

**Draft Minutes Detroit Board of Police Commissioners**

**Date of Meeting: September 19, 2019 – 3:00 PM**

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

**BOPC Chairperson Lisa Carter called the BOPC Board Meeting to order at 3:00 PM (September 19, 2019)**

Detroit Police Commission Membership / Attendance		
	Attend	Not-Attend
Lisa Carter, Chairperson	Yes	
Eva Garza Dewaelsche, Vice Chairperson	Yes	
Willie E. Bell	Yes	
Elizabeth Brooks	Yes	
Darryl D. Brown	Yes	
Shirley A. Burch	Yes	
Willie E. Burton (3:08 PM)	Yes	
William M. Davis	Yes	
Evette Griffie	Yes	
Jim Holley	Yes	
Annie Mae Holt	Yes	
Quorum (Yes)	11	

**The Board acting in accordance with its rules approved the Agenda for September 19, 2019.**

**The Board acting in accordance with its rules approved the following Board Minutes: Thursday, September 12, 2019 (with corrections, - corrections applied to current minutes).**

Chairperson Lisa Carter said, “Good Afternoon! I am Police Commissioner Lisa Carter, I represent District #6. 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. Today, we have invited Chaplain Carl Green to provide the invocation.” Chaplain Carl Green provided the invocation. Chairperson Carter requested each Commissioner to introduce themselves. Chairperson Carter requested additional introductions of BOPC staff, Chief of Police James Craig, and DPD staff and other civic leaders and representatives.

Chairperson's Report - Lisa R. Carter 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 Board investigates non-criminal citizen complaints, monitors the Department for compliance with all laws, and reviews and modify police policy to eliminate misconduct, discriminatory police practices and unnecessary use of force by police. As a civilian oversight agency, we protect the civil rights of citizens. Our objective is to increase the quality of life for residents and visitors to Detroit.

The Board of Police Commissioners will not be meeting September 26, 2019. The Board will be attending the last day of the NACOLE conference on Police Oversight here in Detroit. Immediately following my report, I would like to take up one important item, the Chief of Police's request to promote Captain Patterson and Lieutenant Maye.

At our last meeting I announced that the Board would take a vote on DPD proposed Directive 307.5 - Facial Recognition. My expectation is that we will have a yes or no vote. The first draft directive on facial recognition was transmitted to the Board on January 18, 2019. The Board conducted its analysis of the proposed directive. On June 27, 2019, the Chief of Police “pulled back” the directive from the table to make technical changes. On August 1, 2019 the current directive was transmitted to the Board for review. The Board has held a public hearing exclusively devoted to Facial Recognition - on June 13, 2019 at St. John's Lutheran Church. For the last six months, the Board has heard from citizens and other law enforcement stakeholders wherein some 200 individual speakers have explained their oppositions and support for facial recognition technology. The Board has received 90 plus e-mails and written statements also voicing support or rejection of facial recognition technology. The Board

charged its staff with analyzing the Chief's Directive and to identify "best practices" in relationship to facial recognition. Our staff generated some 23 recommendations from its review of both versions of the proposals submitted by the Chief of Police. The Detroit Police Department has accepted each of the Board's recommendations. Monday, Mr. Hicks transmitted to the Board a report summarizing the Department's acceptance and reactions to the 23 recommendations related to DPD Directive 307.5 - Facial Recognition.

As many of you might recall, I registered my concerns about the racial bias contained in reports about facial recognition. This issue has not been fully explored and resolved. Many of the companies who have created and sale the technology openly admit to problems in the technology's accuracy in the identification of women and people of color. This notwithstanding, I want to list a few areas wherein the community, this Board, and Chief of Police are in agreement in the final draft of Directive 307.5 - Facial Recognition.

(1) The Board's recommendations and the community agrees that citizens collectively have an expectation that the Detroit Police Department fight and solve crime utilizing the best interests of the people in mind. Citizens should feel that the Police Department is an asset not a liability to civil society.

(2) The Board's recommendations and the community oppose the use of facial recognition in "real-time" or "live-stream" surveillance via cameras, mobile devices and other items like drones and other fixed wing equipment used by the Department. The engagement of facial recognition technology as an investigative tool starts with a still image or static image. The policy expressly prohibits scanning of crowds or groups in public spaces to profile or identify suspects.

