

**State Headquarters**  
2966 Woodward Avenue  
Detroit, MI 48201  
Phone 313.578.6800  
Fax 313.578.6811  
Email [aclu@aclumich.org](mailto:aclu@aclumich.org)  
[www.aclumich.org](http://www.aclumich.org)

**Legislative Office**  
115 West Allegan Street  
Lansing, MI 48933  
Phone 517.372.8503  
Fax 517.372.5121  
Email [aclu@aclumich.org](mailto:aclu@aclumich.org)  
[www.aclumich.org](http://www.aclumich.org)

**West Michigan Regional Office**  
1514 Wealthy SE, Suite 242  
Grand Rapids, MI 49506  
Phone 616.301.0930  
Fax 616.301.0640  
Email [aclu@aclumich.org](mailto:aclu@aclumich.org)  
[www.aclumich.org](http://www.aclumich.org)

September 30, 2014

Chief Timothy D. Collins  
Ferndale Police Department  
310 East Nine Mile Road  
Ferndale, Michigan 48220

Re: Racial Profiling Concerns in Ferndale

Dear Chief Collins:

Over the past few months the ACLU of Michigan has received multiple complaints regarding possible racial profiling by police officers conducting traffic stops in Ferndale, specifically near the area of Woodward and Eight Mile Road which borders Detroit. These complaints led us to request data from your department on the race of drivers who receive citations from Ferndale police officers. We have now had an opportunity to review the data you provided to us, and we are very troubled by what we have learned.

The documents you provided to us (see Exhibit A) appear to indicate that between January 1, 2013 and May 15, 2014, black motorists were issued traffic citations at a rate grossly disproportionate to their presence in the population. Although blacks make up less than 10% of Ferndale's population according to the 2010 census, they made up approximately 60% of the drivers who received traffic citations in Ferndale when the race of the driver was known. For example, one of your busiest officers issued 4189 citations; of these, 1248 were issued to white motorists and 2404 were issued to blacks (521 were not identified by race). Another officer issued 4025 citations; of these, 1333 were issued to whites and 2399 were issued to blacks (286 were not identified by race).

Given these stark statistics and the racial demographics of the community, we believe there is good reason to investigate and determine the reason(s) for the racially skewed stops. While the law allows police officers to stop an individual if police observe unusual conduct that leads them to reasonably conclude, in light of their law enforcement experience, that the person is involved in unlawful activity, it is illegal to base such a stop on the race of the individual. Stops based on the race of a motorist violate the Equal Protection Clause of the U.S. Constitution. *Whren v. United States*, 517 U.S. 806, 813 (1996). Police can also be liable "if the plaintiffs can show that they were subjected to unequal treatment based upon their race or ethnicity during the course of an otherwise lawful traffic stop." *Farm Labor Organizing Committee v. Ohio State Highway Patrol*, 308 F.3d 523, 533 (6th Cir. 2001).

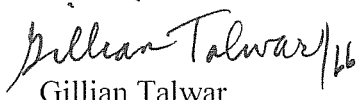
Racial profiling contradicts this country's most fundamental principles and ideals. Every person should be able to live without the fear or experience of being singled out by law enforcement and treated differently because of their color. Racial profiling also places society at greater risk of crime because police are less focused on the conduct of those who break laws, and


they are more focused on law abiding citizens who happen to be people of color. In addition, effective law enforcement requires a cooperative relationship between the police and the community. Trust is eroded when the community perceives that the degree of justice is determined by race, and when the community concludes that for purposes of survival police must be regarded with suspicion.

We encourage you to confer with the leadership of the Kalamazoo Police Department. When that department became concerned about the possibility of racial profiling by its personnel, it engaged a consulting firm to investigate. The consultants' study of the department showed that black motorists were more than twice as likely to be stopped as white motorists. (See Exhibit B.) Based on the results of the study and the consultants' recommendations for reform, new policies were implemented. While there is still much work to be done in that community, the department's chief recognizes the process of reform is "a marathon and not a sprint." (See Exhibit C.)

