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**CITY OF GRAND RAPIDS
OFFICE OF OVERSIGHT AND
PUBLIC ACCOUNTABILITY**

INTERNAL OPERATIONS AND MANUAL OF PROCEDURES

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INTERNAL OPERATIONS AND MANUAL OF PROCEDURES

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1.0 INTRODUCTION

1.1 Origins

In 2019, The City of Grand Rapids (the “City”) established The Office of Oversight and Public Accountability (“OPA”) to serve as an independent oversight agency aimed at generating public trust in the Grand Rapids Police Department (“GRPD”) and Grand Rapids Fire Department (“GRFD”) by upholding a culture of accountability and transparency through adherence to policy and applicable laws – local, state, and federal. OPA works as a liaison between the City’s public safety departments and members of the public.

1.2 Mission, Vision, and Values

Mission: To create and improve just outcomes and respectful relationships between public safety and the community through targeted change, accountability, restorative justice, and empowerment and engagement.

Vision: The City of Grand Rapids will be nationally recognized as a place where there are just outcomes in our public safety departments and justice system, and improved relationships between the community and public safety departments.

Values: The bedrock values that guide the work of OPA are summed up in the acronym **T.R.U.E. Justice**.

Transparency: Always being upfront and honest in what we do and say.

Responsibility: Always being accountable and considering the big picture.

Unity: Always working to build bridges to trust.

Equity: Always advancing just outcomes and opportunities by leading with racial equity to address root causes of disparities.

Justice: Doing the right thing by leading with fairness and impartiality without regard for political consequence.

1.3 OPA’s Strategic Priorities

The work of OPA is organized through strategic priorities encompassing Change, Accountability, Restorative Justice, Engagement, and Empowerment, plus (**C.A.R.E.+**).

Change: OPA will help improve public safety policies and operations through innovation and collaboration.

Accountability: OPA will help improve individual, supervisory, and organizational accountability for public safety activities through civilian oversight of all public safety operations.

Restorative Justice: OPA will help reduce barriers to trust that have been created by systemic inequities in the criminal justice system or that cause disparate outcome.

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Engagement and Empowerment: OPA will help enhance communication and education with the public regarding public safety matters.

Plus: Although OPA has a large focus on public safety operations, at the direction of the City Manager, OPA may investigate waste, abuse, fraud, or corruption in City operations and assists with other pertinent issues. The plus in our strategic plan is intended to incorporate the objective and strategies used to accomplish that work.

OPA has adopted the National Association for Civilian Oversight of Law Enforcement (“**NACOLE**”) Code of Ethics, which emphasizes the importance of always acting fairly and impartially, no matter how difficult the issue; conducting investigations, audits, evaluations, and reviews with thoroughness, an open and questioning mind, integrity, objectivity and fairness, and in a timely manner; rigorously testing the accuracy and reliability of information from all sources and presenting the facts and findings without regard to personal beliefs or concern for personal, professional or political consequences. However, OPA recognizes that the nature of its work requires heavy reliance upon information from outside sources, which comes with its own limitations.

OPA will conduct its oversight functions in an open and transparent manner, abiding by the disclosure guidelines set forth under the Michigan Compiled Laws, federal laws, applicable collective bargaining agreements, and other relevant laws and administrative orders.

OPA is dedicated to advancing equitable outcomes and opportunity by leading with racial equity to address the root causes of disparities. The City defines equity as the condition achieved when people have the tools, resources, and connections necessary to be fully engaged and prepared to benefit from the opportunities they seek. Racial equity is achieved when one’s race or ethnicity does not determine, in a statistical sense, how one experiences opportunity, power, and life outcomes. This targeted approach to racial equity will advance our universal goal of elevating the quality of life in Grand Rapids.

2.0 THIRTEEN PRINCIPLES FOR EFFECTIVE OVERSIGHT

OPA has adopted the Thirteen Principles for Effective Oversight, as promulgated by NACOLE. The following oversight principles will be embedded into OPA’s oversight functions:

- **Independence**
- **Clearly Defined and Adequate Jurisdiction and Authority**
- **Unfettered Access to Records and Facilities**
- **Access to Law Enforcement Executives and Internal Affairs Staff**
- **Full Cooperation**
- **Sustained Stakeholder Support**
- **Adequate Funding and Operational Resources**
- **Public Reporting and Transparency**
- **Policy and Patterns in Practice Analysis**
- **Community Outreach**
- **Community Involvement**
- **Confidentiality, Anonymity, and Protection from Retaliation**
- **Procedural Justice and Legitimacy**

3.0 PERSONNEL POLICIES

3.1 Conflicts of Interest

OPA Personnel shall not engage in investigative or administrative functions that create a conflict of interest or the appearance of a conflict of interest. As OPA Personnel handle complaint intakes, investigations, and other office functions, any actual or potential conflict of interest with the parties or subject matter involved shall be immediately disclosed to OPA's Director. OPA's Director may (a) investigate and assess the purported conflict; (b) render a final determination on whether a conflict of interest exists; and, if necessary, (c) take steps to either minimize or eliminate the conflict of interest. OPA's Director may also investigate any perceived conflict of interest, regardless of disclosure.

3.2 Non-Retaliation

Retaliation against anyone in any form for reporting misconduct will not be tolerated. If OPA Personnel is made aware of facts indicating possible retaliation against a complainant, OPA Personnel shall immediately notify OPA's Director to evaluate whether a new complaint will be filed to address the matter. Similarly, OPA Personnel shall not take any action or fail to take any necessary action in retaliation against someone for providing information pursuant to an OPA-prepared complaint or otherwise participated in the complaint process. In all cases of reported possible retaliation, OPA's Director shall be informed and has the authority to determine what action OPA will take in response.

3.3 Code of Conduct

OPA Personnel shall abide by the City's Employee Code of Conduct, which is written in Administrative Policy 23-02 ([AP 23-02](#)).

4.0 JURISDICTION, AUTHORITY, AND FUNCTIONS

4.1 Employee Unions

Members of GRPD and GRFD are represented by unions – The Grand Rapids Police Officers Association (“**GRPOA**”), The Grand Rapids Command Officers Association (“**GRPCOA**”) and The International Association of Fire Fighters (“**IAFF**”). OPA is bound by any agreed upon language found in the respective collective bargaining agreements.

4.2 GRFD

To extent by allowed law and policy, OPA is authorized to receive, retain, and share details of all records of complaints against an employee of GRFD (see § 6.1.1). Pursuant to Art. 10, § 6 of the City's Collective Bargaining Agreement with IAFF, OPA is authorized to monitor any internal investigation of complaints made against any fire department employee by a citizen or another employee.¹

At the request of a complainant, OPA's Director may attend a complainant's investigatory interview as conducted by GRFD.

¹ Art. 10, § 6 of the City's Collective Bargaining Agreement with IAFF, effective July 1, 2022 through June 30, 2025, is incorporated by reference as though fully stated herein. See Appendix A.

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4.3 GRPD

To the extent allowed by law and policy, OPA is authorized to receive, retain, and share details of all records of complaints against an employee of GRPD submitted to GRPD's Internal Affairs Unit ("IA") (see § 6.1.1).

Pursuant to Art. 10, § 12 of the City's Collective Bargaining Agreement with GRPOA and Art. 7, §§ 10 and 11 of the City's Collective Bargaining Agreement with GRPCOA, OPA is further authorized to monitor any investigation conducted by IA in the following instances:²

- (a) any matter that is reviewable by the Civilian Appeal Board ("**CAB**") pursuant to City Commission Policy 800-02 (use of excessive force, falsification or lying, civil rights violations, hostility, discourtesy, or other conduct unbecoming an officer when such conduct is in a context of racial animosity or prejudice);
- (b) any officer-involved shooting;
- (c) any in-custody death;
- (d) any duty-related incident during which, or as a result of which, anyone dies or suffers serious bodily injury;
- (e) any incident in which an officer is convicted in any jurisdiction with a felony; and
- (f) any incident in which an officer is convicted in any jurisdiction with a violation of law involving the use of force or in which the threatened use of force is an element of the criminal offense for which the officer is convicted.

OPA Personnel shall be provided access to all information, documentation, and recorded interviews of city employees, which are part of IA's investigations (limited to those types of investigations enumerated above). Furthermore, at the request of a complainant, OPA's Director may attend the investigatory interview conducted by IA, in person or otherwise agreed upon.

