

Draft Minutes Detroit Board of Police Commissioners
Date of Meeting: Thursday, May 4, 2023 – 3:00 PM
Location: Detroit Public Safety Headquarters, 1301 Third Street, Detroit, Michigan 48226

- I. **Chairperson Bryan Ferguson called the BOPC Board Meeting to order at 3:00 p.m.**
- II. **Invocation.** Commissioner QuanTez Pressley provided the invocation.
- III. **Introduction of Police Commissioners.** A roll call was held, and a quorum was declared.

Detroit Board of Police Commissioners' Membership / Attendance		
	Attend	Not-Attend
Bryan Ferguson, Chairperson	Yes	
Annie Holt		Excused
Linda D. Bernard, Esq.	Yes	
Cedric Banks	Yes	
Willie E. Bell	Yes	
Willie E. Burton	Yes	
Lisa Carter	Yes	
Ricardo Moore	Yes	
Jesus Hernandez		Excused
Rev. Jim Holley, PhD.	Yes	
QuanTez Pressley	Yes	
Quorum (Yes)	9	

- IV. **Chairperson Ferguson** requested the approval of the Agenda for Thursday, May 4, 2023. The motion was accepted and adopted.
- V. **Chairperson Ferguson** requested the approval of the Meeting Minutes for April 27, 2023, with any corrections. The minutes were adopted as presented.
- VI. **Introductions of Board administrative and investigative staff, Chief of Police, Elected Officials or Representatives**
- VII. **Chair Report: Chairperson Ferguson** reported on BOPC and DPD activities and provided updates, and reports for the Board and the community.
- VIII. **Resolution.**

Commissioner Pressley read the resolution honoring Sergeant Willie Smith (Retirement).

**RESOLUTION HONORING
SERGEANT WILLIE SMITH**

WHEREAS Willie Smith was appointed to the Detroit Police Department on January 4, 1994. Upon graduating from the Detroit Metropolitan Police Academy, Officer Smith began his career at the Thirteenth Precinct; and

WHEREAS Officer Smith spent several years at the Thirteenth Precinct, Metro Division, and Robbery Task Force. Officer Smith displayed tremendous knowledge and leadership skills as an officer and was promoted to rank of Investigator on August 11, 2000. Investigator Smith's assignments included the Special Response Team and Headquarters Surveillance Unit. Investigator Smith was promoted to rank of Sergeant on May 4, 2001. Sergeant Smith's assignments included Narcotics, Central District, Investigative Operations Division, Fifth Precinct's Detective Unit, and Prisoner Processing Unit at Narcotics; and

WHEREAS Sergeant Smith was the deserving recipient of the following awards: NFL Super Bowl XL Recognition Award, Rosa Parks Funeral Recognition Award, MLB All Star Baseball Recognition Award, Conclusion of the Conditions of Confinement

Consent Judgment Award, Ford Fireworks Celebration Award, two Chief Unit Awards and several accolades from within the Department and from other agencies and citizens for his professionalism and expertise; and

WHEREAS

Sergeant Smith has tirelessly served the Detroit Police Department, the citizens of Detroit and its neighboring communities for 28 years. He has served the Detroit Police Department and the citizens of the City of Detroit with loyalty, professionalism, integrity and dedication, and is widely respected throughout the law enforcement community as the consummate professional.

NOW THEREFORE BE IT RESOLVED

That the Detroit Board of Police Commissioners, speaking on behalf of the citizens of the great City of Detroit, recognizes and honors the lifelong contributions and commitment to excellence in public service of Sergeant Willie Smith. His display of courage and unwavering community spirit has improved the quality of life for the citizens of Detroit. We wish you all the best in your future endeavors.

We thank and congratulate you, Sergeant Willie Smith.

Commissioner Pressley moved the adoption of a resolution, which was adopted as follows: “Resolved “That the Detroit Board of Police Commissioners, speaking on behalf of the citizens of the great City of Detroit, recognizes and honors the lifelong contributions and commitment to excellence in public service of Sergeant Willie Smith. His display of courage and unwavering community spirit has improved the quality of life for the citizens of Detroit. We wish you all the best in your future endeavors.

Critical Incident Debriefing.

