

July 18, 2024



CITY OF
GRAND
RAPIDS

**Grand Rapids Civilian Appeal Board
Biennial Report 2022-2023**



Table of Contents

Letter from the Chair	2
In Memoriam of Matthew Smith.....	4
Looking Forward – Board Insights and Reflections.....	5
About the Civilian Appeal Board	6
The Complaint and Appeal Process	7
Filing a Complaint.....	7
Filing an Appeal.....	7
Appeal Eligibility	8
Aftermath of CAB’s Decision	8
GRPD Complaints & IA Findings – 2022 vs 2023.....	9
Complaints Received by GRPD.....	9
External Class 1 & 2 Complaints Received by GRPD.....	10
Internal Class 1 & 2 Complaints Received by GRPD.....	11
Other Complaints Received by GRPD.....	12
Civilian Appeal Board Hearings and Findings	13
Appeals – CAB Decisions.....	13
Summary of Appeals – 2022 and 2023	14
2022 and 2023 Year-End Reviews – Anecdotal Summary	16
Summary of Meetings.....	16
City Departments – Roles and Functional Changes.....	16
Appendix.....	20

Letter from the Chair

To The Community of Grand Rapids, Commissioners, Mayor, City Manager, and Chief,

As Chair it is my duty and pleasure to present the Biennial Report of the Civilian Appeal Board for the years 2022 and 2023. In it you'll find a comprehensive summary of appeals the Board heard, the complaint and appeal process, data sets on complaints received, challenges the Board faced, and perspective from members on how this work may be improved upon. These reports are an important tool to help understand the work our Board is a part of and illustrate the vital role the Civilian Appeal Board plays in transparency and accountability in policing.

Since the passing of [City Commission Policy 800-02](#) in 1996, the Civilian Appeal Board has been uniquely positioned – holding space between the community and police with a stated purpose “... to afford the community a sense of confidence that the community itself is involved as necessary in reviewing the activities of its police officers.” In my five plus years serving on this board I, and other members, have seen and been a part of changes made to better position the Civilian Appeal Board to deliver on this stated purpose. Some of these changes – like the establishment of the Office of Oversight and Public Accountability; protocols around training and onboarding; standardizing of information given to the board during appeals; and more – have been instrumental in removing obstacles, miscommunications, and potential conflicts of interest that occurred in the past. And though I am genuinely proud of the work this Board has done and is a part of, I would be remiss if I did not take this opportunity to state that these changes have not been enough. They have not, in my view, allowed this Board to fully meet its stated purpose and mission, nor meet the potential of what it can do to better serve this community.

As stated above, City Commission Policy 800-02 was passed in 1996, nearly thirty years ago. Even at that time there was substantial pushback and concern from the community regarding the final policy proposed. This included a petition drive to give more independence and power to the proposed board. More recently, from 2015 through 2019, numerous community engagements sessions were held by the City. The culmination of these sessions led to [The Twelve Point Plan](#), the [Traffic Stop Study](#), the [GRPD Task Force on Police Policies and Procedures](#), the [Policing at the Speed of Trust](#) trainings, and the formation of the [Office of Oversight and Public Accountability](#). Input gathered at all of these sessions and others reflected the same concerns expressed by the community nearly three decades ago – that our Board does not have the proper independence and power to fully serve the community on its stated purpose and mission.

This erosion of belief and trust becomes clear when looking at the datasets gathered at these engagements and considering them in relation to the number of appeals filed with the Board. A review of the Board's history shows years when no appeal was filed, and no meetings were held. Given the number of qualifying complaints filed annually with the Grand Rapids Police Department, it seems statistically improbable for this to be true in a single year, let alone multiple years. I am concerned that the lack of appeals demonstrates the lack of trust with the complaint process in general and the perceived autonomy of the Board. This negatively impacts the Board's ability to perform its duty and responsibility, and creates a false perception of security.

Since OPA's inception in 2019, it has been working on a re-imagining of the Civilian Appeal Board. In 2021, OPA presented an [outline](#) of that process to the City Commission. And the Board, for its part, has looked at Bylaw changes numerous times over the years to try and address these issues and concerns. However, without City Commission action and support, OPA's efforts and Board Bylaw changes can only go so far.

The City's [Strategic Plan](#) lists values that guide the City's decision making process. Those values – accountability, equity, and innovation, to name a few – also guide the work of this Board. Equity requires that we challenge how things have been done before and be nimble, self-aware, and open to feedback. Innovation requires that we leverage city influence to intentionally remove and

prevent barriers of systemic and institutional injustice. Accountability requires that we always act with integrity and transparency. I believe in these values, and I know our City and community do as well. However, to move past belief into practice we need you, the City Commission, to move forward on revisiting Policy 800-02. To truly realize the Board's potential and deliver on its stated purpose and mission, we need a Civilian Appeal Board that represents the needs and expectations of today's community while addressing the concerns of the past. It is my hope that you make that happen.

In closing, as my service on this Board comes to an end, I want to express my gratitude, appreciation, and support to all the current and past members, including the staff that have helped support us. The work we do is not easy. The videos and statements alone can be emotionally disturbing, traumatic and heart wrenching to read, watch, and hear. But this work is necessary and truly valuable to our community. My sincere thanks to every one of you for taking the time out of your lives to be a part of this Board and the dedication you've put into serving our community together. It has been an honor to serve with you.

In Service,

Russell Olmsted
CAB Chairperson

In Memoriam of Matthew Smith

On behalf of the Board, I'd like to honor Matthew Smith's life, legacy, and dedication to public service. I first met Matthew while canvassing for a local candidate in 2022. I remember being struck by his passion and desire to work with, and for, the community he was a part of. Not everyone is willing to canvass a neighborhood in the summer heat, knocking on a stranger's door to discuss a cause, candidate, or issue they believe in. But Matthew was.

When Matthew joined the Civilian Appeal Board in 2023, I observed that very same dedication and willingness to serve – in fact, it was evident from his *first meeting*. At times, the Board's work can be emotionally exhausting, but Matthew's character, empathy, and compassionate leadership always shone through. He was never intimidated to ask difficult questions or seek clarification on crucial points, yet he always made room to listen to others before reaching a conclusion.

It was truly inspiring to work with Matthew – his wisdom, light, and voice will be sorely missed. The Board extends its deepest condolences to Matthew's family, friends, and colleagues.

With heartfelt condolences,

Russell Olmsted
CAB Chairperson

Looking Forward – Board Insights and Reflections

First and foremost, the Board wants to express its appreciation for the dedication and service provided by the Grand Rapids Police Department, Internal Affairs, the Office of Oversight and Public Accountability, and the City Commission. The Board recognizes the challenges of policing in our current social climate and acknowledges the progress that has been made since its last Annual Report. The Board commends the increased oversight and the partial reimagining of the civilian appeal process OPA's guidance.

In its ongoing pursuit of improvement, the Board would like to offer suggestions to enhance the overall process and ensure that the community has a better understanding of their rights and responsibilities when it comes to policing issues. These suggestions encompass several key areas.

