

Michigan Office of Administrative Hearings and Rules

REQUEST FOR HEARING

RECEIVED

JUL 20 2022

Michigan Office Of Administrative
Hearings and Rules

1. IN THE MATTER OF: Michigan Department of Civil Rights ex rel Whitney Hodges, next of kin on behalf of Honestie Hidges v Grand Rapids Police Department			
2. CASE TYPE Rule 12 Hearing - Unequal Public Service - Race		3. AGENCY MDCR	
4. DIVISION Legal		5. BOARD Michigan Civil Rights Commission	
6. GEOGRAPHIC LOCATION OR FORMAT FOR HEARING Lansing or GR			
7. INITIATING AGENCY'S FILE NUMBER 485649		8. STATUTORY START DATE Within a reasonable time and according to the rules.	
9. STATUTE, RULE, OR REGULATION Elliott-Larsen Civil Rights Act 37.2301 and 2302.			
10. ISSUE Did Honestie Hodges receive Unequal Public Service by GRPD because of her race when she was handcuffed and placed in a police car constituting an arrest and/or detention?			
11. PREPARED BY Michael Pelot	PHONE NUMBER 517-284-7245	FAX NUMBER 517-241-3963	DATE PREPARED 7/20/2022
12. COMMENTS			
For MOAHR Use Only			
DATE RECEIVED	DATE COMPLETED		COMPLETED BY
DOCKET NUMBER		ALJ ASSIGNED	
COMMENTS			

REQUEST FOR HEARING

13. CHECK ONE (X) <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Intervenor <input checked="" type="checkbox"/> Department <input type="checkbox"/> Petitioner's Attorney <input type="checkbox"/> Respondent's Attorney <input type="checkbox"/> Intervenor's Attorney <input type="checkbox"/> Other <input type="checkbox"/> Petitioner's Representative <input type="checkbox"/> Respondent's Representative <input type="checkbox"/> Intervenor's Representative				
14. NAME Michael J. Pelot				
15. FIRM MDCR				
16. ON BEHALF OF MDCR				
17. STREET ADDRESS/P.O. BOX 110 W Michigan Ave Ste 800				
18. CITY Lansing	19. STATE MI	20. ZIP CODE 48933	21. PHONE 517-284-7245	22. FAX 517-241-3963
23. EMAIL ADDRESS pelotm@michigan.gov			May documents be served to this party/representative via email only?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

24. CHECK ONE (X) <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Intervenor <input type="checkbox"/> Department <input checked="" type="checkbox"/> Petitioner's Attorney <input type="checkbox"/> Respondent's Attorney <input type="checkbox"/> Intervenor's Attorney <input type="checkbox"/> Other <input type="checkbox"/> Petitioner's Representative <input type="checkbox"/> Respondent's Representative <input type="checkbox"/> Intervenor's Representative				
25. NAME Stephen R. Drew				
26. FIRM Drew Cooper and Anding				
27. ON BEHALF OF Whitney Hodges, next of kin to Honestie Hodges				
28. STREET ADDRESS/P.O. BOX 80 Ottawa Ave Ste 200				
29. CITY Grand Rapids	30. STATE MI	31. ZIP CODE 49503	32. PHONE 616-454-8300	33. FAX
34. EMAIL ADDRESS sdrew@dca-lawyers.com			May documents be served to this party/representative via email only?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

35. CHECK ONE (X) <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Intervenor <input type="checkbox"/> Department <input type="checkbox"/> Petitioner's Attorney <input checked="" type="checkbox"/> Respondent's Attorney <input type="checkbox"/> Intervenor's Attorney <input type="checkbox"/> Other <input type="checkbox"/> Petitioner's Representative <input type="checkbox"/> Respondent's Representative <input type="checkbox"/> Intervenor's Representative				
36. NAME Elizabeth J. Fossel				
37. FIRM City of Grand Rapids				
38. ON BEHALF OF Grand Rapids Police Department				
39. STREET ADDRESS/P.O. BOX 300 Monroe Ave NW Ste 620				
40. CITY Grand Rapids	41. STATE MI	42. ZIP CODE 49503	43. PHONE 616-456-3099	44. FAX
45. EMAIL ADDRESS efossel@grand-rapids.mi.us			May documents be served to this party/representative via email only?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