A. Monroe & Randolph

Commissioner Bernard stated the Board of Police Commissioners were invited to a confidential debriefing by the Office of the Chief of Police related to an Officer-Involved Shooting in Greektown. This is BOPC’s understanding based from what was verbally communicated by DPD leadership. Two groups began to fight for unknown cause. There were two suspects one in gray pants and one in purple pants. The suspect in the gray pants produced a handgun, a person in the opposing group attempted to take the handgun to neutralize the situation. But another suspect in purple shorts steps forward with another handgun fires multiple shots fatally striking the person who was attempting to take the gun from the suspect in the gray pants and also two bystanders. Nearby officers respond immediately and chased the suspect in purple shorts into a nearby parking garage. The suspect takes cover behind a black vehicle and points the gun at the approaching officer, another officer shot the suspect in the arm and the suspect flees in the black vehicle with a driver, obviously someone that was with him. They drive immediately to a local hospital drops off the suspect. The vehicle is later found abandon. So the suspect in the gray pants was followed into the garage by officers, and was apprehended in a vehicle, a 40 caliber handgun was recovered. The two bystanders have been treated and released from the hospital for their injuries; no officers were injured in this incident. The Wayne County Prosecutor’s Office declined to issue a warrant on the officers involved, and the DPD is citing no policy violations. DPD Preliminary Administrative Review anticipates no policy violations by the officers. Our next steps is to monitor for any citizen complaints filed in relation to this incident; to request an official report from the Wayne County Prosecutor’s Office regarding warrant decision on the officers and the suspects; to share more information, including visual aids to the public as BOPC receives them. Finally, we welcome any questions from the public that we can continue to follow up on this incident.

B. Porter Burks

Commissioner Pressley stated this is the critical incident debriefing regarding Porter Burks Officer-Involved Shooting. As a result of community concerns and concerns lifted by the Commissioners. The Board of Police Commissioners were invited to a debriefing with the Chief to review the video again. Here is what we were able to observe through visual aids and videos from various angles and edits to show the raw footage, including the shooting and how distance and time were calculated. We understand that some of this information may seem a repeat of what has been provided to us publicly through the Chief press conference. But again, the Board wants to share with the community up to this point all that we know and what we should expect next. 20 minutes prior to arrival on the scene, DPD had approximately a 10-minute conversation initiated by the family where it was explained that Mr. Porter Burks was having a mental health crisis and had been violent. Slashing his brothers tires and was armed with a knife and the brother had the intentions to have Mr. Burks petitioned that night. When officers arrived on the scene, Mr. Burks was slowly pacing in the middle of the street with a knife in hand. The CIT Officer and Sergeant repeatedly asked Mr. Burks to drop the knife, he did not comply. Mr. Burks was asked a number of 14 times to drop the knife, he declined. They also asked him not to walk

close and to sit down, they offered him help, and told him he was not in trouble. At this time there were a total of seven officers on the scene, Mr. Burks first starts to walk further away from the officers, and then turns and starts running towards the CIT Officer with a knife. A Taser was deployed which did not take effect, while the five officers fired their weapons discharging a total of 38 rounds, 11 of the rounds from the CIT Officer. Mr. Burks was struck by 19 rounds. Based on DPD calculations, Mr. Burks was 40 ft. to 30 ft. away from the officers when he started running, from starting to run to the last shot fired it took 3 seconds. Mr. Burks once he fell was only 5 ft. away from the officers. Officers immediately, rendered medical aid, however, Mr. Burke succumb to his injuries. No officers were injured in this incident and the Wayne County Prosecutor's Office declined to issue a warrant for the officers. DPD is citing no policy violation for the use of force. DPD Preliminary Administrative Review has been completed, anticipating the force used in compliance with the policies, but awaiting approval and review from Chief White. Status of the footage release, the BWC was actually released to the public on October 4, 2022, two days after the incident. Full footage will be released per FOIA Request after administrative findings are approved by Chief White. DPD estimates one to two weeks, per DPD full footage has not been released so far because it is part of the evidence in the open investigation, including the edited videos, used to measure time and distance. The BOPC next step is to continue to request the immediate release of the full footage; to monitor for any citizen complaints filed in relation to this incident; to request an official report from the Wayne County Prosecutor's Office regarding the warrant decision; to share more information, including visual aids to the public as BOPC receives them. We also welcome any additional questions or comments from the public that might aid us as we continue to follow up on this incident.

