

Draft Minutes Detroit Board of Police Commissioners
Date of Meeting: Thursday, September 7, 2023 – 3:00 PM
Location: Detroit Public Safety Headquarters, 1301 Third St., Detroit, Michigan 48226

- I. **Chairperson Jim Holley called the BOPC Board Meeting to order at 3:00 p.m.**
- II. **Invocation.** Chaplain Lei Sean Curtis 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		
	In Attendance	Not-In Attendance
QuanTez Pressley, Chairperson		Excused
Rev. Jim Holley, PhD.	Yes	
Linda D. Bernard, Esq.		Excused
Cedric Banks	Yes	
Willie E. Bell	Yes	
Willie E. Burton	Yes	
Lisa Carter	Yes	
Ricardo Moore	Yes	
Jesus Hernandez	Yes	
Annie Holt	Yes	
Quorum (Yes)	8	

- IV. **Chairperson Holley** requested the approval of the Agenda for Thursday, September 7, 2023. The motion was accepted and adopted.
- V. **Chairperson Holley** requested the approval of the Meeting Minutes for August 31, 2023, with any corrections. The minutes were adopted as presented.
- VI. **Introductions of Board administrative and investigative staff, the Chief of Police, Elected Officials or Representatives.**
- VII. **Chair's Report.**

Chairperson Holley reported we continue to hear the discontentment of our community about violence, the mental health crises, community and police relations. Oversight in these times are more important than ever before. There is a lot of business to cover in this particular meeting, including addressing police misconduct, updates regarding the BOPC Budget, and the presentation from Shotstopper CVI Program. I would like to do everything we can to move on, we have a heavy agenda this afternoon, and we want to be effective and efficient while doing everything we need to do in terms of our responsibility to this great community that we call and love the City of Detroit.

VIII. Community Impact Report

Chief Investigator Jerome Warfield provided an update on escalated cases and update you on a recent case in the media. The first case update involved Force and Demeanor arrest of a young man that was entering in his into his home. That case has been turned over to Internal Affairs, and we are waiting on the results of that case. The next case is regarding a traffic stop where individuals were removed, from a car. Then their car was searched, the officer was not wearing a BWC at the time and that case is still pending. The next case is now closed, it is the case that two officers were in an apartment, and at least one officer was very belligerent toward the man there. I read that case here, and both officers have been sustained on multiple findings. The officer in that case, is still on desk duty at this time and not on the street. The next case was the shooting and killing of a dog. The officer in that case was sustained, the allegation that he shot the dog and the dog was not coming at him. We interviewed that case and close it. We also turned it over to the IA to take a look at it as well. The next case is one that we saw in the media on Friday. I did a preliminary review of the entire case. I looked at all three videos at both scenes. This particular case, I also looked at the interview that was

