

**CIVILIAN APPEAL BOARD MEETING**  
**JUNE 16, 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: 4:03 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  
Ken Deering, Labor Relations Manager  
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 4:03 PM on June 16, 2021, with a hybrid mix of in-person attendees and remote meeting participants, 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 Sophia Brewer and supported by Briana Trudell to approve the minutes of the regular meeting of the Board on May 19, 2021.

Motion carried: Unanimously.

## **BOARD LIAISON REPORT**

### **Appeal Cases**

Mr. Davis stated that the Board will be up to date on all appeals after today's hearing.

### **Civilian Appeal Board Meetings – July and August 2021**

Mr. Davis announced that hybrid meetings will end on June 30<sup>th</sup>, and that the Board will resume in-person meetings for Board Members, City Staff and the public in August, if there are no appeal hearings before then. Mr. Davis communicated that, since there isn't an appeal hearing scheduled at the present time for July, it is the staff recommendation that the Board meeting for July be cancelled, and the meeting for August be used to discuss and recommend topics that will be used to develop additional training materials for the Board. There were no objections by Board Members to the recommendations.

### **Internal Affairs and Labor Relations: Update**

Mr. Davis stated that at the last meeting, the Board requested additional materials from Internal Affairs as well as asked questions of Labor Relations. Mr. Davis indicated that a Labor Relations representative was present to answer those questions. Additionally, Mr. Davis stated that a written statement from the complainant's son and a written report from the Labor Relations Division related to the supplemental investigation were provided to Board Members. Mr. Davis referred questions related to additional steps that can be taken or to be considered in the supplemental investigation to the Labor Relations Division's Manager, Ken Deering.

As to additional information from Internal Affairs, Mr. Davis stated that the Board asked that more information be included in interview transcripts and that Internal Affairs agreed to include dates in interview transcripts for future appeals. Mr. Davis also stated that the Board provided feedback regarding questions asked during Internal Affairs interviews and suggested that interviews be done in a way similar to a deposition. Mr. Davis said Internal Affairs stated that this would be very difficult to accomplish with complainants because the Internal Affairs' Staff does not know what complainants are complaining about during the initial call to Internal Affairs. Mr. Davis said the Board also expressed concern about the high number of times that transcripts show unintelligible responses and requested audio reports in addition to transcripts, recognizing that some of the information would be redacted. Mr. Davis said Internal Affairs' response to this was that transcripts are easier to use and that audio files are arduous and problematic because of the amount of time, labor and cost that would be involved in the process. The Board asked questions to Mr. Deering about additional follow up with the provisional officer. Mr. Deering indicated that there was no additional follow up.

## **HEARING REGARDING APPEAL CASE CR 19-171**

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 about the investigation and GRPD's Policies and Procedures.

Chairperson Robinson stated that after that, the Board will deliberate and prepare a written decision affirming, reversing or modifying Internal Affairs' decision. Chairperson Robinson also stated 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 stated that the complainant's written request for an appeal was reviewed by the members of the Board. Chairperson Robinson called case CR 19-171 and asked Mr. Davis to provide a summary of the case, then asked for a motion to discuss a legal opinion in closed session.

## **ROLL CALL VOTE FOR CLOSED SESSION**

Motion by Vice Chair Weiss and supported by Russell Olmsted to enter into a closed session, pursuant to the Open Meetings Act 15.268, Subsection 8(h), to consider a written legal opinion.

VOTE:

Yes

Huemartin Robinson II

John Weiss

Sophia Brewer

Briana Trudell

Russell Olmsted

Michelle Williams

Motion **passed** unanimously.

## **CLOSED SESSION REGARDING LEGAL OPINION**

A closed session was held to discuss a legal opinion. The session started at 4:25 PM and ended at 6:15 PM.

## OPEN MEETING RESUMED

The open meeting resumed at 6:19 PM.

Chairperson Robinson invited Board Members to ask questions of representatives of the Labor Relations Division, City Attorney's Office and GRPD. Among the questions asked by Board Members were the reasonableness of the use of force, GRPD's policy concerning the cooperation of other jurisdiction in an Internal Affairs investigation, body-worn camera policy for taskforce, policy on the escalation and de-escalation of force, verbal control by officers, and whether someone can be arrested for asking officers for their names and badge numbers.

After questions and answers and an in-depth discussion, Chairperson Robinson named the dispositions of an appeal, which are affirmed, modified or reversed; and communicated Internal Affairs' disposition of the case, which is *Not Sustained*, meaning there was a lack of sufficient evidence to clearly prove the allegation(s) made in the complaint.

Motion #1: Motion by Russell Olmsted and seconded by Vice Chair Weiss to assert that there is sufficient information for the Board to make a determination regarding whether or not Officer Lucas Nagtazaam used unreasonable force.

VOTE:

Yes

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

Motion **passed** unanimously.

After further discussion by Board Members about the use of force and the execution of the arrest of the complainant, Chairperson Robinson proposed a motion.

Motion #2: Motion by Vice Chair Weiss and supported by Briana Trudell to affirm the Internal Affairs' finding that the allegation that Officer Lucas Nagtazaam used unreasonable force is not sustained.

VOTE:

Yes

Huemartin Robinson II  
John Weiss  
Michelle Williams

No

Russell Olmsted  
Briana Trudell  
Sophia Brewer

Motion **failed** three to three. Board Members expressed difficulty deciding how to vote. Chairperson Robinson asked Board Members to consider modifying or reversing Internal Affairs' finding. Attorney Strom and Mr. Davis provided the Board with procedural information on modification and reversal of the finding and explained the options available for moving forward with the case.

After more discussion about the collection and availability of evidence, Chairperson Robinson asked Board Members if they wanted to take another vote on the motion to affirm Internal Affairs' decision.

Motion #3: Motion by Sophia Brewer and supported by Michelle Williams to affirm the Internal Affairs' finding that the allegation that Officer Lucas Nagtazaam used unreasonable force is not sustained.

VOTE:

Yes

Huemartin Robinson II  
John Weiss  
Briana Trudell  
Sophia Brewer  
Michelle Williams

No

Russell Olmsted

Motion **passed** five to one.

## **OLD BUSINESS**

### **ACLU Recommendations**

Chairperson Robinson reminded Board Members that they still have the ACLU recommendations to discuss in August. Mr. Davis added that OPA will be giving a governance report in July, which would be good for the Board to hear before engaging in the discussion.

## **OPEN DISCUSSION**

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

Board Members expressed disappointment and frustration with aspects of the investigation by Internal Affairs and supplemental investigation by Labor Relations – not being able to review information that could have derived from the investigation.

- **Topics for Board Training**

Board Members to submit training topics to Mr. Davis by June 30<sup>th</sup>, for a discussion session in August.

- **Additional Board Members**

The Board is seeking individuals to become members of the Civilian Appeal Board.

### **PUBLIC COMMENT**

One member of the public provided a comment.

### **NEXT MEETING**

- The regular meeting of the Board on Wednesday, July 21, 2021, at 4:00 PM has been cancelled.
- There will be a Training Topics Discussion Session on Wednesday, **August 18**, 2021, at 4:00 PM.

### **ADJOURNMENT**

The meeting was adjourned at 8:26 PM by Chairperson Robinson.