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STATE OF MICHIGAN
CIVIL RIGHTS COMMISSION and
DEPARTMENT OF CIVIL RIGHTS

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March 15, 2009

To the People of Benton Harbor:

This report symbolizes hope; hope for the future; hope for the potential for Benton Harbor to prosper. To be sure the city has many serious challenges, mostly resulting from decades of manufacturing withdrawal from the formerly bustling city. What took decades to create will surely take as many years to undo.

While we applaud the efforts of federal, state and local government in the years following the civil disturbance of 2003, we all know that more resources are needed to repair Benton Harbor. Equally important however, those resources must be provided with an understanding of everyday conditions and the cooperation of the people of Benton Harbor. We firmly believe that no policies created for the city of Benton Harbor should be undertaken without the feedback and buy-in of the people from Benton Harbor.

To this end, this report detailing the recommendations for resources from the Civil Rights Commission and Department of Civil Rights, was created with constant input from the people of the city. It is my hope that the resources we can provide will be another step toward the recovery of this most vital region.

As Michigan evolves toward its 21st century future, it is most important that we all make that transition and all recoup the benefits of the coming economic and social changes.

Sincerely,

Matthew Wesaw, Commission Chair
J. Michael Zelle, Commission Treasurer
Karen Henry Stokes, Commission Secretary
Nabih Ayad, Commissioner
Mark J. Bernstein, Commissioner
Lisa Peoples-Hurst, Commissioner
Kelvin W. Scott, Department Director

MICHIGAN CIVIL RIGHTS COMMISSION AND MICHIGAN DEPARTMENT OF CIVIL RIGHTS REPORT ON BENTON HARBOR

MARCH 2009

INTRODUCTION

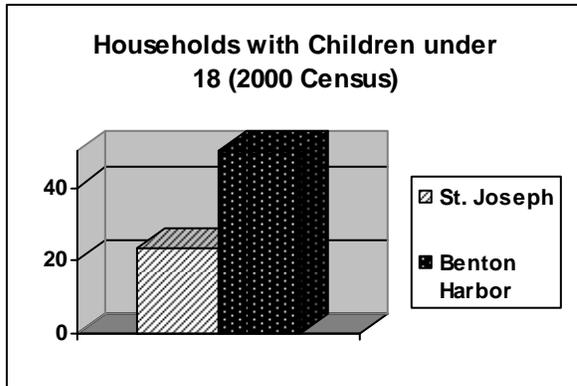
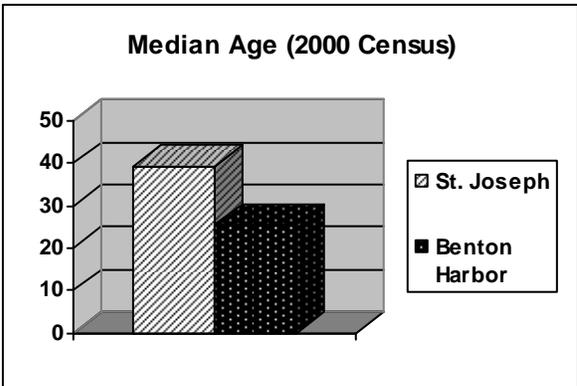
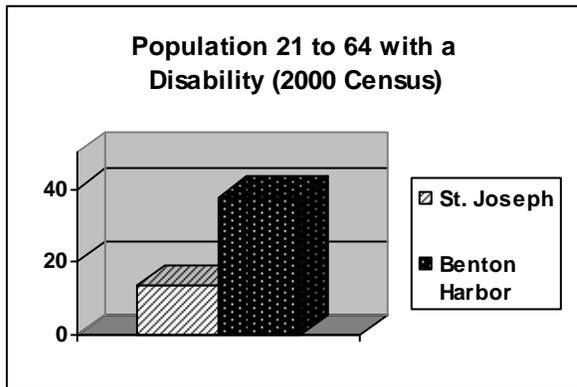
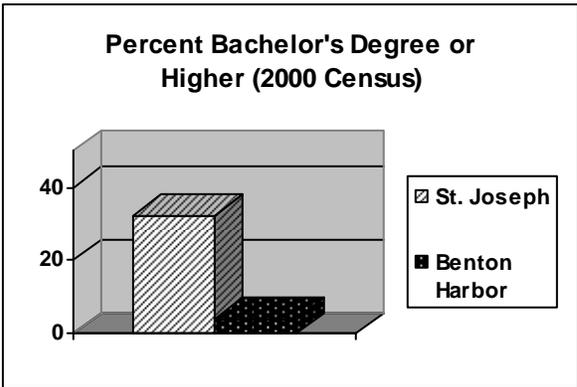
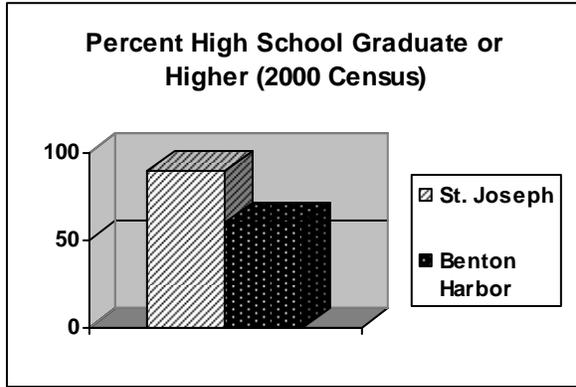
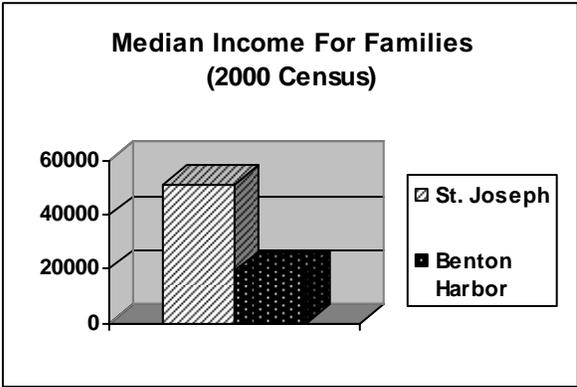
On July 21, 2008, the Michigan Civil Rights Commission convened its bi-monthly meeting in the city of Benton Harbor. Following the meeting, the Commission hosted a public forum as an opportunity to hear any resident concerns with civil rights implications. Approximately eighty-five residents and elected officials attended the meeting. During the forum, the Commission committed to returning for a tour of the city and releasing a report detailing recommendations for actions that could benefit Benton Harbor.

