SECTION: **15**
DATE:
April 21, 2022

BOARD OF REGENTS
EASTERN MICHIGAN UNIVERSITY

RECOMMENDATION

FACULTY AFFAIRS COMMITTEE: APPROVAL OF AGENDA AND MINUTES

ACTION REQUESTED

It is requested that the Faculty Affairs Committee minutes for October 14, 2021 and the agenda of the April 21, 2022 meeting be received and placed on file.

STAFF SUMMARY

The topic for the April 21, 2022 Faculty Affairs Committee meeting is Faculty Engagement in Enhancing Public Safety at EMU.

FISCAL IMPLICATIONS

None.

ADMINISTRATIVE RECOMMENDATION

The proposed Board action has been reviewed and is recommended for Board approval.

[redacted]

March 31, 2022

University Executive Officer
Rhonda Longworth, Ph.D.

Date

EASTERN MICHIGAN UNIVERSITY
Board of Regents
Faculty Affairs Committee

April 21, 2022
10:30 a.m.
201 Welch Hall

AGENDA

Section 15: Agenda and Minutes *(Regent Simpson)*

Discussion Topic: Faculty Engagement in Enhancing Public Safety at EMU

Presenters:

Dr. Marilyn Corsianos, Chair of Public Safety Oversight Committee, co-chair of Faculty Senate Ad hoc Committee on Police Oversight, and grant recipient

Dr. Kevin Karpiak, Southeast Michigan CriminAl Justice Policy Research ProjecT (SMART), co-chair of Faculty Senate Ad hoc Committee on Police Oversight, and grant recipient

Dr. Daryl Barton, Faculty Senate representative to Public Safety Oversight Committee

EASTERN MICHIGAN UNIVERSITY
BOARD OF REGENTS

FACULTY AFFAIRS COMMITTEE MINUTES

October 14, 2021
8:00 a.m.
201 Welch Hall

Attendees: M. Crumm (Vice Chair), Regent D. Beagen, Regent N. Ford, Regent E. Jeffries, President J. Smith, Provost R. Longworth, M. Corsianos, J. Carroll, A. Ducher, M. El-Sayed, S. Gray, M. Higbee, S. Jefferson, K. Judd, C. Neufeld, B. Patrick

Regent Crumm began the meeting at 8:00 a.m.

Report and Minutes (Section 7)

Regent Crumm requested that the Faculty Affairs Committee Agenda for October 14, 2021 and the Minutes of the April 22, 2021 meeting be received and placed on file.

Discussion Topics

The discussion focused on the Faculty Senate Task force on Campus Climate, Race and Diversity Issues Video Series: Culture of Belonging. The presentation was led by Dr. Christine Neufeld and included members of the video production team Drs. Kristi Judd, Barbara Patrick, and Stephen Jefferson.

The faculty shared their experiences creating the video series. The videos address EMU diversity specifically by featuring our students as experts talking about the challenges they face at EMU, as well as sharing their insights about how faculty can help them feel like they truly belong. The videos also feature EMU faculty experts who provide conceptual frameworks and concrete tips for how we can do this work. The committee viewed Part I: Creating a Sense of Belonging in the Classroom, which was aimed at introducing EMU faculty and instructors to the work we must do to make EMU a truly welcoming place for members of historically marginalized communities.

Regent Crumm thanked those in attendance and adjourned the meeting at 8:45 a.m.

Recorded by: Amy Ducher, Administrative Associate to the Provost and Executive Vice President of Academic and Student Affairs

Public Safety Oversight Committee

Southeast Michigan Criminal Justice Policy Research Project (SMART)

Final Report of the EMU Faculty Senate Ad Hock Committee on Police Oversight

Eastern Michigan University's Public Safety Oversight Committee (PSOC) was established by a March 25, 1992, resolution of the Board of Regents, and by Michigan law (http://www.legislature.mi.gov/(S(i3lrgt2ywogag0arv2e4bsal))/mileg.aspx?page=getObject&objectName=mcl-390-1511). The scope and purpose of the Committee, as described by the statute, is to receive and address any grievances brought against EMU public safety officers and/or the University's Department of Public Safety. The results of the findings of the PSOC are reported to the University's President. Michigan law also requires that members of the PSOC be elected by the faculty, students and staff. As of November 1, 2020, the PSOC members are:

- Marilyn Corsianos, (faculty), mcorsiano@emich.edu (mailto:mcorsiano@emich.edu) - Chair
- Ellen Forsman, (staff), eforsman@emich.edu (mailto:eforsman@emich.edu?subject=) - Secretary
- Elizabeth Radzilowski, (staff), etaylo45@emich.edu (mailto:etaylo45@emich.edu?subject=)
- Colton Ray, (student), cray22@emich.edu (mailto:cray22@emich.edu?subject=)
- Jack Swartzinski, (student), jswartzi@emich.edu (mailto:jswartzi@emich.edu?subject=)
- Daryl Barton, (faculty), dbarton@emich.edu (mailto:dbarton@emich.edu?subject=)
- Jeffrey Ammons, (ex-officio, Legal Affairs), jammons2@emich.edu (mailto:jammons2@emich.edu)
- Doug Wing, (ex-officio, DPS), dwing@emich.edu (mailto:dwing@emich.edu)

To file a complaint, please complete the following form:

Citizen Complaint Form (/police/citizen-complaint-form/index.php)

Email emu_psoc@emich.edu (mailto:emu_psoc@emich.edu).

Final Report of the EMU Faculty Senate Ad Hoc Committee on Police Oversight

December 2, 2020

EASTERN
MICHIGAN UNIVERSITY

Dr. Marilyn Corsianos, Co-Chair
Dr. Kevin Karpiak, Co-Chair
Dr. Peter Blackmer
Dr. D. Robert Okopny

Executive Summary 3

Background 4
Committee Charge 4
Methods & Evidence 4
Changes to PSOC in Interim 5

Findings and Recommendations 6
Minimum Standards 6
Minimum Legal Standards under Michigan Law 6
Findings and Recommendations vis-a-vis the Legal Requirement Standard 7
PSOC Bylaws Standard 7
Findings and Recommendations vis-a-vis the PSOC Bylaws 8
Standards under National Association for Civilian Oversight of Law Enforcement (NACOLE) principles of effective oversight 9
Independence 10
Clearly Defined and Adequate Jurisdiction and Authority 11
Unfettered Access to Records and Facilities 12
Access to Law Enforcement Executives and Internal Affairs Staff 13
Full Cooperation 14
Sustained Stakeholder Support 14
Adequate Funding and Operational Resources 15
Public Reporting and Transparency 16
Policy and Patterns in Practice Analysis 18
Community Outreach 19
Community Involvement 20
Confidentiality, Anonymity, and Protection from Retaliation 21
Procedural Justice and Legitimacy 22

Committee Members 24

List of Appendices 26

Executive Summary

In September 2020, in response to growing national concerns on the state of policing and racial equality in the United States, the Faculty Senate of Eastern Michigan passed the "Resolution to Create the Ad Hoc Committee to Assess Community Police Oversight", which found the current state of civilian oversight at Eastern Michigan University to be out of step with national trends in best practice for an inclusive and racially just community. To address this situation, the Resolution further called for the creation of an Ad Hoc Committee which would have as its charge to document current challenges to the full functional success of the Public Safety Oversight Commission as it currently exists and to outline national trends in best practice for addressing these challenges. It was explicitly included that this latter charge "may include recommendations for the process whereby public safety at EMU can be aligned with national best practices.[1]" This is the final report of that Ad Hoc Committee.