First, the Board proposes improved communication with complainants, providing them with a comprehensive understanding of the entire complaint process. We want to emphasize the need for complainants to know how complaints are classified by Internal Affairs, and the impact of that classification prior to filing a complaint. We also believe that involving OPA in the classification of complaints and seeking its input could further enhance the accuracy and objectivity of the process.

Second, the Board seeks support from the City Manager, the Chief of Police, and the City Commission to ensure that it has access to all relevant information related to the appeals heard. In the past, this Board has dealt with missing videos, overly redacted information, and a lack of follow-up for the additional questions remanded to labor relations. While not specific to 2022 or 2023, different reasons have been provided to the Board for why information was missing or not obtained. These issues reflect an ongoing concern that the Board is consistently *not provided* the entire investigative record necessary to complete its review in an objective manner.

Third, the Board recommends comprehensive training initiatives, including the continued development of new board member orientation with OPA and the City Attorney's Office. Additionally, the Board requests further training related to GRPD's de-escalation policy and practices. Asynchronous training modules should continue being offered for onboarding and as refresher for experienced board members.

Fourth, the Board has observed that GRPD's current retention schedule and practices for capturing and tagging footage from body-worn cameras and in-car videos fails to ensure the retention of essential video footage related to complaints. The Board recommends that the policy be revised for longer retention in situations, such as when an individual requires medical attention, and that internal practices for capturing, tagging, and retaining footage be improved.

Sincerely,
The Civilian Appeal Board

About the Civilian Appeal Board

History

In 1996, the City Commission established the Civilian Appeal Board (“**CAB**” or the “**Board**”) through City Commission Policy 800-02. CAB reviews findings from the Grand Rapids Police Department (“**GRPD**”) Internal Affairs Unit (“**IA**”) regarding complaints of the use of excessive force; falsification and lying; civil rights violations, and (4) hostility, discourtesy, or other conduct unbecoming an officer when such conduct is committed in a context of racial animosity or prejudice. The Board possesses the unique ability to affirm, modify, or reverse the IA’s findings. City Commission Policy 800-02 (“**CCP 800-02**”) can be found in the appendix of this report.

Mission

CAB’s mission is to encourage compliance with rules and regulations concerning the conduct of police officers during interactions with citizens; to encourage individuals who believe they have been mistreated by police officers to use the internal complaint process of GRPD; to review the complained of conduct of officers; to create a process that fairly and evenhandedly evaluates and judges the conduct of everyone involved to determine whether or not a breach of departmental rules and regulations occurred; and to afford the community a sense of confidence that the community itself is involved as necessary in reviewing the activities of its police force.

Purpose

CAB’s purpose, according to CCP 800-02, is to act as a review body for finding facts made by IA, concerning complaints made by individuals who believe that they have been mistreated by GRPD. This is a voluntary, independent Board consisting of community members who have a stake in meaningful police accountability, transparency, and systemic change. The Board is focused on reviewing IA investigations and all aspects of the cases to identify any wrongdoing.

Board Structure

CAB consists of nine Grand Rapids residents. The Board members are appointed by the Mayor and City Commission. The Mayor appoints three members and the City Commission appoints six members. Each term is two years and members may only serve for six consecutive years. At the end of 2022, there were five members on the Board and four vacancies. By the end 2023, however, there were eight members and one vacancy.

Board Members (as of December 31, 2023)	Ward	End of Term
Russell Olmsted – <i>Chairperson</i>	1	5/5/2025
Sophia Brewer	3	5/5/2025
Michelle Williams	2	5/5/2025
Reginald Howard	3	5/5/2025
Jason Osbourn	2	5/6/2024
Dean Pacific	1	5/5/2025
Matthew Smith	2	5/5/2025
Jordan Cross	2	5/5/2025

The Complaint and Appeal Process

Filing a Complaint

Anyone may file a complaint against an employee of GRPD by calling, visiting, or e-mailing the Office of Oversight and Public Accountability (“**OPA**”) or GRPD, using an online submission form. Once a complaint is received, IA conducts an objective investigation. After a complete investigation, IA renders a disposition, based on the facts and circumstances. The dispositions of complaint investigations are classified as follows:

- Unfounded:** The investigation conclusively proved that the act(s) complained of did not occur. (This finding also applies when the act(s) may have occurred, however, the named employee(s) were not involved.)
- Exonerated:** The act, which provided the basis for the complaint or allegation, occurred; however, the investigation revealed that it was justified, lawful, and proper.
- Not Sustained:** The investigation failed to disclose sufficient evidence to clearly prove the allegation made in the complaint or to conclusively disprove such an allegation.
- Sustained:** The investigation disclosed sufficient evidence to clearly prove the allegation made in the complaint. Violation of policy and/or procedure did occur, and appropriate administrative action will be taken.

The complaint may also be classified as Administratively Closed, which means the complaint was recorded but not investigated, or was withdrawn by the complainant.

Filing an Appeal

After a complaint has been investigated by IA, IA will render a written decision, commonly referred to as a Complaint Disposition Report (“**CDR**”). If IA concludes that the complaint is not sustained, unfounded or that the officer is exonerated, the complainant may appeal to CAB by filing a written request with the City Attorney’s Office or OPA within fourteen (14) calendar days after the date of mailing of the CDR. If a timely appeal is filed, CAB will review the conclusions contained in the CDR and the evidence secured by GRPD during the investigation. If CAB needs additional

information to make a decision, OPA and/or Labor Relations will conduct a supplemental investigation.

CAB meets as necessary to consider all appeals referred to it in a timely fashion. Appeal hearings are attended by OPA's Director, who has served as staff liaison to the CAB since August 2019; GRPD and/or IA, who provide information regarding the scope of the investigation; and the Deputy City Attorney, who answers legal questions.

Appeal Eligibility

There are specific criteria outlined in CCP 800-02 that allow for a complaint to be appealed. Although anyone can file a complaint with OPA or IA (complainant(s), witness(es), concerned or interested party, etc.), an appeal may only be filed by an individual who believes they have been mistreated by the police. Complaints are categorized by IA as Class 1, Class 2, Class 3, Administrative Documentation, or Department Complaint. As explained below, only Class 1 and 2 complaints can be appealed.

Aftermath of CAB's Decision

After reaching a decision, the Board reduces its opinion to a written statement affirming, reversing, or modifying the conclusion(s) contained in the CDR. If the Board reverses or modifies the conclusion(s) in the CDR, the written decision must contain sufficient detail to explain the reason for the reversal or modification. The Board has no jurisdiction to impose or recommend that discipline and its decision does not address or recommend potential disciplinary action.

