

Draft Minutes Detroit Board of Police Commissioners
Date of Meeting: Thursday, March 25, 2021 – 3:00 PM
Location: Zoom Virtual Meeting Platform

- I. **Chairperson Annie Mae Holt called the BOPC Board Meeting to order at 3:00 p.m.**
- II. **Invocation.** Chaplain Charles Clark 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		Excused
Annie Mae Holt, Vice-Chairperson	Yes	
Linda D. Bernard (3:13 p.m.)	Yes	
Darryl D. Brown	Yes	
Shirley A. Burch	Yes	
Willie E. Burton (3:14 p.m.)	Yes	
Lisa Carter	Yes	
William M. Davis	Yes	
Jesus Hernandez (3:43 p.m.)	Yes	
Jim Holley	Yes	
Martin Jones	Yes	
Quorum (Yes)	10	

- IV. **The Board approved the Agenda for Thursday, March 25, 2021.**

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

VOTE: **Yes = 7** **No = 0** **Motion: ADOPTED**

- V. **Chairperson Holt called for any corrections to the Meeting Minutes for March 18, 2021. After no corrections were submitted, the minutes were approved.**

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

VOTE: **Yes = 7** **No = 0** **Motion: ADOPTED**

- VI. **Introductions of Board administrative and investigative staff, Chief of Police, Elected Officials or Representatives.**

- VII. **Chair's Report. Chairperson Holt** discussed the expiration of remote meetings for public bodies effective March 31, 2021. Beginning April 1, 2021, the OMA will prohibit a public body from meeting remotely unless specific exceptions, such as military duty, medical condition, or declaration of emergency or state of disaster based on governing law. If no action is taken, the Board will return to in-person meetings, every Thursday at the Detroit Public Safety Headquarters, except the second Thursday of the month which will be at the community location (to be determined). The Board's staff and various city entities are working out the logistics to ensure we remain in compliance with all public safety health requirements. Additional updates included that City Council was still holding budget hearings, and the Board was currently responding to questions, which have been shared with the Board and responses will also be shared with the Board upon completion of same. The Board vacant postings are under review by the Department of Human Resources and the dates for further action are forthcoming. Lastly, planning for the Board's Annual Training Program will be presented to the Board in alignment with Article IV. Section 8 Orientation and Training of our Bylaws.

Commissioner Bernard inquired clarity regarding elimination of remote Board meetings starting April 1, 2021. **Commissioner Brown** indicated the public body has to meet in person, however inquired whether a dual Zoom meeting format could be available for individuals that do not want to come DPSH. **Assistant Corporation Counsel Whitley** clarified OMA refers to the public body, so at the Board discretion neither the public nor staff must be in person.

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

Assistant Chief David LeValley 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*	1	6	63	53	10	19%	▲
Sex Assaults*	0	12	165	167	-2	-1%	▼
Aggravated Assaults*	28	215	2,373	1,846	527	29%	▲
- Non-Fatal Shootings*	1	15	182	123	59	48%	▲
Robberies	2	24	313	486	-173	-36%	▼
- Carjackings	1	2	49	38	11	29%	▲
Part I Violent Crime	31	257	2,914	2,552	362	14%	▲
Category	Prior Day	Prior 7 Days	2021 YTD	2020 YTD	Change	% Change	
Burglaries	4	48	787	1,254	-467	-37%	▼
Larcenies	6	108	2,068	3,014	-946	-31%	▼
Motor Vehicle Thefts	7	100	1,247	1,461	-214	-15%	▼
Part I Property Crime	17	256	4,102	5,729	-1,627	-28%	▼
Total Part I Crime	48	513	7,016	8,281	-1,265	-15%	▼

Response Time for the past week: Priority 1: 13:31 minutes Priority 2: 34:02 minutes. Update on Chief Craig's press conference regarding Drag Racing and donuts and other street enforcement activities. ShotSpotter Program: Citing early success, within 24 hours of going live, the Department had a ShotSpotter call, executed a search warrant on a house and recovered gun manufacturing equipment. Later that week, three additional ShotSpotter alerts occurred, the Department conducted a search warrant, where guns were recovered and they made arrests. **COVID-19: 24 Members** whose last test was positive and are currently quarantined. As of today, the Department has vaccinated 44% of its essential members. **Regarding News Article March 22, 2021:** DPD Officers went through a stop sign without lights and sirens, responding to an accident and crashed into a citizen's vehicle. The citizen and one officer received medical treatment and both are in temporary serious condition. At the scene, the officer admitted fault for the accident.