To carry out its charge, the Ad Hoc Committee conducted research on the history, functions, and operations of the PSOC, alongside an analysis of national best practices in civilian oversight as outlined by the National Association for Civilian Oversight of Law Enforcement (NACOLE)[2]. Research methods used to analyze the PSOC included a review of available documents, a survey[3] of past and present members, and focus groups with past and present members. Particular attention was given to examining member participation and experience in PSOC, the complaint review process, PSOC structure and jurisdictions, and member evaluations of the PSOC performance.

The Ad Hoc Committee's research resulted in a number of notable findings. For example, it found that, while PSOC has generally been in compliance with Michigan State Law, with a few notable points in need of clarification, it has been most recently in violation of its own ratified bylaws, especially those regarding the frequency of meetings and the election of representatives. Additionally, the Ad Hoc Committee found several of the PSOC's powers as defined by the bylaws have gone underutilized and effectively defunct. For example, the power to conduct hearings during the complaint review process was seemingly unknown to several PSOC members. Most importantly, the Ad Hoc Committee found the narrow charter of the PSOC to be out of step with national guidelines for police oversight bodies, especially such standards for transparency and community inclusion.

Based on these findings, the Ad Hoc Committee recommends that immediate steps be taken to align the PSOC with its own bylaws and resolve outstanding legal questions about its composition and operations. The Ad Hoc Committee further recommends a series of actions aimed at expanding the scope and proactive vision of the PSOC-- particularly in its efforts at transparency, community outreach and inclusion--so as to be better aligned with national best practices for civilian oversight of law enforcement. Taken together, the Ad Hoc Committee believes that such actions would enable EMU, through the organ of PSOC, to foster a truly participatory dialog about the nature of public safety.

---

[1] Resolution to Create the Ad-Hoc Committee to Assess Community Police Oversight (9/9/2020)
[2] See especially, National Association for Civilian Oversight of Law Enforcement. 2020. "Thirteen Principles for Effective Oversight." Washington, D.C.
[3] See the Appendix

Background

Committee Charge

On September 9th, 2020 the Eastern Michigan University Faculty Senate passed a resolution to create an Ad Hoc Committee to Assess Community Police Oversight[4] wherein it was resolved that:

> *"in order to help align public safety at Eastern Michigan University with contemporary best practices, Faculty Senate will solicit up to five volunteers for an ad hoc committee charged with (1) documenting current challenges to the full functional success of the Public Safety Oversight Commission as it currently exists; (2) Outlining national trends in best practice for addressing these challenges. This latter may include recommendations for the process whereby public safety at EMU can be aligned with national best practices[5]."*

It was further resolved that "the Ad Hoc Committee bring to the Faculty Senate a report listing its findings and recommendations by December 2, 2020.[6]" At the September 23rd meeting of the EMU Faculty Senate, Dr. Marilyn Corsianos was appointed by the Senate to the Committee and the appointments of Drs. Blackmer, Karpiak and Okopny were confirmed[7].

Methods & Evidence

The committee created a 47-question survey organized into three main sections: "Demographic information", "Experience with the complaints process", and "General Experience and Evaluation"[8]. In addition, the survey included a recommendation to participate in one of a series of Focus Group conversations. Due to a lack of an institutional archive of past committee members, invitations were sent out to only those past committee members that could be identified via the Ad Hoc Committee Members' personal records[9]. Focus Group meetings of approximately one hour each were held between Nov. 10-17, 2020. These were designed to further develop and provide extended detail to responses from the initial survey. Focus Group conversations were structured around three general topics: "Participation in the PSOC," "Complaint Review Process," and "Evaluation"[10]. Finally, the Ad Hoc Committee made use of documentary evidence, largely consisting of the past and current bylaws of the PSOC[11].

---

[4] See the Sept. 9, 2020 Minutes of the EMU faculty Senate
[5] Resolution to Create the Ad-Hoc Committee to Assess Community Police Oversight (9/9/2020)
[6] Ibid
[7] See the Sept. 23, 2020 Minutes of the EMU Faculty Senate
[8] See the Appendix
[9] In total, the Ad Hoc Committee sent out invitations to 34 current and former PSOC members.
[10] See the Appendix for a list of Focus Group questions and the Focus Group Protocol established by the Ad Hoc Committee
[11] See the Appendix for these various versions of PSOC bylaws.

Changes to PSOC in Interim

In the interim between the establishment of the Ad Hoc Committee and the publication of this report, EMU administration has taken several initiatives geared towards reinvigorating Administration support for the PSOC. These have included:

- On October 8th, 2020 University Communications circulating an email inviting the EMU community to participate in a general election of PSOC nominees[12]. This was the first such open call to participate in such an election.
- On October 16, 2020 Legal Counsel emailed the newly elected PSOC members and called for an organizational meeting to elect a Chairperson and a Secretary, and to suggest that the PSOC review its own guidelines particularly as they related to the election of PSOC members. He further added that the "current PSOC guidelines create undesirable issues as it relates to timing, and selection of student nomination, that made this election a bit difficult to carry out." Members were also notified that EMU Legal Affairs holds an ex officio member position on the PSOC and that they "generally participate" but "don't deliberate with the Committee" and that they don't vote. Members were further informed that the PSOC Guidelines require a DPS employee to serve as an ex officio member. A copy of the PSOC guidelines/bylaws was attached.
- On November 6, 2020, President Smith emailed the newly elected members of PSOC, honoring them for their commitment and reasserting the importance of their work. President Smith also informed the committee that EMU'S Associate General Counsel, Jeff Ammons, in addition to one DPS employee, would serve on PSOC as an ex-officio member, and that Mr. Ammons would be a helpful resource to the committee. This was the first such documented instance of such administrative support.
- On November 9, 2020 PSOC met for its first organizational meeting with the newly elected PSOC members, Legal Counsel Jeff Ammons, DPS Police Chief Bob Heighes, and EMU Police Lieutenant Douglas Wing.
- On November 12, 2020 Chief of Staff informed the Chair of the PSOC committee that a PSOC website was created, as well as a dedicated email account for PSOC (EMU_PSOC@emich.edu), and that the campus community would soon be notified about the PSOC election results and the role of the PSOC. On November 18, the Chief of Staff informed the Chair of the PSOC that the email to the campus community had been delayed due to the new pandemic orders from the State that forced the administration to devote time to COVID response and mitigation but provided a draft message that had been prepared and asked for input.
- On November 19, 2020 the Chair of the PSOC inquired about the location of the PSOC website since it could not be located under EMU's Public Safety website.

[12] See the Appendix for email documentation pertaining to this section

The Chief of Staff informed the Chair that the website was under EMU's Legal Affairs website but agreed to also add it to the DPS website.

- On November 20th, 2020 University Communications circulated an email to the broader campus community announcing the elected members of the PSOC, pointing to the newly created website, and offering some context and background for PSOC and its work. On November 30, 2020 Chief of Staff informed the Chair of PSOC that the DPS website had been updated to include a direct link to the PSOC website.

Findings and Recommendations

The Ad Hoc Committee has provided findings and made recommendations according to two distinct standards: one vis-a-vis the minimum requirements as outlined under Michigan law[13] and standing PSOC bylaws[14]; the other vis-a-vis professional best practice as outlined by the National Association for Civilian Oversight of Law Enforcement (NACOLE)[15].

