



City of Grand Rapids Public Safety Preliminary Alignment and Governance Report:

A comprehensive evaluation of the City of Grand Rapids' public safety boards, committees, taskforces, and commissions.

Office of Oversight and Public Accountability
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Executive Summary of Recommendations

The City of Grand Rapids is committed to creating a community where “all people feel safe and are safe at all times,” which includes creating a shared understanding of timely, equitable, and effective public safety services. In order to do that effectively, there must be clarity regarding the roles and responsibilities of the City’s public safety boards and commissions. City Manager Mark Washington tasked the Office of Oversight and Public Accountability (OPA) to lead an evaluation regarding the alignment and governance of the Civilian Appeal Board, Community Relations Commission, Police Chief Advisory Team, Public Safety Committee, and the SAFE Taskforce to offer recommendations regarding the alignment and governance of those boards and commissions. This report does not focus on Grand Rapids Police Department, Grand Rapids Fire Department, or Office of Oversight and Public Accountability, but instead evaluates the commissions and boards that work within the City’s public safety system. The goal of this report is to ensure that our public safety boards are well aligned and that the systems work in a way that complement each other and promote safety, transparency, accountability, and equity. This Executive Summary provides a brief overview of the recommendations that are discussed in greater detail throughout the remainder of the report.

Civilian Appeal Board

The Civilian Appeal Board (CAB) is unique in that unlike many other civilian review boards, the CAB has the ability to review and overturn decisions of the Grand Rapids Police Department Internal Affairs Unit. However, CAB members in addition to nine community groups have expressed the need for a more effective structure. The evaluation found that the CAB members are eager to make long-term, systemic change in addition to their duty to hold individual officers accountable, and that local and national calls for increased civilian oversight align with this cause. Therefore, it is recommended that the following recommendations be implemented:

- 1) Implement Mandatory Onboarding and Training for all CAB Members;
- 2) Improve Written Reports in Order to Promote Fairness and Enhance the Quality of Board Decisions;
- 3) Increase Jurisdictional Authority to Align with Best Practices and to Promote Increased Accountability;
- 4) Empower CAB to Make Formal Policy Recommendations to Elevate Community Voice in Public Safety Operations; and
- 5) Reimagine City Commission Policy 800-02 to Increase Procedural Justice and to Reflect and Ensure Transparency.

Community Relations Commission

The Community Relations Commission (CRC) has been on the front lines for the City advocating and uplifting the resident and community voices in areas of civil and human rights for nearly 70 years and has championed many community-based initiatives. The CRC guiding documents specifically mention aligning the City’s strategic plans in their work and efforts, with a focus on equity. However, it was found that the structure of the Community and Police Relations Subcommittee should be realigned to focus on systemic public safety efforts. Therefore, it is recommended that the following recommendations be implemented:

- 1) Refocus the Community and Police Relations Subcommittee to Address Systemic Inequities in the Criminal Justice System;

- 2) Provide Additional Training Regarding the City of Grand Rapids Strategic Plan, Grand Rapids Police Department Strategic Plan, Grand Rapids Fire Department Strategic Plan, and the Office of Oversight and Public Accountability Strategic Plan; and
- 3) Increase Public Access and Knowledge Regarding CRC's Operations.

Police Chief Advisory Team

As its name suggest, the Police Chief Advisory Team (PCAT) is designed to allow members of community to provide advice to the Chief of Police. Although the function of this team is important, the PCAT's operational structure is unclear. The findings from the survey of team members suggest that questions exist regarding the effectiveness of the team structure. Therefore, it is recommended that the role and responsibilities of the Police Chief Advisory Team be clarified by implementing the following recommendations:

- 1) Create a Policy that Clearly Define Team Roles and Meeting Commitments;
- 2) Include People of Diverse Backgrounds Reflective of the Surrounding Community in an Effort to Learn from and Apply the Collective Wisdom of Grand Rapidians;
- 3) Identify Committee Objectives and Scope; and
- 4) Require Training and Orientation of Advisory Team Members.

Public Safety Committee

The Public Safety Committee provides an excellent opportunity to elevate resident voice in public safety operations as the Public Safety Committee was created to make recommendations regarding public safety matters. The evaluation found that in practice, the Public Safety Committee receives general updates from the City's public safety departments and provides informal recommendations to City staff. Therefore, it is recommended that the role and responsibilities of the Public Safety Committee be clarified and elevated by implementing the following recommendations:

- 1) Create a Formal Structure to Track and Evaluate Progress on Public Safety Committee Recommendations;
- 2) Elevate the Work of the SAFE Taskforce by Converting it to a Permanent Advisory Committee of the Public Safety Committee in Order to Create Better Alignment with the City's Strategic Plan and Elevate Resident Voice in Public Safety Operations;
- 3) Increase Public Access and Knowledge Regarding Public Safety Committee's Operations.

SAFE Taskforce

Created as a Mayoral Taskforce, SAFE was designed to recommend violence reduction strategies for the City of Grand Rapids. In order advance a more aligned approach to public safety efforts of the SAFE Taskforce and to provide further clarity regarding the role and scope of responsibilities of SAFE, the following is recommended:

- 1) Elevate the Work of the SAFE Taskforce by Converting it to a Permanent Advisory Committee of the Public Safety Committee in Order to Create Better Alignment with the City's Strategic Plan and Elevate Resident Voice in Public Safety Operations;
- 2) Fully Define the Role, Responsibilities, and Scope of SAFE Advisory Committee to Focus on the City and Public Safety Strategic Plans in Order to Provide Clarity and to Ensure Governmental Excellence; and
- 3) Increase Transparency Regarding SAFE's Activities and Outcomes.

Executive Summary Conclusion

In order to align the work of the City's Public Safety Boards and Commissions, recommendations have been made that revise and enhance the structure of the City's Public Safety Boards and Taskforces.

Important themes that arise in all of these recommendations include the following:

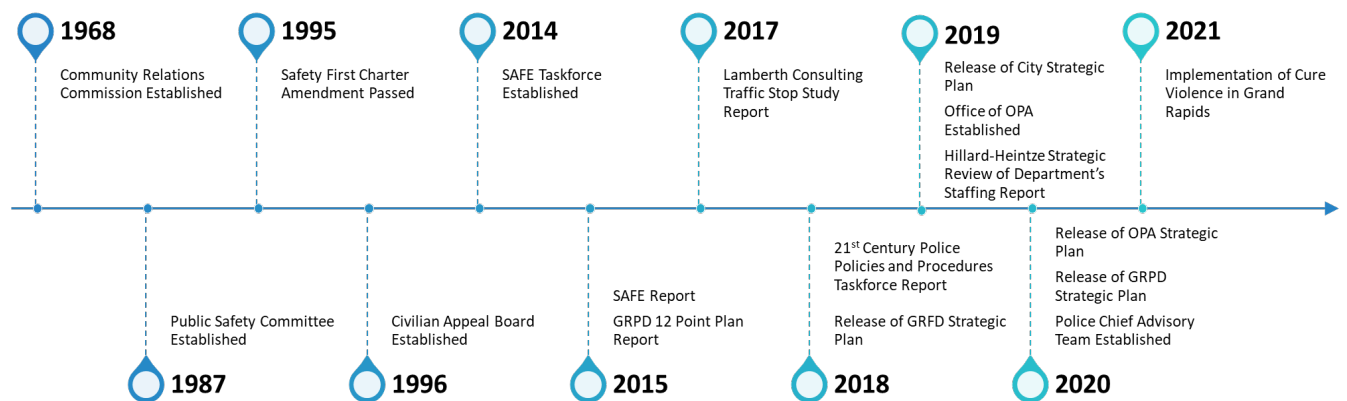
- Increase Transparency to Increase Engagement – All information regarding the PCAT, the CAB, the Public Safety Committee, and SAFE Advisory Committee should be uploaded to their webpages and accessible through the TRUE Action page of the City website.
- Further Align the Work of the Public Safety Boards with the Strategic Plans – The CRC's work extends beyond the City structure, and therefore should not be limited and considered a part of the City's Public Safety Boards and Commissions (reflected in the chart below). Further alignment of the Boards and Commissions as articulated throughout this report leads to greater accountability and governmental excellence.
- Regular Reporting – All Public Safety Boards and Commissions should provide regular updates to the Public Safety Committee regarding their operations. This will provide an opportunity for the public to be more engaged in the operations of the City's Boards and Commissions.
- Increased Engagement Regarding the City's Strategic Plan and Public Safety Plans - Although there is room for increased education regarding all of the City's Public Safety Plans, the surveys of Board and Commission members clearly show a need for increased engagement and education regarding the Office of Oversight and Public Accountability Strategic Plan. The OPA should provide additional opportunities for engagement with all Public Safety Boards and Commissions regarding these topics.

These revisions and enhancements along with the recommendations made throughout this report will provide clarity to the role, responsibilities, and operational procedures of the Public Safety Committee, Civilian Appeal Board, Police Chief Advisory Team, Community Relations Commission, and SAFE (Advisory Committee). These recommendations will help advance the City's goal of maintaining governmental excellence, and ensuring that, "all people feel safe and are safe at all times in Grand Rapids."

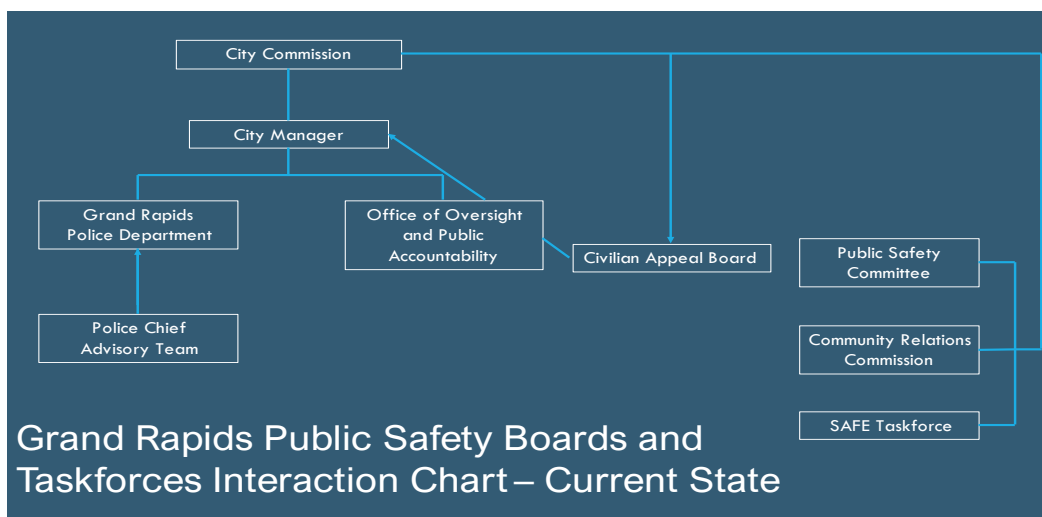
Introduction

The City of Grand Rapids is committed to creating a community where “all people feel safe and are safe at all times,” which includes creating a shared understanding of timely, equitable, and effective public safety services. In order to do that effectively, there must be clarity regarding the roles and responsibilities of the City’s public safety boards and commissions. City Manager Mark Washington tasked the Office of Oversight and Public Accountability (OPA) to lead an evaluation regarding the alignment and governance of the Civilian Appeal Board, Community Relations Commission, Police Chief Advisory Team, Public Safety Committee, and the SAFE Taskforce to offer recommendations regarding the alignment and governance of those boards and commissions. This report does not focus on Grand Rapids Police Department, Grand Rapids Fire Department, or Office of Oversight and Public Accountability, but instead evaluates the commissions and boards that work within the City’s public safety system. The goal of this report is to ensure that our public safety boards are well aligned and that the systems work in a way that complement each other and promote safety, transparency, accountability, and equity.

The below timeline highlights each of these boards’ establishment in addition to various reports and efforts towards public safety in the City of Grand Rapids.



The below chart indicates how each public safety board interacts.



The below chart details the primary responsibilities of each public safety board.

Public Safety Board	Year Established	Primary Responsibility
Community Relations Commission	1968	Systemic overview and policy work specific to inequities.
Public Safety Committee	1987	General overview of public safety.
Civilian Appeal Board	1996	Specific task of holding individuals accountable for individual actions.
SAFE Taskforce	2014	Created as a taskforce to recommend violence reduction strategies.
Police Chief Advisory Team	2020	Specific task of advising the Police Chief at a Departmental level.

City of Grand Rapids Strategic Plans

In March 2018, the Grand Rapids Fire Department released their FY19-22 Strategic Plan.¹ The Grand Rapids Fire Department’s mission is to value people by saving lives, protecting property, and responding to the needs of our community, and their vision is to provide world class fire services for our community by employing a diverse workforce which respects, values, and develops our members. The Grand Rapids Fire Department Strategic Plan embeds honesty, integrity, loyalty, teamwork, and excellence as its values.

In April 2019, the City Manager released the first City of Grand Rapids Strategic Plan² to guide the City’s operations and financial investments. The City of Grand Rapids Strategic Plan specifies six values, which are embedded throughout the Plan and guides all the City’s work – accountability, collaboration, customer service, equity, innovation, and sustainability. Further, the City of Grand Rapids Strategic Plan offers six priorities that detail many of the City’s focus areas for a 3–5-year period. These priorities are governmental excellence, engaged and connected community, mobility, economic prosperity and affordability, health and environment, and safe community.

In August 2019, the Office of Oversight and Public Accountability (OPA) was created to serve as an independent city department that works to increase transparency and accountability within the City of Grand Rapids with a focus on the City’s public safety departments. In August 2020, the OPA released the Office of Oversight and Public Accountability Strategic Plan³ to guide its operations, time, and financial

¹ The GRFD Strategic Plan can be found here:

<https://www.grandrapidsmi.gov/files/assets/public/departments/fire-department/files/annual-reports/fy19-fy22-strategic-planning-sheet-banner-edition.pdf>

² The City Strategic Plan can be found here:

<https://www.grandrapidsmi.gov/files/assets/public/initatives/strategic-plan/strategic-plan/city-of-grand-rapids-strategic-plan.pdf>

³ The OPA Strategic Plan can be found here:

<https://www.grandrapidsmi.gov/files/assets/public/departments/oversight-and-public-accountability/files/opa-strategic-plan-8-10-updates-final-draft.pdf>

investments. The Office of Oversight and Public Accountability Strategic Plan is centered around the phrase T.R.U.E. Justice which reflects the OPA’s values and guides how the agency makes decisions. T.R.U.E. stands for Transparency, Responsibility, Unity, and Equity. Further, the Office of Oversight and Public Accountability Strategic Plan includes strategic priorities to organize the agency’s work, which includes Change, Accountability, Restorative Justice, Engagement and Empowerment, and Plus (C.A.R.E.+).

In August 2020, the Grand Rapids Police Department (GRPD) released the Grand Rapids Police Department Strategic Plan⁴ to reimagine policing by implementing some significant changes. The Grand Rapids Police Department Strategic Plan embeds service, equity, integrity, and accountability as its values. The Grand Rapids Police Department Strategic Plan also focuses on three main priorities – safety, innovation, and engagement.

The City of Grand Rapids Strategic Plan approved by the City Manager (subsequently adopted by City Commission) is the City’s official roadmap regarding crime prevention, violence reduction, and public safety strategy. The strategic plans of the Grand Rapids Police Department, Grand Rapids Fire Department, and Office of Oversight and Public Accountability are supporting plans that help identify the City’s public safety strategies. All four of these strategic plans guide the City’s public safety efforts towards having accountability and equity embedded in an engaged, connected, and safe community.

Methodology

To best evaluate the current status of the Civilian Appeal Board, Community Relations Commission, Police Chief Advisory Team, Public Safety Committee, and the SAFE Taskforce while finding alignment opportunities with each group listed above, the OPA created an evaluation plan that determined how the values, mission, and vision of the City of Grand Rapids Strategic Plan are being utilized throughout the public safety groups. The OPA focused on determining if groups can collaborate and be innovative in their outlook of public safety to ensure alignment with the City of Grand Rapids Strategic Plan along with the Grand Rapids Fire Department Strategic Plan, the Grand Rapids Police Department Strategic Plan, and the Office of Oversight and Public Accountability Strategic Plan. The evaluation plan ensured the OPA became well versed in the priorities of each group by:

1) Reviewing Applicable Policies and Procedures

The OPA reviewed over 50 City Commission and Administrative Policies applicable to the boards and commissions and their guidelines for operation. The most relevant ordinances, rules, and City Commission Policies (CCP)⁵ for the purposes of this report are:

- Grand Rapids, Michigan – Code of Ordinances (City Charter)
- City Code Title IX Chapter 175, Articles 1-5, Sections 9.935-9.953
- Grand Rapids City Commission Standing Rules
- Citizen Board or Commission Member Handbook
- CCP 100-01 City Commission Policy Manual
- CCP 300-06 Citizen Boards and Commissions
- CCP 800-02 Grand Rapids Police Department Civilian Appeal Board

⁴ The GRPD Strategic Plan can be found here: <https://www.grandrapidsmi.gov/Government/Departments/Police-Department/Strategic-Plan>

⁵ All City Commission Policies can be reviewed in their entirety at: <https://www.grandrapidsmi.gov/Government/Policies/City-Commission-Policies/Number-Sorted>

2) Analyzing Group Structure

In addition to reviewing all governing documents, policies, and procedures for each group to gain a better understanding of the group's structure, metrics, and goals, the OPA reviewed all public reports posted by each group within the past 6 years to gain a better understanding of the outcomes derived from each group in relation contributing to a safer community.

3) Observing Group Meetings

The OPA attended the public and private meetings of each public safety group to gain a better understanding of their priorities and how each group works towards developing a safer community. The OPA did not participate in the meetings; OPA's role was to observe.⁶

4) Engaging with City Staff

The Civilian Appeal Board, Community Relations Commission, Police Chief Advisory Team Public Safety Committee, and SAFE Taskforce each have a dedicated staff liaison who is responsible for reasonable requests for information, guidance, or other routine matters. Staff liaisons are not voting members, but they attend all meetings. The OPA connected with the staff liaison for each group to gather information, identify areas of improvement, gain different perspectives, and learn more about group operations.

