



City of East Grand Rapids
Department of Public Safety

Annual Analysis & Review for 2021

March 21, 2022

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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 to maintain accreditation status. The purpose of the (publicly available) 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 16 complaints involving members of the Department in 2021.

INCIDENT SUMMARIES:

1. On January 12 at 11:00 p.m., a sworn member failed to report to work at his scheduled start time. An on-duty officer noticed the scheduled officer was not at work and immediately called him. The officer arrived at 11:23 p.m. and informed the supervisor he thought he hit snooze but turned off his alarm and overslept. The supervisor informed him his behavior was unacceptable and completed a "Supervisor Daily Activity Report" which was forwarded to Internal Affairs for review.

Investigative findings. The disposition finding for this incident was SUSTAINED. The investigation disclosed sufficient evidence to prove the alleged conduct and the conduct was improper. A review of the incident indicated the member's actions violated Manual of Policy & Procedure (MOPP) Section 3-40 D.4.a. which states:

"Reporting/Assignment for Duty. Personnel shall [r]eport for duty at the time and place required by assignment or orders."

Corrective action. The Department member received a WRITTEN REPRIMAND since this was his second time being late within a month. The officer was counseled about the importance of being on time and advised to use two alarms if necessary.

2. On January 17 at 12:46 a.m., a sworn member noticed a white SUV with no headlights (but with taillights on) parked near Argentina and Burchard. When PSO #1 turned around to contact the vehicle it was gone. He circled back to Burchard and located the vehicle. The taillights were on, but no headlights were on. PSO #1 was not sure if anyone was in the vehicle, so he pulled up next to the vehicle. The driver, an 18-year-old B/M, opened the door of his car and the officer briefly spoke to him. PSO #1 then notified dispatch by calling out the stop.

The officer exited his cruiser and approached the driver's vehicle on foot. As he was talking with the driver, the officer heard loud shouting coming from a residence in

the 2300 block of Burchard. A 51-year-old W/M came out of the residence, yelled at the officer, and aggressively walked right up to him interfering with the stop. The officer immediately called for another car, and repeatedly told the man to step back. He refused to do so telling the officer he had no reason to stop the Jeep. After repeated requests to move away, the man's son appeared. He asked the officer to speak with someone via cellphone. The officer then asked the son to stay back as well. As the man became more belligerent, the backup officer (PSO #2) arrived on-scene and asked the two to step out of the road. The son immediately complied. The 51-year-old W/M did not step out of the road until being asked several times. He insisted the PSO #1 was racist and had no reason to stop the driver. The backup officer indicated the father appeared to be very intoxicated. The father did inform the PSO #2 he had been drinking.

PSO #1 was now able to obtain driver information. The driver was also on the phone with his mother and asked the officer to speak with her. The PSO #1 then file checked the driver and spoke to his mother about the nature of the stop. She arrived on-scene, and PSO #1 further explained the situation. After talking with the driver and mother, the officers learned the 18-year-old was just going to visit the 51-year-old's residence to stay with a friend.

Complaint. On January 18 at 12:01 p.m., Chief Herald received an email from the 18-year-old's mother stating, in part, "Given the current events of tension between people with brown skin and police officers, this was an unfortunate first interaction for my son. It felt like harassment and intimidation...My concern is of the equity of this treatment." The complaint was then assigned to Capt. Buikema for internal investigation.

On January 22, Capt. Buikema interviewed the primary officer who stated:

"...he saw the vehicle with its taillights engaged and headlights off in an area where we have had several larcenies from auto complaints over the past several months... [The officer] ... stated he did not know if any one was in the vehicle until he pulled up near it and the driver opened the door. He then...[contacted]...the driver and was immediately approached by the homeowner on Burchard...which distracted him and at that point he called for another unit. He was able to determine the 18-year-old male was there to visit his friend. [The officer] ...took the time to talk with the driver's mother by

telephone and advised her what took place. [He] stated...had the homeowner not come out and confronted him, the contact could have been much quicker.”

On January 26, Capt. Buikema discussed the complaint with the 18-year-old and his mother at the Department of Public Safety. The 18-year-old stated:

“...he...was parked in front of his friend’s house on the side of the street when [the officer] contacted him...the homeowner...came out of the house and... [contacted the officer]. [The 18-year-old complainant] could not tell if the [homeowner] was aggressive or yelling. [The complainant then indicated he] did not like the use of the word investigation by [the officer]. This made him feel like he was being investigated for doing nothing wrong. The complainant and his mother both understood the use of the term and police lights during the incident but acknowledged the optics of the entire scene. The 18-year-old complainant did not feel the incident was considered harassment, intimidation, or racially biased.”

Capt. Buikema, the 18-year-old, and his mother then discussed:

“...potential alternative words that could have been used by [the officer] such as surveying the scene rather than using the term investigating. Both [the complainant] and his mother...stated that [the officer] was polite and did not display rudeness during the incident.”

Investigative findings. The disposition finding for this incident was NOT SUSTAINED. The investigation failed to disclose sufficient evidence to prove the alleged conduct.

A review of the incident indicated the member’s actions did not violate any Manual of Policy & Procedures or Rules & Regulations. Capt. Buikema’s concluding findings indicate the officer:

- Investigating a vehicle parked on the side of the road with only its taillights on in an area where numerous larcenies from autos recently occurred created enough reasonable suspicion to justify investigation.

- Did not know the vehicle was occupied until the driver opened the door.
- Used solid judgment to request a backup officer when the homeowner aggressively approached and diverted his attention. Once the backup officer was on scene, the primary officer determined there was no suspicious activity.
- The officer took the time to explain what occurred to the mother afterwards.

Corrective action. None. However, the officer was advised to:

- Be mindful that different words (investigation, detention, contact) may mean different things to different people depending on the specific situation.
- Be aware of the optics of a situation. Two police cruisers with overhead lights on can create the perception something more serious is occurring than the reality of the situation.
- Ensure the in-car video microphone is working. The audio portion failed to record. The involved officer stated he checked the system before his shift, and it was functioning properly.

Note. Chief Herald briefly met with the 18-year-old complainant, his mother, and a concerned friend just prior to Capt. Buikema's interview with the complainant at the request of the mother. He briefly explained the internal affairs process as they discussed the incident. The Chief then introduced them to Capt. Buikema.