Minimum Standards

Minimum Legal Standards under Michigan Law

The Ad Hoc Committee understands the most relevant applicable state law to be the "Public Safety Officers Act 120 of 1990", or MCL 390.1511 Public safety officers; powers and authority; determination; public safety department oversight committee. Sec. 1[16], which gives public 4-year institutions of higher education the authority to "grant the public safety officers of the institution the same powers and authority as are granted by law to peace and police officers to enable the public safety officers to enforce state law and the ordinances and regulations of the institution of higher education". A key prerequisite of this authority is outlined in subsection 3 of the Act, which reads:

> *"The governing board of control of an institution of higher education shall not grant the powers and authority described in subsection (1) to the public safety officers of the institution unless, before those powers and authority are granted, the governing board provides for the establishment of a public safety department oversight committee. The committee shall be composed of individuals nominated and elected by the faculty, students, and staff of the institution. The committee shall include 2 students, 2 members of the faculty, and 2 members of the staff. The committee shall receive and address grievances by persons against the public*

[13] Most especially the "Public Safety Officers Act 120 of 1990", MCL 390.1511 Public safety officers; powers and authority; determination; public safety department oversight committee. Sec. 1.

[14] See the Appendix for past and current versions of PSOC bylaws

[15] See especially, National Association for Civilian Oversight of Law Enforcement. 2020. "Thirteen Principles for Effective Oversight." Washington, D.C.

[16] http://www.legislature.mi.gov/(S(320ggmmzkpj20i3ymrli3h2c))/mileg.aspx?page=shortlinkdisplay&docname=mcl-390-1511

safety officers or the public safety department of the institution. The committee may recommend to the institution that disciplinary measures be taken by the institution against a public safety officer who is found responsible for misconduct in office."

Findings and Recommendations vis-a-vis the Legal Requirement Standard

Using this standard, the Ad Hoc Committee finds the past practice of EMU's PSOC to be generally in accordance with Michigan State Law. For each of the years for which we have been able to acquire records[17], there appears to have been an official PSOC body with formal membership consisting minimally of 2 students, 2 staff and 2 faculty. In addition, these members appear to have been generally nominated to the body by democratically elected bodies such as the Faculty Senate, Staff unions, and Student Government.

However, several key questions require further clarification: First, it remains unclear to the Ad Hoc committee whether the term "elected" in MCL 390.1511 refers to a general and open election process for the entire body, or whether nominations coming from otherwise recognized bodies are sufficient. The PSOC Guidelines provide contradictory information regarding this process. Second, the law seems unclear as to whether additional members may be elected to the body, for example in the form of "alternates". Third, the jurisdiction and authority of the PSOC remains, in the opinion of the Ad Hoc Committee, partially opaque. This is especially the case when the activities of EMUPD off campus are taken into account. For example, it is not clear whether members of the broader Ypsilanti community, though potentially subject to EMUPD authority even when off campus, may place a complaint with PSOC nor what form of representation they are legally allowed within the body.

- **Recommendation:** The Ad Hoc Committee recommends Legal Counsel seek clarification and duly circulate resolutions to the following questions:
    - Does MCL 390.1511 refer to an open election or can duly nominated individuals from named bodies be sufficient?
    - What is the legal status of "alternates" under both Michigan law and the PSOC bylaws?
    - What is the clearly stated jurisdiction and authority of PSOC, especially in relation to off campus activities and individuals?

PSOC Bylaws Standard

The Ad Hoc Committee also evaluated the practices of the PSOC relative to its own bylaws. One challenge in this regard was that those bylaws have not been made publicly available. On July 9, 2020, before the creation of the ad hoc committee, Dr. Karpiak placed a request with legal counsel for a copy of the current PSOC bylaws. On July 15, 2020, after being cleared by

[17] However, it is worth noting that these records are partial and incomplete. See the section Pubic Reporting and Transparency below for further recommendations on this matter

The Freedom of Information Act ("FOIA") Office of Eastern Michigan University, the current bylaws, being adopted on Jan 13, 2016, were released in an email to him[18]. The Ad Hoc Committee, during the course of its evaluation, was able to obtain additional copies of PSOC bylaws dating to 1996 and 2015[19].

One relevant component of the bylaws adopted Jan 13, 2016 pertains to the minimally required occurrence of an annual organizational meeting. The bylaws state that:

> *The first meeting of the committee each academic year will be an organizational meeting. It will be called by the University Attorney as soon after the beginning of the Fall semester as practicable. At this meeting the officers of the Committee shall be elected and other such organizational matters as necessary shall be decided. Any pending business shall also be brought forth, as necessary.*

In addition, the bylaws stipulate in great detail the process by which various organizations within the EMU community can nominate members, and that those nominations are to be confirmed via a campus-wide vote. For example, the bylaws state that:

> *Each election cycle, each unit above shall designate a single nominee and a single alternate. Then, the campus community shall elect two committee members from among the Student Unit nominees; two from among the Faculty Unit nominees; and two from among the Staff Unit nominees. EMU's Legal Affairs Office shall collect all nominations, administer the campus-wide election, and tally the votes. All nominations shall be submitted no later than November 1 in any given year.*

Findings and Recommendations vis-a-vis the PSOC Bylaws

In evaluation of these materials, two sets of concerns were raised by the Ad Hoc Committee: one set having to do with their concordance with Michigan State Law, the other set of concerns pertaining to recent practice relative to PSOC bylaws[20]. As for the first of these concerns, regarding the concordance of PSOC bylaws with Michigan State Law, the Ad Hoc Committee found that, although there appears to have been some past discordance, current PSOC bylaws do not appear to violate state law either in spirit or letter. For example, while the bylaws enacted on June 28, 1996 appear to violate the rules set forth in MCL 390.1511 as to the body's composition, this problem appears to have been corrected by at least the revision approved on Dec. 9, 2015.

The Ad Hoc Committee found more concerning the disjunct between recent practice and existing bylaws. For example, the Ad Hoc Committee found that, in apparent violation of its bylaws, the PSOC has not consistently met the minimally required annual organizational

---

[18] See the Appendix for both a copy of this request and the current bylaws

[19] See the Appendix.

[20] In many instances, the Ad Hoc Committee found current PSOC bylaws to be in discordance with national best practice standards. For more discussion of these, see the section entitled Standards under National Association for Civilian Oversight of Law Enforcement (NACOLE) principles of effective oversight, below.

meeting outlined in its bylaws[21]. It is also the Ad Hoc Committee's finding that recent practice has not followed the guidelines pertaining to the nomination and election of PSOC members. The Ad Hoc Committee's concerns are inclusive of the election occurring during the Fall 2020 semester, as neither the nomination process nor the general election appear to have been held in accordance with PSOC guidelines.

- **Recommendation:** The Ad Hoc Committee recommends that PSOC's working bylaws be shared publicly via the newly created PSOC website. This recommendation may extend to an archive of previous working bylaws[22].
- **Recommendation:** The Ad Hoc Committee recommends PSOC institute a regular meeting schedule, at the very minimum to meet the requirements of the existing bylaws. Ideally this meeting schedule would be shared publicly via the University calendar. This may include changing its bylaws to establish more frequent and regular meetings beyond the one required meeting per year, and regardless of complaints investigations.
- **Recommendation:** The PSOC should also conduct yearly reviews of its policies, priorities, and procedures, taking into consideration evaluations from complainants and assessing their adherence to Procedural Justice principles.
- **Recommendation:** The Ad Hoc Committee recommends earlier, more proactive, more consistent, and more widespread communication about the nomination and election process for PSOC members. This should include direct communication to the nominating bodies as well as broad publicity through University communications, including both email and social media[23].

