Commission had asked to see body camera footage from the complaint concerning a young man whose bag was searched after he had an epileptic seizure on May 23, 2022 (described in Section 2, complaint number 522). Looking at that footage, several commissioners believed that physical force was used. At the November meeting, the Commission unanimously adopted a motion to request that Captain Pride review this video to determine if there was use of force, and, if found, to add this incident to the May use of force report.

After Captain Pride responded that this incident was not considered a use of force, according to Deputy Chief Connelly, the Commission adopted a second motion at its December 2022 meeting. This motion pointed out that the officers’ actions in this incident appear to be very similar to incidents on Dec. 7, 2021, Feb. 13, 2022, March 15, 2022, and April 29, 2022, in ELPD’s use of force reports. Therefore, the Oversight Commission recommended that the Police Department seek an outside-agency review of the May 23 incident to discern whether force was used. Chief Johnson informed the Commission that he declined to seek an external review. He noted that ELIPOC has the option of requesting funding from the City Council for an independent external review. ELIPOC did not take this issue to the Council.

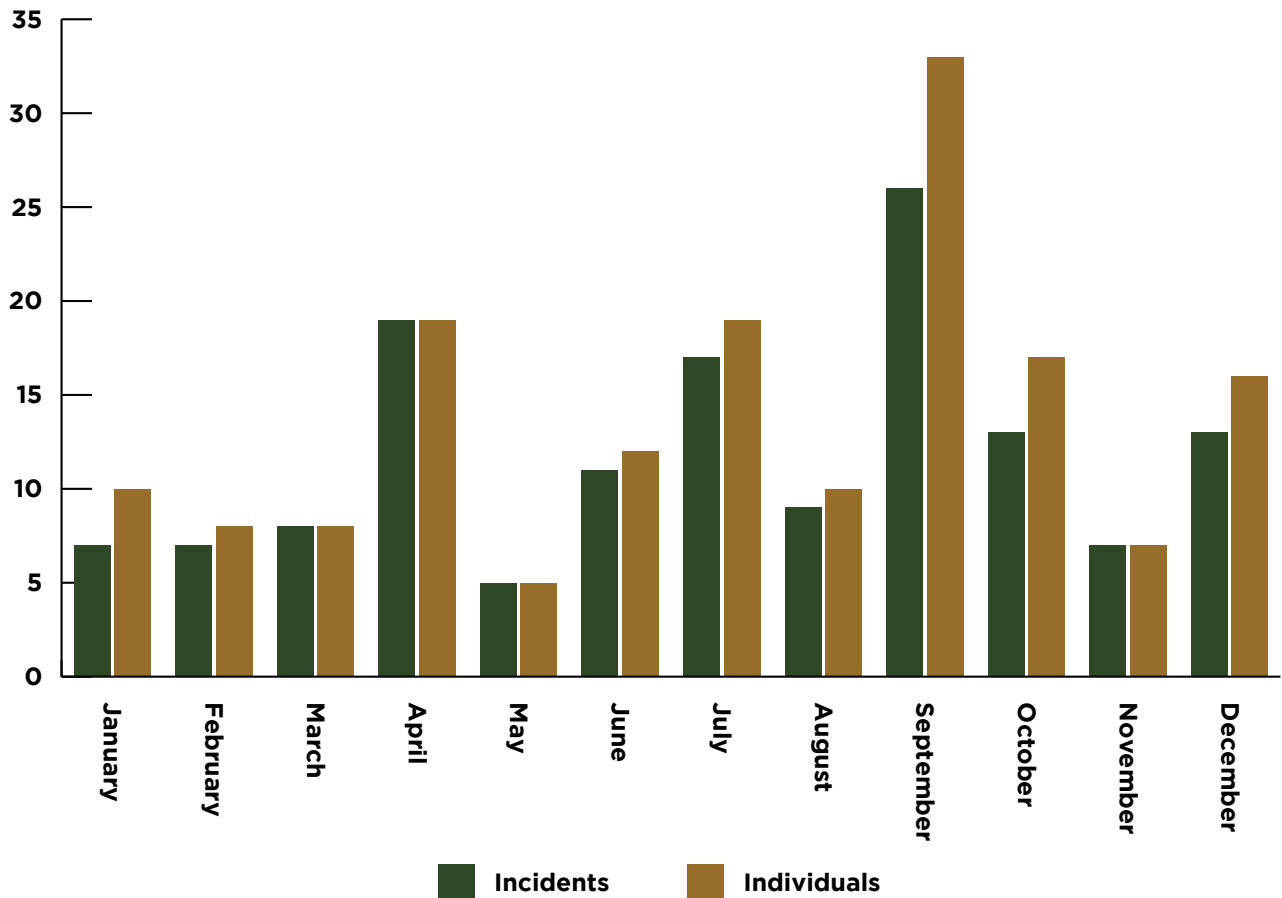


## B. Overview of use of force incidents in East Lansing in 2022

In its monthly narrative reports in 2022, ELPD reported 144 incidents in which police officers used force against people in the community. In 17 of these incidents, more than one individual was subjected to force; a total of 167 people were subjected to use of force.<sup>18</sup>

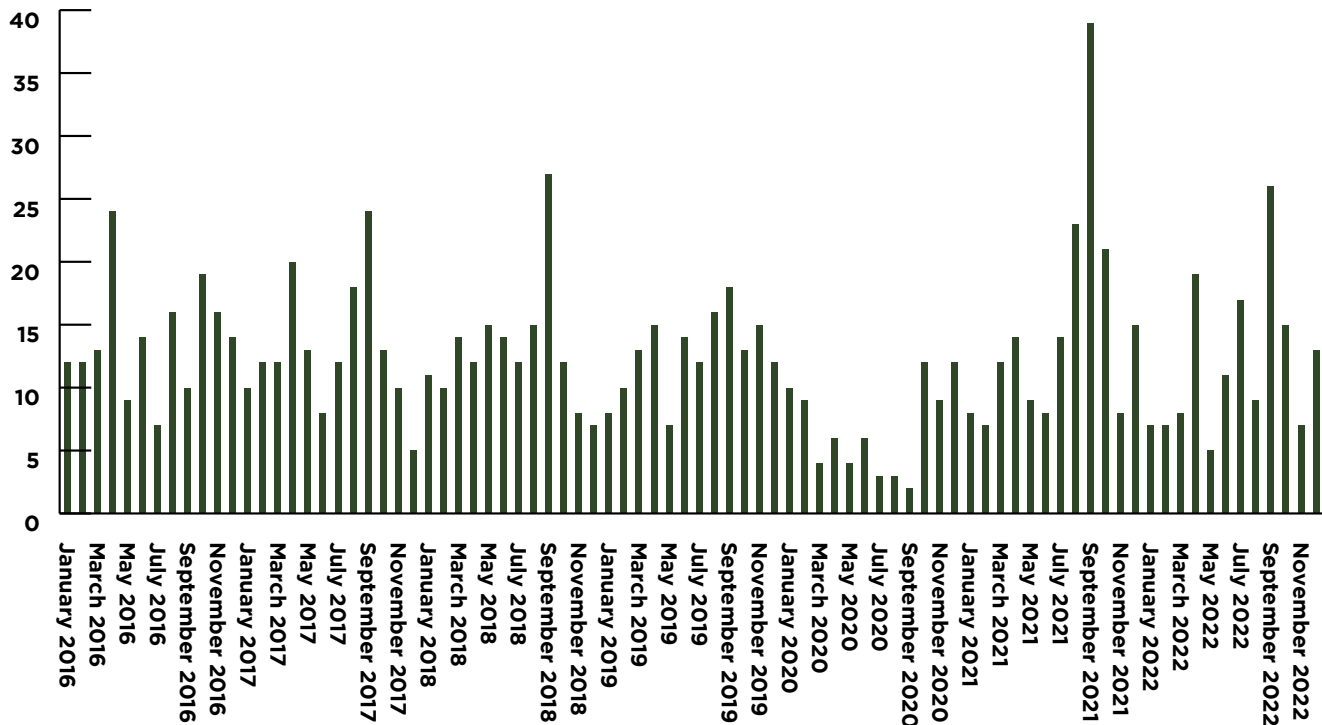
**Use of force incidents by month:** Both the numbers of use of force incidents and of people subjected to force peaked during the month of September. September accounted for 18% of incidents of use of force and 20% of people subjected to force during the year. The months with the next highest number of use of force incidents by ELPD officers were April and July.

**Figure 1: Number of incidents of use of force and of people experiencing use of force, by month in 2022**



This distribution of use of force incidents over the course of 2022 is not unusual. Figure 2 shows that September has the highest number of use of force incidents in each year from 2017 to 2022, with an especially large spike in 2021 – 39 incidents in 2021 compared, for example, to 27 incidents in 2018 and 26 incidents in 2022. It also is usual for April to be the second-highest month in the number of use of force incidents.<sup>19</sup>

**Figure 2: ELPD use of force incidents, 2016-2022**  
**Sources: CNA report (2016-2021) and ELPD narrative reports (2022)**

