

Draft Minutes Detroit Board of Police Commissioners
Date of Meeting: Thursday, February 27, 2020 – 3:00 PM
Location: Detroit Public Safety Headquarters

BOPC Chairperson Lisa Carter called the BOPC Board Meeting to order at 3:00 PM (February 27, 2020)

Detroit Board of Police Commissioners' 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	Excused	
Willie E. Burton (3:12 p.m.)	Yes	
William M. Davis	Yes	
Evette Griffie	Excused	
Jim Holley	Yes	
Annie Mae Holt (3:50 p.m.)	Yes	
Quorum (Yes)	9	

The Board acting in accordance with its rules approved the Agenda for Thursday, February 27, 2020.

The Board acting in accordance with its rules approved the following Board Minutes: Thursday, February 20, 2020

Chairperson Carter stated, “Good afternoon, I am Police Commissioner Lisa Carter, Chair of the Board and will be conducting today’s meeting. On behalf of the Board, for those in attendance and viewing this meeting on your government cable channel, thank you for joining our meeting. Commissioner Burch has asked to be excused. Today, we have invited Chaplain Gregory Wilson to provide the invocation.

INVOCATION: Chaplain Gregory Wilson provided the invocation.

Introduction of Commissioners

Business Items for Consideration:

- **Approval of the Agenda**
- **Approval Minutes for February 27, 2020**

Introduction of BOPC Staff

Introduction of Chief of Police and DPD Staff

Introduction of Elected Officials, VIPs, civic leaders or their representatives

Chairperson’s Report:

Chairperson Carter stated, “As we do every week, on behalf of the Board, I want to express the Board’s concern and support for fallen and injured officers and their families. Officers’ safety and citizens’ protection are ranked as two of the most important priorities of the Board. Our Board receives a weekly report from the Department listing injured officers and I ask that the Chief provide us with any updates during his report.

The Board of Police Commissioners meets every week except for the Thanksgiving and Christmas holiday periods. We meet at Police Headquarters every Thursday at 3:00 p.m. except every 2nd Thursday of the month when we meet in the community at 6:30 p.m.

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 citizens’ complaints, monitors Department operations, and works with the Mayor and the Chief of Police to establish police policies, rules, and regulations. As an oversight agency, the Board has the broad responsibility to protect the citizens, protect the city of Detroit from frivolous lawsuits, and create policies to enforce strict adherence to Department policies. Additionally, the Board works to eliminate police misconduct,

discriminatory police practices, and unnecessary use of force by police. The Board also believes in transparency, community input, and accountability. As a civilian oversight agency, we protect the rights of citizens. Our objective is to increase the quality of life for residents and visitors to Detroit.

Commissioners, there are several important items for your consideration and information in your board packet emailed to you on Tuesday of this week and in your packet today.

On Tuesday, February 25, 2020, we received a letter from Chief Craig recommending the Appointment to the rank of Commander for Captain Melissa Gardner. You received a copy of the letter and the support material in your Tuesday packet and in today's packet. At the appropriate time, I will request a vote on this recommendation.

Today, we will honor and recognize Commissioner Eva Garza Dewaelsche for the hard work and endless contributions she has made to this Board, the DPD, and the community. We thank her and truly appreciate her voice and leadership to this oversight board, locally, and abroad. We wish her continued success and happiness and know that her work in civilian oversight will continue. At the appropriate time, we will honor Commissioner Dewaelsche. Also, prior to going into our closed session, we will have cake celebrating Commissioner Dewaelsche. So please join us for the celebration.

I would also like to acknowledge that this is the last Board Meeting during Black History Month. All month, we have shared stories, visions, and dreams that were both birthed and realized as part of Black History, American History. Marian Wright Edelman, Activist and President of the Children's Defense Fund, once said, "A lot of people are waiting for Martin Luther King or Mahatma Gandhi to come back—but they are gone. We are it. It is up to us. It is up to you." We are living proof of this affirmation. We must continue to honor those who charted a path for us, those who continue to pave the way, and those who will continue this legacy. Continue to honor and recognize those who have made a significant contribution and impact on your life.

