

**Comments prepared for delivery by Chris Root to Human Relations Commission
June 5, 2019**

[Oral comments were not exactly this text.]

I want to start by saying that I am here tonight as a citizen, not as a reporter. I have attended many HRC meetings as a reporter, so I need to make that clear. I'm doing this so I can speak about an issue that I care deeply about.

What is the goal of the public review board? I think there are two. The first goal - which is often described as being mutually beneficial to the public and to the police - is to increase trust between the police and the community. This is hard, serious work.

The second goal is to change the pattern that still exists in our community of racially profiling African Americans, especially. The ELPD organized a very good forum in October 2016 – in which Jeff Wray and LaShawn Erby participated. We heard from African Americans on the panel and in the audience that racially biased policing is happening, by both East Lansing Police and MSU Police.

More recently, three of the four complaints from the public in 2018 about which the Police Chief reported to the HRC included complaints about racial bias. Our goal needs to be to significantly reduce the experiences of bias and vulnerability by Black people in our community. When that happens, we will be making progress.

I think the proposed Ordinance 1463 will not accomplish either of these goals.

Actually, I think approving the proposed ordinance could decrease trust.

So, we need to hit the re-set button. Another way of saying this is “tweaking the proposed ordinance is not good enough.” Or, you could just say, “it’s too weak to tweak.”

Please bring together an expanded group - of people from the Human Relations Commission and University Student Commission and people in our community who are most affected and people with expertise in police oversight - and give them time to develop a new design for how an oversight structure should look and function. This committee can collect input from the community as part of its work.

I have lots of concerns about all three topics about the review board in the proposed ordinance – its purpose and membership, duties, and procedures. There isn't time to address all of them now.

I found Erick Williams' memo very helpful. It shows that there is a lot of experience across the country with public oversight boards --- and a lot of work to be done to see what would be the best fit for East Lansing.

The first topic in Mr. Williams' memo is this: "To exercise independent judgment, the Board needs independent access to information."

I find the provisions in Ordinance 1463 about the Review Board's access to information stunningly bad.

First, it appears that all the information given to the Review Board will be oral statements from the police chief or the chief's designee. An earlier draft of the ordinance, in section 2, b, 2, added "written" before "summary of the complaint," but "written" was removed again from the latest version.

This section goes on to say that "the Board and individual Board members do not have the authority to review any portion of the investigative file." So all written and video materials in the investigative file are off limits. The section ends with "but [the Board] may ask questions of the Chief or the Chief's designee."

Oral reporting is what is happening with the annual report of complaints to the Human Relations Commission, and you've been talking about its inadequacies.

It is difficult to imagine *any* community that would accept a public oversight board that would receive only oral information and would have no access to written or video material, once they understood this to be the case.

No matter what procedure the board has for challenging the disposition of a complaint, with only oral information as evidence, it's virtually impossible to make an effective case.

Second, why does the ordinance deny the Review Board information that any member of the public could obtain through the Freedom of Information Act?

Here are two examples. First, the complaint form. I reported in January 2017 that "[Chief] Murphy told the Commission that the version of the form they received from him is also what will be given to anyone who submits a FOIA request about a

particular complaint.” (This is the case because of a court settlement with the City of East Lansing in 2016 in which the ACLU was involved.)

I brought a copy of a complaint form that he gave the HRC. This “version of the form” redacts the name and contact information of the complainant, but not the name of the employee that is the subject of the complaint. Yet the draft of Ordinance 1463 specifically says the name of the employee will not be revealed – so the board could not know if an officer has been the subject of multiple complaints.

The video from body cameras and dash cams relevant to an incident is also available to the public, according to the ELPD’s website.

I presume that both the complaint form and any camera footage would be part of the investigative file, and yet any member of the public can obtain them. So why are they kept from the Review Board?

I hope the critiques being discussed tonight do not divide the people in this room – that is certainly not my intention. I think starting over is the only way that we will be able to design a Review Board that uses good practices and that has any chance of actually making a difference in our community. I hope this is something we all want and that we can undertake together.

Council member Stephens and the Chair both made the point to the Council on May 14 that it is good that the City is working on this in a proactive way, without there having been a crisis. I agree.

So we do not need to be in a hurry. Instead, we need to work to get it right. That’s the only way it will meet our goals of increasing trust between the police and the community and actually reducing racial profiling by the police.