In light of the data that is already known about police citations issued by the Ferndale police, we call on you to follow Kalamazoo's lead and hire an independent consulting firm to conduct a formal study, investigate the root cause of these racial disparities, and make recommendations for reform. We also encourage you to confer with us. Considerable attention has been given to the racial profiling issue by the ACLU and we believe we can make suggestions regarding policies and training that will be helpful to your efforts to ensure that your officers' approach to traffic stops is fair, professional and the product of sound judgment.

Sincerely,

  
Gillian Talwar  
Chair, Oakland County  
Lawyers Committee

  
Mark P. Fancher  
Staff Attorney, Racial Justice Project  
(313) 578-6822  
[mfancher@aclumich.org](mailto:mfancher@aclumich.org)

Cc: Dave Coulter, Mayor

# EXHIBIT A

**CLEMIS**

**CITATIONS**

**Search Criteria: (This report counts for offenses.)**

**Officer(s):** FEANDRET,FEARCHERB,FEBASSIERJ,FEBASTIANELLIM,FEBLANCHARDS,FEBROOKST,FE  
BROOKSTLA,FEBROWNB,FEBRUGNOLIJ,FECARROLL,FECCARROLLS,FELEVELANDJ,FE  
COLLETTJ,FECOLLINST,FECOLLINSTLA,FECORDOVAC,FECRANED,FEZAJKOWSKIB,FED  
ANIELSONJ,FEDEENMARKK,FEEMMID,FEEMMIDI,FEFARRISJ,FEFRAZIERB,FEAGENTILIAJ,FE  
GOEBELM,FEHEATHJ,FEHEDGESPETHK,FEHESTERM,FEJAKLICK,FEJEFFERSONK,FEJEN  
NINGSS,FEJENNINGSSLA,FEJENZENA,FEJONESP,FEJONESPLA,FEKITCHENM,FEKOWAL  
ECC,FEKRANZM,FEKUZDZALD,FELAROWES,FELAROWESP,FELEMKEP,FE MATTHEWSD,F  
EMCDONALDR,FE MEITZNER,FE MOOREB,FE LOUGHLINC,FE PALAZZOLOV,FE PALMERK,  
FEPEARCEJ,FE PERINIT,FE PERRYL,FE PERRYLLA,FE PHILLIPSL,FE PHOTIADESC,FE POTTS  
M,FE PROULXA,FE PTAKS,FE SCHALKJ,FE SCHWARTZC,FE SHANKA,FE SIMOND,FE SIMPSON  
NP,FE SLOCUMS,FE SMITH,FE SMITHM,FE SPELLMAND,FE SUPPORT,FE SZYMANSKIA,FE THIB  
BODEAUH,FE THIBODEAUK,FE THULLJ,FE UNGERMANE,FE VERTS,FE WALLERT,FE WATTER  
SD,FE WHITEJ,FE WHITINGG,FE WHITINGGLA,FE WILLEYB,FE WILSONW,FE WOLOWIECK,FE  
WURMA