Pursuant to Administrative Order 2021-06 (AO 2021-06), OPA shall receive weekly summary reports of all complaints received by IA during the preceding week. These reports are to contain the date IA received the complaint, the nature of the complaint, the complainant's name, the assigned complaint number, and any additional supporting information. Upon completion of an investigation by IA, OPA shall receive a copy of the final disposition report in the same form as the final disposition report sent to the complainant.

Furthermore, OPA is authorized to request additional documents, records, and information from IA. These requests shall identify the investigation, the specific request, and the reasons for the request, and are to be reviewed by GRPD's Chief. If GRPD's Chief denies such a request, the denial shall be provided in written form to OPA's Director and the City Manager. If the request is approved, GRPD shall take reasonable steps to provide the requested documents, records, and information as timely as possible while abiding by applicable federal and state laws, and shall also provide OPA Personnel with an estimated completion date for each request.

² Art. 10, § 12 of the City's Collective Bargaining Agreement with GRPOA, effective July 1, 2022 through June 30, 2025, is incorporated by reference as though fully stated herein, see Appendix B; Art. 7, §§ 10 and 11 of the City's Collective Bargaining Agreement with GRPCOA, effective July 1, 2022 through June 30, 2025, is incorporated by reference as though fully stated herein, see Appendix C.

4.4 CAB

Pursuant to Art. 10, § 12 of the City's Collective Bargaining Agreement with GRPD, Art. 7, §§ 10 and 11 of the City's Collective Bargaining Agreement with GRPCOA, and City Commission Policy 800-02, OPA may conduct supplemental investigations where CAB considers the record to be inadequate to complete its review. Upon completion of the requested supplemental investigation, OPA shall provide a written report to CAB summarizing the actions taken and information received during the supplemental investigation (see § 6.5). In addition, OPA's Director serves as the Liaison to CAB, assists in appeal hearings, and works with CAB's members to draft CAB's Annual Report.

4.5 Definitions and Explanations

"Monitor," for the purposes of § 4.2 only, shall mean the ability to observe information as it is gathered by GRFD or to review information, records, recordings, witness statements, photographs, video footage, or other documentation after it is obtained by GRFD.³

"Monitor," for the purposes of § 4.3 only, shall mean the ability to review information, records, recordings, witness statements, photographs, video footage, or other documentation after it is obtained by IA.⁴

"Racial Animosity or Prejudice" is evidenced by derogatory conduct or discriminatory behavior which involves expressions of prejudice through words, gestures, or actions directed at an individual based upon that person's race, color, religion, gender or national origin.⁵

"Serious Bodily Injury" shall mean bodily injury that creates a substantial risk of death or that causes serious, permanent disfigurement, or protracted loss or impairment of the function of any body part or organ.⁶

"Use of Force" shall mean assaulting, beating, striking, fighting, or inflicting violence on a person.⁷

5.0 OPERATIONAL POLICIES

5.1 Contact and Hours of Operation

OPA is open to the public from 8 AM to 5 PM, Monday through Friday, except on City-observed holidays or where other unique circumstances require the office to close. OPA's main telephone number is (616) 456-4672. Callers may leave voicemails during non-business hours. OPA can also receive emails at OPA@grcity.US. OPA's office and mailing address is:

Office of Oversight and Public Accountability
300 Monroe Ave. NW, Suite 499
Grand, Rapids MI 49503

³ See Appendix A.

⁴ See Appendices B and C.

⁵ See City Commission Policy 800-02.

⁶ See Appendices B and C.

⁷ *Id.*

5.2 Accessibility and Interpretation Services

OPA will abide by all City policies regarding alternate communication and individuals with disabilities – Administrative Orders 94-02 (AO 94-02) and 95-04 (AO 95-04), respectively.

5.3 Language Assistance for Limited English Proficiency

OPA recognizes that individuals with Limited English Proficiency (“LEP”) may require language interpretation in order to access City services. OPA will make reasonable efforts to assist LEP individuals through various language services in accordance with the City’s language access policy, which is currently in development.

6.0 DEPARTMENTAL PROCESSES

6.1 Complaints

6.1.1 – Intake

Any person with a grievance against GRPD or GRFD may file a complaint directly with OPA. A person may also file an anonymous complaint with OPA. In some instances, an anonymous complaint may limit OPA’s ability to obtain information in the event of a supplemental investigation. However, the anonymity of a complainant alone will not preclude OPA from accepting an intake. Complaints can be made in person, by phone, by email, by regular mail, or through OPA’s website.

In person: City Hall Building
300 Monroe Ave. NW, Suite 499
Grand, Rapids MI 49503

Phone: (616) 456-4OPA (4672) or 311

Email: OPA@GRCity.US

Mail: Office of Oversight and Public Accountability
Attn: Complaint Intake
300 Monroe Ave. NW, Suite 499
Grand Rapids, MI 49503

Online: GrandRapidsMI.Gov/OPA

According to the City’s Collective Bargaining Agreements, OPA may only exercise its oversight powers for the complaints and investigations enumerated in § 4.0 of this manual. Although there are other options, complainants are encouraged to file complaints through OPA, as it will allow OPA the most oversight capability.

Should a complaint fall outside of OPA’s jurisdiction, as outlined in § 4.0 of this manual, OPA Personnel will assist the complainant in identifying alternative avenues for remedy.

6.1.2 – Contact with Complainants

OPA will send a notice to the complainant(s) upon receipt of a complaint, when there is pertinent information available relating to the case, and when a case is closed – unless not feasible. Each notice will inform the complainant of the next steps in the complaint process. OPA Personnel

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shall record and review all relevant information received concerning a case. If OPA receives multiple complaints about the same incident, OPA will process those complaints as a single case.

When feasible, OPA Personnel will make preliminary contact with the complainant within three (3) business days. OPA will document the date and type (phone, email, etc.) of each contact attempted or made with the complainant. OPA Personnel will attempt to contact a complainant three (3) times before closing the intake process. Contact attempts can be made by phone, email, in person, or by regular mail. To maximize the likelihood of contact, OPA Personnel should exercise discretion in staggering contact attempts throughout the day.

If a complaint was filed anonymously, and with a valid email address, OPA Personnel will send a complaint receipt notice to the email address listed on the complaint. If the only known contact information for a complaint is a phone number, OPA Personnel will attempt to reach the complainant at the number provided.

OPA Personnel shall also determine if a complainant requires a translator or other auxiliary aid or service, adhering to § 5.2 – 5.3 of this manual.

Care and compassion will be exercised with a complainant who may have a mental illness. OPA Personnel will assume that a complainant with a developmental disability, a neurological disorder, or a physical impairment that makes it difficult to communicate is as credible and reliable as any other complainant.

6.1.3 – Attorney Represented Complainants

Should a complainant inform OPA Personnel, at any time, that they have retained an attorney, OPA Personnel shall ascertain whether OPA has permission to communicate with the complainant's attorney, and, if so, shall request that the complainant send written confirmation of the purported attorney-client relationship. OPA Personnel shall also promptly notify OPA's Director of any complainant represented by an attorney and/or any communication received by any individual or organization purporting to represent a complainant.

6.1.4 – Gathering Information

OPA Personnel will follow up on any written communication submitted by the complainant by making direct contact with the complainant to gather information. This direct contact will occur in OPA's office, by phone, or via videoconferencing.

The complainant should provide relevant factual information and ensure the collection and preservation of time-sensitive evidence aiding the complaint. At a minimum, OPA Personnel shall seek to obtain the following information:

- (a) who was involved;
- (b) what happened;
- (c) who witnessed it;
- (d) where did it happen;
- (e) when did it happen;
- (f) how did they learn about the incident; and

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(g) whether any relevant evidence exists

If an injury was reported, OPA Personnel will ask the complainant if they would like to include any photos, videos, or other documentation evidencing the injury.

OPA Personnel will also endeavor to obtain the following information on a voluntary basis:

- (a) the complainant's full name;
- (b) the complainant's date of birth;
- (c) the complainant's race and ethnicity;
- (d) the complainant's gender identity;
- (e) the complainant's email address;
- (f) the complainant's street address; and
- (g) the complainant's preferred method of contact

OPA Personnel will inform the complainant that this information is being sought in order to ensure future contact and statistical reporting. In doing so, OPA Personnel shall assure the complainant that, to that extent possible, their personal identifying information (“**PII**”) will not be released without their authorization.

