



**Board of Police Commissioners**

*Accountability through Civilian Oversight*



# **BOPC Use of Force Policy Revisions**

Honorable Board of Police Commissioners  
Policy Presentation

Thursday, June 11, 2020

Honorable Board Leadership

Commissioner Evette Griffie, Board of Police Commissioners

Melanie White, Interim Secretary to the Board, Board of Police Commissioners

D'Layne Richards, Legal Assistant, Board of Police Commissioners

## BOPC Policy Authority

City Charter Article 7, Chapter 8

President's Task Force on 21st Century Policing

Case law, Consent Decrees

Department Policies and Procedures

National and State Best Practices

## Board's Recommended Policy Flow Process

Proposed Directive transmitted from the DPD; Directive placed on City's website for Board recommended days to facilitate citizen access, review, and feedback. Item(s) automatically added to the full Board's Agenda.

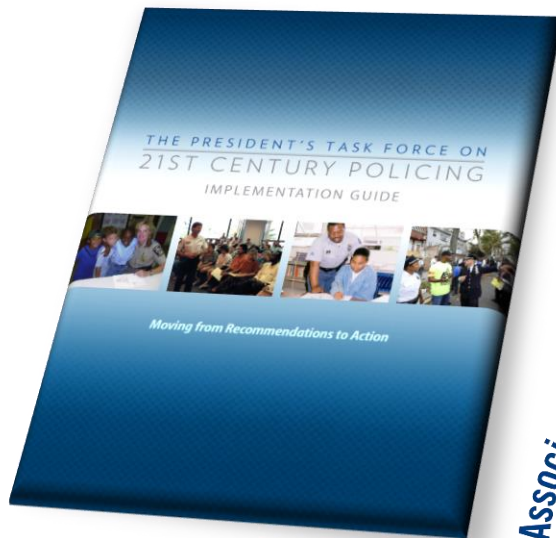
The DPD (Planning and Deployment and/or the Office of the Chief of Police) or the Board presents the directive to the full Board.

The DPD or BOPC addresses the full Board outlining the reasons for the directive and engages the Board in connection with the Policy Division's recommendations. Board action is requested. The Honorable Board speaks through Votes, Resolutions, Chairperson's Letters.

The Policy is published on the City's website. For major policy changes, policy may require publishing in a general circulation newspaper and press statements are developed to indicate the Board's action on a matter.

The Approved item is added to the DPD Police Manual System or other policy system.

## BOPC Authority and National Best Practices



“If police are to carry out their responsibilities according to established policies, these policies must be reflective of community values and not lead to practices that result in disparate impacts on various segments of the community.

They also need to be clearly articulated to the community and implemented transparently so police will have credibility with residents and the people can have faith that their guardians are always acting in their best interests.”

President’s Task Force on 21st Century Policing  
[President Barack Obama – 44<sup>th</sup> President of the United States ]



**Notes and  
Considerations:  
Policy Packet Material**

Board's Policy Revisions for the  
Use of Force Policy 304.2

DPD's Use of Force Policy 304.2

PowerPoint Presentation

References

# DPD Manual Directive System

The screenshot displays the DPD Intranet homepage. The browser address bar shows the URL <http://10.176.0.160/dpdnetcms/>. The page features a navigation menu with links: HOME, ADMIN MSG, CRISNET, DEPT PAGES, FORMS, HR, MANUAL, RESOURCES, SYSTEMS, SYSTEMS 2, SUPERION, and TRAINING VIDEO LIBRARY. A search bar is located on the right side of the navigation menu.

