

Exhibit C:

VanderKooi Declaration

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENYATTA WILLIAMS,

Plaintiff,

v.

Case No. 1:13-cv-653

HON. ROBERT J. JONKER

U.S. District Judge

CITY OF GRAND RAPIDS,
KEVIN BELK, GREGORY REKUCKI
and ANTHONY LEONARD,

Defendants.

EXHIBIT 4

**Affidavit of Captain Curtis Vanderkooi, Commander of East
(Southeast) Service Area**

Defendants City of Grand Rapids and Chief Belk's Response to Plaintiffs' Motion for

Summary Judgment;

Defendants Leonard and Rekucki's (1) Response to Plaintiffs' Motion for Summary

Judgment and (2) Motion for Summary Judgment on Qualified Immunity Grounds

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AFFIDAVIT OF CURTIS VANDERKOOI

State of Michigan)
) ss
County of Kent)

Curtis Vanderkooi, being duly sworn, says:

1. The facts stated herein are within my personal knowledge, and I am competent to testify to these facts.
2. I have been employed as a police officer by the City of Grand Rapids since 1980, served as an Acting Captain in 1996 until 1999 when I was officially promoted to my current rank of Captain in the City of Grand Rapids Police Department.
3. The City of Grand Rapids is divided into four distinct Service areas. I am the current unit commander of the Southeast Service Area, also called the East Service Area and have been since its inception in 1999. The East Service Area is further divided into eight beats.
4. 2510 Burton Street SE, Grand Rapids, the location of Cheero's Sports Bar, is situated in the East Service Area, Beat 4, referred to as E4. Cheero's is located in a primarily residential neighborhood with some commercial properties in the area. It is the only business in the neighborhood that is open after midnight.

5. I am responsible for supervision and direction of all GRPD personnel assigned to the East Service Area. In 2011, the East Service Area personnel included 4 sergeants, 40 patrol officers, 3 community officers, as well as general case detectives.
6. As commander of the East Service Area, I am responsible for coordinating problem solving strategies to address crime patterns, problem areas, and citizen concerns located in the East Service Area.
7. One of the tools I use to coordinate problem solving strategies is to issue service referrals. Service Referrals provide an organized method by which officers can log, track, and respond to citizens' request for police service. Service referral requests can include anything from traffic law enforcement a busy intersection, to addressing drug activity, disorderly conduct, and quality of life issues at specific addresses or locations.
8. Another tool I use to coordinate these efforts is called the East Edge. The East Edge is an email I try to disseminate to officers assigned to the East Service Area once a week. The East Edge contains a summary of information, organized by beat, on police problems, pattern crime information, citizen complaints, which can include anything from speeding to drug use in the area, and any other information relevant to an officer's patrol duties. The purpose of the East Edge is to trade and consolidate the most accurate and timely information between and among police officers so that my team can develop effective tactics in combating these complaints and problems.
9. Officers assigned to the East Service Area are expected to read the East Edge and to utilize the information during the course of their patrols. When officers are not responding to calls for service, they are expected to drift back to their beat and work on ongoing problems identified in service referrals or the East Edge. Officers are expected to demonstrate they are actively working on the issues identified in the East Edge or Service Referrals by documenting their time spent observing problem addresses and initiating contacts with people, called field interrogations.
10. If I determine that an officer is not reading and utilizing the information contained in the East Edge, or is not responding to service referrals, I will direct a sergeant to counsel the officer.
11. Attached as **Exhibit 9** is the 2011 Southeast Team Beat Expectations, which details my expectations for how officers are to use their time. Officers assigned to Beat 4 were expected to direct their attention to police problems identified in the latest edition of the East Edge as well as to address "disorderly behavior including alcohol and drug abuse outside the Orbit Room, Cheero's, Anazeh Sands, and Uccello's, which are bars or clubs in E4.

12. My team has had to spend considerable amounts of time monitoring Cheero's, responding to calls for service, and addressing citizen's complaints of the activities at Cheero's especially on Saturday nights when Cheero's hosts an Urban, or hip hop night. The activities occurring at Cheero's on Saturday nights, and in the parking lot in particular, have been consistent with the pattern of disorderly and violent activity seen at other nightclubs in the city, like Toscanos, Julians, and Azucar, where disorderly activity in parking lots developed into shootings and homicides. Cheero's has not become as violent as these other clubs, due in part to the constant police presence and security improvements made by the business owner. Attached as **Exhibit 18** is an email I sent, which outlines the problems my team has experienced at Cheero's since June 2011.
13. Attached as **Exhibit 8** is the East Edge dated September 1, 2011, which contains information on Cheero's Sports Bar, specifically the fact that the owner signed a no trespass letter, that the owner believed anyone hanging out in his parking lot were not patrons, and that the owner wanted the GRPD to remove trespassers. By including this information in the East Edge, I expected the officers assigned to the East Service Area to respond to direct their attention to the recent problems at Cheero's and the owners request for police presence.
14. The purpose of a letter of intent to prosecute trespassers, also called a "no trespass letter" is a tool to solve the problems associated with people violating or misusing other people's property. For the property owners, such problems often do not occur when the owner or manager is at the business. Rather, the owner comes to work the next day to find graffiti on his property, used condoms discarded on the property, or drug paraphernalia discarded on the property.
15. A no trespass letter is an authorization to the GRPD to investigate suspected trespassers, without the need to first contact the business owner, who oftentimes is not at the property at the time of the suspected illegal activity. A no trespass letter is also meant to transfer the obligation of confronting a suspected trespasser from a civilian to a GRPD officer. It can be dangerous for a civilian to confront a suspected trespasser. It is not uncommon for property owners, business managers, their employees, or even their security guards to be too scared to approach a suspected trespasser; they fear violence.
16. A no trespass letter is not intended or used as a blanket order to arrest everyone on the property. When addressing trespassing concerns on a business property which is covered by a no trespass letter, officers must use discretion and are expected to investigate the circumstances before making an arrest or issuing an appearance ticket.

17. A proper investigation requires an officer to observe a suspected trespasser's behavior to determine whether the suspect is a customer of the business. There is no set time requirement for how long an officer observes a suspected trespasser before making contact; it could be ten to fifteen minutes, it could be less, depending on the circumstances. If the observed behavior reveals nothing consistent with this suspect being a customer, the officer is expected to make contact with the suspect and inquire what this person is doing at this business in order to determine whether this person is engaged in patronizing this business. During this contact, it is not uncommon for an officer to see evidence of other crimes, such as open containers of alcohol or drug paraphernalia.
18. I was not personally present at Cheero's on 9/4/11 when Kenyatta Williams was arrested. I do not believe I have ever met Kenyatta Williams.
19. I did not personally order Officer Gregory Rekucki or Officer Anthony Leonard specifically to contact, arrest, handcuff, imprison, slap, or beat up Kenyatta Williams. I did not personally issue an order specifically to seize or destroy personal property, medication, or marijuana belonging to Kenyatta Williams.

Further affiant sayeth not.

By: Curtis Vanderkooi
Curtis Vanderkooi, Captain
Grand Rapids Police Department

Subscribed and sworn to before me
November 20, 2013

Claudia J. Hancock
Notary Public, Kent County, Michigan
My Commission Expires: 03-24-2019