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CITY OF DETROIT  
BOARD OF POLICE COMMISSIONERS  
BOPC VIRTUAL MEETING  
March 18, 2021@ 3:00: P.M.

1 MS. WHITE: Hello again and welcome to the Detroit  
2 Board of Police Commissioners Meeting. Please note the  
3 following reminders for virtual meeting on Zoom.us. A  
4 message regarding zoom policies: attendees do not need to  
5 identify themselves unless they would like to make a  
6 comment. Attendees can phone in to the meeting and phone  
7 numbers will be masked by zoom.

8 If attendees join in by computer without a zoom  
9 account, they may be prompted for a name and email. The  
10 email is not visible to panelists or attendees. This is a  
11 prompt from zoom, not the city of Detroit. And  
12 additionally, the email address does not need to be your  
13 true email address. It can be none@none.com or anything  
14 similar will be fine for logging in.

15 **A reminder about the meeting forum. As a reminder,**  
16 **please adhere to the Board's Bylaws and zoom's policies**  
17 **of using this forum appropriately. Failure to adhere to**  
18 **the policies will result in dismissal from the meeting.**  
19 **Accessing zoom platforms requires adherence to all**  
20 **policies.**

21 **Regarding BOPC contact information for**  
22 **administration, please dial (313) 596-1830. Please**  
23 **contact the board at bopc@DetroitMi.gov. Regarding**  
24 **complaint investigations, please contact the office of**  
25 **the chief investigator to file a non-criminal complaint.**

1 And the 24-hour complaint line is as follows, (313) 596-  
2 2499. The fax number is (313) 596-2482. And please visit  
3 the board's website at [detroitmi.gov/BOPC](http://detroitmi.gov/BOPC).

4 Regarding BOPC information resources, please visit  
5 the city's website at [detroitmi.gov/BOPC](http://detroitmi.gov/BOPC) to find the  
6 meeting calendar minutes, reports, presentations, draft  
7 policy directives, video links and much more. Join the  
8 email list for weekly agendas. And you may contact us at  
9 [BOPC@Detroitmi.gov](mailto:BOPC@Detroitmi.gov), or you may call (313) 596-1830 and  
10 provide your email address to get the draft agenda,  
11 distributed each Tuesday to some now over 400 people.  
12 Please also subscribe to GovDelivery where there are over  
13 6,800 people now receive BOPC news alerts and draft  
14 agendas. Please also sign up on the [Detroitmi.gov](http://Detroitmi.gov)  
15 homepage for more information. And note the BOPC Zoom  
16 link and other information is also available on the  
17 Facebook page.

18 Regarding public comments instructions, the virtual  
19 meeting will use a forum for public comments and you can  
20 sign up on Smartsheet without an email address. The board  
21 of police commissioners allows one hour from 3:00 to 4:00  
22 PM for the public to request to speak during public  
23 comments or oral communications on the agenda. To make a  
24 request without Smartsheet, meeting participants may use  
25 the "raise hand" icon on the website, or they may press

1 star nine (\*9) on the telephone.

2 Regarding important reminders for public comments.

3 Upon joining the meeting, participants will join the  
4 meeting muted. Please do not start your video unless  
5 invited to do so by the host. Video, images, or  
6 unprotected speech deemed inappropriate by the Chair will  
7 result in your dismissal from the meeting. Remember that  
8 you may complete the Smartsheet form. You may use the  
9 Zoom controls on your computer screen "raise hand," or  
10 you may dial star nine (\*9) from a mobile device. You may  
11 use any one of these options by 4:00 PM to be  
12 acknowledged for public comments.

13 And lastly, regarding public comment, each speaker  
14 will have two minutes to speak. The BOPC staff will  
15 acknowledge each speaker. We ask that you remain  
16 respectful and professional and refrain from violating  
17 the Board's Bylaws, zoom's terms of services, and other  
18 relevant laws and ordinances, which are posted on all  
19 meeting access forums.

20 At this time, please silence your phones and other  
21 background sounds to prevent interrupting the meeting.  
22 Honorable Board again note you have the capability to  
23 enable or disable your microphone or video you're your  
24 convenience during this meeting.

25 MRS. WHITE: And please know again, that staff is

1 continuously monitoring for public comments for people to  
2 be recognized during public comments. And that  
3 information will be highlighted or public commenters will  
4 be able to speak during that time, as long as they have  
5 raised their hand or use any of the other features to be  
6 acknowledged for public comment by 4:00 pm. And that  
7 concludes the announcements now, Chairperson Bell,

8 CHAIRPERSON BELL: Thank you, Mrs. White, we're going  
9 to call the meeting to order. I am your Chair, Willie  
10 Bell from District 4. We're going to have an invocation  
11 by Chaplain Caldwell.

12 CHAPLAIN CALDWELL: Let us pray. Eternal God, we  
13 thank you for your manifold blessing. And we think thank  
14 you for this meeting so happily begun. We asked God that  
15 you bless this Commission that is convened to address  
16 matters concerning the populace, direction, and future of  
17 our great city imbue us with wisdom, oh God and guide  
18 them with your eyes. And grant them strength as they  
19 forge ahead to the challenges facing us. Lift up your  
20 countenance upon our city, oh God, grant us your peace in  
21 Jesus' name we pray. Amen.

22 ALL: Amen.

23 CHAIRPERSON BELL: Thank you. We moved right into the  
24 introduction of the Commissioner starting with the Vice-  
25 Chair.

1 VICE-CHAIR HOLT: Good afternoon, Honorable Board of  
2 Police Commissioners, and the citizens of Detroit and our  
3 men and women in blue. I am Annie Holt, Vice-Chair and  
4 Commissioner, At-Large.

5 CHAIRPERSON BELL: Thank you. District 1.

6 COMMISSIONER BROWN: Good afternoon, everyone. This  
7 is Commissioner Darryl Brown District 1.

8 CHAIRPERSON BELL: Thank you. District 2.

9 COMMISSIONER BERNARD: Good afternoon, everybody. I'm  
10 attorney Linda Bernard District 2. Happy to be here with  
11 you all.

12 CHAIRPERSON BELL: Thank you. District 3.

13 COMMISSIONER BURCH: Afternoon, everybody. This is  
14 Commissioner Shirley Burch from the 3rd District, and I'm  
15 asking everybody to please respect and love where you  
16 live.

17 CHAIRPERSON BELL: Thank you, District 5. District 6.

18 COMMISSIONER CARTER: Good afternoon, everyone. Lisa  
19 Carter, District 6.

20 CHAIRPERSON BELL: Thank you. District 7.

21 COMMISSIONER DAVIS: Police Commissioner William M.  
22 Davis District 7. Officers, love where you work.

23 CHAIRPERSON BELL: Thank you. At-Large, Commissioner  
24 Holley.

25 COMMISSIONER HOLLEY: Present. Thank you so much.

1 CHAIRPERSON BELL: Thank you, Mr. Jones.

2 COMMISSIONER JONES: Hi, good afternoon everyone.

3 This is Detroit Police Commissioner Martin Jones giving  
4 greetings to our community members and also Detroit  
5 Police Department.

6 CHAIRPERSON BELL: Thank you. Commissioner Hernandez.

7 COMMISSIONER HERNANDEZ: Good afternoon, everyone.  
8 Jesus Hernandez, At-Large.

9 CHAIRPERSON BELL: Thank you. Mrs. White.

10 MRS. WHITE: Mr. Chair, you do have a quorum.

11 CHAIRPERSON BELL: Thank you, Commissioners. We move  
12 on to the agenda for this afternoon's meeting. The item  
13 of the search warrant is going to be postponed until next  
14 week. We want to give the public the opportunity to weigh  
15 in as it's on our website. We'll take that matter up next  
16 week. The Chair is asking for approval of the agenda for  
17 March 18th.

18 COMMISSIONER HERNANDEZ: So moved.

19 COMMISSIONER BERNARD: So moved.

20 CHAIRPERSON BELL: It's been properly moved and  
21 second. Discussion.

22 COMMISSIONER DAVIS: Discussion.

23 CHAIRPERSON BELL: Yes.

24 COMMISSIONER DAVIS: Is there anything else being  
25 substituted, or we are just going to expedite the agenda.

1 CHAIRPERSON BELL: Nothing else is substituted.

2 COMMISSIONER DAVIS: Okay. Thank you.

3 CHAIRPERSON BELL: Those in favor. Aye.

4 ALL: Aye.

5 CHAIRPERSON BELL: Those opposed. Motion carries, the  
6 minutes. Is there any correction to the minutes?

7 COMMISSIONER HOLLEY: So moved.

8 COMMISSIONER BERNARD: Second.

9 COMMISSIONER JONES: Support

10 CHAIRPERSON BELL: The minutes are approved as  
11 written. Thank you. The next item would be Mrs. White,  
12 would you introduced the Board's staff and OCI.

13 MRS. WHITE: Yes. Through the Chair. The Department  
14 of Innovation and Technology is monitoring and recording  
15 the Board meeting today and our court reporter is Mr. Don  
16 Handyside and regarding the following Board staff  
17 members, they are in attendance today, Mr. Robert Brown  
18 Administrative Specialist, Ms. Teresa Blossom, Community  
19 Relations Coordinator, Ms. Jonya Underwood Administrative  
20 Assistant, Investigator, Tiffany Stewart, Director  
21 Katrina Patillo, Police HR Division, Interim Chief  
22 Investigator Lawrence Akbar, Supervising Investigator  
23 Ainsley Cromwell, Supervising Investigator, LiSonya  
24 Sloan, Senior Investigator Rosalia Madrigal, and  
25 Assistant Corporation Counsel, Erica Savage Whitley are



1 all present today. Thank you.

2 CHAIRPERSON BELL: Thank you, Mrs. White. And I want  
3 to thank the Board and the OCI staff and our newly  
4 appointed Director Patillo, Director of Personnel. Thank  
5 you for your attendance. We move on to DC Blitz  
6 representing Chief James E. Craig. Okay,

7 DEPUTY CHIEF BLISS: Good afternoon. I'm Deputy Chief  
8 Mark Bliss of Field Support Bureau. I'm sitting in for a  
9 Chief Craig. And I know, if Mrs. White if you could help  
10 me out, but I do know that Captain Tosqui, Captain  
11 Leonard-Gilbert, Deputy Chief Ha, and I believe Director  
12 Graveling is present. Are there any other members of the  
13 department present?

14 MRS. WHITE: Yes, sir. I am reviewing the attendees'  
15 list at this time and Captain Lena Ladell is present on  
16 the line. DPOA Vice- President, Ron Thomas, Lieutenant  
17 Richard Frisdon, Deputy Chief Grant, Director Christopher  
18 Graveline, Sergeant Gerald Hewett, Lieutenant James  
19 Coles, Lieutenant S. McClure. Sergeant Glenn Anderson,  
20 Sergeant Matthew Bray. And that is all that I see at this  
21 time, Sir.

22 DEPUTY CHIEF BLISS: Okay, thank you.

23 CHAIRPERSON BELL: Thank you. DC Bliss for your  
24 attendance and I want to thank Chief Craig's executive  
25 team and all members of DPD and also our union leadership

1 that's attending this afternoon. Do we have any elected  
2 officials or representatives of elected officials?

3 MRS. WHITE: Through the Chair, at this time, I see  
4 CAC Chair Scotty Bowman, Ms. Marie Overall,  
5 representative of Tyrone Carter's office, Lieutenant Mark  
6 Young, representing the LSA union, who was the president  
7 of the LSA union. And I've already indicated Officer Ron  
8 Thomas Vice-President of the DPOA union, excuse me, and  
9 also Ms. Stacy Clayton, Chair of the State Civil Rights  
10 Commission. So, Commissioner Clayton is also present on  
11 the line. Thank you.

12 CHAIRPERSON BELL: Thank you Mrs. White for the  
13 acknowledgment of the elected officials or  
14 representatives of elected officials and other union  
15 officials. Thank you for your attendance.

16 MRS. WHITE: Thank you, Mr. Chairman, may I also  
17 mention that Commissioner Willie Burton is also on the  
18 line as well.

19 CHAIRPERSON BELL: Thank you for that notation.

20 CHAIRPERSON BELL: We move on to, my report. This is  
21 somewhat unusual, but I think it's very crucial that we  
22 speak to this issue because it's public knowledge that on  
23 Monday afternoon, we had the opportunity to present our  
24 budget for the charter mandated council meeting. And we  
25 had to speak to the issue of our budget, and I was

1 designated and also Vice-Chair Hope. And also Reverend  
2 Holley attended along with Mrs. White and out of that  
3 after we presented other Commissioners Brown, Davis and  
4 Burton had the opportunity to speak and it's unusual, but  
5 it was very disappointing to see them outline their  
6 concerns and issues in reference to the majority position  
7 of the Board. Normally the council asked for designated  
8 speakers and represented each entity, and I have  
9 participated in that capacity for the last several years  
10 in some form. And they presented a very difficult  
11 viewpoint and very abrasive, a very outspoken opposition  
12 to the issue that we were presenting. It's very unusual,  
13 in fact, Counsel Woman Ayers spoke to that. Why is it  
14 that we have two different viewpoints from a Board of  
15 this nature? We normally get a viewpoint from the  
16 representative. I spoke that they did not represent the  
17 Board. The Chair represents the Board by charter mandate  
18 elected position and also by Robert's Rules of Order, the  
19 Chair is the official spokesperson of the Board. And once  
20 a decision is made, the debate is over with. There's no  
21 debate in terms of the position, the official position of  
22 the Board in terms of,

23 COMMISSIONER BURTON: Point of order, Mr. Chairman.  
24 You cannot use your position as Chair

25 CHAIRPERSON BELL: Excuse me, Commissioner Burton, if

1 you interrupt me again, this is your first warning  
2 Commissioner Burton. You do not have the floor.

3 COMMISSIONER BURTON: Point of order, Mr. Chairman.

4 CHAIRPERSON BELL: I'm going to continue to speak.

5 COMMISSIONER JONES: Thank you,

6 CHAIRPERSON BELL: Basically, it's unusual to have  
7 that type of dialogue, especially at a forum of that  
8 kind. It's just totally inappropriate in the history  
9 perhaps of the Board of Police Commission to have that  
10 type of attitude and adversary role at a public body on  
11 the official position of the Board has been voted on by  
12 this body. And that's unusual. So I just want to say that  
13 we have to respond as a Board. I'm going to come up with  
14 some recommendation perhaps at the next meeting that  
15 there has to be some form of censorship, some form of  
16 action. It's just totally unheard of to take on the role  
17 of a spokesperson. Now you can make your comments in  
18 public comments that would be more appropriate. That's  
19 your opinion. But when you try to convey yourself as  
20 being the spokesperson for this body that is clearly not  
21 the case.

22 CHAIRPERSON BELL: So I think that I received quite a  
23 few concerns in reference to it. We responded to the  
24 council in terms of our issue that somewhat even  
25 jeopardize our position about our budget, because we

1 clearly indicated what the majority opinion of the Board  
2 like we always do in reference to the budget. The budget  
3 item is about the most crucial item that we can engage  
4 in. And you don't need that type - I guess they didn't  
5 consider the consequence at all in terms of speaking out,  
6 expressing their disagreement in terms of being on the  
7 losing side, of what issue they might have, but that is  
8 not the place for it. We come to the table, we take a  
9 vote, and the majority rule that is pretty much  
10 democracy, how the city charter operates in terms of the  
11 majority of Board. That's how Robert Russo, that its  
12 standard procedure of how we function.

13 CHAIRPERSON BELL: So I'm going to leave it at that,  
14 but it's really concerning. I don't know if they really  
15 understand the consequences of their action, or behavior,  
16 perhaps they don't even hear, or even entertain that how  
17 we look before that body, but it was really totally  
18 inappropriate. When you have a Board of Police  
19 Commissioners then you have a descending viewpoint, very  
20 vocal, and there were some personal remarks made in terms  
21 of how appointed Commissioners are treated versus elected  
22 Commissioners. We are all Commissioners. There is no  
23 attorney, there's no doctor. We are all Commissioners  
24 that is your proper title. I would hope that we use that  
25 title that would be more appropriate. It's not about you.

1 COMMISSIONER BURTON: Point of order Mr. Chairman,  
2 can you move on with the agenda, please.

3 CHAIRPERSON BELL: We are Commissioners. So that's  
4 pretty much how we should really represent ourselves.  
5 That's what they're looking at. That's how, how we  
6 elected or appointed to that position. We move on at this  
7 point in time to Deputy Chief Bliss. Thank you.

8 COMMISSIONER DAVIS: Mr. Chairman, Mr. Chair.

9 CHAIRPERSON BELL: DC Bliss.

10 DEPUTY CHIEF BLISS: Good afternoon, Board.

11 COMMISSIONER JONES: Good afternoon.

12 DEPUTY CHIEF BLISS: I'm Deputy Chief Mark Bliss. I'm  
13 going to start off because I know there's a lot of topics  
14 that I would like to cover today. So I'm going to start  
15 off with the crime stats. Currently, for part one violent  
16 crime, we are up 12% and that is broken down as follows  
17 criminal homicides, we are up 10%, sexual assaults, we  
18 are down 13%, aggravated assaults we're up 27%, non-fatal  
19 shootings, we are up 59%, robberies, we are down 36%, and  
20 carjacking, we are up 26%. For property crime, our  
21 burglaries, we are down 37%, larcenies, we are down 33%,  
22 and motor vehicle theft, and we are down 18%. For overall  
23 part one property crime, we are down 30%, and for a total  
24 part, one crime, we are down 17%. For calls for service.,  
25 our prior week we serviced 5,016 calls and that is broken

1 down as 1,603 priority ones and 3,413 others.