Most complaints that contain a plausible allegation of misconduct against public safety employees will be submitted to the appropriate investigative body. However, in some instances, OPA Personnel may not submit a complaint, such as if there is any indication that the complainant filed a complaint against a police officer from another jurisdiction with OPA.

If a complainant does not wish to have direct contact, OPA Personnel shall document the reason for the refusal. In the event of a refusal, OPA Personnel will inform the complainant that the complaint may still be filed if provided with sufficient information to proceed.

6.1.5 – Submission to Investigative Bodies

Once direct contact is established and a complaint is lodged, OPA will work with the complainant to complete a Complaint Intake Form (“**CIF**”). This process involves drafting the complaint and corresponding with the complainant to ensure that the allegations are clear, concise, and accurate.

Within two (2) business days of establishing direct contact with the complainant, OPA shall finalize and submit the completed CIF to the appropriate investigative body.

If feasible, OPA will obtain approval of the written complaint from the complainant.

Investigative bodies include, but are not limited to the following:

- (a) The City of Grand Rapids Police Department Internal Affairs Unit
- (b) The City of Grand Rapids Fire Department
- (c) The City of Grand Rapids Labor Relations Department
- (d) The City of Grand Rapids Comptrollers Department

(e) The Michigan Department of Civil Rights

6.1.6 – GRPD’s Investigative Methods

Upon receipt of a CIF, IA will determine if the allegations rise to the level of a “qualifying complaint.” § 3-8.1(G)(1) of the GRPD’s Manual of Policies (the “**MoP**”) defines a qualifying complaint as “an allegation amounting to a specific act or omission which, if proven true, would amount to employee misconduct or an expression of dissatisfaction with a policy, procedure, or practice of the agency.”

If IA determines that the allegations rise to the level of a qualifying complaint, it will classify the complaint as one of three categories:

- Class 1: Complaints involving allegations of civil rights or criminal law violations, which if sustained, may include discipline up to and including termination.
- Class 2: Complaints not involving allegations of civil rights or criminal law violations, which if sustained, may include discipline up to and including termination.
- Class 3: Complaints involving minor allegations that do not constitute civil rights or criminal law violations, which if sustained, will include non-disciplinary corrective action.

IA’s investigations will be completed within 90 days after receipt of a qualifying complaint. See § 3-8.5(G)(1) of the MoP.

If IA determines that the allegations do not rise to the level of a qualifying complaint, it may refuse to open a case and assign the complaint as “Administratively Closed.”

If a complaint is filed through OPA and IA does not open a case, OPA will inquire with IA to ascertain the reason for not opening a case. OPA will inform the complainant that a case has not been opened and explain the reason(s), and whether any additional actions can be taken to address the complaint.

6.1.7 – GRPD’s Dispositional Outcomes

At the conclusion of an investigation, IA will render a disposition based on the facts and circumstances of the case. IA will expound upon its findings in a Complaint Disposition Report (“**CDR**”), which OPA will receive a redacted copy of for review and auditing purposes. Notably, CDRs are only prepared for Class 1 and Class 2 complaints. Class 3 complaints do not receive CDRs because, if sustained, the corrective action would be non-disciplinary in nature, such as verbal coaching or supplemental training. 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.

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<u>Exonerated:</u>	The act, which provided the basis for the complaint or allegation, occurred; however, the investigation revealed that it was justified, lawful, and proper.
<u>Not Sustained:</u>	Investigation failed to disclose sufficient evidence to clearly prove the allegation made in the complaint or to conclusively disprove such allegation.
<u>Sustained:</u>	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.

Upon receipt of a CDR, OPA will review the information contained therein, and if possible, contact the complainant to discuss the possibility of an appeal to CAB. GRPD will likely redact the complainant's contact information on the CDR. If this occurs, OPA will correspond with the City Attorney's Office ("**CAO**") to ensure that the complainant received a notice of eligibility for appeal to CAB.

6.1.8 – GRFD's Investigative Method

Pursuant to GRFD Policy No. 112, GRFD thoroughly investigates any complaint it receives. Upon receipt of a complaint, GRFD's Battalion Chief (or designee) will make preliminary contact with the complainant. The preliminary contact will:

- (a) inform the complainant of the Battalion Chief's role and relationship to the employee against whom the complaint is lodged;
- (b) restate the complaint as it is presented and understood;
- (c) ask if that understanding is accurate;
- (d) reconcile any discrepancies; and
- (e) ask the complainant if they would like a follow-up when the investigation is complete.

After establishing preliminary contact, GRFD's Battalion Chief (or designee) will interview the GRFD employee against whom the complaint was lodged.

After the interview, the Battalion Chief (or designee) will send the completed complaint form to the Deputy Chief and schedule a meeting to discuss possible remedies. If resolved, the paperwork will be filed within GRFD's records and GRFD will close the case. If not resolved, or if further investigation or discipline is warranted, GRFD will follow the investigative or discipline procedure outlined in Art. 10 of its Collective Bargaining Agreement between the City and IAFF.

6.1.9 – GRFD's Dispositional Outcomes

After considering all the information and consulting with GRFD's Chief, Deputy Chief, and/or the City's Labor Relations Department ("**LR**"), GRFD will make one of the following determinations:

<u>Unfounded:</u>	The alleged act did not occur.
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- Exonerated: The act occurred but was justified, lawful, and/or proper.
- Not Sustained: The investigation produced information insufficient to prove or disprove the allegation/complaint.
- Sustained: All or part of the act occurred as alleged. A finding of “sustained” must be based upon the existence of substantial fact in support of reasonable proof. This finding does not mean discipline or corrective action will be taken.

Once a disposition is rendered, GRFD will forward a letter to OPA explaining the allegation(s) of the complaint, the investigative steps taken, and the disposition(s) reached. OPA will review GRFD’s dispositional letter for auditing purposes and, if necessary, follow up with the complainant to discuss any additional concerns or issues.

6.2 Administrative Support

6.2.1 – Case Management System

OPA will maintain an intradepartmental Case Management System (“**CMS**”), which will log all complaints and cases that OPA receives, submits to an investigative body, reviews after an investigation, or is otherwise apprised of. The CMS will allow OPA to track each case or complaint in which OPA has involvement.

6.2.2 – CAB Appeals

If OPA is notified that an appeal has been requested, OPA shall request all the case-related documents from IA. Although OPA cannot mandate GRPD’s performance, OPA generally requests production of documents from GRPD within two (2) weeks. An extension may be granted at the discretion of OPA’s Director. Upon receipt of the documents, OPA will organize and provide copies to CAB for review.

OPA will work with CAB to determine a hearing date that is at least thirty (30) calendar days after CAB receives the case documents for the requested appeal.

If an appeal contains *Garrity* statements, CAB shall review those statements under the supervision of City Staff at City Hall before the hearing date.⁸

6.3 Restorative Justice Programming

6.3.1 – Clean Slate Expungement Program

OPA will host its expungement event on an annual basis. The Clean Slate Expungement Program helps Grand Rapidians expunge eligible criminal convictions (misdemeanors and felonies) from their criminal history, thus opening avenues for economic and social prosperity.

⁸ *Garrity* statements are those statements made by a police officer acquired during an IA investigation concerning a complaint. See *Garrity v. New Jersey*, 385 U.S. 493 (1967).

6.4 Case Evaluation and Auditing

6.4.1 – Auditing

Where OPA is authorized to conduct an audit, the audit will be summarized in a written memorandum (“**Audit Summary**”). Unless an extension is granted by OPA’s Director, Audit Summaries shall be completed within ten (10) business days of any of the following occurrences:

- (a) a complainant has been informed of their right to appeal and the fourteen-day window in which to file the appeal has expired;
- (b) CAB renders its decision on all appealable issues;
- (c) IA informs OPA that a case has been administratively closed; or
- (d) GRFD forwards a dispositional letter to OPA following an investigation

Audit Summaries will (1) briefly summarize the complainant’s allegation(s); (2) objectively evaluate the investigative methods employed; (3) examine whether the complaint was properly classified; (4) analyze the actions of public safety for constitutional and other civil rights violations; (5) analyze the actions of public safety for compliance with applicable standards, policies, or other procedures; and (6) provide recommendations for improving interactions between public safety departments and the community in similar factual situations.

