

Draft Minutes Detroit Board of Police Commissioners

Date of Meeting: July 27, 2017 – 3:00 PM

Location: Detroit Public Safety Headquarters, 1301 Third Street, Detroit, MI 48226

Chairperson Lisa Carter called the BOPC meeting to order at 3:00 PM (July 27, 2017)

Detroit Police Commission Membership / Attendance	Attend	Not-Attend
Lisa Carter, Chairperson	Yes	
Eva Dewaelsche, Vice Chairperson	Yes	
Willie Bell	Yes	
Elizabeth Brooks	Yes	
Willie E. Burton (3:15 PM)	Yes	
Reginald Crawford	Yes	
Conrad Mallett	Yes	
Derrick Sanders	Yes	
Richard Shelby	Excused	
Bishop Edgar Vann	Yes	
Vacant	N/A	
Quorum (Yes)	9	

The Board acted in accordance with its rules approved the Agenda for July 27, 2017.

The Board acted in accordance with its rules approved the following Board Minutes:
Thursday, July 20, 2017

BOPC Officers Report(s): After welcome and opening remarks **Chairperson Lisa Carter** asked Bishop Edgar Vann to provide the invocation. **Chairperson Carter** asked the Commissioners in attendance to introduce themselves and add any comments to the record. Other elected officials, representatives and VIPs were also asked to identify themselves or their organizational affiliations. BOPC staff in attendance were also introduced. Carter also welcomed AC James E. White, representing Chief of Police James E. Craig to the meeting and invited him to introduce his staff.

Chair Report: **Chairperson Carter** reported on the following, "I would like to note our continuing concerns and support for our injured and fallen officers. I would first like to express, on behalf of the Board, our support and gratitude to the families of Officer Johnson, 2nd Precinct, who remains in critical condition, Officer Keith Baker who is still in recovery, and Officer Lindquist, also still in recovery. We also have information on the funeral arrangements for Officer Raymoxley Berry, 12th Precinct. Officer Berry's funeral is scheduled for Saturday, July 29, 2017 at 11:00 PM at Church of Christ, 20131 Wyoming, Detroit. Additionally, please add to our list of support and gratitude the families of Reserve Officer Anthony Watson, Sr. AND Donoven Rodriguez the Stepson of Officer Gary Steele, 6th Precinct."

Carter also noted a list of new (BOPC) committee assignments. Additionally, Carter commented on a recent newspaper article that the Board is being sued by Nationwide Towing. Nationwide alleges, we failed to provide the towing company a hearing before its suspension from our tow program. Carter noted for the record, this Board has not voted to suspend Nationwide. Last week, the Chief's office notified the Board that it acted using its emergency powers to suspended Nationwide. Carter also indicated, to meet our obligation under our towing rules, as soon as we receive a report from the Department's investigation related to the suspension, we will schedule a hearing. Up to this point, the Board has nothing before it for action. **Commissioner Vann** asked if a clarification on this matter will be made to the media and the reporter who wrote the article. (**Note Media Coordinator T. Blossom addressed this issue with the reporter for accuracy based on the public record of AC White on July 20m 2017**).

Carter also indicated a few meetings ago, the BOPC noted the Governor had enacted into law a series of provisions governing Body Worn Cameras. We will hear from staff later today on how these new State laws impact our local laws in Detroit. Ms. Melanie White will be making this presentation.

Carter continued in her report to note this will be the last meeting for OCI Chief Pamela Drake. Several Commissioners joined with Chairperson Carter to wish outgoing OCI Drake great success in her new endeavors. Carter also noted, Commissioner Bell's request for the new attorney to pull together several legal reviews for the Board. Carter indicated, Attorney Jermaine Wyrick will address the board on this matter during our meeting. Carter continued the Chairperson's report indicating two weeks ago, Chief of Police James Craig transmitted to the Board two recommendations for leave of duty assignments WITHOUT PAY. Carter indicated the Board's intent to taking up these items during today's meeting and had previously instructed staff to move oral communications up on the agenda to allow citizens to address the Board without waiting for the completion of the closed sessions.

