



CITY OF
GRAND
RAPIDS

Annual Report 2020-2021
April 1, 2022



Table of Contents

Letter from the Chair	1
About the Civilian Appeal Board	2
History	2
Mission	2
Purpose	2
Board Structure	2
The Complaint and Appeal Process	3
Filing a Complaint	3
Filing an Appeal	3
Cases that can be Appealed	4
After a Decision is Issued by the CAB	4
GRPD Internal Affairs Complaints & Findings – 2020 and 2021	4
Class 1 Complaints Received by GRPD	5
Class 2 Complaints Received by GRPD	6
Other Complaints Received by GRPD	6
In 2020, the Department received the following:	7
Civilian Appeal Board Hearings and Findings	7
Appeals – Civilian Appeal Board Decisions	7
Summary of Appealed Cases – 2020 to 2021	8
Years in Review – Anecdotal Summary	10
Looking Forward	13
Conclusion	14
Glossary of Terms	15
Appendix	16
Commission Policy 800-02	16

Letter from the Chair

Dear Grand Rapids Community Members,

As the Chair of the Civilian Appeal Board (CAB) in the City of Grand Rapids, it is my pleasure to present to you our Annual Report for the years 2020 and 2021. It is the CAB's responsibility to review the findings of the Grand Rapids Police Department Internal Affairs Unit when they've received complaints regarding use of excessive force, falsification and lying, civil rights violations, hostility, discourtesy, racial animosity or prejudice, or other conduct unbecoming of an officer. I have served on the CAB for the last six years as the Chairperson. As my term expires, I am proud of the brave steps the CAB has taken to bring this Board closer to something our community can utilize when it deems necessary. It has been an honor to serve alongside the other Board Members and I look forward to the good work they will do in the years to come.

The year 2020 brought about many difficulties and shone light on issues in our community and society. The spring of 2020 was the start of a multi-year global pandemic. In the summer, we saw the world unite to demand justice for BIPOC (Black, Indigenous, and People of Color) lives and an end to police brutality, and the fall brought us a historic election that divided a nation and split families.

For the CAB specifically, there was a transition in Board members and several open seats. We could not meet in person and that put a halt to one of our cases and slowed down others. The CAB was able to utilize virtual meetings for the training and onboarding of four new Board members. 2021 was a transitory year for the CAB. With the Office of Oversight & Public Accountability (OPA) solidifying its footing as the CAB's liaison, we were able to establish a more transparent process and our meetings became more streamlined. Brandon Davis, the Director of OPA, has worked with his team and Board members to come up with a proposal to continue to improve the CAB and the appeal process for the people of Grand Rapids, from how cases are handled to onboarding new Board members, and standardizing Board training to align with national practices and GRPD's policies. We are looking forward to this refreshed process and how it will allow the CAB to better serve the community in the coming years.

I would like to personally extend thanks and appreciation for Mr. Davis and his team especially, Claudette Henry, OPA's Executive Assistant, who supports the Board in countless impactful ways. Without their support, the work of the CAB would be even harder. We thank them for their time, talent, and passion.

If you are interested in becoming a member of the CAB, please visit our webpage on the City's website or reach out to the OPA via email at OPA@grcity.us for more information.

In Service,

Huemartin Robinson II
CAB Chairperson

About the Civilian Appeal Board

History

In 1996, the City Commission established the Civilian Appeal Board (CAB) through City Commission Policy 800-02. The CAB members review findings from the Grand Rapids Police Department (GRPD) Internal Affairs Unit regarding complaints of 1) the use of excessive force, 2) falsification and lying, 3) 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 CAB members have the unique ability to confirm, modify, or reverse the findings of the Internal Affairs Unit. City Commission Policy 800-02 can be found in the appendix of this document, or by visiting the City of Grand Rapids Website at grandrapids.mi.gov and searching the City Commission Policies.

Mission

The mission of the Civilian Appeal Board 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 the Grand Rapids Police Department to have those officers' 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 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.

Purpose

The purpose of the CAB is to act as a review body according to City Commission Policy 800-02 for finding facts made by the Grand Rapids Police Department, concerning complaints made by individuals who believe that they have been mistreated by police officers. This is a voluntary, independent Board comprised of people from the community who have a stake in meaningful police accountability and systemic change. The Board is focused on reviewing internal investigations and all aspects of the cases to identify any wrongdoing.

Board Structure

The Civilian Appeal Board is comprised of nine (9) Grand Rapids residents. The Board Members are appointed by the Mayor and City Commission. The Mayor appoints three (3) members and the City Commission appoints six (6) members. Currently, there are six (6) members on the Board and they are listed below. There are three (3) vacant seats to be filled.