Audit Summaries will conclude with a recommended finding for each allegation against the public safety department in the complaint. There are four categories of potential findings:

Unfounded: There is a preponderance of evidence showing that the conduct as alleged did not occur in that the officer did not, in fact, use deadly force.

Exonerated: There is a preponderance of evidence showing that the officer’s conduct was objectively *reasonable* based on the totality of the circumstances, and therefore, within GRPD policy.

Not Sustained: There is *insufficient evidence* to prove by a preponderance that the officer’s conduct was either reasonable or unreasonable based on the totality of the circumstances, therefore, the allegation can neither be exonerated nor sustained.

Sustained: There is a preponderance of evidence showing that the officer’s conduct was objectively *unreasonable* based on the totality of the circumstances, and therefore, not within GRPD policy.

To create greater transparency and foster trust between Grand Rapidians and public safety, OPA, bound by all applicable local, state, and federal laws, and contractual agreements, shall publish all Audit Summaries (redacted to exclude all PII) on its website monthly.

6.4.2 – Officer-Involved Shootings

When an Officer-Involved Shooting (“**OIS**”) occurs, OPA’s Director (or designee) may report to the scene of the shooting. OPA Personnel are only to enter a marked crime scene if granted authority to enter by GRPD Personnel. Once authority is granted, OPA Personnel onsite will

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survey the crime scene and gather information about the incident. OPA is not the lead at any OIS scene; OPA is authorized to monitor OIS to the extent allowed by law, policy, and the City's Collective Bargaining Agreements.

OIS incidents will be evaluated based upon the totality of the circumstances and the procedures described in section § 6.4.1 of this manual. OIS evaluations shall be completed in accordance with all applicable municipal, state, and federal laws. OPA will seek to determine if, based upon the totality of the circumstances, an officer's use of deadly force was objectively reasonable and within the policy as defined by the MoP (GRPD's Use of Force Policy) and other directives governing the use of force.

If there are no allegations of officer misconduct related to the use of deadly force and if, based on the totality of the circumstances, the officer's use of deadly force was objectively reasonable and within policy, OPA's finding in the evaluation shall be "within GRPD policy."

In addition to making a specific finding as to each allegation, based on the above possible outcomes, OPA will also evaluate: (1) whether the officer's conduct in question complied with GRPD training, (2) whether a better outcome might have been achieved had the officer's conduct been different, (3) whether the officer's conduct indicates a need for specified additional training, or (4) whether the conduct in question reflects gaps or other deficiencies in the MoP or GRPD training.

OIS audits shall be published on OPA's Website within sixty (60) calendar days of the date that all evidence is turned over to OPA and shall be redacted for PII. OIS evaluations are bound by all applicable local, state, or federal laws and contractual agreements.

6.4.3 – Definitions and Explanations

"Totality of the Circumstances," for the purposes of § 6.4.2 only, shall mean all the facts and circumstances confronting the officer at the time the force is used including, but not limited to:

- (a) relative size and stature;
- (b) multiple subjects and officers;
- (c) relative strength;
- (d) subject(s) access to weapons;
- (e) subject(s) under the influence of alcohol or drugs;
- (f) exceptional abilities or skills(e.g., martial arts);
- (g) ground position;
- (h) subject and officer's fitness level;
- (i) injury to or exhaustion of the officer;
- (j) weather or terrain conditions;
- (k) imminent danger;
- (l) distance from the subject;
- (m) special knowledge (e.g., a subject's history of violence);
- (n) type of crime; and

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- (o) reaction time (based on the knowledge that the initial action is always faster than the reaction to it).

“Objectively Reasonable,” for the purposes of § 6.4.2 only, shall mean an officer’s actions consistent with the actions another officer would take given the same circumstances, and describes that force (control methods) must be used in an “objectively reasonable” manner in light of the facts and circumstances (totality of the circumstances) surrounding the officer and defines reasonableness as being determined by:

- (a) balancing the nature and quality of the intrusion with the need for governmental action;
- (b) the severity of the crime at issue;
- (c) whether the subject poses an immediate threat to the safety of officers or others;
- (d) whether the subject is actively resisting arrest or attempting to evade arrest by flight;
- (e) a reasonable officer on the scene;
- (f) the facts that police officers are often forced to make split second judgements under circumstances that are tense, uncertain, and rapidly evolving; and
- (g) identifying that the reasonableness of the use of force is judged at the moment the force was used.

6.5 Supplemental Investigations for CAB

In accordance with § 4.3 of this manual, OPA may conduct supplemental investigations where CAB considers the record to be inadequate to complete its review. OPA may work independently, or in collaboration with LR, when conducting a supplemental investigation. All supplemental investigations shall comport with § 6.5 of the CAB Bylaws (CAB Bylaws). At the completion of a supplemental investigation, OPA shall provide its findings in a Supplemental Investigation Report (“**SIR**”) to CAB.

6.5.1 – Investigative Standards

OPA’s goal in supplemental investigations is to gather the evidence and evaluate the facts without regard to personal beliefs or concern for personal, professional, or political consequences and in adherence to § 3.0 of this manual. When weighing the evidence, OPA will start with the presumption that all witnesses, officers and civilians alike, have equal credibility.

When accessing credibility, OPA will rely on common sense and everyday experience. However, when evaluating a complainant’s, witness’s, or other party’s testimony, OPA Personnel will set aside any bias or prejudice they have based on the disability, gender or gender identity, race, religion, ethnicity, sexual orientation, age, national origin, socioeconomic status or any other factor irrelevant to the legal rights of the parties.⁹

While there is no fixed set of rules for judging whether to believe a complainant, witness, or other party, OPA may consider the following:

⁹ M Civ JI 97.13.

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- (a) Was the party able to see or hear clearly? How long was the party watching or listening? Was anything else going on that might have distracted the party?
- (b) Does the party seem to have a good memory?
- (c) How does the party look and act while giving a statement? Does the party seem to be making an honest effort to tell the truth, or does the party seem to evade the questions or argue with the investigators?
- (d) Does the party's age or maturity affect how a reasonable person would judge their statement?
- (e) Does the party have any bias or prejudice or any personal interest in how this case is decided?
- (f) Have there been any promises, threats, suggestions, or other influences that affect how the party gives their statement?
- (g) Does the party have any special reason to tell the truth, or any special reason to lie?
- (h) How reasonable does the party's statement seem when considering all the other evidence in the case?¹⁰

OPA supplemental investigations will be assigned to OPA Personnel with the requisite knowledge, skill, training, and ability to conduct a thorough and timely investigation of the matter. OPA Personnel will use due professional care and conform to the highest legal and ethical standards in the course of their work. OPA's Director shall ensure that investigations are conducted in full compliance with the law and are thorough and that SIRs are of the highest quality.

6.5.2 – Investigative Plan

All supplemental investigations require an investigation plan. An investigation plan is a strategic document that places evidence collection and interviews in the context of the overall investigation. All investigation plans shall be formally documented in writing and cannot consist of oral communications. Investigative plans shall be approved by OPA's Director. An investigative plan will include the following elements:

- (a) the civilians and officers who are to be interviewed;
- (b) known documentary evidence to be collected;
- (c) an assessment of other evidence that needs to be obtained; and
- (d) the approach for addressing each allegation identified for investigation.

The investigative plan will further identify potential sources of information, establish anticipated timelines and chronology for the investigation, and help OPA Personnel identify potential issues before they arise. At the discretion of OPA's Director, an investigative plan can be abbreviated, particularly when dealing with non-complex cases.

As part of the investigative plan, OPA Personnel will discuss the general investigative approach,

¹⁰ *Id.*

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as well as identify any time-sensitive issues, prospective evidence, and other factors that may be pertinent to the investigation. The investigative planning meeting will also address all the following:

- (a) whether the investigation requires assistance from other OPA Personnel (e.g., if the complaint is time-sensitive, involves many witnesses, and/or the issues are novel or complex and a second perspective is useful);
- (b) whether OPA will require assistance from other City departments; and
- (c) whether the complaint is related to another complaint OPA received, an investigation by GRPD or other public safety department(s), or litigation from which material evidence might be obtained.

6.5.3 – Timeline

If possible, OPA will complete its supplemental investigation within twenty (20) business days from the date of CAB's request. This timeframe may be modified, at the discretion of either CAB or OPA's Director, depending on the nature, extent, and complexities of the investigation.