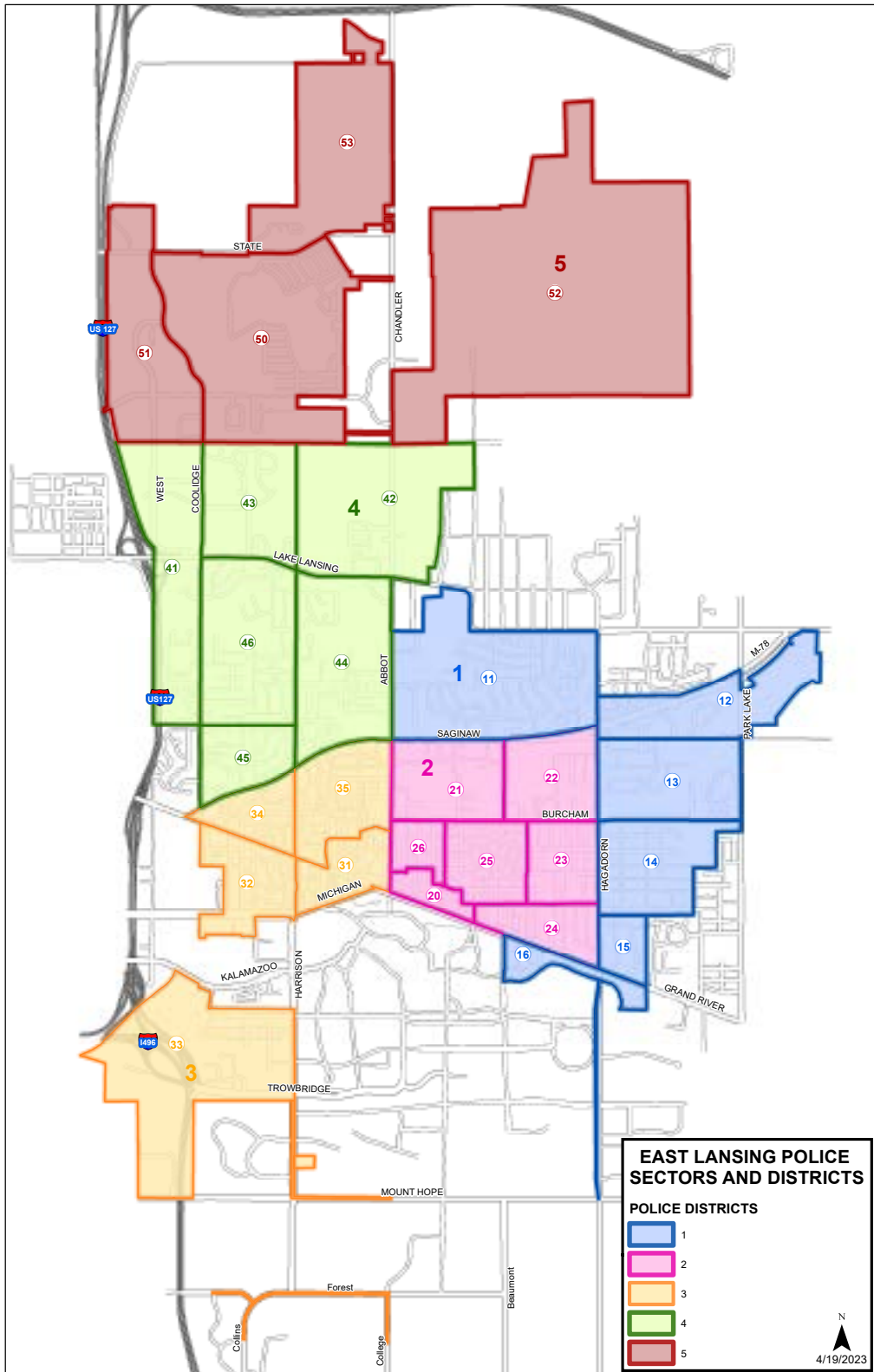


September is when Michigan State University students return to East Lansing for the start of the academic year, and April is roughly the end of the spring semester. Although a large proportion of the individuals in these incidents are young people, it would be a mistake to assume that all of them are MSU undergraduate students. The ages of people who were involved provides some evidence. The September 2022 use of force report states that, of the 21 people subjected to force in the 18 incidents in downtown East Lansing and the Bailey neighborhood (Sector 2), four were age 15-17, four were age 18-19, six were age 21-25, four were age 26-28, and three were of an unknown age.

**Location of use of force incidents:** At the request of ELIPOC, the 2022 narrative reports identify the location of use of force incidents using the five Sectors defined by ELPD. (A map of ELPD sectors appears in Figure 3 on page 44.)

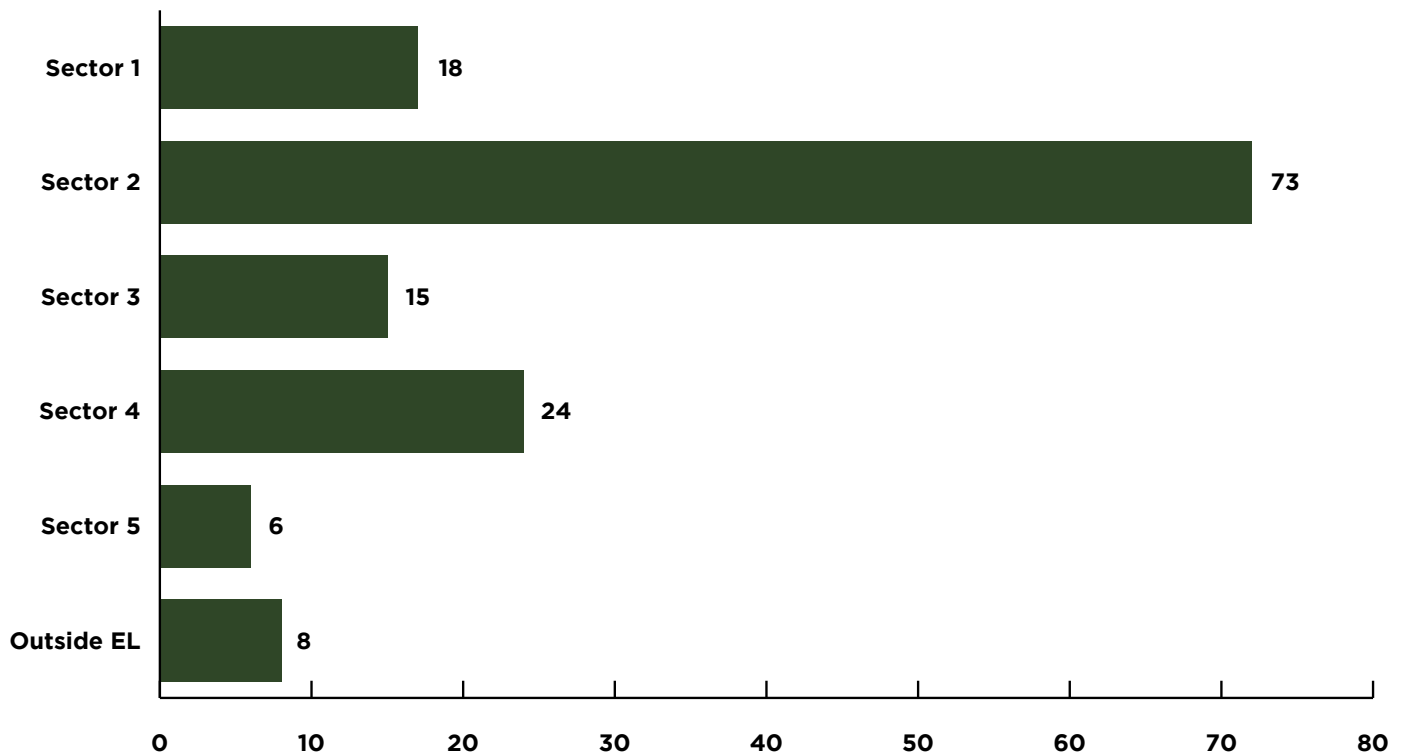


**Figure 3: East Lansing Police Department Sectors and Districts**



Use of force incidents occur predominantly in Sector 2, which includes East Lansing's main downtown area and most of the Bailey neighborhood and extends north to Saginaw Street. Figure 4 shows the location of incidents during 2022. It shows that 73 incidents of 144 (51%) occurred in Sector 2. The narrative reports also show that one-quarter of all use of force incidents that occurred in Sector 2 were during the month of September.

**Figure 4: Locations of use of force incidents in 2022**



**Force used against people in crisis:** Thirty-four (24%) of the 144 use of force incidents in the monthly narrative reports involved people experiencing a mental health crisis. Ordinance 1503 directs ELPD and ELIPOC to give special attention to encounters of police officers with people in crisis, and this subject is discussed in Section 5.

### **C. Racial disparities in people subjected to use of force**

During 2022, ELPD officers used force against substantially more Black people than White people. Of 167 people subjected to force in 2022, 93 people (56%) were Black and 61 people (36%) were White. This information, from ELPD's monthly reports during 2022, is compiled in this report for the first time.



Table 1 shows the numbers of people subjected to use of force by incident and also by individual (or person).<sup>20</sup> The data by incident exclude 23 people who were subjected to force. By including these 23 people – captured from the 89 pages of narrative reports – 15% more individuals are accounted for rather than being erroneously excluded. This complete information appears in the right-hand two columns of Table 1.

**Table 1: Race of individuals subjected to use of force by ELPD officers in 2022**

Race	By incident		By individual	
	Number	Percent	Number	Percent
Black	76	52%	93	56%
White	56	39%	61	36%
Other race categories	7	5%	7	5%
Unknown	5	3%	6	3%
Total	144	99%	167	100%

The published CNA study of the previous six years (2016-2021) reports very different proportions of Black and White people being subjected to force. The CNA report stated that 328 (37%) of the 876 people who experienced force were Black, 310 (35%) were White, and 238 (27%) were “Other / Unknown Race.”<sup>21</sup>

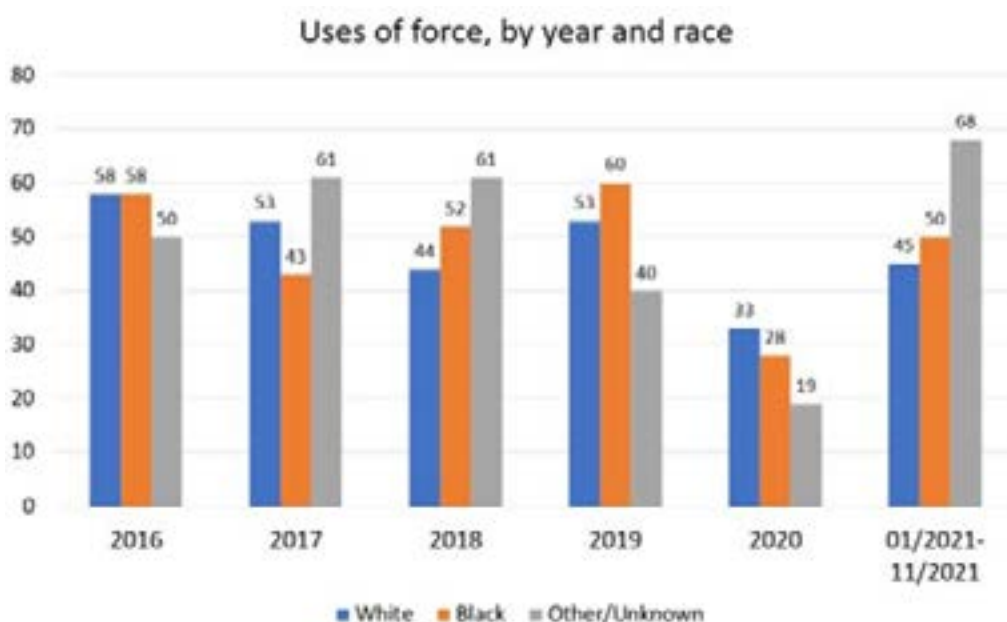
What could explain the difference between 37% of uses of force being against Black people in 2016-2021 compared to 56% in 2022? It appears that the difference may be the result of less informative data having been given by ELPD to CNA for 2016-2021 than to ELIPOC for 2022. The data given to CNA contained many records with “Unknown” or something other than Black or White in the Race category. CNA also added to this “Unknown / Other” category those records with missing data (i.e., in which race was “null” or left blank). As the CNA report noted in the “Administrative Data Analysis” section that “the demographic information of the community members was inconsistent, resulting in large amounts of missing information” (page 12).

By contrast, in 2022, ELPD’s monthly reports provided to ELIPOC identified only 12 people as either Unknown, Asian, Hispanic, or Pacific Islander / Hawaiian, or Other, and no records left the race category blank. Taken together, these categories account for only 8% of the total in 2022, compared to 27% of the total reported by CNA for 2016-2021.



CNA’s contract with the City promised annual trend information about use of force against people of different races, but this annual data was not included in its published report. So, ELPD Chief Johnson requested this information, and CNA provided the graph in Figure 5. This graph sent by CNA shows that a particularly high proportion of people subjected to force in the 163 incidents in the last time period (the first 11 months of 2021) were identified as “Other / Unknown”: 68 people (42%). In addition, 50 were identified as Black (31%) and 45 were identified as White (28%).

**Figure 5: Use of force, by year, provided by CNA  
(not included in the CNA published report)**



ELIPOC members working on this section reviewed another source of 2021 data about the race of people subjected to force and compared it to the data reported by CNA for the same year in order to explore further whether CNA may have received significantly less information about race and use of force than other data maintained by ELPD.

The second source of use of force incidents in 2021 is brief email reports sent regularly by ELPD to City Council members that year. These reports identify only 22 people subjected to force who were categorized as “Unknown,” Asian, Pacific Islander, or Hispanic. (In no incidents was racial demographic information left blank.) Twenty-two people identified in these 2021 reports is notably fewer than the 68 people documented by CNA in these categories or missing data in that year.<sup>22</sup>

Regarding reports of racial disparities in policing in many U.S. communities, there is often frustration that police officers identify many people who they encounter as being of “Unknown” race. However, this is not the problem being described here. Rather, it appears that ELPD did not give CNA all the racial demographic data that it had. (This

may be partly the result of sending CNA only spreadsheets and not narrative data.) As a result, CNA ran statistical analysis on a dataset that lacked meaningful racial demographic information about approximately one-quarter of the people who were subjected to force from 2016-2021, significantly limiting the usefulness of their findings on this topic.