(3) The Board's recommendations and the community oppose constitutional violations in the use of facial recognition technology, specifically protections accorded by the 1<sup>st</sup>, 4<sup>th</sup>, and 14<sup>th</sup>, amendments of the U.S. Constitution. We strongly object to violations that are currently used by ICE as it employs advance technologies like facial recognition to profile and identify people of color as part of their immigration enforcement strategy.

(4) The Board's recommendations prohibit sharing information utilizing this technology with private companies and potential employers of residents of our city. We agree that the best use of any public dollars is to work to elevate our citizens through strong educational and employment opportunities and to eliminate the long term problems of unemployment and economic discrimination. We note past practices wherein law enforcement information has been used to profile protesters and worked against Black citizens who were denied employment opportunities.

(5) The Board's recommendations and the community have already voiced our disagreement on the original contracting of this technology and 1 & ½- year use of facial recognition technology. The Directive requires several notifications when the technology is used and when the Department seeks an extension or modification on facial recognition technology contracts with vendors. The directive also requires several audits of the technology describing its use, frequency and context. These audits, by policy are to be regularly provided to oversight agencies including the BOPC and command personnel for rigorous review.

I hope that we will have an orderly public comments session. The purpose of this session is not for us or the community to outshout each other. The purpose is to hear informed comments from the public. I anticipate a large number of residents to participate in the public comments on this matter. If we can have the cooperation of everyone, we can manage this session without the need to impose any extra parliamentary restrictions on the session.

The revised directive was posted at the city's website last week immediately following its transmission to the Board and distributed to close to 4,000 news subscribers of BOPC information. I urge each of us to review the actual revised directive, explore its contents and determine if some of the hard fought issues that many of us have voiced concerns about have been resolved. I believe the prohibitions contained in the revised directive address many of the concerns raised by the public. The revised directive is not a complete ban on the use of facial recognition. The revised directive gives clear direction and lines of authority to the Department as to when and how such technology can and cannot be used. I would also note the strong disciplinary policy within this directive. Those who violate the policy can be subject to internal discipline, separations from the Department and potentially criminal charges for the violation of the policy.

Today, we have one resolution for retiring Detective Dalana Ruthledge a 23 year veteran of the Department.

Also, today, we have a request from the Chief of Police to change the duty status of Sergeant Raytheon Martin Badge S-157. The Department is asking that Sergeant Martin be suspended without pay, but with medical benefits. This matter will be taken up

under new business. The Lieutenants and Sergeant Association have been notified and Sergeant Martin has requested a Closed Session. We will return to our open session to take a vote if required.

In the interest of time, we had scheduled a brief presentation to the Board on updates on the 45<sup>th</sup> Anniversary and NACOLE Conference. I have instructed staff to place the relevant information on the dinner and conference in your package for review. There is also information at our website on the dinner and at NACOLE's website on the conference.

Under the Chief's Report, I am requesting an update on our crime statistics and any critical issues facing the Police Department.

Again, 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 end of the Chief of Police's Report. We will hold each speaker to the allotted 2 minutes. I ask that everyone place your cell phones and other electronic devices on vibrate to make sure that they are not interrupting the meeting.

Chairperson Carter recognized, Vice Chair Eva Dewaelsche. Dewaelsche said, "I move the appointment/promotions of Captain Darrell L. Patterson to the rank of Commander and Lieutenant Derrick Maye to the rank of Captain as per the request by the Chief of Police on September 5, 2019. The information related to this request was shared with the Board on Monday, September 9, 2019. The motion is consistent with the powers and duties as outlined in the 2012 Detroit City Charter, Section 7-814."