3. On January 18, a sworn member crashed Engine #21 into the Apparatus Bay's lockers on the east wall while backing in. Several lockers were damaged. There was no damage to Engine #21. A PSO was spotting for the driver of Engine #21 but had moved to the passenger side during the backing. The spotter indicated he gave a hand signal for the driver to stop but the driver did not see it. The on-duty supervisor completed a "Supervisor Daily Activity Report" and forward it to Internal Affairs for review

Investigative findings. The disposition finding for this incident was SUSTAINED. The investigation disclosed sufficient evidence to prove the alleged conduct and the conduct was improper. A review of the incident indicated the member's actions violated Manual of Policy & Procedure (MOPP) Section 6-22 B.3.i. which states:

“The driver shall [u]tilize another Department member as a spotter when backing fire apparatus. The apparatus shall be backed only when the spotter is in clear view of the driver on the driver's side of the apparatus.

1) When the apparatus is backed, the spotter shall have a portable radio and be in communication with the equipment operator.”

Corrective action. The Department member received a WRITTEN REPRIMAND and was advised to drive with more care when using city vehicles.

4. On February 23, an on-duty officer was driving the detective's car and got stuck in the snow at the DPW building. The snow was too deep to push the vehicle out by hand. When the responder officer arrived to assist, he planned to use the cruiser's push pumper to move the stuck cruiser. (The officer had successfully performed this maneuver on previous occasions without ever causing damage). As the assisting officer closed on the detective's car, he had difficulty maneuvering into position because of the deep snow. Attempting to power through the snow, the officer drove quickly into the bumper of the detective's car, denting and cracking the rear driver's side bumper. The officer immediately notified the on-duty sergeant and detailed the incident in a report which was forwarded to Internal Affairs.

Investigative findings. The disposition finding for this incident was SUSTAINED. The investigation disclosed sufficient evidence to prove the alleged conduct and the conduct was improper. A review of the incident indicated the member's actions violated Manual of Policy & Procedure (MOPP) Section 8-19 C.3.a) & b) which states:

“Non-emergency (routine driving). In all other cases, officers shall be governed by the traffic laws and rules of the road and operate police vehicles in a safe, courteous manner.”

Corrective action. The Department member received a WRITTEN REPRIMAND and was advised to drive with more care when using city vehicles.

5. On February 23, an on-duty officer parked his police cruiser in front of the "Repair Stall." When the officer realized he was blocking in the yellow community service truck he attempted to move his cruiser in front of Platform #23's bay. As the officer backed into the bay, he hit the bay door causing damage to the bottom panel. There was no damage to the police cruiser or functional damage to the bay door. The officer notified the on-duty supervisor and detailed the incident in a report which was forwarded to Internal Affairs.

Investigative findings. The disposition finding for this incident was SUSTAINED. The investigation disclosed sufficient evidence to prove the alleged conduct and the conduct was improper. A review of the incident indicated the member's actions violated Manual of Policy & Procedure (MOPP) Section 8-19 C.3.a) & b) which states:

"Non-emergency (routine driving). In all other cases, officers shall be governed by the traffic laws and rules of the road and operate police vehicles in a safe, courteous manner."

Corrective action. The Department member received a WRITTEN REPRIMAND and was advised to drive with more care when using city vehicles.

6. On March 24, at 10:55 p.m., an on-duty officer was attempting drive the detective vehicle out of a parking space in the Public Safety Building's lower garage when he struck one of the concrete pillars. As a result of the collision the rear passenger door and the passenger fender next to the door were dented and paint from the pillar was transferred to the passenger side of the car. The car was drivable and fully functional. The officer notified the on-duty supervisor and detailed the incident in a report which was forwarded to Internal Affairs.

Investigative findings. The disposition finding for this incident was SUSTAINED. The investigation disclosed sufficient evidence to prove the alleged conduct and the conduct was improper. A review of the incident indicated the member's actions violated Manual of Policy & Procedure (MOPP) Section 8-19 C.3.a) & b) which states:

“Non-emergency (routine driving). In all other cases, officers shall be governed by the traffic laws and rules of the road and operate police vehicles in a safe, courteous manner.”

Corrective action. The Department member received a WRITTEN REPRIMAND and was advised to drive with more care when using city vehicles.

7. On Thursday, April 8 at 10:20 a.m., a sworn member responded to the 600 block of Manhattan Road regarding a call from the homeowner stating a truck was parked in the street partially blocking the driveway of his residence. The truck was contracted by the City of East Grand Rapids to complete sewer lining work for the City. When the responding officer arrived on-scene, he observed a large box truck and a pickup truck backed up to each other. The box truck was blocking approximately 50% of the driveway. The officer indicated there was enough space to allow a car to enter and leave the property without the truck being moved. After his brief review of the scene, the officer walked to the residence and rang the doorbell.

The officer greeted the couple and asked what he could help them with. The W/M resident said, “We need that truck moved.” The officer then told the couple that the workers were lining the sewers and just be patient. The couple stated they were upset with the city for failing to provide them with notice of the sewer work. The pair indicated they would have parked in the cul-de-sac had they known. The officer, after a short conversation, told the homeowners that he was not going to tell the workers to move the truck. The male then told the officer “I don’t want to talk to you.” The officer said, “Thank you sir” and began walking away.

The U/F female resident then exited the house and stated, “That truck needs to be moved.” We can’t get in and out of our house.” The officer tried to explain what was going on and asked her to walk with him to the work site so he could show her why the trucks were parked as they were. She refused his offer, saying she had already viewed the site. The female resident then again asked for the trucks to be moved. After another brief conversation with the female, the officer began walking away when she stated, “Do not walk away from me!” the officer replied, Ma’am, don’t treat me like a kid! OK! I’m, trying to solve a problem. Trying to take care of it and you’re yelling at me, and I don’t deserve it. The homeowner replied, “You are not being compassionate and not being respectful of our situation. We’re taxpayers and we did not get any notice that they were going to block our driveway for an

unforeseeable amount of time. That is unacceptable." The officer then asked, "Would you like all of the work shut down to make you happy?" She said, "Sure" and the officer stated, "I'll see what I can do for you ma'am."

The officer then spoke with the construction crew and asked them if they could flip flop the trucks so they would not block the complainant's driveway. They explained that it would fully block the other neighbor's driveway. He asked if they could back the truck up a little to give the owners more room to get out. The work crew then backed up the large truck as far as they could, about 2 feet and repositioned the orange cones. The officer left the scene without notifying the residents of the changes.