Board Member	Ward	End of Term
Huemartin Robinson – <i>Chairperson</i>	3	5/2/2022
John Weiss - <i>Vice Chairperson</i>	2	5/2/2022
Sophia Brewer	3	5/2/2022
Russell Olmsted	1	5/2/2022
Briana Trudell	1	5/2/2022
Michelle Williams	2	5/2/2022

The Complaint and Appeal Process

Filing a Complaint

Anyone may file a complaint against an employee of the Grand Rapids Police Department by calling, visiting, emailing the OPA or GRPD, or using an online submission form. Once a complaint is received, the Internal Affairs Unit conducts an objective investigation, and after a complaint is fully investigated, the Internal Affairs Unit 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: Investigation failed to disclose sufficient evidence to clearly prove the allegation made in the complaint or to conclusively disprove such 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 is recorded but not investigated, or withdrawn – the complainant cancels the complaint.

If the disposition concludes that the complaint is not sustained, unfounded, or that the officer is exonerated, the complainant may appeal to the CAB for further review of the case.

Filing an Appeal

After a complaint has been investigated by the GRPD Internal Affairs Unit, the complainant has the option of filing an appeal to have the case further reviewed. If the Complaint Disposition Report from the police department concludes that the complaint is not sustained, unfounded or that the officer is exonerated, the complainant may appeal to the Civilian Appeal Board by filing a written request with the City Attorney's Office or the Office of Oversight and Public Accountability 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. If the CAB needs additional information in order to make a decision, the case will be remanded to the City's Labor Relations Department for supplemental investigation.

The CAB meets as necessary to consider all appeals referred to it in a timely fashion. Appeal hearings are attended by the Director of Office of Oversight and Public Accountability who has served as staff liaison to the CAB since August 2019, representatives of the Grand Rapids Police Department who provide information regarding the scope of the Internal Affairs Unit investigation, and the Deputy City Attorney who answers legal questions. After its deliberations, the CAB prepares a written decision affirming, reversing, or modifying the conclusions contained in the Internal Affairs Unit investigation.

The decision of the CAB is then submitted to the City Manager and a copy of the decision is provided to the complainant(s), the police officer(s) involved, the City Attorney, the Police Chief, and the Labor Relations Division. If the decision of the CAB concludes that the police officer(s) violated the Grand Rapids Police Department Rules or Regulations, the City Manager determines the disciplinary or other action to be taken. Ultimately, sworn police officers and civilian employees may appeal written reprimands, suspensions, and discharges from the Department in an arbitration process.

Cases that can be Appealed

There are specific guidelines set by Commission Policy 800-02 that allow for a complaint to be appealed. Complaints must be made by individuals who believe that they have been mistreated by police officers through 1) the use of excessive force; 2) falsification/lying; 3) 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. Although anyone can file a complaint with the GRPD Internal Affairs Unit (friends, family, witnesses, etc.), an appeal can only be made by the individual who believes they have been mistreated by the police. Complaints are categorized by the GRPD Internal Affairs Unit as Class 1, Class 2, Class 3, Administrative Documentation, or Department Complaint. Only Class 1 and 2 can be appealed and are further explained below.