Standards under National Association for Civilian Oversight of Law Enforcement (NACOLE) principles of effective oversight

The Faculty Senate resolution which commissioned this Ad Hoc committee begins by noting that

> *"...recent movements have centered the call to re-imagine, re-invest and re-structure public safety in all its forms, including university-based police departments. National examples of these include the #8Can'tWait[24] campaign, statements from professional organizations,[25] policy recommendations such as "Changing the Law to Change Policing:*

[21] This deficit was corrected during the course of the Ad Hoc Committee's investigation.
[22] For a further discussion of Ad Hoc Committee recommendation for transparency and institutional record keeping, see the below section entitled Public Reporting and Transparency.
[23] For more recommendations for how contractually identified partners may be more fully incorporated into the work of PSOC, see the below sections entitled Sustained Stakeholder Support, Community Involvement, and Community Outreach.
[24] "#8Can'tWait: A project of Campaign Zero" https://8cantwait.org/
[25] See especially the National Association for Civilian Oversight of Law Enforcement's (NOCALE) "Civilian Oversight of Law Enforcement Necessary for Meaningful Reform" (June 2, 2020)

First Steps,[26]" and Congressional bills such as the "People's Justice Guarantee"[27]. On the State level, these have included recent proposals for reform from the Department of Attorney General,[28] the Office of the Governor,[29] and Michigan Senate[30]. Locally, this has included calls from governmental bodies[31] and community organizations[32] as well as our own academic Departments[33]."

We have taken this statement to highlight the need to go beyond current legal minimum standards in public safety to ensure broad participation and transparency in a way that assures the safety, well-being and consent of all members of the EMU community. Furthermore, the stipulation that the Ad Hoc Committee's duties may include "Outlining national trends in best practice for addressing these challenges... [including] recommendations for the process whereby public safety at EMU can be aligned with national best practices" led us to search for established standards that could provide a groundwork for such assessment. The National Association for Civilian Oversight of Law Enforcement (NACOLE), the largest professional association and certification board for civilian police oversight practitioners, suggests 13 principles for effective oversight[34]. It is therefore useful to evaluate the ad hoc committee's findings in relation to these principles.

Independence

According to a 2020 report from NACOLE[35],

---

https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/1/attachments/original/1591134883/NACOLE_Floyd_Press_Release_FINAL_20200602.pdf?1591134883

[26] "Changing the Law to Change Policing: First Steps" (Note especially the recommendations at the "local level" aimed at municipalities include "accountability systems") https://law.yale.edu/sites/default/files/area/center/justice/document/change_to_change_final.pdf

[27] "Rep. Pressley Launches A Bold, Progressive Criminal Legal Reform Resolution: The People's Justice Guarantee" (November 14, 2019) https://pressley.house.gov/media/press-releases/rep-pressley-launches-bold-progressive-criminal-legal-reform-resolution-people

[28] "Nessel Announces First Seven Proposals for Police Reform in Michigan" (June 16, 2020) https://www.michigan.gov/ag/0,4534,7-359-92297_99936-531996--,00.html

[29] "Governor Whitmer Expands Law Enforcement Commission to Include Civil Rights Director, Community Leaders" (June 12, 2020) https://www.michigan.gov/whitmer/0,9309,7-387-90499-531785--,00.html

[30] "Irwin on Senate passage of bill to improve police officer training" (June 4, 2020) https://senatedems.com/irwin/news/2020/06/04/irwin-on-senate-passage-of-bill-to-improve-police-officer-training/

[31] "Ypsilanti City Council hosts public forum on police reform" *Eastern Echo* June 20, 2020 http://www.easternecho.com/article/2020/06/ypsilanti-city-council-hosts-public-forum-on-police-reform "Ann Arbor council prepares for possible battle with union over police reform" *MLive.com* July 7, 2020 https://www.mlive.com/news/ann-arbor/2020/07/ann-arbor-council-prepares-for-possible-battle-with-union-over-police-reform.html

[32] "Local leaders discuss what's next for racial justice in Washtenaw County" by Sarah Rigg of *On the Ground Ypsilanti* https://www.secondwavemedia.com/concentrate/features/racialjusticewashtenaw.aspx

[33] Cf. Department of Sociology, Anthropology & Criminology Statement on Police Brutality, June 2020

[34] Angelis, Joseph De, Richard Rosenthal, and Brian Buchner. 2016. "Civilian Oversight of Law Enforcement: Assessing the Evidence." Washington, DC.

[35] National Association for Civilian Oversight of Law Enforcement. 2020. "Thirteen Principles for Effective Oversight." Washington, D.C.

> *"One of the most important and defining concepts of civilian oversight of law enforcement is independence. In its broadest sense, it refers to an absence of real or perceived influence from law enforcement, political actors, and other special interests looking to affect the operations of the civilian oversight agency. In order to maintain legitimacy, an agency must be able to demonstrate the extent and impact of its independence from the overseen law enforcement agency — especially in the face of high-profile issues or incidents."*

The Ad Hoc Committee found that, while generally PSOC members reported a sense of independence in the complaints-review process, there were reported incidents in which EMUPD has, in the past, influenced the activities, priorities and recommendations of PSOC. This has included attempts to *a priori* establish the parameters of the investigative process and potential disciplinary recommendations.

- **Recommendation**: The Ad Hoc Committee recommends that PSOC should consistently emphasize and enforce the bylaw stipulation whereby non-committee members (including *ex officio* members) should be present only by invitation and should not be present during the review process or be allowed to comment on recommendations before they are submitted.

- **Recommendation:** The Ad Hoc Committee recommends that PSOC and the Office of the President (to which it reports) should work collaboratively to develop ways to strengthen the operational independence of PSOC, emphasizing the need to be a topic of continued consideration and vigilance. This conversation should include discussion of PSOC's relation to EMU Legal counsel, including clarification of each body's roles and responsibilities during each stage of an escalating complaint (up to, and including lawsuits, etc.)

- **Recommendation:** The Ad Hoc Committee recommends that PSOC should organize the content and frequency of its meetings so as to allow time for setting its own independently generated proactive priorities.

Clearly Defined and Adequate Jurisdiction and Authority

NACOLE suggests that,

> *"An oversight agency's jurisdiction and scope of authority are crucial to its success and effectiveness. While expectations regarding civilian oversight can vary significantly, having adequate jurisdiction and authority are fundamental in achieving organizational goals and ensuring the oversight agency can be responsive to communities…. An agency that is not given sufficient authority and jurisdiction to perform its mission simply cannot be effective. While there is no "best" oversight model for all contexts, stakeholders must ensure that the level of authority an oversight agency has in relation to its core oversight functions permits the*

agency to successfully perform its duties to the greatest degree possible and without limitation[36]."

The Ad Hoc Committee found that, with a few important exceptions, the Jurisdiction and Authority of PSOC has been **relatively well defined**. The most notable of these exceptions is the fact that the power to conduct hearings during the complaint review process was seemingly unknown to several PSOC members. This is an important aspect of oversight powers, necessary for the adequate execution of its authority.

