Draft Minutes Detroit Board of Police Commissioners Date of Meeting: Thursday, May 28, 2020 – 3:00 PM Location: Zoom Virtual Meeting Platform

BOPC Chairperson Lisa Carter called the BOPC Board Meeting to order at 3:00 PM (May 28, 2020)

Detroit Board of Police Commissioners' Membership / Attendance		
	Attend	Not-Attend
Lisa Carter, Chairperson	Yes	
Annie Mae Holt, Vice-Chairperson	Yes	
Willie E. Bell	Yes	
Elizabeth Brooks	Yes	
Darryl D. Brown	Yes	
Shirley A. Burch	Yes	
Willie E. Burton	Yes	
William M. Davis	Yes	
Evette Griffie	Yes	
Jesus Hernandez	Yes	
Jim Holley	Yes	
Quorum (Yes)	11	

The Board acting in accordance with its rules approved the Agenda for Thursday, May 28, 2020.

The Board acting in accordance with its rules approved the following Board Minutes: Thursday, May 21, 2020

Chairperson Carter stated, "Good afternoon. I am Police Commissioner Lisa Carter, Chairperson of the Board. I will be conducting this afternoon's virtual 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.

Today, we have invited Chaplain Stephen Adolph to provide the invocation.

INVOCATION: Chaplain Stephen Adolph

The Board considered the following Business Items:

- Approval of the Agenda
- Approval of Minutes for May 21, 2020
- Introduction of BOPC Staff
- Introduction of Chief of Police and DPD Staff
- Introduction of Elected Officials, VIPs, civic leaders or their representatives

Again, thank you for joining us this afternoon for our Virtual Board Meeting. Given the critical impact of the Coronavirus, the Board will continue to utilize this virtual platform for our weekly business meetings until further notice.

Please note a few housekeeping rules before we move on.

We have distributed instructions on how to access the Virtual Meeting and information on participating during the Public Comments' section of the agenda. Please note the following: Upon joining the meeting, participants will join the meeting muted. Please do not start your video unless invited to do so by the host. Video or images deemed inappropriate by the Chair will result in your dismissal from the meeting. To make a public comment, please complete the Smartsheet form referenced on the Board's Agenda. You may raise your hand by clicking on Participants in the attendee controls at the bottom of your computer screen (you will then see "Raise Hand" at the bottom of the participants' list). Or you may dial *9 if you are participating by mobile device. You may use any one of these options by 4:00 p.m. to be acknowledged for public comment.

During presentations and remarks, all microphones except for the Chairperson and the Presenter will be muted to ensure the Presenter is heard and to avoid any microphone feedback. Commissioners' microphones will be unmuted during each Question and Answer period of the Agenda. As a reminder, Commissioners, please acknowledge the Chair and wait until acknowledgement

if you would like to make a comment. Finally, if you are experiencing technical difficulties, please dial any of the call-in numbers listed on the agenda to rejoin the meeting; or for Commissioners, please contact Staff for assistance. Again, we thank you in advance for your cooperation and patience.

COVID-19: The Centers for Disease Control and Prevention (CDC) and the World Health Organization (WHO) continue to emphasize the importance of health and safety measures for our mental and physical health. As a reminder, Governor Whitmer has extended the Stay-At-Home Order at least until June 12, 2020. Therefore, please continue to adhere to state and local public health mandates so that we stay healthy and save lives.

Census Bureau Reminders: I would also like to remind everyone to complete the Census Bureau questionnaire if you have not already completed the form. I will continue to emphasize the necessity of completing these forms to ensure our communities receive the resources that we need to survive and flourish.

