

MEMORANDUM

CITY OF GRAND RAPIDS

DATE: April 21, 2021

TO: Anita Hitchcock, City Attorney
Eric Payne, Police Chief
Brandon Davis, Oversight and Public Accountability Director
Desiree Foster, Human Resources Director

FROM: Mark Washington, City Manager

SUBJECT: City Manager Administrative Order 2021 – 06:
Providing Police Department Internal Affairs Records to the Office of Oversight
and Public Accountability

This Administrative Order provides guidelines for the Grand Rapids Police Department and the Office of Oversight and Public Accountability regarding the sharing of Internal Affairs records with the Office of Oversight and Public Accountability, and the process by which the Office of Oversight and Public Accountability may request additional records from the Grand Rapids Police Department's Internal Affairs Unit.

Nothing in this Administrative Order should be construed as contradicting applicable Federal and State laws regarding the confidentiality of the records at issue in this matter.

This Administrative Order takes effect immediately.

Weekly Reporting to the Office of Oversight and Public Accountability:

The Grand Rapids Police Department's Internal Affairs Unit will provide on a weekly basis to the Office of Oversight and Public Accountability a summary report of the complaints received by the Internal Affairs Unit during the preceding week.

This summary report will contain sufficient information to identify when the complaint was brought to the Internal Affairs Unit, the nature of the complaint, who the complainant is, and the assigned complaint number.

However, if the complainant is also a crime victim in a matter related to the Internal Affairs investigation, the record will be provided, but such identifying information about the complainant shall be withheld by the Internal Affairs Unit in compliance with the spirit of Michigan's Crime

Victims Rights Act, MCL 780.751, *et seq.*, and Article I § 24 of the Michigan Constitution. For the purposes of this policy, the definition of crime victim shall be the same as the definition of "victim" in MCL 780.752(1)(m).

Internal Affairs Dispositional Reports:

Upon the completion of an investigation by the Internal Affairs Unit, it currently is the practice of the Grand Rapids Police Department to send the complainant a redacted copy of the final dispositional report. The Internal Affairs Unit shall at the same time also send a copy of such a report, in the same form as sent to the complainant, to the Director of the Office of Oversight and Public Accountability.

However, if the complainant is also a crime victim in a matter related to the Internal Affairs investigation, the record will be provided but such identifying information about the complainant shall also be redacted in compliance with the spirit of Michigan's Crime Victims Rights Act, MCL 780.751, *et seq.*, and Article I § 24 of the Michigan Constitution. For the purposes of this policy, the definition of crime victim shall be the same as the definition of "victim" in MCL 780.752(1)(m).

Requests from the Office of Oversight and Public Accountability:

The Director of the Office of Oversight and Public Accountability may request additional documents / records / information from the Grand Rapids Police Department's Internal Affairs Unit, should the Director believe that further examination of a specific case is warranted in order to carry out the duties of the Office of Oversight and Public Accountability.

Should such a request be made, the Director of the Office of Oversight and Public Accountability shall submit the request to the Grand Rapids Police Department's Internal Affairs Unit, and that request shall:

1. Identify the specific Internal Affairs investigation at issue by its number;
2. Identify the specific documents, records, or information from that investigation that are requested;
3. Identify the reasons why these specific documents, records, or information are being requested.

These requests may be reviewed by the Chief of Police. In the event that the Chief of Police believes that a compelling reason would justify denying such a request for documents, records, or information from the Internal Affairs Unit, the Chief of Police may deny the Director of the Office of Oversight and Public Accountability's request in part or in its entirety. The denial of the Police Chief shall be addressed to the Director of the Office of Oversight and Public Accountability with a copy provided to the City Manager. Such a denial may be brought to the City Manager's attention for consideration.

For requests that are not denied, the Grand Rapids Police Department shall take reasonable steps to provide the requested documents, records, or information as timely as possible, while abiding by applicable Federal and State law, and keeping in mind the Grand Rapids Police Department's other obligations to fulfill other agency requests and FOIA requests. If possible, the Grand Rapids Police Department may provide an estimate to the Office of Oversight and Public Accountability of the projected completion date for each request, given the capacity limitations of the Records Unit of the Grand Rapids Police Department.

Confidentiality and Records Retention:

The Office of Oversight and Public Accountability, and its personnel, are bound by all applicable Federal and State laws regarding the confidentiality of the information they receive from the Grand Rapids Police Department, and are required to abide by those laws.

Should the Office of Oversight and Public Accountability be served with a Freedom of Information Act request regarding records or information they have obtained from the Grand Rapids Police Department, the Office of Oversight and Public Accountability shall refer such requests to the City's FOIA coordinator and otherwise shall abide by State law and City policies.

Records or information obtained from the Grand Rapids Police Department by the Office of Oversight and Public Accountability shall be subject to the City's applicable Retention of Records policies.

cc: Eric DeLong
Doug Matthews