

Approved Minutes Detroit Board of Police Commissioners
Date of Meeting: Thursday, May 25, 2023 – 3:00 PM
Location: Detroit Public Safety Headquarters, 1301 Third St., Detroit, Michigan 48226

- I. **Chairperson Bryan Ferguson called the BOPC Board Meeting to order at 3:00 p.m.**
- II. **Invocation.** Chaplain Demetrius Davenport provided the invocation.
- III. **Oral Communications / Public Comments.**
 Ms. Fredia Butler, Minister Eric Blount, Ms. Sharnita Williams, Mr. Scotty Boman, Ms. Marguerite Maddox, Former Commissioner William Davis, 315, Ms. L. Evans, Mr. James Ford, Mr. Chris Gilmer-Hill and Ms. Brenda Hill provided public comments.
- IV. **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	Yes	
Linda D. Bernard, Esq.	Yes	
Cedric Banks	Yes	
Willie E. Bell		Excused
Willie E. Burton	Yes	
Lisa Carter		Excused
Ricardo Moore		Excused
Jesus Hernandez	Yes	
Rev. Jim Holley, PhD.	Yes	
QuanTez Pressley	Yes	
Quorum (Yes)	8	

- V. **Chairperson Ferguson** requested the approval of the Agenda for Thursday, May 25, 2023. The Agenda was amended to move Item XIV – Unfinished Business after Presentations to the Board. The motion was accepted and adopted. The Agenda was approved as amended.
- VI. **Chairperson Ferguson** requested the approval of the Meeting Minutes for May 18, 2023, with any corrections. The minutes were adopted as presented. Chairperson Ferguson requested the approval of the Closed Session Minutes for May 4, 2023, with any corrections. The closed session minutes were adopted as presented.
- VII. **Introductions of Board administrative and investigative staff, Chief of Police, Elected Officials or Representatives**
- VIII. **Chair Report: Chairperson Ferguson** reported on BOPC and DPD activities and provided updates, and reports for the Board and community. The committee assignments have been updated and is included in your packets. There are currently matters before the Personnel & Training Committee, and we have some matters for Citizen Complaints and Policy.
- Vice Chairperson Holt** motioned for a 5-minute recess. The motion failed.
- IX. **Chief of Police Report: Chief of Police's Summary of CompStat Data and other Crime Information/DPD Information:** Assistant Chief Charles Fitzgerald 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: **Commissioner Burton** asked what is the Department's focus on how to encourage young men in the city of Detroit to join this department? Also, how are you trying to win back some of the officers that you have lost from this department? Will we also see more officers on patrol across the city, not just certain sectors of the city? **Commissioner Banks** asked for clarity on the number of officers able to be hired from the \$25 Million grant. **Assistant Chief Fitzgerald** stated it's about 200 officers that will be hired. **Commissioner Pressley** inquired about the release of footage for the Officer Involved Shooting of Porter Burks, the Board was told we were waiting on the Chief's review. Do you have a status on that? **Assistant Chief Fitzgerald** stated he does not know, but will follow up with the Chief. **Commissioner Bernard** expressed the Chief has pledged himself to transparency and accountability and this is now 8 months. You mentioned that you were going to hire 200 officers with \$25 million. May I suggest to you, and you can tell the Chief he cannot police his way out of crime. In the city of Detroit we all know that the causes of crime are unrelated to policing. They are related to poverty, education, other things, and a substantial part of that \$25 million should go to community organizations, churches, and others who are actively engaging youth. **Vice Chairperson Holt** asked what it looks like for a precinct to report the highest homicide rate **Assistant Chief Fitzgerald** stated all precincts are fairly consistent, but is showing great progress.

