



City of East Grand Rapids
Department of Public Safety

Annual Analysis & Review for 2019

September 21, 2020

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INTRODUCTION

Each year, the East Grand Rapids Department of Public Safety is required to conduct an “annual analysis and review” of all internal affairs complaints, response to resistance (use of force) incidents, vehicle pursuits, and foot pursuits required by the *Michigan Law Enforcement Accreditation Commission* standards in order to maintain accreditation status. The purpose of the (publicly available) written report is to ensure the Department:

- Always engenders and maintains the confidence and trust of the public, city commission, and other key stakeholders; and
- Guarantees transparency, fairness, and impartiality in critical services provided by the Department and its members.

INTERNAL AFFAIRS

The Internal Affairs Unit received and investigated eight complaints involving members of the Department in 2019.

COMPLAINT SUMMARIES:

1. On February 8, during the evening, a sworn member backed Utility #22 into the eyewash station in the Apparatus Bay causing damage to the taillight assembly.

The investigative findings indicated the member’s actions violated Manual of Policy & Procedure (MOPP) Section 8-10 C.2. which states: “...*Officers shall be governed by traffic laws and the rules of the road. Officers will operate police vehicles in a safe, courteous manner.*”

The disposition finding for this incident was SUSTAINED. The Department member received a written reprimand.

Corrective action. Since this was not the first time a vehicle driver backed into the eyewash station, Department personnel painted lines on the floor indicating where Utility #22 can be safely parked.

2. On February 14, a sworn member was driving Utility #22 – while towing Marine #24 – to assist the KCSD Dive Team at Lincoln Lake. As the member was attempting to backup and turn Utility #22 around, the front end of the truck hit a snowbank containing a buried retaining wall causing front end damage.

The investigative findings indicated the member’s actions violated MOPP Section 8-10 C.2. which states: “...*officers shall be governed by traffic laws and the rules of the road. Officers will operate police vehicles in a safe, courteous manner.*”

The disposition finding for this incident was SUSTAINED. The Department member received a written reprimand.

3. On March 6 at 2:30 p.m., a sworn member received a phone call from a middle school employee regarding a sexting complaint between two middle school students. After taking notes regarding the incident, the member failed to properly document the incident in a report and did not notify a supervisor. As a result, there was a delay in the investigation.

The investigative findings indicated the member's actions violated MOPP Sections:

- 3-11 D.10.c. which states: "...*When any person applies for assistance or advice or makes complaints or reports either by telephone or in person, all pertinent information shall be obtained in an official and courteous manner and shall be properly and judiciously acted upon consistent with established departmental guidelines.*"
- 3-11 D.8.a. which states: "*Personnel shall submit all necessary reports on time and in accordance with established departmental guidelines.*"

The disposition finding for this incident was SUSTAINED. The Department member received a written reprimand.

4. On March 11, a sworn member failed to properly submit paperwork. This failure to submit paperwork on time had occurred on several prior occasions.

The investigative findings indicated the member's actions violated MOPP Section 3-11.D.8.A. which states: "*Personnel shall submit all necessary reports on time and in accordance with departmental guidelines.*"

The disposition finding for this incident was SUSTAINED. The Department member received a conference report.

5. On March 15, a sworn member backed Utility #22 into the apparatus bay while towing Marine #24 and struck the overhead garage door which was not fully open. No damage occurred to either vehicle, but the overhead door was damaged.

The investigative findings indicated the member's actions violated MOPP Section 8-10 C.2. which states: "*...officers shall be governed by traffic laws and the rules of the road. Officers will operate police vehicles in a safe, courteous manner.*"

The disposition finding for this incident was SUSTAINED. Subject to progressive discipline, the Department member received an 8-hour suspension since two months earlier he received a written reprimand for a substantially similar at-fault accident.

6. On April 15 at 2:18 p.m., a sworn member was putting gas in his police cruiser at the Public Works building. The member then drove away with the hose still in the filling neck of the vehicle causing some minor damage to the pump and cruiser.

