

**Draft Minutes Detroit Board of Police Commissioners
Date of Meeting: Thursday, June 11, 2020 – 3:00 PM
Location: Zoom Virtual Meeting Platform**

BOPC Chairperson Lisa Carter called the BOPC Board Meeting to order at 3:00 PM (June 11, 2020)

Detroit Board of Police Commissioners' Membership / Attendance	Attend	Not-Attend
Lisa Carter, Chairperson	Yes	
Annie Mae Holt, Vice-Chairperson	Yes	
Willie E. Bell	Yes	
Elizabeth Brooks	Yes	
Darryl D. Brown	Yes	
Shirley A. Burch	Yes	
Willie E. Burton	Yes	
William M. Davis	Yes	
Evette Griffie	Yes	
Jesus Hernandez	Yes	
Jim Holley	Yes	
Quorum (Yes)	11	

The Board acting in accordance with its rules approved the Agenda for Thursday, June 11, 2020.

The Board acting in accordance with its rules approved the following Board Minutes: Thursday, June 4, 2020

Chairperson Carter stated, “Good afternoon. I am Police Commissioner Lisa Carter, Chairperson of the Board. I will be conducting this afternoon’s virtual meeting. On behalf of the Board, for those in attendance and viewing this meeting on your government cable channel, thank you for joining our meeting.

Today, we have invited Chaplain Ray Anderson to provide the invocation.

INVOCATION: Chaplain Ray Anderson

The Board considered the following Business Items:

- Approval of the Agenda
- Approval of Minutes for June 4, 2020
- Introduction of BOPC Staff
- Introduction of Chief of Police and DPD Staff
- Introduction of Elected Officials, VIPs, civic leaders or their representatives

Again, thank you for joining us this afternoon for our Virtual Board Meeting. Commissioner Davis represents the Second Precinct. I would ask for a warm greeting from Commissioner Davis at this time. Recognizing the value and importance of community involvement and participation toward enhancing our police-community relations and making our communities safer, I would like to recognize the 2nd Precinct’s Police Community Council President Fredia Butler. We thank you for attending. I would also like to extend the Board’s deepest sympathy on the loss of Mr. Tom Wilson, former Vice-President of the 2nd Precinct’s Police Community Council, who was one of many lost due to the COVID-19. We continue to send our prayers to his family.

Chairperson’s Report: **Chairperson Lisa Carter** stated, “As a reminder, please adhere to the Board’s policies and Zoom policies of using this forum appropriately. By attending the Board’s Meeting and participating on the Zoom platform, you have agreed to uphold all policies and procedures with respect to decorum and professionalism.

Under the Zoom terms of services, provision 3(d)(vi) cites that one is prohibited from using the service in a way that is harassing, libelous, threatening, obscene, indecent, or the like. Thus, no participant in a BOPC meeting will be allowed to harass or threaten any member of the Board, the Detroit Police Department, nor any person.

Legally, the Board can impose content-neutral restrictions on speech. In a seminal case, *Gault v. City of Battle Creek*, 73 F. Supp. 2d 811 (1999), the court stated, “While citizens have an enormous First Amendment interest in directing speech about public issue to those who govern their city, a city commission, a meeting is still a governmental process with a governmental purpose that has an agenda to be addressed and dealt with.” Thus, any remarks made in contradiction to the Board’s Bylaws and guidelines runs afoul of the governmental purpose of the Board and will be resolved accordingly.

Moreover, in another germane case, *Tracer v. City of Allen Park*, 2015 U.S. Dist. LEXIS 105002 (2015), the Court stated a Free Speech claim under the First Amendment is subject to a three-step analysis: 1. Whether the First Amendment protects the plaintiff’s speech. 2. Determining the nature of the forum because the extent to which the government may limit access depends on whether the forum is public or nonpublic, and 3. Assess whether the justifications for exclusion from the relevant forum satisfy the requisite standard.