Among the remaining questions includes those pertaining to the participation of and responsibilities to community members not formally affiliated with EMU. This raises special concern for matters of determining who can file complaints with the PSOC as well as whose voices can be heard in their policies and decisions[37].

In addition to the above challenges, the Ad Hoc Committee finds that the Jurisdiction and Authority of PSOC has been narrowly defined, focusing exclusively on reacting to complaints forwarded to it by EMUPD, in such a way as to be **inadequately aligned with national best practices**, as represented in the NACOLE principles discussed in this report.

- **Recommendation:** The Ad Hoc Committee recommends that PSOC seek clarification with Legal Counsel clarifying its responsibilities, jurisdiction and authority in relation to community members not formally associated with EMU.
- **Recommendation:** The Ad Hoc Committee recommends that PSOC explore ways its jurisdiction and authority might be expanded so as to be more adequately aligned with national best practices. This may include changing its bylaws to establish more frequent and regular meetings regardless of specific or pending complaints, so as to allow PSOC to set its own priorities, facilitate intra-committee communication, allow outreach, make space for identifying patterns, and address other of the NACOLE principles discussed in this report.

Unfettered Access to Records and Facilities

NACOLE recommends that,

"Unfettered access to the subject law enforcement agency's records is vitally important for effective civilian oversight…. The ability to review all records relevant to an investigation or other matters within the scope of a civilian oversight agency's authority in a timely manner is essential to providing effective, informed, and fact-driven oversight. Similarly, agencies performing correctional oversight must have unfettered access to facilities and staff. Without timely and reliable access to

[36] Ibid.

[37] For more discussion of these challenges and Ad Hoc Committee recommendations pertaining to them, see the section entitled Community Involvement

department records, information, and facilities, oversight practitioners and volunteers cannot make decisions that meaningfully address areas of concern[38]."

The Ad Hoc Committee found that in the majority of instances PSOC members were satisfied in their access to evidence they considered necessary to make their final decision. However, there have been instances in which PSOC members voiced a desire for additional information which they were denied. This has included information regarding past disciplinary records, personnel records relating to internally identified "problem behaviors", and employment histories of affected employees, as well as direct access to individuals involved in standing complaints. Additionally, the Ad Hoc Committee found that the ultimate source of such roadblocks remains unclear, perhaps stemming from multiple legally mandated restrictions, including: Federal law, Michigan state law, and EMU labor agreements with the Police Officers Association of Michigan.

- **Recommendation:** The Ad Hoc Committee recommends that the President's Office work alongside EMUPD and University Legal Counsel in order to formally assure PSOC's unfettered access to all records and data legally possible.

- **Recommendation:** The Ad Hoc Committee recommends that PSOC, in collaboration with the Office of the President and Legal Counsel, explore ways to make such information available when PSOC deems it necessary to the adequate completion of its charge. This could include, as warranted, advising the EMU Collective Bargaining Team of its importance as a point of concern in its next contract negotiation with the Police Officers Association of Michigan. It may also include encouraging the Office of the President and its State Legislative team to explore the possibility of amending provisions in state law that block such access.

Access to Law Enforcement Executives and Internal Affairs Staff

NACOLE's guidelines suggest that

"The effectiveness of civilian oversight can hinge on an agency's ability to effectively communicate with law enforcement officials regarding matters of concern identified throughout the course of the oversight agency's work. Sustained dialogue and communication between law enforcement and oversight stakeholders promotes cooperation and ensures that those involved can develop mutual understanding and support for each other's role in promoting greater accountability. Legislation establishing civilian oversight should require that law enforcement agencies provide timely, written, and public responses detailing why a particular recommendation was either accepted or rejected…. These responses are crucial to informing the public of how, if, and why or why not issues identified by the civilian oversight agency will be addressed[39]."

[38] National Association for Civilian Oversight of Law Enforcement. 2020. "Thirteen Principles for Effective Oversight." Washington, D.C.
[39] Ibid

The Ad Hoc Committee found that, although PSOC bylaws allow for the body to request the presence of affected parties, in practice access to law enforcement staff has been inconsistent over the course of PSOC's operation, in large part dependent on the decisions of the EMUPD. It also found that communication of and justification for final decisions have not been adequately circulated.

- **Recommendation:** The Ad Hoc Committee recommends that terms of access be made explicit and regularized, with priority given to making as available as possible under labor agreements and applicable law, including such law as pertaining to individual privacy.
- **Recommendation:** The Ad Hoc Committee recommends that it be made standard practice to communicate final decisions of the President, along with their justification to all PSOC members and affected parties.

Full Cooperation

NACOLE's guidelines suggest that

> *"In addition to having access to relevant records and department executives, effective civilian oversight requires the full cooperation of all officers and department staff throughout the course of its work.6 Full cooperation is necessary for conducting thorough investigations and obtaining sufficient information for any work performed by the civilian oversight agency. The conditions of such cooperation must respect due process rights and an individual's constitutional right against self-incrimination. Cooperation with civilian oversight should be a condition of employment for all officers and staff within the agency's jurisdiction[40]."*

The EMU Ad Hoc Committee found little evidence for concern pertaining to cooperation. However, while the Ad Hoc Committee applauds recent efforts on the part of EMU administration to support the work of PSOC[41], it finds that such efforts draw a stark contrast with previous practice which did not maintain lines of regular communication nor take steps to proactively inform the EMU community about the existence of PSOC and its mission.

- **Recommendation:** The Ad Hoc Committee recommends continued exploration of ways that the President's Office can support the overall mission of the PSOC. Such opportunities may be more easily identified through establishing more regularized avenues of communication, though which PSOC goals, priorities, and needs may be conveyed.

Sustained Stakeholder Support

NACOLE's guidelines suggest that

---

[40] Ibid

[41] See especially the section entitled Changes to PSOC in Interim

> *"Ongoing engagement with and support from stakeholders regarding local public safety and law enforcement-related issues is an important component of effectiveness. An otherwise well-designed civilian oversight mechanism can be undermined over time by a lack of meaningful support from those who can contribute to an agency's success…. While establishing and supporting civilian oversight may be politically expedient in times of crisis, successful oversight requires the sustained support and interest of stakeholders who value independence, accountability, and transparency…. An agency's ability to maintain this support may be a function of its outreach to those stakeholders. Maintaining productive relationships, even in times where disagreement and conflict may be unavoidable, will be crucial to future problem-solving, cooperation, and collaboration on key issues[42]."*

The Ad Hoc Committee found the largest challenge to sustained stakeholder support to be the general problems of recruitment and outreach[43]. For example, knowledge of and participation in annual elections to PSOC has been irregular across the University. Among the stakeholders identified in MCL 390.1511 and PSOC bylaws, the Ad Hoc Committee found the sustained support of student stakeholders to be especially problematic. The Ad Hoc committee further found that the challenge of sustained student support to be largely a structural one, stemming less from student abilities or enthusiasm than from a relative lack of support for their functional inclusion.

- **Recommendation:** The Ad Hoc Committee recommends the President's Office, Legal Counsel and PSOC work together in order to develop practices whereby recruitment to the PSOC is made more transparent and broadly understood. This should include wider communication about the existence of the PSOC, its purpose, and the responsibilities attached to participation.
- **Recommendation:** The Ad Hoc Committee recommends efforts to communicate to each prescribed stake holding body (Faculty, Staff, and Students) the need for, and duties of, elected alternates.
- **Recommendation:** The Ad Hoc Committee recommends that the President's Office, in cooperation with PSOC and Student Government, explore ways to invest in, support, and enable sustained student participation.

