

**Draft Minutes Detroit Board of Police Commissioners
Date of Meeting: Thursday, January 28, 2021 - 3:00 PM
Location: Zoom Virtual Meeting Platform**

BOPC Chairperson Willie Bell called the BOPC Board Meeting to order at 3:00 PM (January 28, 2021)

Detroit Board of Police Commissioners' Membership / Attendance	Attend	Not-Attend
Willie E. Bell, Chairperson	Yes	
Annie Mae Holt, Vice-Chairperson	Yes	
Linda D. Bernard	Yes	
Darryl D. Brown	Yes	
Shirley A. Burch	Yes	
Willie E. Burton	Yes	
Lisa Carter		Excused
William M. Davis	Yes	
Jesus Hernandez	Yes	
Jim Holley	Yes	
Martin Jones	Yes	
Quorum (Yes)	10	

The Board acting in accordance with its rules approved the Agenda for Thursday, January 28, 2021.

Chairperson Bell called the meeting to order inviting Chaplain Demetrius Davenport to provide the invocation.

INVOCATION: Chaplain Demetrius Davenport

Commissioner Burton expressed remarks of improperly being removed from last week meeting's and stated that District 5 constituents were disappointed and displeased with this Board and requested Closed Door Session information pertaining to last week's meeting.

I. MOTION: To approve the Agenda.

Motion: Vice-Chairperson Holt **Second:** Commissioner Jones **Discussion:** Commissioner Burton requested to postpone approval of the Board Minutes due to receipt of less than 48 hours.

Yes: Chairperson Bell, Vice-Chairperson Holt, Commissioner Bernard, Commissioner Burch, Commissioner Hernandez, Commissioner Holley, and Commissioner Jones.

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

VOTE: Yes = 7 No = 3 **Motion: ADOPTED**

II. MOTION: To approve the January 21, 2021, Meeting Minutes with necessary corrections. The Chairperson called for any corrections to the Meeting Minutes for January 21, 2021, with necessary corrections. After no corrections were submitted, the minutes were accepted as approved.

Motion: Commissioner Holley **Second:** **Discussion:**

VOTE: Yes = 0 No = 0 **Motion: POSTPONED**

III. MOTION: To Overrule the Chairperson.

Motion: Commissioner Burton **Second:** Commissioner Brown **Discussion.**

Chairperson's Report: Chairperson Bell addressed the agenda item, the position of Director of Police Personnel.

IV. MOTION: To approve Candidate Katrina Patillo for the position of Director of Police Personnel.

Motion: Vice-Chairperson Holt **Second:** Commissioner Jones **Discussion:**

V. MOTION: To Withdraw motion to approve Candidate Katrina Patillo for the position of the Director of Police Personnel.

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

Chief of Police Report: Chief of Police’s Summary of CompStat Data and other Crime Information/DPD Information:

Deputy Chief Charles Fitzgerald representing Chief of Police James E. Craig reported on the following items: Officers Injured in the Line of Duty; Comp Stat Crime and Statistical Data for the reporting period; Protest Activities; COVID-19 impacts, 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 January 28, 2021						
Part I Violent Crimes:	Criminal Homicides:	Sexual Assaults:	Aggravated Assaults	Non-Fatal Shootings:	Robbery:	Carjacking:	Total:	Total Overall Part I Crimes
Totals:	-4%	-11%	+27%	+62%	-34%	+100%	+11% Increase in Part I Violent Crimes	-18%
Property I Crimes:	Burglaries:	Larcenies	Motor Vehicle Thefts					
Totals:	-34%	-37%	-15%				-31% Decrease in Part I Property Crime	

Department’s Enforcement Efforts for the past week: The Department confiscated 80 guns, and made 83 CCW arrests over the past week. **COVID-19 Updates:** 28 Members are currently quarantined and 24 Members whose last test was positive.

Commissioner Davis asked how many children have been shot or killed within the last six months, and if DPD has gun locks distribute and advocate for people to use. **Commissioner Davis** recommended the Department/Board perform a Public Service Announcement in this effort for crime prevention given the recent tragic, fatal incidents involving children. **Commissioner Bernard** indicated that she is interested in removing guns from the streets through Public Service Announcements and is also interested in arranging a fund for a Gun Buyback Program. **Commissioner Brown** asked about obtaining electronic hand-held devices for Neighborhood Police Officers (NPOs) to write and issue tickets for people parking in bicycle lanes.