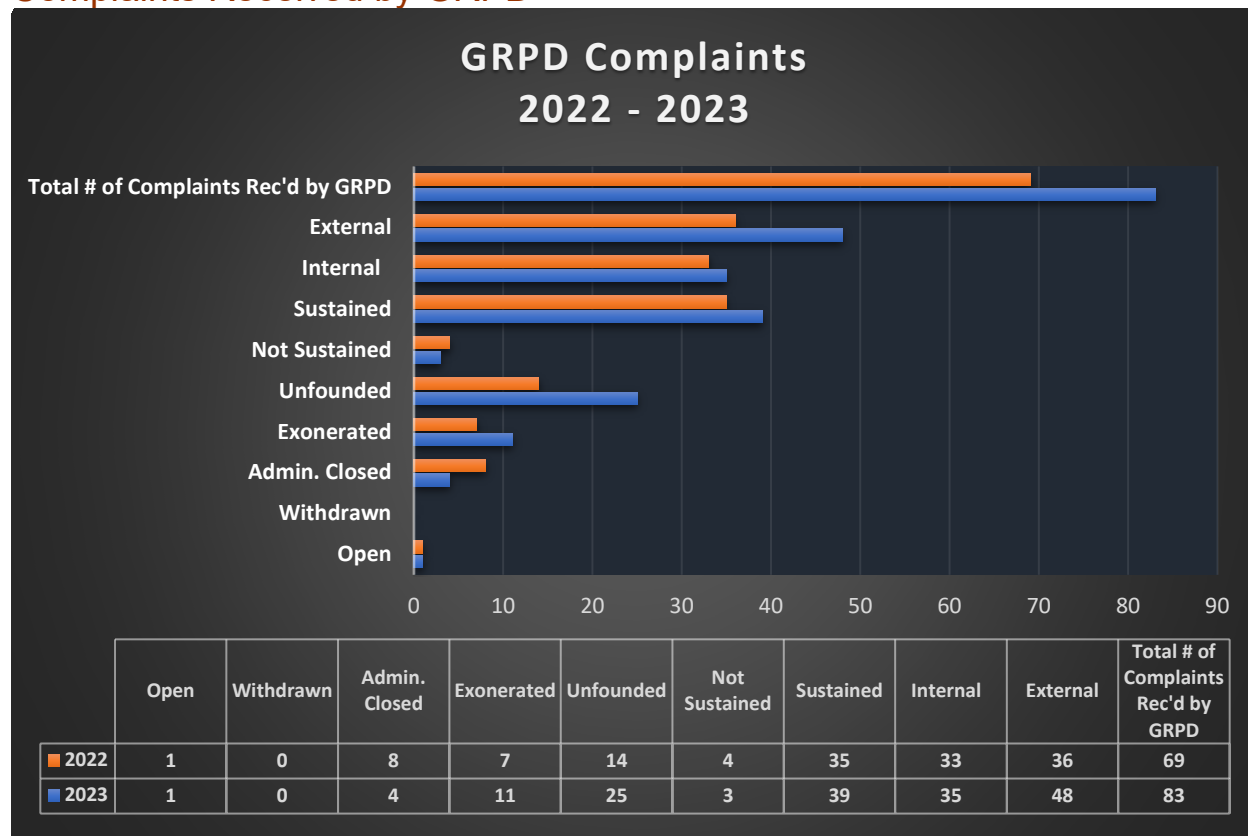
The CDR (as affirmed, modified, or reversed by the decision of the Board) constitutes the City's final disposition regarding the complaint.

CAB's decision is submitted to the City Manager and a copy of the decision is provided to the complainant(s), the officer(s) involved, the City Attorney, and the Chief of Police. If CAB concludes that the involved officer(s) violated GRPD's rules and/or regulations, then the City Manager determines the disciplinary or other action to be taken. Per collective bargaining agreements, sworn police officers and civilian employees may appeal written reprimands, suspensions, and discharges through arbitration. Arbitration is a form of dispute resolution commonly used in labor disputes.

GRPD Complaints & IA Findings – 2022 vs 2023

This section provides insights and comparisons into the complaints received by IA in 2022 and 2023. This includes a breakdown of total complaints, details surrounding Class 1, Class 2, and Class 3 complaints, and dispositions. This complaint information was provided by IA. Further information regarding complaints received by IA can be viewed on the [Police Metric Dashboard](#).

Complaints Received by GRPD



In 2022, IA received a total of 69 complaints – 36 external and 33 internal. Of the total, 35 were sustained, 4 were not sustained, 14 were unfounded, 7 were exonerated, 8 were administratively closed, 1 was still open, and none were withdrawn.

During 2022, OPA received a total of 11 external complaints, 4 cases were opened by IA and were included in the total amount of complaints. The remaining 7 complaints were either resolved directly with the complainant(s) or were not investigated because no articulable violation of GRPD policy, state law, or federal law was identified as being at issue.

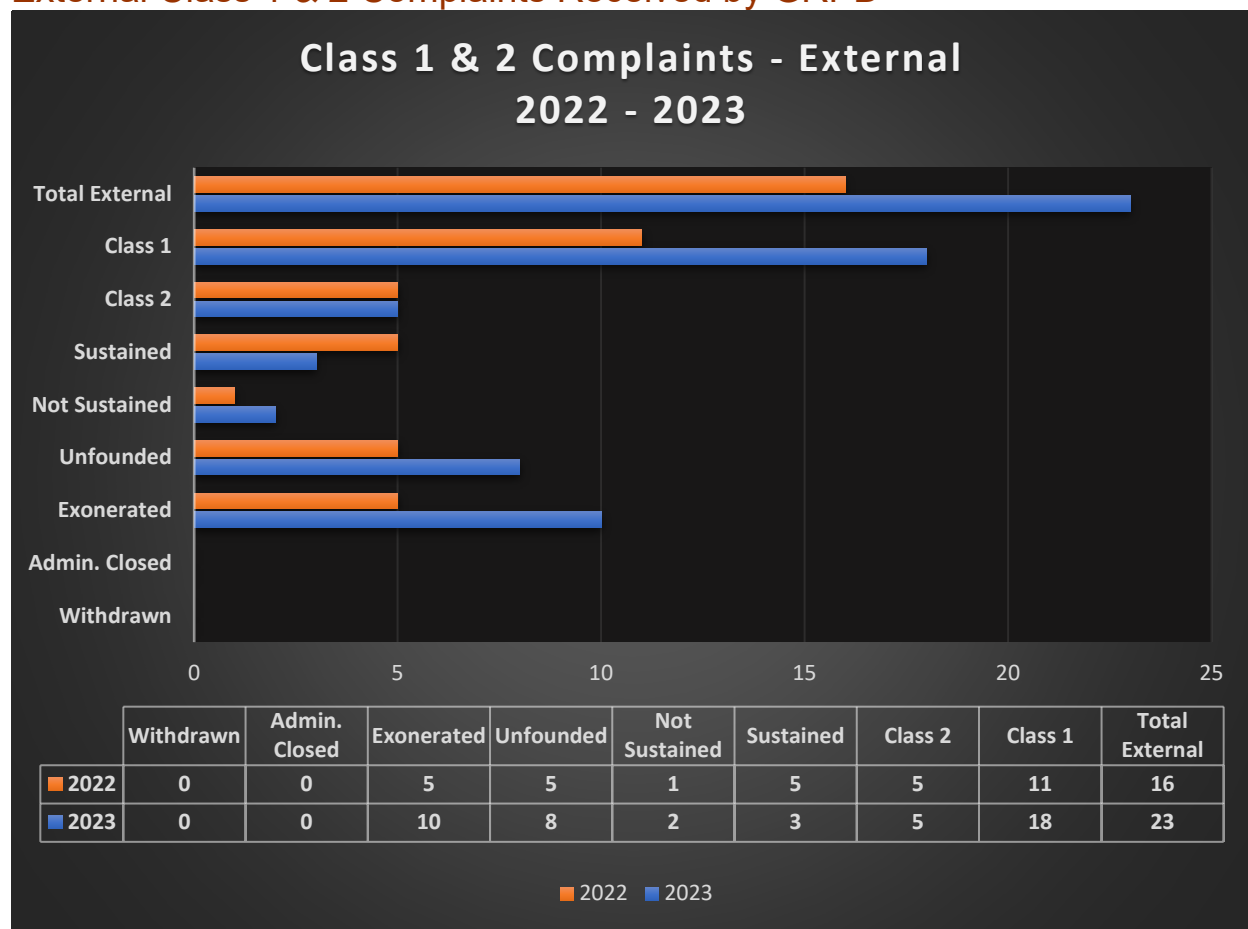
In 2023, the total amount of complaints received by IA rose to 80 – 48 external and 35 internal. Of those complaints, 39 were sustained, 3 were not sustained, 25 were unfounded, 11 were exonerated, 4 were administratively closed, 1 was still open, and none were withdrawn.

