

Draft Minutes Detroit Board of Police Commissioners
Date of Meeting: Thursday, June 4, 2020 – 3:00 PM
Location: Zoom Virtual Meeting Platform

BOPC Vice-Chairperson Annie Holt called the BOPC Board Meeting to order at 3:00 PM (June 4, 2020)

Detroit Board of Police Commissioners' Membership / Attendance	Attend	Not-Attend
Lisa Carter, Chairperson	Excused	
Annie Mae Holt, Vice-Chairperson	Yes	
Willie E. Bell	Yes	
Elizabeth Brooks	Yes	
Darryl D. Brown	Yes	
Shirley A. Burch	Excused	
Willie E. Burton	Yes	
William M. Davis	Yes	
Evette Griffie	Yes	
Jesus Hernandez	Yes	
Jim Holley	Yes	
Quorum (Yes)	9	

The Board acting in accordance with its rules approved the Agenda for Thursday, June 4, 2020.

The Board acting in accordance with its rules approved the following Board Minutes: Thursday, May 28, 2020

Chairperson Holt stated, “Good afternoon. I am Police Commissioner Annie Holt, Chairperson of the Board in the stead of Chairperson Lisa Carter. 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.

Commissioner Shirley Burch has asked to be excused from today’s meeting. Today, we have invited Chaplain Stanley Mobley to provide the invocation.

INVOCATION: Commissioner Willie Bell

The Board considered the following Business Items:

- Approval of the Agenda
- Approval of Minutes for May 28, 2020
- Introduction of BOPC Staff
- Introduction of Chief of Police and DPD Staff
- Introduction of Elected Officials, VIPs, civic leaders or their representatives

We are experiencing a revolutionary time within American History toward improving systemic racism involving African Americans and people of color, police-community relations, and demanding humane treatment for all. As I stated previously, “The Detroit Board of Police Commissioners wants to reassure the public, especially our city’s young people, that we hear you. We are listening. We are here to work with you. Only by working collaboratively and consistently can Detroit and this nation get it right. Again, on behalf of the Board, I urge everyone to come together and work for both rapid and lasting solutions using peaceful protest, strategic change, and public policy that ends the racism at the root of police brutality and at the root of social injustices against people of color.” And we have seen that as a result of these efforts, we have accomplished major victory in the past few days.

I would like to take this time to reemphasize the role of Civilian Oversight and the work that the Board has been doing since 1974, nearly (5) decades, toward ensuring transparency and accountability within the Detroit Police Department and building public trust in policing here in the City of Detroit.

You might recall, that as a result of the racial injustices and unconstitutional police practices that was prevalent during the 1960s and 1970s, Mayor Coleman A. Young envisioned and voters approved a referendum in 1974 for an Independent Supervisory Oversight Board for the City of Detroit, the Detroit Board of Police Commissioners. Based on the voter-approved Detroit City Charter, Article 7, Chapter 8, the Board of Police Commissioners was and still is empowered with broad supervisory control and oversight of the Police Department. Our Board has robust supervisory 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.

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. 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."

While we are revisiting similar circumstances that we experienced in 2014 when the Task Force was originally implemented, 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 by encouraging police to adopt a guardian mentality instead of a warrior mentality to build trust by implementing procedural justice practices as a guiding principle; Pillar Two: Policy Oversight: which promotes updated use-of-force policies and procedures and changes to the law that mandate continuous training on the importance of the use of de-escalation and requirements for reporting measures; Policy Oversight that also evaluates measures that we as an Oversight Body can take to impact law enforcement reform; Pillar Four: Community Policing & Crime Reduction; and Pillar Five: Training & Education; promoting the need for appropriate, lawful, and modernized training for front-line officers and leaders to implement and enforce at all times.

In our role as one of the oldest independent oversight agencies in the country since 1974, 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 report when they see police misconduct.

Later, you will hear information about our Investigative Component of the Board, the Office of the Chief Investigator that again investigates alleged police misconduct every day, and you will also hear a second presentation on the Department's Disciplinary Unit that issues discipline when Department members are found to have committed a violation of Department Policy or Procedure. In summary, know that you have an oversight Board working on your behalf, working to thoroughly and objectively investigate your complaints and also monitor and evaluate Department operations. 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.

Continuation of Chairperson's Report: 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 First Assistant Chief Stair 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. Chief's Report, from the Chief's Office, I am requesting updates on the recent protests that occurred in the City and proactive measures the Department has taken during this time; 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: Recent Protests around the city; Any policy updates as a result of the recent fatal incident involving Mr. George Floyd such as emphasis on the Department's Use of Force Policies; Duty to Render Aid; Duty to Report Police Misconduct; Arrest and citation data during recent protests; COVID-19 Updates; critical incidents impacting the Department; and any other important items impacting the Department.

Presentations: Today, we will have (2) two presentations – Office of the Chief Investigator presented by Interim Chief Investigator Lawrence Akbar and Disciplinary Unit presented by Commander Michael McGinnis and Lieutenant Torres. Interim Secretary to the Board's Report: Our Interim Board Secretary, Ms. White will also provide us with various updates and incoming weekly correspondence.