**X. Presentations to the Board – A. Automatic License Plate Readers Presentation – Attorney Ramis Wadood, ALCU Michigan
B. LPR Presentation – Board Secretary Shah, Board of Police Commissioners**

A. ALPR Presentation – Attorney Ramis Wadood, ALCU Michigan. Good afternoon, my name is Ramis Wadood. I am an attorney at the ACLU, Michigan and a District 5 resident. I am here to talk today about the proposal on automated license plate readers. I have a presentation for the Board but before I get into the slides. I just wanted to say that the ACLU of Michigan is committed to promoting public participation and the democratic process. We were supporters, strong supporters of the community input over government surveillance ordinance, when it passed a couple of years ago in the city council. That ordinance gave this Board a considerable role. Whenever, the police department attempts to seek whatever type of surveillance technology it wants to seek. And because of that commitment, I would be remiss if I didn't mention and express my disappointment in the way that the BOPC handled last week's discussion and vote on LPRs. The Board heard from Chief White and Chief White only, and then voted to suspend the rules so they could pull up a vote on supporting the Chief's recommendation. In my opinion, that flies in the face of the spirit of the community input ordinance. That is not a public debate. That is not oversight. I will give some credit to the Board, where a couple weeks ago, the Board's Policy Committee invited a number of community leaders to speak and provide their input on the LPR proposal. But this entire Board needs to hear from the public, and I hope that this presentation contributes to that conversation. Perhaps because the Board's haste last week, there's a lot of confusion over whether or not this Board even voted to adopt the Surveillance Specification Report. Chair Ferguson and Commissioner Bernard have stated that vote is still pending, but the Board's attorney stated the opposite. The Detroit Police Department is proposing to purchase a number of automated license plate reader camera and place them at strategic locations around the city. This technology not only captures license plate numbers, but the time, date and GPS location of where that license plate number was got, not just the license plate number, but the making model of the car, other identifying features, such as bumper stickers, other scratches, and dents on the car. So this is not just a license plate reader, it captures the vehicle footprint. And it is able to across time and across space, map that vehicle's location as it traverses the city. The more data it collects, the more points it can plot on this map the more points that the police department has in its database, as far as its ability to search and track license plates and the cars that hold those license plates over time. So what does this technology really mean for Detroiters? It's not simply a set of cameras that capture license plates. What the Detroit Police Department is proposing is to create, what can essentially be considered a mass surveillance network, capturing not only license plates, but when and where every Detroiters that passes by these cameras, also every visitor that passes by these cameras to the degree of specificity that these cameras capture the direction of that person's travel. The Detroit Police Department's proposal treats all Detroiters as potential suspects and tracks their real-time whereabouts without having committed any crime. Three primary concerns arise for Detroiters are Accuracy & Effectiveness, Privacy & data retention, and Data sharing. What we are talking about is DPD proposing to keep a database of innocent travelers throughout Detroit, not only of their license plates, but this entire footprint of information about that person and about that vehicle. No only keep that data base, but to share it

with 30 plus police agencies around the area, that Detroit has data sharing agreements with keeping a database of innocent civilians just in the event that they may be connected to a crime in the future. Treating those innocent civilians as potential suspects is antithetical to a free and democratic society. Obviously, you're not the ones, giving the funds to the police department to procure this technology. Your responsibility here is to be an equal drafter with the police department on the specification report. There are a number of concerns that I've mentioned that are not reflected in the specification report, and it's this Board's responsibility to be an equal drafter, to really take a close look at the specification report and to provide considerable criticism and edits before blindly accepting that specification record.