The BOPC meetings are generally viewed as a Limited Designated Public Forum that allows for reasonable time, place, and manner regulations. Under the Limited Designated Public Forum, government regulation of speech-related activities shall be: 1. View-Point Neutral and 2. Reasonably related to a legitimate government interest.

Thus, the Board’s existing regulation of prohibiting the discussion and use of politics during the Board’s Meetings is within the Board’s power to enact based on the Open Meetings Act MCL 15.263(5), which states, “A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body.” The BOPC Bylaws, Article XII on Conduct of Meetings prohibits the BOPC meetings to be used as a forum for politics or a forum to disclose personal, confidential, and sensitive information against another. We remind you to adhere to the BOPC Bylaws, Zooms Terms of Service, and all appropriate laws and ordinances to maintain a professional business meeting. Failure to adhere to the policies will result in dismissal from the Board’s Meeting.

Chairperson’s Report: **Chairperson Lisa Carter** stated, “At this time, I would like to have a moment of silence for the life and legacy of Mr. George Floyd who has provided hope and positive change toward police reform and the end of police brutality. Later, we will have a resolution honoring his life and the positive impact that he has made.

As an independent oversight agency, the Board has the broad responsibility to protect the citizens, their constitutional rights, and create policies that mandate fairness, procedural justice, and humane treatment for all. Most importantly, the Board works every single day to eliminate police misconduct, discriminatory police practices, and unnecessary and excessive use of force by police mandated by the City Charter. The Board believes in transparency, community input, and accountability of the police department. And as a civilian oversight agency, we protect the rights of citizens, victims, and the community and we safeguard the City. Our objective is to ensure the safety and protection for everyone. Since 1974, nearly (5) decades, the Board has worked toward ensuring transparency and accountability within the Detroit Police Department and building public trust in policing here in the City of Detroit. Our Board has robust supervisory control and oversight responsibilities that includes, but is not limited to, investigating non-criminal alleged police misconduct, monitoring Department operations, working with the Mayor and the Chief of Police to establish police policies, rules, and regulations, and acting as the final authority on all disciplinary matters to name a few of those responsibilities. The Board of Police Commissioners meets every week except for the Thanksgiving and Christmas holiday periods. Typically, we meet at Police Headquarters every Thursday at 3:00 p.m. except every 2nd Thursday of the month when we meet in the community at 6:30 p.m. However, as indicated before, we will hold virtual meetings every Thursday at 3:00 p.m. until further notice.

I invite you to revisit former President Barack Obama’s President’s Task Force on 21st Century Policing that says, ‘Trust between law enforcement agencies and the people they protect and serve is essential in a democracy. It is key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services.’ I would add to this, “The preservation of life and dignity in all police encounters is paramount.’ We are reminded of the critical importance to continuously review, monitor, evaluate, and update our police departments and its operations toward effective, constitutional, and lawful 21st Century Policing. The Board has always promoted the recommendations and pillars outlined within the Task Force Report, especially the following: Pillar One: Building Trust and Legitimacy; Pillar Two: Policy Oversight; Pillar Four: Community Policing & Crime Reduction; and Pillar Five: Training & Education; and all other pillars.

In our role as one of the oldest independent oversight agencies in the country, we continue to reemphasize to the community that we are here for you. We do not condone excessive use or illegal use of deadly force. We do not condone excessive use or unwarranted use of physical force. And we encourage and mandate officers to adhere to the laws, remain vigilant, proactive, and to intervene and report when they see police misconduct.

Please note the Board continues to accept citizen's feedback by telephone, email, fax, and mailing and will respond accordingly. The telephone numbers to the Board's Office is (313) 596-1830 and the Office of the Chief Investigator's number is (313) 596-2499 should you like to file a citizen's complaint regarding alleged police misconduct.

Chairperson's Report: Chairperson Lisa Carter stated, "As we do every week, on behalf of the Board, I want to express the Board's concern and support for fallen and injured officers and their families. Officers' safety and citizens' protection are two of the most important priorities of the Board. Our Board receives a weekly report from the Department listing injured officers, and I ask that Deputy Chief Charles Fitzgerald provide us with any updates during his report. Commissioners, there are several important items for your consideration and information in your board packet emailed to you on Tuesday of this week and in your packet today.