Commissioner Bernard expressed this incident happened in October 2022, six months ago. I am totally, distressed by the fact that this video footage has not been released to the public. They have a right to know. Every major city in the country where there has been an incident of a person being shot by police, and the incident contains video has been released to the community. We are the citizens. We have a right to that information. It is not for a conference room in the police office.

IX. Chief of Police Report: Chief of Police's Summary of CompStat Data and other Crime Information/DPD Information: Deputy Chief Mark Bliss reported on current CompStat Crime/Statistical Data for Violent Crime and Property; COVID-19 impacts; and recent critical incidents impacting the DPD and the community.

The following inquiries require responses from the BOPC and/or DPD: **Chairperson Ferguson** expressed his concern that DPD catching a lot of criminals only to be turned back into our neighborhood because the Wayne County Prosecutor's Office (WCPO) has concerns with signing the warrant. Drag Racing and drifting how many cars were towed? How many repeat offenders with the same car back out on the street **Commissioner Banks** inquired the warrant needed to be returned back to the WCPO because of lack of information? The WCPO is giving the warrant out what information is left off from the Detroit Police Department and what information needs to be completed with that warrant? **Deputy Chief Bliss** stated sometimes a warrant requires information from a third party which has been left out, or maybe we just forgot to include something. **Commissioner Burton** requested to see the Porter Burks video and hear the audio. **Commissioner Holley** asked about the sentencing consequence when individuals are caught with unregistered guns? Where we are on the campaign regarding the consequences when you get caught with a gun illegally? **Commissioner Bernard** discussed homicide incidents and registering guns other than normal business hours for the benefit of the citizens.

X. Oral Communications / Public Comments.

Ms. Fredia Butler, Minister Eric Blount, Ms. Bernice Smith, Mr. Rhuben Crowley, Ms. Brenda Hill, Mr. Chris Gilmer-Hill, Ms. Lory Parks, Mr. Jeff Cowin, Ms. Marguerite Maddox, and Former Commissioner William Davis offered public comments.

XI. Report from Chief Investigator Jerome Warfield

It is my hope that we will continue to work making significant improvements as we move forward on behalf of the citizens of the city of Detroit. I want to give an overview on how we process the complaints that are filed in our office. Through the Office of Chief Investigator (OCI), we are able to follow up on the Citizen Complaints, and literally be that line of demarcation between citizens whose rights are being upheld versus those citizens who may feel that their rights have been infringed upon. All citizen complaints are forward to OCI, no matter where they are taken in, and we give

notification to the citizens of their complaint number and name of their investigator. If OCI determines that a alleged actions are criminal in nature that case will be forwarded to the Professional Standard Division for investigation, OCI does not investigate criminal investigations. Periodically, the citizen will receive updates on the status of their complaint, and OCI will notify citizens in writing of the investigative findings. No one can be turned away from filling a citizen complaint.

Chair Ferguson inquired on streamlining the complaint process. **Chief Investigator Jerome Warfield** stated OCI is looking at their overall operation to see how they can be more effective. **Commissioner Banks** asked what category is when an officer pulls over a resident and curses at the resident. **Chief Investigator Jerome Warfield** stated typically its falls under demeanor. **Commissioner Burton** commended the excellent report. **Commissioner Bell** discussed the demeanor complaints and the impact. **Chief Investigator Jerome Warfield** stated that OCI will put together a frequent flier list of officer's regarding demeanor. **Commissioner Holley** commended Supervising Investigator Ainsley Cromwell for his leadership during the interim. How does OCI notify the community when they make a report? How do we interface with the citizens in regards from beginning to the end? Also, we need to obtain technology that is available to find a way to get our complaints completed quickly and efficiently. **Chief Investigator Jerome Warfield** stated OCI reaches out to the compliant every 10 days and they are currently seeking out new technology.