BACKGROUND

A former industrial stronghold, Benton Harbor now has the second highest number of brownfields in Michigan. Benton Harbor fell into economic despair with the exodus of manufacturing jobs in the last decades of the 20th century. Whirlpool Corporation is now the primary employer in the area, although it employs only a small number of Benton Harbor residents.

According to the 2000 Census, approximately 11,182 people lived in Benton Harbor with about 92% being African American and 5% white. The median income for a household in the city was \$17,471 - less than two-thirds of the minimum basic family budget according to The Economic Policy Institute.

Just across the St. Joseph Bridge, the community of St. Joseph paints a stark contrast to Benton Harbor. St. Joseph has a population of roughly 8,000 people, of whom about 90% are white and 5% African American. The median household income for St. Joseph is \$37,000 – more than twice that of Benton Harbor. St. Joseph is a bustling and trendy tourist community where, although it is literally not three miles from downtown Benton Harbor, very few Benton Harbor residents choose to visit.



GOVERNOR'S BENTON HARBOR TASK FORCE

There have been five civil disturbances in Benton Harbor since 1960, the most recent in June 2003. In that disturbance, some residents rioted for two days after a black motorcyclist had a fatal accident while being chased by a police officer. Five homes were set on fire during the disturbance. In order to quell the violence and stabilize the community, about 300 state troopers and law enforcement personnel from neighboring communities came to Benton Harbor in the ensuing days. Many saw the riots as a sign of frustration from the mostly black youth population.

As a consequence of the disturbance and the challenging conditions in Benton Harbor, Governor Jennifer M. Granholm formed the *Governor's Benton Harbor Task Force* in July 2003. The group was charged with coordinating resident involvement through work groups and creating a set of recommendations to improve the quality of life for Benton Harbor residents. The Task Force included community residents and leaders from civic, business, faith, and government organizations. The Michigan Department of Civil Rights was proud to be a part of the task force.

The 23-member coalition was given a 90-day deadline to submit a report including recommendations to Governor Granholm. The report was finalized and issued to the Governor on October 23, 2003.

RESULTS OF THE 2003 TASK FORCE

The stated objective of the 2003 Task Force was to work closely with Benton Harbor leadership to stimulate innovation, creativity and a more inclusive democratic process. The coalition hoped to involve a more diverse group of citizens in community improvement efforts and encourage residents to believe in themselves as real agents of change. In the years following the release of the Task Force report, several organizations have formed in response to development opportunities and challenges, including: Council for World-Class Communities, Citizens for Progressive Change, Community Partnership for Lifelong Learning, Alliance for World-Class Communities and most recently, the Consortium for Community Development. Although the organizations have different focuses, the common denominator is the goal of bringing people, organizations and institutions together to pool resources and talents to create positive change.

Greg Roberts, Director of Governor Granholm's Office of Community and Faith-Based Initiatives, was co-chair of the Task Force. Roberts has worked very closely with Benton Harbor leaders on behalf of the state to achieve the Task Force Recommendations.