done by one of the members of the department. We also looked at the information that was submitted as part of the officer's report. I will just read some of it. Regarding the 20 year old man roughed up by two members of Detroit Police Department on Friday, September 1, 2023. A local news channel reported two officers from the Detroit Police Department are off the streets and placed on desk duty, accused of roughing up a 20 year old man without any cause. The incident took place on Wednesday, August 30, 2023. A preliminary observation of what happened is supported by the two officers BWC's and the In Car Video Camera. Officers noticed a citizen walking westbound on Riopelle about a block and a half in front of their vehicle. The officers followed the citizen, stopping in front of the citizen's house about the same time that the citizen arrives at his house with his cellphone in his hand. The first officer to make contact with the citizen says, Hey, man, let me see your hands. You got a CPL. Bro. The citizen response. Heck! No. The first officer grabs both arms of the citizen from behind, causing the citizen to fall to the ground chest first. The citizen's upper torso is on the grass, and his lower body is on the sidewalk on the cement. The first officer falls on the citizen's back and holds the citizen on the ground, while the second officer checks the citizen for weapons. As the citizen is taken to the ground, the first officer asks, Where's your gun? Stop! The citizen responds, come on, bro, ma mama! What the get off me, brother, get off me! The second officer says to the first officer, get him up! Get him up! The citizen is released you can see that he is irate and visibly shaken up. The citizen use very strong language, as he walks up to the stairs in his house. The first officer picks up the citizen cell phone from the grass place it on the fifth stair and says to the citizen, Take your phone, man. The citizen responds, Get the off my porch. Shortly after the young man's mother was alerted to what happened. She caught up to the officers on 7 Mile and asked the officers, what did they do to her son? Below is just an excerpt of what the officer said to the mother. "What happen ma, when I tried to talk to him he tried to take off. Look at it this way, had I let him run in the streets. He is scared right. I get it. He may have been scared and run into the streets and he will get hit by a car. I grabbed him, when I grabbed him it was something similar to that. He was pointing to the grass. And we fell, I felled with him. I didn't slam him. I got right off him. I didn't go no further. I didn't slam him. Slamming somebody is using muscle. I used no muscle. I did not slam that boy. I promise you." A DPD official, when interviewed by local news station reported that the encounter appeared to be a general traffic stop, but the way it was handled give us concern. The problem is, it was not a traffic stop. This guy was walking down the street. He was not on a bicycle; he wasn't on a skateboard, moped or anything. The officer's event log states the BWC and officers observed the right side of his pants pushing outward away from his body. Once the male observed the scout car, he pulled his shirt down and began to walk quickly away from the officers westbound on Riopelle Street. When officers got out of the vehicle to investigate, the male stated F, and began to run away. As I was asking him, did he have a CPL. When I grabbed the male he fell to the ground. I felt as well. Officers checked his right hip with negative results. When I attempted to get the male's name he continued to walk in the house. Well, the explanation that that officer gave does not match the facts of the video and the BWC's that I observed. The BWC's of the officers observed the right side of his pants, pushing outward away from his body. That does seem to be true. That there was something bulging on the right side. The other statement says once the male observed the scout car; he pulled his shirt down and began to walk quickly away from the officers westbound on Riopelle. That absolutely did not happen. According to the car dash video, it just didn't happen. His shirt was already over his pants, and he was walking. When officers got out of the vehicle to investigate, the male said the F word. He never said that. That just did not happen, at least not at that time. He didn't say it. And he began to run away. The citizen never tried to run. At no point in the interaction did the citizen tried to run. The officer said, As I was asking him did he have a CPL. When I grabbed the male he felled to the ground, I felled as well. Here's what happened according to the video, the first officer who made contact with the citizen took the citizen to the ground as he held both of the citizens arms behind his back. The citizen fell chest first to the ground, and the officer remained on the back of the citizen. Officers did check his right hip and they received negative results. There was nothing there. The officer said in a statement. When I attempted to get the male's name, he continued to walk in the house. There was never attempt by any officer to identify or get the male's name. The investigation of the CCR is assigned to one of our Senior Investigators, and we will begin that interviewing process immediately.

The following inquiries require responses from the BOPC and/or DPD **Chairperson Holley** inquired for the community awareness the terminology of sustained. What is the purpose of Community Impact in terms of informing the community and us? **Board Secretary Shah** stated this part of what the community has been requesting. **Commissioner Banks** asked whether the officers asked the young man for CPL. **Chief Investigator Warfield** stated he had a CPL. **Commissioner Moore** asked what's the difference between a Traffic Stop and a Terry Stop? **Assistant Chief Fitzgerald** stated a traffic stop: any kind of motorized vehicle on the streets, this was a terry stop: **Commissioner Carter** inquiry about the Community Impact Report was it approved by the entire Board to put on this agenda? **Board Secretary Shah** stated this was a new topic add when Chairperson Pressley became Chair. **Commissioner Bell** commented I strongly oppose this type of approach. It is totally inappropriate and I agree with you and I agree with Assistant Chief. This Board should not allow the Board Secretary and the Chief Investigator to casually make the decision in terms for the Board.

IX. Chief of Police Report.

Assistant Chief Charles Fitzgerald reported on current CompStat Crime/Statistical Data for Violent Crime and Property; and recent critical incidents impacting the DPD and the community.