Resolutions: Today, we have two resolutions: (1) Resolution in support of Lasting Equality and Justice in America inspired by George Floyd; and (2) Resolution Honoring Corporal Waldis Johnson and his service to the DPD and the community. Chief's Report, from the Chief's Office, I am requesting updates on city-wide crime statistics; and any other critical issues or incidents facing the Police Department and the community. I am also requesting updates on the following:

- Updates on the recent meeting with advocates and protesters regarding demands for police reform;
- Arrest and citation data amid protests and COVID-19;
- COVID-19 Updates;
- critical incidents impacting the Department; and
- Any other important items impacting the Department.

Presentations: Today, we will have (2) two presentations – Human Resources Presentation by Lieutenant James Coles, Second Precinct by Commander Brian Mounsey and Captain Michael Chambers. Interim Secretary to the Board's Report: Our Interim Board Secretary, Ms. White will also provide us with various updates and incoming weekly correspondence. Under Unfinished Business: We will discuss the Board's Policy Revisions on the Department's Use of Force Policy 304.2 presented by Commissioner Evette Griffie and Ms. White, Interim Secretary to the Board. I will ask for a vote at the appropriate time. Closed Session: Also, today, we have a closed session where we will discuss two matters: DPD Towing Matters and Applicant Appeal, Mr. Cecil Coston. We have arranged our agenda to include Public Comments first so that members from the audience have an opportunity to speak prior to convening the Closed Session.

Lastly, I want to announce a few reminders for today: Upcoming Board Elections: Commissioners, Article IV of the BOPC Bylaws governs the Officers of the Board, including the Nomination Process for the Election, and Duties of the Officers. Section 2 entitled, "Election of Officers and Terms" states in relevant part, "The Members may elect officers annually from its membership by majority vote. The term of office is for one year or until the successor has been elected." Further, "New offices may be created and filled at any meeting of the Board. Except as otherwise provided, each officer will hold office until such officer's successor is duly elected."

Please note the following information for the Nominations Process under Section 3 of the Board's Bylaws: A. Any Board Member who is eligible to serve may self-nominate or be nominated by a fellow Member. A Member need not be present to be nominated, provided they have previously indicated their willingness to serve. B. It is the responsibility of the candidate to inform the Board Members of his or her intention to run for office. C. Once the Chair opens the nominations process, nominations may also be taken from the floor. Nominations do not need a second. Members who are nominated from the floor may decline or accept the nomination, but must do so on record. The Chair will need a motion and a second to close the nomination. Section 4. Voting states that a quorum is required for voting. Only members present are eligible to vote and any member may vote for him or herself. Please see Section 6(b) – Duties of Officers for more details on office requirements."

We will have Board Elections today. Please adhere to the Bylaws and Robert's Rules of Order. Census Bureau Reminders: I would also like to remind everyone to complete the Census Bureau questionnaire if you have not already completed the form. Public Comments: Please note a few housekeeping rules. We have distributed instructions on how to access the Virtual Meeting and information on participating during the Public Comments' section of the agenda. Please note the following:

- Upon joining the meeting, participants will join the meeting muted.
- Please do not start your video unless invited to do so by the host.
- Video or images deemed inappropriate by the Chair will result in your dismissal from the meeting.
- To make a public comment, please complete the Smartsheet form referenced on the Board's Agenda.
- You may raise your hand by clicking on Participants in the attendee controls at the bottom of your computer screen (you will then see "Raise Hand" at the bottom of the participants' list).
- Or you may dial *9 if you are participating by mobile device.

You may use any one of these options by 4:00 p.m. to be acknowledged for public comment.

Again, if participants would like to make a public comment, please complete the Smartsheet form referenced on the Board's Agenda. Or you may raise your hand by clicking on Participants in the attendee controls at the bottom of your computer screen (you will then see "Raise Hand" at the bottom of the participants' list). Or you may dial *9 if you are participating by mobile device. You may utilize any of these options by 4:00 p.m. to be acknowledged for public comment. Please also note video or images deemed inappropriate by the Chair will result in your dismissal from the meeting.