5) Gathering Feedback from Group Members

The OPA created a survey to gain valuable insight and feedback from all group members. All answers within the survey are, and will remain anonymous, however, the information provided was utilized to inform this report. Members were given a week to respond to the survey. Greater detail regarding the survey results is provided throughout this report.

6) Evaluating Group Alignment with Strategic Plans

The OPA reviewed each of the strategic plans related to public safety and evaluated the groups alignment with the plans. This was completed not only through the aforementioned survey, but also by completing a deep dive comparison of the values and priorities of each of the strategic plans to the values and priorities of the public safety groups.

7) Aligning Boards to Principles of Governmental Excellence and Efficiency

After OPA completed the aforementioned steps outlined in the methodology, City staff participated in cross-departmental discussions and analysis of the findings to develop recommendations that ensured governmental excellence and efficiency.

Fiscal Analysis

The OPA requested the Comptroller's Office assistance with this project to avoid illegitimacy within the review. The Comptroller's Office serves as the City's accounting office and focuses on city payroll, internal audits, and accounting services. The Comptroller's Office completed a financial review of each group's funding and the outcomes associated with that funding, which will be broken down in each section below. The report of the fiscal analysis is included in the Appendix of this document.

⁶ OPA did participate in Civilian Appeal Board meetings as the OPA Director serves as the staff liaison to CAB.

Civilian Appeal Board

Current Organizational Structure

In 1996, the City Commission established the Grand Rapids Police Civilian Appeal Board (CAB) through City Commission Policy 800-02. The CAB is comprised of 9 members – 3 members appointed by the Mayor, and 6 members appointed by the City Commission. City Commission policy 800-02 was established to:

- Encouraging compliance with rules and regulations concerning the conduct of police officers during interactions with citizens;
- Encouraging 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;
- Creating 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
- Affording the community a sense of confidence that the community itself is involved as necessary in reviewing the activities of police officers.

The CAB members review findings from the Grand Rapids Police Department 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.

Internal Affairs Complaint Process

Any person can submit a complaint against any employee of the GRPD.⁷ Once a complaint is received, the Internal Affairs Unit conducts an objective investigation, and after a complaint is fully investigated, the Internal Affairs Unit will render a disposition, based on the established 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, 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.

In the case that the disposition concludes that the complaint is not sustained, was unfounded, or that the officer is exonerated, the complainant may appeal to the CAB requesting further review of the

⁷ Complaints can be submitted in person at OPA or GRPD, online, or via telephone.

conclusions contained in the Internal Affairs Unit investigation along with any applicable evidence. The CAB 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.

The CAB meets as necessary to consider all appeals referred to it in a timely fashion.⁸ Since August 2019, the Office of Oversight and Public Accountability has served as staff liaison to the CAB. Representatives of the Grand Rapids Police Department and the City Attorney's Office are present during the appeal hearing to provide information regarding the scope of the Internal Affairs Unit investigation and to answer legal questions. At the conclusion of 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 will determine 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.

Other Considerations

City Policies

The authority by which the CAB can be the appellate body for citizen complaints against the Grand Rapids Police Department staff is City Commission Policy 800-02 – Grand Rapids Police Department Civilian Appeal Board.⁹ In addition, the CAB must follow CCP 300-06 – Citizen Boards and Commissions, the Citizen Board or Commission Member Handbook, and the Grand Rapids, Michigan – Code of Ordinances (City Charter).

City Funding

The Civilian Appeal Board does not have any funds budgeted or assigned outside of staff resources.

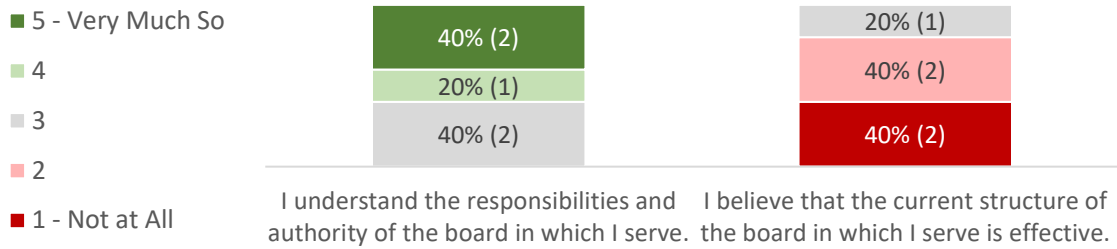
Civilian Appeal Board Member Feedback

The OPA electronically surveyed members of the CAB to get a better understanding of the CAB's familiarity with training, reports, responsibilities, structure, and the City's strategic plans. Of the six current members, five (83%) members responded. Each response is broken down below.

⁸ During COVID-19, statewide restrictions regarding in-person gatherings conflicted with the mandatory requirements of reviewing certain documents in person, resulting in the delayed review of CAB appeals. At the time of this report, all pending CAB cases have been heard and decided.

⁹ The guiding documents for how CAB is governed (including City Commission Policy 800-02 and the CAB bylaws) can be found at: <https://www.grandrapidsmi.gov/Government/Boards-and-Commissions/Grand-Rapids-Police-Civilian-Appeal-Board>

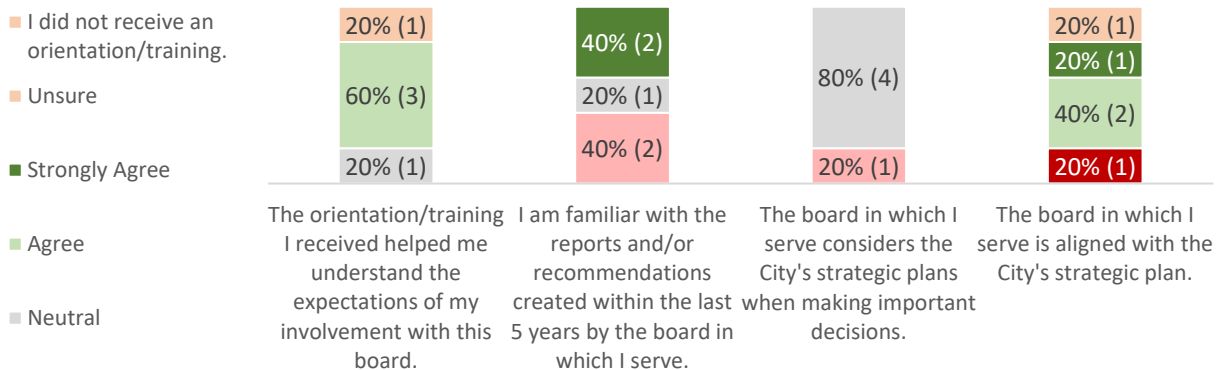
Responsibilities / Structure



Members of the CAB were asked to rate questions on a 5-point linear scale ranging from, “#1- Not at All” to, “#5 - Very Much So.” When asked to rate the statement, “*I understand the responsibilities and authority of the board in which I serve,*” two (40%) members of the CAB responded #5 – Very Much So, one (20%) member of the CAB responded #4, and two (40%) members of the CAB responded #3. When asked to rate the statement, “*I believe that the current structure of the board in which I serve is effective,*” one (20%) member of the CAB responded #3, two (40%) members of the CAB responded #2, and two (40%) members of the CAB responded #1 – Not at All.

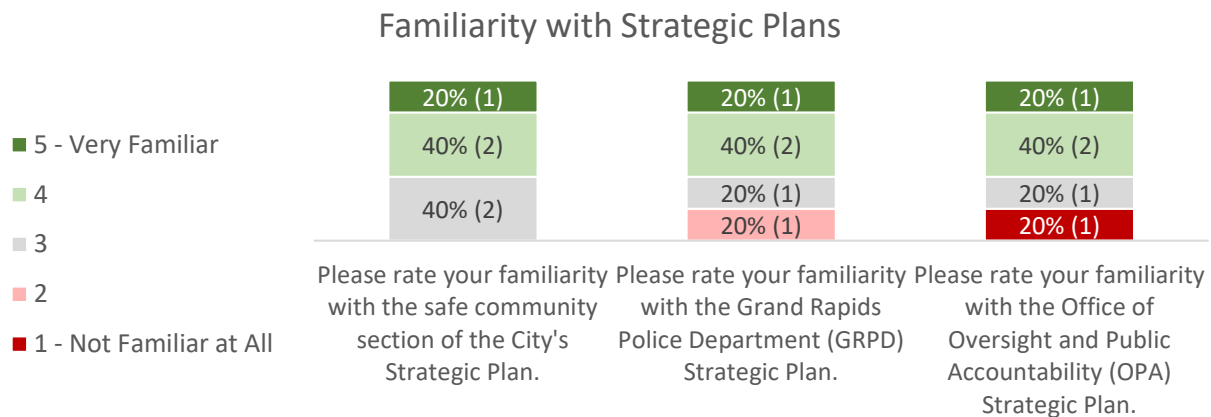
Members of the CAB were then asked to consider familiarity with reports, training, and alignment in a multiple-choice format ranging from “strongly agree” to “strongly disagree,” including the option to choose “unsure” or “I did not receive an orientation/training.”

Training, Reports, and Alignment



When members of the CAB were asked to rate the statement, “*The orientation/training I received helped me understand the expectations of my involvement with this board,*” one (20%) member of the CAB answered, “I did not receive an orientation/training,” while three (60%) members of the CAB agreed, and one (20%) member of the CAB remained neutral. When asked to rate the statement, “*I am familiar with the reports and/or recommendations created in the last 5 years,*” two (40%) members of the CAB strongly agreed, one (20%) member of the CAB remained neutral, and two (40%) members of the CAB disagreed. When asked to rate the statement, “*the board in which I serve considers the City's strategic plans when making important decisions,*” four (80%) members of the CAB responded, “neutral” while one (20%) member of the CAB responded, “disagree.” Lastly, when rating the statement, “*the board in which I serve is aligned with the City of Grand Rapids Strategic Plan,*” one (20%) member of the CAB strongly agreed, two (40%) members of the CAB agreed, one (20%) member of the CAB felt unsure, and one (20%) member of the CAB strongly disagreed.

Members of the CAB were then asked to rate questions on a 5-point linear scale ranging from “1 – Not at All” to “5 –Very Much So” when determining familiarity with the City’s strategic plans. When members of the CAB were asked to rate their familiarity with the Safe Community section of the City of Grand Rapids Strategic Plan, the GRPD’s Strategic Plan, and the Office of Oversight and Public Accountability Strategic Plan, the results show that members of the CAB were most familiar with the City of Grand Rapids Strategic Plan and least familiar with the Office of Oversight and Public Accountability Strategic Plan.



When members of the CAB were asked to, “Please rate your familiarity with the safe community section of the City of Grand Rapids Strategic Plan,” one (20%) member of the CAB responded #5 – Very Familiar, two (40%) members of the CAB responded #4, and two (40%) members of the CAB responded #3. When members of the CAB were asked to, “Please rate your familiarity with the Grand Rapids Police Department (the GRPD) Strategic Plan,” one (20%) member of the CAB responded #5 – Very Familiar, two (40%) members of the CAB responded #4, one (20%) member of the CAB responded #3, and one (20%) member of the CAB responded #2. When members of the CAB were asked to, “Please rate your familiarity with the Office of Oversight and Public Accountability (OPA) Strategic Plan,” one (20%) member of the CAB responded #5 – Very Familiar, two (40%) members of the CAB responded #4, one (20%) member of the CAB responded #3, and one (20%) member of the CAB responded #1 – Not Familiar at All.

Additional Considerations

Community Organization Recommendations

On March 30, 2021, the ACLU of Michigan, LINC UP, NAACP of Greater Grand Rapids, Urban Core Collective, Grand Rapids Pride Center, Progressive Women’s Alliance of West Michigan, Planned Parenthood of Michigan, Michigan Immigrant Rights Center, and the Kent County Office of the Defender provided a memo as concerned community organizations to the representatives of the City of Grand Rapids regarding recommended improvements to the CAB and City oversight functions. Many of the recommendations align with National Best Practices. All of the recommendations have been considered in the creation of the below Findings and Recommendations section. The memo can be found in the Appendix of this document.

Grand Rapids Department of Law Opinions

The Grand Rapids Department of Law constructed a legal opinion regarding each of the recommendations the concerned community organizations listed. This opinion will not be publicly shared due to attorney-client privilege and confidentiality; however, a legal summary prepared by the

City Attorney's Office regarding the current state of Michigan law as it relates to public employee labor relations and collective bargaining duties is included in the Appendix of this document. This summary provides context regarding public employee labor relations and the duty to bargain in addition to unfair labor practices and grievance arbitration. The legal summary had been considered in the creation of the below Findings and Recommendations section.

Collective Bargaining Agreements and the Public Employee Relations Act

In 1947, the Michigan Legislature passed the Public Employment Relations Act (PERA).¹⁰ The act provides public sector employees with the right to organize, form, join, or assist unions; engage in lawful concerted activities; present grievances; and bargain collectively with their employers over wages, hours, and other terms and conditions of employment. As such, PERA and the City's Current Collective Bargaining Agreements were considered in the creation of the below Findings and Recommendations section.

Findings and Recommendations

Proper civilian oversight supports the goals of community-oriented policing, benefits police departments as a whole, and builds community trust.¹¹ The Civilian Appeal Board is an excellent example of the City of Grand Rapids' early and continued commitment to accountability. The CAB is unique, in that unlike many other civilian review boards, the CAB has the ability to review and overturn decisions of the Grand Rapids Police Department Internal Affairs Unit. The CAB provides Grand Rapidians with a path in which their concerns can be addressed, outside of the Police Department. This is an important feature of the CAB that can lead toward justice.

Although the ultimate decisions of the CAB can lead toward justice, in some ways, the process in which decisions are made lack procedural justice. According to the Office of Community Oriented Policing Services (COPS) from the U.S. Department of Justice, procedural justice refers to the idea of fairness in the process that resolve disputes and allocate resources. It is a concept that, when embraced, promotes positive organizational change, and bolsters better relationships. Procedural justice speaks to four principles: fairness in the process, transparency in actions, opportunities for voice, and impartiality in decision making.¹² Whereas, the CAB process promotes impartiality in decision making, and transparency in actions, the process is not one that always seems to be fair to the complainant. The record that the CAB relies on in making its decisions is comprised almost entirely of police records without providing the complainant with a meaningful opportunity to be heard. For these reasons, the following is recommended:

1) Implement Mandatory Onboarding and Training for all CAB Members

The Civilian Appeal Board has the essential power to reverse decisions made by the Grand Rapids Police Department Internal Affairs Unit. It is important that this authority is utilized with thorough training in order to make concrete decisions. Further, the feedback from the CAB survey results indicates an unclear understanding of expectations, previous reports, and

¹⁰ The Public Employment Relations Act (PERA) can be read in its entirety at [http://www.legislature.mi.gov/\(S\(hk3rc5r34smvuvhg2puhnhua\)\)/mileg.aspx?page=GetObject&objectname=mcl-Act-336-of-1947](http://www.legislature.mi.gov/(S(hk3rc5r34smvuvhg2puhnhua))/mileg.aspx?page=GetObject&objectname=mcl-Act-336-of-1947)

¹¹ National Association for Civilian Oversight of Law Enforcement, *What are the benefits of police oversight?*, <https://www.nacole.org/benefits>.

¹² COPS Office on Procedural Justice - [PROCEDURAL JUSTICE | COPS OFFICE \(Usdoj.Gov\)](#)

alignment with the City of Grand Rapids Strategic Plan. Therefore, it is recommended that the CAB's bylaws be amended to require training of all members regarding:

1. National oversight standards;
2. The CAB's previous decision making and current policies and practices;
3. The Grand Rapids Police Department's Manual of Conduct and other relevant laws, policies, and procedures;
4. History, culture, and concerns of communities served by the GRPD (including the City's strategic plans on how they plan to address those concerns); and
5. The Standard of Review (preponderance of evidence) and how it is used.

These five topic areas will give the CAB members a full understanding of the importance of their role in civilian oversight and ensure their decisions are based on facts and policy violation. All five topics should be embedded in the CAB's policies for future trainings and understanding. This training should also embed the City's strategic plans, so decisions are made with Grand Rapids' values, vision, and mission as a priority.

It is worth noting that the current CAB members have recently received training offered by the Office of Oversight and Public Accountability, the Grand Rapids Police Department, and the Department of Law regarding many of the aforementioned topics and other important issues including the following topics:

- the GRPD's policies and procedures,
- Use-of-Force tactics,
- Legal history related to the CAB process,
- General understanding of the Open Meetings Act and Freedom of Information Act,
- General understanding of Public Sector Employment Law and Employee Rights, and
- Constitutional law and case law considerations.

Although necessary, none of the above trainings were required by policy. In order to ensure the efficacy of the CAB decisions, it is imperative that board members receive the appropriate training before making decisions regarding the CAB appeals.

2) Improve Written Reports in Order to Promote Fairness and Enhance the Quality of Board Decisions

City Commission Policy 800-02 states, "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."¹³ This requirement does not specify what should be included in the written decision aside from the basic conclusion reached.

Therefore, it is recommended that additional requirements for the written decisions be mandated, including, but not limited to:

¹³ Grand Rapids City Commission Policy 800-02, Grand Rapids Police Department Civilian Appeals Board § 3.

1. Identifying specific documentation, video, statements, and other relevant information that were provided to the CAB members and relied upon in reaching a decision;
2. Identifying information that was incomplete, missing, or needed to be requested through supplementary investigation;
3. Identifying the Standard of Review (Preponderance of Evidence) and training received on the topic;
4. Identifying specific reasoning for the CAB's decision, including relevant policy violations; and
5. Identifying the ultimate disposition of the CAB.

