

Draft Minutes Detroit Board of Police Commissioners

Date of Meeting: May 2, 2019 – 3:00 PM

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

BOPC Chair Willie Bell called the BOPC Board Meeting to order at 3:00 PM (May 2, 2019)

Detroit Police Commission Membership / Attendance	Attend	Not-Attend
Willie E. Bell, Chairperson	Yes	
Darryl D. Brown, Vice Chairperson	Yes	
Lisa Carter	Yes	
Elizabeth Brooks	Yes	
Eva Garza Dewaelsche	Yes	
Shirley A. Burch	Yes	
Willie E. Burton (3:10 PM)	Yes	
William M. Davis	Yes	
Jim Holley	Yes	
Evette Griffie	Yes	
Annie Mae Holt	Yes	
Quorum (Yes)	11	

The Board acting in accordance with its rules approved the Agenda for May 2, 2019.

**The Board acting in accordance with its rules approved the following Board Minutes:
Thursday, April 25, 2019**

Chairman Willie E. Bell said “Good Afternoon! I am Police Commissioner Willie Bell, I represent District #4. I serve as the Chair of the Board and will be conducting our meeting today. On behalf of the Board, for those in attendance, thank you for joining us. For people viewing this meeting on your government cable channel, thank you for viewing our meeting.

It is with great pride balanced with great sadness that I acknowledge the recent passing of one of the most important jurist of our time, **United States Federal District Judge Damon J. Keith**. Judge Keith stands in the same light as United States Supreme Court Justice Thurgood Marshall. Nationally and locally, both men helped shape the nation as we moved through some of the most challenging events of our lives. The ramifications of their work touched every walk of life, not withstanding each person’s economic plight, heritage or choice of life style. Judge Keith placed his stamp on some of the most important legal opinions of our time including issues related to affirmative action, school desegregation and employment discrimination. In one case, Baker vs City of Detroit, the opposition claimed that Judge Keith was unfit to hear an affirmative action case because of his friendship with Mayor Coleman A. Young. The opposition used the long term friendship and the common struggles against racial discrimination shared by Judge Keith and Mayor Young as a method to remove the judge from the case. Their effort failed. Additionally, in Bratton vs City of Detroit another challenge to affirmative action in Detroit, the opposition failed to stop affirmative hiring practices initiated by Mayor Young. Both cases are known for the judgement that the Detroit Police Department “employed a consistent overt policy of intentional discrimination against blacks in all phases of its operations.” For Detroiters acquainted with these times, Mayor Young was the most popular mayor to sit in city hall. Judge Crocket was the most popular local judge and Judge Damon Keith was the most popular Federal District Judge. It is very likely that each of these men knew of the others work and thus developed friendships. Judge Keith and Mayor Young are also known to have had the ability to interact with people of common standings and walk among workers, poor people, students and neighbors. The public visitation for Judge Damon J. Keith will be Saturday, May 11 at the Charles H. Wright Museum of African American History from 8 a.m. to 8 p.m. A funeral service will follow Monday, May 13 at Hartford Memorial Baptist Church, 18700 James Couzens Freeway, at 10 a.m. At our next community meeting, May 9th in the 8th police precinct, we will have a resolution detailing the life of Judge Damon Keith. But, for the moment, I ask that we still our hearts and our minds to honor the life and contributions of Judge Damon J. Keith, of the United States District Court of the Eastern District of Michigan.”

INVOCATION: (Bell) “We have invited Chaplain Devay Myatt to provide the invocation.” Chaplain Myatt gave the innovcation.

Chairperson’s Report – Willie Bell said “On behalf of the Board, I want to express our concern and support for fallen and injured officers. Our concerns for officer safety and citizen protection is ranked as two of the most important priorities of the Board. Our