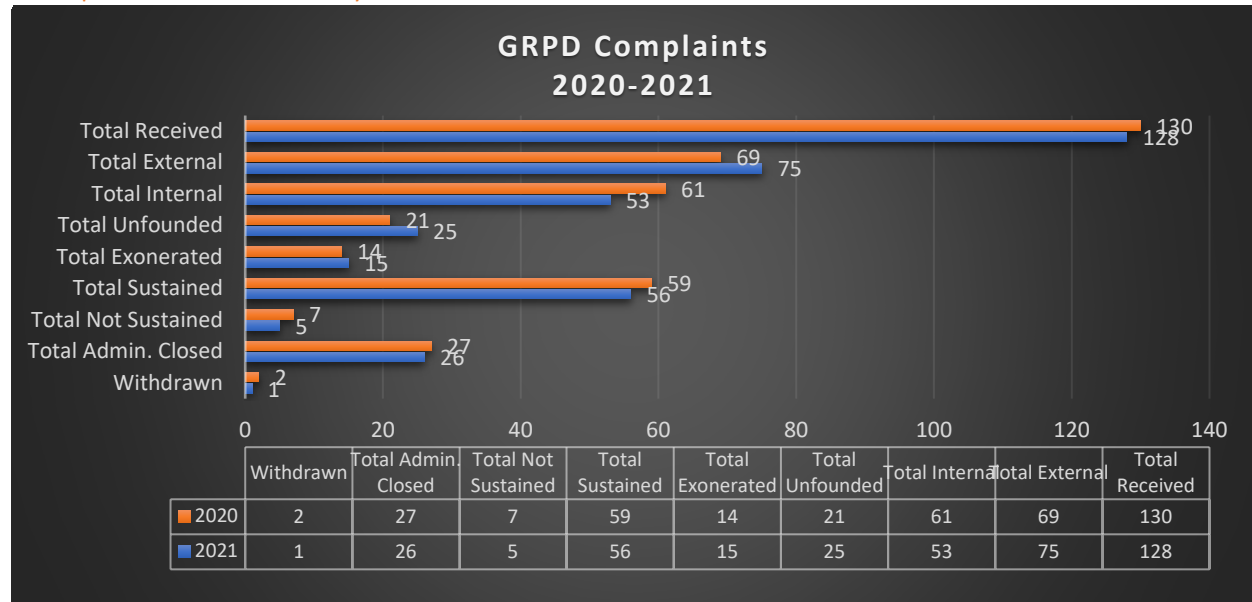
After a Decision is Issued by the CAB

After a decision is issued, the Civilian Appeal Board prepares 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 does not address or recommend potential disciplinary action. The Complaint Disposition Report as affirmed, modified, or reversed by the decision of the Civilian Appeal Board constitutes as the City's final disposition regarding the complaint. Based on Collective Bargaining Agreements, officers have the right to take any disciplinary action (regardless of the CAB being involved or not) to an arbitrator for final review and determination of the discipline. Arbitration is a form of dispute resolution commonly used in labor disputes.

GRPD Internal Affairs Complaints & Findings – 2020 and 2021

This section provides insight into the complaints received by the Grand Rapids Police Department's Internal Affairs Unit between 2020 and 2021. This includes a breakdown of total complaints in addition to detailing Class 1, Class 2, and Class 3 complaints and the findings. The complaint information was provided by the Grand Rapids Police Department Internal Affairs Unit.

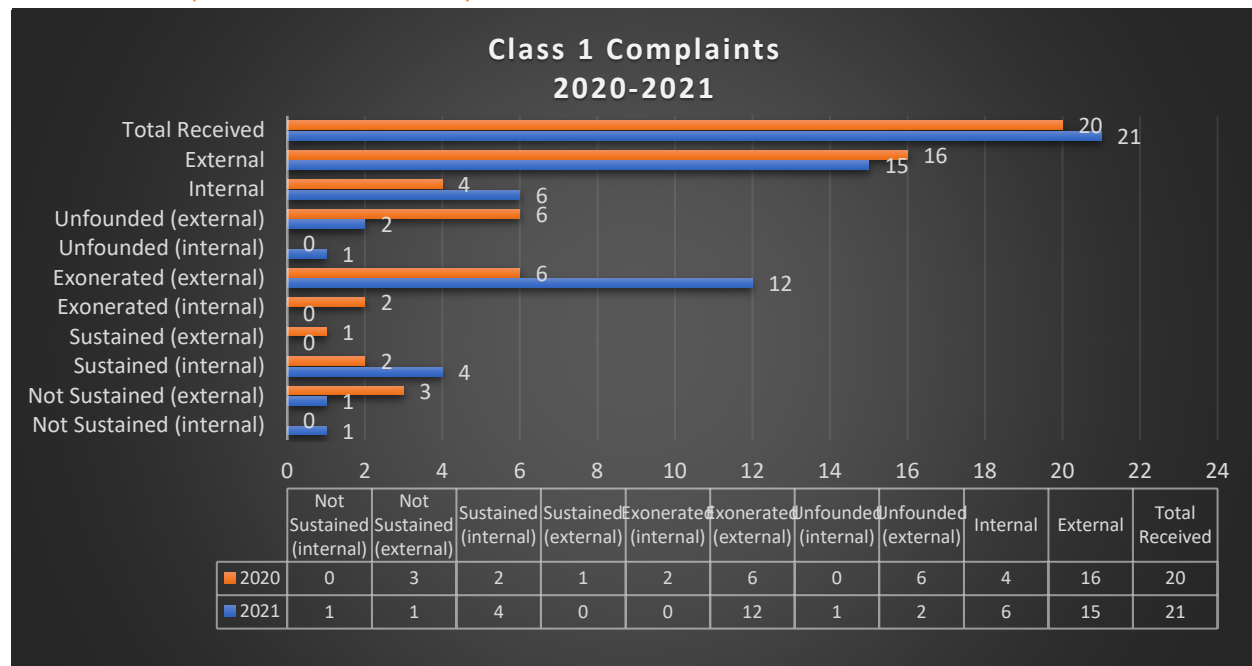
Complaints Received by GRPD



In 2020, the Internal Affairs Unit received a total of **130 complaints**; 69 external and 61 internal. Of the total, 21 were unfounded, 14 exonerated, 59 sustained, 7 not sustained, 27 administratively closed, and 2 withdrawn.

