

Draft Minutes Detroit Board of Police Commissioners
Date of Meeting: Thursday, January 16, 2020 – 3:00 PM
Location: Detroit Public Safety Headquarters

BOPC Vice-Chairperson Eva Garza Dewaelsche called the BOPC Board Meeting to order at 3:00 PM (January 16, 2020)

Detroit Police Commissioners' Membership / Attendance		
	Attend	Not-Attend
Lisa Carter, Chairperson	Excused	
Eva Garza Dewaelsche, Vice Chairperson	Yes	
Willie E. Bell	Yes	
Elizabeth Brooks	Yes	
Darryl D. Brown (3:17 p.m.)	Yes	
Shirley A. Burch	Excused	
Willie E. Burton (3:17 p.m.)	Yes	
William M. Davis (3:02 p.m.)	Yes	
Evette Griffie (3:30 p.m.)	Yes	
Jim Holley	Yes	
Annie Mae Holt	Yes	
Quorum (Yes)	9	

The Board acting in accordance with its rules approved the Agenda for Thursday, January 16, 2020.

The Board acting in accordance with its rules approved the following Board Minutes: Thursday, January 9, 2020

BOPC Vice-Chairperson Eva Garza Dewaelsche stated, “Good afternoon! I am Police Commissioner Eva Garza Dewaelsche, I serve At Large. I serve as the Vice-Chairperson 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 Shirley Burch has asked to be excused from this afternoon’s meeting. Today, we have invited Chaplain Claudia Finley to provide the invocation.”

INVOCATION: Chaplain Claudia Finley provided the invocation.

Introduction of Commissioners (by individual Commissioner):

Business Items:

- Approval of the Agenda – (Approval vote required) and
- Minutes for January 9, 2020 – (Approval vote required)
- Introduction of BOPC Staff and DPD Staff.
- Introduction of Elected Officials, VIPs, civic leaders or their representatives.

BOPC Vice-Chairperson Dewaelsche stated, “This month, we celebrate and acknowledge Dr. Martin Luther King Jr., one of the most prominent leaders of the American Civil Rights’ Movement. Monday, January 20, 2020, is Dr. King’s national holiday, and the Board’s Office will be closed. Dr. King’s life, legacy, and tremendous contributions made during the civil rights’ movement achieved substantial progress toward racial equality, nonviolence, and the fight against police brutality. We encourage you to participate in any of the holiday observance events around the community.”

Chairperson’s Report: Vice-Chairperson Eva Garza Dewaelsche

Vice-Chairperson Dewaelsche provided an overview of the Board’s Business Agenda and noted the following items in relevant part:

“Under Presentations, today’s agenda has one formal presentation to the Board – the DPD Budget Review and Approval Report. Today, Mr. Nevrus Nazarko, Agency CFO, will provide a presentation on the DPD’s Budget and answer any questions that the Board might have. We received the DPD’s Budget Report last week, and thereafter submitted questions to Mr. Nazarko. We are scheduled to approve the DPD Budget today; however, if the Board determines that it needs additional time before approving the Budget, the Board will make that decision today. You have a copy of the DPD’s Budget report in your packet, questions previously submitted to the Agency CFO, as well as additional supporting material.

Under the Chief's Report, I am requesting several updates. I am requesting the Chief to report on the 2019 Year End Crime Stats at today's Board meeting. Also, during the press conference on the 2019 Year End Crime Stats, the Chief spoke about partnerships the Department has with various law enforcement agencies and other organizations. I would also ask the Chief to discuss those partnerships that serve to reduce crime.

Additionally, the Department recently issued an Administrative Message discussing the MSP (Michigan State Police) contract with Intoximeters, the company who has been responsible for maintenance of all DMT Datamaster machines in the state of Michigan. I will ask the Chief of Police to provide us with an update on this item.

Also, under the Chief's Report, on Wednesday, January 8, 2020, Chief James Craig submitted a promotional packet recommending the promotion of Corporal Dewayne Jones to the rank of Sergeant per DPOA Grievance No. 18-044. I will ask the Chief of Police to also discuss this item.

Lastly, I am asking the Chief to update us on current city-wide crime statistics, and any other critical issues facing the Police Department.