Board receives a weekly report from the Department listing injured officers. I would ask the Chief of Police during his remarks to provide us with any additional information related to injured and fallen officers. The Board of Police Commissioners meets every week except for the Thanksgiving and Christmas Holiday periods. We meet at Police Headquarters 3 weeks in the month on Thursdays at 3:00 PM. We also meet in the community every 2nd Thursday of the month at 6:30 PM. Under the Detroit City Charter, Article 7, Chapter 8, the Board of Police Commissioners is empowered to provide civilian oversight and supervisory control of the Police Department. Our citizens are justified in asking “How does civilian oversight of law enforcement help you as a citizen within our community?” Our answer is, we protect the civil rights of citizens. Oversight organizations like the BOPC are at the forefront of investigating, reviewing and auditing individual cases of citizen complaints and patterns of operations by police agencies to eliminate misconduct, discriminatory police practices and unnecessary use of force by police. Our work is based on developing and supporting effective policing. Mutual trust and respect between the police and the community is critical toward increasing the quality of life for residents and visitors to Detroit. The Board of Police Commissioners exists to provide civilian oversight for the work of the Detroit Police Department. As a Board, we receive and investigate non-criminal citizens’ complaints, monitor the operations of the Department and work with the Mayor and the Chief of Police to make or modify police policy.

I want to balance the sad news related to the death of Judge Keith with other important events in African and American history. On this date in 1994 Nelson Mandela claimed victory as President of South Africa resulting from South Africa’s first democratic election. In addition, on this day in 2011, the 44th President of the United States, Barack Obama, organized and implemented a military strike resulting in the death of Osama Bin Laden, a known international terrorist responsible for the death of thousands of Americans. And finally, in 1945 Russia announced the fall of Berlin and the capture of 70,000 Nazi Germans who had surrendered. This announcement ended hostilities in the western military theater of World War II. May 2nd is indeed a notable date in history.

Additionally, I want to point to several important items for your consideration and information. Again, I remind the Board, we are continuing to work with NACOLE (National Association for Civilian Oversight of Law Enforcement) to host the National Conference on September 22 thru 26, 2019 in Detroit. During the same time, Detroit will be celebrating our 45th year as a civilian oversight organization on July 22, 2019. We are inviting law-enforcement and other civic minded individuals and organizations to join us at the conference. The planning process is well underway, and again we invite your participation.

I want to acknowledge that the Chief of Police has transmitted a proposed directive related to Towing and Impoundment Procedures, Directive Number 204.4. As many of you already know, the Board of Police Commissioners promulgated a set of towing rules that governed Police Authorized Towing, better known as private police authorized towing. Back in September 2018, the Board authorized the Detroit Police Department to operate motor vehicle storage facilities and towing operations. The Chief’s proposed Towing and Impoundment Procedures Directive 204.4 appear to take the same standards of private tow operations and draft them to the Department’s towing operations. This Directive has been referred to the Policy subcommittee and posted on the website for public comments. In a related measure, I have included in your package a resolution to allow for people who have committed a crime and paid their debt to society to rejoin the world of work. These citizens who are returning to the community should be given a fair chance at rehabilitation and employment opportunities. Fair employment opportunities are central to family and community stability. In this case, the resolution proposed to extend possible employment with private towing companies. These “returning citizens” must meet all employment requirements in the same way as any other job seeker. I plan to seek a vote on this resolution at our next meeting scheduled for May 9, 2019. Please review the draft resolution and plan to vote on this important amendment to our towing rules. I also want to report to the Board that we are seeking to schedule Mr. Hakeem Berry to report on the labor negotiations with our investigators, members of Local #212. I hope to have a written report from Mr. Berry on the changes in the proposed contract with Local #212 or have him make a presentation of the same before our body. The contract, as I understand it will soon be placed on the agenda of the Detroit City Council.

Today, we have one resolution and one presentation to the Board. The resolution is to honor the service and contributions of Police Officer Juan Windham a 26 year veteran of Detroit’s Police Department. The presentation will be from Disciplinary Administration, Lieutenant Robert Torres. The Board transmitted 10 questions to the Chief’s office to help guide this presentation. A list of the ten questions were part of your Tuesday package and the same list is included in your Board package today. My hope is that the Department will incorporate these questions into their presentation as many of them will answer several of our concerns as a Board.

Under the Assistant Chief of Police DPD Chief’s Report, I am requesting an update on our crime statistics and any critical issues facing the Police Department. I would ask the Chief to spend a little time on briefing the public on the status of Corporal Jones inasmuch as he has been placed on probation for the beating of a female citizen who appeared to be undergoing a mental crisis.