Thorough and concrete explanations regarding decisions will ensure accountability and allow the community and staff to feel more engaged, connected, and safe (a priority for all three strategic plans). Additionally, well written decisions provide necessary clarity for future litigation or arbitration. It should be noted that the OPA and City Attorney's Office have already begun implementing this recommendation with the CAB, however it should be mandated to increase transparency and accountability.

3) Increase Jurisdictional Authority to Align with Best Practices and to Promote Increased Accountability

The CAB is currently allowed to review complaints related to (a) the use of excessive force; (b) falsification/lying; (c) civil rights violations; and (d) hostility, discourtesy, or other conduct unbecoming of an officer when such conduct is committed in a context of racial animosity or prejudice.¹⁴ It is recommended that the CAB's authority be expanded to cover any and all complaints regarding allegations of major rule or policy violations. The City Commission has the authority to implement this recommendation. Releasing the CAB's limitation on the type of complaints it is allowed to review will ensure the City's values of equity, accountability, and customer service are put at the forefront during the appeal process.

It should be noted that the current collective bargaining agreements of the Grand Rapids Police Officers Association and Grand Rapids Police Command Officers Association must be considered in the implementation of this recommendation. The upcoming bargaining season provides an ideal opportunity to begin addressing this recommendation.

4) Empower CAB to Make Formal Policy Recommendations to Elevate Community Voice in Public Safety Operations

It is recommended that the CAB's authority be expanded to include allowing the CAB to make formal policy recommendations to the Grand Rapids Police Department and/or to the Office of Oversight and Public Accountability specifically addressing policies that led to the current complaint and recommending changes to policy and/or specific actions taken by officers. The CAB should publish their findings and recommendations in their public annual report for increased transparency internally and externally. The annual report should be published on the CAB's webpage and accessible through the TRUE Action¹⁵ page of the City Website. This would fulfill the initiatives of the City of Grand Rapids Strategic Plan, which calls for high expectations

¹⁴ Grand Rapids City Commission Policy 800-02, Grand Rapids Police Department Civilian Appeals Board, § 2.

¹⁵ The TRUE Action webpage can be found here: <https://www.grandrapidsmi.gov/Government/Programs-and-Initiatives/TRUE-Action-%E2%80%93-Reimagining-Policing-in-Grand-Rapids>

of governmental excellence, elevating community voice in City operations, and equitable outcomes.

5) Reimagine City Commission Policy 800-02 to Increase Procedural Justice and Reflect and Ensure Transparency

The most recent revision to City Commission Policy 800-02 Grand Rapids Police Department Civilian Appeal Board occurred on July 8, 2003 which preceded the GRPD's 12-Point Plan (2015),¹⁶ Lamberth Consulting Traffic Stop Study (2017),¹⁷ 21CP Solutions – Grand Rapids Police Department Taskforce on Police Policies and Procedures Report (2018),¹⁸ Hillard Heintze – Grand Rapids Police Department Strategic Review of the Department Staffing (2019),¹⁹ implementation and opening of the Office of Oversight and Public Accountability (2019), and release of the City of Grand Rapids Strategic Plan (2020), the Grand Rapids Police Department Strategic Plan (2020), and the Office of Oversight and Public Accountability Strategic Plan (2020). This policy also precedes the local and national demand for additional civilian oversight and police reform based on the murder of George Floyd, Breonna Taylor, and countless others. Therefore, the current policy does not reflect current practices, nor does it capture the collective wisdom that the City has gained since the latest revision of City Commission Policy 800-02 in July of 2003. As such, the process in which complaints are accepted, reviewed, decided, and appealed should be reviewed.

When reimagining City Commission Policy 800-02, both the law as dictated by PERA, and the Grand Rapids Police Officers Association and Grand Rapids Police Command Officers Association labor contracts must be carefully considered. In order to avoid further arbitration regarding the CAB bylaws, more detailed direction regarding the operation of the CAB and the role of the OPA in the process should be included in the reimagined policy. The CAB survey results indicate that members of the CAB do not believe the current structure in which they serve is effective or is in alignment with the City of Grand Rapids Strategic Plan.

Part of the stated purpose for City Commission Policy 800-02 is the creation of 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.” The current process does not allow the CAB members to consider the voice and position of the complainant in a significant way; minimally - this results in procedural injustice. For all of these reasons it is recommended that the policies and procedures be adjusted to reflect current practices, (including a working relationship with the OPA), improved to reflect best practice and to provide clarity regarding the role, responsibilities, operations, and authority of the CAB.

¹⁶ The GRPD 12 Point Plan can be found here: <https://www.grandrapidsmi.gov/Shortcut-Content/News-Media/City-continues-to-strengthen-community-and-police-partnership>

¹⁷ The Lamberth Consulting Traffic Stop Study can be found here: <https://www.grandrapidsmi.gov/Government/Departments/Police-Department/Traffic-Stop-Study>

¹⁸ The 21CP Solutions Grand Rapids Police Department Taskforce on Policies and Procedures can be found here: https://static1.squarespace.com/static/5ad62e3aec4eb7c4b00e03a0/t/5ce3ea8031b41400017a56ad/1558440613785/Final+Grand+Rapids+Report-05_17_19.pdf

¹⁹ The Hillard Heintze Grand Rapids Police Department Strategic Review of the Department Staffing can be found here: <https://www.grandrapidsmi.gov/files/assets/public/departments/police/files/grpd-deployment-report-04.05.2019.pdf>

Community Relations Commission

Current Structure

In 1953, Mayor Paul G. Goebel and the Grand Rapids City Commission appointed a Human Relations Study Committee which resulted in the 1955 establishment of the Human Relations Commission, now known as the Community Relations Commission. The Community Relations Commission (CRC) has been on the front lines for the City advocating and uplifting the resident and community voices in areas of civil and human rights for nearly 70 years and has championed many community-based initiatives. Currently, the role of the CRC is to be an advisor to the Office of Equity and Engagement, City Manager, and City Commission to support and promote the Human Rights Ordinance and strengthen the relationship between the community and the City of Grand Rapids.²⁰

The CRC operates under the Office of Equity and Engagement²¹ (formerly known as the Diversity and Inclusion Department). In 2019, the City Commission established the Human Rights Ordinance,²² which was originally brought forward by the CRC to refine the roles and responsibilities of the CRC. The Ordinance outlines the specific roles and responsibilities of the CRC, which include:

- 1) Fostering mutual understanding and respect among all people in the City and discourage and prevent discriminatory practices toward protected classes.
- 2) Upon its own initiative or at the request of the Office of Equity and Engagement, the City Manager, or the City Commission, identifying issues relative to community tensions, discriminatory practices, or acts of prejudice against any protected classes.
- 3) Conducting research projects, obtaining data to ascertain the status and treatment of any protected class, and providing reports and recommendations to the Office of Equity and Engagement. If applicable, findings and research will be forwarded from Office of Equity and Engagement to the City Manager for review and/or further action.
- 4) Developing, or cooperating with other governmental or private entities to develop, programs and courses of community education for presentation in schools, public libraries, public museums, or other suitable venues, or develop presentations illustrating the contributions of protected classes to the culture, tradition, and progress of the City and society at large, and demonstrating the deleterious effects of prejudice, intolerance, and discrimination.
- 5) Issuing publications or reports that in its judgment will minimize and ultimately eliminate prejudice, intolerance, and discrimination in the City.
- 6) Advising the Office of Equity and Engagement on opportunities of alignment for the City of Grand Rapids Strategic Plan efforts and when applicable, assist the Office of Equity and Engagement with those opportunities and efforts.
- 7) Cooperating with federal, state, and local agencies and departments as requested by the Office of Equity and Engagement to assist in addressing and resolving issues of discrimination.
- 8) Recommending to the Office of Equity and Engagement, City Manager and City Commission measures to enhance harmonious and equitable relations among City residents and institutions; supporting and fortifying the efforts of City departments and agencies in protecting those

²⁰ More information on the Community Relations Commission can be found here:

<https://www.grandrapidsmi.gov/Government/Boards-and-Commissions/Community-Relations-Commission>

²¹ More information on the Office of Equity and Engagement can be found here:

<https://www.grandrapidsmi.gov/Government/Departments/Office-of-Equity-and-Engagement>

²² The Human Rights Ordinance can be found here:

<https://www.grandrapidsmi.gov/files/assets/public/departments/diversity-and-inclusion/files/community-relations-commission/human-rights-ordinance-08272019.pdf>

described in the Human Rights Ordinance; and advising and consulting as necessary on civil rights and the violation thereof.

The CRC meets on a monthly basis in addition to having subcommittee meetings. The CRC has thirteen members that represent the community at large, and they are appointed by the Mayor with approval of the City Commission. Each members’ term is for three years.

Other Considerations

City Policies

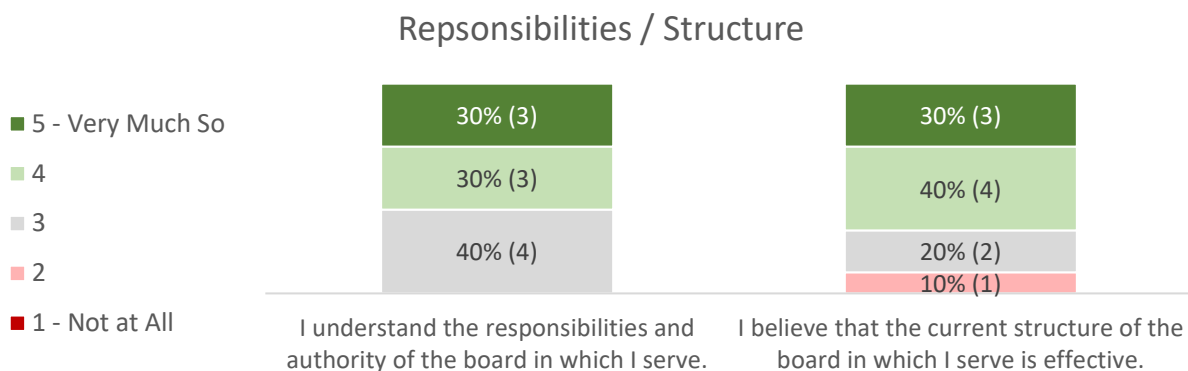
The Human Rights Ordinance, also known as City Code Title IX Chapter 175, Articles 1-5, Sections 9.935-9.953, outlines the specific roles and responsibilities of the Community Relations Commission. In addition, the CRC must adhere to the Grand Rapids City Commission Standing Rules, the Citizen Board or Commission Member Handbook, CCP 100-01 City Commission Policy Manual, CCP 300-06 Citizen Boards and Commissions, and the Grand Rapids, Michigan – Code of Ordinances (City Charter).

City Funding

The Community Relations Commission holds funds (known as the CRC-Rosa Parks Fund) raised from donations and sponsorships to recognize local champions every five years through the Helen Jackson Clayton Civil Rights Award. City funds are not requested or used to fund this event. The other activities and the CRC’s operational expenses are absorbed into the Office of Equity and Engagement budget. The other expenses average out to a few thousand dollars every fiscal year and are all personnel-related expenses. Some of the recent activities that the CRC has been involved in include the Mayor's Proclamation of Indigenous People's Day, Strategic Planning for the Commission, creating the Equal Services Policy, and co-creating the new Human Right's Ordinance.

Community Relations Commission Member Feedback

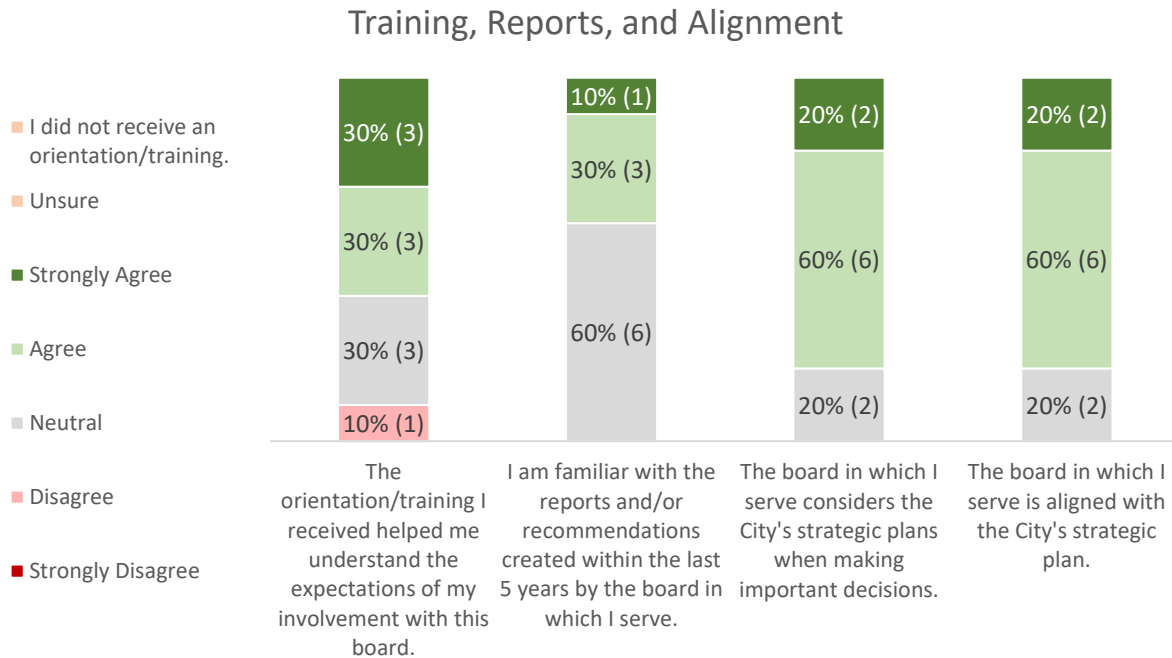
The Office of Oversight and Public Accountability electronically surveyed members of the CRC to gain a better understanding of familiarity with training, reports, responsibilities, structure, and the City’s strategic plans. Of the eleven current members of the CRC, ten (91%) members responded. Each response is broken down below.



Member of the CRC were asked to rate questions on a 5-point linear scale ranging from, “#1- Not at All” to “#5 - Very Much So.” When asked to rate the statement, “*I understand the responsibilities and authority of the board in which I serve,*” three (30%) members of the CRC responded #5 – Very Much So, three (30%) members of the CRC responded #4, and four (40%) members of the CRC responded #3. When asked to rate the statement, “*I believe that the current structure of the board in which I serve is effective,*” three (30%) members of the CRC responded #5 – Very Much So, four (40%) members of the

CRC responded #4, two (20%) members of the CRC responded #3, and one (10%) member of the CRC responded #2.

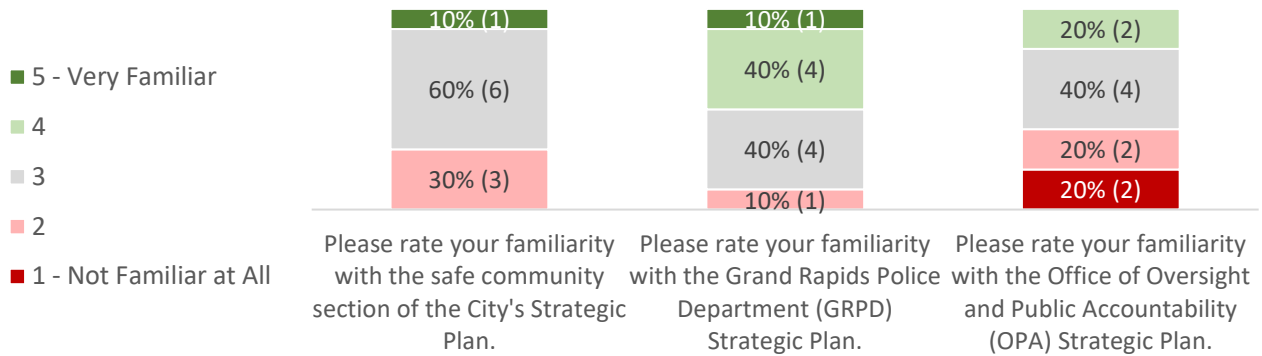
Members of the CRC were then asked to consider familiarity with reports, training, and alignment in a multiple-choice format ranging from “strongly agree” to “strongly disagree,” including the option to choose, “unsure” or “I did not receive an orientation/training.”



When members of the CRC were asked to rate the statement, “*The orientation/training I received helped me understand the expectations of my involvement with this board,*” three (30%) members of the CRC strongly agreed, three (30%) members of the CRC agreed, three (30%) members of the CRC remained neutral, and one (10%) member of the CRC disagreed. When asked to rate the statement, “*I am familiar with the reports and/or recommendations created in the last 5 years,*” one (10%) member of the CRC strongly agreed, three (30%) members of the CRC agreed, and six (60%) members of the CRC remained neutral. When asked to rate the statement, “*the board in which I serve considers the City's strategic plans when making important decisions,*” two (20%) members of the CRC strongly agreed, 6 (60%) members of the CRC agreed, and two (20%) members of the CRC remained neutral. Lastly, when rating the statement, “*the board in which I serve is aligned with the City of Grand Rapids Strategic Plan,*” two (20%) members of the CRC strongly agreed, six (60%) members of the CRC agreed, and two (20%) members of the CRC remained neutral.

Members of the CRC were asked to rate questions on a 5-point linear scale ranging from, “1 – Not at All” to, “5 –Very Much So” when determining familiarity with the City’s strategic plans. When members of the CRC were asked to rate their familiarity with the Safe Community section of the City of Grand Rapids Strategic Plan, the Grand Rapids Police Department Strategic Plan, and the Office of Oversight and Public Accountability Strategic Plan, the results show that members of the CRC were most familiar with the City of Grand Rapids Strategic Plan and least familiar with the Office of Oversight and Public Accountability Strategic Plan.

