

**LANSING POLICE
DEPARTMENT
INDEPENDENT REVIEW
AUGUST 2021**



FOREWORD

By Executive Directive 2020-03 of the Mayor of Lansing, the Lansing Police Department was charged with the important task of “a comprehensive, community-driven independent review” focusing on the following key areas:

- Use of force & de-escalation
- Body-worn cameras
- Bias-free policing
- Accountability and oversight
- Community engagement
- Officer wellness
- Recruiting and retention
- Arrest management.



Former Chief Daryl Green



Interim Chief Ellery Sosebee

We both provided unrestricted access to the consultants at Legal Solutions in their process of independent review. We hope that such substantive conversations in these crucial areas will continue with all stakeholders going forward. Under the leadership of Chief Sosebee, Lansing Police Department will continue to be open to assessments of how to improve our interactions with the community that the Department serves, and we welcome constructive remarks that can strengthen our relationship with the community.

In service,

Daryl Green
Former Chief of Police

Ellery Sosebee
Interim Chief of Police

INTRODUCTORY REMARKS

On May 24, 2021, the Lansing Police Department received approval to retain Legal Solutions to conduct an independent review of the Lansing Police Department's policies and procedures. The scope of this report is in response to the Mayor's request, via Executive Directive, for input regarding several key issues that are central to 21st century policing.

Legal Solutions, ("the Firm"), whose attorneys include former police officers, a former state attorney, former police legal advisor, former accreditation manager responsible for law enforcement agencies' compliance and accountability, former special assistant county attorney, a former Director of Legal & Public Affairs for the Minority Chamber of Commerce, as well as experienced civil and criminal attorneys, is deeply indebted to all participants in the review process for their open discussions regarding the weighty issues evaluated in this report.

As part of their independent review, the Firm solicited comments and input from a wide range of interested persons and groups. Aside from issuing a public statement requesting feedback in connection with this review, the Firm contacted a multitude of other interested persons directly. Those outside the Lansing Police Department whom were contacted for participation include public servants and elected officials, municipal and county employees, interest groups, community groups, activists, civilians with interactions with various facets of the LPD, state attorneys, city attorneys, local print and television media, public defenders, members of the state's attorney general's office, and leaders and officers serving in other law enforcement agencies such as the Michigan State Police and Ingham County Sheriff's Office. Members of the Lansing Police Department whom the Firm contacted for participation include past and present leaders of the department, officers serving in nearly every capacity, and civilian employees of the department.

The Firm conducted information-gathering tasks using a diverse array of methods. These approaches included in-person and remote interviews, listening sessions, review of written comments and submissions, and on-site investigations and walkthroughs. Research and analysis tasks were supplemented using department data, FBI data, census data, local media reports, policy statements, annual departmental reports, and public meeting records.

Again, the Firm wishes to thank all those who provided their input. Although this report was heavily constrained by time limitations, the Firm sincerely hopes this review will provide a solid basis upon which to improve the Lansing Police Department, and by extension, the lives of all city residents and employees.

With respect,



RECENT EVENTS & NEW CHALLENGES

Three major issues are presenting police departments across the nation with unprecedented challenges.

I. THE COVID-19 PANDEMIC

The COVID-19 pandemic has placed new daily demands on each and every municipality and city service provider and has demonstrated key weaknesses in existing structures and systems. Technological challenges and advances were placed at the forefront of these pandemic challenges. Civil and criminal justice systems, to give one example,



have been forced to adjust to remote appearances to ensure the safety of litigants, attorneys, and judges and court staff – practices that appear to be here to stay in many circumstances.¹ Similarly, law enforcement agencies had to transition many of their public facing events to virtual meetings, reducing or even halting altogether their significant community events and interactions. In what is an already taxing occupation, law enforcement officers face additional health risks in pandemics, added challenges and responsibilities such as enforcing lockdown restrictions, as well as new psychological health and wellbeing stressors.² Moreover, COVID-19 has arguably resulted in more tension between police and the communities they serve, stemming from a variety of community concerns, such as low vaccination rates among law enforcement officers.³

II. GEORGE FLOYD PROTESTS AND UNREST

More than 11,000 demonstrations occurred between January 2020 and April 2021 in response to the death of George Floyd.⁴ Indeed, by some estimates, the demonstrations were

¹ See e.g. Memorandum Regarding Continuing Use of Remote Hearing, Sep. 1, 2020 (Mich. Supreme Court), available at <https://courts.michigan.gov/News-Events/covid19-resources/COVID19/09-01-20-BoydContinuedRemoteHearings.pdf>.

² J. Laufs & Z. Waseem, *Policing in Pandemics: A Systematic Review and Best Practices for Police Response to COVID-19*, Int'l J. Disaster & Risk Reduction 51: 101812 (Dec. 2020), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7439012/>.

³ See e.g. Bryce Huffman, *Why is Detroit Police Department's Vaccination Rate Only 39 Percent?*, Bridge Michigan, June 15, 2021, available at <https://www.bridgemi.com/urban-affairs/why-detroit-police-departments-vaccination-rate-only-39-percent> ("Police departments across the country have seen lower vaccination rates than the general public, according to a Washington Post report. Low vaccination rates among officers jeopardizes the health and safety of police and those that they serve, health officials say.").

⁴ R. Kishi, H. Stall, A. Wolfson & S. Jones, *A Year of Racial Justice Protests: Key Trends in Demonstrations Supporting the BLM Movement*, Armed Conflict Location & Event Data Project, May 25, 2021, available at <https://acleddata.com/2021/05/25/a-year-of-racial-justice-protests-key-trends-in-demonstrations-supporting-the-blm-movement/>.

“among the largest mass mobilizations in American history.”⁵ While over 94% of these protests exhibited peaceful expressions of discontent with police practices, the total monetary damage caused by the small minority of protests that became violent appears to surpass most historical precedents.⁶

Lansing has historically not remained immune to unrest caused in part by race relations and police interactions.⁷ Unfortunately, the George Floyd aftermath proved to be another historical marker in such disturbances in Lansing. Both private and governmental buildings were damaged May 31, 2020



after a peaceful protest deteriorated into a disturbance.⁸ The pattern of events displayed in the demonstration and its destructive aftermath bore striking resemblance to many of the national instances of protests turning violent:

- A group of thousands had peacefully protested throughout the day;⁹
- A woman allegedly drove her vehicle towards the protesters and was later charged with reckless driving, which was thought, in part, to have spurred the destructive activity that occurred later;¹⁰
- A small remaining group of around 100 damaged a car and flipped it over resulting in its being set alight, along with several dumpsters;¹¹

⁵ *Id.*, citing L. Buchanan, Q. Bui & J.K. Patel, *Black Lives Matter May Be the Largest Movement in U.S. History*, New York Times, July 3, 2020, available at <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

⁶ See Kishi et al., *supra* n. 4; J. Kingston, *\$1 Billion-Plus Riot Damage is Most Expensive in Insurance History*, Axios, Sep. 16, 2020, available at <https://www.axios.com/riots-cost-property-damage-276c9bcc-a455-4067-b06a-66f9db4cea9c.html> (citing data from Property Claims Services, a unit of Verisk Analytics).

⁷ B. Castanier, *Marches, Disturbances and Protests in Lansing History*, Lansing CityPulse, June 11, 2020, available at <https://www.lansingcitypulse.com/stories/marches-disturbances-and-protests-in-lansing-history.14554> (citing, for example, the 1996 March for Justice movement in response to Edward Swans' death in Lansing City Jail).

⁸ Paul Egan, *Windows Smashed in Building Housing Governor's Office During Lansing Protests*, Detroit Free Press, June 1, 2020, available at <https://www.freep.com/story/news/local/michigan/2020/06/01/lansing-protest-governors-office-windows-smashed/5306336002/> (noting damage to the George W. Romney Building, and “smashed windows at the [Lansing] police department, a bank, a jewelry store, and Lansing’s tallest office building, the Boji Tower.”).

⁹ Kara Berg, *Live Updates: Several Thousand People Protest Against Police Brutality at Lansing’s Capitol*, Lansing State Journal, May 31, 2020, Rept. in Detroit Free Press, available at <https://www.freep.com/story/news/local/2020/05/31/more-than-1-000-protest-against-police-brutality-lansings-capitol/5299814002/>.

¹⁰ Kyle Kaminski, *Roundup: Authorities Levy Charges and Fines Against Lansing Protesters*, Lansing CityPulse, Aug. 6, 2020, available at <https://www.lansingcitypulse.com/stories/roundup-authorities-levy-charges-and-fines-against-lansing-protesters.14824>.

¹¹ *Id.* It should be noted that it has been alleged that the damaged car was driven by the woman charged with reckless driving, see *id.* See also Beth LeBlanc & Craig Mauger, *Lansing Police: Sunday Riot Damage Cost Thousands of Dollars*, Detroit News, June 1, 2020, available at <https://www.detroitnews.com/story/news/local/michigan/2020/06/01/lansing-police-sunday-riot-damage-buildings-businesses-cost-thousands->

- In response, a curfew was immediately declared, and chemical agents were deployed on the remaining crowd;¹²
- One media outlet reported that tear gas was deployed without warning,¹³ while police stated they had in fact provided such warnings, and other state agents engaged in debates about the chemical makeup of the chemicals deployed;¹⁴ and, finally,
- The National Guard sent dozens of members to Lansing to quell further unrest.¹⁵

It is far, far beyond the scope of this review to audit and detail every minute of the unrest and every action taken by Lansing Police, or any other agency or city official, during the disturbance.