During 2023, OPA received a total of 7 external complaints, 6 cases were opened by IA and were included in the total amount of complaints. The sole remaining case was unopened because no articulable violation of GRPD policy, state law, or federal law was identified as being at issue.

Breakdown of Percent Change from 2022 to 2023

- **Total Complaints:** 20.29% increase
- **Total External Complaints:** 33.33% increase
- **Total Internal Complaints:** 6.06% increase
- **Sustained Complaints:** 11.42% increase
- **Not Sustained Complaints:** 25.00% decrease
- **Unfounded Complaints:** 78.57% increase
- **Exonerated Complaints:** 57.14% increase
- **Administratively Closed Complaints:** 50.00% decrease

External Class 1 & 2 Complaints Received by GRPD



A **Class 1 Complaint** is one in which one or more of the allegations presented by a complainant is severe and constitutes a Civil Rights and/or criminal law violation if sustained. Examples of Class 1 violations include the excessive use of force, racial profiling, improper searches, and seizures. If a Class 1 violation is sustained against an employee, it could include discipline up to, and including, termination.

A **Class 2 Complaint** is one in which the allegations presented by the complainant, while serious, do not constitute a Civil Rights and/or criminal law violation. Examples of Class 2 violations include employee-involved at-fault crashes, insubordination, and repeated violations of minor offenses. If

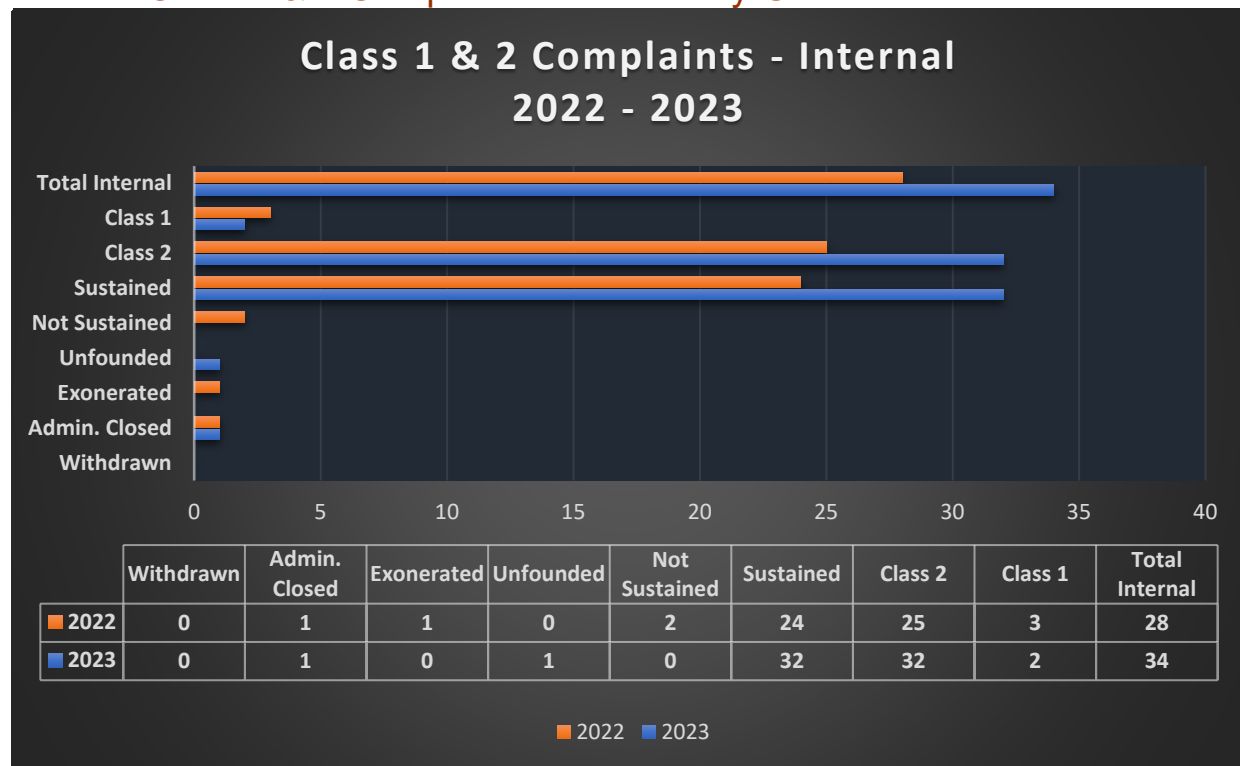
a Class 2 violation is sustained against a GRPD employee, the corrective action with that employee could include discipline up to, and including, termination.

In 2022, IA received a total of 16 external complaints, comprised of 11 Class 1 Complaints and 5 Class 2 Complaints. Whereas in 2023, IA received a total of 23 external complaints, consisting of 18 Class 1 Complaints and 5 Class 2 Complaints.

Breakdown of Percent Change from 2022 to 2023

- **Total External Complaints:** 43.75% increase
- **Total External Class 1 Complaints:** 63.64% increase
- **Total External Class 2 Complaints:** 0% change
- **Sustained Complaints:** 40.00% decrease
- **Not Sustained Complaints:** 100% increase
- **Unfounded Complaints:** 60.00% increase
- **Exonerated Complaints:** 100.00% increase