At the end of the meeting we will have public comments from the audience. Please make sure you print your name on a speaker's card. Cards are located in the back on the table or can be obtained by seeing Mr. Robert Brown. He will need your card before the beginning of public comments. We will hold each speaker to the allotted 2 minutes. Finally, I ask that everyone turn off your cell phones and other electronic devices. This request does not include the devices held by DPD personnel as many of you are on emergency standby. I ask DPD personnel to put their phone on vibrate so that ringing phones will not interrupt our meeting.

Resolution: Commissioner Evette Griffie read into the record a resolution acknowledging the service history and contributions of DPD 26 year veteran Police Officer Juan Windham. Commissioner Anne Holt moved the resolution. Commissioner Shirley Burch, Second.

RESOLUTION HONORING SENIORITY CORPORAL JUAN WINDHAM

WHEREAS Juan Windham was appointed to the Detroit Police Department on May 24, 1993. Upon graduating from the Detroit Metropolitan Police Academy, Police Officer Windham began his career at the Second Precinct; and

WHEREAS He dutifully served the Southwestern District and the Gang Enforcement-Crews. He was a member of the Bikes on Bricks representing the City of Detroit; they received 1st place in Novice Division, and 3rd place in the Motorcycle skills event. He served as a Motor Escort for Police Week 2017-2018 with families of lost officers, and a Presidential Escort. On April 3, 2013, Seniority Corporal Windham was assigned to Traffic Enforcement until his retirement; and

WHEREAS During his law enforcement career, Seniority Corporal Windham was the deserving recipient of Six Chief's Citation Awards, One Chief's Unit Award, One Chief's Merit Award, One Perfect Attendance Award, the Major League Baseball All-Star Recognition Award, the Rosa Parks Funeral Recognition Award, the Super Bowl XL Recognition Award, the Department of Justice Consent Decree, and the Harvey Relief, as well as commendations from supervisors, and numerous letters of appreciation from citizenry; and

WHEREAS Seniority Corporal Windham has tirelessly served the Detroit Police Department, the citizens of Detroit and its neighboring communities for 26 years. His professionalism, commitment to public service, integrity, and dedication have been a credit to the Detroit Police Department. He is highly respected as a consummate professional.

NOW, THEREFORE, BE IT RESOLVED That the Detroit Board of Police Commissioners, speaking for the citizens of Detroit and the Detroit Police Department, awards this resolution in recognition of Seniority Corporal Juan Windham 26 years of dedicated and diligent public service. His professionalism, integrity, and lifelong commitment to the city of Detroit and its citizens merit our highest regards. We thank and congratulate you, Seniority Corporal Juan Windham.

Vote results – Yes = 9, No = 0, Not voting = 2 (Brown, Burton) MOTION APPROVED

COP Police Report: Assistant Chief of Police James White representing Chief of Police James E. Craig. Assistant COP James E. White reported that crime is continuing to trend downward as against last year. Assistant Chief White reported utilizing DPD Department CompStat (2019) data for the reporting period ending April 28, 2019. Assistant Chief White reported percentage change between 2018 and 2019, -21% decrease in Homicides, Sexual Assaults 12% increase, Robbery -12% decrease, Carjacking -44% decrease, Aggravated Assaults 0% decrease, non-fatal shootings -14% decrease, Burglary -4% decrease, Larceny -13% decrease, Stolen Vehicle -6% decrease and Part 1 offenses -7% decrease. Assistant Chief White provided a summary of injured officers and several important dates of DPD activity. ACOP White also updated the Board on the duty status of Corporal Dewayne Jones. Assistant Chief White also outlined the Department recent deployment during the emergency wind and water crisis indicated resources where mobilized as needed and that they resolved any treats to safety. The Department's protocols were engaged and worked. Commissioner Bell also indicated that the Mayor and Council President put out a call for volunteer assistance. Assistant Chief White also made several announcements including the rededication of the training facility on May 8, 2019 at 2:00 PM.

Presentation to the Board: (A) Disciplinary Administration, Director Christopher Graveline, Commander Elaine Bryant and Captain Robert Torres

(A) Director Christopher Graveline outlined the mission of Disciplinary Administration to address unprofessional conduct by officers. Director Graveline indicated that there are four investigative procedures within the Department (1) Command level investigations, (2) Internal Affairs, (3) Force Investigations and (4) Office of the Chief Investigator. Each investigative section hands the investigation and their result to Disciplinary Administration to type disciplinary recommendation. Recommendations are judged against four categories in the Disciplinary Matrix. The matrix start as minor and continued to the most server conduct. Director Graveline indicated that the average time of a investigation is one year. He also indicated

that there are other factors that will extend the investigation including unforeseen circumstance and the type that the investigation is at the Prosecutors' office. Graveline indicated that it is their objective to decouple the criminal charge and the administrative discipline charge for departmental violations to speed up the overall process. Commander Elaine Bryant gave the following information based on inquiries from the Board.