What is clear, however, is the pattern of the above events mimic the pattern of many other incidents of unrest seen during the nationwide reckoning with the death of George Floyd: A great number of protesters voiced their opinion without incident, while a small remainder, sparked by an aggressive incident from a counter-protester, began committing violent acts of vandalism. Police



forces and city officials, having understood the widespread atmosphere of mistrust and anger in the wake of the George Floyd incident, chose not to have a significant show of force immediately at hand.¹⁶ The lack of a substantial show of force contributed to a failure to deter further vandalism, resulting in the need for several agencies to deploy chemical agents and for the city to declare a curfew.¹⁷ Lastly, the aftermath of the incidents produced disputed accounts of the events, including arguments about such minutia as the proper term for the chemical agents used against protesters.¹⁸

Predictably, no parties to the events of May 31, 2020 were left satisfied. Business owners in downtown Lansing were unsatisfied with the lack of protection for their properties.¹⁹ Protesters

[dollars/5306819002/](https://www.dollars/5306819002/). (“Some protesters said the woman whose car was overturned and set aflame had threatened to run over protesters or even attempted to hit some with her vehicle.”).

¹² See Egan, *supra* n. 8.

¹³ See Kaminski, *supra* n. 10 (stating that police “eventually lobbed tear gas into crowds without warning.”).

¹⁴ Kyle Kaminski, *Fact Check Did Lansing Protest Actually Get Tear Gassed? Sunday?*, Lansing CityPulse, June 4, 2020, available at <https://www.lansingcitypulse.com/stories/fact-check-did-lansing-protests-actually-get-tear-gassed-sunday.14517>.

¹⁵ See LeBlanc & Mauger, *supra* n. 11.

¹⁶ See LeBlanc & Mauger, *supra* n. 11 (noting the city did not want to have a “show of force.”).

¹⁷ See Kaminski, *supra* n. 14 (“Multiple police agencies...deployed chemical agents.”).

¹⁸ Compare, e.g. LeBlanc & Mauger, *supra* n. 11, (noting that Public Information Director Bob Merritt asserted that protesters assaulted police with rocks and bottles), with Kara Berg, *supra* n. 9 (reporting that “several minor confrontations with protesters, Lansing Police and the Ingham County tactical team [...] were quickly quelled by other protesters.”).

¹⁹ See LeBlanc & Mauger, *supra* n. 11. Although it appears the costs to the city were in the thousands of dollars, *see id.*, it does not appear that estimates of property damage will approach the damage from the most serious recent incidents of unrest in closely surrounding areas. *See e.g.* Amy

and activist groups were unsatisfied with what they believed to be a heavy-handed response and with a perceived lack of progress on police relations.²⁰ Police were likewise unsatisfied with their officers being confronted, their headquarters and police cars being damaged, and their officers being placed at risk in the face of alleged bottle and rock attacks.²¹

Accordingly, the Firm deeply hopes that this review will provide concrete steps to be taken that will continue to build community trust, resulting in the elimination of the atmosphere and conditions necessary for such a protest to be necessary, much less turn violent, in the future.

III. RISE IN HOMICIDES

Finally, while dealing with the enormous challenges of COVID-19 and with backlash during the national reckoning with George Floyd's death, Lansing has begun to understand the need to reckon with a third challenge: the rise in violent crime and homicides in the city. From 2010 to 2018, homicides in Lansing ranged from a low of 8 per year to a high of 14 in 2017. In 2020, however, the city suffered more than 20 homicides, the most in decades.²² The upward trend has continued, and in mid-June 2021, the city suffered 15 homicides, most with firearms, and as of late June 2021, 22 people have been killed in the greater Lansing area.²³



F. Bailey, *Trouble in East Lansing After NCAA Loss*, Mar. 26, 2003, available at <https://www.cbsnews.com/news/trouble-in-east-lansing-after-ncaa-loss/> (noting that as a result of the 1999 East Lansing/Michigan State University riots in response to the national collegiate basketball tournament, 132 persons were arrested and rioters caused \$250,000 in damage to the city and campus.). Damage also does not appear to remotely approach the level of Grand Rapids, which suffered an estimated \$2.1 million in damages and costs. John Tunison, *Looking Back at Grand Rapids Riot, the Damage and Charges in 'Unprecedented' Melee*, Jan. 1, 2021, MLive.com, available at <https://www.mlive.com/news/grand-rapids/2021/01/looking-back-at-grand-rapids-riot-the-damage-and-charges-in-unprecedented-melee.html>.

²⁰ Kyle Kaminski, *Lansing Mayor Rejects Call From Black Lives Matter to Resign*, Lansing CityPulse, June 4, 2020, available at <https://www.lansingcitypulse.com/stories/lansing-mayor-rejects-call-from-black-lives-matter-to-resign.14516> (“Black leaders argued the recent protests are a clear indication that those [city anti-discrimination] initiatives have only fallen short.”).

²¹ See LeBlanc & Mauger, *supra* n. 11. Departmental sources also alleged during the sourcing of this report that several officers sustained minor injuries.

²² *The CP Edit A Crisis of Violence*, Lansing CityPulse, June 16, 2021, available at <https://www.lansingcitypulse.com/stories/the-cp-edit-a-crisis-of-violence.17361>.

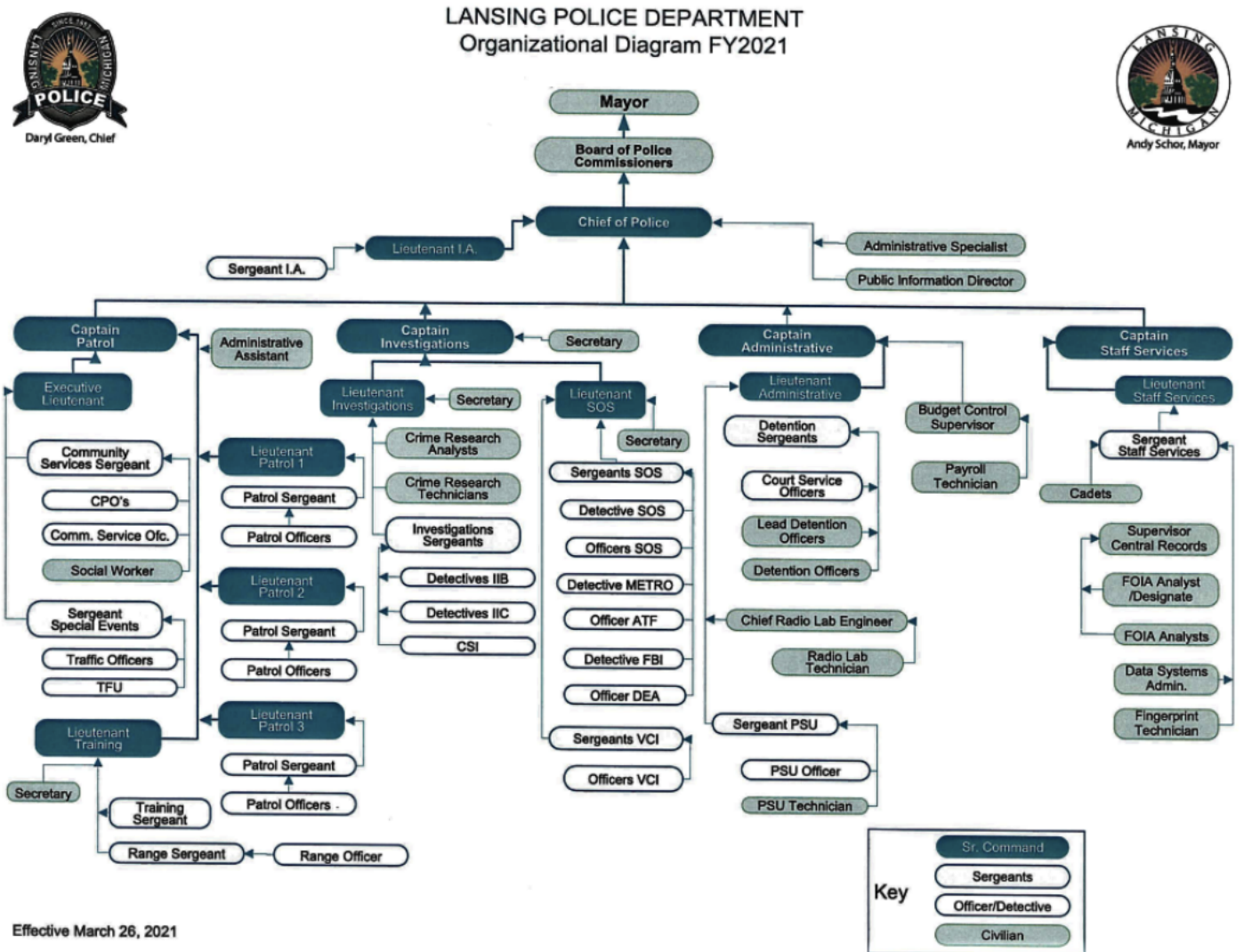
²³ See *Id.*; Larry Wallace, *Gun Violence up in Lansing City Has Seen 13 Gun-Related Homicides So Far This Year*, WSYM-TV, June 14, 2021, available at <https://www.fox47news.com/news/local-news/gun-violence-up-in-lansing-city-has-seen-13-gun-related-homicides-so-far-this-year>; Kara Berg, *22 People Have Been Killed in Homicides in Lansing Area This Year*, Lansing State Journal, June 24, 2021, available at <https://www.lansingstatejournal.com/story/news/2021/06/24/murder-lansing-homicide-record-violent-crime-guns-shooting/7713701002/>.