**From Date:** 1/1/2013

**To Date:** 5/15/2014

**Citation Type:** Both

**Officers Without Activity:** No

**Violation Type:** No Warning(s)

**Matches Found:** 57

**Report ID:** 118188

**Saved:** No

**Run By:** COLLINS, TIMOTHY

**Officer Violation - Sex And Race      1/1/2013 To 5/15/2014**

Officer Name (Primary/Secondary)	Total	<----- S E X ----->			<----- R A C E ----->				
		Male	Female	Unknown	White	Black	Asian/Pacfc.	Amer. Indian	Unknown
Andre, Timothy (Primary)	144	75	44	25	51	65	0	0	28
Andre, Timothy (Secondary)	2	0	2	0	0	1	0	0	1
Bassier, John (Primary)	4515	0	0	4515	0	0	0	0	4515
Blanchard, Scott (Primary)	383	195	154	34	101	171	2	0	109
Blanchard, Scott (Secondary)	11	8	3	0	3	5	0	0	3
Brown, Baron (Primary)	214	127	54	33	46	111	0	0	57
Brugnoli, Joseph (Primary)	715	238	167	310	127	269	6	0	313
Carroll, Steve (Primary)	4189	2261	1698	230	1248	2404	14	2	521
Cleveland, Johnathon (Primary)	965	573	378	14	394	367	2	0	202
Cleveland, Johnathon (Secondary)	3	3	0	0	1	2	0	0	0
Collett, Jason (Primary)	529	233	188	108	145	256	6	0	122
Collins, Timothy (Primary)	13	4	1	8	4	1	0	0	8
Crane, Daniel (Primary)	271	129	134	8	112	45	0	0	114
Danielson, Janessa (Primary)	70	30	22	18	24	24	0	0	22
Denmark, Kenneth (Primary)	21	15	6	0	8	13	0	0	0
Emmi, Dennis (Primary)	453	200	195	58	161	204	14	0	74
Farris, James (Primary)	602	371	212	19	184	103	5	4	306
Farris, James (Secondary)	3	3	0	0	0	3	0	0	0
Frazier, Brian (Primary)	1934	1023	877	34	687	1042	0	0	205
Frazier, Brian (Secondary)	1	1	0	0	0	1	0	0	0
Goebel, Matthew (Primary)	76	52	23	1	28	45	0	0	3
Goebel, Matthew (Secondary)	1	1	0	0	1	0	0	0	0

**Officer Violation - Sex And Race      1/1/2013 To 5/15/2014**

Officer Name (Primary/Secondary)	Total	<----- S E X ----->			<----- R A C E ----->				
		Male	Female	Unknown	White	Black	Asian/Pacfc.	Amer. Indian	Unknown
Heath, John (Primary)	119	69	46	4	42	37	0	0	40
Jaklic, Ken (Primary)	4025	2141	1859	25	1333	2399	7	0	286
Jennings, Steven (Primary)	117	47	56	14	39	58	0	0	20
Jennings, Steven (Secondary)	1	0	1	0	1	0	0	0	0
Jones, Patrick (Primary)	5	4	1	0	2	3	0	0	0
Kuzdzal, Daniel (Primary)	825	338	220	267	206	328	4	0	287
LaRowe, Steven (Primary)	4327	0	0	4327	0	0	0	0	4327
Lemke, Patrick (Primary)	478	283	184	11	149	156	1	0	172
Meitzner, Stacy (Primary)	148	0	0	148	0	0	0	0	148
Moore, Brendan (Primary)	50	30	20	0	14	35	1	0	0
Moore, Brendan (Secondary)	1	1	0	0	1	0	0	0	0
Palazzolo, Vincent (Primary)	156	83	62	11	27	64	0	0	65
Pearce, Jeffrey (Primary)	270	146	116	8	98	131	1	0	40
Potts, Michael (Primary)	1427	0	0	1427	0	0	0	0	1427
Proulx, Antonnio (Primary)	198	68	61	69	19	110	0	0	69
Ptak, Shane (Primary)	1118	661	437	20	321	674	6	1	116
Schwartz, Christopher (Primary)	383	211	143	29	140	74	5	1	163
Shank, Alison (Primary)	297	144	113	40	100	106	2	0	89
Shank, Alison (Secondary)	3	1	2	0	0	3	0	0	0
Simon, Dan (Primary)	177	38	5	134	32	10	0	0	135
Simpson, Paul (Primary)	1009	516	461	32	230	744	1	0	34
Spellman, David (Primary)	551	292	186	73	102	152	0	0	297

