

CIVILIAN APPEAL BOARD MEETING
MAY 19, 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: 4:02 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: Brandon Davis, Director of Oversight and Public
Accountability (*Board Liaison*)
Philip Strom, Deputy City Attorney
Andrew Lukas, Assistant City Attorney
Christin M. Johnson, OPA Specialist
Stacey Moody, Labor Relations Specialist
Nathan Mead, GRPD Internal Affairs
Joe Trigg, GRPD Internal Affairs
Chad McKersie, GRPD Training Unit
Kevin Curiel-Vazquez, Administrative Aide
Claudette Henry, OPA Exec. Asst. (*Board Secretary*)

CALL TO ORDER

The regular meeting of the Civilian Appeal Board (CAB) of the City of Grand Rapids was called to order at 4:02 PM on May 19, 2021, hybrid of in-person and via Webex, 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 according to City Commission Policy #800-02 for finding fact made by the Grand Rapids Police Department (GRPD), concerning complaints made by individuals who believe that they have been mistreated by police officers through the use of excessive force, falsification/lying, civil rights violations; and/or conduct committed in a context of racial animosity or prejudice.

ROLL CALL

Roll call was conducted. Members who were present are listed above.

APPROVAL OF MEETING MINUTES

Motion by Russell Olmsted and supported by Sophia Brewer to approve the minutes of the special meeting of the Board on April 28, 2021.

Motion carried: Unanimously.

BOARD LIAISON REPORT

Update Regarding Appeal Case CR 19-171

Mr. Davis noted that information regarding the supplemental investigation by the Labor Relations Division was distributed to Board Members. Chairperson Robinson asked if there were any questions. Board Members asked questions of Labor Relations' Representative, Stacey Moody, and discussed certain aspects about how the supplemental investigation was conducted. A final hearing in this case will be held at the next regular meeting on June 16th.

Appeal Cases

Mr. Davis informed the Board that after the completion of today's hearing, all appeal cases will have been heard, except CR 19-171, which has been heard in part.

HEARING REGARDING APPEAL CASE CR 20-068

Chairperson Robinson asked Board Members if they had any conflict of interest. There was no conflict of interest. Chairperson Robinson opened the hearing with an explanation of the procedure for conducting the hearing, and stated that 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.

Chairperson Robinson also stated that 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, and added that the complainant's written request for an appeal was reviewed by the members of the Board. Chairperson Robinson called case CR 20-068 and asked Mr. Davis to provide a summary of the case. Chairperson Robinson then invited Board Members to ask questions of City staff and GRPD representatives.

Board Members asked questions related to timelines, missing ICV video and procedure for video retention, body-worn camera evidence, the interaction between the complainant and officers at the event, whether the event was an unlawful assembly or a riot, whether officers' actions were reasonable, legal enforcement under riot situation, identification of GRPD officers, GRPD past practice and policies related to civil unrest, the interaction between the investigative officer and the complainant, and evidence supporting the allegation.

After questions and answers, Board Members discussed the case. During the discussion, a question was asked regarding the event. Does the assembly need to be declared unlawful before the statute is applicable?

Attorney Strom stated that the activities that occurred on the day of the alleged incident were within the definition of an unlawful assembly. After discussing the case, Chairperson Robinson named the dispositions of an appeal, which are affirmed, modified or reversed; and communicated Internal Affairs' disposition of the case, which was *Not Sustained*, meaning there was a lack of sufficient evidence to clearly prove the allegation(s) made in the complaint. Chairperson Robinson called two motions as follow:

#1 – Motion by Sophia Brewer and supported by Michelle Williams as to whether or not there was sufficient information for the Board to decide if Internal Affairs' finding that the allegation of unreasonable force against an unknown GRPD officer is not sustained.

VOTE:

Yes

Huemartin Robinson II
John Weiss
Sophia Brewer
Michelle Williams
Briana Trudell

No

Russell Olmsted

Motion passed five to one.

#2 – Motion by Sophia Brewer and supported by Russell Olmsted to affirm the Internal Affairs' findings that the allegation of unreasonable force against an unknown GRPD officer is not sustained.

VOTE:

Yes

Huemartin Robinson II
John Weiss
Sophia Brewer
Michelle Williams
Russell Olmsted
Briana Trudell

Motion passed unanimously to affirm Internal Affairs' disposition of Not Sustained.

OLD BUSINESS

Update Regarding Appeal Case CR 19-171

Mr. Davis indicated that this update was provided in the Board Liaison Report, and that the Board decided to take up this case again at the next regular meeting of the Board.

OPEN DISCUSSION

- **Supplemental Investigation – CR 19-171**

The Board further discussed the supplemental investigation conducted by Labor Relations regarding the inquiry with the probation officer – not getting an answer. The Board proposed that Labor Relations send the inquiry to the probation officer again to get some type of answer. Mr. Davis said he will provide this and other feedback to Stacey Moody, and that Ms. Moody will be present at the next meeting to answer any additional questions.

- **Board Training**

City Staff will continue to work to provide additional training to the Board. Board Members who are interested in specific training may contact the Board's Liaison or the law department.

- **Transcripts**

- Board Members asked if dates and times could be added to case transcripts. Mr. Davis said he will contact the Internal Affairs Unit to find out if this can be done.
- Board Members stated that some of the transcripts they have reviewed were unclear and in some areas "unintelligible" is written or there are run-ons, which makes it difficult to understand what is being said or what is being asked. Board Members said there needs to be clear questions and answers, and asked why they could not have audio transcripts.

Mr. Davis said transcripts are provided for redaction purposes and ease of use, and that he will inquire about getting audio files that do not require redaction. Mr. Davis said that after the CAB packet is distributed, and if deemed necessary, Board Members may submit a request to OPA for the audio/video in the case.

- **Relevant Policies**

Board Members asked if the OPA could add case-relevant policing policies to CAB packets.

PUBLIC COMMENT

One member of the public provided a comment.

NEXT MEETING

The next regular meeting of the Board will be at 4:00 PM on Wednesday, June 16, 2021.

ADJOURNMENT

The meeting was adjourned at 6:11 PM by Chairperson Robinson.