

**Draft Minutes Detroit Board of Police Commissioners**

**Date of Meeting: October 31, 2019 – 3:00 PM**

Location: Detroit Public Safety Headquarters, 1301 Third Street, Detroit, MI 48226

**BOPC Chairperson Lisa R. Carter called the BOPC Board Meeting to order at 3:00 PM (October 31, 2019)**

Detroit Police Commission Membership / Attendance	Attend	Not-Attend
Lisa Carter, Chairperson	Yes	
Eva Garza Dewaelsche, Vice Chairperson	Yes	
Willie E. Bell	Yes	
Elizabeth Brooks	Yes	
Darryl D. Brown	Yes	
Shirley A. Burch	Yes	
Willie E. Burton	Excused	
William M. Davis	Yes	
Evette Griffie	Yes	
Jim Holley (3:05 PM)	Yes	
Annie Mae Holt	Excused	
Quorum (Yes)	9	

**The Board acting in accordance with its rules approved the Agenda for October 31, 2019.**

**The Board acting in accordance with its rules approved the following Board Minutes: Thursday, October 24, 2019.**

**BOPC Chairperson Lisa R. Carter**, opened the meeting and said, Good Afternoon! I am Police Commissioner Lisa Carter, I represent District #6. I serve as the Chair of the Board and will be conducting our meeting today. On behalf of the Board, for those in attendance, thank you for joining us. For people viewing this meeting on your government cable channel, thank you for viewing our meeting. Commissioners Annie Holt and Willie Burton has asked to be excused from today's meeting. Chaplain Leonard Jackson provided the invocation. Chairperson Carter requested introductions of Commissioners, BOPC and DPD staff and others.

*NOTE:* Later in the meeting, at the request of Commissioner Jim Holley the Board acknowledged the passing of former United State Representative John James Conyers, Jr. of the 13<sup>th</sup> Congressional District (Michigan). The Honorable John Conyers, Jr. is the longest serving African American member of Congress in history (1965 to 2017). Chairperson Lisa R. Carter requested a moment of silence in recognition of Representative John Conyers heroic service to the nation, Michigan and the African American community.

**Chairperson's Report:** Chairperson Lisa R. Carter said "On behalf of the Board, I want to express our concern and support for fallen and injured officers and their families. Our concerns for officer safety and citizen protection is ranked as two of the most important priorities of the Board. Our Board receives a weekly report from the Department listing injured officers. I would ask Deputy Chief Todd Bettison during his remarks to provide us with any additional information related to injured and fallen officers. The Board of Police Commissioners meets every week except for the Thanksgiving and Christmas Holiday periods. We meet at Police Headquarters 3 weeks in the month on Thursdays at 3:00 PM. We also meet in the community every 2<sup>nd</sup> Thursday of the month at 6:30 PM.

Under the Detroit City Charter, Article 7, Chapter 8, the Board of Police Commissioners is empowered to provide civilian oversight and supervisory control of the Police Department. Our Board investigates non-criminal citizen complaints, monitors the Department for compliance with all laws, and reviews and modify police policy to eliminate misconduct, discriminatory police practices and unnecessary use of force by police. As a civilian oversight agency, we protect the civil rights of citizens. Our objective is to increase the quality of life for residents and visitors to Detroit."

Chairperson Carter continued, "I want to point to several important items for your consideration and information. I also want to repeat some information that I have already shared with you at several of our past meetings. In several meetings, issues have been raised about provisions of the Open Meetings Act. The Board does not require anyone to identify themselves as a pre-

condition to participate in our meetings. Our Board meets weekly. Our schedule is very demanding. Our practice has been to meet in one convenient location so that the public is aware of our meetings and can get to the Board at any time. We also make every effort with our community meetings to meet in every police precinct across the city. This too, is an outreach effort to connect citizens with police services. Given some of the concerns to spread our meetings beyond police headquarters, we are inquiring into the utilization of other spaces to hold our meetings. This process will take time. Meeting dates and locations are scheduled well in advance of the actual meeting dates.

I should add that the Michigan Municipal League has agreed to provide the Board with training on parliamentary procedures and the Open Meetings Act. The current schedule for the training is Monday, December 9, 2019 at 6:00 PM. The training session will take place in our conference room. If you are unable to attend, please contact Attorney Wyrick. The training will have new information and it will also confirm that many of our current practices are within the meaning and spirit of the Open Meetings Act. The training will cost the Board \$1,500.00 and will be taken from our training account number 628200.