Given these three momentous trends and the challenges they pose, the Firm hopes that its findings and action items will be a small part of a much bigger conversation to bring about positive change for the future of Lansing and all of its residents.

ABOUT LANSING POLICE DEPARTMENT

I. STRUCTURAL MAP

As of March 26, 2021, the department's structure consists of the following:



II. BRIEF SURVEY OF BUDGET AND SERVICES

The Lansing Police Department consists of approximately 244 total personnel, including 41 civilians and 203 sworn officers, which has been increased to 206 sworn officers for fiscal year 2022. In fiscal year 2020, the city's adopted budget allocated \$44 million to the Police General Fund, of which \$37 million was allocated to personnel, and \$7 million to operating expenses. For

brief comparison, in fiscal year 2013 (the first budget year after operations of the 911 dispatch center were transferred to Ingham County at the end of fiscal year 2012), \$35.5 million was allocated to the Police General Fund, with \$31 million allocated to personnel, and \$3.3 million allocated to operating expenses. Since 2013, budgeting has consistently provided for between approximately 230 and 240 sworn positions,²⁴ and it appears funding has been fairly consistent from that time, insofar as police apportionment of the general fund has hovered around 30%. However, when retirement and fixed benefits are excluded, the police allocation of the fiscal year 2022 budget general fund, for example, consists of 17% of the total general fund.²⁵ Another way to describe departmental breakdown of costs is that for fiscal year 2021, 36.2% of the \$47 million police budget consists of legacy expenses.²⁶

While it is beyond the scope of this review to detail each and every department and duty, the Firm invites interested persons to consult the LPD 2020 Annual Report.²⁷ LPD is undoubtedly a busy department providing a full range of services to the community. In 2019, police dispatched over 84,000 calls for service. In 2020, LPD officers and employees received approximately 75,000 calls for service, made over 3,700 arrests, booked several thousand persons in detention, inventoried over 31,000 items of evidence and property, provided over 20,000 evidence photographs and over 1,300 DNA swabs, performed 168 controlled drug buys, investigated and processed several thousand hit and run accidents and abandoned vehicles, scrutinized over 100 internal affairs complaints, registered over 4,200 handguns, provided over 11,000 documents in response to FOIA requests, and ensured some 15,000 hours of training for LPD employees.²⁸

III. RELATIONS WITH OTHER AGENCIES

LPD maintains mutual aid agreements with a number of police, fire, and EMS agencies throughout the region. In the context of the Recent Events section, *supra*, one of the vital areas of service provided in conjunction with surrounding jurisdictions is the VCI, or Violent Crime Initiative. The VCI encompasses proactive police work in partnership with other law enforcement agencies, including Michigan State Police, Ingham County Sheriff's Office, ATF, FBI, and other surrounding agencies, in



²⁴ Whether or not all open positions have been timely filled, and the ramifications of current recruiting and hiring practices, are discussed *infra*.

²⁵ Cf. City of Lansing Fiscal Year 2013-14 adopted budget; City of Lansing Fiscal Year 2019-20 adopted budget; Jake Brower & Rob Widigan, Lansing Budget Presentation Fiscal Year 2022. Each available at <https://www.lansingmi.gov/452/Accounting-Budget>.

²⁶ LPD Budget Breakdown FY 2021, available at <https://content.civicplus.com/api/assets/921f4101-864f-4421-89fa-80b42b95444b?cache=1800>.

²⁷ On file with authors. 2019 Annual Report available at <https://content.civicplus.com/api/assets/f4e26112-ab4f-442c-a3c7-bc76f9de7687?cache=1800>.

²⁸ *Id.* This level of service is reflected in the significant overtime hours put in by officers and employees, who often average over 55 hours per work week. This major need for overtime service has, by some accounts, strained the department's finite resources, resulting in its overtime budget being exhausted early in the fiscal year. This problem seems to be even more pressing at present, as the budget for patrol duty overtime has been sizably reduced from \$650,000 in fiscal year 2020 to \$250,000 in Fiscal Year 2021.

an attempt to solve, interrupt, and prevent violent crimes. Since its inception, the program has been instrumental in seizing hundreds of guns.²⁹ The initiative has also made hundreds of felony and misdemeanor arrests throughout its history.³⁰

At current levels of service and staffing, the department is pressed into requesting and relying on mutual aid at a fairly regular rate. By some accounts, requests are made monthly, if not biweekly, and these requests are made in response to a large percentage of serious scenes, such as shootings. Many voices heard during the sourcing of this report expressed the opinion that the customary need for mutual aid requests is a result of low patrol staff



numbers, particularly at night, where the department usually does not surpass 10 road officers on duty at one time. This level of service has resulted in prolonged response times in certain instances, and has even resulted in cases of callers who are seeking help being told that no officers are currently available to respond to their distress. Given these ramifications of critical staffing levels and the fairly common use of mutual aid requests, this review suggests, in addition to addressing staffing levels, that mutual aid agreements be regularly reviewed, revised, and updated to reflect changes in leadership, policing strategies, and policing techniques.

²⁹ Readers should note the VCI is alternatively referred to as Violent Crime Initiative and Violent Crime Impact team. For data on guns seized, see e.g. Jordan Gulkis, *Lansing Area Authorities Give an Update on Violent Crime Initiative*, Oct. 16, 2020, WLNS-TV, available at <https://www.wlns.com/lansing/lansing-area-authorities-give-an-update-on-violent-crime-initiative/>. See also 2020 Annual Report *supra* note 27.

³⁰ *Id.*

PILLAR ONE: BUILDING TRUST & LEGITIMACY

POLICY:

1.1 *Establish a culture of rapid transparency in order to build public trust and legitimacy.*

ACTION ITEMS:

1.1.1 *Endeavor to make officials available for public comment in every possible way, including mobile telephone, email, and via the LPD website, in addition to departmental telephones.*

In this era of misinformation, and in an atmosphere in which rapidly developing events spread by word-of-mouth can spark sizable and unforeseen reactions and dangers, it is critical that LPD's designated public faces be made available for comment and updates before, during and immediately after sensitive incidents. This would include the immediate aftermath of officer-involved incidents, the lead-

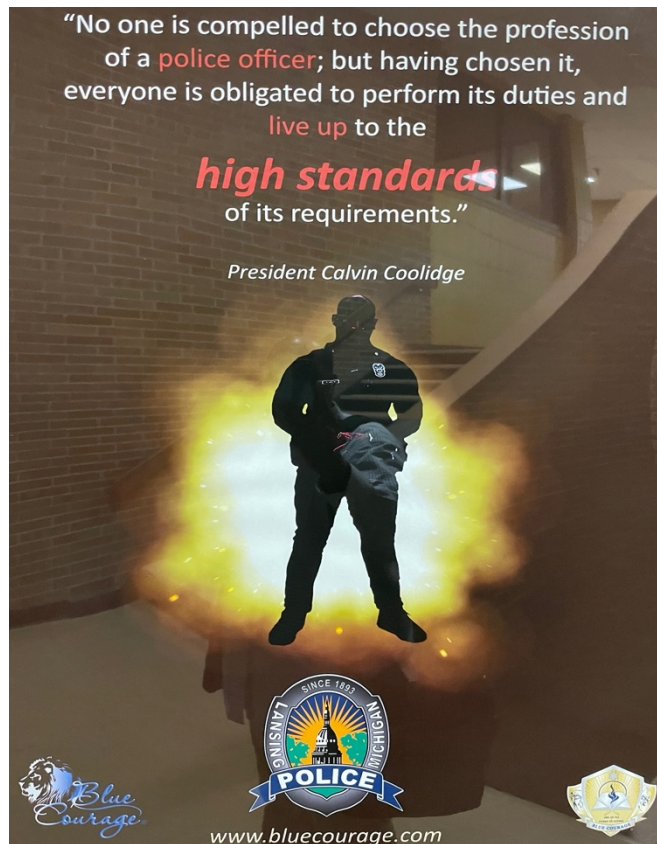


in to public demonstrations, and in anticipation of and response to any other events which bear the possibility of encouraging speculation, misinformation, or mistrust. The department should strive to have its public faces freely available to media, the public, and other interested persons through the greatest possible number of pathways and during maximal periods of availability. This review has identified a sizable constituency that questions whether the department's main point of contact, the Office of the Public Information Director, is being sufficiently effective.

1.1.2 *Ensure that in the absence or unavailability of the Public Information Director, properly trained and designated employees stand ready to provide informed public facing comments in accordance with stated policy.*

The department faces the risk of issuing inconsistent statements, or, worse, suffering the effective absence of informed availability for public facing comment when the Public Information Director is not present or otherwise available. In lieu of ad hoc assignment of officers or employees to be made available for public facing comments at such times, the department should strive to ensure a designated media and public information availability list, and should provide a consistent set of policies regarding their public comments in order to ensure the fullest possible set of information is available to the public at critical times. Moreover, the department should provide proper training for these designated media contacts to ensure their commentary is informed, effective, and in accordance with department policies.

As in many other agencies, the Public Information Director should be involved in all aspects of communication and should direct the process of how information is released to the press and to other stakeholders. Similarly, the department should strive to ensure that, as in many other agencies, the Public Information Director is available for comment outside of normal business hours.



