

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

BOPC Chairperson Willie Bell called the BOPC Board Meeting to order at 3:00 PM (September 3, 2020)

Detroit Board of Police Commissioners' Membership / Attendance			
		Attend	Not-Attend
Willie E. Bell, Chairperson		Yes	
Annie Mae Holt, Vice-Chairperson		Yes	
Darryl D. Brown		Yes	
Shirley A. Burch		Yes	
Willie E. Burton (3:43 p.m.)		Yes	
Lisa Carter		Excused	
William M. Davis		Yes	
Evette Griffie		Excused	
Jesus Hernandez		Yes	
Jim Holley		Yes	
Martin Jones		Yes	
Quorum (Yes)		9	

The Board acting in accordance with its rules approved the Agenda for Thursday, September 3, 2020.

Chairperson Bell called the meeting to order and held a moment of silence for Wayne County Sheriff's Corporal Bryant Searcy. Later, Chaplain Inez Gordon provided the invocation.

INVOCATION: Chaplain Inez Gordon

I. MOTION: To approve the Agenda.

Motion: Vice-Chairperson Holt **Second:** Commissioner Holley **Discussion:** None.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Brown, Commissioner Burch, Commissioner Davis, Commissioner Hernandez, Commissioner Holley and Commissioner Jones

No: None.

VOTE: Yes = 8 No = 0 **Motion: PASSED**

II. MOTION: To approve the August 27, 2020, Meeting Minutes with necessary corrections.

Motion: Commissioner Holley **Second:** Commissioner Hernandez **Discussion:** None.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Brown, Commissioner Burch, Commissioner Davis, Commissioner Hernandez, Commissioner Holley, and Commissioner Jones

No: None.

VOTE: Yes = 8 No = 0 **Motion: PASSED**

The Board considered the following Business Items:

- 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 Bell** provided the following remarks: **Chairperson Bell** highlighted the newspaper Detroit Free Press article entitled, "Organized labor is tarnished when unions defend indefensible police conduct" displayed August 18, 2020, discussing the impact and role of police unions, including but not limited to the National Fraternal Order of Police Unions, International Union of Police Association, the Detroit Police Officers Association (DPOA), the Lieutenants and Sergeants

Association (LSA), and others. **Vice-Chairperson Annie Holt** provided remarks urging everyone to complete the 2020 Census questionnaire.

Resolution: Commissioner Burch read the resolution honoring Retiring Lieutenant Geraldine Atkinson.

**RESOLUTION HONORING
RETIRING LIEUTENANT GERALDINE ATKINSON**

- WHEREAS** Geraldine Atkinson was appointed to the Detroit Police Department on October 20, 1986. Upon graduating from the Detroit Metropolitan Police Academy, Officer Atkinson began her career at the Harbormaster Section; and
- WHEREAS** Officer Atkinson assignments with the Detroit Police Department included the Harbormaster Section and Seventh Precinct; and
- WHEREAS** Officer Atkinson displayed tremendous knowledge and leadership skills as a Police Officer and was promoted to the rank of Sergeant on August 7, 1996. She was re-assigned to the Harbormaster Section. She also served in the Thirteenth Precinct and the Harbormaster Unit; and
- WHEREAS** Sergeant Atkinson was promoted to the rank of Lieutenant on February 6, 2004. Lt. Atkinson was assigned to Eighth Precinct and later served at the Northwestern District before reassignment to the Eighth Precinct, where she served until her retirement; and
- WHEREAS** Lieutenant Atkinson was the deserving recipient of the following awards: Perfect Attendance, Perfect Driving, Lifesaving Citation and Medal, Chief's Unit Award, Fireworks Award, both Consent Judgment Awards, two Chief's Merit Awards, 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** Lieutenant Atkinson has tirelessly served the Detroit Police Department, the citizens of Detroit and its neighboring communities for 34 plus years. She has served the Detroit Police Department and the citizens of the City of Detroit with loyalty, professionalism, integrity, and dedication, and is widely respected throughout the law enforcement community as the consummate professional.

NOW THEREFORE BE IT RESOLVED

That the Detroit Board of Police Commissioners, speaking on behalf of the citizens of the great City of Detroit recognize and honor the lifelong contributions and commitment to excellence in public service of Lieutenant Geraldine Atkinson. Her display of courage and unwavering community spirit has improved the quality of life for the citizens of Detroit. We wish you all the best in your future endeavors.

