

**Draft Minutes Detroit Board of Police Commissioners**

**Date of Meeting: May 9, 2019 – 6:30 PM**

**Location: Macedonia Baptist Church, 14221 Southfield Freeway, Detroit, MI 48223**

**BOPC Chair Willie Bell called the BOPC Board Meeting to order at 6:30 PM (May 9, 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 9, 2019.**

**The Board acting in accordance with its rules approved the following Board Minutes:  
Thursday, May 2, 2019**

**Chairman Willie E. Bell** said “Good Evening! 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. Tonight’s community meeting is the 5<sup>th</sup> meeting held in our districts. We are pleased to meet in the facilities of Macedonia Baptist Church. The Board of Police Commissioners is committed to meet in every district in Detroit over the course of the year.

Tonight, I ask Commissioner Jim Holley to provide the invocation. Commissioner and Reverend Jim Holley provided the invocation.

Chairman Willie Bell, also said, tonight, we are in the 8<sup>th</sup> Police Precinct and the City of Detroit voting district #1. The Commissioner representing District #1 is Darryl Brown. I ask that Commissioner Darryl Brown welcome everyone to the district and introduce the pastor of Macedonia Baptist Church. This is Commissioner Brown’s home church. **Commissioner Darryl Brown** introduced Youth Pastor Terry Minor who welcomed the Board and audience to Macedonia Baptist Church. Chairman Bell also asked for each Board member to introduce themselves to the audience. Chairman Bell also asked for elected officials and civic leaders to introduce themselves. Detroit City Councilmember Roy McCalister was in attendance.

Chairman Bell continued, “I also understand that the Police Community Relations organization in the precinct just completed its election of officers. I believe the new officers are Maurice Goldston, President and Michelle Ruffin, Vice President. I would also ask Commissioner Brown to introduce the officers of the 8<sup>th</sup> Police Precinct Community Relations Organization.

Chairman Bell added, “Tonight we have Mr. Luther Keith, a person with a great history in our community as a journalist and a community organizer. Mr. Keith has worked with Commissioner Shirley Burch and ARISE. Mr. Luther Keith is also a member of the family of the recently departed Judge Damon Keith. Luther is here to accept a resolution for the family of Judge Keith honoring Judge Keith’s many contributions to our nation.

As, I indicated in our last 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.

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 2<sup>nd</sup> 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.

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 45<sup>th</sup> 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. Please note, the staff recently transmitted to each Commissioner a copy of a Volunteer Information Sheet for the NACOLE Conference and our 45<sup>th</sup> Anniversary as a civilian oversight agency. A copy of the sheet is in your package. Please use this sheet to recruit volunteers.

At our June community meeting, we will be electing new officers for the Board of Police Commissioners. This notification is 30 days in advance of the actual election. The election, as provided by our by-laws is held annually at our 2<sup>nd</sup> Thursday meeting in June.”

Chairman Bell, continued, “I want to acknowledge that the Chief of Police has transmitted two proposed directives. The first is Directive Number 204.4, on Use of Force and Detainee Injury Reporting and Investigations. The second Directive 304.7, is on Taser X2, Conducted Energy Weapons. Also, Assistant Chief of Police James White transmitted answers to the Board’s questions on Disciplinary Administration. A copy of the 10 questions and the responses are in your package. Today, we have two presentations. The first presentation is the normal monthly report from DPD Human Resources. The report will be presented by Dr. Marcella Anderson, Director of DPD Personnel. The second presentation will be from the 8<sup>th</sup> Police Precinct. It is my hope that the presentation will cover some of the hotspots within the precinct and strategies to fight crime. Commander Jacqueline Pritchett and Captain Darryl Patterson will be making this presentation. Under the DPD Chief’s Report, I am requesting an update on our crime statistics and any critical issues facing the Police Department. I would ask that Deputy Chief Fitzgerald spend a little time

briefing the public on the recent shootings in Greektown. I also ask that DC Fitzgerald brief the Board on any other outstanding issues related to the Police Department.

