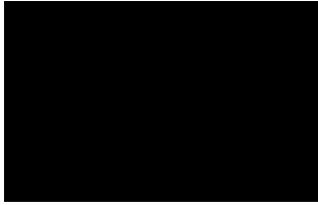


May 22, 2020



RE: FREEDOM OF INFORMATION ACT REQUEST

Greetings:

The Grand Rapids Police Department has received your request for information and has processed it under the provisions of the Michigan Freedom of Information Act (P.A. 442 of 1976). Please refer all responses to **FOIA #20-0672**.

The request was for:

Incident report regarding pro-life protesters at 320 Fulton St E on 5/13/2020

A search of departmental files found **one (1) incident report** pertinent to your search. Your request is GRANTED in part and DENIED in part as to the following redactions.

MCL 15.243 §§ 13(1)(a) and 13(1)(b)(iii) of the Michigan Freedom of Information Act exempts from disclosure those records which would constitute an unwarranted invasion of personal privacy. Therefore, portions of the report (addresses, phone numbers, etc.) that fall within the above-mentioned statute have been redacted.

Driver's license information, including images, have been redacted under MCL 15.243(1)(d) in coordination with the Driver's Privacy Protection Act [18 USC §§ 2127-25].

Please be advised that under MCL 15.243(1)(a)(information of a personal nature release of which would constitute a clearly unwarranted invasion of an individual's privacy) and MCL 15.243(1)(b)(iii) (law enforcement records release of which would constitute an unwarranted invasion of personal privacy). It is the City's position that the public interest in the disclosure of this information is outweighed by the public interest in keeping this information private. The core purpose of the FOIA is to contribute significantly to public understanding of the operations or activities of the government. Requests for information on private citizens accumulated in government files that reveal little to nothing about the inner working of government do not serve the core purpose of the FOIA. See *ESPN, Inc., v Michigan State University*, 311 Mich. App. 662 (2015). In this instance, release of the requested records does not reveal the inner workings of government and therefore does not serve the core purpose of the FOIA. Therefore, portions of the report (names, addresses, phone numbers, dates of birth, etc.) that fall within the above-mentioned statute have been redacted, and that requested information which is withheld is considered denied.

All fees permissible under Michigan's Freedom of Information Act have been waived in this instance and the record(s) enclosed. You have certain rights to appeal the partial denial of your record request. You may either appeal to the City Commission or commence a Kent County Circuit Court action within 180 days of this letter. Your appeal rights and rights to damages for improper denial are specifically set out in Section 10 of the Act. You also have certain rights to appeal a fee charged for your records request as set out in Section 10a of the Act. A copy of the City of Grand Rapids FOIA policy, including your right to appeal, is enclosed. A copy of the City of Grand Rapids' Freedom of Information Act Procedures and Guidelines and written public summary is available on the City's website at the following location: <https://www.grandrapidsmi.gov/Services/File-a-Freedom-of-Information-Act-FOIA-Request-For-Police-Records>

DRS/mos

Thank you,

Mikayla O Smith

Mikayla O. Smith, Police Records Specialist
on behalf of Capt. David R. Schnurstein
Records & Technology Division Commander

DRS/mos



GRAND RAPIDS POLICE DEPARTMENT

INCIDENT REPORT FORM

Inc Number
20-027992

Report Date/Time 05/13/2020 / 09 25 hrs	Date/Time - Between /	and/or On 05/13/2020 / 08 33 hrs	Original Reporting Officer Smith, Jordyn #155
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Offense Descriptions	Offense Code	Attempt	PT	WT	BM	TA	PN
1. Trespass	9.133(1)	Local	C				
2.							
3.							
4.							