Jerry Frank, who has been with the Berrien County Department of Human Services for 40 years – the last 17 as its director - said collectively the currently offered programs signified the most dramatic re-investment in the city in more than 20 years. Yet, despite this reinvestment, far too many residents remain skeptical about the ultimate impact of these investments in their community.

State Programs and Services and Impact

| Program Name | Objective/Purpose | State Investment | Impact |
|---|---|---------------------------------------|---|
| Benton Harbor Workforce Transformation | Training for employment | \$8 million in state funds since 2004 | 3,000 residents of Berrien, Cass and Van Buren counties trained |
| No Worker Left Behind | Provides free college tuition and training | \$1.8 million since 2004 | 263 Benton Harbor residents and 500 residents in the tri-county area received training or free college tuition |
| Youth Works | Six-week jobs program for youth | \$1.7 million since 2004 | Served 1000 youths since 2004 |
| YouthBuild | GED and vocational training for at-risk youth | \$1 million | Seventeen have graduated since 2007, 50 more are currently in training. |
| Opportunity Center | Workplace literacy and vocational training program | \$1.2 million | Trained 600 jobseekers since July 2007 |
| Strive | Job readiness and attitudinal training program | \$300,000 | Trained 220 residents since July 2007 |
| Michigan Prisoner ReEntry Initiative (MPRI) | Provides services to prisoners to ease the transition into the general population | \$2 million | Served 400 returning ex-offenders since 2006. It has an 80 percent job placement rate and has resulted in a 25 percent reduction in the recidivism rate |
| Jobs for America's Graduates (JAG) | Dropout prevention program | \$330,000 | Served 135 Benton Harbor High School students year-round |

ROLE OF THE MICHIGAN CIVIL RIGHTS COMMISSION AND MICHIGAN DEPARTMENT OF CIVIL RIGHTS

The Michigan Department of Civil Rights was created by the Michigan Constitutions of 1963 to carry out the guarantees against discrimination articulated in Article I, Section 2. The state constitution and subsequent state laws directs the Commission to investigate alleged discrimination against any person because of religion, race, color, sex, age, marital status, height, weight, arrest record, physical and mental disabilities, national origin and to "secure the equal protection of such civil rights without such discrimination." As the administrative agent of the Commission, the Michigan Department of Civil Rights investigates and resolves discrimination complaints and works to prevent discrimination through educational programs and community outreach.

July 2008 Civil Rights Commission Meeting

In July 2008, the Civil Rights Commission held a formal meeting and public forum at Benton Harbor High School. During the forum, the Commission listened to the various concerns raised by residents from Benton Harbor and the surrounding communities. Complaints included systematic mistreatment by local law enforcement officers, the under performance of the public schools, citizen disenfranchisement from the business community and alienation from the political process.

However, what most stood out was the contentiousness over the Harbor Shores Development project. There was a profound mistrust by many residents of the motives of not only the developers, but also the supporting officials. Many of those providing testimony also questioned the project's ability to improve the quality of life for Benton Harbor residents in any appreciable way. Despite these objections, the project is clearly considered by local politicians, businesses, developers, the Office of the Governor and some residents to be the most important business development initiative in the city in decades.

October 2008 Tour

As promised during the July public forum, in October 2008 officials from the Commission and Department met with Benton Harbor leaders for a community tour. The purpose of the tour was to get a "ground view" appraisal of the efforts to improve the quality of life in the community five years after the unrest. Commission and Department officials included: MCRC Commission Treasurer Mike Zelle; MCRC Commissioner Lisa Peeples-Hurst, who is also a Benton Harbor resident; former MDCR Director Linda V. Parker; Trevor W. Coleman, Director of Communications; Anthony Lewis, Community Relations Specialist; Jasmine Steele, Communications Intern; and Marcia Black-Watson, Deputy Director of the Bureau of Workforce Transformation under the Department of Energy, Labor and Economic Growth. Benton Harbor officials involved in the tour included: Mayor Wilce Cooke, City Manager Richard Marsh, Berrien County

Department of Human Services Director Jerry Frank, School Superintendent Dr. Carole Schmidt, Cornerstone Alliance (Chamber of Commerce) President Wendy Dant Chesser, Benton Harbor Police Captain Randy Pompey, and MichiganWorks! Executive Director Todd Gustafson.

After meetings with Mayor Cooke, City Manager Marsh, and Directors Frank and Gustafson, the group visited the Thurgood Marshall Housing Project for a ribbon cutting ceremony. The group then boarded a bus to visit the Buss Housing Projects, Harbor Shores Development and areas around neighborhood convenience stores where residents congregate. While the leaders of Benton Harbor are hopeful that there has been incremental progress since the civil unrest, many citizens still argue that in spite of the best efforts by state and local officials things have gotten worse – largely due to the economic woes of the state.

Mayor Cooke focused most of his remarks on the controversy surrounding the Harbor Shore Development Project. He appeared to be in support of the project, although he conceded he was not at all certain it would ultimately do much to increase the city's tax base or improve employment rates.