Therefore, for this report, the decision was made not to rely on the analysis of racial disparities in use of force for the earlier period in the CNA report and not to look for trends by combining a dataset with a large amount of missing data about this topic from 2016-2021 with data from 2022 that is more complete.

#### **D. Officers' use of various types of force**

The ELPD spreadsheet of use of force incidents in 2022 has limited usefulness for analyzing uses of force by individual officers, for reasons discussed in part E. However, here are some simple summary observations.<sup>23</sup>

The number of officers at each incident varied. In 113 (79%) of 143 incidents, only one or two officers were at the scene; in only 13 (9%) of incidents were there more than three officers at the scene, including a single incident with six officers – the highest number in the dataset.

Some information can be gleaned about the types of resistance to which officers responded. In 24 (16%) of 150 interactions, officers encountered no resistance from the subject but used some measure of force against that subject. In 45 (30%) of 150 of interactions, officers encountered active aggression/assault or a potentially armed subject and responded with some measure of force. Overall, in 110 (73%) of 150 interactions, subjects engaged in a single type of resistance. The maximum number of types of resistance by the subject was two, which occurred in 16 (11%) of 150 interactions.

Officers engaged in a high level of force in 70 (47%) of 150 interactions. This included display or use of a less-lethal tool in 20 interactions (13%) and display or use of a firearm in 50 incidents (33%). Overall, in 100 (67%) of 150 interactions, officers used a single type of force against a subject, while officers used two or fewer types of force against a subject in 143 (95%) of 150 interactions. The maximum number of distinct types of force used against a subject was five, which occurred in a single incident.

Not surprisingly, there are statistically significant correlations between “Total # of Officers in Incident” and “Most Severe Type of Force Used in Incident” (.355), and “Total # of Officers in Incident” and “Total Types of Force Used in Incident” (.573). Basically, as more officers were present at an incident, the level of force increased, as did the total number of types of force. One could expect that more serious incidents would lead to



calls for backup, increasing the number of officers at the scene and also would impact the number and types of force used. One also could expect that the seriousness of the incident itself is what is directly related to number of officers and to level of force.

Without better data regarding how individual officers responded to individual subjects, it is not possible to draw conclusions about whether these uses of force were within policy or training (i.e., with appropriate levels of force based on the use of force continuum).

### **Model reporting of use of force and data that are needed**

Because this is ELIPOC's first annual report, members looked at annual reports about use of force from other cities that are highly regarded nationally.

The "2021 Report on Use of Force by the Washington, D.C. Metropolitan Police Department" (MPD) is a good model. It was featured in a seminar organized by the National Association for Civilian Oversight of Law Enforcement (NACOLE) on this topic in 2021.

The MDP report presents information about these broad topics:

- (a) Number of Uses of Force
- (b) Location of Use of Force Incidents
- (c) Subject and Officer Demographics
- (d) Officers Using Force and Officer Characteristics
- (e) Subject Behavior and Level of Officer Force
- (f) Subject Weapons

Creating the reports on these subjects requires that data is recorded so it can be analyzed in three ways: (1) by incident, (2) by individual subjected to force, and (3) by officer using force.

Report by the D.C. Office of Police Complaints, June 13, 2022, is available at: [policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/2021%20OPC%20UOF%20Report\\_FINAL.pdf](https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/2021%20OPC%20UOF%20Report_FINAL.pdf)



## **E. Data problems that need to be addressed to improve reporting use of force**

At the December 2022 ELIPOC meeting, ELPD’s representative to the Commission was asked to provide a spreadsheet of use of force data comparable to what it had given to the CNA for previous years. This request was followed up in correspondence during the next few weeks so the spreadsheet could be used for this report. A spreadsheet was provided on Jan. 3, 2023.

After closely reviewing the spreadsheet, the decision was made that it was not possible to report on some of the topics that had been planned because of problems with the data. Instead, this report identifies in detail problems with current data management and reporting in an effort to be as useful as possible to the ELPD for improving that system.

ELPD has abandoned its manually entered spreadsheet for maintaining use of force data, which was one of CNA’s recommendations. In January 2022, ELPD began using the Guardian Tracking data management software, including for this purpose. (What ELIPOC has learned about the reporting capability of Guardian Tracking is based only on the Excel spreadsheet report created from it in January 2023.)

ELPD chose Guardian Tracking to use as an Early Intervention System (EIS). According to police accountability expert Samuel Walker, an EIS system is “a computerized database of police officer performance that allows supervisors and commanders to identify those officers with a pattern of problematic performance, such as use of force incidents, public complaints, or other indicators. ... It is designed to identify possible risks to the community and the department, and then take corrective action.”<sup>24</sup> ELPD has chosen to include positive as well as problematic indicators in its EIS.

### Lack of data about individuals subjected to use of force

As mentioned in part C of this section about racial disparities, ELPD’s spreadsheet erroneously collapses information about multiple people in an incident into one individual. Therefore, the spreadsheet cannot be used to analyze information about individuals subjected to use of force. This problem was documented by CNA about the manually entered spreadsheets; it had not been solved in the new data management system by January 2023 when ELPD generated the spreadsheet to send to the Commission. It appears that data about individuals beyond the first person recorded in an incident is being lost, including individual characteristics (race, gender, and age/birthday), the “Level of Resistance” used by the individual, and “Initial Observations of the Subject.”



Here is an example of how information about multiple subjects is collapsed into just one person. This incident on Sept. 19, 2022 (incident 09273922 in the narrative report and Report Number 2236402732 in the spreadsheet) involved three officers responding to a 911 call about a weapons complaint involving two subjects – a 24-year-old Black female and a 24-year-old Black male. Here is how it is entered in the spreadsheet.

**Table 2: Incident with information about two subjects of a use of force incident collapsed into one in a report from the Guardian Tracking system [excerpt]**

Officer	Subject		Level of Resistance Encountered	Type of Force Used (Select all that Apply)
	Sex	Race		
Harrison, Katey	Male	Black	No Resistance Observed	Handcuffing (non-Arrest), Rifle Display, Handgun Display
Klavenski, Scott	Male	Black	No Resistance Observed	Handcuffing (non-Arrest), Rifle Display, Handgun Display
Kole, Staci	Male	Black	No Resistance Observed	Handcuffing (non-Arrest), Rifle Display, Handgun Display

Only one Black male is identified, when in fact there are two people involved in this incident. In a report of demographic data about use of force incidents, the Black female would be missing. Also, there would be no information about the type of force used against her or her level of resistance, and the count of individuals subjected to force would be lower than is accurate.

A second problem with the data management system is that *all* types of use of force used at an incident are ascribed to each of the officers who was present at the incident.<sup>25</sup> Here is an incident that shows this problem. Four officers were dispatched to a situation involving a 16-year-old Black female. The Reason for Contact is identified as “Assault with a knife,” with the Level of Resistance identified as “Deadly Force Assault.” The incident is reported in the narrative report (incident 01022922) as having occurred on Jan. 26; it is recorded in the spreadsheet (Report Number 223640029) as occurring on Jan. 19. Here is how the use of force used by four officers appears in the spreadsheet.



**Table 3: Incident with multiple types of use of force erroneously attributed to all officers in spreadsheet reported from Guardian Tracking system [excerpt]**

<b>Officer</b>	<b>Type of Force Used (Select all that Apply)</b>
Bennett, Katelynn	Taser Display, Handgun Display, Less Lethal Display
Monroe, Brittany	Taser Display, Handgun Display, Less Lethal Display
Nelson, Austin	Taser Display, Handgun Display, Less Lethal Display
Wright, Kirsten	Taser Display, Handgun Display, Less Lethal Display

In the narrative report, the uses of force are reported by individual officer:

Office Bennett	Weapon Display / Handcuffing
Officer Nelson	Less Lethal Weapon Display
Officer Wright	Weapon Display
Office Monroe	Less Lethal / Taser Display

The spreadsheet shows that the four officers each used three types of force against a subject, while the narrative report shows that each of the four officers used different types of force. In a report about people subjected to force, this incorrect data entry would exaggerate the number of times each use of force was applied to the person as well as the number of officers using such force.

In a report of officers using each of these types of force or a report of officers using three types of force or more, numbers also would be exaggerated. Recall that this spreadsheet is generated from ELPD’s Early Intervention System, which is designed to monitor actions that are of concern about individual officers that might indicate the need for further training or other intervention. The system could flag individual officers incorrectly because of uses of force they did not actually employ.

These observations about the inadequacy of the data now being kept in Guardian Tracking mirror CNA’s findings of the spreadsheet it received:

We can assess the event as a whole knowing when it occurred, which officers were involved, what uses of force were used, and more. However, we cannot discern which officers were specifically involved with which community members, the specific use(s) of force that was used for each community member, or the combination of those three characteristics (which officer, which type of force, on which community member). (CNA report, page 11)



Commissioners working on this section considered trying to improve the data in the spreadsheet from ELPD or to create a separate spreadsheet from scratch with data from narrative reports so that more robust statistical analysis could be performed and reported. Both these options were rejected. It did not seem advisable to create a data-set that would not match any EPLD report, even though all the data inevitably comes from ELPD. Instead, it was decided to report problems with the data with as much useful detail as possible and to identify model use of force reporting that could meet the needs of ELPD, ELIPOC, the City Council, and the public to help improve analysis and reporting of use of force in the future.

Two people working on this section did manually compile some additional data about a few, but not all, variables for this report. But no one, whether a paid contractor or volunteers on an advisory commission, can be expected to use narrative data to perform quantitative analysis over time. The data management system and analytic capabilities for using this data must be addressed.

## Recommendations

**Recommendation 4:1** – *To ELPD:* ELIPOC concurs with CNA’s Recommendations 1 through 3 including “pursue implementation of a new use of force reporting system that allows for better information entry, case tracking, review, analyses, and summary report creation.” Improved data reporting should include using the same unique identifier for each incident in the narrative use of force reports, encounters with individuals in crisis and with juveniles reports, and the Guardian Tracking or other data management system. Also, consistent categories of types of use of force should be used.

**Recommendation 4:2** – *To ELPD and ELIPOC:* Collaborate to identify the data collection procedures, data management system, and analysis and regular reporting methods regarding use of force and racial disparities in policing that will meet the needs of ELPD and for reporting to ELIPOC, the City Council, and the community. Aim to have this new system in place to analyze and report on use of force data in 2024.

**Recommendation 4:3** – *To ELPD and ELIPOC:* Improve coordination of annual reporting by ELPD and ELIPOC that will be possible when ELPD implements this new section of its Response to Resistance Policy and Procedure (updated in July 2022): “K.8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents in the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.” Also, make this ELPD report public.<sup>26</sup>



**Recommendation 4:4** – *To ELPD:* Ensure that all incidents in which force is used on an individual who is being transported in an ambulance and incidents in which a weapon is displayed in a manner that is considered a use of force are identified as such and are included in use of force monthly reports.

**Recommendation 4:5** – *To ELPD:* Consider developing a system for monitoring whether officers who go through Crisis Intervention Team (CIT) training reduce their use of force as they adopt other techniques and whether uses of force by the department as a whole decrease as more officers receive CIT training. Consider whether an officer decreasing their use of force can be incorporated as a cause for commendation or lead to a positive rating in the EIS system.