2 DEPUTY CHIEF BLISS: Our total response time for the  
3 prior week was 11 minutes and 48 seconds. For the week of  
4 March 8th through the 14th, for our enforcement efforts,  
5 we took 84 guns off the street and we had 161 felony  
6 arrests. Moving on to the Officer's critically injured.  
7 Sergeant Michael Bailey assigned to the 7th Precinct, he  
8 was assisting, detaining a protestor on March 31st, 2020.  
9 He has been off since that time. He has a follow-up on  
10 March 31st with his specialist. Police Officer Yosef Mana  
11 was assigned to Taskforce Admin, he and his partner were  
12 enroute to assist and they were struck in their  
13 department vehicle. He is currently off disabled and he's  
14 scheduled for a follow-up on March 19th. Police Officer  
15 Angelica Robinson assigned to the 7th Precinct. Officer  
16 Robinson and her partner were stationary and a citizen  
17 rear-ended Officer Robinson she's currently off disabled  
18 and is scheduled for a follow-up our March 24th. Police  
19 Officer Felicia Washington assigned to the 7th Precinct.  
20 She and her passenger were in a marked scout car at the  
21 intersection of Gratiot and Parker. Her scout car was  
22 rear-ended. She is Precinct Officer Harris was responded  
23 to an Officer who needs assistance at the intersection of  
24 Pembroke and Southfield. His vehicle was struck by a  
25 private citizen. He is currently off disabled and he has

1 a follow-up on March 19th and finally, police Officer  
2 Elythio Sanson assigned to the 6th Precinct was involved  
3 in a motor vehicle accident. His patrol car was struck  
4 while on the eastbound I-96 service drive, and Kentfield  
5 is currently off disabled and what they follow-up  
6 appointment on March 19th. Moving on to COVID-19 stats.  
7 Currently, there are 18 members quarantine or isolated.

8 DEPUTY CHIEF BLISS: Those 18 members are currently  
9 positive. It's broken down as 17 sworn members are  
10 quarantined, and one of our professional staff is  
11 quarantined. We have returned duty 1,554 members to full  
12 duty. And that's broken down as 1,273 sworn and 284  
13 professional staff returned. Currently, this department  
14 has 44% of its members vaccinated. And recently we  
15 released our second COVID-19 video to encourage  
16 vaccinations. If the Board has not seen that video, I  
17 encourage them. It's an exceptional video. It highlights  
18 a lot of our members who speak about COVID-19 and also  
19 about the vaccination process and they encourage members  
20 to get the vaccine. Moving on to facial recognition  
21 updates. We have none. In regards to stats for protest,  
22 arrests, and citations, there are none, but on March  
23 13th, we did have a protest that was in Hart Plaza,  
24 remembering Breanna Taylor but there were approximately a  
25 hundred people, but there were no issues. Also on the



1 Westside, which I will talk about later at, at Bandon's  
2 liquor, there were about 30 to 50 people protesting, but  
3 there were also no issues. For drag racing, I know that  
4 Deputy Chief Bryant last week really kind of expanded on  
5 what we're doing. So I just want to continue with that,  
6 that we do have a task force put together with commercial  
7 auto theft, we are looking at using our airships and  
8 other agencies. And we are looking at what other  
9 departments are doing as we develop our plan for drag  
10 racing, but it is a priority and something that we've  
11 been looking at for quite some time.

12 DEPUTY CHIEF BLISS: Current events, there are three.  
13 The first one I just mentioned, happened around March  
14 12th and there was an assault at Brandon's liquor store.  
15 That's on the Westside. The owner was arrested yesterday  
16 and it was due to an assault that happened inside the  
17 liquor store. The store has been closed Tuesday and  
18 Wednesday. And currently, we're waiting, we had a warrant  
19 submitted and we're waiting on the prosecutor, but it's  
20 my understanding that it has not been signed yet. There  
21 was a carjacking that involved, a seven-year-old boy. It  
22 was over at I75 and Warren. I have good news to report  
23 that as of this afternoon the vehicle was recovered and  
24 the suspect was arrested. So I just want to say that  
25 commercial auto theft did a fantastic job in getting that

1 vehicle recovered and that suspect off the street. I also  
2 want to note that that seven-year-old was recovered by  
3 three miles after that carjacking and is doing just fine.  
4 And then finally, I want to talk about ShotSpotter. I  
5 know that it was mentioned by the Board prior to the  
6 beginning of the meeting, as you know, on March 16th,  
7 around the 1900 block of Hoyt, basically, I'll give a  
8 general overview of what happened as you know we had a  
9 ShotSpotter vehicle that they received a run, which means  
10 our sensor picked up some type of gunfire.

11 DEPUTY CHIEF BLISS: They went to the location,  
12 observed casings also observed a vehicle that looked like  
13 it was shot out. They want to do a well-being check. The  
14 door was answered and they were refused entry to check to  
15 see if everybody was okay. So they secured that scene and  
16 they secured a search warrant. When they did make entry  
17 to that location. It looked to be a gun manufacturing  
18 location. There were several pieces of weapons and there  
19 were five guns that were recovered. There was a drill  
20 press recovered. There were several receivers for  
21 weapons. There was a generic, unmarked receiver. There  
22 were several others and what these are used for is to  
23 make what is called ghost guns. And a ghost gun is a gun  
24 that is not traceable, which means it has no serial  
25 numbers. It has nothing on it that we can trace. It's not

1 something that we have seen a lot but it's in other  
2 cities and other locations, there's been a lot of ghost  
3 guns. So I believe this is the first time we've uncovered  
4 something like this. And that's all due to the  
5 ShotSpotter technology. Again, I want to point the Board  
6 to our policy 307.8 on ShotSpotter that indicates that a  
7 ShotSpotter alert by itself does not give our members  
8 legal authority to enter a private residence. As you  
9 know, we did receive a search warrant in order to enter  
10 that residence. And I just also want to bring to their  
11 attention that ShotSpotter is an investigative lead. You  
12 know, as this indicates they got this lead, upon further  
13 investigation, they were able to obtain a search warrant  
14 and were able to undercover this gun manufacturing  
15 location. Two of those suspects that were in the location  
16 were arrested and they both have multiple felony  
17 convictions.

18 DEPUTY CHIEF BLISS: Finally, and this is based upon  
19 the request from Commissioner Burch. It has to do with  
20 accident investigations. So I'm going to do is just give  
21 a general overview of hit and run accident investigations  
22 basically hit and run are investigated by fatal squad. If  
23 there is a serious injury of somebody who hit and run  
24 accident under five years of age or over 70 of age,  
25 anything between those two it's handled by the Command.

1 So what is a serious injury? How do we define that? For  
2 MCL 257.58, serious impairment of a body function  
3 includes, but is not limited to one or more of the  
4 following: loss of a limb or loss of the use of a limb,  
5 loss of a foot, hand, finger, or thumb, or loss of use of  
6 a foot, hand, finger or thumb, loss of an eye or ear or  
7 loss of use of an eye or ear. Loss or substantial  
8 impairment of a bodily function, serious visible  
9 disfigurement, a comatose state that lasts for more than  
10 three days, measurable brain or mental impairment, a  
11 skull fracture, or other serious bone fracture, subdural  
12 hemorrhage, or subdural hematoma, and loss of an organ.

13 DEPUTY CHIEF BLISS: So on average, the City of  
14 Detroit has about 16,000 crashes a year. Not all of these  
15 are hit and runs, but when there is a hit and run, what  
16 are some of the things that need to be done? As, you  
17 know, a UD 10, a traffic crash report is done, but what  
18 also needs to be done is, what we call an RMS report. So  
19 an RMS report needs to be done because the commands will  
20 handle it based upon that RMS report. So it has to be  
21 done. Now, if you do have a hit and run time is of the  
22 essence. And I say that because one of the things is hit  
23 and runs are the hardest to solve. So if there's any  
24 video could be Greenlight could be mild. vision could be  
25 Greenlight from a gas station or a party store. It's very

1 important that we get there and we get that video. Now,  
2 it is also important that if you're involved in a hit and  
3 run to look around and see if there are any video cameras  
4 and it doesn't have to be just right where the accident  
5 occurred, it could be maybe several blocks away, but it's  
6 important that we have that so we can begin our  
7 investigation.

8 DEPUTY CHIEF BLISS: So, the other thing to look at  
9 is this, if you are filing a hit and run investigation  
10 report, if possible, have the vehicle. So the Officer can  
11 take a look at the vehicle and why I'm saying that is  
12 because there are a lot of fraudulent reports and you  
13 know, one of the most common ones is, someone who is  
14 involved in a hit and run, and it's a parked vehicle, but  
15 upon an investigation of the vehicle, you could see that  
16 the airbag has been deployed. So it's very important that  
17 the Officers are able to notate that vehicle and what  
18 happened. So that all, when put into your RMS reports if  
19 it's handled through the command, it'll be handled  
20 through the PDU. And if you do file a report for a hit  
21 and run, please contact your PDU. And they should give  
22 you the investigator or the detective who was assigned  
23 that case, to follow up on it. If it is a hit and runs as  
24 I indicated previously, that's has a serious injury of  
25 under five years or over 70 years, please contact fatal

1 squad. And I believe that is all that I have right now.

2 Any questions?

3 CHAIRPERSON BELL: Thank you. Thank you. DC Bliss.

4 Before I want to announce that Counsel Woman Brenda Jones  
5 and Chief of Staff Steve Brady has joined our call? Thank  
6 you for your attendance, sir. We're going to open up for,

7 COMMISSIONER BURCH: Mr. Bell.

8 CHAIRPERSON BELL: Do you have any questions or.

9 COMMISSIONER DAVIS: Mr. Bell.

10 COMMISSIONER BURCH: I was going to say, I have  
11 questions.

12 CHAIRPERSON BELL: Yes. Ma'am go ahead.

13 COMMISSIONER BURCH: May I speak? DC Bliss, regarding  
14 the two hidden runs in the 3rd District 11th Precinct,  
15 which you just spoke my name they were friends, so it's  
16 close to home when you have people that, as you said, if  
17 there were cameras available, they were not because this  
18 criminal came through an intersection of a neighborhood.  
19 So there's no gas station or anything for you to have  
20 cameras or pictures of it. But one of the cars, the  
21 airbag did deploy. When you have lawlessness like this in  
22 the neighborhood where you can simply be driving down the  
23 street and something that horrendous happens to you, it  
24 should not happen in the City of Detroit or to any  
25 person. They can have effects later on mental health. We

1 don't know that how that's going to affect you later when  
2 you experience that. So I don't know how that's going to  
3 affect them.

4 COMMISSIONER BURCH: My point is that when you  
5 mentioned the doughnuts, you mentioned the speeding. I  
6 still do not see a plan to really decrease it. And I've  
7 said this before on this Board, that why do not, we call  
8 in more than law enforcement to watch the streets. In  
9 other words, sit there and just be able to see these  
10 people doing it because they randomly, DC Bliss, just do  
11 it.. I don't care what time of the day or night. They  
12 just freely run up and down the street. And I did ask  
13 DPW, where is the priority of the speed cushion? So I go  
14 through all of that and speaking for my citizens as Mr.  
15 Burton often said, these are citizens that expect me to  
16 represent them, but these were friends this time. So it  
17 really touched close to me. What is your real strategy of  
18 stopping this recklessness, this lawlessness in this  
19 city? Thank you for answering. I hope you can answer me

20 DEPUTY CHIEF BLISS: Through the Chair. So, as I  
21 indicated earlier in my report out there are several  
22 different things that we're looking at because there's  
23 not one approach that just works all the time. For  
24 instance, like you just indicated you know, somebody  
25 could start doing donuts or drag race at any present

1 moment of time. So it's very important that you call and  
2 you get that and you report it. And the reason why is  
3 because if we have it happening in a specific location it  
4 becomes like a hotspot, which means that we put more  
5 resources over there because we know what's happening. So  
6 the more information we can get, the better we can be  
7 proactive in kind of resolving that. The other thing is  
8 like you said having other agencies look at it we do have  
9 our airship that's up. And there are other things that,  
10 unfortunately, you know, there's stuff that I really  
11 can't say openly, but I can assure you that we are  
12 looking at a lot of different things in order to resolve  
13 this. And it is a priority. It's something that we talk  
14 about almost every day and definitely weekly. So those  
15 are just a couple of things. But it is very important.  
16 It's very important to make sure that you report that you  
17 call when you see people that are drag racing and doing  
18 donuts because we need to know that. So we can not only  
19 get resources out there to address that, but also the  
20 document, because it is a very big statistical component  
21 to this, to know where, and when it's happening.

22 CHAIRPERSON BELL: Thank you.

23 COMMISSIONER BURCH: Mr. Chair, could I just say to  
24 DC Bliss, I thank you for your comments, but DPD is  
25 aware, it is a hotspot over here. They are aware. I'm



1 still waiting for results to just stop it. S-T-O-P stop  
2 it. That's all I'm saying. I thank you, Mr. Chair.

3 COMMISSIONER DAVIS: Mr. Chair.

4 CHAIRPERSON BELL: Yes, sir.

5 COMMISSIONER DAVIS: Deputy Chief, I have a couple of  
6 quick questions for you. One, do you know if there are,  
7 or have the City Detroit Police department discovered  
8 other illegal gun manufacturing going on in the city? And  
9 also is the city of Detroit going to be part of any  
10 agency task force to go after that?

11 DEPUTY CHIEF BLISS: Through the Chair. For both of  
12 those questions, for the first one, I'm not aware of any  
13 other illegal gun manufacturing and I'm not aware of us  
14 having any taskforce or anything set up for that at this  
15 time, but that's something that right now, as you know,  
16 it's a preliminary investigation into it. It's something  
17 that may develop later on, but right now I can say that  
18 I'm not aware of any.

19 COMMISSIONER DAVIS: Okay. Also, secondly do our  
20 County State and Federal agencies in Metro Detroit, are  
21 any of them also using ShotSpotter and if so, how long?

22 DEPUTY CHIEF BLISS: Through the Chair, I'm not aware  
23 of any other County or State, or Federal agency that's  
24 using ShotSpotter at this time.

25 COMMISSIONER BROWN: Through the Chair.

1 CHAIRPERSON BELL: Yes, sir.

2 COMMISSIONER BROWN: DC Bliss, I just want to thank  
3 you and the men and women for the fine job you did using  
4 the technology, ShotSpotter, which I've always viewed it  
5 as a tool for officers to help them do their jobs. I'm  
6 well aware of illegal gun manufacturing and things like  
7 that in other countries and how they get into the United  
8 States. But this is the first I've seen it on stateside,  
9 I'll say that. And it was a great job. Good police work.  
10 And I guess that shows where all these guns are coming  
11 from that you're taking off the street every week. But  
12 more importantly, I just want to know about - I asked  
13 last week, the question on, what are we doing about the  
14 number of missing women, young women, teenage women, that  
15 is going really unaddressed?

16 COMMISSIONER BROWN: And I need a response from that,  
17 what our plan is going to be. And I understand if you  
18 don't want to put it on the air to me, but I need a  
19 response from it. If it can come in the email or anything  
20 like that so we can know and understand that the  
21 department is taking this seriously because my  
22 understanding is I just looked on there today and there  
23 were about six to seven more young women that are missing  
24 and it's going to end before it becomes a real concern.  
25 We need to really pay attention to it and log in and

1 getting on top of it

2 DEPUTY CHIEF BLISS: Through the Chair. I will get  
3 that information to you. I don't have it at this time,  
4 but I will make sure that I respond via email to you,  
5 sir,

6 COMMISSIONER JONES: Through the Chair.

7 CHAIRPERSON BELL: Sir.

8 COMMISSIONER JONES: Yes This is a very important  
9 topic on the subject of missing young women in our  
10 community. And I can say through my own personal efforts  
11 through social media, I'm posting and sharing and  
12 commenting on several different young people per day that  
13 are in our community. I myself was able to, at one point  
14 identified a young lady that was reported missing. And I  
15 had actually seen her that morning and looked upon the  
16 television. She was reported, you know by Detroit Police  
17 as being one that was missing. And I made the call when I  
18 made the call the police called me back about half an  
19 hour later, and then they said that she had returned home  
20 soon after seeing her picture on the news. This is  
21 something that's extremely important as far as keeping  
22 our eyes open in the community for these young ladies  
23 that, and some, in some cases, young men that are missing  
24 from their homes.

25 COMMISSIONER JONES: And that's why I shared it,

1 that's why I posted it. And I asked the community to  
2 continue to keep their eyes open so we can try to bring  
3 these children back home. They're falling into a number  
4 of different circumstances where they've been forced into  
5 human trafficking. They've got both men and women that  
6 are putting them into it. So it's not a gender thing.  
7 It's not just the guy that's the so-called pimp or  
8 whatever. It is just that they put them into it. But  
9 there are females that are putting them into these  
10 circumstances. Also by acting as big sisters to them,  
11 luring them from their homes, and putting them into a  
12 life that they're just not prepared for. So I asked my  
13 fellow Commissioners, if you could do the same on your  
14 social media sites when you see that there are missing  
15 young women or men in the City of Detroit, or if they're  
16 not in the City of Detroit to share those posts, but that  
17 word out there for our community to keep an eye out for  
18 them. So that way we can, through an effort, through a  
19 massive extra effort all across the city, we may be able  
20 to bring some of them back home. Thank you.

