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**CITY OF KALAMAZOO**  
**Citizens Public Safety Review & Appeal Board**  
**Tuesday, June 13, 2023 – 6:00 p.m. • Meeting**

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**MEMBERS PRESENT:** Chris Caldwell, Wally Ferrara, Curtis Gardner, Barbara Miller, Vernon Payne, Susan Stapleton, Larry Tolbert

**MEMBERS ABSENT:** Luis Garcia (excused), Ebony Hemphill (absent)

**CITY STAFF PRESENT:** Shelly Dusek (Human Resources Director); Assistant Chief Victor Green; Lieutenant Chuck Mason; Patricia Vargas (Executive Assistant)

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The Citizens Public Safety Review and Appeal Board (CPSRAB) Meeting was called to order at 6:00 p.m. by Chair Payne.

**Opening Remarks:** Director Dusek welcomed members, staff, and public to the June 13<sup>th</sup> CPSRAB meeting and clarified the in-person and live, call-in process for public comment during the Citizen Comments period.

**Minutes:** Board member Stapleton motioned and CPSRAB members moved by unanimous vote to approve the minutes from the April 11, 2023, meeting.

**PCR Report:** Assistant Chief Green and Lieutenant Mason answered Board questions.

**Traffic Stop Study Report:** Member Tolbert summarized report details and recommendations of the 2013 Traffic Stop Study Report (attached)

**My90 Citizen Survey:** AC green shared details, encouraged citizen participation and answered Board member questions.

**OIR Report:** Member Stapleton presented on the OIR Report Recommendations, calling attention to the recommendation outcomes as well as providing clarification on various OIR Report Recommendation responses.

**Board Member Comments:** Member Stapleton attended, applauded the experience, and encouraged participation to KDPS' Citizens Academy.

Chair Payne reiterated the in-person and live, call-in process for public comment during the Citizen Comments period.

**Citizen Comments:** None

**Next Steps:**

- Office of Professional Standards (OPS) Presentation (date to be determined)
  - Policing Updates (2023 vs. 2013), including:
    - Report on Traffic Study Stop Recommendations & Data Analysis
    - Stop Process Walk Thru
  - OIR Report
- My90 Citizen Survey
  - Get the word out. Promote and encourage citizen participation.
  - My90 Report links
    - April 2023 - <https://www.kalamazoocity.org/files/assets/public/plans-and-reports/my90-reports/2023-04-my90-report.pdf>
    - May 2023 - <https://www.kalamazoocity.org/files/assets/public/plans-and-reports/my90-reports/2023-05-my90-report.pdf>

**Next Meetings:** July 11, 2023  
August 8, 2023 (Appeal Hearing)

**ADJOURNMENT:** 7:04 p.m.

Patricia Vargas, Recording Secretary  
Shelly Dusek, Staff Liaison  
Vernon Payne, Chair

Date: April 24, 2023

To: CPSRAB Committee

Re: KDPS Traffic Stop Study (Summary of Report)

From: Larry F. Tolbert (Committee Chair)

The Traffic Stop Data Analysis Project for the City of Kalamazoo Department of Public Safety was completed by Lamberth Consulting, LLC in September of 2013. It is important to note that since this report, the information, and the follow-up into how the Kalamazoo Department of Public Safety has made positive changes and is functioning in an initiative-taking, informative, with transparency in eliminating racial profiling has not been updated. Without a follow-up study and analysis to compare the September 2013 report to how KPS is now functioning in the present. KDPS and the community will not know if the necessary changes suggested by the Lamberth Report have been implemented, enforced, and updated.

The Lamberth Consulting, LLC Report was completed in September 2013. The Lamberth group began collecting data starting in late 2011 and completed it in the February of 2012. The Group developed a software package and tested it after the data was collected. The report was released in 2013.