Welcome to Commissioner Jesus Hernandez: Today, I would like to welcome Commissioner Jesus Hernandez, who was recently appointed by Mayor Duggan. We welcome you and look forward to working with you. Thank you for your service. (Remarks by Commissioner Hernandez or other Commissioners)

Chairperson's Report: Chairperson Lisa Carter

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 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 Deputy Chief Marlon Wilson provide us with any updates during his report. The Board of Police Commissioners meets every week except for the Thanksgiving and Christmas holiday periods. Typically, 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. However, as indicated before, we will hold virtual meetings every Thursday at 3:00 p.m. until further notice. Under the Detroit City Charter, Article 7, Chapter 8, the Board of Police Commissioners is empowered with supervisory control and oversight of the Police Department. Our Board has broad supervisory responsibilities that includes, but is not limited to, investigating non-criminal citizens' complaints, monitoring Department operations, working with the Mayor and the Chief of Police to establish police policies, rules, and regulations, and acting as the final authority on all disciplinary matters. As an oversight agency, the Board has the broad responsibility to protect the citizens and create policies to mandate compliance. Additionally, the Board works to eliminate police misconduct, discriminatory police practices, and unnecessary use of force by police. The Board believes in transparency, community input, and accountability. And as a civilian oversight agency, we must protect the rights of citizens and victims and safeguard the City against unwarranted lawsuits. Our objective is to ensure the safety and protection for everyone.

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. Chairperson's Report: Under my report, we will take up the Chief's Recommendation to promote nine (2) lieutenants, twenty (20) sergeants, and twenty-two (22) detectives. I will ask for a vote at the appropriate time. Chief's Report, From the Chief's Office, I am requesting updates on city-wide crime statistics and any other critical issues or incidents facing the Police Department. I am also requesting updates on the following:

- -COVID-19 Updates;
- -Arrest and citation data; and
- -Any other important items impacting the Department.

Presentations: Today, we will have (3) three presentations – First, we will have a presentation of the Budget Report by DPD Fiscal Quarter #3, presented by Agency CFO Mr. Nevrus Nazarko. Second, we will have a presentation by Detroit Towing Association Representative, Mr. Bertram Johnson. And a final presentation on the DPD Tow Operations, by Captain Michael Parish. Commissioners, you received all of the support materials in your Tuesday package as well as today's package. Interim Secretary to the Board's Report: Our Interim Board Secretary, Ms. White will also provide us with various updates and incoming weekly correspondence. Under New Business: We will take up the Applicant Appeal of Mr. Cecil Coston, and the Department's Recommendation for a Board Hearing Date on the matter of V&F Collision, Inc. Attorney Wyrick will report out on these items at the appropriate time.

Lastly, I want to announce the following reminders: Upcoming Board Elections: Commissioners, Article IV of the BOPC Bylaws governs the Officers of the Board, including the Nomination Process for the Election, and Duties of the Officers. Section 2 entitled, "Election of Officers and Terms" states in relevant part, "The Members may elect officers annually from its membership by majority vote. The term of office is for one year or until the successor has been elected." Further, "New offices may be created and filled at any meeting of the Board. Except as otherwise provided, each officer will hold office until such officer's successor is duly elected."

Please note the following information for the Nominations Process under Section 3 of the Board's Bylaws:

A. Any Board Member who is eligible to serve may self-nominate or be nominated by a fellow Member. A Member need not be present to be nominated, provided they have previously indicated their willingness to serve. B. It is the responsibility of the candidate to inform the Board Members of his or her intention to run for office. C. Once the Chair opens the nominations process, nominations may also be taken from the floor. Nominations do not need a second. Members who are nominated from the floor may decline or accept the nomination, but must do so on record. The Chair will need a motion and a second to close the nomination. Section 4. Voting states that a quorum is required for voting. Only members present are eligible to vote and any member may vote for him or herself. Please see Section 6(b) – Duties of Officers for more details on office requirements. We will have Board Elections on Thursday, June 11, 2020, the second Thursday in June. Please plan to attend and cast your vote.