6.5.4 – Gathering Evidence

During a supplemental investigation, OPA will request documentary evidence from GRPD, develop interview questions based on the documents received, and conduct interviews with the complainant, witness(es), and other pertinent parties. The exact approach taken to gather evidence may vary on a case-by-case basis depending on the issues raised.

OPA shall have the right of access to information relating to an appeal case during a supplemental investigation to gather information about the issue(s) under investigation, including access to oral information from GRPD, as well as to written or non-written information (e.g., electronic storage media, microfilming, retrieval systems, and photocopies) maintained by GRPD. To the extent allowed by law and contractual agreements, OPA shall have the discretion to decide what information is relevant to providing an accurate and thorough supplemental investigation.

OPA shall submit a written request for all information sought from GRPD in connection with a supplemental investigation. OPA's requests shall comport with § 4.2 of this manual.

6.5.5 – Interviews

As part of the supplemental investigation, OPA may conduct interviews with individuals who have potentially relevant information, including complainants and witnesses. All interviews shall be conducted in accordance with applicable local, state, and federal laws.

Interviews of members of collective bargaining units or unions shall be conducted in accordance with any applicable collective bargaining agreements. OPA Personnel shall prioritize privacy while conducting an interview and interview all involved parties as expeditiously as possible.

Prior to initiating an interview, OPA shall inform the interviewee of the following:

- (a) the general purpose of the interview, including OPA's role, what law(s) may be pertinent to the investigation, and where appropriate, a brief explanation of what issue is under investigation;

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- (b) the potential uses of the information to be obtained from the witness and the Freedom of Information Act;
- (c) the witness's right to personal representation during the interview by a person of their choice; and
- (d) the regulatory provisions concerning the prohibition of intimidating or retaliatory acts by GRPD, pursuant to § 19.2 of the MoP.

Interviews will generally be conducted in the following order: (1) the complainant, (2) any non-GRPD witness(es), (3) any GRPD employee(s), and (4) the accused GRPD employee(s).

In the context of supplemental CAB investigations, OPA shall have the same authority as LR to conduct supplemental investigations and shall be authorized to compel interviews of employees.

If a complainant or witness is under the age of eighteen, adjudicated legally incompetent, or otherwise mentally impaired, OPA Personnel shall obtain written consent from a parent or guardian prior to the interview. Parental or legal guardian consent may not be required for emancipated minors under state law, however, OPA Personnel shall obtain proof of emancipation.

Parental or legal guardian consent may not be necessary when the questions that will be asked are of a general nature, not related to any specific events in which the minor was involved, and no records will be kept identifying the person.

If a parent or legal guardian refuses to provide consent for an interview, and OPA determines that the minor's information is critical, OPA may attempt to secure parental or guardian consent by inviting the parent or guardian to be present during the interview. If consent is denied, OPA shall not interview the minor.

6.5.6 – Representation by Union or Attorney

If an individual being interviewed by OPA requests that a union or a legal representative be present during their interview, a reasonable amount of time to obtain union representation or an attorney will be given.

If an individual elects to bring a union representative or an attorney, the representative may not answer questions for the interviewee and may not obstruct the interview in any way. Interviewees will be advised that they are permitted to request a temporary break to consult with their representative. Representatives are permitted to request the clarification of questions and may provide additional information at the conclusion of the interview.

6.5.7 – Supplemental Investigation Report

When the supplemental investigation is completed, OPA shall provide a SIR to CAB summarizing the actions taken and information received during the supplemental investigation. The following information should be included, as appropriate:

- (a) a statement of each issue and the findings of fact for each, supported by any necessary explanation or analysis of the evidence on which the findings are based;

- (b) notice that the SIR is not intended and should not be construed to cover any other issue regarding the complaint;
- (c) the SIR will include the following language: CAB can request a subsequent investigation if it finds that the supplemental investigation did not provide enough or appropriate evidence to base its decision;
- (d) OPA may consult with CAO, and other appropriate City employees as needed during the preparation of the SIR and during any communications that may occur after the issuance of the SIR.

6.6 Policy and Data Analysis

6.6.1 – MoP Review and Assessment

On a regular basis, OPA will review the policies and procedures of relevant law enforcement departments with particular emphasis on analyzing policies that may lead to disparate outcomes and impacts on BIPOC communities. Research will be based on the law, best practices as outlined by the NACOLE, National Standards developed by the Department of Justice, and other nationally recognized organizations' engagement with public safety and the community. Such reviews and any subsequent recommendations will be shared with relevant law enforcement agencies and, with the intent of augmenting transparency, will be made available to the public via OPA's Website.

6.6.2 – Statistical Analysis of Trends

OPA Personnel will conduct statistical and trend-based analysis on a variety of trends that may disparately impact BIPOC communities. This includes but is not limited to the implementation of traffic stop studies to be conducted on a bi-annual basis.

6.6.3 – CAB Report

OPA will assist CAB in preparing its Annual Report to the City Commission. See CAB Bylaws § 7.3.

6.6.4 – Surveillance Report

Pursuant to §§ (6)(c) of Administrative Order 15-03 (AO 15-03), departments using surveillance equipment must prepare a quarterly Surveillance Use Report ("**SUR**") and provide a copy to OPA. The SURs must include the following information:

- (a) whether the collected surveillance data was shared with or received from any external person or entities, and if so, the justification for the disclosure;
- (b) whether the surveillance was precipitated by a warrant or other form of court authorization; and
- (c) whether the surveillance was funded by the department's budget or another source.

After receiving and reviewing the SURs, OPA will draft and submit an Annual Surveillance Report ("**Annual SR**") to the Public Safety Committee. OPA will also post the Annual SR on the City's website.

6.6.5 – OPA Biennial Report

OPA will publish a biennial report (“**Biennial Report**”) on its website that describes OPA’s work and progress towards fulfilling its purpose, duties, and responsibilities, as well as any changes in the City’s Collective Bargaining Agreements with public safety departments. The Biennial Report will also include the following statistical information:

- (a) the number and percentage of all cases by classification and nature of allegation received by OPA;
- (b) the number and percentage of all cases and allegations that were sustained and the specific disciplinary action taken in sustained cases;
- (c) the number and percentage of cases that IA classified as administratively closed or otherwise refused to investigate;
- (d) the number and percentage of cases OPA deemed improperly classified or categorized;
- (e) the number and percentage of cases that were appealed compared with the ones that were eligible for appeal, the number and percent of appealed cases in which the findings were reversed or modified, the number and percent of cases in which officers were disciplined as a result of appeals or for other reasons;
- (f) the number and percentage of all cases and allegations that were not sustained, and the categorization of all not sustained findings; and
- (g) the racial, ethnic, gender, and geographic distributions of complainants, to the extent this information is provided voluntarily by complainants and is available.

6.7 Education and Community Engagement

6.7.1 – Know Your Rights

OPA will offer a year-round program aimed at equipping Grand Rapidians with a basic understanding of their constitutional rights when interacting with law enforcement – *Know Your Rights* (“**KYR**”). KYR explores rudimentary constitutional principles such as the Fifth Amendment Right to remain silent, the Fourth Amendment Right to be free from unreasonable search and seizure, and the Sixth Amendment Right to counsel. The program will include best practices and behaviors when interacting with police.

OPA will also distribute a KYR one-pager for citizens to keep on their person as an instructional guide on navigating police interactions.

In addition, OPA will partner with organizations that represent the immigrant and refugee communities to provide this program and to focus on areas of concern as expressed within those communities.

6.7.2 – I Am The Dream Civil Rights Youth Academy

OPA recognizes the importance of gearing today’s youth to identify, apply, and critically evaluate policies, ordinances, and laws that affect their everyday lives. Accordingly, OPA will create and manage the *I Have a Dream Civil Rights Youth Academy* program (the “**Academy**”). The Academy will serve middle school students within the Grand Rapids community and equip them with the knowledge and skills to become civic leaders in the community and promote social justice.

6.7.3 – Community Informed Training

OPA will work with Grand Rapidsians to implement a Community Informed Law Enforcement Training Initiative (“CIT”). CIT will seek input from the community for topic ideas for police training on matters concerning the community. Topics may include sensitivity training, cultural training, etc.

OPA will work in collaboration with the Office of Equity and Engagement and GRPD to review CIT submissions, and if approved, will provide funding for the training.

6.7.4 – Commission Night Out

During the City’s Commission Night-Out events, OPA will host a table with information for the community, and facilitate discussion with community members regarding public safety matters.