**Second Commissioner Evette Griffie. Discussion.**

**Motion by: Dewaelsche      Second by: Griffie      Vote: Yes=11, No=0      Results: Motion Approved.**

Chairperson Carter recognized Immediate Past Chair, Willie E. Bell. Bell aid, "I move that the vote on the Department's use of facial recognition, DPD proposed Directive 307.5, listed under OLD Business be immediately brought to the table and place for an immediate vote. As the Chair has already acknowledged the original directive was transmitted to the Board on January 18, 2019. The final or revised proposed Directive was transmitted to the Board on August 1, 2019. The Board has had at least six (6) months of open discussion on this matter. The BOPC policy staff reviewed the proposed directive and recommended 23 changes to the proposed policy. The 23 recommendations have been incorporated into the final version of the policy directive. Therefore, I move the adoption of the final version included in your Board package and previously distributed to the Board, Monday, September 16, 2019 and posted at the BOPC website for public review." (Approved Directive 307.5 attached.)

**Second Commissioner Dewaelsche. Discussion.**

Chairperson Carter recognized Commissioner Darryl Brown for discussion on the motion. Commissioner Brown moved to table the motion by Commissioner Bell. Commissioner William Davis second. Chairperson Carter indicated that should the motion offered by Brown is approved it will proceed Bell's motion. Attorney Jermaine Wyrick, acting in his capacity as parliamentarian, agreed. Discussion.

**Motion by: Brown to table (Bell's motion)      Second by: Davis      Vote: Yes=3, No=8      Results: Motion FAILED.**

Chairperson Carter returned to the original motion to approve Directive 307.5 (final submission, Facial Recognition) offered by Commissioner Willie Bell/Dewaelsche. Discussion.

**Motion by: Bell to approve Directive 307.5      Second by: Griffie      Vote: Yes=8, No=3      Results: Motion Approved.**

Chairperson Carter recognized Commissioner Eva Dewaelsche. Commissioner Dewaelsche read into the record a resolution for retiring Detective Dalana Rutledge honoring her 23 years of service to the Detroit Police Department.

#### **RESOLUTION HONORING DETECTIVE DALANDA RUTLEDGE**

**WHEREAS** Dalanda Rutledge was appointed to the Detroit Police Department on May 6, 1996. Upon graduating from the Detroit Metropolitan Police Academy, Officer Rutledge was assigned to the Eleventh Precinct; and

**WHEREAS** Officer Rutledge assignments with the Detroit Police Department included the Eleventh Precinct and the Sex Crimes Unit; and

**WHEREAS** On December 19, 2016, Officer Rutledge was promoted to the rank of Detective and was re-assigned to the Sex Crimes Unit, where she served until her retirement; and

**WHEREAS** Detective Rutledge was the deserving recipient of the following awards: Perfect Attendance Award, Ford Fireworks Celebration Ribbon, the Major League Baseball All-Star Recognition Award, the Rosa Parks Funeral Recognition Award, and the Super Bowl XL Recognition Award, as well as numerous letters of commendation from citizens and superiors; and

**WHEREAS** Detective Rutledge has tirelessly served the Detroit Police Department, the citizens of Detroit and its neighboring communities for 23 plus years. Her professionalism, commitment to public service, integrity and dedication has been 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, awards this resolution in recognition of Detective Dalanda Rutledge's 23 plus years of dedicated and diligent public service. Her professionalism, integrity, and lifelong commitment to the city of Detroit and its citizens merit our highest regards We thank and congratulate you, Detective Dalanda Rutledge.

**Motion by:** Dewaelsche to approve resolution for Dalanda Rutledge. **Second by:** Holt **Vote:** Yes=11, No=0 **Results:** Motion Approved.

**COP Police Report:** Chief of Police, James Craig reported crime and statistical data utilizing DPD Department report dated September 19, 2019. Chief of Police James Craig reported year-to date data by category including, 1% increase in Criminal Homicides, Sexual Assaults 1% increase, Aggravated Assaults -3% decrease, non-fatal shootings 2% increase, Robbery -2% decrease, Carjacking -24% decrease, Burglary -7% decrease, Larceny -4% decrease, Stolen Vehicle 3% increase and Part 1 offenses -3% decrease. COP Craig thanked the Board for approving the promotions of Commander Patterson and Captain Maye. Craig also thanked the Board for approving the revised directive #307.5 on facial recognition.

**Presentation to the Board:** None (Chairperson Carter referred to NACOLE conference material and BOPC 45<sup>th</sup> Anniversary Dinner information included in the Board package (September 19, 2019 - pack).

