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ELPD Promises More Transparency But Accountability Concerns Remain ^[1]

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By:

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Photo credit: Candice Willmore ^[2]

Racial profiling, training, transparency, and complaints about police bias were some of the topics discussed at a public forum organized by the East Lansing Police Department (ELPD) on October 19 that was attended by over 100 people. Even as ELPD's Chief promised more transparency on some fronts, police accountability remains an issue among many of those concerned about these issues.

The three-hour meeting, held in the theater at the Hannah Community Center, opened with a panel that was organized by ELPD Sargent James Campbell. Panelists included LaShawn Erby of Black Lives Matter Lansing, Derrell Slaughter of the American Civil Liberties Union (ACLU), Mike Vasievich, a resident of the Pinecrest neighborhood, Myles Baker, President of the Black Law Students at MSU, and Jeffrey Wray, a filmmaker and a professor at MSU. Joining them was ELPD Chief Jeff Murphy. (The City has made video of the event available at the City website ^[3].)

Murphy focused on ELPD's commitment to more transparency. He also emphasized ELPD's

plan to deploy body cameras on every officer in the force. ELPD began a pilot body camera program in December of last year, when Murphy was still interim Chief. In a statement ^[4] from December of last year, Murphy said that the eight body cameras the Department began using at that time would "add another level of transparency and protection for the public and our officers."

The Department had by then purchased eight body cameras from defense and surveillance technology company L-3 Communications, a choice Murphy said he wouldn't make again because the L-3 body cams are not as sturdy as police work requires. About six of the original eight L-3 cameras are still in usable condition according to Murphy.

The L-3 brand was chosen because the Department had not had any issues with L-3's in-car dashboard cameras. An additional benefit is that the camera footage from the body cams can be stored on the same server as the dash cams – an important consideration because saving video files requires a lot of expensive storage capacity. ELPD can currently save body cam footage for six months. Video could be preserved for a longer amount of time (ideally indefinitely, Murphy says) if more storage space could be afforded.

The Department's tight budget also impacts the amount of training that the Department can provide for its officers, according to Murphy. At the community forum, Murphy was asked about the total hours of racial bias training that ELPD officers receive. The Chief said about thirty officers took part in an anti-bias training at MSU a few months ago. Training dollars also are needed for teaching use of force, de-escalation, and driving skills. Murphy said the ELPD is using a "train-the-trainer" model for training about de-escalation techniques as a way to reduce the cost of training.

In response to a question posed by Black Lives Matter organizer Erby about how the Department handles complaints against specific officers, Murphy explained the complaint process is as follows:

First the Department will decide if the alleged officer misconduct is criminal, in which case it will be referred to the prosecutor's office, or if it is a violation of Department policy, in which case a supervisor will be assigned to investigate the incident. The investigation may include interviews, review of video footage, and witness interviews. Ultimately a decision will be made about whether or not the officer violated policy, and whether the State police will be called in to investigate further.

Asked under what circumstances an officer might be let go from their job, Murphy replied that the Department would first take into consideration contracts, progressive discipline, and the seriousness of the violation. Murphy said that in his decades of experience at ELPD, he only knows of two officers that have been fired. However, he elaborated, ELPD takes substantial precautions so as not to hire officers that have been fired from other police departments.

A specific racial bias incident was brought to the panel's attention by Dee Jordan, the current president of the Council of Graduate Students at MSU. During the August 2015 Great Lakes Folk Festival, she and others had peacefully protested ^[5] the Zemer's Homemade Rootbeer stand for posting an image of a Confederate flag on its door.

In response to her handing out leaflets next to his stall, the vendor allegedly made a phone call

asking someone to bring a gun to the Festival. Jordan told the panel at Hannah that the ELPD officer who responded to the scene, Sargent Andy Bouck, treated her in a threatening and dismissive manner, and compounded her feeling of discrimination by treating the white woman who was protesting with her with respect, even as he stared Jordan down, telling her to "go home," according to Jordan.

At the panel, Murphy invited Jordan to speak with him personally to review the complaint and how it was handled. Murphy said he had been told by his officers that Jordan was "acting irrational and making the situation worse," a description that Jordan denies, saying she was only frightened for her safety. Murphy said that Bouck indeed may have told Jordan to "go home," only because he may have seen that as a way to de-escalate a disruptive situation.

In a follow-up email to ELi, Jordan addressed the Chief's description of the incident: "That wasn't what happened at all?the account he received was from his officers, and colored in shades of blue, as all those who complained about the officer with me said the officer was unnecessarily rude to me." She wrote that she was "blown away" that Murphy had "validated the interaction, and the behavior of Sgt. Bouck."

At the panel discussion, Wray commented that it is incidents like Jordan's that undermine the sense of the accountability of the Department and discount the process by which the Department handles complaints.

Slaughter expressed a similar concern: "If she's trying to make this complaint, and she feels like everything is stacked up against her, how good is her being able to file a complaint with you guys, when most likely you'll take the officer's side?" Slaughter asked.

Murphy said that cases like Jordan's are why ELPD would like the Human Relations Commission to take a more active role in vetting citizen complaints. Murphy said he is considering a process whereby the Human Relations Commission would review all citizen complaints once a year. He said he would like another unit in addition to the police to be involved in deciding whether complaints are being handled in a way that is acceptable to the community.

Wray commented that engagement by the community needs to go all the way through the complaint process. He said that having the Human Relations Commission review complaints just once a year isn't enough. "Why have we not set up a system where the community engagement does not stop at simply the community forum? Or being stopped by the police?" Wray asked.

Although Wray said he is fully in favor of a body camera program, he expressed some disappointment after the meeting that ELPD is treating body cameras "like a magic bullet."

Erby also requested information about interactions by the police with students at East Lansing High School. Murphy explained that ELPD has a dedicated police officer assigned to the schools who spends most of his time at the high school.

Wray, too, asked that the record of the police in the high school be looked at as an institutional issue. He said he is aware that more students of color are sent to detention and end up engaging with the police. If there is a pattern of unfair practices, it must be looked at institutionally and be challenged, he said. "Protest is about challenge," Wray said, referring to the history of Martin

Luther King, Jr.

The Chair of the Human Relations Commission, Ron Bacon, spoke from the audience, commending the Chief for his efforts to increase transparency, but also expressing several concerns. He said that East Lansing police have a reputation of being unwelcoming. Bacon said that African Americans in the region don't want to come here for fear of being stopped for some traffic violation.

Bacon also said the East Lansing police need to communicate explicitly that the City is open to people of color and people from other countries if it wants to change the City's reputation. Bacon also argued that the Department must hold individual officers accountable for their actions and that, when "bad apples" are identified, they need to be let go.

Another issue raised from the audience was the difficulty and expense of obtaining information about the ELPD.

MSU undergraduate student Evan Stivers said that five MSU student groups have been involved in a Freedom of Information Act (FOIA) request for documents concerning complaints that have been filed against officers currently on the force. He said they had been told that the request would cost \$600 to answer.

Murphy explained that the police decided that the request was not of interest to the general public, so the people making the request would need to pay for the staff time to process it. Slaughter said that developing ways to determine which FOIA requests are of broad interest to the public and addressing the issue of cost might be an "actionable item" coming out of the forum.

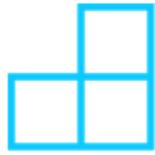
The organizer of the event indicated he was pleased with how it went. "This is exactly what I wanted," ELPD's Campbell said at the end of the night. "We've got a lot of game tape to review, to make ourselves better, and that's what we're going to do."

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