

Draft Minutes Detroit Board of Police Commissioners

Date of Meeting: September 5, 2019 – 3:00 PM

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

BOPC Chairperson Lisa Carter called the BOPC Board Meeting to order at 3:00 PM (September 5, 2019)

| Detroit Police Commission Membership / Attendance | | |
|---|---------|------------|
| | Attend | Not-Attend |
| Lisa Carter, Chairperson | Yes | |
| Eva Garza Dewaelsche, Vice Chairperson | Excused | |
| Willie E. Bell | Yes | |
| Elizabeth Brooks | Yes | |
| Darryl D. Brown | Yes | |
| Shirley A. Burch | Yes | |
| Willie E. Burton (3:18 PM) | Yes | |
| William M. Davis | Yes | |
| Evette Griffie (3:20 PM) | Yes | |
| Jim Holley | Yes | |
| Annie Mae Holt | Yes | |
| | | |
| Quorum (Yes) | 10 | |
| | | |

The Board acting in accordance with its rules approved the Agenda for September 5, 2019.

The Board acting in accordance with its rules approved the following Board Minutes: Thursday, August 29, 2019

BOPC Chairperson Lisa R. Carter: 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. Commissioner Eva Dewaelsche requested to be excused from our meeting today. Today, we have invited Chaplain Mark Clark to provide the invocation. Chaplain Clark provided the invocation for the meeting. Chairperson Carter requested the introductions of the Board, Chief of Police James Craig, BOPC and DPD staff and other civic leaders and representatives.

Chairperson's Report: Chairperson Lisa Carter said, "On behalf of the Board, I want to express our concern and support for fallen and injured officers. 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 the Chief of Police 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 2nd 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. The NACOLE conference is fast approaching. I remind the Board, we are continuing to work with NACOLE (National Association for Civilian Oversight of Law Enforcement) to host the National Conference on September 22 thru 26, 2019 in Detroit. During the same time, Detroit will be celebrating our 45th year as a civilian oversight organization. The BOPC has secured an exciting keynote speaker for our 45th Anniversary Dinner, Christy E. Lopez. The 45th Anniversary dinner is Tuesday, September 24, 2019 at 5:00 PM to 7:00 PM at the Marriot Hotel. Christy E. Lopez is a former member of the U. S. Department of Justice in the Special Litigation Section as well as a visiting Professor at Georgetown Law School. Professor Lopez's work has centered on criminal justice reform and constitutional policing. Professor Lopez led the DOJ in conducting pattern-or-practice investigations of local police departments and negotiated settlement agreements in Ferguson, Chicago, New Orleans, Los Angeles Sheriff's Department, Newark, New Jersey and several other important oversight initiatives across the country. Again, the planning process is well underway, and we invite your participation. We also invite you to volunteer to help with the conference and dinner. Volunteer forms are located on the back table.

Two weeks ago, the Chief of Police transmitted to the Board three recommendations for appointment to the command ranks of the Department. The positions are for Deputy Chief, Commander and Captain. Each Board member was transmitted copies of the appointment packages on Monday, August 26, 2019. Our staff has completed a review of these recommendations. At the end of my report, I will ask Commissioner Bell to move for the approval of the three recommendations for Deputy Chief, Commander and Captain.