Public Comments: Again, if participants would like to make a public comment, please complete the Smartsheet form referenced on the Board's Agenda. Or you may raise your hand by clicking on Participants in the attendee controls at the bottom of your computer screen (you will then see "Raise Hand" at the bottom of the participants' list). Or you may dial *9 if you are participating by mobile device. You may utilize any of these options by 4:00 p.m. to be acknowledged for public comment. Please also note video or images deemed inappropriate by the Chair will result in your dismissal of the meeting. During the public comments' section of the agenda, each speaker will have two (2) minutes to speak. Mr. Brown will acknowledge each speaker. We ask that you remain respectful and professional. Please also note the Board continues to accept citizen's feedback by telephone, email, fax, and mailing and will respond accordingly. The telephone numbers to the Board's Office is (313) 596-1830 and the Office of the Chief Investigator's number is (313) 596-2499 should you like to file a citizen's complaint regarding alleged police misconduct. At this time, please silence your cell phones, other electronic devices and other background sounds to prevent interrupting 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. My objective is to run an orderly meeting and conclude within a reasonable time. Thank you."

I. Motion: To approve Chief of Police James E. Craig's Recommendation to promote to the Ranks of Lieutenant (2).

Sergeant William A. Dicicco

Sergeant David A. Patterson

Motion: Commissioner Bell

Second: Vice Chairperson Holt

Discussion.

Yes: Vice Chairperson Holt, Commissioner Bell, Commissioner Brooks, Commissioner Brown, Commissioner Burch, Commissioner Griffie, Commissioner Hernandez, and Commissioner Holley

Nay: Commissioner Davis

VOTE: Yes = 8

No = 1

Motion: APPROVED

II. Motion: To approve Chief of Police James E. Craig's Recommendation to promote to the Ranks of Sergeant (20).

Detective Joshua L. Felix Detective Robert T. Skender

Police Officer Cornelius J. Oleary Police Officer Jenell E. Nettles Police Officer Jamie L. Lewandowski Police Officer Jordan K. Grace Police Officer Kevin A. Briggs

Police Officer Timothy D. Vernon

Detective Shannon A. Wright Detective Renette Canty

Police Officer Glenn E. Anderson
Police Officer Kyle F. Johnson
Police Officer Christopher S. Rabior
Police Officer Sederick A. Dunbar
Police Officer Shawntrice M. Tatum
Police Officer Lauren E. Russell

Police Officer James J. Wiencek Police Officer Nathan B. Miller

Police Officer Patrick R. Taylor Police Officer Brent M. Suhr

Motion: Commissioner Bell Second: Commissioner Brown Discussion.

Yes: Vice Chairperson Holt, Commissioner Bell, Commissioner Brooks, Commissioner Brown, Commissioner Burch, Commissioner Burch, Commissioner Burch, Commissioner Holley

Nay: None

VOTE: Yes = 10 No = 0 **Motion: APPROVED**

III. Motion: To approve Chief of Police James E. Craig's Recommendation to promote to the Ranks of Detective (22).

Police Officer Gregory R. Tourville Police Officer Erik J. Peterson Police Officer Arick R. Flesch Police Officer Lanetha P. Malone Police Officer Melanie L. Weathers Police Officer Vanessa L. Burt Police Officer Derrick M. Mason Police Officer Dominika M. Majda Police Officer Mariah A. Erard Police Officer Tyran R. Hogan Police Officer Eric D. Carthan Police Officer Gilda C. Crayton Police Officer Derrick C. Knox **Police Officer Kristina Dunbar** Police Officer Michael C. Mclean Police Officer Donyale D. Crutchfield Police Officer Michael G. Flees Police Officer Michael L. Johnson Police Officer Eric B. Pengelly Police Officer Antonio D. Allen Police Officer Johnny A. Fox Police Officer Brad T. Comer

Motion: Commissioner Bell Second: Commissioner Brown Discussion.

Yes: Vice Chairperson Holt, Commissioner Bell, Commissioner Brooks, Commissioner Brown, Commissioner Burch, Commissioner Burch, Commissioner Burch, Commissioner Holley

Nay: None

VOTE: Yes = 10 No = 0 **Motion: APPROVED**

Chief of Police Report: Chief of Police's Summary of CompStat Data and other Crime Information/DPD Information: Assistant Chief James E. White representing Chief of Police James E. Craig:

Assistant Chief White reported on the following items: Officers Critically Injured in the Line of Duty; CompStat Crime and Statistical Data for the reporting period ending May 28, 2020; Department Efforts to combat the spread of COVID-19, and recent critical incidents impacting the Detroit Police Department and the community.