Director Frank shared that since 2000 there has been a significant increase in food stamp requests in the county, with a disproportionate share coming from Benton Harbor. According to DHS records there were 16,000 food stamp recipients in the county in 2000; now it is up to 22,000. There has also been an increase in the requests for both shelter and medical assistance over the same time period. In 2000 more than 14,700 people in the county received state medical assistance; today that number is 20,950.

The largest increase in aid has been in requests for emergency assistance such as disconnect and eviction notices. In 2000 DHS serviced 568 persons with such needs; by the end of 2008, 1,451 people had been serviced.

A lifelong Benton Harbor resident, Frank, cautioned that community transition was a long term project. "We've made very significant progress in the past five years and I expect in the next five years, we'll see three to four times more."

Commissioner Peeples-Hurst, also a Benton Harbor native, is much less sanguine. She said the economy of the state has gotten worse across the board. While praising the sincerity and commitment of CPC and other organizations, she said it is going to take much more time to determine the efficacy of their programs.

Commissioner Peeples-Hurst concerns are well taken; the fact is it took five decades of de-industrialization and entrenched racial politics to bring Benton Harbor to the point where it is now. Given the magnitude of the problems and the fundamental structural and institutional changes that will be required to attain meaningful change in Benton Harbor, any proposal – by necessity - will require long-term strategies for implementation.

RECOMMENDATIONS

Based on resident feedback received during the public forum and tour, the Commission and Department makes the following recommendations for actions to better service the Benton Harbor Community.

1) Cultural Competence training for law enforcement in Benton Harbor and St. Joseph

It should be noted that within the past 90 days a rogue police officer on the Benton Harbor police force has been convicted of framing citizens by planting drugs, falsifying charges and arresting innocent men. Community leaders insist other officers were involved and rumors are rampant that other arrests are pending. As a result of his activities 22 men – so far – have been either released from incarceration or are under active consideration for release. This unfortunate development has led to a further escalation in tensions and underscores the extreme volatility in the relationship between the Benton Harbor law enforcement community and the residents they have been charged with protecting and serving.

It is imperative that MDCR, in conjunction with the Michigan State Police provide Police and Community Relations Training to all state, county and city law enforcement officers in the area. Specifically the training would enhance the understanding of the five most frequently encountered cultural groups: *African American, American Indian, Arab American, Asian American, and Latino American*. The workshop will also help law enforcement officers to recognize, understand and control their personal biases and interact more effectively with colleagues and community members across cultural boundaries. The learning objectives include the recognition that our individual cultures affect the way we interact with the world and understanding that local, state, and federal law enforcement agencies are partners in building positive relationships within the communities they serve.

2) Cultural Competence training for all city, county and state workers in Benton Harbor and St. Joseph

This training would help service providers work better with diverse populations. A four-hour participatory training, this course was designed to enhance participant's understanding of Michigan's five most frequently encountered cultural groups: *African American, American Indian, Arab American, Asian American, and Latino American*. The training is designed to assist participants to recognize, understand and control their personal biases, and interact more effectively with colleagues and customers across cultural boundaries.

3) Cross Racial Interaction Day

The MDCR could host an MLK Day event in the city that would invite people from Benton Harbor, St. Joseph and other areas for a day-long facilitation of positive cross racial communication and common understanding. This event would follow the model of several similar initiatives changing lives across the state.

4) Facilitated Community Dialogues

In coordination with the Police and Community Relations training the MDCR should help facilitate a meaningful dialogue between Benton Harbor's justice and social advocacy groups active in the Consortium for Community Development and Berrien County officials. This effort would include everyone who is part of the local criminal justice system -from judges to prison guards, social workers, and school officials.

In addition, the Commission pledges to revisit the recommendations of the 2003 Task Force, especially the following:

- Establishing a Magistrate and possible future District Court in Benton Harbor to respond to citizen perceptions about the current criminal justice system.
- Reforming the indigent defense system to include the creation of an independent public defenders office.
- Creating a Citizens' Complaint Review and Oversight Board modeled after the Kalamazoo Oversight Board which allows citizen input on the handling of complaints related to the criminal justice system.
- Working to increase community participation in jury duty, and thus allowing for greater diversity in the jury selection of Berrien County juries.
- Exploring the feasibility of adopting a juvenile justice system that encourages community-based care management for adjudicated youth.

Conclusion

In conclusion, the needs of Benton Harbor are not complex; in fact they are fundamental. The community needs momentum in the implementation of both the original Task Force recommendations and the instant Commission and MDCR recommendations. The Commission and MDCR pledge to continue striving to help create an environment of trust; where there is a belief that mutual interests are being served. Most important, the residents of Benton Harbor need to feel respected and part of the political and economic process – not victims of it.