Complaint. On April 8, Chief Herald received a phone call from the female homeowner and Detective Sergeant Scott Kolster received a phone call from the male homeowner regarding the incident. Both wanted to make a complaint against the officer. Their complaint alleged the officer was:

- Aggressive, rude and his tone, demeanor and attitude were not what they expected.
- Sarcastic and non-helpful in a non-hostile situation which upset them.
- Only there to make the situation worse.
- Adjusting his body camera, the whole time during the call and viewed this as threatening.

Investigative findings. The disposition finding for this incident was SUSTAINED. The investigation disclosed sufficient evidence to prove the alleged conduct and the conduct was improper. A review of the incident indicated the member's actions violated Manual of Policy & Procedure (MOPP) Section 3-40 D.10.b. which states:

"Personnel shall be courteous and tactful in the performance of their duties with the public. Members shall not use profane or insolent language or gestures in the performance of their duties. Exceptions may be warranted based on objectively reasonable circumstances."

Corrective action. The Department member received a WRITTEN REPRIMAND and was required to attend de-escalation training in 2021. After reviewing the videotape of the incident, the officer agreed his conduct was inappropriate.

8. On Friday, May 24, a crossing guard was working his assigned post when a W/F, out for a run, crossed the street after disregarding the light. The complainant said the crossing guard verbally assaulted her while she was in the street. The crossing guard told her she should wait for the light. The female runner told the guard she was not subject to that, and it was not her job to set that example. She then told the crossing guard it was their job to take care of the kids and...set an example of how adults talk to other adults.

Complaint. The female runner indicated the crossing guard:

- Called her the “baddest apple and needing to watch her back.”
- Should focus on “his job and not worry about what the adults are doing.”

Investigative findings. The disposition finding for this incident was SUSTAINED IN PART. The investigation disclosed sufficient evidence to prove that parts of alleged conduct and the conduct was improper. When asked about calling the complainant a “bad apple,” the crossing guard said “[I do] not recall saying anything like that to her.” A review of the incident indicated the member’s actions violated Manual of Policy & Procedure (MOPP) Section 3-40 D.10.b. which states:

“Personnel shall be courteous and tactful in the performance of their duties with the public. Members shall not use profane or insolent language or gestures in the performance of their duties. Exceptions may be warranted based on objectively reasonable circumstances.”

Corrective action. The crossing guard received a VERBAL COUNSELING informing him/her to:

- Not engage with adults if they are not going to follow the law.
- Speak with the safeties if an incident like this occurs again explaining the right and wrong of the situation and not reprimand and adult in front of the safeties/children.

9. On June 19, a sworn member of the Department failed to show up for work and failed to call in and notify a supervisor he was sick.

Investigative findings. The disposition finding for this incident was SUSTAINED. The investigation disclosed sufficient evidence to prove the alleged conduct and the conduct was improper. A review of the incident indicated the member's actions violated Manual of Policy & Procedure (MOPP) Section 3-40 D.4.a. which states:

“Personnel shall [r]eport for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties.”

Corrective action. The sworn member received a CONFERENCE REPORT and was advised to always notify a supervisor when calling in sick.

10. On Saturday June 19 at 6:30 p.m., A sworn member was dispatched to the 2600 block of Oakwood on a reckless driving complaint. During the investigation, the officer talked with the complainant who advised an older, white male drove around the road closed barricades and through the block party. The complaint advised the suspect was parked down the street near some white chairs in a yard and was driving a black car.

The officer then contacted an elderly, white male, who lived in the house with the white chairs, and had a black car in the driveway.

Complaint. On June 21, 2021, around 9:45 a.m., a W/M (age unknown) came into the Department to report the officer:

- Was unprofessional and unjustly accused him of being the reckless driver.
- Should not have given him the “drive safer speech.”
- Did not take the information given from the complainant and thoroughly investigate the reckless driver.

Investigative findings. The disposition finding for this incident was NOT SUSTAINED. The investigation failed to disclose sufficient evidence to prove the alleged conduct.

A review of the incident indicated the member's actions did not violate any Manual of Policy & Procedures or Rules & Regulations. Capt. Buikema's concluding findings indicate the officer:

- At no point was unprofessional or rude in his contact with the complainant, or the suspect.
- Was appropriate in contacting and investigating the complainant given the earlier information and description.
- Was at no point accusatory or out of policy.
- Did locate and identify the suspect driver responsible and issued a warning to him regarding safe driving and speeding.

Corrective action. None.

11. On August 17, at 11:00 p.m., a sworn member engaged in a motor vehicle pursuit with two vehicles.

While patrolling southbound on Lake Grove near Maplewood, the officer observed two vehicles, a silver SUV, and a black 4-door sedan, traveling eastbound on Richards, turn south onto Lake Grove. The second vehicle was operating with no head or taillights. The officer attempted to gain on the vehicles, to stop the black 4-door, and was unable to close as both vehicles were traveling at a high rate of speed. The officer activated his overheads on Lake Grove at Albert, and both vehicles immediately disregarded the 4-way stop at Lake Grove & Boston, and turned west on Boston, increasing their speeds dramatically. He continued to follow both vehicles, activating his siren after turning onto Boston - both vehicles disregarded the stop light at Boston & Breton, continuing westbound at speeds more than 70 mph. Due to the high speeds, disregard for traffic signaling devices, distance between the pursuing and pursued vehicles, and both pursued vehicles leaving EGR's jurisdiction, the officer terminated the pursuit. Dispatch was then notified of the situation and instructed to broadcast the information to GRPD units.