Several weeks ago, I outlined a process for amendments to our By-Laws. In discussion with various Board members there are several items that must be corrected to provide for an efficient operation of our Board and office. First, we must bring our organizational chart to comply with our existing by-laws. The by-laws, section 10 reads "The secretary to the Board has the authority and responsibility for supervising all employees, with the exception of the Director of Personnel." Our organizational chart suggests otherwise. We must bring the organizational chart in line with our By-Laws. Second, we continue to have questions about our subcommittee structure. On a Board with 11 members, it was necessary to create specialization between Board members to carry out our broad functions. I will be soon announcing subcommittee assignments and I encourage each Board member to participate in the work of the Board. Our subcommittees are advisory to the full Board. While the Open Meetings Act and Robert's Rules do not require for our subcommittees to have open meetings, we need to have an internal discussion on the methods that we will use to deepen our understanding on specialized issues and topics. At the point that we will be reviewing our By-Laws, I will be open to any recommendations and discussion on our subcommittee structure. Third, we continue to struggle around the conduct of individual Board members at our meetings. In the past, we asked former Michigan Supreme Court Justice, Conrad Mallett, Jr. to strengthen the language in our By-Laws to provide for a remedy so that we could continue to conduct orderly meetings. Our meetings are for the Board and for the business associated with police policy and practice. We ask the public to attend and follow the work of the Board. We also ask for public input. Our agendas have a specific structure to them. There are appropriate time on the agenda for individual commissioners to voice their views and for the public to comment on the work of the Board. At the end of the day, the Board works by majority vote. It is not necessary to continue to bring measures to the floor knowing that a specific action lacks sufficient support of the majority. I will also emphasize that discussions of the Board come through the Chair. If you are not recognized by the Chair, you do not have the floor and therefore the privilege to speak. I ask in the interest of order at our meetings for the cooperation of the Board and the audience. A good review of our By-laws will afford another opportunity to strengthen our language on several areas that will help us work together as a Board. If there are any Commissioners who would like to submit By-law changes, I will be accepting them up until the end of September. In the meantime, I point to the Attorney for the Board, who advises the Board, to continue in his role as parliamentarian. I will be going to him, as needed, for clarification of various rules and procedures.

Yesterday, the Chief of Police transmitted to the Board a request for change of duty status / Suspension without pay for Sergeant Raytheon Martin, Badge # S-157 assigned to Commercial Auto Theft. We are in the process of contacting the union and arranging for a closed session on this matter. I hope to bring this to the Board within the next few weeks, appropriate notification will occur before the closed session.

Today, we have two retirement resolutions from two outstanding members of law enforcement. Commander Charles Mahone and Corporal Denise Walker, both are 30 plus year veterans of the Department. Under resolutions, I will ask that two of our Commissioners read the resolutions into the record and we will seek approval of the resolutions.

We also have two presentations for the Board. The first will be from Ms. Melanie White, Executive Manager for Policy. Ms. White will provide the Board with a summary of recommendations on proposed directive 307.5 Facial Recognition. Ms. White's work is based on a comprehensive review of best practices on the subject of facial recognition. The Board will take these recommendations under advisement. As Chair, I have authorized Ms. White to transmit these recommendations to the Department for their review and information. After we have received additional input from the Board and reactions from the Department, we will schedule this item for a vote. Please note we are not voting on facial recognition today. We are receiving recommendations only. The second presentation is on mental health. The focus of this presentation is on DPD training and implementation of mental health techniques and methods. Captain Sonia Russell, leads the training academy and will be making the presentation.

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

Again, at the end of the meeting we will have public comments from the audience. 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."

Chairperson Carter called upon Commissioner Willie Bell for a motion on the Chief of Police requests for appointments and promotions. Commissioner Willie Bell, read into the record the following motions RE: **Approval of Appointment/Promotions for DC Bryant, Commander McGinnis and Captain Harris**

(1) I (Bell) move to support the Chief of Police's request to appoint **Commander Elaine R. Bryant to the rank of Deputy Chief.**
Motion by: Bell Second by: Brooks Vote: Yes=10, No=0 Results: **Motion Approved.**

(2) I (Bell) move to support the Chief of Police's request to appoint **Captain Michael L. McGinnis, II to the rank of Commander.**
Motion by: Bell Second by: Holley Vote: Yes=10, No=0 Results: **Motion Approved.**

(3) I (Bell) move to support the Chief of Police's request to appoint **Lieutenant Brian D. Harris to the rank of Captain.**
Motion by: Bell Second by: Brown Vote: Yes=10, No=0 Results: **Motion Approved.**

Resolutions:

Commissioner Willie Bell read into the record the following resolution for retiring Commander Charles Mahone.

