



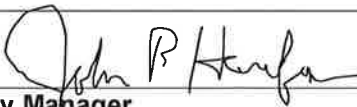
Agenda Item Summary

Meeting of: September 20, 2021

Agenda Item Title: Set Work Session – Police Audit Report

Submitted by: John P. Hanifan

Approved for submittal:


City Manager

Explanation of Agenda Item:

Staff is requesting City Council set a work session to discuss the Bobcat Consulting Police Audit Report. I am recommending the work session to be held in October to allow adequate review time.

Fiscal or Resource Considerations:

Does this agenda item require the expenditure of funds? ☐ YES ☒ NO

If YES, are funds budgeted? ☐ YES ☐ NO

Are staff or other resources required? ☒ YES ☐ NO

City Manager Recommended Form of Motion:

MOTION to set the work session to discuss the Police Audit Report for *insert date* at 6:00 PM.

Names and addresses of those to be notified:

Attachments:

Bobcat Consulting Final Report

All Agenda Item Summaries and any attachments are due in the City Clerk's Office by 5:00 p.m. on the Wednesday prior to the City Council meeting. If the Wednesday prior to the City Council meeting is a holiday, then the submission deadline is 5:00 p.m. on Tuesday.



City of Chelsea, Michigan

Police Operational Audit

Bobcat Training and Consulting

Tallahassee, Florida

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Chelsea, MI Police Department Operational Audit Final Report

Introduction

We want to thank John Hanifan, Ed Toth, City Council and the good citizens of Chelsea for allowing us to visit with you and to take stock of your police operation. We were very pleased and excited to take on this engagement since most of our work is with medium-sized and larger agencies. Here was an opportunity to “look under the hood” of a smaller department with unique circumstances surrounding the public safety mission. This is critical since the vast majority of the 18,000 law enforcement agencies in the country are considered small departments.

The cry to “defund the police” has led us to begin peeling back the “blue curtain” to analyze how this would be done, and to ask the less hyperbolic and more realistic questions of, “what can we cut,” and “what must we keep?” There exists in many communities an even more grim reality that begs the question, “can we even afford to have police,” and “what would be our alternative?”

While not written in our scope of services for this engagement, these are clearly the unspoken questions on the table in Chelsea and other similarly situated cities. These questions were not asked of us directly, but we believe they are relevant to our work and have chosen to address them in this report.

Our team of subject matter experts comprises former police chiefs/directors and academics, who bring a broad range of executive management experience. Most have very strong backgrounds and qualifications in municipal policing. We are longtime law enforcement practitioners, having spent many years on the leading edge of change and professionalism in law enforcement. We hope that you sensed in all of us that we have had to “swim upstream” throughout most of our careers.

This has given us tremendous insight into, not only police policies and practices, but also the institution and culture of policing. We’ve been advocates in the movement toward a more professional law enforcement community since 1970, when the concept of community-oriented policing was beginning to take shape. With the 2015 publication of the ***Final Report of the President’s Task Force on 21st Century Policing***,¹ every police department in the nation has been invited to join the movement.

I offer a retrospective of the journey that we have taken in “***Blue Reflections***.” For those who want to get to the findings and recommendations and can’t read the discourse now, please

¹ https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

come back to it later. It will be important as you and the greater Chelsea community take next steps.

We provide a bit more detail in our section on “Methodology,” but outline a bit of our review strategy here. While some members of the community thought that we were investigating specific activities of the Chelsea Police Department, we were not. We conducted an audit of the policies and procedures as well as the design of the department and how it functions.

Most police department reviews are designed to determine the “right” number of officers for the population, calls for service and crime rate. I’ve long held that such a methodology is fraught with a number of problems. It starts with a desire on the part of the police administration to get more officers on the force. This has created a mainstream process that, in my view, is not particularly effective. We use a much more intuitive approach based on audit standards established by the U.S. Department of Justice and state Attorneys General in their “pattern and practice” cases that result in consent decrees.

Our overall approach examines **policies, training, supervision and accountability**. We employ a two-tiered evaluation process, first comparing policies and practices against generally accepted standard practices most often cited in the International Association of Chiefs of Police (IACP) Model Policies, and secondly against policies that we see in departments that are in substantial compliance with consent decree policy mandates or the standards created by the Commission on Accreditation for Law Enforcement Agencies (CALEA), which are often deemed to reflect “best practices” throughout the industry.

Beyond that, we address the items set forth in our engagement’s scope of services. Several of these items have overlap or coordination with others in the scope of services and may be joined together in our evaluation, comments and recommendations.

We then analyze the organization for potential efficiencies that we identify as either more cost efficient or that might achieve a higher level of performance.

Finally, it’s clear that there are questions and issues surrounding the evaluation of the department that will affect the organization and the community in the long term. Key among these is that John Hanifan and Chief Toth appear to be winding down their tenure in Chelsea. Both have served the City and community very well, particularly in the early days when Chelsea made the transition from the classification of village to that of a city. They each have an enviable work ethic, spending substantial time and energy well beyond the typical eight-hour, five-day work week. We have not seen, however, a leadership succession plan for their positions or the ones they directly supervise. The police department is also aging and there needs to be community-wide planning and preparation for the future.

We also cannot ignore that on a number of occasions during the review process we were told that Chelsea wants to be a “welcoming community.” This requires hard work and leadership from segments of the community that are most committed to identifying thoughtful, impartial stakeholders, and convincing them to move the community, the school board, the government and the police toward a well-designed strategic direction that charts the path forward.

You are not alone in facing some of the challenges discussed in our report. Other cities are dealing with the same issues, but many of them do not have the sophisticated, engaged citizenry that we found in Chelsea. They are short of qualified police officers, lack governmental funding, and are searching for hope as they suffer with soaring rates of gun violence, other serious crime and disorder. We believe that, unlike more challenged communities, Chelsea has the potential to create some of the strategies to prevent and mitigate these problems. With all that we have learned throughout this process, we plan to publicize our findings and recommendations as a resource to help other small cities around the country.

We wish you well and hope that you call on Bobcat Training and Consulting as you journey toward a higher level of cohesiveness and collaboration. It is a journey of true partnership, where police are role models for youth, and where citizens gain a broader understanding of the police operation. It is our fervent hope that you will work alongside officers to shape a strategic direction that is forward-thinking and advances community policing, government accountability and transparency.

Respectfully,

Bob Stewart

Blue Reflections

We added this section to accompany our recommendations. It is designed to give some context and history of American policing that, hopefully, provide the reader with background to what we might commonly call police culture. The offering is at a high level and does not speak to the culture of any given department, but rather to trends that are a part of police history or give glimpses of our modern thinking about policing in a free society.

Much of this can be found at www.policingwithourcommunity.com, the website for our partner organization, [Policing With Our Community](#)© LLC.

We start the discussion with the *Final Report of the President's Task Force on 21st Century Policing* because it is the most recent broad-based look at policing in America. Many people have some awareness of the Report, but we find that most have not read it. This includes many police managers. Early readers reported that they really did not learn anything new; so many people just skipped it. We believe, however, that the Six Pillars of the Report provide a great platform to open and organize the conversation.

Building Trust and Legitimacy - Policy and Oversight - Technology and Social Media - Community Policing and Crime Reduction - Training and Education - Officer Wellness and Safety

It took us a while to recognize that there were not just six pillars, but twelve. It not only divides the discussion into twelve “bite-sized” pieces that are worthy of study and analysis, but also allows facilitators the ability to measure the importance of each item in specific communities. We find that different communities actually rate the list of pillars according to their own unique makeup and challenges.

Most importantly, a full read of the Report gives the reader an orientation to most of the relevant topics of discussion concerning today's police agencies. Definitions of Community Policing, Procedural Justice, Discriminatory Policing, Police Use of Force, USDOJ Consent Decrees, and Implicit Bias stand out, but there are also technical topics that speak about police operations that may be new to the layperson.