**Officer Violation - Sex And Race      1/1/2013 To 5/15/2014**

Officer Name (Primary/Secondary)	Total	<----- S E X ----->			<----- R A C E ----->				
		Male	Female	Unknown	White	Black	Asian/Pacfc.	Amer. Indian	Unknown
Spellman, David (Secondary)	12	6	6	0	5	7	0	0	0
ZZSP-FESupport, CLEMIS (Primary)	3	0	0	3	0	0	0	0	3
Szymanski, Amanda (Primary)	904	317	337	250	163	478	4	0	259
Szymanski, Amanda (Secondary)	1	0	1	0	0	1	0	0	0
Thibodeau, Keith (Primary)	3140	1572	1560	8	1368	1699	16	0	57
Ungerma n, Edward (Primary)	111	27	28	56	20	34	0	0	57
Ungerma n, Edward (Secondary)	1	0	0	1	0	0	0	0	1
White, Jason (Primary)	348	181	127	40	49	191	0	0	108
White, Jason (Secondary)	18	10	4	4	2	11	0	0	5
Willey, Brandon (Primary)	503	226	170	107	222	128	3	0	150
Wilson, William (Primary)	879	463	416	0	302	565	5	1	6
Wurm, Andrew (Primary)	2382	1341	1027	14	1259	1084	24	0	15
Wurm, Andrew (Secondary)	2	2	0	0	0	2	0	0	0
<b>Total Of Primary Officers</b>	<b>39044</b>	<b>14724</b>	<b>11788</b>	<b>12532</b>	<b>9557</b>	<b>14380</b>	<b>129</b>	<b>9</b>	<b>14969</b>
<b>Total Of Secondary Officers</b>	<b>60</b>	<b>36</b>	<b>19</b>	<b>5</b>	<b>14</b>	<b>36</b>	<b>0</b>	<b>0</b>	<b>10</b>
<b>Report Total</b>	<b>39104</b>	<b>14760</b>	<b>11807</b>	<b>12537</b>	<b>9571</b>	<b>14416</b>	<b>129</b>	<b>9</b>	<b>14979</b>

# EXHIBIT B





## Traffic stops by Kalamazoo police down by nearly half in 6 months since racial profiling study

Loading Photo Gallery

**Aaron Mueller | [amueller1@mlive.com](mailto:amueller1@mlive.com) By Aaron Mueller | [amueller1@mlive.com](mailto:amueller1@mlive.com)**

**Follow on Twitter**

on March 03, 2014 at 6:40 AM, updated March 03, 2014 at 7:27 AM

**KALAMAZOO, MI** – Traffic stops by Kalamazoo police are down nearly half in the six months following release of a **racial profiling study** that found black motorists are more than twice as likely as whites to be pulled over.

The Kalamazoo Department of Public Safety, meanwhile, this month is implementing a new policy for when officers can search drivers or their cars following traffic stops.

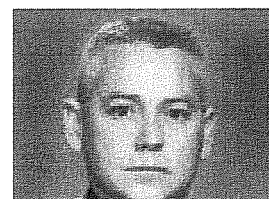
Public Safety officers made 3,841 traffic stops between September and January, compared to 7,298 stops from September 2012 to January 2013. Last Sept. 3, KDPS released results of a yearlong study that found that, in addition to being stopped by Kalamazoo police more than twice as often as whites, black motorists were given fewer citations yet were more likely than whites to be asked to exit their vehicles and to be searched, handcuffed and arrested.

Chief Jeff Hadley attributes the steep drop in traffic stops since September to the study, which has prompted changes in philosophy and strategies for conducting patrols. KDPS is focusing much more on directed patrols, under which officers focus a neighborhood or area that is experiencing high levels of crime or traffic problems.

"The traffic stop is a tool that we have in our toolbox. But is this the best way to approach crime in our city?" Hadley said. "To go out in any neighborhood and make an abundant number of traffic stops in an effort to find drugs or weapons, we have rethought that idea. Is that the most effective approach, the most efficient approach?"