21 COMMISSIONER HERNANDEZ: Through the Chair.

22 COMMISSIONER HOLLEY: Through the Chair.

23 CHAIRPERSON BELL: Yes.

24 COMMISSIONER HERNANDEZ: Commissioner Holley, go  
25 ahead, please.

1 COMMISSIONER HOLLEY: To the Chair.

2 CHAIRPERSON BELL: Yes, sir.

3 COMMISSIONER HOLLEY: I want to ask you, sir, is  
4 there a difference between the trafficking of humans or  
5 women versus women missing? Is it two different reports  
6 or would they be the same? I've been asking for the human  
7 trafficking report maybe about a month ago. And I was  
8 thinking sooner or later it would come, but I just need  
9 to know the differentiation between trafficking and  
10 missing women. Is it the same report? Is that the same  
11 thing, or are that two different reports?

12 DEPUTY CHIEF BLISS: Through the Chair? Well, in  
13 regards to human trafficking versus a missing report, it  
14 would all depend upon the circumstances and what's  
15 surrounding it. And I say that for example, you could  
16 have a missing person who in your report, you realize  
17 that this person has been missing 15 different times,  
18 does come back after maybe two to three hours. So that's  
19 all indicated in the report versus things, elements of  
20 human trafficking could be drastically different. So when  
21 you prepare the type of report, the circumstances  
22 surrounding it would indicate if there's a human  
23 trafficking component or if it is just a regular missing.  
24 So it will be a report per se, but how it's addressed in  
25 regards to, is it a regular missing or human trafficking,

1 it would all depend upon those circumstances. And that's  
2 why it is so important that whatever information that you  
3 have when you're preparing that report, that you put it  
4 down there because that's going to help those detectives  
5 out there to kind of look at, is this a regular missing,  
6 or is there a human trafficking component to it?

7 COMMISSIONER HOLLEY: Mr. Chairman, just a follow-up,  
8 if I could?

9 CHAIRPERSON BELL: Yes, sir.

10 COMMISSIONER HOLLEY: What Commissioner Brown is  
11 asking for is different from what I'm asking for  
12 evidently, and so I'm asking if you would also, can you  
13 put something together, maybe Mrs. White, can we put  
14 something together where we can basically deal with human  
15 trafficking as well as what Commissioner Brown is asking  
16 for?

17 DEPUTY CHIEF BLISS: Yes, sir.

18 CHAIRPERSON BELL: Commissioner Holley. This is not a  
19 local problem as you well know, this is a national  
20 problem of human trafficking and missing young people  
21 throughout the country. So perhaps we can enlighten you  
22 in reference to a missing report and also human  
23 trafficking. DC Bliss explained it is depending on the  
24 scenario what they're trying to convey, that they might  
25 be why they're missing and how often, that type of thing.

1 So hopefully - I apologize, perhaps we didn't get on top  
2 of this. We will try to enlighten you by next week in  
3 reference to those two different matters, but it's not a  
4 local problem. There is also a national organization that  
5 deals with these issues too. That is something that  
6 they've been addressing for quite some time. The whole  
7 prostitution, the human traffic, all the time. It's  
8 organized crime. It's not only that it's dealing with  
9 local activities - we call it back in the day, pimping  
10 more or less utilizing you in that scene, but we will try  
11 to enlighten you by next week. I apologize that we didn't  
12 pick this up a month ago. So the next question is that

13 COMMISSIONER HERNANDEZ: Through the Chair.

14 CHAIRPERSON BELL: Yes, sir.

15 COMMISSIONER BERNARD: And then me.

16 CHAIRPERSON BELL: Yes, ma'am

17 COMMISSIONER HERNANDEZ: More or less a brief  
18 comment. I fully support the advocacy on behalf of  
19 Commissioner Brown and Commissioner Holley. And I just  
20 can't stress enough how much we're beyond the critical  
21 point of enlightenment on this topic on both topics  
22 individually. So I fully support receiving a thorough  
23 report out, whether it be via email, whether it be sort  
24 of behind the scenes, or even during this public forum,  
25 but it's beyond critical at this point. Thank you.

1 CHAIRPERSON BELL: Thank you.

2 CHAIRPERSON BELL: Yes, ma'am.

3 COMMISSIONER BERNARD: Deputy Chief Bliss, just two  
4 things real quickly. Number one. We've had a number of  
5 complaints as you know about the Police department being  
6 engaged in illegal eviction type of activities. You all  
7 have a lot to do every week, so if you can't do it by  
8 next week, maybe you can do it by the following week, but  
9 can you tell us how many evictions the police department  
10 has been engaged in and why, and, you know, whether or  
11 not you've received any feedback regarding those  
12 evictions, either from officers or from citizens because  
13 we've received individually and collectively complaints  
14 regarding the police department. I don't know why we're  
15 engaged in it at all because you know, the eviction  
16 order, as we both know, comes from the court and the  
17 Sheriff's office handles that, and they have court  
18 officers that process evictions. But if you would be kind  
19 enough to provide that information. The second thing is  
20 really a question that I have to ask the Chair's  
21 permission. Chairman Bell, we have a couple of reports  
22 that the department has given us. One is on the use of  
23 force. And because the use of force is obviously a hot-  
24 button issue right now throughout the community. Is it  
25 permissible for us to ask Deputy Chief Bliss about the



1 report that's in our package regarding the use of force  
2 in Detroit?

3 CHAIRPERSON BELL: There's something coming up for  
4 discussion in the future.

5 COMMISSIONER BERNARD: Oh. No, it's right on the  
6 agenda.

7 CHAIRPERSON BELL: I see it, it's an incoming item.

8 COMMISSIONER BERNARD: Okay. So we're not going to  
9 discuss it today.

10 CHAIRPERSON BELL: You want specific, so I think it's  
11 an upcoming item that we'll be dealing with.

12 COMMISSIONER BERNARD: Okay. I don't have any  
13 questions.

14 CHAIRPERSON BELL: I don't think he's prepared to go  
15 and have a discussion on it. Thank you.

16 COMMISSIONER BERNARD: And the other reports, facial  
17 recognition too. Thank you, Mr. Chair.

18 VICE-CHAIR HOLT: Through the Chair.

19 CHAIRPERSON BELL: Yes, ma'am.

20 VICE-CHAIR HOLT: Okay. I venture to say, two, three  
21 years ago, council member Jones would have regular forums  
22 discussing human trafficking. It was also a focus of  
23 council member Benson. And there are sororities and  
24 fraternities that have explored this topic and explored  
25 this topic. Much of what's been said today is really

1 unique information. At one time in the City of Detroit,  
2 the incidence of human trafficking would escalate during  
3 the auto show. In fact, it was so pervasive that those  
4 activities would occur during that specific time that  
5 there was some thought, I don't know, downsizing the auto  
6 show.

7 VICE-CHAIR HOLT: And what happened is trafficking  
8 happens downtown Detroit out to Sterling Heights.  
9 Commissioner Hernandez sad to say, he probably encounters  
10 incidents of human trafficking so pervasively because of  
11 the location of Southwest Detroit. The stats and all of  
12 that, it's good information to have, but we really need  
13 to be more in a mode of action. Commissioner Jones  
14 suggests a post on Facebook. My daughter does it  
15 regularly. So I mean, get the information, but let's do  
16 something as a community and human trafficking, sad to  
17 say, it's not unique to Detroit or the United States,  
18 human trafficking is an international problem. But if we  
19 say we want to get a hold of it, we need to start  
20 investing in actions that will somehow bring the stats  
21 too.

22 COMMISSIONER BERNARD: Commissioner Holt, are you  
23 suggesting that prostitution is human trafficking?  
24 They're two different things.

25 CHAIRPERSON BELL: Commissioner, let's not continue

1 to debate. We said we have a forum on it, so we know it's  
2 not going to go away. It's not a DPD action item, it's an  
3 international item, but we would have that debate and  
4 information for you, hopefully by next week. Thank you.  
5 Any other questions outside of that issue?

6 COMMISSIONER DAVIS: I have another question.

7 CHAIRPERSON BELL: Commissioner Davis.

8 COMMISSIONER DAVIS: Deputy Chief. I was also  
9 wondering about vehicle accidents and vehicle fatalities.  
10 Have they markedly went up over the last year because of  
11 what's going on?

12 COMMISSIONER HOLLEY: What's going on?

13 DEPUTY CHIEF BLISS: Through the Chair. Commissioner,  
14 are you speaking of vehicle accidents or fatalities in  
15 regards to DPD vehicles or just in general??

16 COMMISSIONER DAVIS: I'm just talking about in  
17 general, you know, in general, inside the City of  
18 Detroit.

19 DEPUTY CHIEF BLISS: I'm inclined to say that they  
20 have gone up overall but I can get that statistics for  
21 you for the State of Michigan and report back to you.

22 COMMISSIONER DAVIS: Okay. Thank you.

23 COMMISSIONER BURTON: Through the Chair.

24 CHAIRPERSON BELL: Yes, sir.

25 COMMISSIONER BURTON: You know, I have a few

1 questions real quick and it relates to ShotSpotter. Just  
2 recently there was a case it was the Savan Simmons case,  
3 which happened in Rochester, New York where a New York  
4 Judge in Rochester, New York said that the technology was  
5 inadmissible calling it unreliable evidence. Also in  
6 addition to that Savan Simmons was shot in the back by an  
7 officer

8 CHAIRPERSON BELL: Commissioner Burton.

9 COMMISSIONER BURTON: I do have the floor, I was  
10 called on, properly called on.

11 CHAIRPERSON BELL: Sir, I'm interrupting you.

12 COMMISSIONER BURTON: She was shot in the back by an  
13 officer and he spent 18 months in jail.

14 CHAIRPERSON BELL: Excuse me.

15 COMMISSIONER BROWN: Why are you interrupting him.

16 CHAIRPERSON BELL: Commissioner Burton, do you have a  
17 question? We don't need the background.

18 COMMISSIONER BURTON: ...of what occurred. So the  
19 officer had a different perspective of what occurred  
20 versus the person that was taken into custody. But the  
21 judge said it was inadmissible. Looking at what just  
22 occurred recently, I think it was in the 9th Precinct,  
23 about, I guess you all mentioned something about  
24 ShotSpotter led to this raid. Questions that our  
25 constituents have are, how long did it take to get the

1 search warrant? And have there been any prior calls to  
2 that address before and how this ShotSpotter work that  
3 led to the arrest? Because there is also evidence that  
4 Shot Spotter can pick up conversations as sensible from  
5 the ground level, and there are other case studies as  
6 well, that's proven that and another case study involved  
7 in California

8 DEPUTY CHIEF BLISS: Through the Chair, I can get  
9 back to you in order to find out the time that it took  
10 our members to get a search warrant. And also to get you  
11 the number of calls to that address before this incident,

12 COMMISSIONER BURTON: Our position is, we just want  
13 to know how many calls were made to that address, the  
14 department had any other tips or any other leads and  
15 that's really it on that for today on this subject  
16 matter. I will have more information next week

17 DEPUTY CHIEF BLISS: Through the Chair. I'm not aware  
18 of anything prior to that, but when I'm looking at the  
19 calls to the address, I will see if there's any history  
20 to that, sir.

21 COMMISSIONER BURTON: Thank you, sir.

22 CHAIRPERSON BELL: Thank you, DC Bliss.

23 COMMISSIONER BERNARD: Mr. Chairman, I have one other  
24 question for Deputy Chief Bliss.

25 CHAIRPERSON BELL: Yes, ma'am.

1 COMMISSIONER BERNARD: Deputy Chief, you stated that  
2 the response time was close to 12 minutes? I think you  
3 said 11 minutes, 45 seconds. Several people have  
4 approached me and I've repeated those stats to them, and  
5 they have said that that's true for downtown and for, I  
6 guess that would be South of West Grand Boulevard, but  
7 that throughout the community, when they called the  
8 response time much greater, or in some instances non-  
9 existent. Do you collect data related to calls from  
10 different areas of the city, like from District 2 or  
11 District 1 or not just perhaps District 5.

12 COMMISSIONER HOLLEY: Yes.

13 DEPUTY CHIEF BLISS: Through the Chair. As I reported  
14 out is for the prior week and it's for the entire city  
15 because the total number of call service was 5,016 And  
16 that's what got us to 11 minutes and 48 seconds. So  
17 that's everyone, we don't break it up in regards to that.  
18 We do look at response times to Precincts in order to  
19 improve services. But overall that is based upon  
20 everyone, not just a particular area.

21 COMMISSIONER BURTON: Through the Chair.

22 CHAIRPERSON BELL: We have to move on, sir.

23 COMMISSIONER BURTON: I got one final question. Mr.  
24 Chairman.

25 CHAIRPERSON BELL: One brief question, sir.

1           COMMISSIONER BURTON: A question to the Chief. When  
2 will the department show the Board of Police  
3 Commissioners how ShotSpotter works or how the Detroit  
4 Police Department used the ShotSpotter? We understand  
5 that from members of the community, we understand that  
6 when a shot is fired, it takes you within a hundred yards  
7 from possibly where the shot is fired. So that's a  
8 hundred yards at the size of a football field. So how is  
9 DPD using ShotSpotter and when will you give the Board  
10 Police Commissioner, a tour so we can see how it is being  
11 used?

12           DEPUTY CHIEF BLISS: Through the Chair. To start off,  
13 I recommend and you can review this. It's a Detroit  
14 Police manual directive 307.8. It gives a very, very good  
15 breakdown of ShotSpotter, what it does, how we get it,  
16 our procedure. That would be the first jumping-off. The  
17 other thing I recommend going to the website  
18 shotspotter.com. They really break it down for you. They  
19 talk about the science, it, they talk about how it's  
20 done. So those two resources will probably answer 99% of  
21 your questions. But the procedure for DPD is in our  
22 manual at 307.8 and it's titled gunshot detection system.  
23 And if there are any further questions after reviewing  
24 both of those resources, then of course I'll be available  
25 to answer them.

1 CHAIRPERSON BELL: Thank you, DC Bliss. We set  
2 policies on that. You have to read the policy. It's  
3 basically what DC Bliss indicated to you, go there and  
4 it's there. We've got to move on. Thank you, DC Bliss,  
5 again. Mrs. White, we're going to move on to Michigan  
6 Municipal League training.

7 MRS. WHITE: Yes. Through the Chair, Michigan  
8 Municipal League General Counsel, Christopher J. Johnson  
9 will be presenting today and he is on the line at this  
10 time. And also you have received all of the PowerPoint  
11 presentations in respect to the Open Meetings Act and  
12 other governing procedures for public bodies, and now  
13 General Counsel Johnson.

14 GENERAL COUNSEL JOHNSON: Thank you. As you can tell  
15 from my background, I'm a big tigers fan and a big  
16 baseball fan, and I really enjoy Comerica Park. I'm an  
17 attorney that's been practicing governmental law for  
18 about 40 years. So one of the things I always do and  
19 start off with is my disclaimer. And my disclaimer today  
20 is that I am not your attorney. Erica Savage Whitley is  
21 your attorney. So when you need legal advice, specific  
22 legal advice, ask her and she will be responding. You  
23 should also know in my background that I'm a recovering  
24 politician. I spent 12 years on the North Hills School  
25 Board, and then 28 years as the Mayor of the City of



1 Northville. So all of the sunshine laws have applied to  
2 me. I was actually in the office when they were passed  
3 and it drastically changed the way government does  
4 business.

5 GENERAL COUNSEL JOHNSON: I'm going to try and share  
6 my screen to get to my PowerPoints. Let's see, all right.  
7 The first item that I want to do is just kind of tell you  
8 what we're going to do with, first of all, the Freedom of  
9 Information Act., We're going to go through the policy  
10 what's covered, how they're responded to and exceptions  
11 that are very important, especially as they have to do  
12 with police departments. There' are some cases we'll  
13 discuss as well as and afterward your questions. To  
14 really understand the Freedom of Information Act. I think  
15 we need a little bit of a history lesson. President  
16 Johnson in 1966, signed the first federal Freedom of  
17 Information Act. And really it was an attempt to shed  
18 light on what was going on in government. There was also  
19 a transition from president Johnson to president Nixon  
20 and president Nixon was - let's put it politely a little  
21 bit of the opposite. He wasn't into open government as  
22 much. And as a result of the way he handled things, there  
23 was a scandal, Watergate. And as a direct result of that,  
24 the Michigan legislature enacted two laws. The first was  
25 the Freedom of Information Act of 1976. And the second

1 was the Open Meetings Act of 1976. It was in direct  
2 relationship to the fact that there wasn't an open  
3 government at the time,

4       GENERAL COUNSEL JOHNSON: Although they were both  
5 passed in 1976, they were effective in 1977. I guess you  
6 can look at it in two different ways. The Open Meetings  
7 Act and the Freedom of Information Act could be viewed as  
8 sunshine, seeing what the government is doing and how's  
9 it doing. And then there are some people that look at it  
10 as a straitjacket. In some respects, it's very true for  
11 both of them. One of the most interesting things of this  
12 particular law is that all persons are entitled to  
13 complete information about the affairs of the government.  
14 And this is very important. The whole purpose of the Act  
15 and as courts have come in, time and time and time again,  
16 is that the people should be fully informed about what's  
17 going on so they can participate in the democratic  
18 process. So, as a government, what are you required to  
19 provide? You're required to provide public records and  
20 that's actually defined in the Act. It's writing, which  
21 has prepared owned, used, and in the possession of, and  
22 retained by the public body, in the performance of their  
23 official function.

24       GENERAL COUNSEL JOHNSON: Yes. It really includes  
25 handwriting type writings, printing, photo-stating,

1 photocopying. All these other methods of doing recording  
2 information. But as a result of a foresighted look, it is  
3 also included at the end of the definition or other means  
4 of recording or retaining meaningful content. The reason  
5 why we have that particular phrase is this woman right  
6 here, that's Rosemary Woods, who is the secretary to the  
7 president of the United States. And this is the position  
8 that she said she was in when she accidentally erased 18  
9 plus minutes of recording, which actually contain the  
10 illegal activity that the president was engaged in.  
11 Writing is actually now more than just a piece of paper,  
12 it can be an email. It can be a text, it can be a  
13 voicemail and it can be other entries, even on a mobile  
14 data terminal. And that's very relevant, of course, in  
15 police work.