In 2021, the Internal Affairs Unit received a total of **128 complaints**; 75 external and 53 internal. Of the total, 26 were unfounded, 15 exonerated, 56 sustained, 5 not sustained, 25 administratively closed, and 1 withdrawn.

Class 1 Complaints Received by GRPD



A Class 1 Complaint is severe and constitutes a Civil Rights and/or criminal law violation and could include excessive force, racial profiling, or improper searches and seizures.

In 2020, the Internal Affairs Unit received a total of **20 Class 1 Complaints** (16 external, 4 internal). Of the total, 6 were unfounded (6 external, 0 internal) 8 exonerated (6 external, 2 internal), 3 sustained (1 external, 2 internal), and 3 not sustained (3 external, 0 internal).

In 2021, Internal Affairs received a total of **21 Class 1 Complaints** (15 external, 6 internal). Of the total, 3 were unfounded (2 external, 1 internal), 12 exonerated (12 external, 0 internal), 4 sustained (0 external, 4 internal), and 2 not sustained (1 external, 1 internal).

Class 2 Complaints Received by GRPD



A Class 2 Complaint, while serious, does not constitute a Civil Rights and/or criminal law violation and could include insubordination, at-fault crashes, and repeated violation of minor offenses. Class 1 and Class 2 Complaints, if not sustained, can be appealed to the Civilian Appeal Board.

In 2020, the Internal Affairs Unit received a total of **61 Class 2 Complaints** (7 external, 54 internal). Of the total, none were unfounded, 2 were exonerated (2 external, 0 internal), 58 sustained (4 external, 54 internal), and 1 not sustained (internal).

In 2021, Internal Affairs received a total of **50 Class 2 Complaints** (7 external, 43 internal). Of the total, 3 were unfounded (2 external, 1 internal), 1 exonerated (external), 44 sustained (3 external, 41 internal), 1 not sustained (external), and 1 administratively closed (internal).

Other Complaints Received by GRPD

A Class 3 Complaint 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 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, verbal coaching). Administrative Documentation (AD) is a record of a complaint or call that does not rise to the level of a formal or informal

complaint, but should still be documented, or it can also be a procedural complaint that does not fit into any other category. A Department Complaint is one in which the allegation presented is not aimed at any specific officer.

In 2020, the Department received the following:

- **22 Class 3 (21 external, 1 internal)** – 13 unfounded (external), 3 exonerated (external), 3 sustained (2 external, 1 internal), 2 not sustained (external), and 1 withdrawn.
- **30 Administrative Documentation (23 external, 7 internal)** – 1 unfounded (internal), 1 exonerated (external), 1 not sustained (external), 26 administratively closed (20 external, 6 internal), and 1 withdrawn (external).
- **2 Department (External)** – 1 unfounded (external) and 1 administratively closed (external).