Internal Class 1 & 2 Complaints Received by GRPD

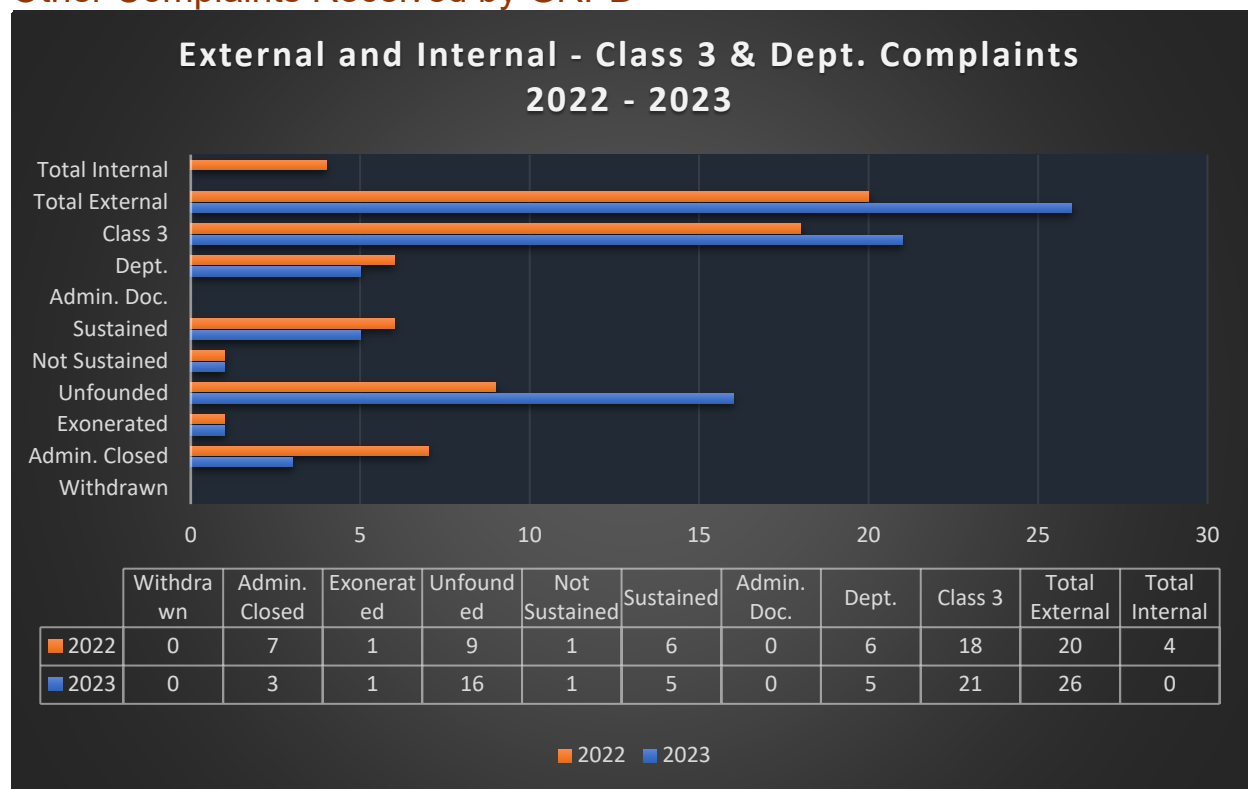


In 2022, IA received a total of 28 internal complaints, comprised of 3 Class 1 Complaints and 25 Class 2 Complaints. Comparatively, in 2023, IA received 34 internal complaints, consisting of 2 Class 1 Complaints and 32 Class 2 Complaints.

Breakdown of Percent Change from 2022 to 2023

- **Total Internal Complaints:** 21.43% increase
- **Total Internal Class 1 Complaints:** 33.33% decrease
- **Total Internal Class 2 Complaints:** 28.00% increase
- **Sustained Complaints:** 33.33% increase
- **Not Sustained Complaints:** 100.00% decrease
- **Unfounded Complaints:** 100.00% increase
- **Exonerated Complaints:** 100.00% increase
- **Administratively Closed Complaints:** 0% change

Other Complaints Received by GRPD



A **Class 3 Complaint** is one in which the allegations presented by a complainant are minor and do not constitute a Civil Rights and/or criminal law violation. Examples of Class 3 violations include, but are not limited to, minor discourtesy and diligence offenses.

If a Class 3 violation is sustained against an employee, the corrective action would be non-disciplinary in nature (e.g., supplemental training and verbal coaching). A Department Complaint is one in which the allegation presented is aimed at the Department as a whole; rather than at any specific officer.

In 2022, IA received a total of 24 other complaints, comprised of 24 external and 2 internal complaints; whereas, in 2023, IA received 26 other complaints, comprised of 26 external and 0 internal complaints. For the purposes of this section, other complaints include all Class 3 Complaints and Department Complaints.

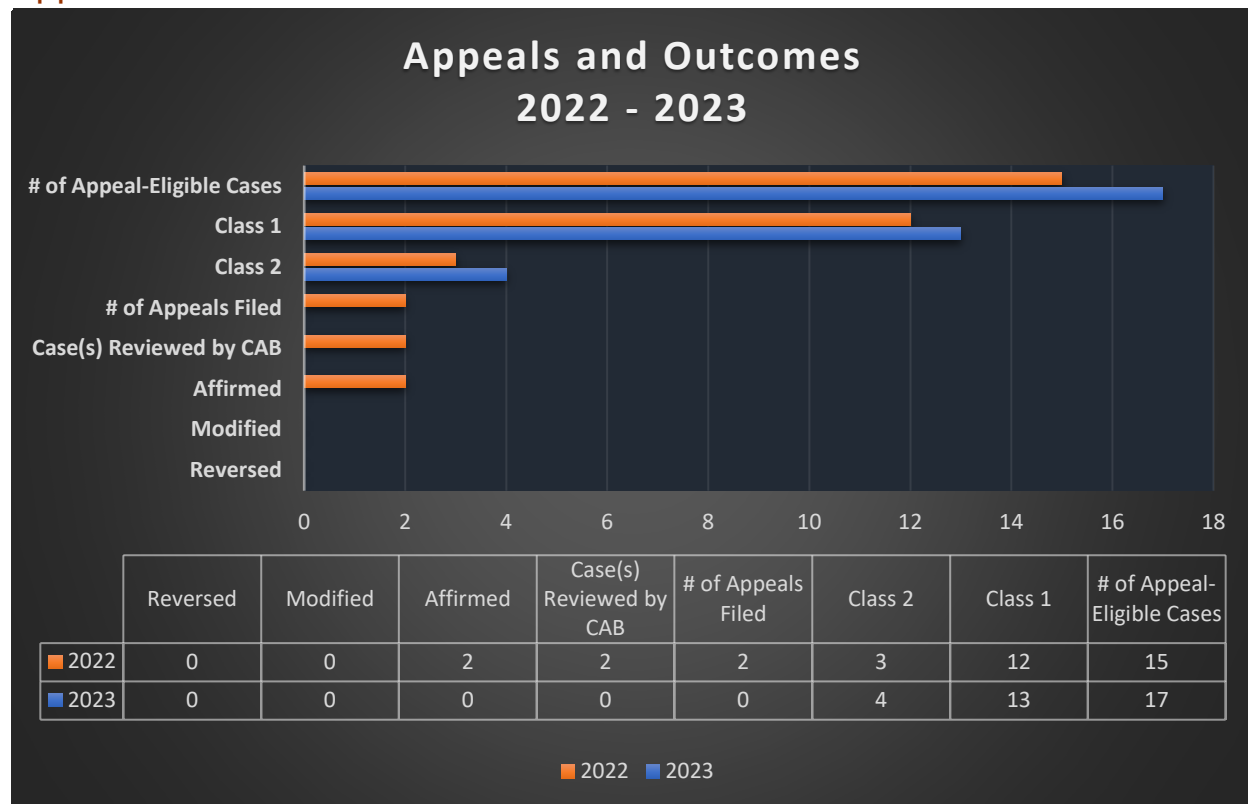
Breakdown of Percent Change from 2022 to 2023

- **Total Other Complaints:** 8.33% increase
- **Total Other External Complaints:** 30.00% increase
- **Total Other Internal Complaints:** 100.00% decrease
- **Total Class 3 Complaints:** 16.67% increase
- **Total Department Complaints:** 16.67% decrease
- **Sustained Complaints:** 16.67% decrease
- **Not Sustained Complaints:** 0% change
- **Unfounded Complaints:** 77.78% increase
- **Exonerated Complaints:** 0% change
- **Administratively Closed Complaints:** 57.14% decrease

Civilian Appeal Board Hearings and Findings

This section gives greater detail about the facts and circumstances involving the cases that were appealed to CAB in 2022 and 2023.