The following inquiries require responses from the BOPC and/or DPD: **Commissioner Burton** discussed an incident in midtown of a 70 year-old male was struck in the head by an officer when will the department release the video to the Board and to the public for review? As well as where was his partner during the incident? What changes are you implementing to ensure officers are equipped to deal with elderly residents? **Assistant Chief Fitzgerald** he will speak to the about releasing the video. **Commissioner Bell** for the sake of impact, how many traffic stop investigations are made in 24 hours in terms of the tour duty? **Assistant Chief Fitzgerald** stated it's in the hundreds. **Commissioner Banks** discussed I'm the chairman of the Citizens Complaint Committee. Last month we had Commander McGinnis representing DPD. It is my vision to have someone from DPD attend so they could speak to the citizens because we have citizens calling in. I am requesting Commander McGinnis.

X. Oral Communications / Public Comments.

Ms. Bernice Smith, Mr. Aaron Maria, Lieutenant Mark Young, Ms. Charnita Williams, Mr. James Ford, Minister Eric Blount, Black Jesus, Mr. Ronald Foster, Mr. Darryl Woods, Ms. Michelle George, 124, Former Commissioner William Davis, and Mr. Samir Kareem provided public comments.

Commissioner Burton motioned "that the Board of Police Commissioners eliminate the ShotStoppers CVI Program presentation today." There was no second to the motion.

XI. Presentations to the Board – A. BOPC Fiscal Division, Drew Fries, Fiscal Executive Manager

B. ShotStoppers CVI Program, Michael Peterson, Program Administrator

- A. BOPC Fiscal Division, Drew Fries, Fiscal Executive Manger** provided an overview of the BOPC Fiscal Budget. Turning to the budget FY2022-23 ended last year underspent relative to the funds that were budgeted to us. We were under utilized to the degree of 68%, and that was due to two things, vacancies in the staff and an inability to pay rent to the Merrill Plaisance construction. So there's a delay in that construction. Therefore, we're not able to pay rent to that space. Under spent, we take very seriously. We're working very hard to fill those vacancies and make the staff whole. The Secretary of the Board is filled; Chief Investigator filled; the Executive Fiscal Manager filled. An Administrative Assistant has been extended an offer, a couple of investigators have also been filled. The rest of these positions we are progressing every single day. As we look at our current fiscal year budget FY2023-24 we are currently down versus last year by 2%. This is important and I want you to keep this in mind. The large majority of this 83% is salaries, wages, and benefits. All the more reason its so important for us to have staff be full. To make sure that our capabilities are 100%. It's all relative, on average BOPC budget has grown point 6%, year after year. In relation to the DPD's budget, they have grown 6.5% over the last 3 years. With our charter responsibility to provide civilian oversight, five years ago the BOPC's budget represented 1.2%, of the police departments. And every year since, that ratio has waned. BOPC Budget will never be close to the size of the budget that it given to the police department. As the police departments, resources, and number of officers grow and their budget grows. We would expect that the BOPC budget should grow in parallel proportionally. Five years ago, we were 1.2% of the police department and today, we would expect to be also 1.2% of the police department's budget. In similar spirit, if we look at the BOPC's budget, it is essentially flat. Over the last three years we've only grown at 0.6% year after year. Whereas the number of investigations that our staff is fielding has gone up double digits, 12.5%. So there's a lot more work being done. There's a lot more oversight to be had and our resources have essentially stayed flat. The police department is growing their budget growing, growing their people, and growing their capabilities. The number of complaints from the citizens are also growing, the Board of Police Commissioners is staying flat. It is our plan to make an amendment to the current year fiscal budget to ask for more funds. Our plan is to go to City Council. We will be pulling together this presentation and bring it before the Board for approval. The additional funds will be for more Investigators, audio and video equipment, food and community events, a case management system, and a contract for audio and visual

capabilities. I'm planning to present to the Board every month about how our budget is actualizing on a monthly basis. My plan, tentatively, is for that presentation to be in the first week of every month. In addition to looking at the BOPC budget, we will also be analyzing and tracking the police department's budget as well. See the attached Meeting Transcripts posted to the Board's webpage.