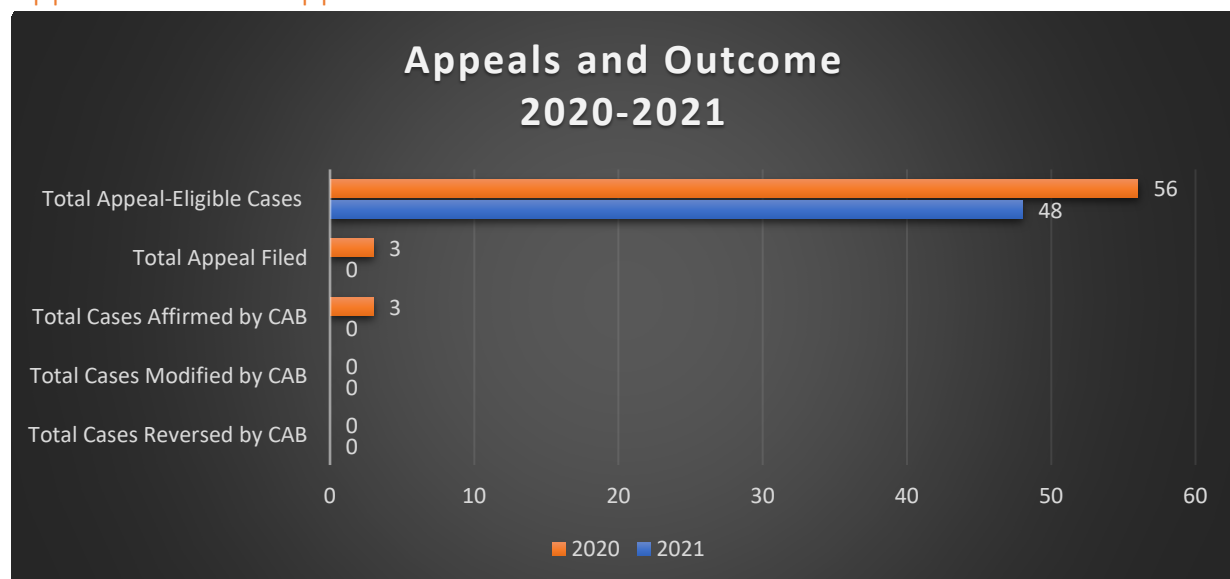
In 2021, the Department received the following:

- **34 Class 3 (33 external, 1 internal)** – 20 unfounded (external), 2 exonerated (external), 7 sustained (6 external, 1 internal), 2 not sustained (external), and 3 administratively closed (external).
- **20 Administrative Documentation (17 external, 2 internal)** – 19 administratively closed and 1 withdrawn.
- **2 Department (external)** – administratively closed.

Civilian Appeal Board Hearings and Findings

This section provides greater detail regarding the facts and circumstances involved in the cases that were appealed to the Civilian Appeal Board.

Appeals – Civilian Appeal Board Decisions



There was a total of **56 appeal-eligible cases** in 2020. Of the 56 cases that were eligible, three (3) were appealed to the Civilian Appeal Board and the Board affirmed all three cases. In 2021, there was a total of **48 appeal-eligible cases** – none were appealed. The primary classifications of all the appeal cases were violation of impartial Policing Policy (or racial bias) and unreasonable force.

Summary of Appealed Cases – 2020 to 2021

Below are summaries of cases reviewed by the Civilian Appeal Board from 2019-2020. These summaries do not detail all of the facts, policy, and law that were considered by the Grand Rapids Internal Affairs Division or the Civilian Appeal Board. These summaries are meant to provide brief insight into the nature of the allegations that were appealed to the Civilian Appeal Board and the outcome of those appeals. These summaries should not be used as a full statement of facts for any of the cases listed below.

The recording of each appeal can be found by visiting www.facebook.com/oversightGR.

Complaint Number: CR19-152
Nature of Complaint: Falsification
Date of Incident: Various

Date of Complaint: 3/25/2019
Date of Appeal: 12/11/2019
Date of CAB Hearing: 2/19/2020

Summary: Complaint CR19-152 involves several online complaints dated between March 23, 2019, and April 5, 2019. The complaints included incidents that spanned from 2006 through 2014. The Internal Affairs Unit specified that they searched for any audio or video evidence attached to any of these cases to assist in the investigation, however, there was no evidence to support the complainant's allegations. Without additional evidence to support the allegations, Internal Affairs determined that the allegations of FALSIFICATION against various GRPD employees were NOT SUSTAINED.

The complainant submitted an appeal on December 11, 2019, and the appeal was heard on February 19, 2020. After a review and discussion regarding all the evidence available in CR-20-152, the Grand Rapids Civilian Appeal Board AFFIRMED the findings of the Grand Rapids Police Internal Affairs Unit.

Complaint Number: CR19-171
Nature of Complaint: Unreasonable Force
Date of Incident: 10/18/2019

Date of Complaint: 10/21/2019
Date of Appeal: 1/17/2020
Date of CAB Hearing: 10/7/2020

Summary: Complaint CR19-171 is against a police officer for unreasonable force during the arrest of the complainant on October 18, 2019. The complainant alleged that a parole officer, the aforementioned police officer, and other GRPD officers came to the complainant's house to conduct a probation house check for the complainant's son, however, GRPD arrested the complainant's other son who was not on probation. The complainant alleged that as GRPD took the son out of the house, the complainant was pushed down the basement stairs. The complainant alleged that the police officer proceeded to extend his arm and chop the complainant in the neck, violently grab the complainant's left arm, and pushed the complainant extremely hard onto the hood of the car then onto the ground. The complainant advised that after being bonded out of jail, the complainant went to the hospital and was treated for broken ribs. The complainant alleged the broken ribs were caused using excessive force while being apprehended.