Investigative findings. The disposition finding for this incident was SUSTAINED. The investigation disclosed sufficient evidence to prove the alleged conduct and the conduct was improper. A review of the incident indicated the member's actions violated Manual of Policy & Procedure (MOPP) Section (s):

- 8-19 G.1. which states:

*“... Sworn members may pursue when **all** three of the following*

factors can reasonably be articulated:

- a) When the officer knows or has reasonable grounds to believe the person being pursued has committed or attempted to commit a serious felony. For purposes of this procedure, a serious felony is one that involves an actual or threatened attack upon another human being which the officer has reasonable cause to believe could result in death or serious bodily injury.*
- b) Is the need to immediately apprehend the suspect more important than the risk created by the pursuit?*
- c) Do the dangers created by the pursuit exceed the danger posed by allowing the perpetrator to escape?"*

- 8-19 G.2. which states:

*"... Sworn members shall **NOT** pursue:*

- a) When the sole basis is a civil infraction or misdemeanor traffic violation unless extenuating circumstances exist which create a significant threat to public safety which can be articulated by the officer.*
- b) For the felony of fleeing and eluding unless extenuating circumstances create a significant threat to public safety. Officers must be able to articulate the reason for any pursuit initiated under these circumstances."*

- 8-19 H.1.a) which states:

"...Any sworn member initiating a pursuit shall [i]mmediately notify dispatch by radio and relay the following information:

- 1) Location and direction of travel.*
- 2) Reason for pursuit.*
- 3) Suspect vehicle and occupant description; and*

4) *Speeds involved, flow of traffic, and road conditions (if appropriate).*”

Corrective action. The officer was issued an 8-HOUR SUSPENSION held in abeyance for 6-months from August 17, 2021, to February 17, 2022. Key points discussed with the officer were:

- Missing several clear opportunities to comply by terminating the pursuit.
- Failing to call out attempted stops of the vehicles prior to abandoning the pursuit.
- Reaching speeds above 70-mph during the attempt to stop the vehicles while having no information to believe the vehicles and/or occupants participated in a serious, violent felony.

Note: In this incident, the reviewing sergeant initially approved the pursuit. He was also advised regarding the Department's new pursuit policy for future reviews.

12. On September 8 at 3:29 p.m., a sworn member was driving his police cruiser westbound on Burchard; the roadway was narrow as vehicles were parked on both sides of the road since school was letting out. While driving past another vehicle the cruiser's passenger side mirror clipped the driver's side mirror of a legally parked – and occupied – vehicle. The cruiser's mirror was already broken from a previous incident. The mirror of the parked car was moved back into position; however, the glass was broken.

Investigative findings. The disposition finding for this incident was SUSTAINED. The investigation disclosed sufficient evidence to prove the alleged conduct and the conduct was improper. A review of the incident indicated the member's actions violated Manual of Policy & Procedure (MOPP) Section 8-19 C.3.a) & b) which states:

“Non-emergency (routine driving). In all other cases, officers shall be governed by the traffic laws and rules of the road and operate police vehicles in a safe, courteous manner.”

Corrective action. The officer was issued a WRITTEN REPRIMAND and advised to always drive safely.

13. On September 7, 2021, a sworn member hit a mailbox with his cruiser while responding to assist KCSD deputies near Cascade and Arlington. While driving N/B on Manhattan approaching Cascade the officer observed an unoccupied truck/trailer parked on the west side of the road. Another truck/trailer turned onto Manhattan from Cascade travelling S/B. To make room for the truck travelling in the opposite direction the officer moved closer to the curb and struck a mailbox causing the passenger side mirror to break.

Investigative findings. The disposition finding for this incident was SUSTAINED IN PART. The investigation disclosed sufficient evidence to prove the alleged conduct and the conduct was improper in part.

- During our initial conversation about the incident, the officer correctly pointed out that the driver of the truck was over the centerline causing him to drive closer to the curb and strike the mailbox. A review of the in-car video with the internal affairs commander determined the truck did cross into the officer's lane causing him to drive closer to the curb. During my discussion with the officer, I indicated he could have slowed down to potentially avoid striking the mailbox. As result, the disposition finding for this incident is SUSTAINED IN PART.
- A review of the incident indicated the member's actions violated Manual of Policy & Procedure (MOPP) Section 8-19 C.3. which states:

“...In all other cases, officers shall be governed by the traffic laws and rules of the road and operate police vehicles in a safe, courteous manner.”

Corrective action. The officer received a VERBAL COUNSELING and was advised to always drive safely when responding to calls for service.

14. On October 7, a department member notified the internal affairs commander that the content of a conversation with another Department member while at work was uncomfortable. This was the only time the offending member said something inappropriate.

Investigative findings. The disposition finding for this incident was SUSTAINED. The investigation disclosed sufficient evidence to prove the alleged conduct and the conduct was improper. A review of the incident indicated the member's actions violated Manual of Policy & Procedure (MOPP) Section 3-40 D.6.g. which states:

“Employees shall treat supervisors, subordinates, associates, and citizens with the appropriate level of respect, courtesy, and civility at all times in their relationships with others.”

Corrective action. The Department member received a VERBAL COUNSELLING memorandum and was advised not to engage in any inappropriate conversations with employees or within hearing distance of the public.

15. On December 15, 2021, a sworn member left his duty firearm unsecured in the F-150 in the lower garage after participating in less lethal training. The pistol was discovered by a non-sworn city employee who was using the F-150 for another assignment.

Investigative findings. The disposition finding for this incident was SUSTAINED. The investigation disclosed sufficient evidence to prove the alleged conduct and the conduct was improper. A review of the incident indicated the member's actions violated Manual of Policy & Procedure (MOPP) Section 11-13 J.1. which states:

“Sworn members [w]hile on-duty and assigned to station duty may carry their weapon or secure it. If the officer chooses to secure it, the weapon shall be left loaded and locked in the employee's locker. Administrative personnel, detectives, and the school liaison officer may lock their weapons in their desks.”

Corrective action. The officer received a WRITTEN REPRIMAND and was advised to properly secure his weapon according to policy.

16. During calendar year 2021, a sworn member was given training assignments to review and sign for in Power DMS. Numerous email reminders were sent reminding the sworn member to complete the assigned tasks. On December 29, a supervisor completed a “Supervisor Daily Activity Report” and discussed with the member the

work performance regarding completing assigned tasks (policies and procedures in Power DMS) was unsatisfactory. The supervisor then sent an email reminder on 12.8.21 to the employee stating all assignments needed to be completed on his next duty day which was 12.9.21. The individual did not complete the assigned tasks on 12.9.21.

Investigative findings. The disposition finding for this incident was SUSTAINED. The investigation disclosed sufficient evidence to prove the alleged conduct and the conduct was improper. A review of the incident indicated the member's actions violated Manual of Policy & Procedure (MOPP) Sections:

- 1-19 E.2. which states.:

“1. Upon notification of a new directive, task or assignment, personnel must log into the Department’s Power DMS/Police One website prior to the established due date.”

