

CIVILIAN APPEAL BOARD MEETING
DECEMBER 21, 2022

These minutes are a summary of the discussions that took place during the last meeting of the Civilian Appeal Board. They are not a verbatim transcription of the remarks made by any individual.

CALL TO ORDER: 4:02 PM at City Hall Commission Chambers

Members Present: Russell Olmsted
Michelle Williams
Reginald Howard
Jason Osbourn
Sophia Brewer

Non-Members Present: Brandon Davis, Director of Oversight and Public
Accountability (*Board Liaison*)
Philip Strom, Deputy City Attorney
Lt. Jana Forner, GRPD Internal Affairs Unit
Sgt. Nathan Mead, GRPD Internal Affairs Unit
Sgt. James Butler, GRPD Training Unit
Claudette Henry, OPA Admin. Aide (*Board Secretary*)

CALL TO ORDER

The regular meeting of the Civilian Appeal Board (CAB) of the City of Grand Rapids was called to order at 4:02 PM on December 21, 2022, at City Hall Commission Chambers by Russell Olmsted. Chairperson Olmsted explained that the purpose of the CAB is to act as a reviewing body according to City Commission Policy #800-02 for finding facts made by the Grand Rapids Police Department (GRPD), concerning complaints made by individuals who believe that they have been mistreated by police officers through the use of excessive force, falsification/lying, civil rights violations; and/or conduct committed in a context of racial animosity or prejudice.

ROLL CALL

A roll call was conducted. Members who were present are listed above.

APPROVAL OF MEETING MINUTES

Chairperson Olmsted called a motion for approval of the minutes of the regular meeting of the Board on November 16, 2022.

- Moved by Jason Osbourn and seconded by Michelle Williams.
- Motion carried.

BOARD LIAISON REPORT

2023 Annual Meetings Schedule

Mr. Davis said that Board meetings are held on the third Wednesday of each month at 4:00 PM in the City's Commission Chambers and that the schedule is adjusted when needed.

MOTION: To adopt the meeting schedule for 2023.

- Moved by Sophia Brewer and seconded by Reginald Howard.
- Motion carried.

Mr. Davis proposed canceling the meeting in January if the appeal case hearing concluded on this day.

HEARING REGARDING APPEAL CASE CR22-036

Complaint: Unreasonable Use of Force

IAU's Disposition: Unfounded – The complained of act(s) did not occur.

Chairperson Olmsted explained the procedures for conducting the hearing. The Board hears the case identified on the agenda, starting with a summary of the case, then the floor is opened for Board Members to ask representatives of the Grand Rapids Police Department (GRPD) questions about their investigative process and the scope of the investigation of the case, then the Board discusses the case and votes on whether or not they have enough information to make a decision. If the vote passes and there is sufficient information to make a decision, the Board votes on whether to affirm, modify or reverse Internal Affairs' disposition. If the Board does not have enough information to proceed, the Board may request a supplemental investigation. If the Board needs to discuss any confidential materials or information, it votes to enter into a closed session.

Chairperson Olmsted called case CR22-036 and Mr. Davis provided a summary. Chairperson Olmsted then opened the floor for Board Members to ask questions of all representatives present, including the City Attorney and the Board's liaison. Questions inquired of GRPD's representatives relate to the following:

- **Scope of the investigation conducted by the Internal Affairs Unit**

Sgt. Dailey presented a summary of the details of the investigation and said that his review of the case showed that the appellant's allegation(s) did not happen.

- **Investigation of the use of force**

Board Members asked if the investigation was limited to the appellant's alleged use of force about the headlock and being thrown to the ground, or were other use of force considered. Sgt. Dailey said he had looked for the appellant's specific allegation of use of force and other signs of force used.

- **The tactics used by the officers** – (*standing next to the threshold in the doorway, waiting for the person to lean out, then grabbing the person’s arm and putting them in a headlock, then interpreting it as a custodial arrest versus the use of force*)

Board Members inquired about training and strategies provided to officers in this type of situation. Sgt. Butler said that his understanding is that the appellant broke the threshold (stepped outside), which allowed the officer to place his hands on the appellant to complete the arrest. Sgt. Butler explained that the legal standard for officers when arresting a person at their residence is for the person to break the threshold (exit the residence) on their own and that the majority of the person’s body needs to be outside of the door, and for officers to place their hands on the person to get them under control and apply the handcuffs.

- **Summons and warrants referenced in the video and documentation**

Board Members asked about the difference between a summons and a warrant (procedurally) when arresting someone for a misdemeanor, and the implications they would have on decisions to use certain tactics. Sgt. Dailey said the officers had probable cause to make the arrest and that the arrest was based on probable cause and not a summons. Sgt. Dailey said that the officers did not know at the time that a summons was being issued, which was for a prior misuse of 911, and that when a summons is issued, a variety of considerations go into the decision to make an arrest. Chairperson Olmsted said that there was a video showing officers discussing the summons and expressing their frustration about it not being a warrant. Sgt. Dailey reiterated that the arrest was based on probable cause.