AC LeValley addressed several questions from last week: **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. **AC LeValley** indicated the Department had not uncovered any other gun manufacturing operations at this point, but as part of the Department's Real Crime Intelligence Center Program, the Department partners with the ATF and the US Attorney's office. **Commissioner Brown** inquired about the number of missing women and the Department's strategy to address this ongoing issue. **AC LeValley** expressed that last year in 2020, the Department had 1,172 females that were reported missing in the City of Detroit. Each individual district or precinct investigative units follow up on those missing person reports, so the Department can identify as many of them, as they can and get them returned. The Department also uses social media as well. **Commissioner Holley** requested a report on Human Trafficking. **AC LeValley** indicated last year DPD investigated 197 cases of human trafficking, the VICE unit made 34 arrests 29 placements and 7 recoveries. **Commissioner Bernard** inquired about how many evictions the Department has been engaged in along with the rationale, and whether the Department has received any feedback. **AC LeValley** indicated the Department does not engage in evictions, there has been a few times where officers in the past, have engaged in evictions. Evictions are scheduled through 36th District Court, evictions are civil matters and are not handled within the police department. The Department has a Squatter Action Team and the Department members assigned to that team assist in removals of illegal occupants but they do not do evictions for the courts, this is done by the bailiffs. The Department does not remove occupants that reside inside a property without a lease, rental, or authorization from the owner. That would include evidence that the occupants used forced entry onto the property. If the findings show any hold-over tenants or any agreement with the previous owner like a lease or a rental agreement, then the Department refers the case to the 36th District Court via Zoom appointment for eviction. **Commissioner Davis** asked about vehicle accidents and fatalities and whether they have increased in general within the City of Detroit. **AC LeValley** reported crashes from January 1, 2020, to March 24, 2020, was 4072 that included 35 fatal or critical crashes. For 2021, the Department totaled 3747, which is about 8% less crashes, but that includes 52 fatal or

critical crashes. Which is 49% higher than it was last year, so fatal and critical are up and crashes overall are down. **Commissioner Burton** discussed the ShotSpotter case in New York in relation to the incident in the 9th Precinct, had a question how long it takes to get a search warrant and whether there were any prior calls were made to the address, and how ShotSpotter Technology works that leads to an arrest. **AC LeValley** indicated it took approximately two hours to get a search warrant. There were two calls for service to that location prior to the date of this ShotSpotter call; one (1) in 2020 and one (1) was in 2019. The ShotSpotter receives information at their Command Center. They review the sounds that the microphones pick up when they determine that it is actually a gunshot. The Department receives an alert through the ShotSpotter software that tells them the exact location of where they detected the gun fire, so the officers respond to that location. ShotSpotter alerts for actual coordinates of exactly where the shot was heard so officers are able to respond directly to that location. In these incidents that we have seen last week, they have either found freshly fired cartridge castings. The first incident, officers observed 75 fired cartridge castings in a vehicle that had been shot up in a backyard of a house and so they are able to look at the castings, not rusted, they do not have dirt on them, they are freshly sitting on the grass. Then officers proceeded with their investigation, communicating with individuals in the house, but denied entry. They secured the location and prepared a search warrant to get authorization from a judge or magistrate to go into the house.