16         GENERAL COUNSEL JOHNSON: The city appoints an FOIA  
17 coordinator, and this person is the person that's going  
18 to actually respond to the FOIA request. You as a public  
19 official, do not respond to the FOIA request that's made  
20 in order to respond to an FOIA request. The FOIA  
21 coordinator may actually come to you and request  
22 information directly from you. You have the  
23 responsibility as a public body to provide reasonable  
24 access and reasonable protection of documents. One of the  
25 things I always stress is you don't leave your public

1 records in the hands of somebody that just walks in off  
2 the street. You have a duty to protect those records. And  
3 one of the most important things of FOIA is you have five  
4 business days to respond to the FOIA request and you get  
5 one singular time to have a 10-day extension. So as I  
6 always warned my clients as things went on is never  
7 appoint the procrastinator as an FOIA coordinator,  
8 because you just don't have a whole lot of time necessary  
9 to respond to those requests.

10 GENERAL COUNSEL JOHNSON: The other important  
11 requirement of FOIA is you don't have to create or  
12 compile documents that did not exist if the document  
13 exists that the person is requesting, you do have to  
14 provide it, but you don't have to create it. It's not an  
15 interrogatory. It's not a legal requirement to go in and  
16 actually begin working on items. No, let's talk a little  
17 bit about the exceptions under FOIA that may, or may not  
18 apply in situations, for example, bids. It totally  
19 defeats the process of bidding. If you know, how much the  
20 other person has bid on something? Test questions and the  
21 answers are very important to be excluded because I would  
22 love to know the questions that are going to be answered  
23 or on a test that I'm about to take. And I would love to  
24 know what those answers are, but it really does defeat  
25 the whole purpose of having a test. Tenets or bargaining

1 agreements are not provided until after the governmental  
2 body actually adopts them. And there's a whole list of  
3 items in the Crime Victims' Rights Act that is excluded  
4 from FOIA. And it has a lot to do with the police  
5 department in terms of evaluating whether or not to grant  
6 the FOIA request or to claim the exemption.

7       GENERAL COUNSEL JOHNSON: One of the important for  
8 your exemptions is attorney-client privilege. And that's  
9 a record between the attorney and the client containing  
10 privileged advice that's of a legal nature or client  
11 confidences. It includes all agents and employees of the  
12 city or village who are authorized to act or speak on  
13 behalf of the city or village in relationship to a matter  
14 in the communication. Now, sometimes it's an attorney-  
15 client privilege that is misunderstood. The real  
16 attorney-client privilege is where the client gives the  
17 attorney has set up facts, is seeking legal advice, and  
18 then receives the legal advice, giving either options or  
19 direction as to how the matter should be handled. That  
20 document is privileged and will not be disclosed under an  
21 FOIA request.

22       GENERAL COUNSEL JOHNSON: Also, there's a big section  
23 in the Freedom of Information Act where an invasion of  
24 privacy is an important concept. It has a two-part test.  
25 The information must be personal, which reveals intimate

1 or embarrassing details about an individual's private  
2 life. And it must not help the public to understand the  
3 operation of the governmental entity.

4 GENERAL COUNSEL JOHNSON: One of the things that's  
5 kind of misunderstood is the personnel records of an  
6 individual. For example, other than law enforcement there  
7 is no exemption for personnel records, but there is a  
8 specific exception for personnel records of law officers.  
9 And the reason is obvious, bad guys want to do things to  
10 police officers in retaliation for arresting them and  
11 having them convicted. So if you're talking about a  
12 teacher's personnel file there's no law enforcement  
13 exemption that applies, but it's still up to the FOIA  
14 coordinator to review that personnel record in detail so  
15 that personal information is not provided information,  
16 for example, regarding a medical condition or counseling  
17 or psychological records, as well as social security  
18 numbers are exempt. They're specifically exempted under  
19 the Freedom of information Act. So those things should be  
20 redacted before a personnel record is released. As I  
21 mentioned before, there are two specific exemptions for  
22 police records.

23 GENERAL COUNSEL JOHNSON: And the first one I call is  
24 the law enforcement purpose. When the record for  
25 investigation has the purpose of solving a crime, for

1 example, it's important that that information be redacted  
2 or exempted, but you must show that the release of that  
3 information would interfere with law enforcement  
4 proceedings. If you're talking about you know, a 50-year-  
5 old record, and there's no chance that it would interfere  
6 with current law enforcement proceedings, you can't claim  
7 that exemption. The second particular area is regarding  
8 operational plans, communication codes. Officers that are  
9 undercover or informants. Those specifically are exempted  
10 under the Freedom of information Act and should not be  
11 disclosed by the FOIA coordinator. And finally, personnel  
12 records of law enforcement are generally exempt, and  
13 unless there's some specific reason why the community  
14 needs to know that. I always like to talk about the fact  
15 that this particular kind of thing, the phone that I'm  
16 holding in my hand, the computer that I'm talking on  
17 right now was science fiction in 1976 when the Act was  
18 passed.

19 GENERAL COUNSEL JOHNSON: So taking a look at this  
20 phone, that's possible in your hands, right at the  
21 moment, this sort of thing was not in existence in 1976.  
22 The closest thing they had to that was Dick Tracy. You  
23 don't know who Dick Tracy was. I recommend that you  
24 Google it and find out. Again, this technology has leaps  
25 and bounds from 1976. There was no such thing as email.

1 There was no such thing as text messaging. And certainly,  
2 there was nothing like social media. So remember that now  
3 with the court cases that have come through emails  
4 clearly fall within the writing. So it's because it's  
5 prepared, owned, used, and in the possession of the  
6 public body, in the performance of their official  
7 function. Voicemail is the same and computer, email from  
8 your home, possibly your own personal computer, possibly  
9 your own smartphone, possibly the computer provided to  
10 you in your official function.

11 GENERAL COUNSEL JOHNSON: I want to talk a little bit  
12 about a case called the Howell Education Association  
13 versus the Howell Board of Education. And this case is  
14 very significant for a couple of different reasons.  
15 Essentially, the case was a reverse FOIA in that the  
16 Howell Education Association sued the Board of Education,  
17 because the Board of Education said, you can use our  
18 email system and you got complete privacy and there's no  
19 problem, go ahead and use it. So what the court said  
20 about that particular situation was that they developed a  
21 brand new concept called purely personal communication.  
22 And that's a little bit different because there's nothing  
23 in the Freedom of information Act that talks about purely  
24 personal communication. What we're actually talking about  
25 in this situation was, let's say teacher had emailed a



1 spouse and said, I'm going to be late. I've been asked to  
2 be at a meeting, would you please pick up the children  
3 from childcare? It could be something like, hey, do you  
4 want to grab a drink after the workday, that sort of  
5 information. So, the court, in that case, held that it  
6 was not helping at all the public to understand what was  
7 going on within the government of the school system, the  
8 Howell Board of Education or Howell Public Schools  
9 worked. That was just personal information. What is more  
10 important, I think from that case is the court said that  
11 the content of the message is more important than where  
12 the message is stored. So what does that mean? It means  
13 if the only place where communication exists between you  
14 as a public official is on your own personal computer  
15 rather than going through the city's email system. The  
16 court might say to you, we're going to take your phone  
17 and we're going to clone your hard drive, and we're going  
18 to search through it to find out whether or not there's  
19 any information related to this request.

20 GENERAL COUNSEL JOHNSON: And that's kind of a  
21 shocking thing for a lot of public officials to realize,  
22 but I strongly urge you and recommend to you that you use  
23 your official email account that the city provides you.  
24 Why? It's very simple. It means that the FOIA coordinator  
25 can go to the server that the city has and not have to

1   bother you for your personal information, but if you're  
2   using your Yahoo account or your Gmail account, and  
3   that's the only place where the information is stored,  
4   you may have to turn over that device at some time on a  
5   judge's order. We have a lot of resources for the Freedom  
6   of information Act on the Michigan Municipal League  
7   website. And you can find that@wwwdotfml.org, and we have  
8   a number of resources on that, a one-pager of FOIA  
9   information resource packet. And if you're really into,  
10   you know, municipal law, there's a chapter in the  
11   municipal law chapter on Sunshine Laws written by Steven  
12   Mann and Ronald Liscombe. At this point I will try and  
13   take questions. I'll stop the share for a moment and  
14   we'll go through any questions you may have regarding the  
15   Freedom of information Act.

16           COMMISSIONER BERNARD: I have a question.

17           GENERAL COUNSEL JOHNSON: Sure.

18           CHAIRPERSON BELL: Yes ma'am.

19           COMMISSIONER BERNARD: The question is the

20           GENERAL COUNSEL JOHNSON: I think we lost her.

21           MRS. WHITE: Commissioner Bernard?

22           CHAIRPERSON BELL: We are going to the next question.

23   We'll come back to her. Any other questions?

24           VICE-CHAIR HOLT: Reverend Holley.

25           COMMISSIONER HOLLEY: Yes.

1 COMMISSIONER JONES: Yes. I have a question.  
2 Typically what I've seen FOIA used for it was more so  
3 with our public newspapers where sometimes reporters were  
4 asking or filing for Freedom of information Act request  
5 for information pertaining to a story that they have a  
6 case - that's what I've seen it used for the most part.  
7 Under what other circumstances is the Freedom of  
8 information Act used and apply?

9 GENERAL COUNSEL JOHNSON: Actually anyone other than  
10 somebody in prison on an actual sentence serving time for  
11 that can file a Freedom of information Act, request. So  
12 it could be you, it could be me. It could be like you  
13 said, the news media probably uses it more often than  
14 anyone else, but anyone can file a Freedom of information  
15 Act, request unless they're in prison serving a sentence  
16 or in the County, jail serving a sentence.

17 COMMISSIONER BERNARD: Through the Chair.

18 CHAIRPERSON BELL: Yes, ma'am.

19 VICE-CHAIR HOLT: Thank you Attorney Johnson, for  
20 your presentation. Commissioner Jones' question prompted  
21 me to recall as a retiree from the State of Michigan, on  
22 any occasion, we will get the information that says  
23 someone has requested information regarding who is  
24 receiving a pension from the State of Michigan. And I  
25 mean, the information is very sterile. You know, no

1 social security, I don't think there are not even  
2 addresses that are attached to that information. Could  
3 you guess why it is someone would just want to know who  
4 is receiving pensions from the State of Michigan?

5 GENERAL COUNSEL JOHNSON: Actually there's a case  
6 directly on point about that from the court of appeals  
7 and in that case, they ruled that your personal  
8 information such as your address, your phone numbers and  
9 all, but they also ruled that since it's being paid out  
10 tax dollars, that the public has a right to know what the  
11 individual amount of the pension is. Not necessarily -  
12 it's just not a protected thing because of the tax  
13 implications of it and the financing of it.

14 COMMISSIONER BERNARD: I'm sorry, Mr. Johnson, we got  
15 cut off before. I had two really quick questions for you.  
16 One I'm sure you saw in Sunday's paper, which had about a  
17 half-page editorial about the lack of sunshine, and the  
18 lack of transparency with respect to State government,  
19 irrespective of the Act that we're talking about. The  
20 allegations, of course, related to two settlements with  
21 two former Governor Gretchen's appointees, one for almost  
22 \$200,000 and one for \$3000, none of which had any  
23 transparency in terms of details. So I wanted to know  
24 what you think, you know, new rules and so forth are  
25 going to come down that will affect, not only the

1 government but also public entities like our own. And  
2 then I have the second question after you answer that  
3 one.

4 GENERAL COUNSEL JOHNSON: Yes. That was one of the  
5 biggest changes we've had in Michigan since 1976 to make  
6 the governor's office, as well as the legislator's office  
7 subject to the same rules that you're subject to. I think  
8 you'd find a lot more openness in government if those two  
9 things happen with respect to the Freedom of Information  
10 Act.

11 COMMISSIONER BERNARD: I see. So you think that's  
12 going to happen?

13 GENERAL COUNSEL JOHNSON: No, I don't, and here's  
14 why. I just think it's been offered almost every single  
15 legislative session since 1976 that I've seen, and it  
16 almost never gains traction in the legislature because  
17 they would have to subject themselves to the same rules  
18 they're subjecting you to. And I don't really feel like  
19 they're going to do that. Remind me when we get to the  
20 Open Meetings Act, there's a section I want to talk about  
21 in that one too.

22 COMMISSIONER BROWN: Through the Chair.

23 CHAIRPERSON BELL: I think we have a second question  
24 from Commissioner Bernard.

25 COMMISSIONER BERNARD: Oh, no, go ahead. I'll go back

1 to it after everyone else finishes.

2 CHAIRPERSON BELL: Okay, we're going to wrap it up.

3 COMMISSIONER BERNARD: Go ahead. I think Jim Holley  
4 wants to say something and Commissioner Brown.

5 CHAIRPERSON BELL: Yes, just go ahead and speak.

6 COMMISSIONER BROWN: Is Reverend there?

7 COMMISSIONER HOLLEY: I'm here but I don't have  
8 anything to say.

9 COMMISSIONER BROWN: Oh, thank you. Mr. Johnson,  
10 thank you. Thank you for the report. And I'd just like to  
11 let you know that in my past life, you know, I was  
12 responsible for the crew putting the underground power  
13 near Comerica Park. But my question was early on when we  
14 came on the Board and our personal email addresses were  
15 given, and we had to stop the Board from sending things  
16 to our personal email addresses. How long does that stuff  
17 stay in, that it's in fair play in case something comes  
18 out and the information was given that could be FOIA on  
19 our personal email addresses.

20 GENERAL COUNSEL JOHNSON: The information still  
21 exists, it goes on forever. So unless there's a regular  
22 retention schedule that the commission has adopted in  
23 terms of disposing of material that's applied. And I  
24 think your counsel can give you a little bit more details  
25 on that. It's around potentially forever, so you're

1 always subject to it.

2 COMMISSIONER BROWN: Okay. Thank you.

3 CHAIRPERSON BELL: Thank you, sir.

4 GENERAL COUNSEL JOHNSON: Sure. If it's okay with  
5 you, then we'll move to the Freedom of Information Act,  
6 which has a little bit more teeth to it. It was the wrong  
7 one.

8 COMMISSIONER BROWN: It's the Open Meetings Act,  
9 correct?

10 GENERAL COUNSEL JOHNSON: Yes. Okay. The next one is  
11 the Open Meetings Act and they were again passed at the  
12 same time by the legislature in 1976 and effective in  
13 1977. As I mentioned before, we really got here because  
14 of Watergate and there was a real movement by the State  
15 legislature to make at least local government very open  
16 and obvious. The actual language of the Open Meetings Act  
17 contains this, it's a public body, meaning any State or a  
18 local governing body, including a board commission,  
19 committee, or subcommittee. That includes you. So it's  
20 very important to recognize that you're under the Open  
21 Meetings Act. The policy of the Act again is to rank them  
22 the right of all Michigan, know what's going on in their  
23 government by requiring the public body to do nearly all  
24 of its business in our communities.

25 GENERAL COUNSEL JOHNSON: And I really want to point

1 out that the judicial view is consistent since 1977 when  
2 the court started ruling on this, we get language like  
3 this, where the court is like pounding its gavel on the  
4 bench saying, we will not use strained legalisms to evade  
5 the intent to the Open Meetings Act. You find this is  
6 constant and continuous throughout the cases interpreting  
7 the Open Meetings Act. Now the basic requirements of the  
8 Open Meetings Act are that all Meetings of the public  
9 body shall be open to the public and all decisions of the  
10 public body shall be made at a meeting open to the  
11 public. So the really important thing is here, is there a  
12 statutory exception to going in or you need to go into  
13 closed session and all deliberations of the public body,  
14 constituting, a quorum of its members shall take place in  
15 that open meeting unless there's a specific exception in  
16 the Open Meetings Act.

17 GENERAL COUNSEL JOHNSON: So if you're a public body  
18 and that's, you meet with a quorum present or even a  
19 constructive quorum convene for the purpose of  
20 deliberating toward a decision and something that you're  
21 going to vote on to take or formulate public policy.  
22 That's very important. So a meeting is when you're  
23 liberating and the courts have defined this to be any  
24 discussion toward a decision. It can be the Act of  
25 carefully considering issues and options before making a



1 decision or taking some action. So you might be narrowing  
2 down the thinking of doing, you might be just passing  
3 ideas out on the table to find out which ones are better,  
4 but you get a situation where you're actually  
5 deliberating toward a decision.

6       GENERAL COUNSEL JOHNSON: There's this whole question  
7 of sub-committees and sub-quorum, and sometimes public  
8 bodies really are trying to evade the Open Meetings Act  
9 by saying things like, well, we're, you know, we didn't  
10 have a quorum. We don't have to worry about it. The  
11 Michigan Supreme Court, especially in the case of the U  
12 of M Regents whose newspaper prints the new U of M  
13 Regents said that was a fiction that you were trying to  
14 get away with, violating the Open Meetings Act really  
15 came down strong on the Regents there. So, what are you  
16 required to do under the Open Meetings Act? The first  
17 thing is to provide notice of the public meeting and  
18 that's really important. So within 10 days of your first  
19 regular meeting, either in the calendar year or the full  
20 school year, can be your choice. You need to post your  
21 meeting schedule. And then, if you change that schedule  
22 somehow, maybe it'll fall on Christmas and you don't want  
23 to meet on Christmas then you move the meeting date to  
24 either before or after Christmas. That's something then  
25 that you have to make a change on your schedule and posts

1 within three days of making that change. Although when  
2 you set out your original schedule, you probably know  
3 when Christmas is going to occur. Special meetings and  
4 rescheduled regular meetings require 18 hours' notice  
5 minimum. And quite frankly, I was involved with a lot of  
6 cases, defending local units of government that were  
7 really trying to play that one very tightly. You know,  
8 we're not going to give the public too much notice  
9 because they might show up and not be happy with us. That  
10 kind of thing was a real problem. And it's really  
11 difficult to defend a case where you haven't provided  
12 that 18 hours' notice and minutes must be kept of all  
13 your meetings. Now, it isn't a court transcript, meeting  
14 minutes are meeting minutes. So what you need is the  
15 date, the time, the place, the members that are present  
16 members that are absent and any decisions that you made,  
17 any motions or resolutions that are passed, and what  
18 those votes are. If you are taking roll call votes, you  
19 need to record who's voting on which motion.