**Recommendation 4:6** – *To ELPD:* ELIPOC supports CNA recommendations 56, 57, 58, 59, and 61 concerning patterns and practices of use of force. These include reviewing why certain officers use a high level of force, why incidents involving people in crisis or in disorderly conduct arrests make up a significant proportion of use of force incidents, why gun displays occur as frequently as they do, and how to reduce racial disparities in the display or discharge of a taser or firearm.

**Recommendations about use of force policy** – ELIPOC is not making other recommendations regarding the ELPD “Response to Resistance” (Use of Force) policy at this time. The Commission is planning public hearings about best practices in use of force policy and ways to improve ELPD’s policy. These hearings were called for in a petition signed by 33 East Lansing residents in September 2022. Recommendations are likely to come out of this process.

## Endnotes

14. For information about the community’s concern about the officer-initiated shooting on April 25, 2022 see Section 3 and Section 7.
15. The Commission acknowledges the help of Dr. Cedrick Heraux with some of these analyses.
16. The monthly use of force reports from the ELPD are posted on the Commission’s website at: [www.cityofeastlansing.com/Archive.aspx?AMID=58](http://www.cityofeastlansing.com/Archive.aspx?AMID=58).

17. “Reports about Use of Force Incidents to the City Council from East Lansing Police Department, mid-2020 to mid-2021” is Appendix E of “Report and Recommendations to the East Lansing City Council on Community Oversight of Policy” by the Study Committee on an Independent Police Oversight Commission, May 27, 2021 [www.cityofeastlansing.com/DocumentCenter/View/10838/Study-Com-Part-A-Report-527-21-PDF](http://www.cityofeastlansing.com/DocumentCenter/View/10838/Study-Com-Part-A-Report-527-21-PDF).

18. The October and December reports were amended by Captain Pride to include additional incidents noticed by Commission members. Two incidents in October were in the Encounters with Individuals in Crisis report for July – December 2022 and five incidents in the latter part of December appeared in ELPD Weekly Case and Arrest Reports and in an ELPD spreadsheet (discussed in part E of this section).

19. Figure 2 combines the series of use of force incidents per month from 2016-2021 in the CNA report with incidents in the 2022 ELPD monthly narrative reports. At the request of a member of ELIPOC, ELPD Chief Johnson obtained the numbers used by CNA to create this graph. (The underlying numbers are attached to the January 2023 ELIPOC agenda.)

20. The incomplete incident-level data is the only data on this topic in a spreadsheet of use of force being maintained by ELPD. This spreadsheet and the inaccuracy of reporting only one person subjected to force even in incidents that involved more than one person are discussed in part E.

21. See “Figure 23: Demographics of community members who experienced force (n=876),” in the CNA report.

22. The messages sent to Council members are available at the City of East Lansing “JUSTFOIA” portal: [eastlansingmi.justfoia.com/publicportal/Index?RequestNumber=2021-258&SecurityKey=350273](http://eastlansingmi.justfoia.com/publicportal/Index?RequestNumber=2021-258&SecurityKey=350273). See also footnote 16 for where some of these messages are already compiled.

23. The total number of incidents vary due to missing data of some variables. In four incidents, actions of individual officers involved in the same incident are recorded separately, which explains why a total of 150 interactions appears regarding certain topics below.

24. Samuel E. Walker and Carol A. Archbold, “The New World of Police Accountability,” Sage Publications: 2020, p. 178.



25. There are exceptions to this pattern. Use of force employed by each officer was correctly entered for four incidents early in 2022, but not later in the year.

26. The ELPD Response to Resistance Policy and Procedure is at:  
[public.powerdms.com/elpolice/tree/documents/1903646](https://public.powerdms.com/elpolice/tree/documents/1903646)





# Section 5: Encounters with the Individuals in Crisis

## A. Overview reports about individuals in crisis

Ordinance 1503 provides for the first time that encounters of East Lansing Police Department employees with people in crisis be made public. This includes people experiencing a mental health crisis, people experiencing homelessness, and juveniles. Sec 2-486a provides:

Every six months, the East Lansing Police Department shall provide a report to the Commission summarizing each incident in which a Police Department employee transports, arrests, issues a citation to, or stops (based on reasonable suspicion) an individual in crisis. This report shall include, at a minimum, a brief description of the incident. In the case of a citation, arrest, or stop, the report shall include the names and demographic data about the officers and demographic data about the other people involved in the incident. The Commission may choose to conduct additional investigation of an incident.

The East Lansing Independent Police Oversight Commission (ELIPOC) may investigate any of these encounters and publish summaries of such incidents.

Encounters with People Experiencing Homelessness (mandated by Sec. 2-486) and Encounters with Juveniles (mandated by Sec. 2-486b) are included as subcategories within the Encounters with Individuals in Crisis Report (Sec. 2-486a) and also are compiled separately. Encounters with juveniles and people experiencing homelessness are discussed in parts B and C of this section of the annual report.

The Oversight Commission received two sets of reports from ELPD, for the periods Jan. 1 – June 30, 2022, and July 1 – Dec. 31, 2022.<sup>27</sup> The reports were created by two different social workers employed by the ELPD, due to change of staffing during the year (including a period when there was no social worker on staff).

This has been a formative year for establishing the ELIPOC as well as the inaugural year for the ELPD to create the semiannual encounter reports. These reports are considered works in progress, and the ELPD and the Commission communicated during the year about ways to improve the contents, clarity, and usefulness of information in the reports.



Deciding how to define the types of incidents or calls that involve “individual in crisis” has been a challenge because the language in the ordinance is not specific. The January – June report identifies 17 types of contacts to be included in the report: 911 Hang-Up, Check Subject, Civil, Criminal Sexual Contact, Domestic, Fight, Harassment, Housing Condition / Hoarding, Mental Health Investigation, Medic Assist, Missing Person, Runaway, Substance Abuse, Suicidal Subject, Threats, Trouble w/ Subject, and Welfare Check. This report also includes incidents when an officer believed an individual was in crisis outside of the 17 categories and the officer completed a Social Work Referral form. Following a request from the Commission to narrow the criteria, the July – December report uses a significantly different set of ten categories: Assault, Child Abuse, Child Neglect, Death Investigation, Domestic, Homelessness, Juvenile, Mental Health Investigations, Threats, and Welfare Checks.

The January – June report contains synopses of 55 incidents involving people in crisis, and the July – December report contains synopses of 104 such incidents. Each report on an individual incident includes the Type of Incident, Description of Incident, Members involved and Demographics, Reason for Contact, Force Used, and Disposition. Individuals involved in an incident are broken down into Officer, Social Worker, Offender, Other, Victim, and Witness. When possible, the age, gender, and race of people involved are provided.

The January – June report summarized the number of individuals in crisis who had contact with police and those who called in crisis. This report stated that 309 encounters with people in crisis were the result of 458 calls and involved 209 individuals. (It is not clear how there can be 100 fewer individuals involved than the number of incidents.) Unlike the January – June report, neither the number of calls made by contacting 911 dispatch or the non-emergency ELPD phone line nor the total number of individuals the ELPD officers contacted are recorded in the July – December report.

Having accurate information about calls to 911 is important because Ordinance 1503 Sec. 2476 states the Commission may investigate the 911 dispatch system and the availability of unarmed emergency response service agencies, such as social work agencies, trained and able to alleviate dangerous or threatening situations. The Commission may make recommendations to the City and County regarding dispatch systems.

Based on both reports, there were 411 incidents in which ELPD officers had encounters with individuals in crisis in 2022, including 38 incidents with homeless individuals and 37 incidents in which juveniles were involved. Thus, in 2022, ELPD had contact 336 times with people in crisis that did not involve these two specific populations.



**Table 4: Encounters with individuals in crisis, experiencing homelessness, and juveniles**

	Individuals in Crisis	Experiencing Homelessness	Juveniles
<b>Jan. - June 2022</b>	309	19	16
<b>July - Dec. 2022</b>	102	19	21
<b>2022 Total</b>	411	38	37

**Mental Health Investigations:** Of the 336 incidents in the 2022 encounter reports that did not involve juveniles or people experiencing homelessness, 61 incidents were recorded as Mental Health Investigations (24 during January - June and 37 during July - December). However, there were a number of very similar incidents in the January - June report that were not included in this category, including four incidents of Officer Welfare Check, one Person Requiring Treatment, and one Suicidal Statements. If these incidents were included, the total should be 67 incidents in which officers were involved in mental health investigations. For the second half of the year, ELPD moved Welfare Checks and Person Requiring Treatment under the broader category of Mental Health Investigations, remedying this problem. Due to inconsistency in recording of information in these reports, the Commission did not attempt to provide an overall summary of demographic information of people in crisis.

**Use of Force:** The crisis encounter reports identify when officers used force during a crisis incident. Use of force is one of the primary reasons ELIPOC was formed in order to improve accountability and trust between the community and ELPD. Therefore, during its first year, the Commission has worked to ensure the accuracy of both the monthly narrative use of force reports and the crisis encounter reports so they can be used to identify ways ELPD can reduce use of force. In the January - June encounter report, ELPD identified 33 incidents in which use of force occurred. However, members of the Commission identified five of these incidents that were missing from two monthly use of force reports, and Captain Pride corrected these reports. Continued review showed that there were 13 crises included in the monthly use of force reports that were not included in the crisis encounter reports. It is estimated that ELPD reports there are 46 incidents where some type of use of force occurred during an encounter with a person in crisis.

Although reports on individual incidents in the semiannual encounter reports do identify when a weapon was unholstered, it is not clear if the weapon was a gun or a taser. In the July - December report, information about Pat down/searches, Handcuffing (and Handcuffs Removed) was added at the request of the Commission. Consistency



between monthly use of force reports and the semiannual encounters with individuals in crisis reports is vital, including the specific types of use of force, so people can be assured that both reports are accurate.

**Table 5: Force used during encounters with individuals in crisis, experiencing homelessness, and juveniles in 2022**

	Individuals in Crisis	Experiencing Homelessness	Juvenile
<b>Use of Force</b>	33 (46*)	6	17

\*Total number in parentheses includes data from use of force reports.

**Social worker involvement:** The January – June report states that police officers made 104 referrals to ELPD social workers. The July – December 2022 report does not provide a count of the number of referrals to social workers, but a manual count of such referrals shows that there were only 28 referrals to social workers during the last six months of 2022. This smaller number is possibly due to no social worker being employed by ELPD for a few months. Also, the field for entering referral to a social worker is left blank in many synopsis reports. The Commission continues to value complete information about referrals made by police officers to social workers.

**Lack of summary data:** The January – June encounter report provides summary data about the number of persons who were transported by police, including the race, sex, and age of the person who was transported, and where they were taken. The 51 individuals who were transported by ELPD included 21 persons who were identified as African American, 27 as White, and three as Unknown (pages 64-67). The July – December report does not include summaries of data about any topics that are included in the 104 synopses of individual incidents.

Although both reports provide demographic information about ELPD officers and individuals defined as offender, victim, witness, and other as well as age, gender, and race of individuals encountered, no summaries of these data are provided. The Reports for Encounters with Homeless Individuals and Encounters with Juveniles are easier to summarize because they are smaller subgroups. For the other 336 incidents of individuals in crisis, it is not reasonable to expect either ELIPOC or individual readers to compile this data in a series of reports over time in order to discern possibly significant patterns and trends.