1.1.3 *Make utmost efforts to respond to all media requests, requests for appearances, for departmental data, or other public facing comment requests within the shortest practicable time frame, and effectuate policies requiring these timely efforts.*

If media requests or other requests for public comments are not responded to in a timely fashion, the department risks incomplete information being aired in the public square. Worse, if media requests or other requests for public comments are not responded to at all, the public may draw incorrect conclusions that the department does not possess the requested information, or, most concerningly, does not place informing the public at a premium.

Therefore, the department should effectuate policies ensuring that all those providing public facing comments do so within the shortest practicable time. The department should effectuate policies ensuring that all those providing public facing comments provide responses to each and every request for comment, even in matters of minutiae. As referred to in the Recent Events section, *supra*, failure to promptly respond to media requests, even on technical questions, can result in underinformed, misleading, or disputed narratives being thrust into the public discourse, breeding distrust between the department and the community. Further, lack of timely response, or any response at all, can lead to further deterioration of employee morale in the event they do not feel that informed comments are being provided to the public that accurately explain departmental policies, efforts, and perspectives. The department's social media platforms should be effectively deployed as part of this strategy, and the Public Information Director should regularly create communications, including videos, for dissemination on social media in order to mitigate misinformation.

Furthermore, the department must strive to enact policies in conjunction with city officials to ensure that the department's designated public facing commentators are able to comply with the need for rapid transparency without requiring approval or permission from the city's public officials. While cooperation and coordination between the department and city is appropriate and necessary, in many situations the need to publicize the department's policies, efforts, perspectives, and responses in timely fashion is too important to require approval or permission from city hall.

POLICY:

1.2 *Begin attempts to proactively measure levels of public trust in communities that traditionally have high rates of investigative and enforcement involvement with the department.*

ACTION ITEM:

1.2.1 *Endeavor to reach out to stakeholders in a number of ways in order to gauge their opinions on departmental issues and policies.*

The department engages in an enormous variety of community trust-building events and community policing practices. It is beyond dispute that routinely engaging in these activities and methods are a part of building connections between the community and the department to help eliminate the opinions of mistrust found during this review. As a preliminary matter, however, the department should strive to determine what issues are most concerning to those communities



most likely to feel mistrust in the department. This would include the possible implementation of routine periodic surveys of community members. Community policing and trust-building cannot be complete unless the department is first aware of the most significant issues producing community doubt, and community facing efforts can most effectively aim at problematic trust areas when the full nature of mistrust issues are made plain. The department, then, should proactively solicit community input from stakeholders, including community groups, interest groups, activist groups, religious groups, and similar such assemblies. Whether through community surveys, direct contacts, or other methods, the department cannot afford to wait to discover subjects causing community mistrust, but must actively seek out opinions and concerns to properly allocate resources towards those problematic areas.

POLICY:

1.3 *Engage the media and community through public facing officials as part of crimefighting solutions.*

ACTION ITEMS:

1.3.1 *Provide active and up-to-date crime incident information that will assist department visibility and crime prevention.*

Often the department's public facing duties are naturally reactive. That is, comment on a particular occurrence must wait until the event has occurred. However, the Public Information Director and other public faces should embrace the idea of regularly providing information on a set schedule in a more robust manner, including items such as detailed non-confidential crime incident information, details regarding crime trends, trends in enforcement, and other such periodic information. Routine releases will ensure the media and public are better informed, are more routinely alerted about the good work being done in the department, and are acting as eyes and ears helping to prevent crime.

1.3.2 *Provide for routine check-ins with community officers and for effective publicity regarding community events, engagements, and challenges.*

The department's wide variety of community policing and community engagements must be amplified and maximized through vigorous publicity pushes. Although many of the department's activities are freely available on the department's website and are publicized on the department's social media and in press releases, many of the target populations of community policing efforts are unlikely to access the departmental website, for example, to inquire about programming they are unaware of. The department should make efforts, and effectuate policies, if necessary, to ensure the Public Information Director and public facing officials conduct routine periodic check-ins with the community policing officers to ascertain pressing challenges facing the community so that these issues and resources can be addressed or announced publicly.

Additionally, the Public Information Director must ensure that community engagement events and activities are vigorously disseminated to the community and to media in advance of such events and engagements. Given the many hours the department's officers and employees dedicate to community building events each year, the Public Information Director must ensure that these events are trumpeted to effectuate maximized impact. In this regard, the Public Information Director should not solely control the department's social media accounts, but rather Community Policing Units and Command Staff should have the opportunity to use these accounts in order to maximize messaging efforts.

1.3.3 *Build relationships based on trust with immigrant and non-English speaking communities through ensuring public relations are accessible to all.*

According to the U.S. Census Bureau's 2019 American Community Survey 5 year estimates, over 13% of Lansing city households speak a language other than English at home.³¹ The Public Information Director and other public facing officials should endeavor to ensure that in publicizing their community efforts in accordance with Action Item 1.3.2, they provide information in non-English languages as well. Furthermore, the department could consider incentives and bonuses to those officers and employees that are able to provide service in multiple languages.

1.3.4 *Ensure the public is routinely informed about the activities of the specialized units of the department, including the Major Crimes Unit.*

Just as with community policing and community engagement activities performed by the department, the solid work being performed by different specialized units must be consistently and effectively publicized. One area of suggested improvement is to improve the visibility, publicity, and information sharing in the major crimes unit. Just as the positive externalities of community engagement programs can be multiplied through effective publicity and media relations, the Public Information Director and other public facing officials must implement more effective dissemination of the work performed by the major crimes unit. As with other items in this section, it is clear that public trust will be bolstered by publicizing the important work this specialized unit does, and it is crucial to ensure that residents are regularly informed of its activities so as to assist in its mission.

³¹ Available at <https://data.census.gov/cedsci/profile?g=1600000US2646000>.

PILLAR TWO: POLICY & OVERSIGHT

POLICY:

2.1 *Collaborate with community members to develop policies and strategies in neighborhoods disproportionately affected by crime for deploying resources that aim to reduce crime by improving relationships and encouraging greater community engagement and cooperation.*

ACTION ITEMS:

2.1.1 *Continue considering community input in studying and implementing policies designed to reduce crime while eliminating needless conflict points.*

The administration has previously shown innovation in seeking to avoid situations that increase friction with the community and that have a disproportionate effect on minority populations. To give one example, the administration announced a policy of eliminating the practice of pulling over drivers for so-called “secondary” violations that do not immediately imperil public safety. Broken taillights and cracked windshields may be technical violations of the law, but the common use of such technicalities to stop and question drivers created an atmosphere of distrust in minority communities. As such, the department must continue to explore ways to eliminate conflict points like these in a manner that does not jeopardize public safety. Although such traffic stops are traditionally a key part of discovering contraband, the risk of creating lasting animosity between the department and the community must be considered in implementing policy. If a given community member feels they or their community are being targeted for a technical violation based on demographic considerations, it is far less likely that person will see police as an effective part of the community efforts to reduce crime, and such persons will be far less likely to assist police investigations in the future.

In a similar manner, no-knock warrants have attracted nationwide attention due in large part to the Breonna Taylor case in Louisville, Kentucky. Just as with technical secondary vehicle stops, there may be several ample reasons for law enforcement to desire an element of surprise when executing search warrants. However, the many documented deaths of both officers and civilians during no-knock raids has spurred a national conversation on their use. In 2020, the department enacted a ban on no-knock search warrants and announced a policy of not assisting other agencies executing such no-knock raids. Again, the administration has sought to enact and implement forward-thinking policies that eliminate clear friction points that have the capacity to inflame tensions. The administration should endeavor to continue to evaluate other similar tactical

choices in order to take every opportunity to be a leader in reducing potential conflicts with the community.

2.1.2 *Consider additional “least harm” policies designed to reduce needless conflict points.*

The department administration should continue considering the adoption of preferences for seeking “least harm” resolutions, such as diversion programs, warnings, and citations in lieu of arrest for minor infractions. As one example of a small step in this direction, the department has joined the Hope Not Handcuffs initiative. The initiative is designed to promote voluntary engagement with drug rehabilitation programs. Those seeking help can approach the department and be given crucial



support in the fight to break the cycle of addiction without risk of punitive sanction for drug abuse. The department has shown leadership in attempting to bridge the gap between enforcement and help, such as in its retention of a licensed social worker to assist in situations dealing with chronic homelessness, mental illness, and substance abuse. The department should consider making voluntary diversionary programs and referrals to professional services like the departmental social worker an even more sizable part of the toolbox provided to officers when responding to a host of minor offenses.

POLICY:

2.2 *Develop and implement comprehensive policies on the use of force, including training, investigations, prosecutions, data collection, and information sharing. Such policies should be clear, concise, and openly available for public inspection.*

ACTION ITEM:

2.2.1 *Continue the review and implementation of progressive use of force and response to resistance policies.*

The department administration has planned to implement a systemic and comprehensive legal and practical review and revision of its use of force (Response to Resistance) policy in an

attempt to be the standard-bearer of the state in this area. The draft Response to Resistance policy was reviewed in detail during this assessment and it has the potential to be the standard for use by Michigan police agencies. That policy is not only a mechanism of guidance and training for the officers, but also provides the city with the legal substance sufficient to decrease individual and organizational civil liability.