The investigative findings indicated the member's actions violated MOPP Section 8-10 C.2. which states: "...officers shall be governed by traffic laws and the rules of the road. Officers will operate police vehicles in a safe, courteous manner."

The disposition finding for this incident was SUSTAINED. The Department member received a written reprimand.

7. On August 15 at 3:25 a.m., a sworn member was involved in a pursuit initiated by an outside agency. The involved member did not get a specific request to continue the pursuit and did not get pursuit approval from a supervisor.

The investigative findings indicated the member's actions violated MOPP Section 8-19 M.2. which states: "...personnel and vehicles shall not become involved in any pursuits by outside agencies. Officers shall monitor the pursuit and assist the primary agency in the event the assistance is needed...Exception. Officers may join in a pursuit initiated by an outside police agencies if only one police vehicle is involved in the pursuit and a secondary unit is needed, but only if the outside agency makes a specific request for assistance and the request is approved by a Department supervisor."

The disposition finding for this incident was SUSTAINED. The Department member received a written reprimand.

Corrective action. After discussing the incident with the involved officer and command staff, the Department modified portions of MOPP 8-19 Operation of Motor Vehicles/Pursuits as the language was contradictory and confusing.

8. On September 10, a white male resident alleged a sworn member made inappropriate statements while investigating a harassment complaint at his residence.

The investigative findings indicated the member's actions violated no policies or procedures.

The disposition finding for this incident was EXONERATED. **Note:** Exonerated means the "...investigation disclosed sufficient evidence to prove the alleged conduct; however, the conduct was justified, lawful, and proper."

Additional action. The complainant appealed the Department's decision to the Interim City Manager. After reviewing the investigation, the City Manager upheld the Department's original findings.

SUMMARY & ANALYSIS OF INTERNAL AFFAIRS INVESTIGATIONS

There were eight formal internal affairs investigations in 2019. Only one investigation involved a citizen complaint and in that case the officer was completely exonerated. Five cases involved improper vehicle usage that resulted in discipline. One sworn member was involved in two accidents. Two cases were the result of officers not following proper procedures that resulted in corrective action. There was no race, national origin, ethnicity, gender, gender identity, sexual orientation, religion, disability, age, or cultural group-based complaint during the year. In aggregate, there are no patterns or trends of serious misconduct, inappropriate actions, criminal behavior, or abuse by any member or shift of the Department.

RESPONSE TO RESISTANCE (USE OF FORCE)

The Department's "Incident Review Committee" formally evaluated six response to resistance (Use of Force) incidents that involved Department members in 2019.

INCIDENT SUMMARIES:

1. On Friday, June 28 at 11:11 p.m., while on patrol, a PSO file checked a license plate which indicated the vehicle's registered owner had a suspended license. The officer initiated a traffic stop on Rosewood near Lake Drive. The W/M driver immediately exited from the driver's side door and fled. The officer verbally commanded the driver to stop. He ignored those commands and continued running away. The officer then observed three occupants in the back seat that appeared to be juveniles.

The officer advised the vehicle occupants to put their hands up and told them not to move as he was unsure if there were any weapons or additional occupants in the vehicle. He then unholstered his duty weapon and placed it in the low ready position and waited for a backup officer to arrive. When the backup officer arrived, he tactically positioned his cruiser in a safe manner, exited his vehicle, and placed his sidearm in the low ready position. The three subjects (B/F age 12; B/F age 12; B/F age 13) were ordered, one at a time, to exit the vehicle. They were then searched, temporarily placed in cruisers, and interviewed to obtain more information. Based on the information received, the three juveniles were then transported to their appropriate residences as the investigation revealed no criminal activity on their part.

Each officer completed a "Response to Resistance Report" and the reviewing supervisor completed a "Response to Resistance Supervisory Report" according to policy.

An "Incident Review Committee" was formed to:

- Review the officers' response to resistance;
- Determine whether the Department's training programs adequately prepared the officer(s) for the circumstances encountered and determine changes to the in-service curriculum if a deficiency is identified; and
- Make recommendations as to policy revisions or amendments, if necessary.