20 GENERAL COUNSEL JOHNSON: This is probably the one  
21 that always causes the most consternation, which is  
22 public comments. Under the Open Meetings Act citizens  
23 have the right to address the meeting and to tape or  
24 video recording. However, the commission may establish  
25 reasonable rules by which this is done. And as I watched

1 your intro at the beginning of the meeting, I noticed  
2 that you've adopted rules. So you're already there. A  
3 person also may only be removed from a meeting due to a  
4 breach of peace committed at that meeting. And just  
5 because Chris Johnson was being crazy at meeting one, if  
6 Chris Johnson shows up for meeting two, I can't  
7 necessarily be excluded, but if I am doing the same kind  
8 of obstruction of the meeting during the course of the  
9 second meeting, I can again, be removed.

10 GENERAL COUNSEL JOHNSON: The governing body may  
11 limit the citizens' comments to a specific place on the  
12 agenda. So that's something that you've already done. It  
13 can also restrict the amount of time an individual may  
14 speak. And when that public comment occurs, either at the  
15 beginning, middle, or the end of the meeting, but you  
16 can't necessarily set a limit on the total time of the  
17 public comment. This is really important in terms of  
18 going into a closed session. You have to start at an open  
19 meeting, then you need a motion to go into a closed  
20 session, a second to that motion, and then the adoption  
21 to go into a closed session. So you start the meeting in  
22 public, you go into a closed session and then you come  
23 back into an open Session. A majority vote is needed to  
24 go into closed sessions for the discipline personnel  
25 evaluation of an employee and collective bargaining

1 agreements.

2 GENERAL COUNSEL JOHNSON: However, a two-thirds roll  
3 call vote is required for all of the other reasons for  
4 going into closed session. And one of the things that's  
5 important to note for the meeting minutes is the reason  
6 for going into a closed session has to be clearly stated  
7 in the motion for going into a closed session, as well as  
8 for the actual reason for going into a closed session. So  
9 I'm going to take these in order of the Open Meetings Act  
10 in the order of the Open Meetings Act, not because these  
11 are more important or less important in terms of what's  
12 important. So the first exception is if the named person  
13 requests a closed session to consider dismissal,  
14 suspension, or disciplinary action being taken against  
15 that person. It also might be regarding a personnel  
16 evaluation of the public officer employee, but the person  
17 has to request that that meeting be done as a closed  
18 session.

19 GENERAL COUNSEL JOHNSON: And I usually, as a  
20 practice point, suggest that it might be a good idea to  
21 get it in writing. So you can prove to a court later on  
22 that the person requested the closed session. The second  
23 reason for going into a close session is for strategy and  
24 negotiations for collective bargaining agreement. I don't  
25 necessarily know that your commission has that authority

1 or not in terms of negotiating with the union, but those  
2 negotiations take place or discussions of the collective  
3 bargaining agreement happen in a closed session. And  
4 again, I always point out that they have to be somewhere  
5 close in time to the collective bargaining agreement  
6 negotiations. But it can happen actually before the  
7 negotiations start so that the public body can strategize  
8 or build consensus. The third area is something that  
9 you're probably not going to have to worry about, which  
10 is to consider the purchase or lease of real property.

11 GENERAL COUNSEL JOHNSON: If I know that the  
12 government is interested in obtaining the property at  
13 Main Street and Elm Street the price of that property  
14 just skyrocketed because some people believe out there  
15 that the government has unlimited resources, which you  
16 know, is not true, but still that's the way a property  
17 owner looks at that sort of thing. But I also note for  
18 the governmental entities that the sale of public  
19 property is not covered under this exception. Something  
20 that you may have a situation of going into closed  
21 session as the fourth item, which is to consult with an  
22 attorney regarding a specific settlement strategy  
23 regarding specific pending litigation. And I'll just make  
24 this up. You know, Smith vs Jones is an allegation for  
25 example, of excessive use of force. It allows, the public

1 body to go into closed sessions with their attorney to  
2 discuss how they're going to deal with that case from a  
3 strategy point of view.

4 GENERAL COUNSEL JOHNSON: The fifth item is to  
5 consider the content or the contents of an application  
6 for employment. If the candidate requests that the  
7 information remain confidential. And the reason there is  
8 also kind of obvious people sometimes gets upset when  
9 they find out that their particular city manager police  
10 chief is interviewing at another location. What do you  
11 mean you don't like us anymore? And that would just be  
12 detrimental to the person's career. However, if the  
13 public body is actually conducting an employment  
14 interview that has to be done in a public session.  
15 Finally, the last item under the Open Meetings Act  
16 exception is to consider material exempt from discussion  
17 or disclosure by either State or Federal statute. So an  
18 example might be a written opinion by your attorney. And  
19 again, it's due to the nature of the attorney-client  
20 privilege. So you have to go into a closed session to  
21 review that particular opinion of the attorney. It might  
22 be for an appraisal. If you were looking at obtaining  
23 some property, it would detailed security plans. There's  
24 nothing the bad guys would like to know better than  
25 exactly how you plan on handling a police situation.

1           GENERAL COUNSEL JOHNSON: A separate set of minutes  
2 is taken in a closed session. And they're separate from  
3 the main meeting minutes. It's always done by the clerk  
4 or designated secretary of the public body. And those  
5 minutes only are disclosed if required by court order in  
6 a civil action. Thus, the minutes of a closed session is  
7 exempt from FOIA. The public body may also meet in a  
8 closed session to discuss the minutes of a closed  
9 session. So if you had a closed session and you need to  
10 discuss those minutes before adopting them you can go  
11 into a closed session for that reason as well. The  
12 minutes of a closed session may be destroyed one year in  
13 one day after being approved at a regular meeting. So  
14 that's an important fact to note. They don't just lay  
15 around in somebody's office for the next 200 years. And I  
16 want to point out that what happens in a closed session  
17 stays in a closed session.

18           GENERAL COUNSEL JOHNSON: There's an attorney  
19 general's opinion that says specifically if closed  
20 session minutes are divulged, criminal prosecution or  
21 civil penalties may be obtained against that public  
22 official and a number of municipal attorneys argue that  
23 that also includes the information that was discussed in  
24 the closed session as well. So for example, if the owner  
25 of that property at Main Street and Elm Street gets

1 tipped off by a public official, all of a sudden the  
2 price of the property went up significantly. That's due  
3 to the breach of the closed session by that public  
4 official and is potentially sanctionable. It could be a  
5 violation of your ethics ordinance or rules of conduct,  
6 charter provisions. Certainly, it's a violation of Robert  
7 Russo's rules of order and potentially the oath of office  
8 as well. Here's my favorite. If we're going to get back  
9 into technology again. OMG, did I just violate the OMA?  
10 Here we have a great photo, I think, and I kind of think  
11 of these folks standing around looking at this terrible  
12 accident as being our State legislature. The Open  
13 Meetings Act was passed in 1976, and it has not kept up  
14 with any technology. Again, we have personal devices  
15 right in our own little hands.

16 GENERAL COUNSEL JOHNSON: And these are traps for you  
17 to violate the Open Meetings Act. Why? Because you can  
18 deliberate electronically. For example, you send out an  
19 email, somebody's had a really great idea and sends it to  
20 all members of the commission. Guess what, if everybody  
21 starts hitting reply, all, you've violated the Open  
22 Meetings Act. Why? Because you're deliberating, you're  
23 putting out your thoughts and you're responding to those  
24 thoughts and social media is the other big trap that  
25 you've got out there. Let's again, talk about a five-



1 member council. Councilmember one takes to her Facebook  
2 page, champions a great new idea. Councilmember two does  
3 not like the idea and then replies with a post of her  
4 own. And two days later council member three, agrees with  
5 Board member one and posts a reply. The problem, do you  
6 see it? You're actually using social media to deliberate  
7 on a public policy issue, and that will violate the Open  
8 Meetings Act.

9 GENERAL COUNSEL JOHNSON: And why? Because none of  
10 the procedural requirements of the Open Meetings Act are  
11 followed. And for example, Facebook might be, not  
12 necessarily, but might be an open forum that people could  
13 look at. However, nobody gave notice nobody's taking  
14 minutes and that sort of thing. So none of the procedural  
15 aspects of the Open Meetings Act are followed and  
16 somebody is going to be in trouble. So if you get in  
17 trouble, what are the consequences of that violation? The  
18 action of the commission might be invalidated. Under the  
19 Open Meetings Act, the attorney general or County  
20 prosecutor or any person may actually be able to bring a  
21 lawsuit against you and per the attorney general, again,  
22 anyone who disseminates the closed session, minutes, and  
23 risks criminal and civil penalties. Here's the big one.  
24 The Open Meetings Act provides for criminal misdemeanor  
25 penalties for any public official who intentionally

1 violates the Act 90 days and a hundred, or excuse me, a  
2 thousand dollars for the first offense and up to a year  
3 and \$2,000 for a second offense.

4 GENERAL COUNSEL JOHNSON: And here's the first time  
5 we've ever had a sitting attorney general actually say  
6 during a news conference that she was going to go after  
7 public officials, that she themes have violated the Open  
8 Meetings Act. We've never had that happen since 1976. So  
9 that's kind of an important difference that we have right  
10 now today. COVID-19 the pandemic is really upended all of  
11 our lives. It's why we're doing this meeting on zoom  
12 right now. When it first happened Governor Whitmer issued  
13 some executive orders, which were 21 and 42, and later  
14 issued orders regarding how to do virtual meetings.  
15 However, the Michigan Supreme court issued two very  
16 important decisions with respect to what the governor's  
17 powers were during the emergency. Those decisions are  
18 covered by the Emergency Powers Act to the Governor. And  
19 that was adopted in 1946 and the Emergency Manager Act,  
20 which was adopted in 1976.

21 GENERAL COUNSEL JOHNSON: The court ruled that the  
22 1976 Emergency Management Act required the governor to  
23 receive the consent of the legislature to extend the  
24 emergency beyond 28 days, which the legislature granted  
25 until April. Well, I think it was April 30th of last

1 year, but not beyond that. The court also ruled that the  
2 1946 emergency powers of the Governor's Act were  
3 unconstitutional because it delegated too many  
4 legislative powers to the governor. So as soon as the  
5 opinion was out within a week, the legislature and the  
6 governor agreed to Public Act 228 of 2020, which  
7 essentially permitted virtual meetings. And they were  
8 allowed under that Act to go for any reason until  
9 December 31, 2020. Almost at the end of December last  
10 year, that deadline was extended to March 31, 2020, which  
11 kind of leads me to my first rule of public service,  
12 which is, it's not fun if you're sitting in jail, it's  
13 just not what you signed up for to be a public official.

14 GENERAL COUNSEL JOHNSON: So because the Open  
15 Meetings Act has criminal penalties attached to it. If  
16 you intentionally violate the Open Meetings Act, you  
17 could be in a world of hurt. One other thing that I want  
18 to point out with respect to virtual meetings is the  
19 current OMA any reason exception goes away as of March 31  
20 in the legislature has not extended that out yet. I would  
21 note though that there are two reasons still left in the  
22 Open Meetings Act to deal with those situations. One of  
23 which is to declare a local emergency. And it's my guess  
24 that the City of Detroit may or may not be declaring a  
25 local emergency so that you could extend out and continue

1 to do virtual meetings under the statute. Again, check  
2 with Erica on those issues. And I'm sure she'll have a  
3 lot of advice for you on the handling of that in the  
4 future. With that, Mr. Chairman, if there are any  
5 questions you have I'd be happy to

6 CHAIRPERSON BELL: Thank you. Thank you, Mr. Johnson.  
7 Commissioners unmute yourself. There was some background  
8 noise, unmute yourself for Q and A.,

9 COMMISSIONER HERNANDEZ: Through the Chair,

10 CHAIRPERSON BELL: Yes, sir,

11 COMMISSIONER HERNANDEZ: I just have a quick, thank  
12 you. I thoroughly appreciate your coverage of it. I don't  
13 have any questions. I think you've clarified a lot of  
14 points that maybe were lingering for this Board, and I  
15 appreciate it.

16 CHAIRPERSON BELL: Thank you.

17 COMMISSIONER DAVIS: I have a question.

18 CHAIRPERSON BELL: Commissioner Davis.

19 COMMISSIONER DAVIS: Sir, thank you for the  
20 presentation. I have two questions. One, if a public body  
21 says like our Board of Police Commissioners if someone  
22 intentionally disallowed someone to do public comment, is  
23 that a violation of the law?

24 GENERAL COUNSEL JOHNSON: I would say that it's more  
25 likely to be in the situation of not going into the

1 criminal realm but in more of the invalidation of the  
2 action that the Board has taken. It's more likely to have  
3 a circuit court judge handle it that way. And also  
4 because you're in the City of Detroit in Wayne County, I  
5 want to also point out that I could take the same set of  
6 facts to all of the judges and get numerous different  
7 opinions on the same issue. And it's not very good for  
8 predicting exactly what's going on. Whereas if you live  
9 in a County that has only one circuit court judge, it's,  
10 whatever she wants to do that you can rely on. So, you  
11 know, you get a whole different situation as I walk up  
12 and down the halls of the courthouse and, you know, pop  
13 in and say, what do you think about this judge? I get a  
14 totally different answer from different people.

15 COMMISSIONER DAVIS: My second question is this as a  
16 Commissioner, and if there was a sub-committee  
17 established to do something, do I have the right to ask  
18 for the minutes of that sub-committee meeting to how they  
19 make a determination, because that has happened, I know.

20 GENERAL COUNSEL JOHNSON: Sub-committees are required  
21 to post and they're also required to have minutes. And  
22 again, they don't need to be a court transcript. A lot of  
23 people want to hear themselves talk. And so they want it  
24 recorded down in a court transcript, which is all fine  
25 and good, but this isn't an adversarial proceeding in a

1 court of law. You need to just handle those items that I  
2 mentioned in the slides, you know, date, time, place,  
3 whose present, what decisions you make.

4 COMMISSIONER DAVIS: Thank you. Very useful  
5 information.

6 GENERAL COUNSEL JOHNSON: And you can request that  
7 information from the minutes of that sub-committee.

8 COMMISSIONER DAVIS: I have before, but nothing ever  
9 happened.

10 CHAIRPERSON BELL: Commissioner Bernard.

11 COMMISSIONER BERNARD: Real quick Mr. Johnson. One of  
12 the things that I wanted to do today was when we got to  
13 new business was to request the Board to go into closed  
14 session, to discuss a personnel matter that relates to  
15 personnel complaints that I wanted to apprise the Board  
16 of, with our lawyer present so that we could start to  
17 develop but you said, we can't, we have to develop a  
18 strategy external to that meeting. But, you know, when  
19 you have personnel issues, they don't have to be reduced  
20 to writing. They can just be discussed, correct? By the  
21 Board without deciding exactly what to do.

22 GENERAL COUNSEL JOHNSON: If it is a complaint, but  
23 then if you have a complaint against---

24 COMMISSIONER BERNARD: It's not a complaint --

25 GENERAL COUNSEL JOHNSON: (Multiple speakers) or you

1 going to do a personnel evaluation with officer X, you  
2 still need the permission of officer X to go into closed  
3 session. That particular exception requires that  
4 individuals have the right to have it in a closed  
5 session. Also has a right to not be discussed it in a  
6 closed session. So you need to at least inform the  
7 officer that that's going to be discussed and asked, you  
8 know, would you like this in public or would you like it  
9 in private.

10 COMMISSIONER BERNARD: They've already told me they  
11 want to do it - it's our staff and they want to do it  
12 privately. So it's just a discussion. It's not a written  
13 issue. So there's no, you know,

14 GENERAL COUNSEL JOHNSON: But it's an evaluation.  
15 It's a discussion.

16 COMMISSIONER BERNARD: It's a concern that staff has.  
17 That's what it is.

18 GENERAL COUNSEL JOHNSON: Okay. I think you can,  
19 again, assuming that the person is in agreement that it  
20 be discussed in a closed session.

21 COMMISSIONER BERNARD: Okay. Thank you.

22 COMMISSIONER JONES: Through the Chair.

23 CHAIRPERSON BELL: Yes, sir.

24 COMMISSIONER JONES: Yes. My question pertains to all  
25 of the emails that we get from the Board's staff. Those

1 emails contain the confidentiality agreement at the end  
2 of each and every one of the emails that come through our  
3 Board staff. Is that something that's protected also in  
4 the event that somebody takes that same email and  
5 forwards it to an outside entity for discussion?