Familiarity with Strategic Plans



When members of the CRC were asked to, “Please rate your familiarity with the safe community section of the City of Grand Rapids Strategic Plan,” one (10%) members of the CRC responded #5 – Very Familiar, six (60%) members of the CRC responded #3, and three (30%) members of the CRC responded #2. When members of the CRC were asked to, “Please rate your familiarity with the Grand Rapids Police Department (the GRPD) Strategic Plan,” one (10%) member of the CRC responded #5 – Very Familiar, four (40%) members of the CRC responded #4, four (40%) members of the CRC responded #3, and one (10%) member of the CRC responded #2. When members of the CRC were asked to, “Please rate your familiarity with the Office of Oversight and Public Accountability (OPA) Strategic Plan,” two (20%) members of the CRC responded #4, four (40%) members of the CRC responded #3, two (20%) members of the CRC responded #2, and two (20%) members of the CRC responded #1 – Not Familiar at All.

Findings and Recommendations

The Community Relations Commission is uniquely equipped to help achieve the goals stated in the City’s strategic plan as the City of Grand Rapids is dedicated to advancing equitable outcomes and opportunities. Given the dedication to uplifting community voice in the City of Grand Rapids, it is recommended that the Community Relations Commission implement the following recommendations:

1) Refocus the Community and Police Relations Subcommittee to Address Systemic Inequities in the Criminal Justice System

The Grand Rapids Police Department interacts with many entities within the City of Grand Rapids including but not limited to the Public Safety Committee, the SAFE Taskforce, the Police Chief Advisory Team, the Office of Oversight and Public Accountability and other community groups. In addition, the Grand Rapids Police Department publicly posts progress updates on various metrics related to their budget, community engagement, crime statistics, staffing levels, community programs, internal complaint statistics, and community policing efforts.

Historically, the CRC has filled a very important role of working directly with the Grand Rapids Police Department, particularly when it came to any type of conflict between the police and community. In many ways, this work is now the primary responsibility of OPA. Notably, the primary responsibility of the CRC is neither policing nor public safety. The CRC’s primary goal is to prevent discrimination toward protected classes. Although policing, and the criminal justice system as a whole are one area in which discrimination can occur – the CRC’s focus is not limited to that area.

Given the existence of the OPA, and the City’s other public safety boards and commissions, it is recommended that the CRC’s Community and Police Relations Subcommittee be realigned and

rebranded as the Systemic Inequities in Criminal Justice Subcommittee. Instead of focusing on policing, as its name denotes, this committee will focus on identifying and eliminating inequities in the justice system which ultimately affects Grand Rapidians. The committee should focus on what leads to inequities in the criminal justice system through the lens of policy and procedure as opposed to directly addressing issues in the Grand Rapids Public Safety Systems – as that is work delineated to other entities.²³ Among other things, this committee will identify State and Federal solutions to systemic inequities in the justice system.

Since this revised and rebranded subcommittee will focus on systems instead of directly focusing on Grand Rapids' Public Safety groups, it is also recommended that the CRC be permanently aligned with the City's Equity and Engagement work as opposed to our public safety boards and commissions. Although systemic inequities impact all communities, this committee will focus on the impact of those inequities on Grand Rapidians.

2) Provide Additional Training Regarding the City of Grand Rapids Strategic Plan, Grand Rapids Police Department Strategic Plan, Grand Rapids Fire Department Strategic Plan, and the Office of Oversight and Public Accountability Strategic Plan

The CRC has done a fantastic job at preparing new members with an orientation packet which includes the history of the CRC, applicable policies, and the City of Grand Rapids Strategic Plan. However, there are areas of the survey which indicate members of the CRC could use additional resources to achieve better alignment within the city structure. The survey results indicate most members were not strongly familiar with the strategic plans, or with previous work the CRC completed. Based on these findings, it is recommended that the CRC includes additional training that is covered in orientation and continued annually thereafter. This training would be in addition to the current orientation packet that is dispersed to new members and would include more historical references to previous reports. Greater familiarity with the City of Grand Rapids Strategic Plan would help ensure that the CRC remains aligned with the City's vision and that the mission of the CRC is fulfilled.

3) Increase Public Access and Knowledge Regarding the CRC's Operations

Currently, the CRC does not record the CRC meetings, have the CRC meeting minutes readily available to the public, or publicly report its annual efforts. Although it is not required by state or federal law that the CRC have meetings that are open to the public; doing so would increase transparency and potential community engagement. In the effort to increase these measures, it is recommended that the CRC, record and/or post its meetings on its website for the public, including previous meeting minutes. Although public comment is not required, the CRC has a practice of allowing individuals to speak at meetings if they submit a request in advance of the meeting. The information regarding who to contact if they wish to speak to the CRC during one of the meetings should be included on the CRC's webpage. It is also recommended that the CRC continue to publish an annual report regarding their efforts to support and promote the Human Rights Ordinance and strengthen the relationship between the community and the City of Grand Rapids.

²³ The Office of Oversight and Public Accountability's Strategic Plan outlines OPA's commitment to identify systemic issues that cause disparate outcomes in the justice system and implement strategies and programming to address those issues within the City's span of influence. As such, OPA would collaborate with the CRC to address these issues.

Police Chief Advisory Team

Current Structure

The Grand Rapids Police Department dedicated itself to creating a Police Chief Advisory Team (PCAT) within the Grand Rapids Police Department Strategic Plan to help create and improve respectful relationships between public safety and community.²⁴ The team was created and began meeting in July 2020. The team initially had six members outside of the police department ultimately selected by Grand Rapids Police Chief, Eric Payne.

Currently, the PCAT consists of 13 diverse members ranging from the business community, Grand Rapids NAACP, the Public Defender’s Office, and from other areas of Grand Rapids. The team began meeting weekly, but currently meets bi-weekly. The PCAT does not have an appointment structure or rules of order to follow in the meetings as the Chief wanted to avoid a hierarchal structure. The purpose of the team is to advise and offer recommendations to Chief Payne.

Other Considerations

City Policies

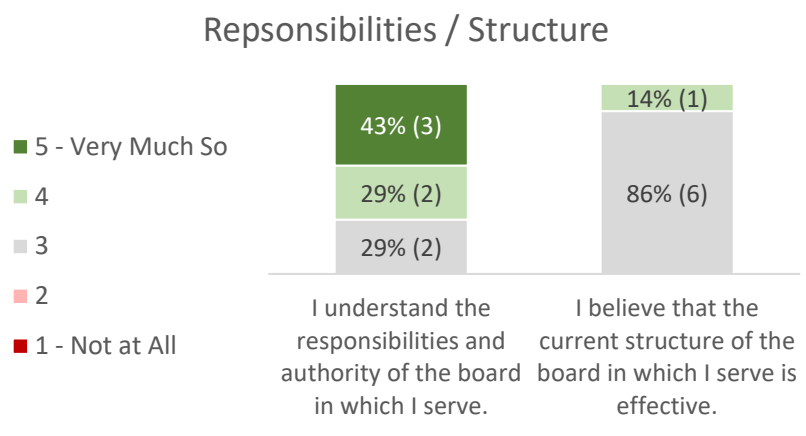
There are no applicable polices or structured platform to the Police Chief Advisory Team. However, the PCAT relies on the Police Department’s Strategic Plan for guidance. Chief Payne explained to the OPA that PCAT’s purpose is to strictly to advise, and that this structure allows the advisory team to rotate members without any interferences. It should be noted that advisory team did not require action from the City Commission to be created as it is governed at the departmental level.

City Funding

The Police Chief Advisory Team does not have any funds budgeted or assigned outside of staff resources.

PCAT Member Feedback

The OPA electronically surveyed members of the PCAT to get a better understanding of familiarity with training, reports, responsibilities, structure, and the City’s strategic plans. Of the 15 current members, 7 (47%) responded. Each response is broken down below.

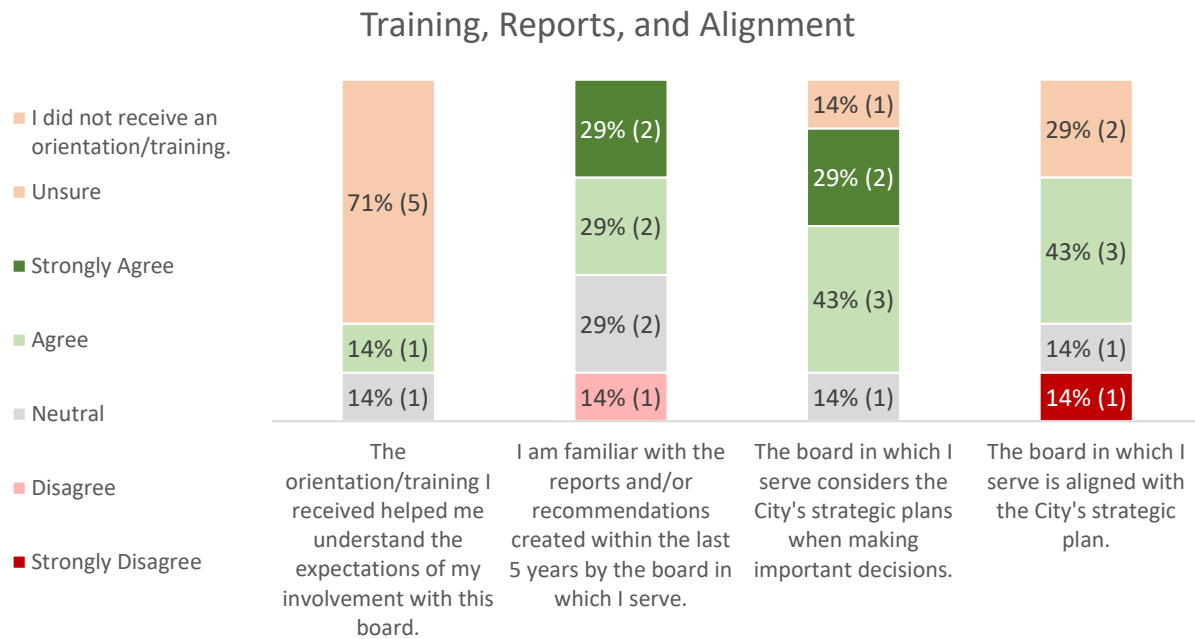


²⁴ The GRPD Strategic Plan, *Plan Process*, pg. 15.

<https://www.grandrapidsmi.gov/files/assets/public/departments/police/files/plans/police-strategic-plan-fy21-23.pdf>

Members of the PCAT were asked to rate questions on a 5-point linear scale ranging from “#1 - Not at All” to “#5 - Very Much So.” When asked to rate the statement, “*I understand the responsibilities and authority of the Board in which I serve,*” three (43%) members of the PCAT responded #5 – Very Much So, two (29%) members of the PCAT responded #4, and two (29%) members of the PCAT responded #3. When asked to rate the statement, “*I believe that the current structure of the board in which I serve is effective,*” one (14%) member of the PCAT responded #4, while six (86%) members of the PCAT responded #3.

Members of the PCAT were then asked to consider familiarity with reports, training, and alignment in a multiple-choice format ranging from “strongly agree” to “strongly disagree,” including the option to choose “unsure” or “I did not receive an orientation/training.”

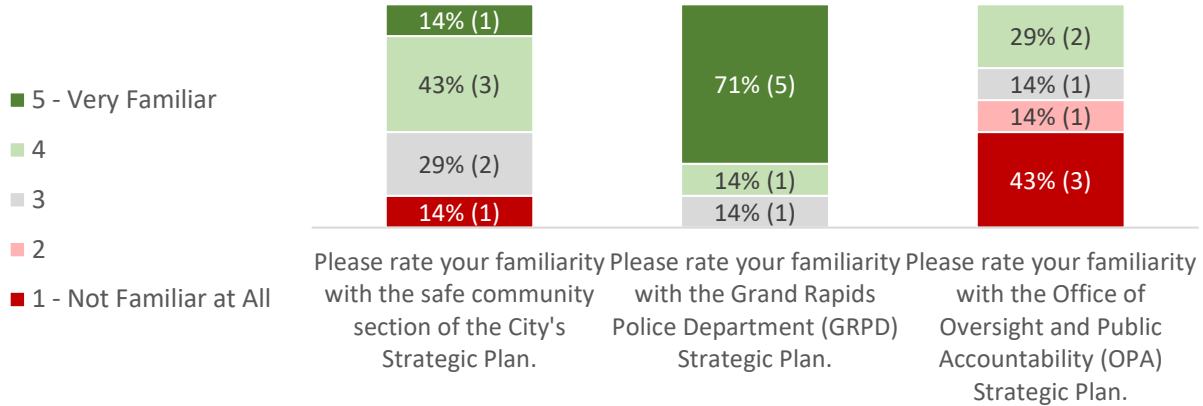


When members of the PCAT were asked to rate the statement, “*The orientation/training I received helped me understand the expectations of my involvement with this board,*” five (71%) members of the PCAT answered, “I did not receive an orientation/training,” while one (14%) member of the PCAT agreed, and one (14%) member of the PCAT remained neutral. When asked to rate the statement, “*I am familiar with the reports and/or recommendations created in the last 5 years,*” two (29%) members of the PCAT strongly agreed, two (29%) members of the PCAT agreed, two (29%) members of the PCAT remained neutral, and one (14%) member of the PCAT disagreed. When asked to rate the statement, “*the board in which I serve considers the City’s strategic plans when making important decisions,*” one (14%) member of the PCAT was unsure, two (29%) members of the PCAT strongly agreed, three (43%) members of the PCAT agreed, and one (14%) member of the PCAT remained neutral. Lastly, when rating the statement, “*the board in which I serve is aligned with the City of Grand Rapids Strategic Plan,*” two (29%) members of the PCAT were unsure, three (43%) members of the PCAT agreed, one (14%) member of the PCAT remained neutral, and one (14%) member of the PCAT strongly disagreed.

Members of the PCAT were asked to rate questions on a 5-point linear scale ranging from “1 – Not at All” to “5 –Very Much So” when determining familiarity with the City’s strategic plans. When members were asked to rate their familiarity with the Safe Community section of the City of Grand Rapids Strategic Plan, the Grand Rapids Police Department Strategic Plan, and the Office of Oversight and Public

Accountability Strategic Plan, the results show that members of the PCAT were most familiar with the Grand Rapids Police Department Strategic Plan and least familiar with the Office of Oversight and Public Accountability Strategic Plan.

Familiarity with Strategic Plans



When members of the PCAT were asked to, *“Please rate your familiarity with the safe community section of the City of Grand Rapids Strategic Plan,”* one (14%) member of the PCAT responded #5 – Very Familiar, three (43%) members of the PCAT responded #4, two (29%) members of the PCAT responded #3, and one (14%) member of the PCAT responded #1 – Not Familiar at All. When members of the PCAT were asked to, *“Please rate your familiarity with the Grand Rapids Police Department (the GRPD) Strategic Plan,”* five (71%) members of the PCAT responded #5 – Very Familiar, one (14%) member of the PCAT responded #4, and one (14%) member of the PCAT responded #3. When members of the PCAT were asked to, *“Please rate your familiarity with the Office of Oversight and Public Accountability (OPA) Strategic Plan,”* two (29%) members of the PCAT responded #4, one (14%) member of the PCAT responded #3, one (14%) member of the PCAT responded #2, and three (43%) members of the PCAT responded #1 – Not Familiar at All.

Findings and Recommendations

The City of Grand Rapids Strategic Plan and the Grand Rapids Police Department Strategic Plan both reiterate the importance of maintaining legitimacy, trust, and public support to maintain the safety of the Grand Rapids community. The PCAT can support these efforts to ensure accountability and transparency. Therefore, it is recommended that the role and responsibilities of the Police Chief Advisory Team be clarified by implementing the following recommendations:

1) Create a Policy that Clearly Defines Team Roles and Meeting Commitments

It is recommended that the PCAT create and publicly publish a policy that defines the PCAT and its main functions. All members should be involved in creation of the policy with a shared understanding of how often meetings are to be held, the number of members on the team, how members are appointed, length of terms, etc. This policy would be publicly posted along with the meeting’s agenda and/or minutes to support the City of Grand Rapids Strategic Plan in the overall goal of transparency. This would also encourage a space where members of the community could offer suggestions or ask questions about certain topics, which is in alignment with the Grand Rapids Police Department Strategic Plan, the Office of Oversight and Public Accountability Strategic Plan, and the City of Grand Rapids Strategic Plan.

Chief Payne has specified he wants this group to be strictly advisory. It should be noted within the policy that the PCAT will act solely in advisory capacity and not be involved in Department decisions, but will provide input on items such as budget, policy, performance metrics and outcomes. The purpose of the PCAT should be defined to advise on the policies and decisions made by the Department but not to dictate how the decisions are made.

2) Include People of Diverse Backgrounds Reflective of the Surrounding Community in an Effort to Learn from and Apply the Collective Wisdom of Grand Rapidians

While it is clear the PCAT currently has diverse members, it is important to define how team members are added and how many members come from varying backgrounds and varying viewpoints to allow for constructive criticism of the actions taken by the Police Department. It is important for everyone on the team to have a voice and work together to identify sources of resistance and issues of contention. Requiring diversity of perspective in PCAT's membership should be reiterated in the PCAT policy recommended above.

3) Identify Committee Objectives and Scope

The findings from the survey of team members suggest that questions exist regarding the effectiveness of the team structure. Without mutual understanding regarding purpose and scope, effectiveness of a team can be extremely difficult to measure. It is recommended that the objectives and scope of this committee be clearly identified. It is recommended that the purpose include advising the Chief of Police on policy changes, and any other issues the Chief chooses, while maintaining PCAT's ability to make independent recommendations to the Chief.

4) Require Training and Orientation of Advisory Team Members

The findings from the survey of team members suggest that team members may not have received an orientation or training before joining the team. Orientation and training can help members understand the Grand Rapids Police Department's past and current efforts towards a safer community and alignment with the City of Grand Rapids Strategic Plan. Based on member feedback, an orientation packet should be created for any new members who join the team, and the packet should include the City of Grand Rapids Strategic Plan, Office of Oversight and Public Accountability Strategic Plan, Fire Department Strategic Plan and Police Department Strategic Plan. This will lead to better alignment and understanding of the City's values, vision, mission, and public safety strategy.