Findings. The "Incident Review Committee" determined: (1) both officers complied with applicable response to resistance policies and procedures and were reasonable and justified based on the totality of the circumstances to draw their weapons since they had no idea why the person fled, nor did they know who or what was in the vehicle; (2) the training received prepared the officers for the response to resistance resulting in a safe and effective outcome; and (3) current policy standards require no revisions. No injuries were sustained by any involved party in this incident.

2. On Monday, July 1 at 7:30 p.m., while on patrol a PSO was contacted by a KANET sergeant who indicated they were watching a blue Chevy Tahoe in the D&W gas station lot near Breton and Burton. The subject (a 43-year-old B/M) was just involved in a cocaine sale, had multiple outstanding warrants, and was believed to be in possession of cocaine. The officer responded to the scene and located the subject parked in his vehicle in the 1800 block of Breton with the engine running. The officer exited his vehicle, contacted the subject with his weapon drawn and told the subject to keep his hands up. The subject was then ordered out of his vehicle, told to put his hands up and get face down on the ground. The subject complied without incident. He was arrested and transported to the Kent County Correctional Facility for lodging.

The officer completed a "Response to Resistance Report" and the reviewing supervisor completed a "Response to Resistance Supervisory Report" according to policy.

An "Incident Review Committee" was formed to:

- Review the officers' response to resistance;
- Determine whether the Department's training programs adequately prepared the officer(s) for the circumstances encountered and determine changes to the in-service curriculum if a deficiency is identified; and
- Make recommendations as to policy revisions or amendments, if necessary.

Findings. The "Incident Review Committee" determined: (1) the officer complied with applicable response to resistance policies and procedures and was reasonable and justified based on the totality of the circumstances to draw his sidearm; (2) the training received prepared the officer for the response to resistance resulting in a safe and effective outcome; and (3) current policy standards require no revisions. No injuries were sustained by any involved party in this incident.

3. On Thursday, August 15 at 3:25 a.m., while on patrol, a PSO heard radio traffic that a Kent County Sheriff's deputy was behind a stolen vehicle on the East Beltline at Michigan Street heading southbound. The deputy was waiting for a second unit to assist before making a stop. After notifying dispatch he was available to respond, the PSO pulled in behind the deputy and suspect vehicle on the East Beltline near Reed's Lake Blvd. When the deputy activated his overhead lights and siren, the suspect fled southbound on the East Beltline. The PSO discontinued his pursuit in the area of Lake Eastbrook. The suspect vehicle then crashed in the area of East Beltline & 28th Street. The PSO continued to the crash site and assisted in a felony

car stop with his gun drawn as he approached the vehicle which had four occupants (three adult B/Ms & one adult B/F) with KCSO deputies. Once the scene was secure, the PSO holstered his sidearm and provided medical assistance to the injured parties.

The officer completed a "Response to Resistance Report" and the reviewing supervisor completed a "Response to Resistance Supervisory Report" according to policy.

An "Incident Review Committee" was formed to:

- Review the officers' response to resistance;
- Determine whether the Department's training programs adequately prepared the officer(s) for the circumstances encountered and determine changes to the in-service curriculum if a deficiency is identified; and
- Make recommendations as to policy revisions or amendments, if necessary.

Findings. The "Incident Review Committee" determined: (1) the officer complied with applicable response to resistance policies and procedures and was reasonable and justified based on the totality of the circumstances to draw his sidearm involving a stolen vehicle that fled; (2) the training received prepared the officer for the response to resistance resulting in a safe and effective outcome; and (3) after discussing the incident with the involved officer and command staff, the Department modified portions of MOPP 8-19 Operation of Motor Vehicles/Pursuits as the language was contradictory and confusing. There were no injuries as a result of the use of force by the PSO involved in this incident.