Commissioner Burch expressed concerns about the donuts and speeding asking why the national armed guards, Michigan State Police could not be enlisted; also suggested were posting signs to enforce speeding laws and the penalty. **AC LeValley** indicated the Department has engaged in outside agencies to assist them, the Michigan State Police are going to have troopers assigned to the detail and they are increasing their level of presence in the city. It will occur May 1st in another month, but they have a new trooper class graduating and they have committed a lot of those resources. The Department has a commitment from the Wayne County Sheriff's Department to participate. The Department will not be soliciting the National Guard for help, but all these other law enforcement agencies will be involved. The Department will follow up with the sign recommendation. **Commissioner Davis** inquired about the increase in carjacking and whether there were any carjackings at Green Light locations and whether the Department has been able to apprehend and close any of those cases. **AC LeValley** indicated he would report back. **Commissioner Davis** inquired as it relates to ShotSpotter whether all those incidents happened in the 9th Precinct. **AC LeValley** indicated that all of the incidents, mentioned today did occur in the 9th Precinct; however, the Department has ShotSpotter in some areas in the 8th Precinct. **Commissioner Brown** expressed commendations to the 8th Precinct for over 20 arrests this weekend for the OTE Sting Operations. **Commissioner Brown** also inquired whether the weapons that were taken off the streets tracked to determine if they were connected to the illegal gun shops in the area. **AC LeValley** reported that every weapon taken, a trace is conducted through the ATF, thus the history of a weapon is traced. That is not just ShotSpotter that is every weapon that comes into our custody.

Commissioner Jones thanked AC LeValley for the presentation and explanation on ShotSpotter, also the plan to address the speeding and drifting, and all the other activities that are taking place involving the vehicles. **AC LeValley** expressed that ShotSpotter has been used for a week and a half and it seems to have a lot of value so far. Ideally, the Department would like to expand it to other areas of the city, once in place long enough to make sure that it is working properly. Another comment made regarding ShotSpotter is that in that first instance where there were 75 shots that were fired in the backyard, there was no 911 calls. **Commissioner Carter** inquired about the drag racing and donuts activities and whether that will be extended to the three wheelers and mini bikes, citing examples from last year on Fort Street and the activity. **AC LeValley** indicated that is a part of the operation. Media Relations is preparing a Fact Sheet for educational purposes so citizens understand the appropriate use of such vehicles. **Commissioner Bernard** asked for a report on the Squatter Action Team asking how many arrests the Department has made, how many calls placed, and whether these were justified or unjustified. Regarding the second case mentioned, requested clarity regarding obtaining a search warrant for a home regarding shots fired exterior to the home. **AC LeValley** stated "Yes," the search warrant authorized the Department to enter the house. **Commissioner Bernard** expressed that is troublesome from a Fourth Amendment perspective because you can enter someone's home and search their house, as opposed to look at people perhaps and make sure that no one has a gunshot wound. However, to search and find weapons that is not the purpose of the search warrant, the search warrant was to ascertain whether or not someone was hurt. Thirdly, regarding the forfeiture of automobiles, she expressed her thoughts that most of those automobiles the Department may have forfeited may belong to parents or aunts or uncles or grandparents, and I would appreciate if you would look that issue. **AC LeValley** responded on the search warrant, the initial contact with the individuals had to do with whether or not someone was shot. The judge authorized the Department to enter the location and if there is a challenge to the search warrant or what was in the affidavit then it would be addressed in court. The vehicles being forfeiting are owned by the person who is driving, committing illegal acts that are a nuisance to the community and places the safety of everybody on the road in jeopardy. **Commissioner Burton** cited many concerns about the Department using "racist technology," asking how many times have you used ShotSpotter and how many faulty reports have been generated.

**PRESENTATION(S) TO THE BOARD: A. DPD Lawsuits & Settlements-Risk Management – Corporation Counsel Lawrence Garcia
 B. Use of Force Quarterly Report #4 – Director Reid Branche-Wilson
 C. OCI – Interim Chief Investigator Lawrence Akbar**

(A) DPD Lawsuits & Settlements – Risk Management: Corporation Counsel Lawrence Garcia provided an overview of Police Lawsuits and Settlements information regarding Cases by the Department since January 2015 resulting in 14%. The report also listed the total number of lawsuits filed by year since 2015. Additionally, the total amount paid between January 1, 2015, and March 24, 2021, citing that most payments on DPD cases made in last six years are from incidents that occurred prior to 2015. An update was shared regarding the payouts on police cases by year, specifying the case involving the fatal encounter of Aiyana Stanley-Jones as an \$8.25 Million settlement. Moreover, the presentation included DPD Payments made from January 1, 2015, through March 24, 2021, by incident year. Lastly, Corporation Counsel answered the following written questions posed by the Board: 1. What trends do you see in DPD lawsuits that have been filed the past year? 2. What risk mitigation measures should the BOPC as civilian oversight take with respect to DPD lawsuits? 3. What risk mitigation measures has the City taken to address police lawsuits? 4. Is there a concern regarding whether there will be an increase in the amounts paid in DPD lawsuits because of wrongful convictions? 5. Please provide a breakdown for the categories of the violations of constitutional rights (i.e. specifying which constitutional violation have been violated).