RESOLUTION HONORING CHARLES E. MAHONE

WHEREAS Mr. Charles Mahone was appointed to the Detroit Police Department on August 14, 1989, and upon graduating from the Detroit Metropolitan Police Academy he was assigned to the Thirteenth Precinct; and

WHEREAS Police Officer Mahone displayed tremendous aptitude in his assignments, and was promoted to the rank of Sergeant on May 21, 1999. His other assignments included Special Crimes Section, First Precinct, and Gang Enforcement Crews. He developed his supervisory skills and was promoted to the rank of Lieutenant on June 14, 2006. He served as the Executive Lieutenant at the Tenth Precinct until October 7, 2013. On October 7, 2013 he was promoted to the rank of Captain and assigned to the Fifth Precinct, and later Organized Crime; and

WHEREAS Captain Mahone, still being recognized for his distinguished service, was promoted to the rank of Commander on May 23, 2014 and assigned to Patrol Operations Bureau, Ninth Precinct, and Seventh Precinct. As a Commander he attended the Federal Bureau of Investigations National Academy from January 2016 through March 2016. At the Seventh Precinct Commander Mahone provided effective leadership mentoring to all patrol entities under his command, where he remained until his retirement; and

WHEREAS During his career Commander Charles Mahone was a recipient of a Lifesaving Citation & Medal, Chief's Merit Award, two Perfect Attendance Awards, Ford Fireworks Award, both Consent Judgment Awards, National Football League Superbowl XL Recognition Award, the Rosa Parks Funeral Award, Major League Baseball All-Star Recognition Award, and numerous letters and certificates of appreciation; and

WHEREAS Commander Mahone served the Detroit Police Department diligently for 30 years and daily demonstrated his loyalty and dedication to the citizens of Detroit. His professionalism, expertise, and leadership attest to the fact that he represents 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 award this resolution in recognition of Commander Charles E. Mahone's 30 years of dedicated and diligent public service. His professional, integrity, and lifelong commitment to the city of Detroit and its citizens merit our highest regards. We thank and congratulate you, Commander Charles E. Mahone.

Commissioner Annie Holt read into the record the following resolution for retiring Corporal Denise Walker.

RESOLUTION HONORING RETIRING CORPORAL DENISE V. WALKER

WHEREAS Denise Walker was appointed to the Detroit Police Department on April 6, 1987. Upon graduating from the Detroit Metropolitan Police Academy, Police Officer Walker began her career at the Youth Section; and

WHEREAS She dutifully served the Youth Section, Seventh Precinct, Central District Gaming Division, Distraction Unit, Risk Management, Northeastern District, Office of the Assistant Chief, Office of the Chief of Police, Tactical Operations, First Precinct, Downtown Services, Chief's Neighborhood Liaison, and Special Events Unit. Police Officer Walker displayed tremendous diligence and aptitude in her assignments. She was promoted to the rank of Corporal on January 1, 2019, and continued to serve in the Special Events Units until her retirement; and

WHEREAS During her law enforcement career, Corporal Walker provided security for several United States dignitaries and foreign heads of state.

She was the deserving recipient of a Chief's Unit Award, three Perfect Attendance Awards, Chief's Citations, Consent Judgment Award, the Major League Baseball All-Star Recognition Award, the Rosa Parks Funeral Recognition Award, the Super Bowl XL Recognition Award, nominee for the Detroit Metro Convention & Visitors Bureau's prestigious 2019 Rose Award, as well as commendations from supervisors, and numerous letters of appreciation from citizenry; and

WHEREAS Corporal Walker has tirelessly served the Detroit Police Department, the citizens of Detroit and its neighboring communities for 32 years. Her professionalism, commitment to public service, integrity, and dedication have been a credit to the Detroit Police Department. She is highly respected as a consummate professional.