4. On Saturday, November 9 at 8:23 p.m., two PSOs responded to a suspicious vehicle call in the 300 block of Plymouth S.E. where the car had rolled through the gate outside of a residence and was resting against the house. Dispatch indicated the car was occupied by two individuals. When the first arriving PSO was attempting to get the B/M passenger out of the car, he observed a handgun in the center console area. Both officers immediately drew their sidearms. PSO #1 then attempted to get the passenger on the ground. Initially, the passenger showed little compliance. PSO #2 drew his sidearm and covered the B/M driver with his weapon displayed. Once additional officers arrived on scene, the two suspects were taken into custody without incident. The driver was charged with OWI and carrying a concealed weapon. The passenger was charged with carrying a concealed weapon. Both were transported and lodged at the Kent County Correctional facility .

Both officers completed a "Response to Resistance Report" and the reviewing sergeant completed a "Response to Resistance Supervisory Report" according to policy.

An "Incident Review Committee" was formed to:

- Review the officers' response to resistance;

- Determine whether the Department's training programs adequately prepared the officer(s) for the circumstances encountered and determine changes to the in-service curriculum if a deficiency is identified; and
- Make recommendations as to policy revisions or amendments, if necessary.

Findings. The "Incident Review Committee" determined: (1) the officers complied with applicable response to resistance policies and procedures and were reasonable and justified based on the totality of the circumstances to draw their sidearms as a weapon was present within easy reach of both suspects; (2) the training received prepared the officers for the response to resistance resulting in a safe and effective outcome; and (3) current policy standards require no revisions. No injuries were sustained by any involved party in this incident as the result of use of force.

5. On Sunday, November 17 at 8:15 a.m., one sergeant and two PSOs assisted Grand Rapids P.D. officers during a reported shooting incident in the 1800 block of 28th Street. When the EGR responding officers arrived on scene, the sergeant deployed his patrol rifle proceeded to a position of cover behind a GRPD cruiser and covered a subject ordered out of his vehicle by GRPD until he was walked back and taken into custody. His patrol rifle was up and not pointed directly at the subject. He then assisted two GRPD officers in clearing the suspect vehicle. At this time, he had his patrol rifle pointed at the suspect vehicle until it was cleared. On arrival, PSO #1 drew his sidearm and positioned himself behind a cover vehicle. His weapon was at the low ready position but not aimed at any subjects. On arrival, PSO #2 deployed his patrol rifle and took a position of cover. His rifle was in the low ready position during the entire time he covered GRPD officers. After the vehicle and subjects (1 B/M, 1 H/M, and 1 W/F) were secured, the sergeant and two PSOs cleared the scene and returned to patrol in the City.

All three individuals completed a "Response to Resistance Report" and the reviewing sergeant completed a "Response to Resistance Supervisory Report" according to policy.

An "Incident Review Committee" was formed to:

- Review the officers' response to resistance;
- Determine whether the Department's training programs adequately prepared the officer(s) for the circumstances encountered and determine changes to the in-service curriculum if a deficiency is identified; and
- Make recommendations as to policy revisions or amendments, if necessary.

Findings. The "Incident Review Committee" determined: (1) all three officers complied with applicable response to resistance policies and procedures and were reasonable and justified based on the totality of the circumstances to draw their weapons; (2) the training received prepared the officer for the response to resistance resulting in a safe and effective outcome; and (3) current policy standards require no revisions. No injuries were sustained by any involved party in this incident.

6. On Friday, November 22 at 7:07 p.m., on Cascade Road near Hall Street, a staff sergeant assisted a Kent County Sheriff's Department deputy with a W/M (unknown age) subject who was fighting the deputy. Upon arrival, the sergeant approached to assist the deputy after observing the deputy struggling to double lock handcuffs on the subject. The sergeant told the subject to "knock it off" and then assisted the deputy by physically guiding the subject to the ground. The deputy then was able to double lock the handcuffs. The subject was then rolled over and lifted to his feet. As he was being secured in the cruiser, the sergeant was kicked in the chest twice by the subject.