“2. Personnel are responsible for reading each written directive received, completing any assigned training or quiz/test, and obtaining clarification from their supervisor for any portion of the directive that is not understood.”

- 3-40 D.3. which states:

“a. Personnel shall maintain sufficient competency to properly perform their duties in a manner maintaining the highest standards of efficiency in carrying out their duties and objectives of the Department. Unsatisfactory performance may be demonstrated by:

2) An unwillingness or inability to perform assigned tasks.

3) The failure to conform to work standards established for the employee’s rank, grade, or position.”

Corrective action. The member received a WRITTEN REPRIMAND and was advised to properly complete all training assignments by the assigned due date unless exempted by the director or captain.

SUMMARY & ANALYSIS OF INTERNAL AFFAIRS INVESTIGATIONS

The Internal Affairs function ensures department personnel perform their duties in a lawful and professional manner while respecting the rights and dignity of all persons. Complaints concerning the performance of the Department, or its members, are reviewed by the Internal Affairs Unit under the direction of Captain Ric Buikema, who ensures all complaints are thoroughly investigated in a timely manner. Cases are then forwarded to the Director for review and final disposition.

In May of 2020, the Department added the disposition of "Policy Failure" to address incidents where the organization needed to improve a specific policy before an individual could be held accountable.

Internal affairs complaints dispositions are:

- *Sustained* – Investigation proved that the act or acts happened, and the complaint is valid.
- *Not Sustained* – Investigation could not prove or disprove the complaint.
- *Exonerated* – Investigation showed that the act or acts did occur, but they were legal, justified, or appropriate.
- *Unfounded* – Investigation showed that the act or acts complained of did not occur.
- *Policy Failure* – The investigation disclosed sufficient evidence to prove the act or acts occurred, however the policy: (1) did not address the situation appropriately; (2) contained conflicting information; (3) and/or was deficient and failed to achieve the desired outcome.

Internal Affairs Complaints:	Year					Total By Type 17 to 21
	2017	2018	2019	2020	2021	
Abuse of Authority						
Excessive Use of Force	0	0	0	0	0	0
Improper Touching/Behavior	0	0	0	0	0	0
Misuse of Position/Authority	1	0	0	0	0	1
Racial Profiling/Discrimination	0	0	0	0	1	1
Illegal Activity	0	0	0	0	0	0
Improper Procedure						
Mishandled Personal Property	0	0	0	0	0	0
Enforcement Decision	0	1	0	0	0	1
Falsification of Documents	0	0	0	0	0	0
Rules & Regulation Violation	1	0	1	0	2	4
Inappropriate Detainment	0	0	0	0	0	0
Improper Questioning	0	0	0	0	0	0
Inappropriate Child Interview	0	0	0	0	0	0
Mishandling Evidence	0	0	0	0	0	0
Unsafe Vehicle Operation	0	0	5	1	7	13
Unprofessional Conduct						
Rudeness/Threatening	0	0	1	1	0	2
Inappropriate Statement	0	0	2	0	1	3
Unprofessional Conduct	<u>0</u>	<u>0</u>	<u>2</u>	<u>1</u>	<u>5</u>	<u>8</u>
<i>Total Complaints:</i>	2	1	11	3	16	33

Internal Affairs Complaint Dispositions:	Year					Total By Type 17 to 21
	2017	2018	2019	2020	2021	
Sustained/ Sustained in Part	1	1	9	2	14	27
Not Sustained	1	0	1	1	2	5
Exonerated/ Exonerated in Part/ Not Sustained in Part	0	0	1	0	0	1
Unfounded/ Unfounded in Part/ Sustained in Part	0	0	0	0	0	0
Policy Failure	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>0</u>	<u>0</u>	<u>0</u>
<i>Total Dispositions per Year:</i>	2	1	11	3	16	33

Review

- In 2021, there were 16 reported complaints to the Internal Affairs Unit which was the highest number of complaints in 5 years. Of those only 4 (25%) were citizen initiated; 2 were sustained and 2 were not sustained. The 2 not sustained complaints consisted of a racial profiling concern (See I.A. Complaint #2 of this report) and an unprofessional conduct/attitude complaint (See I.A. Complaint #10 of this report). Investigation and video review of body camera footage for both incidents assisted in determining the final dispositions. It's also important to note that how officers and citizens/subjects view incidents can be quite different yet correct based on their perception of the incident.
- 12 (75%) of the 16 reported complaints were internally and/or administratively driven. Of these, 7 (44%) involved unsafe driving procedures; 5 of the 7 involved different officers and were not related; in 2 incidents, the officer was the same. In the first incident

(See I.A. Complaint #4 of this report), the officer received a written reprimand in the second incident (See I.A. Complaint #11 of this report), the officer was issued an 8-hour suspension held in abeyance for six months; was required to review the Department's pursuit policy and counseled regarding pursuits. In this incident, the reviewing sergeant initially approved the pursuit. He was also advised regarding the Department's new pursuit policy for future reviews.

- 4 (25%) of the 16 incidents involved unprofessional conduct with 4 different Department members. In the first incident, a sworn member failed to report for duty on time. In the second incident, a sworn member failed to call in sick. In the third incident, a sworn member left his sidearm unsecured in the building. And in the fourth incident, a sworn member failed to complete his training assignments on time.
- 2 (13%) of 16 incidents involved inappropriate language and comments. In each case, the offending Department members acknowledged their actions and were counseled regarding appropriate conduct with fellow employees and citizens.

The review included an analysis of the officers involved in the complaints. There are no patterns or predictive trends indicating program ineffectiveness or need to upgrade/modify equipment, training, and/or policy. Additionally, no member of the Department, sworn or civilian, was involved in an alarming number of complaints. Two officers were individually involved in two different complaints that were unrelated – no pattern or trend was detected in the incidents.

There are no patterns or trends of serious misconduct, inappropriate actions or criminal behavior or abuse by any member, unit or shift of the Department. However, the increase in the number of unsafe driving incidents compared to previous years is a concern even though relatively low in number.

There was one race, national origin, ethnicity, gender, gender identity, sexual orientation, religion, disability, age, or cultural group-based complaint during the year which was not sustained after investigation and meeting with the family.

RESPONSE TO RESISTANCE (USE OF FORCE)

The Department's "Incident Review Committee" formally evaluated five responses to resistance (use of force) incidents involving Department members in 2021.