Chairperson Carter also reported on the regular meeting with the leadership of the Board, the Mayor and Chief of Police with the update that the Mayor's meeting has change from monthly scheduled meetings to bi-monthly meetings. Carter indicated several items were discussed including conditions of the police precincts and a capital improvement plan for entire city for police and fire facilities. Additionally, the discussion included public safety education for the Q-line and PSAs on traffic safety issues related to bike traffic. Also included in the discussion, Carter reported the success of the Department's recruitment efforts. She remarked about the great numbers of new recruits resulting from the collective effort of DPD and the Board's outreach initiative headed by Commissioners Brooks and Dewaelsche. **Carter and Bell** also reported on the premier of movie *Detroit* and how this relates to negative and positive descriptions of police-community relations. **Commissioner Bell** read into the record several news articles associated with the 1967 rebellion and other police incidents. Bell voiced his concerns that history might repeat itself if we did not understand and acknowledge the past including incidents leading to citizen rebellions. Bell also credited Michael Eric Dyson on providing the context to understand the 50th anniversary of the rebellion during the showing of the film. Bell also indicated that today's DPD is to be placed in historical perspective. Most importantly, Bell pointed to the underlying conditions for the average black citizen in Detroit leading to the 1967 rebellion. **Commissioner Mallett** also gave a first-hand account of the morning of July 23, 1967 rebellion. **Commissioner Burton** also added that due to changes in Police Department, as compared to the force of 1967, the Department is no longer the same Department. **Commissioner Crawford** noted the impact and subsequent changes caused by an active population in seeking change has benefited the Department in Detroit and other Departments around the country. **Commissioner Vann** also added that many of the conditions in the city are the same as 50 years ago. Vann indicated, we still experience a 40% poverty rate, 60% child poverty, still have housing issues and crime, safety and issues related to the education. Vann concluded, to most Detroiters an argument can be made that conditions may be worst today. We need to focus of the human conditions, people without jobs, housing, suffer from miss-education and other forms of oppression that have become part of the urban experience. Vann also noted that Detroit has better police-community relations as compared to other cities, but again underscored the lack of a nation urban agenda or efforts to help the overall human condition.

Resolutions and Memorials: Commissioner Vann read into the record a resolution to P. O. Raymoxley Berry (Posthumous).

BOARD RESOLUTION HONORING POLICE OFFICER RAYMOXLEY BERRY (POSTHUMOUS)

- WHEREAS** Mr. Raymoxley Berry was appointed to the Detroit Police Department on January 12, 1998. Upon graduating from the Metropolitan Police Academy, Officer Berry began his career at the Tenth Precinct; and
- WHEREAS** Officer Berry dutifully served the Tenth Precinct, Western District, and the Twelfth Precinct. On Wednesday, July 19, 2017, after nineteen (19) years of service, Police Officer Raymoxley Berry, Badge 3008 passed away; and
- WHEREAS** Officer Berry was the deserving recipient of one (1) Chief Citation Award, six (6) Perfect Attendance Award, a Major League Baseball All-Star Recognition Award, the Rosa Parks Funeral Recognition Award, the Super Bowl XL Recognition Award, and numerous letters of commendation from citizens and superiors; and
- WHEREAS** Officer Berry tirelessly served the Detroit Police Department, the citizens of Detroit and its neighboring communities with unwavering devotion. His commitment to public service, integrity, and dedication were a credit to the Detroit Police Department.

NOW, THEREFORE, BE IT RESOLVED That the Detroit Board of Police Commissioners, speaking for the citizens of Detroit and the Detroit Police Department, award this resolution posthumously in recognition of Police Officer Raymoxley Berry nineteen (19) years of dedicated and diligent public service. His professionalism, integrity, and standard of commitment to the city of Detroit and its citizens merit our highest regards. **DETROIT BOARD OF POLICE COMMISSIONERS**

Motion: Motion to Honor PO Raymoxley Berry (Posthumously) (Vann)

Second: (Sanders)

Vote: Yes = 9 No = 0 Abst = 0 (Vacant = 1) **Action: Approved**

Commissioner Sanders reported about his ride along in the 10th Precinct and how we might embark on the using new police officers to recruit others new officers.