7.0 INFORMATION MANAGEMENT AND RECORDS POLICIES

OPA recognizes the sensitive nature of the work it performs, particularly the work of monitoring and investigating complaints against public safety employees. Privacy interests created by law or policy must be respected.

Additionally, OPA’s purported purpose of increasing transparency in public safety operations is also of the highest priority. To that end, OPA Personnel must follow all local, state, and federal laws, as well as City policies, regarding the release and retention of records.

Although this section does not list every City policy involving records, it is intended to provide clarity regarding the most prevalent questions about records retention in OPA. To the extent that this policy does not directly answer a question regarding records release and retention of records, OPA Personnel is directed to consult with OPA’s Director. Should OPA’s Director have questions regarding the release and retention of records, OPA’s Director will consult with CAO and/or other appropriate City Personnel.

7.1 Release of Information, Public Statements, and Appearances

In public or private discussions concerning GRPD or GRFD, OPA Personnel shall not (a) falsely assert that a statement is factual, or (b) disclose any confidential information.

In addition, OPA Personnel shall abide by the following guidelines regarding departmental communications:

- (a) All communications directed outside OPA stating or interpreting departmental policy shall be submitted to OPA’s Director for review and approval prior to release;
- (b) All communications outside of OPA shall be in compliance with all applicable departmental procedures;
- (c) OPA Personnel shall not address public gatherings, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge investigatory reports or information, or release other information concerning the activities of OPA, except in compliance with departmental rules, orders, and procedures and with the prior approval of

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OPA's Director;

- (d) OPA Personnel shall treat the official business of OPA as confidential and shall disseminate information regarding departmental business or operations including, but not limited to, investigations and audits only as provided in departmental rules, orders, and procedures or authorized by OPA's Director. This includes any information or forms of media gained while a member of OPA;
- (e) OPA Personnel shall not alter, deface, falsify, or remove any department records or information, except as provided by departmental procedures.
- (f) OPA Personnel shall not disseminate or release any criminal history record or juvenile record of any individual, except pursuant to law or departmental procedures;
- (g) OPA Personnel shall not knowingly permit the misuse of any records or information;
- (h) OPA Personnel shall not release to anyone information which may delay an arrest, aid a person to escape, destroy evidence, remove stolen or embezzled goods, or in any other way hinder the effective performance of the administration of justice; and
- (i) Public Release of Audit Summaries, OIS Audits, or Other Reports must be approved by OPA's Director, redacted to the extent required by law, and free of PII of GRPD Officers.

OPA shall restrict unauthorized access to all files relating to complaints. Hardcopy files are stored in a secured location in OPA's office. Files shall not be shown to any non-OPA Personnel, except upon approval by OPA's Director. OPA records shall not be left unattended in areas accessible by non-OPA Personnel.

OPA shall maintain electronic files for all cases after 2022. Access to OPA records in the case management system is granted to OPA Personnel only. All user activity is automatically recorded in the case management system and includes the user's name, date and time of access, and a description of the user's activity in the case file.

7.2 Information Release Subject to FOIA

The City's FOIA policy is contained in Administrative Policy 91-02 ([AP 91-02](#)) and is hereby incorporated by reference. The public release of any law enforcement record obtained by OPA from GRPD or GRFD shall be subject to redaction pursuant to the Freedom of Information Act and processed through the City's FOIA policy and procedure. OPA reserves the right to release its own reports and work product pursuant to § 6 of this manual.

7.3 Personal Identifiable Information

State law and the City's Collective Bargaining Agreements prohibit OPA from publishing or sharing PII for GRPD employees named in complaints.

OPA Personnel will enter a complainant's PII in the CMS and verify the accuracy of existing information for the complainant, including name, race, gender, email address, regular mailing address, and phone number(s).

OPA shall not disclose complainants' PII unless they give prior written consent for the disclosure.

7.4 Records Retention

For the purposes of this section, records are written or recorded information in any form that is created, received by, or provided to OPA from GRPD, GRFD, or during an investigation or monitoring of complaint involving GRPD or GRFD.

7.4.1 – Non-Record Materials

OPA may dispose of non-record materials as soon as they have served their intended purpose.

The following is a non-exhaustive list of non-records:

- (a) extra copies of documents retained only for convenience of reference, such as “for your information” documents, tickler files, follow-up of correspondence, word processed files when the official record copy is printed and retained by OPA, and extra or identical duplicate copies of records if the official record has been retained by OPA or other appropriate City custodian(s);
- (b) publications, forms, and printed documents, including stocks of those which are superseded or outdated;
- (c) preliminary drafts of letters, memoranda, reports, worksheets, and internal notes (including those that are typed, or word processed) that do not represent significant basic steps in the creation or preparation of public records;
- (d) shorthand notes and other notes or recordings that have been transcribed or incorporated into another format for official retention purposes;
- (e) miscellaneous notices or memoranda (including e-mail messages) which do not relate to the legal and functional responsibilities of OPA, such as notices of organizational events, employee benefits, holidays, etc.;
- (f) media used for printing or other record reproduction processes; and
- (g) catalogs, trade journals, and other publications or papers that are received from outside sources and are not essential to OPA's operation.

7.4.2 – Custody of Records

Pursuant to the [state approved general schedule for local governments](#), OPA's Director (or designee) shall be the official custodian of records for OPA. The custodian of records shall be responsible for the retention, management, and disposition of any records created or maintained, which shall include the following:

- (a) Conducting inventories of records;
- (b) Evaluating records for a determination of their useful life in the operation of the department;
- (c) Providing for safekeeping of the retained records;
- (d) Providing for access to and retrieval of retained records; and
- (e) Providing for proper destruction and disposal of records.

7.4.3 – Confidential Records

The following records shall be considered confidential records:

- (a) Records or information relating to sworn personnel and other individuals, disclosure of which would endanger their lives or safety;
- (b) Records of information relating to the safety or security of persons or property whether public or private, including but not limited to building, public works, and public water supply to the extent that those records relate to the ongoing security of the Grand Rapids Police Department or the City of Grand Rapids;
- (c) Records or information protected from disclosure by statute or privilege, including but not limited to, medical or educational recordings of any person and records or communications subject to attorney-client privilege; and
- (d) Records or information relating to any employee or other individual of a highly personal nature, disclosure of which would result in an unwarranted invasion of personal privacy.

7.4.4 – Litigation Holds

Upon receiving notice that litigation has commenced or is imminent, OPA's Records Custodian shall take immediate action to ensure that all retained records relevant to the subject matter of the litigation, including any records that may reasonably lead to the discovery of relevant records, are retained and accessible for production and copying through the pendency of the litigation.

Immediately upon receipt of such notice, the custodian shall cease destruction or disposal of any records still in existence that are relevant to or may reasonably lead to the discovery of relevant records.

For purposes of this section, a records custodian shall be responsible for implementing a litigation hold when informed by CAO that litigation has been commenced or is imminent or when informed that a department employee has been served with a summons and complaint.

7.4.5 – Disposition of Records

OPA's Records Custodian shall ensure that vital and confidential records are destroyed only by authorized OPA Personnel and in such a manner as to prevent inadvertent disclosure to unauthorized persons.

Any record destroyed will be done pursuant to state approved retention and disposal schedules.

8.0 TRAINING AND PROFESSIONAL DEVELOPMENT

OPA expects the growth and continuous professional development of its Personnel. OPA leadership will regularly assess each individual staff member's training needs, role within OPA, and interests to develop a training plan that will serve the employee and OPA. All OPA Personnel are encouraged to have a growth mindset and to seek out training and professional development opportunities through the City and external providers. Historically, OPA Personnel have participated in workshops, seminars, and conferences centered around leadership development, internal affairs best practices, interview techniques, forensic video analysis, and more.

OPA Personnel are required to be well-versed in their knowledge of policies and procedures regarding public safety. To maintain their knowledge and proficiency, OPA Personnel will continuously review the MoP, as well as any other local, state, or federal laws pertaining to public safety. OPA Personnel will attend training sessions held by the GRPD and/or GRFD Training Units.

OPA's Director (or designee) will oversee OPA Personnel training to ensure it aligns with individual duties, organizational priorities, and this manual. On an annual basis, all OPA Personnel will complete training on investigative techniques, investigative planning, information gathering, case law updates regarding policing practices (e.g., use of force, search and seizure, biased policing, etc.), and other topics relevant to OPA's oversight functions.