There are several versions of the Report with slight variations, but any of them are worth reading. Another eye-opening read can be found in Pew Research's 2017 study, *Behind the Badge*. www.pewresearch.org/social-trends/2017/01/11/behind-the-badge/. This study contains a myriad of significant findings. Chief among them is that 84% of the American public believes that they know and understand the challenges of modern American policing. It is interesting that 86% of the cops said, “no they don't.” The dissonance is striking. I believe this is borne out in the way policing is discussed by news reporters; the decisions made by governmental leaders; and the questions raised by the public about how the police department

works. This is largely our fault. We have placed so much information behind that blue wall that the very people who need to know how the mousetrap works, really don't. The truth is the machine is broken and the model that we developed is now obsolete. We saw that in 2020. The writings that we have pointed to, and many others, have been telling us this for years.

The origins of American policing were far from sufficient to lay the groundwork for the kind of law enforcement that we need today. I often wondered why, in a country that believed so much in states' rights, we were not all one of fifty state police organizations. Well, fifty plus the DC Metropolitan Police. The command staffs of these departments would have all matriculated through a place like the military academies and the heads of these fifty-one police agencies would meet a couple of times a year to exchange ideas and discuss the things they had learned since their last meeting.

Many of our peers claim that the problems of modern policing can be tied exclusively to the slave patrols in the south before and during the Civil War. The burgeoning police organizations in the major cities of the north were corrupt and tied to all of the scandals that have scarred our political landscape. There is enough blame to go around, and we all should accept our share. It helps us to get to the solutions.

The people who read the President's Task Force Report and said that they did not learn anything new were right. Every major commission empaneled to examine the police, and those that focused on political corruption with a law enforcement subtext, have all had very similar findings and recommendations. We don't need to go back very far in history to showcase significant examples.

Following the end of World War II, with many college-educated men returning from the war without jobs, J. Edgar Hoover built the FBI into one of the best law enforcement agencies in the world. Then he loaded his politics into his briefcase and took them to work. Good and effective law enforcement cannot be tied to partisan and/or corrupt politics, just like our military services. Our safety will be compromised.

One of the other reasons that the President's Task Force Report was not particularly informative to the police community is based on ***The Challenge of Crime in a Free Society, A Report of the President's Commission on Law Enforcement and Administration of Justice.*** [Challenge of Crime in a Free Society \(ojp.gov\)](https://www.ojp.gov/ncj/10101/10101.pdf) . Until the President's Task Force Report, this 1967 report stood as the most comprehensive and authoritative document that addressed policing in America, despite lacking any mention of, or attention to, the supervision, management and administration of the police. It did, however, recommend that police officers have an undergraduate college degree and that police agencies develop local citizen advisory

committees. While adopted by some police departments, neither of these recommendations have been universally enacted coast to coast.

The 1970s brought significant advances to policing. Federal funds were available for research, education and equipment, which have given us the style of policing we generally see today. I have a number of books on my bookshelf that were written during this period, which are filled with other recommendations that we still have yet to enact. I don't lend them out since they are now largely out of print.

This period also brought us **Community Policing** and the **9-1-1** system. The idea of Community Policing was great in theory, but implementation was found to be much tougher, and we went about it all wrong. Like much of the police training for human diversity, procedural justice and implicit bias, we taught the philosophy of Community Policing and told officers to go forth and do good things. The results have been less than stellar, and raised recent questions about whether police behavior has been changed by the training.

The three pillars of Community Policing are: **Partnerships, Problem Solving and Organization Transformation**. In our group polling, we ask communities and police departments which pillar has been most successful, and which has been least successful. We get varying results. Most towns report some success in establishing partnerships, but not very much problem solving. And I get blank stares when I bring up organization transformation. A bit more on that when I get to the 9-1-1 system. Well, since I'm here maybe now is a good time.

The 9-1-1 system was established to provide a mechanism for rapid police response to emergencies. The first non-emergency call that we took over a 9-1-1 telephone line sealed our fate and doomed us to a system that attempted to also provide quick response to non-emergency calls, and we gave America the notion that we would send a police officer to every call within minutes. The tail is now wagging the dog. Most estimates claim that upwards of 80% of all calls for police service do not need a person with "police powers." As the cries to "defund the police" morph into more responsible discussions about how and which police officers should respond to requests from citizens, we see various strategies employed that are more efficient and cost-effective than rolling a patrol car. Most of these alternatives were identified in those writings from the early 1970s that are between the dog-eared covers of those books on my shelves.

The outcome of all of this has, in most major cities, become the daily grind of endless calls for service, many of which remain unanswered. The 1974 Kansas City Preventive Patrol Experiment might astound you. <https://www.policefoundation.org/publication/the-kansas-city-preventive-patrol-experiment/>

Lee Brown's *Policing in the 21st Century: Community Policing*, https://www.google.com/books/edition/Policing_in_the_21st_Century/QMCR_9Hb2hIC?hl=en&gbpv=0 is highly recommended for both law enforcement officers and community members who are engaged in the strategic planning of their mutual safety plans.

Police – Community Engagement brings us to one more set of pillars, Crime Prevention, Crime Reduction and Accountability. The crime prevention function involves non-enforcement activities between police officers and citizens, where they focus on everything from safety tips to departmental volunteers to advisory groups. It is largely what we have been calling Community Policing. We were disappointed that we did not get to interview several 16–20-year-old Chelsea youth. Going forward, this group should be an integral part of the discussion. This might be overlooked in a very senior community. We suggest getting to know our partner – **Strategies for Youth**. <https://strategiesforyouth.org/> They are very good at helping police foster more positive interaction with youth.

Crime Reduction is some form or variation of “Community Compstat,” where citizens and police officers work on solutions to specific crime patterns. They also work together on reducing repeat calls where the police respond to the same locations over and over again without resolution. Community stakeholders and law enforcement officers sit at the table as equal partners in this problem-solving process.

Accountability includes citizens who participate in recruitment, selection, training, policy writing and department transparency. These are activities that we find preferable to “civilian oversight,” and hold promise in those communities that are moving in this direction. Much of this is based on the “growth” paths taken by the most successful civilian review board members across the country prior to their appointment to oversight boards.

We know of success stories around the country where communities and their law enforcement partners have forged new and better partnerships. There are two primary approaches. The first is aligned with the current organizational practice of creating a specialty unit that is steeped in community engagement and crime prevention activities. Many of these have been successful in community transformation. The other approach is built into the operational flow of the department where specific crime prevention and/or crime reduction activities are assigned throughout the operations staff and the results are reported back to the administration.

Several Chelsea stakeholders talked about Civilian Review. We wondered why the Human Rights Commission didn't have a bigger footprint and a facilitator of a community-wide discussion about more law enforcement transparency. There is a tremendous amount of information on this subject at the National Association for Civilian Oversight of Law

Enforcement <https://www.nacole.org/> We offer this admonition. There are several successful oversight models, but most took years and often, multiple tries, to implement a process that did what it was designed to do. This is a complex subject and we're starting to see new alternative accountability models that look at a table of key performance indicators that are very good measures of the department's fairness and impartiality. These indicators are captured and publicized throughout the public in some cases and in others, delivered to citizen representatives who, much like a review board, analyze and study the results, conduct confidential discussions with the police department and report their conclusions to the governing body and the public.

In a town with a low crime rate, there is ample time to devote to strengthening the relationship between the police department and its community. Every officer should be well known to businesses, community-based organizations, school officials, HOA's, retirement centers and recreation facilities.

We spent almost fifty years trying to put policing into the community. The 21st century requires that we put the community into policing.

Methodology

Bobcat Training and Consulting (BTC) conducted a detailed, impartial review and evaluation of current policies and practices of the Chelsea, MI Police Department (CPD). We reviewed all City, public and departmental information that addresses the organizational and operational components of the police department, including an evaluation of the following:

- 1) Photographic evidence retention and use policies
- 2) Hiring policies
- 3) Social media policies
- 4) Use of police discretion
- 5) Reporting practices and policies
- 6) Best practices in policing
- 7) Best practices in police training
- 8) Citizen complaint procedure and oversight
- 9) Best practices in oversight of police

Twenty-one (21) policies from the CPD Policy and Procedure Manual were identified as being high-risk/liability policies that, if not fairly and consistently applied by police officers, could result in formal complaints and civil lawsuits being filed. These policies were assessed on the basis of how well they mirror generally accepted police practices nationwide; to what degree they comply with the mandatory standards of the Commission for the Accreditation of Law Enforcement Agencies (CALEA) for professional police performance; and how consistent they are with similar policies of law enforcement agencies in the region. Each policy was rated according to a simple scale: Well Written, Meets Minimum Standards, and Does Not Follow Generally Accepted Police Practices.