Appeals – CAB Decisions



In 2022, there were a total of 15 appealable cases and 2 appeals; whereas in 2023, there were 17 total appealable cases, but no appeals.

Summary of Appeals – 2022 and 2023

Below are summaries of the cases reviewed by the Board during 2022 and 2023. These summaries do not detail all the facts, policies, and law(s) that were considered by IA or CAB; rather, they are meant to provide a brief insight into the nature of the allegations that were appealed and the outcome of the appeal.

Complaint Number: CR22-036

Nature of Complaint: Unreasonable Force

Date of Incident: March 14, 2022

Date of Complaint: May 25, 2022

Date of Appeal Request: August 24, 2022

Date of CAB Hearing: December 21, 2022

A full length recording of this appeal hearing can be viewed [here](#). For those who wish to view certain portions of the proceeding, timestamped links are provided below.

- Case Summary from Board Liaison: [Link](#)
- Testimony from Internal Affairs: [Link](#)
- Motion(s) by the Board: [Link](#)

Summary of Complaint CR 22-036: CR 22-036 involved an allegation of unreasonable force that occurred during the Complainant's arrest. The events giving rise to this complaint occurred on March 14, 2022, when officers had been dispatched to the Complainant's home several times that day, in response to 56 emergency service calls. The Complainant called 911 again, stating that he did not want to speak with officers any longer and would not come out of his home to do so.

Officers planned to lure the Complainant outside because he refused to leave his home. When the Complainant stepped across the threshold of his front door, officers took him by his arm and pulled him completely out of his home. While effectuating the arrest, the Complainant fell to the ground just outside his door. The Complainant later filed a complaint with IA, alleging that officers had placed him in a headlock and slammed him to the ground when he "poked his head out of his door."

IA investigated the complaint and determined that the allegation of unreasonable force was unfounded. IA's investigation included a review of body-worn camera footage; a review of associated incident reports; a review of in-car camera footage; and interviews for officers involved in the Complainant's arrest.

The Complainant later appealed IA's decision to CAB. During the appeal hearing, the Board asked questions surrounding the scope of IA's investigation; the tactics used by responding officers; and the summons and warrant referenced in police documents. After reviewing the evidence before it and receiving testimony from IA, the Board voted (3-2) to affirm IA's disposition regarding the alleged unreasonable force.

Complaint Number: CR22-075
Nature of Complaint: Unreasonable Force
and Discourtesy
Date of Incident: September 5, 2022

Date of Complaint: November 28, 2022
Date of Appeal Request: March 16, 2023
Dates of CAB Hearings: July 19, 2023 and
August 16, 2023

This appeal hearing took place over two sessions. Full length recordings of this appeal hearing can be viewed here: [Part I](#) [Part II](#). For those who wish to view certain portions of the proceedings, timestamped links are provided below.

- Case Summary from Board Liaison: [Link](#)
- Testimony from Internal Affairs: [Link](#)
 - Motion(s) by the Board: [Link](#)

Summary of Complaint CR 22-075: CR 22-075 involved allegations of unreasonable force and discourtesy during the Complainant's arrest. The events giving rise to this complaint occurred on September 5, 2022, when officers were dispatched in response to multiple people engaged in a physical altercation at a local gas station. Responding officers were advised that the Complainant, who had been suspected of a prior hit and run crash, was one of the individuals involved in the scuffle.

Upon arrival, officers contacted the Complainant and began to question her about the events leading to the physical altercation, as well as the car accident that had occurred earlier that evening. While being questioned by officers, the Complainant attempted to walk away, causing officers to detain and secure her in handcuffs. As an officer began escorting the Complainant to a patrol vehicle, she turned around and spat in his face. In response, officers braced the Complainant's head against the exterior of the patrol vehicle to prevent her continued spitting. The Complainant also attempted to kick the officers as they double locked her restraints.

As officers escorted the Complainant to the back of their police cruiser, she refused to cooperate, wrestling with officers. After securing the Complainant in their police cruiser, officers observed her banging her head against the interior of the vehicle, causing blood loss. While transporting the Complainant to a nearby hospital for treatment related to the blood loss she sustained in the patrol vehicle, the officers and the Complainant engaged in back and forth verbal antagonism.

The Complainant later filed a complaint with IA, alleging that officers knew she was intoxicated; actively antagonized her; and used excessive force when they pulled her hair during arrest. IA reviewed all relevant body-worn camera footage, in-car video footage, incident reports, and conducted interviews for all parties involved. At the end of the investigation, IA determined that the allegation of unreasonable force against two officers was exonerated; the allegation of discourtesy against a single officer was sustained; and a separate allegation of discourtesy against another officer was unfounded.

The Complainant subsequently appealed the exonerated and unfounded determinations to CAB. During the appeal hearing, the Board reviewed additional footage, asked clarifying questions about IA's investigatory methods, and discussed the sufficiency of the evidence presented before it. Ultimately, the Board voted to (7-0 and 6-1) to affirm IA's disposition regarding unreasonable force involving two officers and (7-0) to affirm IA's disposition regarding discourtesy against a single officer. One Board member abstained from voting because they had not yet received training.

Summary of Meetings

At the outset of 2022, work continued on the expansion of training practices and evaluating areas of improvement for the Board's role in civilian oversight. On February 16, 2022, CAB's first official meeting of the year, the Board sent a letter to the City Manager, explaining that it felt that the City's Labor Relations Department had inadequately conducted a supplemental investigation related to a prior case. In response, the City Manager connected with relevant City staff and began preliminarily discussing a reimagining of the supplemental investigation process.

On October 12, 2022, the Board attended Use of Force training at GRPD's Training Center. At a subsequent meeting, held on October 19, 2022, the Board also sat through two refresher trainings aimed at equipping it to competently review appeals. Those trainings included *The History of the Civilian Appeal Board*, presented by the City Attorney's Office; and *Introduction to Internal Affairs Unit*, presented by IA.

At the Board's final official meeting on November 16, 2022, OPA conducted a training on civilian oversight. The training covered the history and principles of civilian oversight; culture and concerns regarding law enforcement's relationship with the community; and structures and oversight models.