Under Unfinished Business, I am requesting votes on two (2) items today: 1. The Board's Charter Recommendations, which were discussed last week by Attorney Jermaine Wyrick; and 2. The Chief's Promotional Packet recommending the promotion of Corporal Dewayne Jones to the rank of Sergeant based on DPOA Grievance No. 18-044. At the appropriate time, I will ask Attorney Jermaine Wyrick to provide brief summaries on both of these reports. Lastly, under Unfinished Business, you have a packet for an Applicant Appeal for Ms. Paige Whitten. Please review this packet of material. The Board will be required to vote during a closed session on this matter at next week's Board meeting."

Chief of Police Report: Chief of Police James E. Craig

Chief of Police James E. Craig reported on crime and statistical data utilizing current crime statistics and noted the Department's observations regarding crime patterns and trends. Chief Craig also provided updates on DataMasters machines (contract with the Michigan State Police [MSP] on Intoximeters), partnerships with various youth organizations regarding "Drifting" activities, youth program "Guns Down, Gloves Up," and Corporal Dewayne Jones's promotional consideration.

2020 Violent Crime Information: Current violent crime is at (0) zero; Homicides - 11 total (increase of 8, last year 3, with a total of 11 year to date); Sexual Assaults 38% decrease; Aggravated Assaults 2% decrease; Non-fatal Shootings 6% increase; and Robberies increase by 1%; Overall Violent Crime 0.

Department Observations of Crime Trends and Patterns; 2019 Violent Crime Information:

The Tenth Precinct is leading the city in criminal homicides with 3 homicides this year, last year at this time totaled zero;

The Twelfth Precinct is leading the city in Non-fatal shootings with 8 total, compared to (2) two last year.

As of today, there is a 19% decrease in property crime and 113 fewer burglaries than last year. Chief Craig also reported the following: 4% overall reduction in Violent Crime; 3% decrease in property crimes. The Detroit Police Department is one of (8) cities to receive federal funding under the program "Relentless Pursuit" to add resources to the City of Detroit along with federal partners to focus on fugitive apprehension.

Additional Observations in Crime Trends:

Since the legalization of marijuana, which was legalized in October 2019, the Department observed an increase in the violence in the City relating to drug-related crimes, violent crimes, and violence involving marijuana. Chief Craig also noted the impact of increased marijuana sales in the black market based on higher demand, and the increase of violence involving marijuana, similar to other states. Additionally, Chief Craig noted the Department observed an increase in domestic-related shootings and homicides in the City. The Department's resolution is to have counselors in every station to preemptively reduce the level of violence.

DataMasters Machines' Update:

The Michigan State Police (MSP) notified agencies that the machines were not being calibrated which caused a discrepancies during inspections and calibrations. As a cautionary measure, the Department ceased using the machines until further updates. The Department is not currently using Datamasters' machines since the update has been brought to the Department's position, noting that Department members were drawing blood and urine samples until the completion of the process. During the Board meeting, an MSP Executive provided an update on the machines noting the machines has been recalibrated.

Individual taking over freeway "Drifting Incident":

Chief Craig discussed the Drifting incident that occurred on M-10 Freeway and I-94 Freeway where some motorists illegally took over the freeway, identification of team leaders, and efforts that Chief Craig and Deputy Chief Todd Bettison, Chief's Neighborhood Liaison are making to work with Detroit youth groups and identify safe locations for certain activities. Chief Craig noted the program, "Guns Down, Gloves Up," which is a boxing activity where persons in the community having conflicts may have an alternative form of resolution. The DPD will partner with the youth group to develop strategies to help reduce violence in the City.

Corporal Dewayne Jones's Promotional Consideration: Chief Craig restricted comments to the issue of promotion rather than the use of force:

Chief Craig noted the following:

1. The Chief's request for promotional consideration is based solely on a binding arbitration order;
2. The Collective Bargaining Agreement (CBA) between parties and binding past precedential arbitration decisions;
3. Two notable decisions where police officers were alleged to have been involved in serious misconduct: P.O. Theresa Byrge, Arbitrator ruled that an officer with discipline could be promoted despite pleading No Contest Misdemeanor for Brandishing a Weapon and who had been suspended by a Trial Board; and P.O. Eugene Brown, grievance filed in 2001, Arbitrator upheld promotion of an officer despite his disciplinary history, one of the most publically criticized and complained of officers regarding the Use of Deadly Force, 9 shooting incidents, notable: pre-Consent Judgement, Use of Force Policy in place but not practiced; after Arbitrator's ruling, Officer Brown was then promoted.
4. DPOA, CBA, Article 6, Section E, "the City is obligated legally and morally to provide equality of opportunity, consideration, and treatment for all members."
5. Corporal Jones's criminal offense, status is in the Appeals' process, he was found guilty of a Misdemeanor Battery;
6. Chief Craig referenced comment to the news station about never observing a use of force incident similar to the incident involving Corporal Jones in 30 years; Chief Craig noted Malice Green who was a victim of excessive force who was killed by Detroit Police Officers. Chief Craig also noted the Rodney King incident;
7. Chief Craig stated that he has never been light on handling use of force incidents (noted 2 incidents where officers were terminated from the Department).

Commissioner Davis requested an update on the racial incidents occurring within the Department specifically relating to the black officer who was stopped and detained by a white officer at the Police Academy. **Chief Craig** reported the following updates: the investigation has been completed and is being reviewed by the WCPO to determine whether criminal charges will be filed against the officer; the officer assigned to the 9th Precinct who used racial slurs, the investigation is still pending. The purported noose incident investigation revealed that there was construction being done where there was wiring, interviews were conducted, supervisor removed the item based on several complaints, and no evidence was found of any racial connotation. **Commissioner Davis** also inquired about the retired DPD officer who had his car stolen and had his badge and gun in the vehicle: **Deputy Chief Marlon Wilson**, Detectives Bureau, provided an update, stating that the Commercial Auto Theft Section (CATS) tracked down the car, recovered the car, made an arrest, and recovered the retired officer's badge and gun. **Commissioner Bell** expressed opposition against the use of force used by Corporal Dewayne Jones. He expressed that in his 32 years of law enforcement, he had never witnessed a use of force incident based on video evidence of a beating or excessive use of force. He noted that it was an embarrassment to the DPD family. He expressed that the incident impacted and reflected on the women in our community, and reiterated that it was an improper use of force. He stated that the Board will have the opportunity to lobby with the Charter Commission regarding police discipline. **Commissioner Bell** urged the Board to take a stand against the promotion of Corporal Dewayne Jones. **Commissioner Bell** also noted that a review of the selected Arbitrators making the grievance decisions needed reviewing as the same Arbitrators have been making the decisions and rulings for a number of years. **Chief Craig** noted that he was a Use of Force Expert and referenced his decisions to terminate members who were found to have used excessive improper force. He stated the matter is still being adjudicated by the courts. **Commissioner Brown** applauded Eighth Precinct officers for their work at the Citgo Gas Station and requested an update. **Deputy Chief Bettison** noted that there was a follow up investigation, special attention was provided as well as community updates, and Deputy Chief Bettison applauded Commissioner Brown for responding to the incident. **Commissioner Burton** inquired about whether the use of force incident involving Corporal Jones would have occurred differently had there been a social worker responding to the incident where a mentally challenged person was involved. **Commissioner Burton** also expressed concerns over the need for more assistance regarding social workers or supervisors responding to special types of runs. **Commissioner Burton** commended Chief of Police Craig for being transparent to the community about Department updates. He also asked what Commissioners could do to advocate for more funding, reoccurring training, and basic training for interacting with the mentally ill population. **Chief Craig** responded that having social workers and mentally ill professionals responding to the incidents would be helpful. **Chief Craig** also noted the recent stand-off incident. He acknowledged that the system was broken regarding the mentally ill services provided. He discussed the varying force options Corporal Jones might have legally been allowed to use. **Chief Craig** acknowledged that gender, size, and other important factors impact use of

force. He noted that the woman in protective custody during the incident involving Corporal Jones received no injuries, no contusions, nor broken bones.

Report from Interim Board Secretary/Communications (Submitted to BOPC as incoming information): Ms. White noted the following:

1. Communication from the Chief of Police Regarding DPD's Appointment/Promotional Ceremony scheduled Friday, January 24, 2020, at 10:30 a.m., at Tabernacle Missionary Baptist Church, 208 W. Grand Boulevard, Detroit, Mi. 48208.
2. Correspondence from Mr. Kevin Fischer, Executive Director of NAMI Michigan (National Alliance on Mental Illness) opposing the promotion of Corporal Dewayne Jones to the rank of Sergeant.