Additionally, the department has engaged directly with the “8 Can’t Wait” discussions response to the nationwide reckoning with police practices in 2020 and has revised or is in the process of finalizing its policies to implement reform-minded policies, such as a duty to intervene and inform supervisors when excessive force is witnessed by a fellow officer, and also including a ban on the use of chokeholds unless deadly force is justified under certain specifically enumerated criteria. The revised policies should strive to be based in education, training, and should refer liberally to the state of current laws and constitutional protections of citizens and residents. The department should continue to inform the public at each step of this process. Although the department’s website, for example, references these reviews, reforms, and policies, the public should be routinely informed of the steps of review and implementation along the way. Requesting public input on these policies at a BOPC advisory committee meeting was a step along this continuum of keeping the public informed. The department should strive to continue these conversations in light of the new policies being reviewed and adopted.

POLICY:

2.3 *Implement non-punitive peer review of critical incidents separate from criminal and administrative investigations.*

ACTION ITEMS:

2.3.1 *Continue and improve the practices of early intervention and publication of complaint data.*

The department administration has implemented policies that assist in the early identification of officers engaged in activities that could lead to damaging behavior. The department should continue and intensify these efforts. The department, furthermore, has made raw complaint data available online via its transparency webpage. The department should endeavor to provide even more data in this regard to demonstrate the professionalism with which it analyzes complaints. For instance, officer complaint data is available online now but mainly provides broad categories of inquiry and results. Even a short summary encapsulating each incident, instance of questioned conduct, and the subsequent investigation and results may go a long way in demonstrating the comprehensive attention that the department gives to allegations of officer misconduct.³² Similar reasoning holds for publication of the department’s use-of-force data, which is compiled and analyzed yearly, but is typically only available through FOIA requests. The department should, furthermore, regularly audit all body worn and in-car camera video

³² Consider, for example, the negative impression and community mistrust created by the City Attorney allegedly withholding or delaying production of hundreds of actual complaints from news media. See Kyle Kaminsky, *Judging Themselves, Lansing Police Dismiss Most Citizen Complaints*, Lansing CityPulse, Sep. 25, 2020 (“More than 400 complaints are still being withheld by the City Attorney’s office.”).

footage, not only in use of force incidents, but in all police contacts. The Management of Analysis of Traffic Stop program should additionally include the documentation of not only traffic stops but of pedestrian stop data as well.

2.3.2 *Ensure that review of misconduct complaints is not unduly delayed.*

The department should strive to resolve complaints in a reasonable time frame. Undue delays can spur mistrust on the part of the public and on the part of officers, and can cause otherwise avoidable doubt in the process. While the complaint investigation and resolution process should not avoid seeking input from leadership other than the chief of police, the process should ensure that any such input does not result in delays in the resolution of complaints. This process can and should be streamlined. This assessment reviewed the proposed process and it appears that the subtle planned changes can accomplish this goal.

POLICY:

2.4 *Create policies and procedures for policing mass demonstrations that employ a continuum of managed tactical resources that are designed to minimize the appearance of a military operation and to eliminate provocative tactics and equipment that undermine civilian trust.*

ACTION ITEM:

2.4.1 *Review and improve the policies and practices governing mass demonstrations.*

The department has dealt with unprecedented demonstrations in 2020. In addition to the unrest discussed in the Recent Events section, *supra*, the department also encountered mass demonstrations such as Operation Gridlock, in which anti-lockdown activists protested en masse and blocked traffic in downtown Lansing for a period approaching eight hours. The department should endeavor to improve its policies in response to planned events like these. On one hand, the lack of a deterrent force seemed to encourage lawless behavior during the George Floyd related protests. On the other, deployment of a sizable force at the start may have encouraged a focus on police as a target for hostilities. The department should strive to determine the best balance of deployment in every mass demonstration, preventing both military-style operations, kettling, and overreliance on chemical deterrents, while also demonstrating sufficient numbers to deter against lawless behavior. The physical location of downtown Lansing, and the perimeter environs surrounding the State Capitol creates a need to dedicate more resources for mass demonstrations. The department should work with county and state agencies to ensure the proper use of resources without creating a budgetary detriment for protests on state and city grounds. This would include, but is not limited to, the department seeking recompense from the state in the case of repeated public service demands due to ongoing protests at the state capitol. In any case, the department should continue to strive to comprehensively prepare its tactical units for such events, rather than remaining reactive to ongoing events.

POLICY:

2.5 *Oversight, including civilian oversight, of law enforcement is important to strengthen trust with the community.*

ACTION ITEMS:

2.5.1 *Consider the retention or solicitation of experts from a variety of backgrounds in conducting policy committee work.*

The committees that serve as policy advisors to the department serve a vital purpose. In the context of the community use of force discussions, to take one example, the committee served as a crucial sounding board for the community and as an incubator for change. However, there are situations in which lack of specialization and expertise can hinder the most effective policy development in accordance with existing empirical data and constitutional and/or legal requirements. Thus, the department should consider encouraging its policy advisors to engage legitimate and credentialed subject area experts and additional training resources whenever possible.

2.5.2 *Ensure that policy creation and review is not unduly delayed.*

Criminal practice and procedure is a remarkably fast moving area. As one example, constitutional decisions may be rendered by the U.S. or Michigan Supreme Court at random points in time. Their operative effects and requirements, however, may take effect immediately. Thus, while in many cases policy review should pause to consider a wide variety of viewpoints, there are times when it is imperative that the policy creation, review, and implementation process is not unduly delayed. The review process should in all cases provide for input from the department, its trainers, and its civilian oversight. However, the adoption of policies in response to a rapidly changing legal requirements must remain nimble in the event that a legally based policy change is recommended. The department and its associates in the policy process should strive to streamline policy decisions wherever possible.

2.5.3 *Consider providing for the permanent retention of a police policy and training advisor.*

The department has utilized an outside policy and training advisor in various capacities, including development and implementation of key responses to the 2020 national conversation on police practices. That individual's unique background fills gaps in aspects of legal and training practices that are generally outside the purview of the municipal counsel but are within the police policy and training advisor's legal and practical field of experience. The department and those responsible for its budget should envision solidifying and enhancing this relationship. Often times the policy and training advisor can give immediate, expert advice in scenarios where assistance from the city attorney, city staff, or the state attorney is not forthcoming or is outside their area of expertise. The current policy advisor, who is also law enforcement specialist, has been instrumental in providing monthly training updates in writing and at shift briefings. Thus, it is

important for the department to have a police law and practice expert close at hand to assist in developing best practices, in providing training to officers, and in otherwise decreasing potential liability.

2.5.4 *Consider the implications of enhancing and/or clarifying the Board of Police Commissioners' investigative responsibilities, or, alternatively, implementing an additional form of citizen review in cases of complaints against officers.*

The department has made strides to make disciplinary issues more available to the public in order to encourage the community to believe in the integrity of the complaint review process. Unfortunately, community stakeholders have not been persuaded that the complaint review process is fully transparent or effective. By charter, the Board of Police Commissioners (BOPC), and by extension, the Police Commission Investigator, have authority to call witnesses and take evidence, but this exercise of authority appears rare. Furthermore, the relationship between the Investigator and the department is not sufficiently defined so as to inspire confidence. The department has an opportunity to make its processes more transparent, and therefore to encourage trust from the community that problematic acts will be properly disciplined. Whether this comes in the form of increasing the responsibility and oversight of the BOPC in such cases, or whether this takes the form of civilian oversight of some aspects of the complaint review process, the department should seize the opportunity to allow the community to see the sincere work that is being performed in this area. Allowing additional exposition in these cases will shed light on the comprehensive progress being made in this area, and will eliminate the suspicions that naturally flow from a relatively closed process. Moreover, implementing additional civilian oversight will effectively communicate the department's desire to engender trust in the community through its desire to consider the community's voice and input. In any event, the department, through its Public Information Director, must ensure that those involved in oversight are actively involved in learning the day-to-day responsibilities of those in the department at every level. This can be accomplished through, for example, vigorous publication of officer and employee responsibilities, vignettes of a daily shift for officers and employees at different levels, and continual marketing of the availability and desirability of oversight personnel and civilian overseers to commit to ridealongs, shadowing, and other such activities.

POLICY:

2.6 *Officers should present themselves as professionally as possible in all calls for service.*

ACTION ITEM:

2.6.1 *The department should formalize and strengthen policies requiring officers to identify themselves by their full name, rank, and command (as applicable) and to provide that information in writing to individuals they have stopped. In addition, policies should require officers to state the reason for the stop and the reason for the search if one is conducted.*

At least one study has determined that levels of conversational respect differ depending on the race of the person being stopped by police.³³ At best, differing levels of conversational patterns in policing can lead to mistrust on the part of the person or community perceiving aggrievement or disrespect, and, at worst, failure to professionally initiate contact with the public can lead to tragedy.³⁴ In order to prevent even the perception of bias and to avoid the possibility of misunderstanding and tragedy, the department should consider further strengthening its requirements of formal introductions and professional language during police interactions and should implement further training in this area.³⁵ The department could further these goals of clear identification by requiring and confirming that all officers have their names clearly identified on uniforms and clothing, including winter attire.

³³ R. Voigt et al., *Language From Body Camera Footage Shows Racial Disparities in Officer Respect*, Proceedings of the Nat'l. Academy of Sciences, June 20, 2017, available at <https://www.pnas.org/content/114/25/6521> (examining 1,440 traffic stops in Oakland, California).