During the final quarter of 2022, the City began the collective bargaining process with the Grand Rapids Police Officer Association ("GRPOA") and the Grand Rapids Police Command Officers Association ("GRPCOA"). GRPOA and GRPCOA represent the City's law enforcement personnel on all matters involving labor and employment. A significant portion of those negotiations centered upon OPA's role within civilian oversight including, but not limited to, OPA's ability to monitor IA investigations; OPA's access to IA information and documentation; and OPA's ability to conduct supplemental investigations for CAB. The final agreements are memorialized in Art. 10, § 12 of the City's collective bargaining agreement with the GRPOA, and Art. 7, §§ 10-11 of the City's collective bargaining agreement with the GRPCOA. Both agreements are effective July 1, 2022, through June 30, 2025.

With new members joining in 2023, OPA held a supplemental training session on July 10, 2023. The supplemental training session, held virtually, included an introduction to OPA; an overview of OPA's policy; a review of relevant constitutional law; and a review of relevant labor and employment law. In addition, Board members formed a subcommittee to assist OPA with drafting the Board's biennial report.

City Departments – Roles and Functional Changes

2022 brought two significant changes in the civilian appeal framework – (1) expansion of OPA's role within civilian appeals and (2) expansion of the City Attorney's Office handling and dissemination of *Garrity* statements and police video footage. 2023, on the other hand, saw no change. The role each department contributes to CAB, according to CCP 800-02 and newly ratified collective bargaining agreements, is as follows:

The City Attorney's Office

Prior Role: The City Attorney's Office performs legal services for the City and provides legal counsel to every aspect of city government. Representatives of the City Attorney's Office are present during the appeal process to provide information and to answer legal questions.

Changes to Role: The City Attorney's Office now handles all *Garrity* statements related to civilian appeals. *Garrity* statements are those statements made by a police officer acquired during an IA investigation concerning a complaint. See *Garrity v. New Jersey*, 385 U.S. 493 (1967). Before hearing an appeal, the Board must contact the City Attorney's Office to arrange a time to review any related *Garrity* statements. In addition, the City Attorney's Office is now responsible for collecting and disseminating police video footage to the Board.

Challenges: The City Attorney's Office attends all appeal hearings in a legal capacity, which includes, but is not limited to, answering pertinent privacy questions posed by IA; answering legal questions posed by the Board; explaining the law surrounding an officer's complained of conduct; explaining the nuances and requirements of the Open Meetings Act; and providing general guidance for Board specific requirements under Robert's Rules of Order. The City Attorney's Office also serves as legal counsel to all City departments, including GRPD. Because of this, community members have expressed that the City Attorney's Office has a conflict of interest – insofar as it is charged with defending the City from all liability, which necessarily includes any alleged unconstitutional or unlawful acts committed by GRPD. Whether the conflict of interest is actual or perceived, the City should strive to maintain integrity, accountability, and transparency in all facets of the appeal process – abiding by relevant laws, policies, and collective bargaining agreements.

Grand Rapids Police Department – Internal Affairs

Prior Role: All information regarding the investigation of the complaint being appealed is gathered and sent to OPA by IA. OPA organizes those materials and provides them to the Board for review. An IA Complaint file can include IA Reports (Complaint Intake Report, Complaint Investigation Report, Complaint Disposition Report, Complaint Action Report, Informal Complaint Finding Report, Informal Complaint Report, Administrative Documentation), correspondences (actual complaint submitted, letters, etc.), emails (internal and external), Incident Report(s) (all copies of relevant or related police incident reports), copies of related Use of Force Reports, investigative notes, related memos, all audio files and transcriptions of conversations or interviews with the complainant and employee or citizen witnesses, copies of related photographs (in-house or provided by citizen), all relevant video files (footage from citizens, Body Worn Cameras, In-Car Videos, and Squad Car videos), or other miscellaneous documentation (IA's examination of relevant laws, policies, and procedures). Representatives of the Grand Rapids Police Department are present during the appeal process to provide information regarding the scope of the investigation and to answer any GRPD-specific training questions.

Changes to Role: None.

Challenges: IA attends all appeal hearings to answer questions posed by the Board surrounding the scope of complaint investigations. IA answers the Board's questions with thoughtful and complete responses, explaining the thought process behind its investigative techniques and decisions. At certain times, however, the Board has criticized IA for drawing inferences, assumptions, or conclusions that are not supported by a plain reading of the investigative record (e.g., misclassifying a complaint; failing to individually analyze each instance of force used by an officer during an arrest; interpreting a potential complainant's failure to articulate an alleged violation of GRPD's policies and procedures as a desire to not file a formal complaint; isolating only the complained of acts for investigation; and failing to uniformly apply its logic and discretion when investigating acts of discourtesy).

Office of Oversight and Public Accountability

Prior Role: OPA was created in August 2019 to serve as an independent City department that works to increase transparency and accountability within the City of Grand Rapids public safety departments. OPA is responsible for helping to protect civil rights, supporting effective policing,

building bridges between public safety and community, increasing confidence in the police, managing risks, and ensuring greater accountability by the City's public safety departments. OPA is authorized to receive complaints and submit complaints to IA for investigation. OPA may also monitor those investigations to ensure that complaints are processed appropriately and to identify any systemic issues plaguing the complaint process. OPA's overall goal is to recommend changes in policies and procedures to improve police and community relations and create equity and trust. OPA serves as liaison to CAB, which means it is responsible for reasonable requests for information from the Board, guidance, scheduling hearings, organizing information sent from the IA, and other routine matters. OPA staff attends all Board meetings and hearings but has no voting power.

Changes to Role: Under the new collective bargaining agreements, OPA may conduct supplemental investigations where CAB considers the record to be inadequate to complete its review. Upon completion of the requested supplemental investigation, OPA shall provide a written report to CAB summarizing the actions taken and information received during the supplemental investigation.

Challenges: With its newly expanded role, OPA will likely need access to IA records and documentation to conduct an objective and complete supplemental investigation for CAB's review. Depending on what the Board is requesting be investigated, there may be privacy protections in place that would prohibit or restrict OPA's ability to conduct a thorough investigation. When called upon to perform a supplemental investigation, OPA will likely have to balance the need for transparency and accountability, whilst observing privacy protections guaranteed by law, policy, and/or collective bargaining agreements.

Labor Relations

Prior Role: The Board is not authorized to engage in separate investigations, interview witnesses, or hold evidentiary hearings, but it may remand the case to the Labor Relations Division to complete a supplemental investigation. The Labor Relations Division is responsible for administering cost-effective bargaining agreements for employees of the City of Grand Rapids. The Labor Relations Division has the authority to conduct supplemental interviews with the complainant, the officer(s), and witnesses if the Board considers the record to be inadequate to complete its review. Once the supplemental investigation is complete, Labor Relations provides a written report to CAB summarizing the actions taken and information received during the supplemental investigation. A continuation hearing is then scheduled for the Board to further discuss the case and complete its review.

Changes to Role: In the past, Labor Relations served as the sole department through which the Board could request a supplemental investigation. Under the new collective bargaining agreements, however, OPA may also conduct supplemental investigations.

Challenges: Due to the scarcity of appeal hearings in 2022 and 2023, Labor Relations did not attend any CAB meetings. If the Board does not request a supplemental investigation, then Labor Relations, *in essence*, takes no part in the appellate process.