Presentations: Today on our agenda, we have one (1) formal presentation to the Board – the Budget Report/DPD Fiscal (Quarter #2) (2019-2020). The report will be presented by DPD Agency CFO, Mr. Nevrus Nazarko. The Board received a copy of a PowerPoint Presentation yesterday and a copy is included in your package today.

Chief's Report, From the Chief's Office, I am requesting updates on city-wide crime statistics and any other critical issues facing the Police Department. I am also requesting an update on the following: an update on the Kenyel Brown case, Greenlight Response Time at the Gas Station and police response time in general, and an Update on DPD's Internal Investigation on Major Violator's Unit.

I want to also acknowledge the Department's recent Administrative Messages previously discussed by some of the Commissioners - Teletype #20-0088, Recording of Law Enforcement Activity regarding photographing and filming members conducting their official duties in public and Teletype #20-0097 (Re-flash) Digital Proof of Insurance & Registration allowing motorists to present electronic verification of proof of insurance and registration, which is allowed by state law. Thank you for providing these updates and reminders. I am asking the Department to share any updates on these items.

I want to also highlight the Department's Black History Event held on yesterday "Celebrating Black History Trailblazers." The community joined the Department in recognizing public servants of "Detroit" who have made monumental impacts on our community. The honorees were Wayne County Clerk Ms. Teola Hunter, Attorney Cornelius Pitts, Legislative Sergeant-At-Arms Mother Lillie Lester, and Community Educator Dr. Curtis Ivery. This was a historical event. Thank you Chief Craig for having this event and congratulations to all of the honorees. On behalf of the Board, Commissioner Willie Bell attended this event and provided remarks.

Interim Secretary to the Board's Report: Our Interim Board Secretary, Ms. White will provide us with various updates regarding incoming correspondence.

Immediately following any Unfinished Business, we will have public comments from the audience. We have adjusted the agenda to move public comments in advance of our closed session hearing so that we might hear from the public.

Under New Business, on Tuesday, February 25, 2020, the Correspondence from Chief of Police James Craig regarding the Administrative Leave Without Pay but with Medical Benefits for Police Officer Joseph Walker, Badge 257, assigned to the Eighth Precinct and Personnel Matters concerning the position of the Interim Chief Investigator. Afterwards, the Board will return to the public meeting after the closed session to vote on any matters discussed during the closed session.

Also, I want to announce a few reminders:

Under the BOPC BYLAWS ARTICLE XII (12) – CONDUCT OF MEETINGS, Subsection (B), states:

'The City of Detroit BOPC meetings shall be conducted in a professional, courteous, and respectful manner. Citizens, Commissioners, and Staff shall be allowed to state their positions in an atmosphere, free of slander, threats of violence or the use of the BOPC as a forum for politics. Sufficient warnings may be given by the chair if at any time during the remarks, and in the event that any individual shall behave unprofessionally or discourteously the Chair shall cut off comment or further debate.

Subsection (C.) states, "Every member of the BOPC desiring to speak shall address the Chair upon recognition by the presiding officer, shall confine their remarks to the question under debate. Commissioners shall at all times avoid indecorous or improper language or references to personalities.'

For your convenience, the Office of the Chief Investigator, will have the Citizen Complaint Table at every meeting to take citizen complaints from those persons interested in filing a citizen's complaint regarding alleged police misconduct. You may visit the table and speak with one of the OCI Staff Members for more information.

Again, we will move our public comments earlier on the agenda. The time for accepting speaker's cards will be 4:00 p.m. Please make sure you print your name on a speaker's card located on the back table or from Mr. Robert Brown. He will need your card before 4:00 pm. We will hold each speaker to the allotted (2) minutes.

At this time, please place your cell phones and other electronic devices on vibrate so as not to interrupt the meeting.

Finally, in the spirit of effective communication, please treat each other respectfully and professionally. Commissioners, please be reminded not to speak until you are recognized by the Chairperson and address your comments to issues that are relevant to the agenda and to be brief to ensure we have ample time for public comments. For the attending audience, please note there is a time on the agenda for citizen input and feedback. My objective this evening is to run an orderly meeting, including public comments, and to adjourn at a reasonable time. Thank you."

