

SPECIAL MEETING OF THE CIVILIAN APPEAL BOARD
April 28, 2021

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

CALL TO ORDER: 4:01 PM at City Hall Commission Chambers

Members: Present: Huemartin Robinson II (*Chairperson*)
John Weiss (*Vice Chair*)
Briana Trudell
Michelle Williams
Russell Olmsted
Sophia Brewer

Non-Members Present: Christin M. Johnson, OPA Specialist
Philip Strom, Deputy City Attorney
Andrew Lukas, Assistant City Attorney
Stacey Moody, Labor Relations Specialist
Joe Trigg, GRPD Internal Affairs Unit
Nathan Mead, GRPD Internal Affairs
James Butler, GRPD Training Unit
Kevin Curiel-Vazquez, Administrative Aide
Claudette Henry, OPA Exec. Asst. (*Board Secretary*)

Absent: Brandon Davis, Director of Oversight and Public
Accountability (*Board Liaison*)
Chad McKersie, GRPD Training Unit

CALL TO ORDER

A special meeting of the Civilian Appeal Board (CAB) of the City of Grand Rapids was called to order at 4:01 PM on April 28, 2021 by Chairperson Huemartin Robinson. Chairperson Robinson welcomed everyone and explained the purpose of the CAB. Chairperson Robinson stated that the purpose of the CAB is to act as a review body pursuant to City Commission Policy #800-02 for finding 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 the use of excessive force, falsification/lying, civil rights violations; and/or conduct committed in a context of racial animosity or prejudice.

ROLL CALL

A roll call was conducted. Members who were present are listed above. Christin Johnson represented OPA as Board Liaison.

APPROVAL OF MEETING MINUTES

Motion by Chairperson Robinson to approve the minutes of the regular meeting of the Board on March 17, 2021.

- Motion by Russell Olmsted, seconded by Sophia Brewer.
- Motion carried: Unanimously.

BOARD LIAISON REPORT

- **Board Training**

Christin Johnson introduced herself to the Board and gave an overview of the training courses in which Board Members participated, including the History of Civilian Oversight, GRPD Policies and Procedures, Open Meetings Act, Freedom of Information Act (FOIA), Employment Law, and Constitutional Law.

- **Update on Appeal Case (CR 19-171)**

Ms. Johnson informed the Board that it should anticipate findings from Labor Relations at or before the next Board Meeting, which is scheduled for May 19th.

HEARING REGARDING APPEAL CASE CR 20-050

Chairperson Robinson asked Board Members if they had any conflict of interest. There was no conflict of interest. Chairperson Robinson started the hearing with an explanation of the procedure for conducting the hearing. The Board will hear the case identified on the agenda, starting with a summary of the case, and then Board Members will have an opportunity to ask representatives of the Grand Rapids Police Department (GRPD) and the City Attorney's Office questions regarding the scope of the investigation; GRPD's Policy, training and procedure; and any legal issues.

Finally, the Board will deliberate and prepare a written decision affirming, reversing or modifying Internal Affairs' decision. Chairperson Robinson noted that the Board is not authorized to engage in separate investigations, interview witnesses, or hold evidentiary hearings, but may remand the case to the Labor Relations Division to conduct supplementary interviews if it considers the records inadequate to complete its review. Chairperson Robinson added that the complainant's written request for an appeal was reviewed by the members of the Board.

Chairperson Robinson called case CR 20-050 and asked Ms. Johnson to provide a summary of the case. Chairperson Robinson then invited Board Members to ask questions of the representatives. Board Members questioned the overall investigation, including the following:

- Inconsistencies between the video evidence and the written report.
- Discretion of the officers on the scene in terms of how they evaluate someone who has a criminal record. How does that affect the person they are arresting? Does the person get the same courtesy and respect as someone who does not have a criminal record? The Board was troubled that the complainant's concerns were ignored or denied.
- Whether officers on the scene singled out the complainant and automatically assumed the complainant was guilty, given the various witnesses and conflicting stories, and the fact that the complainant was bleeding.
- Investigation of one portion of the incident instead of the entire incident because of the knowledge that there was already probable cause. There was no investigation on whether there was a violation of policy against the complainant.
- The reason only three of the five officers' body-worn cameras were viewed and not all of them, especially when there were contradicting statements about what the complainant had done.
- The reason the other person involved in the incident was not arrested, despite the fact that there was probable cause to arrest the person.