At about 8:00 p.m., once medical arrived on scene, it was determined that the suspect needed to be placed in leg chains since he was kicking and banging his head against the cruiser window. The deputies and sergeant opened the patrol vehicle door, grabbed the suspect by his arms and legs, and placed him on his belly on the ground. A spit hood was placed on the suspect as the officers held him down. They then placed the leg and connector chains on the suspect. During this time, the suspect was actively resisting. The sergeant asked if he was hurting anywhere and checked his hands for injury. The suspect was then placed into the back of the patrol vehicle and transported to the Kent County Correctional Facility by the arresting deputy.

The sergeant completed a "Response to Resistance Report" and the reviewing supervisor completed a "Response to Resistance Supervisory Report" according to policy.

An "Incident Review Committee" was formed to:

- Review the sergeant's response to resistance;
- Determine whether the Department's training programs adequately prepared the sergeant for the circumstances encountered and determine changes to the in-service curriculum if a deficiency is identified; and
- Make recommendations as to policy revisions or amendments, if necessary.

Findings. The "Incident Review Committee" determined: (1) the sergeant complied with applicable response to resistance policies and procedures and was reasonable and justified based on the totality of the circumstances to respond to the resistance offered by the subject; (2) the training received prepared the sergeant for the response to resistance resulting in a safe and effective outcome; and (3) current policy standards require no revisions. No injuries were sustained by any involved party in this incident.

SUMMARY & ANALYSIS OF RESPONSE TO RESISTANCE INCIDENTS

East Grand Rapids Department of Public Safety personnel responded to 6,060 calls for service, arrested 259 individuals for Part I, II, and III Crimes, and made 1,877 citizen contacts in 2019. There were no injuries to citizens, residents, non-residents, other community members or officers as a result of the use of force in any incident by a member of the East Grand Rapids Department of Public Safety. Force was used only six times:

- During 6060 (0.099%) calls for service. In other words, force was not used in 99.9% of calls for service; and
- In 259 (2.3 %) Part I, II, and III arrest situations. Put another way, force was not used in 97.7% of arrest situations.

Force is rarely applied by East Grand Rapids officers. In the vast majority of incidents – including arrests – both the officer and citizen/victim/suspect are respectful and courteous to one another and the events are peacefully resolved.

For 2019, these incidents were categorized as *weapons displayed in our city (3)*; *weapons displayed while backing up an agency outside of our city (2)*; and *(1) hands-on while backing up an agency outside of our city*. The review included an analysis of the officers involved in response to resistance situations. There are no patterns of a specific officer being involved in an alarming number of incidents. One officer was involved in two incidents as a back-up officer. He assisted at a traffic stop where an individual fled into East Grand Rapids and served as a back-up officer in a shooting outside the city. There were different officers involved in all other cases. All force used was determined to be within policy.

Additionally, there were no race, national origin, ethnicity, gender, gender identity, sexual orientation, religion, disability, age, or cultural group-based response to resistance (use of force) complaints during the year. There are no patterns or trends of serious misconduct, inappropriate actions, criminal behavior, or use of force abuse by any member or shift of the Department.

Areas for Improvement:

- One “Response to Resistance Report” used was an old version.
Recommendation: Remove all outdated “Response to Resistance Report” forms.
- One “Response to Resistance Report” supervisor’s report page was not completed all the way.
Recommendation: Remind all supervisors to complete the report in its entirety.
- One supervisory review of the incident was completed by the sergeant that was involved in the incident. This report was completed by a sergeant who had less than six months as a sergeant.
Recommendation: A policy review with the sergeant was completed.
- Videos were reviewed in all six cases. There were some audio issues with a few of the incidents. It was determined this was a system issue.
Recommendation: Updates to the video system were made and additional training was conducted.

VEHICLE PURSUITS

In 2019, one vehicle pursuit occurred that involved a sworn member of the Department.

1. On Thursday, August 15, while on patrol, a PSO heard radio traffic that a Kent County Sheriff's Office deputy was behind a stolen vehicle on the East Beltline heading southbound. The deputy was waiting for a second unit to assist before making a stop. The PSO pulled in behind the deputy and suspect vehicle on the East Beltline near Reed's Lake Blvd. When the deputy activated his overhead lights and siren, the suspect fled southbound on the East Beltline. The PSO discontinued his pursuit in the area of Lake Eastbrook. The suspect vehicle then crashed in the area of East Beltline & 28th Street. The PSO continued to the crash site and assisted in a felony car stop with his gun drawn as he approached the vehicle, which had four occupants (3 B/Ms & 1 B/F), with KCSO deputies. Once the scene was secure, the PSO provided medical assistance to the injured parties.

