

SPECIAL MEETING OF THE CIVILIAN APPEAL BOARD
OCTOBER 7, 2020

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

CALL TO ORDER: 4:31 PM at City Hall Commission Chambers

Members: Present: Huemartin Robinson II (*Chairperson*)
Sophia Brewer
Briana Trudell
Michelle Williams
Russell Olmstead
John Van Tholen
John Weiss

Members: Absent: George Storms (*Vice Chairperson*)

Non-Members Present: Brandon Davis, Director of Oversight and Public
Accountability (*Board Liaison*)
Philip Strom, Deputy City Attorney
Anita Hitchcock, City Attorney
Phil Nevins, GRPD Internal Affairs
Nathan Mead, GRPD Internal Affairs
Chad McKersie, GRPD Training Unit (virtual)
Kevin Curiel-Vazquez, OPA Administrative Aide
Claudette Henry, OPA Exec. Asst. (*Board Secretary*)

CALL TO ORDER

The special meeting of the Civilian Appeal Board (CAB) of the City of Grand Rapids was called to order at 4:31 PM on October 7, 2020 at City Hall Commission Chambers by Chairperson 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

Roll call was conducted. Members present and absent are listed above.

APPROVAL OF MEETING MINUTES

Motion by Chairperson Robinson to approve the minutes of the regular meeting of the Board on September 16, 2020 with correction to the misspelling of Chad McKersie's first name.

- Motion by Sophia Brewer, seconded by Briana Trudell.
- Motion carried.
- Resolved: Minutes from the meeting on September 16, 2020 was approved with correction of the spelling of "had" to Chad McKersie.

OLD BUSINESS – UPDATE FROM THE BOARD LIAISON

A. Number of Pending Appeals

Mr. Davis provided an updated report of the discussion held at the last Board meeting. One of the items discussed was the number of appeals that were up for review by the Board. The number of appeals that have been submitted and are eligible for review by the Board were three (3); one scheduled to be discussed by the Board in today's meeting (CR 19-171), one to be heard by the Board at a future date, and eligibility for the other needs to be determined before a hearing is scheduled.

B. Upcoming Appeal Hearing

Mr. Davis explained that it can take a significant amount of time to prepare a case, depending on the length of the case and various aspects. Mr. Davis stated that it takes Internal Affairs approximately two weeks, depending on the matters of the case, to prepare the transcripts and materials and provide them to the City Office of Oversight and Public Accountability (OPA). It then takes approximately two additional weeks for OPA to prepare and provide them to the Civilian Appeal Board Members for review in preparation for the hearing. Whenever possible, OPA attempts to provide the CAB with at least two weeks to prepare for the hearing. The minimum total turnaround time is approximately six weeks.

C. Board Vacancy

The vice chair position on the Board is vacant. An election for this position will be held at the October 21, 2020 meeting.

HEARING REGARDING APPEAL CR 19-171

Chairperson Robinson explained the process of how the appeal case is to be reviewed by members of the Board. Members of the Board review cases that are closed by the GRPD Internal Affairs to learn if complaints filed by individuals are accurate.

Members of the Board review a case (identified on the agenda) prior to the CAB meeting. At the meeting, a summary of the case is presented by the Board's liaison.

Board Members then ask questions of the representatives from the Grand Rapids Police Department (GRPD) Internal Affairs and the Grand Rapids City Attorney's Office, including those about the scope of the investigation; GRPD's policies, procedures and training; and legalities of the case. Board Members then deliberate and prepare a written decision affirming, reversing, or modifying Internal Affairs' conclusion of the case.

Chairperson Robinson also stated that the Civilian Appeal Board is not authorized to conduct separate investigations, interview witnesses, or hold evidentiary hearings, but it may request supplementary interviews with the complainant, police officers and witnesses in the event that it considers the record to be inadequate to complete its review.

Chairperson Robinson called case CR 19-171, asked the Board's liaison, Brandon Davis, to provide a summary of the case to members of the Board, and invited the members to ask questions to the GRPD's representatives.

Members of the Board asked questions to representatives of the GRPD Internal Affairs regarding GRPD's policy, this investigation and the law. Board Members questioned the absence of the findings regarding the entry/search of the complainant's home and indicated that the search was a factor in their review of the use of force.

At the request of the Board's Liaison, the meeting recessed at 5:40 PM. The meeting resumed at 6:13 PM. Mr. Davis and Mr. Strom indicated that in order for the CAB to make a decision regarding an allegation, Internal Affairs needs to officially make a finding on that allegation. The Board cannot take action on an allegation on its own accord.

Motion #1: Motion by Chairperson Robinson as to whether or not Board Members wanted to answer the following question:

Is there sufficient information for the Board to make a determination regarding whether or not Officer Lucas Nagtzaam use unreasonable force?

Vote:

No

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

Yes

John Van Tholen

Motion failed by six-to-one. Board Members agreed that they did not want to consider answering Question 1.

Members of the Board stated that they did not have enough information to answer the question and decided they should discuss and determine what additional information is needed, as well as who will be interviewed, then formulate questions for Internal Affairs.

Motion #2: Motion by Chairperson Robinson to affirm that there is sufficient information for the Board to make a determination regarding whether or not Officer Lucas Nagtazaam use unreasonable force.

Motion seconded by Russell Olmstead and subsequently by Briana Trudell.

Vote:

No

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

Yes

John Van Tholen

Motion failed by six-to-one. Board Members stated that they did not believe there was sufficient information to make a determination about whether or not Officer Nagtazaam used unreasonable force. Board concluded that they need more information and will formulate questions to be given to Internal Affairs. Mr. Davis recommended that the questions are submitted to the OPA'S Office in writing. Attorney Strom reiterated that the Board, according to section 6.5 of the City of Grand Rapids Civilian Appeal Board Bylaws, is not authorized to engage in separate investigations, interview witnesses or to hold evidentiary hearings, but it may remand the case to the City to conduct supplementary interviews with complainant, officers and witnesses in the event that it considers the record to be inadequate to complete its review.

NEXT MEETING

The next regular meeting of the Board will be at 4:00 PM on Wednesday, October 21, 2020 at the City Hall Commission Chambers.

PUBLIC COMMENT

No public comment was given.

ADJOURNMENT

The meeting was adjourned at 8:02 PM by Chairperson Robinson.