There being no further questions, Chairperson Robinson invited the Board to discuss the case. Board Members discussed whether or not probable cause was established for police to arrest the complainant. Some members of the Board expressed their discontent with not knowing the reason there wasn't more investigation into the statements of other witnesses.

Attorney Strom stated that, if a decision is made that is inconsistent with Internal Affairs' finding, there would have to be substantial evidence on the whole record that indicates racial profiling outside of the arrest or other biases. Attorney Strom turned the Board's attention to the Impartial Policing Policy, 8-15.1 that was provided at the last gathering of the Board and stated that it was the key to determining the case.

Ms. Johnson encourage the Board to rely on policy when trying to determine the case and provided clarification of the Impartial Policing Policy, 8-15.2 , which states that employees shall base all stops, detentions, investigative activities, and arrests on a standard of reasonable suspicion, probable cause, or other appropriate legal standard and in doing so shall not violate this policy or any law. Officers shall apply the appropriate legal standard to all enforcement actions.

After discussion of the case, Chairperson Robinson called a motion for the Board to find that there is sufficient information for the Board to make a determination regarding whether or not Officer Newton violated the Impartial Policing Policy.

Motion by John Weiss, seconded by Michelle Williams.

Vote:

Yes

Huemartin Robinson II
John Weiss
Sophia Brewer
Briana Trudell
Michelle Williams

No

Russell Olmsted

Motion passed five to one.

Chairperson Robinson called another motion to affirm the Internal Affairs' finding that the allegation that Officer Newton violated the Impartial Policing Policy is unfounded.

Motion by John Weiss, seconded by Russell Olmsted.

Yes

Huemartin Robinson II
John Weiss
Michelle Williams

No

Russell Olmsted
Sophia Brewer
Briana Trudell

The motion failed due to a tie vote.

The Board considered going into closed session. Counsel advised that the Board could not go into closed session without allowable reason such as a written legal opinion. The Board engaged in additional discussion regarding the appeal.

Briana Trudell called another motion to affirm Internal Affairs' finding that the allegation that Officer Newton violated the Impartial Policing Policy is unfounded, based on the evidence.

Motion by Briana Trudell, seconded by John Weiss.

Yes

Huemartin Robinson II
John Weiss
Michelle Williams
Briana Trudell

No

Russell Olmsted
Sophia Brewer

The Board voted four-to-two to affirm Internal Affairs' decision of Unfounded. Attorney Strom said the articulated statements or opinion for the affirmation will be written and provided to the Board for approval before or at the next Civilian Appeal Board meeting.

The meeting minutes will reflect the affirmation and if there is anything critical that was left out, there will be an opportunity for Board Members to amend the minutes. Attorney Strom reminded the Board that it's outside of Board governance to have individual members provide opinions that are different from what the Board has adopted by a majority vote.

OPEN DISCUSSION

- **Status of Appeal CR 19-171**

Stacey Moody from Labor Relations stated that the Board will receive written findings regarding the supplemental investigation for appeal CR 19-171.

- **Scheduling a Special Board Meeting**

Board Members agreed to hold the regular Board meeting in May and at that meeting, discuss holding a special meeting on June 2nd to discuss CR 19-171.

- **Additional Training**

Board Members requested additional information regarding direct vs. circumstantial evidence. Attorney Strom will provide the additional information.

PUBLIC COMMENT

None.

NEXT MEETING

The next regular meeting of the Board will be at 4:00 PM on Wednesday, May 19, 2021.

ADJOURNMENT

Chairperson Robinson adjourned the meeting at 6:13 PM.