Hadley said his department's effectiveness shouldn't be measured by the number of traffic stops it makes.

"We can go out and make a bunch of traffic stops and people see that.



But that doesn't mean we're being efficient. It doesn't mean it's the right approach," Hadley said.



Chief Jeff Hadley

Since the racial profiling study's results came out, directed patrols have increased 40 percent, to 7,060 patrols between September and January from 5,072 for that same period a year earlier.

"That's focusing our attention on problem areas," Hadley said of the strategy.

This month, the department is also launching its new consent to search policy requiring officers to get supervisor approval and to give articulable reasons to seek consent to search a person or vehicle. The consulting firm that conducted the racial profiling study recommended that KDPS develop a clear policy on searches.

"For the officers, it's giving them very clear guidelines," Hadley said. "Still, there is nothing constitutionally that restricts an officer from asking someone, 'Mind if I search your pockets?'"

"However, is it legitimate? Is it something we should be doing? You have to have a lot more reasons than 'I can do it so I'm going to do it.'"

The consent to search policy is meant to avoid what Hadley called "fishing expeditions."

"Sometimes you have young, aggressive officers trying to do good work but can go too far. We have to guide and help them," the chief said.

Hadley said the philosophy at the agency has to change in order to regain the trust of some members of the community.

"There is a lot of collateral damage when you are too aggressive," he said. "We are still going to be aggressive, but aggressive, targeted and intentional."

Leaders in the black community welcome changes made by KDPS since the racial profiling study was released, but say there is still work to be done.

Rev. Strick Strickland, pastor of Second Baptist Church, said he appreciates the steps taken by KDPS but there is a long way to go in order for officers to regain trust of Northside residents. He said he still hears from residents who feel harassed or targeted by officers.

"As long as there are people in Kalamazoo, we'll have complaints," Strickland said. "But I would say

it's not nearly at the rate as it once was."

Still, he said it only takes a few incidents of harassment or racial profiling to cause problems.

"All it takes is that one officer to make the work of KDPS suffer and the relationship with the community suffer," said Strickland, who was one of a handful of community members and KDPS officials to attend a training session in Chicago on fair and impartial policing.

"I don't want to serve a community that feels intimidated by its police force. And it only takes one or two officers to make it feel that way."

Kalamazoo City Commissioner Stephanie Moore said the Department of Public Safety has made progress but has a long way to go in its outreach to community members.

"It's nice that they talk to pastors and preachers, but that is not enough in engaging our community," Moore said. "They need to have real, relevant relationships with people that live in our neighborhoods, based on respect and reciprocity."

Stephanie Moore  
MLive/Kalamazoo  
Gazette file

Moore said a good start would be to put more focus on the Citizen-Public Safety Review and Appeal Board, which reviews appeals by citizens who file complaints against KDPS and are not satisfied its response. That board has been "put on the back burner" and hasn't met in more than a year, Moore said.

Moore also would like to see more minorities among the officers policing Kalamazoo's streets.

"If you look at the makeup of KDPS, the majority of people of color have retired," she said. "We need a real concrete recruiting plan that focuses on women and people of color to have a well-represented police force."

Both Moore and Strickland said they are less concerned about the number of traffic stops than the way minorities are treated by police.

"We're not looking at stops," Strickland said. "We want to see an end to illegitimate policing and harassment, and we have seen those issues still persist."

Moore said she wants officers to be "fair and consistent" in their policing.

"No matter what neighborhood you're in, treat me the same as someone on Bronson Boulevard or

anywhere else," she said.

Hadley said KDPS is continuing to collect traffic stop data and will re-examine the numbers next year.

*Aaron Mueller is a public safety reporter for the Kalamazoo Gazette. Contact him at **amueller1@mlive.com** or 269-568-3867. Follow him on **Twitter**.*

© 2014 MLive.com. All rights reserved.