The following inquiries require responses from the BOPC and/or DPD: **Commissioner Carter** asked would it be more appropriate to ask questions about the amendments, and why these things were chosen? **Commissioner Bell** expressed DPD Budget is the largest in the City of Detroit due to the Public Safety issue. As you well know, great impacted by the Council. I do not understand this comparison. I would hope you would be going to the Budget Committee before we bring this out in terms of let them weigh in. **Commissioner Burton** discussed what we budget for our dollars, and how the department is budgeted, and looking at the growth. I like to see something added where we have a Parliamentarian present at every meeting, just like other boards and other elective bodies. It is good to see our Board is looking to fill other vacancies. We definitely need a Board Attorney. We need to be more involved in handling the budget situation here, but also these positions that we need to fill. As well as really addressing oversight. What has really come down to our fiduciary responsibility, we are short personnel, in order to do that we need to push to increase our budget so we can hire personnel so we can address oversight. Cases are going up over in OCI. There is still 700 cases right now, that's in the Inspector General office that come from OCI. We really need to do a better job and increase on our budget, so we can better increase our personnel. **Commissioner Holt** expressed I'm impressed with the presentation and the focus. I think we need to say again, citizens are starting to submit their complaints. I don't translate that to more acting out of DPD. I think citizens are becoming more educated on the fact that they do have the right, and that there is an agency that will address those complaints. I can remember going back to 2019, when Commissioner Holley said, "Can we please have somebody help us understand DPD's budget", and it looks like that might be part of the activity as it relates to the executive manager, along with the support of the Secretary to the Board.

- B. ShotStoppers CVI Program, Michael Peterson, Program Administrator** provided a presentation on Crime Statistics, Community Violence Intervention, White House support, Public Health Issues, CIV Goals, Program Structure, and the six organizations including their location.

The following inquiries require responses from the BOPC and/or DPD: **Chairperson Holley** expressed he thought the presentation was very important when he saw it 6 or 7 months ago. Investing in the community, the people know who is causing the crime. These people have been doing this for years voluntarily, but now they are getting help with resources. **Commissioner Moore** asked once the group gets the \$700,000, what is the accountability of checks and balances for the funds? For each item purchased do they have to produce a receipt? What is the process? At the end they get the \$700,000, because it sounds like it just balance up until they received the \$700,000? **Commissioner Holt** inquired how do these organizations document success? When were we, the community educated on the fact these organizations were moving into our community? **Commissioner Burton** expressed my constituents in District 5 would like to know what type of training do these organizations bring to the table? They feel like the \$750,000 is preposterous is not really addressing a real issues, at hand like combating poverty.

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

1. ShotStoppers Map Handout
2. BOPC Briefing 09072023
3. Budget Presentation 09072023
4. Escalated CCR 09072023
5. CI Escalated Cases 09072023
6. Four (4) Administrative Leaves Without Pay, But With Medical Benefits from Chief James White 09072023
7. Thirty (30) Citizens Letters Regarding Red Light Traffic Concerns
8. No Charges to Issue in Fatal Shooting After East Grand Blvd. Drag Racing Incident 09012023
9. No Charges to Issue in Fatal Shooting of Woman in Mental Health Crisis 09012023