Motion to Accept Chief of Police Craig Recommendation for Appointment to the Rank of Commander for Captain Melissa Gardner

Chairperson Carter recognized Commissioner Bell. **Commissioner Bell** moved to approve Chief of Police James E. Craig's Recommendation for Appointment to the Rank of Commander for Captain Melissa Gardner. **Vice-Chairperson Dewaelsche** seconded. Discussion. **Results:** Motion Unanimously Approved.

VOTE: Yes = 9 No = 0 Motion: APPROVED

Resolution: Commissioner Brooks read the Resolution honoring Vice-Chairperson Dewaelsche.

RESOLUTION HONORING

COMMISSIONER EVA GARZA DEWAELSCHÉ

WHEREAS Eva Garza Dewaelsche, a life-long resident of the City of Detroit, was first appointed by Mayor Dennis Archer on February 3, 1998, to serve on the Detroit Board of Police Commissioners during the tenure of Police Chief Isaiah McKinnon. On February 15, 2015, she was appointed a second time by Mayor Michael Duggan; and

WHEREAS Commissioner Garza Dewaelsche was highly active in the community, yet immediately embraced her responsibility to ensure accountability and provide oversight to the Detroit Police Department; and

WHEREAS Commissioner Garza Dewaelsche, going beyond the call of duty, served as the Board's Chairperson, Vice Chairperson, while serving on several Board subcommittees which included Citizen Complaints, Disciplinary Appeals, Personnel & Training and Budget; and

WHEREAS Commissioner Garza Dewaelsche upheld her responsibilities to the Board simultaneously with her professional duties as the Director of Education of SER Metro-Detroit and, in recent years, as the Chief Executive Officer of the non-profit organization, which provides adult programming, education, occupational skills, and vocational training, youth programs in academic enrichment, tutoring, mentoring, leadership development, and career guidance and counseling. Holding a Bachelor of Arts in Sociology and a Master's Degree in Education from Wayne State University, Commissioner Garza Dewaelsche has devoted her entire life's work to serving Detroit and its diverse populations; and

WHEREAS Commissioner Garza Dewaelsche continues to devote time to community organizations, such as the Detroit Economic Growth Corporation, Detroit Public Television, Comerica Community Development Advisory Committee, Wayne County Community Development Entity, New Detroit, Inc., Wayne State University Alumni Board, and LA SED; and

WHEREAS Commissioner Garza Dewaelsche has received numerous local and national awards and letters of commendation from schools, churches, organizations, corporations, and businesses for her remarkable civic contributions and leadership. Always seen networking to better her community and the City, Commissioner Garza Dewaelsche is loved and highly respected by all those who know her; and

NOW THEREFORE BE IT RESOLVED

That the Detroit Board of Police Commissioners, speaking on behalf of the citizens of Detroit and the Detroit Police Department, recognizes and highly honors the enduring dedication and public service of Commissioner Eva Garza Dewaelsche. Her talent and selflessness have proven to be invaluable assets to the City of Detroit; and be it further resolved that the Commissioners of this Board thank and congratulate you on your perseverance and determination to promote the mission of the Board and the Detroit Police Department.

We salute and honor you, Commissioner Eva Garza Dewaelsche.

Chairperson Carter recognized Commissioner Bell. **Commissioner Bell** moved to approve resolution honoring Commissioner Eva Garza Dewaelsche. **Commissioner Holley** seconded. Discussion. **Results:** Motion Unanimously Approved.

VOTE: Yes = 9 No = 0 **Motion: APPROVED**

Chairperson Carter also presented a plaque to Vice-Chairperson Dewaelsche for her leadership, dedication, and service to the Board, the Department, and the community.

Chief of Police Report: Chief of Police’s Summary of CompStat Data and other Crime Information/DPD Information: Deputy Chief Marlon Wilson, Detective Bureau, representing Chief of Police James E. Craig:

Deputy Chief Wilson reported on the following: Officers Critically Injured in the Line of Duty including (4) officers recovering at home, CompStat Crime and Statistical Data for the reporting period ending February 27, 2020, recent critical incidents impacting the Detroit Police Department and the community, and other Administrative Updates and events.