# EXHIBIT C



## Racial profiling study: Kalamazoo public safety changes a 'fluid process,' chief tells city commissioners

Emily Monacelli | [emonacel@mlive.com](mailto:emonacel@mlive.com) By Emily Monacelli | [emonacel@mlive.com](mailto:emonacel@mlive.com)

Follow on Twitter

on March 11, 2014 at 6:15 AM, updated March 11, 2014 at 7:48 AM

**KALAMAZOO, MI** -- Implementing changes after a study released last year showed black motorists were more than twice as likely to be stopped by Kalamazoo officers as whites is a "fluid process," **the chief told city commissioners Monday.**

Chief Jeff Hadley laid out the Kalamazoo Department of Public Safety's work since the study was released in September 2013, showing commissioners that he had implemented a new consent to search policy, increased targeted patrols and provided additional training.

Still, Hadley said, changes in the department will take time. He said the department will be evaluated again for racial profiling in one to two years.

"It's a marathon and not a sprint," Hadley said.



Kalamazoo Public Safety Chief Jeff Hadley updates Kalamazoo City Commissioners on the work his department has done since the racial profiling study results were released.

Emily Monacelli | Gazette

Traffic stops by Kalamazoo police **are down nearly half in the six months following the release of the study**, which also found black motorists were given fewer citations but were more likely than whites to be asked to exit their vehicles and to be searched, handcuffed and arrested. Hadley said earlier this month he attributes the drop in stops to the study.

Hadley said officers have increased directed patrols by 40 percent since the study was released. In directed patrols, officers focus on a neighborhood or area that is experiencing high levels of crime or traffic problems.

This month, KDPS is launching a new consent to search policy that requires officers to get supervisor approval and to articulate reasons to seek consent to search a person or vehicle.

Hadley said other changes in the department include having sergeants follow up on random calls for service to see how the public rates interactions with KDPS officers, and encouraging officers to engage with the community in non-traditional ways such as getting out of their cars instead of only aggressive, proactive policing.

Members of the Kalamazoo City Commission applauded Hadley for his department's work since the study was released.

"What's great about this is that we've taken action and that you analyzed something that we're not all real happy about ... but we're trying to find our way through," said Kalamazoo Mayor Bobby Hopewell. "What I would encourage is that we have a significant process, quality improvement mechanisms that we have in place not just for this but for everything we do."

Commissioner Jack Urban said Hadley's effort for officers to reduce crime and build relationships with the community both reduce fear, an impression he received Monday at a training with public safety officers.

"In both cases you're reducing fear," Urban said. "If you reduce crime, fear goes down. If you improve relationships fear goes down."

Hadley said his department, **which saw 54 sworn officers retire under the city's recently completed Early Retirement Incentive**, will see up to 27 public safety officers eligible for retirement in 2016 to 2017. He said the department has struggled to create a diverse work force, not without effort, but that he needs to question what KDPS can do better in the future.

Hopewell said he hopes the city will find recruits from Kalamazoo in 2016 when those officers are set to retire.

"I'm not just saying this in regards to people of color," Hopewell said. "I'm saying this in regards to representatives of our city."

Commissioner Stephanie Moore requested a plan be put in place for creating a diverse police force

that would promote an atmosphere of healing. She pointed out that neither of the department's two black female officers are on the street.

Hadley said he and City Manager Jim Ritsema are working to revive the city's Citizens Appeals Board, which was the driving force for the racial profiling study. Hadley said he and Ritsema actively are looking for people to participate on that board.

Upon questioning from Moore, Hadley said he will report on the status of the Citizen's Review Board in April. Moore also asked him to report back on efforts to increase diversity in the public safety force.

*Emily Monacelli covers local government and beer for the Kalamazoo Gazette. Contact her at **[emonacel@mlive.com](mailto:emonacel@mlive.com)** or follow her on **Twitter**.*

© 2014 MLive.com. All rights reserved.