Board Secretary Shah provided updates for the Board and the benefit of the public regarding Critical Incident debriefs. The first one, officer involved shooting occurred on August 18, 2023. The Chief's office did reach out yesterday evening to schedule the Board's debrief. I propose this to occur once the Chair returns, September 12, 2023, once the date and time are set, I will share the information with the Full Board. The next one is in regards to Chief White's email to the Board, and this was also shared by various media outlets. There was a use of force resulting in serious injury that occurred on September 1, 2023. Once the Chief's office schedules the debriefing for the Board for that incident, I will share the date and time with all commissioners. In regards to the administrative leave without pay considerations, later, in the agenda, the Board is scheduled to consider Chief White's request to place four officers on administrative leave without pay, but with medical benefits. DPD's responses to the follow-up questions for Police Officer Sandifer, Police Officer Smith and Police Officer Hamawi were received today and have been added to your package. In regards to BOPC Staffing updates, since June there have been several position amendments approved by the Board. Please know that after the Board approves such actions there is a series of paperwork steps and approvals with the city that have to occur for these actions to go into effect. The BOPC Staff has been working diligently with various city departments to get these requests processed. However, there are a lot of hands involved, and delays in the approval chains sometimes occur. A meeting was held on the September 5, 2023 between BOPC Staff, the Chair, HR Recruiting, Finance and Budget. As a result, there's been significant progress on these requests, and I'll provide you with updates on those now. The request for the GIS Analyst 1, to be converted to the Task Worker, performing analyst work on behalf of the Board that was approved, June 22, 2023. The amendment was approved by Budget and Finance on yesterday, and the requisition to recruit that position was submitted on yesterday, and it is moving through the approvals. The request for Non-Union Investigators, there were two to be converted to Union Investigator positions through the open position. The Board approved that on August 3, 2023, and the amendment is still in the approval process. The change from Office Assistant 3 to Administrative Assistant and salary increase for Ms. Stephanie Phillips, the Board approved that on the August 17, 2023 the amendment was approved by Budget and Finance on yesterday, and the requisition to convert Ms. Phillips to Administrative Assistant, and her salary increase is still in the approval process, and we expect that to conclude in the next couple of days. For the Administrative Assistant salary, increase for Ms. Angela Cox that was also approved on the August 17, 2023, and the increase was approved by Budget and Finance on yesterday, and the letter from HR notifying Ms. Cox of her salary increase was signed by the Chair on yesterday, and if she has not received that letter yet, Ms. Cox should be receiving that soon. Just as a note, there is an exception being made by HR. To make the effective date for both of these changes back to the seventeenth of August, when the Board approved the change. Considering how long the paperwork process has been taking, when Ms. Cox and Ms. Phillips receives their letters they will see an effective date of August 17, 2023. In regards to open positions, the Administrative Assistant position as was voted on August 31, 2023 to appoint Ms. Jasmin Taylor to Administrative Assistant, the contingent letter has gone out to her and HR is working on the background check and salary negotiations. A tentative start date is September 25, 2023, and there is a requisition in progress for one Investigator opening currently at OCI. In regards to DPD training class presentations, BOPC and OCI has historically provided history and overview of the BOPC and OCI to new recruit classes and Sergeant and Lieutenant classes. Commissioner Bell fully coordinates and speaks on behalf of the Board in these presentations. If and when the Board office becomes aware of these presentations, the information will be shared with the entire Board. For transparency, and to allow commissioners to attend if desired. Please consult Commissioner Bell. If you have questions regard these presentations. The next class presentation is scheduled is for Friday, September 8, 2023, from 1 pm - 3 pm, at the training center at 6050 Linwood. Last update is around contract services, the contract for Parliamentarian services is up for renewal. City procurement, put the services out for a two-year bid, and there was a single bidder to respond. Which is our current Parliamentarian Dr. Francis Jackson. City procurement is working through the contracting process with Dr. Jackson, and once finalized, I will share the updated contract with the Board. In addition, commissioners you receive details via email regarding the status of the Board's contract for transcription services. City procurement also put this service out for two-year bid. There was a single bidder, which is our current court reporter Hanson, and once all clearances are complete. The updated contract will be shared with the Board.

XIII. Announcements.

Board Secretary Shah announced the following:

Next Meeting: Thursday, September 14, 2023, at 6:30 p.m., hosted by the 4th Precinct at Kemeny Recreation Center, 2260 West Fort St., Detroit, MI 48217.

Next Community Meeting: Thursday, October 12, 2023, at 6:30 p.m., hosted by the 7th Precinct at St. John Presbyterian Church, 1961 East Lafayette, Detroit, MI 48207.

XIV. New Business

- A. **Commissioner Holt** motioned, “that the Board go into Closed Session pursuant to Section 8(a) of the Open Meetings Act, MCL 15.268(a) the Department’s request for the Board to consider Administrative Leave Without Pay but with Medical Benefits for Corporal Melanie Armstrong, Badge 326, assigned to the Special Victims Unit”. (2/3 roll call vote required) (Time: 5:02 p.m.). The motion was adopted.

VOTE: YES = 7 NO = 0 MOTION: ADOPTED

Yes: Chairperson Holley, Commissioners: Banks, Bell, Burton, Carter, Moore, Holt

Motion to “Reconvene the Public Meeting.” (Time: 5:29 p.m.) The motion was adopted.

Commissioner Holt motioned “that the Board of Police Commissioners accepted the Department’s recommendation to Change the Duty Status of Corporal Melanie Armstrong, Badge 326, assigned to the Special Victims Unit to be placed on Administrative Leave Without Pay but with Medical Benefits”. (2/3 roll call vote required) The motion Failed.