REQUEST FOR HEARING

Instructions to Complete Form

Page 1 of Request for Hearing

1. List Petitioner v. Respondent with the proper names and titles.
2. The type of action involved in this hearing, e.g. Disciplinary, Denial of License, Summary Suspension.
3. State agency name.
4. Division within the initiating agency.
5. Board (i.e. Pharmacy, Chiropractic); if no Board put N/A
6. State requested geographical location or format for the hearing, e.g. Lansing, Detroit, telephone, videoconference.
7. The number given to this case by the initiating or reporting agency.
8. Mandatory time frames or deadlines pertaining to the hearing process of this case.
9. Identify statute, act, code, and/or provision of law used, e.g. MCL 333.1101 *et seq.*
10. A brief statement of the question(s) to be decided at the hearing.
11. Name of person who filled out the Request for Hearing form and contact information.
12. Comments specific to scheduling, such as conflict dates.

Page 2 of Request for Hearing (sections 13-45)

Mark the corresponding box that designates the party's affiliation to the case (i.e. Petitioner, Department, Petitioner's Attorney, etc.)

List all the parties who should receive documentation from MOAHR (i.e. Notice of Hearing and follow up documents such as an Order for Adjournment or Order for Continuance, etc.) include physical and email address. If the agency has confirmed that a party/representative may be served with documents by email only, please check "Yes".

If your department is listed as the Petitioner or Respondent, you may also use the box labeled "Department" to include personnel who are to receive ongoing documentation in the case.

If your department is neither the Petitioner nor Respondent, use the box labeled "Department" to include personnel who are to receive ongoing documentation in the case.

Use the "Other" box to include non-departmental individuals who do not fit the other criteria above, but who are to receive ongoing documentation in the case.

Parties with the same name but multiple addresses shall be listed separately.

If you need to add more parties than tables provided, please copy page 2 and add additional parties.

Notice: Please be sure to submit to MOAHR a copy of the Administrative Complaint, Formal Complaint or other charging document; a copy of the Answer (if any); and/or Appeal document along with the completed Request for Hearing form (RFH).

Submit the completed RFH form and supporting documents by I.D. mail or delivery to MOAHR GA, 611 W. Ottawa 2nd Floor, P.O. Box 30695, Lansing MI 48909 or email MOAHR-General-Adjudication-Scheduling@michigan.gov

Questions: Please contact Katie Nelson at nelsonk19@michigan.gov Tel. (517) 335-2484

THE MICHIGAN CIVIL RIGHTS COMMISSION
Cadillac Place
3054 W Grand Blvd Ste 3-600
Detroit MI 48202

MICHIGAN DEPARTMENT OF CIVIL RIGHTS,
Ex. Rel., Whitney Hodges, next of kin on behalf
of Honestie Hodges,
Claimant,

Case No: 485649

V

Grand Rapids Police Department,
Respondent.

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CHARGE OF DISCRIMINATION

The complaint of Claimant, Whitney Hodges (WH), on behalf of Honestie Hodges (HH) (deceased), as next of kin, filed with the Michigan Department of Civil Rights, alleges that Respondent, Grand Rapids Police Department, its agents, servants and employees have unlawfully discriminated against the Claimant by treating her unequally based on her Race thereby depriving her of the full and equal enjoyment of civil rights guaranteed by the constitution and laws of the State of Michigan and the United States.

The department, in accordance with its own rules and regulations, informed the Respondent of these allegations, investigated, and found sufficient grounds for the issuance of a charge. The department endeavored unsuccessfully to conciliate the matter and now issues this charge.