During the public comments' section of the agenda, each speaker will have two (2) minutes to speak. Mr. Brown will acknowledge each speaker. We ask that you remain respectful and professional and refrain from violating the Board's Bylaws, Zoom's Terms of Service, and other relevant laws and ordinances. Please note these reminders are posted to the Board's Meeting announcements as well as the message board highlighted in the Waiting Room. Again, failure to adhere to the Board's or Zoom's policies and guidelines will result in your dismissal from the meeting. At this time, please silence your cell phones, other electronic devices and other background sounds to prevent interrupting the meeting. Finally, in the spirit of effective communication, please treat each other respectfully and professionally. Commissioners, please be reminded not to speak until you are recognized by the Chairperson and address your comments to issues that are relevant to the agenda. My objective is to run an orderly meeting and conclude within a reasonable time. Thank you."

Resolution: Commissioner Shirley Burch Read the Resolution in Support of Lasting Equality and Justice in America Inspired by George Floyd.

Resolution in Support of Lasting Equality and Justice in America Inspired by George Floyd

Whereas, in Minneapolis on Memorial Day, Monday, May 25, 2020, Mr. George Floyd died from police brutality. Mr. Floyd was accused of using a counterfeit \$20 bill at a store. During the arrest, an officer put his knee on Mr. Floyd's neck and kept it there for almost nine minutes. Other police officers stood by and did not intervene, despite pleas of "I can't breathe" from Mr. Floyd and cries to stop from horrified onlookers; and

Whereas, Mr. Floyd became the latest black victim of police brutality and fatal encounters with police over minor offenses or – too often – absolutely no offense other than having black or brown skin. Mr. Floyd's murder sparked new outrage at a time when America also was seeing increases in social bias and injustice resulting from calls to 911 or white vigilante and terrorism actions when people of color engage in everyday life activity, like getting coffee, jogging, birdwatching, barbecuing, or studying; and

Whereas, peaceful protests held in Detroit and around the world amid a deadly global pandemic show that people will risk their lives for justice and to get immediate change now. The surrounding circumstances of Mr. George Floyd's death has led to various measures, including policy revisions, legislative efforts, and police training updates, being implemented around the country; therefore be it

Resolved, the Detroit Board of Police Commissioners will review and enhance policies and practices by DPD around de-escalation, intervention in uses of force, and requirements to report threats to use force; and be it further

Resolved, the Board of Police Commissioners affirms its support of systemic changes in America that ensure an end to police brutality, social injustice, and inequality anywhere. The Board joins with Detroiters and people of goodwill everywhere in this new era of civil rights and will work collaboratively and steadily for lasting equality and justice in America.

Chairperson Carter recognized **Vice-Chairperson Holt**. **Vice-Chairperson Holt** moved to accept the resolution in support of lasting equality and justice in America inspired by George Floyd. **Commissioner Holley** seconded. Discussion.

Motion: Vice-Chairperson Holt **Second:** Commissioner Holley Discussion.

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

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

Election Results:

Chairperson of the Board of Police Commissioners 2020-2021.

Commissioner Willie Bell, Chairperson-Elect: Six (6) Votes

Yes Votes: Chairperson Carter, Vice-Chairperson Holt, Commissioner Bell, Commissioner Brooks, Commissioner Griffie, and Commissioner Hernandez

Commissioner Darryl Brown:

Yes Votes: Commissioner Brown, Commissioner Burch, Commissioner Burton, Commissioner Davis, and Commissioner Holley

VOTE: Commissioner Bell = 6 Yes Votes Commissioner Brown = 5 Yes Votes

Election Results:

Vice-Chairperson of the Board of Police Commissioners 2020-2021

Commissioner Annie Holt as Vice Chairperson-Elect: Six (6) Votes

Yes: Chairperson Carter, Vice-Chairperson Holt, Commissioner Bell, Commissioner Brooks, Commissioner Griffie, and Commissioner Hernandez

Commissioner William Davis:

Yes Votes: Commissioner Brown, Commissioner Burch, Commissioner Burton, Commissioner Davis, and Commissioner Holley

VOTE: Commissioner Annie Mae Holt = 6 Yes Votes Commissioner William Davis = 5 Yes Votes

Resolution: Vice-Chairperson Annie Holt read resolution honoring Corporal Waldis Johnson (Posthumously).