Location of Incident Intersection: 320 FULTON ST E
Beat Area: N7
GRAND RAPIDS MI

Alcohol Related
 Drug Use Suspected
 Computer Involved

INVESTIGATION DETAILS				RELATED INCIDENT NUMBERS / TITLES		
Invest. Type CITY ATTY	Status 03-Arrest	Date Assign 5/13/2020		Rel. Inc Num.	Off Code	Offense Title
		5/14/2020				
Investigator Assigned Recor, William #077		Disposition	Solve			
			100			
Invest. Supv. Review By						

Assisting Officers

Bryant, Barry #523
Fischer, Timothy #167
Smith, Jordyn #155

Parties Involved

Subject Status	Last Name, First, Middle	Age	Race	Sex	DOB	Eyes	Hair
Arrested	MILLER, MONICA MARIE W/F	66 to	W	F		BRO	
		Ht 502 to	Wt 115 to	Ask-in Date / Time /			
Positive ID Type	State ID Number	Phone Type	Phone Number	Additional & Clothing Description			
Drivers Lic	MI					

Subject Status	Last Name, First, Middle	Age	Race	Sex	DOB	Eyes	Hair
Arrested	KOVALY, ROBERT THOMAS W/M	62 to	W	M		BLU	
		Ht 508 to	Wt 140 to	Ask-in Date / Time /			
Positive ID Type	State ID Number	Phone Type	Phone Number	Additional & Clothing Description			
Drivers Lic	MI					

Subject Status	Last Name, First, Middle	Age	Race	Sex	DOB	Eyes	Hair
Arrested	IDONI, HEATHER RUTH W/F	55 to	W	F		BRO	
		Ht 502 to	Wt 220 to	Ask-in Date / Time /			
Positive ID Type	State ID Number	Phone Type	Phone Number	Additional & Clothing Description			
Drivers Lic	MI					

Report Date/Time 05/13/2020 / 09 25 hrs	Date/Time - Between /	and/or On 05/13/2020 / 08 33 hrs	Inc Number 20-027992
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Subject Status Arrested	Last Name, First, Middle Davis, Caroline Renee W/F [REDACTED]	Age 21 to	Race W	Sex F	DOB [REDACTED]	Eyes GRN	Hair
[REDACTED]	[REDACTED]	Ht 506 to	[REDACTED]	Wt 106 to	Ask-in Date / Time /		
Positive ID Type Drivers Lic	State MI	ID Number [REDACTED]	Phone Type Work	Phone Number [REDACTED]	Additional & Clothing Description		
.....							
.....							
.....							

Subject Status Arrested	Last Name, First, Middle Norton, Annelore B W/F [REDACTED]	Age 75 to	Race W	Sex F	DOB [REDACTED]	Eyes BLU	Hair
[REDACTED]	[REDACTED]	Ht 502 to	[REDACTED]	Wt 157 to	Ask-in Date / Time /		
Positive ID Type Drivers Lic	State MI	ID Number [REDACTED]	Phone Type Work	Phone Number [REDACTED]	Additional & Clothing Description		
.....							
.....							
.....							

Subject Status Complainant	Last Name, First, Middle [REDACTED]	Age 37 to	Race W	Sex F	DOB [REDACTED]	Eyes	Hair
[REDACTED]	[REDACTED]	Ht to	[REDACTED]	Wt to	Ask-in Date / Time /		
Positive ID Type	State	ID Number	Phone Type Work	Phone Number [REDACTED]	Additional & Clothing Description		
.....							
.....							
.....							

Subject Status Other	Last Name, First, Middle [REDACTED]	Age 38 to	Race W	Sex M	DOB [REDACTED]	Eyes	Hair
[REDACTED]	[REDACTED]	Ht to	[REDACTED]	Wt to	Ask-in Date / Time /		
Positive ID Type	State	ID Number	Phone Type	Phone Number	Additional & Clothing Description		
.....							
.....							
.....							

Vehicles Involved

Property Involved

Report Date/Time 05/13/2020 / 09 25 hrs	Date/Time - Between /	and/or On 05/13/2020 / 08 33 hrs	Inc Number 20-027992
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Narrative Rpt Date / Time: 5/13/2020 / 9:25	Reporting Officer: Smith, Jordyn #155
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On 05/13/2020 at 0830 hours Sgt Bryant and I were dispatched to 320 Fulton St E in reference to 20 people protesting at the clinic, taking pictures of patients, and walking into the private parking lot. This clinic offers abortion services.