## B: Encounters with individuals experiencing homelessness

Information about encounters of ELPD police officers with people experiencing homelessness in 2022 can be gleaned from the one-page summaries of contacts with officers in the two semiannual reports. By chance, each of reports, for January – June and for July – December, describe 19 encounters, for a total of 38 incidents during 2022.<sup>28</sup>

Of the 38 individuals identified as experiencing homelessness during 2022, 18 were identified as Offenders, 13 as Other, two as Victim, and five as Unclear. Reasons for the incidents were identified as Mental Health Investigation (3), Warrants for Arrest (14), Courtesy Transports (5), Unwanted (6), Suspicious Person (2), Possession (1), Trespassing (1), Reckless Driving (1), Retail Fraud (1), and Noise Violation (1).

Of these 38 individuals, 22 were identified as Black males (57%), eight as White males (21%), five as White females (13%), one as a Palestinian male (.02%), and one as an Arabic male (.02%).

**Table 6: Encounters with people experiencing homelessness, by category and race and gender in 2022**

	Offender	Victim	In Crisis	Other
<b>Black male</b>	17		1	9
<b>White male</b>	4		2	4
<b>Black female</b>				
<b>White female</b>	2	2	2	1
<b>Arabic</b>				1
<b>Palestinian</b>		1		

Among the people experiencing homelessness who were subjected to use of force during an encounter with ELPD officers, four were identified as Black males, one as a Palestinian male, and one as a White male. Force was used on approximately 83% of men of color.

The six incidents of use of force being used against people experiencing homelessness in 2022 included grabbing an arm, tasing, and unholstering a gun.



In the report for July - December, pat down/searches occurred 16 times and handcuffing occurred 14 times. The report recorded the location where handcuffs were removed. Of the 14 people who were handcuffed, 11 individuals had their handcuffs removed in a jail setting, two had them removed at Sparrow Hospital, and one had them removed in a public location.

The age of individuals was not recorded in the report for the first half of the year and was added in the July - December report. It is recommended that age, gender, and race continue to be recorded in both individual incident summaries and in summary data in future reports.

### **C. Encounters with juveniles**

During the 2022 Calendar year, ELPD produced two reports to comply with Ordinance 1503 Sec. 2-486b regarding Encounters with Juveniles. As has been noted throughout this annual report, the lack of consistency regarding recording and reporting data has made data analysis difficult. Combined in the two semiannual reports were 35 separate encounters involving 44 juveniles. One additional encounter that appears in the use of force reports but not in the encounters with juveniles reports is included in the following data, bringing the totals to 36 encounters with 45 juveniles. Twenty-seven juveniles are considered offenders, one a victim, seven are juveniles in crisis, and nine are considered other. The crimes that the offenders are accused of committing include stolen vehicle/carjacking (3), traffic violation/accident (4), falsifying a police report (1), breaking into cars (2), fighting/assault (3), transportation assist to another agency (1), underage drinking (3), retail fraud (2) and operating while impaired (1).

Seven juveniles were experiencing a mental health crisis and nine juveniles comprised the other category to include missing/lost (4), needed a ride (3) and no head lights (2).

Of the 27 juveniles in the offender category, 17 encountered a use of force including handcuffs, leg sweeps, taser display, handgun display, or rifle display. Two juveniles in crises also encountered a use of force. One individual was having a psychotic episode, according to the parent, and the other was suicidal.

The offenders were identified as Black male (9), White male (2), Black female (12), White female (2) and unknown race male (2). The only identified victim was a Black female. Juveniles in crisis were as follows: Black male (1), White male (1) Black female (1), White female (4). Lastly, the other category included Black male (2), White male (1), Black female (3), White female (1) and unknown race male (3).



**Table 7: Encounters with juveniles, by category and race and gender in 2022**

	<b>Offender</b>	<b>Victim</b>	<b>Juvenile in Crisis</b>	<b>Other</b>
Black male	9		1	2
White male	2		1	1
Black female	12	1	1	3
White female	2		4	
Unknown male	2			3
Unknown female				

Every Black male offender, as well as the only Black male in crisis, experienced a use of force (100%). Both males of unknown race also experienced a use of force (100%). Compared to one out of two (50%) of White male offenders, four out of 12 (33%) of Black female offenders, and one out of two White female offenders (50%). One out of four White females in crisis experienced a use of force. No other juveniles experienced a use of force

**Table 8: Encounters with juveniles where force was used in 2022**

	<b>Offender</b>	<b>Use of Force</b>	<b>Percentage</b>
Black Male	9	9	100%
White Male	2	1	50%
Black Female	12	4	33%
White Female	2	1	50%
Unknown Male	2	2	100%
Unknown Female	0	0	



Compiling this data was difficult. Linking data from the Use of Force narratives and the Encounters with Juveniles reports was made more difficult because they did not include a common reference number. There were multiple other errors within both documents including citing the wrong section of the code and attempts at data analysis that were not supported by the information provided.

## Recommendations

**Recommendation 5:1** – *To ELPD and ELIPOC:* Request that the ELPD officer who oversees social workers and an ELPD social worker make a presentation to ELIPOC about ELPD employees’ interactions with people in crisis.

**Recommendation 5:2** – *To ELPD and ELIPOC:* Following a presentation by an ELPD social worker to ELIPOC, work together to improve the usefulness of the semi-annual reports of encounters with individuals in crisis to the Commission called for in Ordinance 1503 Sections 2-486, 2-486a, and 2-486b. As a starting point, the synopses of incidents should provide demographic information (race, gender, and age) of the individual in crisis, whether force was used and what type(s) of force (using the same descriptions of types of force that are used in the narrative use of force reports), whether transportation services were provided, and whether there were any charges or arrest (including Disorderly Conduct Charges and Resist and Obstruction Charges). Information in these reports about any use of force employed should be consistent with this information in monthly use of force narrative reports. Also, the same unique identifier of an incident should appear in both types of reports.

**Recommendation 5:3** – *To ELPD:* The semiannual reports of encounters with individuals in crisis, juveniles, and people experiencing homelessness should include quantitative summary data in each of these three categories about the following: (a) number of calls via 911 dispatch and via ELPD non-emergency police line as well as officer-initiated stops; (b) both number of incidents and number of individual people in crisis involved in the incidents; (c) demographic information of individuals in various types of crisis; and (d) provision of transportation services.

**Recommendation 5:4** – *To ELPD:* When ELPD employees encounter juveniles for whom it is clear from the onset that the juvenile is in a mental health crisis, the following should take place:

- A. Juvenile should not be handcuffed unless his or her safety is an issue. Handcuffs are threatening to someone in crisis and can create or escalate negative behaviors.
- B. A social worker assigned to ELPD should be called immediately to see the youngster. If a social worker is not available, some other mental health worker needs to be available to talk in person or by phone to the juvenile. Mental health workers are able to assess the severity of the episode quickly and give direction to officers.



C. Contact with parent or guardian as quickly as possible is necessary. Officers need to inquire about general mental health of juvenile in the past 24 hours, the parent/guardian's belief that he or she can help in stabilizing the juvenile's mood, increasing the juvenile's sense of safety, and encouraging cooperation.

D. If the parent/guardian or mental health worker believes that the juvenile requires an intensive treatment environment, procedures for transporting a person in emotional crisis should be followed.

These recommendations about policy regarding encounters with juveniles are consistent with recommendation 19 in the CNA report concerning revising ELPD Policy 400-11.

**Recommendation 5:5** - *To ELPD:* ELIPOC supports Recommendation 18 in the CNA report that ELPD Policy 400-11 (Juvenile Matters) does not adequately explain processes and consideration for juvenile victims and witnesses. The policy should emphasize the department's commitment to the physical and emotional welfare of juveniles who are in the department's custody.

**Recommendation 5:6** - *To ELPD:* ELIPOC supports Recommendation 46 in the CNA report that the East Lansing diversity, equity, and inclusion (DEI) training was a missed opportunity for police staff and there is a need to reassess training around fair and impartial policing as well as procedural justice and other related concepts based on the needs of the department.

## Endnotes

27. Three semiannual reports received in July 2022 and three reports received in January 2023 are available on the ELIPOC website at [www.cityofeastlansing.com/2373/Reports-from-ELPD](http://www.cityofeastlansing.com/2373/Reports-from-ELPD).

28. The January - June 2022 report begins with a summary saying there were 32 incidents involving people experiencing homelessness and that officers had contact with 44 individuals identified as being homeless. Apparently not all individuals were experiencing homelessness at the time of the encounter. It is not clear how this tally of 38 incidents is related to the 19 encounters that are summarized. This section is based on information about the 19 encounters.



# Section 6: Racial Disparities in Policing

The City Council expressed a commitment to the goal of racial equity both in the Purpose statement of Ordinance 1503 (Sec. 2-472) that created the Independent Police Oversight Commission and in its November 2020 resolution declaring racism a public health crisis.<sup>29</sup>

The Council’s resolution pointed out that racism causes persistent racial discrimination in all our social systems. “Racial disparities” is a term often used when discussing policing because it focuses on outcomes that affect people who are impacted by policing rather than the intent of police officers. It is the impact of policing on people in the community that matters.

Race is a thread that runs through this ELIPOC annual report, including complaints from members of the public about racial discrimination (Section 2), public concern about the officer-involved shooting of a young Black man on April 25, 2022 (Sections 3 and 7), disproportionate use of force by police officers against African Americans (Section 4), and concerns about police encounters with people in crisis and juveniles (Section 5).

Caring about impacts on people requires collecting and reporting data about race that is accurate, consistent, and regularly updated so that both the police department and the community can look at patterns and trends to see whether progress is being made.

This section discusses police-initiated stops (including traffic stops), which are not discussed elsewhere in this report, and brings together some highlights and recommendations for addressing racial disparities that are discussed in other sections.

## A. Racial disparities in police-initiated contacts

In February 2021, three months into his job, Police Chief Johnson came to the Human Relations Commission with a memorandum in which he expressed concern about racial disparities in officer-initiated contacts:

When reviewing the 2020 Officer-Initiated Contact Report, there 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.

– Memorandum from Police Chief Kim Johnson to City Manager George Lahanas, Feb. 1, 2021



Chief Johnson went on in his memo to say that the ELPD planned to contract with a research firm to determine whether officers are disproportionately stopping African Americans, and, if so, to address it. This led to a Request for Proposals (RFP) and the subsequent contract with CNA.

