

Draft Minutes Detroit Board of Police Commissioners
Date of Meeting: Thursday, March 18, 2021 – 3:00 PM
Location: Zoom Virtual Meeting Platform

- I. **Chairperson Willie Bell called the BOPC Board Meeting to order at 3:00 p.m.**
- II. **Invocation.** Chaplain Harold Cadwell provided the invocation.
- III. **Introduction of Police Commissioners. A roll call was held, and a quorum was declared.**

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	Yes	
William M. Davis	Yes	
Jesus Hernandez	Yes	
Jim Holley	Yes	
Martin Jones	Yes	
Quorum (Yes)	11	

- IV. **The Board approved the Agenda for Thursday, March 18, 2021.**
VOTE: Yes = 10 No = 0 Motion: ADOPTED
- V. **Chairperson Bell called for any corrections to the Meeting Minutes for March 18, 2021. After no corrections were submitted, the minutes were approved.**
Motion: Commissioner Holley Second: Commissioner Bernard Discussion: None.
VOTE: Yes = 10 No = 0 Motion: ADOPTED
- VI. **Introductions of Board administrative and investigative staff, Chief of Police, Elected Officials or Representatives.**
- VII. **Chair's Report. Chairperson Bell** discussed the Board's recent opportunity to present before the City Council the Board of Police Commissioners' Annual Budget presentation. Chair Bell discussed other activities that occurred during the presentation of the Board's Budget regarding opposing positions after the majority will of the Board was presented. Chairperson Bell also cited that City Council Member Janeé Ayers inquired why there were two differing viewpoints presented from the Board during the presentation of the Board's Budget Hearing. Chair Bell expressed that normally City Council requests for designated speakers and representatives on behalf of the full body and noted the Chairperson is the official spokesperson of the Board based on Charter Mandate and Board Bylaws, to discuss the official majority will/viewpoint of the Board. Chairperson Bell discussed possible budgetary consequences as a result of the activity and noted that further recommendations would be shared to ensure the official majority will of the Board is properly conveyed and followed. Also discussed were other alternatives and venues in which opposing views/dissenting viewpoints could be shared.

VIII. Chief of Police Report: Chief of Police's Summary of CompStat Data and other Crime Information/DPD Information:

Deputy Chief Mark Bliss represented Chief James E. Craig and reported on officers injured in the line of duty; current CompStat Crime/Statistical Data for Violent Crime and Property; Protest Activities; COVID-19 impacts, and recent critical incidents impacting DPD and the community. See attached Meeting Transcripts for more information.

Category	Prior Day	Prior 7 Days	2021 YTD	2020 YTD	Change	% Change	
Criminal Homicides*	0	1	57	52	5	10%	▲
Sex Assaults*	1	9	134	154	-20	-13%	▼
Aggravated Assaults*	49	241	2,138	1,677	461	27%	▲
- Non-Fatal Shootings*	4	17	167	105	62	59%	▲
Robberies	3	24	285	445	-160	-36%	▼
- Carjackings	1	3	44	35	9	26%	▲
Part I Violent Crime	53	275	2,614	2,328	286	12%	▲
Category	Prior Day	Prior 7 Days	2021 YTD	2020 YTD	Change	% Change	
Burglaries	5	68	729	1,164	-435	-37%	▼
Larcenies	11	137	1,899	2,830	-931	-33%	▼
Motor Vehicle Thefts	4	81	1,111	1,350	-239	-18%	▼
Part I Property Crime	20	286	3,739	5,344	-1,605	-30%	▼
Total Part I Crime	73	561	6,353	7,672	-1,319	-17%	▼

Response Time for the past week: Priority 1: 11 minutes and 48 minutes. **Department's Updates for the past week:** The Department confiscated 84 guns, and made 161 felony arrests. **COVID-19:** 18 Members whose last test was positive and are currently quarantined. As of today, the Department has vaccinated 44% of its essential members. Recently, the Department released its second COVID-19 video to encourage members to take the vaccine. **Protest Activities:** There was a protest at Hart Plaza in remembrance of Breonna Taylor. There was a protest at Brandon's Liquor Store where there were 30 to 40 people assembled, there were no issues. **Critical Incidents:** There was a carjacking at I-75 and Warren where a 7-year old was in the vehicle, the child was found three miles away, the vehicle has been recovered and the suspect was arrested. The ShotSpotter sensor picked up gunfire. A patrol vehicle responded to the location, and observed casings and a vehicle damaged from gunfire. Officers approached the location for a wellbeing check. The door was answered but officers were refused entry into the home. The officers secured the scene and secured a search warrant, later determining the location to be a gun manufacturing location. Two suspects in the location were arrested. **Hit and Run Accident Investigations:** DC Bliss explained Department policy and procedures regarding hit and run accidents.