NOW, THEREFORE, BE IT RESOLVED That the Detroit Board of Police Commissioners, speaking for the citizens of Detroit and the Detroit Police Department, awards this resolution in recognition of Corporal Denise Walker's 32 years of dedicated and diligent public service. Her professionalism, integrity, and lifelong commitment to the city of Detroit and its citizens merit our highest regards. We thank and congratulate you, Corporal Denise V. Walker.

Commissioner Willie Bell moved the approval of two resolutions (1) Retirement Resolution for Commander Charles Mahone and (2) Retirement Resolution for Corporal Denise V. Walker.

Motion by: Bell Second by: Holt Vote: Yes=10, No=0 Results: Motions Approved.

COP Police Report: Chief of Police James Craig reported crime and statistical data utilizing DPD Department report dated September 5, 2019. Chief Craig reported year-to date data by category including, 1% increase in Criminal Homicides, Sexual Assaults 0% increase, Aggravated Assaults -3% decrease, non-fatal shootings 2% increase, Robbery -3% decrease, Carjacking -25% decrease, Burglary -8% decrease, Larceny -3% decrease, Stolen Vehicle 2% increase and Part 1 offenses -3% decrease. Chief Craig applauded the Board's action in promoting DC Bryant, Commander McGinnis and Captain Harris.

Presentation to the Board: (A) Briefing/Summary of Facial Recognition Recommendations from BOPC Policy Division, Melanie White, Executive Manager – Policy
(B) DPD's Implementation and Methods in connection with mental health related incidents, Captain Sonja Russell, DPD Professional Education and Training

(A) Briefing/Summary of Facial Recognition Recommendations from BOPC Policy Division, Melanie White, Executive Manager – Policy provided the following information for the Board. Executive Manager White indicated the policy review conducted by the Policy Division included the review and the development of policy recommendations related to the Department's proposed policy on Facial Recognition 307.5. Executive Manager White indicated included in the Board's package are three documents,

1. Department's revised proposed policy on Facial Recognition 307.5;
2. Policy Division's Detailed Recommendation Report and references cited;
3. Policy Division's PowerPoint Presentation that highlights (23) policy recommendations.

Executive Manager White indicated the isolated several important dates as listed below,

- a. 2017: DPD Contracts for Facial Recognition Technology Software with Data Works Plus Company
 - i. Detroit City Council approves contract/Department has operated system for 1 ½ years
- b. January 18, 2019: DPD submitted initial proposed policy
 - i. January 18, 2019: Board began its review and evaluation of initial proposed policy
- c. June 27, 2019: DPD rescinded initial proposed policy
- d. August 1, 2019: DPD transmitted revised proposed policy
 - i. August 1, 2019: Board began its review and evaluation of revised proposed policy.

Executive Manager White outlined the review process as listed below,

Activities: Policy Division conducted the following activities to arrive at policy recommendations:

- e. Conducted Robust Review, Research, and Analysis of Professional Guidelines and Recommendations;
- f. Discussed the Facial Recognition Technology Program with Department Executives;
- g. Toured the Detroit Police Department's Real Time Crime Center (RTCC) Facial Recognition System Program;
- h. Engaged in review and communications with various officials from jurisdictions and agencies around the country; and
- i. Attended Board of Police Commissioners' Meetings, listened to Honorable Board's concerns, public feedback and comments, as well as the DPD's comments

Executive Manager White provided the following highlights of Policy Recommendations as requested by the Board. White indicated the highlight are grouped in two categories.

1. **Broad Category** - general areas of importance (i.e. purpose, training, defining terms, etc.)

Administrative Policy Recommendations

1. Facial Recognition Technology Purpose for public and operational clarity; only used in Part I Violent Crimes, Home Invasion 1 Investigations, only used as an investigative lead.
2. Require Ongoing, Competent Training and Documentation;
3. Specify Supervisor Responsibilities (i.e. written peer and supervisory verification, additional FR monitoring responsibilities);
4. Indicate Minimum Required Standard (i.e. Reasonable Suspicion or Probable Cause);
5. Include Definitions in DPD Policy for public and operational clarity;
6. Address Data Retention Item:
 - a. Purge images that are not used (or elevated) in continuous investigations
 - b. Prohibit Data Sharing with Public and Private Organizations, Security Firms, Employers (to eliminate discriminatory employment practices)
7. Ensure against hacking and other data breaches: Implement and retain preventative measures on data collection protection and maintenance to protect confidential and sensitive information.
8. Detail how to request Facial Recognition (Procedures): What is required in writing? In case file? etc.