COP Police Report: AC James White reported on the YouthFest currently underway. White also remarked about the film, Detroit. He indicated his hope that the movie causes dialogue and not animosity. **AC James White** reported on CompStat data for the reporting period ending July 23, 2017. AC White reported Homicides percentage change between 2015 and 2016 of -4% decrease, Sexual Assaults -64% decrease, Robbery -11% decrease, Carjacking -3% decrease, Aggravated Assaults, -5% decrease, Non-fatal shooting, -4% decrease for an overall total of -7% decrease. Additionally, AC White discussed the Capital Improvement Project of the Department including improvements to the 7th precinct, the E-911 improvements, 3rd Precinct locker, upcoming improvements to the 10th Precinct and the roof on the 5th Precinct. Commissioner Vann inquired about the BOPC/OCI Merrill Plaisance location and efforts to rehabilitate this location. AC White indicated the Department will soon reach out to inquire about programming needs for the new location.

Presentation to the Board: (A) OCI Report, (B) Policy Section – Public Act 85 of 2017, Body Worn Cameras, (C) BOPC Legal Updates, (D) DPD Fiscal Operations Procurement.

(A) Chief Investigator Pamela Davis Drake outlined the Citizens' complaints received in the month of June, 2017. Year-to-Date Drake reported a 1% increase in complaints, 559 as compared to 2016, 566. For June, 125 complaints, as compared to June 2016 of 134. A 7% decrease. The leading precincts were from the 8th precinct. Procedure was the leading allegation and 11 percentage points of the complaints were sustained. Drake also discuss items referred to the Policy committee from the Citizens' Complaints committee including SOPs and the need to fill two current investigation position in OCI. **AC White**, as a supplement to Chief Drake's report indicated that when there is equipment failure i.e., cameras, the Chief requires a debriefing and officers are held accountable for manipulating equipment. AC White also indicated that in cases wherein a precinct has high complaint numbers the Department also request an internal report utilizing the DPD Management Awareness System (MAS) from CRIBS for review and uses the quarterly management to address the issue including calling in the specific command for questions.

(B) Policy Section – Public Act 85 of 2017, Body Worn Cameras. Policy Section Executive Manager Melanie White outlined analysis of the Law Enforcement Body-Worn Camera Privacy Public Act, 85 of 2017. The analysis was in association with how this act would potentially impact DPD's proposed Body Worn Directive, as well as existing laws related to transparency and privacy, the Freedom of Information Act (Michigan) and the Crime Victim's Rights Act. A copy of the analysis was provide to the Board.

(C) BOPC Legal Updates. Board of Police, Attorney to the Board Jermaine Wyrick updated the Board on several legal issues. Attorney Wyrick spoke to Commissioner Vann's concern about the unfavorable "subjective" spin toward a citizen that can occur in questionable incident. Specifically, ideally good policing involves reasonable, objective measures rather than subjective which can be mistaken or based upon malicious intent. Summarily, Attorney Wyrick addressed issues that he has worked on since his hire began July 10, 2017, including Towing, Disciplinary Issues, Compensatory Time/Sick Leave Donation Program, Garrity Hearing effects on subsequent criminal proceedings, and how Collective bargaining agreements take precedence over a City Charter based upon legal cases.

(D) DPD Fiscal Operations Procurement. Representing the Purchasing Department, Kevin Nosotti, Supervisory Auditor, Purchasing. Mr. Nostti responded to questions provided to the department by the BOPC (BOPC questions listed below).

DPD PROCUREMENT QUESTIONS

1) **BOPC Question:** Annual Spending in dollars for the Detroit Police Department?

Response: Annual Spending

Open "DPD" Agreements released amounts since July 1, 2017 was approximately \$19.3 million.

2) **BOPC Question:** Summarize spending by the following categories: a) Large purchases, b) Medium purchases, c) Small purchases

Response: Summarize by Categories

Open Detroit Police Department Agreement information

- i. < \$25,000 = \$94,810
- ii. > \$25,000 = \$19.2M

3) **BOPC Question:** Average time it takes to complete an order for each of the categories referenced above?

Response: Average time it takes to complete an order for each of the categories reference above

Typical process for an Agreement is 90 days

- ii. Req-to-Check Process chart provided to visualize the process.
- iii. OCP Brochure provided to BOPC to show general required information in the procurement process.

4) **BOPC Question:** Sole Source purchases for DPD (non-competitive bids)?

Response: Sole Source purchases for DPD

It is the position of Chief Procurement Officer Boysie Jackson that Sole Source practices are not entered into without prior written approval.

5) **BOPC Question:** Number of personal service contracts (provide list to Commission)?