³⁴ Juan Ortega & Irfan Uraizee, *The Corey Jones Police Shooting A Look at Evidence in the Case*, S.F. Sun-Sentinel, Jan. 21, 2017, (Noting that former Palm Beach Gardens Police Department officer Nouman Raja, dressed in plain clothes and driving an unmarked vehicle, did not identify himself as a police officer after driving the wrong way down a highway exit to confront a stalled motorist at 3:15 AM. The motorist, a 31 year old musician, youth mentor, and local housing authority inspector named Corey Jones, drew his pistol in response and former officer Raja thereafter shot and killed Jones, firing six shots.).

³⁵ Cf. 600.02, Management Analysis of Traffic Stops, Lansing Police Department Manual, Eff. Date July 2017, available at <https://content.civicplus.com/api/assets/63c04be3-46d8-4ddd-ad2e-1c4e3ff37a60?cache=1800> ("Officers should follow these principles when practically advisable: Introduction and reason for stop – give a greeting and identify yourself.).

PILLAR THREE: TECHNOLOGY & SOCIAL MEDIA

POLICY:

3.1 *Implementation of appropriate technology should be designed considering local needs along with national standards.*

ACTION ITEM:

3.1.1 *The department should continue its practices encompassing body cameras.*

Very few policies or action items in this report inspired near unanimity among stakeholders. Here, however, very few, if any, voices communicated significant concern with the current application of body cameras. The department was a relatively early adopter of the required use of body cameras, and it is clear that their use should continue. The primary area for improvement appears to be attempting to ensure that the technology is reliable 100% of the time. Even a small rate of technology failure in this area creates a risk that a sensitive incident is not properly documented, thereby breeding community mistrust. An overview of the policies governing body camera usage seems up to national standards at this time. Nonetheless, it appears improvements still may be had in this area, including the need to further analyze and improve existing possible exceptions to requirements that officers record video and sound during interactions. If such exceptions are not equally applied across scenarios, are not properly trained upon, or are incorrectly utilized, transparency concerns may arise in the wake of sensitive incidents. The department should work to reduce those instances in which officers are permitted to stop audio recordings during ongoing incidents and interactions with the public.

POLICY:

3.2 *The department should support the development and implementation of new technologies, including “less than lethal” weapons, to help control combative suspects.*

ACTION ITEM:

3.2.1 *The department should continue implementing and training on its less than lethal options.*

As previously mentioned, the department administration has enacted a plan for the revision of the current policy that addresses less than lethal force.³⁶ To ensure that the policies of the department are properly adhered to, the department should strive to continually train on the use of less than lethal weapons as it moves forward with the modern approach to policing that has been initiated by the administration. Currently, the policy requires attempts at de-escalation, and allows for deployment of such weapons only in limited circumstances, such as imminent harm to an officer or bystander. Periodic routine simulation training can ensure that officers are properly prepared for situations calling for use of such weapons. Further, routine periodic reviews of policy will ensure that policies and strategies are actively reviewed for further improvement and efficacy. Moreover, we recommend regular routine exercises overseen by the Training Division that ensure officers physically practice these de-escalation techniques.

³⁶ See Lansing Police Department Manual 600.60, Eff. Mar. 2021, available at <https://content.civicplus.com/api/assets/2b22e10c-04c4-4b5f-b2b1-a3e474dda7c9?cache=1800>.

PILLAR FOUR: COMMUNITY POLICING & CRIME REDUCTION

POLICY:

4.1 *The department should develop and adopt policies and strategies that reinforce the importance of community engagement in managing public safety.*

ACTION ITEMS:

4.1.1 *The department should ensure the full effectiveness of its community officers.*

The department's mission statement encompasses this goal, seeking to "create and maintain open lines of communication to promote partnerships within our city." Moreover, the department recognizes that "the community must be involved in accomplishing the police mission." One way the department has effectuated this policy and mission statement is through the apportionment of 12 full time community police officers. Their duties include traditional public engagement, including community meetings and picnics, school district outreach, festivals, and similar events. The department should endeavor to ensure these officers are fully effective in their mission. One way to safeguard their efficacy is to provide them with the opportunity to fulfill their role at all times. While staffing issues understandably may result in community police officers being



pressed into patrol duties or other traditional policing, their effectiveness depends on their ability to dedicate full time resources to community building exercises. Moreover, the city and the department must ensure that all community police officer positions are filled. The current lack of

fulfillment of these slots is a detriment to the full potential and efficacy of the city's community police officers and their admirable efforts. The department has currently filled only approximately four of the twelve slotted positions, thus hindering the department's effective community trust building attempts. The unfilled community policing positions are the result of ongoing patrol staffing issues, and those with human resources portfolio duties must ensure that patrol staffing limitations do not continue to hamper the department's community policing goals.

4.1.2 *The department should continue and expand programming designed to bring citizens into the fight against crime.*

In recognizing the role citizens have to play in crime fighting efforts, the department must continue to innovate in creating synergies with the community. Among these efforts, for example, is the Security Camera Registry & Mapping (SCRAM) effort. This program created a voluntary registry of security cameras at businesses and other addresses to assist the department in solving crimes. These types of collaborations should be encouraged and expanded in conjunction with existing community outreach programs.



POLICY:

4.2 *Community policing should be infused throughout the culture.*

ACTION ITEM:

4.2.1 *The department should ensure the mission of community engagement is effective at all levels.*

Community police officers are only a small part of the department's fulfillment of the community engagement mission. The department should strive to ensure that all levels of the department are active in engaging the community. Each positive interaction serves as an opportunity to build trust and confidence. Thus, the department should encourage all its members, including those in leadership positions, to attend community events and participate in community engagement. One example of this is the former chief's participation in Advocates and Leaders for Police and Community Trust, a consortium which connects law enforcement, prosecutors, and local government officials with advocacy groups, faith-based leaders, and other individuals from the community with the goal of building trust in the community and identifying problems in the police-community relationship before they come to a head. The department should continue and expand such efforts.



POLICY:

4.3 *Community policing emphasizes working with neighborhood residents to co-produce public safety. Agencies should work with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community.*

ACTION ITEM:

4.3.1 *The department should ensure the continuation of policing that is responsive to the community's desires and needs.*

The department administration has shown its active responsiveness to the community's concerns and desires in a number of areas. As discussed above, the department ceased no-knock warrant raids and changed its traffic stop policies in response to community concerns. The department must continue community conversations to ascertain conflict points causing friction in the community. The department administration must continue to proactively meet with community members to determine where public safety resources are best allocated, and to assure the community that the department is continuing to listen and respond to their concerns. One program worth noting is the Citizens' Institute, a 33-hour course



designed to give the public a working knowledge of department personnel, functions, and policies and practices. This type of program is designed not only to educate the public about the overall operation of the department and to dispel misconceptions, but also to constitute a successful part of the department being made aware of community concerns and perceptions. The department should ensure that programming like this is continued and expanded. One option for the department is to conduct similar programming that does not require the time investment of the Citizens Institute. An open house or program that allows the community to receive an in-depth view of a day in the life of an LPD officer, as one example, would be a welcome addition. Moreover, the Public Information Director should be proactive in engaging all stakeholders in the community, rather than primarily engaging with the media.

POLICY:

4.4 *Adopt policies and programs that address the needs of children and at-risk populations.*

ACTION ITEM:

4.4.1 *Continue investing in the department's wide array of programming for at-risk youth and other populations.*

The department spends an enormous amount of time and resources investing in community programming aimed at at-risk youth and vulnerable populations, although the COVID-19 pandemic created a great deal of difficulty in implementing and attending in-person events. The department is encouraged to continue to spend time on programs such as the following:

- Turning Point Mentorship traffic stop education partnership:

The department, including previous members of the administration, held a program with Turning Point, a local mentorship group for young Black men in Lansing, to simulate traffic stops. The young men were educated on what happens during a traffic stop, were provided basic tips for how to act and behave during such police encounters, and were informed on what they should expect from a police officer in such a situation.

- Gang Resistance Education & Training (GREAT)

The GREAT program consists of officers certified to teach elementary and middle school children violence prevention, life skills,

and to help them develop positive relationships with law enforcement. GREAT also incorporates programming with family units and caregivers.

- Explorer Post 911

The explorer post provides young adults ages 14 through 21 the opportunity to experience various aspects of careers in law enforcement and service, and includes accompanying



officers on ridealongs, fitness training, military drills, as well as lessons on military drills, uniform and grooming standards, and character and leadership development skills. The experiences culminate in a statewide competition.

- Lansing Public Safety Youth Leadership Academy

The LPSYLA provides teens ages 13-16 with five days of comprehensive learning about the enormous variety of positions available in public service. While aimed at recruitment, the academy also is a great example of building relationships with young people and building connections between the community and public servants.

- Capital Area Response Effort (CARE)

CARE provides crisis intervention, safety planning, and information about available resources to victims and survivors of domestic violence. CARE services are free and confidential, and are provided through a department staff member or a team of two volunteers.



- Tri-County TRIAD

TRIAD is a partnership between law enforcement, fire personnel, senior citizens, and community members, that promotes elder quality of life.

Clearly, then, the department is making efforts to engage at-risk populations. The department should ensure that this programming and outreach continues, expands, and is a part of the responsibilities of each and every officer and employee.

POLICY:

4.5 *Ensure the department is recruiting and hiring the best candidates to effect the mission of community policing.*

ACTION ITEMS:

4.5.1 *Expedite hiring processes.*

The department engages in a host of recruiting exercises in its endeavor to attract a qualified and diverse workforce. These efforts include the aforementioned Explorer 911 Post, and also encompassed more than 25 recruiting events in 2020 at universities, community colleges, job fairs, and police academies. Ultimate hiring processes, however, are largely in the hands of the city's human resources officials, rather than the department itself.