Impartial and objective approaches like the one employed in this engagement have been the basis of many federal, state and local police agency reviews conducted by the subject matter experts on our team. In this process, we examined CPD policies, training and staff development, supervision and overall accountability, which included the citizen complaint procedure.

Our two-tiered evaluation process first compared policies and procedures against generally accepted police practices established by professional organizations like the International Association of Chiefs of Police (IACP) and CALEA. The policies and standards recommended by these organizations are modeled by police departments across the nation, some of which are in substantial compliance with the policy mandates set forth in consent decrees. These model policies and standards are often cited as best practices in the industry. Additionally, we looked at operational functions to identify efficiencies or areas that would potentially improve overall performance.

The BTC team evaluated interagency relations, operations, and departmental procedures. It is common practice in smaller agencies to foster this type of multi-jurisdictional cooperation and joint operations around police services, crime prevention and emergency preparedness, to the overall benefit of the cooperating agencies and their communities.

In taking this approach to our review, we understood clearly the City of Chelsea's strong desire to be a welcoming community that employs best practices in the police department's delivery of services to its residents, business owners and visitors. We also understood the importance of addressing the fiscal impact of recommendations for changes to policies and procedures. In that regard, we provide analyses for those recommendations that could have significant budgetary impact for increased or reduced funding.

Given the concerns expressed by some Chelsea citizens regarding operations of the police department, our team conducted virtual and onsite interviews with a cross-section of community stakeholders. The interviews afforded the opportunity for participants to share a broad, diverse spectrum of ideas and concerns, both positive and negative. Their input in this review process is vital to shaping the future direction of the police department, and its value cannot be overstated. We have learned from conducting other police department reviews the importance of being open-minded and inclusive of all perspectives.

The final report of our review reflects an understanding of local governance, police department operations and interactions, community concerns, social and mainstream media perspectives, past practices and a future vision to ensure that police policies, practices and discretion are uniformed, consistent, fair, unbiased and impartial. Our team evaluated the data collected against current professional standards, and in relation to the contemporary challenges faced by law enforcement agencies of similar size. Set forth in this report are practical, prioritized recommendations designed to improve the effectiveness, productivity and overall performance of the Chelsea Police Department.

Policy Review

The Department subscribes to Lexipol, a private company that offers state-specific policies, online learning and other services for law enforcement agencies. These services are very helpful to small police departments like CPD. Still, we find that “off the shelf” policies and general orders like those provided by Lexipol often do not lend themselves to the specific agency and community needs in cities like Chelsea. Given the number of policies that our team found to be out of alignment with generally accepted police practices, we believe it would be best for someone on staff at CPD to ensure the Policy and Procedure Manual is tailored to reflect and meet the unique needs of the Department and community.

Overall, there is a concerning and sometimes totally inappropriate overuse of the word “should” when describing tasks to be accomplished or assigned, and tactics to be used in situations that an officer may encounter. This dilutes individual accountability and management control, leaving too many critical decisions about whether to act or not to act with a police officer, when generally accepted police practices would require a supervisor or command level officer to be the decision maker.

RECOMMENDATION: All current policies should be examined at a micro level; with the more direct, instructive word “*shall*” replacing “should” in some instances, so that there is no doubt whether an officer should/should not act in a given situation.

There is no formalized review process for either the Chelsea Police Department Policy and Procedure Manual or Supplemental Manual. When an annual review of a procedure is mentioned, it is too often assigned to a first-line supervisor, when the responsibility clearly should rest with the chief of police or designee of appropriate rank (preferably a lieutenant or deputy chief).

RECOMMENDATION: Craft a standard review process, specifically assigning the who, what, and when policy review should occur (every 3 years for all, every 2 years for the top 10 high-risk/liability policies), to include a legal review by the City’s attorney/general counsel, when appropriate.

Some high-liability policies use outdated terminology, procedures, and tactics that have gone through several iterations over the past decade, or are no longer considered “best practices” in law enforcement.

RECOMMENDATION: CPD should consider contracting with a subject matter expert (SME) capable of developing good, defensible policies that comply with generally accepted police practices nationwide, but are specific to the agency, appropriate for the Chelsea community, and modeled after policies available from the Michigan Commission on Law Enforcement Standards (MCOLES).

Review of High-risk Policies

200 Organizational Structure & Responsibility – *Meets Minimum Standards*

Functional areas assigned to each division need to be spelled out; there is no position identified as “second-in-command.” The “Traffic Bureau” and “Records Division” are cited, but seem to be in name only, given the limited size and staffing of CPD.

203 Training – *Does Not Follow Generally Accepted Police Practices.*

The chief of police should be the overall manager and decision-maker of CPD training programs, not a sergeant. It is unknown how Lexipol tailors Daily Training Bulletins to be consistent with the CPD Policy Manual and day-to-day operations. (See the following links -

<https://www.lexipol.com/industries/law-enforcement/>,

<https://www.lexipol.com/solutions/online-learning/>.) There is no mandate to complete neither the missed training nor a deadline for doing so. There is no mention of career development training, and overuse of the word “should.”

300 Use of Force – *Does Not Follow Generally Accepted Police Practices.*

Department management should evaluate the following areas, which do not appear to be in compliance with generally accepted police practices: the criteria for using force, optional application of de-escalation techniques, current pain compliance tactics, use of chokeholds, shooting at and from moving vehicles, optional investigation of use of force incidents, and the duty to act/intervene and report to a supervisor when a CPD officer observes any law enforcement officer use force that is prohibited by policy/law.

302 Handcuffing and Restraints – *Meets Minimum Standards.*

While the current guidelines meet with generally accepted police practices, the U.S. Supreme Court has ruled that handcuffing and detaining a person can be equivalent to an arrest.

RECOMMENDATION: Review the use of handcuffs in non-arrest situations; review the use of Spit Hoods; consider using face shields as an alternative.

303 Control Devices – *Does Not Follow Generally Accepted Police Practices.*

Guidelines for the use of baton, tear gas, and OC spray are inadequate. Use of pepper projectile and kinetic energy systems seem to be completely incongruent with the expectations of this community. Deployment of such devices should be reserved for the Sheriff’s Department or State Police as needed.

RECOMMENDATIONS: In order to provide an appropriate Use of Force Continuum so that an officer is not restricted to the single option of going from hands-on to deadly force in virtually every case of subject resistance--

- Require that all CPD officers assigned to field duty in uniform carry on their duty belt a Taser, OC Aerosol Restraint Spray, a collapsible baton (ASP, Monadnock, etc.), and one (1) set of handcuffs; and that officers wearing plainclothes or a softer “training uniform” (monogrammed golf shirt and utility/BDU trousers) only be required to carry their firearm and one less lethal weapon when attending community meetings and some school related activities, unless otherwise directed by the chief of police.

- **Mandate annual in-service training on the revised policy #303 and the use of each of those “less lethal weapons,” and the defensive tactics associated with each less lethal weapon as well as the types of restraints used by the Department.**

304 Conducted Energy Devices – *Does Not Follow Generally Accepted Police Practices.*

The policy uses outdated terminology, e.g., a Taser is now classified by the IACP as a Less Lethal Weapon, and should properly be referred to as an “electronic control weapon.” The method by which an officer carries a Taser needs to be clarified, and strictly mandated, because the CPD’s current carry guideline is prone to a fatal shooting – or “weapon confusion” tragedy – like the one that occurred in Brooklyn Center, MN, in April, 2021. In that incident an officer fatally shot a person when she mistakenly drew her handgun thinking she was actually holding her Taser.