Below the navigation menu, the page is divided into several sections:

- Left Column:**
  - Social media icons for Facebook, Twitter, YouTube, and LinkedIn.
  - MAS** section with links for MAS Login and Mas Info. Below this, it states "Any MAS issues call 596-2680" and provides links for "How to Remove MAS Warning Prompt" and "MAS PEERS Process".
  - LEIN CCH LOG** link.
  - DPD Help Desk** section with links for "Email click here" and "CAD Docs".
  - project14** logo with the tagline "Live where you protect & serve".
- Center Column:**
  - Detroit Police Intranet** header.
  - Links for Monthly Personnel Audit, ADA Van Training Video, DPD 2018 Annual Report, 2019 Promotional Exam Directives, Facial Recognition Request, AVERT Video Extraction Request Form, Crime Intel Information Request Form, DPD 2017 Annual Report, TASER TD-Updated 05242018, SunGard Feedback and Ideas, Initial Vehicle Accident Notification, Take Home Vehicle Report, Genetec LPR Training, and DPD 2016 Annual Report.
- Right Column:**
  - Chief of Police** section featuring a photo of James E. Craig and a quote: "The Detroit Police Department is a model of sustained policing excellence that places our neighborhoods and people first." followed by "DPD Organizational Chart 9/26/2019".
  - Links for DPD COMPSTAT LINK, DPD Gang Territory Map LINK, and Detroit One Priority Offender List.
  - Training Calendar** link.

The bottom of the page includes a footer with the Detroit Police Department logo, the text "Board of Police Commissioners", and the City of Detroit logo.

# DPD Manual Directive System

The screenshot shows a web browser window displaying the Detroit Police Manual web application. The address bar shows the URL: <http://10.176.0.160/DPDNETCMS/Default.aspx?alias=10.176.0.160/dpdnetcms/manual>. The page features a navigation menu with the following items: HOME/INFO, 100 ADMIN, 200 OPERATIONS, 300 SUPPORT SERVICES, 400 PERSONNEL, and EXIT. A search bar is located in the top right corner with a "GO" button. The main content area includes a welcome message, location information, and a "Getting Started" section with instructions on how to use the manual. A "Table of Contents" section is also visible, listing the contents of the 100 - ADMINISTRATION section, including 101 ORGANIZATIONAL & MANAGEMENT and 102 STANDARDS OF CONDUCT.

**Table of Contents**

**100 – ADMINISTRATION**

101 ORGANIZATIONAL & MANAGEMENT

- 101.1 - Written Directive System
- 101.2 - Department Rank Structure
- 101.3 - Office of the Chief of Police
- 101.4 - Office of Support Operations
- 101.5 - Office of Neighborhood Policing
- 101.6 - Human Resources
- 101.7 - Jurisdiction and Authority
- 101.8 - Precinct Boundaries
- 101.9 - Special Purpose Committees
- 101.10 - Supervision
- 101.11 - Record Retention
- 101.12 - Data Sharing
- 101.13 - Administrative Reports

102 STANDARDS OF CONDUCT

- 102.1 - Non Discrimination



## Examples of Previous BOPC-Approved Policies



### DETROIT POLICE DEPARTMENT MANUAL

Series	Effective Date	Review Date
300 Support Services	10/19/2017	Annually
Chapter		
304 - Training		
Reviewing Office		
Civil Rights		
References		

#### BODY-WORN CAMERAS

##### 304.6-1 PURPOSE

The purpose of this directive is to establish guidelines and procedure use of body-worn camera (BWC) systems by department members and the preservation of the digital media created by such equipment.

##### 304.6-2 POLICY

It is the policy of the Detroit Police Department to increase member safety, reduce department from unwarranted citizen complaints, and ensure excellent service by members of the Detroit Police Department by using BWCs to securely record policing activities on video/audio media. The use of BWCs does not replace the requirement to provide thorough written reports of an incident. All data, images, video and metadata captured, recorded or produced is the property of the Detroit Police Department and is subject to local law and City policies regarding retention of records.

##### 304.6-3 PROCEDURE

- 1) All members at BWC equipped commands who have citizen interaction shall have their performances of their duty are mandated to wear a body-worn camera.
- 2) Prior to using a body-worn camera, members shall receive Department approved



### DETROIT POLICE DEPARTMENT MANUAL

Series	Effective Date
300 Support Services	09/19/2019
Chapter	
307 - Information System	
Reviewing Office	
Crime Intelligence	
References:	

#### FACIAL RECOGNITION

##### 307.5 - 1 PURPOSE

The purpose of this policy is to establish a standard for the use of the Department's (DPD) facial recognition software. This policy shall apply when there is reasonable suspicion that such use is warranted in an active or ongoing Part 1 Violent Crime investigation, a match is found through DPD's Facial Recognition software, an investigative lead, and the requesting investigator must conduct a comprehensive investigation.