Unfinished Business:

A. Regarding the Chief's Request for the Promotion of Corporal Dewayne Jones to Sergeant

Motion: Commissioner Dewaelsche recognized Commissioner Griffie. **Commissioner Griffie** moved that the Board not promote Corporal Dewayne Jones to the rank of Sergeant. **Commissioner Bell** seconded the motion. Discussion.

Motion by: Griffie **Second by:** Bell **Vote:** Yes=9 No=0 **Results:** Motion Approved.

B. Detroit Charter Revision Commission Board of Police Commissioners' Recommendations

Attorney Wyrick provided a summary of activities conducted regarding the Board's Charter Recommendations and further noted that the Charter Commission was convening a convention in April. The Board has until September 2020 to make recommendations to the Charter Commission.

Additionally, he summarized the Board's preliminary ideas for recommendations toward the new City Charter:

Preliminary ideas discussed included:

1. BOPC should approve all appointments and promotions by the COP/DPD.
2. If there is a BOPC vacancy, the BOPC should appoint as opposed to the Mayor.
3. The term lengths should be the same – 4 years, as opposed to the current 5 year term for appointees.
4. Meetings should be bi-weekly as opposed to weekly, unless a Special Meeting is called by the Chair.
5. There should be a Summer Vacation Recess in August, along with the current break for Christmas and Thanksgiving.
6. Maintain 4 appointed, 7 elected
7. Change Annual Election from July to January.
8. Under Section 2-109, in addition to reimbursement, members of the Board shall receive a per diem meeting stipend.
9. The Board Secretary should be the Executive Director. (Cincinnati, Las Vegas, Seattle)

Summary of Ideas from Chicago Police Oversight – Ideas for Office of Chief Investigator (OCI)

2-78-140 – Cooperation in Investigations: "It shall be the duty of every officer, employee, department, and agency of the City to cooperate with the Office in any investigation undertaken pursuant to this chapter. Any employee or appointed officer of the City who violates any provision of this chapter shall be subject to discipline, including but not limited to discharge, in addition to any other penalty provided in this chapter."

2-78-160 – Retaliation, obstruction, or interference prohibited – Penalty:

"Retaliation. No person shall retaliate against, punish, intimidate, discourage, threaten, or penalize any other person for reporting misconduct, making a misconduct complaint, conducting an investigation, complaining to officials, providing information, testimony or documents in an investigation, or cooperating with or assisting the Office in the performance of its powers and duties as set forth in this chapter."

Obstruction or interference. No person shall willfully refuse to comply with a subpoena issued by the Office.

Penalty. Any person who willfully violates this section shall be subject to a fine of not less than 30 days and not more than six months, or both a fine and imprisonment. Each day that a violation continues shall constitute a separate and

distinct offense. Actions seeking the imposition of a fine only shall be filed as a quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure. Actions seeking incarceration, or incarceration and a fine, shall be filed and prosecuted as misdemeanor actions under the procedure set forth in Section 1-2.1.1 of the Illinois Municipal Code, 65 ILCS 5/1-2-1.1.

2-78-185 Public Policy:

The public policy of this chapter is to make certain that complaints concerning police misconduct and abuse are resolved fairly and timely. All collective bargaining agreements must be in accord with this policy.

Commissioner Bell recommended the Board impact the Charter Commission on all issues involving the DPD, issues of promotion, Board's authority to fill Board vacant elected positions, and the Board impacting the selection of Arbitrators. **Attorney Wyrick** referenced a Michigan Supreme court case ruling that if an Arbitrator's decision is against public policy, it can be appealed to the Circuit Court. **Commissioner Holley** recommended the Board have the final ruling with respect to Arbitrator decisions and noted his opposition against an appeal to the Board's decision on Corporal Jones's promotional consideration. **Commissioner Griffie** supported Commissioners Bell and Holley's recommendations to the Charter Commission on the Board having final authority in all Arbitration decisions and having full powers associated with supervisory authority and control of the Detroit Police Department. **Commissioner Brown** expressed disagreement against the recommendation to reduce meetings to twice a month and the lack of committee meetings. He further recommended that there be (9) elected seats, 7 through the districts and 2 at large based on the community's feedback. **Commissioner Bell** expressed his support of the current arrangement of the Board. **Attorney Wyrick** noted that based on the Michigan Municipal League, a two-thirds vote is required to go into a Closed Session on a personnel item. **Commissioner Burton** supported meeting once a week given various issues that arise involving Department members and the community. He also expressed support of the oversight body being made up of the community versus majority former sworn officers. **Commissioner Griffie** supported qualified elected former sworn member to the Board. She also expressed support for an increased stipend to encourage people to run and participate on the Board. She also supported the Board having final approval over Board vacancies.