RECOMMENDATION: Section 304.5.2 should be changed to require that in all “special considerations” scenarios, the use of a Taser should be prohibited absent extreme, unusual, or imminently life-threatening circumstances. There is an inappropriate overuse of “should” instead of “shall.”

306 Firearms – *Does Not Follow Generally Accepted Police Practices.*

The chief of police should determine what firearms are authorized, with no exceptions. Allowing an officer to carry a secondary firearm on duty (section 306.3.5) is not considered a generally accepted police practice, particularly by agencies committed to a community policing philosophy.

RECOMMENDATIONS:

- Evaluate the carrying of a secondary firearm on duty;
- Prohibit the temporary storage of a department-issued firearm in a motor vehicle, EXCEPT if the officer’s personal vehicle has a safe or lock box that is permanently attached to the body of the vehicle to prevent the weapon from being stolen;
- Require that an official incident report be filed EVERY time a firearm is discharged (except when hunting or on an authorized firing range);
- Establish a policy regarding the duty status of an officer who fails to qualify with his/her firearm, with a limit set on how many times an officer can fail to qualify with his/her weapon before termination is considered; and
- Warning shots should be PROHIBITED for any purpose and under all circumstances.

307 Vehicle Pursuits – *Does Not Follow Generally Accepted Police Practices.*

All pursuit intervention tactics (e.g., PIT maneuver, ramming, etc.) should be PROHIBITED due to high-risk/liability of their use, except for Stop Sticks (tire deflation devices). In keeping with “8 Can’t Wait” (see <https://8cantwait.org>), shooting AT or FROM a motor vehicle should be PROHIBITED due to the high risk of injury to innocent bystanders, *unless* an occupant of the vehicle is firing at the police. Another high-risk practice that should be eliminated is allowing pursuits with an arrestee on board a police vehicle (sec. 307.3.1). There is no standardized Pursuit Report used to evaluate the pursuit, or to determine if it followed policy. After-action review should be conducted by the command staff after all pursuits.

312 Search & Seizure – *Does Not Follow Generally Accepted Police Practices.*

This is one of the leading indicators of discriminatory policing and police misconduct. The subject of consent searches is not adequately addressed in this policy.

320 Standards of Conduct – *Meets Minimum Standards.*

It lacks, however, basic detail of what actually constitutes a variety of unacceptable behaviors that are traditionally included in such a policy. Most noticeably absent is a clear definition of what constitutes Conduct Unbecoming an Employee.

321 Information Technology Use – *Well written but still needs work.*

Fails to discuss shielding confidential information (e.g., CHRI) displayed on MDTs or on desktop computers in the CPD from the view of unauthorized persons, including other city workers, vendors, etc.

322 Department Use of Social Media – *Does Not Follow Generally Accepted Police Practices.*

Same overuse of “should” when direction calls for “shall.” There are inadequate details on what defines social media and what is prohibited content. The policy lacks a clear-cut procedure for official use of social media. There also is no required “disclaimer” and “terms of service.”

RECOMMENDATIONS: Incorporate relevant sections of Policy #600 & #1000 to consolidate all guidelines relating to use of social media by department members that are specific to the agency, appropriate for the Chelsea community, and are recommended by the Michigan Commission on Law Enforcement Standards (MCOLES).

324 Media Relations – *Does Not Follow Generally Accepted Police Practices.*

There is no mention of access to private property. There should be detailed lists of what types of information MAY and MAY NOT be released to the media rather than referring an employee to the generic policy regarding records release and maintenance.

401 Biased-Based Policing – *Does Not Follow Generally Accepted Police Practices.*

This is an extremely important CPD policy statement. Still, the language must be strengthened to underscore the importance and urgency of one of the most critical, high-profile issues in American policing. It does not define bias-based policing as illegal discrimination, and the existing definition makes it sound like a personal/individual character trait or habit instead of unlawful conduct. There is the same overuse of “should” instead of “shall.” There must be no officer discretion or wiggle room here.

RECOMMENDATIONS: Rename this policy “Discriminatory Policing” to reflect generally accepted police policy statements; and completely revise it using models from IACP, the Police Executive Research Forum (PERF), and other major law enforcement agencies whose similar policies have been the subject of consent decrees.

408 Crisis Intervention Incidents – *Well written.*

However, there is the same issue of the word *should* instead of *shall*. The determination to use force or special tactics should be based on objective reasonableness and necessity. There is no description of “specialized resources” or “tactics to preserve the safety of participants.” Training should be provided annually in collaboration with community mental health professionals.

430 First Amendment Assemblies – *Does Not Follow Generally Accepted Police Practices.*

This policy focuses on the traditional approach/concept of police response to “civil disturbances,” with little acknowledgment of the differences between lawful First Amendment assemblies and unlawful demonstrations that may eventually escalate into riots; and it fails to state the duty of police to ensure peoples’ rights under the Constitution to lawfully engage in free assembly and the exercise of free speech.

RECOMMENDATION: Review the following policies at these links as models for a revamped policy with a broader outlook at such assemblies -

<https://majorcitieschiefs.com/wp-content/uploads/2021/04/MCCA-First-Amendment-Assembly-Working-Group-Final-Report.pdf> (April 2021 paper by Major City Chiefs Association), and Cleveland (OH) PD policy #3.3.03 Crowd Management and Protection of First Amendment Rights at [First Amendment Assemblies - Cleveland OH PD.pdf](#).

802 Property and Evidence Section – *Meets Minimum Standards.*

However, it provides no protocols or procedures regarding photographic evidence or media storage.

1000 Recruitment and Selection – *Meets Minimum Standards.*

However, the policy lacks sufficient detail about recruiting strategies and which community-based organizations would be appropriate for outreach. Again, too much use of *should* instead of *shall*. Additionally, there are no protocols for recruiting civilian or other non-sworn employees.

1009 Personnel Complaints – *Does Not Follow Generally Accepted Police Practices.*

This very critical, high-liability area normally encompasses a wide spectrum of police officer misconduct, from citizen complaints about an officer’s attitude, rudeness, etc., to the more serious “Internal Affairs” complaints, which focus on unjustified or excessive use of force up to criminal misconduct. The current CPD approach to the Internal Affairs (IA) scenario is fragmented and disjointed; it creates confusion for a supervisor assigned to investigate either type of complaint. Currently, one would have to review three CPD policies - #300 Use of Force, #301 Use of Force Review Boards, #1009 Personnel Complaints – plus the current POAM collective bargaining agreement (labor contract) in order to determine the proper procedures to follow when investigating complaints/misconduct.

RECOMMENDATIONS:

- **Consolidate all the above issues into a single, easy-to-follow policy that carefully complies with the union contract and applicable Michigan law regarding due process for police;**

- Ensure that any new policy takes the investigator through a step-by-step process, including when to use standardized forms that apply only to Internal Affairs cases (notification of complaint, constitutional and administrative (Garrity) rights of the accused officer, briefing and updating the complainant at set intervals, etc.)
- As part of a total reconstruction/redesign of the CPD website, include a “Compliment or Complain about an Officer” feature that is user friendly and provides clear instructions on how to lodge a complaint. It should be sent to at least two supervisors so that it is seen and given an initial screening within no more than eight (8) hours. This would preclude a potentially serious complaint from sitting in an Inbox over a normal or longer holiday weekend.
- Send one senior CPD Officer – preferably a sergeant – to a school recognized by MCOLES that teaches police investigators how to conduct a thorough and legal IA inquiry.
- Change several words from “should” to “shall.”
- The decision to investigate a complaint should be within the purview of the chief of police, not a sergeant.
- Updates to the complainant on the status of a complaint investigation should be done every thirty (30) days – not “periodically.”

Just a note here to cite that an ever-increasing number of police agencies have adopted mediation procedures for most less serious complaints where complainants and officers talk through the issues giving rise to the complaint. Both participants talk about their actions and perceptions often leading to a dismissal of the complaint and a better understanding between citizen stakeholder and police officer.