INCIDENT SUMMARIES:

1. On January 24, 2021, at 2:04 a.m., two EGR officers responded to a residence in the 3700 block of Reeds Lake BLVD. at the request of KCSD deputies to assist with a possible drug overdose/hallucinating subject (43-year-old W/M) throwing items around the house. Upon arrival, the EGR officers met two KCSD deputies to discuss options. The EGR officers were assigned to exterior perimeter security at the residence while the deputies attempt contact.

As the deputies made physical contact with the subject, he was able to elude them and started to run outside. PSO #1 then tackled the subject and took him to the ground. At that time, the two deputies handcuffed the suspect while PSO #2 assisted. The subject was then secured in the KCSD cruiser and transported to Butterworth Hospital for evaluation.

PSO #1 did get some blood on his hands from the subject. The subject had an old wound on his arm that started to bleed when contact was made.

PSO #1 completed a "Response to Resistance Report" and the reviewing supervisor completed a "Response to Resistance Supervisory Report" according to policy.

Review. 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 sworn members complied with applicable response to resistance policies and procedures and were justified in their response to resistance; (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.

2. On Sunday, January 24 at 12:44 p.m., an EGR sergeant and public safety officer were monitoring radio traffic concerning a vehicle pursuit in Grand Rapids. The pursuit involved a stolen vehicle and possible kidnapping. Dispatch was advised that a child was in the vehicle when it was stolen. The pursuit ended in the 2300 Block of Plymouth Ave. S.E., where the suspect vehicle stopped. GRPD requested EGR units to respond. The sergeant and officer immediately responded to the scene.

On arrival, EGR personnel were advised to provide support for GRPD officers contacting the suspect (B/M, unknown age). The PSO exited his patrol vehicle, unholstered his issued sidearm and moved up to cover the west side of the suspect vehicle. GRPD officers gave verbal commands to the driver of the vehicle, who got out of his vehicle and was arrested by GRPD officers. No other subjects were inside the vehicle. The PSO held his sidearm at the ready until the vehicle was cleared. He remained on scene until cleared by a GRPD sergeant.

Upon arrival at the scene, the sergeant assumed a rear support position and prepared to assist in the handcuffing a potentially noncompliant suspect. Other GRPD officers prepared to take the suspect into custody from a different location. The sergeant drew his issued sidearm and held it in a low ready position while GRPD personnel took the suspect into custody and searched the stolen vehicle. Once the vehicle was secured, he holstered his weapon and remained on scene until cleared by a GRPD sergeant.

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

Review. 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 sworn members complied with applicable response to resistance policies and procedures and were justified in their response to resistance; (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.

3. On July 13 at 6:42 a.m., two PSOs were dispatched to the 2100 block of Gorham to a runaway child (7-year-old W/M) report. The responding PSOs were aware that the boy had assaulted or attempted to assault officers on past calls. They were also aware the child has behavioral health issues.

PSO #1 located the child near Braydon on Amberly Ct. PSO #1 took hold of the boy's upper arm, immediately brought him to the cruiser and placed him in the backseat. The boy was verbally defiant and did not sit down when told to do so. However, he did allow PSO #1 to maneuver him into the backseat. Once in the rear of the cruiser, the boy stated he was not seat belted (PSO #1 did not belt him since he is a known biter). PSO #1 asked the boy if he would leave the seat belt on if he was buckled. He stated, "No!" and proceeded to tell PSO #1 he was going to stand up in the back seat, and then did so, despite being told it was not a good idea. He then was driven home, which was just around the corner, and met by his parents.

His parents attempted to reason with him while he was still in back seat of the cruiser. He refused all direction. The decision was made to transfer the boy by ambulance to Metro Hospital. An ambulance was requested and dispatched, Med 3, for transport. Ambulance personnel were advised to bring restraints for a small child. While both parents were discussing the situation, PSO #1 and PSO #2 observed the boy attempt to break off the headrest from the backseat of the cruiser. He was told to stop. In reply, he attempted to punch PSO #1 with a closed left fist through the cruiser's barred window. PSO #1 grabbed his left hand through the window and advised PSO #2 to get restraints that would work for his small size. As PSO #1 held his wrist, the subject attempted to bite PSO #1's hand. PSO #1 pulled his wrist through the window far enough that the boy was unable to continue the assault. PSO #2 returned with zip ties, and a RIPP restraint. PSO #1 and PSO #2 were then able to zip tie the subject's hands in front of him and secure his feet the RIPP restraint. The boy was seat belted to further restrain him within the cruiser. During the restraint process, the subject attempted to kick and bite both officers repeatedly. The subject's mother witnessed the restraint process.

The subject continued attempting loosen his restraints and successfully removed them as AMR arrived. He was talked onto the cot by AMR personnel and restrained per advice from both officers and the subject's parents since the boy is known to

unexpectedly attack those riding with him in vehicles. The subject was transported to Metro Hospital. No injuries were obtained by any parties involved during this incident.

PSO #1 completed a "Response to Resistance Report" and the reviewing supervisor completed a "Response to Resistance Supervisory Report" according to policy.

Review. 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 sworn member complied with applicable response to resistance policies and procedures and were justified in their response to resistance; (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.

4. On November 8, 2021, at 1:07 a.m., two PSOs were dispatched to a home invasion in progress call in the 1800 block of Sherman. While enroute to the residence, dispatch informed the officers that the victim (a 32-year-old W/F) had fled – "screaming" – to a neighbor's house as the unknown suspect(s) (later identified as a 36-year-old B/M) was inside the residence.

PSO #1 was the first to arrive on scene. Upon arrival, he observed the victim pointing to her residence from the window of her neighbor's house. PSO #1 approached the residence and observed movement inside. He drew his issued service pistol and activated its light to illuminate the area. PSO#1 then told the suspect to exit the house several times. PSO #1 moved to the side of the front door and told the suspect to exit the building. The suspect exited the building with his hands up and made several spontaneous statements such as "oh my God, no you didn't" and "why would she do that". The suspect stated, "it's because I'm Black." PSO #1 stated, "it had nothing to do with race it had to do with him breaking into someone's house." PSO #1 holstered his sidearm, had the suspect sit down by the front door and placed him in handcuffs. After interviewing the suspect regarding why he was in the house, he

was placed in PSO #1's cruiser until the on-scene investigation could determine the facts.