Glossary of Terms and Abbreviations

Affirm	The earlier decision was upheld.
Board or CAB	The Grand Rapids Police Civilian Appeal Board
CCP 800-02	City Commission Policy 800-02
CDR	Complaint Disposition Report
Complainant	The person who initiates a complaint.
Exonerated	The act, which provided the basis for the complaint or allegation, occurred; however, the investigation revealed that it was justified, lawful, and proper.
GRPCOA	The Grand Rapids Police Command Officers Association
GRPD	The Grand Rapids Police Department
GRPOA	The Grand Rapids Police Officers Association
IA	The Grand Rapids Police Department Internal Affairs Unit
Modify	To change or alter whether using adaptation, translation, extension, reduction using merging with other material, or by any other means.
Not Sustained	The investigation failed to disclose sufficient evidence to clearly prove the allegation made in the complaint or to conclusively disprove the allegation.
OPA	The Office of Oversight and Public Accountability
Reverse	To overturn the participating plan's action and internal appeal decision.
Sustained	The investigation disclosed sufficient evidence to clearly prove the allegation made in the complaint. Violation of policy and/or procedure did occur, and appropriate administrative action will be taken.
Unfounded	The investigation conclusively proved that the act or acts complained of did not occur. This finding also applies when the act(s) may have occurred, however, the named employee(s) were not involved.

Appendix

City Commission Policy 800-02

CITY COMMISSION POLICY

 GRAND RAPIDS MICHIGAN	NUMBER: 800-02	HISTORY	
	DATE: July 23, 1996	FILE#	DATE
	FILE NUMBER: 62262	62671	11/19/96
	DEPARTMENT: POLICE	71397	7/08/03

SUBJECT: GRAND RAPIDS POLICE DEPARTMENT CIVILIAN APPEAL BOARD

PURPOSE: To encourage compliance with rules and regulations concerning the conduct of police officers during interactions with citizens; to encourage individuals who believe they have been mistreated by police officers to use the internal complaint process of the Grand Rapids Police Department to have that officer's conduct reviewed; to create a process that fairly and evenhandedly evaluates and judges the conduct of everyone involved to determine whether or not a breach of departmental rules and regulations has occurred; and to afford the community a sense of confidence that the community itself is involved as necessary in reviewing the activities of its police officers.

POLICY:

A Civilian Appeal Board is hereby established within the Grand Rapids Police Department to act as a reviewing body for findings of fact made by the Grand Rapids Police Department with respect to complaints made by individuals who believe that they have been mistreated by police officers through:

- (a) the use of excessive force;
- (b) falsification/lying;
- (c) civil rights violations; and
- (d) hostility, discourtesy or other conduct unbecoming an officer when such conduct is committed in a context of racial animosity or prejudice.

For purposes of this policy, "racial animosity or prejudice" is evidenced by derogatory conduct or discriminatory behavior which involves expressions of prejudice through words, gestures, or actions directed at an individual based upon that person's race, color, religion, gender or national origin.

CITY COMMISSION POLICY

NUMBER: 800-02

Page 2 of 3

(1) Membership, Term of Office and Vacancy.

The Civilian Appeal Board shall be comprised of nine (9) members. Each City Commissioner shall nominate one member, and the Mayor shall nominate three (3) members. The Mayor's nominations shall be made so as to encourage that the members selected for the Civilian Appeal Board constitute a diverse representation of the community at large. The Civilian Appeal Board shall be composed of those nominees approved by the City Commission.

Appointments to the Civilian Appeal Board shall be effective the first Monday in May for a term of two (2) years. No member shall serve on the Civilian Appeal Board more than three (3) consecutive full or partial terms or a total of six (6) years. Residency within the City is a continuing qualification for office for those members appointed. Members shall be deemed to have vacated and resigned their office if they cease to be a resident of the City during their appointed term. Mid-term vacancies will be filled as they occur by the appropriate appointing authority for the remainder of the term of the member leaving the Civilian Appeal Board. No individual may be appointed to fill a vacancy unless they would be able to serve out the entire term.

(2) Investigation of Complaints.

Individuals with complaints alleging that they have been mistreated by police officers through the use of excessive force; falsification/lying; civil rights violations; or through hostility, discourtesy or other conduct unbecoming an officer when such conduct is committed in a context of racial animosity or prejudice will be referred to the Internal Affairs Unit of the Grand Rapids Police Department. The Staff of the Internal Affairs Unit, with the assistance of an Assistant City Attorney, will conduct an investigation and prepare a proposed "Complaint Disposition Report" containing a summary of the facts regarding the complaint and a conclusion regarding whether the police officer(s) violated Grand Rapids Police Department Rules or Regulations. The Complaint Disposition Report, when approved by the Chief of Police, will be provided to the police officer(s) involved, the City Manager, the City Attorney, and the Labor Relations Division of the Human Resources Department. A copy of the Complaint Disposition Report will also be mailed to the complainant(s) at their last known address together with information advising the complainant regarding their right to appeal the conclusion reached in the Complaint Disposition Report to the Civilian Appeal Board.

CITY COMMISSION POLICY

NUMBER: 800-02

Page 3 of 3

(3) Review by Civilian Appeal Board.

If the Complaint Disposition Report concludes that the complaint is not sustained, was unfounded or that the officer is exonerated, the complainant may appeal to the Civilian Appeal Board by filing a written request for review with the City Attorney's Office within fourteen (14) calendar days after the date of mailing of the Complaint Disposition Report. If a timely appeal is filed, the Civilian Appeal Board will review the conclusions contained in the Complaint Disposition Report and the evidence secured by the Grand Rapids Police Department during the investigation. The Civilian Appeal Board is not authorized to engage in separate investigations, to interview witnesses, or to hold evidentiary hearings, but it may remand the case to the Labor Relations Division to conduct supplementary interviews with the complainant, the officer(s), and witnesses in the event that it considers the record to be inadequate to complete its review. The Labor Relations Division will provide a written report to Civilian Appeal Board summarizing the actions taken and information received during the supplemental investigation.

The Civilian Appeal Board will meet as necessary to consider the matters referred to it in a timely fashion. Representatives of the Grand Rapids Police Department and the City Attorney's Office will be present during the review process to provide information regarding the scope of the investigation and to answer legal questions. At the conclusion of its deliberations, the Civilian Appeal Board will prepare a written decision affirming, reversing or modifying the conclusions contained in the Complaint Disposition Report. If the Civilian Appeal Board reverses or modifies the conclusions in the Complaint Disposition Report, the written decision must contain sufficient detail to explain the reason for the reversal or modification. The Civilian Appeal Board has no jurisdiction to impose discipline or to recommend that discipline be imposed and its decision will not address or recommend potential disciplinary action. The decision of the Civilian Appeal Board will be submitted to the City Manager and a copy of the decision will be provided to the complainant(s), the police officer(s) involved, the City Attorney, the Police Chief and the Labor Relations Division.

(4) Final Disposition.

The Complaint Disposition Report as affirmed, modified or reversed by the decision of the Civilian Appeal Board will constitute the City's final disposition regarding the complaint. If the decision of the Civilian Appeal Board concludes that the police officer(s) violated Grand Rapids Police Department Rules or Regulations, the City Manager will determine the disciplinary or other action to be taken.