This might be a process that might be managed by the Human Rights Commission. Before any decision is made, however, we remind readers that this is a part of an extremely complex discussion and dependent on whether a municipality decides on a oversight role for citizens or one based on transparency and accountability.

1028 Speech, Expression and Social Networking – *Meets Minimum Standards.*

However, the policy fails to warn officers that improper postings on social media could result in their being impeached as a government/prosecution witness in criminal cases. This could put their future law enforcement employment at risk due to the resulting inability to satisfactorily perform their duty to arrest and prosecute criminal violators; and that improper, inappropriate, or libelous postings on social media could make them subject to civil litigation.

RECOMMENDATIONS: Centralize all policy guidelines into one new policy by rescinding Policy #322 Department Use of Social Media; and revise the policy using the IACP model policy dated August 2012 and models available from MCOLES.

Emergency Response Procedure for City of Chelsea (June 2007) – *Does Not Follow Generally Accepted Police Practices.*

This outdated and inadequate procedure could create exposure for the City in the event of a major disaster or emergency. It does not comply with FEMA guidelines, and would leave the City scrambling to effectively and efficiently plan for, respond to, and recover from a wide

range of man-made and natural disasters. In its current form, the procedure could render the City ineligible for federal reimbursement in the event of a national or Presidential declaration of a state of emergency.

RECOMMENDATIONS:

- Collaborate with the Washtenaw County Emergency Management Director to create a comprehensive Emergency Operations Plan (EOP) that mirrors, and would function in tandem with, the County's EOP during a multi-agency response within the city limits;
- Ensure that the final EOP has clearly delineated protocols formatted as Incident Specific Emergency Plans (ISEP) for crises that are likely to occur in the City and the County, and Emergency Support Functions (ESF) for all City agencies, particularly CPD, that identify responsibilities and tasks under each ISEP; and
- Use the FEMA Guidebook to All-Hazards Planning at <https://www.fema.gov/pdf/plan/slg101.pdf> to draft a new procedure.

We recommend the development of a comprehensive social media policy to better inform and guide the appropriate use of social media by CPD employees. We also recommend that the newly purchased body worn cameras (BWC) be accompanied by a comprehensive, up to date BWC policy. Model BWC policies are available through a number of police think tanks and professional organizations, such as the Police Foundation, PERF and IACP.

We believe that clarification is needed regarding the role of City Council and how its members officially interact with the Chief of Police, particularly in the area of police department policies and procedures. We recommend that the Chief be responsible for the development of police policies and procedures, and be held accountable for the compliance with those policies by all members of CPD. The Chief reports to the City Manager who, of course, reports to the Council. Individual members of Council, therefore, should not directly supervise the Chief in the day to day management and leadership of the police department.

We recommend posting all non-confidential CPD policies on the Chelsea City Government webpage.

Training

The CPD training plan designates a sergeant who is responsible for the development, review, updating and maintenance of a program that ensures mandated basic, in-service and department-required training is completed by all members of the department as needed. The training sergeant must also establish and lead a Training Committee of at least three members to assist with identifying specific training needs for the Department. This committee should meet on a regular basis to review certain incidents such as those involving a high risk of death, serious bodily injury, or civil liability. After review of these incidents, the committee shall “determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Sergeant.” According to policy, it is up to the Training Sergeant to consider the recommendations of the Committee and determine what training should be addressed. Training recommendations are ultimately submitted to the command staff for review and approval. We support the inclusion of interested community members who, after a thorough orientation, participate in the Training Committee.

The Department subscribes to Lexipol, an organization that provides Daily Training Bulletins (DTB) through a Web-accessed system. Training Bulletins are generally provided for each day of the month; however, the Training Sergeant has discretion in determining which bulletins are pertinent. Apparently, individual department members are assigned to participate in the DTB program and should complete each DTB at the beginning of their work shift, or as directed by their supervisor. Department supervisors are responsible for ensuring that DTBs are completed in a timely manner, and for monitoring the progress of officers under their command to ensure compliance with the DTB policy.

While members are required to attend scheduled trainings, they may be excused with permission of their supervisor for things like court appearances, approved vacations and emergency situations as determined by the Department. All excused absences must be documented, and the training rescheduled by the member’s immediate supervisor or the Training Sergeant. The Training Sergeant is also responsible for creating and maintaining a training records file for members of the Department.

Although the CPD training policy is comprehensive and covers the full range of basic, in-service and professional development requirements, it is very difficult in small departments to meet mandated training requirements, and much less selective developmental programs, largely due to budget constraints and the operational needs of the Department. The limited availability of officers (and dispatchers) for regular work shifts would likely create situations that preclude attendance at training sessions, or without the payment of overtime to back-fill regular duty assignments.

The basic training for new hires (police recruits) poses other challenges, given the length of time (typically 6 months) and high cost of getting new officers trained and certified for field duty. We believe these challenges can be obviated by hiring certified police officers with at least five years’ experience as either full-time or part-time employees. This type of hiring system is often seen in smaller departments, particularly at colleges and universities. Hiring experienced officers who make a long-term commitment to the department would limit the

need for specialized in-service training and help raise the level of overall performance. Veteran officers bring a broader knowledge base and are more experienced at fostering positive, non-enforcement interactions with citizens, especially youth.

The majority of CPD's training appears to be online classes. Most classes are scheduled for one hour and a few are only ten minutes. The online training is generated through PoliceOne.com academy. Classes include Critical Incident Response, Constitutional Law, Sexual Harassment in the Workplace and Active Shooter 1, 2, 3 and 4.

The Training Bulletins consist of scenario-based training covering a range of topics. The training does integrate Chelsea policy as part of the learning session.

We did not observe any hands-on training included in the Training Spreadsheet provided by Chief Toth. Our concern is the lack of training to address physical resistance and use of less lethal weapons. Chelsea PD officers are placing themselves at great risk by limiting their weapon options when encountering a resisting subject. This also applies to an individual who may be experiencing a mental health crisis. Limited weapons and lack of training place the community at great risk due to the officer's option to only carry a firearm. Chief Toth advised that carrying less lethal weapons is optional even though they are available. He further advised that his officers usually do not encounter subjects who resist.

RECOMMENDATIONS: CPD should include a description of a resisting subject in their use of force reports. At minimum the document should include race, height, weight and age. The report should also include the officer's height and weight. This information is used to determine if the force used by the officer is reasonable. The race of the resisting subject is primarily for transparency. The CPD should also provide full bias-based policing training for all members. Going forward CPD should hire veteran certified officers with at least five years' experience to fill either full-time or part-time positions.

Provide for CPD and all city employees comprehensive bias-based policing training. While such training does not offer instant inoculation against bias, it does help the participant to better understand the type and nature of human biases and how to manage them. We further recommend that CPD provide mental health training to the entire department. The internal and external application of this training will enhance officer safety and well-being, and improve police response to mental health crises in the community. Additionally, CPD should conduct joint training with the Fire Department and EMS regarding emergency preparedness, interoperable communications, and appropriate response to people in crises. The joint training should also include the pertinent social service providers for mental health, homelessness, and addiction.

We've noted that quality training for small agencies is expensive, time consuming and resource intensive. The CPD should look for, and possibly initiate, opportunities to train with other small departments in the county. This is especially true for expensive specialized training since gathering personnel from a number of agencies can help defray costs.

As we promote the idea of hiring experienced officers, those with particular skills, expertise and experience in areas that would benefit CPD and the citizens of Chelsea, should be sought and encouraged to join the CPD ranks.

We would also encourage the city and the department to look for training that both department members and citizen stakeholders might benefit from. Since Chelsea sits between two major universities with online education and certificate courses, there might be career and self-development courses that might be beneficial to officer, government official and citizen alike.

Supervision and Accountability

The scope of this review is not to reinvestigate prior incidents in Chelsea, including the actions or after-actions of the 2020 demonstration, resultant arrests, or specific handling of the incident. These matters, however, are instructive and help point to core areas of focus for CPD. The areas include supervision and accountability, and when appropriately applied, inform key recommendations as a result of interviews with residents and police, and review of documents, which include policies and procedures. We acknowledge that these incidents, including how they were handled, impacted community trust and created divisions among some Chelsea residents.