Lastly, I want to announce a few reminders: 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 on Thursday, June 11, 2020, the second Thursday in June. Please plan to attend and cast your vote.

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 Smart sheet 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 Smart sheet 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 of 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. 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."

The Board held a moment of silence in recognition of the life and legacy for Police Officer Waldis J. Johnson who succumbed to a gunshot wound during the line of duty while responding to a domestic violence police run.

Chief of Police Report: Chief of Police's Summary of Comp Stat Data and other Crime Information/DPD Information: First Assistant Chief Lashinda Stair representing Chief of Police James E. Craig:

First Assistant Chief Stair reported on the following items: Officers Critically Injured in the Line of Duty; Comp Stat Crime and Statistical Data for the reporting period ending May 28, 2020; Department Efforts to combat the spread of COVID-19, and recent critical incidents impacting the Detroit Police Department and the community.

		Comp Stat Data Provided: (See Full Report in Packet) as of June 2, 2020					
Part I Violent Crimes:	Criminal Homicides:	Sexual Assaults:	Aggravated Assaults	Non-Fatal Shootings:	Robbery:	Carjacking:	Total:
Totals:	24% Increase	26% Decrease	8% Increase	34% Increase	4% Decrease	7% Decrease	4% Increase in Part I Violent Crimes
Part I Property Crimes	Burglary	Larceny	Auto-Theft				Total:
Totals:	25% Decrease	16% Decrease	5% Increase				14% Decrease

First Assistant Chief Stair discussed recent protests in the City of Detroit, arrests data during recent protests citing the following: 61 people arrested; 23 Detroiters, Friday, May 29, 2020; 83 people arrested; 21 Detroiters, Saturday, May 30, 2020; 108 people arrested; 28 Detroiters, Sunday, May 31, 2020; 40 people arrested; 16 Detroiters, Monday, June 1, 2020; 127 people arrested; 47 Detroiters, Tuesday, June 2, 2020. **First Assistant Chief Stair** also discussed the number of officers injured in the line of duty during the protests citing an officer who sustained injuries, a DPD Police Captain who was struck with a brick, an officer who sustained an abrasion, the vandalism of police signs, and vehicle property damage. **First Assistant Chief Stair** also discussed recent shooting incidents involving young community members. **First Assistant Chief Stair** also discussed updates regarding the Department's current quarantine numbers as a result of COVID-19: (25) Department Members are currently quarantined.

Chairperson Holt recognized Commissioner Davis. **Commissioner Davis** inquired about the policies regarding police detaining reporters and the policies surrounding officers and the Body-Worn Cameras (BWCs). **Commissioner Davis** also inquired about whether the DPD deployed rubber bullets, and whether the Department utilizes surveillance drones. **Commissioner Brown** offered his condolences to the Department and the family of Officer Waldis Johnson. **Commissioner Brown** also thanked the Department for their efforts during the recent protests in the City of Detroit. **Commissioner Brown** discussed ensuring vehicle fleet at the precincts and inquired about the status of Summer Youth Program Junior Police Program. **Commissioner Brown** also discussed the Department updating its Activation and Recall Plan to ensure sufficient vehicles are available for reassignments, the reassignment of officers, transporting officers, and the need to update policies and purchase more vehicles based on budgetary allowances. **Commissioner Bell** commended the Department on the strategies and tactics used to address the police protests eliminating the need for outside partnering law enforcement agencies assistance. **Commissioner Burton** asked whether there is Department policy for receiving military equipment from the federal government and whether the Department keeps inventory on the use of any military equipment (i.e. tanks, tear gas, stingray, or cellphone tracking devices) and general police equipment for each deployment. **Commissioner Davis** asked about the number of curfew tickets issued during the protest events and the cost associated with the citations. **Commissioner Griffie** inquired about arrest data information during the protests. **Commissioner Burton** inquired about the state residency of the number of persons arrested during the police protests.

PRESENTATIONS TO THE BOARD: (A) OCI Presentation, Interim Chief Investigator Lawrence Akbar

(B) Disciplinary Administration, Commander Michael McGinnis and Lieutenant Robert Torres

- A. OCI Presentation: Interim Chief Investigator Akbar reported on the following:** The Board's Office of the Chief Investigator's History and Purpose; methods of filing a complaint, OCI Case Statistics, Staff Updates and Work Status of OCI Personnel Amid COVID-19; and Updates on Resuming *Garrity* Interviews. **Chairperson Holt** recognized Commissioner Davis.

Commissioner Davis inquired about the OCI's continued use of the Zoom platform as an alternative to assist with OCI case processing. **Commissioner Davis** asked about the case review process and the Board's review. **Commissioner Burton** asked about alternative methods for filing a complaint with the OCI. **Commissioner Brown** asked whether the OCI has discussed the Zoom *Garrity* Interview Procedures with the Police Unions amid the COVID-19 pandemic.