6 GENERAL COUNSEL JOHNSON: Well, as I mentioned  
7 before, the most important thing under the Freedom of  
8 Information Act is the content of the message. So does  
9 any of the exceptions that apply under the Freedom of  
10 Information Act apply to that particular email? If it  
11 does, then it should not be disclosed to any third party.  
12 If it just says something like, hey, please, you know,  
13 attend the meeting. Tuesday, May 1st that's not  
14 confidential, there's no confidential material, that's  
15 actually in the content of the message. So that wouldn't  
16 be protected under the Freedom of Information Act

17 COMMISSIONER BROWN: Through the Chair.

18 CHAIRPERSON BELL: Yes, sir.

19 COMMISSIONER BROWN: Mr. Johnson, I just have a  
20 couple of questions. But thank you for bringing light to  
21 some of the things because I know that this Board has  
22 certainly struggled with the issue of following up the  
23 Meetings Act. One, you stated that our closed sessions  
24 should have minutes at all of them. Are we required to  
25 have that?



1 GENERAL COUNSEL JOHNSON: Yes.

2 COMMISSIONER BROWN: Okay, we are required to have  
3 minutes. The second thing you said was that the entity  
4 meaning the Board, who's ever having a meeting, can't put  
5 time limits on citizens' portion of when they start  
6 speaking and asking questions, can you clarify that?

7 GENERAL COUNSEL JOHNSON: Yes. I'll clarify that. I  
8 said the total amount of time. I didn't say individual  
9 time. So if you said it and you have a rule that says you  
10 get two minutes, everybody gets two minutes. If everybody  
11 talks, I mean, it could be hundreds of people. You can't  
12 necessarily say we're only going to allow an hour of  
13 public comment. And your rule actually contemplates a  
14 shorter amount of time, given the fact that many people  
15 would want to talk about that. So that's another issue on  
16 that. And by the way, public comment is public comment.  
17 It's not question and answer time, you know like in the  
18 British parliament where members of the body sit there  
19 and ask questions of the prime minister. This is not  
20 that. Public comment is a comment. And sometimes people  
21 ask questions and if you got a quick answer, that's fine.  
22 Sometimes staff has to go research something and can't  
23 give you an answer right away. You know, what time is the  
24 program going to start? Well, the program doesn't start  
25 until May the first., That's an easy one to handle, but

1 if somebody gets up and says, how many, this, that, and  
2 the other thing you can't respond to that at that  
3 particular meeting so they can comment on it on an event,  
4 but they're not necessarily entitled to ask questions  
5 like in a court proceeding.

6 COMMISSIONER BROWN: Right. And also I didn't really  
7 understand and support of sometimes the Chair would make  
8 a decision on it so that the public that's listening  
9 could understand this too is that the Chair has the  
10 autonomy if there's a lot of people that he can adjust  
11 the time limit per speaker, that public comment to maybe  
12 a minute. And it's so that the public understands that  
13 that is permissible. Am I correct with that?

14 GENERAL COUNSEL JOHNSON: Yes, that is permissible.

15 COMMISSIONER BROWN: Okay. Then my other question  
16 was, and then I'm going to move on when the entity or the  
17 leadership of a Board makes a statement that the reason  
18 behind them not inviting members of a Board to a meeting  
19 was so that they would not be in violation of the Open  
20 Meetings Act isn't that in itself, a violation of the  
21 meetings Act that you're trying to manipulate the rules  
22 to go around it so that you wouldn't have to have all of  
23 the Board members there using this as a tool to exclude  
24 people, other members from the meeting.

25 GENERAL COUNSEL JOHNSON: Well, again, it depends. If

1 you have a majority of the police commission show up to  
2 and another meeting you might be in violation of the Open  
3 Meetings Act because you're all talking about police  
4 commission business. So that's something I would  
5 definitely ask your legal counsel about and get a  
6 specific ruling on that because it's more difficult than  
7 just, you know, a set of circumstances that may or may  
8 not apply. You need specific facts and then an  
9 interpretation of those facts.

10 COMMISSIONER BROWN: Okay. Thank you, sir.

11 CHAIRPERSON BELL: Thank you. Thank you, Mr. Johnson  
12 that was outstanding. We're looking forward to more  
13 interaction with you. We want to wish you the best.

14 GENERAL COUNSEL JOHNSON: I appreciate that.

15 CHAIRPERSON BELL: Thank you.

16 GENERAL COUNSEL JOHNSON: I hope your meeting goes  
17 well.

18 CHAIRPERSON BELL: Next item would be Mrs. White.

19 MRS. WHITE: Yes, sir. Through the Chair. If we are  
20 moving to the incoming correspondence for this week and  
21 they are as follows: the weekly DPD facial recognition  
22 technology report for the week of March 8th, 2021 through  
23 March 14, 2021. The Board also received quarter-four use  
24 of force report from the department. Number 3 BOPC, 2022  
25 elections from a council member, Andre Spivey. And the

1 last item includes various staff reports, including but  
2 not limited to OCI reports and information that was  
3 previously requested. And that concludes the incoming  
4 correspondence.

5 CHAIRPERSON BELL: Thank you, Mrs. White. Next item,  
6 unfinished business.

7 COMMISSIONER BURTON: To the Chair.

8 CHAIRPERSON BELL: Yes, sir.

9 COMMISSIONER BURTON: I moved that we post the Board  
10 of Police Commissioners Attorney position for the Board.

11 COMMISSIONER DAVIS: Support.

12 CHAIRPERSON BELL: It has been properly moved that we  
13 post the attorney position for the Board of Secretary  
14 (SIC).

15 COMMISSIONER BROWN: Discussion.

16 CHAIRPERSON BELL: Discussion.

17 COMMISSIONER BURCH: Did he say secretary, Mr. Chair.

18 CHAIRPERSON BELL: Correction, attorney to the Board.

19 COMMISSIONER BROWN: Okay, your turn. I would like to  
20 just make the statement that we understand that the  
21 attorney for the Board can't represent us in legal  
22 situations outside or against the city, based on what the  
23 charter says. They need to have permission from corporate  
24 counsel and that will be used. I think is a very  
25 important position for us to have because we need someone

1 that can render us a quick interpretation of a law or the  
2 charter while we're there and not have to go through the  
3 process that I think it was attorney Mazomanie laid out  
4 that we have to put something in writing and send it off  
5 back through, and then come back with a response after we  
6 have already made a decision on some key information. And  
7 also I think this person can do. It needs to be clarified  
8 that they are very versed in the parliamentary  
9 procedure if we're not going to hire a parliamentarian  
10 outside of all of this. And I just think this is a very  
11 needed position that we have someone there that can give  
12 us immediate answers that can address the situations that  
13 we're faced with in real-time.

14 COMMISSIONER JONES: Through the Chair.

15 COMMISSIONER DAVIS: Discussion.

16 COMMISSIONER JONES: Through the Chair.

17 CHAIRPERSON BELL: Yes, sir.

18 COMMISSIONER JONES: I like to make a motion that we  
19 table that discussion, meaning that right now we're in a  
20 budget negotiation situation with the city council. We've  
21 already had several Commissioners that express different  
22 objections to the different positions that may be  
23 available, namely even the deputy chief or the deputy  
24 positions for secretary and OCI. Being that's the case,  
25 how can we turn around and enter into a discussion about

1 a Board attorney when there's already an objection about  
2 other personnel? So I move that we table that motion  
3 altogether.

4 CHAIRPERSON BELL: Thank you.

5 COMMISSIONER HERNANDEZ: Support.

6 COMMISSIONER BURTON: Through the Chair. We're still  
7 under discussion and.

8 CHAIRPERSON BELL: Excuse me, excuse me, excuse me.  
9 It has been properly moved that we table this discussion.

10 COMMISSIONER BROWN: So, are we going to discuss his  
11 reason for tabling?

12 COMMISSIONER JONES: Discussion.

13 COMMISSIONER BERNARD: Mr. Chairman, as I recall, if  
14 it's going to be tabled for purpose of the day, when are  
15 we going to discuss it then?

16 CHAIRPERSON BELL: Well, I think the matter as  
17 Commissioner Jones indicated, we are in a mist of a  
18 budget review by the council, and overall, we don't know  
19 how it's going to impact our personnel and overall  
20 budget. So that's a matter that we dealt with Monday and  
21 the council voted that it would go on the executive  
22 session for further discussion. So that's going to be

23 COMMISSIONER BURTON: Mr. Chairman.

24 CHAIRPERSON BELL: A deep dive with that whole  
25 process.

1 COMMISSIONER BURTON: Mr. Chairman,

2 COMMISSIONER BROWN: Mr. Chairman.

3 COMMISSIONER BURTON: Mr. Chair.

4 CHAIRPERSON BELL: Yes, sir.

5 COMMISSIONER BURTON: I wanted to just share with my  
6 colleagues on the Board of Police Commissioners, Detroit  
7 Board of Police Commissioners has always had an attorney  
8 to the Board where we can go for immediate, concerns that  
9 can weigh in on things immediately for this body. Right  
10 now we are still budgeted for our attorney position. And  
11 right now we have not had an attorney in quite a while.  
12 You know, it's actually a disservice when we call for a  
13 legal opinion and we have to go before corporation  
14 counsel and the same corporation counsel not only works  
15 in service for the mayor's office but also the chief's  
16 office. And so we really, as a body need our own attorney  
17 when we need an immediate response to something.

18 COMMISSIONER BURTON: And so we are budgeted for  
19 that. All we ask is that we post the position because the  
20 position needs to be posted. I've been on this Commission  
21 for eight years colleagues, and you know, we have always  
22 had an attorney that works very diligently for this  
23 Board. And so I asked you, and I urge each and every one  
24 of you all to do the right thing by, you know, looking at  
25 this and look how it actually affects this body by not

1 having an attorney. So we really need an attorney right  
2 now so we can have a clear perspective and get an  
3 immediate opinion. Thank you.

4 CHAIRPERSON BELL: We are going to vote on this  
5 particular matter at this time, the motion to table.

6 COMMISSIONER BURCH: Mr. Chair. Before you go to the  
7 motion, I would like to speak that. I agree with  
8 Commissioner Brown, that there are many issues that come  
9 up on this Board that we can never get immediate  
10 responses to. I don't see anything wrong with posting the  
11 job. I don't see a thing wrong with that, because since  
12 I've been on the Board for years, we've always had a  
13 Board attorney. I don't see a problem with that. That's  
14 just my opinion. So I think we should do a roll call.

15 COMMISSIONER DAVIS: Discussion.

16 COMMISSIONER DAVIS: A discussion.

17 CHAIRPERSON BELL: We're going to have a vote.

18 COMMISSIONER DAVIS: Discussion.

19 CHAIRPERSON BELL: The motion is on the table, sir. I  
20 think a discussion is pretty much over with. We're going  
21 to vote.

22 COMMISSIONER DAVIS: Of course, for some people,  
23 right.

24 COMMISSIONER BURTON: Point of order Mr. Chairman,  
25 this is an abuse of power. Commissioner Davis has been



1 waiting. He's actually before me.

2 CHAIRPERSON BELL: Commissioner Davis, what is your  
3 point?

4 COMMISSIONER DAVIS: My point is that we actually do  
5 need an attorney because we already know for a fact that  
6 some members of this Board have already been doing some  
7 stuff that could ultimately bring them up on potential  
8 ethics charges. So we want to make sure we stay away from  
9 stuff like that because I can see a couple of people on  
10 this Board possibly upon the ethic charges soon.

11 CHAIRPERSON BELL: Okay, roll call vote.

12 COMMISSIONER BERNARD: This is the motion to table?

13 CHAIRPERSON BELL: Yes. Ma'am. Vote to table motion.  
14 Vice-Chair Holt.

15 COMMISSIONER CARTER: She's gone.

16 COMMISSIONER DAVIS: Next.

17 CHAIRPERSON BELL: District 1.

18 COMMISSIONER BROWN: No. Motion to table, no.

19 CHAIRPERSON BELL: District 2.

20 COMMISSIONER BERNARD: No, motion to table no.

21 CHAIRPERSON BELL: District 3.

22 COMMISSIONER BURCH: No.

23 CHAIRPERSON BELL: District 4. Yes.

24 CHAIRPERSON BELL: District 5.

25 COMMISSIONER BURTON: No.

1 CHAIRPERSON BELL: District 6.

2 COMMISSIONER CARTER: Yes.

3 CHAIRPERSON BELL: District 7.

4 COMMISSIONER DAVIS: Definitely. No.

5 CHAIRPERSON BELL: Commissioner Hernandez.

6 COMMISSIONER HERNANDEZ: Motion to table, yes.

7 CHAIRPERSON BELL: Commissioner Jones.

8 COMMISSIONER JONES: Motion to table, yes.

9 CHAIRPERSON BELL: Commissioner Holley.

10 COMMISSIONER HOLLEY: I want to say Mr. Chairman,  
11 I'll say yes, with the understanding that you will bring  
12 this up, that we might have a serious concern about this.  
13 After listening to Mr. Johnson, I just feel like we need  
14 to have some time to really get what we're thinking about  
15 it and what the other people are thinking about it. So  
16 I'm voting yes, but I'm asking you to bring it up.

17 CHAIRPERSON BELL: Yes. Ms. White.

18 MRS. WHITE: Through the Chair. There were 5 yes  
19 votes and 5 no votes. Mr. Chair.

20 COMMISSIONER DAVIS: So it fails.

21 MRS. WHITE: The motion failed Honorable Board.

22 COMMISSIONER DAVIS: Good.

23 COMMISSIONER BERNARD: The motion failed, Melanie.  
24 I'm sorry. I had to step away.

25 COMMISSIONER DAVIS: So call the question for the

1 attorney.

2 CHAIRPERSON BELL: Yes, sir.

3 COMMISSIONER BERNARD: The motion to table failed?

4 COMMISSIONER DAVIS: Yes.

5 MRS. WHITE: The motion to table through the Chair,  
6 failed.

7 COMMISSIONER DAVIS: Call the question for the  
8 attorney.

9 COMMISSIONER BROWN: Mr. Chairman, point of  
10 information.

11 CHAIRPERSON BELL: Yes, sir.

12 COMMISSIONER BROWN: To my colleague's point is that  
13 this position is already budgeted in our budget. It's  
14 already budgeted for us to have an attorney. And the key  
15 thing about posting this is that we're in the process of  
16 hiring it, just so that he understands that if we don't  
17 do this, there's a possibility we could lose these  
18 dollars to have someone in that position. But this money  
19 that we're asking for right now is already budgeted in  
20 our budget. It's already accounted for. We're not asking  
21 for any new money. We're just asking for a body in that  
22 seat.

23 COMMISSIONER JONES: Through the Chair.

24 COMMISSIONER HOLLEY: Mr. Chair.

25 CHAIRPERSON BELL: Okay, we ready to vote?

1 COMMISSIONER BROWN: Call for the question.

2 CHAIRPERSON BELL: Call for the question. Okay. Thank  
3 you.

4 COMMISSIONER HOLLEY: What is the question?

5 CHAIRPERSON BELL: Vice-Chair Holt.

6 COMMISSIONER HOLLEY: What is the question?

7 CHAIRPERSON BELL: The question is about hiring  
8 another attorney.

9 COMMISSIONER BERNARD: To post it.

10 COMMISSIONER DAVIS: To post for an attorney.

11 CHAIRPERSON BELL: To post the job. Vice-Chair Holt.

12 COMMISSIONER BURCH: She is not here.

13 CHAIRPERSON BELL: District 1.

14 COMMISSIONER BROWN: Yes, to post.

15 CHAIRPERSON BELL: District 2.

16 COMMISSIONER BERNARD: Yes, to post.

17 CHAIRPERSON BELL: District 3.

18 COMMISSIONER BURCH: Yes, to post.

19 CHAIRPERSON BELL: District 4. No.

20 COMMISSIONER BURTON: District 5, yes to post.

21 CHAIRPERSON BELL: District 6.

22 COMMISSIONER CARTER: No.

23 CHAIRPERSON BELL: District 7.

24 COMMISSIONER DAVIS: Definitely, yes, so it could be  
25 legal for a change.

1 CHAIRPERSON BELL: Commissioner Hernandez.

2 COMMISSIONER HERNANDEZ: No.

3 CHAIRPERSON BELL: Commissioner Jones.

4 COMMISSIONER JONES: No.

5 CHAIRPERSON BELL: Commissioner Holley.

6 COMMISSIONER HOLLEY: Again, Mr. Chairman, I'm going  
7 with the no, but to understand that we bring this stuff -  
8 why other people in that position. We need to talk about  
9 this.

10 CHAIRPERSON BELL: Thank you Mrs. White.

11 MRS. WHITE: There are 5 yes votes and 5 no votes  
12 resulting in a tie, Mr. Chair.

13 COMMISSIONER HOLLEY: It failed.

14 CHAIRPERSON BELL: Thank you. New business. Mrs.  
15 White.

16 MRS. WHITE: Through the Chair, the applicant appeal  
17 of Max Pedro, Honorable Board you have received that  
18 documentation in your weekly packet. And the  
19 recommendation was to temporarily disqualify the  
20 applicant based on the facts and circumstances contained  
21 in the investigation report provided by the department as  
22 well as the investigation completed by Board staff and  
23 assistant corporation, Counsel Savage. And she is also on  
24 the line to provide additional information. Assistant  
25 Corporation Counsel Savage-Whitley. And if staff could

1 please enable the microphone.

2 COUNSEL SAVAGE-WHITLEY: Good afternoon.

3 COMMISSIONER JONES: Good afternoon.

4 COMMISSIONER BROWN: Good afternoon.

5 COUNSEL SAVAGE-WHITLEY: I'm sorry. Ms. White, was  
6 there a particular question?

7 MRS. WHITE: Yes. If you, through the Chair if you  
8 can walk through the facts and circumstances of the  
9 applicant appeal and provide your final recommendation on  
10 the record, and we are having a bit of a challenge  
11 hearing you very clearly.