For any police agency, regardless of size, supervision and accountability are the cornerstone of effective management, good policing, and building trust with citizens.

Supervision and accountability dovetail in that supervision addresses the necessary and required direction, guidance, and control for police employees operating under a system of accountability. It is a system in which public employees are obligated to operate under codified procedures, and to take responsibility for their actions. Furthermore, appropriate accountability measures ensure that proper procedures are in place to safeguard the agency, its employees, all residents, and the public trust.

Interviews with residents, city and county employees, and local business owners provided positive input regarding the chief of police and CPD. Feedback described an engaged and responsive agency and chief, sensitive to the needs of the community. At the same time, input from these various arenas indicated a level of dissonance among the community, with some measure of distrust and dissatisfaction regarding transparency and engagement of the agency. Some also expressed a lack of empathy and compassion on the part of CPD, along with specific and detailed concerns about how past events were handled. There were concerns about the lack of training, lack of coordination with emergency management officials, and too little transparency regarding policies and procedures, in addition to some of the seminal events that led to this review.

These events are instructive in terms of both supervision and accountability, as the evidence adduced indicates that some of the initial planning for the protest demonstration was questionable, e.g., surveillance resulting in selective enforcement and potential retribution, inappropriate remarks made by responding officers at the scene of the assault, no police report being taken initially or even upon follow-up investigation, and a lack of empathy exhibited both at the initial scene and during follow-up questioning. It is arguable that a police report was only taken upon repeated complaints that had become increasingly more public. Further, it appears the citations (potentially selective) sent via regular mail were issued with no warnings given on the date and time of the demonstration. All of these claims point to the manner in which CPD

sees its public safety role, how it provides service, and point to key questions regarding supervision and accountability within the Department. We readily acknowledge that no single day or lone officer should define a police department. It is why addressing these issues through a wider lens is prudent, and identifying best practices through this process is so vital as CPD moves forward.

RECOMMENDATIONS: From our review of CPD supervision and accountability, we formulated the following recommendations. Some of these dovetail with recommendations in other areas of our review, including policy development, community engagement and building trust, training, strategic planning and emergency management.

Determine how police supervisors on each shift spend their time; how they direct their officers; and how they determine on which issues and priorities to focus, including community concerns, training, officer safety and wellness, and crime prevention. What instruction are they providing to officers and what expected performance behaviors engender reward and recognition? How is performance measured and what evaluation system is used for this purpose?

Chelsea Police Operations

The City of Chelsea has approximately 5,500 residents and, as of 2004, is an independent, full-service municipality with a Council-Manager form of government. The City provides all services, including police, formerly provided by the village and township governments. The geographical area of the city is about 3.7 square miles. The Chelsea Police Department is a 24/7 operation that includes a police dispatch. There is currently a chief, nine full-time officers, four part-time officers, three full-time dispatchers, four part-time dispatchers, and one full-time records clerk.

The Department's Mission Statement reads: *Provide quality service to the citizens of our community while maintaining public trust, protecting the rights of all persons while demonstrating professionalism through the development of community partnerships in an effort to reduce criminal activity.*

The Department's Vision Statement reads: *A Highly Recognized, Respected and Trusted Small Law Enforcement Agency That Provides Superior Service to the Citizens of Our Community.*

It is evident by the Department's Vision and Mission statements that community relations and interaction are a priority, and how the Department is viewed by Chelsea residents is of the utmost importance. This was a critical factor in designing the methodology employed in our review and evaluation of CPD operations.

Before getting into specifics, it is quite clear from our review, analyses and observations that Chief Toth has led the Department by employing a "hands-on" leadership style that requires his active participation in the patrol function and other day-to-day operations. Leading a small police department in this fashion does offer the benefit of "leading by example," and the opportunity for junior officers to learn by observing the senior leader in job action. The downside of this style of leadership is that it could give the perception of the chief as a "super field training officer" instead of "administrator and reviewing officer" responsible for evaluating the job performance of subordinates and the Department overall. In addition to visioning and setting a strategic direction for the Department, the chief must provide strong leadership, effective management, and administrative guidance to ensure high performance by staff, and that the Department follows generally accepted police practices for the 21st century. Simply put, the days of the working or patrolling chief are over.

Indeed, given the impending retirement of Chief Toth, the city manager should look not only to hire a highly qualified successor, but also consider someone from the inside or outside CPD with the background, qualifications and technical knowledge to serve as deputy chief or second-in-command. This person could hold the senior rank of lieutenant or captain. Adding such a position would also provide an opportunity to diversify the leadership ranks of the Department.

Additionally, the dispatch function may soon become too expensive and resource intensive to maintain. Given the increasing costs of providing this as a local service, consideration should be given to consolidate this function within a regional dispatch center.

From our cursory review, we could imagine the hiring of two additional officers in the coming years – one on days and one on evenings. The current staffing levels are tenuous at best. One or two absent officers places a hardship on the entire agency that is only shored up by the use of

part time officers. The increased workload in years to come will place more strain on work schedules and staffing. Growth should be measured and commensurate with the workload as defined by the department, the city government and community stakeholders.

Our review and evaluation of a number of CPD operational functions, such as patrol deployment, shift schedules, crowd management and data analysis are addressed in other sections of this report. As city leaders and community stakeholders identify ways to improve CPD operations, the following questions will help guide their work:

- What are the core duties and functions of CPD?
- How do city leaders see the role of CPD?
- How do city residents see the role of CPD?
- Given the very low crime rate, should CPD officers operate primarily as neighborhood police who spend most of their time interacting with residents and businesses?
- Should their work include identifying safety and social issues impacting Chelsea, solving problems and linking residents to services, or should they operate with a law enforcement approach despite very little crime?
- How should patrol officers spend their time and what functions should they be directed to perform when not on a call for service or during uncommitted time?
- When and under what circumstances should outside law enforcement agencies be called upon to assist CPD?
- How would CPD deploy more officers if they had them, and for which functions? What are some of the key areas CPD is currently not focusing on due to staffing?
- What is the current patrol shift schedule, and is it efficient?
- How does CPD differentiate between self-initiated assignments and uncommitted time?
- How are officers deployed during the overlap?
- Would geographic accountability for patrol officers strengthen community policing and patrol operations, given there are currently no formalized permanent patrol beats?
- Are neighborhood crime/community meetings held? If so, how often? Who attends?
- When calls for service are analyzed, what does the proactive versus reactive ratio show?
- Are CPD policies and procedures available on their website?
- How often are meetings held with CPD and the community?

RECOMMENDATIONS: Conduct joint planning sessions with City and County officials and with Fire and EMS services regarding operational planning, emergency preparedness, and interoperable communications.

Implement a strategy for engagement with youth through the assignment of police officers at events, including but not limited to those involving sports. Other youth activities outside of sports, such as chess, arts and culture, and homework clubs offer excellent opportunities for police to foster positive interaction with youth in a non-enforcement role. As part of this strategy, CPD should evaluate the current practice of assigning officers to youth sporting events in an effort to ameliorate community concerns about the presence of armed officers in

schools and after-school programs.

We recommend that CPD and the City of Chelsea work with the Board of Trade, Chamber of Commerce, business community, and Rotary Clubs to sponsor a joint yearly public safety awards program so that members of the Fire and Police services can be appropriately recognized for outstanding work. Such programs not only recognize extraordinary acts of service, they also allow the community to get better acquainted with their first responders. We suggest that you also consider honoring citizens for heroic and extraordinary acts at the same ceremonies.

During this engagement, we learned that the current retirement system and benefits package for CPD personnel might have an adverse effect on their hiring process. To that end, we suggest those systems be reviewed and a survey taken among current employees to inform an updated plan for the recruitment, selection and retention of new hires.