XII. Report from Board Secretary Victoria Shah / Communications Submitted to BOPC as incoming information.

1. Public Hearing on LPRs Police Surveillance Flyer – Share Your Voice
2. Are You Near a LPR Now with Current & Proposed Map
3. BOPC Questions DPD Responses Preliminary
4. BOPC and Community Thought Starters
5. Citizen Complaints Presentation
6. OCI Filing Complaints Presentation
7. Correspondence from Senior Assistant Corporation Counsel Saxby Re: DPD Change of Duty Request – Officer Brianna Cabano, Badge 2806, Assigned to the Second Precinct
8. Correspondence from Senior Assistant Corporation Counsel Saxby Re: DPD Change of Duty Request – Officer Dayna Sears, Badge 4171, Assigned to the Second Precinct
9. BOPC Adopted Budget FY2024

Board Secretary Victoria Shah discussed the meeting with Ms. Theresa Blossom and Dr. Rebecca Robichaud from Wayne State University on the status of the partnership. Ms. Blossom provided the meeting update on Wayne State University and Wayne Law Partnership with the Board of Police Commissioners. In 2021 as a part of the ongoing commitment to the Obama Task Force recommendations, the Board Leadership approved staff to work with Wayne State. That work resulted in a report identifying areas of advancing oversight and transparency through better technology data, dashboards, public friendly reports and other measures. That collaborative report was distributed and is still posted at the website. In December 2022, the Board voted to add to our Wayne State collaboration to having us partner with the Law School and benefit from Wayne's Law participation and with the American Bar Association (ABA), Legal Education Police Practices Consortium. That consortium is committed to understanding and address legal issues and policing and public safety. A core goal is to make sure the information is available, and easy for the public to find and understand when it comes to transparency and police accountability. Board Secretary Shah shared multiple informational flyers in preparation for the public hearing that will be taking place May 11, 2023 at our Community Meeting. We are looking for community feedback on the new police surveillance specifically around the expanded use of License Plates Readers. The Board has received the BOPC Adopted Position Budget FY2024 which shows the positions that the Board voted to approve on May 16, 2023 have not been approved by City Council. This is being appealed to City Council, as these positions are important to the Board providing effective oversight on behalf of Detroiters. Updates regarding open positions, we have 52 new investigator candidates and Executive Manager Position the applications have been distributed to all commissioners. In addition, we have an opening for supervising investigator. We had one supervising investigator Rosalia Madrigal who retired this week, her position is being posted for internal promotion. The following are matters before the Board, you may consider having these handled by committee. Personnel and Training there are two applicant appeals, Citizen Complaints, and Policy Committee we have the LPRs which is going before the community on next week for public hearing and 10 additional policies.

XIII. Announcements.

Board Secretary Victoria Shah announced the following:

Next Community Meeting: Thursday, May 11, 2023, at 6:30 p.m., at Crowell Recreation Center, 16630 Lahser Road, Detroit, MI 48219.

Next Meeting: Thursday, May 18, 2023, at 3:00 p.m., at Detroit Public Safety Headquarters, 1301 Third St., Detroit, MI 48226.

XIV. Unfinished Business.

XV. New Business – Closed Session

Commissioner Holley moved “that the Board of Police Commissioners go into Closed Session pursuant to Section 8(a) of the Open Meetings Act, MCL 15.268 (a) to consider Administrative Leave Without Pay but with Medical Benefits for Police Officer Brianna Cabano, Badge 2806, assigned to the Second Precinct (5:51 p.m.) (2/3 roll call vote required)

Yes: Chairperson Ferguson, Commissioners Banks, Bell, Bernard, Burton, Holley, Moore, Pressley

XVI. Reconvene Public Hearing

There was no motion to consider the Chief’s recommendation for Administrative Leave Without Pay but with Medical Benefits for Police Officer Brianna Cabano, Badge 2806, assigned to the Second Precinct

Commissioner Pressley moved “that the Board of Police Commissioners go into Closed Session pursuant to Section 8(a) of the Open Meetings Act, MCL 15.268 (a) to consider Administrative Leave Without Pay, but with Medical Benefit for Police Officer Dayna Sears, Badge 4171, assigned to the Second Precinct. (6:35 p.m.) (2/3 roll call vote required)

Yes: Chairperson Ferguson, Commissioners Banks, Burton, Holley, Moore

No: Commissioners Bell, Bernard, Pressley

XVII. Reconvene Public Hearing

There was no motion to consider the Chief’s recommendation for Administrative Leave Without Pay but with Medical Benefits for Police Officer Dayna Sears, Badge 4171, assigned to the Second Precinct

XVIII. Adjournment.

Chairperson Ferguson adjourned the meeting at 6:50 p.m.