VOTE: YES = 5 NO = 2 ABSTAIN = 1 MOTION: FAILED

Yes: Commissioners Banks, Bell, Carter, Hernandez, Holt

No: Chairperson Holley, Commissioner Moore

Abstain: Commissioner Burton

- B. **Commissioner Holt** motioned, “that the Board of Police Commissioners accept the Department’ go into Closed Session pursuant to Section 8(a) of the Open Meetings Act, MCL 15.268(a) the Departments request for the Board to consider Administrative Leave Without Pay but with Medical Benefits for Police Officer Rakan Hamawi, Badge 2102, assigned to Downtown Services”. (2/3 roll call vote required) (Time: 5:34 p.m.). The motion was adopted.

Motion to “Reconvene the Public Meeting.” (Time: 5:56 p.m.) The motion was adopted.

Commissioner Moore motioned “that the Board of Police Commissioners accepted the Department’s recommendation to Change the Duty Status of Police Officer Rakan Hamawi, Badge 2102, assigned to Downtown Services to be placed on Administrative Leave Without Pay but with Medical Benefits”. (2/3 roll call vote required)

Commissioner Burton motioned “that the Board of Police Commissioners postpone the Departments’ recommendation to Change the Duty Status of Police Officer Rakan Hamawi, Badge 2102, assigned to Downtown Services to be placed on Administrative Leave Without Pay but with Medical Benefits”. The motion passed.

VOTE: YES = 5 NO = 3 ABSTAIN = 0 MOTION: PASSED

Yes: Commissioners Banks, Burton, Carter, Moore, Hernandez

No: Chairperson Holley, Commissioners Bell, Holt

- C. **Commissioner Hernandez** motioned, “that the Board of Police Commissioners accepted the Department’s recommendation to Change the Duty Status of Police Officer Javier Smith, Badge 5009, assigned to Downtown Services to be placed on Administrative Leave Without Pay but with Medical Benefits”.

Commissioner Burton motioned “that the Board of Police Commissioners postpone the Departments’ recommendation to place on Administrative Leave Without Pay, but with Medical Benefits Police Officer Javier Smith, Badge 5009, assigned to Downtown Services. The motion passed.

- D. **Commissioner Holt** motioned, “that the Board go into Closed Session pursuant to Section 8(a) of the Open Meetings Act, MCL 15.268(a) the Departments request for the Board to consider Administrative Leave Without Pay but with Medical Benefits for Police Officer Jajuan Sandifer, Badge 1129, assigned to the Tenth Precinct”. (2/3 roll call required) (Time: 6:05 p.m.).

Motion to “Reconvene the Public Meeting.” (Time: 6:22 p.m.) The motion was adopted.

Commissioner Holt motioned “that the Board of Police Commissioners accepted the Department’s recommendation to Change the Duty Status of Police Officer Jajuan Sandifer, Badge 1129, assigned to the Tenth Precinct to be placed on Administrative Leave Without Pay but with Medical Benefits.” (2/3 roll call required)

Commissioner Burton amended the motioned “that the Board of Police Commissioners postpone the Department’s recommendation to Change the Duty Status of Police Officer Jajuan Sandifer, Badge 1129, assigned to the Tenth Precinct to be placed on Administrative Leave Without Pay but with Medical Benefits.” The motion failed.

VOTE: YES = 2 NO = 5 ABSTAIN = 0 MOTION: FAILED

Yes: Commissioners Burton, Moore

No: Chairperson Holley, Commissioners Banks, Bell, Carter, Holt

Main Motion

Commissioner Holt motioned “that the Board of Police Commissioners accepted the Department’s recommendation to Change the Duty Status of Police Officer Jajuan Sandifer, Badge 1129, assigned to the Tenth Precinct to be placed on Administrative Leave Without Pay but with Medical Benefits.” (2/3 roll call required) The motion failed.

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

Yes: Commissioners Banks, Bell, Carter, Holt

No: Chairperson Holley

Abstain: Commissioners Burton, Moore

XV. Adjournment.

Chairperson Holley adjourned the meeting at 6:26 p.m.