Data on the transient traffic population were collected at 12 locations throughout the city of Kalamazoo in the fall of 2011. The 12 locations for the deployed analysis were selected due to the high number of stops at each, traffic patterns that were relatively representative of the jurisdiction, as well as accessible for surveyors. Traffic surveys were conducted on randomly selected days and times at each location and were conducted over a two-month period by highly trained surveyors. This survey provided the benchmark data to which stop data was compared.

The study was initiated by KDPS Chief Hadley and received a great deal of support from individuals in the Kalamazoo community. From the beginning Kalamazoo department of Public Safety (KDPS) were able to call upon their resources of and components that are necessary to complete a study of this nature. For several

months we had surveyors out on the streets of Kalamazoo at all hours of the day or night and KDPS provided security for them so they could concentrate on accurately recording the data.

The study for KDPS addressed the following questions:

1. Is there any evidence of targeting of minority motorists and traffic stops conducted by the KDPS?
2. Which minority groups (i.e., Blacks and Hispanics), if any, are targeted?
3. In which location is targeting of any group likely to occur?
4. Are black and/or Hispanic drivers treated in a similar fashion after the stops occurs?

Pages 7, 8, 9, and 10 should be reviewed in its entirety to understand the how blacks and Hispanic members of the community are treated different for white members and even how blacks and Hispanic members are treated different from each other.

‘Relative to the percentage of black motorists stopped fewer are given citations, more are asked to exit the vehicle and searched, and considerably more black motorists are handcuffed and arrested than the benchmark suggest. However, when looked at the percentage of motorists who are carrying contraband, we find that black motorists are searched most--by quite a large amount and are least likely to be carrying contraband. This is true whether we view these numbers in relation to their presence among those stopped and searched and even more so their presence in traffic.’

‘By contrast Hispanic motorist were stopped slightly less often than would be expected by their presence in traffic. With regard to each of the post stop activities (citations, ask to exit vehicles, handcuffed, searched and arrested) Hispanics were subjected to these at about the same rate as they were stopped.

The study was initiated by KPS Chief Hadley and received a great deal of support from individuals in the Kalamazoo community. The study found that Black and Hispanic people were being profiled and stopped approximately 2-3 times at a higher rate than their White counterparts. It concluded that racial profiling did exist and made several recommendations in the report to stop the practice.

## Conclusion:

'First and foremost, the community in KDPS should understand that the most important change that must occur is in the culture of K DPS. KDPS is not unique among police departments in the United States in that they share societal stereotypes about African American citizens. The first step in changing police culture means that all policies and procedures of the department must be carefully reviewed and assessed for bias against African Americans specifically and all persons generally, either explicit or implicit. For example, KDPS officers choose to search approximately 6% of the motorists they stopped and the majority of them are African American. KDPS should carefully review its policy on searches and ensure that there are objective criteria required as a threshold for initiating high officer question searches.'

The Lamberth Consulting, LLC Traffic Stop Data Analysis Project goes on to reference many other reports done by agencies and universities throughout the United States in racial profiling.

The Activity Tracker that is compiled on a Monthly basis by KDPS could be the closest report to see if changes have occurred in racial profiling since the 2013 Lamberth Report. This could only be done through the dedication of man/hours in compiling the data in the same manner as the Lamberth Report. Locations, identification of race, reason of stop, what happen after the stop was made and what is the benchmark that should have occurred must be included in any follow up. As of today, the citizens of Kalamazoo don't know with scientific data if anything has changed in the racial profiling of its citizens in the last 10 years.