**RESOLUTION HONORING
CORPORAL WALDIS JOHNSON
POSTHUMOUSLY**

WHEREAS Waldis Johnson was appointed to the Detroit Police Department on August 23, 2004. Upon graduating from the Detroit Metropolitan Police Academy, Officer Johnson began his career at the Tactical Mobile Unit; and

WHEREAS Officer Johnson dutifully served the Tactical Mobile Unit, Southwestern District, and Second Precinct. Police Officer Johnson displayed tremendous diligence and aptitude in his assignments. He was promoted to the rank of Corporal on August 23, 2019. On Sunday, May 31, 2020, Corporal Waldis Johnson, Badge 2591, who had sustained injuries in the line of duty, passed away; and

WHEREAS During his law enforcement career, Corporal Johnson was the deserving recipient of a Chief's Citation, the Aretha Franklin Funeral Recognition Award, the Ford Fireworks Award, the Major League Baseball All-Star Recognition Award, the Rosa Parks Funeral Recognition Award, the Super Bowl XL Recognition Award, and numerous letters of commendation from citizens and superiors; and

WHEREAS Corporal Johnson passionately served the Detroit Police Department and the citizens of Detroit. His professionalism, commitment to public service, integrity, and dedication were a credit to the Detroit Police Department. He was highly respected by his peers as a consummate professional.

**NOW, THEREFORE, BE IT
RESOLVED**

That the Detroit Board of Police Commissioners, speaking for the citizens of Detroit and the Detroit Police Department, awards this resolution posthumously in recognition of Corporal Waldis Johnson's 16 years of dedicated and diligent public service. His professionalism, integrity, and standard of commitment to the city of Detroit and its citizens merit our highest regards.

We salute you Corporal Waldis Johnson for a job well done.

Chairperson Carter recognized **Commissioner Griffie**. **Commissioner Griffie** moved to accept the resolution in honor of Corporal Waldis Johnson Posthumously. **Vice-Chairperson Holt** seconded. Discussion.

Motion: Commissioner Griffie **Second:** Vice Chairperson Holt Discussion.

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

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

Chief of Police Report: Chief of Police's Summary of CompStat Data and other Crime Information/DPD Information: Deputy Chief Charles Fitzgerald representing Chief of Police James E. Craig:

Deputy Chief Charles Fitzgerald reported on the following items: Officers Critically Injured in the Line of Duty; CompStat Crime and Statistical Data for the reporting period ending June 9, 2020; Department Efforts to combat the spread of COVID-19, and recent critical incidents impacting the Detroit Police Department and the community. **Deputy Chief Fitzgerald** also commended all DPD Members on behalf of Chief of Police James E. Craig in light of recent events and protests, and shared that no arrests had occurred in over (8) days. **Deputy Chief Fitzgerald** also gave special thanks to the volunteers, including but not limited to the Ceasefire Teams and Community Activists. **Deputy Chief Fitzgerald** also shared information regarding Corporal Waldis Johnson's funeral, highlighting his service and commitment to the Department and the Community. **Deputy Chief Fitzgerald** also provided the following data information: (17) Members currently quarantined or isolated consisting of (5) civilians and (12) sworn members; (324) Members tested positive for COVID-19; (1165) Members have been returned back to full duty; Crime Data: Criminal Homicides 26% Increase; 43% Increase Nonfatal Shootings; Aggravated Assaults, 6% increase; and 16% percent decrease in Part I Property Crime.