CompStat Data Provided: (See Full Report in Packet)							
Part I Violent Crimes:	Criminal Homicides:	Sexual Assaults:	Aggravated Assaults:	Non-Fatal Shootings:	Robbery:	Carjacking:	Totals:
Totals:	87% Increase	20% Decrease	8% Increase	19% Increase	17% Increase	50% Increase	8% Increase in Part I Violent Crimes
Property Crimes	Burglary	Larceny	Auto-Theft				Total:
	15% decrease	2% increase	8.7% increase				1% decrease

Deputy Chief Wilson also provided the following updates on the case involving suspect, Kenyel Brown, who is currently receiving care at a local hospital due to a self-inflicted gun-shot wound; he was wanted in connection with (6) fatal shootings, (1) nonfatal shooting, and (2) carjackings; he was officially criminally charged wherein he knew the (2) victims.

Deputy Chief Charles Fitzgerald provided the following updates on the incident at 17100 Livernois: The police response time was (12) minutes (17) seconds from the initial E911 call and police arrival on scene. The DPD made an arrest, identified (2) people, where one person would not be charged and one person was charged with Malicious Destruction of Property over \$1000. **Deputy Chief Wilson** noted the Department’s overall police response time is (10) minutes and (48) seconds. **Deputy Chief Wilson** discussed the Department’s recent Teletype on Digital Proof of Insurance and Registration advising Department members to allow electronic proof of insurance and registration as mandated by state law. **Director Chris Graveline**, Director of Professional Standards Bureau,

provided an update on the Department's investigation into the Major Violator's Unit where a half dozen false affidavits have been identified, which might lead to one's conviction expungement or release. Additionally, the Department will continue to provide updates to the Board on its findings and updates.

Commissioner Holley inquired about the Department's independence and validation from outside agencies to confirm impartiality, objectivity, and investigation accuracy. **Director Graveline** noted the partnerships the DPD has with various agencies regarding this investigation, (i.e. FBI, U.S. Attorney's Office, Wayne County Prosecutor's Office). The Department has seized some 7,000 - 10,000 records including over a (10)-year time period based on 700-1000 search warrants executed each year. **Commissioner Bell** expressed confidence in the DPD and any entity involved in partnership with the DPD based on recent information provided by Chief of Police James E. Craig; Commissioner Bell retracting his previous statement about an outside agency handling the internal investigation. **Commissioner Brown** inquired about whether the DPD was only researching (10) years (since 2009) regarding the Major Violators' or Narcotics Unit.

Deputy Chief Grant Ha updated the Board on the Board's previous request for updates on recovery damages to the DPD scout cars: Based on an incident that occurred in September 2017 where one of the scout cars was damaged when struck by a drunk driver, Chief of Police Craig ordered measures to recover damages to the vehicle. Based on the Department's collaboration with the Law Department \$86,378, has been recovered regarding damages, and an additional \$200,000 is outstanding, which will likely proceed to litigation, accounting for 12% interest and payment of attorney's fees. In collaboration with the 36th District Court, the Department has started obtaining restitution for scout cars being damaged by drunk drivers, collected \$25,000, year to date \$20,356, and is anticipating more recovery for the Department. **Deputy Chief Grant Ha** also reported on the Department's recent teletype regarding recording activities of law enforcement officers, noting its origins on the West Coast by self-proclaimed First Amendment Auditors and the Department's recent encounter with First Amendment Auditors. **Commissioner Bell** inquired about the distance a person is required to maintain when officers are conducting official law enforcement duties, which requires the officer to articulate the reason for requesting a safe distance regarding the investigation. **Commissioner Bell** also requested the Department's response to Department members photographing citizen's driver's licenses and retaining personal information. **Deputy Chief Grant Ha** noted the "Objectively reasonable standard regarding the totality of circumstances," the requirement for officers to articulate these supporting facts within their police reports, and the requirement of Body-Worn Camera footage. **Commissioner Brown** inquired about signage similar to the Fire Department's requirement of 500 feet on the police vehicle and legal standards regarding the safe distance based on his observation of the incident in Arizona. **Commissioner Brown** requested updates on authorized signs posted at the precincts. **Deputy Chief Ha** noted the Department's recent sign postings in restricted areas prohibiting recording of police activities in unauthorized areas. **Commissioner Bell** inquired about police observation regarding alleged sniper(s) on various buildings wherein the Department stated they would report back on this item. **Commissioner Davis** inquired about informants and the Department's efforts to vet police informants.