12 COUNSEL SAVAGE-WHITLEY: Okay. Give me one moment.  
13 I'm sorry.

14 COUNSEL SAVAGE-WHITLEY: Can you hear me any better  
15 right now?

16 COMMISSIONER HOLLEY: Yes.

17 COUNSEL SAVAGE-WHITLEY: Okay. I had an opportunity  
18 to review the packet and I concur with the recommendation  
19 based on the morality provision. My concerns were related  
20 to the quick concurrence of the events with the  
21 applicant. They seemed for me, I'm a former prosecutor.  
22 When I look at records and I look at occurrences, I look  
23 at the proximity and some of the issues that came up in  
24 the morality were in the same year where the candidate  
25 was applying to various police departments. And they were

1 concurrent in nature. As well as just the close proximity  
2 of when these things occurred, there was an active,  
3 accusation of a DUI as well as a theft. And I just  
4 considered those to be a little bit too close. Maybe in  
5 another couple of years under a new evaluation, it would  
6 actually pass muster for the department. So I found it to  
7 be a reasonable recommendation. The candidate is  
8 relatively young and without the incident of any new  
9 occurrences, I think it would be fine to proceed with  
10 this candidate in the future. So I concur for now for the  
11 three-year delay.

12 COMMISSIONER BERNARD: I have a question. Was the  
13 candidate allowed to respond to your recommendation in  
14 writing? Hello,

15 COUNCIL SAVAGE-WHITLEY: Are you referring to me? I  
16 did not make the recommendation. I reviewed the  
17 investigator's recommendation, so I concurred.

18 COMMISSIONER BERNARD: But usually, Ericka, the Board  
19 attorney would make a recommendation to the Board about.

20 COMMISSIONER DAVIS: A written one.

21 COMMISSIONER BERNARD: Always written. I wrote them.

22 **A written recommendation was a statement of the facts**  
23 **regarding both what the position of the department was,**  
24 **as well as the position of the person who wants to be a**  
25 **law enforcement officer. I mean, there's a balancing act**

1 there. You mentioned that in your opinion, there was  
2 close proximity to various events. In his statement back  
3 to us, he might've said, well, this is what happened or  
4 this is why this was closed. I mean, everything is  
5 relative depending on when you listen to both a  
6 discussion. So therefore I can't affirm the decision if  
7 you will of the department without having heard from the  
8 person himself about whatever exigencies or contingencies  
9 existed in his life at the time that these events  
10 occurred, because obviously he's very committed to being  
11 an officer, otherwise he wouldn't have filed an appeal.  
12 And as you know, we eliminate the vast majority of people  
13 who apply to be an officer, about 80 to 90%. I mean, I'm  
14 not comfortable with approving the recommendation.

15 MRS. WHITE: Through the Chair, through the Chair. If  
16 a staff co-host could please ensure that Mr. Chair's  
17 microphone is enabled. Mr. Chair, we are having  
18 challenges with hearing you. I see that you are trying to  
19 speak, but for some reason, your microphone is disabled.  
20 Also through the Chair with respect to the applicant  
21 appeal investigation that was conducted, the Board staff  
22 conducts the investigation in connection with the law  
23 department attorney assigned to the Board of Police  
24 Commissioners. And so all of those facts and  
25 circumstances are included in the packet in the report



1 that was submitted to the full Board this past Tuesday,  
2 including a summary of relevant facts, background  
3 information noting police agencies, police contact,  
4 personal characteristics, other quantifying factors, and  
5 also MCOLES standards and criteria as well as the  
6 department's recruitment policies. So that information is  
7 included in your report Honorable Board. Ms. Tiffany  
8 Steward is also on the line and can address any  
9 additional items that you might have had.

10 COMMISSIONER BERNARD: I understand that Melanie.

11 CHAIRPERSON BELL: Excuse me, excuse me.

12 COMMISSIONER BERNARD: That is not a legal review. No  
13 one there has that background or experience. It's just  
14 not the system of voting.

15 CHAIRPERSON BELL: Miss White, can you hear me?

16 MRS. WHITE: Yes, sir. I can hear you.

17 CHAIRPERSON BELL: Can you mute Commissioner Bernard  
18 for a second so that I can interrupt her.

19 COMMISSIONER BURTON: Point of order Mr. Chairman.  
20 You are disrespectful - in the second district

21 COMMISSIONER BERNARD: There is no need to mute me. I  
22 had already stopped speaking.

23 COMMISSIONER BERNARD: Excuse me, point of order Ms.  
24 Bernard, we are not asking for your opinion. We have  
25 written documentation on this matter. So we want to act

1 on that at this time. So your past experience has no  
2 bearing on this matter. We are.

3 COMMISSIONER BERNARD: But yours does as a former  
4 police officer. You always say I have 35 years of  
5 experience as a police officer.

6 CHAIRPERSON BELL: You're out of order.

7 COMMISSIONER BURTON: Point of order, Mr. Chairman,  
8 you cannot abuse your authority as Chair, to shut down  
9 District 2 Commissioner, who also happens to be a former  
10 attorney to the Board of Police Commissioners. You are  
11 disenfranchising the hundred thousand people that live in  
12 the Second District. Mr. Chairman. Point of order.

13 CHAIRPERSON BELL: Could you mute Commissioner  
14 Burton, you interrupting, sir.

15 COMMISSIONER BURTON: Point of order.

16 CHAIRPERSON BELL: Excuse me. And now he's holding  
17 signs up.

18 MRS. WHITE: We can hear you, Mr. Chair.

19 CHAIRPERSON BELL: I said Commissioner Burton is  
20 holding signs up.

21 MRS. WHITE: Yes, sir.

22 CHAIRPERSON BELL: It's totally inappropriate. Okay.  
23 Commissioners, we have the opportunity to vote this up or  
24 down. The Chair will entertain a motion to that effect.

25 COMMISSIONER DAVIS: Discussion.

1 CHAIRPERSON BELL: We haven't got the motion on the  
2 floor yet.

3 COMMISSIONER JONES: Alright, motion to - this is  
4 Commissioner. Jones' motion to follow the recommendation  
5 that this candidate, denial stays in place.

6 COMMISSIONER DAVIS: Discussion.

7 COMMISSIONER JONES: Is there a second to the motion.  
8 Is there a second to the motion?

9 COMMISSIONER HERNANDEZ: Support.

10 CHAIRPERSON BELL: Thank you. Now, discussion.

11 COMMISSIONER DAVIS: Discussion. I think that we  
12 should continue to be able to have a written legal  
13 opinion for anything like this. I think this is going  
14 into uncharted waters that are not appropriate, and it's  
15 opening us up for potential lawsuits.

16 COUNCIL SAVAGE-WHITLEY: Chair, if I may interject.

17 CHAIRPERSON BELL: Yes, thank you.

18 COUNCIL SAVAGE-WHITLEY: This is Ericka Savage-  
19 Whitely.

20 CHAIRPERSON BELL: Thank you. Please pause.

21 COUNCIL SAVAGE-WHITLEY: Okay. I would like to  
22 clarify a couple of things. One, with regard to the  
23 request for a written opinion. I had a discussion with  
24 Secretary White and I indicated how it was typically  
25 done. I realized that the report was created by the Board

1 staff and not DPD. And I asked specific questions about  
2 it, and she indicated that because it was prepared by the  
3 staff that whether I concur if I disagreed with the  
4 recommendation, I would have put something in writing.  
5 That was my understanding of the procedure. I just wanted  
6 to let it be known that I did ask questions about that.  
7 And it was my understanding that if I disagreed with  
8 them, that I will put it in writing. If there needs to be  
9 further clarification given by the full Board, I will  
10 certainly take that back. If you would like to delay this  
11 for writing. I have no problem with doing that as well.

12 COMMISSIONER JONES: Through the Chair.

13 CHAIRPERSON BELL: Any other discussion.

14 COMMISSIONER JONES: Yes. Through the Chair. Yes. I  
15 read through this report also about this particular  
16 candidate and his appeal to become a Detroit police  
17 officer. There's clearly laid out evidence that this is  
18 somebody that possibly would not qualify to be a police  
19 officer and maintain integrity as a Detroit police  
20 officer wearing that uniform. He's got multiple  
21 convictions for multiple offenses, including DUI,  
22 including supplying alcohol to minors, including  
23 officiating without a license, gambling. He's failed a  
24 number of polygraph examinations. He's applied to a  
25 number of different police departments. And I can't

1 believe that we're having the discussion about somebody  
2 like that successfully putting through an appeal when  
3 this is somebody that any Commissioner on this Board  
4 would have to vote down as to be able to put on a uniform  
5 of a Detroit police officer.

6 COMMISSIONER JONES: This is something that's clear  
7 evidence, clear evidence, multiple failures, or polygraph  
8 examinations. And this is a prime candidate for the Brady  
9 Giglio list if anything else. So I'm in support of the  
10 recommendation that is the appeal to be denied.

11 COMMISSIONER BROWN: Through the Chair.

12 CHAIRPERSON BELL: Yes, sir.

13 COMMISSIONER BROWN: Unlike my colleague, usually  
14 when we have these appeals that we did in closed session  
15 before we get to this COVID issue, we heard from that  
16 person. And that's my concern, also is that we have not  
17 reached out to this person to give this person a chance,  
18 an opportunity to speak to this Board and speak to these  
19 matters that they're talking about. I mean, we all know  
20 that polygraph tests are not always 100% effective unless  
21 it's with Maury Povich. But we know that you know, my  
22 concern is, and just to the attorney's point, you know, I  
23 understand her point, her position, but attorney - the  
24 previous Board's attorney always wrote his own opinion as  
25 to what he thought the recommendation should be to this

1 Board and the staff still did the same thing and  
2 investigated everything, but that attorney investigated  
3 the stuff himself and then wrote that opinion to my  
4 understanding. And I'm just concerned with the fact that  
5 I mean, if all he's doing is just, to appeal to apply,  
6 you know, it really serves to me that he's interested in  
7 law enforcement and it just maybe somebody whose life we  
8 could save and correct, but it's just for him to just go  
9 through the process and, you know, it doesn't mean he's  
10 going to make it, but I'm just saying this appeal is just  
11 for him to continue to go through the process.

12 MRS. WHITE: Through the Chair.

13 CHAIRPERSON BELL: Let me say this, based on those  
14 observations, those comments, and I agree with you  
15 Commissioner Jones, on the surface could not say three, I  
16 would say several years when you read that profile, it  
17 leaves a whole lot to be desired. So on that note, I'm  
18 going to ask Commissioner Jones to withdraw his motion.  
19 And then we can take this up in the future.

20 COMMISSIONER JONES: Very well, the motion is  
21 withdrawn.

22 CHAIRPERSON BELL: Support and the second.

23 COMMISSIONER HERNANDEZ: Support.

24 CHAIRPERSON BELL: Thank you. We move on.

25 Announcement, Mr. Brown.

1 COMMISSIONER BURTON: Through the Chair? I have  
2 something for new business.

3 CHAIRPERSON BELL: Yes, sir.

4 COMMISSIONER BURTON: You didn't offer any other new  
5 business and then you also.

6 CHAIRPERSON BELL: Excuse me, I don't need your  
7 comments. I just need - what is your new business?

8 COMMISSIONER BURTON: Mr. Chairman, if I'm called on,  
9 I can make a comment and I can also make a statement.  
10 Once again, I am duly elected.

11 CHAIRPERSON BELL: Sir, we are well aware of that and  
12 I what is your concern, we're well aware of that. Go  
13 ahead and make your comments, sir, whatever you want to  
14 say. Thank you.

15 COMMISSIONER BURTON: You know, I moved that we post  
16 all the BOPC vacancy positions.

17 COMMISSIONER BROWN: Second.

18 CHAIRPERSON BELL: I would say that motion is  
19 inappropriate because we are posting. That is my ruling  
20 that the motion is out of order.

21 COMMISSIONER BURTON: You are out of order, Mr.  
22 Chairman.

23 CHAIRPERSON BELL: Excuse me.

24 COMMISSIONER BURTON: The motion has been properly  
25 second by another Commissioner.

1 CHAIRPERSON BELL: And I ruled that it's out of  
2 order, sir.

3 COMMISSIONER BURTON: Please call for discussion.

4 CHAIRPERSON BELL: I moved that it's out of order.

5 COMMISSIONER BURTON: Point of order, Mr. Chairman.

6 COMMISSIONER DAVIS: Legal opinion.

7 COMMISSIONER BURTON: A call for a legal opinion, Mr.  
8 Chairman.

9 CHAIRPERSON BELL: It's not a legal opinion, sir.  
10 It's a Robert's Rules of Order matter, it's not a legal  
11 opinion at all.

12 COMMISSIONER BROWN: Well, Mr. Chairman, you're out  
13 of order because you can't rule the motion out of order  
14 after it's already been properly second.

15 COMMISSIONER DAVIS: Correct.

16 COMMISSIONER BURTON: Correct.

17 COMMISSIONER BROWN: You can't rule it out of order  
18 if it has already been second.

19 COMMISSIONER HOLLEY: Mr. Brown.

20 COMMISSIONER BROWN: Yes, sir. Commissioner Holley

21 COMMISSIONER HOLLEY: Mr. Brown, what is it, I mean,  
22 you yell no because you didn't like it.

23 COMMISSIONER BURTON: Point of order. You didn't get  
24 permission to speak from the Chair.

25 CHAIRPERSON BELL: Commissioner Burton, Commissioner



1 Brown, Commissioner Holley.

2 COMMISSIONER BROWN: Through the Chair to  
3 Commissioner Holley. The problem is, like when I asked  
4 for a closed session, I even sent out an email asking for  
5 a closed session to discuss these matters. I've asked in  
6 person that we can have these closed sessions. I've got  
7 no response from them. So the problem is that the thing  
8 we need to think about is, what is the struggle that we  
9 have with just posting the positions? What is the  
10 struggle, the money is in the budget. We've not asked for  
11 any additional money. We just want to post these  
12 positions so that we could probably fill them. So we have  
13 people in the seats that are being paid and employed by  
14 this Board so that we don't lose these positions because,  
15 to my understanding right now, we have what, four or five  
16 people out injured and sick. And then, you know, so what  
17 is the struggle with just posting a position through the  
18 Chair to you Reverend Holley, what is the struggle?

19 CHAIRPERSON BELL: The matter is that we are in a  
20 budget situation. We're not losing money. We don't know  
21 where we stand until the council makes a final ruling in  
22 terms of budget. We trying to undergo employment, yes.  
23 And we are also trying to negotiate salary. There is  
24 something about the minimum and the maximum. We are  
25 trying to hire the best people in terms, but we don't

1 know where we stand until this matter is resolved by the  
2 council in terms of our budget, sir, that's where it  
3 stands. So that's my ruling. We're going to move on.

4 COMMISSIONER DAVIS: Point of information.

5 CHAIRPERSON BELL: Yes, sir.

6 COMMISSIONER DAVIS: So in the event that you move  
7 forward and push this through city council, the only way  
8 we could get rid of the deputy positions is just to  
9 terminate them when we have a majority. Correct?

10 CHAIRPERSON BELL: I can't really answer that. We are  
11 trying to deal with all these issues and as you said, we  
12 are going to have ongoing discussions before this matter  
13 is finalized, no doubt about it.

14 COMMISSIONER DAVIS: So, that's what you're pushing  
15 us to, right?

16 CHAIRPERSON BELL: I'm not, I'm not, yes, that we  
17 have this discussion. Like Reverend Holly said, until we  
18 come to grips where we stand with the budget, we don't  
19 really know. There are a whole lot of issues dealing  
20 with, taking a cut, and we've been undercut in terms of  
21 what the council going to give us. You witnessed that and  
22 you spoke to that. To some extent you heard with the  
23 council - they're taking it under executive session. So  
24 there's going to be a serious discussion. Can we move on  
25 Mr. Brown?

1 COMMISSIONER BURTON: Mr. Chairman, I didn't put up  
2 my motion was properly recognized and I didn't.

3 CHAIRPERSON BELL: Excuse me, I ruled on your motion.  
4 Mr. Brown?

5 COMMISSIONER BURTON: I asked for a legal opinion  
6 also. Corporation counsel

7 CHAIRPERSON BELL: It's not a legal opinion. Mr.  
8 Brown.

9 COMMISSIONER BURTON: Is on the line. Is anyone from  
10 Corporation Counsel on the line? I did call for a legal  
11 opinion, Mr. Chair.

12 CHAIRPERSON BELL: Mr. Brown, go ahead.

13 MR. ROB BROWN: Yes, sir. The announcement for the  
14 day. Your next video is. PC upcoming virtual meeting on  
15 Thursday, March 25th at 3:00 pm, and Thursday, April 1st  
16 at 3:00 pm. And I'm moving to public comments, Mr. Chair.

17 CHAIRPERSON BELL: Thank you.

18 MR. ROB BROWN: I currently have 11 speakers.

19 COMMISSIONER DAVIS: Announcements, announcements.

20 CHAIRPERSON BELL: Announcements, go ahead. Thank  
21 you.

22 COMMISSIONER DAVIS: Okay. I like to announce that  
23 I'm going to be on the Sam Rhoda show tomorrow talking  
24 about the Board of Police Commissioners.

25 CHAIRPERSON BELL: As usual.

1 COMMISSIONER BURTON: Announcement.

2 COMMISSIONER BURCH: What time?

3 COMMISSIONER DAVIS: From 9 to 11:00 AM on 9:10 AM.

4 The discussion would be about the Board of Police  
5 Commissioners.

6 CHAIRPERSON BELL: Thank you. Mr. Brown go ahead.

7 COMMISSIONER BURTON: Announcements.

8 CHAIRPERSON BELL: Go ahead.

9 COMMISSIONER BURTON: I want to make an announcement  
10 that I'm going to be on For The Research with Theo Broten  
11 this Saturday at 3:00 pm, and I will be talking about the  
12 Detroit Board of Police Commissioners, how Commissioners  
13 are being shut down in these meetings and how I was muted  
14 today and how I placed a motion on the floor that was  
15 properly second and the Chairman did not approve of and  
16 did not like, so he did not allow us to vote on it. So I  
17 will be speaking at 3 o'clock. We'll For The Research.