Commissioner Burch suggested more law enforcement monitor the streets regarding the hit and run, donuts, drag racing incidents. **Commissioner Davis** asked whether the Detroit Police Department discovered other illegal gun manufacturing occurred in the city, and whether the City of Detroit will be a part of an intra-agency task force to pursue illegal criminal efforts. **DC Bliss** indicated that he was not aware of any other illegal gun manufacturing, nor aware of interagency task force regarding illegal gun manufacturing at this time. **Commissioner Davis** inquired whether the county, state and federal agencies utilize ShotSpotter Technology, and if so how long. **DC Bliss** expressed he is not aware of another agency that utilizes ShotSpotter. **Commissioner Brown** inquired about the number of missing women and the Department's strategy to address this ongoing issue. **DC Bliss** will provide that information. **Commissioner Jones** asked his fellow Commissioners to utilize social media platforms to assist with locating missing women. **Commissioner Holley** inquired whether there is a difference between the Human Trafficking Report and Missing Person's Report and noted that he had previously requested this information. **DC Bliss** indicated the circumstances would determine whether the elements of Human Trafficking or Missing Persons crimes are relevant. **Commissioner Holley** indicated he had requested a report regarding Human Trafficking. **Chairperson Bell** expressed this is a national problem, with national agencies that deal with these issues, such as prostitution and organized crime. **Commissioner Hernandez** indicated he fully supports the advocacy of Commissioner Brown and Commissioner Holley's inquiries into such crimes, and stressed the point of properly addressing these issues. **Commissioner Hernandez** also fully supports receiving a thorough report out on these criminal reports. **Commissioner Bernard** inquired about how many evictions the police department has been engaged in along with the rationale, and whether the Department has received any feedback from officers or either citizens. **Vice-Chairperson Holt** expressed issues of human trafficking. **Commissioner Davis** asked about vehicle accidents and fatalities and whether they have increased in general within the City of Detroit. **DC Bliss** indicated he would get that information and report back. **Commissioner Burton** discussed the ShotSpotter case in New York in relation to the incident in the 9th Precinct, stating the constituents requested to know how long it takes to get a search warrant. Also, it was requested whether any prior calls were made to the address before, and how ShotSpotter Technology works that leads to an arrest. **DC Bliss** indicated he would report back on how much time it took to obtain the search

warrant and the number of calls to that address before this incident. **Commissioner Bernard** inquired about the response time throughout the community and whether the Department collects data from calls throughout the city such as District 2, or District 1, not just District 5. **DC Bliss** indicated the total calls served for the week were 5016, the response time for the entire city was 11 minutes and 48 seconds. **Commissioner Burton** asked when DPD would show the Board how ShotSpotter works. **DC Bliss** explained the Board's recent ShotSpotter policy approved by the Board and stated the Department is available to share additional information.

PRESENTATION(S) TO THE BOARD: Michigan Municipal League (MML) Training – Open Meetings Act (OMA), Freedom of Information Act (FOIA) and other Governing Procedures – General Counsel Christopher J. Johnson, MML, provided information on the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA), both of which were passed in 1976, and effective in 1977. Under the Open Meetings Act (OMA), the intention is to make local government open and obvious and the policy is “to strengthen the right of all Michigan citizens to know what goes on in government by requiring public bodies to conduct nearly all business at open meetings.” Under the Freedom of Information Act (FOIA), all persons are entitled to the complete affairs of the government notwithstanding limited exceptions.

Commissioner Jones indicated he was familiar with FOIA use by public newspapers regarding an article and publications and asked what other circumstances could FOIA be utilized. **Commissioner Bernard** discussed the lack of “sunshine” and transparency with respect to state government, citing specific incidents/allegations involving Governor Appointees, and asked about impact of the new rules and how they will affect government and public entities such as the Board given the recent incidents. **Commissioner Brown** stated when the Board Members initially came onboard they were receiving material to their personal email addresses and was later discontinued use of personal email addresses. **Commissioner Brown** requested how long that information would be available or retained for complying with the FOIA. **Commissioner Hernandez** expressed appreciation of the presentation. **Commissioner Davis** inquired if someone intentionally disallows someone from providing public comments and whether that is a violation of the law. **Commissioner Davis** inquired as a commissioner, if there was a subcommittee established to do something, whether he had the right to obtain the minutes from a sub-committee meeting. **General Counsel Johnson** expressed subcommittees are required to post and required to have minutes. **Commissioner Bernard** inquired whether a personnel issue has to be in writing to hold a closed session and whether they can be discussed without having decided what to do. **General Counsel Johnson** expressed if it is a complaint, or a personnel evaluation you need the permission of the employee to go into close session. The exception gives the individual the right to have it go into close session, also has the right for it not to go into close session. The individual must be informed that it is going to be discussed. **Commissioner Jones** asked about the emails from the Board staff, which contains a confidentiality agreement and whether that is something that is protected if someone takes the email and forwards it to an outside entity for discussion. **General Counsel Johnson** expressed it depends on the context of the message and whether any of the exceptions that apply to the Freedom of Information Act apply to that particular email. **Commissioner Brown** inquired whether our closed sessions require minutes. **General Counsel Johnson** stated responded closed session minutes are required. **Commissioner Brown** inquired whether the Board can place time limits on citizens when they speak. **General Counsel Johnson** clarified the total amount of time. **Commissioner Brown** inquired “when the entity or leadership of a Board makes a statement that the reason they are not inviting members of the Board to the meeting so they would not be in violation of the Open Meeting Act whether that in itself is a violation of the OMA, that you are trying to manipulate the rules to go around to exclude other members from the meeting.” **General Counsel Johnson** expressed it depends if you have a majority of police commissioners show up to another meeting, you might be in violation of the OMA because you all are talking about police commissioner business.