Public Safety Committee

Current Structure

The Public Safety Committee²⁵ is a standing committee of the City Commission that is charged with considering and making recommendations on all matters concerning public safety, except those matters that historically have fallen within the jurisdiction of the Fiscal Committee, unless invited to do so by the Fiscal Committee, or directed to do so by the Committee of the Whole.²⁶ The Public Safety Committee consist of nine members - one commissioner from each City ward and two City residents from each ward, serving a one-year term.²⁷ Although members of the public serve on this committee, they serve in a non-voting capacity. The Public Safety Committee meets on a monthly basis.

Other Considerations

City Policies

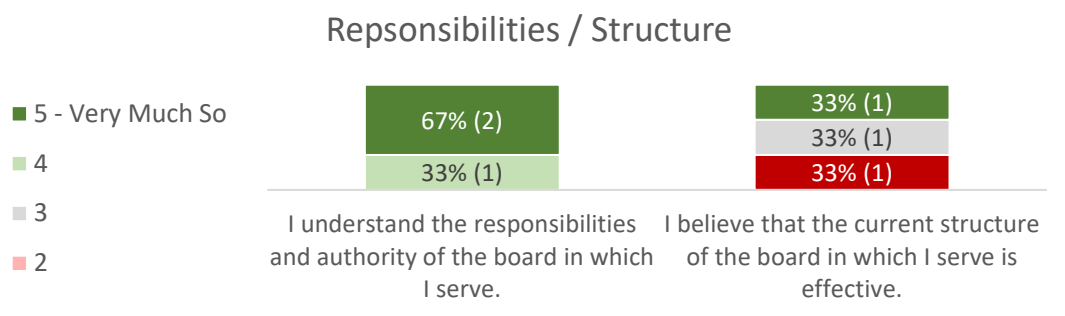
The Public Safety Committee is governed by the Grand Rapids City Commission Standing Rules,²⁸ the Citizen Board or Commission Member Handbook, CCP 100-01 City Commission Policy Manual, CCP 300-06 Citizen Boards and Commissions, and the Grand Rapids, Michigan – Code of Ordinances (City Charter).

City Funding

The Public Safety Committee does not have any funds budgeted or assigned to the Committee for operations outside of staff resources.

Public Safety Committee Member Feedback

The OPA electronically surveyed members of the Public Safety Committee to get a better understanding of familiarity with training, reports, responsibilities, structure, and the City of Grand Rapids Strategic Plans. Out of the six current members, three (50%) members responded. The OPA has broken down each response below.



²⁵ Although commonly known as the Public Safety Committee, pursuant to the City Commission Standing Rules its official name is the Committee on Public Safety.

²⁶ More information on the Public Safety Committee can be found at:

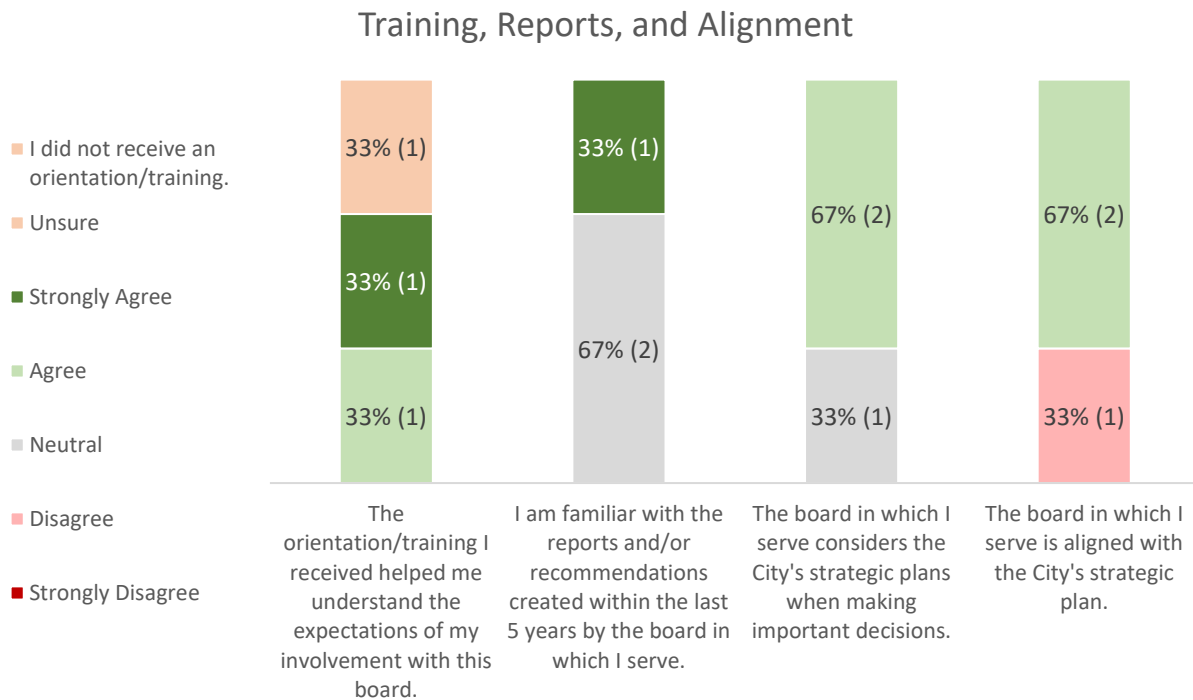
<https://www.grandrapidsmi.gov/Government/Boards-and-Commissions/Public-Safety-Committee>

²⁷ More information about How the City Commission Works and a copy of the standing rules can be found at: [How the City Commission Works \(grandrapidsmi.gov\)](#)

²⁸ Section 3 Rule III(D)2 of the City Commission Standing Committee Rules, requires that all matters to be brought before the Public Safety Committee shall be with the knowledge and consent of the City Manager, the Police Chief, and the Fire Chief, except at the request of a City Commissioner. This rule should be amended to reflect current practices and therefore only require that items brought before the Public Safety Committee be with the knowledge and consent of the City Manager, except at the request of a City Commissioner.

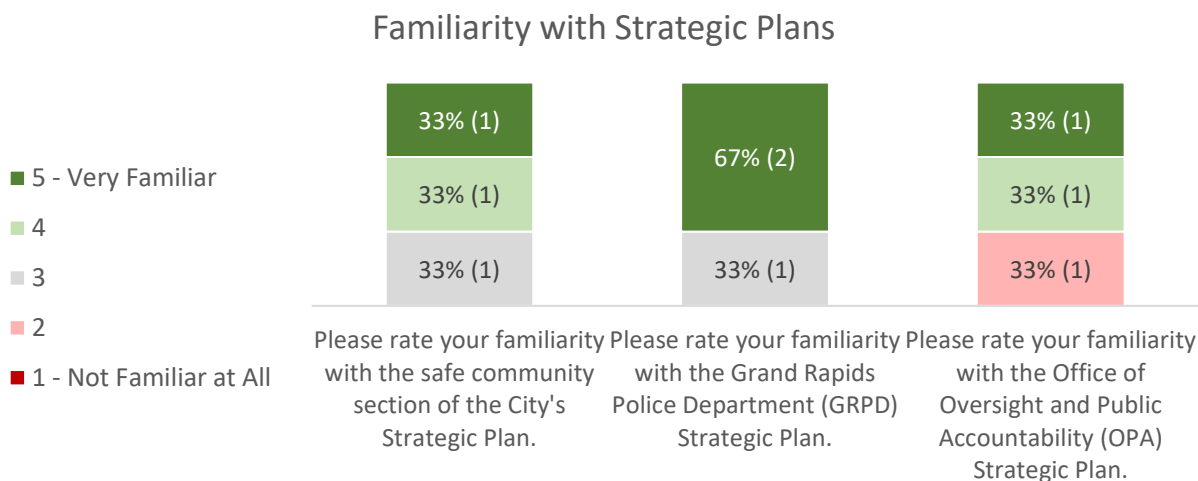
Members of the Public Safety Committee were asked to rate questions on a 5-point linear scale ranging from, “#1- Not at All” to, “#5 - Very Much So.” When asked to rate the statement, “*I understand the responsibilities and authority of the board in which I serve,*” two (67%) members of the Public Safety Committee responded #5 – Very Much So, while one (33%) member of the Public Safety Committee responded #4. When asked to rate the statement, “*I believe that the current structure of the board in which I serve is effective,*” one (33%) member of the Public Safety Committee responded #5 - Very Much So, one (33%) member of the Public Safety Committee responded #3, and one (33%) member of the Public Safety Committee responded #1 – Not at All.

Members of the Public Safety Committee were then asked to consider familiarity with reports, training, and alignment in a multiple-choice format ranging from “strongly agree” to “strongly disagree,” including the option to choose “unsure” or “I did not receive an orientation/training.”



When members of the Public Safety Committee were asked to rate the statement, “*The orientation/training I received helped me understand the expectations of my involvement with this board,*” one (33%) member of the Public Safety Committee answered, “I did not receive an orientation/training,” while one (33%) member of the Public Safety Committee strongly agreed, and one (33%) member of the Public Safety Committee agreed. When asked to rate the statement, “*I am familiar with the reports and/or recommendations created in the last 5 years,*” one (33%) member of the Public Safety Committee strongly agreed, while two (67%) members of the Public Safety Committee remained neutral. When asked to rate the statement, “*the board in which I serve considers the City’s strategic plans when making important decisions,*” two (67%) members of the Public Safety Committee agreed while one (33%) member of the Public Safety Committee remained neutral. Lastly, when rating the statement, “*the board in which I serve is aligned with the City of Grand Rapids Strategic Plan,*” two (67%) members of the Public Safety Committee agreed while one (33%) member of the Public Safety Committee disagreed.

Members of the Public Safety Committee were asked to rate questions on a 5-point linear scale ranging from, “1 – Not at All” to “5 –Very Much So” when determining familiarity with the City’s strategic plans. When members were asked to rate their familiarity with the Safe Community section of the City of Grand Rapids Strategic Plan, the Grand Rapids Police Department Strategic Plan, and the Office of Oversight and Public Accountability Strategic Plan, the results show that members of the Public Safety Committee were most familiar with the Grand Rapids Police Department Strategic Plan and least familiar with the Office of Oversight and Public Accountability Strategic Plan.



When members of the Public Safety Committee were asked to, “Please rate your familiarity with the safe community section of the City of Grand Rapids Strategic Plan,” one (33%) member of the Public Safety Committee responded #5 – Very Familiar, one (33%) member of the Public Safety Committee responded #4, and one (33%) member of the Public Safety Committee responded #3. When members of the Public Safety Committee were asked to, “Please rate your familiarity with the Grand Rapids Police Department (the GRPD) Strategic Plan,” two (67%) members of the Public Safety Committee responded #5 – Very Familiar, while one (33%) member of the Public Safety Committee responded #3. When members of the Public Safety Committee were asked to, “Please rate your familiarity with the Office of Oversight and Public Accountability (OPA) Strategic Plan,” one (33%) member of the Public Safety Committee responded #5 – Very Familiar, one (33%) member of the Public Safety Committee responded #4, and one (33%) member of the Public Safety Committee responded #2.

Findings and Recommendations

The Public Safety Committee was created to make recommendations regarding public safety matters. In practice, the Public Safety Committee receives general updates from the City’s public safety departments. The process in which recommendations of the Public Safety Committee are provided to the Committee of the Whole, or City Manager by and through staff, and tracked publicly is unclear. Therefore, it is recommended that the City Commission clarify and elevate the role and responsibilities of the Public Safety Committee members by implementing the following recommendations:

1) Create a Formal Structure to Track and Evaluate Progress on Public Safety Committee Recommendations

Members of the Public Safety Committee have the ability to voice their concerns, support, and ask thoughtful questions regarding public safety matters. To increase accountability regarding the recommendations of the Public Safety Committee, it is recommended that all formal recommendations (approved by motion of the Committee) along with the outcome of said

recommendations be published on the Public Safety Committee webpage of the City website. This will not only formalize the recommendation process but will also encourage transparency between the City and community. Further, a standing item that provides an opportunity for members to request more information regarding specific topics of interest related to public safety should be adopted. This will empower members to ask specific questions to the public safety departments to be more informed when offering recommendations and feedback.

2) Elevate the Work of the SAFE Taskforce by Converting it to a Permanent Advisory Committee of the Public Safety Committee in Order to Create Better Alignment with the City's Strategic Plan and Elevate Resident Voice in Public Safety Operations

The Safe Alliances For Everyone (SAFE) Taskforce has been a vehicle used by the City to elevate resident voice in public safety operations, particularly with the release of SAFE's 2015 report. Since that time, the City has continued to evaluate public safety operations and through the creation and implementation of the City of Grand Rapids Strategic Plan, the Grand Rapids Police Department Strategic Plan, the Grand Rapids Fire Department Strategic Plan, and the Office of Oversight and Public Accountability Strategic Plan. Through these plans, the City has articulated the strategic direction for its public safety departments in an effort to ensure that all people feel safe and are safe at all times in Grand Rapids.

Although the work of a taskforce is intended to be temporary, elevating community voice regarding public safety matters must be permanent. As such, it is recommended that the SAFE Taskforce be elevated to a permanent advisory committee under the Public Safety Committee. As a permanent advisory committee, the SAFE (Advisory Committee) would be better aligned with the City public safety board structure, while still fulfilling its goals of sharing information on what exists about neighborhood violence, supporting programs based on research to fill existing gaps, advocating for community empowerment and voice, and promoting city policy through recommendation. This recommendation is discussed in greater detail in the SAFE Taskforce section of this report.

3) Increase Public Access and Knowledge Regarding Public Safety Committee's Operations

Historically, the Public Safety Committee does not livestream the Public Safety Committee meetings or have the Public Safety Committee meeting minutes readily available to the public. Although it is not required by state or federal law that the Public Safety Committee meetings be broadcasted, doing so would increase transparency and potential community engagement. In the effort to increase these measures, it is recommended that the Public Safety Committee meetings be livestreamed, recorded and/or posted on the City's webpage. It should be noted that that the City now records Public Safety Committee meetings to ensure governmental excellence and provide the opportunity for increased transparency.²⁹

²⁹ The first Public Safety Committee to be recorded was on June 15, 2021.

SAFE Taskforce

Current Structure

In May 2014, former Mayor, George K. Heartwell³⁰ created a mayoral taskforce known as the Safe Alliances for Everyone Taskforce (SAFE Taskforce)³¹ as an anti-violence initiative created to decrease violence in the community.³² In March 2015, SAFE released an Anti-Violence Strategy Report and Recommendations,³³ which included the five peace pillar recommendations: 1) Prevention Investment; 2) Eliminate Violent Acts; 3) Activate Economic Opportunity; 4) Community Engagement, Education, and Empowerment; and 5) Effect Positive Change in Public Institutions [Local, County, and State].

As a mayoral taskforce, the authority to determine the governance of the taskforce and to appoint members to the taskforce rests with the mayor. Mayor Heartwell appointed a chairperson to lead the SAFE Taskforce and allowed the Chairperson to exercise broad discretion in the facilitation of SAFE. Originally, the SAFE Taskforce was comprised of three City Commissioners, and 14 community members and City staff persons. SAFE is currently made up of two City Commissioners and eight members who are comprised of representatives from the City Commission, health and mental health professionals, the Grand Rapids Police Department, non-profit organizations, and community foundations.

Since 2018, an annual appropriation of \$100,000 of City Funding has been budgeted to the SAFE Taskforce for the purpose of supporting efforts consistent with the recommendations listed in the 2015 SAFE Anti-Violence Report and Recommendations. One of the goals of the SAFE Taskforce is to partner with community organizations and businesses to solve issues facing 15 to 24-year-old residents. The 2015 Report highlighted several issues including, but not limited to issues of community safety, sense of community, juvenile gangs, proactive policing strategies, police community relations, and the lack of pro-social activities for youth. Much of this work is completed through Pitch Nights and Highlight Nights.

Pitch Nights and Highlight Nights allow the City to support community-based solutions in which individuals and non-profit organizations are given the opportunity to compete for a partnership and funding through SAFE. Pitch Nights, Highlight Nights and Request for Proposals (RFP) are ways in which community members to receive funding to boost their efforts of reducing violence in our community. SAFE facilitates Pitch Nights and Highlight Nights in 2-3 months of the year to provide funding and support for anti-violence campaigns. All efforts underneath \$10,000 are established through Pitch Nights and Highlight Nights while efforts over \$10,000 go through an RFP process.

In Fall of 2020, the SAFE Taskforce independently adopted operating procedures to guide its operations including funding and membership. Since the SAFE Taskforce was created as a Mayoral Taskforce, it is not governed by the Grand Rapids City Commission Standing Committee Rules, or other rules governing City Boards – instead, it is intended to be governed by the direction given to it by the Mayor. Recent

³⁰ Mayor George K. Heartwell served as mayor of the City of Grand Rapids from January 1, 2004 – January 1, 2016.

³¹ Throughout its existence, SAFE has been the words Taskforce and Task Force have been used interchangeably to describe SAFE. For the purposes of this report, OPA has referred to SAFE as the SAFE Taskforce

³² More information on SAFE can be found here: <https://www.grandrapidsmi.gov/Government/Programs-and-Initiatives/SAFE-Task-Force>

³³ 2015 SAFE Report and Recommendations can be found here: <https://www.grandrapidsmi.gov/files/assets/public/initiatives/safe/safe-final-report.pdf>

appointments to the SAFE Taskforce have been at the direction of the [former] SAFE Chairperson.³⁴ Being a member of SAFE is a voluntary, at-will position.

In February 2021, the SAFE Taskforce held an election and selected two Co-Chairpersons to lead the SAFE Taskforce through a majority vote. The SAFE Taskforce operating procedures specify that the co-chairperson positions last for two years. In accordance with SAFE's operating procedures, the responsibilities of the co-chairpersons are as follows:

1. Lead the Taskforce to carry its function;
2. Ensure decorum during official Taskforce meetings;
3. Set priorities and create agendas for meetings in partnership with staff liaison;
4. Provide recommendations for vacant membership seats; and
5. Present the recommendations created by the SAFE Taskforce to the City Commission.