We thank and congratulate you, Lieutenant Geraldine Atkinson.

Commissioner Burch moved to adopt the resolution of Retiring Lieutenant Geraldine Atkinson. **Vice-Chairperson Holt** seconded. Discussion.

III. 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:

Deputy Chief Todd Bettison Representing Chief of Police James E. Craig reported on the following items: The City's COVID-19 Memorial Tribute and Display; Officers Injured in the Line of Duty; Comp Stat Crime and Statistical Data for the reporting period, the Department's COVID-19 stats, and recent critical incidents impacting the Detroit Police Department and the community. See attached Meeting Transcripts for more information.

Comp Stat Data Provided: (See Full Report in Packet) as of September 3, 2020							
Part I Violent Crimes:	Criminal Homicides:	Sexual Assaults:	Aggravated Assaults	Non-Fatal Shootings:	Robbery:	Carjacking:	Total:
Totals:	+24%	-31%	+20%	+55%	-17%	-10%	10% Increase in Part I Violent Crimes
Property I Crimes:	Burglaries:	Larcenies	Motor Vehicle Thefts				
Totals:	-32%	-22%	-12%				-22% Decrease in Part I Property Crime
							-12% Decrease in Part I Violent Crime

The Department's Initiative with Federal Partners - Operation Legend as of August 31, 2020. (41) Defendants have been charged in Detroit; (17) Defendants charged in Narcotic-related offenses; (21) firearm-related offenses; 3 other violent crime. Operation Legend and federal partners are being utilized in the planning and operational plan to address violence in the City, not protest incidents. **Fatal Incidents.** 16-year-old shot by the mishandling of a weapon. **Guns.** Officers seized (31) guns; (3) long guns seized; (149) felony arrests. **Traffic and Drifting with Donut Activities.** (12) felony arrests; (3) misdemeanors; (240) tickets; (23) vehicles impounded and officers conducted (141) traffic stops just over the past weekend and will continue to perform detail.

Commissioner Burch shared commendations to Deputy Chief Bettison, asked for a meeting involving City nuisance ordinances to impact quality of life matters in the neighborhood, and asked about whether the Department was aware of the Body-worn camera system. **Commissioner Davis** inquired about traffic enforcement and the issuance of citations regarding racing taking place near the Tenth Precinct area, (Grand River, Davison, and Livernois). **Commissioner Davis** also inquired about an update on the Department's investigation efforts involving legal observers and the media personnel who were harmed during recent police protests. **Deputy Chief Bettison and Director Christopher Graveline, Professional Standards Bureau**, discussed the lack of cooperation on the part of the legal observers, citing the Department's unawareness of any journalists who were injured on August 27, 2020, during one of the recent protests. **Vice-Chairperson Holt** discussed Captain Jonathan Parnell's Memorial Service and the DPD's Presentation; encouraged persons to attend the COVID-19 Memorial to view the display honoring the lives of City residents who suffered from COVID-19 given the upcoming time closure. **Commissioner Brown** asked for information and updates regarding the Office of the Chief Investigator (OCI) Investigation involving a *Garrity* issue and inquired about the recent police-involved shooting incident of an animal. **Director Graveline** provided updates indicating that he has inquired with the Michigan State Police (MSP) about the OCI Investigation and *Garrity* matter, of which no update is available at this time. **Director Graveline** also reported that the Department's investigation involving the police-involved shooting incident of the animal is still ongoing.

PRESENTATION(S) TO THE BOARD: A. Panel Discussion on 21st Century Police Reform in America – Professor Peter J. Hammer, Professor and Director of the Wayne State University, Damon J. Keith Center for Justice (PowerPoint Presentation available on the Board's website); Attorney David Robinson, Robinson and Associates, author of "You See a Hero. I See a Human Being."