After investigating the matter, the Internal Affairs Unit found that the alleged force used by the police officer did occur, but it was within policy.

Internal Affairs stated that some of what the complainant alleged (such as being "chopped in the throat") would have been a violation of policy and unreasonable; however, after a thorough review of the available video evidence, there was not sufficient evidence to prove that the police officer, or anyone else on the

scene, used a level of force that would be deemed as unreasonable. Therefore, Internal Affairs determined that the allegation that the police officer used UNREASONABLE FORCE on the complainant was NOT SUSTAINED.

The complainant submitted an appeal on January 17, 2020, and the appeal was scheduled for March 18, 2020, however, the appeal was rescheduled due to COVID-19. Therefore, the appeal was heard on October 7, 2020, and during that hearing, the Board had requested a supplemental investigation be completed by the Labor Relations Division. The supplemental investigation was completed and shared with the Board on May 13, 2021. A hearing continuation was then held on June 16, 2021, and after a review and discussion regarding all the evidence available in CR19-171, the Grand Rapids Civilian Appeal Board AFFIRMED the findings of the Grand Rapids Police Internal Affairs Unit.

Complaint Number: CR 20-050
Nature of Complaint: Violation of Impartial Policing Policy
Date of Incident: 4/9/2020

Date of Complaint: 4/11/2020
Date of Appeal: 5/14/2020
Date of CAB Hearing: 4/28/2021

Summary: Complaint CR20-050 is against a police officer for a violation of the GRPD Impartial Policing Policy. The complainant alleged being arrested due to the complainant's race and further alleged that the officer was involved because the complainant had recently submitted a different internal affairs complaint against the officer on April 6, 2020. This incident was alleged to have occurred on April 9, 2020, and an Internal Affairs complaint was lodged by the complainant on April 11, 2020.

After investigating, the Internal Affairs Unit found that the officer's actions were within policy and procedure, and that the officer had probable cause to arrest the complainant for aggravated assault. Therefore, the Internal Affairs Unit determined that the allegation of VIOLATION OF IMPARTIAL POLICING POLICY, against the officer, was UNFOUNDED.

The complainant submitted an appeal on May 14, 2020, and the appeal was originally scheduled for November 18, 2020, however, due to COVID-19, the hearing was adjourned. The hearing was officially held on April 28, 2021. After a review and discussion regarding all the evidence available in CR20-050, the Grand Rapids Civilian Appeal Board AFFIRMED the findings of the Grand Rapids Police Internal Affairs Unit.

Complaint Number: CR20-068
Nature of Complaint: Unreasonable Force
Date of Incident: 5/30/2020

Date of Complaint: 6/4/2020
Date of Appeal: 7/10/2020
Date of CAB Hearing: 5/19/2021

Summary: Complaint CR20-068 is against unknown officers for unreasonable force during the protest/riot/civil unrest in downtown Grand Rapids on May 30, 2020. The complainant alleged there was a handgun being pointed at protestors by an unknown officer, and alleged being hit with an officer's shield by an unknown officer. This incident occurred on May 30, 2020, and an Internal Affairs complaint was lodged by the complainant on June 4, 2020.

After investigating the matter, the Internal Affairs Unit found that the first complaint had to do with employees who were not from the City of Grand Rapids (and therefore could not be handled through the Grand Rapids complaint process). In the second complaint, the officer(s) involved in the complaint were not identified due to the nature of the events of that night, and no video of the exact encounter with the

complainant was located. A video review of a rescue of an officer was conducted, and that video did show people being pushed with shields to clear a path for patrol cars.

An officer was surrounded by protesters and could not get out. Therefore, officers used shields to move protesters and rescue the officer. Audio from the review did indicate that announcements to get back were given by the responding Mobile Field Force Team. However, it was not clear whether the complainant was in the direct proximity of the announcements.

Although it is possible the complainant was not directly told to move back before being pushed with a shield, there was evidence of lawful commands being given to get away from the vehicles. Therefore, the Internal Affairs Unit determined that the allegation of UNREASONABLE FORCE, against an unknown Grand Rapids Police Officer, was NOT SUSTAINED.

The complainant submitted an appeal on July 10, 2020, and the appeal was heard on May 19, 2021 (delay in scheduling was due to COVID-19). After a review and discussion regarding all the evidence available in CR20-068, the Grand Rapids Civilian Appeal Board AFFIRMED the findings of the Grand Rapids Police Internal Affairs Unit.