- PRESENTATION(S) TO THE BOARD:**
- A. Human Resources’ Report – Lieutenant James Coles representing Police Recruitment and Police Human Resources Division**
 - B. Commander DeShaune Sims and Captain Vernal Newson – Twelfth Precinct Presentation**
 - C. Captain Aric Tosqui and Director Reid Branche-Wilson – Gunshot Detection System Policy Directive 307.8**

- A. Monthly Human Resources’ Report:** Lieutenant James Coles representing DPD Police Recruiting and Human Resources Division, introduced Sergeant Glenn Anderson and Sergeant Jordan Hall of Field Recruiting to provide the report. **Sergeant Anderson** provided a summary of activities and statistical data during the month of December 2020, noted below, including: staffing, hiring, manpower, leaves of absence, restricted duty, and suspensions. **Sergeant Hall** discussed the radio recruitment efforts starting this week on “The Bounce 105.1” and other radio stations. Please refer to the Human Resources’ Report for full details.

EMPLOYEE CATEGORY	POSITIONS FILLED	VACANCIES
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SWORN	2,586	86
CIVILIANS	626	117

NEW HIRES	
Sworn	0
Civilian	31
Police Assistants	1
Total New Hires	32

MCOLES						AGILITY EXAM					
SCHEDULED	APPEARED	PASS	FAILED	RESCHEDULED	NS	SCHEDULED	APPEARED	PASS	FAILED	RESCHEDULED	NS
43	26	22	4	0	16	64	39	24	15	4	19

SWORN RECRUITING NUMBERS July 1, 2019 - December 31, 2020						
APPLICANTS	IN PROCESS	HIRED	LACK OF INTEREST	TEMPORARILY DISQUALIFIED	PERMANENTLY DISQUALIFIED	AWAITING MCOLES
2,235	33	83	130	1,278	276	435

DETROIT RESIDENCY INFORMATION (as of 12/31/2020)		
SWORN	CIVILIAN	POLICE ASSISTANTS
573	330	30

ATTRITION December 2020			
SWORN	CIVILIAN	POLICE ASSISTANTS	TOTAL
17	4	2	23

LEAVES OF ABSENCE / RESTRICTED DUTY								
Employee Category	FMLA Continuous	FMLA Intermittent	Medical Leave	Military	Personal Education	Restricted	Disabled	Sick
Sworn	49	153	2	4	0	143	51	16

SWORN PERSONNEL SUSPENSIONS					
Police Officer	Detective	Investigator	Sergeant	Lieutenant	Total
4	0	0	0	0	4

TOTAL SEPARATIONS
17

DROP PROGRAM (DEFERRED RETIREMENT OPTION PLAN)
TOTAL
599

Commissioner Bernard inquired about officers listed as disabled regarding whether they receive 100% salary from their job during the disabled status, the time length for disability pay, and whether members can be on disability indefinitely at 100% rate of pay. **Commissioner Bernard** inquired about hiring applicants who have offenses as a youth adjudicated under the Michigan Holmes Youthful Trainee Act (HYTA) and whether applicants are penalized for those offenses regarding hiring practices. **Commissioner Bernard** also requested demographic information for hires related to the Human Resources' report. **Commissioner Brown** volunteered to arrange to include police recruitment flyers in the food distribution program(s) that he is partnership with to assist with DPD recruitment efforts. **Commissioner Burch** asked if there are any incentives for recent graduate officers to purchase a house in the City of Detroit. **Chairperson Bell** recommended that Chief Craig and the Department through its recruitment efforts contact Calvin Johnson, Former National Football League (NFL) of the Detroit Lions, to work with DPD in its police recruitment initiatives by providing a radio announcement for DPD and other efforts.

- B. Twelfth Precinct Presentation: Commander DeShaune Sims** and **Captain Vernal Newson** reported on overall crime within the Twelfth Precinct and activities and operations including but not limited to the following: Crime Statistics within the Twelfth Precinct providing year-to-date comparisons on crime data; NPOs Initiatives, Specialized and Targeted Enforcement Initiatives; Project Greenlight Businesses; and other partnerships. **Commander Sims** also discussed other

community outreach programs including but not limited to Precinct Turkey giveaway through partnership with Goodfellows and the Fourth Precinct where they gave away 9,000 boxes to families. The Twelfth Precinct adopted a family for Christmas and through their partnership with Meijer's took 14 children on a shopping spree. The Twelfth Precinct's upcoming events include an Easter Basket giveaway, a police community summit with the new Internal External Relations team within DPD. **Commander Sims** also mentioned that the Twelfth Precinct conducts their CompStat meetings once a month via Zoom through AmeriCorps and Wayne State University; they also have gun locks available for distribution. **Captain Newson** also discussed the crime-reduction strategies to reduce non-fatal shootings and aggravated assaults and other measures (i.e. nonfatal shootings, homicides, overall crime, and quality-of-life issues) within the Twelfth Precinct.