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## **RECOMMENDATIONS**

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1. KDPS should immediately review and revise its policies and procedures with particular emphasis upon traffic stops and all interactions with citizens. This review should be primarily concerned with any activities that may lead to excess enforcement activities with African American citizens.
2. A process for on-going evaluation and adjustment of the KPDS reward and recognition system (formal or informal ) should be developed and implement for purposes of assuring that staff are not rewarded or encouraged, either explicitly or implicitly for racial/ethnic targeting rather than behavioral targeting.
3. KDPS should continue to collect data on all traffic stops utilizing the software that was instituted for this study. In addition, the department should consider adding pedestrian contacts and any other high discretion (K-9 request, consent searches) enforcement activity to the data collection process.
4. KDPS should implement a process requiring enhanced management of all special investigative or enforcement patrols targeting crime reduction in specific areas of Kalamazoo. Enhanced management techniques should include supervisory evaluation of KPDS officer's decision-making and enforcement actions relative to traffic stop activities
5. KDPS should develop a policy providing general guidelines with regard to citing or not citing motorists who are stopped, when occupants can or should be asked to exit their vehicle, handcuffed, or searched. With regard to searches a clear policy should be developed providing decision-making criteria for discretionary searches. The policy should also describe supervisor responsibilities for evaluating and providing staff feedback relative to post stop activities.
6. After the review and revision of policy and procedures is completed KDPS should provide a carefully tailored training course for its Command Staff, front line supervisors and officers aimed at the following objectives:
  - a. Helping officers understand the results of this study and the meaning of those results for them as officers and supervisors of KDPS.
  - b. What changes are being initiated in policies and procedures and why they are being initiated.
  - c. Training on behavioral profiling and how it is a more efficient crime detection technique.
  - d. An emphasis on community engagement and methods to enlist community assistance in solving crimes.

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## Final Report

Kalamazoo Dept of Public Safety

Lamberth Consulting

- e. Implicit bias and how it effects policing.
7. KDPS should institute an "early warning" system with regard to stops made by its officers. Supervisors and officers should review all stops on a regular basis to determine how each officer compares to other officers who are "similarly situated" and department expectations.
8. KDPS should regularly report to its members and the citizens of Kalamazoo on the progress of its cultural change initiative. A comprehensive stakeholder report should be scheduled for sometime in early 2015 (this timing should give the corrective actions implemented time to begin to have an effect) and provide data and analysis on the following: proportion of motorists stopped, with a specific focus on African Americans, individuals cited, asked to exit their vehicles, handcuffed and searched. It should be emphasized that neither KDPS nor the community should expect that all targeting effects will be erased in this short time period.

## OIR Report Subcommittee- Stapleton, Miller and Payne

Meeting Notes for August 25, 2022; modified and updated 5/7/23 in yellow (SR Stapleton) and reviewed by subcommittee 5/9/23

In August the CBSRAB requested an update on the status of recommendations made in the OIR report as the published updates indicate there are several recommendations still in progress. In a recent correspondence from Chair Payne on April 30, we were informed of new information posted on the KDPS/City of Kalamazoo web page (<https://www.kalamazoocity.org/Government/Programs-Initiatives/Transparent-Public-Safety/KDPS-Documents>). This new information included a report on the use of My90, an engagement platform to gain feedback from police/citizen interaction that could lead to improved outcomes after service calls as well as an update on the status of the OIR report and recommendations. Interestingly the “Status on the OIR Report” when reviewed on April 30 indicated a report date of 9/1/22 and had a number of recommendations as still pending. Review of the “Status on the OIR Report” on May 6 and 7 noted a report date of still 9/1/22 but all of the pendings are now either Completed or listed as Ongoing Training. Since the date on the status report does not seem to change, it is unclear exactly when these updates are added to the transparency page. From our earlier meeting on August 25, questions remained regarding the OIR report recommendations. In this modified report, any new information that has been posted regarding the recommendation or questions about those recommendations that still remain are highlighted in yellow.

Questions regarding the OIR report recommendations from Aug. 25 include:

**#19 – Recommendation states that “KDPS should consider ways to prioritize and facilitate effective and comprehensive reporting related to uses of force by its personnel in the specific context of crowd management/crowd control, so as to overcome some of the inherent challenges to timeliness and specificity.**

Where all does the reporting on use of force occur?

Is the reporting to CPSRAB sufficient for informing citizens?

The current status to this recommendation indicates the following- Addressed in Policy 300.6 Update: "300.6 REPORTING THE USE OF FORCE Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident as outlined in KDPS Policy 314, Report Preparation"

Does the question still remain as to where does this reporting occur? Is the use of force tracked?