**BOPC Standing Committee Reports:** None.

**Report from Secretary to the Board:** Mr. Hicks indicated that on the agenda 4 Items have come into the Board (see list below). Hicks summarized several of the items for the Board's attention.

1. Facial Recognition Report and Final Directive 307.5
2. Updated list of Greenlight partner locations (587 locations as of 9-15-2019)
3. E-mail re: Police response time submitted by Clean & Safe Program (9/17/2019)
4. Various e-mails re: objections to DPD's use of facial recognition technology

**Old Business:** None.

**New Business:**

Chairperson Carter recognized Commissioner Willie Burton. Commissioner Burton said, I move that all Board of Police Commission meetings be moved from police headquarters into the community. Commissioner Darryl Brown, second. Discussion. Commissioner Evette Griffie offered a secondary motion to indefinitely postpone Burton's motion indicating it has been voted on several times by the body. Commissioner Bell, second. Discussion.

**Motion by:** Griffie to indefinitely postpone motion made by Burton to move BOPC meetings. **Second by:** Bell  
**Vote:** Yes=8, No=3 **Results:** Motion Approved.

Chairperson Carter recognized Commissioner Eva Dewaelsche. Commissioner Dewaelsche moved that the Board go into a closed session to discuss the request made by Chief of Police James Craig to Change the Duty Status of Sergeant Raytheon Martin, S-157. **Second Holt.**

**Motion by:** Dewaelsche for closed session. **Second by:** Holt **Vote:** Yes=11, No=0 **Results:** Motion Approved.

Chairperson Carter recessed the Board meeting to convene the closed session at 4:05 PM.

Chairperson Carter reconvened the regular session at 4:39 PM.

Chairperson Carter recognized Commissioner Evette Griffie. Commissioner Griffie moved that the Board support the Chief of Police's recommendation to place on Administrative Leave (Suspension) without Pay, but with medical benefits, Sergeant Raytheon Martin Badge S-157. **Second Dewaelsche.**

**Motion by:** Griffie to SWOP **Second by:** Dewaelsche **Vote:** Yes=6, No=3 **Results:** Motion Approved.

**Announcements:** The next meeting is scheduled for October 3, 2019 at 3:00 PM at Detroit Public Safety Headquarters Building, 1301 Third Street, Detroit, MI 48226. The following month's community meeting is scheduled for October 10, 2019 @ 6:30 PM at St. John Presbyterian Church, 1961 East Lafayette, Detroit, MI 48207 (7th Precinct).