The department would benefit from more expedited hiring and vetting processes. The department faces intense competition from other agencies in the state when it comes to hiring the best candidates.³⁷ Even slight delays or pauses in communication between the city and candidates can result in losing out on hiring attractive candidates for service. Furthermore, delays in hiring processes do not account for the immense resources and time that are spent bringing new recruits online to active duty. A recruit hired by the city on day one, for example, is not patrolling Lansing's streets on day two, but rather will require several months of training. Thus, while speed considerations should never downgrade vetting and qualification processes, it is plainly clear that the department and the city would be better served by more expedited hiring processes in retaining vital positions, and that these processes should be determined by departmental needs rather than any other considerations.

³⁷ Cf. Trace Christenson, *More Cities Need Police But Fewer Applying*, Battle Creek Enquirer., *Rept. in* Det. Free Press, July 21, 2021 ("Low recruitment numbers nationwide, and a sharp increase in officers choosing to leave law enforcement well before retirement age, have caused a workforce crisis according to a 2019 report by the Washington D.C.-based Police Executive Research Forum. The number of recruits has been in decline for years, the report said, with some departments reporting a drop between 50% and 70% in new job applications since 2015. The Battle Creek Police Department is, like others, looking for new officers [...] but with recruiting and hiring and training and probation, it takes time before new officers are ready for the road. 'It is 18 months flash-to-bang,' [Battle Creek Police Chief Jim Blocker] said.").

The department, together with the assistance of the city, must quickly determine more incentives to attract talented and seasoned officers to the department. Currently, a seasoned officer with more than ten years of service is only offered the same pay grade as that of a newly graduated recruit. Similarly, the department should look to enact policies that ensure that education and advanced degrees are respected, recognized, and incentivized. Current policy does necessarily require an advanced degree for officers to be promoted to a supervisory role, which appears to be uncommon practice in comparable cities. Thus, the department, together with the assistance of the city, should create incentives for officers, recruits, and employees to earn a college or other advanced degree.

Lastly, the department would benefit from expedited policies in hiring as it is facing the prospect of low morale and burnout due to understaffing resulting in extensive overtime. The department further faces the prospect of coming retirements, including at least 23 planned retirements in 2022 and 2023, resulting in even lower levels of staffing. As mentioned in several contexts, the department faces critical staffing levels in a number of areas, including, but not limited to, the cold case unit, fingerprinting services, the detention unit, and during night patrol coverage, among others. It is accordingly of the utmost necessity to ensure that hiring practices be expedited so as to avoid any further deterioration in morale due to overtime requirements induced by critical staffing levels. Open positions must be filled with all possible haste. It is recommended that 25 police officer positions be filled before the year's end. In addition to challenges from planned retirements, multiple agencies allow for lateral transfers of LPD officers, ensuring that the department will continue to lose officers. Moreover, at least 4 additional detention unit officers should be retained to ease workloads and stresses placed upon the current staff.

4.5.2 *Prioritize and expedite hiring processes for community facing positions.*

The department would benefit from more expedited hiring and vetting processes overall. Ultimate hiring processes, which are largely in the hands of the city's human resources officials, should be honed and refined to ensure that open, available, and budgeted positions be filled with all possible haste, without regard to any other considerations. One area of focus should be the department's community policing officers. As mentioned, although the department provides for 12 such positions, these slots are not always filled, and, are sometimes filled by officers concurrently serving on regularly road duty, pressed into action due to delays in hiring for other open slots in the department. The department would benefit from the city focusing on expediting, without sacrificing vetting or qualification processes, the retention of officers for all open positions, but especially focusing on community officers.

PILLAR FIVE: TRAINING & EDUCATION

POLICY:

5.1 *Agencies should engage community members in the training process.*

ACTION ITEM:

5.1.1 *The department should continue and expand community involvement in training processes.*

The department has engaged an independent outside policy and training officer with both law enforcement and legal experience. The department should continue engaging outside, independent voices like this to provide unbiased, specialized, and expert opinions and methods to improve and implement training that is replete with constitutional and best practices implications.

The department has also engaged the community in various capacities, including soliciting input on its use of force policies, and receives community sentiment in a variety of contexts during community facing activities. These efforts should continue and expand, including from the perspective of where to most effectively dedicate future training resources.

While the department has made strides in these regards, it should be noted that many actual training efforts are hamstrung by lack of suitable facilities. Training officials and activities are housed in a facility that is inadequate for the significance of the mission. The Training Unit, for example, conducts some of its activities in what is effectively a repurposed barn on a seasonal basis due to the lack of access to adequately



heated facilities. Community input on improved training processes will come to naught if the department is forced to use suboptimal facilities that do not rise to the task at hand.

One manner to address the challenges in training facilities and capabilities that was suggested during the sourcing of this report is to ensure that those responsible for grant writing are vigorously conducting their activities seeking funds and are effectively communicating with other city and departmental actors responsible for seeking grants. This report has discerned a number of stakeholders that are dissatisfied with the current practices in this regard, with some voices suggesting that departmental grant writing responsibilities, which currently rest largely with one person, have been passed on to others in the department in an ad hoc matter due to ineffectiveness, inattention, or lack of prioritization of those duties.

POLICY:

5.2 *Agencies should provide leadership training, Crisis Intervention Training, social interaction training, addiction training, implicit and cultural bias training, constitutional training, and Field Training Officer training.*

ACTION ITEMS:

5.2.1 *The department should continue and expand its extensive training processes, and should consider adding requirements of additional routine periodic training sessions in key areas.*

The department engages in an extensive variety of training through its Training Unit containing several full-time and part-time officers, through its policy and training officer consultant, and through other means as well. A full list of these training modules is available as part of the department's 2020 Annual Report. Selected highlights of training opportunities include:

- De-escalation strategies
- Implicit bias
- Narcotics detective training
- Legally justified force
- Incident command
- RICO investigations
- Crisis intervention team certification training
- Peer-support
- Leadership and management
- Interviewing skills
- New detective school
- Executive and new chief's school

The department should continue and expand these training opportunities. Moreover, the department should take measures to empirically measure the effectiveness of each type of training to emphasize those opportunities that produce the most benefits. Additionally, the department should conduct periodic routine evaluations of the ramifications of increasing the requirements and opportunities for training at every level.

The department should consider taking measures to require additional routine periodic training sessions regarding those areas that encompass the most sensitive areas of community-department relations. This would include, but is not limited to, de-escalation training. As one example, mental health training is not yet required for all officers, and crisis intervention training is similarly optional. Although state agencies and municipalities appear to be realizing that police are often required to respond to situations best assisted by trained mental health experts, the department should still take measures to ensure that all officers are equipped with appropriate training.



5.2.2 *The department should continually update its cultural bias training.*

The department should take measures to conduct periodic routine evaluations, including implementing community feedback, in its cultural and implicit bias training. Community needs and sensitivities change and evolve with the passage of time. The department should therefore consider implementing requirements for additional routine periodic bias training that accounts for changing community desires and opinions



to ensure that changing trends are accounted for in such training. Although current practice appears to be a biennial training in these areas, additional routine training would be helpful. Moreover, the department should collaborate with the city's Diversity Officer to create a culture of training that embraces diversity, equity, and inclusion.

5.2.3 *The department should continue the practice of infusing training opportunities with legal, constitutional, and risk management considerations.*

The department has initiated measures to implement constitutional and holistic policing legal training which has five components:

- Police are guardians and problem-solvers
- Police must have the confidence in the constitutional aspects of their job so that practical problem solving is the expectation
- Lethal and non-lethal tools are not problem-solving tools
- The officer's greatest tool is their mind
- Legal and holistic decision-making using community resources

Implementation of this training is largely scenario-based, and these components encompass forward-thinking progress that not only trains officers' legal and practical thinking, but also comprises a key part of managing risk and liability for the department. As one step to ensure the implementation of this training, the department and city should take measures to ensure that its legal and policy advisor is sufficiently engaged with the resources needed to be effective. As another, the department should ensure that its advisors meet with officers and leaders at all levels to continue their routine periodic training and case law updates in order to ensure that training efforts are infused throughout the department. Moreover, if sufficient resources are made available, it would be preferable for the policy advisor and similar voices to be able to physically meet with officers at the department's physical facilities.

POLICY:

5.3 *The department should ensure training practices are sufficient to ensure coverage of critical areas.*

ACTION ITEM:

5.3.1 *In areas in which very few officers are responsible for specialized services, the department should initiate and require periodic training of other persons to ensure coverage.*

The department has certain positions in which very limited numbers of personnel, and in some instances only one officer or employee, is responsible for critical services. In such areas of specialization, including, but not limited to, fingerprinting services, the department should endeavor to begin policies and practices that provide for training and certification, if necessary, of backup officers and employees. Placing responsibility for certain services in only one or a few hands causes backups in



providing services, entails delays in investigations, and places the department at risk of being unable to fulfill key areas in the event of absence or retirement. As one example, the department has a cold case unit responsible for over 80 cases. Unfortunately, as currently structured, the unit consists of solely one detective. As such, it is clear that progress in units such as this will remain slow, to the detriment of victims and their families, and in the event the detective is unavailable for an extended period of time, services may remain at a standstill. Thus, the city and department should endeavor to make sufficient resources available to ensure that very few, if any, departments depend on solely one officer, and should take measures to provide for adequate staffing of such units to provide the best service possible to the community.

