



City of East Grand Rapids
Department of Public Safety

Annual Analysis & Review for 2021

March 21, 2022



2021 - MLEAC Annual Report

Mark Herald, Director of Public Safety
Captain Ric Buikema, Captain

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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.

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INTERNAL AFFAIRS

The Internal Affairs Unit received and investigated 16 complaints involving members of the Department in 2021. This 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) and an unprofessional conduct/attitude complaint (See I.A. Complaint #10).
- 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), the officer received a written reprimand in the second incident (See I.A. Complaint #11), the officer was issued an 8-hour suspension held in abeyance for six months and was required to review the Department's pursuit policy and counseled regarding pursuits.

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INTERNAL AFFAIRS - continued

- 4 (25%) of the 16 incidents involved unprofessional conduct where 4 different Department members:
 1. Failed to report for duty on time.
 2. Failed to call in sick.
 3. Left his sidearm unsecured in the building after training.
 4. 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.

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INTERNAL AFFAIRS - continued

- 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.
- The increase in unsafe driving actions is a concern compared to previous years.
- There are no patterns or trends of serious misconduct, inappropriate actions, criminal behavior, or abuse by any member, unit or shift of the Department.
- 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.

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| Internal Affairs Complaints: | 2017 | 2018 | 2019 | 2020 | 2021 | Total by Type |
|---------------------------------|----------|----------|----------|----------|----------|------------------|
| 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> |
| Total Complaints: | 2 | 1 | 11 | 3 | 16 | 33 |

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INTERNAL AFFAIRS – continued

Internal affairs complaints dispositions are:

- *Sustained* – Investigation proved that the act or acts happened, and the complaint is valid.
87% (14 of 16) were sustained in 2021.
- *Not Sustained* – Investigation could not prove or disprove the complaint.
13% (2 of 16) were not sustained in 2021.
- *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.

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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.

- 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.
- 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.

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RESPONSE TO RESISTANCE (USE OF FORCE) - continued

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.

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RESPONSE TO RESISTANCE (USE OF FORCE) - continued

- There are no patterns or predictive trends indicating program ineffectiveness or need to upgrade/modify equipment, training, and/or policy. (Note: There was one recommendation for improvement; failure to promptly notify a supervisor regarding use of force).
- 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.
- 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.

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VEHICLE PURSUITS

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

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. ... 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?"*

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FOOT PURSUITS

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

- 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.



Questions?