Additional training for OPA Personnel will include:

- (a) relevant laws and policies;
- (b) collective bargaining agreements;
- (c) complaints regarding public safety;
- (d) case management and tracking;
- (e) best practices in administrative investigations;
- (f) investigation planning;
- (g) communication with the community;
- (h) communication with GRPD, GRFD, and other City employees;
- (i) IA's investigative procedure;
- (j) IA's dispositional procedure;
- (k) body-worn video, in-car video, and holding cell video;
- (l) drafting Audit Summaries;
- (m) overview of criminal investigation procedures;
- (n) use-of-force incidents;
- (o) civilian oversight of law enforcement in the City and elsewhere; and
- (p) other areas or topics pertinent to OPA's oversight functions.

9.0 OVERSIGHT CONSIDERATIONS

9.1 Criminal and Other Sensitive Allegations

§ 26.1 of the MoP requires GRPD Personnel to immediately report, in writing, to GRPD's Chief any criminal charges or court actions brought against them as a result of their performance of duty. § 26.1 further requires that GRPD employees also notify GRPD's Chief, in writing, before filing any claims for damages or entering into any legal compromise or settlement regarding events which resulted from the performance of duty. It is important to note that while OPA conducts supplemental investigations into criminal complaints, OPA does not have authority to conduct criminal investigations. Should OPA become aware of potential criminal charges, OPA's Director (or designee) shall notify GRPD's Chief and the City Manager before taking any

additional action.

9.2 Contact with Criminal Investigators and Prosecuting Authorities

At the direction of OPA's Director (or designee), OPA Personnel shall communicate with criminal investigators concerning an ongoing or completed criminal investigation. However, in doing so, OPA Personnel shall not disclose any GRPD, GRFD, or other City employee's PII, except to the extent necessary to complete the task assigned. OPA shall not seek to direct criminal investigations in any way.

If pertinent to an oversight function, OPA's Director (or designee) may ask OPA Personnel to contact a prosecuting agency to verify the status of criminal charges pending, confirm whether a conviction has occurred, or clarify the criminal charge status against any GRPD or GRFD Personnel.

10.0 CASE CLOSING

After a complainant has exhausted all remedies and there is no further action for OPA to take regarding a complaint or supplemental investigation, OPA Personnel will prepare a Closed Case Summary ("**CCS**"), which lists the GRPD policy directives at issue, OPA's recommended findings and the discipline (if any) imposed. Once this is completed, OPA Personnel will close the case and publish the CCS on OPA's Website.

OPA Personnel shall ensure that complaints and supplemental investigations are closed in a timely manner. In some instances, the closing of a case may be delayed due to case-specific circumstances, such as the extended absence of an employee or heavy workloads within OPA. In other instances, OPA may expedite the case-closing process in the interest of transparency based on community concerns about an incident or when resources permit.

NOTICE

Failure to comply, fully or in part, with any provision of OPA's Manual, is not to be construed to have a presumptive adverse effect on any OPA generated complaint, Audit Summary, Supplemental Investigation, or OIS Audit.

OPA's Manual is subject to annual review and/or revision.

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

Academy	The I Have a Dream Civil Rights Youth Academy
Annual SR	Annual Surveillance Report
Biennial Report	OPA's Biennial Report
CAB	The Civilian Appeal Board
CAO	The City Attorney's Office
CIT	Community Informed Law Enforcement Training
CCS	Closed Case Summary
CDR	Complaint Disposition Report
CIF	Complaint Intake Form
City	The City of Grand Rapids
CMS	Case Management System
GRFD	The Grand Rapids Fire Department
GRPCOA	The Grand Rapids Police Command Officers Association
GRPD	The Grand Rapids Police Department
GRPOA	The Grand Rapids Police Officers Association
IAFF	The International Association of Fire Fighters
IA	Internal Affairs
KYR	Know Your Rights
LEP	Limited English Proficiency
LR	The Labor Relations Department
MoP	Grand Rapids Police Department's Manual of Policies
NACOLE	The National Association for Civilian Oversight of Law Enforcement
NDA	Non-Disclosure Agreement
OPA	The Office of Oversight and Public Accountability
OIS	Officer-Involved Shooting
PII	Personal Identifying Information
SIR	Supplemental Investigation Report
SUR	Surveillance Use Report

APPENDIX A

**Art. 10, § 6 of the City's Collective Bargaining Agreement with IAFF
Effective: July 1, 2022 through June 30, 2025**

OVERSIGHT AND PUBLIC ACCOUNTABILITY (OPA)

1. THE OFFICE OF OVERSIGHT AND PUBLIC ACCOUNTABILITY (OPA) FOR THE CITY OF GRAND RAPIDS WAS FORMED IN AUGUST 2019.
2. **OPA MONITORING OF INTERNAL INVESTIGATIONS.** THE DIRECTOR OF THE OPA, OR THE DIRECTOR'S DESIGNEE WHO SHALL BE AN EMPLOYEE OF THE CITY WITHIN THE OPA, SHALL BE PERMITTED TO MONITOR ANY INVESTIGATION CONDUCTED INTERNALLY WITHIN THE FIRE DEPARTMENT OF COMPLAINTS MADE AGAINST ANY FIRE DEPARTMENT EMPLOYEE BY A CITIZEN.

FOR PURPOSES OF THIS SECTION, THE TERM "MONITOR" SHALL MEAN THE ABILITY TO OBSERVE ANY INFORMATION AS IT IS GATHERED BY THE DEPARTMENT OR TO REVIEW INFORMATION, RECORDS, RECORDINGS, WITNESS STATEMENTS, PHOTOGRAPHS, VIDEO FOOTAGE, OR OTHER DOCUMENTATION AFTER IT IS OBTAINED BY THE DEPARTMENT, SUBJECT TO THE CONFIDENTIALITY AND ACCESS PROVISIONS STATED BELOW.

3. **CONFIDENTIALITY AND ACCESS.** TO THE EXTENT PERMITTED BY LAW AND SUBJECT TO CONFIDENTIALITY REQUIREMENTS IMPOSED BY LAW OR CITY POLICY, THE OPA WILL BE PROVIDED ACCESS TO ALL INFORMATION, DOCUMENTATION, AND RECORDED INTERVIEWS OF CITY EMPLOYEES WHICH ARE PART OF AN INTERNAL INVESTIGATION. ADDITIONALLY, IF ANY INDIVIDUAL, WHETHER A CITY EMPLOYEE OR AN INDIVIDUAL OUTSIDE CITY EMPLOYMENT, REQUESTS THE DIRECTOR OF OPA'S PRESENCE AT THEIR INTERVIEW, WHETHER CONDUCTED IN PERSON OR BY OTHER MEANS, THE DIRECTOR OF OPA MAY BE PERMITTED TO ATTEND THAT INTERVIEW.

THE OPA AND ITS PERSONNEL ARE BOUND BY ALL APPLICABLE FEDERAL AND STATE LAWS REGARDING THE CONFIDENTIALITY OF THE INFORMATION THEY HAVE ACCESS TO AND RECEIVE FROM THE DEPARTMENT, AND THEY ARE REQUIRED TO ABIDE BY THOSE LAWS.