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 Ms. Teresa Blossom. She 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.

Resolutions:

- (1) Judge Damon Jerome Keith (Commissioner Dewaelsche)
- (2) Mr. Kristopher Shina (Commissioner Brown)
- (3) Resolution: Towing Resolution for Returning Citizens – (Dewaelsche)

**Commissioner Eva Dewaelsche** read into the record a resolution honoring the life and contributions of **Damon J. Keith**, United States Circuit Judge of the United States Court of Appeals for the Sixth Circuit and a former United States District Judge of the United States District Court for the Eastern District of Michigan.

## Damon Jerome Keith

United States Circuit Judge of the United States Court of Appeals for the Sixth Circuit and a former United States District Judge of the United States District Court for the Eastern District of Michigan.  
(Posthumously)

**Whereas**, the City of Detroit has seen many great trailblazers during more than three centuries of existence and has chronicled remarkable achievements by Detroiters as they reached pinnacles in professions and industries, which either shaped or changed the world and the way we live. Even among such giants, one still may show distinction by the breath and endurance of their contributions: the honorable Damon J. Keith was one such person because of his judicial record on civil rights and their imprint on daily life now and into the future, and

**Whereas**, from humble beginnings in his native Detroit, Damon Jerome Keith held deep beliefs in fairness, equality, and democracy, which seem fated by his birth on July 4, 1922. He carried these strong principles through graduation from Northwestern High School and three universities, including law school; through service in the U.S. Army, and into a career that spanned private practice, co-chairmanship of the Civil Rights Commission, and a pivotal role in bringing order and calm during the Detroit Rebellion in July 1967, and

**Whereas**, President Lyndon Johnson appointed Damon Keith to the U.S. District Court in the Eastern District of Michigan in September 1967, and President Jimmy Carter later appointed Judge Keith to the U.S. Court of Appeals for the Sixth Circuit. In 1979, he wrote the opinion that upheld Mayor Coleman Young's affirmative action plan to integrate the Detroit Police Department. Judge Keith erected many legal pillars through his rulings, including desegregation, government wiretaps without warrants, and government secret deportation hearings. His vast impact is not only captured in scholarly journals and law books, but also in our daily freedoms and culture, as evidenced by the Washington Post using one of Judge Keith's quotes for its current slogan "Democracy dies in darkness," and

**Whereas**, Judge Damon Keith was a great friend to Detroit and the Board of Police Commissioners, with many having the privilege of knowing him or crossing paths with him on mutual work for civil rights and accountability of our government and government officials, including police officers. Judge Keith administered the oath to police commissioners during the swearing in ceremony in January 2018. He also was serving as honorary host for Detroit's 45<sup>th</sup> Anniversary of Civilian Oversight as we mark in 2019 both the first meeting of the board in 1974 and the first time Detroit is hosting the National Association for Civilian Oversight of Law Enforcement conference. Judge Keith felt it important to give his support to the Board and to NACOLE because, at age 96, he remained active and engaged in the unending work of protecting rights and ensuring justice;

**Therefore Be It Resolved**, that the Board of Police Commissioners, speaking on behalf of the Police Department and the citizens of Detroit, salutes the life and legacy of Judge Damon Keith. This city and this nation were very fortunate to have such a caring, wise man presiding at the junction of justice. We wish him Godspeed and extend condolences and prayers to his family.

**Commissioner Eva Dewaelsche** moved the resolution honoring the life and contributions of United States Circuit Judge of the United States Court of Appeals for the Sixth Circuit and a former United States District Judge of the United States District Court for the Eastern District of Michigan. **Commissioner Jim Holley**, Second.

**Chairman Bell** added that Judge Damon J. Keith was in part responsible for and a founder of the Detroit Freedom Fund Dinner as he was active with the Detroit Branch of the National Association for the Advancement of Colored People (NAACP). **Commissioner Jim Holley** added that Judge Keith was his neighbor and was very active which in turn the reason for his longevity.