A descriptive summary of racial disparities in officer-initiated contacts since Chief Johnson’s comments is a good place to start. Here is ELPD’s data from Sept. 2020 through Dec. 2022.<sup>30</sup>

**Figure 6: Number of ELPD officer-initiated contacts, by race Sept. 2020 - Dec. 2022**

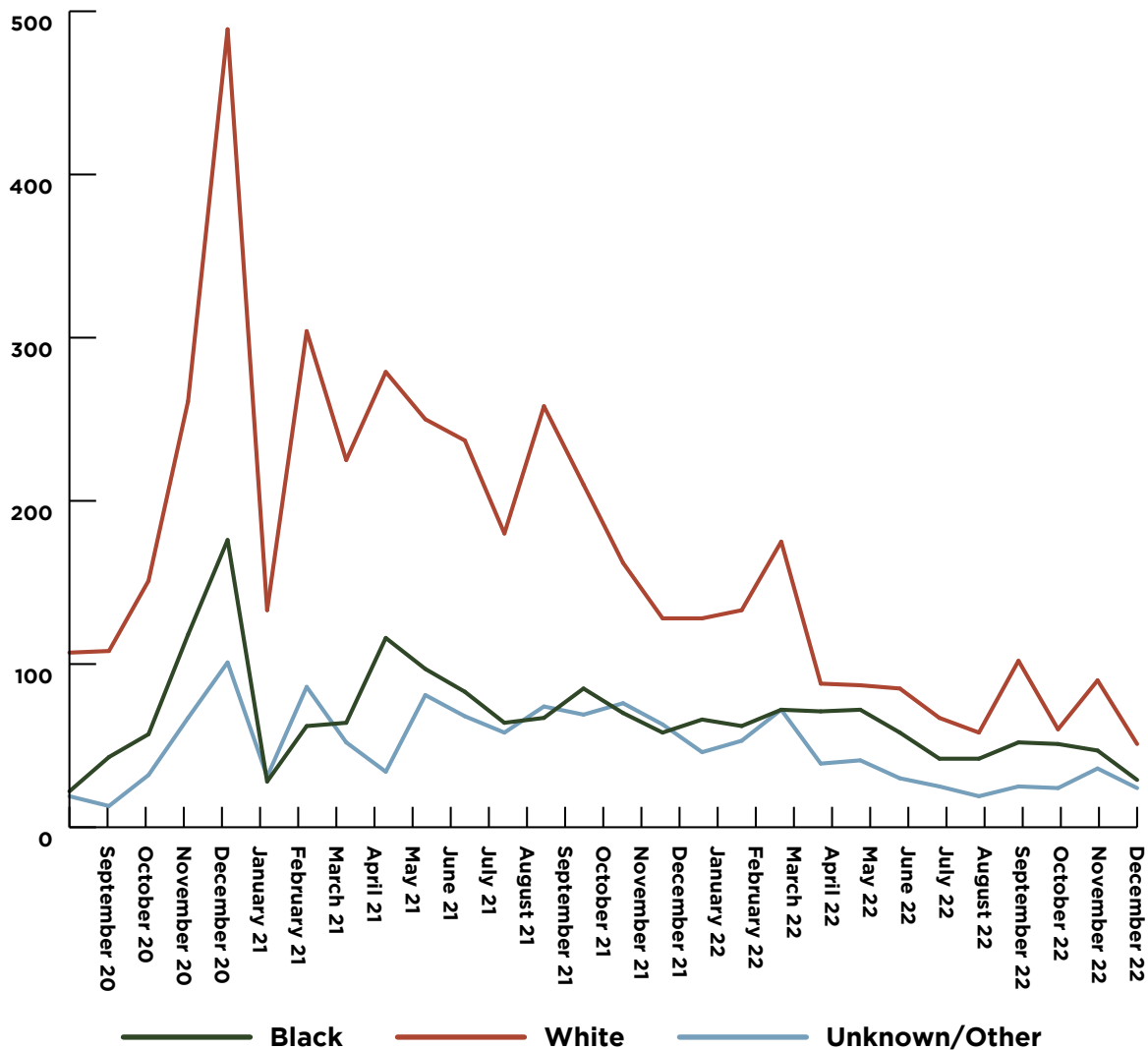
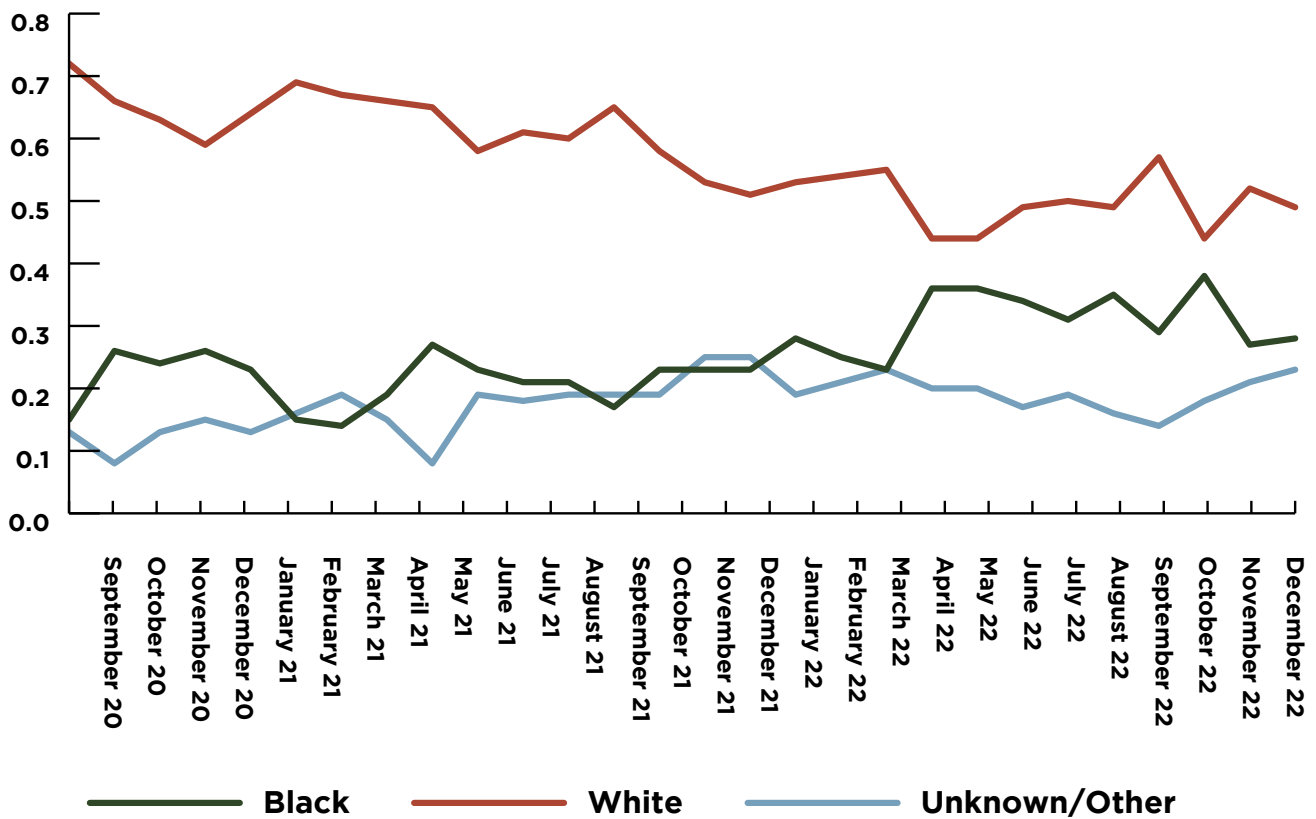


Figure 7 shows the percentage of officer-initiated contacts with African Americans during this period (calculated from the number of contacts shown in Figure 6). In 13 of these 28 months, more than 25% of all individuals who were stopped by ELPD officers were African Americans. In the most recent nine months (April – December 2022), African Americans constituted a considerably higher percentage of people who were stopped – in the range of 34% to 38%.

**Figure 7: Percentage of ELPD officer-initiated contacts, by race  
Sept. 2020 – Dec. 2022**



Population data: There is not an accurate measure of the racial demographics of all the people driving through and walking in East Lansing to use as a baseline for comparison with these percentages. Indeed, ELPD data about officer-initiated contacts shows that a significant proportion – between 64% and 80% – of people stopped during the months of 2021 and 2022 were *not* residents of East Lansing.<sup>31</sup>



One reference point for the racial demographics of the population is the 2020 U.S. Census for the population of East Lansing. The Census found that 5,776 (12.1%) of the city's total number of 47,741 residents identified themselves as Black or African American, and another 653 (1.3%) identified themselves as Black and some other race; 34,095 (71.4%) of East Lansing's residents identified themselves as White.<sup>32</sup> Another reference point is the population of Ingham County. In the 2020 U.S. Census, 12.5% of Ingham County residents identified themselves as Black or African American and another 2.7% identified themselves as Black or African American and some other race.

Despite the lack of accurate baseline population data, one can conclude that the percentage of Black individuals who are stopped is higher than the percentage of Black people in the population of either East Lansing or Ingham County and that the percentage of White individuals who are stopped is lower than their percentage of the population.

## **B. Racial disparities in traffic stops and CNA's approach and findings**

Because traffic stops are the most frequent way people interact with police, these encounters are part of many people's experiences with the police and affect their perceptions of police. The Center for Policing Equity, co-founded by Dr. Phillip Atiba Goff, describes the serious impacts of racially biased traffic stops in its "White Paper on Traffic Safety":

Racially biased enforcement sets into motion a cascade of interrelated harms for the millions of people subjected to it: unaffordable fines and fees, mounting debt, driver's license suspensions, lost employment, unnecessary arrests, criminalization, and even injury or death.<sup>33</sup>

The CNA study used "veil of darkness" analysis to test whether ELPD officers disproportionately stopped Black drivers compared to White drivers in the one year for which data was available, between August 2021 to July 2022. Using this analysis, CNA found that Black drivers were more likely to be stopped than other drivers but that this was "by a statistically nonsignificant magnitude of 1.08 compared to non-Black drivers." (page 58)

Jeffrey Grogger and Greg Ridgeway developed the "veil of darkness" approach used by CNA. They summarize the approach this way:



The ‘veil of darkness’ hypothesis ... asserts that police are less likely to know the race of a motorist before making a stop after dark than they are during daylight. If we assume that racial differences in traffic patterns, driving behavior, and exposure to law enforcement do not vary between daylight and darkness, then we can test for racial profiling by comparing the race distribution of stops made during daylight to the race distribution of stops made after dark.<sup>34</sup>

Grogger and Ridgeway point out that possible “car profiling” is not taken into account in the “veil of darkness” approach. “Officers may focus on the characteristics of a vehicle to infer the race of the driver in the vehicle. [T]his does not bias the [veil of darkness] test, but does reduce the test’s power to reject the null or no racial profiling.” (page 884) They posit that this problem can be mitigated by collecting and including in the analysis data about characteristics of cars.

An article published in 2020 examining racial bias in traffic stops pointed out that not accounting for information about the type of car being driven by people who are stopped “demonstrates a potential fallacy of the veil-of-darkness (VOD) hypothesis.”<sup>35</sup> It goes on to say, “Therefore, findings testing the VOD hypothesis that yield no differences in rates of drivers’ race across day and night are not necessarily conclusive of an absence of racial profiling.”

Anthony G. Vito, one of the authors of the 2020 article cited above, gave a symposium presentation the following year studying certain traffic stops in Chicago that included information about the vehicles being driven. It found that “there were certain car models that either increased or decreased the odds of an African American driver or African American male driver being stopped.”<sup>36</sup>

Discussing “car profiling” and racial bias in traffic stops is relevant because African Americans who drive in East Lansing have told both ELIPOC and the Study Committee on an Independent Oversight Commission (which preceded the Oversight Commission) that they believe they are more likely to be stopped on streets in East Lansing when they are driving a type of vehicle that police officers may perceive as favored by Black drivers.

CNA had planned to use a different statistical methodology to analyze traffic stops. They planned to use “propensity score matching analysis” that “compares incidents that are otherwise extremely similar, but differ in terms of the race of the involved community member.” The characteristics of incidents that would be compared include not only the traffic stop itself, but also the outcome of the incident (e.g., arrest, citation).<sup>37</sup>

The Center for Policing Equity points out in its “White Paper on Traffic Safety,” “Black people are more likely to be stopped by police while driving, to be searched once stopped, to have force used against them, and to be killed by police when unarmed” (page 3), with references to studies about racial disparities at each of these steps. Such an analysis of East Lansing data would have provided more valuable information about possible racial disparities about the decisions made by officers at each of these steps, not just the initial stop of a vehicle driver. Apparently, CNA abandoned using this analysis because of problems with ELPD’s data, which CNA discussed in Finding 4 of its report.

### **C. Racial disparities in use of force**

The large disproportion in force used against Black people compared to White people in 2022 was reported in Section 4; ELPD officers used some type of force against 93 Black people compared to 61 White people during that year.