The officer completed a "Pursuit Report" and the reviewing supervisor completed a "Pursuit Review Summary" according to policy.

The internal affairs investigation indicated the involved officer did not get a specific request to continue the pursuit and did not get pursuit approval from a supervisor. It was determined that the member's actions violated MOPP Section 8-19 M.2. which states: "*...personnel and vehicles shall not become involved in any pursuits by outside agencies. Officers shall monitor the pursuit and assist the primary agency in the event the assistance is needed...Exception. Officers may join in a pursuit initiated by an outside police agencies if only one police vehicle is involved in the pursuit and a secondary unit is needed, but only if the outside agency makes a specific request for assistance and the request is approved by a Department supervisor.*"

The disposition finding for this incident was SUSTAINED. The Department member received a written reprimand. No injuries were sustained by any involved party in this incident as a result of the EGR pursuit or use of force.

Corrective action. After discussing the incident with the involved officer and command staff, the Department modified portions of MOPP 8-19 Operation of Motor Vehicles/Pursuits as the language was contradictory and confusing.

SUMMARY & ANALYSIS OF VEHICLE PURSUITS

The Department has had a no pursuit policy, unless exceptional circumstances exist, since the late 1990s. Officers routinely disengage from following non-stopping traffic violators before the situation becomes a pursuit. There are no patterns of individuals or shifts engaging in unwarranted pursuits.

FOOT PURSUITS

In 2019, one foot pursuit occurred that involved two sworn members of the Department.

1. On Sunday, May 5 at 2:11 p.m., while on patrol, two PSOs were dispatched to the 1700 block of Breton Road S.E. to check on the welfare of a W/M in his forties yelling at citizens as they walked passed him. The PSOs engaged in conversation with the subject near Breton and Berwyck. The officers asked him for his name. A file check, for the name given, revealed misdemeanor warrants for his arrest out of Grandville and Kentwood. When informed of this, the subject told the officers he gave a false name. A file check of his real name indicated he had a warrant for "use of methamphetamines" out of Grand Haven. The suspect was advised he was under arrest. The officers told the subject to stand up. As they positioned themselves for the arrest, the suspect immediately ran away. Both officers chased the suspect yelling for him to stop. PSO #1 caught up to the suspect at Englewood and Breton and grabbed his right arm and performed an arm bar take down to affect the lawful arrest. The suspect was handcuffed behind his back, searched incident to arrest, placed in a cruiser and transported to the Kent County Correctional Facility.

A "Foot Pursuit Report" was completed. It is believed a "Supervisors Foot Pursuit Review" was also completed. However, neither report was in the file.

An "Incident Review Committee" was formed to:

- Review the circumstances surrounding the incident;
- Determine whether the Department's training programs adequately prepared the officers for the circumstances encountered and determine changes to the in-service curriculum if a deficiency is identified; and
- Make recommendations as to policy revisions or amendments, if necessary.

Findings. The "Incident Review Committee" determined: (1) both officers complied with applicable foot pursuit and response to resistance policies and procedures and were reasonable and justified to engage in the foot pursuit based on the totality of the circumstances. (2) the training received prepared the officers for the foot pursuit resulting in a safe and effective outcome; and (3) current policy standards require no revisions. No injuries were sustained by any involved party in this foot pursuit.

SUMMARY & ANALYSIS OF FOOT PURSUITS

As a part of the MLEAC accreditation process, the Department is required to have a foot pursuit policy. The Department enacted its first foot pursuit policy in 2018. There are no patterns of individuals or shifts engaging in unwarranted foot pursuits.

Areas for Improvement:

- Ensure all reports are properly filed and maintained.