



STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
LANSING

RICK SNYDER
GOVERNOR

COL. KRISTE KIBBEY ETUE
DIRECTOR

September 28, 2016

Mark P. Fancher
ACLU of Michigan
2966 Woodward Avenue
Detroit, Michigan 48201

Dear Mr. Fancher:

Colonel Etue asked that I respond to your correspondence regarding the Michigan Department of State Police (MSP) Activity Analysis program. As explained previously, MSP troopers are not required to stop, arrest, detain, or cite a fixed number of motorists relative to the semi-annual Activity Analysis. The Activity Analysis program was implemented to provide a means of feedback to troopers on their performance in core areas of their job duties and to provide an objective mechanism for supervisors to evaluate each trooper's performance measured against their peers at the post.

Troopers are public servants paid by Michigan taxpayers, and as such, it is presumed that taxpayers expect accountability from their public servants. The MSP Activity Analysis is one means of ensuring troopers are performing their core functions to some acceptable level.

After receiving your inquiry, we determined that while the electronic officer daily program (E-Daily) requires the race field to be entered on the E-Daily, it automatically defaults to "unknown" pursuant to data provided by the Michigan Secretary of State. It should be noted that the Michigan Secretary of State does not provide race information to law enforcement through the Law Enforcement Information Network. Further analysis indicated that troopers are documenting race in 68% of enforcement contacts. Put another way, 32% of the individuals encountered by troopers have been identified as "unknown" in the E-Daily category of race in 2016.

As a result of this review, beginning January 1, 2017, the MSP E-Daily will no longer default to "unknown." Instead, troopers will be required to identify persons documented on the E-Daily using one of the following race categories as defined by the United States Census:

- White – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- Black or African American – A person having origins in any of the Black racial groups of Africa.
- American Indian or Alaska Native – A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.
- Asian – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- Native Hawaiian or Other Pacific Islander – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Troopers will still be able to enter "unknown" if they cannot reasonably determine – without making a direct inquiry with the individual - the race of an individual. Guidance to troopers will be provided in the upcoming months to clarify this new reporting requirement and to emphasize the importance of obtaining accurate data.

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With this change, supervisors will have more precise data to review if questions arise regarding the activities of a trooper. If supervisors identify concerns with a trooper's activity, as in any other case of suspected misconduct, a thorough and objective internal investigation would result.

Please contact me at (517) 284-3220, or zarotneyg@michigan.gov if you have additional questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Zarotney', with a long horizontal line extending to the right.

Greg Zarotney, Captain
Office of the Director