Adequate Funding and Operational Resources

NACOLE's guidelines suggest that

> *"Allocating sufficient resources to civilian oversight is a crucial determinant to effectiveness…. To ensure that work is being performed thoroughly, timely, and at*

[42] National Association for Civilian Oversight of Law Enforcement. 2020. "Thirteen Principles for Effective Oversight." Washington, D.C.

[43] See the sections entitled Community Outreach and Public Reporting and Transparency for a further discussion and recommendations on this issue.

a high level of competency, adequate resources are necessary. Political stakeholders must ensure that their support for civilian oversight includes a sustained commitment to provide adequate and necessary resources. Providing adequate funding can signal a commitment to reform that may lead to greater cooperation by law enforcement executives and unions…. Similarly, civilian oversight agencies must have the resources to retain experienced professional staff, provide staff and volunteer board or commission members with adequate training on a regular basis, perform community outreach, and disseminate public reports and other outreach materials in order to be effective[44]."

The Ad Hoc Committee found that PSOC participants generally reported adequate funding and resources for past activities. However, as noted, the Ad Hoc committee finds these activities to have been so narrowly defined as to be inadequately aligned with national best practices. For example, there have been no efforts at offering training in or guidelines for civilian oversight of law enforcement for PSOC members. To address such problems, this report envisions an expanded scope and charter for the PSOC. One result of this expansion is likely to be a significant increase in the workload of PSOC participants. While the Ad Hoc Committee does not find this increased workload to be itself problematic, it does highlight the need to consider additional ways to support the work of faculty, staff and students on PSOC.

- **Recommendation:** The Ad Hoc Committee recommends the President's Office work together with members of the PSOC in order to re-evaluate the required funding and operational resources necessary to assure the continued success of PSOC.
- **Recommendation:** The Ad Hoc Committee recommends the allocation of resources to support, at minimum, basic training in the responsibilities and challenges of civilian oversight of law enforcement for members of the PSOC, such as that offered by the National Association for Civilian Oversight of Law Enforcement (NACOLE).

Public Reporting and Transparency

NACOLE's guidelines suggest that

"An independent entity bringing transparency to a historically opaque process is a fundamental goal and component of civilian oversight. Civilian oversight provides a unique opportunity for the public to learn about misconduct complaints and other areas of the law enforcement agency that serves the community. As such, issuing regular public reports is critical to an agency's credibility…. A civilian oversight agency should, at a minimum, issue one written report to the public each year…. Reports should be written in an accessible manner that allows the public to clearly understand the agency's authority, purpose, procedures, and accomplishments. In addition, they should include as much information related to the agency's mandate and operations as can be disclosed by law, including patterns and trends in

[44] National Association for Civilian Oversight of Law Enforcement. 2020. "Thirteen Principles for Effective Oversight." Washington, D.C.

complaints or discipline, the agency's recommendations and activities for the year, and issues that may be of concern to the public. Sufficiently resourced oversight agencies should seek to produce more frequent reports and, where appropriate, issue special reports on specific matters such as the findings of a particular policy review, audit, or investigation[45]."

Along with the related dimensions of Community Outreach and Community Involvement[46], the Ad Hoc Committee found the issue of Public Reporting and Transparency to be one of the areas in which the past practice of PSOC diverged most widely from current national standards of best practice. Up until quite recently, there was no easily accessible public vehicle describing the existence of PSOC, nor adequate opportunities for members of the public to be appraised of its activities and decisions[47]. PSOC bylaws were not publicly disseminated nor easily accessible[48]. Neither PSOC membership nor its activity have been described in any publicly oriented way, leaving the broader EMU community generally unaware of the PSOC's existence, responsibilities, and operations. Furthermore, the Ad Hoc committee finds this lack of public awareness to culminate in a situation where the broader EMU community may have concerns about the operations and the state of public safety on campus more generally.

- **Recommendation:** The Ad Hoc Committee recommends that the newly established website be further developed in order to accentuate the degree of public transparency and reporting associated with the PSOC. This should include: a copy of the most recently approved bylaws governing PSOC activities as well as a link to relevant state or even Federal law; a form via which individuals might submit a complaint directly to PSOC; a description or link to the PSOC meeting schedule; an archive of current and past annual reports (as described in the recommendation below). The PSOC should also work with IT Services to consider ways to increase the public profile of the PSOC within the EMU web ecosystem.

- **Recommendation:** The Ad Hoc Committee recommends the PSOC explore more robust mechanisms for assuring the long-term institutional memory and archive of PSOC activities. This should, as minimum, include records of all past PSOC members. It should also include an archive of past meeting minutes, even if they must exist under special protection due to concerns for confidentiality.

- **Recommendation:** The Ad Hoc Committee recommends that the PSOC publish annual reports detailing its membership and activities over the course of the year. The Ad Hoc committee recommends that this include aggregated data on the cases they've examined, with personally identifiable information removed.

- **Recommendation:** The Ad Hoc Committee recommends that PSOC develop a more frequent and regular meeting schedule and that this schedule be posted to the University

[45] Ibid
[46] See the sections Community Outreach and Community Involvement below.
[47] See the section Changes to PSOC in Interim for these most recent changes
[48] See especially the section PSOC Bylaws Standard

calendar for public access. The Ad Hoc committee also recommends that aspects of the PSOC activities not associated with confidentiality concerns be made open to the public and that at least some of those meetings have time reserved for public comment.

Policy and Patterns in Practice Analysis

NACOLE's guidelines suggest that

> *"Performing analyses of law enforcement policies and patterns in practice may be among the most critical functions a civilian oversight agency can perform…. Such analyses have great potential to advance the goals of effective civilian oversight by addressing systemic problems of law enforcement agencies and by formulating recommendations that will improve relations with communities. By performing data-driven and evidence-based analyses of specific issues, oversight agencies can pinpoint areas of concern and formulate recommendations for improvement. To hold the overseen law enforcement agency's executives accountable, timely, written responses to the oversight agency's recommendations should be required and made public[49]."*

The Ad Hoc Committee found no evidence of past PSOC activity devoted to either Policy or Patterns in Practice Analysis, which suggests a wide divergence from national standards of best practice in civilian oversight of law enforcement. The Ad Hoc Committee finds that this deficit is in large part because such analysis was not in the past considered within the scope of PSOC's charter, suggesting that this may need to be explicitly incorporated into PSOC bylaws if it is to be adequately addressed.

- **Recommendation:** The Ad Hoc Committee recommends that the PSOC consider revising existing bylaws so as to reflect a broader mandate. This revised mandate would incorporate a proactive approach to reviewing policies, patterns, etc. and making recommendations on them.

- **Recommendation:** The Ad Hoc Committee recommends that the PSOC regularly apportion meeting time for policy and patterns in practice evaluation as part of a more frequent and regular meeting schedule at least partially open to the public. In addition to allowing time for analyzing existing policy and for identifying patterns in practice, an expanded meeting schedule would allow PSOC to better set its own priorities[50], facilitate intra-committee communication[51], and allow outreach[52].

