

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

MICHIGAN DEPARTMENT OF CIVIL RIGHTS,
Juanita Ligon on behalf of minor MC-2,
Claimant,

Case No: 490991

V

City of Grand Rapids/Grand Rapids Police Department (GRPD)
Respondent.

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CHARGE OF DISCRIMINATION

The complaint of Claimant, Juanita Ligon, on behalf of MC-2¹ filed with the Michigan Department of Civil Rights, alleges that Respondent, the City of Grand Rapids/Grand Rapids Police Department (“GRPD”), its agents, servants and employees have unlawfully discriminated against the Claimant by treating MC-2 unequally based on his race and sex thereby depriving him 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.

¹ The number designation is included to distinguish the Claimant from his sibling with the same initials who also has an active case against the same Respondent, MDCR 490990, arising from the same August 26, 2018 incident.

JURISDICTION

1. That at all times pertinent, the Claimant, the mother to African-American minor male child MC-2, 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 of 1976.
2. The Respondent City of Grand Rapids/GRPD 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 ELCRA.
3. The Claimant's minor son, MC-2, had an encounter with the Respondent on August 26, 2018.
4. Claimant filed a timely, notarized complaint on October 15, 2018 with the Michigan Department of Civil Rights on behalf of her minor African-American son MC-2.

STATEMENT OF FACTS

5. Claimant, on behalf of MC-2, alleges that MC-2 was subjected to unequal service by law enforcement public services from Respondent on August 26, 2018.

6. At 8:04 p.m. on Sunday, August 26, 2018, Jayda Sprengelmeyer called 911 to report that two minors were near train tracks and walking northbound on Alto, near Alto and Griggs in Southeast Grand Rapids with a toy gun.
7. During the less-than-three-minute call, Sprengelmeyer made at least three references about the gun not being real concluding, "I'm sure it's not a gun, but I just don't feel like that's the thing they should be doing."
8. Sprengelmeyer described the race, sex, and shirt colors of the two minors that she observed, however, the dispatcher did not obtain information about the minors' pants, shoes, or other identifying characteristics.
9. At 8:07 p.m., two Grand Rapids Police Department officers, Cody Bechaz and Zane Garnsey, were dispatched with the following information:

"In the area of Alto and Griggs SE: Black male, approximately 13-years-old carrying possibly a toy gun, not sure. He is wearing a red shirt and walking northbound on Alto with another black male in a black shirt."
10. Prior to the officers being dispatched, MC-2 and his brother MC-1 were walking southbound on Eastern Ave being escorted by 17 year-old family friend Domonic Ezell to Little Caesars located at Little Caesars Pizza, 2045 Eastern Ave SE, Grand Rapids, MI 49507.

11. Also at 8:07 p.m., Officer Zachary Kornoelje radioed that he was with "61" and asked to be added to the call.
12. Within three minutes at approximately 8:10 p.m., Officer Cody Bechaz was driving northbound on Eastern Avenue SE and observed three boys walking southbound on Eastern Ave. The location of the stop is approximately a half mile southwest in the opposite direction from the location identified by Sprengelmeyer during the 911 call.
13. Officer Bechaz radioed to dispatch, "I think he's out Eastern/Elliott. Can you call the caller back and see if he's wearing red shorts as well?" Officer Bechaz ordered the three boys to stop and they immediately complied.
14. Officer Bechaz asked the ages of the boys and Domonic responded that MC-1 and MC-2 were 11 years old and that he was 17 years old.
15. Less than one minute later, Officer Garnsey, accompanied by Officer Kornoelje, turned onto Jayda Sprengelmeyer's street and drove directly past her home without stopping to obtain the additional information requested by Officer Bechaz.
16. Officer Bechaz's In-Car Video shows a full and clear view of the boys' actions for the entire five-minutes from Officer Bechaz's initial detainment of the boys through Officer Garsney's, Kornoelje, and Brinks arrival, waiting

to be called back and it shows that they are all compliant with the officers' commands.

17. Officer Brinks' arrived, drew his handgun, and pointed it at the boys within two minutes of his arrival despite the fact that each boy had complied with the officers' commands and initial dispatch call was regarding allegations that two minors were walking in the opposite direction a half mile away with a toy gun.
18. Officer Kornoelje and Officer Garnsey arrived on the scene and Brinks told Officer Kornoelje that the subject in black (Domonic) was not being one hundred percent cooperative, even though the body camera footage from Brinks, Kornoelje and Garsney show that each boy was complying with commands.
19. Despite the boys' compliance with commands, ninety (90) seconds after Officer Garnsey arrived, he radioed to request that southbound traffic be shut down on Eastern Avenue, isolating and seizing the three boys at gunpoint.
20. Officer Kornoelje ordered Domonic (who was in black) to walk backwards to him, leaving MC-1 and MC-2, the two 11-year-old boys, by themselves with

their hands on their heads and several guns pointed at them by Grand Rapids Police Officers.