Response: Number of Personal Service Contracts (Provide List to Commission)

As of July 27, there were 13 PSC's identified for DPD

6) **BOPC Question:** Your opinion regarding obstacles and your recommendations for the coming budget cycle (i.e. methods/ways to streamline process)?

Response: Your opinion regarding obstacles and your recommendations for the coming budget cycle (i.e. methods/ways to streamline process)

- A Establish Annual Procurement Planning with departments
- B No unauthorized purchases / confirming's
- C Sole Sources must be approved by CPO

7) **BOPC Question:** Do you obtain feedback from vendors regarding the purchasing process? What is the common feedback?

Response: Do you obtain feedback from vendors regarding the purchase process? What is the common feedback

- A Yes, our buyers are consistently involved in negotiations with vendors and receive feedback from vendors (i.e. Best and Final Offer, price negotiations).
- B Work with vendors to answer questions about the purchasing process and feedback related to purchasing systems (i.e. iSupplier, BidSync)

8) **BOPC Question:** What is the internal organization and how is it deployed?

Response: What is the internal organization and how is it deployed

Brochure provided to the BOPC which provides information related to the Office of Contracting and Procurement.

9) **BOPC Question:** What are any specific hand-offs to DBA and under what conditions?

Response: What are any specific hand-offs to DBA and under what conditions

DBA provides only construction and renovation related services

10) **BOPC Question:** What is the year-end process for open requisitions and purchase orders?

Response: What is the year-end process for open requisitions and purchase order?

OCP adheres to the OCFO Year End Closing schedule. This year, per the OCFO office, there was to be no budget carry forward except in certain instances (i.e. capital, grants). OCP requires lead time for requisitions in order to create a PO as incomplete requisitions would not carry-forward.

* For accuracy, the Department submitted written responses to BOPC questions.

BOPC Standing and Ad hoc Committee Reports: Commissioner Brooks summarized several recruitment engagements representing the partnership between the Department and the Board of Police Commissioners. Commissioner Bell raised the issues of communication between the Board and the Department. Bell specifically inquired if the Board had been contacted by the Department for the YouthFest. Mr. Hicks indicated he did not recall such a notice, but would check our records. (Note: Upon checking for the above notice, such a notice was located in an e-mail transmitted to Mr. Hicks from DC Bettison). Bell indicated that the issue was not simply communication, but participation and involvement in Department sponsored events as the oversight agency for the Department.

Report from the Board Secretary: Mr. Hicks reported on communications received by the Board including disqualification data from HR, communications from Nationwide Recovery, Inc. and citizen complaints referred to OCI.

Old Business. Two Request from the COP re: Personnel matters re Detectives Tamara Conway and Jennifer Adams.

Announcements:

Next Meeting, Thursday, August 3, 2017 @ 3:00 PM Detroit Public Safety Headquarters, 1301 Third Street, Detroit MI 48226

Next Community Meeting, Thursday, August 10, 2017, @ 6:30 PM Kean's Marina, 100 Meadowbrook (South of Jefferson & West of St. Jean, Detroit MI 48214

Oral Communications from the Audience / Public Comments:

Ms. Faith, expressed her support for the Board and the work of the Board.

Chairperson Carter requested the authority to go into a closed session to take up the two personnel matters.

Motion to go into a closed session to take up two personnel matters requested by Chief Craig (Mallett)

Second (Sanders).

Vote: Yes = 9 No = 0 Abst = 0 (Vacant = 1) **Action: Approved**

Chairperson Carter recessed the meeting to return to regular order at the call of the Chair. Closed session convened.

Chairperson Carter returned to regular order.

Two motions were advanced to the floor:

Motion to **reject** the recommendation by the Chief to administratively place on Leave without pay Detective Tamara Conway **(Mallett)**

Second **(Dewaelsche)**

Vote: Yes = 9 No = 0 Abst = 0 (Vacant = 1) **Action: Approved / Recommendation Rejected.**

Motion to **accept** the recommendation by the Chief to administratively place on Leave without pay Detective Jennifer Adams **(Mallett)**

Second **(Dewaelsche)**

Vote: Yes = 8 No = 1 (Sanders) Abst = 0 (Vacant = 1) **Action: Approved / Recommendation Accepted.**

Motion to adjourn. Accepted by Chairperson Carter.

Adjournment.