- B. LPR Presentation – Board Secretary Shah, Board of Police** provided an overview of the feedback received from the public on LPRs and the status of the Specification Report edits. The Board has already voted to support the expansion of license plate readers. So this is not discussion around if the expansion happens, but instead under what conditions it happens and that is what the Specification Report is about. We appreciate the tremendous amount of information received by the Policy Committee and the BOPC Staff on LPR's from DPD, the ACLU and other community resources. I do want to recognize the BOPC Administrative team for really stepping up to research and develop educational materials for the Board and the public over the last several weeks. The staff is committed to working with DPD to get the specification report to a place where the public's concerns are addressed and DPD has the tools to do their job. Based on public feedback from May 11 and May 18 much of the concern was around ineffectiveness to solve the problems at hand, civil liberty, infringement, privacy and excess surveillance. The staff and I have been redlining the LPR specification report to address the concerns that have been raised by Commissioners and the community and the back and forth with DPD has been very productive. DPD has adopted quite a few recommendations that we brought to them. Oversight Reporting there are specific elements that DPD will be delivering to be BOPC within 15 days of DPD identifying that protected information or information that was not supposed to be collected was indeed collected. That will be reported to the Board, and so we did get that request clarification that the retention policy referenced is a DPD only policy and that it is in compliance with Michigan law. Another item regarding oversight reporting indicates that DPD will provide BOPC with a list of the DPD members that have LPR technology access. So that's now included in the report. We also added there is a prohibition for taking photographs of personal property that was added with the slight tweak of words prohibits willful taking of photographs. There were items that were not adopted. We did not reach an agreement with DPD on these, and there's not an expectation to obtain all of these as written, but to meet in some type of middle ground. Based on a Parliamentarian opinion received by the Board staff, the Board has not yet appropriately adopted this report. If this is the case, and if the Board so desires, there's opportunity for additional work to be done with DPD on this report to address the outstanding concerns, either directly or in the report or relevant policies. Once adopted, the LPR Specification Report does get publicly published as DPD and BOPC collaborative document. Then it will be up to the public at that point to continue to work through other channels to get any outstanding concerns that they may have addressed down the line in the process. See the attached Meeting Transcripts and the LPR Specification Report for more information, which are also posted to the Board's webpage.

The following inquiries require responses from the BOPC and/or DPD: **Commissioner Hernandez** asked who crafted and submitted the changes that you just presented? **Commissioner Banks** the items DPD agreed on, have they agreed to put them in a written policy? **Commissioner Pressley** relative to the continuation of public input on this policy. It was my understanding that at the adoption or passage or approval. Whatever language was used for the motion last week, that the community would still have several opportunities to still engage in the policy. Is that correct? **Commissioner Holley** discussed City Council looking for us for policy. **Commissioner Bernard** discussed that the staff has negotiated 7 changes to the proposed policy regarding the acquisition, there are 11 points that are important points that we've not agreed upon. Those issues need to be continue to be flushed out between our staff and the department. When we send something to city council. It should be only after we've done extensive due diligence. **Vice Chairperson Holt** asked the gentleman representing ACLU on page 11 of your presentation, you indicated that the statistics that you evaluated showed that over 200 of a 2,000 hits, the results were that they only identified 47 serious crimes. Now, my understanding is that the license plate reader only activates if that license plate has been put into some kind of data, whereas there should be attention to that license plate. May I understand how it is that you could document 2,000 hits and only 47 of those hits turned out to be a serious crime matter? **Commissioner Burton** discussed this technology cause concerns particular when it comes to privacy and civil liberties. The harms of this technology vastly outweighs the benefits. First and foremost license plate readers

are a major invasion of privacy. The information captured by the devices is incredibly sensitive and reveals a wealth of personal information about a given individuals driving habits, associations and even whereabouts. This information is then easily accessible to law enforcement and can be used against individuals in a court of law.

XI. Unfinished Business.

Commissioner Banks moved “that the Board of Police Commissioners rescind the adopted motion to support the Chief’s recommendation for the expansion of License Plate Readers.” The motion failed.

VOTE: YES = 3 NO = 4 MOTION: FAILED

Yes: Commissioners Banks, Bernard, Burton,
No: Chairperson Holt, Commissioners Hernandez, Holley, Pressley

Chairperson Holt moved “To call the question.” The motion was adopted.

VOTE: YES = 6 NO = 0 ABSTAIN = 1 MOTION: ADOPTED

Yes: Chairperson Holt, Commissioners Banks, Bernard, Hernandez, Holley, Pressley
Abstain: Commissioner Burton

Commissioner Bernard moved “that the staff and Policy Committee meet with DPD to discuss the 11 items with which we have an objection, to help resolve our concerns.” The motion was adopted.

VOTE: YES = 4 NO = 2 ABSTAIN = 1 MOTION: ADOPTED

Yes: Commissioners Banks, Bernard, Holley, Pressley
No: Chairperson Holt, Commissioner Hernandez
Abstain: Commissioner Burton

XII. Adjournment.

Chairperson Holt adjourned the meeting at 6:05 p.m.

VOTE: YES = 6 NO = 1 MOTION: ADOPTED

Yes: Chairperson Holt, Commissioners Banks, Bernard, Hernandez, Holley, Pressley
No: Commissioner Burton