21. Officer Kornoelje ordered Domonic onto his knees and then handcuffed him, searched him, questioned him about guns.
22. Domonic denied that any of the three boys had any guns and he informed Kornoelje that the three of them were walking southbound to Little Caesar's located at 2045 Eastern Ave SE, Grand Rapids, MI 49507.
23. Shortly thereafter, Officer Bechaz told MC-2 "Hey, keep your hands on your head, red shirt. Do it. Put your hands on your head. Put your hands on your head now" even though MC-2's hands had been on his head for over 20 continuous seconds prior to the command.
24. Regardless of MC-2's compliance, Officer Garnsey radioed to dispatch, asking for priority traffic as "the subject in the red shirt's refusing to put his hands on his head."
25. Officer Kornoelje then ordered MC-1 (who was wearing white) to walk backwards to him, leaving MC-2 by himself with his hands on top of his head with guns pointed at him by Grand Rapids Police Officers.
26. Officer Kornoelje's searched for weapons on MC-1 even though the initial 911 call indicated that all she observed was a toy; Domonic's response that

none of the boys had any weapons; and no weapons being found on Domonic.

27. During the search of MC-1, three additional officers arrive on the scene and one officer aimed a high-powered rifle at MC-2 within ten seconds of arriving, even though MC-2 was compliant with the officers' commands and had his hands on his head, no weapons had been found on Domonic nor MC-1, and the initial 911 call was regarding allegations that two minors were walking in the opposite direction a half mile away with a toy gun.
28. After no weapons are located on MC-1, an officer ordered MC-1 onto his knees and then handcuffed him, stood him up, and walked him to the side of the police cruiser.
29. An unknown officer called back MC-2 at 0:08:16 of Brinks' body cam, meaning that MC-2 was required to stand in the middle of a street with a high-powered rifle and multiple handguns pointed at him for several continuous minutes even though the initial 911 call was regarding allegations that two minors were walking in the opposite direction a half mile away with a toy gun.
30. Officer Brinks then ordered MC-2 to walk backward and ordered down onto his knees.

31. Even though MC-2 had already been compliant for over five continuous minutes, after walking backwards as directed, an unknown officer then pointed a taser at MC-2 while Officer Kornoelje handcuffed MC-2 and searched him for weapons. No weapons were found.
32. MC-2 provided his and MC-1's mother's name (Claimant's name) and telephone number to the officers.
33. Despite all three subjects having been searched and held in custody and no weapons being found and having knowledge of their mother's (Claimant's) identity, Grand Rapids Police Officers questioned MC-2 and left MC-1 in the back of a police cruiser unattended for several minutes.
34. After approximately twenty minutes of the stop beginning, MC-1 and MC-2's grandfather, William ("Junior") Ragland, drove up to the scene, parked his car, and walked over to Officer Brinks, who began to explain the stop.
35. Mr. Ragland arrived because he was contacted by neighborhood children and he drove up to the scene. Respondent did not reach out to the minors' family prior to Mr. Ragland's arrival.
36. MC-1 and MC-2 were released from the officers' custody into Ragland's custody.
37. 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.

38. 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

39. Paragraphs 1 - 38 are incorporated in this count.
40. Claimant's son, MC-2, is African-American.
41. Claimant's son MC-2 was stopped by officers a half mile southwest from the original dispatched location from the 911 call within six minutes of the

call being placed, making it practically impossible that he was the alleged youth with a toy gun, which in and of itself is not a report of a crime.

42. Claimant's son MC-2 was subjected to being seized at gun point by multiple handguns, a high powered rifle, and a taser by Respondent's officers on the allegation that two minors walking in the opposite direction a half mile away possessed a toy gun despite being compliant with officers' commands, no weapons had been found on Domonic nor MC-1, and the initial 911 call was regarding allegations that two minors were walking in the opposite direction a half mile away with a toy gun which in and of itself is not a report of a crime.
43. Claimant's son MC-2 was subjected to being unlawfully searched because the allegations of the 911 call did not create reasonable suspicion or probable cause of a crime as all was alleged was two minors with a toy gun, which in and of itself is not a report of a crime.
44. Furthermore, Claimant's son MC-2 was also subjected to unlawful detainment by Respondent after confirming Domonic, MC-1 and MC-2 had no weapons.
45. Claimant's son MC-2 received unfair and unequal treatment by Respondent because of his race.

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

COUNT 2
SEX DISCRIMINATION
UNEQUAL SERVICE

47. Paragraphs 1 – 46 are incorporated in this count.
48. Claimant's son, MC-2, is male.
49. Claimant's son MC-2 was stopped by officers a half mile southwest from the original dispatched location from the 911 call within six minutes of the call being placed, making it practically impossible that he was the alleged youth with a toy gun, which in and of itself is not a report of a crime.
50. Claimant's son MC-2 was subjected to being seized at gun point by multiple handguns, a high powered rifle, and a taser by Respondent's officers on the allegation that two minors walking in the opposite direction a half mile away possessed a toy gun despite being compliant with officers' commands, no weapons had been found on Domonic nor MC-1, and the initial 911 call was regarding allegations that two minors were walking in the opposite direction a half mile away with a toy gun which in and of itself is not a report of a crime.

51. Claimant's son MC-2 was subjected to being unlawfully searched because the allegations of the 911 call did not create reasonable suspicion or probable cause of a crime as all was alleged was two minors with a toy gun, which in and of itself is not a report of a crime.
52. Furthermore, Claimant's son MC-2 was also subjected to unlawful detainment by Respondent after confirming Domonic, MC-1 and MC-2 had no weapons.
53. Claimant's son MC-2 received unfair and unequal treatment by Respondent because of his sex.
54. 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.

REQUESTED RELIEF

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: December 14, 2022 /s/ Alannah M. Buford-Kammerman
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