2. **Critical Importance Category** - specific areas of importance (i.e. those areas directly impacting the technology system and its use):

Required notifications: The Department shall notify the Board regarding the below listed areas:

9. Data Works Contract, Grants, and Other Modifications
10. Department Policy Amendments and Modification
11. Notification of Algorithm Agnostic Improvements, Updates, Changes to Actual Software - System procedures or step-by-step internal software procedural modifications.
12. Notification of Violations of Policy including First, Fourth, and Fourteenth Amendments to the Board, Mayor, City Council President, Council President Pro Tem within 4 hours of a breach
13. Provide Clarity on Outside Agencies' Use and Access to the System

Audits

14. Required Written Documentation of Supervisory Concurrence or Disagreement with Peer-to-Peer Review, Peer-to-Peer Evaluation, etc.
15. Require Department Audits: Currently engaged in; however, would remain mandatory if placed in Department policy
16. Include Enforcement Provisions - all violations shall be reported to the BOPC immediately and strict adherence to disciplinary policy
17. Specify Annual Report Mandatory Provisions
18. Comply with current federal, state, and local laws - Policy should require yearly check and compliance with all applicable laws to anticipate new regulations.

Prohibitions

19. Reemphasize that Facial Recognition Technology does not establish Probable Cause to arrest;
20. Prohibition against Mobile FR, Drones, Live Stream, Surveillance, Real Time, etc. (Mayor Duggan prohibition on surveillance);
21. Prohibition against use for Immigration Purposes;
22. Prohibition against use of Facial Recognition Predictive Analytics to predict unknown future events.
23. Emphasize Constitutional Protections: "The Department shall not violate the First, Fourth, or Fourteenth Amendments and will not perform or request Facial Recognition against an individual or organization":

- a. Prohibition Against: First Amendment Violations (religion, freedom of expression or association, political (i.e. Red Files), and social activities and events);
- b. Prohibition: Fourth Amendment Violations (illegal searches and seizures)
- c. Prohibition: Fourteenth Amendment Violations (profiling against selected classes (i.e. race, gender identification, sex, religion, immigration status, sexual orientation, disability, age discrimination, places of origins, and other classes protected by law).

Board Chair indicated that the recommendations have been transmitted to the Department and next steps would include obtaining any recommendations from the Board and receipt of responses from the Department before a vote final vote of the Board.

(B) DPD's Implementation and Methods in connection with mental health related incidents, Captain Sonia Russell, DPD Professional Education and Training outlined the purpose of mental health training as utilized by the Department. Russell indicated the objectives of the training was to reduce injuries to officers by using appropriate de-escalation techniques, increase safety for citizens by using appropriate communications strategies, and the identification of fair and humane responses to mental disorders consistent with known techniques in the policing and mental health fields. DPD afford a standard 8 hour block of training to new recruits in the police academy. Captain Russell indicated DPD is working in partnership with the Detroit-Wayne County Mental Health Authority to train tenured members of the Department as part of the Community and Police Partnership Advocacy (CAPP). Russell added, the CAPP program consist of 2 hour block of instruction in mental health and homelessness training techniques. The CAPP two hour block is mandatory. Captain Russell also provided the Board with preliminary (unverified) six months of mental health related service calls and outcome data. Captain Russell also discussed with the Board issues related to barricaded gunpersons and mental illness and training for the Special Response Team (SRT). The training focused on hostage negotiations and crisis intervention. Captain Russell concluded her presentation with training in a new program called CIT (also a grant funded by the Detroit-Wayne County Mental Health Authority), that provide 40 hours of training to law enforcement officers within Wayne County. To date, Russell indicated 4 DPD officers have been certified as CIT instructors and will be leading a 24 member class starting September 16 thru September 20, 2019 in Downtown Services and the 9th Police Precinct.