##### 307.5 - 2 Definitions

###### 307.5 - 2.1 Biometric Data

Data derived from one or more intrinsic physical or behavioral traits of humans, to include fingerprints, palm prints, iris scans, and facial recognition data.

###### 307.5 - 2.2 DataWorksPlus

The facial recognition software with which the Department has a contract.

###### 307.5 - 2.3 Examiner

An individual who has received advanced training in the facial recognition system and its features. Examiners have at least a working knowledge of the limitations of facial recognition and the ability to use image editing software. They are qualified to assess images, analyze and corroborate facial recognition results, and to perform other tasks as required.



Detroit Police Department

## Training Directive

Numbered Directives shall be retained by all members  
Number: 19-03  
Date: 04/03/2019

### TASER X2 CONDUCTED ENERGY WEAPON (CEW) REVISED 3/2019

#### PURPOSE

The purpose of this directive is to establish guidelines and procedures governing the use of the TASER X2 CEW by Department members and the preservation of the evidence, digital information, and/or media resulting from their use.

#### Proper Use of Force Decision

1. In *Graham v. Connor*, the United States Supreme Court explained that the objectively-reasonable standard is to be applied from the perspective of a reasonable law enforcement officer on the scene and include an allowance for the fact that law enforcement officers are often forced to make split-second decisions about the amount of force necessary in circumstances that are both uncertain and rapidly evolving. Although the test of reasonableness is not capable of precise definition or mechanical application, the following factors must be considered:
  - a. The severity of the crime at issue;
  - b. Whether the suspect poses an immediate threat to the safety of Department members or others; and
  - c. Whether the suspect is actively resisting arrest or attempting to evade the arrest by flight.
2. Notwithstanding any provision below, which constitutes only guidelines for the purpose of informing a Department member's decision on whether to resort to



Board of Police Commissioners





## Purpose and Objectives

Develop and implement comprehensive sound policies and procedures for Department members' guidance that promote safety.

Ensure compliance with Charter Mandates, court decisions, federal, state, and local laws, procedures, and regulations.

Foster a collaborative relationship between the Honorable Board, the Chief of Police, and the community at large, approval of the Mayor of the City of Detroit for internal and external legitimacy.

Recognize the Police Manual as a Living Document where policy recommendations may be Board and Department initiated.

Continue adhering to national best practices and state best practices to align with current and emerging trends.

Ensure that policies and procedures are being followed.

## Key Objectives:

Require Specification of  
De-Escalation Methods  
and Tactics

Expanding standard and  
implementing Minimal  
Reliance on Use of  
Force

Require Intervention for  
Inappropriate or  
Unjustified Use of Force

Prioritize Preservation of  
Life for all and Protection  
of Members Who Report  
Wrongdoing

Requiring Reporting  
Measures for Drawing a  
Weapon and Acquiring a  
Target

Reemphasizing  
Reporting Standards for  
Proper Oversight and  
Proactive Measures

## Use of Force 304.2 Policy Revisions Recommendations (16) Total



## Use of Force Policy Revisions Cont.

9. Require Continual Scenario Based Training

10. Prohibit Retaliation for reporting misconduct and cooperating with investigation

11. Require Reporting Measures for Threatened Use of a Weapon and assign the standard for use

12. Add Procedure: Members Responsibility



## Revisions Cont.

13. Require Monitoring and Evaluating How Police Use Force and Proactively Hold Officers Accountable for Excessive Force

14. Mandate Duty to Prevent Through Early Intervention

15. Add Data Collection and Analysis

16. Add Requirement to Report to National and State Use of Force Data Collection and to the BOPC for proper oversight measures

## References

U.S. Const.  
Amend. I.

U.S. Const.  
Amend. IV.

U.S. Const.  
Amend. XIV.

City of Detroit  
Charter 7-802, 7-  
803, and 7-806.

President's Task  
Force on 21st  
Century Policing

Campaign Zero,  
Model Use of  
Force Policy

See Policy Report for full listing.



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# Questions & Discussion