Presentation to the Board: Budget Report/DPD Fiscal (Quarter #2) (2019-2020) - Agency CFO Mr. Nevrus Nazarko: (PowerPoint Presentation Available Online)

DPD Agency CFO Mr. Nevrus Nazarko summarized the Budget Report/DPD Fiscal (Quarter #2) (2019-2020) consisting of the following items: Budget to Actual Revenues & Expenses • Grant Funds Available Report • Forfeiture Funds (State forfeitures) • DPD Facilities Report (GSD and DBA) • Quarterly Active Grants Assessment Report. Please also note the following:

	Q2 YTD Amended Budget	Q2 YTD Actuals	Variance	Variance Percentage
Total Revenues	\$23,570,854	\$6,932,671	(\$16,638,183)	(70.6%)
Total Expenditures	\$159,508,766	\$163,947,226	\$4,438,460	2.8%
NET TAX COST	\$135,937,912	\$157,014,555	\$21,076,643	26.2%

	Q2 YTD	FY20 Annual Amended Budget	Percentage of Annual Budget
Total Revenues	\$6,932,671	\$59,936,000	11.6%
Total Expenditures	\$163,947,226	\$317,598,771	51.6%
NET TAX COST	\$157,014,555	\$257,662,771	60.9%

ACFO Nazarko also noted the following: DPD Vehicle Purchases including the purchase of 108 vehicles, discussed the deployment schedule, and spending \$5.6 million dollars; forfeiture activity for the 2nd Quarter of 2020; and grant funds available. More detailed information is available in the Board's packet.

Commissioner Brown inquired about the Eighth Precinct Real-Time Crime Center Satellite Office and whether budget includes updates on the annex across the street from the Eighth Precinct. He also inquired about an update on the police range and whether the renovations would occur before July 2020. **Commissioner Holley** inquired about the budget forecasting measures and prevention of overspending. He also inquired about whether Detroiters are receiving fair opportunities regarding vendor and contracting opportunities. **ACFO Nazarko** noted Mayor Michael Duggan's priority as well as Chief of Police James E. Craig priority of Detroiters receiving priority and fair contracting and vendor opportunities as well as the City's efforts to ensure fairness by implementing the centralized procurement process through the City of Detroit. **Commissioner Dewaelsche** inquired about grant fund applications and the availability of funds.

Report from Interim Board Secretary/Communications Submitted to BOPC as incoming information: Ms. White reported on the following items:

1. DPD Facial Recognition Report #17
2. DPD Fiscal: PowerPoint Presentation Q2-2020
3. Budget to Actual Summary Q2-2020
4. Budget to Actual Detail Q2-2020
5. Grant Report Q2-2020
6. Correspondence from Five (5) LSA & DPOA Members Subject: Restore Detroit Police Officers to the Ranks of Sergeant with Retroactive Pay
7. Media FOIA Request A19-07986-ACLU-Facial Recognition

Unfinished Business:

None.

Oral Comments/Public Comments:

Ms. Fredia M. Butler inquired about Corporal Dewayne Jones's discipline. She also stated, "A study needs to be done to answer the question whether rage, or feeling inferior and if self-hate has become a part of some of our DNA due to the treatment of many of our ancestors during slavery. I quote Sojourner Truth, a famous abolitionist "Ain't I a woman?" Ms. Butler also discussed funding for a national search for the Board Secretary should not occur and that monies should be used to hire someone who lives in Detroit."