**VOTE - Yes = 11,**

**No = 0,**

**MOTION APPROVED**

**Mr. Luther Keith** accepted the above resolution on behalf of the family of the late Judge Damon Jerome Keith.

**Commissioner Darryl Brown** read into the record a resolution acknowledging the contributions **Mr. Kristopher Shina** to local law enforcement.

### **RESOLUTION HONORING MR. KRISTOPHER SHINA**

**WHEREAS** Mr. Kristopher Shina is a loving and committed husband to Reta, and dedicated father to Annabelle, Adam, and Emmanuel; and

**WHEREAS** Mr. Shina has been a dedicated business owner of Apollo Foods for the past 15 years. His dedication, love, and commitment for his family and business is reflected by the work he does in the community; and

**WHEREAS** Mr. Shina is a true pillar to the advancement of this community and dedicated supporter of the city of Detroit. His commitment to the overall well-being of the community does not only include his work with the Detroit Police Department, but also his efforts working along with the Detroit Fire Department as well as various community groups; and

**WHEREAS** Mr. Shina is committed to assisting the Detroit Police Department in any way he can, such as donating to the Eighth Precinct Neighborhood Police Officers both monetary, and food donations from his grocery store, Apollo Foods. These donations were utilized for different community initiatives throughout the year. Mr. Shina has also established a community outreach department at his place of business and has appointed a community liaison. He and his community liaison appointee have worked tirelessly with the Detroit Police and Fire Departments and they have assisted other community groups with the same excitement, vigor and commitment. In addition, Mr. Shina holds an annual turkey giveaway where he passes out hundreds of turkeys to families in need; and

**WHEREAS** The community service that Mr. Shina exemplifies is the type of business leader that most residents of this community would want in their neighborhood and he is considered a stand up citizen, always passionate about people. He prides himself in living by the motto "treat others as you want to be treated."

**NOW, THEREFORE, BE IT RESOLVED** That the Detroit Board of Police Commissioners speaking for the citizens of the city of Detroit and the Detroit Police Department acknowledges the dedicated, diligent, committed support of Mr. Kristopher Shina. His service and devotion to improving the quality of life for the citizens in the Eighth Precinct and throughout the city of Detroit, merits our highest regards.

**Commissioner Lisa Carter** moved the resolution acknowledging the contributions to Law Enforcement of **Mr. Kristopher Shina, Commissioner Dewaelsche, Second.**

**VOTE - Yes = 11,**

**No = 0,**

**MOTION APPROVED**

**Commissioner Shirley Burch** accepted the resolution on behalf of **Mr. Kristopher Shina.**

**Commissioner Eva Dewaelsche** read into the record a Resolution to Amend Tow Economic Hardship Relief Policy Allowing Returning Detroit Residents as Drivers for Private Tow Companies.

### **Resolution to Amend Tow Economic Hardship Relief Policy Allowing Returning Detroit Residents as Drivers for Private Tow Companies**

**Whereas**, on February 15, 2019, the city of Detroit passed an ordinance entitled, "Fair Chance Access to Rental Housing," to stop discrimination practices against citizens who have criminal records and are returning to society to ensure those citizens have fair opportunities in all housing endeavors.

**Whereas**, on September 20, 2018, the Detroit Board of Police Commissioners approved a Resolution Authorizing the Detroit Police Department to Operate Motor Vehicle Storage Facilities and Towing Operations, and on January 17, 2019, in consultation with the Detroit Police Department, the Board approved a Resolution to Approve the Tow Economic Hardship Guidelines; and

**Whereas**, the Board supports fair access to employment and fair hiring practices and strongly condemns hiring practices that discriminate against returning citizens or any of the protected classes including, but not limited to race, color, national origin, age, disability, sex, religion; and

**Whereas**, the Board has received information questioning the rationale for a difference in hiring practices between public and private tow companies; and