Years in Review – Anecdotal Summary

As 2020 began, the Grand Rapids Civilian Appeals Board (CAB) had eight of the nine Board seats filled and the Office of Oversight and Public Accountability (OPA) was officially starting its role as CAB's new liaison to the City. Work began on expanding training practices and evaluating areas of improvement for the Board's role in civilian oversight. Then in March, as CAB was preparing to hear its second appeal of the year, the global COVID-19 pandemic began to take hold locally. This greatly affected the course of the Board's work for the next two years. By COVID-19 State Order, in-person meetings were not allowed, forcing appeals to be delayed until virtual options could be put into place. From March through July 2020, no meetings were held, and in the interim, five of eight filled Board seats were vacated.

The unique challenges of the pandemic coupled with the Board member attrition were difficult issues to face. There were multiple obstacles to overcome, from finding, onboarding, and training new CAB members, to navigating the legality of hearing an appeal virtually. However, the summer of 2020 showed that since the CAB's inception, there had never been a more crucial time or need for its role in civilian oversight and accountability of policing.

The murder of George Floyd brought both local and national outrage along with displays of direct action against systemic injustices, lack of accountability, and racist policing practices. All of which have far too often led to the persecution, murder, and unjust imprisonment of countless BIPOC. In truth, these realities are the very reason boards like the CAB exist and why it was so important to find a way to hear appeals again as soon as possible.

By August of 2020, four of the five vacated Board seats were filled, and virtual training sessions had begun. This allowed the CAB to finally resume its duties and press to be the first City Board to return to in-person meetings. Once back in session, the CAB members agreed to hold special meetings to hear appeals and were eager to get back to their duties. However, after a surge in COVID-19 cases, the Governor ordered a return to virtual-only meetings, resulting in the cancellation of the CAB's last two meetings of the year.

In 2020, the CAB members received training offered by the Office of Oversight and Public Accountability, the Department of Law, and the Grand Rapids Police Department on topics that are relevant to the work of the Civilian Appeal Board. Although necessary, none of the below trainings were required by policy.

Those training topics included the following:

- National Oversight Standards established by the National Association for Civilian Oversight of Law Enforcement (NACOLE).
- In-person Use-of-Force tactics training.
- An overview of Grand Rapids Police Department policies, and procedures.
- Legal history related to the CAB's process.
- General understanding of the Open Meetings Act and Freedom of Information Act.
- Public Sector Employment Law and Employee Rights.
- Constitutional law and Case Law considerations.

The everchanging environment brought on by the pandemic carried over into 2021. While Board members were frustrated by the ongoing delays and disruptions, they remained committed to finding a path forward. The CAB held virtual meetings with the OPA and representatives from the City Attorney's Office to discuss how appeals could be heard virtually. Unfortunately, according to legal counsel, this was not possible due to the current labor contract with the police unions. As Board members sought more clarity around that position, they continued to work by participating in multiple training sessions around use-of-force standards, policing policy and procedures, and case law involving the 4th Amendment, as well as continuing to press for updates regarding current, pending, and past appeals.

In April 2021, the CAB was finally able to return to in-person meetings and began working on current and pending appeals. It's important to recognize that the dedication exhibited by City Staff who work directly with the CAB was a huge part of the Board being able to continue its work through such uncertain and stressful times. The OPA Staff were invaluable during these two years, planning and facilitating meetings and training sessions in both virtual and in-person settings, organizing all appeal packets and materials, managing Board communications, and giving counsel on best practices regarding civilian oversight. The staff found a way to keep the ship moving even in very troubled waters.

The last two years were filled with challenges. Most of which revolved around issues that staff and Board members alike could never have anticipated. However, when facing any challenge, there's always the opportunity to learn, adapt, and improve. It's in that light we'd like to address some of the more difficult issues that directly affected the CAB's ability to do its work and how it interacts with other City agencies that are vital to the appeal process.

Primarily, the Civilian Appeal Board interacts with four City departments. Those departments are the City Attorney's Office, Grand Rapids Police Department, Office of Oversight and Public Accountability, and the Labor Relations Department. The role each department contributes to the Civilian Appeal Board pursuant to City Commission Policy 800-02 and challenges that occurred from 2021-2022 are as follow:

❖ **City Attorney's Office**

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.

Challenge Faced:

- Conflict of interest in legal counsel to the Board

❖ **Grand Rapids Police Department**

Role: All information regarding the investigation of the complaint being appealed is gathered and sent to the OPA by the GRPD to organize and provide to the CAB for review. A full Internal Affairs file can include IAU 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 (IAU'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.