Mr. Eric Blount inquired about the employment status of Corporal Dewayne Jones and his legal criminal standing. He also stated that, "A keen eye must be on the false affidavits, anyone who was imprisoned must be released and in accordance with state law paid \$50,000 a year." Mr. Blount also urged the Board to share a running list on suspensions similar to the Fallen & Injured Officer Report. **Ms. Michelle George** spoke about Corporal Dewayne Jones and an upcoming meeting with Senator Gary Peters in Washington DC about increasing police officers' salary.

Announcements: Chairperson Carter announced the following:

- A. **Next Meeting:** Thursday, March 5, 2020, at 3:00 p.m., at Detroit Public Safety Headquarters, 1301 Third Street, Detroit, MI 48226
- B. **Next Community Meeting:** Thursday, March 12, 2020, at 6:30 p.m., in the Downtown Services, at WCCCD Curtis L. Ivery Downtown Campus, Frank Hayden Community Room, Detroit, MI 48226.

New Business:

Motion to go into Closed Session Regarding Chief of Police Request for Change of Duty Status to Administrative Leave Without Pay but with Medical Benefits for Police Joseph Walker, Badge 257, Assigned to the Eighth Precinct and Board's Personnel Items:

Chairperson Carter recognized Commissioner Holley. **Commissioner Holley** moved to go into Closed Session to discuss personnel matters. **Commissioner Bell** seconded. Discussion. **Results:** Motion Unanimously Approved.

VOTE: **Yes = 9** **No = 0** **Motion: APPROVED**

Motion to Reconvene Public Meeting at 5:20 p.m.:

Chairperson Carter recognized Commissioner Bell. **Commissioner Bell** moved to reconvene the Public Meeting. **Vice-Chairperson Dewaelsche** seconded. **Results:** Motion Unanimously Approved.

VOTE: **Yes = 9** **No = 0** **Motion: APPROVED**

Chairperson Carter requested information regarding Corporal Dewayne Jones and his criminal case status. **Deputy Chief Wilson** and **Director Graveline** stated there had not been a conclusion regarding the criminal case appeal as of this date. **Chairperson Carter** highlighted the Board's decision to deny Corporal Jones's promotion to the rank of Sergeant.

Motion to Approve Request for Change of Duty Status to Administrative Leave Without Pay but with Medical Benefits for Police Officer Joseph Walker, Badge 257, Assigned to the Eighth Precinct:

Chairperson Carter recognized Commissioner Bell. **Commissioner Bell** moved to support the Chief of Police's Request for Change of Duty Status to Administrative Leave Without Pay but with Medical Benefits for Police Officer Joseph Walker, Badge 257, Assigned to the Eighth Precinct. **Commissioner Holt** seconded. Discussion. **Results:** Motion Approved.

VOTE: **Yes = 8** **No = 1** **Motion: APPROVED**

Yes: Commissioner Holley, Commissioner Bell, Vice-Chairperson Dewaelsche, Commissioner Brooks, Commissioner Davis, Commissioner Holt, Commissioner Burton, and Chairperson Carter

No: Commissioner Brown

Chairperson Carter requested clarification regarding whether the alleged offending officer responded to the detained individual that he did not have asthma when the detained individual confirmed that he had asthma during the incident. **Director Graveline** noted the Department would review the BWC video and report the update to the Board.

Motion to Appoint Lawrence Akbar as Interim Chief Investigator:

Chairperson Carter recognized Vice-Chairperson Dewaelsche. **Vice-Chairperson Dewaelsche** moved to appoint Lawrence Akbar to the position of Interim Chief Investigator. **Commissioner Holt** seconded. Discussion. **Results:** Motion Approved

VOTE: **Yes = 6** **No = 3** **Motion: APPROVED**

Yes: Commissioner Holley, Commissioner Bell, Vice-Chairperson Dewaelsche, Commissioner Brooks, Commissioner Holt, and Chairperson Carter

No: Commissioner Brown, Commissioner, Burton, and Commissioner Davis

Adjournment:

Chairperson Carter recognized Commissioner Bell. **Commissioner Bell** moved for adjournment. **Vice-Chairperson Dewaelsche** seconded. Discussion. **Results:** Motion Unanimously Approved.

VOTE: **Yes = 9** **No = 0** **Motion: APPROVED**

Chairperson Carter adjourned the meeting at 5:27 pm.