Further, the Chairperson is required to consult with the City Manager or his designated liaison on the preparation of an agenda before each meeting. The SAFE Taskforce agreed-upon guidelines for achieving their goals include:

1. Reviewing past reports and activities produced at the local and national level;
2. Inviting speakers and guests from local and state agencies;
3. Continued consideration of "best practices" programs at the public, parochial, and private levels of community investment;
4. Discussion of existing programs and program gaps within the city of Grand Rapids;
5. The inclusion of alternative community voices and perspectives at the neighborhood level.
6. Recommendations to the City Commission on funding allocated to SAFE through RFP's, Pitch and Highlight Nights and City Led activities.

Through consideration of these different data points, the SAFE Taskforce intends to promote City policy recommendations to city officials. The SAFE Taskforce also has a staff liaison assigned to assist the Taskforce.

Other Considerations

City Policies

There is no City Commission Policy that provides governance to the SAFE Taskforce. However, the SAFE Taskforce created Operating Procedures in the Fall of 2020. The City Charter, Citizen Board or Commission Member Handbook, and the Standing Rules of the Grand Rapids City Commission were referenced in the creation of the Findings and Recommendations section of this report.

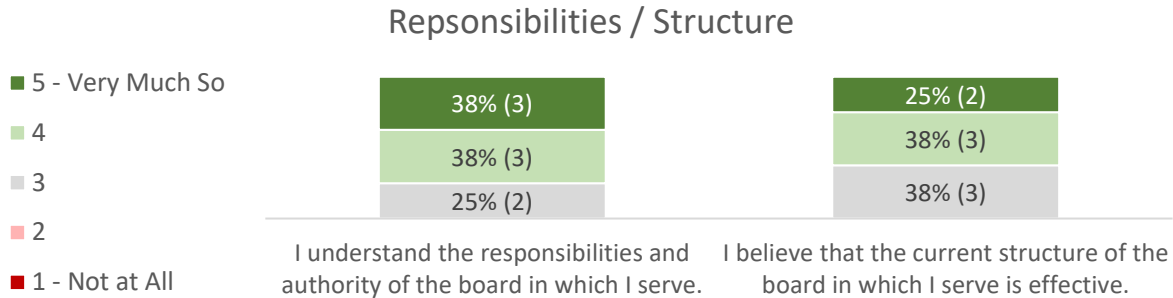
City Funding

The SAFE Taskforce initiative receives an annual allocation of City Funds, and currently has funds budgeted within the City's General Administration Department (Dept. 261) in the General Fund (Fund 1010). On average from 2016 to 2021, the Budgeted Expenses were \$110,210 while Actual Expenses were \$51,732.34. The allocations were used to fund events including, but not limited to Pitch Winner, SAFE Pitch Highlight Night Project, various SAFE projects (community-initiated programs), food for SAFE events, and the Grand Rapids Police Department Gun Buy Back program.

³⁴ The information regarding current appointment practices is based on information and belief as provided by the SAFE Staff Liaison.

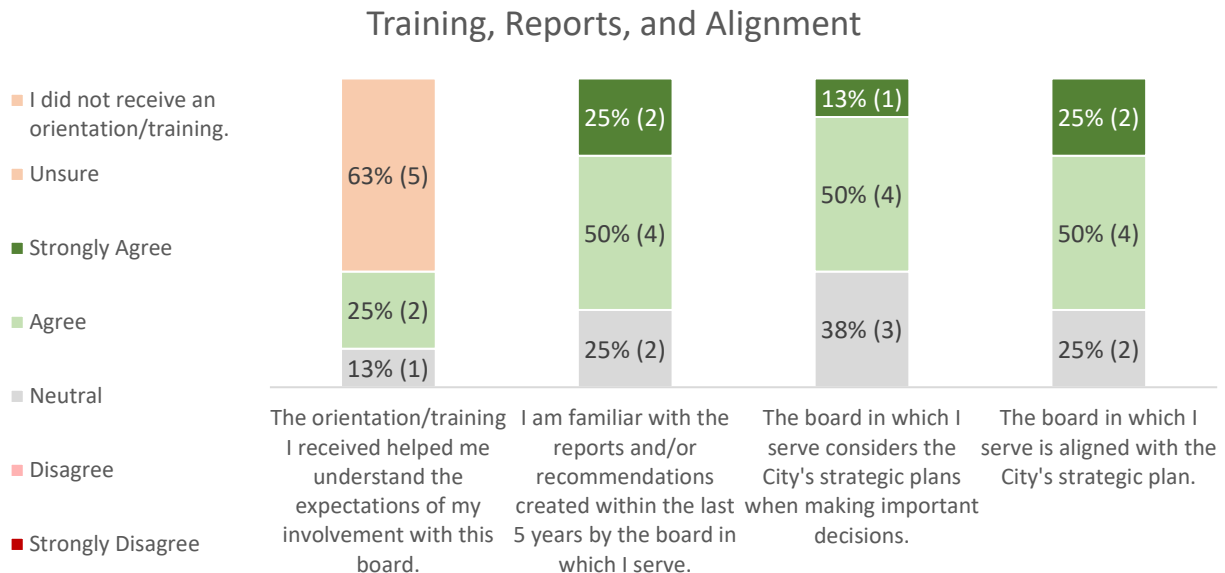
SAFE Taskforce Member Feedback

The OPA electronically surveyed members of the SAFE Taskforce to get a better understanding of familiarity with training, reports, responsibilities, structure, and the City’s strategic plans. Of the 14 members on the SAFE Taskforce at the time they survey was distributed,³⁵ eight (57%) members of the SAFE Taskforce responded. Each response is broken down below.



Members of the SAFE Taskforce were asked to rate questions on a 5-point linear scale ranging from “#1- Not at All” to, “#5 - Very Much So.” When asked to rate the statement, “*I understand the responsibilities and authority of the board in which I serve,*” three (38%) members of the SAFE Taskforce responded #5 – Very Much So, three (38%) members of the SAFE Taskforce responded #4, and two (25%) members of the SAFE Taskforce responded #3. When asked to rate the statement, “*I believe that the current structure of the board in which I serve is effective,*” two (25%) members of the SAFE Taskforce responded #5 – Very Much So, three (38%) members of the SAFE Taskforce responded #4, and three (38%) members of the SAFE Taskforce responded #3.

Members of the SAFE Taskforce were then asked to consider familiarity with reports, training, and alignment in a multiple-choice format ranging from, “strongly agree” to, “strongly disagree” including the option to choose, “unsure” or “I did not receive an orientation/training.”

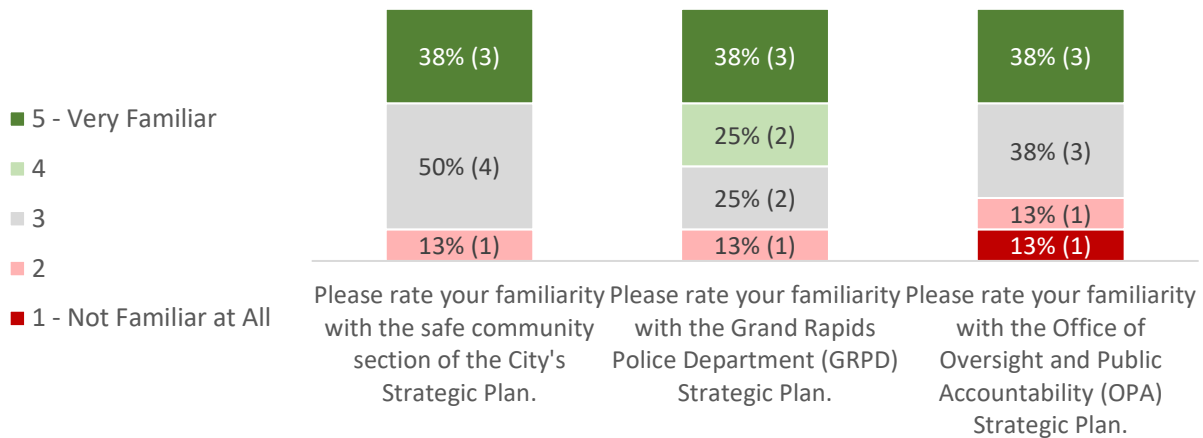


³⁵ Currently, SAFE is comprised of 10 members total. When the OPA survey was distributed in March of 2021, SAFE was comprised of 14 members total.

When members of the SAFE Taskforce were asked to rate the statement, *“The orientation/training I received helped me understand the expectations of my involvement with this board,”* five (63%) members of the SAFE Taskforce answered, *“I did not receive an orientation/training,”* while two (25%) members of the SAFE Taskforce agreed, and one (13%) member of the SAFE Taskforce remained neutral. When asked to rate the statement, *“I am familiar with the reports and/or recommendations created in the last 5 years,”* two (25%) members of the SAFE Taskforce strongly agreed, four (50%) members of the SAFE Taskforce agreed, and two (25%) members of the SAFE Taskforce remained neutral. When asked to rate the statement, *“the board in which I serve considers the City’s strategic plans when making important decisions,”* one (13%) member of the SAFE Taskforce strongly agreed, four (50%) members of the SAFE Taskforce agreed, and three (38%) members of the SAFE Taskforce remained neutral. Lastly, when rating the statement, *“the board in which I serve is aligned with the City of Grand Rapids Strategic Plan,”* two (25%) members of the SAFE Taskforce strongly agreed, four (50%) members of the SAFE Taskforce agreed, and one (25%) member of the SAFE Taskforce remained neutral.

Members of the SAFE Taskforce were asked to rate questions on a 5-point linear scale ranging from “1 – Not at All” to “5 –Very Much So” when determining familiarity with the City’s strategic plans. When members of the SAFE Taskforce were asked to rate their familiarity with the Safe Community section of the City of Grand Rapids Strategic Plan, the Grand Rapids Police Department Strategic Plan, and the Office of Oversight and Public Accountability Strategic Plan, the results show that members of the SAFE Taskforce were most familiar with the Grand Rapids Police Department Strategic Plan and least familiar with the Office of Oversight and Public Accountability Strategic Plan.

Familiarity with Strategic Plans



When the members of the SAFE Taskforce were asked to, *“Please rate your familiarity with the safe community section of the City of Grand Rapids Strategic Plan,”* three (38%) members of the SAFE Taskforce responded #5 – Very Familiar, four (50%) members of the SAFE Taskforce responded #3, and one (13%) member of the SAFE Taskforce responded #2. When members of the SAFE Taskforce were asked to, *“Please rate your familiarity with the Grand Rapids Police Department (the GRPD) Strategic Plan,”* three (38%) members of the SAFE Taskforce responded #5 – Very Familiar, two (25%) members of the SAFE Taskforce responded #4, two (25%) members of the SAFE Taskforce responded #3, and one (13%) member of the SAFE Taskforce responded #2. When members of the SAFE Taskforce were asked to, *“Please rate your familiarity with the Office of Oversight and Public Accountability (OPA) Strategic Plan,”* three (38%) members of the SAFE Taskforce responded #5 – Very Familiar, three (38%) members

of the SAFE Taskforce responded #3, one (13%) member of the SAFE Taskforce responded #2, and one (13%) member of the SAFE Taskforce responded #1 – Not Familiar at All.

Findings and Recommendations

As previously mentioned in this report, since the release of the 2015 SAFE Taskforce Anti-Violence Strategy Report and Recommendations, the City has continued to advance, evaluate, and revise its public safety strategy by utilizing the wisdom gained through the voices of community and by the information learned and reported in the GRPD’s 12-Point Plan (2015), Lamberth Consulting Traffic Stop Study (2017), 21CP Solutions – Grand Rapids Police Department Taskforce on Police Policies and Procedures Report (2018), and the Hillard Heintze – Grand Rapids Police Department Strategic Review of the Department Staffing (2019). These efforts led to the implementation and opening of the Office of Oversight and Public Accountability (2019), the creation Office of Equity and Engagement (2020), the release of the City of Grand Rapids Strategic Plan (2020), the Grand Rapids Police Department Strategic Plan (2020), the Grand Rapids Fire Department Strategic Plan (2020), the Office of Oversight and Public Accountability Strategic Plan (2020), and the effort to bring Cure Violence to the City of Grand Rapids (2021). Through its strategic plans, the City of Grand Rapids has articulated the strategic direction for its public safety departments in an effort to ensure that all people feel safe and are safe at all times in Grand Rapids.

The OPA is aware of questions that have been raised regarding the role and responsibilities of the SAFE Taskforce, including its role in establishing the City’s official crime prevention, violence reduction, and public safety strategy.³⁶ The City of Grand Rapids Strategic Plan approved by the City Manager (and adopted by City Commission) is the City’s official roadmap regarding crime prevention, violence reduction, and public safety strategy. The strategic plans of the Grand Rapids Police Department, Grand Rapids Fire Department, and Office of Oversight and Public Accountability are supporting plans. The City of Grand Rapids has Council-Manager form of government and Title VI(87)(g) of the Grand Rapids City Charter indicates that the City Manager is the ex-officio Director of Public Safety and is vested with all the authority that is granted to the Director of Public Safety including, but not limited to having supervision, charge, and control of the police and fire service.³⁷ To that end, as the director of Public Safety, the City Manager has the responsibility of leading the City’s public safety initiatives and strategies by and through his appointees.

In order to help ensure a more clearly aligned approach to public safety efforts the following is recommended:

1) Elevate the Work of the SAFE Taskforce by Converting it to a Permanent Advisory Committee of the Public Safety Committee in Order to Create Better Alignment with the City’s Strategic Plan and Elevate Resident Voice in Public Safety Operations

Although the work of a taskforce is intended to be temporary, elevating community voice regarding public safety matters must be permanent. As such, it is recommended that the SAFE

³⁶ During the June 15, 2021, Public Safety Committee meeting, a question was asked regarding the role and responsibilities of the SAFE Taskforce particularly in relation to the word, “taskforce” having a temporary meaning.

³⁷ [TITLE VI. - APPOINTIVE OFFICERS AND EMPLOYEES | Code of Ordinances | Grand Rapids, MI | Municode Library](#)

Taskforce be elevated to a permanent advisory committee under the Public Safety Committee, a standing committee of the City Commission. The Public Safety Committee is charged with considering and making recommendations on all matters concerning public safety which aligns with SAFE's obligation of making recommendations to the City Commission regarding prevention strategies to neighborhood violence within the City of Grand Rapids.

Aligning SAFE with the Public Safety Committee allows for more efficiency and promotes governmental excellence while still ensuring that the expressed goals of SAFE are being addressed. In this revised model, the SAFE Taskforce would continue to work to provide resources to community-based efforts that address public safety concerns. This is discussed further in the following recommendation. Additionally, Boards and Commissions must follow all City Commission Policies and rules and follow the Board or Commission handbook, which outlines privileges and duties. The realignment of SAFE would provide structure to the operations of the Taskforce and also help to avoid the potential appearance of impropriety by ensuring that funds are dispersed through established City processes. SAFE's alignment with the Public Safety Committee helps to alleviate potential concerns regarding those processes.

2) Fully Define the Role, Responsibilities, and Scope of SAFE Advisory Committee to Focus on the City and Public Safety Strategic Plans in Order to Provide Clarity and to Ensure Governmental Excellence

A clear priority of the City of Grand Rapids Strategic Plan is to have an engaged and connected community. This means that residents and stakeholders should have awareness of and voice in decisions that affect them. In order to better align the City's public safety work, it is recommended that the SAFE (Advisory Committee) be charged with the primary responsibility of identifying and recommending the provision of financial support to community-based projects that lead to reductions in violence and increase community safety. The SAFE Taskforce has been focused on addressing youth violence reduction. This recommendation would allow SAFE to accomplish that goal, while still providing a path to support other violence reduction efforts. Operating in this manner would align the SAFE Taskforce with the City of Grand Rapids Strategic Plan to elevate resident voice in city operations, specifically by increasing community-based projects and opportunities. This effort also falls in line with SAFE's current objective of making recommendations to the City Commission on funding allocated to SAFE through Request for Proposals (RFP), Pitch and Highlight Nights, and City led activities.

Pitch Nights and Highlight Nights allow the City to support community-based solutions where individuals and non-profit organizations are given the opportunity to compete for a partnership and funding through SAFE. Implementing Pitch Nights Highlight Nights, or other mechanisms to fund community-based groups geared toward violence reduction and community led public safety efforts, should be the primary role and responsibility of the SAFE (Advisory Committee).

3) Increase Transparency Regarding SAFE's Activities and Outcomes

SAFE is a valuable resource, however the operations of SAFE are not widely known by community. The SAFE Taskforce provided an Annual Update in June of 2021 to the Public Safety Committee. Prior to that update, the most recent SAFE biannual update was published in

January 2017. It is recommended that SAFE (Advisory Committee) continues to create, publish regular reports to the Public Safety Committee. These reports should detail all funding allocated to community organizations through SAFE recommendations. This report should also include progress updates regarding those efforts. Additionally, SAFE's meeting agendas, meeting minutes, and reports should be published on the Public Safety Committee webpage and accessible through the TRUE Action page of the City Website. Public reporting encourages a space where members of the community can offer informed suggestions and ask informed questions about specific topics related to public safety. This is aligned with the City's stated value of accountability which encompasses transparency.

If SAFE becomes an advisory committee, it will advise the City Commission. If SAFE remains a task force, it will advise the Mayor.