- A. Professor Peter J. Hammer, Professor and Director of the Wayne State University (WSU), Damon J. Keith Center for Justice reported on the following:** Honoring the historic legacy of Judge Damon Keith and the important contributions he made to society. Professor Hammer discussed the following: Why Civilian Oversight is so important during these historic times, citing that Civilian Oversight was a response to history of racialized police violence. **Professor Hammer** briefly discussed the official reports completed in the wake of social unrests: *Report of the Mayor's Committee on Race Relations Detroit Michigan*, "What Caused the Detroit Riot? An Analysis (NAACP) (Walter White and Thurgood Marshall Report 1943), the *Kerner Commission Report*, the *National Advisory Commission on Civil Disorders*, and other reports as a result of civil unrest in Detroit over the years. Also, discussed was the 1974 Charter Reform highlighting the creation of the civilian police oversight board, Board of Police Commissioners and Commissioner Edward J. Littlejohn, WSU Emeritus Professor,

who advocated for civilian oversight and served on the Board of Police Commissioners. **Professor Hammer** highlighted the BOPC's tremendous oversight authority discussing its structural authority, policy authority, citizen complaints, and police department personnel authority, and cited civilian oversight's challenges and fragile power. Additionally, **Professor Hammer** described the complications of race and racism, the concept of structuralized racialization, spatial racism in southeastern Michigan and opportunity mapping, and the segregation of wealth and opportunity. Professor Hammer emphasized that we are facing dual pandemics of 1) police brutality and 2) the racially disparate impact of Covid-19. Lastly, discussed was how the BOPC should respond and other key, important issues such as the reallocation of resources.

Vice-Chairperson Holt inquired about the reallocation of funds, regarding the recommendation to reallocate resources for better public safety. **Commissioner Burch** discussed the need for mental health facilities in the City of Detroit engaging further dialogue. **Commissioner Holley** asked for feedback regarding Facial Recognition Technology. **Commissioner Brown** asked how does the Board handle retaining Facial Recognition Technology when there is evidence that shows its ineffectiveness. Commissioner Jones discussed the spatial racism chart referenced earlier, and engaged further discussion on the differences between the suburbs and the City of Detroit regarding resources and the need to respond to crime. **Commissioner Davis** requested the PowerPoint Presentation for later reference. **Commissioner Burton** asked whether the racial disparity topics discussed has a direct relation to poverty in Detroit and whether Facial Recognition Technology is another variable in the racial disparity issues. **Deputy Chief Bettison** discussed the development of the Department's Project Greenlight Technology System (PGL) within the neighborhoods to deter crime similar to the cameras that are provided in Downtown Detroit.

- B. Attorney David Robinson, Robinson and Associates, Inc. presented a summary of the following:** Discussing the book he authored, *"You See a Hero. I see a Human Being,"* **Attorney Robinson** discussed his professional background and experience as a former officer, Attorney with the DPD, and an Attorney who specializes in police misconduct litigation. **Attorney Robinson** discussed recent and past police misconduct incidents, including but not limited to the police-involved fatal encounter of Mr. George Floyd, the rise of technology that captures such incidents, and the ability to determine the validity of claims of police misconduct. **Attorney Robinson** discussed patterns of behavior involving police officers in various jurisdictions and his observations that the patterns are all the same, involving training, and the way society and the courts see police officers. **Attorney Robinson** cited that police misconduct and reform have to be addressed, emphasizing that Court decisions relating to police misconduct cases have exacerbated the underlying issue, creating allowances of police officer's duties and creating a disenfranchisement and infringement on citizens. Attorney Robinson also discussed the "Human Factor" and the distinction that police are "humans" first and "police" second. **Attorney Robinson** also highlighted police officers psychological advantage over citizens based on police officer training. Also, emphasizing that paradigm shifting of police reform and the collaboration of all parties is strongly needed, suggesting that it has to start with police (i.e. resolving that change of behaviors and approach in police culture can accomplish safety).

Commissioner Burch asked whether officers should be trained to wound versus being trained to kill. **Commissioner Holley** asked whether patrol officers should be integrated when responding to police runs and calls for service within the neighborhoods of the City of Detroit. **Vice-Chairperson Holt** asked whether Attorney Robinson continues to train at the Detroit Police Department (DPD) Training Academy. **Deputy Chief Bettison** discussed and added emphasis on the Department's majority of officers are following the rules and obeying the law and asked further follow-up questions. **Commissioner Brown** asked what was the turning point for Attorney Robinson's view of policing given his background. **Commissioner Burton** asked whether the racial disparity topics has a direct relation to poverty in Detroit and whether Facial Recognition Technology is another variable in the racial disparity issues. **Commissioner Davis** asked when Attorney Robinson retired from the Detroit Police Department.