**Whereas**, it is the policy of the city of Detroit to incorporate Ban the Box policies and treat returning Citizens fair and equitable in all employment and housing-related endeavors, among other quality of life matters;

**Now Therefore, Be it Resolved** that the Detroit Board of Police Commissioners unanimously approves a resolution amending the Tow Rules to specifically support the city's policy on banning the box, requiring fair and equal hiring practices amongst all tow companies regarding its employees and applicants for employment including returning citizens. The Board amends its tow rules to specifically incorporate a new rule requiring tow companies to allow, upon review of criminal history and warrant status, returning city of Detroit residents to become employed with its companies. Our Board wants the city of Detroit residents to know they will receive fair and equitable treatment and access to all employment opportunities. Moreover, while specifically making a rule to align with the city's policy prohibiting discrimination against returning citizens, the Board urges all companies to ban the box.

**Commissioner Lisa Carter** moved the resolution to Amend Tow Economic Hardship Relief Policy Allowing Returning Detroit Residents as Drivers for Private Tow Companies. **Commissioner William Davis**, Second.

**VOTE - Yes = 11, No = 0, MOTION APPROVED**

**Commissioner Annie Holt** suggested to the Chair that the Board send a letter to State Representative Cynthia Johnson to support the Ban the Box legislation (HB 4326 of 2019) sponsored by Representative Cynthia Johnson. Chairman Bell order that such a letter be done.

**COP Police Report: Deputy Chief of Police Charles Fitzgerald** representing Chief of Police James E. Craig. Deputy Chief COP Charles Fitzgerald reported that crime is continuing to trend downward as against last year. DC Charles Fitzgerald reported utilizing DPD Department CompStat (2019) data for the reporting period ending May 5, 2019. DC Fitzgerald 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 -12% decrease, Stolen Vehicle -8% decrease and Part 1 offenses -7% decrease. DC Fitzgerald provided a summary of injured officers. DC Fitzgerald asked Captain Michael McGinnis (Homicide) to provide the Board with an update on the recent shootings in Greektown over the past weekend. Captain McGinnis indicated that six officers responded to the incident immediately and two arrest were made in the case.

**Presentations to the Board: (A) May, 2019 Human Resources Report (April, 2019 Statistics) – Dr. Marcella Anderson, (B) 8th Precinct Report, Commander Jacquellne Pritchett and Captain Darryl Patterson.**

**(A) Human Resources Report – Dr. Marcella Anderson, Director of Police Personnel, provided statistical data for May, 2019 (April 2019 Report).** Dr. Anderson indicated that of the total positions (2,640 Sworn) in the Department, DPD has 161 vacant Police officers. Of the 701 (Civilian) positions in the Department, 70 are vacant. Dr. Anderson discussed recruitment and MCOLES processing indicating the Department has 3152 applications from 7/1/2018 to 4/30/2019 the Department hired 112 individuals. Anderson reported 345 are awaiting MCOLES certification, 54 are in process. Anderson also indicated that our residency data as of 4/30/2019 reflect Detroit residents at 571 Sworn, 359 Civilian and 34 Police Assistants. For non-Detroit residents for the same period, 1846 Sworn, 272 civilians and 27 Police Assistants. Anderson also provide residency data for hires within the month, attrition data and leaves of absence and restricted duty data. Dr. Anderson indicated that her report covered officers suspended and not at work (12 Police Officers suspended, 1 Detective, 1 Sergeant, 1 Command Officer for a total of 15 individuals). HR Personnel Director Anderson also reported that 555 personnel members are in the "Drop Program" (Deferred Retirement Option Plan). **Commissioner William Davis** inquired as to the reason that the Attrition/Promotion Availability Report show 2 Lieutenant over budget?

