

Ann Arbor Human Rights Commission 2018 Annual Report ¹

The *Duties* of the Ann Arbor Human Rights Commission (HRC), as they appear in the City's Code of Ordinances, require that the Commission report to City Council annually on two of its functions: taking complaints of alleged violations of Chapter 112 Non-Discrimination and monitoring compliance by City contractors with the provisions of that ordinance. This report fulfills those requirements and, in addition, provides a broad summary of the HRC's activity in 2018. A separate report, written jointly with the City's Purchasing Department and focused on contractor compliance, will also be submitted to Council in the near future.

Commission Administration

The HRC's role has evolved since the adoption of the Non-Discrimination Ordinance in 2014 which requires it to increase its focus on reaching out to the community to provide education and information about human rights, to gather information about unfair and/or discriminatory practices, and to handle complaints of violations of the City's Non-Discrimination Ordinance. The Commission took the following steps in 2017 to manage this role most effectively:

- With the help of Lisa Wondrash, the HRC made further changes to its webpage. It updated, expanded, and improved ease of access to the information it contains.
- Also with the help of Lisa Wondrash, the HRC used the City's Facebook and Twitter capabilities to keep the public apprised of HRC announcements and events.
- The HRC expanded and maintained a large email list of people, and developed a second list of groups, who have expressed or demonstrated an interest in keeping informed about human rights issues in our city;
- HRC members attended a number of human rights related meetings and presentations organized by groups like the Fair Housing Center of Southeast and Mid-Michigan and Advocates and Leaders for Police and Community Trust (ALPACT).
- To develop stronger relationships with human rights/service organizations in our city, the HRC invited representatives of some of these organizations to speak to the Commission about their organizations and the issues they believe are most pressing for them and their constituencies. A portion of many of the HRC's monthly meetings was reserved for a presentation by a representative of one or more of these organizations. In 2018, the HRC hosted presentations from the Fair Housing Center of Southeast and Mid-Michigan, Washtenaw Interfaith Coalition for Immigrant Rights (WICIR), ACLU Ann Arbor, NAACP, the Jim Toy Center, and One Community: Advancing Racial Equity in Washtenaw County.
- The HRC created written, standardized procedures for effectively and efficiently handling discrimination complaints that it receives.

¹ This report was formally accepted by the members of the Human Rights Commission on a unanimous vote of all present at the May 8, 2019 meeting of the HRC.

Support for Human Rights

The Human Rights Commission tracks human rights issues and concerns in the community and identifies ways in which it can contribute most effectively. This year, the HRC

- continued to consider how to encourage more City contractors and private employers to “Ban the Box” given that Michigan law now prevents local governments from regulating what an employer asks on a job application or in a job interview;
- talked with Brad O’Furey and Travis Radina, the first two LGBTQ Liaisons for the City, to understand how this position is functioning and how the HRC might help; and
- in response to incidents of bias-based vandalism, passed a resolution on January 10, 2018, condemning hate based on race, religion, and sexual orientation and reaffirming our commitment to community response to hate.

Policing in Ann Arbor

The HRC receives information from members of the community throughout the year that helps it identify and understand the human rights issues that concern them. Community concerns led to the Commission’s research and subsequent report on police-community relations in 2015 and police policies and practices have remained a focus of the HRC since then.

After the Hillard Heintze analysis of the Ann Arbor Police Department in November of 2017, discussions moved from whether police oversight was needed to what oversight should look like and how its implementation should be accomplished. The details related to creating an oversight commission became matters of public interest. The HRC was a part of that discussion, taking input from the community, exploring what was most likely to work in this city, and providing input into the formulation of a plan. The HRC took on two sizeable tasks in 2018 in support of this process:

- In January, 2018, the HRC was asked to “solicit applicants” for a Task Force comprised of community members who would work to address specific topics listed by City Council related to the creation of a police review/oversight commission. To do this effectively and fairly, the HRC developed an application with community input and then broadly publicized the creation of the Task Force and distributed the applications. By the February 23, 2018, deadline, the HRC had received twenty-six applications and, again using criteria gleaned from public input, recommended applicants for selection by the Mayor and City Council.
- In December, 2018, with the *Independent Community Police Oversight Commission* (ICPOC) Ordinance in hand, the HRC was asked to publicize and recruit applicants to serve on this new Commission. Our charge was to attract a broad and diverse group of applicants. To meet that challenge, we designed an application that would both make the expectations of membership on ICPOC clear and encourage applicants to give those involved in the selection process the information they would need to make effective, informed decisions. The HRC also wrote educational and promotional materials to publicize the opportunity to apply, again, using posters, flyers, announcements, social media, an email campaign, and media articles. We coordinated our efforts with those of the Mayor and City Council, the City Administrator, and the Communications Director and also obtained significant assistance

from community groups to help spread the word. By the deadline of January 31, 2019, there was an impressive pool of sixty-two well-qualified applications.