Report from Interim Board Secretary/Communications Submitted to BOPC as incoming information:

1. Weekly DPD Facial Recognition Technology Report 3/8/21 – 3/14/21
2. Q4 Use of Force Report
3. BOPC 2022 Questions from Councilman Andre Spivey
4. Staff Reports

XI. Unfinished Business.

MOTION TO POST THE POSITION OF ATTORNEY TO THE BOARD OF POLICE COMMISSIONERS.

Motion: Commissioner Burton **Second:** Commissioner Davis **Discussion:** Commissioner Brown expressed this is a very important position for us to have because we need someone who could render us an interpretation of the law or the charter and not go through the law department process. Also this person needs to be very versed in parliamentary procedure if we are not going to hire a parliamentarian.

MOTION TO TABLE POSTING THE POSITION OF ATTORNEY TO THE BOARD OF POLICE COMMISSIONERS.

Motion: Commissioner Jones **Second:** Commissioner Hernandez **Discussion:** Commissioner Burton expressed the Board of Police Commissioners has always had an attorney that Board Members could go to for immediate concerns for this Body. **Commissioner Burton** also expressed the position is currently budgeted, and that the Board needs its own attorney. The position needs to be posted. **Commissioner Burch** indicated there are many issues that come before the Board that we can never get immediate responses. **Commissioner Davis** stated we need an attorney because some members of the Board may ultimately have potential ethics' charges.

Yes: Chairperson Bell, Commissioner Carter, Commissioner Hernandez, Commissioner Holley and Commissioner Jones.
No: Commissioner Brown, Commissioner Bernard, Commissioner Burch, Commissioner Burton, and Commissioner Davis.
VOTE: **Yes = 5** **No = 5** **Motion: FAILED**

MOTION TO POST THE POSITION OF ATTORNEY TO THE BOARD OF POLICE COMMISSIONERS.

Motion: Commissioner Burton **Second:** Commissioner Davis **Discussion:** Commissioner Brown stated the position is currently budgeted.

Yes: Commissioner Brown, Commissioner Bernard, Commissioner Burch, Commissioner Burton, and Commissioner Davis.
No: Chairperson Bell, Commissioner Carter, Commissioner Hernandez, Commissioner Holley and Commissioner Jones.
VOTE: **Yes = 5** **No = 5** **Motion: FAILED**

XII. New Business.

MOTION TO ACCEPT RECOMMENDATION TO TEMPORARILY DISQUALIFY THE APPLICANT APPEAL OF MAX PADRO REGARDING THE DETROIT POLICE DEPARTMENT'S RECRUITMENT PROCESS.

Motion: Commissioner Jones **Second:** Commissioner Hernandez **Discussion:** Commissioner Davis indicated the Board should have a written legal opinion for these matters.

WITHDRAWAL OF MOTION TO ACCEPT RECOMMENDATION TO TEMPORARILY DISQUALIFY THE APPLICANT APPEAL OF MAX PADRO REGARDING THE DETROIT POLICE DEPARTMENT RECRUITMENT PROCESS.

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

MOTION TO POST ALL VACANT POSITIONS OF THE BOARD OF POLICE COMMISSIONERS.

Motion: Commissioner Burton **Second:** Commissioner Brown **Discussion:** Chairperson Bell ruled the motion out of order.

XIII. Announcements:

Commissioner Davis announced he would be on the Sam Riddle Show March 19, 2021, from 9-11 a.m. on 910 AM to speak about the Board of Police Commissioners. **Commissioner Burton** announced he would be on the Hood Research with Theo Broughton March 20, 2021, at 3:00 p.m. to speak about the Board of Police Commissioners.

Mr. Robert Brown announced the following:

1. **Next Meeting:** Thursday, March 25, 2021, at 3:00 p.m., BOPC Virtual Meeting
2. **Next Meeting:** Thursday, April 1, 2021, at 3:00 p.m., BOPC Virtual Meeting

XIV. Oral Communications/Public Comments:

CAC Scotty Boman, Ms. Bernice Smith, Ms. Danielle Hendricks, OW is Mr. Rhuben Crowley, Ms. Kaytea Moreno Elst, Minister Eric Blount, Ms. Michelle George, and Ms. Cindy Darrah offered public comments.

XV. Chair Bell adjourned the meeting at 5:50 p.m.

Motion: Commissioner Jones **Second: Commissioner Bernard.** Discussion. **None:** Motion Adopted.
VOTE: **Yes =10** **No = 0** **Motion: ADOPTED**