The Board has received three notifications. (1) The Police Academy, as of Monday, October 28, 2019 started a new class. The academy will also start another class on November 25, 2019. We are arranging the time with the academy for members of the Board to speak to new recruits. While Commissioner Bell oftentimes speaks to new recruits, the invitation is open to any and all Board members to address the recruit class. At the same time, the Office of the Chief Investigator also makes a presentation to the new recruit class. (2) The Elected Officials Compensation Commission has contacted us requesting information for adjustments to the salaries of elected officials. In their resolution distributed to the city, they ask for information to help determine future salaries of elected officials. Given that members of the Board do not receive a salary, it appears the Elected Official Compensation Commission is not likely to take up our continuing request for financial adjustments in the reimbursements that we receive as Police Commissioners. (3) Each Board member should have received a report from the Office of the Inspector General in connection with one of our investigative teams in the Office of the Chief Investigator. I should note some members of our staff belong to a collective bargaining unit, Local 212. The members of that unit have due process protections, a chain of command and an internal grievance process. The Board (BOPC) is the final step in their grievance process. The Board is reviewing the report with great interests and will wait to see how the due process protections and chain of command procedures unfold.

Also in the package is a report from the Chief of Police on Facial Recognition. From our last meeting we made several suggestions around the creation of the report. Two of the most outstanding requests was to have cumulative data in the report and have the report go back to the beginning of the Department's use of facial recognition. It does not appear that this information is in the report. I have asked staff to review the report and we will be making a written submission to the Chief on many of the areas of concern that have been expressed by the Board. Last week, I informed the Board of a request for legal representation for one of our investigators Delvata Moses. Investigator Moses was named in a lawsuit against the city. At the appropriate time, I will be requesting a formal vote to provide Investigator Moses with legal representation by and paid for by the City.

Also in your package is a copy of the Chair's Briefing Agenda. In the past, several references have been made that the Board's Leadership is involved with secret meetings in violation of the Open Meetings Act. This Board is a volunteer Board made up of elected and appointed people who are not employees of the city and who have agreed to do this work part time. As I indicated last week, to manage this effort, better than a year ago, we began a process where the Chair receives an administrative briefing from staff each Wednesday. I ask you to look closely at the Administrative Briefing Agenda. The information contained in that agenda is a direct reflection of the information that is transmitted to the full board in your Tuesday package and is repackaged for you on Thursday. We take this extra measure to share information with the Board so that we can effectively move through the business of the organization. Again, I bring this to your attention because of the false suggestion that we have secret meetings.

Today, we also have two presentations. (1) A presentation from Deputy Chief of Police Marlon Wilson on the work of the Detective Bureau. (2) Our standard monthly report on citizen complaints received and processed by the Office of the Chief Investigator. Dr. Polly McCalister will be making this report.

Under the Chief's Report, I am requesting an update on our city-wide crime statistics and any critical issues facing the Police Department.

Please note, I have adjusted the flow of the meeting to allow for public comments in advance of a closed session wherein we will be consulting with Board Legal Counsel, Attorney Jermaine Wyrick. At the appropriate time I will be requesting a motion and vote to go into closed session. Under the Open Meeting Act, should we have any votes on the matters in the closed session, we will reconvene the regular meeting and take any voting items in open public view. So, toward the mid-point of the meeting we will

have public comments. Please make sure you print your name on a speaker's card. Cards are located in the back on the table or can be obtained by seeing Mr. Robert Brown. He will need your card before the end of the Chief of Police Report. We will hold each speaker to the allotted 2 minutes. I ask that everyone place your cell phones and other electronic devices on vibrate to make sure that they are not interrupting the meeting.

As a final matter, I would like to encourage cooperation and order at our meetings. We have discussed in the past the need to treat each other with respect and to control our behavior within the limits of professionalism. Commissioners do not have the floor and should not speak until they are recognized by the Chair. I am asking Commissioners to restrict their comments to issues that are relevant to the agenda and to be brief so that we will have ample time for public comments. For the attending audience, please note there is time on the agenda for citizen input and feedback. My objective today is to run an orderly meeting including public comments and have us out of the meeting by 4:30 PM.

Resolutions: None.