CompStat Data Provided: (See Full Report in Packet) as of May 19, 2020							
Part I Violent Crimes:	Criminal Homicides:	Sexual Assaults:	Aggravated Assaults	Non-Fatal Shootings:	Robbery:	Carjacking:	Total:
Totals:	23% Increase	26% Decrease	4% Increase	31% Increase	2% Decrease	5% Increase	1% Increase in Part I Violent Crimes
Part I Property Crimes	Burglary	Larceny	Auto-Theft				Total:
Totals:	23% Decrease	12% Decrease	1% Increase				12% Decrease

Assistant Chief White discussed that in light of the recent tragedy involving Mr. George Floyd and the Minneapolis police officers, Chief of Police Craig has conducted several interviews denouncing the actions of the police officer. As a reminder, the Department has reissued Department policies to emphasize use of force practices regarding citizen interaction and de-escalation, and reemphasized policies on chokeholds and neck restraints which are strictly prohibited unless a fatal force option available to the officer.

Updates Regarding Department Efforts to Combat COVID-19:

- (15) Members who tested positive for COVID-19
- (32) Department Members (22 sworn and 10 civilians) are currently guarantined
- YTD: 1176 quarantined, 1142 returned to full duty; 323 Members overall tested positive
- Implemented Social Distancing Standards and long-term solutions, such as protective measures, and requiring the use of PPE to combat the COVID-19
- Tested 99% of all DPD Members, which is mandated
- Enforcement of Governor's Ordinance: As of May 22, 2020, the Department has issued 47 citations and 641 warnings.

Regarding the recent Riverfront Incident, the Department handled a large gathering of 500 youth that occurred where a social media influencer encouraged persons to arrive Downtown to resolve altercations held during the schoolyear. As a result of the incident, 40 persons were detained and issued tickets, and released at the scene. Department members practiced excellent restraint, and no injuries, nor arrests occurred at the scene. Further, Crime Intelligence is continuing their investigation into this matter.

Chairperson Carter recognized Commissioner Burch. Commissioner Burch inquired about measures that the Department can take to ensure the safety of the neighborhoods. Commissioner Brown inquired about the plan for retesting Department Members long term for preventative measures. Commissioner Brown also asked about the Department's efforts relating to the Heroes' Act Legislation to include the families of first responders who might be impacted. Commissioner Bell requested hearing from the Mayor's Office and City Council regarding preventative measures to keep the City safe this Summer and ongoing regarding community engagement and the youth. Commissioner Burton called on Detroit Leadership to provide resources and activities for Detroit youth. Commissioner Davis requested whether the Department would be hiring more Detroiters for the police force as a result of the recent promotions.

PRESENTATIONS TO THE BOARD: (A) 3rd Quarter Budget Review & Other Financial Information, DPD Fiscal, Agency CFO Mr.

Nevrus Nazarko: PowerPoint Presentation / Report on file and posted to Board's Website.

- (B) Tow Presentation. Mr. Bertram Johnson. Detroit Towers Association:
- (C) DPD Tow Presentation: Captain Michael Parish. Management Resources Division
- A. Budget Report, DPD Fiscal: Agency CFO Mr. Nazarko reported on the following: 1.) Budget to Actual Revenues & Expenses; 2.) Forfeiture Funds; 3.) DPD Facilities Report (GSD), and 4.) Quarterly Assessment Report consisting of Funds Raised YTD, Current Grant Score, and Average for the Department. The latter report also discusses the Commitments, Council Approvals in Process, Grant Impacts, and Positive Momentum/Opportunities for Improvement. The Grants Funds Report is forthcoming. Commissioner Davis inquired about whether there was any anticipation in the Utility Tax for the City of Detroit. Commissioner Holley requested information on resources allocated for Recruitment measures. Chairperson Carter also requested information on the Grants Reports.