---

[49] National Association for Civilian Oversight of Law Enforcement. 2020. "Thirteen Principles for Effective Oversight." Washington, D.C.

[50] See the related recommendation in the section Independence

[51] As, for example, outlined in recommendations in the Full Cooperation and Public Reporting and Transparency and Sustained Stakeholder Support sections

[52] As detailed in the recommendations in the Community Outreach and Community Involvement sections

- **Recommendation:** The Ad Hoc Committee recommends that PSOC pay special attention to patterns in disciplinary outcomes within EMUPD, and that these should be included in its annual report as anonymized data published in aggregate form.

- **Recommendation:** The Ad Hoc Committee recommends that the PSOC work with EMUPD to develop early intervention mechanisms which incorporate PSOC findings on patterns in practice analysis in order to identify potential systemic problems.

- **Recommendation:** The Ad Hoc Committee recommends that the PSOC work alongside EMUPD to make publicly available (through either or both organization's website) EMUPD policies on use of force, de-escalation, training, sensitivity to racial & gender factors, and disciplinary procedures.

- **Recommendation:** The Ad Hoc Committee recommends that the PSOC work with EMUPD to publish data on police activity and employee demographics (race/ethnicity/gender/residency). This could be as part of an annual report or via another publishing mechanism such as the PSOC or EMUPD website.

- **Recommendation:** The Ad Hoc Committee recommends that the PSOC lead a broader community-engaged discussion on the types of data most useful for assessing and establishing trust in public safety, as well as how to best communicate and share it

Community Outreach

NACOLE's guidelines suggest that

> *"In many cases, civilian oversight is established amid community calls for greater accountability following a high-profile incident involving local law enforcement…. As an institution representing the interests of the local community, conducting outreach to the community and local stakeholders is essential to effective civilian oversight…. Outreach enables an oversight agency to build awareness of its existence, share reports and findings with the public, build relationships with stakeholders, recruit volunteers, solicit community input and involvement, facilitate learning and greater understanding, broker improved relationships, build coalitions, and develop a greater capacity for problem-solving…. These functions are crucial to an agency's transparency, credibility, responsiveness, accountability, and accessibility, and overall ability to successfully maintain public support and legitimacy*[53]*."*

The Ad Hoc Committee found that Community Outreach has been entirely absent from PSOC activities to date. While the Ad Hoc Committee finds this deficit to be the result of a narrowly defined mandate and not willful neglect, it further finds that this deficit has the potential to undermine public confidence in the PSOC and, more generally, public safety on campus. A chief problem in this regard is the relative lack of awareness, until perhaps very recently, of the

[53] National Association for Civilian Oversight of Law Enforcement. 2020. "Thirteen Principles for Effective Oversight." Washington, D.C.

PSOC and its activities. This relative lack of awareness, the Ad Hoc Committee finds, may leave community members with the impression that there are no mechanisms in place through which their concerns might be addressed, leaving them effectively estranged from participation in the broader EMU community.

- **Recommendation:** The Ad Hoc Committee recommends the PSOC explore ways to use the newly existing website as a portal to the broader community. This should include a set of static resources available to concerned individuals, as well as more dynamic and interactional content that can elicit broader engagement. The PSOC should consider whether a social media presence could enhance this dynamic content.
- **Recommendation:** The Ad Hoc Committee recommends the PSOC begin to incorporate outreach into its regular activities. This should include informational sessions open to the general public as well as workshops, seminars, or presentations hosted by specific community partners and stakeholders.
- **Recommendation:** The Ad Hoc Committee recommends that the PSOC regularly host listening sessions with various stakeholders at EMU and the broader Ypsilanti community in order to better understand community priorities and goals for public safety.

Community Involvement

NACOLE's guidelines suggest that

> *"Effective civilian oversight requires community involvement…. Community and stakeholder input regarding how civilian oversight should function and which accountability issues it should address will result in the creation of a "best fit" oversight system that can meet community needs and expectations. Without sufficient involvement of those most interested in and impacted by local issues regarding law enforcement, it is unlikely that civilian oversight will be able to successfully accomplish its goals[54]."*

The Ad Hoc Committee found that Community Involvement is largely absent from the operations of the PSOC given the narrowly defined mandate in which "community" consists largely of the few individuals elected as the legally mandated representatives to the body. However, national best practices indicate that community involvement should be conceived as a more far-reaching activity, extending beyond even the constituent bodies named in PSOC bylaws and Michigan state law to all those groups potentially affected by the practices of EMUPD. The Ad Hoc Committee further finds that, since the activities of EMUPD extend off campus, and since EMUPD is of a comparative size and resource base as Ypsilanti City PD, it potentially affects the broader Ypsilanti community in ways that are not yet fully understood. Finally, the Ad Hoc Committee finds this situation especially concerning given the potential that there be a significant portion of the broader community affected by EMUPD without significant formal input into its oversight body.

[54] Ibid

- **Recommendation:** The Ad Hoc Committee recommends that PSOC work together with the President's Office and EMUPD in order to build bridges to a large array of community partners. This should include, first and foremost, the EMU student body, but should also include the larger Ypsilanti community.

- **Recommendation:** The Ad Hoc Committee recommends that PSOC, in cooperation with the President's Office and EMUPD, should work to identify potential community partners. This may include, among others, the Ypsilanti Police Advisory Commission (PAC).

- **Recommendation:** The Ad Hoc Committee recommends that the bodies which nominate candidates for participation in PSOC incorporate criteria which give value to broader community connections when evaluating candidates.

- **Recommendation:** The Ad Hoc Committee recommends that PSOC create at least one *ex officio* position for a community partner not directly affiliated with EMU. PSOC can request that Legal Counsel clarify legal parameters in which such a community partner might participate in PSOC activities, however the Ad Hoc Committee notes that in other matters (such as for Humans Subjects Research Boards) such community liaisons are routine practice and even Federally mandated.

- **Recommendation:** The Ad Hoc Committee recommends that PSOC work with the Office of the President and the EMU Legislative team to work with state legislators in order to explore the possibility of amending the provision in Michigan law that fails to incorporate community partners in civilian oversight.

Confidentiality, Anonymity, and Protection from Retaliation

NACOLE's guidelines suggest that

> *"Effective civilian oversight must function with the same integrity, professionalism, and ethical standards it expects from and promotes for law enforcement. Stakeholders and the community must remain confident that civilian oversight will protect sensitive information as well as those who disclose it. An oversight agency cannot maintain credibility, legitimacy, and public trust if it does not or cannot respect confidentiality agreements, maintain the anonymity of those who wish to share information anonymously, and work towards creating an environment where those involved with or contacting the oversight agency can do so without fear of retaliation or retribution.[55]."*

One significant limitation for our findings on this issue was that the Ad Hoc committee was not able to talk to any complainants nor were any records of participant satisfaction made available nor is it clear to date whether such comprehensive records exist. For this reason, it is hard to make conclusions about any potential issues or concerns. With this caveat in mind, the EMU

[55] Ibid

Ad Hoc Committee found no significant issues pertaining to Confidentiality, Anonymity and Protection from Retaliation. During the course of focus group conversations, there was significant caution voiced by PSOC members that the anonymity of participants be safeguarded. The Ad Hoc committee finds this an illustration of the seriousness and caution with which such issues have been handled by PSOC members. Our further finding is that caution is at least in part a result of EMU Legal Counsel's emphasis on this issue when debriefing PSOC members.