APPENDIX B

**Art. 10, § 12 of the City's Collective Bargaining Agreement with GRPOA
Effective: July 1, 2022 through June 30, 2025**

ARTICLE 10
DISCHARGE AND DISCIPLINE

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SECTION 12(NEW). OVERSIGHT AND PUBLIC ACCOUNTABILITY (OPA)

1. THE OFFICE OF OVERSIGHT AND PUBLIC ACCOUNTABILITY (OPA) FOR THE CITY OF GRAND RAPIDS WAS FORMED IN AUGUST 2019. APART FROM AS EXPRESSLY PROVIDED HEREIN, THIS SECTION DOES NOT ALTER THE CURRENT DISCIPLINARY PROCESS FOR BARGAINING UNIT EMPLOYEES.
2. **OPA MONITORING OF IAU INVESTIGATIONS.** THE DIRECTOR OF THE OPA, OR THE DIRECTOR'S DESIGNEE WHO SHALL BE AN EMPLOYEE OF THE CITY WITHIN THE OPA, SHALL BE PERMITTED TO MONITOR ANY INVESTIGATION CONDUCTED BY THE INTERNAL AFFAIRS UNIT (IAU) OF THE FOLLOWING TYPES OF COMPLAINTS:
 - a. ANY MATTER THAT IS REVIEWABLE BY THE CIVILIAN APPEAL BOARD PURSUANT TO CITY COMMISSION POLICY 800-02;
 - b. ANY OFFICER INVOLVED SHOOTING;
 - c. ANY IN-CUSTODY DEATH;
 - d. ANY DUTY-RELATED INCIDENT DURING WHICH, OR AS A RESULT OF WHICH, ANYONE DIES OR SUFFERS SERIOUS BODILY INJURY (FOR PURPOSES OF THIS PARAGRAPH, "SERIOUS BODILY INJURY" IS DEFINED AS BODILY INJURY THAT CREATES A SUBSTANTIAL RISK OF DEATH OR THAT CAUSES SERIOUS, PERMANENT DISFIGUREMENT OR PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION OF ANY BODY PART OR ORGAN);
 - e. ANY INCIDENT IN WHICH AN OFFICER IS CONVICTED IN ANY JURISDICTION WITH A FELONY;
 - f. ANY INCIDENT IN WHICH AN OFFICER IS CONVICTED IN ANY JURISDICTION WITH A VIOLATION OF LAW INVOLVING USE OF FORCE ("USE OF FORCE" IS DEFINED FOR PURPOSES OF THIS PARAGRAPH AS "ASSAULTING, BEATING, STRIKING, FIGHTING, OR INFLECTING VIOLENCE ON A PERSON) OR IN WHICH THE THREATENED USE OF FORCE IS AN ELEMENT OF THE CRIMINAL OFFENSE FOR WHICH THE OFFICER IS CONVICTED.

FOR PURPOSES OF THIS SECTION, THE TERM "MONITOR" SHALL MEAN THE ABILITY TO REVIEW INFORMATION, RECORDS, RECORDINGS, WITNESS STATEMENTS, PHOTOGRAPHS, VIDEO FOOTAGE, OR OTHER DOCUMENTATION AFTER IT IS OBTAINED BY IAU.

OFFICE OF OVERSIGHT AND PUBLIC ACCOUNTABILITY
INTERNAL OPERATIONS AND MANUAL OF PROCEDURES

APART FROM MONITORING AN INVESTIGATION, THE OPA WILL NOT OTHERWISE HAVE THE AUTHORITY TO TAKE DISCIPLINARY ACTION AGAINST BARGAINING UNIT MEMBERS.

3. **CONFIDENTIALITY AND ACCESS.** THE OPA WILL BE PROVIDED ACCESS TO ALL INFORMATION, DOCUMENTATION, AND RECORDED INTERVIEWS OF CITY EMPLOYEES WHICH ARE PART OF IAU'S INVESTIGATIONS (LIMITED TO THOSE TYPES OF INVESTIGATIONS ENUMERATED IN PARAGRAPH 2 OF THIS SECTION, ABOVE). ADDITIONALLY, IF ANY INDIVIDUAL, WHETHER A CITY OR GRPD EMPLOYEE, OR AN INDIVIDUAL OUTSIDE CITY EMPLOYMENT, REQUESTS THE DIRECTOR OF OPA'S PRESENCE AT THEIR IAU INTERVIEW, WHETHER CONDUCTED IN PERSON OR BY OTHER MEANS, THE DIRECTOR OF OPA SHALL BE PERMITTED TO ATTEND THAT INTERVIEW.

IN ADDITION, THE OPA WILL BE PROVIDED THE IAU COMPLAINT DISPOSITION REPORT OR SIMILAR SUMMARY OF THE STEPS TAKEN TO INVESTIGATE THE COMPLAINT AND THE RESULT OF THAT INVESTIGATION OF ANY MATTER THAT ORIGINATES FROM AN EXTERNAL (OUTSIDE THE CITY) SOURCE AND IS MADE TO OPA AND FORWARDED BY OPA TO THE POLICE DEPARTMENT FOR FURTHER INQUIRY.

ALL CITY EMPLOYEES AND AGENTS ARE BOUND BY ALL APPLICABLE FEDERAL AND STATE LAWS REGARDING THE CONFIDENTIALITY OF THE INFORMATION THEY HAVE ACCESS TO AND RECEIVE FROM THE GRPD, AND THEY ARE REQUIRED TO ABIDE BY THOSE LAWS.

4. **SUPPLEMENTAL INVESTIGATIONS FROM THE CIVILIAN APPEAL BOARD.** WHERE CITY COMMISSION POLICY 800-02 REGARDING THE CIVILIAN APPEAL BOARD (CAB) ALLOWS FOR SUPPLEMENTAL INVESTIGATIONS TO BE CONDUCTED BY THE LABOR RELATIONS DIVISION IN THE EVENT THAT THE CAB CONSIDERS THE RECORD TO BE INADEQUATE TO COMPLETE ITS REVIEW, IT IS UNDERSTOOD THAT SUCH SUPPLEMENTAL INVESTIGATION MAY BE CONDUCTED BY EITHER LABOR RELATIONS OR OPA. ANY INFORMATION OBTAINED THROUGH SUCH SUPPLEMENTARY INVESTIGATION SHALL REMAIN PROTECTED BY *GARRITY*, AND NO RIGHTS PROVIDED UNDER *GARRITY* ARE WAIVED BY THIS PROVISION. ANY GRPD OFFICER WHO IS INTERVIEWED AS PART OF A SUPPLEMENTAL INVESTIGATION SHALL HAVE THE RIGHT TO HAVE UNION REPRESENTATION DURING SUCH INTERVIEW, AT THE OFFICER'S REQUEST.

FOLLOWING THE SUPPLEMENTAL INVESTIGATION, THE DEPARTMENT WHICH PERFORMED THE SUPPLEMENTAL INVESTIGATION (EITHER THE LABOR RELATIONS OR THE OPA) WILL PROVIDE A WRITTEN REPORT TO CAB IN ACCORDANCE WITH CITY COMMISSION POLICY 800-02 REGARDING CAB.

APPENDIX C

**Art. 7, §§ 10 and 11 of the City's Collective Bargaining Agreement with GRPCOA
Effective: July 1, 2022 through June 30, 2025**

SECTION 10 – OVERSIGHT AND PUBLIC ACCOUNTABILITY (OPA)

The Office of Oversight and Public Accountability (OPA) is a department of the City of Grand Rapids created by and reporting to the City Manager and City Commission. The City has issued a policy regarding OPA. That policy is included in this Agreement as Appendix B. The Union has bargained over the impact of that policy. The agreements stemming from bargaining over the impact of that policy are stated in Section 10 and Section 11 of this Agreement. Furthermore, the City and the Union acknowledge that pursuant to the Public Employment Relations Act, that the Union has the right to bargain over the impact and effects of any changes to the Policy as stated in Appendix B, to the extent that those changes, including any additions thereto, have an impact on any mandatory subject(s) of bargaining.

1. **Garrity Statements**. Any involuntary statement(s) made, whether written, oral, or recorded, by a law enforcement officer, as ordered by the Grand Rapids Police Department compelled under the threat of dismissal from employment or any other employment sanction, shall strictly follow the Michigan Disclosures by Law Enforcement Officers Act, Act 563 of 2006, MCL 15.391 *et seq* ("DLEOA").
2. **Meeting of the Civilian Appeals Board (CAB)**. Meetings of the Civilian Appeals Board are subject to the Michigan Open Meetings Act, MCL 15.261 *et seq*. When the CAB is in an open meeting and is deliberating or deciding a complaint brought against a bargaining unit member represented by the Michigan Fraternal Order of Police Labor, the bargaining unit member may request a closed session in accordance with MCL 15.268(1)(a). If the CAB goes into closed session, for this or any other permissible purpose, the meeting minutes of the closed session, shall remain confidential, in accordance with MCL 15.267(2)l. The CAB must make any decision related to going into a closed session and may invite individuals the CAB deems appropriate into the closed session in accordance with MCL 15.267(1).

SECTION 11 - PUBLIC RELEASE OF PERSONNEL RECORDS

The City shall forward true copies of all requests for and the City's intended response to any request for bargaining Unit members' personnel and/or disciplinary records that are made pursuant to the Michigan Freedom of Information Act, MCL 15.231, *et seq* ("FOIA") to the bargaining unit member whose information may be disclosed, as well as to FOP Labor Council at labor@mifop.com not less than three (3) business days prior to responding to the request.