PRESENTATIONS TO THE BOARD: (A) DPD Budget/Approval: Agency CFO Mr. Nevrus Nazarko

- (A) DPD Budget/Approval Report: Mr. Nevrus Nazarko provided a summary of activities and statistical data during the month of December 2019. Please refer to the DPD Budget Report, also posted online at the Board's website.

DPD Budget Presentation: Agency CFO Mr. Nevrus Nazarko

Chairperson Eva Garza Dewaelsche recommended the Board hear a preliminary report on the DPD Budget Presentation today and a final report be provided next week based on projected Board approval by January 27, 2020. The Department's Budget comprises input from Department entities regarding various requests. The Budget Fiscal Year encompasses July 1, 2020, through June 1, 2021. Mr. Nazarko explained the timeline budget review process. The Department's Budget has two main parts: Revenues and Expenditures: Total Revenue for FY 2021 amounting to \$74.6 million; Total Expenditures for FY 2021 amounting to \$346.4 million, not including capital projects. **Chairperson Dewaelsche** requested information regarding the grants within the budget. **Commissioner Griffie** requested information on increases in officer salary and inquired about presenting relevant information to the City Council for consideration. **Dr. Marcella Anderson**, Human Resources Director noted the starting salary for a police officer is \$40, 732. **Commissioner Griffie** inquired about whether there would be an increase in funding to repair equity issues for police officers as well as exact figure amount. **Commissioner Holley** requested additional information on distribution of funds within the DPD Budget to provide the community with assurance and accountability of resources, police overtime, building repairs, vendor contracts, and amenities grants. Deputy Chief referenced that the Chief of Police and the Mayor have creative ways in which to increase police officer's salary (i.e. promotional ranks to Corporal, Detective, repairs to police buildings, etc.). **Commissioner Holt** inquired about the DPD Technical Services DataWorks Plus Contract, the associated funds, and the tow truck purchases. **Commissioner Bell** commended Chief Craig on making the Department more competitive, and he noted that City Council has the final decision on the budget, and Council President Brenda Jones solicited feedback on the budget. **Commissioner Dewaelsche** requested the DPD Budget Presentation continue for next week and also requested the placement of the Department's Budget on the Board's website.

New Business: None.

Announcements:

Chairperson Dewaelsche noted the following:

Next Meeting: Thursday, January 23, 2020, at 3:00 p.m., at the Detroit Public Safety Headquarters, 1301 Third Street, Detroit, Michigan 48226.

Next Community Meeting: Thursday, February 13, 2020, at 6:30 p.m., 9th Precinct at Heilmann Recreation Center, located at 19601 Crusade St., Detroit, Michigan 48205.

Oral Communications:

Ms. Debra Martin addressed the Board on issues within the Ninth Precinct, and she was referred to an officer to resolve her concerns. **Ms. Bernice Smith** spoke about Corporal Jones's incident. **Ms. Faith** commended the Board and First Responders for their work. **Mr. Eric Blount** spoke about Corporal Jones and the Board's symbolic stance. **Ms. Grier** discussed budgetary issues within the city. **Ms. Brenda Hill** discussed the Open Meetings Act and increase in police pay. **Minister Singleton** spoke about the Corporal Jones's incident and sensitivity training at the academy. **Mr. Scotty Boman** spoke about Corporal Jones and a change in training and structural change of the Commission. **Ms. Cindy Darrah** discussed budgetary concerns and benefits for officers.

Chairperson Dewaelsche recognized Commissioner Holley. **Commissioner Holley** moved for adjournment. **Commissioner Griffie** seconded. Discussion.

Motion by: Holley Second by: Griffie Vote: Yes=7 No=0 Results: **Motion Approved.**

Chairperson Dewaelsche adjourned the meeting at 5:06 PM.