**(B) 8th Precinct Report, Commander Jacquellne Pritchett and Captain Darryl Patterson, discussed with the Board precinct level statistical data of crimes that took place in the 8<sup>th</sup> Police Precinct and outlined the several of the crime fighting measures conducted by the precinct. Commander Pritchett also briefly outlined some of the outreach and partnerships underway in the precinct.**

**BOPC Standing Committee Reports: None. Commissioner Jim Holley requested a report on the 45<sup>th</sup> Anniversary Dinner of the BOPC in the near future.**

**Report from Secretary to the Board: Mr. Hicks presented and summarized 10 items as incoming items into the BOPC on the agenda as follows,**

1. Proposed Manual Directive 304.7 – Taser X2 Policy
2. Proposed Manual Directive 201.11 – Use of Force and Detainee Injury Reporting/Investigation

3. Volunteer Information Sheet for NACOLE/45<sup>th</sup> Anniversary Event
4. BOPC Printing Contract – Delayed for consideration, 3 weeks by City Council
5. Resolution for US Federal Judge Damon J. Keith (Posthumously)
6. Request from Fredia Butler for Retirement Resolution for Sgt. Vanessa Wyatt's 40 year service with DPD
7. Letter from Chief Craig Re: Disciplinary Administration Questions and Responses from the BOPC meeting
8. Article, 2019 – UNDARK: Facial Recognition Technology is Both Biased and Understudied, by Rod McCullom, dated 5/17/2017
9. Article, Government Technology (Emerging Tech): Emotion-Reading Tech Fails the Racial Bias Test, by Lauren Rhue, 1-3-2019
10. Communication from Chief Craig Re: Proposed Promotion of Lieutenant Sonia J. Russell.

**Old Business: Commissioner Shirley Burch invited everyone out to paint the Highland Park water reservoir on May 11, at 10:00 AM at Pleasant Grove Church, 13651 Dequndre, Detroit, MI.**

**Commissioner Willie Burton** moved to post committee meetings and minutes on the website. **Commissioner Brown**, Second. Discussion on the motion, **Commissioner Annie Holt** asked if she to understand that this was not already the practice. **Commissioner Evette Griffie** moved that the motion be postponed indefinitely (motion to postpone indefinitely takes precedent over the existing motion). **Commissioner Eva Dewaelsche**, Second. **Commissioner Lisa Carter**, requested point of order. Carter indicated that the discussion therefore should be restricted to the motion to postpone indefinitely. **Chairman agreed**. **Commissioner Griffie** called for the question (vote).

**Vote results – Yes = 9      No =2 (Burton, Brown),      MOTION TO INDEFINITELY POSTPONE APPROVED**

**Commissioner Willie Burton** moved that at the regular Board session the unofficial minutes be placed on the table in the back of the room. **Chairman Bell** ruled that the motion was out of order because this item has been voted upon several time. Discussion. **Commissioner Jim Holley** indicated that the minutes could not be released until they have been made official by a vote of the Board. **Commissioner Griffie** requested a point of order indicating that the motion did not have a second. The Chair moved to the next order of business.

**Announcements:** The next regular BOPC meeting is scheduled for May 16, 2019 @ 3:00 PM at Detroit Public Safety headquarters, 1301 Third Street, Detroit, MI 48226. The following month Community Meeting is scheduled for 6:30 PM June 13, 2019 at St. John Lutheran Church (2<sup>nd</sup> precinct) located at 4950 Oakman Boulevard, Detroit, MI 48204.

**Oral Communications – Public Comment.** **Ms. Faith** indicated she appreciated the orderly work of the Board and the Police Department. **Mr. Harold Osborn** voiced his concerns around the murder of his brother in November and the lack of communications and cooperation by the Detroit Police Department. Mr. Osborn was referred to Homicide Captain McGinnis for information and assistance. **Scotty Bowman** noted in his opinion that the Board skip over new business and that Commissioner Burton stood for transparency. **Marylyn Jordon** member of the Detroit Peoples Task Force agreed that the Board did not follow the agenda and indicated the public's need to know.

Motion to Adjourn **Commission Carter**. Second by **Commissioner Holley**. **Chairman Bell** adjourned the meeting at 8:02 PM.