Challenges Faced:

- At times, not coming prepared for appeals, including one occasion not having documents or materials and admitting to not knowing where they were.
- GRPD not flagging important body cam footage that should have been kept for an open CAB case when transitioning to a new body cam storage service.
- CR19-171 – not offering an official decision regarding the complainant's accusation of a 4th Amendment violation by illegally entering their home. This lack of action on IA's part meant the CAB was not allowed to offer an opinion on that portion of the complaint.

❖ **Office of Oversight and Public Accountability**

Role: The Grand Rapids Office of Oversight and Public Accountability (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 police and fire departments. The OPA is responsible for helping to protect civil rights, supporting effective policing, building bridges between public safety and community, increasing confidence in police, managing risks, and ensuring greater accountability by the Grand Rapids Police and Fire Departments. Part of oversight includes people from the community calling or mailing in complaints against the police. The OPA submits the complaints to Internal Affairs and monitors their outcome to not only ensure that the complaints are processed appropriately, but also to identify systemic issues. The OPA's overall goal is to recommend changes in policies and procedures to improve police and community relations and create equity and trust. The OPA serves as liaison to the Civilian Appeal Board, which means it is responsible for reasonable requests for information from the Board, guidance, scheduling hearings, organizing information sent from the police department, or other routine matters. The OPA staff attends all Board meetings and hearings, but have non-voting rights.

Challenges Faced:

- Lack of clarity and communication around why we could not hear cases virtually during the COVID-19 pandemic.
- Lack of urgency and follow through on the Board's request for information from other City departments regarding CR19-171.

❖ Labor Relations

Role: 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 complete a supplementary 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 supplementary interviews with the complainant, the officer(s), and witnesses if it considers the record to be inadequate to complete its review. Once the supplementary investigation is complete, Labor Relations provides a written report to the Civilian Appeal Board 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 make a decision.

Challenges Faced:

- Did not consistently attend crucial meetings.
- Did not give complete information to the CAB.
- Did not approach the police union regarding hearing appeals virtually.
- Never gave an update after they were to meet with the police union reps regarding hearing appeals virtually.
- Did not fully seek follow up questions of witnesses on an appeal before the Board.
- Does not have a process in place to perform its obligation in the appeal process of asking follow-up questions on behalf of the CAB.
- Did not come prepared for the CAB follow-up hearing in CR19-171 case – representative came without documentation, packet, and with a complete lack of familiarity with the case or obligations the Division had in the appeal process.

Looking Forward

The CAB Members recognize that the appeal process can be improved for the Board, complainants, and community members. Below are issues the CAB would like to see addressed.

- Equity in information and access for questions from the complainant and Internal Affairs.
- Accountability from the departments when information is requested and not delivered in a timely and complete manner.
- Comprehensive Training.
 - New board member orientation packet and a session with the Office of Oversight and Public Accountability and/or CAB's legal representative.
 - Annual training schedule .
 - External training opportunities.
 - Asynchronous training that could be done as onboarding and as refreshers for veteran board members.
 - Videos that can be posted on a private CAB webpage.
- Simplification in language and processes .
- Expedited timeline for City departments to gather materials for the CAB – when cases are presented to the Board, they can have more time with the case files before they are discussed at a public meeting/hearing.
- Reimagining CAB – implementation of the OPA reforms regarding the CAB and greater power and independence for the Board.

- Ongoing Board recruitment by City Commissioners and the OPA to minimize vacancies.
- Audio of interviews conducted by Internal Affairs.
- The CAB Members' voice in reviews of the GRPD's policies and procedures as stakeholders.
- Audit/maintained record of officers with multiple CAB cases for public record.

Conclusion

Although the Civilian Appeal Board has faced many hurdles from 2020 to 2021 due to COVID-19, the Board Members remain committed to ensuring transparency and accountability in the City of Grand Rapids. The Board looks forward to continued work with City Staff to review and address appeals from the community.

Glossary of Terms

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.

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 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.

Affirm - The earlier decision was upheld.

Modify - To change or alter whether by means of adaptation, translation, extension, reduction by means of merging with other material, or by any other means.

Reverse - To overturn the participating plan's action and internal appeal decision.

Complainant - The person who initiates a complaint.

Appellant - The person who requests a contested case hearing.


Arbitration - The use of an arbitrator to settle a dispute.

Arbiter - A person who settles a dispute or has ultimate authority in a matter.

Appendix

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.