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

1. Letter from citizen requesting more training for police
2. Detroit Free Press article "Detroit police bans chokeholds, shooting from moving vehicle in updated use-of-force policy" dated 9/2/20

3. Bias-Based Policing Department Manual Directive 102.2
4. Project Green Light Report Update dated 9/1/20

Unfinished Business.

- A. DPD Referral of Recommendation to Terminate Tow Permit of V & F Collision, Inc.:** Sergeant Michelle Szerbkot provided an overview of the Department's recommendation to terminate V & F Collision previously reported to the Board on August 13, 2020. She also provided an update sharing that the warrant has since been signed by the Wayne County Prosecutor's Office (WCPO) on August 25, 2020, regarding the larceny of a laptop from a customer's motor vehicle, Mr. Edward Moody's status as a habitual 4th offender, and police custody procedures. Attorney Sanford Schulman, Attorney for V & F Collision Inc., discussed the defense on behalf of Mr. Frank Spadafora, owner of V & F Collision, Inc., and the events involving the employee and criminal conduct of Mr. Edward Moody. Chief Legal Counsel of Special Projects, City Law Department Megan Moslimani provided a legal recommendation to terminate V & F Collision Inc. tow permit based on the laptop being removed from the impounded vehicle, arranged to power the laptop inside of the residence of Mr. Moody, proving the elements of a larceny (intent to permanently deprive another's personal property) allowing for the tracing of the laptop computer to Mr. Edward Moody's place of residence. Chief Legal Counsel Moslimani also shared that the current hearing constituted the hearing as required by the Board's Tow Rules. Chairperson Bell requested a legal opinion/recommendation confirming same.

IV. Motion to Accept Chief Legal Counsel Moslimani's Recommendation to Terminate V & F Collision Inc., Towing Service Permit from the Tow Rotation.

Motion: Vice-Chairperson Holt **Second:** Commissioner Jones **Discussion:** Commissioner Brown asked since the Board moved to terminate V & F Collision Inc. permit, whether another hearing is necessary. Chief Legal Counsel Moslimani indicated that the hearing was held today.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Brown, Commissioner Burch, Commissioner Burton, Commissioner Davis, Commissioner Hernandez, Commissioner Holley, and Commissioner Jones

No: None.

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

V. Motion to Suspend DPD Facial Recognition.

Motion: Commissioner Burton **Second:** Commissioner Davis **Discussion:** Chairperson Bell indicated the motion was out of order.

Announcements: Chairperson Bell announced the following:

- A. Next Meeting:** Thursday, September 10, 2020, at 3:00 p.m., BOPC Virtual Meeting
- B. Next Community Meeting:** Thursday, October 8, 2020, at 3:00 p.m., BOPC Virtual Meeting

Oral Communications/Public Comments.

VI. Motion to go into Closed Session.

Motion: Vice-Chairperson Holt **Second:** Commissioner Hernandez **Discussion:** None.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Burch, Commissioner Davis, Commissioner Hernandez and Commissioner Jones

No: None.

Abstain: Commissioner Brown, Commissioner Burton and Commissioner Holley

VOTE: Yes = 6 No = 0 Abstain = 3 **Motion: PASSED**

Closed Session New Business.

- VII. Motion to Accept Chief of Police James E. Craig Recommendation to Change Duty Status to Administrative Leave Without Pay but with Medical Benefits for Police Officer Daniel Waldrep, Badge 2450, assigned to the Ninth Precinct effective on the date of occurrence by the Board of Police Commissioners.**

Motion: Vice-Chairperson Holt

Second: Commissioner Brown

Discussion: None.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Brown, Commissioner Burch, Commissioner Burton, Commissioner Davis, and Commissioner Hernandez

No: None.

VOTE:

Yes = 7

No = 0

Motion: PASSED

- VIII. Motion to Prohibit the Detroit Police Department from participating in the 1033 Program with the Department of Defense.**

Motion: Commissioner Burton
was out of order.

Second: Commissioner Davis

Discussion: Chairperson Bell indicated the motion

- IX. Motion to Suspend the Use of Facial Recognition for the Remainder of the Year and Reevaluate the Department's Use.**

Motion: Commissioner Brown
was out of order.

Second: Commissioner Burton

Discussion: Chairperson Bell indicated the motion

Chairperson Bell indicated the Board will adjourn due to the lack of a quorum.

Chairperson Bell adjourned the meeting at 6:27 p.m.