(B) Use of Force Quarterly # 4 Update: Director Reid Branche-Wilson presented updates on the Use of Force Quarterly # 4 Report Year to Date January 1 through December 31, 2020. The report reflected the following: (See also DPD use of Force Quarterly Report # 4 PowerPoint Presentation available online). A breakdown by precinct, breakdown by type for both 2019 and 2020 (i.e. compliance controls, physical controls, and intermediate weapons), descriptions and definitions for all Category Use of Force was included. The report showed that in 2019, officers documented the following for Category 2, 3, and 4 Uses of Force: A total of 745 hard hands used as compliance controls, 320 Joint Locks, 4 uses of PR-24 baton, 320 Joint Locks, and 5 uses of Chemical Spray. In 2020, officers/members utilized 1,174 Hard Hands technique, 372 Joint Locks technique, 93 Pressure Points, and 6 PR-24 incidents. Lastly, the presentation included information on Dangerous Animals investigations, which are investigated by the parent command and show the highest number of incidents by the Second Precinct, Sixth Precinct, and Major Violators Unit for both 2019 and 2020.

TOTAL USE OF FORCE YEAR TO DATE COMPARISON 2019 TO 2020				
	2019	2020	Change 2019-2020	% Change
Category 1	29	41	+12	+41%
Category 2	320	358	+38	+12%
Category 3	427	562	+135	+32%
Category 4	N/A	11	+11	N/A
Acquired Target	97	114	+17	+18%

(C) Office of the Chief Investigator: Interim Chief Investigator Lawrence Akbar presented the Office of the Chief Investigator's January and February 2021 Citizen Complaint Reports. The following is an overview for the past two months regarding Citizen Complaints Received, Unit Receiving Citizen Complaints, Citizen Complaints Alleged Commands Involved, Citizen Complaints-Closed, Citizen Complaints Body-Worn Camera (BWC), DPD Members by Rank & Seniority for January and February 2021, and DPD Calls for Service for both January and February 2021. Currently, the OCI has 405 total open citizens complaint investigations, and 102 total cases over 90 days. The OCI is working to ensure quality, comprehensive, and timely reports are submitted to the Board for its review and final approval.

The OCI Presentation also included the following information:

- 110 Complaints Received in January
- 94 Complaints Received in February
- A total of 204 complaints.
- 27 more complaints compared to the same time frame in 2020.

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

1. Weekly DPD Facial Recognition Technology Report 3/15/21 – 3/21/21

2. 2021-2022 Budget Analysis Questions from Councilman James Tate
3. Resignation Letter of Investigator Makeeba James
4. Communication from Assistant Corporation Counsel Whitley Re: Remote Meetings after 3/31/21
5. Chief of Police James E. Craig's Letter of Recommendation to Promote to the Ranks of Lieutenant (4) and Sergeant (22)
6. Chief of Police James E. Craig's Letter of Recommendation to Promote to the Rank of Detective (20)
7. Staff Reports

XI. Unfinished Business.

- A. Policy Updates - Search Warrant & Execution Policy Directive 203.7:** Interim Board Secretary White shared key updates regarding the Department's submission of the manual directive, the Board's review and evaluation of best practices and lessons learned regarding the policy, and the Board's efforts to obtain public feedback toward robust, comprehensive policies.