JURISDICTION

1. That at all times pertinent, the Claimant, an African-American minor child (HH), was a resident of Grand Rapids, Michigan, and protected from unlawful discrimination under the Michigan's Elliott-Larsen Civil Rights Act (ELCRA), Public Act 453.
2. The respondent is a law enforcement agency operating in Michigan whose services, facilities, privileges, advantages, or accommodations are extended, offered, or otherwise made available to the public in the State of Michigan pursuant to Michigan's Elliott-Larsen Civil Rights Act (ELCRA), Public Act 453.
3. The Claimant (HH) had an encounter with the Respondent on December 6, 2017.
4. Claimant (WH) filed a timely, notarized complaint on February 28, 2018 with the Michigan Department of Civil Rights on behalf of her minor child (HH).

STATEMENT OF FACTS

5. Claimant (WH), on behalf of her 11-year-old minor African-American daughter (HH), alleges HH was subjected to detention and/or arrest and other terms and conditions of unequal law enforcement by Respondent on December 6, 2017.
6. The Grand Rapids Police Department (GRPD) was pursuing a middle-aged white woman that matched the description of an attempted murder suspect.
7. Claimant's daughter, (HH), along with two other people, exited the back door of the house under surveillance. Officers pointed their weapons and ordered the people to halt.
8. Claimant, (WH), yelled to the officers that HH was only 11 years-old.
9. GRPD Officer Barberino placed claimant (HH) in handcuffs.
10. GRPD Officer Dionne searched HH for weapons and placed her handcuffed in the cruiser.
11. GRPD Officers did not file a Use of Force Report regarding the handcuff use on HH, a minor child.
12. Claimant HH was returned to her family after the scene was cleared.
13. Claimant HH died from COVID-19 in November 2020.
14. ELCRA provides in section **37.2301 Definitions:**
As used in this article: ... (b) "Public service" means a public facility, department, agency, board, or commission, owned, operated, or managed by or on behalf of the state, a political subdivision, or an agency thereof or a tax exempt private agency established to provide service to the public, except that public service does not include a state or county correctional facility with respect to actions and decisions regarding an individual serving a sentence of imprisonment of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.
15. ELCRA further provides in section **37.2302 Public accommodations or services; prohibited practices:**
Except where permitted by law, a person shall not: (a) Deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or

accommodations of a place of public accommodation or public service because of religion, race, color, national origin, age, sex, or marital status.

COUNT 1

RACIAL DISCRIMINATION

UNEQUAL SERVICE

16. The previous paragraphs are incorporated in this count.
17. Claimant (HH) was ordered at gunpoint to backup and was detained and/or \ arrested, handcuffed, searched, and placed in the back of a cruiser where she was questioned.
18. Respondent would have recognized instantly that HH was a young African American child and not the suspected middle-aged white female that they were searching for, however Respondent still detained and/or arrested, handcuffed, searched for weapons, questioned and placed HH alone in a cruiser.
19. Claimant HH was surprised by the officers, did not fit the description of the suspect, was a juvenile and was compliant and visibly afraid in tears.
20. Respondent was unable to produce records of white children that were ordered at gunpoint to backup, arrested, handcuffed, searched, and placed in the back of a cruiser where they were questioned during a search of a house for a grown suspect of a different race.
21. Respondent failed to file a Use of Force Report for handcuffing HH, a minor child.
22. Claimant HH was treated differently and more harshly because of her race.

23. As a direct and proximate result of respondent's unlawful discrimination, claimant has suffered loss of full and equal enjoyment of a public service due to respondent's actions.

THEREFORE, IT IS REQUESTED THAT AN ORDER BE ISSUED COMPELLING:

- A. The respondent pay monetary compensation to the claimant together with interest for humiliation, extreme embarrassment, emotional distress, and mental anguish which he sustained as a result of respondent's unlawful discrimination.
- B. Such further relief as the Commission seems just and proper, including reasonable attorney fees.

Date:


7/20/2022



Michael J. Pelot, Attorney

Date:

7/20/22



Marcelina Trevino, Managing Attorney
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