PILLAR SIX: OFFICER WELLNESS & SAFETY

POLICY:

6.1 *Agencies should promote safety and wellness at every level of their organization.*

ACTION ITEMS:

6.1.1 *The department should continue and expand its training to equip officers and employees for the stresses inherent in serving.*

The department should continue and expand its wellness assistance for officers and employees. These programs and resources should include, but are not limited to, mental health checks, nutrition training and coaching, fitness benefits and incentives, resilience training, and financial training. The department needs to improve, and make officers more aware of, access to resources for trauma exposure and stress, including confidential psychological and counseling assistance, telehealth



visits, discussions with chaplains, and similar help and programming. While the department has been proactive in providing, for example, counseling services as part of most employees' health care coverage, these efforts, and encouragement to utilize these services, must continue and expand throughout the department. The department similarly provides a police psychologist service after traumatic incidents, clinical counseling assistance, telehealth appointments, and employee assistance programming through Encompass EAP, which provides specific programming and assistance for police. As a practice, the department promotes mandatory debriefing after critical incidents. Nonetheless, interviews conducted in the course of this review revealed that many officers feel that resources such as these should be continually expanded and more vigorously promoted.

6.1.2 *The department should encourage routine periodic measurements of officer and employee wellbeing.*

The department should expand regular, periodic routine confidential mental health and wellbeing checks. This review has determined a sizable level of dissatisfaction and low morale among LPD officers and employees at this time. Many, many officers and employees deal with highly stressful and traumatic situations on a regular basis. The department should strive to be proactive in preventing stress from reaching critical levels. Therefore, the department should not wait for officers and employees to come forward seeking help, but rather should regularly engage in practices that assess officer and employee wellbeing. These check-ins should encourage officers and employees to seek out assistance before stress and trauma responses become personally overwhelming or begin to affect job performance. In a number of areas of service, including the department's detention unit, it is clear that wellbeing training must be implemented more consistently.

6.1.3 *The city's human resources officials should take a leadership role in making resources available to officers and employees.*

Much of the department's hiring process is directed by the city's human resources officials.

However, the department would be better served if the city's human resources officials, having taken large responsibility for hiring, would continue active involvement in traditional human resources roles. In many organizations, human resources is envisioned not just as a hiring role, but as a continuing relationship with employees. The department would benefit greatly if the city's human resources officials and employees took a more active role in



implementing the health and wellbeing recommendations made *supra*, took a leadership role in creating and implementing additional resources for officers and employees, and took a more active role in making officers and employees aware of existing available resources. As a step in this direction, the city should make strides to engage with command officers on a routine basis to identify officers who may benefit from confidential assistance. Furthermore, the city could greatly assist these efforts by ensuring officers have a confidential route to seek assistance when needed. Again, while the employee assistance program through Encompass is available, interviews

conducted in the course of this review revealed that many officers feel that additional resources, and active promotion of those resources, are necessary.

POLICY:

6.2 *Agencies should provide officers with the safety tools and technologies needed to provide exceptional service to the community.*

ACTION ITEMS:

6.2.1 *Technological services should be optimized.*

The department is not entirely responsible for the information technology services it receives, but rather receives much of its services from the city's other departments. The department has a pressing need for more responsive information technology services, particularly when it comes to repairing faulty computing equipment and similar technologies. The city should endeavor to prioritize and optimize technological services and repairs provided to the department wherever possible. Consistent breakdowns in information technology are responsible for delays in investigations and paperwork which therefore downgrade the department's efficacy and morale. Moreover, the city should endeavor to make such technological services available for all shifts, including for those officers and employees working at night, or at minimum should deliver training services to ensure the most routine issues are able to be dealt with at any point in the day. Another area appropriate for further assistance from the city would be providing each officer with city phones. This would serve the dual purpose of assisting with evidence collections and would optimize synergies with existing software used in the department.

The department should further conduct an in-depth analysis of the operations and management of its detention facility. In addition to the physical challenges faced in the facility, the officers face technology and systems setbacks that provide opportunities for improvements and optimization.

6.2.2 *The city must consider the physical facilities of the department in its attempts to ensure the best service possible from the department.*

In order for the department to provide first-rate services, it requires first-rate facilities. Currently, the department faces immense challenges posed by its present facilities. Facilities issues, including, for example, unequal temperatures throughout the detention facility, lack of advanced security barrier technologies in a substation which is adjacent to a school, fire hazards in certain structures, and leaking roofs are just a few of the many facilities issues that need to be addressed in order for the department to provide the best service possible.



Furthermore, the lack of first-rate facilities broadcasts a suboptimal message to the public when the department is trying to improve community relations. The city's cramped and outdated facilities downtown, for example, present parking and accessibility issues for the public, among other issues. Further, the department's substations have moved from facility to facility periodically, and one substation is currently housed in a former school that is not designed for optimal police work. Each of these facilities issues sends a message to officers, employees, and the public every day. The city should strive to send the message that it expects superb service at all times from officers and employees, and the city should strive to provide excellent facilities that pay respect to the department's mission.



POLICY:

6.3 *Agencies should implement scientifically supported shift lengths.*

ACTION ITEM:

6.3.1 *The department should consider officer input on shifts and district coverage.*

Current shift length is typically 10 hours, and officers mainly report satisfaction with this policy. However, in an effort to be as responsive to officer needs as practicable, the department should continue to engage in discussions with officers to ensure this policy is optimal. Furthermore, the 10-hour shift length policy must be considered in tandem with the routine use of overtime in the department. Overtime needs are pressed typically when major incidents are in process and during night shift coverage when officers on duty fall below a threshold of 10 officers, which appears to be fairly common due to officers calling out sick. Thus, what is a typical shift length in terms of policy does not necessarily correlate with actual hours worked. Of course, shift length is a collective bargaining issue that would require agreement of all parties to any changes in this policy.

POLICY:

6.4 *Agencies should invest in enhancing their internal culture.*

ACTION ITEM:

6.4.1 *The city and department should study and effectuate changes to the structure of the department to ensure improvements in culture.*

As shown by the reportage in this review, the department has made strides to provide excellent service in a wide variety of areas, and has implemented a number of forward-thinking policies. To ensure that these policies are successfully realized, the city and the department should consider changes to the structure of leadership. Many responses received during the investigations and listening sessions for this report suggested that having a chief of police without a deputy chief, for example, is inefficient and results in gaps in producing a cohesive culture that executes a vision of modern, responsive, community-oriented policing. Moreover, many of these voices expressed concerns that in order for the department to be as effective as possible, the chief of police must

enjoy a certain level of independence from political considerations. This review has confirmed the existence of a level of dissatisfaction with political interference and/or maneuvering in departmental areas ranging from human resources, to patrol overtime budgets, to media response policies and procedures, among several others. The city and department should continue to strive for a department that is infused with a community-oriented philosophy, while at the same time recognizing that a chief of police cannot



successfully realize this vision if significant decisions are hamstrung by considerations not associated with good police practices and internal culture.

6.4.2 *The department's leaders should routinely confirm their connection with day-to-day policing.*

Enhancing internal culture depends on commanders' level of familiarity with day-to-day policing activities. This familiarity breeds opportunities to realize real-time challenges, to create optimal policies that are important to those officers in high-risk positions, and to prevent problems that may become foreseeable through street level activities. In this vein, the department should strive to ensure that commanders commit to routinely covering day-to-day activities in the department's different units on a periodic basis. In addition to ensuring commanders are aware of the real-world issues facing officers and employees, this routine periodic coverage will also go a long way to bridge the gaps found between commanders and the department and to build a natural camaraderie between the two, thereby increasing department morale and culture. This focus and implementation would particularly include operations of the detention facility. Detention officers and staff report low morale due to a disconnect with command that is rarely physically seen at the detention facility. Further, staffing issues appear ever-present at the detention facility, which does not appear to be in the process of being addressed by command staff in this area.

6.4.3 *The department should strive to seek unity of task and purpose with union representation to enhance internal culture.*

The department engages with several unions. In contrast to many agencies, different types of officers are represented by different unions. This presents obvious problems in terms of efficiencies, morale, and consistency of internal culture. The department, where possible, should strive to ensure that each union is engaged in input at a consistent level, and should utilize all levers of communication to attempt to unify the purposeful fulfillment of department goals through active engagement with each union.

CLOSING REMARKS & ACKNOWLEDGMENTS

“When any part of the American family does not feel like it is being treated fairly, that’s a problem for all of us.

It’s not just a problem for some. It’s not just a problem for a particular community or a particular demographic.

It means that we are not as strong as a country as we can be. And when applied to the criminal justice system, it means we’re not as effective in fighting crime as we could be.”

-President Barack Obama

On behalf of the entire Legal Solutions Assessment Team, and especially the executive leadership team leadership under the direction of Dustin Zacks, Ann Charleus, and myself, I would like to again thank and acknowledge those who made this report possible. Without the candid opinions of each and every stakeholder we communicated with, we would not have been able to recommend these steps in improving the LPD. As a former law enforcement officer, as an attorney, and as an African American, the mission to improve our nation’s law enforcement practices is something close to my heart, mind, and soul. On behalf of myself and the Legal Solutions team responsible for this report, thank you to all those helping to effectuate the goals of this mission.

A handwritten signature in black ink, appearing to read 'Kevin Drummond', with a stylized, cursive script.

Kevin Drummond

LEGAL SOLUTIONS ASSESSMENT TEAM



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