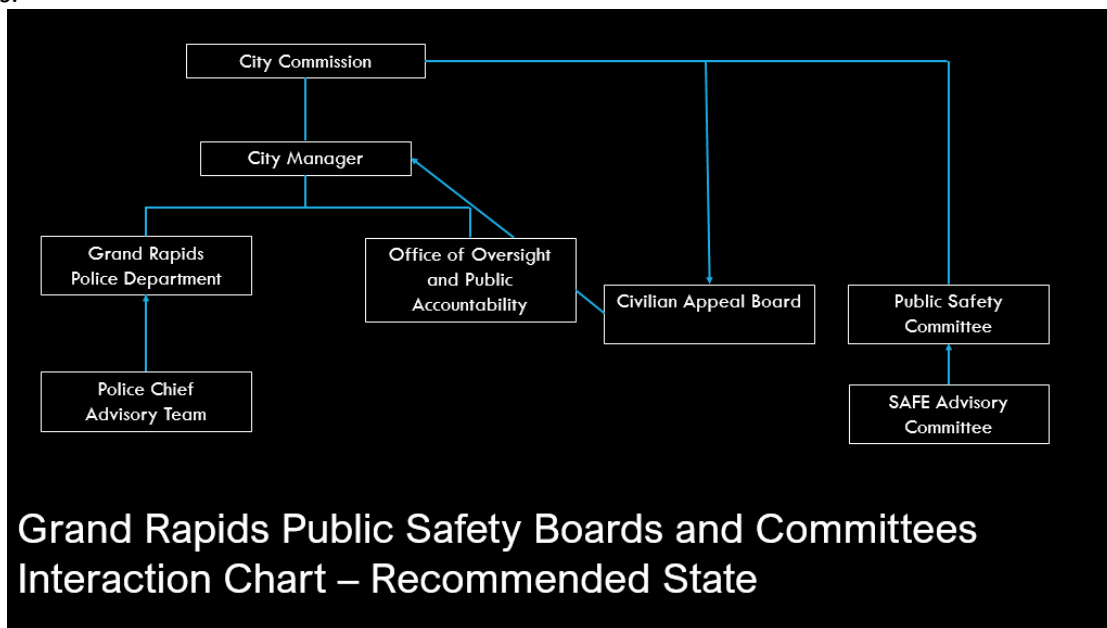
Conclusion

In order to align the work of the City's Public Safety Boards and Commissions, recommendations have been made that revise and enhance the structure of the City's Public Safety Boards and Taskforces.

Important themes that arise in all of these recommendations include the following:

- 1) Increase Transparency to Increase Engagement – All information regarding the PCAT, the CAB, the Public Safety Committee, and SAFE Advisory Committee should be uploaded to their webpages and accessible through the TRUE Action page of the City website.
- 2) Further Align the Work of the Public Safety Boards with the Strategic Plans – The CRC's work extends beyond the City structure, and therefore should not be limited and considered a part of the City's Public Safety Boards and Commissions (reflected in the chart below). Further alignment of the Boards and Commissions as articulated throughout this report leads to greater accountability and governmental excellence.
- 3) Regular Reporting – All Public Safety Boards and Commissions should provide regular updates to the Public Safety Committee regarding their operations. This will provide an opportunity for the public to be more engaged in the operations of the City's Boards and Commissions.
- 4) Increased Engagement Regarding the City's Strategic Plan and Public Safety Plans - Although there is room for increased education regarding all of the City's Public Safety Plans, the surveys of Board and Commission members clearly show a need for increased engagement and education regarding the Office of Oversight and Public Accountability Strategic Plan. The OPA should provide additional opportunities for engagement with all Public Safety Boards and Commissions regarding these topics.

These revisions and enhancements along with the recommendations made throughout this report will provide clarity to the role, responsibilities, and operational procedures of the Public Safety Committee, Civilian Appeal Board, Police Chief Advisory Team, Community Relations Commission, and SAFE (Advisory Committee). These recommendations will help advance the City's goal of maintaining governmental excellence, and ensuring that, "all people feel safe and are safe at all times in Grand Rapids."



Special Thanks

The OPA would like to thank all public safety groups and liaisons (Chief Eric Payne [Grand Rapids Police Department], Assistant to the City Manager Asante Cain [Executive Office], and Diversity and Inclusion Manager Patti Caudill [Office of Equity and Engagement]) for providing historical insight, and honest feedback which led to the completion of this report and development of these recommendations. This report could not have been completed without the support of other City Departments including, but not limited to the Department of Law. Special thanks are due to the Comptroller's Office (Financial Analyst Erica Bills) for providing an in-depth fiscal analysis of the operations of our public safety boards and commissions.

Appendix

Financial Analysis

CIVILIAN APPEAL BOARD

	A	B	C	D	E	F	G	H	I	J	K	L
1	Department Responsibility Office of Oversight and Public Accountability											
2	Primary Contact:	Brandon Davis										
3	Inception:	1996										
4												
5	Significant Funding:	None - the Civilian Appeal Board does not have any funds budgeted or assigned to the Board for operations.										

COMMUNITY RELATIONS COMMISSION

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
1	Department Responsibility Diversity & Inclusion																
2	Primary Contact:	Patti Caudill															
3	Inception:	1955															
4																	
5	Significant Funds:	Community Relations Commission Fund - holds funds raised from donations & sponsorships to recognize local champions every five years through the Helen Jackson Claytor Civil Rights Award. City funds are not requested or used to fund this even. Also referred to as CRC-Rosa Parks Fund. (Fund 1553)															
6																	
7																	
8																	
9	Fund 1553 Financial Summary																
10	Fiscal Year 7/1 - 6/30	2016	2017	2018	2019	2020	2021 (proposed)										
11																	
12	Budgeted Revenues	-	70,256	130,341	80,414	5,697	5,574										
13	Budgeted Expenses	4,500	70,000	225,000	80,000	5,000	5,000										
14																	
15							Through 12/31/20										
16	Actual Revenues	397	(168)	30,348	75,848	4,528	1,025										
17	Actual Expenses	2,585	308	17,204	72,780	2,083	-										
18	Fund Balance**	25,794	25,318	38,462	41,530	43,975	N/A										
19																	
20		** 23,143 of the total fund balance is an endowment and restricted for Rosa Parks educational activities, including essay contests, brochures, and historical information.															
21																	
22		-See 'CR Transaction Details' tab for revenue & expense breakdowns															
23																	
24																	
25	Other Operations:	CRC is involved with a number of additional activities outside of the Civil Rights Gala & Rosa Parks Activities. The other activities and their operational expenses are absorbed into the Office of Equity & Engagement's budget. These other activities average out to around a few thousand dollars every fiscal year (all personnel related expenses). Some recent activities the CRC has been involved in include the Mayor's Proclamation of Indigenous People's Day, Strategic Planning for the Commission, creating the Equal Services Policy and co-creating the new Human Right's Ordinance.															
26																	
27																	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	
1	Revenues:	\$104,550 (99%) of total revenues collected in FY 18 & 19 were sponsorships for seats at the Civil Rights Awards Gala; remaining revenues were interest earned on pooled cash.																						
2																								
3	Expenses:	Total Expenses in FY 18 & 19 were \$89,984 and are broken out by categories																						
4																								
5		Contractual Services	11,500	- Costs for keynote speakers																				
6		Community Promotion	77,907	- Costs associated with Gala: Banquet space, flowers, consulting services, planning services, decorations, other misc supplies; food for planning meetings																				
7																								
8				Banquet Space	43,000	Consulting Services	10,500																	
9				Flowers	4,000	Photography Services	4,825																	
10				Food-Planning Mtgs	1,000	Printing, Misc Supplies	1,385																	
11				Live Music	1,500	Guest Speakers	11,500																	
12																								
13		Local Business Expense	239	- Food for CRC Meetings																				
14																								
15																								
16	Note:	Revenues & Expenses in 'off-years' of the Gala consist mostly of interest earned on pooled cash and, on occasion, a small miscellaneous reimbursement. Expenses are typically costs for the community relations committee to attend local banquet/award ceremonies such as the YWCA Gala and GRCC Giants Event.																						
17																								
18																								

PUBLIC SAFETY COMMITTEE

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Department Responsibility:	Executive Office											
2	Primary Contact:	Asante Cain											
3	Inception:	1987											
4													
5	Significant Funding:	None - the Public Safety Committee does not have any funds budgeted or assigned to the Committee for operations.											
6													

SAFE TASKFORCE

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	Department Responsibility	Executive												
2	Primary Contact:	Asante Cain												
3	Inception:	~2015												
4														
5	Significant Funds:	SAFE Initiative has funds budgeted within the General Administration Department (Dept 261) within the General Fund (Fund 1010).												
6														
7														
8	Department 261 - SAFE Initiative													
9	Fiscal Year 7/1 - 6/30	2016	2017	2018	2019	2020	2021							
10							(proposed)							
11	Budgeted Expenses	N/A	N/A	150,000	219,304	191,956	100,000							
12														
13	Actual Expenses	N/A	N/A	42,325	77,950	100,992	89,127							

	A	B	C	D
1	2018:			
2				
3		<u>Amount</u>	<u>Vendor</u>	<u>Purpose/Event</u>
4				
5		2,562.24	Misc (4Imprint, amazon, etc.)	Misc Community Events: Bags, printing services, supplies, banner for table
6		5,000.00	Royal Generation	Pitch Winner - 'Dreams Take Work' Project
7		5,000.00	Crossroads Bible Church	Pitch Winner - Human Trafficking Study/Prevention Project
8		5,000.00	Restorative Justice Coalition	Pitch Winner - "Reality RJ West Michigan" program
9		500.00	Michael Booker	Pitch Winner - Youth Build-up
10		500.00	Colbert Williams	Pitch Winner - Young Fathers Support
11		500.00	We are Live Media LLC	Pitch Winner - 'SpeakLightTV' courses, research, and workshops
12		240.00	Fifth Third	Yard Signs
13		622.50	Salvation Army	Space Rental for SAFE Community Anti-Violence Pitch Night
14		21,500.00	First Tee of West Michigan	SAFE Taskforce Collaboration Event
15		900.00	Diatrube Inc	Performance at SAFE Taskforce Meeting
16				
17		42,324.74	Total	
18				
19	2019:			
20				
21		<u>Amount</u>	<u>Vendor</u>	<u>Purpose/Event</u>
22				
23		10,000.00	Kingdom Minded Ministries	SAFE Pitch Highlight Night Project - "Food Safety Mgmt Certification Training"
24		46,950.00	N/A	Transferred to OCC for 10 additional participants for LEAD Training
25		10,000.00	LifeQuest Urban Outreach Ctr	SAFE Pitch Highlight Night Project - "Hope Initiative"
26		1,000.00	Nikila Edwards	SAFE Pitch Highlight Night Project - "3 Ks Girl Talk Conference"
27		10,000.00	Steepletown Neighbor. Svs.	SAFE Pitch Highlight Night Project - "14-17 Year Old Job Training"
28				
29				
30		77,950.00	Total	
31				
32				
33	2020:			
34				
35		<u>Amount</u>	<u>Vendor</u>	<u>Purpose/Event</u>
36		1,000.00	Zachary Harris	SAFE Project: "De-escalation Through Relationships"
37		10,000.00	Elevated Principles	SAFE Project: "PEACE League"
38		10,000.00	MUSE GR	SAFE Project: "Hip Hop Studio Equipment"
39		10,000.00	Grand City Sports	SAFE Project: "Youth Employment Program & Basketball League"
40		5,000.00	Clean & Sober	SAFE Project: "CASS Stop Violence Campaign"
41		5,000.00	Brown Hutcherson Ministries	SAFE Project: "Giant Steps"
42		35,000.00	Grand Rapids Nehemiah Project	SAFE Project: "Employment Initiative"
43		24,991.88	Realism is Loyalty	Mentorship services to students age 15-17
44				
45				
46		100,991.88		
47				
48				
49				
50	2021:			
51		<u>Amount</u>	<u>Vendor</u>	<u>Purpose/Event</u>
52				
53		20,000.00	Various	Gun Buy Back Program #1
54		22,000.00	Various	Gun Buy Back Program #2
55		1,000.00	Candied Yam	Food for SAFE event
56		24,999.43	Family Outreach Center	SAFE Project: "Mental Health & Parental Services"
57		20,128.00	Realism is Loyalty	SAFE Project: "Mental Health & Parental Services"
58		1,000.00	Monroe O'Bryant	SAFE Project: "We are Super Heroes" Mural
59				
60				
61		89,127.43	Total as of 12/31/20	

Cover Letter – Strengthening the Grand Rapids Civilian Appeal Board



Dear Mayor Rosalynn Bliss,
Grand Rapids City Commissioners,
City Manager Mark Washington,
City Attorney Anita Hitchcock,
Police Chief Eric Payne,
Brandon Davis, Office of Oversight and Public Accountability,
Civilian Appeals Board Chair and Vice-Chair.

We come together, as concerned community organizations, to demand changes to civilian oversight of the GRPD. We believe that the current structure and powers of the Civilian Appeals Board (CAB) and the Office of Public Accountability (OPA) are woefully inadequate and must be reformed. These changes will help build trust and transparency into a system that is currently lacking credibility.

The attached memo details a list of improvements that are essential for meaningful police accountability in Grand Rapids. We propose changes to the CAB bylaws and City Commission Policy that address the most fundamental problems with the CAB. If adopted, the proposed changes would bring the system of civilian oversight in Grand Rapids up to the modern best practices. Nothing in this proposal is revolutionary or difficult to implement.

It is time for Grand Rapids to make civilian oversight a priority. It is time for these changes.

Signed:
ACLU of Michigan
LINC UP
NAACP of Greater Grand Rapids
Urban Core Collective
Grand Rapids Pride Center
Progressive Women's Alliance of West Michigan
Planned Parenthood of Michigan
Michigan Immigrant Rights Center
Kent County Office of the Defender

Strengthening the Grand Rapids Civilian Appeal Board

Proper civilian oversight is critical to quality policing. Evidence shows that effective civilian oversight can reduce instances of police misconduct, improve the quality and independence of investigations, and repair relations between the police and its community.¹ Proper civilian oversight therefore helps build confidence in the police and can be an important means of accountability.² It provides transparency into the disciplinary process and increases the public's understanding of law enforcement policies and practices while allowing public officials to demonstrate their desire to eliminate misconduct.

Overview of the Grand Rapids Civilian Appeals Board:

The Grand Rapids Civilian Appeals Board (CAB) was established in 1996 by City Commission Policy number 800-02 to “act as a reviewing body for findings of fact made by the Grand Rapids Police Department (GRPD) 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.”³

Policy 800-02 defines the CAB's ability to exercise this review power, which is further clarified though the CAB's own bylaws. Primarily, Policy 800-02 sets forth who may serve on the

¹ Jamie Smith Hopkins and Kristine Villanueva, *The Long Battle for Civilian Oversight*, The Center for Public Integrity, June 11, 2020, <https://publicintegrity.org/inequality-poverty-opportunity/the-long-battle-for-civilian-oversight-of-the-police/>.

² Maria Hawilo, *From Civilian Input to Civilian Control: The Principles of Effective Civilian Oversight*, Data for Progress: The Justice Collaborative Institute, August 2020, <https://tjcinstitute.com/wp-content/uploads/2020/08/Community-Based-Police-Oversight.pdf>.

³ Grand Rapids City Commission Policy 800-02, Grand Rapids Police Department Civilian Appeals Board, § Policy. July 8, 2003.

CAB, its investigatory powers, the scope of review, and possible final dispositions. Any changes to City Policy require a majority vote of the City Commission.

The CAB's bylaws are largely perfunctory and essentially restate the powers provided in City Commission Policy 800-02, while adding basic confidentiality rules and a few limitations on the scope of its powers. The bylaws specifically define the procedures on review and what happens upon final disposition. The bylaws also set the procedure through which changes to the bylaws are possible, prescribing that a two-thirds vote of the members of the CAB is required for any changes.

Today's CAB is a fundamentally flawed institution that must be reformed and empowered by the City Commission. Fortunately, the creation of the Office of Oversight and Public Accountability (OPA) provides a perfect opportunity to overhaul the entire civilian oversight model in Grand Rapids. Policy 800-02 was adopted before OPA existed, and needs to be updated to utilize OPA to best effect. OPA is well positioned to provide direct support to the CAB and to assume the powers that City Commission Policy 800-02 provided to Labor Relations and the City Attorney's office in pre-OPA times. Policy 800-02 fails to create independent oversight or accountability to the GRPD. Our model envisions OPA providing that independence by serving as the staff liaison to CAB, and thereby facilitating complaints, conducting investigations, fostering a culture of transparency, and providing a framework for CAB to do its work effectively. This way CAB, with the help of the Office of Oversight and Public Accountability, can develop a process that will ensure real accountability in Grand Rapids.

To improve the quality of policing and provide transparency into police practices, we propose a set of reforms that are necessary to give credibility to the CAB. Our proposals are divided into two categories. First, we identify those reforms that the CAB has power to adopt on its own by adjusting its bylaws. These actions can be adopted immediately, but are limited in scope

because they must adhere to City Commission Policy 800-02. Second, we put forth amendments to the Policy 800-02 in order to reform CAB and make it into a trusted and valuable institution. These amendments, which will require action by the City Commission, are essential for meaningful police accountability in Grand Rapids.

List of Proposed Changes to the Civilian Appeals Board (CAB)

Bylaws Changes:

1. **Investigations.** Policy 800-02 states that “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.”⁴

The CAB should immediately update its bylaws to mandate that, in the event they remand a case to Labor Relations, said remand must define the nature and scope of the investigation undertaken by Labor Relations. The CAB’s request for supplementary information from Labor Relations should be specific, explicitly stating areas in which more information is needed and stating direct questions that the CAB believes they need answered for their review to be complete. The bylaws should further state that, if the Labor Relations investigation does not meet the needs of the request for further information, CAB will forward the request directly to the City Commission or City Manager to further direct Labor Relations to complete the said request.

Ultimately, we believe that OPA is the proper venue for these investigations, not Labor Relations. Unfortunately, Policy 800-02 requires that such investigations be conducted by Labor Relations, making this bylaws change the best immediate expansion of the current process.

⁴ Grand Rapids City Commission Policy 800-02, Grand Rapids Police Department Civilian Appeals Board, § 3.