	Q3 YTD Amended Budget	Q3 YTD Actuals	Variance	Variance Percentage
Total Revenues	\$37,667,467	\$14,177,626	(\$23,489,841)	(62.4%)
Total Expenditures	\$235,004,581	\$229,812,840	\$5,191,741	2.2%
NET TAX COST	\$197,337,114	\$215,635,214	(\$18,298,100)	(9.3%)

B. Tow Presentation by Detroit Towers Association, Mr. Bertram Johnson (Letter placed on file): Mr. Johnson thanked the Board for the opportunity to address important issues on behalf of the Detroit Towing Association. He further discussed descriptions of the DTA's remaining concerns and requests consisting of the following: 1. Equitable Rotation Assignment; 2. Towing of Evidence and Forfeiture Vehicles; 3. Fees; 4. Costs to the City and Taxpayers; 5. Costs Incurred by the City and Taxpayers; 6. Philosophical Disagreements; 7. Written Communication; 8. Monitoring and Oversight Independence; and 9. Hours of Operation; and 10. Reference of good-faith letter by Chief of Police Craig submitted to the Detroit Towers

Association. Chairperson Carter recognized Vice-Chairperson Holt. Vice-Chairperson Holt inquired about towing costs and whether the Detroit Towing Association fees are competitive. Commissioner Brown discussed the Board's supervisory oversight role regarding Police Towing and the proper channels to address disagreements involving the Detroit Police Department. Commissioner Bell discussed past DPD Tow Operations and efforts and the Board's Supervisory Role in Police Towing and engaging in an ongoing dialogue. Commissioner Bell also inquired about the DTA's community involvement.

C. DPD Tow Presentation Captain Michael Parish, Tow Monitor, Management Services Section: Captain Parish presented on the following critical items relating to Detroit Police Towing: Background consisting of issues within DPD Towing – Pre-September 2018, DPD Towing – Information / Data, Benefits of DPD Towing highlighting employment opportunities and diversity and inclusion within the tow program, Fee Waivers/Hardship Claims referencing the Board's impact and contribution of developing the policies and guidelines; Introduction to Towing including an overview of DPD's Involvement; Management Services Section; Units Involved in the Regulation of Towing; Explanation of Police Authorized Towing ("Front End" and "Back End"); description and explanation of applicable regulatory tow laws. Chairperson Carter recognized Vice-Chairperson Holt. Vice-Chairperson Holt discussed the Department's efforts to prevent and guard against fraud within the Police Authorized Towing. Commissioner Bell commended the Department's Leadership and Tow Operations' Activities to date in light of past tow history. Commissioner Davis inquired about the percentage of DPD Towing.

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

- 1. DPD Facial Recognition Report #29
- 2. Promotional Packet
 - a. Chief of Police James E. Craig's Letter of Recommendation to Promote to the Ranks of Lieutenant (9),
 Sergeant (20), and Detective (22) and Support Material
 - b. 2020 Promotional Roster
 - c. College Credit Verification Report
 - d. Promotional Candidates' Disciplinary Histories
 - e. IA Clearances
 - f. Management Awareness Systems Profiles for all Promotional Candidates
 - g. Medical Duty Status
- 3. Correspondence from Sudnick Law, P.C. Re: DPLSA-Refusal to proceed with promotions to the ranks of Lieutenant (9), Sergeant (20), and Detective (22)
- 4. BOPC OCI COVID-19 Protocol and Procedures
- 5. DHD Cleaning Policy
- 6. COVID-19 Safe Workplace Standards
- 7. COVID-19 Daily Self-Screening Form
- 8. Executive Order 2020-100 Emergency Order Amendments
- 9. Detroit Towing Association Presentation
- 10. Correspondence from Robert Glover Requesting Media Comments
- 11. 19-756 Cover Memo V&F Collision, Inc. with the Chief's Signature
- 12. 19-756 20200408 Referral V&F Collision, Inc.
- 13. 19-756 20200408 Addendum Referral V&F Collision, Inc.