It should be noted that the Heritage Clinic for Women has appointments scheduled for 0800-1200 hours each Wednesday-Friday. The protesters are aware of these hours.

Employees at this clinic have never seen a group as aggressive as these pro-life activists. Officers investigated and concluded that this specific group of about 20 was with the "Red Rose Rescue" mission, headed by Monica Miller. All men and women cited or arrested were not from the area. This groups goal, according to one of the arrested subjects, was to encourage arrest. Other groups with the "Red Rose Rescue" encourage compliant protests, and abide by the law.

Upon arrival I observed several people harassing patients in the driveway at the bottom of the hill at the listed location. This area is posted no trespassing. One protester, identified as Monica Miller, walked into the clinic with a patient, and was escorted out. Monica was accompanied by another protester, Robert Kovaly.

Both Monica and Robert were directed several times to leave the property. They were told to stay on the sidewalk, not block the driveway, and keep the noise down. While attempting to escort them off the property they continued to harass several more patients that attempted to go into the parking area.

After directing both Monica and Robert off the property, I had to physically escort Monica up to the sidewalk, as she remained stationary in the private lot refusing to walk off the property on her own. Robert followed. While with the rest of the pro-life protesters out front of the building I advised that all must stay off the property, and remain on the side walk while not blocking the driveway.

Within moments of police leaving the area, police got called back as the same individuals immediately went back down the driveway and were harassing patients again.

Monica and Robert were placed into custody, searched and put in the rear of my patrol car. They were cited for trespassing (20Z667304 and 20Z667305) and told if they return again they would be taken to jail for trespassing. They were advised to remain on the sidewalk and keep the noise down. Both were released. There were no further issues with either the remainder of the morning.

Sgt Bryant observed another protester in the private parking lot, a male identified as [REDACTED], and placed him in the rear of his patrol car. He was warned to not return to the private property and released.

All three subjects were attempting to actively address patients with red roses while officers warned them to stop and remove themselves from the property.

No names were collected of the patients, to protect their privacy. It can be noted that the patients appeared fearful, harassed, and displeased with the interactions the protesters were having with them.

Nothing further.

0851 hours:

Officers were called out a third time, for the protesters being loud and blocking the driveway.

On this return no violations were observed.

Of note, one female, later identified as Annelore Norton, would walk across the driveway slowly as patients drove in. This included her walking in the path of police cruisers trying to get into the drive. I nearly struck Annelore if I did not slow my vehicle while getting into the driveway. Other officers noted the same.

Officers then cleared.

1013 hours:

Report Date/Time	Date/Time - Between	and/or On	Inc Number
05/13/2020 / 09 25 hrs	/	05/13/2020 / 08 33 hrs	20-027992

Officers were called back a fourth time, as two people had trespassed into the lot again. This time a staff member, Office Manager [REDACTED], stated a different female get into the building and had to be told to leave.

[REDACTED] explained that when the women enter the building they attempt to get into a secured door by saying they are with the patients, or that they need to use the restroom. They are not granted access, and told to leave. The women become aggressive, yelling that they are murderers, and intimidate the patients. They make it as far as the stairwell inside the building, but not into the main portion of the building.

[REDACTED] also wanted to note that today is the first day that staff members have had to exit the building to escort patients in from the parking lot for their safety. They felt threatened by the protesters aggressive actions and intimidation.

[REDACTED] advised on this return trip that the female who had entered the building was now gone.

Officers observed an additional female enter the property then leave with a few other protesters WB then NB on Lafayette Ave. I was able to catch up to that female, later identified as Annelore Norton. Annelore was cited for trespassing (20Z667306), as she was advised several times to not enter the property.

Shortly after leaving the area for the fourth time, additional protesters were seen entering the property by officers observing the location.