As PSO #2 arrived, he heard PSO #1 giving clear, direct commands to an individual in the front entryway of the victim's home. PSO #1 was holstering his sidearm and placing handcuffs on the suspect as PSO #2 walked up. The suspect was "repeatedly stating that he didn't do anything wrong, that he was helping the victim home because she was drunk."

The preliminary investigation revealed conflicting stories from the alleged victim – who indicated she did not invite the suspect home – and the alleged suspect – who stated he was helping her home from the bar. PSO #1 had AMR respond to the scene and medically evaluate the victim since she was highly intoxicated. She refused to be transported to the hospital and refused further medical treatment. After AMR cleared the victim, the suspect advised PSO #1 that he has a history of seizures, and "felt like his blood sugar was low." AMR personnel checked him over as well - he also declined transport to the hospital. Due to the totality of the circumstances, the suspect was transported to Wealthy and Fuller and released on his own recognizance by PSO #2. No injuries were obtained by any parties involved during this incident. PSO #1 completed a "Response to Resistance Report" and the reviewing supervisor completed a "Response to Resistance Supervisory Report" according to policy.

Review. 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 sworn member complied with applicable response to resistance policies and procedures and were justified in their response to resistance; (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.

5. On December 7 at 8:30 p.m. An EGR Sgt. & PSO heard a GRPD call of shots fired at Ottawa Hills High School during a basketball game. EGR personnel obtained permission to respond. On arrival the EGR Sgt. and PSO heard GRPD units conducting

a high-risk stop requesting officers to block W/B traffic on Burton. At this time, both EGR officers deployed patrol rifles from their cruisers and held a perimeter point at Burton and Rosewood. They blocked traffic during the stop while GRPD officers cleared the area and prepared to let students out after finding no victims on scene. EGR personnel assisted in releasing traffic from the area and coordinated with parents to locate their children. EGR personnel were cleared from the scene after all vehicle and foot traffic dissipated. During this incident, EGR personnel did not point the patrol rifles at any subject(s). They were only displayed. No injuries were obtained by any parties involved during this incident.

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

Review. 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 sworn members complied with applicable response to resistance policies and procedures and were justified in their response to resistance; (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.

SUMMARY & ANALYSIS OF RESPONSE TO RESISTANCE INCIDENTS

East Grand Rapids Department of Public Safety personnel responded to 3,339 calls for service, arrested 110 individuals for Part I, II, and III Crimes, and made 219 confirmed citizen contacts in 2021. In four of the incidents there were no injuries to citizens, residents, non-residents, other community members or officers because of the use of force by a member of the East Grand Rapids Department of Public Safety. In incident #1, the officer got some blood on his hands from the suspect after an old wound opened after he was tackled. The race and gender of individuals in response to resistance

incidents were 2 B/Ms, 2 W/Ms, and 1 unknown person. Force or display of force was used only five times.

- During 3,339 calls for service, 5 (**0.15%**) resulted in use of force. In other words, force was not used in **99.85%** of calls for service; and
- In 110 Part I, II, and III arrest incidents, 5 (**4.45%**) resulted in use of force. Put another way, force was not used in **96.55%** of arrest situations.

East Grand Rapids sworn members rarely use force. In most incidents – including arrests – both the officer and citizen/victim/suspect are respectful and courteous to one another, and the events are peacefully resolved.

For 2021, these incidents were categorized as:

- *Weapons drawn or displayed in East Grand Rapids – 1.*
- *Weapons displayed while backing up an agency outside of our city – 2.*
- *Hands-on in East Grand Rapids – 1; and*
- *Hands-on while backing up an agency outside of our city 1.*

The review included an analysis of the officers involved in response to resistance situations. There are no patterns of any specific officer being involved in an alarming number of incidents. All force used was determined to be within policy.

There are no patterns or predictive trends indicating program ineffectiveness or need to upgrade/modify equipment, training, and/or 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.

Recommendations for improvement

- In incident #1, the officers cleared the scene at 2:35 a.m. but did not notify the on-duty supervisor until 6:00 a.m. The officers were both new employees, each with less than one year of experience. The officers believed that tackling the suspect was not enough of a response to resistance to notify a supervisor. The sergeant then coached each officer when to contact a supervisor when force is used per departmental policy.

VEHICLE PURSUITS

In 2021, two vehicle pursuits occurred involving the same sworn member of the Department.

1. On May 6, 2021, at approximately 12:00 a.m., a PSO attempted to stop a vehicle believed to have been involved in an armed robbery.

While patrolling the PSO heard GRPD calling out a pursuit of a stolen white Jeep Compass, the occupants were believed to have been involved in an armed robbery of two cell phone stores earlier in the evening. GRPD terminated their pursuit at Brighton and Boston; the suspect vehicle was last seen southbound on Breton from Boston and was accompanied by a second vehicle of an unknown description.

The PSO was patrolling the area shortly after GRPD terminated their pursuit. Driving eastbound on Englewood approaching Breton, the PSO observed a white Jeep followed closely by a silver SUV pass the Englewood intersection at a high rate of speed, heading northbound on Breton. The officer turned on the vehicles and accelerated to close but could not get close enough to determine the license plate information on the Jeep but could see the second (following) vehicle was a silver mid-sized SUV with no plate and tinted out back windows. The officer closed on the vehicles near Breton and Hall and activated the cruiser's overhead lights at Breton and Burchard. Both vehicles immediately increased their speeds and turned westbound onto Lake Drive as the signal changed, passing stopped vehicles in the turn lane to complete the turn. The officer then activated the siren shortly before reaching the Breton and Lake Drive intersection, and continued to follow the vehicles, attempting a stop, and notifying Dispatch. Neither vehicle showed any indication of stopping; both vehicles increased speeds up to 75 mph, and upon reaching Wealthy Elementary School, both vehicles turned off their headlights. The suspect vehicles passed other cars on two occasions along Lake Drive, and both ran the red flashing signal at Lake Drive and Plymouth, continuing westbound on Lake Drive towards the City limits.

The officer initially called out the pursuit at Lake Drive and Ross Ct. and terminated the pursuit at Lake Drive and Rosewood. The officer immediately advised Dispatch of the termination and shut down both the cruiser's siren and overhead lights. Dispatch

was updated with the suspect vehicles' continued direction of travel. Per policy, the PSO completed a "Pursuit Report."