Commissioner Bernard requested the Twelfth Precinct's contact telephone number to follow up on further discussion. **Commissioner Burch** thanked Commander Sims and all precincts that posted "Love Where You Live" signs.

C. Captain Aric Tosqui and Director Reid Branche-Wilson – Gunshot Detection System Policy Directive 307.8. **Captain Tosqui** stated DPD has engaged in a contract with ShotSpotter and is working with the Board to establish policy prior to deployment. **Director Branche-Wilson** stated they are procuring this technology because of the extensive number of shots fired incidents, where nearly 30 shots for service are reported per day. The focus will be on the Eighth and Ninth Precincts where this technology can detect outdoor audible gunfire within a defined perimeter through mounted audio sensors placed throughout the coverage area. **Director Wilson and Captain Tosqui** explained ShotSpotter Procedures and DPD policy emphasizing that it cannot monitor live audio from audio sensors, records audio that only includes (1) second before and (1) second after the firearm is discharged. Also, a discussion was held outlining any policy violations of these protections will be subject to discipline of termination. **Captain Tosqui** stated ShotSpotter can only be used as an investigative lead, it cannot be used to arrest. ShotSpotter in and of itself is not enough to violate any Fourth Amendment protection of anyone's home or property. If the shot is originated on the property in the backyard of a house, further corroborating evidence to allow officers the ability to investigate that yard. Other critically important measures regarding the policy were also discussed. The PowerPoint Presentation and proposed policy directive are available online.

Commissioner Bernard inquired how many sensors are mounted in an area and whether sensors are capable of picking up conversations whether or not used for that purpose. **Commissioner Bernard** also asked about the procedures regarding when another agency like the Federal Bureau of Investigations (FBI) requests to utilize the technology from the ShotSpotter and whether they can obtain that information from DPD. **Captain Tosqui** expressed the number and location of the sensors are unknown to DPD due to the Freedom of Information Act (FOIA) requirements and confidentiality protections. There are enough sensors to triangulate the position to locate gunshots. After the Department's evaluation, if they find false positives or shots that are undetected, they provide that information to ShotSpotter where they will either add or adjust where the sensors are located. Regarding the data, DPD owns all the data to ShotSpotter, and per the contract, they are not allowed to share the data with any third party. Further, it is unlikely that a human voice is loud enough to trigger the sensor to be heard on top of a gunshot. **Director Branche-Wilson** reiterated why the policy is so important, and that one could only listen to the audio snippets if it was relevant to an active investigation involving a firearm discharge.

Commissioner Davis inquired whether ShotSpotter as an investigative tool was successful in closing cases and making arrests during the DPD's initial pilot phase and whether it was useful in preventing shootings. **Vice-Chairperson Holt** requested confirmation regarding the rule that DPD and all law enforcement agencies that subscribe to ShotSpotter do not know where the sensors are installed. **Vice-Chairperson Holt** requested further explanation on why law enforcement agencies do not know the exact sensor installation locations. **Vice-Chairperson Holt** also inquired about the timeframe of the "snippet" reference during the presentation and whether there was any special training an officer needed to have to review the data from ShotSpotter. **Commissioner Burch** inquired about how the Department will be able to determine the origination of the gunshots. **Commissioner Jones** asked questions on behalf of the listening community requesting confirmation on the following to ensure civil liberty protections: (1) No video activated with the use of the technology to record any citizen in any way; and (2) Whether there is any local control over the ShotSpotter program as far as gunshot detection or whether the Department is relying on analytical research information to return from ShotSpotter Company. **Commissioner Burton** expressed that the technology could be abused to violate our civil liberties and "serves as another techno racism, unfairly targeting people of color and people that live in poverty." **Commissioner Burton's** primary concern was that the technology could be used to spy on people and record private conversations, noting the 2015 Massachusetts Court Case where the Court found the ShotSpotter recordings were prohibited and granted the defendant's motion to suppress the recordings. In New York, [Simmons v Ferrigno, F Supp 3d; 2020 U.S. Dist. LEXIS 189464 (WDNY, Oct. 13, 2020)], Silvon Simmons Case, 6:17-CV-06176, the judge ruled ShotSpotter data inadmissible, calling it unreliable scientific evidence resulting in a pending lawsuit against the law enforcement agency and the ShotSpotter Technology. **Commissioner Burton** requested the Department's feedback regarding these (2) cases. **Commissioner Bernard** inquired whether