- **Recommendation:** There should be a mechanism early in the process, potentially on the initial complaint form, in which complainants might be able to express a concern over Confidentiality, Anonymity and Retaliation. The PSOC should then take all necessary steps to address that concern before the complaint review process begins.
- **Recommendation:** The PSOC and EMU need to invest in broader outreach and follow up with individuals who have issued a complaint reviewed by PSOC. This could include a follow-up survey or interview at the end of the process in which complainants are given an opportunity to speak to their concern over Confidentiality, Anonymity and Retaliation.
- **Recommendation:** The PSOC should include in its annual report anonymized data concerning such reports as well as the efforts it has taken to respond to concerns over Confidentiality, Anonymity and Retaliation.

Procedural Justice and Legitimacy

NACOLE's guidelines suggest that

> *"Procedural justice and legitimacy should serve as core principles guiding the work and processes of effective civilian oversight. Rooted in behavioral psychology, procedural justice typically centers on how authority is exercised. For entities whose authority is established by law, the recognition of their right to that authority and perceptions of how fairly that authority is exercised are crucial components of legitimacy…. Research has shown that procedurally-just interactions between law enforcement and the community positively impact the public's compliance with laws... and willingness to assist in crime control efforts.... The literature has also shown that officer perceptions of a procedurally-just work environment is associated with reduced misconduct and corruption, ...as well as greater endorsement of policing reforms, reduced mistrust and cynicism with the community, willingness to obey supervisors, and increased officer well-being…. Though the literature on procedural justice and civilian oversight is relatively sparse, there is research supporting the notion that procedurally just complaint processes — where complainants report being satisfied with the quality of communication and the process… increase complainant satisfaction[56]."*

The Ad Hoc Committee found insufficient evidence that the principles of procedural justice guide the current processes of the PSOC. There was little to no evidence that complainants, or for

[56] Ibid

that matter those whom complaints have been filed against, were incorporated as active participants working towards a resolution considered mutually just. As suggested by the recommendations of national best practice, the Ad Hoc Committee finds this omission may lead to a broad distrust or sense of illegitimacy in the process of oversight and review.

- **Recommendation:** The PSOC should make every possible effort to involve the complainant in the review process to ensure procedural justice and faith in the process. This involvement should include extending invitations to speak before the PSOC, as provided for in PSOC bylaws, as well as a clear explanation of the complaint review process at the time of complaint.
- **Recommendation:** The PSOC and EMU should invest in broader outreach and follow up with individuals who have participated in PSOC investigations. This could include a follow-up survey or interview at the end of the process.
- **Recommendation:** The PSOC should regularly review its bylaws and complaints review process to assess their adherence to Procedural Justice principles.

Committee Members

Dr. Peter Blackmer is Assistant Professor in the Department of Africology and African American Studies at Eastern Michigan University. His research interests include 20th Century African American history, grassroots social movements, urban politics, policing and state violence, and urban uprisings. He is a former research fellow with the Detroit Equity Action Lab in the Damon J. Keith Center for Civil Rights at Wayne State University Law School.

Dr. Marilyn Corsianos is Professor in the Department of Sociology, Anthropology and Criminology, and Women's & Gender Studies at Eastern Michigan University. Her research interests include institutions of social control, public and private policing, power and violence. She is committed to pursuing social change by identifying exclusionary practices in the production of knowledge and identifying more equitable policing systems. She is the author of *The Complexities of Police Corruption: Gender, Identity and Misconduct* (Rowman and Littlefield Press, 2012), the CHOICE Outstanding Academic Title *Policing and Gendered Justice* (University of Toronto Press, 2009), co-author (with Walter S. DeKeseredy) of *Pornography and Violence against Women* (Routledge, 2015), and, co-editor of *Interrogating Social Justice* (Canadian Scholars' Press, 2000). She has also authored numerous peer-reviewed articles and chapters and is currently working on a new book tentatively titled *The Harms of the US Criminal Legal System and the Case for Reform*. Dr. Corsianos has been invited by the Department of Justice to speak on gender and policing, served as an expert witness on police sexual misconduct at the Ontario Human Rights Tribunal, and, as a member of the Title IX Research Committee, was Co-investigator in the development of EMU's first campus climate survey on sexual violence. She is the recipient of prestigious awards including the Distinguished Scholar Award by the American Society of Criminology's Division on Women & Crime (2015), and EMU's Ronald W. Collins Distinguished Research Award (2014).

Dr. Kevin Karpiak is Associate Professor in the Department of Sociology, Anthropology and Criminology at Eastern Michigan University. He is the founder and Director of Southeastern Michigan Criminal Justice Policy Research Project (SMART) and co-editor of the Cornell University Press monograph series *Police/Worlds: studies in security, crime and governance*. He received his PhD in Cultural Anthropology from the University of California at Berkeley (2009), for which he conducted a multi-sited ethnography of French community policing reform that serves as the basis for his forthcoming book *The Police Against Itself: reassembling French liberalism "after the social"*. Since 2016 he has been conducting research on police oversight commissions in Washtenaw County, MI. He has authored numerous peer-reviewed articles & chapters as well as edited a special issue of the journal *Theoretical Criminology* and the volume *The Anthropology of Police* with Routledge press.

Dr. D. Robert Okopny, CIA, CMA, CFE and is an Internal Audit and Fraud Examination Professor at Eastern Michigan University. He has served on the Detroit Boards for the IIA (Past President) and ISACA for several years on various committees and provides guidance to the Directors for outreach to, and development of, future audit, IT and Fraud professionals. Bob teaches, researches, and provides professional services. His areas of expertise include Ethics, COSO Internal Control, Risk and Fraud. He has also taught CIA, CFP, CMA, and CPA Review

courses. Classes he has developed and taught, both at the graduate and undergraduate levels, include: Internal Audit, Fraud Examination, and International Accounting. Bob has also taught Management Accounting, External Auditing, Principles of Accounting for MBAs, Financial Accounting, Cost Accounting, Taxation, International Business Ethics, Advanced Cost Accounting, and Financial Statement Analysis. He also serves on the Global Ethics Committee of the IMA which is responsible for all aspects of ethics for the international organization. He is Advisor to the EMU IIA/ISACA/ACFE/IMA Student Chapter. He is Director of the IAEP Comprehensive Program. He has degrees in Economics (BS), Finance (MBA), MSA and PhD (Accounting). Bob previously worked for Ford (Finance) and Chrysler (International Internal Audit and Finance). Bob has given many professional presentations including many on Ethics, Risks, and Internal Controls.

List of Appendices

1. Research Tools
    a. List of survey questions
    b. List of focus group questions
2. PSOC Bylaws
    a. Adopted June 28, 1996
    b. Adopted December 9, 2015
    c. Adopted January 13, 2016
3. Email correspondence
    a. July 9, 2020 email approving FOIA request
    b. October 8th, 2020 email from University Communications inviting the EMU community to participate in a general election of PSOC nominees
    c. October 16, 2020 email from Legal Counsel
    d. November 6, 2020 Email from President Smith to the newly elected members of PSOC, honoring them for their commitment and reasserting the importance of their work.
    e. November 12, 2020 email from Chief of Staff
    f. November 18, 2020 email from Chief of Staff
    g. November 19, 2020 email from the Chair of the PSOC
    h. November 30, 2020 email from Chief of Staff
    i. November 20th, 2020 email from University Communications