After officers arrived back to the clinic, a female, identified as Heather Idoni, was standing outside the clinics west side entrance, harassing [REDACTED] advised that Heather had entered the building. Ofc Fischer placed Heather into handcuffs and advised her that she was under arrest for trespassing.

The original female officers observed trespassing was Caroline Davis. I placed Caroline Davis into handcuffs (DL/FS), searched her incident to arrest, and placed her in the rear of my patrol car. Nothing illegal was located.

Both were transported to KCCF and charged with trespassing. Watch Commander Lt Merrill authorized to set a PR bond of \$500, and the two were released after processing.

I called [REDACTED] back at the clinic to follow-up if there were any other issues once officers left the fifth time. [REDACTED] stated there was no further issues, and that she was thankful for our responses.

Nothing further.

Report Date/Time 05/13/2020 / 12 40 hrs	Date/Time - Between /	and/or On 05/13/2020 / 08 33 hrs	Inc Number 20-027992
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Narrative	<i>Reporting Officer:</i>
Rpt Date / Time: 5/13/2020 / 12:40 Follow-Up Report	Fischer, Timothy #167

On today's date at approximately 1020 hours, I was dispatched to the Heritage Clinic for Women at 320 Fulton St E regarding protesters that were trespassing on clinic property. There were several callers consisting of employees as well as neighbors (See original report).

Upon arrival, Officer J. Smith and I spoke with protesters and reminded them of the rules against trespassing. Upon pulling into the parking lot, I almost struck several protesters who were blocking the driveway.

After speaking with protesters the first time, we left the property without incident. I spoke with Sgt. Bryant who stated that he would be monitoring the crowd for violations and if we had to return that we would be enforcing strict enforcement for trespassing.

Minutes later, Sgt. Bryant reported that he witnessed several of the protesters running back onto the property.

Upon arrival the second time, I pulled into the clinic parking lot and one of the employees was pointing at one of the protesters who was in the back lot behind the business directing me to them.

I made contact with the protester, Heather Ruth Idoni, and placed her into handcuffs (DLCS). I escorted her to the driver side of my patrol car where she was searched incident to arrest, and placed in the back of my patrol car.

I then assisted Officer J. Smith with placing another protester seen trespassing before returning to my cruiser.

I file checked Idoni and she was NIL LEIN.

I spoke with her regarding the protest and she stated that she came to the protest fully expecting to be arrested. She stated that she has been arrested several times for the same situation around the country. She was a part of the "Red Rose Rescue Mission".

I wrote Idoni a citation for trespassing, 20Z667307, and transported her to KCCF. The citation will be attached to this report. I was directed by Lt. Merrill to give Idoni a \$500.00 personal recognizance at the jail and I did so. I stood by until Idoni was processed and then transported her out of the sally port where she was released from custody.

BWC and ICV active. Nothing further.

RIGHT TO SEEK JUDICIAL REVIEW

APPEALING A DENIAL OR PARTIAL DENIAL

Sec. 10. (1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorney's fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

APPEALING A FEE

Sec. 10a. (1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this

RIGHT TO SEEK JUDICIAL REVIEW

subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

- (i) The public body does not provide for appeals under this subdivision (a).
 - (ii) The head of the public body failed to respond to a written appeal as required under subsection (2).
 - (iii) The head of the public body issued a determination to a written appeal as required under subsection (2).
- (2) Within 10 days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:
- (a) Waive the fee.
 - (b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.
 - (c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.
 - (d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of the public body shall not issue more than 1 notice of extension for a particular written appeal.
- (3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).
- (4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.
- (5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.
- (6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorney's fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).
- (7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.
- (8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

Sec. 10b. If the court determines, in an action commenced under this act, that a public body willfully and intentionally failed to comply with this act or otherwise acted in bad faith, the court shall order the public body to pay, in addition to any other award or sanction, a civil fine of not less than \$2,500.00 or more than \$7,500.00 for each occurrence. In determining the amount of the civil fine, the court shall consider the budget of the public body and whether the public body has previously been assessed penalties for violations of this act. The civil fine shall be deposited in the general fund of the state treasury.