the ShotSpotter Activity was done by satellite, whether ShotSpotter Company is located in California, and whether an office is located here. **Commissioner Burton** asked whether Chairperson Bell would be open to bringing in an academia as well as community activists and civil liberty groups to speak on ShotSpotter Technology. **Chairperson Bell** expressed that this is an open forum, and all of the Board meetings are open to the public and they have the opportunity to voice their concerns. This matter also went before City Council in terms of the contract and there was participation at that time. The open participation continues where the policy is posted on the Board's website, and people can contact the Board by email, text, or call. **Vice-Chairperson Holt** expressed the Board has received an extensive amount of material on ShotSpotter, where there are over 90 cities subscribed. Vice-Chairperson Holt noted this was an opportunity, on the part of DPD with the assistance of Interim Secretary of the Board White and her staff to ensure that the Board had as much information that was needed so that the Board could be in a position to support the policy. **Commissioner Bernard** stated that there would be no harm in receiving another point of view. And reiterated the points posed by Commissioner Burton. **Chairperson Bell** shared that the American Civil Liberties Union (ACLU) spoke loud and clear to City Council, and the meeting recording was available for later reference.

Report from Interim Board Secretary/Communications Submitted to BOPC as Incoming Information:

1. Weekly DPD Facial Recognition Technology Report 1/18/21 - 1/24/21
2. DPD 2019 Annual Report
3. Formal Session Hot Points and Community Updates from the Office of Council President Brenda Jones 1/26/21
4. Staff Reports

Unfinished Business.

Commissioner Davis inquired about the names of any subcommittees or committees that Chairperson Bell had formed, the names of the members who are involved, and what minutes have been generated. **Chairperson Bell** stated that there are no committees.

New Business.

Commissioner Holley expressed his concerns about the increase in crime and requested staff to arrange a policy conference with the Chief Judge of the 36th District Court, Deputy Mayor, Chief Craig, the Wayne County Prosecutor's Office, Commissioners, a representative from the Black Caucus in Lansing, City Council President Brenda Jones, at least two parents, and a representative from the Detroit Public Schools District. The conference, which could be held via Zoom Platform or at Police Headquarters, would be arranged to discuss strategies and tactics to address crime prevention and crime reduction within the community. **Commissioner Holley** discussed the critical need to be proactive about homicide, noting the recent tragic incident where two girls were killed, and where three people were killed around the first of the year.

Chairperson Bell asked Commissioner Holley and Commissioner Davis to Co-Chair on that task force with him.

Commissioner Burton requested to follow the Board's Bylaws regarding not receiving the Board's January 21, 2021, meeting minutes 48 hours prior to the Board Meeting and requested to postpone the vote to approve the minutes. The Chairperson indicated the vote on the minutes will be postponed until next week.

VI. MOTION: To Motion to Post the Board of Police Commissioners Attorney Position.

Motion: Commissioner Burton moved to post the Board of Police Commissioner's Attorney Position. **Commissioner Davis** seconded. Discussion. **Chairperson Bell** emphasized the Board was still undergoing completing the process for the Director of Police Personnel position.

Announcements: Mr. Robert Brown announced the following:

1. **Next Meeting:** Thursday, February 4, 2021, at 3:00 p.m., BOPC Virtual Meeting
2. **Next Meeting:** Thursday, February 11, 2021, at 3:00 p.m., BOPC Virtual Meeting

Oral Communications/Public Comments:

Ms. Sharon Panell, Minister Eric Blount, Ms. Faith Taylor, Ms. Michelle George, KC, and Mr. Scotty Boman offered public comments.

Commissioner Burch inquired if Chairperson Bell would ask Mayor Mike E. Duggan to attend the Board Meeting via Zoom to speak with all Commissioners about each of their districts. **Vice-Chairperson Holt** encouraged the Board to review the ShotSpotter material they received in their Board packet.

Chairperson Bell called for adjournment. **Commissioner Bernard** seconded. Discussion. **None:** Motion Adopted.

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

Chairperson Bell adjourned the meeting at 5:00 p.m.