BOPC Standing Committee Reports: None.

Report from Secretary to the Board: Mr. Hicks indicated that on the agenda two items have come into the Board (see list below). Hicks indicated that both items had been covered under the Chairpersons report.

- 1. BOPC Policy Division Briefing/Summary of Facial Recognition with Recommendations to the Full Board.
- 2. Request from the COP for Change of Duty Status for Sergeant Raytheon Martin, Badge # S-157.

Old Business: Commissioner Burton place the following motion on the floor.

Commissioner Willie Burton moved that the BOPC move its meetings out from the Public Safety Headquarters Building to comply with the Open Meetings Act. Second Darryl Brown Discussion.

VOTE - Yes = 3, No = 5, MOTION FAILED

New Business: None.

Announcements: The next monthly community meeting is scheduled for September 12, 2019 at 6:30 PM at Kemeny Recreation Center, 2260 South Fort Street, Detroit, MI 48217 (4th Precinct). The following month's community meeting is scheduled for October 10, 2019 @ 6:30 PM at St. John Presbyterian Church, 1961 East Lafayette, Detroit, MI 48207 (7th Precinct).

Oral Communications - 8 individual comments

Ms. Bemice Smith reported on the resolution on a continuing complaint in her neighborhood involving various nuances. Mr. Eric Blount indicated it was painfully obvious that facial recognition must be opposed. He indicated that given the racial misidentification concerns with FR, FR should not be under consideration. Mr. Blount also requested the Chief of Police to release a taped briefing on the Corporal Jones matter taped by a Detroit News reported in a recent briefing conducted by the Chief and his staff. Mr. Eric Williams, Detroit Justice Center, attorney opposed facial recognition and commented that the information provided to the Board was singled sourced and the Board would benefit from a presentation from opposing groups.

Ms. Karen Gordon complained about a citizen complain investigated by the Office of the Chief Investigator and suggested that the Chief of Police and the Board should review video to determine if they agreed with the findings from OCI. **Tawana Petty** Detroit Digital Project, urged the Board to vote no on facial recognition indicating it was against privacy and suggested that she and groups like hers would fight against FR. Petty indicated the dangers are in developing watch lists, connecting and running information through various databases and using facial recognition. **Brenda Hill** indicated the Board is violating the Open Meetings Act by meeting in police headquarters. **Ms. Consuela Lopez** indicated she headed ALPAC an association of law enforcement representative who discuss various topic important to marginalized communities and law enforcement. Ms. Lopez invited the Detroit COP to one of her meeting indicating that of all of the area police chief's her organization did not have a professional relationship with the Detroit Police Chief. Ms. Lopez also announced a meeting scheduled for September 25, 2019 @ 4:00 PM in the 3rd Police Precinct. **Mr. Bryan Ferguson**, President of the Schoolcraft Improvement Association voiced his support for facial recognition technology indicating that Detroit can be on the forefront in utilizing FR technology to address crime. **Mr. David Dudenhoefer**, head of the 13th District Republican Party wanted to schedule an appointment to see the Real Time Crime Center and voiced his concerns about FR being a Trojan horse that might later bite us in years to come. **Michelle George** indicated that she was seeking the city and Department cooperation for Blood Pressure Day. She indicated it was important given the stress of officers and the public. Ms. George commented on policy for weapons for OCI Investigator and Chaplain's to have firearms. Ms. George also opposed FR technology. John Doe commented on the FR presentation indicated he did not see a base-level grading scale and cross-reference of offenses as against violations.

Motion to Adjourn, William Davis, Second, Holt.

Acting Chairperson Willie Bell adjourned the meeting at 5:23 PM.