Notification of Discipline from Disciplinary Administration

Year	Number	Breakdown
2016	243	
2017	329	
2018	461	Command level investigations-194, Internal Affairs -60, Force Investigations 20, OCI - 194
2019	203 year to date	

Of the above 107 cases were dismissed at appeal hearing conducted by Command (OCI-63, Command -29, Force -7 and IA - 8). Basic categories neglect of duty, demeanor and Traffic. Unresolved Forces Investigations within 90 days are zero. Arbitrations mitigated 10 cases by giving reduced sentencing. Disciplinary investigation are trending upward. Captain Robert Torres introduced members of his team and outlined the process for reviewing cases.

Commissioner Annie Holt requested that the 10 questions provided to Disciplinary Administration in advance of the meeting be responded to in written form and supplied to the Board. Assistant Chief White indicated he had a copy of the same and would provide a copy to the Board.

BOPC Standing Committee Reports: None.

Report from Secretary to the Board: Mr. Hicks presented 4 items as incoming items into the BOPC on agenda as follows,

1. Letter to Chief Craig Re: Master Sergeants Appointments
2. Planning, research and Deployment transmittal of Proposed Directive 204.4 Towing/Impound Procedures
3. Union Negotiation Status - Local 212 (Hakim Berry) 4-26-2019
4. Towing Resolution for Returning Residents (Draft)

Mr. Hicks also indicated that under the Proposed Rank Structure Directive review by the BOPC several of the amendments proposed by the BOPC included reporting requirements related to disciplinary matters are unresolved issues.

Old Business: Commissioner Shirley Burch requested that a notation be made in the minutes in connection with the painting of the Highland Park water reservoir to be held May 11, at 10:00 AM.

New Business: Commissioner Willie Burton moved to have meeting minutes current during each Board session, **Second, Darryl Brown**. In discussion, **Commissioner Evette Griffie** place on the table a superseding motion to indefinitely postpone the motion made by Commissioner Burton. **Chairman Bell** asked Secretary Hicks to clarify if the Board is in compliance with an approved motions from last week that governed how minutes would be made available to the public. **Mr. Hicks** indicated that the Board is in compliance with the motion from last week insofar as it is complying with the two week cycle approved by the Board. (Minutes are prepared and distributed to the Board within 3 business days of the meetings, complying with the Open Meetings Act.) **Roll Call Vote Requested on motion to indefinitely postpone vote.**

VOTE:	Willie Bell – Yes.	Elizabeth Brooks – Yes	Willie Burton – No
	William Davis – No	Evette Griffie – Yes	Annie Holt – Yes
	Darryl Brown – No	Shirley Burch – Yes	Lisa R. Carter – Yes
	Eva Dewaelsche – Yes	Jim Holley – Not voting.	

Vote results – No =3, No = 7, Not Voting = 1 (Holley) MOTION TO INDEFINITELY POSTPONE APPROVED

Commissioner Darryl Brown moved that the Chief Investigator be allowed to fill a manpower shortage and hire a Supervising Investigator to replace the retiring Supervisory Investigator and an Investigative slot. **Commissioner William Davis, Second. Commissioner Evette Griffie** moved that the motion be referred to the appropriate committee (Personnel). **Commission Eva Dewaelsche, second. Roll Call Vote Requested on motion to refer original motion to appropriate committee.**

VOTE:	Willie Bell – Yes.	Elizabeth Brooks – Yes	Willie Burton – No
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William Davis – No
Darryl Brown – No
Eva Dewaelsche – Yes

Evette Griffie – Yes
Shirley Burch – Yes
Jim Holley – Not voting.