Commissioner Holley asked whether the Department has a contingency plan based on civil unrests. Commissioner Holley also asked Chairperson Carter whether the Board would be involved in the City's Upcoming Press Conferences on Police Reform. **Commissioner Burch** asked about the tactics and tools the Department uses during protests. **Commissioner Burch** also reiterated whether the Board would be involved in upcoming press conferences on police reform. Commissioner Burch also asked whether there are enough police members to maintain the neighborhoods regarding reckless speeding, erratic driving behaviors, and other criminal activities. **Commissioner Bell** commended Chief of Police James E. Craig, the Department's Executive Team, and the Department based on their leadership and managing of the protests and events. **Commissioner Burton** inquired about how much of the city's budget is allotted to military-grade equipment (i.e. tear gas, use of military armor vehicles, bean bags, flash beans) based on the \$400M Department Budget; and the type of military equipment the Department has currently within its inventory. **Vice-Chairperson Commissioner Holt** inquired about additional Department vehicles used during the Department's recent Memorial Service.

PRESENTATIONS TO THE BOARD: (A) Second Precinct Presentation: PowerPoint Presentation Commander Brian Mounsey and Captain Michael Chambers
(B) Human Resources' Report: Lieutenant James Coles representing Dr. Marcella Anderson, Director of Police Personnel

- A. Second Precinct Presentation: Commander Brian Mounsey and Captain Michael Chambers** reported on overall crime within the Second Precinct, continued enforcement efforts, special initiatives including partnerships and other specialized precinct crime-reduction efforts. Crime statistics and strategies used to reduce crime within the Second Precinct. **Captain Michael Chambers** provided an overview of the precinct boundaries, city council districts, and precinct populations; personnel demographics, community organizations and partnerships. Crime Statistics YTD in comparison to the previous year's crime statistics citing an increase of 2% in all Part I Violent Crime compared to 13-14% increase

from the past two (2) years; March; Special Attention Runs; trends of increase in non-fatal shootings based on motives of drug or narcotic nexus, and the prevalence of firearms on the streets. **Chairperson Carter** recognized **Commissioner Burch** reiterated the urgency to remove the firearms from the streets and the critical need to reduce speeding within the neighborhoods. **Vice-Chairperson Holt** asked about the Second Precinct resuming their Precinct Community Relations' Meeting. **Commissioner Burch** briefly discussed the "Love Where You Live" signs.

- B. Human Resources' Report: Lieutenant James Coles in the stead for Dr. Marcella Anderson, Director of Police Personnel,** provided a summary of activities and statistical data during the month of May 2020, including current department staffing, Detroit residency information, and additional detailed information. Report on file with the Board of Police Commissioners.

Commissioner Davis asked about the number of officers who reside outside of the City of Detroit. **Vice-Chairperson Holt** asked whether the Department was monitoring the new recruit efforts to remain on the Department and whether a legal agreement would be enforceable to retain Department new recruits. **Commissioner Griffie** discussed the Board's efforts to support state legislation to ensure that greater retention and reduction of attrition rates. **Commissioner Griffie** also discussed recommendations for the Department to consider implementing sensitivity training programs for new recruits, particularly non-City residents, to educate officers on community-policing and effective 21st Century Police Initiatives; citing Camden New Jersey Police Department's nationally recognized Model Program for new recruits and community policing, to mandate as part of the new recruit training in addition to de-escalation training and other measures. **Commissioner Brown** discussed the "Park and Knock" efforts previously observed during a previous NACOLE Annual Conference that provides officers the opportunity to learn more about the neighborhood in which they patrol. **Commissioner Brown** also inquired about the Human Resources' Report numbers associated with the categories of lack of interest especially related to minority groups based on candidate numbers, misdemeanors, agility score issues, insufficient integrity and immaturity categories, and additional categories, recommending that guidelines and criteria be in place before final decisions are made. **Commissioner Burton** inquired about the postings for the positions of Secretary to the Board and Chief Investigator.

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

1. DPD Facial Recognition Report #31
2. Community Letters Calling for Immediate Police Reform
3. Correspondence from Bertram Johnson Follow-up Information from DTA Presentation
4. Letter from Sudnick Law Re: Sensitive Information 6/4/20

Unfinished Business.