**Oral Communications - Ms. Bernice Smith** indicated the UAW is on strike against GM and encouraged everyone to support the UAW strike. **Ms. Faith** acknowledged the work of the Department, Chief James Craig and the Board of Police Commissioners suggesting the Board maintains a balance perspective in its work. **Mr. Reginald Crawford**, former Police Commissioner and current Wayne County Deputy Sheriff's union president, indicated meetings of the BOPC do not belong in the building (DPSHQ). Crawford indicated that for each member of the Board voting for facial recognition they voted for high tech racism. **Ms. Deborah Martin** indicated she is having problems with the 9<sup>th</sup> Police Precinct and requested assistance from the Board (Chief Craig directed a member of his Command staff to investigate the concerns voiced by Ms. Martin. **Mr. Eric Blount** indicated he opposed facial recognition and said that as a result of attempting to apply facts, figures and logic to the discussion on facial recognition he likened the call for justice to a speech made by the reverend Martin Luther King, Jr., "How Long, Not Long" Selma to Montgomery March on March 25, 1965. Mr. Blount recited portions of the speech. **Ms. Marie Thornton** indicated that she was not concerned about being put out of meetings, she suggested she hold the record for being put out of meetings. Thornton said she disliked the disrespect show to elected officials and specifically Commissioner Burton. Ms. Thornton finished her comments by indicating that she might seek re-call petitions for member of the Board. **Ms. D'etta Wilcoxson** indicated that facial recognition technology is an affront to democracy. She also indicated that citizens should be afforded the same presumption of innocence, as opposed to be subjected to surveillance - dollars could be used for better purposes. **Ms. Sarana Tyler**, indicated she opposed facial recognition technology and discussed a 2003 complaint she filed against Sheila and Kenneth Cockrel, Jr. She continued by indicating that her complaint was never investigated. **Ms. Brenda Hill** formally requested information under FOIA on complaints with the Detroit Charter Revision Commission. She also criticized facial recognition software indicating that you cannot locate one technician that supports facial recognition. **Ms. Karen Gordon** complained about the Department lack of an investigation in her arrest wherein Denise Smith and Marshall Brown (DPD) lied in various reports. Ms. Gordon inquired if it was allowed for officers to lie on their reports. **Mr. Rodney Mont**, Attorney for the ACLU suggested that the work of the Board in connection with the 23 recommendation made to the facial recognition policy enhanced the policy and that their organization would now work to make sure that the Department and Board complied with the directive. **Ms. Sundra Jennings** indicated that she was a media production person and has written the Department in connection with a proposal. She requested a private meeting with Chief of Police James Craig to present and discuss her proposal. **Detroit City Councilmember Roy McCallister** announced a city-wide forum on Facial recognition to be held on October 17, 2019 at 6:00 PM to 8:00 PM at the IEBU Hall wherein he would have a panel of pro-and-con discussing facial recognition. **Mr. Doug Russell** said by the fact that the Board voted on the facial recognition policy before public comments it was cowardice. **Ms. Dez Squire** of the ACLU Roundtable indicated she was disappointed, but not surprised about the vote before public comments and that the software is not ready for use in communities like Detroit. She indicated that she preferred community policing and collaborations with police department as opposed to technological solutions. **Ms. Debra Walker** indicated that facial recognition software would not have stopped her from being recently robbed. She suggested that the Department not take picture of crime after it has occurred, but rather catch criminals, she indicated that serenity of being caught was a deterrent to crime. She finished by indicating that we need to put more boots on the ground. **Ms. Cindy Darrah** indicated Commissioners were following Mike Duggan and suggested a recall of the Board and the Charter Revision Commission, She indicated the Charter Commission start over. **Ms. Joanne Warwick** suggested that the Board adopt a 60 day public comment period in connection with directives, all Commissioners should be elected and that she had no trust in the use of body worn cameras. **Ms. Alicia Jones**, a former technical trainer with AT&T on cyber security opposed facial recognition technology and expressed her concerns about the classification of black and brown people by the Trump Administration as domestic terrorist. She indicated that the same classification was not extended to the Klan and other white terrorist who have commit acts of terrorism. **Ms. Valerie Glenn** indicated she was disturbed about the vote to support facial recognition. She indicated that Commissioner Carter has stated publically her opposition to FR, but that obviously your puppet master had gotten to her. **Mr. Bill Wyle Kellerman** indicated he was grateful for community voices and frustrated by speaking after the vote. He indicated that much of the concerns related to technology are as a result of corporations profiting from information on individual citizens. He said all technology is integrated. He also voiced his concerns about a 2 year cover-up by the police department in the use of facial recognition software. **Ms. Theo Broughton** suggested that if the Board had retained former Commissioner Moore and Crawford that the vote would be different. She discussed the limitations of technology and suggested it was a waste of money to continue the investments in police technology. **Ms. Anita Hill** indicated she was disturbed, but not surprised with the vote to support facial recognition before public comments. She indicated that greenlight project and facial

recognition were in fact the wrong type of investments that should be made. She indicated that investments in healthy communities are necessary. She also asked that people join the campaign to BLACK-OUT Greenlight Program. Mr. Thomas Kalish indicated it was a shameful day he expressed his concern about the tactics that were used to take the vote on facial recognition. He challenged the Board asking what did they stand for, indicating that all they did today was to show him what side they were on, against us! John Doe read into the record excerpts from the Open Meeting Act focused on pre-conditions for participation at public board meetings. He suggested meeting be moved to IBEWU Hall, Northwest Activities Center and other location that do not require identification. Ms. Keysha Whall opposed facial recognition and the Greenlight Project and suggested that the vote today was to turn the city into an open prison. She demanded disinvestment in hyper-surveillance equipment and programs.

Chairperson Carter indicated after the last speaker under public comments, that if there is no other items before the body she would accept a motion to adjourn. Commissioner Dewaelsche moved adjournment. Commissioner Griffie, second. The Board voting in the affirmative.

Adjournment at 5:39 PM.