2. **Subpoenas.** Section 1.25 of the Grand Rapids City Charter authorizes that the Mayor or any Commissioner may order a subpoena on any person that they “deem necessary as a witness in any matter pending before the City Commission or any Committee thereof, ordering said person to appear before said Commission or Committee at a certain time and place to be designated in said subpoena, to testify concerning such matter or thing or to produce before said Commission or Committee.”⁵

The CAB should amend its bylaws to specify that CAB’s Chairperson is authorized by CAB to request, that the Mayor or a City Commissioner issue a subpoena under their authority in the Charter. The CAB should request subpoenas from the Mayor or City Commissioners when there are important questions that do not get addressed by the GRPD Internal Affairs Unit or Labor Relations during its investigation. This action should be exercised with caution but can help address obstruction or gaps in investigations of abuses under the CAB’s jurisdiction. Making a public request to the Mayor or a City Commissioner will not bind the Mayor or a City Commissioner to issue a subpoena, and therefore will not necessarily result in a subpoena being issued. At a minimum, however, this type of request will express the seriousness of the issues at hand in the proper public venue.

3. **Oral Argument and/or Written Statements.** Policy 800-02 states that “The Civilian Appeal Board is not authorized to engage in separate investigations, to interview witnesses, or to hold evidentiary hearings...”⁶ An evidentiary hearing is a specific process defined by Michigan state courts. As the Policy states only that the CAB cannot conduct evidentiary hearings, interview witnesses or conduct separate investigations, it is implied that only these processes are prohibited while other processes are acceptable.

⁵ Grand Rapids City Charter. § 1.25

⁶ Grand Rapids City Commission Policy 800-02, Grand Rapids Police Department Civilian Appeals Board, § 3.

Policy 800-02 does not prohibit oral arguments or statements to be used to publicly explore relevant issues in a complaint if they are not used for evidentiary purposes. There are meaningful differences between oral argument/statements and evidentiary hearings under Michigan law.

To take advantage of this distinction, the CAB should immediately institute a bylaw change explicitly providing for the ability to conduct oral argument on the merits of a pending case. This bylaws change should specify requirements for oral arguments, such as who can appear, when oral argument will take place, what can be discussed, and how issues will be addressed by each side.

Additionally, CAB bylaws could be changed to provide that the complainant and their representative may present a written statement. The statement can be defined to include (a) a summary of additional non-evidentiary issues the complainant believes are necessary to make the record adequate to complete the review and (b) a response and objections to the Complaint Disposition Report.

4. **The Written Decision.** Policy 800-02 states that “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.”⁷

The CAB should immediately amend its bylaws to define what is included in the written final reports, i.e. its output. Well-supported decisions are critical to ensuring that decisions made by the CAB will withstand any subsequent scrutiny in litigation or arbitration. At minimum, the CAB bylaws should require final reports to state what has been reviewed, what has not been

⁷ Grand Rapids City Commission Policy 800-02, Grand Rapids Police Department Civilian Appeals Board, § 3.

reviewed, relevant gaps in the review process, concerns the CAB has with the process or the case, the reasons for the CAB's decision, and then the ultimate disposition of the CAB as a body.

5. **Classification of Violations.** Policy 800-02 states that "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."⁸

In the absence of disciplinary power, the CAB should amend its bylaws to require that it explicitly classify the severity of the violation committed in the cases it reviews. This bylaws change should specify three levels of severity for violation: (1) Minor, (2) Moderate and (2) Severe. Where the CAB finds that a violation has occurred, it can indicate its assessment of the level of discipline that they believe should be imposed by identifying the severity of the violation.

6. **Transparency.** City Commission Policy 800-02 states that the CAB "will review the conclusions contained in the Complaint Disposition Report and the evidence secured by the Grand Rapids Police Department during the investigation."⁹

To fulfill this mandate, the bylaws should immediately be amended to require that the CAB identify problems or gaps with the Complaint Disposition Report and its composite parts, such as an associated IAD report. The CAB's bylaws should also be amended to require that CAB formally and directly comment on the quality of the evidence provided in the Complaint Disposition Report, including where it is strong and where it is weak. The CAB's bylaws should further specify that review may include an assessment of police policies that led to the current complaint. The CAB's bylaws should also be amended to require that it publicly publish IAD reports or other relevant information to the complaint or the CAB's findings. In the interest of transparency, the CAB should publish all information it receives other than (1) personal information of a complainant, (2)

⁸ Grand Rapids City Commission Policy 800-02, Grand Rapids Police Department Civilian Appeals Board, § 3.

⁹ Grand Rapids City Commission Policy 800-02, Grand Rapids Police Department Civilian Appeals Board, § 3.

information that may directly interfere with law enforcement, (3) information that may deprive a person of a fair trial, (4) information revealing a confidential law enforcement source, (5) information that would constitute an unwarranted invasion of privacy, or (6) information that may endanger the life or physical safety of law enforcement personnel. This information should be released due to a presumption that the public's right to know in the interest of the credibility of the process is greater than any interest in confidentiality.

Notwithstanding the above, we make this interim recommendation with the view that ultimately it should be OPA, not CAB, that is responsible for making comprehensive policing information public. It is our view that OPA must have robust enough powers to provide the public with all necessary information to ensure transparency to investigations, complaints or proceedings of CAB. It is simply unacceptable that so much GRPD information is withheld from public view.

City Commission Policy Changes:

1. **Staffing.** Presently, the CAB has nine members, with each commissioner having one appointment and the Mayor having three.¹⁰ The policy should be changed so a majority of the board are nominated in consultation with local civic organizations invested in the safety of the city and the civil rights of the community. Such a process, which has been employed in Newark and Atlanta,¹¹ would ensure that the CAB operates independently from the Grand Rapids Police Department (GRPD) and that the CAB is viewed as legitimate in the eyes of residents. The remaining members can be nominated by the mayor and/or city commissioners.

Moreover, to eliminate the possibility or appearance of bias and ensure the appropriate staffing, the policy should explicitly state that no voting member of CAB can be current or former

¹⁰ Grand Rapids City Commission Policy 800-02, Grand Rapids Police Department Civilian Appeals Board, § Policy.

¹¹ See Newark, N.J., Code 2:2-86.1(a)(2); About Us, Atlanta Civilian Review Board, <http://acrbgov.org/about-us/>.

employees of the GRPD, that a majority of the members should not have a law enforcement background, and that appointments be made in a timely fashion or that the CAB is open to appoint its own members.

2. **Scope of Review.** The CAB is currently restricted to reviewing only complaints related to (a) the use of excessive force; (b) falsification/lying; (c) civil rights violations; and (d) hostility, discourtesy, or other conduct unbecoming of an officer when such conduct is committed in a context of racial animosity or prejudice.¹² This authority should be expanded to cover all policing matters. The GRPD serves and must be accountable to the public, and there is no reason that some police actions warrant civilian review, while others do not. As a minimum, CAB's authority should be expanded to also include claims of abuse of authority, fraud, racial profiling, unlawful arrest, unlawful stop, unlawful searches, and theft, and all other policing matters related to or arising out of interactions with the public, including the patterns and practices of the GRPD. These misbehaviors would otherwise go unaddressed if not for the CAB. This misconduct is also committed with greater frequency and, if unaddressed, would deteriorate police-community relations.

3. **Authority.** Presently, the CAB is only allowed to review the conclusions made and evidence secured during the GRPD's internal investigation and is not authorized to engage in separate investigations, interview witnesses, or hold evidentiary hearings.¹³ It is imperative, however, that the policy be amended so that OPA has the authority and power to conduct independent investigations, including review of the power to subpoena witnesses, obtain all necessary documents, solicit complaints and review complaints in the first instance. Independent investigations reduce the risk and appearance of bias from internal investigations and help build

¹² Grand Rapids City Commission Policy 800-02, Grand Rapids Police Department Civilian Appeals Board, § 2.

¹³ Grand Rapids City Commission Policy 800-02, Grand Rapids Police Department Civilian Appeals Board, § 3.

community trust. Subpoena authority is especially important because police officers often refuse to cooperate in investigations against their colleagues.

The contents of OPA's investigation should be forwarded to CAB upon completion, whereby CAB should also have expanded authority to hold evidentiary hearings and to recommend, comment, review, and impose discipline on officers. The GRPD could otherwise face no discipline even when the CAB finds that wrongdoing has occurred. In New York in 2012, for example, the NYPD imposed no discipline in 40% of cases with a finding of wrongdoing and followed the board's decision in only 9.7% of cases.¹⁴ Giving the CAB authority over discipline could include making the CAB's findings of fact binding on the GRPD and then have any discipline based on those facts be guided by a pre-negotiated disciplinary matrix,¹⁵ which would then ensure that discipline always takes place. If the CAB is given authority to impose discipline, the CAB bylaws should be amended to provide police officers with due process protections, including notice, the right to counsel, the right to a hearing, and the ability to contest allegations and findings. While some of these changes may require renegotiation of collective bargaining agreements, the City should prioritize civilian oversight in its negotiation with the police unions.

Both OPA and CAB should also have the ability to review underlying patterns, practices and policies that may lead to rights violations. This would ensure that investigations are thorough and that OPA can present CAB with necessary information to ensure credibility of the process, while giving the CAB the ability to expose potential problems that are bigger than any individual case. Working in tandem with OPA gives the process sufficient oversight to address patterns or

¹⁴ Kathleen Horan & Noah Veltman, *Police Officers Rarely Disciplined by NYPD for Misconduct*, WNYC (Aug. 27, 2014), <http://www.wnyc.org/story/nypds-poor-track-record-meting-out-discipline-officermisconduct/>.

¹⁵ See Udi Offer, *Getting It Right: Building Effective Civilian Review Boards to Oversee Police*, 46 Seton Hall L. Rev. 1033, 1047 n.49 (2016) ("A disciplinary matrix is a chart that lists all of the various offenses for which a police officer may be disciplined and then lists potential punishments for each offense, taking into consideration the police officer's past disciplinary record.").

practices that result in rights violations. As part of such an audit, the OPA should be able to work with CAB to make formal recommendations of policy reforms to the relevant decision makers. Both OPA and CAB should have the authority to publish its findings and recommendations as a report to be made available to the public.

4. **Operations and Funding.** The CAB is currently structured with powers under the Grand Rapids City Attorney's office.¹⁶ CAB should be directly staffed by OPA. This change will increase the public's perception of the CAB's independence and role in oversight.

Furthermore, given the additional responsibilities documented in this memo, the CAB needs a budget free from political manipulation. The CAB's budget should be part of the Office of Oversight and Public Accountability and both should be tied to a fixed percentage of the GRPD's non-capital budget. This scheme would ensure that both OPA and CAB's operations can scale with the size of the GRPD. The budget would cover the hiring of staff, including investigators and analysts, and fund outreach efforts in the community.

5. **Initiation of Cases.** The process to initiate a CAB investigation is currently far too restrictive. People with complaints should have the option to file directly with the OPA or CAB at any time following an alleged violation, rather than only following a full Complaint Disposition Report.¹⁷ Both OPA and CAB should also provide multiple means for submitting complaints, including online or by email, by phone, or by fax. There should also be no time limit for filing a complaint, but the OPA and CAB could note that they proceed with greater caution the more time has passed. Both OPA and CAB must also have jurisdiction to initiate their own investigations on systematic issues or problems identified by the media, the public, Internal Affairs reports, or those

¹⁶ Grand Rapids City Commission Policy 800-02, Grand Rapids Police Department Civilian Appeals Board, § 2 & 3.

¹⁷ Grand Rapids City Commission Policy 800-02, Grand Rapids Police Department Civilian Appeals Board, § 2.

submitted without a direct complainant. Many civilian review boards in other cities are automatically forwarded all complaint reports received by the police department, and we believe that the OPA and CAB would benefit from this reform as well.

6. **Transparency and Public Access.** Currently, the CAB prepares only an annual report to the City Commission concerning its operations.¹⁸ This is clearly insufficient for the needs of public accountability. CAB and OPA should work in tandem to provide full transparency to the public of police complaints and investigations. OPA should have unfettered access to disciplinary findings and reports, IAD investigations and reports, and all related complaints or other relevant information. OPA should be empowered to publish, on a public website, all necessary information to make the citizens of Grand Rapids feel that there is transparency in policing information. This will significantly improve trust between citizens and the police department. Models of transparency like that used by the Seattle Office of Police Accountability should be considered for Grand Rapids.

In addition to the above transparency through OPA, CAB should prepare a quarterly report, which should be made publicly available and include the number of complaints received, type of complaints received, the basic facts (without identify information), the disposition of those complaints, and any discipline issued. CAB's annual report could then just summarize its work for the year and identify any trends. CAB should also be required to brief the City Commission during public meetings to report to community members on its activities, summarize findings, and answer questions and respond to concerns.

¹⁸ Grand Rapids City Commission Policy 800-02, Grand Rapids Police Department Civilian Appeals Board, § 3 & 4.



To: Brandon Davis, Director of Oversight and Public Accountability
From: Philip Strom, Deputy City Attorney
Re: Legal Overview related to collective bargaining obligations

The Office of Oversight and Accountability has requested a legal summary of the current state of Michigan law as it relates to public employee labor relations and collective bargaining duties. The following summary is only an overview and may be released to the public.

Public Employee Labor Relations and the Duty to Bargain

Michigan's Public Employment Relations Act (PERA), MCL 423.201 *et seq.*, is fashioned after its federal counterpart, the National Labor Relations Act (NLRA), 29 USC 151 *et seq.* The PERA provides public sector employees with the right to organize, form, join, or assist unions; engage in lawful concerted activities; present grievances; and bargain collectively with their employers over wages, hours, and other terms and conditions of employment.

Both the PERA and the NLRA require employers to negotiate with a recognized union. The City, as an employer of a unionized workforce, must bargain in good faith with its employees' union. "Good-faith" bargaining requires (1) that the parties physically appear at bargaining sessions (although, during the COVID-19 pandemic, many bargaining sessions are taking place via remote teleconferencing means) and (2) that the parties approach negotiations with the goal of reaching an agreement. The parties cannot enter bargaining with a "take-it-or-leave-it" attitude but are required to do more than go through the motions of negotiating. The parties are required to consider adjusting their positions to reach "acceptable common ground." *General Elec Co*, 150 NLRB 192, 194 (1964) (quoting NLRB, *First Annual Report*).

The one key difference between the NLRA and the PERA is what happens when the employer and the union cannot agree. The PERA prohibits public sector employees from engaging in strikes. MCL 423.203. Instead of a labor strike, as could occur in the private sector, if the parties reach an *impasse* (the point at which the positions of the parties have become so solidified on a given issue that further bargaining on the subject would be useless), the parties are required to enter either fact-finding or binding interest arbitration under 1969 PA 312 (known as "Act 312 arbitration"). *City of Saginaw*, 1982 MERC Lab Op 727 (1982). However, before entering either fact-finding or Act 312 arbitration, the parties must engage in mediation with a MERC-appointed mediator. MCL 423.207.

If the bargaining process involves a bargaining unit of police, fire, or emergency response personnel, the parties are required to submit to binding Act 312 arbitration. MCL 423.233. Under the Act 312 process, a three-member panel, composed of one employer representative, one neutral, and one union representative, hear and review the arguments of each side in support of their respective positions, and each issue is determined separately by the panel. The determination of the Act 312 arbitrator panel is final and binding. The purpose of the binding nature of the arbitration is to avoid strikes in crucial public services such as police, fire, and emergency response personnel.

Unfair Labor Practices and Grievance Arbitration

Separate and distinct from a public employer's duty to bargain is what happens when there is a dispute or complaint that arises during the life of an existing collective bargaining agreement (CBA). Labor law provides two primary forums to address workplace complaints that arise between management and the union. The first is the administrative forum, in which complaints of unfair labor practices (ULP) are filed with the State agency, the Michigan Employment Relations Commission (MERC). The second is the grievance arbitration forum, which is governed by the terms of the collective bargaining agreement, with final determinations to be made by an arbitrator.

While there are other reasons that an ULP can be submitted, relevant to the City's present discussion is that a public employer cannot refuse to bargain collectively with the representatives of its public employees. MCL 423.210(1). The duty of a public employer to bargain includes the obligation to meet with the union at reasonable times and to confer in good faith with respect to wages, hours, and other terms and conditions of employment. Such subjects are referred to as "mandatory subjects of bargaining." An employer may not take unilateral action on a mandatory subject of bargaining without negotiating such changes to impasse. Failure to negotiate to impasse on a mandatory subject of bargaining violates Section 10(1)(e) of PERA and can subject an employer to an Unfair Labor Practices charge.

Most collective bargaining agreements include a grievance procedure governing how the parties will address informal disputes related to the collective bargaining agreement and the relationship of the parties. The process generally comprises multiple steps allowing the parties to reach an early resolution. Step one usually requires the grievant, or complaining party, to submit the complaint in a certain time frame. The subsequent steps allow for the party receiving the grievance—usually the employer—to respond to the grievance and allow the grieving party to appeal a negative determination. The final step is usually the submission of the grievance to binding arbitration before an arbitrator who is mutually selected by the parties directly or through an arbitration service.

The arbitrator must base their award on the terms of the collective bargaining agreement. Labor arbitrators obtain their authority only from the parties' collective bargaining agreements. *Port Huron Area Sch Dist v Port Huron Educ Ass'n*, 426 Mich 143, 393 NW2d 811 (1986). An arbitrator who exceeds their authority under the collective bargaining agreement may have their award set aside by the judiciary. *Id.* However, in practice, the courts are generally deferential to an arbitrator and the arbitration process.

The CBA between the City of Grand Rapids and the GRPOA (Grand Rapids Police Officers Association – Officer & Sergeant Unit) which is presently in effect has a Grievance Procedure which follows this typical process. (See CBA, effective July 1, 2019 to June 30, 2022 at Article 8).

The release of this information shall not be interpreted as any waiver of attorney client confidential communications for other client communications on this topic.