18 CHAIRPERSON BELL: Thank you. Mr. Brown, go ahead  
19 with public comments.

20 MR. ROB BROWN: Yes, Mr. Chair. I currently have 11  
21 speakers. I don't see President Mark Young from LSA. I'll  
22 go like this. Your next three speakers would be CAC  
23 Chair, Scotty Bowman, followed by Ms. Bernice Smith,  
24 followed by Daniel Hendrix.

25 MRS. WHITE: Mr. Chair. Through the Chair, if I may

1 just say an announcement before the public comments. If  
2 any public commentator or has any information that they  
3 need to contact the Board of Police Commissioners Office  
4 regarding complaints, or what have you, please be sure to  
5 dial (313) 596-1830 so that we may follow up on your  
6 concerns. Additionally, I do want to clarify the record  
7 with regards to the applicant appeals previously, a  
8 separate report was not completed by the former attorney  
9 to the Board. It was always completed in connection with  
10 the staff report. And then third, if I may also indicate  
11 as previously stated the executive session information  
12 will be supplied by the city council. Once that  
13 information is supplied to the Honorable Board, I will  
14 share those updates as it relates to the date and the  
15 logistics with respect to the executive session. Thank  
16 you.

17 MR. ROB BROWN: CAC, Mr. Bowman.

18 CAC BOWMAN: Bravo to Burton Davis and Brown for  
19 their words to the city council. The only reason to  
20 silence a dissenting view is to conceal the truth. Even  
21 Supreme Court rulings include a dissenting opinion. By  
22 saying the dissent must be censored, Chairman Bell  
23 exposes his fascist heart. Two, ShotSpotter has already  
24 been used against peoples' civil liberties. Under the  
25 second amendment of the federal constitution in article

1 one, section six of the Michigan Constitution, there are  
2 no illegal guns. As the Supreme Court ruled in the case  
3 of Norton vs Shelby County, an unconstitutional act is  
4 not a law. It confers no rights. It imposes no duties. It  
5 affords no protection. It creates no office. It is a  
6 legal contemplation as inoperative as though it had never  
7 been passed. At worst, these craftsmen are guilty of no  
8 more than a parole violation. And then of course there  
9 was all the nonsense at today's meeting. It's ridiculous.  
10 Again, there's no reason to silence people than to  
11 conceal the truth. Shutting up Linda Bernard in the  
12 midst, Commissioner Bernard in the midst of her comments  
13 was an example of that. Muting Commissioner Burton, yet  
14 another example of that. I'm disappointed also in the  
15 commissioners who voted to not post the attorney  
16 position. This is something that the Board needs. You  
17 also need a parliamentarian. There were multiple  
18 violations of parliamentary procedure as they just sat  
19 here and watched. I yield my time. And thank you for the  
20 good commissioners on this Board.

21 MR. ROB BROWN: Miss Bernie Smith.

22 MS. SMITH: This is Bernice Smith speaking. I'm just  
23 so frustrated, but I'm going to get some news out that's  
24 worthy of me making it to the commission meeting. Sharon  
25 Parnell, her brother passed this past week and I feel so

1 sorry for Sharon because she did everything for her  
2 brother. And he depended on her. His service will be at  
3 Fisher's Funeral Home. It'll be next Friday, and it'd be  
4 from 1- 4 pm, and Fisher is located on I believe 6-mile  
5 and Telegraph - 5-mile and Telegraph. Please extend your  
6 condolences to Parnell. She's been so faithful in coming  
7 to the police meetings and being involved with police  
8 activity. So please do that for her and let her know that  
9 you care. I cannot imagine that I'm listening to grown  
10 adult people on the air acting ignorantly. And I mean,  
11 ignorant, I have never, in my life heard a police  
12 commission member being so disrespectful.

13 MS. SMITH: They don't know what it is to be  
14 intelligent. They do not need to sit in those seats.  
15 Burton, you need to just go somewhere and ask the Lord to  
16 forgive you for your actions and your ignorance, and  
17 Davis, you right behind him. You're no better. I don't  
18 know what's wrong with you people. You need to be muted.  
19 If I was there in White's position, I mute you. I mute  
20 the hell out of you because you would not be acting  
21 ignorantly. The police department is an intelligent  
22 organization. I was a commissioner in '73. We never, when  
23 Coleman Young was alive he'd cuss you out, that's what he  
24 would do and get out of his face. You are really  
25 disrespectful.

1 MR. ROB BROWN: Daniel Hendrick.

2 MS. HENDRICK: Hello, how are you?

3 MR. ROB BROWN: Good.

4 MS. HENDRICK: Thanks for allowing me to speak. I  
5 just want to bring to the Board's attention. My daughter  
6 was involved in a daycare in 2020, June 5th. The case was  
7 dismissed and the daughter of the daycare walked into the  
8 daycare and shot her brother. Detroit police officers  
9 failed me. They failed the whole situation and the whole  
10 case. I felt that my kid was muted. I should hold up the  
11 sign that Willie Burton had not to tell her story of how  
12 she was in danger, no one looked over the case, no one  
13 did a thorough investigation and the person that shot the  
14 other person on the licensed daycare was never charged  
15 with anything. The Detroit police officers never  
16 contacted the State of Michigan, LARA to let the State  
17 know that it was a full murder at this daycare facility.  
18 We have broken laws that the State of Michigan implies.

19 MS. HENDRICK: And no one seems to understand. I have  
20 gone through the chain of command to get more information  
21 and more instruction. And I know things are privy, but  
22 this case was totally unjust and investigated wrongly. I  
23 would really appreciate it if the Board looks over this  
24 matter. In this case. My child is suffering from PTSD and  
25 also separation anxiety and the defendant as this day



1 walks around free. So I should hold up the sign as muted  
2 because the Detroit police officers have failed me as a  
3 citizen, a taxpayer, a parent. Furthermore, no one has  
4 done anything to listen to my story. So please, I beg you  
5 to reopen the case, listen to my story, and investigate  
6 it, right? Thank you. You guys pray and have a good day.

7 MR. ROB BROWN: Mr. Chair, your next three speakers  
8 would be OW, followed by Mr. Black followed by Kaytea  
9 Moreno Eise. OW.

10 OW: Can you hear me?

11 MR. ROB BROWN: Yes.

12 OW: Can I start to speak?

13 MR. ROB BROWN: Yes.

14 OW: Can I be started over. I'm sorry. I'm having  
15 technical difficulties. Give me one second, please. Yes.  
16 Can you start me over, please?

17 MR. ROB BROWN: Go ahead, sir? Mr. Chair, I can go to  
18 the next person if he's having difficulties.

19 CHAIRPERSON BELL: Thank you.

20 OW: Can you hear me?

21 MR. ROB BROWN: Yes,

22 COMMISSIONER HOLLEY: Yes, we can hear you. We can  
23 hear you.

24 COMMISSIONER DAVIS: Go ahead.

25 CHAIRPERSON BELL: Mr. Brown, go to the next speaker

1 and we'll come back to him.

2 OW: No. Can you hear me okay. I want to make a  
3 statement today to the whole city, everyone involved in  
4 the city administration, all the people on this Board of  
5 Police Commissioners. Willie Bell, you're wrong, man. I'm  
6 different. I told you that. I'm on the Detroit Unity Face  
7 page right now. It's posted up, the Board secretary,  
8 chief executive officer of the OCI, information indicates  
9 that Todd Bettison is lying. It's on the Detroit Facebook  
10 unity page. Martin Jones, you are BS political figure.  
11 That's what you are. There's no misunderstanding about  
12 it. That's just what you are. To all the police  
13 listening, and I have the utmost respect for any Detroit  
14 police officer that goes out and puts on that badge and  
15 goes out and deals with the nuts in this city.  
16 Unfortunately, right now, everybody go on the Detroit  
17 Unity Facebook page, view it, listens to it. Call me at  
18 737042. A change is here, I'm here. So we've got to take  
19 it back and make it black. The whole City of Detroit and  
20 Martin Jones, you are a BS political figure and all you  
21 At-Large members, it's over with - for real. We'll talk.

22 MR. ROB BROWN: Ms. Eise.

23 MS. EISE: Hello?

24 MR. ROB BROWN: Hello.

25 MS. EISE: So, I spoke up several weeks ago on behalf

1 of my community and Pingree Park. My name again is Katie  
2 Moreno Eise. And I want everyone to know that no office  
3 staff from any commissioner has reached out to me. No one  
4 has reached out to me and my pleas for help. You can't  
5 pretend to hear someone in these meetings and completely  
6 dismiss it and say, you're going to reach out to them,  
7 and then don't. I am not hard to reach, and I was eager  
8 and hopeful that someone might reach out to me and help  
9 us over here. No one did. So here I am again today asking  
10 for results, just like I heard Commissioner Burch did  
11 earlier in this meeting in regards to these cars racing.  
12 I do want to say that Chief Craig is out there doing  
13 things. I know he listened. I want to thank DPD for the  
14 measures they have taken thus far.

15 MS. EISE: We know they are doing the best they can  
16 with the limited resources you all are giving them.  
17 Additionally, I'm looking forward to the procurement and  
18 deployment of stop sticks. I think it'll put real teeth  
19 into the enforcement efforts. They're still racing  
20 everywhere on Forrest and Warren. The squeals from the  
21 doughnuts are still completely consistent on Rhones,  
22 Crane, Fisher, and Kentfield. Sylvester Moffitt Chapet.  
23 New doughnut marks are fresh again and Pingree Park. To  
24 address DC Bliss, we called 911 and the lines are busy. I  
25 called for 30 minutes and they were busy. How do we get

1 the "numbers" you speak of to get attention in my area  
2 when we cannot get through? When is the help coming over  
3 here? A suggestion I also might make is the four-way  
4 traffic lights on Forrest and Warren. They start blinking  
5 at midnight, giving these racers a direct speedway,  
6 straight shot to continue their racing. Please. I beg you  
7 all to set that policy for us to stay safe on our  
8 sidewalks and streets. We are not safe over here in  
9 Pingree Park. There are too many racing cars. Thank you,

10 MR. ROB BROWN: Mr. Chair, your next three speakers  
11 would be Minister Eric Blunt, followed by Miss Michelle  
12 George, followed by Ms. Cindy Darrah. Minister Blunt.

13 MINISTER BLUNT: Yes, can you hear me, Board?

14 COMMISSIONER DAVIS: Yes.

15 MINISTER BLUNT: Yes. This is Minister Eric Blunt  
16 from Sacred Heart Church in Detroit. The refusal of this  
17 Board's leadership to fill the position of attorney and  
18 parliamentarian is further evidence of the corruption  
19 generated on this Board. The city's attorney representing  
20 this Board while being another appointee by the mayor and  
21 at the service of the police department is another key  
22 evidence of the lack of independence and a conflict of  
23 interest. How simple can that be? I am not the only one  
24 gravely concerned about the Chairperson of this Board's  
25 continually aligning himself with the police department.

1 Even in his words, using words, such as our union  
2 leaders. In regards to the budget presentation, it is  
3 appropriate and decent to hear the dissenting point of  
4 view. And yes, again, the Supreme Court not only allows  
5 it but make space for the dissenting point of view. On  
6 the topic of human trafficking, yes, it's a serious  
7 issue, but commissioners, you are representing citizens  
8 to address police misconduct, not criminal crime  
9 prevention and investigation. By using the vast majority  
10 of these meetings time far away from police misconduct  
11 gives police officers the green light, the go-ahead to  
12 mistreat citizens whenever and however, they please. The  
13 police involvement in the illegal evictions, use of force  
14 are the topics needed to consume the majority of this  
15 Board's attention, but no, not this meeting says Chairman  
16 Bell.

17 MR. ROB BROWN: Miss Michelle George.

18 MS GEORGE: Yes. Can you hear me, Mr. Brown?

19 MR. ROB BROWN: Yes, ma'am.

20 MS GEORGE: Okay, sir. Thank you, Mr. Brown. To  
21 Chairman Bell and this Board, one of the reasons you're  
22 having so many problems is because things are not being  
23 done, right? If you need a legal opinion, you need an  
24 attorney. The city council spent \$200,000 on Detroit. "We  
25 will Breathe" for a frivolous lawsuit dealing with the

1 protesting after the lynching of George Floyd. So the  
2 spirit of corruption will affect this Board, like the  
3 microphone won't work or whatever, that's what will  
4 happen. So I will commend you to do the right thing.  
5 Commissioner Jones, I do understand. I have posted about  
6 the children, but this is the issue. Black children do  
7 not get the same attention as white children. When it  
8 comes to missing children. This is about to be a national  
9 story on the missing girls.

10 MS GEORGE: And there have been a couple of white  
11 girls. It doesn't matter what race. They're children,  
12 whether they're black or white. So the Michigan State  
13 police just arrested a kidnapping suspect a week ago  
14 through that rolling roadblock pin, when suspects to  
15 avoid suspects, roughly. Well, they were from another  
16 State in a kidnapping charge, something that's happening  
17 to our young girls, black and white, the majority of them  
18 are black. We see the disparities are about to make  
19 national news. It's about to get on MSNBC and CNN. So we  
20 get so complicit in it. Commissioner Holt is right and we  
21 just did a workshop on it and it stated that black girls,  
22 64% are black, 84% are white males. But even if it's not,  
23 it could be a serial killer. If it was any of our  
24 children, our daughters, our nieces and nephews, we would  
25 speak up, but it's okay because God is going to deal

1 with, it's going to make national news every day, like  
2 commissioner Brown said, these girls are missing and it's  
3 a sin that nobody won't deal with it. I wrote a letter to  
4 the mayor and Chief Craig, but it's about to make  
5 national news. I'm telling you that we have to deal with  
6 that. And we got to find a way to do a press conference.  
7 Thank you very much.

8 MR. ROB BROWN: Miss Cindy Darrah.

9 MS. DARRAH: Yes. I wanted to forward the copy of  
10 your, meetings today, and I particularly wanted - if I  
11 could get the whole video recording because I know zoom.  
12 So if you could either do that or do that sound  
13 recording, it'd be okay. But zoom is better. Although I  
14 couldn't always tell who was talking by looking at zoom  
15 because some of the people are frozen anyway, and not all  
16 the people are there. So I can't really see what  
17 everybody was saying. But I would like to say that it was  
18 interesting to hear this attorney tell you how to do it.  
19 And there are many things I'd like to change. The idea  
20 that they don't have to have anything about your  
21 discussions in the minutes and all you have to do is to  
22 record whether you've got a quorum and anything that was  
23 voted on, but you don't have to hardly put nothing in the  
24 minutes if you don't want to.

25 MS. DARRAH: Well, I want to see your meanings

1 broadcast, and put up just like the city council where  
2 you put them, archive them and people can go back and  
3 listen to them. And then, I mean this whole thing you  
4 know, Benson's talking about making government  
5 transparent. Well, you know, you can pretend to use that  
6 word, but it's really not. And I'd like to see that  
7 police manual that the officer referred to, where you  
8 guys can't see a police manual. Is that up on the website  
9 where we can find that police manual and study it, we  
10 might want to recommend changes to that manual. So that  
11 should be public too. These are public officers, right?  
12 There are supposed to be our public protection officers  
13 and there's no reason to have things secret. So I'd like  
14 to see how much of that - could I get the recording of at  
15 least what that attorney said? Because I could

16 MR. ROB BROWN: Mr. Chair that was your last speaker.

17 COMMISSIONER JONES: Like to make a motion to  
18 adjourn.

19 COMMISSIONER BERNARD: So moved. Second.

20 COMMISSIONER HERNANDEZ: Support.

21 COMMISSIONER BERNARD: I said second.

22 MRS. WHITE: Mr. Chair.

23 COMMISSIONER JONES: Chair.

24 COMMISSIONER DAVIS: He's muted.

25 MRS. WHITE: Your microphone is muted, sir.



1 COMMISSIONER HOLLEY: I'll carry the motion.

2 COMMISSIONER BURCH: Goodnight.

3 COMMISSIONER BERNARD: Goodnight.

4 COMMISSIONER JONES: The motion has been properly  
5 moved and supported.

6 COMMISSIONER BROWN: I'm not the Chairman, sir.

7 COMMISSIONER DAVIS: He thinks he is.

8 COMMISSIONER BURCH: He said aye.

9 MRS. WHITE: Okay. All in favor.

10 ALL: Aye.

11 MRS. WHITE: Okay. Thank you.

12

13 (Meeting Adjourned 5:47p.m.)

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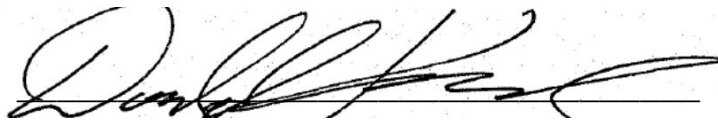
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1 STATE OF MICHIGAN )  
 )  
2 COUNTY OF WAYNE )

3 RECORDER'S CERTIFICATE AND NOTARIZATION

4 I, Donald Handyside, Court Recorder, do  
5 hereby certify that on March 18, 2021, at 3:00 p.m.,  
6 I did record the Detroit BOPC meeting, the same  
7 being later reduced to typewriting and that the  
8 foregoing is a true and accurate transcription of  
9 said electronic recording taken at such time and  
10 place.

11 I further certify that I am not related to  
12 or employed by any party of this cause or their  
13 respective counsel.



14 DONALD HANDYSIDE (CER 1464)

15 Notary Public

16 My Commission Expires: 5/6/2020

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