**#33 – Recommendation states that “The City’s leadership should work with KDPS and its community to establish agreed upon guidelines for when to call in the National Guard and publicize these to the community in advance of future events”.**

What is the status of the recommendations that encourage KDPS to work with City leaders and community members. When did the clock start for the 60-days to assemble a committee?

What do the following really mean?

“in collaboration with the community...” Who’s the community?

“establish agreed upon guidelines for when to call the National Guard...” How to anticipate? Who makes the call? Should certain standards/risks be met to determine when to call? E.g., 1-4 risks and when 5<sup>th</sup> risks becomes apparent, then is the call made (by KDPS Chief)

The current status to this recommendation is listed as “Complete”, however no other detail is provided.

Questions that still remain include-

Who did KDPS work with the establish agreed upon guidelines?

What guidelines were established?



Where will these guidelines be published?

**#37 – This recommendation states that “KDPS should handle each complaint as a unique matter, unless there is clear rationale for combining complaints into one file, which KDPS should document and communicate to the complainants”.**

What is the clear rationale for combining complaints into one file? What is the definition of a clear rationale? Is it arbitrary? Does a citizen understand the rationale? Does the policy reflect that clarification? KDPS would provide the clear rationale for combining complaints and make the rationale details public.

What is meant by “Should” document and communicate to the complainants”. How is this documented and communicated and who makes the decision on how and who?

The current status to this recommendation indicates the following- Addressed in Policy 1011 Update (1011.4.2) "KDPS should handle each complaint as a unique matter unless there is clear rationale for combining complaints into one file. If complaints are combined, it should be documented and communicated with the complainant(s) accordingly."

The questions asked before still remain and include-

What is considered a clear rationale?

Does a citizen understand the rationale?

What is meant by “Should” document and communicate to the complainants? The question is will they do this or not and how?

**#38 – This recommendation states that “KDPS should ensure that at the end of any complaint investigation, complainants are advised of the findings”.**

It was indicated originally that no Policy Change was Needed and that the findings would be communicated in a timely manner.

The Status has been changed and the words timely manner removed and now reads - No Policy Change Needed. In Current Policy 1011 (1011.10.3) "For PCR complaints, the Chief of Public Safety or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint and provided information on how to file an appeal with the Citizens Public Safety Review and Appeal Board (CPSRAB)."

**#39 – This recommendation states that “KDPS should follow its formal complaint review process for complaints within the statute of limitations, regardless of any third-party evaluation”.**

It is indicated that this is addressed in Policy 1011 Update (1011.3), however it was difficult to find the updated policy.

In the current Status document it indicates the following- Addressed in Policy 1011 Update (1011.3) "Complaints will be handled in accordance with KDPS' complaint process, regardless of any third-party (independent) investigation."

The questions asked before still remain.

Who decides on third party evaluation and are the citizens informed that a third party is now being used in particular since Article 8 A: Complaint and investigation process, does not make any reference to a third-party investigation so is the use of third party in contradiction?

Are the recommendations by a third party relayed to CPSRAB- why/why not?

Does the use of a third party bypass current policy if CPSRAB not involved?

If CM chooses to use an outside party, could these results be sent to the board for review and recommendation to ensure clear and transparent communication?

**Further questions regarding the status of the OIR Report:**

The status for a number of recommendations (#5, 11, 13, 14) is Ongoing Training.

How are the outcomes of these trainings assessed?

How are the outcomes from these trainings communicated to the public?

What is the frequency of training and who receives it?

**Community Follow-up**

At two community wide meetings attended by Chair Payne- community voted to approve the training plan and status updates from the OIR report.

At the May 1, 2023 meeting of the The Kalamazoo City Commission, Commissioner Praedel stated he was impressed with the quality of the dialogue at the public meetings where the OIR Report results were presented and discussed. Commissioner Praedel noted the City had responded to the report at every point and had done what it said it would do.