Annie Holt – Yes
Lisa R. Carter – Yes

Vote results – No =3, No = 7, Not Voting = 1 (Holley) MOTION TO REFER TO APPROPRIATE COMMITTEE APPROVED

Commissioner Darryl Brown moved that the Board follow the language in the Detroit City Charter to conduct all meetings in compliance with the Open Meetings Act. **Commissioner William Davis**. Second. **Chairman Bell** requested Board Attorney Jermaine Wyrick to address the matter. **Attorney Wyrick** indicated that as the Charter indicates that all meeting shall be held in accordance with the Open Meeting Act, that this does not necessarily mean that all meetings are open. **Commissioner Evette Griffie** moved that this motion be indefinitely postponed inasmuch as this motion have been placed on the table several times and discussed in adnauseam and the Board has indicated it pleasure many times. **Commissioner Lisa Carter**, Second. **Roll Call Vote Requested on motion to indefinitely postpone vote.**

VOTE: Willie Bell – Yes. Elizabeth Brooks – Yes Willie Burton – No
William Davis – No Evette Griffie – Yes Annie Holt – Yes
Darryl Brown – No Shirley Burch – Yes Lisa R. Carter – Yes
Eva Dewaelsche – Yes Jim Holley – Not voting.

Vote results – No =3, No = 7, Not Voting = 1 (Holley) MOTION TO INDEFINITELY POSTPONE APPROVED

Commissioner Jim Holley asked for a point of order. Commissioner Holley suggested that we have a retreat to discuss our mission, procedures and determine how we might best serve the community as opposed to the discourse at the table.

Announcements: Next BOPC meeting is scheduled for May 9, 2019 @ 6:30 PM (Community Meeting) at Macedonia Baptist Church, (8th Precinct), located at 14221 Southfield Freeway, Detroit, MI. The following month Community meeting is scheduled for 6:30 PM June 13, 2019 at St. John Lutheran Church (2nd precinct) located at 4950 Oakman Boulevard, Detroit, MI 48204.

Oral Communications – Public Comment. **Eric Blount** expressed concerns about discipline within the Department, the decision by the Board on Corporal Dewayne Jones case and the comments and sentencing imposed by the Judge in the Corporal Dewayne Jones case. Blount suggested that police officers should be held to a higher standards. Blount added that he was also concerned about several police officers who appeared before the Board in support of Corporal Jones indicating that they would have acted in the same fashion as PO Jones. **Ashley Smith** indicated that she is a veteran and a relative of the victim in Corporal Jones case and was surprised on how the Department handled the case and communicated with the victim’s family. Ms. Smith questioned the protocol used by the police. Ms. Smith also complained about the treatment of their family as they made inquiries of the police department. **Brenda Hill** attended a recent Charter Commission meeting when 15-20 police officers were called on the audience. Ms. Hill indicated that Commissioner Davis was also in attendance and asked what responsibilities Police Commissioners have in these type of situation. Ms. Hill requested that the Department investigate who called the police and for what reasons. Bell referred the matter to the Office of the Chief Investigator. **Mary Lacy** indicated she is new to the 6th Precinct, she had a home invasion and filled a police report and would like to know the procedures in the 6th police precinct. Ms. Lacy complained about the follow-up in the precinct. **Commissioner Carter** indicated that Ms. Lacy was hear last week and she discussed this matter and referred this matter to 6th Precinct Commander Arnold Williams. **Michelle George** expressed her concerns about Corporal Jones sentencing and commented on her concern in connection with P.O. Jones’ attorney who indicated that he was acting within his training. Ms. George also registered her concern about the Charter Commission and the calling of the police who expressed their concerns as a matter of right.

Commissioner Willie Bell indicated before he calls for a motion for adjournment, he would like to apologize to the audience and viewers about what we have witnessed at today meeting. There is a majority view and a minority view point, each Commissioner is given the right to speak and we attempt to act professionally at our meetings. The majority rules in conducting our meetings. Bell noted that recently we have been bombarded inappropriate conduct and referred to Commissioner Holly’s comment of last week wherein he expressed that it is very frustrating to come to this table and try to conduct business with these shenanigans going on. The Board has attempted to be very liberal in handling these matters, but as you well know that it is not good for the community to witness this conduct especially from elected officials acting in this manner. Bell indicated that he had thought that we had gotten pass this type of conduct and that he again apologized and hoped that we could control the situation.

Motion to Adjourn **Commission Carter**. Second by **Commissioner Holley**. **Chairman Bell** adjourned the meeting at 5:01 PM.