Problems with use of force data in the CNA report were reviewed in Section 4, as well. This included inconsistency between the use of force data by race in 2021 given to CNA, in which 68 records lacked useful data, compared to the brief narrative reports on the same topic for the same year that was given to City Council members in which the much smaller number of 22 records lacked useful data. This information about the data – in addition to the criticisms of the data identified by CNA itself – calls into question the reliability of the analysis of data in the CNA report from which so much information was lacking.

It appears that data provided by ELPD about use of force has improved in the reports to City Council members starting in June 2020 (to which demographic data were added starting in January 2021) and those to the Oversight Commission starting in October 2021. Requiring more frequent reports to be made to the Council or the public seems to have had positive results in increasing the reliability of the data. However, improvement still is needed in the quantitative data that ELPD records about use of force against people.



## Recommendations

**Recommendation 6:1** – *To City Council:* Support the improvement of ELPD data management systems in order to record accurate and consistent data that will be used to create analytical reports that are made public on a regular basis, as called for in recommendations 4:1 and 4:2 of this report and Recommendations 1 through 4 of the CNA report. Establish a schedule for regular reporting by the ELPD to the City Council and posting on the ELPD website at least annually of use of force, officer-initiated stops, traffic stops, and public complaints that include demographic information about the people affected. Ensure adequate capacity and funding for regular quantitative analysis of these topics.

**Recommendation 6:2** – *To ELPD:* When traffic stop data has been improved, consider conducting a study of traffic stops using a methodology that will include traffic stops, searches, use of force, whether contraband is found, and whether a citation, arrest, or warning result.

## Endnotes

29. Resolution declaring racism as a public health crisis, adopted on Nov. 24, 2020 [cityofeastlansing.civicweb.net/document/42375/Approve%20a%20Resolution%20Declaring%20Racism%20as%20a%20Publ.pdf?handle=5A9197E-C1F164D3B8B3E9256D6C8E0E4](https://cityofeastlansing.civicweb.net/document/42375/Approve%20a%20Resolution%20Declaring%20Racism%20as%20a%20Publ.pdf?handle=5A9197E-C1F164D3B8B3E9256D6C8E0E4)

30. ELPD posts quarterly data about officer-initiated stops at [cityofeastlansing.com/2151/Officer-Initiated-Contact-Reports](https://cityofeastlansing.com/2151/Officer-Initiated-Contact-Reports). It does not make traffic stop data public; traffic stops are apparently more than 90% of all officer-initiated stops. ELPD collects data about race and ethnicity using U.S. Census categories. “Other” in the graph includes relatively small numbers of American Indian/Native Alaskan, Asian, Hispanic, and Pacific Islander individuals.

31. One month, April 2021, was an outlier, when only 41% of people stopped were non-residents of East Lansing.

32. 2020 U.S. Census data for East Lansing, by race [data.census.gov/table?q=1600000US2624120&tid=DECENNIALPL2020.P1](https://data.census.gov/table?q=1600000US2624120&tid=DECENNIALPL2020.P1).





33. Center for Policing Equity, Redesigning Public Safety: Traffic Safety, September 2022, p. 3. [policingequity.org/traffic-safety/60-cpe-white-paper-traffic-safety/file](https://policingequity.org/traffic-safety/60-cpe-white-paper-traffic-safety/file)

34. Grogger, Jeffrey and Greg Ridgeway, “Testing for Racial Profiling in Traffic Stops From Behind a Veil of Darkness,” Journal of the American Statistical Association, 2006. 101:475, p. 878. [www.rand.org/pubs/reprints/RP1253.html](http://www.rand.org/pubs/reprints/RP1253.html).

35. Vito, A.G., Woodward Griffin, V., Vito, G.F. and Higgins, G.E., “Does daylight matter’? An examination of racial bias in traffic stops by police,” Policing: An International Journal, Vol. 43 No. 4 (2020), p. 683-684.

36. Dent, Loren and Anthony G. Vito, “Veil of Darkness (VOD): An Expansion on the VOD Hypothesis in the Context of Racial Profiling.” [digitalresearch.bsu.edu/studentsymposium2021/files/original/d18101e47b28cc3f-4ce8eec1945d8b03.pdf](https://digitalresearch.bsu.edu/studentsymposium2021/files/original/d18101e47b28cc3f-4ce8eec1945d8b03.pdf)

37. CNA explained its plans for analyzing traffic stops in its application in response to ELPD’s RFP: “City of East Lansing Fair and Impartial Policing Consultation,” March 26, 2021, p. 12. [cityofeastlansing.civicweb.net/document/58574/Approve%20the%20East%20Lansing%20Police%20Department%20Fair.pdf?handle=43C51E6664E842109462990064FECE45](https://cityofeastlansing.civicweb.net/document/58574/Approve%20the%20East%20Lansing%20Police%20Department%20Fair.pdf?handle=43C51E6664E842109462990064FECE45)



# Section 7: Community Input to the Commission

Ordinance 1503, which created the East Lansing Independent Police Oversight Commission (ELIPOC), emphasizes the Commission’s responsibility to engage the community in its work. The Purpose statement says, “the Commission will enable members of the community to participate in reviewing and making recommendations about police department policies.”

During its first year, ELIPOC became known to and interacted with people in East Lansing and surrounding communities primarily through its monthly meetings, all of which are open to the public as required by the Michigan Open Meetings Act.

The Commission’s work reached a broader audience through reporting in the Lansing State Journal, The State News, East Lansing Info, WKAR, WILX, WLNS, and Spartan News Room. Reporters from these and other news organizations attended various ELIPOC meetings, and some commissioners were available to be interviewed.

ELIPOC had a webpage on the City’s website ([www.cityofeastlansing.com/2227/Independent-Police-Oversight-Commission](http://www.cityofeastlansing.com/2227/Independent-Police-Oversight-Commission)) and a presence on Facebook ([www.facebook.com/profile.php?id=100079999535185](https://www.facebook.com/profile.php?id=100079999535185)).

## Input from the community at ELIPOC public meetings

It was the East Lansing Police Department’s first ever officer-involved shooting on April 25, 2022, at the East Lansing Meijer parking lot that attracted a crowd of about 45 people to an ELIPOC meeting that was specially scheduled at the request of Police Chief Johnson three days later. Fifteen people spoke that night about the incident and what they expected from the police. This included four members of the family of DeAnthony VanAtten, the young man who was shot twice. About 30 people attended ELIPOC’s next meeting on May 9, 2022, and eight people spoke about this incident.

All told, 32 different individuals spoke to ELIPOC at its fourteen meetings between November 2021 and December 2022. Before the April 25th shooting, only one or two people spoke at each ELIPOC meeting.



People who spoke to the Commission were East Lansing residents as well as people from Lansing and the surrounding area who felt affected by the ELPD. Along with concerned individuals were people who identified themselves as being active in Black Lives Matter Lansing, Advocates and Leaders for Police and Community Trust (ALPACT), the NAACP of Greater Lansing, Merica 20 to Life, religious congregations, the East Lansing Human Rights Commission, and at least one staff member from Michigan State University.

Several people who spoke advocated the release of video and other information about the April 25th incident and expressed appreciation to ELIPOC for seeking information about this incident and other police activities and practices. At the September 2022 meeting, several community members expressed opposition to the Attorney General's decision to charge DeAnthony VanAtten with six felonies and a misdemeanor. An East Lansing resident also brought to the September meeting a petition signed by 33 city residents calling on ELIPOC to hold a public hearing on use of force policy (discussed below).

On other matters, two people commented about their experiences using the Freedom of Information Act (FOIA) to seek data from ELPD about racial disparities in officer-initiated stops and evidence about specific complaints. Another person requested that documents that ELPD provides to the Commission also be made available to the public before the meeting at which they are discussed.

One person urged ELIPOC to be more balanced in its communications about ELPD. A representative from the Capitol City Labor Program (CCLP), which represents the ELPD non-supervisory officers union, attended many ELIPOC meetings but did not speak publicly.

## **ELIPOC annual public input meeting on Nov. 2, 2022**

ELIPOC held its first annual public input session at the beginning of its monthly meeting on Nov. 2, 2022, which is mandated by Ordinance 1503. This session differed from the regular public comment period in that people were not limited to a single five-minute comment and interaction was encouraged. The session was advertised on the City of East Lansing website, in a press release, and on the City's social media.

Seventeen people from East Lansing and the surrounding community attended this public input session. Six individuals spoke in response to questions posed on accountability, transparency, community, and trust, as well as other subjects they wished to raise. The questions mirrored those used in an input session conducted by the Study Committee on an Independent Police Oversight Commission on March 29, 2021.<sup>38</sup>



Community members affirmed the role the Commission has played in promoting transparency between the ELPD and the public. This included the Commission's requesting that the ELPD post on its website CCTV and body cam videos of the officer-involved shooting at the Lake Lansing Meijer. It is still posted there. (See: [www.cityofeastlansing.com/2292/ELPD-Officer-Involved-Shooting - April-2](http://www.cityofeastlansing.com/2292/ELPD-Officer-Involved-Shooting-April-2))

On the topic of developing trust between ELPD and community members, one participant said trust can only be achieved when root causes of the lack of trust are addressed.

Participants made several valuable comments about weaknesses in ELIPOC's communications and suggestions for improvement. Commissioners heard that the ELIPOC webpage is not easy to find on the City website, and when you get to the page, it is not easy to locate useful information, such as the purposes of the Commission and news about what the Commission is doing. Also, some links on the ELIPOC webpage lead to empty pages. Participants also suggested that ELIPOC make more use of social media to reach more people. (ELIPOC's Facebook page is at [www.facebook.com/profile.php?id=100079999535185](https://www.facebook.com/profile.php?id=100079999535185).) ELIPOC was also urged to use simpler, more accessible language on the website, in press releases, and on social media when discussing issues that are sometimes quite complex. One speaker pointed to the East Lansing Public Library as a good example of using multiple channels of communication as well as clear, straightforward language.

Regarding ELIPOC public meetings, speakers advocated that these meetings be videotaped so more people in the community could follow its activities. Someone also suggested that people should be able to call in via Zoom or phone to speak during the public comment period, as is the case with City Council meetings. Attendees saw the public comment period at ELIPOC's meetings as an important way for community members to share concerns about policing.

Some commissioners responded to ideas raised by participants in the public input session. They acknowledged the need to improve the website, which was designed when the Commission was still quite new, and agreed that ELIPOC meetings should be videotaped so they can be livestreamed and watched later. Some commissioners discussed the value of sharing their individual narratives about why it is important to have an independent oversight commission to aid in improving trust with ELPD. At the public input session in 2023, ELIPOC plans to provide questions for discussion ahead of time, as suggested by one participant.

## Petition directing ELIPOC to hold a public hearing about use of force

Another opportunity for the public to have input provided in Ordinance 1503 is that community members may request that ELIPOC hold a public hearing on a topic of concern to them. Sec. 2-476 on Commission Duties states in Section C, "If twenty residents of the city sign a petition on an issue of concern within the scope of the Commission, the Commission shall hold a special hearing for the purpose of inquiring into the petitioners' concern."

Thirty-three residents of East Lansing availed themselves of this opportunity by signing a petition that was delivered to the Commission at its meeting in September 2022:

We, the undersigned residents of East Lansing, request that the East Lansing Independent Police Oversight Commission hold a special hearing to obtain testimony from experts and members of the public about national best practices for policies and procedures as well as recommended training regarding Use of Force, especially as it pertains to the policing of Black, Indigenous, and People of Color. The purpose of such a hearing is to make well-researched recommendations about the East Lansing Police Department's Use of Force (called "Response to Resistance") policy, procedure and training. We also request that petitioners and/or our representatives be allowed to participate in the discussion at the hearing.