Unfinished Business, None

New Business:

I. Motion: For the Board of Police Commissioners' to Provide a Hearing for Applicant Appeal of applicant Mr. Cecil Coston:

Motion: Commissioner Bell Second: Commissioner Brown Discussion.

Yes: Vice-Chairperson Holt, Commissioner Bell, Commissioner Brooks, Commissioner Brown, Commissioner Burch, Commissioner Burch

Nay: None

VOTE: Yes = 10 No = 0 **Motion: APPROVED**

II. Motion: For the Board of Police Commissioners' to Provide a Hearing for V&F Collision, Inc. Based on the Department's Recommendation:

Motion: Commissioner Bell Second: Commissioner Holley Discussion.

Yes: Vice-Chairperson Holt, Commissioner Bell, Commissioner Brooks, Commissioner Brown, Commissioner Burch, Commissioner Burch, Commissioner Burch, Commissioner Holley

Nay: None

VOTE: Yes = 10 No = 0 **Motion: APPROVED**

III. Motion that the Board of Police Commissioners' Vehicles Remain in Parking Structures unless being used for BOPC business, and not allowed as take-home vehicles.

Motion: Commissioner Burton Second: None Motion: FAILED

IV. Motion that the Board of Police Commissioners' Ban Facial Recognition until January 1st, due to Black and Brown citizens look alike with baseball caps and facial masks:

Motion: Commissioner Burton Second: Commissioner Davis Discussion.

Yes: Commissioner Davis

Nay: Vice-Chairperson Holt, Commissioner Bell, Commissioner Brooks, Commissioner Brown, Commissioner Burch, Commissioner Hernandez, and Commissioner Holley

VOTE: Yes = 1 No = 7 **Motion: FAILED**

Announcements: Chairperson Carter announced the following:

- A. Next Meeting: Thursday, June 4, 2020, at 3:00 p.m., BOPC Virtual Meeting
- B. Next Community Meeting: Thursday, June 11, 2020, at 3:00 p.m., BOPC Virtual Meeting

Oral Communications/Public Comments:

Minneapolis, Minnesota and requested a study of racism in the Detroit Police Department to prevent an incident like this from occurring within the City. Minister Blount also demanded a presentation from Mayor Michael Duggan, City Council, and the DPD explaining measures to prevent incidents such as what occurred in Minneapolis. Mr. Scotty Boman expressed that Minneapolis Police fired some violent officers, but DPD promoted Sergeant Dewayne Jones. Mr. Boman called on the Board to ask the Wayne County Prosecutor to revive felony misconduct charges; expressed disagreement with the Executive Order mandate; and discussed acknowledgement of motions. Lieutenant Mark Young stated that he was a proud member of the Detroit Police Department for (34) years and expressed how proud he was of the members of the DPD, especially serving through the pandemic. He also thanked the businesses and people in the community for volunteering to help the first responders. Ms. Ashley Smith discussed her concerns about rewarding police brutality in the city of Detroit and Sergeant Dwayne Jones. Mr. Barry Foster, President of Detroit Towing Association and also the owner of LIJBS Towing responded to the Board of Police Commissioners regarding the DTA presentation highlighting the DTA's mission and ongoing community service initiatives. Ms. Julie Semma, Vice-President of DTA, discussed her involvement with the City over 31 years, and the DTA's community involvement. Ms. Kathy Montgomery registered her disgust with the promotion of Sergeant Dewayne Jones and requested an update on outside counsel request from the Board in appealing the

decision of the arbitrator. **Attorney to the Board Jermaine Wyrick** provided an update that we are awaiting a written legal opinion from Corporation Counsel to proceed with outside counsel.

Adjournment:

Chairperson Carter recognized Commissioner Bell. Commissioner Bell moved for adjournment.

Motion: Commissioner Bell Second: Commissioner Holley Discussion.

VOTE: Yes = 8 No = 0 Motion: APPROVED

Chairperson Carter adjourned the meeting at 5:40 pm.