**COP Police Report: Deputy Chief of Police, Todd Bettison**, representing James Craig. **DC Bettison** reported crime and statistical data utilizing DPD Department report dated October 31, 2019. DC Bettison reported year-to date data by category including, 2% increase in Criminal Homicides, Sexual Assaults 3% decrease, Aggravated Assaults -5% decrease, non-fatal shootings 2% increase, Robbery -3% increase, Carjacking -21% decrease, Burglary -7% decrease, Larceny -3% decrease, Stolen Vehicle 4% increase and Part 1 offenses -2% decrease. DC Bettison reported that there has been no change to the list of injured officers. DC Bettison also reported the Chief of Police was away attending a conference wherein one of the panel discussions was on Facial Recognition Technology. DC Bettison stated that the Chief indicated at the conference that the DPD has the most rigorous facial recognition policy in the nation. DC Bettison also reported on the hiring of a coordinator for DPD's civilian radio patrols.

**Commissioner Evette Griffie** noted the contents of the facial recognition report and reminded DPD of the Board's expressed intention continues to be to add evaluative measures and a matrix to determine future success of the facial recognition technology. **Commissioner Willie Bell** supported the Chair's remarks from last week where she said "words matter" and admonished the COP who said the Detroit City Council's vote on the facial recognition contract with DataWorks Plus was unanimous. She indicate 6 votes in a body of 9 reflect the majority, not a unanimous vote. Bell also noted Domestic Violence Month and the need for Detroit to reestablish its own crime lab. **Commissioner Shirley Burch** expressed her continued concern with speeding and acknowledged the Department for the work that it is doing to reduce speeders in the city. Burch also requested the Department to update the Board on body worn cameras and the current use and effectiveness.

**Presentations to the Board: (A) Detective Bureau – DC Marion Wilson, Commander Tiffany Stewart (Major Crimes), Commander Jacqueline Pritchett (Organized Crime), Captain Aric Tosqui (Crime Intelligence) and Captain John Svec** each made presentations outlining the subsections of their commands and the broad mission of their commands. **Commissioner William Davis** expressed his concern that no performance data was included in the report and requested such data within the next week. **DC Wilson** indicated that each section under his command keeps data and other information in their respective areas of authority and would provide the information to the Board.

**(B) Monthly Report, Office of the Chief Investigator, Dr. Polly McCallster** reported on September 2019 data wherein OCI received 108 complaints, a 19% increase over the same period of last year. OCI investigated and closed 317 (July to September 2019). OCI investigations involved 150 allegations. Below, please see a table for closed September, 2019 Citizen Complaints.

100 OCI CCRs CLOSED – September 2019 – 150 ALLEGATIONS' FINDINGS						
Allegation	Total	Admin_ Closure (31%)	Exonerated (16%)	Inconclusive (19%)	Sustained (16%)	Unfounded (22%)
Arrest (4%)	5	1	3	0	0	1
Demeanor (26%)	36	8	2	9	11	6
Entry (1%)	2	1	0	0	1	0
Force (5%)	3	0	0	1	0	2
Harassment (3%)	9	4	0	0	0	5
Procedure (40%)	66	16	13	6	15	16
Property (4%)	5	2	1	0	2	0
Search (2%)	6	3	2	0	0	1
Service (13%)	18	10	2	2	1	3
Total (126 CCRs Closed)	150	45	23	18	30	34

**BOPC Standing Committee Reports: None.**

**Report from Secretary to the Board: Mr. Hicks** reported on three items listed on the agenda under the Secretary to the Board's Report including (1) Facial Recognition Report (2) notification from Detroit Elected Official Compensation Commission and (3) notification of new DPD Academy start dates. Hicks also indicated that he would retransmit to the Board a copy of the October 10, 2019 letter to the Chief of Police and (CC copy) Director Chris Graveline re: Follow-up to May 2, 2019 Presentation to the Board and request for additional information (disciplinary outcomes) and OCI report prepared by Rosalia Madrigal on Citizen Complaints.

**NEW BUSINESS: Chairperson Carter** recognized Commissioner Willie Bell. **Commissioner Bell** moved to allow for legal representation of Investigator Delvata Moses in a lawsuit filed against the city to be paid for by the City. Commissioner Eva Dewaelsche, second. Discussion.