The Commission is planning to hold an initial hearing on best practices in use of force policy on March 29, 2023, jointly with the Michigan State University School of Law. At least one more meeting will be planned on this topic.

## Recommendations

**Recommendation 7:1** – *To City Council:* As soon as possible, video record ELIPOC meetings so they can be streamed live and watched later. Enable members of the public to make a comment virtually, as is available at City Council meetings.

**Recommendation 7:2** – *To ELIPOC:* Add information to the ELIPOC website that explains the purpose of the Commission, how to make a complaint about the conduct of a police officer or a police department policy, and current activities of the Commission.

**Recommendation 7:3** – *To ELIPOC:* Consider making more use of social media and creating a written brochure to make more accessible information about the purposes of the Commission, including ways to make a complaint.



**Recommendation 7:4** – *To ELIPOC:* In the annual ELIPOC community input special meeting in 2023, consider publicizing specific topics to be discussed in advance.

## Endnotes

38. A longer summary of the input session is attached to the Nov. 2, 2022 ELIPOC meeting minutes at: [cityofeastlansing.civicweb.net/document/94182/ELIPOC%2011-2-22%20Minutes-%20FINAL%20with%20Re-format.pdf?handle=5B779CD-1393D4AFE4E8A78D726F67AA](http://cityofeastlansing.civicweb.net/document/94182/ELIPOC%2011-2-22%20Minutes-%20FINAL%20with%20Re-format.pdf?handle=5B779CD-1393D4AFE4E8A78D726F67AA).



# Appendix: Recommendations Compiled

Recommendations, which appear at the end of every section of this report, are addressed variously to (1) the East Lansing Police Department (ELPD) jointly with and East Lansing Independent Police Oversight Commission (ELIPOC), (2) the ELPD, (3) ELIPOC, and (4) the City Council. In this appendix, the recommendations are organized by the department or body to which they are addressed.

Recommendations are identified in this list by section, which are on the following topics:

Section 1: Launching the East Lansing Independent Police Oversight Commission

Section 2: Investigation of complaints and Commission review

Section 3: Shooting in the Meijer Parking Lot on April 25, 2022

Section 4: Use of force by East Lansing Police Department officers

Section 5: Encounters with individuals in crisis

Section 6: Racial disparities in policing

Section 7: Community input to the Commission

## (1) Recommendations addressed to ELPD jointly with ELIPOC

**Sec. 2:1** During 2023, consider the contents and timing of annual reporting about complaints by both ELPD and ELIPOC, including ways to ensure consistency and improve coordination. This review should include agreeing upon categories of complaints that are informative to the public so patterns and trends can be studied over time.

**Sec. 2:2** Improve the flow of information between ELPD and ELIPOC. Develop and document systems for transmitting various types of information.

**Sec. 4:2** Collaborate to identify the data collection procedures, data management system, and analysis and regular reporting methods regarding use of force and racial disparities in policing that will meet the needs of ELPD, ELIPOC, the City Council, and the community. Aim to have this new system in place to analyze and report on use of force data in 2024.



**Sec. 4:3** Improve coordination of annual reporting by ELPD and ELIPOC when ELPD implements this new section of its Response to Resistance Policy and Procedure (updated in July 2022): “K.8. A report documenting and summarizing all uses of force throughout the year along with a written analysis of all use of force incidents in the aggregate shall be prepared on an annual basis by the Operations Commander and/or their designee and forwarded to the Chief of Police.” Also, make this ELPD report public.

**Sec. 5:1** Request that the ELPD officer who oversees social workers and an ELPD social worker make a presentation to ELIPOC about ELPD employees’ interactions with people in crisis.

**Sec. 5:2** Following a presentation by an ELPD social worker to ELIPOC, work together to improve the usefulness of the semiannual reports of encounters with individuals in crisis to the Commission called for in Ordinance 1503 Sections 2-486, 2-486a, and 2-486b. As a starting point, the synopses of incidents should provide demographic information (race, gender, and age) of the individual in crisis, whether force was used and what type(s) of force (using the same descriptions of types of force that are used in the narrative use of force reports), whether transportation services were provided, and whether there were any charges or arrest (including Disorderly Conduct Charges and Resist and Obstruction Charges). Information in these reports about any use of force employed should be consistent with this information in monthly use of force narrative reports. Also, the same unique identifier of an incident should appear in both types of reports.

## **(2) Recommendations addressed to the East Lansing Police Department (ELPD)**

**Sec. 2:3** ELIPOC supports Recommendation 55 in the CNA report: “ELPD should review the records and patterns of the behavior of officers with high levels of complaints to understand why they are involved in complaints more frequently than typical, and if necessary, refer officers for appropriate interventions, including refresher training.” This recommendation is based on CNA’s finding that “eighteen percent of ELPD officers were involved in three or more complaints during the period analyzed.” Data provided by ELPD to ELIPOC about complaints in 2021 and 2022 continued to show a small number of officers with more complaints than the average.

**Sec. 2:4** ELIPOC supports Recommendation 41 in the CNA report: “ELPD should strengthen ELPD Policy 300-22 (*Mobile Video Recorder*) to include more details for important operational procedures and to address disciplinary actions in cases of non-compliance.” ELIPOC notes that ELPD’s investigation of one of the complaints made during 2022 found that officers were not following the department’s policy on use of body worn cameras.





**Sec. 2:5** For complaints on which ELPD decides that an officer has violated a policy, ELPD should regularly inform ELIPOC of any instances when an officer takes a disciplinary case to arbitration and the result of the arbitration. This is part of ELIPOC’s oversight of the entire complaint process.

**Sec. 4:1** ELIPOC concurs with CNA’s Recommendations 1, through 3, including “pursue implementation of a new use of force reporting system that allows for better information entry, case tracking, review, analyses, and summary report creation.” Improved data reporting should include using the same unique identifier for each incident in the narrative use of force reports, encounters with individuals in crisis and with juveniles reports, and the Guardian Tracking or other data management system. Also, consistent categories of types of use of force should be used.

**Sec. 4:4** Ensure that all incidents in which force is used on an individual who is being transported in an ambulance and incidents in which a weapon is displayed in a manner that is considered a use of force are identified as such and are included in use of force monthly reports.

**Sec. 4:5** Consider developing a system for monitoring whether officers who go through Crisis Intervention Team (CIT) training reduce their use of force as they adopt other techniques and whether uses of force by the department as a whole decrease as more officers receive CIT training. Consider whether an officer decreasing their use of force can be incorporated as a cause for commendation or lead to a positive rating in the EIS system.

**Sec. 4:6** ELIPOC supports CNA recommendations 56, 57, 58, 59, and 61 concerning patterns and practices of use of force. These include reviewing why certain officers use a high level of force, why incidents involving people in crisis or in disorderly conduct arrests make up a significant proportion of use of force incidents, why gun displays occur as frequently as they do, and how to reduce racial disparities in the display or discharge of a taser or firearm.

**Sec. 5:3** The semiannual reports of encounters with individuals in crisis, juveniles, and people experiencing homelessness should include quantitative summary data in each of these three categories about the following: (a) number of calls via 911 dispatch and via ELPD nonemergency police line as well as officer-initiated stops; (b) both number of incidents and number of individual people in crisis involved in the incidents; (c) demographic information of individuals in various types of crisis; and (d) provision of transportation services

**Sec. 5:4** When ELPD employees encounter juveniles for whom it is clear from the onset that the juvenile is in a mental health crisis, the following should take place:



A. Juvenile should not be handcuffed unless his or her safety is an issue. Handcuffs are threatening to one in crisis and can create or escalate negative behaviors.

B. A social worker assigned to ELPD should be called immediately to see the youngster. If a social worker is not available, some other mental health worker needs to be available to talk in person or by phone to the juvenile. Mental health workers are able to assess the severity of the episode quickly and give direction to officers.

C. Contact with parent or guardian as quickly as possible is necessary. Officers need to inquire about general mental health of juvenile in the past 24 hours, the parent/guardian's belief that he or she can help in stabilizing the juvenile's mood, increasing the juvenile's sense of safety, and encouraging cooperation.

D. If the parent/guardian or mental health worker believes that the juvenile requires an intensive treatment environment, procedures for transporting a person in emotional crisis should be followed.

These recommendations A - D about policy regarding encounters with juveniles are consistent with recommendation 19 in the CNA report about revising ELPD Policy 400-11.

**Sec. 5:5** ELIPOC supports Recommendation 18 in the CNA report that ELPD Policy 400-11 (Juvenile Matters) does not adequately explain processes and consideration for juvenile victims and witnesses. The policy should emphasize the department's commitment to the physical and emotional welfare of juveniles who are in the department's custody.

**Sec. 5:6** ELIPOC supports Recommendation 46 in the CNA report that the East Lansing diversity, equity, and inclusion (DEI) training was a missed opportunity for police staff and there is a need to reassess training around fair and impartial policing as well as procedural justice and other related concepts based on the needs of the department.

**Sec. 6:2** When traffic stop data has been improved, consider conducting a study of traffic stops using a methodology that will include traffic stops, searches, use of force, whether contraband is found, and whether a citation, arrest, or warning results.

### **(3) Recommendations addressed to the Oversight Commission (ELIPOC)**

**Sec. 1:1** Set priorities for the upcoming year as recommended in the ordinance.



**Sec. 1:2** Discuss further training for ELIPOC members about policing and police oversight.

**Sec. 1:3** Take advantage of its membership in the National Association for Civilian Oversight of Law Enforcement (NACOLE) to participate in training seminars and the annual conference.

**Sec. 1:4** Determine the scope of the Commission’s research agenda for the year 2023.

**Sec. 2:6** Improve the information ELIPOC provides to the public about how and with whom complaints can be filed, while also making it clear that all complaints are investigated by ELPD. Improvements should include at least the following: (1) add text about procedures to the online complaint form; (2) add webpage to ELIPOC website with explanatory text that will appear before link to the online form; (3) create and distribute a clearly written brochure about how to make a complaint against a police officer, patterns or practices, or police policy; and (4) use social media to publicize information about how to file a complaint.

**Sec. 3:1** Advocate for the establishment of laws governing how investigations of officer-involved shootings are conducted.

**Sec. 3:3** Study the April 25th incident at the Meijer parking lot to discern ways in which similar incidents can be prevented in the future.

**Sec. 7:2** Add information to the ELIPOC website that explains the purpose of the Commission, how to make a complaint about the conduct of a police officer or a police department policy, and current activities of the Commission.

**Sec. 7:3** Consider making more use of social media and creating a written brochure to make more accessible information about the purposes of the Commission, including ways to make a complaint.

**Sec. 7:4** In the annual ELIPOC community input special meeting in 2023, consider publicizing specific topics to be discussed in advance.

#### **(4) Recommendations addressed to the City Council**

**Sec. 3:2** Specify by ordinance that police officers must write end-of-shift reports describing their encounters with civilians. An officer should not be relieved of the duty to write an end-of-shift report merely because the incident – or the officer – is under investigation.



**Sec. 6:1** Support the improvement of ELPD data management systems in order to record accurate and consistent data that will be used to create analytical reports that are made public on a regular basis, as called for in recommendations 4:1 and 4:2 of this report and Recommendations 1 through 4 of the CNA report. Establish a schedule for regular reporting by the ELPD to the City Council and posting on the ELPD website at least annually of use of force, officer-initiated stops, traffic stops, and public complaints that include demographic information about the people affected. Ensure adequate capacity and funding for regular quantitative analysis of these topics.

**Sec. 7:1** As soon as possible, video record ELIPOC meetings so they can be streamed live and watched later. Enable members of the public to make a comment virtually, as is available at City Council meetings.