In December, the Chief sent a revised Search Warrant Policy to the Board for review and consideration. The Search Warrant Policy outlines rules, regulations, and parameters for conducting valid, legal search and seizures and warrants based on Fourth Amendment protections and constitutional guidelines. We have reviewed it during this time to ensure best practices, and constitutional protections. We found the revised policy greatly enhanced procedures and practices as highlighted again in the Department's PowerPoint. All the changes are best practices and protect the public's rights. The Board staff recommendation is for approval of the revised policy. For the Board's information, I want to note that there were no public comments on the policy after the Department's February Presentation. Also, over 5,600 people received a news alert on January 13, 2021, about the opportunity to review and comment on the policy changes. About 800 people looked at the alert that day and 30 used the link that day to look at the policies on the board website. Again, that is just a one-day snapshot. Since December when the revised policy was posted, and since January 13, 2021 mass alert, the BOPC has NOT received any public comment for revisions or change to what DPD submitted. On behalf of the Board, our staff is presenting a couple of questions to DPD related to Body-Worn Cameras and the requirements for obtaining warrants for consideration in enhancing understanding and compliance with those procedures at a later point in the future. Again, the revised policy has best practices and Constitutional protections. The Board has not received any suggestions for changes from the public - in advance of the hearing today. Therefore, our recommendation is for the approval of the Department's Search Warrant Policy as presented by the Department in February 2021, and the transmittal of BOPC recommendations to the Department for its review and consideration which were previously referenced. [See also February 25, 2021, DPD Policy Presentation, which lists the following key updates - Increasing supervisory presence on all search warrants; Reducing allowable circumstances for no-knock warrants; Members shall only conduct no-knock warrants in the instance of imminent threat of loss of life or serious injury or a national security risk; and any no-knock warrants must be approved by the Chief of Police or designee]. The Board received the packet with all relevant information.

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

Motion: Commissioner Burton **Second:** Commissioner Davis **Discussion:** None.

Yes: Commissioner Burton and Commissioner Davis.

No: Chairperson Holt, Commissioner Bernard, Commissioner Carter, Commissioner Holley, and Commissioner Jones.

Abstain: Commissioner Burch.

VOTE: **Yes = 2** **No = 5** **Abstain = 1** **Motion: FAILED**

XII. New Business.

MOTION TO ACCEPT RESIGNATION OF INVESTIGATOR MAKEEBA JAMES EFFECTIVE APRIL 1, 2021.

Motion: Commissioner Jones **Second:** Commissioner Hernandez **Discussion:** **Commissioner Brown** recommended the Board to be a part of the Employee Exit Interview process and volunteered his availability to ensure the exit review is conducted properly. **Commissioner Bernard** strenuously objected to the previous recommendation stating that as a Labor Lawyer and one who has won (3) cases in the Michigan Supreme Court, meddling in day-to-day operations is not within the Board's

role to control. Additionally, the Board should not be accepting the letter of resignation of an employee, and should not get involved in administrative activities such as the one described. The Board should not vote on an employee personnel matter such as the item described based on collective bargaining agreement and employee rights. **Commissioner Bernard** stated the Board would establish terrible precedent if participating in exit interviews or otherwise meddling in day-to-day operations. Additionally, the Board should not be involved in the Exit Interview when the Board has not been requested to do so and when there is no formal complaint before the Board. **Commissioner Davis** recommended the Board participate in the Exit Interview process, stating that this process was utilized at the Water Department, and would serve as a way to evaluate the organization's strengths and weaknesses.

Yes: Chairperson Holt, Commissioner Bernard, Commissioner Burch, Commissioner Carter, Commissioner Davis, Commissioner Holley, and Commissioner Jones.

No: Commissioner Burton.

Abstain: Commissioner Brown.

VOTE: **Yes = 7** **No = 1** **Abstain = 1** **Motion: PASSED**

XIII. Announcements:

Chair Holt announced the Delta Sigma Theta Sorority, Incorporated expungement event that occurs today. **Commissioner Jones** announced the Justice for Ringal Event that will be held on April 3, 2021, at 9:00 a.m. at Hart Plaza. **Commissioner Carter** announced that COVID-19 shots are available today at Ford Field and encouraged arrival before 7:30 p.m.

Mr. Robert Brown announced the following:

1. **Next Meeting:** Thursday, April 1, 2021, at 3:00 p.m., BOPC Meeting
2. **Next Meeting:** Thursday, April 8, 2021, at 6:30 p.m., BOPC Meeting

XIV. Oral Communications/Public Comments:

Ms. Bernice Smith, District 4 Community Advisory Council Scotty Boman, Minister Eric Blount, Antoinette Ivery is Mr. Rhuben Crowley, Josh, Ms. Michelle George, and Ms. Lory Parks offered public comments.

XV. Chair Carter adjourned the meeting at 5:48 p.m.

Motion: Commissioner Jones **Second: Commissioner Bernard.** Discussion. **None:** Motion Adopted.

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