Ensure that the Chelsea Personnel Department keeps track of all police personnel, including the date of hire and approximate date of retirement, etc., so that an updated personnel chart is available to inform strategic planning around recruitment, selection and retention of police officers. We recommend a hiring plan for the expansion of staffing as well as future organizational development. In that regard, it would be prudent to hire a combination of experienced officers who are well trained in core areas such as biased-based policing, use of force, de-escalation, etc., while also recruiting a diverse range of new officers with five years of prior police service who have the requisite education, interpersonal skills and growth potential to become high performing 21st century police officers.

We recommend that CPD assess the need for geographical accountability (police beats), also known as sector integrity, with a community policing premise that addresses how officers spend their time when not responding to calls for service. A patrol beat plan should describe what actions, both enforcement and non-enforcement, produce rewards – whether it's arrests, citations, positive citizen interaction and building trust through neighborhood oriented policing and problem solving. The foundation for these considerations stems from the core issue of how officers spend their time when not on a call for service. What do the citizens and CPD want officers to do with discretionary patrol time? A new beat plan might correct any disconnect that exists between Chelsea residents and officers. Currently, there are no geographic beats, and officers seem to patrol at large throughout the city. How does the CPD direct, manage, and supervise the focus of their officers while on patrol? The need to clarify what CPD, the community, and the City of Chelsea expect from police officers is critical to building trust.

Community Engagement

The BTC team conducted quite a few virtual and onsite interviews of Chelsea residents who represented a broad cross-section of the community and, not surprisingly, offered a range of views on the current status of the police department and how it engages with members of the community. Additionally, we had the opportunity to speak with community leaders, including elected officials and staff from City government. The team also spent time with the city manager, police chief, and police officers, riding along with them while on patrol in the city. While we did not have the opportunity to attend a meeting of the Chelsea City Council, we did spend time reviewing video recordings of the recent public meetings held on July 6th and July 20th, 2021.

It is interesting to note from the Council meeting on July 6th, where our focus was primarily on the police department and issues related to their handling of demonstrations that occurred in 2020, the public comment session shifted the discussion to the city manager and extension of his employment contract. While several people offered legal and procedural considerations, others suggested there was some kind of “back room deal” that was brokered without input from citizens. The negative commentary seemed to create an atmosphere where the city manager was made to defend himself in this matter. Mr. Hanifan made a straightforward and logical presentation regarding his contract extension, which seemed to effectively abate the dispute. Indeed, following his explanation, the action was approved and accompanied by praise for his job performance from members of Council and citizens alike. While this situation left us somewhat perplexed, from the Council meetings and interviews, one thing of which we are certain is that Chelsea leaders must improve their methods of communicating with each other and the public.

Along with our observations during the patrol rides and personal time spent dining in the city, from the citizens’ point of view we learned quite a bit about the livability and vitality of Chelsea. Through the interview process of this engagement, many residents candidly shared their thoughts on the cultural history of Chelsea, as well as the background and current status of the police department. There was considerable emphasis on the handling of citizen complaints against police officers, and generally how officers interact with members of the community. Some residents spoke highly of the chief and his job performance, while others were critical of his leadership and some functions of the police department, particularly in the areas of data analysis, citizen complaints around police service, and community engagement. While Chelsea appears to be an affluent city with a balanced budget and surplus, there are some who question whether they can afford or should even have a police department.

There are obvious divisions within the City Council that are reflected in the views expressed by citizens during both the public comment sessions at Council meetings and during interviews conducted by our team. Of course, it is far from unusual for the governing body of any community to espouse opposing points of view in representing their constituents and/or managing government operations. In this instance, however, it is quite clear and well documented that the current schism stems primarily from certain enforcement actions taken by CPD during and after public protests that occurred in the city in 2020.

Officers were positioned on rooftops to observe and record one of the protests. Days later they were directed to issue citations to some of the protesters for allegedly impeding vehicle traffic while protesting in the street. City Council recommended the police department cancel the citations. The police chief and Chelsea attorney asserted they did not have the authority to cancel the citations. The citations were ultimately dismissed.

As part of this review engagement, it was important to understand some of the background and context of these protests. On June 4th, 2020 the organization known as One World One Family (OWOF) held a rally in Pierce Park – Chelsea Supports Black Lives Matter. The community, city officials and the CPD were all invited. It was right after this event that a group of youth decided to spontaneously march on Main Street. This group of youths went on to form Antiracist Chelsea Youth (ARCY) that subsequently planned and participated in a series of weekly protests in the city. Support for their cause was vocalized by members of OWOF, who shared in their views, but took no part in the planning of ARCY protests.

During one of the protests, a member of ARCY, who is also a person of color, alleges that she was assaulted by a counter-protester, who is facing criminal charges in this incident. Several citizens we interviewed described OWOF and ARCY as “liberal groups” that are responsible for the discord in Chelsea over the past 18 months. The counter protest groups have been described as supportive of the chief and CPD. While race is a core issue in the protests and related verbal disputes among Chelsea citizens, it is important to note the overwhelming majority of contentious behavior occurs between community members who are white.

We agree with the opinion of some Chelsea residents that it is well within the reach of CPD to re-establish and build stronger community trust, including robust, positive engagement with youth. We were delighted to find a group of citizens who are staunchly committed to the vision of Chelsea as a welcoming city where people want to live, work and enjoy its amenities. They remain steadfast and willing to support CPD in charting a future that is inclusive of every segment of the community, including parents, students, and everyone on all sides of the issues involved in last year’s protests. This would require a long term plan and someone from CPD designated to work in partnership with community stakeholders in this process. It would also require CPD to be actively engaged with social media, both monitoring and updating the community on a range of issues.

The CPD Policy and Procedure Manual should reflect current community policing goals and best practices. The City should be more creative in the recruitment, selection, training and retention of 21st century police officers. They should offer hiring incentives to attract and retain a diverse police force. Additionally, it would benefit both the community and CPD to have an updated website and a real partnership with the Chelsea Human Rights Commission, with whom they should have regular community facing events. The community perspective gained in this review makes clear that Chelsea would benefit from and should soon organize a citizens’ police advisory coalition. The initial charge of this coalition, made up of police and citizens from a cross-section of the community, would be the development of a long-term public safety plan that sets forth goals and strategies to guide the actions of CPD over the next five years.

While this engagement does not constitute a formal assessment, in addition to gleaning significant information from the community, police staff, other government employees, and community partners, it does allow us to pose key questions, the answers to which will help shape a collaborative strategic direction for CPD and the citizens they serve. We believe the City of Chelsea, its agencies and stakeholders will better address their concerns by coming to some consensus regarding these questions, the list of which is not exhaustive:

- What are the key assumptions - those critical points impacting the City and CPD?
- What are the community needs and at what level are citizens engaged with CPD?
- What type of police agency is desired in the context of crime trends and community concerns?
- Based on current needs, how does CPD best meet future challenges?
- How will you collaborate with citizens to identify focus areas that inform the CPD strategic planning process?

Charting the future direction of public safety in Chelsea will be based on accepted assumptions regarding trends and needs in the city:

- What are the projected growth trends for the next five years?
- What are the relevant population trends for the next five years?
- Regarding overall crime, what are the top three issues/concerns? What trends, if any, are not being addressed?
- What are the larger overall public safety needs, if any?
- What are the key, specific needs, e.g., community health and welfare, homelessness, alcohol and drug addiction, mental health, and other social challenges? Are they currently being addressed?
- The direction of the City of Chelsea - what core values or objectives have city leaders identified or articulated as top priorities?

Questions regarding key community stakeholders and social issues potentially impacting crime and quality of life: The purpose of these questions is to assist CPD in identifying those stakeholders who can best assist in achieving mutual goals going forward. These questions also help CPD assess the current level of community engagement, and point to areas that ostensibly require increased focus:

- Who are key stakeholders in the community and what sectors do they represent, e.g., civic, business, faith, etc.?
- What core community partnerships warrant additional focus?
- How is CPD currently engaging with the community?
- Specifically, is CPD engaging with mental health service providers, faith-based organizations, social service agencies, racial and ethnic minority groups, people with

- disabilities, LGBTQ community, city schools, emergency management agencies, etc.?
- How is the department working with the social service community to address issues such as drug use, public intoxication, homelessness, mental health, etc.?
- Are crime problems related to these issues best addressed by more officers or through increased collaboration with social services?
- Are regularly scheduled meetings held by the CPD with various neighborhood groups, community-based organizations or city residents as whole?