Motion by: Bell      Second by: Dewaelsche      Vote: Yes=9, No=0 Abst.=0      Results: **Motion Approved.**

**Announcements: Chair Carter,** The next scheduled meeting is November 7, 2019 at 3:00 PM at Detroit Public Safety Headquarters, 1301 Third Street, Detroit, MI. 48226. The next Community Meeting for November, 14, 2019 is scheduled at Second Grace United Methodist Church (6<sup>th</sup> precinct), 18700 Joy Road, Detroit, MI 48228 at 6:30 PM.

**Oral Comments / Public Comments: Ms. Taney Hankins** complained about officers in the 10<sup>th</sup> Police Precinct and their attitude of obliviousness in connection with a continuous complaint involving her neighbor. She indicated the officers would not allow her to file a complaint and was fearful that something might happen before the department would provide an intervention. **Ms. Faith** complemented the Board and the department for their professional behavior and their ability to assist people in need. **Ms. Valerie Glenn** read a section of the Open Meeting Act, page #13 and discussed building security objecting to the continued use of DPSHQ for BOPC meetings.

**UNFINISHED BUSINESS: Chairperson Lisa Carter** recognized Commissioner Evette Griffie. Commissioner Griffie moved that the Board vote to go into a closed session to discuss personnel matters re: Confidential Memorandum from Corporation Counsel. Commissioner Bell, second.

Motion by: Griffie      Second by: Bell      Vote: Yes=8, No=1 (Brown) Abst.=0      Results: **Motion Approved.**

**The Board went into closed session at 4:25 PM.**

**The Board returned from the Closed Session at 5:20 PM.**

**Chairperson Carter** recognized Commissioner Griffie. **Commissioner Griffie** moved that the Board return to regular session, Commissioner Bell, second. Discussion.

Motion by: Griffie      Second by: Bell      Vote: Yes=8, No=0 Abst.=0      Results: **Motion Approved.**

Chairperson Carter recognized Commissioner Griffie. [1] Commissioner Griffie moved that we resolve, as a body, to rescind the BOPC's June 24, 2016 Memorandum. Commissioner Bell, second. Discussion.

Motion by: Griffie      Second by: Bell      Vote: Yes=8, No=0 Abst.=0      Results: **Motion Approved.**

Chairperson Carter recognized Commissioner Griffie. [2] Commissioner Griffie moved that we resolve, as a body, to reorganize the BOPC's internal structure, acknowledging that the Board's decision regarding reorganization on June 30, 2016 was taken incorrectly. Second Bell. Discussion.

Motion by: Griffie      Second by: Bell      Vote: Yes=8, No=0 Abst.=0      Results: **Motion Approved.**

Chairperson Carter recognized Commissioner Griffie. [3] Commissioner Griffie moved that we resolve, as a body, to appoint Faye Johnson as Executive Manger – BOPC (Fiscal). Second Bell. Discussion.

Motion by: Griffie      Second by: Bell      Vote: Yes=7, No=0 Abst.=1 (Davis)      Results: **Motion Approved**

Chairperson Carter recognized Commissioner Griffie. [4] Commissioner Griffie moved that we resolve, as a body, to appoint Melanie White as Executive Manager - BOPC (Policy). Second Bell. Discussion.

Motion by: Griffie      Second by: Bell      Vote: Yes=8, No=0 Abst. =0      Results: **Motion Approved**

Chairperson Carter recognized Commissioner Griffie. [5] Commissioner Griffie moved that we resolve, as a body, to appoint Robert Brown Administrative Specialist III, BOPC (Administration). Second Bell. Discussion.

Motion by: Griffie      Second by: Bell      Vote: Yes=8, No=0 Abst. =0      Results: **Motion Approved**

Chairperson Carter recognized Commissioner Griffie. [6] Commissioner Griffie moved that we resolve, as a body that acknowledge that Jermaine Wyrick's May 2017 interview was conducted in closed session at his request. Second Bell. Discussion.

Motion by: Griffie      Second by: Bell      Vote: Yes=8, No=0 Abst. =0      Results: **Motion Approved**

**Chairperson Carter** recognized Commissioner Willie Bell. **Commissioner Bell** requested that each member of the Board verify their attendance and noted Commission Brown did not return after the recess to the closed session.

**Chairperson Carter** recognized Commissioner Griffie. **Commissioner Griffie** moved if there is no other business to come before the body, move adjournment. Commissioner Davis, second.

Motion by: Griffie      Second by: Davis      Vote: Yes=8, No=0 Abst. =0      Results: **Motion to Adjourn Approved.**

Meeting Adjourned. 5:36 PM.