BOPC Use of Force Policy Recommendations:

Chairperson Carter recognized **Commissioner Griffie**. **Commissioner Evette Griffie** and Melanie White, Interim Secretary to the Board presented on the Board's policy recommendations for the Department's Use of Force 304.2 Policy Directive. The Board's recommendations were based on the motion previously made by **Commissioner Griffie** on June 4, 2020, mandating the Department to revise its Department Manual Directive System to accomplish the following: 1. Require De-escalation Continuum as part of the Department's Use of Force Policy; 2. Require Intervention Measures to intervene immediately when police utilize inappropriate, unwarranted force; and 3. Extend Reporting Measures When Officers Threaten to Utilize Weapon. In summary, **Commissioner Griffie** presented the following Board Policy Recommendations for the Use of Force Manual Directive:

1. Ban Neckholds (i.e. all forms of chokeholds)
2. Require De-escalation Continuum and Add Definitional Term
3. Add Requirement of Use Minimal Reliance on Force
4. Require Reporting Measures for Threatened Use of a Weapon and Assign the Standard for Use and other Reportable Uses of Force
5. Prohibit Firing at a Moving Vehicle Unless Deadly Force is used against the Member
6. Prohibit Retaliatory and Punitive Uses of Force against Subjects / Civilians / Arrestees
7. Require Duty to Intervene / Intercede and Report

8. Include Vulnerable Populations Consideration
9. Require Continual Scenario Based Training
10. Prohibit Retaliation for Reporting Misconduct and Cooperating with an Investigation
11. Reemphasize and add Procedure: Members Responsibility
12. Require Monitoring and Evaluating How Police Use Force and Proactively Hold Officers Accountable for Excessive Force
13. Mandate Duty to Prevent Excessive Use of Force through Early Intervention
14. Add Data Collection and Analysis
15. Add Member Responsibility and Compliance
16. Add Requirement to Report to National and State Use of Force Data Collection and to the BOPC for proper oversight measures.
17. Expand Graham v. Connor Standard to Include Moments Leading to Use of Force to Include Moments Leading to Use of Force Decision
18. Require Duty to Prevent Excessive Use of Force Through Early Intervention
19. Prohibit Firing at a Moving Vehicle

Chairperson Carter recognized Vice-Chairperson Holt. **Vice-Chairperson Holt** asked about several of the pending revisions and the specific rationales based on existing language within the Department Manual Directive System. **Commissioner Holley** highlighted work efforts into the policy proposals, reemphasizing the proposed language.

Motion: Commissioner Holley moved to accept the recommendations by Commissioner Griffie on the BOPC Policy Revision for the DPD's Use of Force Policy Manual Directive 304.2. Discussion.

Motion: Commissioner Holley **Second:** Commissioner Bell Discussion.

Yes: Vice-Chairperson Holt, Commissioner Bell, Commissioner Brooks, Commissioner Burch, Commissioner Davis, Commissioner Griffie, and Commissioner Hernandez and Commissioner Holley

Nay: None.

Abstain: Commissioner Brown and Commissioner Burton

VOTE: Yes = 8 No = 0 Abstain = 2 **Motion: PASSED**

- I. **Motion: Commissioner Burton moved to prohibit the DPD from participating in the 1033 Program with the Department of Defense.**

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

Yes: Commissioner Burton and Commissioner Davis

Nay: Chairperson Carter, Commissioner Bell, Commissioner Brooks, Commissioner Griffie, Commissioner Hernandez, Commissioner Holley

Abstain: Commissioner Burch, Commissioner Brown

VOTE: Yes = 2 No = 6 Abstain = 2 **Motion: FAILED**

- II. **Motion: Commissioner Burton moved that the BOPC Draft a Resolution that the Mayor and Chief of Police vacate all citations issued from violating this past week's curfew.**

Motion: Commissioner Burton **Second:** None **Motion: FAILED.**

- III. **Motion: Commissioner Burton moved to Ban the DPD from using Facial Recognition for one (1) year due to everyone with a baseball cap and a surgical mask looking alike.**

Motion: Commissioner Burton **Second:** Commissioner Davis **Motion Ruled: Out of Order.**

IV. Motion: Commissioner Burton moved that the DPD Use of Force Guidelines be amended to Prohibit uses of Chokehold, Closed Fist, Punches and Flash Bang against Civilians.