Review. Per policy, the reviewing supervisor completed the "Supervisor Report" portion of the "Pursuit Report" and determined the officer complied with Manual of Policy & Procedure (MOPP) Section 8-19 G.2.a) which states:

"When the officer knows or has reasonable grounds to believe the person being pursued has committed or attempted to commit a serious felony. For purposes of this procedure, a serious felony is one that involves an actual or threatened attack upon another human being which the officer has reasonable cause to believe could result in death or serious bodily injury."

The captain reviewed the incident report, in-car video, pursuit report, sergeant's review, and submitted his written findings to the Director to.

- Review the officer's pursuit decision.
- Determine whether the Department's training programs adequately prepared the officer 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 pursuit review determined: (1) the PSO complied with applicable vehicle operation policies and procedures and was justified in pursuing. The officer had a reasonable belief that the suspect vehicles participated in an armed robbery (serious felony) earlier in the day based on the vehicle descriptions received. The pursuit was terminated due to unsafe suspect vehicle(s) driving behavior and leaving East Grand Rapids; (2) the training received prepared the officer for emergency driving leading to a safe outcome; and (3) that current policy standards **required** revisions. (It is important to note that the officer could have decided not to pursue which would still have followed existing Department policy.) As a result, a three-pronged test was instituted requiring that all test factors must reasonably be present before an officer is permitted to engage in a pursuit. Manual of Policy & Procedure (Operation of Motor Vehicles/Pursuits) Section G.1. & 2. now states:

*“...Pursuits. The Department’s mission and fundamental duty of all employees is to protect life and property and engage in all activities, including pursuit and emergency response, with this obligation in mind. Sworn members may pursue when **ALL** three of the following factors can be reasonably articulated:*

- a) When the officer knows or has reasonable grounds to believe the person being pursued has committed or attempted to commit a serious felony. For purposes of this procedure, a serious felony is one that involves an actual or threatened attack upon another human being which the officer has reasonable cause to believe could result in death or serious bodily injury.*
- b) Is the need to immediately apprehend the suspect more important than the risk created by the pursuit?*
- c) Do the dangers created by the pursuit exceed the danger posed by allowing the perpetrator to escape?”*

Once the procedure was revised, it was distributed to all members of the Department who electronically indicated they reviewed the policy and electronically signed the policy.

2. On August 17, at 11:00 p.m., a sworn member engaged in a motor vehicle pursuit with two vehicles.

While patrolling southbound on Lake Grove near Maplewood, the officer observed two vehicles, a silver SUV, and a black 4-door sedan, traveling eastbound on Richards, turn south onto Lake Grove. The second vehicle was operating with no head or taillights. The officer attempted to gain on the vehicles, to stop the black 4-door, and was unable to close as both vehicles were traveling at a high rate of speed. The officer activated his overheads on Lake Grove at Albert, and both vehicles immediately disregarded the 4-way stop at Lake Grove & Boston, and turned west on Boston, increasing their speeds dramatically. He continued to follow both vehicles, activating his siren after turning onto Boston - both vehicles disregarded the stop light at Boston & Breton, continuing westbound at speeds more than 70 mph. Due to the high speeds, disregard for traffic signaling devices, distance between the pursuing and pursued vehicles, and both pursued vehicles leaving EGR's jurisdiction,

the officer terminated the pursuit. Dispatch was then notified of the situation and instructed to broadcast the information to GRPD units.

Review. Per policy, the officer completed the "Pursuit Report," and the reviewing supervisor completed the "Supervisor Report" and determined the officer complied policy indicating "...the actions were reasonable and prudent. It could be argued that the [officer] could have shut down the lights and siren slightly earlier."

Investigative findings. The disposition finding for this incident was SUSTAINED. The investigation disclosed sufficient evidence to prove the alleged conduct and the conduct was improper. A review of the incident indicated the member's actions violated Manual of Policy & Procedure (MOPP) Section (s):

- 8-19 G.1. which states:

*"... Sworn members may pursue when **all** three of the following factors can reasonably be articulated:*

- a) When the officer knows or has reasonable grounds to believe the person being pursued has committed or attempted to commit a serious felony. For purposes of this procedure, a serious felony is one that involves an actual or threatened attack upon another human being which the officer has reasonable cause to believe could result in death or serious bodily injury.*
- b) Is the need to immediately apprehend the suspect more important than the risk created by the pursuit?*
- c) Do the dangers created by the pursuit exceed the danger posed by allowing the perpetrator to escape?"*

- 8-19 G.2. which states:

*"... Sworn members shall **NOT** pursue:*

- a) When the sole basis is a civil infraction or misdemeanor traffic violation unless extenuating circumstances exist which create a significant threat to public safety which can be articulated by the officer.*

b) For the felony of fleeing and eluding unless extenuating circumstances create a significant threat to public safety. Officers must be able to articulate the reason for any pursuit initiated under these circumstances.”

- 8-19 H.1.a) which states:

“...Any sworn member initiating a pursuit shall [i]mmediately notify dispatch by radio and relay the following information:

- 1) Location and direction of travel.*
- 2) Reason for pursuit.*
- 3) Suspect vehicle and occupant description; and*
- 4) Speeds involved, flow of traffic, and road conditions (if appropriate).”*

Corrective action. The officer was issued an 8-HOUR SUSPENSION held in abeyance for 6-months from August 17, 2021, to February 17, 2022. Key points discussed with the officer were:

- Missing several clear opportunities to comply by terminating the pursuit.
- Failing to call out attempted stops of the vehicles prior to abandoning the pursuit.
- Reaching speeds above 70-mph during the attempt to stop the vehicles while having no information to believe the vehicles and/or occupants participated in a serious, violent felony.

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. For 2021, the same officer initiated two pursuits. There are no patterns or predictive trends indicating program ineffectiveness or need to upgrade/modify equipment, or training. However, after the first incident, the Department did modify the “Operation of Motor Vehicles/Pursuits” procedure by requiring officers to meet the “Three-Pronged Test” criteria before engaging in a pursuit. There are no patterns of individuals or shifts engaging in unwarranted pursuits.

FOOT PURSUITS

In 2021, there were no foot pursuits involving any sworn member of the Department.

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. Since then, there are no patterns of individuals or shifts engaging in unwarranted foot pursuits.

On February 16, 2021, the Department modified the foot pursuit policy by having the captain conduct a review of the incident instead of an incident review committee. His report is then submitted to the director for final review.