In addition to the HRC's efforts in support of the formation of ICPOC, the HRC continued its examination of the policies and practices used by the AAPD in enforcing Trespass. In October 2017, a young man of color was "read trespass" at the Blake Transit Center when he and others in his group hesitated in following a police officer's request to leave the building. While the request came after a girls' fight had taken place, the young men had not been involved. The video of the trespass incident went viral and members of the community asked the HRC to look into the incident, wanting to understand what "reading trespass" entailed. They expressed concern that the incident got out of hand because of the officer's response and that his treatment of the youths was unnecessarily harsh and punitive. In examining this incident, the HRC heard stories of trespass enforcement from community members and their sense that trespass is over-used among disadvantaged people. On investigation, the HRC was surprised to learn how little information was available that could shed light on who was being trespassed and why. What was evident is that, with the vagueness of the statute and the difficulty even the HRC has had in getting access to a written policy on how trespass is enforced in Ann Arbor, that trespass enforcement needs to be made clearer to the accusers and alleged trespassers, enforcement policies and practices need to be made more transparent, and data needs to be collected on incidents and effects of trespass enforcement. The HRC sent a draft report on the subject to the City Attorney's Office and the AAPD in August for review and there was general agreement that some relatively small changes could make an important difference. Changes are currently in progress and ways to educate the community about them are being considered.

Facilitation of Contractor Compliance Under Chapter 112: Non-Discrimination

The HRC considered how it could meet its obligations to monitor contractor compliance as required under the Non-Discrimination Ordinance in a way that would facilitate compliance and enforcement, without over-regulating the process of doing business with the City. Working closely with the City's procurement and legal offices, the HRC sent all City contractors an updated poster to be hung at their workplaces to ensure that their administrators and employees had information about their rights and protections under Ann Arbor's Non-Discrimination Ordinance. We also sent a letter outlining posting expectations and checking to make certain Ann Arbor's Purchasing Services Office had up-to-date contact information for the contractors' offices responsible for contractor compliance. A separate report, jointly prepared by the Human Rights Commission and Colin Spencer, Purchasing Manager, will be submitted to City Council for its approval in the near future (pursuant to section 9:158 of the Ann Arbor Non-Discrimination Ordinance).

Handling Complaints Under the Non-Discrimination Ordinance

Under the revised Non-Discrimination Ordinance, the Commission is tasked with receiving and responding to complaints of alleged violations of the Non-Discrimination Ordinance. Community members seem to be increasingly aware of the complaint-handling services now available to them. A spreadsheet summarizing the complaints received in 2018 is attached. In addition to these complaints, the HRC receives calls and answers questions about human rights

and discrimination in Ann Arbor. Simple requests for information were not tracked in 2018. The HRC will continue its efforts to increase awareness in the community that the complaint process is available.

Ann Arbor Human Rights Commission Complaints Received in 2018

Intake Number	Date Received	Complaint Basis	Date Completed	Description	Disposition
2018-1	4.4.18	None	4.11.18	Employment: Post doc trainee at lab alleges she was not fully informed of the terms and pay back/subsequent work requirements of her fellowship until arriving from abroad.	Sent potentially useful resources to complainant.
2018-2	5.2.18	None	6.13.18	Housing: Alleges that Ann Arbor Housing Commission and landlord's miscalculated rent due.	Referred complainant to LSSCM which took the case.
2018-3	5.24.18	Gender Identity	7.30.18	Employment: Transgender woman's allegations include that she was restricted by employer from using public women's restroom after customer complained.	Closed case after complainant did not respond to repeated phone calls and email messages from the HRC.
2018-4	7.14.18	None	7.26.18	Police conduct: Allegations of repeated instances of harassment in retaliation for filing a complaint to the police about an AAPD officer.	With complainant's permission, case was referred to City Attorney.
2018-5	7.24.18	Domestic Violence Victim, Gender, Disability	11.1.18	Police conduct: Allegations concern a variety of interactions with officers from the AAPD and Washtenaw County Sheriff's Office.	After in depth conversations with complainant and exploration of options, complainant declined services offered.

Intake Number	Date Received	Complaint Basis	Date Completed	Description	Disposition
2018-6	8.9.18	Age	9.17.18	Employment: Alleges that employer illegally restricted use of portal for finding jobs to young, recent alumni.	Requested and received legal advice from City Attorney on merits and jurisdiction. Dismissed case.
2018-7	8.17.18	Age, Color, Race, Disability, Political Beliefs, National Origin	1.30.18	Public Accommodations: Alleges that he and spouse were given poor service for discriminatory reasons.	Contacted Fair Housing Center that agreed to consider sending testers. After they were unable to do so and final conversation with complainant, case was closed.
2018-8	9.4.18	Color, Height, National Origin, Race, Sex	11.7.18	Employment: Alleges did not receive same salary, raises as other employees who had been there the same (or less) amount of time.	Investigation revealed insufficient evidence of discrimination.
2018-9	10.11.18	None	10.18.18	In County Jail awaiting hearings, seeking new attorney	Provided complainant with alternative resources.
2018-10	11.2.18	Source of Income	1.31.19	Housing: Apartment complex notified residents that it would no longer accept housing vouchers or consider them as income for the purpose of determining eligibility to rent.	Repeated conversations with parties resulted in respondent agreeing to reverse its decision and continue to accept housing vouchers.