- B. DPD Disciplinary Administration Unit, Commander Michael McGinnis and Lieutenant Robert Torres:** PowerPoint Presentation Available Online. Commander McGinnis and Lieutenant Torres discussed the mission of the Disciplinary Administration, duties, Misconduct Investigations (which include Command-level Investigations, Office of the Chief Investigator, Internal Affairs, and Force Investigations), Case Statistics for each entity for 2019 and 2020, brief overview of the Discipline Matrix (which include four major categories), Appeal Process, Summary of Disciplinary Administration, and Summary of Disciplinary Case Dispositions. **Commissioner Brown** asked whether officers should be allowed to take the promotional exam if they have disciplinary history at the time of the promotional exams. Commissioner Brown inquired about the Disciplinary Process amid Department Promotions.

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

1. DPD Facial Recognition Report #30
2. Project Green Light Report dated 6/1/20 Packet
3. Upcoming Oversight Forums and NACOLE Webinars
4. Transparency and accountability in NPO Program
5. Directive Discipline 102-4
6. BOPC Disciplinary Presentation Questions
7. Landmark Proposal for Federal Office to Regulate Facial Recognition Technologies
8. Community Letters concerning Police Brutality and Black Lives Matter (BLM)

Unfinished Business. None

New Business:

- I. **Motion to Revise the Department's Use of Force Policy Directive to require De-escalation Procedures, Require Officers to Intervene Immediately During Unauthorized or Inappropriate Excessive Use of Force, and Require Report Measures for an Officer's Threatened Use of a Weapon Against a Citizen and for the BOPC Policy Manager to Draft the recommendations in writing for a Board Vote:**

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

Yes: Commissioner Bell, Commissioner Brooks, Commissioner Brown, Commissioner Burton, Commissioner Davis, Commissioner Griffie, Commissioner Hernandez, and Commissioner Holley

Nay: None

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

Announcements: Chairperson Carter announced the following:

- A. **Next Meeting:** Thursday, June 11, 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:

Lieutenant Mark Young, President of the DPLSA commented that the Board of Police Commissioners should be proud of the men and women of DPD who have battled the COVID-19 pandemic and now a crisis. **Mr. Eric Blount** discussed his request for an updated list on disciplined officers, civilian oversight measures, and the urgent need for police reform. **Mr. Noah Greco** reiterated the demands of the protestors to defund and disarm the police department citing statistics, request to stop excessive use of force against political protestors, along with other measures used during the recent protests. **Mr. Franklin Long** cited his participation as a peaceful protestor and his discomfort. **Ms. Dana Martinez-Ocker** discussed demands to remove the curfew violations, to stop

excessive use of force, and to release political prisoners. **Ms. Shannon McEvilly** discussed civilian oversight measures and powers. **Ms. Ashley Smith** discussed her disappointment regarding Sergeant Dewayne Jones's actions against her sister, Ms. Sheldy Smith. **Mr. Scotty Boman** discussed Friday's protest and police reform. **Ms. Morgan Fett** discussed community surveillance ordinance measures and police reform. **Ms. Sydney Good** discussed actions of the DPD were unacceptable regarding the arrest of a member of the press, use of tear gas, and rubber bullets, and other measures. **Ms. Tawanna Petty** requested the Board move out of DPSH and become a true civilian oversight body and discussed police-community relations. **Ms. Danielle Aubert** discussed the Department's use of tear gas, rubber bullets, and alleged use of military equipment, as well as the Project Greenlight Initiative. **Ms. Jane Slaughter** requested Detroit redirect resources spent on policing to other strategies of public safety such as social services. **Ms. Liza Bielby** expressed concerns about several public safety projects in Detroit, use of facial recognition software, Project Green Light and the use of tear gas. **Ms. Bridget Murphy** discussed policies that uphold and extend racial equity and excessive spending on heavy militarized policing. **Ms. Lejla Bajgoric** discussed protesting events, police activity during protests, and defunding the police. **Ms. Miriam Saperstein** reported about the DPD's behavior during recent protests and voiced concern about police brutality. **Ms. Erin Dwyer** discussed the killings of Mr. George Floyd and Ms. Breonna Taylor by police officers and the urgent need to stop the use of excessive force. **Mr. Dylan Box** recommended policies toward policies rehabilitation and restorative justice consider defunding, divesting and demilitarizing the police at state and local levels, defunding surveillance programs such as Project Green Light and Facial Recognition, banning cash bail, among other suggestions. **Mr. Geoffrey LaRue** condemned racial injustices and police brutality. **Mr. Marcus Strong** requested a list of DPD officers removed from the force for violation of Department policy or the law. **Ms. Kathy Montgomery** condemned the use of tear gas, rubber bullets, and requested an update on the promotional appeal of Sergeant Dewayne Jones. **Ms. Keysha Walls** condemned the use of tear gas, rubber bullets, and discussed racial injustices against people of color. **Mr. Gavin Buckley** condemned the use of tear gas, rubber bullets, amid the right to Free Speech. **Ms. Megan Shanklin** discussed her disagreement with the purchase of military equipment for law enforcement agencies. **Ms. Tess Parr** requested information about the arrangement with the DPD and Little Caesar's Arena and called for massive structural police reform.

Adjournment:

Chairperson Holt recognized Commissioner Brown. **Commissioner Brown** moved for adjournment.

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

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

Chairperson Holt adjourned the meeting at 5:40 pm.