Motion: Commissioner Burton **Second:** Commissioner Davis Motion Ruled: Out of Order.

V. Motion: Commissioner Burton moved that the DPD be ordered to stop the use of Flash Bang Grenade, like Tear Gas against Civilians.

Motion: Commissioner Burton **Second:** Commissioner Davis Motion: **FAILED.**

Yes: Commissioner Brown, Commissioner Burton and Commissioner Davis

Nay: Vice-Chairperson Holt, Commissioner Bell, Commissioner Brooks, Commissioner Burch, Commissioner Griffie, Commissioner Hernandez, and Commissioner Holley

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

Announcements: Chairperson Carter announced the following:

- A. Next Meeting:** Thursday, June 18, 2020, at 3:00 p.m., BOPC Virtual Meeting
- B. Next Community Meeting:** Thursday, July 9, 2020, at 3:00 p.m., BOPC Virtual Meeting

Oral Communications/Public Comments:

Minster Eric Blount mentioned IBM and Amazon and their discontinued use of Facial Recognition; demanded Mayor or Deputy Mayor withdraw from contract negotiations citing minimal exceptions. **Ms. Alex Haimbaugh** inquired about the cost of the DPD Helicopter and its operating cost. **Mr. Noah Greco** disagreed with the Department's use of tear gas against citizens exercising their rights. **Ms. Laura Walker** shared recommendations for environmental design and opportunities to reinvest in the community. **Ms. Morgan Fett** requested a report for the type of surveillance used on peaceful protestors. **Ms. Joann Warrick** urged a ban on the use of tear gas. **Ms. Erin Dwyer** requested that all charges against protestors are released, and urged the discontinued use of tear gas and rubber bullets. **Ms. Tawana Petty** discouraged the Board from electing a prior DPD member. **Mr. Arthur Boman III** urged a ban on the use of facial recognition. **Ms. Fredia Butler** commented on Sergeant Dwayne Jones's promotion. **Ms. Kathy Montgomery** commented on the appeal of Sergeant Dwayne Jones's promotion. **Ms. Gabriela Alcazar** requested the Board to ban the use of tear gas, rubber bullets and requested that charges be released against peaceful protestors. **Ms. Sharon Parnell** spoke of DPD assisting the seniors. **Ms. Liza Bielby** condemned the use of tear gas, rubber bullets, and surveillance.

New Business.

Captain Michael Parish, DPD Tow Monitor, Management Services Bureau, reported updates on various tow-related items including the following: 1. Request for Termination of Permit of V&F Collision Inc., regarding violations of the Department's Manual and the Board's Tow Rules regarding the following rules: 1. equity and the distribution of tows; 2. tower's duties to avoid misconduct; and 3. tower's duty to cooperate with investigations addressed by the Tow Monitor regarding actions by Officer Jason Tonti and V&F Collision, Inc.. Captain Parish also presented an update on Red's Inc. open investigation.

Motion: Commissioner Bell moved that the Board of Police Commissioners' postpone the matter involving V&F Collision, Inc. for one week pending the recommendation by the Board's Attorney recommendation:

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

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

Motion: Commissioner Bell moved to accept Captain Michael Parish's recommendation to suspend Red's Inc. only if BSEED issues a closure order and to bring the matter back within one week to provide a full hearing on the matter.

Adjournment:

Chairperson Carter recognized Commissioner Bell. **Commissioner Bell** moved for adjournment.

Motion: Commissioner Bell

Second: Commissioner Brown

Discussion.

VOTE:

Yes = 8

No = 0

Motion: PASSED

Chairperson Carter adjourned the meeting at 6:51 pm.