RECOMMENDATIONS: Follow best practices that center on regularly scheduled community meetings designed to keep citizens and police informed and connected. Structured monthly or quarterly community meetings can reduce frustration, and help manage expectations by working in partnership with the Chelsea community to identify concerns, prioritize them, and jointly develop appropriate responses. These facilitated meetings would inform police and citizens regarding any crime or public safety issues and recurring neighborhood problems. They would also serve as listening sessions for CPD to learn first-hand about the concerns and challenges citizens deem most important.

Establish a citizens police advisory committee, which could be a formal or less formal group, but one inclusive of a diverse range of community members with whom the police chief would meet regularly. The advisory committee would partner with the chief in the development of plans around policies, practices, training, equipment and crime prevention, and to elicit ideas for raising the level of community safety while building trust with CPD.

Other recommended positive non-enforcement community engagement actions might include:

- Conducting forums where the community would have easy and ready access to officers for discussion of their concerns.
- The involvement of both recognized community leaders and informal civic-minded residents in the forums.
- Highlighting and publicizing activities and interactions that feature the community and police officers working together to achieve mutual goals.
- Adjusting patrol schedules to allow time for officers to interact with citizens, e.g., community service projects.
- Surveying neighborhoods to learn where residents would like to most see officers engaged in non-enforcement activities.

Citizen Complaint Process

We learned from some of the residents interviewed in this engagement that CPD does not appear to have a structured citizen complaint process.

One citizen described an experience wherein they drove to CPD to file a complaint after participating in a protest demonstration. The complainant was initially told by an officer to call the state police, due to complaining about pictures being taken from rooftops during one of the protests and the officer taking the complaint happened to be involved in that incident. The complainant then returned at a later time and spoke to the police chief. At some point afterward, a sergeant reached out to the citizen to take the complaint.

The complainant eventually requested a copy of the initial incident that was the subject of the citizen complaint. A report was generated and included several photos of the complainant during a protest. The initial incident was not attached to the citizen complaint report. The complainant never received a formal response to the complaint against police.

Another citizen filed a complaint alleging their teenage child was struck in the face during a protest demonstration. The parent reached out to the police chief to file a complaint and was advised an on-duty officer would take the report. The complaint referenced how the child was treated by police at the scene of the alleged assault. We were told by the complainant that the officer who received the information assumed the child was “the aggressor.” The complainant advised us that the officer further stated, “you are going to have to get used to this the rest of your life, if you know what I mean.” The complainant and child were obviously not pleased with their interaction with this officer while filing the complaint. A short time later, the complaining parent, child and members of the ARCY group discovered questionable and disturbing social media posts made by the same officer who took their complaint. The parent contacted CPD to report their findings, but stated there was no follow-up communication from the police department.

During our onsite review we were told that a dispatcher contacts the chief of police when someone wishes to file a citizen complaint against CPD. This type of response does not generate a record of the initial complaint and is contingent upon on-duty personnel conveying a message to the chief.

Transparency about police conduct is critical to building and maintaining trust between officers and residents. Building trust with the community is fundamental to effective policing and maintaining a high level of public safety. Officer conduct that reflects procedural justice and generally accepted police practices improves citizen interactions, enhances communication, and promotes shared responsibility for addressing crime and disorder.

RECOMMENDATIONS: Modify General Orders regarding citizen complaints, to:

- 1. Reinforce the opening statement to emphasize that proper complaint handling is fundamental to maintaining agency credibility and the public trust, and that proper and transparent investigation of complaints and misconduct protects the community as well as the agency and its officers.**
- 2. Mandate the formal reporting of any alleged misconduct by agency employees.**
- 3. Ensure that a police supervisor documents all complaints against police, and that a police supervisor investigates these complaints.**
- 4. Clarify the intake process to ensure all reported complaints are investigated; establish clear requirements—absent exigent circumstances—to report complaints immediately, including those circumstances in which complainants refuse to submit a complaint in writing.**
- 5. Establish procedures that require notifying a CPD supervisor of all complaints against police; identify circumstances that require the Chief of Police to be notified, e.g., use of force, employee-involved domestic violence, allegations of criminal activity or serious misconduct, misuse of authority, or any complaint that may potentially discredit the agency.**
- 6. Provide specific instructions regarding complaint procedures; categorize complaints handled by CPD supervisors assigned to investigate them.**
- 7. Establish centralized recordkeeping of all complaints and investigative results; assign the supervisory review of all unit-level investigations as a check on investigative thoroughness and factually-supported findings; ensure receipt and finding letters are sent to complainants.**
- 8. Ensure consistency of investigations and recordkeeping; use checklists and templates to establish specific agency expectations pertaining to investigative efforts, standards of proof, and documentation.**
- 9. Require 24-hour preliminary reports to the Chief of Police for complaints involving alcohol or drugs, domestic violence, arrests of agency employees, and instances where the complainant reports injuries, or any matter which might discredit the agency.**
- 10. Assign investigative responsibility to the Captain or supervisor of the Office of Internal Affairs (IA) or the Office of Professional Standards (OPS) for the following:**
 - a. use of firearms or any use of force that results in injury;**
 - b. internal domestic violence incidents;**
 - c. harassment, bias, and discrimination complaints;**
 - d. criminal misconduct allegations;**
 - e. incidents, if verified by investigation, that could result in removal; and**
 - f. Any matter determined by the Chief of Police that might discredit the agency.**
- 11. In matters of criminal conduct allegations, implement procedures to obtain**

letters of declination from relevant federal, state and local prosecutors.

12. Incorporate aggregate complaint statistics into the annual performance management review process.
13. Assign exclusive responsibility for criminal conduct complaints against police to the Captain serving as OPS.
14. Ensure that all complaints against police are documented and tracked electronically.
15. Provide on the CPD website a yearly report of citizen complaints against police and the outcomes.

CONCLUSION

It is well within the reach of the CPD to re-establish community trust, including a robust engagement with their youth. There is already a group of community members who are willing to support the CPD in these efforts, which includes parents of some of last year's protesters. This would require a long-term plan and, preferably, a dedicated engagement officer.

The development of a strategic plan for public safety, crime prevention, effective delivery of police services and fostering a real partnership with citizens will require an enduring commitment on the part of CPD leadership and a broad cross-section of the community, including sectors representing civic, business, faith, education, political and media. Long-range strategic planning is precisely what the term implies, citizens and CPD staff working together to identify and solve problems at the neighborhood level as well as citywide. It is a process that evolves and success will not be achieved overnight. The process requires CPD to work alongside citizens and community groups to shape and share a future vision, mission and core beliefs that define Chelsea as a welcoming city, known for its livability, vitality, inclusion and safety. As set forth in the recommendations of the Community Engagement section of our report, we believe CPD should organize and structure a citizens' advisory coalition, with whom they would partner and meet on a regular basis in the development and implementation of a strategic safety plan that will guide the actions of CPD over the next five years. This, we maintain, is the true essence of community-oriented policing.

It would also require CPD to be actively engaged with social media, both monitoring and updating the community on a variety of issues. Going forward, the department's policies should reflect current community policing goals and best practices. The city should engage in some creative thinking to offer incentives to attract and retain a diverse police force. It would benefit both the community and CPD to have an updated website and a real partnership with the City of Chelsea's Human Rights Commission, as well as having regular community-facing events. Mirroring the safety commission that the City of Saline has created would be a great first step toward achieving these goals, as well as being focused on developing a five-year safety plan.

The BTC team is grateful for the opportunity and wishes to thank city leaders, CPD staff and every concerned citizen who took time to support this operational audit of the police department. We sincerely hope that you find our review and recommendations helpful. As you move forward, please do not hesitate to call upon us if we can be of further assistance.