- **Response to misdemeanor conduct vs. report of an assault**

Board Members asked if any of the officers saw the misdemeanor conduct and if the officers were responding to the allegation of assault/abuse made by the appellant or to the misdemeanor conduct relating to the calls the appellant placed to 911. Sgt. Dailey said the appellant placed 56 calls to 911 and that the officers were responding to the appellant’s misuse of 911. Sgt. Dailey said that there were other incidents in which officers responded to the appellant’s complaint of assault.

Regarding questions posed about the appellant’s arrest, Attorney Strom stated that the Internal Affairs Unit probed the appellant’s initial complaint to find out if the appellant was complaining that his arrest was unlawful or that the officers used too much force during the arrest. Attorney Strom said it was Internal Affairs’ understanding that the complaint was about the use of too much force during the arrest and that was what the Internal Affairs Unit investigated. Chairperson Olmsted said that questions relating to the arrest were based on information in the transcripts, which were excluded from the investigation.

Attorney Strom further stated that the Board does not have the authority to reclassify the case as an unlawful arrest if that was being considered and that the Board was to determine whether or not the use of force used at the time of the appellant’s arrest was reasonable under the circumstances. Mr. Davis added that although the Board could not consider unlawful arrest, it had to consider the totality of the circumstances to determine if the officers used unreasonable force.

Mr. Davis asked Attorney Strom to provide the Board with information about the law as it applies to a misdemeanor arrest in the absence of a warrant. Attorney Strom provided that an officer, without a warrant, may arrest a person if the officer has probable cause, based on the totality of the circumstances, to believe that the person they are arresting committed the crime, and the crime is an arrestable misdemeanor or felony.

Closed Session

MOTION: To enter into a closed session, under the Open Meetings Act 15.268, Subsection 8(h), to review the video and to consider a written legal opinion.

- Moved by Michelle Williams and seconded by Russell Olmsted.
- Motion carried.

Open Meeting Resumed

The closed session started at 4:50 PM and ended at 5:33 PM. The open meeting resumed at 5:36 PM.

Regarding the appellant's refusal to sit on the seat when he was being placed in the back of the police car and the officer(s) closing the door and allowing the appellant to ride in an unsafe position, a Board Member asked why the officers did not pursue getting the appellant into the seat, since the appellant was not resisting or showing any aggression; how it lines up with GRPD's transporting policy, which states that the person should be secured in the seat unless it is unsafe or impractical to do so; and why it was not flagged as a violation of procedure. Sgt. Dailey said it was unsafe and impractical to expect the officers to force the appellant into the seat, based on his level of cooperation getting into the car.

There being no further questions, Chairperson Olmsted invited the Board to discuss the case. Board Members said that they had enough information to proceed.

MOTION: To find if there was sufficient information for the Board to decide whether or not Internal Affairs' findings that the allegation of unreasonable force against Officer Michael Wordelman is unfounded.

Moved by Michelle Williams and seconded by Sophia Brewer

VOTE

Yes

Michelle Williams
Reginald Howard
Sophia Brewer
Russell Olmsted
Jason Osbourn

The motion **passed** unanimously. The Board had sufficient information to proceed.

MOTION: To affirm the Internal Affairs' finding that the allegation of unreasonable force against Officer Michael Wordelman is unfounded.

Moved by Michelle Williams and seconded by Sophia Brewer.

VOTE

Yes

Reginald Howard
Sophia Brewer
Michelle Williams

No

Russell Olmsted
Jason Osbourn

The Board voted **three to two to affirm** Internal Affairs' decision of Unfounded. Chairperson Olmsted thanked everyone for their time and participation in the hearing.

OLD BUSINESS

None.

OPEN DISCUSSION

- Mr. Davis said that a CAB meeting will not be held in January.
- Attorney Strom and Brandon Davis expressed their gratitude to the Board Members for their time and work on the case and their professionalism and full engagement in the process, and for reaching decisions they believed were factual and impartial.
- Board Members discussed how the officers effectuated the arrest of the appellant in terms of the tactics and force used, the deficiency in the investigation, and how GRPD handled the distressed calls from the appellant – not choosing a better way to handle the matter and preventing the situation from getting to the extent of an arrest.
- Chairperson Olmsted would like to discuss, at the next meeting, the inclusion of video evidence in the appeal case packets instead of only making them available for viewing at the City Attorney's Office.

PUBLIC COMMENT

None.

NEXT MEETING

The next Board Meeting is scheduled for Wednesday, February 15, 2023, at 4:00 PM.

ADJOURNMENT

Chairperson Olmsted adjourned the meeting at 6:13 PM.